

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, NOVEMBER 17, 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 2:14 p.m. Mayor Murphy recessed the meeting at 3:10 p.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 3:19 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 4:44 p.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 4:53 p.m. with Council Member Maienschein and Council Member Inzunza not present. Mayor Murphy adjourned the meeting at 5:39 p.m. into Closed Session on Tuesday, November 18, 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-not present
- (8) Council Member Inzunza-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Reverend Clarice Christian of Immanuel Chapel.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Zucchet.

FILE LOCATION: MINUTES

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

10/21/2003
10/21/2003 Special Joint
10/27/2003 Adjourned
10/28/2003 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:16 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-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-50: Agreement with the Otay Water District for Water Service from Otay's No. 13 San Diego County Water Authority Connection.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/3/2003. (Council voted 9-0):

(O-2004-50) ADOPTED AS ORDINANCE O-19236 (New Series)

Authorizing an Agreement between the City of San Diego and Otay Water District for Water Service from Otay's No. 13 San Diego County Water Authority Connection.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:29 p.m. – 2:33 p.m.)

CONSENT MOTION BY LEWIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-51: First Amendment to the Third Amended and Restated Public Use Lease with PDP Imperial Partners, LLC; and the Creation of Reserve Fund.

(Southeastern San Diego Community Area. District-4.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/3/2003. (Council voted 9-0):

(O-2004-49) ADOPTED AS ORDINANCE O-19237 (New Series)

Authorizing the City Manager to execute a First Amendment to the Third Amended Public Use Lease Agreement with PDP Imperial Partners, LLC, for a Park 'N' Ride facility that will be developed as a part of the Imperial Marketplace Development located in the Central Imperial Redevelopment Project Area.

FILE LOCATION: LEAS – PDP Imperial Partners, L.L.C.

COUNCIL ACTION: (Time duration: 2:29 p.m. – 2:33 p.m.)

CONSENT MOTION BY LEWIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-52: State Water Resources Control Board (SWRCB) Low Interest Loans.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/3/2003. (Council voted 9-0):

(O-2004-47) ADOPTED AS ORDINANCE O-19238 (New Series)

Authorizing the City Manager to apply for, enter into, conduct all negotiations for, and execute and comply with all loans requirements regarding matching funding to fund zero-interest SRF loans, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the necessary matching funds are, or will be, on deposit in the City Treasury;

Authorizing the City Manager to enter into specified SRF loans for the Point Loma S1 and S2 Upgrades Project, CIP-46-218.0 in an amount not to exceed \$13,600,000;

Declaring that the Net System Revenues (as defined in the Master Installment Purchase Agreement, dated as of September 1, 1993, between the City and the Public Facilities Financing Authority of the City of San Diego, as originally executed and as it may from time to time be amended or supplemented in accordance with the provisions thereof), are hereby designated as the dedicated source of funds for repayment of the above SRF loans made by the SWRCB, and shall remain so until such time as the loans are fully repaid, unless change of such dedication is approved by the SWRCB;

Declaring that consistent with the authority granted by Resolution R-288425, the City Manager may execute the documents for the loans accepted by this ordinance.

NOTE: **6** votes required.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:29 p.m. – 2:33 p.m.)

CONSENT MOTION BY LEWIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-60: Two actions related to Establishing a 2-Hour Metered Parking on Kettner Boulevard and Date Street, and Angle Parking on the West Side of Kettner Boulevard.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2004-45) INTRODUCED, TO BE ADOPTED ON MONDAY,
DECEMBER 1, 2003

Introduction of an Ordinance establishing a parking time limit of two hours between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the west side of Kettner Boulevard between Fir Street and Cedar Street and on both sides of Date Street between Kettner Boulevard and California Street;

Authorizing the installation of parking meters and the necessary signs and markings.

Subitem-B: (R-2004-412) ADOPTED AS RESOLUTION R-298581

Establishing angle parking on the west side of Kettner Boulevard between Fir Street and Cedar Street;

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

CITY MANAGER SUPPORTING INFORMATION:

This action establishes a two-hour time limit, metered parking zone effective between 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, at the following streets: 1) Installation of 2-Hour Metered, Angled Parking at: Kettner Boulevard, West Side, between Fir Street and Cedar Street. 2) Installation of 2-Hour Metered, Parallel Parking at: Date Street cul-de-sac, between California Street and Kettner Boulevard.

This has been requested by the fronting property owner and is consistent with Council Policy 200-4. Council approval for angle parking on Kettner Boulevard for 37 spaces is required according to Municipal Code Section 86.03.

The Little Italy Association of San Diego is in favor of this action. Staff recommends approval of this action.

FISCAL IMPACT:

\$16,800 Funds for the installation of new meters are not budgeted in any department. However, the funding will be provided by the Parking Management Division of the Transportation Department. The cost of the meters will be off-set by revenue generated by the meters.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 7/30/2003, PS&NS voted 4 to 0 to approve the proposed revision to the Municipal Code. Direct the City Manager, prior to authorizing the installation of proposed angle parking, to send a letter to all residents, property owners, and businesses who will be impacted by angle parking on their street, providing them adequate time and opportunity to express their views to their community planning group. (Councilmembers Zucchet, Lewis, Maienschein, and Frye voted yea. Councilmember Atkins not present.)

SUPPORTING INFORMATION:

This action will adopt a Council Policy on Angle Parking and amend Municipal Code Section 86.03 to give the City Manager the authority to install angle parking on City streets without City Council approval.

The Public Safety and Neighborhood Services Committee unanimously approved the proposed Council Policy and Municipal Code amendment at their July 30, 2003 meeting. The Committee directed the City Manager to notify affected residents, property owners, and businesses prior to installation of angle parking on their street. This has been incorporated into the proposed Angle Parking Policy.

FISCAL IMPACT:

None.

Loveland/Belock/DVW

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:15 p.m. – 5:34 p.m.)

MOTION BY PETERS TO RETURN TO THE CITY MANAGER WITH THE DIRECTION TO PROVIDE AN APPEAL PROCESS GIVING INDIVIDUALS THE OPPORTUNITY TO SPEAK BEFORE THE CITY COUNCIL AND ADDRESS THE ISSUE OF 75 PERCENT PETITION REQUIREMENTS FOR AFFECTED RESIDENTS AND COMMUNITY PLANNING GROUPS. 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-100: Inviting Bids for the Pipeline Rehabilitation on the Right of Way (ROW) and Easements Phase C.

(See memorandum from Scott Tulloch dated 7/23/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-248) ADOPTED AS RESOLUTION R-298582

Approving the plans and specifications for the Pipeline Rehabilitation in Right-of-Ways and Easements - Phase C Project (Project) on Work Order No. 179291;

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases, to award a contract to, and to execute a contract with, the lowest responsible and reliable bidder for the Project in an amount not to exceed \$9,949,121, 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 to transfer an amount not to exceed \$989,526 from Sewer Fund No. 41506, CIP-46-191.0, Brine Management Force Main and Pump Station and \$730,064 from Sewer Fund No. 41506, CIP-46-195.8, Miramar Road Trunk Sewer, for a total not to exceed \$1,719,590, to Sewer Fund No. 41506, CIP-46-506.0, Pipeline Rehabilitation in the ROW and Easements;

Authorizing the expenditure of an amount not to exceed \$9,949,121 of which an amount not to exceed \$9,499,163 is from Sewer Fund No. 41506, CIP-46-506.0, Pipeline Rehabilitation in the ROW and Easements and an amount not to exceed \$449,958 is from Sewer Fund No. 41506, CIP-46-193.0, Annual Allocation – CIP Contingencies, solely and exclusively for the purpose of providing funds for the Project and related costs, 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-K041799C)

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:

This request provides for authorization to advertise for bids and award of a contract to the lowest responsible bidder, based on actual low bid submitted, for the Pipeline Rehabilitation in the ROW and Easements Phase C Project.

