

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, NOVEMBER 25, 2003
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Inzunza at 10:00 a.m. The meeting was recessed by Deputy Mayor Inzunza at 10:56 a.m. to convene the Redevelopment Agency. Deputy Mayor Inzunza reconvened the regular meeting at 10:57 a.m. with Mayor Murphy and Council Member Maienschein not present. Deputy Mayor Inzunza recessed the meeting at 10:58 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Inzunza at 2:03 p.m. with Council Member Atkins, Council Member Maienschein, and the Mayor not present. Deputy Mayor Inzunza adjourned the meeting at 2:17 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-(Excused by R-298634 adopted on 11/24/03 to attend the meeting in Sacramento with Governor Schwarzenegger)
 - (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/Lane (mc/pr)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-not 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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Ron Boshun regarding Council's actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:00 a.m. – 10:03 a.m.)

PUBLIC COMMENT-2:

Comment by Jim Bell regarding the regional economy and the need to make our region energy, water and food sufficient rather than importing them.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:04 a.m. – 10:06 a.m.)

PUBLIC COMMENT-3:

Comment by Ian Trowbridge regarding the management of the San Diego Data Processing Corporation.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-4: REFERRED TO CITY MANAGER

Comment by Janet Cherif, representing the Children's Creative and Performing Arts Academy of San Diego, who has to relocate effective June 30, 2004. They are currently in escrow and submitted a Conditional Use Permit which was denied because it is not designed as an industrial or office building. Ms. Cherif requested Council's assistance in this matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:13 a.m.)

PUBLIC COMMENT-5:

Comment by Jarvis Ross regarding the DeAnza issue.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:13 a.m. – 10:15 a.m.)

PUBLIC COMMENT-6:

Comment by Al Strohlein stating that he promised Mayor Murphy and Bill Baber that he would never haunt the halls of City Hall again if the wires behind his house in Crown Point were ever undergrounded.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:16 a.m. – 10:18 a.m.)

PUBLIC COMMENT-7:

Comment by Dan Coffey regarding the need for document management in the City and suggested that the City use an electronic format for City documents that would also be cost efficient.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:21 a.m.)

PUBLIC COMMENT-8: REFERRED TO CITY MANAGER AND CITY ATTORNEY

Comment by Paula Abney regarding the approval of the Homeward Suites project that will be getting its building permits in December. She stated that the project came before the Planning Board many years ago and requested that the permit not be issued because of the changes to the surrounding area and traffic since it was approved.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:24 a.m.)

PUBLIC COMMENT-9: REFERRED TO CITY MANAGER

Comment by Kathryn Burton requesting a full review of the ADT distribution throughout Torrey Hills before the community's quality of life is destroyed by over development.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:27 a.m.)

PUBLIC COMMENT-10:

Comment by Arleen Freeman requesting that Council adopt a resolution to stop the torture of Falun Gaung practitioners in Yanti, China.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:30 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Maienschein informing the Council and the public that he will be leaving the Council meeting at 11:00 a.m. to attend the Rancho Bernardo Community Thanksgiving luncheon which he will be emceeding.

FILE LOCATION: MINUTES

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

COUNCIL COMMENT-2: **REFERRED TO CITY MANAGER**

Comment by Council Member Frye regarding the issue of a specific site development permit that had gone through the process of the Planning Commission and the City Council and was approved, however, when the permit was issued, the conditions that were approved were removed. City Manager Uberuaga asked Ms. Frye to provide the question to him in writing so that he can respond to the specific case that she is referring to.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:31 a.m. – 10:32 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

Comment by City Attorney Casey Gwinn stating that this week we are celebrating Thanksgiving in this country and many of us did not know the genesis of Thanksgiving and what it is we celebrate as a National holiday. He stated that on October 3, 1789, George Washington, the first President of the United States issued a proclamation for the reason for celebrating Thanksgiving. Later, in 1863, President Abraham Lincoln declared Thanksgiving a national holiday. Mr. Gwinn then read into the record the proclamation given by President George Washington.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:32 a.m. – 10:37 a.m.)

ITEM-330: Ratifying the Election Results of November 4, 2003, for the City Heights Redevelopment Project (PAC).

(See City Manager Report CMR-03-230. City Heights Community Area. Districts-3, 4, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-552) ADOPTED AS RESOLUTION R-298635

Ratifying the election results of November 4, 2003, for the City Heights Redevelopment Project, Project Area Committee (PAC).

