

THE CITY OF SAN DIEGO, CALIFORNIA
 MINUTES FOR REGULAR COUNCIL MEETING
 OF
 TUESDAY, AUGUST 3, 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 10:08 a.m. Mayor Murphy recessed the regular meeting at 10:43 a.m. to convene the Housing Authority and the Redevelopment Agency thereafter. The regular meeting was reconvened by Mayor Murphy at 10:45 a.m. with Council Member Zucchet not present. Mayor Murphy recessed the regular meeting at 10:46 a.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 10:53 a.m. with Council Members Zucchet and Madaffer not present. Mayor Murphy recessed the meeting at 11:57 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:10 p.m. with Council Member Zucchet and Council Member Inzunza not present.

Deputy Mayor Atkins welcomed and introduced Hoover High School students who were visiting today, and are members of the "Cardinals Interact and Action Program," which is a three year program sponsored by Price Charities which seeks to teach leadership through working as a Team.

Mayor Murphy recessed the meeting at 3:47 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:00 p.m. with Council Member Zucchet not present. Mayor Murphy adjourned the meeting at 6:10 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-Excused (By R-299602 due to illness)
- (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 (mc/pr)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-not present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-not present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-not present
- (8) Council Member Inzunza-not present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell submitted a video to the Mayor and each Council Member entitled “The Spiritual Heritage of the United States Capitol” that he feels might help them craft a ballot measure that would assure the retention of the cross on Mount Soledad.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-2:

Comment by Sandy Summers regarding domestic violence.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-3:

Comment by Ron Boshun regarding Council's actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:16 a.m. – 10:19 a.m.)

PUBLIC COMMENT-4:

Comment by Phil Hart recommending that Council institute a time-certain policy for special items on the docket to encourage public participation and not discouraged it because of having to wait all day for their item to be taken. He further suggested that a policy of a first reading and a second reading be instituted for important items, to allow the public time to think about it and come back with their comments during the second reading.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:21 a.m.)

PUBLIC COMMENT-5: REFERRED TO CITY MANAGER

Comment by Barbara Winton regarding special groups who do not need to walk through the metal detector in the lobby upon entering the City Administration building. She suggested that the security check be for everyone or do away with it completely.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:25 a.m.)

PUBLIC COMMENT-6:

Comment by Tom Carter regarding the proposal to delete the financial analysts and financial consultants from the Retirement Board which will be on the ballot in November. He stated that Council should want knowledgeable people in the field that they will be overseeing. He encouraged Council to take another look at the amendment and put it back on.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:27 a.m.)

PUBLIC COMMENT-7:

Comment by Liying Zheng encouraging Council to docket Council Member Frye's proposed Yantai resolution to stop the violence in China toward Falun Gong practitioners.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:31 a.m.)

PUBLIC COMMENT-8:

Comment by Muhammed Abdullah requesting Council Member Lewis' assistance in pursuing the rape and murder of a woman that has not been resolved.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:32 a.m. – 10:35 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Lewis, introducing a volunteer in his office, Ms. Amanda Joslyn who attends Inderkum High School in Sacramento.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:36 a.m. – 10:36 a.m.)

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

Comment by Deputy Mayor Atkins correcting a statement that she made yesterday during the discussion of Item 150 pertaining to the Ethics Commission, that the San Diego Union Tribune reported as she not supporting the cap for the loan amount. Ms. Atkins clarified that she did in fact support the cap, but a much lower cap than \$100,000. Ms. Atkins further commented that she is requesting that the issue of using Development Impact Fees for rehabilitation or expansion of existing facilities in our communities be referred to the City Manager to work with the City Attorney as well as Intergovernmental Relations to try and identify what needs to be done legislatively to get this issue introduced at the next legislative session.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:37 a.m. – 10:41 a.m.)

COUNCIL COMMENT-3: **REFERRED TO CITY MANAGER**

Comment by Council Member Frye recommending that when Development Impact Fees are used to build facilities such as a new fire station, police facility, library, etc., that consideration be given to how we will pay for the maintenance and operation of the facilities. She further suggested that potential sources of revenue to fund the maintenance and operation of these facilities be identified, at that time, because that is money that is never identified.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:42 a.m. – 10:43 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-330: Amend Land Development Code Single Room Occupancy Hotel Regulations to be Consistent with the State Law.

