

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR THE REGULAR COUNCIL MEETING
OF
MONDAY, DECEMBER 1, 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 2:09 p.m.

Mayor Murphy presented Deputy Mayor Inzunza with a plaque in honor of the job he did filling in on his behalf for the year 2003. Deputy Mayor Inzunza thanked the Mayor and his colleagues for the honor.

Mayor Murphy recessed the meeting at 3:51 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:00 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 4:31 p.m. into Closed Session immediately following the regular meeting in the twelfth floor conference room to discuss real property negotiations, and anticipated 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 (pr)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor David A. McKinney of Mission Village Christian Fellowship.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Lewis.

FILE LOCATION: MINUTES

ITEM-30: Judge Susan P. Finlay Day.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-538) ADOPTED AS RESOLUTION R-298745

Recognizing Judge Susan P. Finlay for her accomplishments and distinguished service to our community and proclaiming December 1, 2003 to be "Judge Susan P. Finlay Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:27 p.m.)

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

ITEM-31: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

11/11/2003 Adjourned
11/18/2003

FILE LOCATION: MINUTES

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

MOTION BY MADAFFER TO APPROVE. 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-50: Establishing a 2-Hour Metered Parking Limit on Kettner Boulevard and Date Street.

(Centre City Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/17/2003. (Council voted 8-0. Councilmember Madaffer not present):

(O-2004-45) ADOPTED AS ORDINANCE O-19240 (New Series)

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.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:34 p.m. - 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING, AND ADOPT THE ORDINANCE. 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-51: State Revolving Fund Loan for Earl Thomas Reservoir Replacement.

(Navajo Community Area. District 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/17/2003. (Council voted 8-0. Councilmember Madaffer not present):

(O-2004-53) ADOPTED AS ORDINANCE O-19241 (New Series)

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.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:34 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING, AND ADOPT THE ORDINANCE. 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-52: Joint Use Cooperative Agreement Between the City of San Diego and the San Diego Unified School District for Joint Use of the Skyline Hills Branch Library.

(District-4)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/18/2003. (Council voted 9-0):

(O-2004-56) ADOPTED AS ORDINANCE O-19242 (New Series)

Authorizing the City Manager, or his designee, the Library Director, to execute a Joint Use Cooperative Agreement for joint use of the Skyline Hills Branch Library with the San Diego Unified School District of San Diego County, California, in support of the City's application for a California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 (Proposition 14) Grant.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:34 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING, AND ADOPT THE ORDINANCE. 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-100: Award of Contract to Lease Purchase Automated Refuse Packers on behalf of Environmental Services, Collection Services Division.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-575) ADOPTED AS RESOLUTION R-298641

Awarding a contract to Rush Truck Center, San Diego, California, for the lease purchase of approximately twenty-five Automated Refuse Packers, per Bid No. 6080-03-Z, as may be required for a period of one year, beginning date of award, for a total estimated cost of \$4,822,800, including tax and terms;

Authorizing the City Manager to finance this acquisition under the Equipment and Vehicle Lease Program over a period of five years;

Authorizing the Fiscal Year 2004 expenditure of an amount not to exceed \$317,800, from Fund No. 500311, Department No. 8311, Organization No. 512, Object Account No. 6029, and various Job Order numbers, for cash payment of sales tax for said contract for the initial order of twenty-five units, and that the City Auditor and Comptroller is authorized, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

City Council approval is required to award a contract for the lease purchase of Automated Refuse Packers, Bid No.6080-03-Z, using the City's Equipment and Vehicle Financing Program, for an estimated cost of \$4,822,800 including tax, terms 0.05% net twenty-five (25) days, as may be required for a period of one year beginning from date of award, with options to renew the contract for four additional one year periods; with price escalations not to exceed ten percent (10%) of prices in effect at the end of each prior contract year. All units are replacement units for similar pieces of equipment. Initially, an order will be placed for twenty-five (25) Refuse Packers.

The refuse packers are used to collect and haul residential refuse and/or curbside recyclables and deliver waste products to landfills and recycling buy-back centers throughout the City of San Diego. A refuse packer is driven approximately 20,000 miles a year by Sanitation Drivers. Twenty-seven (27) potential bidders were contacted, twenty (20) of which attended the mandatory pre bid conference. Three (3) primary bids and two (2) alternate bids were received on July 28, 2003 per attached tabulation. Bids were requested for refuse packers powered by Ultra Low Sulfur ("Clean") Diesel, Dual Fuel, and Dedicated Liquefied Natural Gas (LNG). The proposed Refuse Packers powered by Dual Fuel did not meet the 90% pollution reduction in particulate matter. The proposed Refuse Packers powered by Dedicated LNG did not meet the City's required specification for minimum engine horsepower. The two low bids received for Refuse Packers powered with Ultra Low Sulfur Diesel from EW Truck and Equipment and Dion International Trucks, Inc. were both rejected based on failure to meet specifications. The recommendation is to award the contract to Rush Truck Center, San Diego, CA, the third low responsive and responsible Bidder meeting specifications. The purchase price, including terms and tax, is \$4,413,683.37.

FISCAL IMPACT:

It is proposed that the acquisition be financed using the City's Equipment and Vehicle Financing Program. For Fiscal Year 2004, the estimated payment for sales tax is \$317,800. For Fiscal Year 2005 through Fiscal Year 2009, the estimated lease payment is \$901,000 the total estimated lease purchase cost is \$4,822,800.