This contract is the third in a series of MWWD contracts to meet the EPA Administrative Order to rehabilitate sewer pipeline in calendar year 2004.

The purpose of this project is to reduce the overall number of sewer spills, reduce sewer maintenance requirements and extend the life of the sewer system. The project includes sewer pipeline replacement and point repairs, trenchless sewer pipe lining, sealing of service lateral connections to reduce root intrusion, lateral clean-out installation, service lateral rehabilitation, and manhole rehabilitation.

Funding for this project requires the transfer of funds from two unrelated CIP projects, the Brine Management Force Main and Pump Station (CIP-46-191.0) and Miramar Road Trunk Sewer (CIP-46-195.8). The Brine Management Force Main and Pump Station project was postponed indefinitely, and the scope of the Miramar Road Trunk Sewer project was reduced in FY 2004, thereby reducing the projected construction cost.

FISCAL IMPACT:

The total cost of this action is \$9,949,121, and will be phase funded over two fiscal years from Fund 41506, CIP-46-506.0, Pipeline Rehabilitation in the ROW and Easements Phase C.

Mendes/Tulloch/KMM

Aud. Cert. 2400183.

FILE LOCATION: W. O. 179291

COUNCIL ACTION: (Time duration: 2:29 p.m. – 2:33 p.m.)

CONSENT MOTION BY LEWIS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: New Traffic Signal at El Paseo Grande and La Jolla Shores Drive.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-500) ADOPTED AS RESOLUTION R-298583

Authorizing and directing the City Auditor and Comptroller to transfer \$50,000 TOT Coastal Infrastructure Fund, funding source 102232, from CIP-29-502.0, Torrey Pines Glider Port, to CIP-68-010.0, Traffic Signal Citywide;

Authorizing the City Manager to execute the Contribution and Cooperation Agreement with the University of California-San Diego (UCSD) and Tyeh Odeh, and accept their contributions of \$50,000 and \$25,000 respectively;

Amending Fiscal Year 2004 Capital Improvements Program (CIP) Budget No. 68-010.0 by increasing the budget amount of \$75,000, to accommodate the new funds;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$125,000 from CIP-68-010.0, which includes \$50,000 from Fund 102232, Coastal Infrastructure Fund, and \$75,000 from Fund 63022, Private and Developer Contributions CIP, contingent upon the City Auditor and Comptroller first certifying that funds are available.

CITY MANAGER SUPPORTING INFORMATION:

This project will install a new traffic signal at the intersection of El Paseo Grande at La Jolla Shores Drive, in La Jolla. The estimated cost for this project is \$125,000.

Council District One is providing \$50,000 as a transfer from the portion of the Coastal Infrastructure Fund, Torrey Pines Glider Port, Calendar Year 2001.

Two other parties, the University of California – San Diego (UCSD) and Tyeh Odeh (an individual) have agreed to provide gifts to the City toward the construction of this project. UCSD has agreed to give \$50,000 and Mr. Odeh has agreed to give \$25,000. The City has entered into a Contribution and Cooperation Agreement with UCSD and Mr. Odeh to secure the gift.

Upon the receipt of full funding for the project, the City will proceed with the design and construction of the new traffic signal.

Loveland/Belock/DVW

Aud. Cert. 2400481.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:29 p.m. – 2:33 p.m.)

CONSENT MOTION BY LEWIS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-102: Fiscal Year 2004 San Diego Model School Development Agency Costs.

(See City Manager Report CMR-03-226. City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-466 Cor. Copy) CONTINUED TO MONDAY, NOVEMBER 25, 2003

Authorizing the City Manager to accept a loan repayment from the Redevelopment Agency of the City of San Diego of up to \$71,479 from the City Heights Redevelopment Project Area (Fund 98211) to the City Community Development Block Grant (CDBG) Program (Fund 18502);

Authorizing the City Manager to amend the Fiscal Year 2004 CDBG Program Budget to include the loan repayment and authorizing allocation of an amount not to exceed \$71,479 from the City's CDBG Program (Fund 18502) to fund the City's share of Fiscal Year 2004 San Diego Model School Development Agency (SDMSDA) costs and program management services;

Authorizing the City Manager to transfer \$71,479 from CDBG Program Income Fund 18502 to CDBG Fiscal Year 2004 Fund 18539 and to appropriate and expend an amount not to exceed \$71,479 for the City's share of Fiscal Year 2004 SDMSDA costs and program management services;

Directing the City Manager to periodically provide informational reports regarding the proposed activities, including potential costs, of the SDMSDA.

Aud. Cert. 2400399.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:28 p.m.)

MOTION BY ATKINS TO CONTINUE THIS ITEM TO MONDAY, NOVEMBER 25, 2003, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-103: Lease Extension – Carmel Valley Community Service Center.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-433) ADOPTED AS RESOLUTION R-298584

Authorizing the City Manager to execute the First Amendment to Lease Agreement with Piazza Retail L.L.C., for Carmel Valley Community Service Center.

CITY MANAGER SUPPORTING INFORMATION:

City Council Resolution R-287875 dated September 30, 1996 authorized the City Manager to negotiate and execute office space leases in various locations for the implementation of Phase III of the Community Service Centers (CSC) program. The Carmel Valley Community Service Center occupies 1,244 sq. ft. of space at 3840 Valley Center Dr., Suite 602, under a lease agreement executed in accordance with the resolution. This lease was executed with Piazza Retail, LLC, a California limited liability company on March 1, 2000, expired on February 28, 2003, and is currently on holdover. The present monthly rent is \$3,428.78 or \$2.76 per sq. ft., plus operating expenses. The lease includes a provision to extend the term for an additional three years with the stipulation that the minimum monthly rent be increased to 90% of fair market rent upon commencement of the extension. Council action is required to exercise the option to extend the term.

Since the new Carmel Valley Community Center is not expected to be completed until 2005, the CSC program has requested a three-year lease extension through February 28, 2006. Staff conducted a rental survey of similar properties in the area which determined that 90% of fair market rent is \$3,918.60 per month or \$3.15 per sq. ft. The rental range for similar properties was \$3.50 to \$4.40 per sq. ft.

The basic terms and conditions of the extension term are as follows:

Premises - 1,244 sq. ft. of office space

Use - City of San Diego Community Service Center providing City services including police services

Term - Three years, commencing on March 1, 2003 and expiring on February 28, 2006. The lease can be terminated by the City by providing 240-days advance written notice to the lessor.

Rent - \$3,918.60 per month (\$3.15 per sq. ft.) with four percent (4%) annual increases, plus operating expenses consisting of common area maintenance (CAM) fee of \$544 (44¢ per sq. ft.) and management fees of \$157 (13¢ per sq. ft.).

