

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, JANUARY 13, 2004  
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 Mayor Murphy at 10:11 a.m.

Mayor Murphy announced that he was pleased to honor the 2003 City of San Diego recipients of the Energy Star Award which encompassed three San Diego Libraries; the Rancho Bernardo Library; Carmel Mountain Library; and the Central Library. The United States Environmental Protection Agency awards the Energy Star Label for buildings to demonstrate that energy efficient buildings can lower energy demand, reduce air pollution, and provide quality indoor environment and occupant comfort.

The meeting was recessed at 11:29 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:38 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 11:39 a.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 11:40 a.m. with all Council Members present. The meeting was recessed by Mayor Murphy at 12:02 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:07 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 3:57 p.m. into Closed Session immediately thereafter to discuss pending and potential litigation and Meet and Confer 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/er)

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

ITEM-10: INVOCATION

Invocation was given by City Clerk Chuck Abdelnour

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Frye

FILE LOCATION: MINUTES

NON-AGENDA COMMENT:

PUBLIC COMMENT-1: **REFERRED TO THE CITY MANAGER**

Comments by Congressman Bob Filner; Arlene Shire; Dr. Valerie Shields; Martha Pacheco; Harvey Swinford; and Byron Peck regarding condo conversions and Southgate Village Apartments.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m. – 10:39 a.m.)

**PUBLIC COMMENT-2:**

Comment by Bill Farrar regarding the Police Department, police policies, and Council comments.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. – 10:48 a.m.)

**PUBLIC COMMENT-3: REFERRED TO THE CITY MANAGER**

Comment by Brian McKean regarding winter shelter bicycle parking policies.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. – 10:49 a.m.)

**PUBLIC COMMENT-4:**

Comment by Penelope Bourk regarding commercial office space conversions of single family homes.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:49 a.m. – 10:51 a.m.)

**PUBLIC COMMENT-5:**

Comment by Bruce Coons regarding preservation of historical sites.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:52 a.m. – 10:55 a.m.)

PUBLIC COMMENT-6:

Comment by Richard Lawrence regarding affordable housing in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:56 a.m. – 10:57a.m.)

PUBLIC COMMENT-7:

Comment by Bill Bradshaw regarding the City budget priorities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:59 a.m. – 11:01 a.m.)

PUBLIC COMMENT-8: **REFERRED TO THE CITY MANAGER/CITY ATTORNEY**

Comment by Frank Sanchez regarding his Pedi-Cab business and permit policies.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:02 a.m. – 11:05 a.m.)

PUBLIC COMMENT-9:

Comment by Eve Landsman regarding safety in San Diego today.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:06 a.m. – 11:08 a.m.)

PUBLIC COMMENT-10:

Comment by Lynn Rowland regarding the Boy Scouts.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:09 a.m. – 11:11 a.m.)

PUBLIC COMMENT-11:

Comment by Ian Trowbridge regarding SDDPC.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:12 a.m. – 11:14 a.m.)

PUBLIC COMMENT-12:

Comment by Ron Boshun regarding Council actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:15 a.m. – 11:18 a.m.)

**PUBLIC COMMENT-13:**

Comment by Jim Bell regarding the State of the City Address.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:19 a.m. – 11:21 a.m.)

**PUBLIC COMMENT-14:**

Comment by Steve McWilliams regarding medical marijuana issues

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:22 a.m. – 11:24 a.m.)

**PUBLIC COMMENT-15:**

Comment by Frank Eaves regarding our “Sister City” relationship with Yanti.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:25 a.m. – 11:27 a.m.)

**COUNCIL COMMENT:**

**COUNCIL COMMENT-1:**

Council Member Atkins: announced that on Saturday in Balboa Park, the Museum of Photographic Arts celebrated its 20<sup>th</sup> anniversary. The Museum was founded in 1983 and is devoted to collecting, conserving, and exhibiting the entire spectrum of photographic medium. In the last 20 years, they have hosted 162 exhibitions, 16 of which have traveled nationally and internationally and have published 16 catalogs. The Council and the Mayor declared January 10<sup>th</sup> to be Museum of Photographic Arts 20<sup>th</sup> Anniversary Day. Ms Atkins stated that this Thursday, January 15<sup>th</sup> marks a notable birthday for one of her constituents, Helen Hill, who is the grandmother of Steven Hill who works in her office. Helen was born in 1898 and on Thursday, she will be 105 years old.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:07 p.m. – 2:10 p.m.)

**COUNCIL COMMENT-2:**

Mayor Murphy announced that on Friday December 19<sup>th</sup>, 2003, Ethics Commissioner April Rial gave birth to a daughter Jacqueline Rose Rial, 6lbs., 4 ozs.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:10 p.m.)

**CITY MANAGER COMMENT:**

City Manager Uberuaga commented on the City budget. Mr. Uberuaga stated that the City still needs to reconcile \$12 million that the State has taken away this fiscal year, which are vehicle license fees for the months of July, August, and September. Mr. Uberuaga announced that he will present a report to the Mayor and Council on the Fiscal '04 budget. That report will be out in February. The report will indicate where the City is in revenues for the General Fund as well as the City as a whole, and how the City is addressing the \$12 million. Mr. Uberuaga stated that the City will have a balanced budget because we cannot spend more than we take in.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:15 p.m.)

**CITY ATTORNEY COMMENT:**

None.

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS: APPROVED**

Approval of Council Minutes for the meetings of:

11/10/2003 - Adjourned  
11/17/2003  
11/24/2003  
11/25/2003  
12/01/2003  
12/02/2003

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:12 a.m. – 10:13 a.m.)

MOTION BY PETERS TO APPROVE. 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-50: Exempting One Program Manager Position from the Classified Service for the Water Department.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/8/2003. (Council voted 8-0. Councilmember Inzunza not present):

(O-2004-62) ADOPTED AS ORDINANCE O-19244 (New Series)

Exempting the position of Program Manager from the classified service for the Water Department and declaring it to be in the unclassified service of the City of San Diego, pursuant to San Diego Charter Section 117(a)17.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA 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-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-51: Exempting One Program Manager Position from the Classified Service at Qualcomm Stadium.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/8/2003. (Council voted 8-0. Councilmember Inzunza not present):

(O-2004-63) ADOPTED AS ORDINANCE O-19245 (New Series)

Exempting a Program Manager position at Qualcomm Stadium from the classified service and declaring it to be in the unclassified service of the City of San Diego, pursuant to the San Diego Charter Section 117(a)17.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA 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-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-52: Optimization of Sewer Spill Reduction Program.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/1/2003. (Council voted 9-0):

(O-2004-64) ADOPTED AS ORDINANCE O-19246 (New Series)

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.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA 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-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-53: Beyer Boulevard Rezoning.

(RZ No. 10375. San Ysidro Community Plan Area. District-8.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/02/2003. (Council voted 8-0. Councilmember Lewis not present):

(O-2004-65) ADOPTED AS ORDINANCE O-19247 (New Series)

Rezoning 2.53 acres located on the north side of Beyer Boulevard east of Precision Park Lane, within the San Ysidro Community Plan Area, from the I-1 Industrial Zone into the RM-2-5 Medium Density Residential Zone, as defined by San Diego Municipal Code Section 131.0406.

FILE LOCATION: LUP-Beyer Blvd. Affordable Housing (65)

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA 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-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-54: Walgreens 32<sup>nd</sup> Street Rezoning.

(RZ No. 9055. Greater North Park Community Plan Area. District-3.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/9/2003. (Council voted 9-0):

(O-2004-76) ADOPTED AS ORDINANCE O-19248 (New Series)

Rezoning 0.16 acres located on the west side of 32<sup>nd</sup> Street between University Avenue and Lincoln Avenue, within the Greater North Park Community Plan Area, in the City of San Diego, California, from the Mid-City Planned District Ordinance MR800B Zone into the Mid-City Planned District Ordinance CN-1 Zone, as defined by San Diego Municipal Code Section 103.1505.

**FILE LOCATION:** LAND-Progress Guide & General Plan/Greater North Park-Walgreens 32<sup>nd</sup> Street (09)

**COUNCIL ACTION:** (Time duration: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA 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-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-55: Dedicating City-Owned Land as Public Park – Home Avenue Park Site.

(Mid-City and City Heights Community Areas. District-4.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/8/2003. (Council voted 8-0. Councilmember Inzunza not present):

(O-2004-66) ADOPTED AS ORDINANCE O-19249 (New Series)

Setting aside and dedicating City-owned land, known as Home Avenue Park Site in the City of San Diego, California, for a public park.

**FILE LOCATION:** DEED F-9634

**COUNCIL ACTION:** (Time duration: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA 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-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-56: Two actions related to the Agreements Relating to the Construction of Phase I - Pershing Middle School Joint Use Facility.