Loveland/Baldwin/WR

Aud. Cert. 2400524.

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Time duration: 2:34 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER 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-101: Transfer of Funds-Encanto Community Park-Patio Enclosure and ADA Upgrade.

(Encanto Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-555) ADOPTED AS RESOLUTION R-298642

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2004 Capital Improvements Program budget by \$13,000 in CIP-29-483.0, Encanto Community Park-Patio Enclosure and ADA Upgrade, Fund No. 15000, Park and Recreation Building Permit Fee, District D;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$13,000 from CIP-29-483.0, Encanto Community Park-Patio Enclosure and ADA Upgrade, Fund No. 15000, Park and Recreation Building Permit Fee, District D, for the Project.

CITY MANAGER SUPPORTING INFORMATION:

The existing Encanto Community Park is located at 6508 Wunderlin Avenue in the Encanto Community Area. This project provides for the conversion of the existing patio area of the Recreation Center Building into an enclosed recreation room, and required upgrades to meet both state and federal accessibility requirements for persons with disabilities. These upgrades include interior and exterior routes, building signage, restroom upgrades, and miscellaneous code compliance improvements.

Construction is 98% complete, but unanticipated construction change orders have depleted the contingency reserves and an additional \$13,000 is needed to complete the project.

FISCAL IMPACT:

The total project cost will be \$393,000 of which \$380,000 has been previously authorized. The remaining funds \$13,000, are available in Fund No. 15000, Encanto Community Park-Patio Enclosure and ADA Upgrade.

Herring/Oppenheim/AP

Aud. Cert. 2400504.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:34: p.m. - 2:38 p.m.)

CONSENT MOTION BY MADAFFER 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-102: Fox Canyon Park Pre-Acquisition Services.

(Mid City Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-493) ADOPTED AS RESOLUTION R-298643

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2004 Capital Improvements Program budget by \$30,000 in CIP-29-596.0, Fox Canyon Park Acquisition and Development;

Authorizing the City Auditor and Comptroller to transfer \$30,000 from Fund No. 18539, Community Development Block Grant Fund, to CIP-29-596.0, Fox Canyon Park Acquisition and Development, for the purpose of obtaining pre-acquisition services;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$30,000 from CIP-29-596.0, Fox Canyon Park Acquisition and Development, for the purpose of obtaining pre-acquisition services, including, but not limited to appraisals, surveying and mapping, property split and project management.

CITY MANAGER SUPPORTING INFORMATION:

Authorizing the City Manager to transfer \$30,000 from Community Development Block Grant Fund 18539 to CIP-29.596.0, Fox Canyon Park Acquisition and Development. This initial transfer will allow for initial services required for the acquisition of property for the proposed Fox Canyon Park. The specified property requires a survey, appraisal, property split, and acquisition. This activity does not include improvements or construction to the property.

FISCAL IMPACT:

Total estimated cost is \$30,000 to cover services from Real Estate Assets Department (Appraisal), E&CP Department (Survey and Mapping), Development Services Department (Property Split), Park and Recreation Department, Park Planning and Development (Project Management). Funds for future Property Acquisition are available in the Mid City Special Park Fund No. 39094.

Herring/Oppenheim/AP

Aud. Cert. 2400466.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:34 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER 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-103: BAF Testing at Point Loma Wastewater Treatment Plant.

(See City Manager Report CMR-03-211.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-497) ADOPTED AS RESOLUTION R-298644

Authorizing the City Manager to negotiate and award a task order under the existing agreement for as-needed engineering services with Brown and Caldwell, for pilot testing of Biological Aerated Filter Technology at the Point Loma Wastewater Treatment Plant;

Authorizing the expenditure of an amount not to exceed \$1,700,000 from Fund 41509, for the purpose of funding the above referenced task order with Brown and Caldwell, in the following manner:

- \$707,000 for FY 2004
- \$993,000 for FY 2005, contingent upon City Council approval of the Metropolitan Wastewater Department's operating budget and the City Auditor and Comptroller first furnishing one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

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

Aud. Cert. 2400473.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/19/2003, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Frye, Madaffer, and Inzunza voted yea. Councilmember Lewis not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:24 p.m. – 4:29 p.m.)

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

* ITEM-104: Consultant Services with Parsons Water and Infrastructure, Inc. for Point Loma Wastewater Treatment Plant Ocean Outfall.

(See memorandums from Scott Tulloch dated 3/10/2003 and 11/12/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-450) ADOPTED AS RESOLUTION R-298645

Authorizing the City Manager to execute an agreement with Parsons Water and Infrastructure, Inc., for inspection of the Point Loma Wastewater Treatment Plant Ocean Outfall;

Authorizing the expenditure of an amount not to exceed \$100,000 from Sewer Revenue Fund 41508 for the purpose of providing funds for the above referenced Project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/19/2003, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Frye, Madaffer, and Inzunza voted yea. Councilmember Lewis not present.)

SUPPORTING INFORMATION:

MWWD is required by EPA to perform annual inspections of the Point Loma Wastewater Treatment Plant Ocean Outfall. Data collected during these inspections must then be analyzed to determine the physical condition of the outfall. The Ocean Outfall extension was designed by Parsons Water and Infrastructure, Inc. (formerly Parsons Engineering-Science, Inc.). Consequently, the company possesses the extensive knowledge and comprehensive understanding of the outfall that is required to perform analysis of the technical data. The company has been providing professional services to the City for nine years. Their current contract will expire on October 29, 2003. It is in the City's best interest to retain Parsons Water and Infrastructure, Inc. as the contractor in order to maintain the high level of technical expertise that has been developed over time and which will be needed for the analysis of future Point Loma Ocean Outfall inspections. Parsons Water and Infrastructure, Inc. certifies the inspections results for submission to the Regional Water Quality Control Board and the State Lands Commission. No other firm has the combination of ocean outfall design capability as well as the specific knowledge of this particular ocean outfall.