FISCAL IMPACT:

Estimated rent over the course of the extended term, including CAM fees and management fees is as follows: FY 2003 - \$18,541.40; FY2004 - \$56,066.84; FY2005 - \$57,834.60; FY2006 - \$41,095.16 for a total of \$173,538.

Herring/Griffith/VEB

FILE LOCATION: LEAS – Piazza Retail L.L.C.

COUNCIL ACTION: (Time duration: 2:29 p.m. – 2:33 p.m.)

CONSENT MOTION BY LEWIS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-104: Consultant Agreement with T.Y. Lin International for the Rehabilitation of First Avenue Bridge over Maple Canyon.

(Uptown Community Area. District-3.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-481) ADOPTED AS RESOLUTION R-298585

Authorizing the City Manager to execute an Agreement with T.Y. Lin International for consulting services for the Rehabilitation of First Avenue Bridge over Maple Canyon (Project);

Authorizing the City Manager to apply for and accept a total not to exceed \$133,557 in Highway Bridge Replacement and Rehabilitation (HBRR) Funds from the State of California, Department of Transportation (CalTrans) for Fund 38701, contingent upon receipt of a fully executed program supplement for the Project;

Authorizing the City Manager to take all necessary actions to secure the HBRR Funds for the Project;

Authorizing the City Auditor and Comptroller to appropriate an amount not to exceed \$133,557 from Fund 38701, CalTrans Funding Authorization, into CIP-52-554.0, First Avenue Bridge over Maple Canyon;

Amending Fiscal Year 2004 Capital Improvements Program (CIP) Budget by increasing CIP-52-554.0, First Avenue Bridge over Maple Canyon Rehabilitation,

Fund 38701, by \$133,557, contingent upon receipt of a fully executed program supplement;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$384,952.52 from CIP-52-554.0, First Avenue Bridge over Maple Canyon, of which \$133,557 is from Fund 38701, CalTrans Funding Authorization, and \$251,395.52 is from Fund 30300, for the purpose of providing funds for the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates 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 funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The First Avenue Bridge over Maple Canyon (Bridge No. 57C-416) was built in 1931 and is a steel truss arch bridge spanning Maple Canyon Open Space. It has been certified a historic structure by the City of San Diego Historical Resources Board and the California Department of Parks and Recreation. The bridge has experienced deterioration due to rusted steel members, spalling of concrete deck and loose rivets. Council Resolution R-284075 previously authorized the preparation of plans, specifications and estimate for the design of an earthquake retrofit project. As the project got underway, the community requested the addition of scope items beyond the seismic retrofit. At this point, project design and environmental documents must be updated to reflect changes in the scope of work, and to comply with environmental and stormwater protection regulations, revised seismic engineering design standards and federal regulations.

T. Y. Lin International will complete the environmental documents and the plans, specifications and estimate for the seismic retrofit, rehabilitation, lead abatement and painting. T. Y. Lin International was chosen in accordance with Council Policy 300-07 and Administrative Regulation 25.60 after interviewing four civil engineering firms provided by the consultant coordinator.

FISCAL IMPACT:

Resolution No. 284075 previously authorized \$327,561 in HBRR funds for the project. This action will add \$133,557 in HBRR funds, Fund 38701, to the project and the remaining funds necessary to execute the agreement of \$251,395.52 is available from Fund 30300. The base fee is \$350,135.63 and, if required, \$34,816.89 is included for additional services for a total of \$384,952.52.

Loveland/Belock/PB

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:29 p.m. – 2:33 p.m.)

CONSENT MOTION BY LEWIS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-105: Underground Conversion Program.

(See City Manager Report CMR-03-210.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-483) ADOPTED AS RESOLUTION R-298586

Adopting a revised Master Plan for undergrounding of overhead utilities, and approving an allocation of underground conversion projects totaling \$27.5 million for Fiscal Year 2004;

Authorizing the City Manager to execute an agreement with San Diego Gas & Electric Company to clarify implementation of the December 11, 2001, Memorandum of Understanding.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 10/22/2003, RULES voted 5 to 0 to approve the City Manager's recommendation to: 1) Adopt a resolution, per Council Policy 600-08, adopting a revised master plan for undergrounding of overhead utilities, 2) Adopt a resolution, per Council Policy 600-08, approving an allocation of underground conversion projects totaling \$27.5 million, 3) Adopt a resolution approving a revised ramp up plan for projects funded under CPUC Rule 20A. (Councilmembers Peters, Maienschein, Madaffer, Inzunza, and Mayor Murphy voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:40 p.m. – 2:56 p.m.)

MOTION BY ATKINS 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-106: Balboa Park Cultural Partnership.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-491) ADOPTED AS RESOLUTION R-298587

Congratulating the Balboa Park Cultural Partnership on holding its Launch Celebration the evening of November 4, 2003, thanking for its work to protect and enhance the vitality of our City's cultural jewel, and wishing the best of success in the years to come.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:29 p.m. – 2:33 p.m.)

CONSENT MOTION BY LEWIS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-107: Otay River Parkway Grant Application.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-495) ADOPTED AS RESOLUTION R-298588

Authorizing the City Manager, or his representative, to apply to the State Resources Agency (SRA) for the grant for Otay Valley Regional Park – Beyer Way Staging Area (Project);

Authorizing the City Manager, or his representative, to take all necessary actions to secure the grant, and to negotiate and execute all agreements necessary to comply with the SRA's grant requirements;

Authorizing the City Manager to accept the grant, if it is secured;

Authorizing the City Auditor and Comptroller to establish special interest-bearing funds for the grant;

Authorizing, upon receipt of a fully executed grant agreement, the addition of CIP-29-424.0, Otay Valley Regional Park – Beyer Way Staging Area, to the Fiscal Year 2004 Capital Improvements Program Budget;

Authorizing, upon receipt of a fully executed grant agreement, an increase of \$1,000,000 to the Fiscal Year 2004 Capital Improvements Program Budget, CIP-29-424.0, Otay Valley Regional Park – Beyer Way Staging Area;

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant agreement, to appropriate and expend an amount not to exceed \$1,000,000 from CIP-29-424.0, Otay Valley Regional Park – Beyer Way Staging Area, for the design and construction of a regional staging area for a trail system in Otay Valley Regional Park;

Certifying that the City Council has, or will have, prior to commencement of work on this Project, sufficient maintenance funds;

Declaring that the City Council understands the assurances and certification in the application form;

Declaring that the City Council reviewed and understands the special and general provisions contained in the sample project agreement shown in the procedural guide.

CITY MANAGER SUPPORTING INFORMATION:

The voters of California passed the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Proposition 40) on November 5, 2002. It provides \$70 million for acquisition and development of river parkways, pursuant to Section 78682.2 of the Water Code. Funding can be used for the acquisition and restoration of riparian habitat, riverine aquatic habitat and other lands in close proximity to rivers and streams and for river and stream trail projects. The State Resources Agency has been designated as the lead agency for grant administration of this program. Procedures established by the State Resources Agency require a resolution certifying the approval of the application by the applicant's governing board before submission of the application to the State.