(Navajo Community Area. District-7.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances which were introduced on 12/8/2003. (Council voted 8-0. Councilmember Inzunza not present):

Subitem-A: (O-2004-74) ADOPTED AS ORDINANCE O-19250 (New Series)

Authorizing the City Manager to execute a First Amendment to Joint Use Agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of turf-ed fields and recreational facilities at Pershing Middle School.

Subitem-B: (O-2004-75) ADOPTED AS ORDINANCE O-19251 (New Series)

Authorizing the City Manager, contingent on San Diego Unified School District approval of the amended Joint Use Agreement, to execute an agreement with Superior Ready Mix, for the construction of Phase I of the Pershing Middle School Joint Use Facility (Project) on Work Order No. 295310;

Authorizing the expenditure of an amount not to exceed \$879,925 from CIP-29-531.0, Phase I of the Pershing Middle School Joint Use Facility, for the purpose of providing funds for the above-referenced Project, upon the execution of the amended Joint Use Agreement by both parties;

Declaring that the City Council accepts and thanks Pershing Middle School Foundation Superior Ready Mix, and Forevergreen Athletic Fields of the West for their generous donations of time, materials and funds, acknowledging that without their involvement and commitment this project would not have come to fruition.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. 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-57: Amendment to the Public Use Lease for Parcel A – Las Americas.

(San Ysidro Community Area. District-8.)

**CITY COUNCIL’S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/9/2003. (Council voted 9-0):

(O-2004-77) ADOPTED AS ORDINANCE O-19252 (New Series)

Approving the Amendment to the Public Use Lease “Parcel A” with International Gateway Associates.

FILE LOCATION: LEAS-International Gateway Associates

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA 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-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-58: Amending the San Diego Municipal Code Relating to Signs.

**CITY COUNCIL’S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/1/2003. (Council voted 8-0. Councilmember Inzunza not present):

(O-2004-67 Cor.Copy 02/10/04) ADOPTED AS ORDINANCE O-19253  
(New Series)

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.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA 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-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-59: Amending the San Diego Municipal Code Relating to Installation of Fire Sprinklers in High-Rise Buildings.

(Centre City Community Area. District-2.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/8/2003. (Council voted 8-0. Councilmember Inzunza not present):

(O-2004-78 Cor. Copy) ADOPTED AS ORDINANCE O-19254 (New Series)

Amending Chapter 5, Article 5, Division 10 of the San Diego Municipal Code by amending Section 55.1003, pertaining to Fire Protection and Prevention.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA 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-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-60: Amend Municipal Code Section 26.16, Concerning Citizens Equal Opportunity Commission.

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2004-35) INTRODUCED, TO BE ADOPTED ON MONDAY,  
JANUARY 26, 2004

Introduction of an Ordinance amending Chapter 2, Article 6, of the San Diego Municipal Code by amending Section 26.16, relating to Citizens Equal Opportunity Commission.

**CITY MANAGER SUPPORTING INFORMATION:**

The Citizens Equal Opportunity Commission voted in July of 2003 to amend its establishment language in Municipal Code Section 26.16 to create a more inclusive make-up of commission's body. An ordinance is required to be authorized by the Mayor and City Council in order for this amendment to take effect. The proposed amended language is as following:

§ 26.16 Citizens Equal Opportunity Commission

(a) [No change in text]

(b) Citizens Equal Opportunity Commission Established. There is hereby established a Citizens Equal Opportunity Commission which shall consist of eleven (11) members who shall serve without compensation. The Board shall include one (1) representative from each of the following minority groups: ~~Mexican American~~ Latino, ~~Black~~ African-American, Filipino, American Indian, ~~and Asian/Oriental~~ Pacific Islander, Disabled, and Lesbian/Gay/Bisexual/ Transgender. The remaining ~~six (6)~~ four (4) members shall be appointed from the City at large. The members shall serve two (2) year terms and each member shall serve until his successor is duly appointed and qualified. The members shall be appointed in such manner that the terms of not more than six (6) members shall expire in any year. The expiration date of all terms shall be January 1. During January of each year, the Mayor may designate one (1) member as Chairman; however, in the absence of such designation, the Board shall on or after February 15 select a Chairman from among its members. Any vacancy shall be filled for the unexpired term of the member whose place becomes vacant. The Board shall adopt such rules, regulations and organizational structure for the conduct of its business as it may deem necessary.

(c) [No change in text]

Uberuaga/Ewell/CCS

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

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

\* ITEM-61: Amending the San Diego Municipal Code to Add a Member to the Balboa Park Committee.

(Balboa Park Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2004-80) INTRODUCED, TO BE ADOPTED ON MONDAY,  
JANUARY 26, 2004

Introduction of an Ordinance amending Chapter 2, Article 6, Division 0 of the San Diego Municipal Code by amending Section 26.30 (f), pertaining to the Park and Recreation Board.

**CITY MANAGER SUPPORTING INFORMATION:**

On November 5, 2001, the San Diego City Council approved an amendment to Municipal Code 26.30 (f), allowing the reformation of the Balboa Park Committee to its present configuration.

The area represented by the various members is very specific as noted below:

- 1) The Mayor shall appoint one member from among the members of the Park and Recreation Board who shall be designated as Chair.
- 2) The Mayor shall appoint one member who shall be designated Vice-chair.
- 3) The Mayor shall appoint three members from a list of at least four nominees provided by the Councilmember representing the majority of the area in Balboa Park.

- 4) The Mayor shall appoint three members from planning groups officially recognized by the City pursuant to Council Policy 600-24 as follows:
  - a) one member from the planning group representing the Uptown Neighborhood
  - b) one member from the planning group representing the North Park Neighborhood
  - c) one member from the planning group representing the Golden Hill Neighborhood
- 5) The Mayor shall appoint one member from the Balboa Park/Morley Field Recreation Council.
- 6) The Mayor shall appoint one member representing a large institution in Balboa Park and one member representing a small or mid-sized institution in Balboa Park.

On July 22, 2003, Councilmember Toni Atkins requested that City Manager Michael Uberuaga initiate an amendment to the Municipal Code Section 26.30 (f), allowing for the appointment of a representative from the Centre City Advisory Committee to the Balboa Park Committee.

In her memo to Mr. Uberuaga, she stated: "When the City Council re-formed the Balboa Park Committee in 2001, to include designated representatives from various Balboa Park stakeholders groups, there was general agreement that a representative from Downtown should be added to the committee after a community planning group was formed for Downtown. The Centre City (CCAC) was subsequently formed as the Community planning group for the area of Downtown that is adjacent to Balboa Park."

CONCLUSION

The Manager recommends that the City Council approve the proposed amendments to Municipal Code 26.30 (f) to allow representation for the downtown community on the Balboa Park Committee.

Herring/Oppenheim/GS

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

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

ITEM-62: Cherokee Point Elementary School Joint Use Agreement.

(Mid City Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2004-60)                   INTRODUCED, TO BE ADOPTED ON MONDAY,  
JANUARY 26, 2004

Introduction of an Ordinance authorizing an Agreement with the San Diego Unified School, for the construction, operation, maintenance, and lease of turf fields, paved parking area, and recreation facilities at Cherokee Point Elementary School.

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

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed facilities at Cherokee Point Elementary School will be developed and maintained through this twenty five (25) year no fee lease and joint use agreement with the San Diego Unified School District (SDUSD). The SDUSD approved this agreement at their meeting on November 19, 2003.

Cherokee Point Elementary School is bounded on the north by Wightman Street, the south by Landis, the west by 38<sup>th</sup> Street and the east by the alley between 39<sup>th</sup> and 40<sup>th</sup> Streets. The terms for the agreement allow for the design, construction, operation and maintenance of an approximately 1.76 acres of irrigated and turf multi-purpose playing fields and approximately 0.79 acres of paved parking.

City and District have been cooperating in the use of numerous recreational facilities in accordance with the City-District Recreation Agreement of September 1948, and the Memorandum of Understanding between the City and District for the Development and Maintenance of Joint Use Facilities (MOU) adopted by the San Diego City Council on October 7, 2002 (Resolution No. R-297149) and by the District's Board of Education on October 8, 2002, incorporated by reference.

**FISCAL IMPACT:**

The annual maintenance costs at the Cherokee Point Elementary School site are consistent with the Financial Contribution formulas contained in the MOU and are estimated to be \$14,080 per year. Funding will be requested for FY 2005 as a new facility.

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for the Regular Meeting of Tuesday, January 13, 2004**

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Herring/Oppenheim/MM

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:38 p.m. – 3:44 p.m.)

MOTION BY ATKINS TO INTRODUCE WITH DIRECTION TO CITY STAFF TO  
WORK WITH THE SCHOOLS TO BUILD JOINT-USE PUBLIC RESTROOMS.

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

\* ITEM-100: Proposed 2004 State and Federal Legislative Programs.

(See memorandum from Andrew Poat dated 11/26/2003.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-679) ADOPTED AS RESOLUTION R-298748

Approving the Proposed 2004 State and Federal Legislative Programs as set forth  
in the Memorandum of the Governmental Relations Department dated  
November 26, 2003.