(See memorandum from Deputy Mayor Atkins and Councilmember Zucchet dated 3/30/2004; memorandum from Deputy Mayor Atkins and Councilmember Peters dated 1/14/2004; memorandum from P. Lamont Ewell dated 5/4/2004; memorandum from City Manager dated 4/6/2004; report from the City Attorney dated 4/29/2004; memorandum from George Loveland dated 5/12/2004; letter from Hal Sadler dated 2/11/2004; letter from J. Michael McDade dated 4/28/2004; and letter from Matthew Doherty dated 5/18/2004.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2004-133) INTRODUCED, WITH DIRECTIONS, TO BE
ADOPTED TUESDAY, SEPTEMBER 7, 2004

Introduction of an Ordinance amending Chapter 11, Article 3, Division 1, of the San Diego Municipal Code by amending Section 113.0103; and amending Chapter 14, Article 3, Division 5, by amending Sections 143.0540 and 143.0570 titled SRO Hotel Regulations, all relating to General Regulations.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 5/19/2004, LU&H voted 5 to 0 to approve the City Attorney's recommendation with additional direction to the City Manager to bring the broader issues pertaining to Single Room Occupancy Hotels to the Land Use and Housing Committee for discussion within 4 months. (Councilmembers Peters, Zucchet, Lewis, Frye, and Inzunza voted yea.)

SUPPORTING INFORMATION:

The City Attorney is recommending limited amendments to the City's existing Single Room Occupancy Hotel regulations, contained in Land Development Code Chapter 14, Article 3, Division 5, to bring the regulations into compliance with state law as discussed in the City Attorney Report No. 2004-12, to the Land Use and Housing Committee.

These amendments were approved unanimously by the City's Land Use and Housing Committee on May 19, 2004. In supporting the proposed amendments, the Committee rejected a proposal to include a sunset clause in the ordinance. The Committee directed the City Manager to return to the Committee within four months with comprehensive revisions, including development incentives as previously directed by the Committee in 2003.

Gwinn

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:54 a.m. – 11:34 a.m.)

MOTION BY ATKINS TO INTRODUCE THE ORDINANCE, APPROVING THE CITY MANAGER'S RECOMMENDATIONS WITH THE FOLLOWING DIRECTIONS:

1. REFER MS. ANN MENASCHE'S LETTER, THAT SHE SUBMITTED, TO THE LAND USE AND HOUSING COMMITTEE FOR AN EVALUATION AND ANALYSIS OF THE ISSUES THAT SHE RAISED AND HOW IT MAY IMPACT THE DEVELOPMENT OF SROS.
2. THAT THE CITY ATTORNEY, AFTER REVIEWING MS. MENASCHE'S LETTER, WILL PROVIDE COUNCIL WITH AN ANALYSIS AND REVIEW OF IMPACT, FROM A LEGAL PERSPECTIVE, WHEN THIS ISSUE COMES BACK TO LU&H IN ITS ENTIRETY.

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

ITEM-331: Two actions related to the Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2005.

(See City Manager Report CMR-04-128; Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2005 Draft; letters from Rob Hixson's 6/15/2004 and from Gary Triphan, General Manager of De La Fuente Business Park Owners Association 7/12/2004. Otay Mesa Community Area. District-8.)

TODAY=S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-1310) ADOPTED AS RESOLUTION R-299535

Designating an area of benefit in Otay Mesa and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments; and proceedings thereto, and ordering the proposed Public Facilities Project in the matter of the Otay Mesa Facilities Benefit Assessment Area.

Subitem-B: (R-2004-1311) ADOPTED AS RESOLUTION R-299536

Approving the Development Impact Fee [DIF] schedule for properties within Otay Mesa.

LAND USE AND HOUSING COMMITTEE=S RECOMMENDATION:

On 6/16/2004, LU&H voted 5 to 0 to approve the City Manager's recommendation. (Councilmembers Peters, Zucchet, Lewis, Frye and Inzunza voted yea.)