The State of California 2002-2003 budget allocates \$1,000,000 to the Otay River Parkway. While this funding cannot be used for active recreation development, it can be used for river parkway projects as described above. Once the grant is secured, the City of San Diego will design and construct a regional staging area for a trail system in Otay Valley Regional Park. The project will include an entrance road, parking area, restrooms, lighting, interpretive kiosks signage and other related components. The project site is off of Beyer Way, just south of the Otay River. This site is between Main Street and Palm Avenue.

This action is for the grant application only. The actual construction will require further environmental review.

FISCAL IMPACT:

The grant application requests \$1,000,000 for Otay River Parkway. This project is the design and construction of the Otay Valley Regional Park - Beyer Way Staging Area, CIP-29-424.0

Herring/Oppenheim/AP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:29 p.m. – 2:33 p.m.)

CONSENT MOTION BY LEWIS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-108: Habitat Conservation Fund Grant Applications to provide for the Tecolote Creek Riparian Restoration in Tecolote Canyon Natural Park, and the San Diego River/Kumeyaay Lake Riparian Restoration in Mission Trails Regional Park, in restoring and protecting native riparian habitat.

(Tecolote Canyon Park and Mission Trails Regional Park Community Areas. Districts-6 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-456) ADOPTED AS RESOLUTION R-298589

Authorizing the City Manager to apply to the Habitat Conservation Fund Grant Program (HCFGP), to provide for the Tecolote Creek Riparian Restoration in Tecolote Canyon Natural Park, and the San Diego River/Kumeyaay Lake Riparian Restoration in Mission Trails Regional Park, in restoring and protecting native riparian habitat for the Grants for the Project;

Authorizing the City Manager to take all necessary actions to secure the Grants and to negotiate and execute all agreements necessary to comply with the HCFGP's grant requirements;

Authorizing the City Manager to accept the Grants if they are secured;

Authorizing the City Auditor and Comptroller to establish special interest-bearing funds for the Grants;

Authorizing, upon receipt of a fully executed grant agreement, the addition of CIP-29-861.0, Kumeyaay Lake Riparian Restoration, to the Fiscal Year 2004 Capital Improvements Program Budget;

Authorizing, upon receipt of a fully executed grant agreement, an increase of \$45,000 to the Fiscal Year 2004 Capital Improvement Program Budget, CIP-29-861.0, Kumeyaay Lake Riparian Restoration;

Authorizing, upon receipt of a fully executed grant agreement, the transfer of \$45,000 from Fund 630221, CIP-20-013.0, Park and Recreation Grant Match Funding, to CIP-29-861.0, Kumeyaay Lake Riparian Restoration;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$90,000 from CIP-29-861.0, Kumeyaay Lake Riparian Restoration, for the Kumeyaay Lake Riparian Restoration, and \$60,000 for Tecolote Creek Riparian Restoration, upon receipt of the respective fully executed grant agreements;

Certifying that the City Council has, or will have, prior to commencement of work on this Project, sufficient maintenance funds;

Declaring that the City Council understands the assurances and certification in the application form.

CITY MANAGER SUPPORTING INFORMATION:

The State of California enacted the California Wildlife Protection Act of 1990 which provides funds for grants to local agencies to acquire and/or develop facilities for public recreational and fish and wildlife habitat protection purposes. The State of California Parks and Recreation Department is responsible for program administration.

This request for council action pertains to two grant applications for the following projects: Tecolote Creek Riparian Restoration in Tecolote Canyon Natural Park and San Diego River/Kumeyaay Lake Riparian Restoration in Mission Trails Regional Park. The Tecolote Creek project will remove construction debris dumped in the southern portion of the canyon decades ago. It will also remove non-native plants and restore native vegetation. The other grant proposal will remove non-native aquatic vegetation from Kumeyaay Lake which is clogged with water hyacinth, water primrose and other invasive plants that are harmful to native flora and fauna. These plants also provide a breeding ground for mosquitoes, the primary vector for the West Nile virus and other diseases. Both projects will restore and protect native riparian habitat.

FISCAL IMPACT:

The grant applications request \$60,000 for Tecolote Creek Riparian Restoration and \$45,000 for San Diego River/Kumeyaay Lake Riparian Restoration from the Habitat Conservation Fund. This grant program requires a 50-50 match, either in City staff time, volunteer time or local funds. The total project cost for Tecolote Creek Riparian Restoration is \$128,900, and the total project cost for San Diego River/Kumeyaay Lake Riparian Restoration is \$90,000. If the grants are secured, the City of San Diego will provide a local match of budgeted staff time and volunteer hours for Tecolote Creek Riparian Restoration, and a local match of \$45,000 for San Diego River/Kumeyaay Lake Riparian Restoration from Park and Recreation Grant Match Funding, CIP-20-013.0.

Herring/Oppenheim/AP

Aud. Cert. 2400479.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:29 p.m. – 2:33 p.m.)

CONSENT MOTION BY LEWIS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-109: Fenton Ranch Access Road – Easement Grant and Abandonment – Adjacent Bandy Canyon Road.

(San Pasqual Community Area. District-5.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-335) ADOPTED AS RESOLUTION R-298590

Authorizing an easement deed to be sold by negotiation for \$2,500 to the Justine B. Fenton Irrevocable Trust;

Authorizing the City Manager to execute an easement deed, granting to the Justine B. Fenton Trust, an easement for access;

Authorizing the City Manager to accept a quitclaim deed of the Justine B. Fenton Irrevocable Trust, quitclaiming to the City a road easement;

Declaring that no broker's commission shall be paid by City on the negotiated sale;

Authorizing the City Clerk to deliver both deeds, and certified copy of this resolution to the Real Estate Assets Department for further handling.

CITY MANAGER SUPPORTING INFORMATION:

The Justine Fenton Trust has filed a Tentative Map (TM4979 RPL4) which requires a minor realignment of the access road from the Fenton Ranch residential development to Bandy Canyon Road. In 1992 it acquired an access easement, but the design of the current development necessitates a minor realignment. The subject property is surplus to City's needs.

The transaction will consist of an uneven exchange of property rights. An Easement Deed in favor of the Fenton Trust will allow the development to proceed, and a Quitclaim Deed in favor of the City will convey the Fenton interest in the previously acquired easement. The easement to be granted by the City is 40 feet wide, irregular in shape, and contains approximately 9,356 square feet. The easement to be quitclaimed by the Fenton Trust to the City is also 40 feet in width, irregular in shape, and contains approximately 7,666 square feet. There is considerable overlap in the easements, and there is a net increase of approximately 1,690 square feet for which the Fenton Trust has agreed to compensate the City. A processing fee of \$400 has been paid.

City valuation staff has reviewed the proposed transaction and the April 15, 2002 independent fee appraisal by, Ronald D. Ohrmund, updated March 21, 2003 and has concurred with the value of \$390 for the approximately 1,690 feet net difference between the parcel to be granted by the City and the parcel to be quitclaimed to the City. The Fenton Trust has agreed to pay \$2,500 minimum sale amount for the easement.

FISCAL IMPACT:

The amount of \$2,500 will be deposited into Water Department Fund 30246.

Herring/Griffith/ACG

FILE LOCATION: DEED F-9625

COUNCIL ACTION: (Time duration: 2:29 p.m. – 2:33 p.m.)