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

On 12/3/2003, RULES voted 5 to 0 to approve all of the City Manager's recommendations.  
(Councilmembers Peters, Atkins, Maienschein, Madaffer and Mayor Murphy voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

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

\* ITEM-101: Inviting Bids for the Construction of the Balboa Trunk Sewer.

(See memorandum from Scott Tulloch dated 10/21/2003. Clairemont Mesa Community Area. District-6.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-597)                      ADOPTED AS RESOLUTION R-298749

Approving the plans and specifications for the Construction of the Balboa Trunk Sewer (Project) on Work Order No. 177101;

Authorizing the City Manager to establish contract funding phases, and execute a contract with the lowest responsible and reliable bidder, 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 in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$5,741,000 from Fund No. 41506, CIP-46-196.6, Balboa Trunk Sewer, for the purpose of providing funds for the Project and related costs in the following manner:

- \$ 665,000 ..... from Fiscal Year 2004 appropriations
- \$5,076,000 ..... from Fiscal Year 2005 appropriations, contingent upon approval of the Fiscal Year 2005 operating budget of the originating department.

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves upon advice from the administering department. (BID-K041209C)

**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:**

This project is a part of the City of San Diego's ongoing program to rehabilitate and upgrade trunk sewers which are approaching their peak flow capacities.

The existing Balboa Avenue Trunk Sewer has reached its capacity, and there is a potential risk of overflow in two locations. In compliance with Council Policy 400-13 and 400-14, a redirection of flow study and cost benefit analysis of alternatives was prepared and the most appropriate alternative was selected. The northern segment of construction consists of the installation of 5,000 feet of 18-inch sewer main parallel to the existing 12-inch which will remain in service. The new pipe begins at the intersection of Rolfe Road and continues along Willamette Ave., Clairemont Mesa Blvd., Clairemont Dr., Joplin Ave., Pocahontas Ave., and Mabon Place. Also, the project will replace 730 feet of 8-inch sewer in Willamette Ave. between Rolfe Rd. and Piute Ave. The southern segment consists of constructing 1,600 feet of tunnel with a 24-inch sewer in the area of Balboa Ave., west of Moraga Ave., to tie to the existing 72-inch Morena Blvd. Trunk Sewer. The project will also replace 320 feet of 8-inch sewer on Monair Dr. east of Moraga Ave. Following construction, 1,400 feet of 15-inch and 350 feet of 8-inch sewer will be abandoned.

The Clairemont Mesa Planning Group Community reviewed and approved the project. An access maintenance path for the existing trunk sewer segment within Stevenson Canyon is being prepared under a separate contract.

**FISCAL IMPACT:**

The total estimated cost of this project is \$5,741,000. This project is scheduled to be phase-funded over FY 2004 to FY 2005. Funds of \$665,000 for Phase I (FY 2004) are available in Fund 41506. CIP-46-196.6 Balboa Trunk Sewer. Funds of \$5,076,000 are available in FY 2005 pending Council approval of the FY 2005 CIP Budget.

Mendes/Tulloch/MM

FILE LOCATION: W.O. 177101

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

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

\* ITEM-102: Inviting Bids for the Construction of Mid City Transit Gateways Project, Phase 2.

(City Heights, Normal Heights, and Kensington Community Areas. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-676)                      ADOPTED AS RESOLUTION R-298750

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Mid City Transit Gateways Project, Phase 2 (Project) (CIP-39-232.0);

Authorizing the City Manager, contingent upon Authorization to Proceed with Construction and a fully executed Program Supplement from CalTran, to execute a contract with the lowest responsible bidder for Phase 2 of the Project which will enhance the freeway bridge decks over Highway I-15 at El Cajon Boulevard and University Avenue with transit shelters and other pedestrian amenities and community identification signage.

**CITY MANAGER SUPPORTING INFORMATION:**

The Mid City Transit Gateways Project (Project) is funded by a Federal TEA21 enhancement grant of \$4,255,000 and a City TransNet match of \$534,000. Phase 1 of the project is complete and added landscape improvements to the medians on El Cajon Blvd. between I-15 and 43<sup>rd</sup> St. Phase 2 of the project will enhance the freeway bridge decks over I-15 at El Cajon Boulevard and University Avenue with transit shelters and other pedestrian amenities and community identification signage.

This Council Action would approve the plans and specifications and authorize advertising for construction bidding contingent upon receipt of Authorization to Proceed with Construction and a fully executed Program Supplement from CalTrans. The Request for Authorization to Proceed was submitted to CalTrans on November 25, 2003, and authorization is expected within two months.

Design for the project was decided by consensus at four community-wide workshops held over a period of two years and at Advisory Committee meetings that were held bi-monthly.

**FISCAL IMPACT:**

No fiscal impact with this action. A 1472 awarding the contract will contain all information related to Fiscal Impact and the actions that will need to be taken.

Herring/Cunningham/SMD

**FILE LOCATION:** CONT – Metro Builders and Engineers Group;  
W.O. 392320

**COUNCIL ACTION:** (Time duration: 10:23 a.m. – 10:26 a.m.)

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

\* ITEM-103: Metro Biosolids Center Access Platforms and Hoists Installation & Lime Mixers Modification.

(See memorandum from Scott Tulloch dated 11/12/2003.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-671) ADOPTED AS RESOLUTION R-298751

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$643,731 from Sewer Fund 41509, CIP-41-928.0, Pump Stations 1 and 2 Large Value Replacement Project, and an amount not to exceed \$544,627 from Sewer Fund 41509, CIP-42-911.4, Metro Biosolids Center for a total amount not to exceed \$1,188,358 to Sewer Fund 41509, CIP-42-913.0, Annual Allocation Metro Biosolids Center.

**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:**

The Metro Biosolids Center (MBC) is the City of San Diego's state-of-the-art regional biosolids treatment facility. The facility is located adjacent to the City's Miramar Landfill in the Kearny Mesa Community of San Diego. The MBC thickens, digests, and dewateres biosolids received from North City Water Reclamation Plant (NCWRP) and the Point Loma Wastewater Treatment Plant (PLWTP). This dewatering process produces biosolid cake which is transferred under high pressure to a biosolids storage and truck loading facility. The biosolids are stored in eight silos and/or two weight bins prior to being loaded into trucks for disposal. Currently the MBC produces an estimated 110 tons of dewatered biosolids a day.

This action requests Council approval to transfer funds into CIP Annual Allocation Metro Biosolids Center to provide for the following two projects:

(1) The first project will provide metal grate platforms and landings with handrails to provide safe access to the grit teacups, foul odor fan, and other equipment at the Centrifuge/Dewatering Biosolids (CDBS) Facility for an estimated cost of \$912,358.

This project also includes the installation of two one (1) ton bridge cranes and hoists, one to service the valves at the grit teacups area and the second to service the sludge screen area. Both systems will have the capability of moving equipment (valves, pipe spools, instruments) safely from their respective areas to the ground level of the Degritting Room to facilitate maintenance and equipment removal. In addition, some existing ventilation ductwork, conduits, piping, and equipment will be relocated to accommodate the installation of the platforms and the travel of the bridge cranes.

(2) The second project is to modify the lime mixers and associated piping for an estimated cost of \$276,000. Failure of a lime mixer requires significant time and effort to repair equipment and return truck loading bay to service. This storage and transfer of biosolid cake to the trucks is critical to MBC's operations. The proposed modification will significantly reduce down time of the truck loading bays and disruptions to the dewatering process.

Funds are available for transfer from the original MBC CIP, which is completed, and the Pump Stations 1 & 2 Large Valve Replacement Project, which has been postponed due to scope modifications.

**FISCAL IMPACT:**

This request is for \$1,188,358 of which \$643,731 is available in Sewer Fund 41509, CIP-41-928.0, Pump Stations 1 & 2 Large Valve Replacement Project, and \$544,627 is available in Sewer Fund 41509, CIP-42-911.4, Metro Biosolids Center.  
Mendes/Tulloch/AS

Aud. Cert. 2400575.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA 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: Two actions related to Additional Funding for Sewer Pump Station 30A Alternative.

(See memorandum from Frank Belock, Jr. dated 11/4/2003. University City Community Area. District-1.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2004-681) ADOPTED AS RESOLUTION R-298752

Approving Change Order No. 9, dated September 23, 2003, issued in connection with the contract between the City of San Diego and Vadrnais Corporation for the construction of Sewer Pump Station 30A Alternative (Project); and approving the changes therein set forth, amounting to a net increase in the contract price of \$445,137.80, and an extension of time of 120 working days, extending the completion to 748 working days;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$657,505.80 from Sewer Fund 41506, CIP-46-106.0, Sewer Pump Station Annual Allocation, to Sewer Fund 41506, CIP-46-200.0, Sewer Pump Station 30A Alternative;

Authorizing an additional expenditure of an amount not to exceed \$657,505.80 from Sewer Fund 41506, CIP-46-200.0, Sewer Pump Station 30A Alternative, solely and exclusively for construction and related costs for the Project.