FILE LOCATION: STRT - FB-6 (33)

COUNCIL ACTION: (Time duration: 10:46 a.m. - 10:46 a.m.)

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

ITEM-332: Fashion Walk.

Matter of the appeal by Mark Polinsky from the decision of the Planning Commission in approving an application for a Planned Commercial Development (PCD) and Resource Protection Ordinance (RPO) Permit with a Tentative Map to construct a multi-story, 161-unit multi-family residential development (above a subterranean parking garage) intended for sale as condominiums, on a 1.8-acre portion of a vacant 8.0-acre site located at the northwest corner of Friars Road and Ulric Street, north of Friars Road and the Fashion Valley Shopping Center, west of State Route 163 and east of Fashion Valley Road.

(See City Manager Report CMR-04-165. Linda Vista Community Plan Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A to deny the appeal and to uphold the decision of the Planning Commission, certifying the environmental document; and adopt the resolution in subitems B to grant the permits; and adopt the resolution in subitem C to grant the map:

Subitem-A: (R-2005-181) DENIED APPEAL,
ADOPTED AS RESOLUTION R-299539

Adoption of a Resolution granting or denying the appeal, and upholding or overturning the decision of the Planning Commission, Certifying Mitigated Negative Declaration No. 99-1356.

Subitem-B: (R-2005-182) GRANTED PERMITS, ADOPTED
AS RESOLUTION R-299540

Adoption of a Resolution granting or denying Planned Commercial Development Permit No. 80170 and Resource Protection Ordinance Permit No. 80579, with appropriate findings to support Council action.

Subitem-C: (R-2005-183) GRANTED MAP, ADOPTED
AS RESOLUTION R-299541

Adoption of a Resolution granting or denying Tentative Map No. 80580, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on April 22, 2004, voted 4-3 to approve; was opposition.

Ayes: Garcia, Schultz, Otsuji, Steele

Nays: Lettieri, Chase, Ontai

The Linda Vista Community Planning Group has recommended approval this project.

CITY MANAGER SUPPORTING INFORMATION:

Planning Commission Report Nos. PC-04-059, issued March 5, 2004, and PC-04-075, issued April 16, 2004, discuss the proposed project in depth and are included as Attachments 15 and 17 respectively.

FISCAL IMPACT:

All staff costs associated with processing this project are recovered from a separate deposit provided and maintained by the applicant.

Loveland/Christiansen/WCT

LEGAL DESCRIPTION:

The project site is located at 7148 Friars Road in the commercial office (CO) zone of the Linda Vista Community Planning Area northwest corner of Friars Road and Ulric Street, north of Fashion Valley Mall, west of Highway 163 and is more particularly described as Lot 1 and 2 of Fashion Ridge, Map No. 11871 Council District 6.

FILE LOCATION: Subitems A-C: LUP – Fashion Walk 8/3/04 (65)

COUNCIL ACTION: (Time duration: 11:35 a.m. – 11:57 a.m.;
2:38 p.m. – 3:46 p.m.)

Testimony in favor by Jay Kopelman.

Testimony in opposition by Mark Polinsky, Michael Shames and Margarita Castro.

Mayor Murphy recessed the meeting to reconvene at 2:00 p.m.

Testimony in favor by Lynn Heidel, Steve Quinn, Eric Luna, Ed Cramer, Wayne Bamford, Sherm Harmer, Cynthia Kronemyer, and Daniel Kronemyer.

MOTION BY FRYE TO ADOPT THE RESOLUTIONS TO DENY THE APPEAL, AND TO GRANT THE PERMITS UPHOLDING THE DECISION OF THE PLANNING COMMISSION. TO ACCEPT AMERICAN PROPERTIES ENTERPRISES COMMITMENT FOR ADDITIONAL IMPROVED SINAGE ON WEST BOUND FRIARS ROAD; TO IMPROVE ACCESS INTO FASHION VALLEY CENTER; TO IMPROVE PEDESTRIAN ACCESSIBILITY NEAR THE PROJECT AS WELL AS TO COMPLETE THE SIDEWALK ON THE NORTH SIDE OF FRIARS ROAD ACROSS THE ADJACENT PROPERTY OWNER’S LAND. TO ACCEPT THE DONATION OF ONE MILLION DOLLARS FROM AMERICAN PROPERTIES ENTERPRISES TO BE ISSUED TO THE CITY AT THE TIME OF THE ISSUANCE OF THE BUILDING PERMITS, AND TO PUT THOSE MONIES INTO A “FRIARS/ULRIC TRAFFIC CONGESTION MITIGATION” FUND THAT WILL BE USED TO COMPLETE HAZARD CENTER DRIVE. TO ENCOURAGE RESIDENTS TO USE PUBLIC TRANSIT OPTIONS BY AMERICAN PROPERTIES ENTERPRISES COMMITMENT TO DONATING TWELVE MONTH PASSES FOR