CONSENT MOTION BY LEWIS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-110: State of California Natural Communities Conservation Planning Grant Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-484) ADOPTED AS RESOLUTION R-298591

Authorizing the City Manager to apply to the Natural Communities Conservation Planning (NCCP) for the Grant for the Marron Valley Fire Management Plan, the Genetic Testing of Fairy Shrimp and Toads, Spring Canyon Vernal Pool Fencing, and the Multiple Species Conservation Program (MSCP) Biological Monitoring Plan Projects;

Authorizing the City Manager to take all necessary actions to secure the Grant and to negotiate and execute all agreements necessary to comply with the NCCP's grant requirements;

Authorizing the City Manager to accept the Grant if it is secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing account for the Grant.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego is requesting consideration of the following proposals under the State's 2003-2004 Natural Communities Conservation Planning (NCCP) Grant Program. The Multiple Species Conservation Program (MSCP) is the local equivalent of the State's NCCP Program of which the City of San Diego is a participating member. The City of San Diego adopted the MSCP on March 18, 1997 (Council Resolution R-288455). These grants would allow the City to obtain State funding to fulfill tasks related to monitoring and management of land within the MSCP.

The four grant proposals are as follows:

Marron Valley Fire Management Plan: Under this grant, the City of San Diego, the California Department of Forestry and Fire Protection, local fire battalions, and other necessary groups will develop a Fire Management Plan that will address wildlife management and the protection of sensitive biological resources at Marron Valley MSCP Cornerstone Lands. This is a specific management directive set forth in the Marron Valley Management Plan.

Genetic Testing of Fairy Shrimp and Toads: The proposed project would constitute a genetic survey of the endangered San Diego fairy shrimp and rare amphibians (Pacific tree frog, spadefoot toad, and western toad) testing DNA variation. This would augment genetic studies already being conducted under a federally funded grant to identify significant ecological units for development of a citywide Vernal Pool Management Plan.

Spring Canyon Vernal Pool Fencing: In order to reduce impacts to sensitive habitats on City-owned lands in the Spring Canyon/Otay Mesa area, fencing is proposed around the perimeter of vernal pools. Such fencing would protect the vernal pools from off-road vehicles and other impacts.

MSCP Biological Monitoring Plan Revision: The MSCP has conducted five years of monitoring since the adoption of the MSCP. Many shortcomings in the 1996 MSCP Biological Monitoring Plan have been identified through field testing and revision of the document is necessary to ensure that the efficient and scientifically valid monitoring techniques are used.

FISCAL IMPACT:

No fiscal impact. If approved, the City would receive \$207,430.80 in grant funding from the State of California. Matching funds of \$138,111 have been provided by previous funds expended by the Water Department (\$80,000) in FY 2001 and a Federal Grant (\$58,111) in FY 2002.

Ewell/Goldberg/HEC

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:29 p.m. – 2:33 p.m.)

CONSENT MOTION BY LEWIS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-111: Donations for Phase 2 Construction of the Cortez Hill Family Center (CHFC).

(Cortez Hill Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-382) ADOPTED AS RESOLUTION R-298592

Authorizing the City Manager to accept donations in the amount of \$270,000 for Phase 2 construction of the Cortez Hill Family Center (CHFC);

Authorizing the City Auditor and Comptroller to establish an interest bearing fund for donations for the CHFC;

Authorizing the City Auditor and Comptroller to appropriate and expend donated funds for the CHFC, provided that an Auditor's Certificate is furnished demonstrating that funds for such obligations are, or will be, deposited in the City Treasury;

Authorizing the City Manager to enter into an agreement with YWCA to pay for costs associated with Phase 2 construction at the Cortez Hill Family Center, contingent upon the City Auditor and Comptroller certifying availability of funds.

CITY MANAGER SUPPORTING INFORMATION:

The City's Family Shelter, located in the downtown community of Cortez Hill, began services in December 2002. There are 47 units that provide transitional shelter for intact and single-parent families and their children (150 beds). In addition to housing, clients are provided with case management, counseling, employment search support and other critical services to enhance opportunities for these families to establish self-sufficiency by finding employment and permanent housing.

The reconstruction of the shelter is taking place in two phases. Phase 1, which was completed in December 2000, consisted of a complete rehabilitation of the motel exterior, including exterior colorized stucco, new stairs, railings, and some interior tenant improvements to accommodate the need for staff offices. Phase 2, which is scheduled to begin in November 2003 will consist of the design work, construction of a two-story building to house dining room, kitchen, and daycare services and onsite landscaping.

During the construction of Phase 1, neighboring developers generously contributed \$270,000 to the project. Thus far, the City has received \$210,000 from Bosa Construction, Inc., \$10,000 from J. Peter Block, Inc., and \$50,000 from Weingart/Price Foundation. Those funds will be applied to Phase 2.

This action seeks the authority to accept these funds for purposes of improving the family shelter.

Herring/Cunningham/KPB

Aud. Cert. 2400400.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:29 p.m. – 2:33 p.m.)

CONSENT MOTION BY LEWIS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-112: Appointments to the Small Business Advisory Board.

(See memorandum from Mayor Murphy dated 10/29/2003, with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-492) ADOPTED AS RESOLUTION R-298593

Council confirmation of the following appointments by the Mayor, to serve as members of the Small Business Advisory Board, for terms ending July 1, 2005:

<u>NAME</u>	<u>CATEGORY</u>
Faith Bautista (replacing James Hill, whose term has expired)	Small Business Owner
Scott C. Cummins (reappointment)	Member-at-Large Legal
Jesse R. Navarro (reappointment)	Small Business Owner
Judy Preston (reappointment)	Member-at-Large Small Business Owner

Chi Kim Tran
(reappointment)

Economic

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:29 p.m. – 2:33 p.m.)

CONSENT MOTION BY LEWIS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-113: Excusing Councilmember Atkins from the Land Use and Housing Committee Meeting of October 22, 2003.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-480) ADOPTED AS RESOLUTION R-298594

Excusing Councilmember Toni Atkins from attending the regularly scheduled Committee on Land Use and Housing meeting of October 22, 2003, due to personal illness.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:29 p.m. – 2:33 p.m.)

CONSENT MOTION BY LEWIS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-114: 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-2004-30) ADOPTED AS RESOLUTION R-298595

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: 2:29 p.m. – 2:33 p.m.)

CONSENT MOTION BY LEWIS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-115: 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-2004-517) ADOPTED AS RESOLUTION R-298596

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: 2:29 p.m. – 2:33 p.m.)

CONSENT MOTION BY LEWIS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-116: 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-2004-299) ADOPTED AS RESOLUTION R-298597

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

CITY MANAGER'S SUPPORTING INFORMATION:

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

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

COUNCIL ACTION: (Time duration: 2:29 p.m. – 2:33 p.m.)

CONSENT MOTION BY LEWIS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-nay.

* ITEM-117: 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-2004-318) ADOPTED AS RESOLUTION R-298598

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

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

COUNCIL ACTION: (Time duration: 2:29 p.m. – 2:33 p.m.)

CONSENT MOTION BY LEWIS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-150: Ballot Proposal for the March 2, 2004, Election Amending the City Charter, Section 94.4, Relating to "Construction Manager at Risk."