Subitem-B: (R-2004-682) ADOPTED AS RESOLUTION R-298753

Stating for the record that the information contained in the final Mitigated Negative Declaration, LDR-98-0911, including any comments received during the public review process, has been previously reviewed and considered by Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of Change Order No. 9 for the Project;

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

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 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:**

On April 16, 2001, City Council approved the advertising and award by Resolution No. 294764, the construction of Sewer Pump Station 30A-Alternative Project. This project includes the replacement of Pump Station 30A with a gravity sewer system. This project was initiated due to exceeding amounts of maintenance problems. The construction of this project is over 90% complete.

During proposed tunneling work underneath the I-5 median, an undocumented 24-inch RCP storm drain was encountered and damaged. It was determined that the only feasible solution to this conflict is to relocate the storm drain. Change Order No. 9 includes the relocation and construction of approximately 300-feet of 24-inch storm drain within the I-5 median between La Jolla Village Drive and Nobel Drive, including implementation of traffic control on the I-5, demolition and reconstruction of concrete barrier, removal and replanting of existing vegetation within the median and all inspection fees incurred by Caltrans. Change Order No. 9 also includes adjustments to contract bid items for actual quantities incurred during construction. The total cost for Change Order No. 9 is \$445,137.80.

Additional costs of \$212,368 are required for the construction management and inspection, as a result of this changed condition and others. The changes include: encountering difficult soil conditions resulting in an extension to the Contractor's original construction schedule, preparing additional Request for Proposals, reviewing and processing Requests for Information and Change Orders, and additional coordination with property owners in the project area. The total amount being requested is \$657,505.80, \$445,137.80 for Change Order No. 9 and \$212,368 for construction management and inspection of all changed conditions.

**FISCAL IMPACT:**

The total cost of this project is \$9,196,903.56 of which \$8,539,397.76 which was previously authorized by Council Resolutions. This Request of \$657,505.80 is available in Fund 41506, CIP-46-200.0.

Loveland/Belock/HR

Aud. Cert. 2400557.

FILE LOCATION: SUBITEMS A & B: CONT – Vadnais Corporation

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

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

\* ITEM-105: Transfer of Funds - Torrey Pines Golf Course and Qualcomm Stadium Fuel Tanks Procurement.

(Mission Valley and Torrey Pines Community Areas. Districts-1 and 6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-625) ADOPTED AS RESOLUTION R-298754

Authorizing and directing the City Auditor and Comptroller, in accordance with the 2004 Appropriation Ordinance, to amend the Capital Improvement Program

budget for Fiscal Year 2004 to increase CIP-33-084.0, Underground Hazardous Materials Storage Tanks, by the amount of \$38,757.93;

Authorizing and directing the City Auditor and Comptroller to transfer the amount of \$20,923.83 from Golf Course Enterprise Fund No. 41400 and the amount of \$17,834.10 from Qualcomm Stadium Operations Fund No. 10330, both to Fund No. 30244, CIP-33-084.0, Underground Hazardous Materials Storage Tanks;

Authorizing the expenditure of an amount not to exceed \$38,757.93 from Fund No. 30244, CIP-33-084.0, Underground Hazardous Materials Storage Tanks, solely and exclusively, to provide funds for procuring new fuel tanks at Torrey Pines Golf Course and Qualcomm Stadium.

**CITY MANAGER SUPPORTING INFORMATION:**

This action provides for the transfer of funds from the Torrey Pines Golf Course and Qualcomm Enterprise Funds to the Underground Storage Tank CIP. These Funds will be used to purchase new aboveground fuel tanks. The installation of these tanks have been approved by previous Council actions.

**FISCAL IMPACT:**

Funds are to be transferred in the amount of \$20,923.83 from Fund 41400 and \$17,834.10 from Fund 10330 to CIP-33-084.0, Underground Hazardous Materials Storage Fund 30244. Funds will then be expended from CIP-33-084.0 in an amount not to exceed \$38,757.

Loveland/Hays/SC

Aud. Cert. 2400583.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 10:23 a.m. – 10:26 a.m.)

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

\* ITEM-106: FBA Credit and Reimbursement Agreement with D. R. Horton San Diego Holding Company for Del Mar Heights Road Pipeline Relocation.

(Torrey Highlands Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-445)            ADOPTED AS RESOLUTION R-298755

Authorizing the City Manager to execute a FBA Credit and Reimbursement Agreement with D. R. Horton San Diego Holding Company for Del Mar Heights Pipeline Relocation;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2004 Capital Improvement Project Budget by adding CIP-70-965.0, Del Mar Heights Pipeline Relocation;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$1,574,494.43 from Facilities Benefit Assessment Fund 79015, CIP-70-965.0, Del Mar Heights Pipeline Relocation, for the purpose of providing funds for the above-referenced project, consistent with the timing established in the most recently adopted Torrey Highlands Public Facilities Financing Plan, contingent upon the City Auditor and Comptroller certifying that those funds are on deposit in the City Treasury.

**CITY MANAGER SUPPORTING INFORMATION:**

D. R. Horton San Diego Holding Company has agreed to complete that portion of the Del Mar Heights Road Pipeline Relocation falling within the portion of Carmel Valley Road that crosses the Torrey Del Mar subdivision (TM 98-0250) and that portion extending approximately 600 feet east of Torrey Del Mar within Carmel Valley Road. The project, identified as U-2 in the adopted Fiscal Year 2003 Torrey Highlands Public Facilities Financing Plan, was scheduled for Fiscal Year 2003. Consequently, there are sufficient funds available at this time in the Torrey Highlands FBA to reimburse D. R. Horton for constructing the project.

The remainder of Project U-2 has been constructed by another Torrey Highlands developer who is being reimbursed through a separate existing agreement.

**FISCAL IMPACT:**

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

Ewell/Goldberg/GH

Aud. Cert. 2400461.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA 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-107: Consultant Agreement for Preliminary Engineering Analysis for Genesee Avenue Project.

(North University City Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-559) ADOPTED AS RESOLUTION R-298756

Authorizing the City Manager to execute an agreement with Kimley-Horn and Associates, Inc. in the amount of \$10,000, for the purpose of providing preliminary engineering and traffic analysis services;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$10,000 for the agreement from Fund No. 79001, North University City Facilities Benefit Assessment (FBA), CIP-52-594.0, Genesee Avenue - Interstate 5 to Eastgate Mall;

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:**

CIP-52-594.0 entitled “Genesee Avenue – Interstate 5 to Eastgate Mall” is a project that will provide for channelization improvements on Genesee Avenue at locations identified through a consultant prepared traffic study to be accomplished under the agreement. The consultant agreement is the subject of this council action. The Engineering Consultant was selected in accordance with Council Policy 300-07, and the Administrative Regulation 25.60.

**FISCAL IMPACT:**

The total fee for professional services under this agreement is \$10,000. Funds are available in Fund No. 79001, North University City FBA, CIP-52-594.0, Genesee Avenue – Interstate 5 to Eastgate Mall.

Loveland/Belock/Boekamp

Aud. Cert. 2400508.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

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

\* ITEM-108: Water Resources – Instant Hot Water Delivery System Pilot Project.

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-502) ADOPTED AS RESOLUTION R-298757

Authorizing the City Manager to accept grant funds from Metropolitan Water District (MWD), in the amount of \$10,996, into Revenue Account No. 76101 (80% of the funds will be deposited at the start of the pilot project and the remaining 20% will be deposited once the pilot project is completed and all required reports are submitted to MWD), for the Instant Hot Water Delivery System Pilot Project;

Authorizing the City Manager to execute the Innovative Conversation Program Funding Agreement with MWD, to carry out the Instant Hot Water Delivery System Pilot Project;

Authorizing the Water Department Director to enter into agreement(s) with homeowner(s) participating in the pilot project, in the form of the Agreement on file in the Office of the City Clerk.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego Strategic Plan for Water Supply calls for an increase in water conservation from 13,000 acre feet per year in 1997 to 26,000 acre feet per year by 2005. To that end, the City of San Diego's Water Department is committed to the exploration of new and innovative ways to reduce water demand through conservation. Point-of-use water heaters and recirculating water systems are a California Urban Water Conservation Council potential BMP. The City's Water Resources Management Program has been awarded \$10,996 in grant funding from MWD's Innovative Conversation Program to conduct the "Instant Hot Water Delivery System Pilot Project." It has been claimed that instant hot water delivery systems can save as much as 15,000 gallons of water per year per average household. The intent of the pilot is to evaluate the effectiveness of these instant hot water delivery systems, and to measure water savings associated with their use. As part of the pilot project up to ten residential installation(s) of the "Laing Thermotech, Inc. Autocirc" instant hot water systems(s) will be installed under the faucet located furthest from the home's central water heater (requiring the greatest amount of cooled water to be dispensed before the desired hot water arrives at the tap from the central heater).