FILE LOCATION: MEET

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

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

ITEM-331: Four actions related to Amendments to the Formation Procedures for the Crossroads, Barrio Logan, and North Park Project Area Committees (PACs) and Other Related Actions.

(See City Manager Report CMR-03-233. Barrio Logan Harbor 101, College Area, Mid-City, and North Park Community Areas. Districts-3, 4, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-505) RETURNED TO CITY MANAGER

Approving the proposed amendments to the Formation Procedures for the Crossroads Redevelopment Project Area Committee (PAC).

Subitem-B: (R-2004-506) RETURNED TO CITY MANAGER

Approving the proposed amendments to the Formation Procedures for the North Park Redevelopment Project Area Committee (PAC).

Subitem-C: (R-2004-507) RETURNED TO CITY MANAGER

Authorizing a one-year extension of the North Park Redevelopment Project Area Committee (PAC), and directing that the Redevelopment Agency Staff notice and conduct election for the Project Area Committee.

Subitem-D: (R-2004-508) RETURNED TO CITY MANAGER

Authorizing a one-year extension of the Barrio Logan Redevelopment Project Area Committee (PAC), and directing that the Redevelopment Agency Staff notice and conduct election for the Project Area Committee.

FILE LOCATION: Subitems A-D: MEET

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:39 a.m.)

ITEM-332: Voltaire Street Overpass Rehabilitation Project – North Bay Redevelopment Project Area.

(See City Manager Report RA-03-34/CMR-03-225. Peninsula Community Area. District-2.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-567) ADOPTED AS RESOLUTION R-298636

Finding and determining that the Voltaire Street Bridge Rehabilitation Project is of benefit to the North Bay Redevelopment Project Area; has no other reasonable means of financing available to it; will assist in eliminating one or more blighting conditions inside the Project Area; and is consistent with the Implementation Plan adopted for the Project by the Redevelopment Agency pursuant to California Health and Safety code Section 33490;

Accepting the transfer of funds from the Redevelopment Agency in the amount of \$170,000;

Amending and increasing the Capital Improvement Program Budget No. 52-519-0 to include the \$170,000 in Redevelopment Agency public improvement contributions.

Aud. Cert. 2400503.

NOTE: See the Redevelopment Agency Agenda of November 25, 2003 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:41 a.m. – 10:56 a.m.)

MOTION BY ZUCCHET TO ADOPT THE RESOLUTION, APPROVING THE CITY MANAGER’S RECOMMENDATION AND THE REDEVELOPMENT AGENCY’S RECOMMENDATION TO MAKE THE FINDINGS NECESSARY TO TAKE ADVANTAGE OF THE MATCHING FUNDS. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

ITEM-333: Adams Avenue Sub-District #5 Maintenance Assessment
District Formation.

(Greater North Park and Mid-City Community Plan Areas. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-255) ADOPTED AS RESOLUTION R-298639

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of Adams Avenue Maintenance Assessment District Sub-District #5.

Subitem-B: (R-2004-256) ADOPTED AS RESOLUTION R-298640

Approving Fiscal Year 2004 Budget for the Adams Avenue Maintenance Assessment District Sub-District #5.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes Adams Avenue Sub-District #5 Maintenance Assessment District (District) and authorizes the Fiscal Year 2004 assessment. The District is located in the Greater North Park and Mid-City Community Planning Areas, and proposed Sub-District #5 generally includes the parcels along Adams Avenue (from Texas Street to the mid-block east of Kansas Street, and from Interstate 805 to 33rd Street) and 30th Street (from Adams Avenue to Monroe Avenue.) The purpose of the District is to fund the maintenance and electrical costs of ornamental light poles and fixtures and maintenance and irrigation of trees through the assessment of the property owners. Lighting and tree improvements will be located in public rights-of-way and dedicated easements within the boundaries of the District. All costs beyond the City standard for street lighting are considered to be Special Benefit; these costs would be assessed to the proposed District.