THE TROLLEY AND BUS LINES. LASTLY, TO DIRECT THE CITY MANAGER AND THE CITY ATTORNEY TO COME BACK TO COUNCIL WITH A REPORT WITHIN THIRTY DAYS REGARDING THE CONTRUCTION OF HAZARD CENTER DRIVE ISSUES. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Affordable Housing Task Force Recommendations Update and Status of Other Affordable Housing Activity.

(See San Diego Housing Commission Report CCR-04-004/City Manager Report CMR-04-070.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1042) ADOPTED AS RESOLUTION R-299542

Accepting Housing Commission Report No. CCR04/City Manager Report No. CMR04-070 updating the status of the Affordable Housing Task Force recommendations.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:00 p.m. – 6:01 p.m.)

MOTION BY ATKINS TO ADOPT THE RESOLUTION TO ACCEPT THE REPORT WITH DIRECTIONS TO STAFF TO PROVIDE INFORMATION AND REPORT BACK TO COUNCIL REGARDING NOFA; THE AMOUNT THAT CAN BE BONDED, AND DISCUSSIONS TO BE HELD AS TO WHEN THERE CAN BE AN INFRASTURCTION BOND MEASURE. TO DIRECT STAFF TO DO AN ANNUAL REVIEW OF THE TOTAL AFFORDABLE HOUSING UNITS; ACCESSIBILITY ISSUES; UNIVERSAL DESIGN; WHAT THE CITY SPENDS TO PRESERVE AFFORDABLE UNITS; AND TO MONITOR THE CITY'S PROGRESS. TO DIRECT STAFF TO PROVIDE AN ANALYSIS AS TO THE AVERAGE PRICE OF CONDOMINIUMS BY AREA TO DETERMINE WHERE MOST OF THE AFFORDABLE HOUSING IS; TO INVESTIGATE A PROGRAM THAT WOULD SERVE PEOPLE WHO ARE IN A HIGHER INCOME LEVEL, AND THAT WOULD PROVIDE A RETURN ON THE CITY'S INVESTMENT.

TO ACCEPT AS REQUESTED BY MAYOR MURPHY, DIRECTION TO STAFF TO PROVIDE A REPORT THAT INCLUDES 2001, 2002, 2003, AND 2004, AFFORDABLE HOUSING UNITS TO MEASURE THE CITY'S PROGRESS OR FAILURE.

TO ACCEPT AS REQUESTED BY COUNCIL MEMBER FRYE DIRECTION TO STAFF TO REPORT BACK TO COUNCIL AS TO HOW MANY UNITS ARE ACCESSIBLE AS PART OF REDEVELOPMENT; TO ADDRESS THE ISSUE OF 25% OF REDEVELOPMENT BEING DEDICATED TO AFFORDABLE HOUSING; TO INVESTIGATE HOUSING THAT IS DESIGNED IN SUCH A WAY THAT FAMILIES CAN LIVE TOGETHER; TO INVESTIGATE HEALTH AND SAFETY ISSUES RELATED TO CONDO CONVERSIONS, AND CURRENT CODE POLICIES.