FISCAL IMPACT:

The cost of the proposed 3-year agreement for consultant services between the City of San Diego and Parsons Water and Infrastructure, Inc. is not to exceed \$100,000. Funds are available in Sewer Revenue Fund 41508 to cover this cost.

Mendes/Tulloch/ACL

Aud. Cert. 2400431.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:34 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER 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-105: First Amendment to Santaluz Reclaimed Water Pipelines Participation Agreement

(See memorandum from Larry Gardner dated 10/21/2003. Black Mountain Ranch Community Area. District-1.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-579) ADOPTED AS RESOLUTION R-298646

Authorizing the City Manager to execute a First Amendment to Participation Agreement for the Design and Construction of the Santaluz Reclaimed Water Pipelines with Santaluz, LLC (First Amendment);

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$754,882 from Water Fund 41500, CIP-73-216.0, Black Mountain Reservoir, to Water Fund 41500 CIP-70-954.0, North City Reclamation System (Santaluz Reclaimed Water Pipelines);

Authorizing the expenditure of an amount not to exceed \$754,882 from Water Fund 41500, CIP-70-954.0, North City Reclamation System (Santaluz Reclaimed Water Pipelines), for the purpose of funding the First Amendment and related in-house engineering costs;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/19/2003, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

SUPPORTING INFORMATION:

In December 2000, the City approved the Updated Water Reclamation Plan (Beneficial Reuse Study) which provides a strategic approach for constructing key reclaimed water facilities in the North City Future Urbanizing Area (NCFUA). Installation of these facilities will expand the existing system and enable the City to obtain its beneficial reuse goals established as part of the North City Reclaimed Water Plant Environmental Protection Agency (EPA) construction grant. The Beneficial Reuse Study recommends reclaimed water facilities be constructed concurrent

with road construction to decrease costs and reduce impacts to the community.

The Santaluz Reclaimed Water Facilities are key components of the expansion effort. The reclaimed facilities are being constructed in two phases. Phase I was completed under the Black Mountain Reservoir Participation Agreement (RR-294344, dated December 5, 2000) and includes installation of 9,261 lineal feet of reclaimed pipe. Phase II is being constructed under the Santaluz Reclaimed Water Pipelines Participation Agreement (RR-295065, dated June 19, 2001). Phase II construction includes approximately 24,893 lineal feet (4.7 miles) of 10-inch to 30-inch reclaimed water pipelines and three (3) pressure reducing stations. Projected water demands include 1.1 million gallons per day (mgd) for the Santaluz development (i.e. schools, golf course, and parks), 1.0 mgd for the North Villages development, and .76 mgd to Olivenhain.

The First Amendment to the Santaluz Reclaimed Water Pipelines Participation Agreement authorizes additional funds needed to cover the actual cost of construction for Phase II. Increased construction costs are attributed to an increase in the cost of materials at the time of bidding (January 2003), unforeseen hard rock conditions, enhanced cathodic protection, additional soils and environmental work, and the new trench-cut ordinance. Phase II construction will be completed in January 2004.

ENVIRONMENTAL IMPACT:

No environmental impacts are associated with this action. Funding only.

FISCAL IMPACT:

The total cost of the Santaluz Reclaimed Water Facilities is \$5,931,882 of which \$5,177,000 has been previously authorized. The additional funding of \$754,882 includes \$699,531 for First Amendment and \$55,351 in related in-house engineering costs will be transferred from CIP-73-216.0, Black Mountain Reservoir.

Mendes/Gardner/MKS

Aud. Cert. 2400518.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:34 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER 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: Approving an Agreement with the California Coastal Commission and Installation of Angle Parking.

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-566) ADOPTED AS RESOLUTION R-298647

Authorizing the installation of angled parking spaces, pursuant to San Diego Municipal Code Section 86.03, on the following streets: (1) the south side of Garnet Avenue, west of Mission Boulevard, (2) both sides of Bayard Street, from the alley north of Felspar Street to the alley, (3) the north side of Felspar Street, between Dawes Avenue and Cass Avenue;

Authorizing the City Manager to execute the assumption of risk, waiver of liability and indemnity agreement between the City of San Diego and the California Coastal Commission.

CITY MANAGER SUPPORTING INFORMATION:

The existing lifeguard tower and comfort station is located at the western end of Grand Avenue. Currently it doesn't properly serve the needs of the lifeguards and the beach going public. The building was constructed 40 years ago, and houses two primary functions, a lifeguard station that serves as a base operation for approximately two miles of public beach and public restroom facilities located on upper floors.

This project will demolish the existing 2,082 square foot tower, and construct a new three story 4,303 square foot lifeguard tower to be located on the public beach, and a separate 1,122 square foot public comfort station to be located at the foot of Grand Avenue. An open plaza area with, landscape and public art will tie the two buildings together. Access for the disabled will be provided to both buildings.

This project is located within the Pacific Beach Community area. It has been presented to and approved by all of the required Planning Association and community groups, including the California Coastal Commission. This project was presented and approved by City Council on July 22, 2003.