The City will reimburse the property owner should he/she choose to have the Autocirc installed by a professional plumber and/or electrician (if installation of a power supply is required). The pilot project will continue for one year. An initial meter reading will be taken at the residence at the project start, and subsequent meter readings will occur as regularly scheduled according to the billing cycle (bi-monthly). The City will provide MWD with two progress reports and one final report which will include information on project costs, challenges, benefits, results in water savings, conclusions and recommendations.

Mendes/Gardner/KBR

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

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

ITEM-109: FY 2003 State Homeland Security Grant Program - Part II, Critical Infrastructure Program.

**OFFICE OF HOMELAND SECURITY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-482)                      ADOPTED AS RESOLUTION R-298758

Authorizing the City Manager, or Director of the San Diego Office of Homeland Security, to execute any actions necessary to secure the grant funds from the FY 2003 State Homeland Security Grant Program - Part II, Critical Infrastructure Program.

**SUPPORTING INFORMATION:**

In April 30, 2003, Secretary of Homeland Security Tom Ridge announced that \$200 million had been made available to the states, localities and U. S. territories through the Office of Domestic Preparedness FY 2003 State-Homeland Security Grant Program-Part II, to reimburse the costs incurred by the states and cities to protect critical infrastructure during the heightened threat period of hostilities with Iraq. The eligible period was from March 17 - April 16, 2003. Fifty percent of California's \$15.9M allocation was required to be passed to localities. The California Office of Homeland Security offered assistance to the City of San Diego in an amount not to exceed \$218,447 to cover the costs incurred for the security details put in place to protect the City of San Diego's critical infrastructure.

The City has submitted the necessary fiscal documentation for the reimbursement and has been approved pending receipt of additional information. In order for the City to receive the reimbursed funds, the California Office of Homeland Security requires a resolution from the Governing Body that authorizes the City Manager and/or the Director of Homeland Security to secure the grant funds on behalf of the City.

Arellano/Lee/DF

FILE LOCATION:                      MEET

COUNCIL ACTION:                      (Time duration: 11:38 a.m. – 11-38 a.m.)

MOTION BY MADAFFER 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-110: Accepting Donation from STAR/PAL for La Mirada Elementary School Joint Use Improvements.

(San Ysidro Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-680)                      ADOPTED AS RESOLUTION R-298759

Authorizing the City Manager to accept the generous gifts of \$100,000 from STAR/PAL of NFL Community Football Fields grant funds through the Local Initiatives Support Corporation, to be deposited in CIP-29-657.0, La Mirada Elementary School – Joint Use Improvements, in Fund No. 10365, Public/Private Partnership, for the Project;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2004 Capital Improvements Program Budget by \$9,820.36 in CIP-29-657.0, La Mirada Elementary School – Joint Use Improvements, in Fund No. 10365, Public/Private Partnership, for the Project;

Authorizing the City Auditor and Comptroller to appropriate and expend \$182,820.36 from CIP-29-657.0, La Mirada Elementary School – Joint Use Improvements, in Fund No. 10365, Public/Private Partnership, for the Project.

**CITY MANAGER SUPPORTING INFORMATION:**

This action authorizes the Manager to accept a \$100,000 donation from STAR/PAL to complete Phase I of the La Mirada Elementary School Joint Use Improvements, CIP-29-657.0. STAR/PAL (Police Department's Sports Training Academics and Recreation /Police Athletic League) received the funds as a grant from the NFL Community Football Fields Program through the Local Initiatives Support Corporation (LISC), a non-profit agency which provides technical assistance and funding support to groups throughout the country that are dedicated to economic and social renewal efforts.

The San Diego Park and Recreation Department is partnering with the San Ysidro School District to turn fields at La Mirada Elementary School into turf, irrigated athletic fields. La Mirada Elementary School is the first site for an official Joint-Use Agreement between the City of San Diego and the San Ysidro School District. This is a win/win situation for the school

children who will use the fields during school hours and the community who will use the field after school hours.

STAR/PAL has joined the city and school district partnership to help ensure completion of this vital community resource. A \$378,000 grant from the State of California, along with the \$100,000 donation from STAR/PAL and \$82,820.36 from the Park & Recreation Department Matching Funds Program will allow the City to complete Phase I of the improvement project, including an approximately 60,000 square foot rectangular field for football and other sports activities, a running track and shade trees. Phase II will add a baseball field with backstop and players benches

**FISCAL IMPACT:**

This action approves an additional \$9,820.36 in CIP-29-657.0, La Mirada Elementary School Joint Use Improvements. The FY 2003 Budget Ordinance No. 019083 previously authorized a \$173,000 increase to the CIP. Following this action, a total of \$560,820.36 will be authorized for expenditure to complete Phase I of the La Mirada Elementary School Joint Use Improvements Project.

Herring/Oppenheim/AP

Aud. Cert. 2400626.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA 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-111: Exclusive Sale of Property to San Diego Unified School District.

(Golden Hill and Logan Heights Community Areas. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-647) CONTINUED TO JANUARY 20, 2004

Authorizing the City Manager to conduct an exclusive sale of and convey to the San Diego Unified School District the C Street Property, consisting of a portion of Lot 48, Block 123 of Choate's Addition;

Authorizing the City Manager to conduct an exclusive sale of and convey to the San Diego Unified School District the Greely Avenue Property, consisting of a portion of Lots 1 and 2, Block 339 of Choate's Addition, two portions of unnumbered lots in Block 44 of H.P. Whitney's Addition, being the east half of Pueblo Lot 1162, and affecting Lot 48, Block 123 of Choate's Addition;

Authorizing the City Manager to execute the four Quitclaim Deeds in favor of the San Diego Unified School District.

**CITY MANAGER SUPPORTING INFORMATION:**

**33<sup>rd</sup> and C Street Parcel:** The City acquired the subject parcel in 1948, via a deed from the San Diego County Tax Collector. The original purchase price was \$26. In 1990, the property was designated for public park use, and is referred to as the C Street Mini-Park. However, the Park and Recreation Department has stated that the parcel does not meet the size criteria as a mini-park, according to Council Policy 700-34, which requires a minimum of 5,000 square feet. The subject unimproved lot is 25 by 140 feet, containing approximately 3,500 square feet. The School District has acquired all contiguous parcels for construction of the new Golden Hill Elementary School. Since no further expansion is possible, and the park does not meet minimum size requirements, there are no current or future plans to develop the site as a park. (APN 539-562-08)

The School District is offering to purchase the property for \$120,000. City valuation staff has reviewed the offer, and concluded that it is within the upper range of market value for similar parcels on the market.

**Greely Street Parcels:** The City acquired the larger of the three parcels (APN 545-662-16) in 1948, via a deed from the San Diego County Tax Collector. The original purchase price was \$39. It has been declared surplus land since 1992. It is triangular shaped, and contains approximately 2,205 square feet. The other two parcels are remnants abutting the alley south of Greely Avenue and contain approximately 250 square feet and 300 square feet each. (APN 545-662-15 & 49)

The School District has requested the sale of these parcels to facilitate construction of Rodriguez Elementary School. The School District is offering to purchase these three parcels for a total of \$32,000. City valuation staff has reviewed the offer, and concluded that it is within the range of market value for similar properties on the market.

**FISCAL IMPACT:**

1. The amount of \$120,000 will be deposited into Park Service District Fee Fund 11640.
2. The amount of \$32,000 will be deposited into Capital Outlay Fund 302453.

Herring/Griffith/ACG

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA TO CONTINUE THIS ITEM TO JANUARY 20, 2004, AT THE REQUEST OF THE CITY MANAGER TO CORRECT AN ERROR IN THE ACCOUNTING INFORMATION IN ORDER TO COMPLY WITH CITY CHARTER SECTION 77. 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-112: Sale of Excess Camino Del Sur (Camino Ruiz) Right-of-Way.

(Torrey Highlands Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-674) ADOPTED AS RESOLUTION R-298760

Authorizing the City Manager, or designee, to sell the property by negotiation to Gondor Investments, LLC, because it is a landlocked parcel;

Authorizing the City Manager, or designee, to execute the grant deed conveying that certain City-owned excess property to Gondor Investments, LLC, for the negotiated price of \$24,375;

Declaring that no broker's commission shall be paid by the City of San Diego on the herein described negotiated sale.

**CITY MANAGER SUPPORTING INFORMATION:**

On March 4, 2002, the City purchased Right-of-Way for the Camino Del Sur (Camino Ruiz) from Western Pacific Housing-Torrey Village Center (WPH) and Gondor Investments, LLC. The City has determined that 0.06 acres, a portion of the original right of way is excess to its requirements for the street. The City has determined that the value of the excess landlocked property is \$24,375 and that the City has negotiated a sale of the property to the adjoining owner at this value.

This action will convey to the adjoining owner, Gondor Investments, LLC, the landlocked excess parcel for \$24,375. This value is equal to the original acquisition price paid by the City in March of 2002 for property that was not landlocked.