(See City Manager Report CMR-03-209, and memorandum from Councilmember Madaffer dated 10/21/2003.)

(Continued from the meeting of November 3, 2003, Item S400, at the request of Councilmember Madaffer, for further review.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-489) THIS RESOLUTION WAS ADOPTED ON MONDAY,
NOVEMBER 3, 2003 BY R-298617

Directing the City Attorney to prepare an ordinance for City Council consideration to place a proposal on the March 2, 2004 ballot, amending the San Diego City Charter to provide for the construction of public works pursuant to the “Construction Manager at Risk” delivery method, in substantially the following form:

SEC. 94.4 Construction Manager At Risk Contracts

Notwithstanding any provisions of this Charter to the contrary, the City is not prohibited from awarding contracts for the construction of public works using a combination of: (1) design review and management services; and (2) construction and construction management services procured from a single person or entity for a guaranteed maximum price pursuant to a process of competitive negotiation, provided the process of competitive negotiation is conducted as may otherwise be required by this Charter or the Municipal Code. The City Council shall establish by ordinance guidelines for the award, use, and evaluation of such construction manager at risk contracts, and may set an amount below which the City Manager may award such contracts.

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

On 10/22/2003, RULES voted 5 to 0 to approve the “Construction Manager at Risk” ballot proposal and direct the City Attorney to prepare the Charter amendment language with the goal of docketing the item at the full City Council November 3, 2003. (Councilmembers Peters, Maienschein, Madaffer, Inzunza, and Mayor Murphy voted yea.)

FILE LOCATION: NONE

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

MOTION BY MAIENSCHIN TO CONTINUE THIS ITEM TO MONDAY, NOVEMBER 24, 2003, FOR COUNCIL’S REVIEW OF THE ORDINANCE PREPARED BY THE CITY ATTORNEY. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-151: Pilot Village Program Incentives.

(See City Manager Reports CMR-03-102 and CMR-03-214.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-414) ADOPTED AS RESOLUTION R-298599

Adopting the following incentives for the Pilot Village Program:

- A. Infrastructure
 1. Revise the current sewer and water line replacement schedules for completion and upgrades to accommodate development of the Pilot Village sites where not otherwise in conflict with state of federal mandates.

- B. Fees and Taxes
 1. Defer collection of fees for the Pilot Village until prior to final inspection.
 2. Provide a fee subsidy, when monies are available, for those Pilot Villages that provide more than 20 percent of the project as affordable housing. The fee subsidy will cover the cost of building permits and impact fees for those units exceeding 20 percent of the total project.

- C. Processing
 1. Utilize Council Policy 900-12 Business Industry Incentives for the Pilot Village.
 2. Include Pilot Villages as a priority category in amendments to Council Policy 600-27.
 3. Amend the Urban Village Overlay Zone to facilitate Pilot Village development and processing or create an alternative permit process.

- D. Funding
 1. Commit citywide handicapped access funds to the Pilot Village to ensure compliance with the Americans with Disabilities Act (ADA), Title 24, and universal access design standards, unless these funds are otherwise legally obligated for another purpose.

2. Create Pilot Village incentive agreements to rebate a portion of the property taxes if the Pilot Village involves significant job creation in accordance with Council Policy 900-12.
3. Provide staff assistance to apply for San Diego Regional Revolving Loan Funds.
4. Seek and secure funding through state or federal legislation to assist with the City's costs of implementing the Pilot Village Program.
5. Assist Pilot Village applicants in securing applicable grants and philanthropic opportunities, especially in relation to:
 - a. Universal design
 - b. Green building technology
 - c. Storm water best management practices

E. Policies and Regulations

1. As appropriate, revise the priority or allocation of resources for a Pilot Village. The resources may include: the undergrounding of utilities, affordable housing, Community Development Block Grants (CDBG), Capital Improvement Projects or other appropriate resources.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 5/21/2003, LU&H voted 4 to 0 to approve the staff report with the following recommendations: a) Revise schedules for infrastructure unless under compliance orders from the State with regards to water or sewer projects; b) create a fee subsidy for building permit fees where twenty percent or more of the dwelling units in a development are affordable and the project is not located in a redevelopment area; and c) ~~do not use Citywide disabled funds for pilot village projects unless there are ongoing projects or compliance orders from the state.~~ Commit citywide handicapped access funds to designated Pilot Villages to ensure compliance with Americans with Disabilities Act (ADA), Title 24, and universal access design standards, unless these funds are necessary to comply with litigation. (Councilmembers Peters, Atkins, Lewis, and Frye voted yea. Councilmember Zucchet not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:53 p.m. – 5:14 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-200: Implementing All Necessary Changes to Waive Building Permit Fees, Demolition Fees, and Waste Disposal Fees Associated with the Reconstruction of Fire Damaged Property in the City of San Diego.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-509) ADOPTED AS RESOLUTION R-298600

Implementing all necessary changes to waive building permit fees, demolition fees, and waste disposal fees associated with the reconstruction of fire damaged property in the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:20 p.m. – 4:43 p.m.)

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

ITEM-201: FY2004 Winter Shelter and Cortez Hill Family Shelter Programs.

(See City Manager Report CRM-03-227.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-503) ADOPTED WITH DIRECTION AS RESOLUTION
R-298601

Accepting the City Manager's findings as outlined in City Manager Report CMR-03-227, that there does not appear to be adequate shelter beds for the estimated number of homeless persons that reside within the City of San Diego, and therefore declaring, in accordance with Government Code Section 8698 through 8698.2 that a cold weather shelter emergency exists within the City of San Diego;

Declaring that the FY2004 Winter Shelter Program and Cortez Hill Family Center Program outlined in the above mentioned City Manager Report CMR-03-227, constitutes in part the City's response addressing the declared sheltered emergency;

Authorizing the City Auditor and Comptroller to established the FY2004 Winter Shelter Program Fund, and to appropriate and expend \$497,025 for the purpose of operating the FY2004 Winter Shelter Program, provided that an Auditor's Certificate is furnished, demonstrating that the funds for such obligations are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to establish a FY2004 Homeless Services Fund, and to appropriate and expend \$509,787 for the purpose of operating the Homeless Family Program, provided that an Auditor's Certificate is furnished demonstrating that the funds for such obligations are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend \$445,000 from the San Diego Housing Commission to fund the Winter Shelter Program Operations in the amount of \$95,436 and the Cortez Hill Family Shelter Program Operations in the amount of \$349,564;

Authorizing the transfer and expenditure of \$65,000 of Community Development Block Grant (CDBG) funds to the Winter Shelter Program from Council District 2 Reserves in the amount of \$5,000, Council District 3 Reserves in the amount of \$15,000, Council District 4 Reserves in the amount of \$5,000, Council District 5 Reserves in the amount of \$10,000, and Council District 7 in the amount of \$30,000;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend contributions, private donations, interest earnings, and other City funds associated with the approved 2004 Winter Shelter Program and the Homeless Services Program;

Authorizing the City Auditor and Comptroller to transfer funding between the Winter Shelter Program and Homeless Services Programs as needed at the direction of the City Manager, or his designee;

Authorizing the City Auditor and Comptroller to transfer, appropriate, and expend \$57,212.87 of prior year savings and interest earnings from FY2002 Family Shelter Fund 19647 in the amount of \$7,883.90, FY2003 Winter Shelter Fund

19648 in the amount of \$32,563.43, FY2003 Family Shelter Fund 19649 in the amount of \$2,355.81, FY2003 Human Care Fund 19675, J.O. 000117 in the amount of \$7,551.54, and General Fund 100, Dept. 042 FY2002 savings in the amount of \$6,858.19;

Authorizing the City Manager to negotiate and execute agreements associated with implementing the FY2004 Winter Shelter Program and Homeless Services Programs provided that the City Auditor and Controller first furnishes an Auditor's Certificate demonstrating that funds for such obligations are, or will be, on deposit in the City Treasury.