As a condition of the Coastal Commission permit, this action will authorize the installation of angle parking on south side of Garnet Avenue; Bayard Street and Felspar Street. Letters notifying affected property owners and occupants of the proposed angle parking on these streets were sent. Currently parallel parking exists on both sides of this section of the street. The installation of angle parking will provide approximately 22 additional parking spaces to make up for the loss of 17 parking spaces at the location where the new comfort station will be built. There is sufficient street width to safely accommodate angle parking. Furthermore, the Pacific Beach Community Planning Committee supports this action.

Council action is also required to approve an agreement with the Coastal Commission. The agreement incorporates the conditions necessary to obtain a Coastal Commission permit for this project, as set forth in the attached agreement.

FISCAL IMPACT:

None with this action.

Loveland/Belock/AO

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:34 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER 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-107: Agreement with Hatch and Parent relating to Groundwater Asset Protection and Development Program.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-556) ADOPTED AS RESOLUTION R-298648

Authorizing the City Attorney to execute an Agreement with Hatch and Parent, in an amount not to exceed \$570,000 for professional services related to negotiations and litigation support on groundwater matters;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$340,000 from CIP-73-328.0, Rancho Bernardo Reservoir Upgrade, to CIP-75-932.0, Groundwater Asset Development Program;

Authorizing the expenditure of an amount not to exceed \$570,000 from Water Revenue Fund 41500, CIP-75-932.0, Groundwater Asset Development Program, solely and exclusively, for the purpose of providing funds for the above project.

SUPPORTING INFORMATION:

City of San Diego groundwater resource goals in the Long-Range Water Resources Plan approved by the Council December 9, 2002, include development of 10,000 acre-feet per year of desalinated brackish groundwater and 20,000 acre-feet of groundwater storage by the year 2010, and making full use of this important water supply.

Legal services are required to assist the City in identifying, analyzing and researching issues related to water rights, protection, and development.

This action was approved by the Council in closed session on October 21, 2003.

FISCAL IMPACT:

FY 04 Water Fund Budget has \$570,000 available for this action.

Mendes/Gardner/RAM

Aud. Cert. 2400501.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:34 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER 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-108: Port Reimbursement Agreement for Police and Fire and Life Safety Services to Unleased Tidelands.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-581) ADOPTED AS RESOLUTION R-298649

Authorizing and directing the City Manager to enter into an Agreement with the San Diego Unified Port District.

CITY MANAGER SUPPORTING INFORMATION:

The City currently provides Police and Fire & Life services to San Diego Unified Port District (the "District") properties which do not generate ad valorem taxes, or other local taxes. These properties include, but are not limited to parks and open space, certain port facilities, other developed properties and vacant land. Under this Agreement, the District would reimburse the City for the costs of providing these services during Fiscal Years 2004 through 2006. The City also provides services to the leased tidelands (i.e., developed properties on tidelands, including hotels, retail, and other commercial and industrial activities) which do generate ad valorem taxes and other local taxes, and as such, are not eligible for any reimbursement by the District.

This Agreement is similar in form and content to the Agreement between the City and District adopted on July 8, 2002, which expired as of June 30, 2003, and which was similar in form and content to the Agreement that was originally adopted in Fiscal Year 1995 and amended once in Fiscal Year 1998. The geographic areas covered by this Agreement require a relatively minor level of direct services, therefore no special staffing, or added capacity is required to provide the services required under this Agreement. The Agreement incorporates various formulas for estimating direct service levels to these properties and the appropriate reimbursement level.

FISCAL IMPACT:

Under the agreement, the City would receive approximately \$753,760 annually during fiscal years 2004, 2005 and 2006. The annual base reimbursement amount of \$753,760 is below the \$837,569 amount of the prior agreement, due primarily to a reduction in the amount of unleased tidelands under the jurisdiction of the District following the creation of the San Diego Regional Airport Authority.

Frazier/Vattimo/MC

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:30 p.m. – 4:31 p.m.)

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

* ITEM-109: Sewer Easement Vacation in Parcel Map 18082.

(Mission Valley Community Area. District-2.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-463) ADOPTED AS RESOLUTION R-298650

Vacating the City’s interest in sewer easement located within Parcel 1 of Parcel Map 18082.

CITY MANAGER SUPPORTING INFORMATION:

Council is requested to approve the vacation of a sewer easement in Parcel 1 of Parcel Map 18082 as shown on Engineering Drawing 19944-B. This site is located southwesterly of Station Village Drive and Camino Del Este in the Mission Valley Community Plan area in Council District 6. This easement is being vacated as a condition of Mission Valley Special Permit No. 24216. The sewer easement being vacated was granted by deed at no cost to the City. There is no present or anticipated future use for the easement in its present location.

Staff recommends approval of the vacations.

FISCAL IMPACT:

None.

Ewell/Broughton /GRB

FILE LOCATION: DEED F-9628

COUNCIL ACTION: (Time duration: 2:34 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER 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-110: Vacation of a Portion of a Drainage Easement in Parcel 3 of Parcel Map 13020.

(Navajo Community Area. District-7.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-464) ADOPTED AS RESOLUTION R-298651

Vacating the City’s interest in the drainage easement in Parcel 3 of Parcel Map 13020, to unencumber the property and facilitate development of the site.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a portion of a drainage easement in Parcel 3 of Parcel Map 13020. This property is located in the Navajo Planning Area within Council District 7. This easement is on private property. The applicant has obtained a building permit with new building design making this easement unnecessary. The applicant’s approved development requires that the drainage easement be vacated. Staff has reviewed the request and recommends approval of the vacation. This easement was acquired at no cost to the City.