**FISCAL IMPACT:**

\$24,375 to be deposited into CIP-52-463.0, FBA Fund No. 39225.

Herring/Griffith/RAG

FILE LOCATION: DEED F-9636

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA 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-113: Sewer Easement Vacation in Portions of Lots 8, 14 through 19 of Dos Pueblos Unit No. 1, Map No. 10312 and Portions of Parcels 1 and 2 of Parcel Map 14577.

(Mission Valley Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-635) ADOPTED AS RESOLUTION R-298761

Vacating the City's interest in the sewer easement in Lots 8, and 14 through 19 of Dos Pueblos Unit No. 1, Map No. 10312 and in Parcels 1 and 2 of Parcel Map No. 14577.

**CITY MANAGER SUPPORTING INFORMATION:**

Council is requested to approve the vacation of a sewer easement within portions of Lots 8, 14 through 19 of Dos Pueblos Unit No. 1 Map No. 10312 and portions of Parcels 1 and 2 of Parcel Map No. 14577 as shown on Engineering Drawing 19993-B. This site is located southeasterly of I-805 and Rio San Diego Drive in the Mission Valley Community Plan area in Council District 6. The easement is being vacated in order to more efficiently utilize the property. The sewer easement was granted to the City by deed at no cost to the City. The 54" sewer main that is located within this easement has been abandoned in place per Public Improvement Drawing No. 25499-D. A Subterranean Facility Abandonment Agreement has been entered into and recorded against the subject property. There is no present or anticipated future use for the easement in its present location.

Staff recommends approval of the vacation.

**FISCAL IMPACT:**

None.

Ewell/Broughton/GRB

FILE LOCATION: DEED F-9637

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA 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-114: Sewer Easement Vacation in Lots "E" and "F", Block 106 of Horton's Addition, Map 369.

(Centre City Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-675)                      ADOPTED AS RESOLUTION R-298762

Vacating the City's interest in sewer easement in Lots "E" and "F", Block 106 of Horton's Addition, Map 369, to unencumber the property and facilitate development of the site.

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to approve the vacation of an unneeded sewer easement within a portion of Horton's Addition, Map No. 369 as shown on Engineering Drawing 20033-B. This site is located northeasterly of 12<sup>th</sup> Avenue and J Street in the Centre City Community Plan area in Council District 2.

This easement is on private property and the only purpose for this public service easement is to allow the City to construct and maintain facilities within the easement. The project for which the easement was granted has been revised, making the easement unnecessary. The applicant's approved development requires the sewer easement be vacated. The sewer easement being vacated was granted by deed at no cost to the City.

Staff recommends approval of the vacation.

**FISCAL IMPACT:**

None.

Ewell/Broughton/GRB

**FILE LOCATION:**                      DEED F-9638

**COUNCIL ACTION:**                      (Time duration: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA 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-115: Sewer Group Job 630 – Sewer Easement Abandonment.

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

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-678)                      ADOPTED AS RESOLUTION R-298763

Authorizing the City Manager, or designee, to execute a quitclaim deed, conveying to the current owners of record all of the City’s right, title, and interest in the sewer easements crossing portions of Lots 1 through 3, and Lots 42 through 46 of Block 114 of E. W. Morse’s Subdivision Map 547, for the purpose of vacating and abandoning the easements no longer required by the City due to the relocation of the sewer.

**CITY MANAGER SUPPORTING INFORMATION:**

City Sewer Group Job 630 included relocating a portion of the City's sewer main crossing private properties in the block West of 32nd Street between "F" & "G" Streets into the adjacent streets and alleys.

The relocation of the sewer main is now complete. The sewer easements crossing the private properties that were obtained at "no cost" to the City in the early 1900's are no longer needed.

This action authorizes the City Manager to execute a Quitclaim Deed conveying the City's interest in the sewer easements that are no longer required back to the current owners of record of the properties involved.

**FISCAL IMPACT:**

None.

Herring/Griffith/SAC

FILE LOCATION:                      DEED F-9639

COUNCIL ACTION:                      (Time duration: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA 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-116: Symbolic Flag of the Vietnamese Federation of San Diego.

**MAYOR MURPHY'S AND COUNCILMEMBERS ATKINS' AND MAIENSCHHEIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-670)            ADOPTED AS RESOLUTION R-298764

Recognizing the flag with three red stripes upon a field of gold serves as the symbolic flag of the San Diego Vietnamese community and the Vietnamese Federation of San Diego on this day of January 13, 2004.

FILE LOCATION:            AGENDA

COUNCIL ACTION:            (Time duration: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA 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-117: 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-2004-510 )            ADOPTED AS RESOLUTION R-298765

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: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA 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-118: 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-2004-520) ADOPTED AS RESOLUTION R-298766

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: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA 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-119: 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-2004-524) ADOPTED AS RESOLUTION R-298767

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 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: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Atkins. 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-120: 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-2004-321) ADOPTED AS RESOLUTION R-298768

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: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA 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-121: Declaring a Continued Local Emergency Due to the October 2003 Wildfires.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-549) ADOPTED AS RESOLUTION R-298769

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: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA 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-150: Two actions related to Alternative Water Sources and Second Amendment to Agreement with Powell/PBS&J for Water Planning/Water Resources Consulting Services.

(See "Water Recycling 2030: Recommendations of California's Recycled Water Task Force" and letter from Herman C. Collins dated 10/22/2003.)

**TODAY'S ACTIONS ARE:**

Adopt the resolution in Subitem A and adopt the resolution in Subitem B contingent upon adoption of a resolution in Subitem A:

Subitem-A: (R-2004-440) ADOPTED AS RESOLUTION R-298781

Directing the City Manager to conduct a study of one year duration evaluating all aspects of a viable increased water reuse program, including but not limited to groundwater storage, expansion of the distribution system, reservoirs for reclaimed water, livestream discharge, wetlands development, and reservoir augmentation; The study and report of same shall include a general assessment of costs and benefits of such projects including, but not limited to, consideration of public health, public acceptance, water costs, water supply reliability issues, compilation of research/studies concerning reservoir augmentation, and information concerning potential impacts of pharmaceuticals, endocrine disruptors, personal care products, and additional constituents of the wastewater stream on water quality and health; The study and report, when completed, shall be calendared before the Natural Resources and Culture Committee for such action as it deems appropriate.

Subitem-B: (R-2004-699) ADOPTED AS RESOLUTION R-298782

Authorizing the City Manager to negotiate and execute a Second Amendment to the Water Planning and Water Resources Agreement with Powell/PBS&J to study all aspects of increased water reuse in preparation for the 2005 update to the Water Reclamation Master Plan, for an additional amount not to exceed \$900,000;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$450,000 from Water Fund 41500, Unallocated Reserve (Program 765005) to the Water Research and Development Program;

Authorizing the expenditure of an amount not to exceed \$450,000 from Water Fund 41500 and \$450,000 from Sewer Fund 41506, solely and exclusively to provide funds for the Second Amendment to the Agreement with Powell/PBS&J, provided that the City Auditor and Comptroller first furnishes 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.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 11/19/2003, NR&C voted 5 to 0 to authorize the City Manager to embark on a year long study on all aspects of water reuse, include potable reuse as well as all other alternative water supply issues. The study shall include a general assessment of costs and benefits of such projects including, but not limited to, consideration of public health, public acceptance, water costs, water supply reliability issues, compilation of research/studies concerning reservoir augmentation and information concerning potential impacts of pharmaceuticals, endocrine disruptors, personal care products, and additional constituents of the wastewater stream on water quality and health. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

**SUPPORTING INFORMATION:**

On November 19, 2003, the City's Natural Resources and Culture Committee heard presentations on Alternative Water Sources and recommended unanimously that the City Manager conduct a study of all aspects of increased water reuse. One of the presentations was on a recently released study entitled "Water Recycling 2030: Recommendations of California's Recycled Water Task Force." To read this report visit: [WWW.OWUE.WATER.CA.GOV/RECYCLE/](http://WWW.OWUE.WATER.CA.GOV/RECYCLE/). The City Manager was directed to conduct a year-long study evaluating all aspects of a viable increased water reuse program, including but not limited to: groundwater storage, expansion of the existing distribution system, reservoirs for reclaimed water, livestream discharge, wetlands development, and reservoir augmentation. The study and report will include the following: a general assessment of costs and benefits of such projects, consideration of public health, public acceptance, water costs, water supply reliability issues, compilation of research/studies concerning reservoir augmentation, information concerning potential impacts of pharmaceuticals, endocrine disruptors, personal care products, and additional constituents of the wastewater stream on water quality and health. It is recommended that the agreement with Powell/PBS&J be amended to add these items and prepare the Water Reuse Program Master Plan 2005 (Master Plan 2005).