Aud. Cert. 2400488.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:56 p.m. – 3:09 p.m.)

MOTION BY ZUCCHET TO ADOPT THE RESOLUTION WITH DIRECTION TO THE CITY MANAGER AND CITY ATTORNEY TO EXAMINE ALTERNATIVES IN WHICH THE NEW RESCUE MISSION COULD BE INCORPORATED INTO THE WINTER SHELTER PROGRAM AND HAVE A COMPREHENSIVE DISCUSSION NEXT WEEK REGARDING THE OPTIONS. 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-202: The San Diego Foundation Donation for Skyline Hills Branch Library.

(Skyline Community Area. District-4.)

(Continued from the meeting of November 3, 2003, Item 203, at the request of Councilmember Lewis, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-458) ADOPTED AS RESOLUTION R-298602

Authorizing the City Manager to accept the generous gift of \$3.5 million from the San Diego Foundation Hervey Family Fund under the terms and conditions outlined in the letter from the San Diego Foundation dated September 29, 2003, to be deposited in the Library Improvements Trust Fund, No. 10356, for the purpose of constructing the Skyline Hills/Mae Bell Page Library;

Authorizing the City Auditor and Comptroller to appropriate and expend \$3.5 million of the donation to the Capital Improvements Program No. 35-107.0, Skyline Hills Branch Library, provided that an Auditor's Certificate is furnished demonstrating that funds for such obligations are, or will be, deposited in the City Treasury;

Authorizing the naming of the library to be the Skyline Hills/Mae Bell Page Library, per the terms and conditions outlined in the September 29, 2003 letter;

Authorizing a \$1 million dollar increase to the Fiscal Year 2004 budget, Capital Improvement Program No. 35-107.0, Skyline Hills Branch Library.

CITY MANAGER SUPPORTING INFORMATION:

The existing 4,400 square foot Skyline Hills Branch Library, located at 480 S. Meadowbrook Drive is too small to meet the community's needs. This project provides for a 19,400 square foot library on land adjacent to the existing facility using the existing Skyline Hills Branch Library, which will be renovated for community meeting space. The new library will include reading areas, a children's area, computer lab, community and meeting rooms, audiovisual facilities, and other related areas.

The San Diego Foundation Hervey Family Fund will be making a \$3.5 million gift to the City of San Diego for the renovation and expansion of the Skyline Hills Branch Library, per the recommendation of Matthew Hervey. This action authorizes the City Manager to enter into an agreement with the San Diego Foundation for this charitable gift. City and other funds will be available for the completion of the project design and administration, books, equipment and furnishings. The facility will be named the Skyline Hills/Mae Bell Page Library per the terms and conditions outlined in the September 29, 2003, letter from the San Diego Foundation.

FISCAL IMPACT:

The total project cost is estimated to cost \$11.5 million. The \$3.5 million gift will be deposited into the interest-bearing Library Improvements Trust Fund #10356 until the money is required for library construction.

Herring/Tatar/DP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:23 p.m.)

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

ITEM-203: Cost Reimbursement District Agreement Between Torrey Pines Homebuilding Co., LLC and the City of San Diego (Arroyo Sorrento Road Cost Reimbursement District No. 4097).

(Continued from the meeting of October 21, 2003, Item 331 at Councilmember Peters' request, for further review.)

Matter of considering the establishment of a reimbursement district for the financing of certain public improvements within the City, otherwise known as the Arroyo Sorrento Road Cost Reimbursement District No. 4097.

All properties within the described boundaries of the Cost Reimbursement District may be assessed with a lien to pay a fair share portion of the cost of providing such facilities. If, within a 20 year period from the date of forming this district, either a final map is filed, or a building permit is issued for improvements which will ultimately utilize the cost reimbursement district improvements, or if a building permit is issued for improvements valued in excess of \$20,000, the lien would become due and payable. Permits for improvements that are for replacement of existing single-family residences, modifications or additions to existing single family residential structures (such as gazebos, swimming pools, tennis courts, or room additions) shall not be subject to payment of lien. The boundaries of the district are more particularly described by Plat No. 4097, which is on file in the Office of the City Clerk.

All persons desiring to testify with respect to: the necessity of said public improvements, the cost of said public improvements, the benefitted area or amount of the costs eligible to be recovered, may appear and be heard at this hearing.

(Cost Reimbursement District No. 4097 Agreement. Carmel Valley Community Plan Area. District-1.)

NOTE: Hearing open. No testimony taken on 10/21/2003.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-224) CONTINUED TO MONDAY, NOVEMBER 24, 2003

Adoption of a Resolution of Lien of the Council of the City of San Diego approving the Cost Reimbursement Agreement with Torrey Pines Home Building Co., LLC, Plat Number 4097, the Engineer's Report, and the expenditure of \$15,000 for City administrative costs, all relating to the establishment of the Arroyo Sorrento Road Cost Reimbursement District.

SUPPORTING INFORMATION:

Background

In June of 2000, Torrey Pines Homebuilding Co., LLC, submitted an application requesting that the City initiate proceedings for the formation of the Arroyo Sorrento Road Cost Reimbursement District (CRD). The public improvements for which the developer is seeking reimbursement include surface improvements and underground utility construction for Arroyo Sorrento Road, the main access road serving Neighborhoods 8A and 8B of the Carmel Valley Community Plan. Vesting Tentative Map No. 96-7573 required Torrey Pines Homebuilding Co., LLC, to construct Arroyo Sorrento Road as part of their Torrey Pines Estates Subdivision in Carmel Valley Neighborhood 8A.

On September 18, 2000, the City Council authorized the execution of a District Formation Cost Agreement with Torrey Pines Homebuilding Co., LLC. Also on September 18, 2000, the City entered into an agreement with William A. Steen & Associates to perform engineering consultant services for the Cost Reimbursement District. Torrey Pines Homebuilding Co., LLC, is seeking partial reimbursement from owners of other properties in Neighborhood 8B which receive benefit from the road improvements. One of the consultant engineer's responsibilities was to

determine the improvement costs eligible for reimbursement, and the method of spreading those costs to the benefitting property owners. The total estimated cost of the improvements is \$1,375,571.02. The consultant engineer has determined that Torrey Pines Homebuilding Co., LLC, is responsible for \$801,701.75, or approximately 58.3%. The remaining \$573,869.27, or 41.7%, will be spread as liens amongst the benefitting properties, payable upon development of their property.

FISCAL IMPACT:

None. The developer has advanced an additional \$15,000 for City administrative expenses. A total of \$55,500 has been previously authorized for the payment of Engineering Consultant services (\$35,500) and City administrative services (\$20,000).