City staff recommends approval of the easement vacation.

FISCAL IMPACT:

None.

Ewell/Broughton/AEA

FILE LOCATION: DEED F-9629

COUNCIL ACTION: (Time duration: 2:34 p.m. - 2:38 p.m.)

CONSENT MOTION BY MADAFFER 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-111: Two actions related to Skyline Hills Branch Library Proposition 14 Grant Application for Round 3 Grant Cycle.

(See City Manager Report CMR-03-234. Skyline Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-571) ADOPTED AS RESOLUTION R-298652

Authorizing the City Manager to:

1. Appropriating the local matching funds of \$3,998,665 (35%) identified in the Proposition 14 Library Property Budget, which are identified and included in the Library Financing Plan approved by Council on November 18, 2002, as required by Education Code section 19995(a), should a grant be awarded;
2. Appropriating supplemental funds as identified and included in the Library Financing Plan approved by Council on November 18, 2002, necessary to complete the project at the level stated in the project budget should a grant be awarded;
3. Appropriating the local matching supplemental funds as specified in the budget as identified and included in the Library Financing Plan approved by Council on November 18, 2002, as specified in the budget when they are required to meet cash flow requirements of the project;
4. Approving the project budget as contained in the Project Budget section of the Application form;

5. Attesting to the accuracy and truthfulness of all information submitted in the application form and the required supporting documents;
6. Committing the Skyline Hills Branch Library facilities for which grant funds are sought to public library direct service by the City of San Diego;
7. Dedicating the Skyline Hills Branch Library facilities for which grant funds are sought to public library direct service use for a minimum period of 40 years following completion of the project, regardless of any operating agreements the City of San Diego may have with other jurisdictions or parties.

Subitem-B: (R-2004-572) ADOPTED AS RESOLUTION R-298653

Certifying that Mitigated Negative Declaration LDR No. 14584 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Skyline Hills Branch Library Project;

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

Adopting the Mitigation Monitoring and Reporting Program;

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

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Time duration: 2:34 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER 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-112: Reappointment to the City Employees' Board of Administration, Retirement System.

(See memorandum from Mayor Murphy dated November 18, 2003, with resume attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-601) ADOPTED AS RESOLUTION R-298654

Council confirmation of the reappointment by the Mayor of Frederick Watson Pierce, IV to serve as a member of the City Employees' Retirement System Board of Administration, for a term ending December 7, 2009.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:46 p.m.- 2:49 p.m.)

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

* ITEM-113: Reappointments to the San Diego Convention Center Corporation Board of Directors.

(See memorandum from Mayor Murphy dated November 20, 2003, with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-602) ADOPTED AS RESOLUTION R-298655

Council confirmation of the following reappointments by the Mayor to serve as members of the San Diego Convention Center Corporation Board of Directors for three year terms to expire on December 1, 2006:

<u>NOMINEE</u>	<u>NOMINATED BY</u>
Wilmer Cooks, Jr.	Mayor Dick Murphy
Chris Frahm	Mayor Dick Murphy

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:34 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT THE RESOLUTION TO CONFIRM THE REAPPOINTMENTS. 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-114: Appointment to the City of San Diego Ethics Commission.

(See memorandum from Mayor Murphy dated November 21, 2003 with resume attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-617) ADOPTED AS RESOLUTION R-298656

Council confirmation of the following appointment by the Mayor, to serve as a member of the City of San Diego Ethics Commission, for a term as indicated:

<u>NOMINEE</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Larry S. Westfall (Replacing Edward F. Kolker)	Declined to state (Certified Public Accountant)	June 30, 2007

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:34 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT THE RESOLUTION TO CONFIRM THE APPOINTMENT. 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-115: International Day of Remembrance.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-558) ADOPTED AS RESOLUTION R-298657

Recognizing the efforts of the San Diego Transgender Coalition to promote education and understanding of transgender individuals through the commemoration of and participation in the International Day of Remembrance;

Proclaiming November 20, 2003 to be "International Day of Remembrance" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:34 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER 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-116: Arab American Day in San Diego.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-600) ADOPTED AS RESOLUTION R-298658

Proclaiming December 1, 2003, to be "Arab-American Day" in San Diego, in recognition of the contributions of Arab-Americans, and encouraging all residents to share and enjoy the festivities and cultural significance of this day.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:56 p.m. – 2:57 p.m.)

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

ITEM-117: Three actions related to Year 2004 – Council Assignment of Selection of Deputy Mayor, Council Committee Assignments of Appointments of Chairpersons to the Four Standing Council Committees, and Council Committee Assignments.

(See memorandum from Mayor Murphy dated 11/21/2003.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-623) ADOPTED AS RESOLUTION R-298659

Declaring that Councilmember Toni Atkins is hereby selected as Deputy Mayor of the City of San Diego, for the period commencing December 1, 2003 and ending November 30, 2004, pursuant to Section 25 of the Charter of the City of San Diego, and after full discussion and deliberation by the City Council.