TO ACCEPT AS REQUESTED BY COUNCIL MEMBER PETERS DIRECTION TO STAFF TO REPORT BACK TO COUNCIL WHAT MATRIX WOULD BE USED TO GAGE THE PERFORMANCE OF THE REDEVELOPMENT AGENCY AND THE HOUSING AGENCY IN TERMS OF AFFORDABLE HOUSING; INVESTIGATE THE SUGGESTION OF STRUCTURING FOR THE REDEVELOPMENT AGENCY A NON-PROFIT CORPORATION FOR AFFORDABLE HOUSING; INVESTIGATE PARKING ISSUES; TO CONTINUE DISCUSSIONS ON SELF-CERTIFICATION; AND TO REFER THE ISSUE OF FORMING A HOUSING CZAR POSITION TO THE CITY MANANGER FOR REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Zuchet-not present, Atkins-yea, Lewis-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-334: Informational Report on Proposition 46 and Other Sources of Funding for Affordable Housing Programs.

(See San Diego Housing Commission Report CCR04-002-Revised.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1039) ADOPTED AS RESOLUTION R-299543

Accepting Housing Commission Report No. CCR04-002 regarding the allocation of Proposition 46 revenues and other sources of funding for affordable housing programs.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:02 p.m. – 6:06 p.m.)

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

ITEM-S405: Eight actions related to Submitting to the Voters Various Ballot Propositions Relating to Recommendations to Raise Transient Occupancy Tax (TOT) from 10.5% to 13%.

(See City Manager Reports CMR-04-144 and CMR-04-155; memorandum from Charles G. Abdelnour dated 6/28/2004, memorandum from Bill Baber dated 6/28/2004, and PowerPoint. See memorandums from Bruce Herring dated 7/23/2004 and 7/21/2004, which were not available at Committee.)

(Continued from the meeting of July 26, 2004, Item S404, Subitems A-G, at the request of City Council, for further review.)

TODAY'S ACTIONS ARE:

Consider introduction and adoption any of the ordinances in Subitem A, Subitem B, Subitem C, and Subitem D. **NOTE:** Within Subitem D there are two subparts: D1, the general tax proposal may be adopted as a stand alone measure or D2 may also be adopted to direct the City Attorney and City Manager to return to Council no later than October 1, 2004, with potential amendments to Council Policy 100-03 and the San Diego Municipal Code related to establishment of a Tourism Promotion Board.

Subitem-A: (O-2005-15) NOTED AND FILED

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide

General Election to be held on November 2, 2004, one proposition related to increasing the City's Transient Occupancy Tax from 10.5% to 13%.

This option has been proposed by Local 145/POA and the Lodging Association. It allocates 1.25 cents for Fire Safety equipment, facilities, infrastructure and deferred maintenance needs including an upgrade to communications systems, and 1.25 cents for Police equipment, facilities, infrastructure and deferred maintenance needs including an upgrade to communications system, and 2.5 cents to be deposited into a Tourism Promotion Fund. The measure also amends the Municipal Code to establish a Tourism Promotion Advisory Board with jurisdiction to make recommendations to the City Council with respect to allocations of the Tourism Promotion Fund. This option is a special tax earmarking proceeds of the tax for specific purposes and thus requires 2/3 approval from the voters.

Subitem-B: (O-2005-16) NOTED AND FILED

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide General Election to be held on November 2, 2004, one proposition related to increasing the City's Transient Occupancy Tax from 10.5% to 13%.

This option has been proposed by Councilmember Maienschein as a modification to the Local 145/POA and Lodging Association proposal. It allocates 1.25 cents for Fire Safety equipment, facilities, infrastructure and deferred maintenance and 1.25 cents for Police equipment, facilities, infrastructure and deferred maintenance. However, it specifically prioritizes and allocates funding from FY 2005 through FY 2012 for the Public Safety Communications Plan. This measure also allocates 2.5 cents to be deposited into a Tourism Promotion Fund and amends the Municipal Code to establish a Tourism Promotion Advisory Board with jurisdiction to make recommendations to the City Council with respect to allocations of the Tourism Promotion Fund. This option is a special tax earmarking proceeds of the tax for specific purposes and thus requires 2/3 approval from the voters.

Subitem-C: (O-2005-17) NOTED AND FILED

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide

General Election to be held on November 2, 2004, one proposition related to increasing the City's Transient Occupancy Tax from 10.5% to 13%.