Aud. Cert. 2400273.

Ewell/Goldberg/AMA

NOTE: This activity is a financing measure and is exempt from the California Environmental Quality Act pursuant to State CEQA guidelines section 15061(b)(3).

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:28 p.m. – 2:29 p.m.)

MOTION BY PETERS TO CONTINUE THIS ITEM TO MONDAY, NOVEMBER 24, 2003, FOR FURTHER REVIEW. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-204: State Revolving Fund Loan for Earl Thomas Reservoir Replacement.

(See memorandum from Mark Stone dated 5/9/2002. Navajo Community Area. District 7.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2004-53) INTRODUCED, TO BE ADOPTED ON MONDAY,
DECEMBER 1, 2003

Introduction of an Ordinance authorizing the City Manager and Deputy City Manager to apply for, enter into, conduct all negotiations for, execute and comply with all requirements of, the Safe Drinking Water State Revolving Fund Loan (SRF Loan) Contract for the Project, and any amendments thereto, for a loan principal amount not to exceed \$21,525,249 at a 2.5132 percent interest rate, or less;

Authorizing the Water Department Director and Deputy Director to approve Claims for Reimbursement, execute the Budget and Expenditure Summaries, and certify project completion by signing the Certification of Project Completion under the Safe Drinking Water State Revolving Fund program;

Designating the Net System Revenues of the Water Utility Fund pledged under the Master Installment Agreement, as heretofore amended and supplemented as provided in Article B of the SRF Loan Contract, as the dedicated source of funds for repayment of the SRF Loan;

Authorizing the City Auditor and Comptroller to establish all funds necessary for execution of the SRF Loan Contract;

Declaring that the City agrees to increase rates as appropriate whenever necessary to satisfy debt service over the term of the SRF Loan Contract.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/15/2002, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Wear, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

SUPPORTING INFORMATION:

On October 22, 2001, the City Council adopted Resolution R-295592, which authorized the City Manager to apply to the Department of Health Services for a Safe Drinking Water State Revolving Fund Loan to assist in funding the Alvarado Water Treatment Plant, Earl Thomas Reservoir Replacement Project (CIP-73-261.4). The application was submitted to the Department of Health Services and was approved for a 20-year loan at a 2.5132 percent interest rate, in the amount of \$21,525,249. The interest rate for the State Revolving Fund (SRF) Loan is significantly below the Water Department's current bonding rate of 5.5 to 5.75%. Thus, the use of the SDWSRF Loan Program will reduce the City's cost of borrowing for this project.

As a condition of making such loans, the Department of Water Resources requires the recipient to certify a dedicated source of revenue for repayment of the loan. It is proposed that the designated source of funds for repayment of the above SRF loan will be the Net System Revenues of the Water Utility Fund (as defined in the Master Installment Purchase Agreement, dated as of August 1, 1998, between the City and the San Diego Facilities and Equipment Leasing Corporation). This dedicated source of funds shall remain so until such time as the loans are fully repaid, unless change of such dedication is approved by the DWR.

The recipient is also required to provide a resolution designating an individual with legal authority to sign the SDWSRF contract, conduct all negotiations, execute and submit all documents required to fund the project under the State Revolving Fund Loan Program. Consistent with Resolution R-295592, it is proposed that the City Manager act on behalf of the City to sign the contract upon issuance of the DWR, and to designate the Water Department Director to submit all required documentation for this loan.

This issue was reviewed and approved by the NR&C Committee on May 15th, 2002 (Item-2C).

FISCAL IMPACT:

Loan receipts of \$21,525,249 will be deposited into the Water Revenue Fund 41500 to partially fund the Alvarado Water Treatment Plant, Earl Thomas Reservoir Replacement Project. The estimated cost of the project is \$32,145,536.

Mendes/Gardner/CW

FILE LOCATION: NONE

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

MOTION BY PETERS TO INTRODUCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-205: HEARING HELD; REFERRED TO CLOSED SESSION ON TUESDAY,
NOVEMBER 18, 2003

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

Property: Qualcomm Stadium.

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

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

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

Prior to City 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 City 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 City 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: 2:38 p.m. – 2:38 p.m.)

ITEM-250: **Notice** of Pending Final Map Approval – "NTC – Unit No. 5".

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 "NTC – Unit No. 5", (T.M. No. 99-1076), a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Peninsula

Community Plan Area, northeasterly of Harbor Drive and Rosecrans 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-251: Settlement of Personal Injury Claim of Kerry Peterson.

(R-2004-432)

Adopted as Resolution R-298493.

A Resolution approved by the City Council in Closed Session on Tuesday, October 14, 2003 by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-not present; Mayor-yea.

Authorizing the City Manager to pay the sum of \$75,000 in the settlement of each and every claim against the City, its agents and employees, resulting from personal injury to Kerry Peterson (Superior Court Case No. GIC 789221, Kerry Peterson v. City of San Diego, et al.) as a result of an incident which occurred on July 9, 2001;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$75,000 made payable to Kerry Peterson and her attorney of record, Barbara Savaglio, in full settlement of all claims.

Aud. Cert. 2400405

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-252: ARGUMENTS SUPPORTING OR OPPOSING PROPOSITIONS

For propositions approved by the City Council for submittal to the qualified voters of the City of San Diego at a Special Municipal Election to be held on Tuesday, March 2, 2004, the City Clerk has fixed 5:00 p.m. on Thursday, December 18, 2003, as a reasonable date prior to such election after which no arguments for or against City propositions may be submitted to the Clerk.

Any argument for or against any City proposition shall not exceed 300 words in length and may be filed by the Council, or any member or members of the Council authorized by the Council, or the bona fide sponsors or proponents of the measure, or any bona fide association of citizens or an individual voter, or any combination of voters and associations.

All arguments must be accompanied by a statement signed by each author that the argument is true and correct to the best of his/her knowledge and belief. (Forms for this Statement are available in the Office of the City Clerk.)

An argument shall not be accepted unless accompanied by the name or names of the person or persons submitting it, or if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers. No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

Arguments may be changed or withdrawn by their proponents until and including the date fixed by the City Clerk.

Arguments shall be submitted to the City Clerk at the Office of the City Clerk, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, California, 92101.

ITEM-253: 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 City Attorney to prepare ordinances.
Monday	through 11/17/2003	to 106	
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: God Bless America Week.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-535) ADOPTED AS RESOLUTION R-298603

Proclaiming November 23 through 29, 2003 to be "God Bless America Week" in the City of San Diego, and encouraging all people to express their gratitude and appreciation for the freedoms that we enjoy as American citizens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:27 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-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-S401: Declaring a Continued Local Emergency Due to the October 2003 Wildfires.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-551 Cor. Copy) ADOPTED AS RESOLUTION R-298604

Declaring a Continued Local Emergency due to the October 2003 Wildfires.

FILE LOCATION: GEN'L – Local Emergency due to the October 2003
Wildfires

COUNCIL ACTION: (Time duration: 2:33 p.m. – 2:35 p.m.)

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

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 5:39 p.m. in honor of the memory of:

Charles Rucker, as requested by Council Member Lewis;
Margaret Largo, as requested by Council Member Inzunza; and
Douglas Scherer, as requested by Mayor Murphy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 5:34 p.m. – 5:39 p.m.)