Subitem-B: (R-2004-624) ADOPTED AS RESOLUTION R-298660

Appointments of the following Councilmembers to serve as chairpersons of the four standing Council Committees, for terms commencing December 1, 2003 and ending November 30, 2004:

<u>COMMITTEE</u>	<u>CHAIRPERSON</u>
Committee on Rules, Finance and Intergovernmental Relations	Mayor Dick Murphy
Committee on Public Safety and Neighborhood Services	Councilmember Brian Maienschein
Committee on Natural Resources and Culture	Councilmember Jim Madaffer
Committee on Land Use and Housing	Councilmember Scott Peters

Subitem-C: (R-2004-616) ADOPTED AS RESOLUTION R-298661

Appointments of the following Councilmembers to serve as chairpersons and members of the four standing Council committees, for terms commencing December 1, 2003, and ending November 30, 2004:

Committee on Rules, Finance and Intergovernmental Relations

Mayor Dick Murphy (Chair)
Deputy Mayor Toni Atkins (Vice Chair)
Councilmember Jim Madaffer
Councilmember Brian Maienschein
Councilmember Scott Peters

Committee on Public Safety and Neighborhood Services

Councilmember Brian Maienschein (Chair)
Councilmember Toni Atkins (Vice Chair)
Councilmember Donna Frye
Councilmember Charles Lewis
Councilmember Michael Zucchet

Committee on Natural Resources and Culture

Councilmember Jim Madaffer (Chair)
Councilmember Donna Frye (Vice Chair)
Councilmember Ralph Inzunza
Councilmember Charles Lewis
Councilmember Michael Zucchet

Committee on Land Use and Housing

Councilmember Scott Peters (Chair)
Councilmember Ralph Inzunza (Vice Chair)
Councilmember Donna Frye
Councilmember Charles Lewis
Councilmember Michael Zucchet

Declaring that Rule 13 of the Permanent Rules of Council is hereby temporarily suspended, pursuant to Rule 32, to permit the City Council to appoint the members of the four standing committees rather than the Rules Committee.

Note: 6 votes required.

FILE LOCATION: SUBITEMS A, B, & C: MEET

COUNCIL ACTION: (Time duration: 2:58 p.m. – 3:08 p.m.)

MOTION BY FRYE TO ADOPT THE RESOLUTIONS TO CONFIRM THE SELECTION OF COUNCIL MEMBER ATKINS AS THE DEPUTY MAYOR FOR THE PERIOD COMMENCING DECEMBER 1, 2003, ENDING NOVEMBER 30, 2004, AND TO CONFIRM THE APPOINTMENTS. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-118: Year 2004 Appointments of Councilmembers to Various Outside Organizations.

(See memorandum from Mayor Murphy dated 11/21/2003.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-615) ADOPTED AS RESOLUTION R-298662

Appointments of the following named persons to serve as Council representatives and Council liaison and their alternates to organizations listed below for the period commencing December 1, 2003, and ending November 30, 2004, pursuant to Section 22.0101, as amended, of the San Diego Municipal Code:

1. **ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY:**
 Toni Atkins – representative
 Donna Frye - representative

2. **ARJIS BOARD OF DIRECTORS:**
 Charles Lewis – representative

3. **CITY-COUNTY JOINT HOMELESS TASK FORCE:**
 Toni Atkins – representative
 Michael Zucchet – representative

4. **CRIMINAL JUSTICE COUNCIL:**
 Brian Maienschein – representative

5. **LEAGUE OF CITIES, SAN DIEGO COUNTY DIVISION:**
 Jim Madaffer – representative

6. **LOCAL AGENCY FORMATION COMMISSION:**
 Donna Frye – representative

7. **LOS PEÑASQUITOS CANYON PRESERVE TASK FORCE:**
 Brian Maienschein – representative
 Scott Peters – representative

- 8. METROPOLITAN TRANSIT DEVELOPMENT BOARD:**
Toni Atkins – representative, Executive Comm.
Brian Maienschein – representative, Taxi Cab Comm.,
alt. Exec. Comm.
Charles Lewis – representative
Michael Zucchet – representative
- 9. MISSION TRAILS REGIONAL PARK TASK FORCE:**
Jim Madaffer – representative
Mayor Dick Murphy – representative
- 10. NORTH EMBARCADERO ALLIANCE:**
Michael Zucchet – representative
- 11. OTAY RIVER VALLEY REGIONAL PARK POLICY COMMITTEE:**
Ralph Inzunza – representative
- 12. PORT COMMISSION LIAISON:**
Michael Zucchet – representative
- 13. REINVESTMENT TASK FORCE:**
Charles Lewis – representative
- 14. SANDAG BOARD OF DIRECTORS:**
Mayor Dick Murphy - representative
Jim Madaffer – representative
Scott Peters – alternate
- 15. SANDAG BAYSHORE BIKEWAY COMMITTEE:**
Michael Zucchet – representative
- 16. SANDAG BORDERS COMMITTEE:**
Ralph Inzunza - representative
Brian Maienschein – alternate
- 17. SANDAG HIGH SPEED RAIL TASK FORCE:**
Brian Maienschein – representative

- 18. SANDAG EXECUTIVE COMMITTEE**
Jim Madaffer – representative
Scott Peters – alternate
- 19. SANDAG REGIONAL HOUSING TASK FORCE:**
Toni Atkins – representative
- 20. SANDAG REGIONAL PLANNING COMMITTEE:**
Jim Madaffer – representative
Scott Peters – alternate
- 21. SANDAG SHORELINE PRESERVATION COMMITTEE:**
Scott Peters – representative
- 22. SANDAG TRANSPORTATION COMMITTEE:**
Mayor Dick Murphy - representative
Jim Madaffer – alternate
- 23. SANDAG WALKABLE COMMUNITIES COMMITTEE:**
Donna Frye – representative
- 24. SAN DIEGO WORKFORCE:**
Toni Atkins – representative
Charles Lewis – representative
- 25. SAN DIEGO DATA PROCESSING CORPORATION BOARD OF DIRECTORS LIAISON:**
Jim Madaffer – representative
- 26. SAN DIEGO REGIONAL AIRPORT AUTHORITY:**
Ralph Inzunza - representative
- 27. SAN DIEGO REGIONAL ENERGY COMMITTEE:**
Michael Zucchet – representative
- 28. SAN DIEGO RIVER CONSERVANCY:**
Mayor Dick Murphy - representative
Donna Frye – representative