The Fiscal Year 2004 proposed maintenance costs for Adams Avenue Sub-District #5 are as follows:

<u>DESCRIPTION</u>	<u>FY 2004</u>
BEGINNING BALANCE (Reserve)	\$ 0
REVENUE:	
Assessments	\$ 18,353
Interest	300
TOTAL REVENUE	\$ 18,653
EXPENSE:	
Personnel	\$ 0
Contractual	8,279
Incidental	2,877
Utilities	5,697
TOTAL EXPENSE	\$ 16,853
ENDING BALANCE (Reserve)	\$ 1,800

Proposed annual assessments have been calculated by an independent assessment engineer for the parcels within Sub-District #5 based on each parcel's linear front footage (LFF.) For benefit apportionment purposes, Sub-District #5 has been divided into the four zones. The zone locations and unit assessment rates are as follows:

- Zone A - Adams Avenue from Texas Street to the mid-block east of Kansas Street; \$3.96 per LFF
- Zone B - 30th Street from Adams Avenue to Madison Avenue: \$0.94 per LFF
- Zone C - 30th Street from Madison Avenue to Monroe Avenue: \$0.78 per LFF
- Zone D - Adams Avenue from Interstate 805 to 33rd Street: \$2.17 per LFF

FISCAL IMPACT:

All costs are assessed to the property owners within the District. No parcels located within this proposed district are owned by the City of San Diego or related City entities. The streetlights proposed for this district are special benefit and would be paid from the District. The proposed Fiscal Year 2004 and maximum authorized assessments are permitted to increase annually at a rate equivalent to the San Diego Consumer Price Index - Urban (SDCPI-U.)

Herring/Oppenheim/AWF

FILE LOCATION: Subitems A-B: STRT-M-377 (34)

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.;
2:04 p.m. – 2:05 p.m.)

Deputy Mayor Inzunza opened and closed the hearing.

MOTION BY ATKINS TO CALL AN ELECTION AMONG THE LANDOWNERS REGARDING THE ASSESSMENTS AND TO DIRECT THE CLERK TO TABULATE THE BALLOTS. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

Assistant City Clerk Liz Maland read into the record as follows:

“The election had been conducted and according to the assessment proceedings, the ballots in favor exceed the ballots in opposition with the majority vote in favor. The proposed assessment has passed. I have certified the results which are now submitted to the Council.”

MOTION BY ZUCCHET TO OVERRULE ANY PROTESTS TO THE LEVY OF ASSESSMENTS FOR THE ASSESSMENT DISTRICT, APPROVE THE ASSESSMENT ENGINEER’S REPORT AND DISTRICT MAP, AND TO AUTHORIZE THE LEVY OF ASSESSMENTS ASSOCIATED WITH ITEM 333. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-not present, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

ITEM-S500: Fiscal Year 2004 San Diego Model School Development Agency Costs.

(See City Manager Report CMR-03-226, and memorandum from Todd Hooks dated 11/13/2003. City Heights Community Area. District-3.)

(Continued from the meeting of November 17, 2003, Item 102, at the request of the City Manager, for further review.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-466 Cor. Copy) ADOPTED AS RESOLUTION R-298637

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: Subitems A-B: MEET

COUNCIL ACTION: (Time duration: 10:56 a.m. – 10:56 a.m.)

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

ITEM-S501: FY2004 Winter Shelter Program Expansion

(See City Manager Report CMR-03-236. Uptown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-593) CONTINUED TO TUESDAY, DECEMBER 9, 2003

Accepting the City Manager's findings as outlined in City Manager Report CMR-03-236, 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 shelter emergency exists within the City of San Diego, and that the shelter emergency shall cover a one year period beginning November 30, 2003;

Declaring that the FY2004 Winter Shelter Program be expanded to include a fourth site that will shelter adult males with drug and/or alcohol dependency problems in accordance with the declaration of a shelter emergency;

Approving the location of the fourth site at 120 Elm Street in the Uptown Community;

Authorizing the City Manager to negotiate and execute agreements with the San Diego Rescue Mission for shelter operations associated with implementing the FY2004 Winter Shelter Program and Homeless Services;

Authorizing the City Manager to lease two floors at 120 Elm Street property from the San Diego Rescue Mission for the purpose of operating a homeless shelter.

FILE LOCATION: Subitems A-B: NONE

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:39 a.m.;
2:05 p.m. – 2:14 p.m.)

MOTION BY ZUCCHET TO CONTINUE THIS ITEM TO TUESDAY, DECEMBER 9, 2003, TO ALLOW THE TIME NECESSARY FOR FURTHER DISCUSSIONS TO TAKE PLACE. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Inzunza at 2:17 p.m. in honor of the memory of:

Thomas Richards as requested by Council Member Zucchet..

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:14 p.m. – 2:17 p.m.)