The most recent Updated Water Reclamation Master Plan was approved by the City Council in 2000 with an update due in 2005. On June 2003, City Council approved (R-298116) the first amendment to the Powell/PBS&J contract to prepare an updated reuse master plan with the objective to maximize available use of reclaimed water produced at both the North City Water Reclamation Plant and the South Bay Water Reclamation Plant. Prior to November 2003, the scope of this master plan update was limited to non-potable uses such as irrigation per City Resolution (R-291210). On July 24, 1989, City Council adopted Ordinance O-17327 N.S. adding to the Municipal Code Article 4, Division 8, Section 64.0801 et. Seq. The ordinance promoted the use of recycled water. In addition City Council directed the City Manager to

prepare and adopt a Water Reclamation Master Plan to define, encourage and develop the use of reclaimed water within its boundaries. The Master Plan is to be updated every five years.

Major categories added to the Master Plan 2005, and their percentage of the effort from this amendment, are listed as follows:

Technical evaluation of reservoir augmentation:	20%
Additional potential uses:	25%
Regional aspect:	2%
Research on health impacts:	32%
Public participation:	21%

**FISCAL IMPACT:**

Funding for the Second Amendment to the agreement in the amount not to exceed \$900,000 is available in the amount of \$450,000 from the Unallocated Reserve Water Fund 41500 and \$450,000 from the Sewer Fund 41506.

Mendes/Gardner/MAS

Aud. Cert. 2400649.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:15 p.m. – 3:10 p.m.)

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

ITEM-200: San Diego Sustainable Community Program.

(See City Manager Report CMR-04-003.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-673 Cor. Copy) ADOPTED AS RESOLUTION R-298772

Accepting the recommendations in San Diego's Cities for Climate Protection Action Plan to decrease greenhouse gas emissions from City operations, as recommended by the Ad Hoc Advisory Committee and described in City Manager's Report CMR-04-003;

Directing City staff to more fully develop those recommendations with a cost-benefit analysis.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:44 a.m. – 12:00 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-201: **REFERRED TO CLOSED SESSION ON JANUARY 13, 2004**

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.

**FILE LOCATION:** MEET (61)

**COUNCIL ACTION:** (Time duration: 11:43 a.m. – 11:43 a.m.)

ITEM-330: Carmel Valley Trunk Sewer.

Matter of approving, conditionally approving, modifying or denying the replacement and realignment of the Carmel Valley Trunk Sewer located in McGonigle Canyon within the Torrey Highlands and Pacific Highlands Community Planning areas.

(SDP No. 10167/CDP No. 41872/LDR No. 42-1081/PTS No. 6147. Torrey Highlands and Pacific Highlands Ranch Community Plan Areas. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolutions in subitems A and C; and adopt the resolution in subitem B to grant the permit:

Subitem-A: (R-2004-688) ADOPTED AS RESOLUTION R-298783

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration No. 4411 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 Carmel Valley Trunk Sewer project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed 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.

Subitem-B: (R-2004-805) GRANTED PERMIT, ADOPTED AS  
RESOLUTION R-298784

Adoption of a Resolution granting or denying Site Development Permit No. 10167/Coastal Development Permit No. 41872, with appropriate findings to support Council action.

Subitem-C: (R-2004-689) ADOPTED AS RESOLUTION R-298785

Adoption of a Resolution vacating the general utility and access easement within Parcel 1 of Parcel Map No. 17811 (APN-308-010-24), and the sewer easements described as follows: the sewer easement within Parcel 4 of Parcel Map 18971 (APN-305-031-13), the sewer easement lying within the west half of the southwest quarter of section 15, Township 14 South Range 3 West (APN-305-040-23), the sewer easement lying within Lot 1 of Rancho Del Sol Unit No. 1 (APN-305-060-20), the sewer easement lying within the east half of the west half of the northeast quarter and the northeast quarter of the northeast quarter section 15, Township 14 South Range 3 West (APN-305-041-01), the sewer easement lying within Lot "K" of McMillin Torrey Highlands, Map No. 14322 (APN-306-363-01), the sewer easement lying within Lot "J" of McMillin Torrey Highlands, Map No. 14322 (APN-306-363-01), the sewer easement lying within Lot "R" of Torrey Del Mar Map No. 13978 (APN's 306-011-25, 26, & 28), and the sewer easement lying within Parcel 2 of Parcel Map No. 8133 (APN-306-011-32), as more particularly described on Exhibits "A-1" through "A-9," and shown on Exhibit "B";

That the resolution shall not become effective unless and until the applicant relocates and constructs a new sewer line satisfactory to the City Engineer;

That in the event the above conditions are not completed within two years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect;

That the City Engineer shall advise the City Clerk of the completion of the aforementioned conditions, and the City Clerk shall then cause a certified copy of this Resolution with Exhibits "A-1" through "A-9" and Exhibit "B," attested by him under seal, to be recorded in the office of the County Recorder.

**OTHER RECOMMENDATIONS:**

Planning Commission on December 11, 2003, voted 4 – 0 to approve; was opposition.

Ayes: Garcia, Brown, Lettieri, Ontai  
Recusing: Schultz, Steele  
Not present: Chase

There is no officially recognized community planning group for this area.

**SUPPORTING INFORMATION:**

The project requires a Site Development, Coastal Development Permit, and abandon and replace sewer easement for the replacement and realignment of the Carmel Valley Trunk Sewer located in McGonigle Canyon within the Torrey Highlands and Pacific Highlands Community Planning Areas. The project proposes to abandon and replace approximately 14,400 linear-feet of 18 and 21-inch diameter reinforced plastic mortar sewer pipe with 24 and 30-inch diameter upgraded polyvinyl chloride sewer pipe. Necessary manholes, lateral and an access road would be constructed as part of this project. The pipeline would become a City facility once construction is completed and accepted.

Planning Commission Recommendation: On December 11, 2003, the Planning Commission recommended approval of the proposed project to the City Council with the following additional permit conditions:

1. In negotiations with private property owners to acquire easements and right-of-way in favor of the City of San Diego to construct and maintain the Carmel Valley Truck Sewer system, the applicant will make reasonable good faith efforts to simultaneously negotiate in accordance with applicable law to acquire a right of the public to utilize
2. The City Council to look at means in which to prioritize the trail implementation in the next Facilities Benefit Assessment review that would put the trail into an earlier cycle to accelerate funding.

3. A joint program be developed between the various City departments to put the environmental review, the easement agreements, the park maintenance and the other trail issues into a fast-track program.

Community Planning Group Recommendation: There is no recognized Community Planning Group for Torrey Highlands or Pacific Highlands Ranch. Therefore, the project was reviewed by the Carmel Valley Community Planning Board. The Board supports the project in concept and recommends approval of the project with the addition of the conditions provided by the Planning Commission.

Manager's Recommendation: Certify Mitigated Negative Declaration No. 6147 and adopt the Mitigation Monitoring and Reporting Program, Approve Site Development Permit No. 10167, Coastal Development Permit No. 41872, and Approve abandonment and replacement sewer easements.

**FISCAL IMPACT:**

A deposit has been collected from the applicant to cover all costs associated with processing this proposed project.

Ewell/Christiansen/FMM

**LEGAL DESCRIPTION:**

The project site is described as Parcel 1 of Parcel Map No. 17811, Parcel 1 of Parcel Map No. 9882, the west one-half of the southwest quarter of Section 15, Township 14 south, Range 3 west San Bernardino Meridian, Lot 1 of Map No. 12477, the northeast quarter of Section 15, Township 14 south, Range 3 west, San Bernardino Meridian, Parcel 2 and 4 of Parcel Map No. 8133, and Lots "R," 328, and "M" of Map No. 13978.

FILE LOCATION: SUBITEMS A, B: LUP – Carmel Valley Trunk Sewer,  
01/13/04

COUNCIL ACTION: SUBITEM C: Deed F-9715  
(Time duration: 3:10 p.m. – 3:38 p.m.)

Testimony in favor by John Ponder and Todd Engstrand.

Testimony in opposition by John Millar and Lou Goebel.

MOTION BY PETERS TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND C

AND ADOPT THE RESOLUTION IN SUBITEM B TO GRANT THE PERMIT AND INCLUDE THE FOLLOWING ITEMS:

1. THE APPLICANT AND CITY PROJECT TEAM WILL FURNISH PLAT MAPS AND LEGAL DESCRIPTIONS OF THE PROPERTIES THROUGH WHICH THE SEWER TRAVERSES, THE LEGAL DESCRIPTION OF THE COASTAL COMMISSION MANDATED EQUESTRIAN TRAIL EASEMENT THROUGH THE BARCHESVSHY PROPERTY, AND ALL DOCUMENTATION AND BACK-UP MATERIAL SUPPORTING THE MITIGATED NEGATIVE DECLARATION FOR THE SEWER EASEMENT IN ORDER TO FACILITATE EFFORTS TO PROCURE RECREATION EASEMENTS FOR THE TRAIL.
2. CITY DEPARTMENTS WILL WORK TOGETHER TO PUT THE ENVIRONMENTAL REVIEW, EASEMENT AGREEMENTS, THE PARK MAINTENANCE, AND THE OTHER TRAIL ISSUES INTO A FAST-TRACK PROGRAM ON THIS AND FUTURE TRAIL PROJECTS OF THIS NATURE.
3. THE PARKS AND RECREATION DEPARTMENT SHALL WORK CLOSELY WITH THE PROJECT TO MAKE SURE THAT THE RESULTING SEWER MAINTENANCE ROAD IS ACCEPTABLE AS A TRAIL.
4. THE PARKS AND RECREATION DEPARTMENT SHOULD WORK WITH REPRESENTATIVES FROM THE CARMEL VALLEY AND DEL MAR MESA PLANNING BOARDS TO BEGIN TO EVALUATE THE SEWER ROAD ALIGNMENT TO IDENTIFY ANY ADDITIONAL MITIGATION NEEDED FOR ITS USE AS A TRAIL ONCE THE PROPER EASEMENTS HAVE BEEN SECURED.