**29. SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE
PARK JOINT POWERS AUTHORITY:**

Brian Maienschein – representative
Scott Peters – representative

**30. SERVICE AUTHORITY FOR FREEWAY EMERGENCIES
(SAFE):**

Toni Atkins – representative
Donna Frye – representative

**31. SOUTHEASTERN ECONOMIC DEVELOPMENT
CORPORATION LIAISON:**

Charles Lewis – representative

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:34 p.m.- 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT THE RESOLUTION TO APPROVE THE APPOINTMENTS. 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-119: 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-2004-31) ADOPTED AS RESOLUTION R-298663

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: 2:34 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER 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-120: 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-2004-518) ADOPTED AS RESOLUTION R-298664

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: 2:34 p.m. - 2:38 p.m.)

CONSENT MOTION BY MADAFFER 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-121: 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-2004-522) ADOPTED AS RESOLUTION R-298665

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

CITY MANAGER'S SUPPORTING INFORMATION:

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

FILE LOCATION: GEN'L-Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)

COUNCIL ACTION: (Time duration: 2:34 p.m. – 2:38 p.m.)

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

ITEM-122: 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-2004-319) ADOPTED AS RESOLUTION R-298666

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: 3:12 p.m. - 3:13 p.m.)

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

ITEM-123: Declaring a Continued Local Emergency Due to the October 2003 Wildfires.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-547) ADOPTED AS RESOLUTION R-298667

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: 3:32 p.m.- 3:37 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-150: Two actions related to Optimization of Sewer Spill Reduction Program.

(See City Manager Reports CMR-03-218 and CMR-01-180; memorandum from Scott Tulloch dated 9/13/01; power point regarding Sewer Spill Reduction Program Optimization.)

TODAY'S ACTIONS ARE:

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

Subitem-A: (O-2004-64) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 13, 2003

Introduction of an Ordinance amending Ordinance No. O-19201 (New Series), as amended, to convert 38 limited staff positions in the Metropolitan Wastewater Department to permanent positions and retain 19 of 29 limited staff positions beyond Fiscal Year 2004.

Subitem-B: (R-2004-586) ADOPTED AS RESOLUTION R-298668

Establishing a goal of repairing, rehabilitating, or replacing 45 miles of sewer pipeline each year, as recommended in the City Manager Report No. 03-218 dated October 24, 2003.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/19/2003, NR&C voted 4 to 0 to approve the City Manager's recommendation and recommend that the City Manager give a presentation to the Mayor and City Council when this matter is heard before the full City Council. (Councilmembers Zucchet, Frye, Madaffer, and Inzunza voted yea. Councilmember Lewis not present.

FILE LOCATION: SUBITEM A: NONE
SUBITEM B: MEET

COUNCIL ACTION: (Time duration: 3:13 p.m. – 3:23 p.m.)

MOTION BY PETERS TO INTRODUCE THE ORDINANCE, AND TO ADOPT THE RESOLUTION. 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: Holiday Bowl Agreement with Bowl Game Association for Qualcomm Stadium Annual Holiday Bowl Game.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-536) ADOPTED AS RESOLUTION R-298669

Authorizing the City Manager to execute an Agreement with San Diego Bowl Game Association for Partial Use and Occupancy of Qualcomm Stadium, for the annual Holiday Bowl game.

CITY MANAGER SUPPORTING INFORMATION:

The Holiday Bowl has been conducted at Qualcomm Stadium since 1978. The Game has been highly successful and financially beneficial to the City and Stadium. For example, the Stadium received \$332,000 of direct revenues from the 2002 game and the reported economic impact to the region was \$20.5 million. The current agreement has expired and the City and San Diego Bowl Game Association (Association) have negotiated a new agreement which will expire on January 15, 2008.

The terms and conditions of the proposed agreement are similar to the previous agreement with the exception that the minimum rental payment increases from \$5,000 to \$20,000. The Association has agreed to: pay the City \$20,000 or ½% of game generated revenues, whichever is greater; pay for all Police and Fire Department costs, including traffic controllers; pay for Stadium field lights and sound system; and provide game staffing and expenses. In addition, the Association at no cost to the City, will provide the City with accessible seats to meet the City's obligations under the ADA Lawsuit Settlement Agreement. The Stadium will receive all parking and food concession revenues. Parking fee for the 2003 game will be \$10 per vehicle.

The Qualcomm Stadium Advisory Board at their October 2, 2003 meeting, unanimously recommended approval of the agreement.

FISCAL IMPACT:

It is estimated that the City will receive approximately \$350,000 from the game which will be deposited in the Stadium Operations Fund.

Herring/Wilson/SMS

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:01 p.m. – 4:01 p.m.)

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

* ITEM-201: San Diego Regional Fire Prevention and Emergency Preparedness Task Force.

(See memorandum from Mayor Dick Murphy dated November 20, 2003)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-599) ADOPTED AS AMENDED AS RESOLUTION R-298670

Establishing a San Diego Regional Fire Prevention and Emergency Preparedness Task Force, pursuant to City Charter Section 43(b);

Declaring that the Task Force will consist of the following members:

- San Diego County Sheriff Bill Kolender (Co-Chair)
- San Diego City Police Chief William Lansdowne
- Border Area CHP Chief Skipp Carter
- Chula Vista Police Chief Rick Emerson, who is President of the Police Chiefs and Sherrifs Association of San Diego County
- Chief Jeff Bowman, San Diego Fire Chief (Co-Chair)
- Chief Bob Pfohl of Santee (current president of the County Fire Chiefs Association)
- CDF Unit Chief Chuck Maner (San Diego Area Fire Coordinator)
- USFS Chief Rich Hawkins (Fire Management Officer Cleveland National Forest)
- Ron Saathoff, representing San Diego City Fire Fighters, Local 145
- Gwynn Jones, EMS Chief for the County of San Diego
- Dr. James Dunford, City of San Diego Medical Director
- Walt Ekard, County Chief Administrator
- Mike Uberuaga, San Diego City Manager

-
- Rear Admiral Jose L. Betancourt, Commander, Navy Region Southwest
- One Representative from the U.S. Coast Guard (to be determined)
- One Representative from the U.S. Marines Corps. (to be determined)
- Deborah Steffan, Director, County Office of Emergency Services
- D.P. Lee, City of San Diego Director of Homeland Security
- One Representative from the Sycuan Band of the Kumeyaay Indian Nation (to be determined)
- One Representative from the Viejas Band of the Kumeyaay Indian Nation (to be determined)

Declaring that an interim report be provided to the City Council and Board of Supervisors in 90 days from the first meeting date with a final report due in 180 days from the date of the 90 day report.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:02 p.m. – 4:23 p.m.)

MOTION BY FRYE TO ADOPT THE RESOLUTION AS AMENDED TO ADD TO THE SAN DIEGO REGIONAL FIRE PREVENTION AND EMERGENCY PREPAREDNESS TASK FORCE MEMBER LIST, LAFCO COMMISSIONERS ANDREW VANDERLANN, AND ANDREW MENSHEK; AND TO ADD A REPRESENTATIVE FROM SAN DIEGO GAS AND ELECTRIC COMPANY. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-202: HEARING HELD; REFERRED TO CLOSED SESSION ON MONDAY, DECEMBER 1, 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: 3:39 p.m. - 3:51 p.m.)

ITEM-250: 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-251: 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	11/17/2003	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-252: Settlement of Personal Injury/Property Damage Claim of Federal Insurance Company

Adopted as Resolution R-298607.

A Resolution approved by the City Council in Closed Session on Tuesday, November 18, 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 \$180,000 in the settlement of each and every claim against the City, its agents and employees, resulting from personal injury/property damage to Federal Insurance Company (Superior Court Case No. GIC-814313, Federal Insurance Company v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$180,000, made payable to Federal Insurance Company and attorneys San S. Sheldon and Cozen O'Connor, in full settlement of all claims.

Aud. Cert. 2400512

NOTE: This item is placed on the 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-S400: Tree of Life Day.

COUNCILMEMBERS FRYE'S AND ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-628) ADOPTED AS RESOLUTION R-298671

Proclaiming December 1, 2003, to be "Tree of Life Day" in the City of San Diego, and commending Mama's Kitchen's staff and all the volunteers who reach out everyday to those individuals living with AIDS in San Diego County.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:34 p.m.)

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

* ITEM-S401: Amending the San Diego Municipal Code Relating to Signs.

CITY ATTORNEY'S RECOMMENDATION:

Introduce the following ordinance:

(O-2004-67) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 13, 2003

Introduction of an Ordinance amending Chapter 9, Article 5, Division 1, of the San Diego Municipal Code by amending Section 95.0107; amending Chapter 12, Article 6, Division 2, by adding Section 126.0207; amending Chapter 12, Article 6, Division 4, by adding Section 126.0406; amending Chapter 12, Article 9, Division 7 by adding Sections 129.0731 and 129.0732; amending Chapter 12, Article 9, Division 8 by adding new Sections 129.0808 and 129.0809 and renumbering current Sections 129.0808, 129.0809, 129.0810, 129.0811, 129.0812, 129.0813, and 129.0814 to new Sections 129.0810, 129.0811, 129.0812, 129.0813, 129.0814, 129.0815, and 129.0816, respectively; and amending Chapter 14, Article 2, Division 12, by amending Section 142.1210, all relating to signs.

SUPPORTING INFORMATION:

City Council action is requested to amend Chapters 9, 12, and 14 of the San Diego Municipal Code (SDMC) relating to signs. These minor changes will update the sign regulations contained in the SDMC based on recent First Amendment case law, furthering the goals of the sign regulations, including traffic safety and the aesthetic character of the City. The first change will add several safeguards to sign permit procedures. These safeguards will require the City to approve or deny an application for a sign-related permit within a definite period of time. The safeguards will also refer to state law allowing expedited judicial review of permit decisions affecting First Amendment protections. The second change affirms the SDMC's content neutrality by allowing the owner of an otherwise legal sign to substitute non-commercial speech for commercial or other non-commercial speech.

Ewell/Gwinn

FILE LOCATION: NONE

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

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

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 4:31 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 4:31 p.m.)