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

ITEM-S500: Elementary Institute of Science Day.

**COUNCILMEMBER LEWIS' RECOMMENDATION:**

Adopt the following resolution:

(R-2004-704)

ADOPTED AS RESOLUTION R-298773

Recognizing Elementary Institute of Science as a model independent science program that is unmatched anywhere in the country, and in celebration of San Diego's diverse student population, the Elementary Institute of Science is encouraging all students to be successful in science and technology;

Proclaiming January 11, 2004, to be "Elementary Institute of Science Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:12 a.m. – 10:13 a.m.)

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-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S501: Federal Emergency Management Agency Day.

**COUNCILMEMBER MAIENSCHIEIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-694) ADOPTED AS RESOLUTION R-298774

Declaring January 13, 2004, to be "Federal Emergency Management Agency Day" in the City of San Diego in recognition of their extraordinary service to the people of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:17 a.m.)

MOTION BY MAIENSCHIEIN 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-S502: Cheryl Betyar Day.

**COUNCILMEBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-693)            ADOPTED AS RESOLUTION R-298775

Declaring January 10, 2004 to be "Cheryl Betyar Day" in the City of San Diego.

FILE LOCATION:            AGENDA

COUNCIL ACTION:            (Time duration: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA 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-S503: Reappointments to the City Public Utilities Advisory Commission.

(See memorandum from Mayor Murphy dated January 6, 2004, with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-703)            ADOPTED AS RESOLUTION R-298776

Council confirmation of the following reappointments by the Mayor to serve as members of the City Public Utilities Advisory Commission for terms ending January 1, 2008:

**NAME**

Lisa Briggs

Scott Chadwick

David Gomez

Joseph Parker

Clarissa Falcon (formerly Clarissa Reyes)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

CONSENT MOTION BY INZUNZA TO CONFIRM THE REAPPOINTMENTS.  
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-S504: Conveyance of Property – Park-to-Bay-Link.

(See Centre City Development Corporation Report CCDC-03-33/CCDC-03-22.  
Centre City Community Area. District-2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-648) ADOPTED AS RESOLUTION R-298777

Authorizing the City to accept certain properties for the Park-to-Bay-Link from  
the Redevelopment Agency for a total consideration of one dollar.

**NOTE:** See the Redevelopment Agency Agenda of 1/13/2004 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:42 a.m. – 11:42 a.m.)

MOTION BY ZUCCHET 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-not present, Mayor Murphy-yea.

ITEM-S505: Request to Bid – Island Avenue Pop Out Improvement Phase I (7th – 10th  
Avenues).

(See Centre City Development Corporation Report CCDC-04-01/CCDC-04-03.  
Centre City Community Area. District-2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-697 Cor. Copy) ADOPTED AS RESOLUTION R-298778

Declaring that it finds that the installation of the Island Avenue Pop-Out Improvement Phase I (from 7th to 10th Avenue) project in the East Village Redevelopment District for which the Agency proposes to pay for are of benefit to the Centre City Redevelopment Project, that it finds and determines that no other reasonable means of financing the proposed improvements for which the agency proposes to pay are available to the community, that it finds and determines that proposed improvements will assist in eliminating one or more blighting conditions inside the Project area;

Declaring that it finds and determines that the installation of the offsite improvements is consistent with the Implementation Plan adopted for the Project by the Agency on June 21, 1994, as Document No. 2141, pursuant to California Health and Safety Code section 33490;

Declaring that it consents to the payment by the Agency for all of the cost of the improvements identified above;

Authorizing the City Clerk to deliver a copy of this resolution to the Executive Director and members of the Agency;

Declaring that the total amount for the contract and agreement shall not exceed \$629,200.

**NOTE:** See the Redevelopment Agency Agenda of 1/13/2004 for a companion item.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 11:42 a.m. – 11:43 a.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-not present, Mayor Murphy-yea.

ITEM-S506: Request to Bid – India Street Revitalization Phase II.

(See Centre City Development Corporation Report CCDC-04-04/CCDC-04-02.  
Centre City Community Area. District-2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-698)                      ADOPTED AS RESOLUTION R-298779

Declaring that the Council finds and determines that the constructions of certain public improvements on India Street from Grape to Laurel streets are of benefit to the Centre City Redevelopment Project, that the Council finds and determines that no other reasonable means for financing the proposed improvements for which the Agency proposes to pay are available to the community, and that the Council hereby finds and determines that proposed improvements will assist in eliminating more blighting conditions inside the Project area;

Declaring that the Council finds and determines that the demolition, construction and installation of improvements on India Street from Grape to Laurel streets are consistent with the Implementation Plan adopted for the Project by the Agency on June 21, 1994, as Document No. 2141, pursuant to California Health and Safety Code section 33490.

**NOTE:** See the Redevelopment Agency Agenda of 1/13/2004 for a companion item.

**FILE LOCATION:**                      MEET

**COUNCIL ACTION:**                      (Time duration: 11:43 a.m. – 11:43 a.m.)

MOTION BY ZUCCHET 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-not present, Mayor Murphy-yea.

\* ITEM-S507: Authorization to Accept the California Office of Traffic Safety (OTS) Grant for the RaceLegal Program.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-715)                      ADOPTED AS RESOLUTION R-298780

Authorizing the Chief of Police, for and on behalf of the City Manager, to apply for, accept, manage and expend, \$350,000 in grant funds from the California Office of Traffic Safety (OTS) for the RaceLegal program for a period of up to five years, providing funding is made available by OTS;

Authorizing the Chief of Police to expend approximately \$330,816 of these grant funds for an agreement with the Center for Injury Prevention to operate the RaceLegal program, and to certify that the City will comply with all applicable statutory or regulatory requirements related to this program;

Declaring that any resources received hereunder shall not be used to supplant expenditures controlled by this body, and that personnel positions, if any, funded under this program are not subject to local hiring freezes.

**CITY MANAGER SUPPORTING INFORMATION:**

The RaceLegal.com program offers safe, legal, supervised, substance-free alternatives to dangerous, illegal street racing. The program operates races at the Qualcomm Stadium parking lot, conducts extensive outreach and education to prevent illegal street racing, and provides San Diego Police Department with important information regarding the encouragement, enabling and operation of illegal street racing. RaceLegal.com has successfully operated for a number of years, supported in part by a California Office of Traffic Safety (OTS) grant sponsored by the San Diego State University Foundation. RaceLegal.com works closely with SDPD, particularly Traffic Division and its street-race prevention team (DragNet) to plan, coordinate and conduct RaceLegal.com activities. Through this collaborative effort, street drag racing in the City of San Diego has been reduced by 87.5% since the year 2000.

Because OTS does not fund non-governmental programs directly, RaceLegal.com is requesting the City of San Diego to sponsor this grant application. The grant is for 18 months (October 1, 2003 through March 31, 2005). Funds will support the RaceLegal.com events and outreach activities, as well as provide for the development of a "How To" manual, video and two-day training seminars for communities with a high-risk of illegal street racing.

In a separate action, the City will contract with the Center for Injury Prevention (CIP), a 501(c)(3) non-profit corporation, dba RaceLegal.com, to provide these services. One of RaceLegal.com's goals is to establish RaceLegal.com as a financially self-sufficient entity by the end of the grant period. As grant sponsor, the City of San Diego, via the Police Department, will oversee fiscal and administrative issues for grant-funded expenditures, as well as manage the contract with CIP. The San Diego Police Department, and its Traffic Division in particular, strongly support RaceLegal.com, and encourage approval of this grant application and sponsorship.

This Resolution requests authorization for the Chief of Police to apply for, accept, expend and manage, grant funds from OTS for the RaceLegal.com program.

**FISCAL IMPACT:**

The grant application is for a total of \$350,000, of which the City will receive approximately \$10,194 to defray the costs of administrative and fiscal oversight. An Agreement with CIP for \$339,806 to operate the RaceLegal.com program will be processed separately, and in compliance with City regulations. There is no requirement for matching funds, and no requirement to continue services, activities or expenditures after grant funds are terminated.

Uberuaga/Lansdowne/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

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

**NON-DOCKET ITEMS:**

None.