This option has been proposed by Councilmember Donna Frye. It allocates 1.25 cents to fund Fire-Rescue and 1.25 cents for Police Department deferred maintenance and new equipment and facility needs until June 30, 2008, after which the funds may be used for general governmental purposes. This option is a special tax earmarking proceeds of the tax for specific purposes and thus requires 2/3 approval from the voters.

Subitem-D1: (O-2005-18) INTRODUCED, AND ADOPTED AS ORDINANCE O-19307 (New Series)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide General Election to be held on November 2, 2004, one proposition related to amending the City Charter and the San Diego Municipal Code to increase the City's Transient Occupancy Tax from 10.5% to 13%.

This option has been proposed by the City Manager to raise TOT from 10.5% to 13% for general governmental purposes. This option is a general tax and thus requires a simple majority approval from the voters.

Subitem-D2: (R-2005-150) NOTED AND FILED

Directing the City Attorney and City Manager to return to Council no later than October 1, 2004, with potential amendments to Council Policy 100-03 and the San Diego Municipal Code related to establishment of a Tourism Promotion Board.

Subitem-E: DIRECTION GIVEN

In the matter of Council direction regarding the City Attorney's impartial analysis on any of the ballot measures approved for placement on the ballot.

Subitem-F: DIRECTION GIVEN

In the matter of Council direction regarding the City Manager's fiscal analysis of on any of the ballot measures approved for placement on the ballot.

Subitem-G: DIRECTION GIVEN

In the matter of Council direction regarding authorship of ballot arguments for any of the ballot measures approved for placement on the ballot.

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

On 7/14/2004, RULES voted 3 to 1 to forward to the full City Council without recommendation. (Councilmembers Peters, Maienschein, and Mayor Murphy voted yea. Councilmember Madaffer voted nay. Councilmember Atkins not present.)

FILE LOCATION: SUBITEMS A, B, C, D1, D2, E, F, G: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:36 p.m.)

MOTION BY ATKINS TO INTRODUCE, AND ADOPT THE ORDINANCE IN SUBITEM D1, AND TO PROVIDE DIRECTION IN SUBITEM G TO REQUEST THAT COUNCIL MEMBER ZUCCHET TAKE THE LEAD TO ASSIGN THE AUTHORSHIP AND SIGNATORY OF THE BALLOT MEASURES. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

MOTION BY ATKINS TO NOTE AND FILE SUBITEMS A, B, C, D2, AND TO DIRECT THE CITY ATTORNEY FOR AN IMPARTIAL ANALYSIS ON ANY OF THE BALLOT MEASURES APPROVED FOR PLACEMENT ON THE BALLOT IN SUBITEM E, AND TO DIRECT THE CITY MANAGER FOR A FISCAL ANALYSIS ON ANY OF THE BALLOT MEASURES APPROVED FOR PLACEMENT ON THE BALLOT IN SUBITEM F. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-yea.

ITEM-S500: Consolidating the Municipal Special Election to be Held in the City of San Diego on November 2, 2004, with the California State General Election to be Held on the Same Date.

(Continued from the meeting of July 26, 2004, Item 60, Subitem-D, at the request of the City Clerk, for further review.)

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-75 REV.) ADOPTED AS RESOLUTION R-299545

Requesting the consolidation of a Municipal Special Election to be held in the City of San Diego on November 2, 2004, with the California State General Election to be held on the same date;

Authorizing the City Auditor and Comptroller to reimburse the County of San Diego in full for the services performed by the Registrar of Voters for the City of San Diego in connection with the election services.

Aud. Cert. 2500050 Revised.

FILE LOCATION: MEET

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

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

ITEM-S501: Transitional Housing for Displaced Seniors.

(See Centre City Development Corporation Report CCDC-04-27/04-15. Core Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-68) ADOPTED AS RESOLUTION R-299537

Accepting funds in the amount of \$25,000 from the Centre City Loan Repayment Fund of the Redevelopment Agency to provide assisted living expenses for the Transitional Housing for Displaced Seniors Program.

NOTE: See the Redevelopment Agency Agenda of 8/3/2004 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:45 a.m. – 10:46 a.m.)

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

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 6:10 p.m. in honor of the memory of :

William T. "Ted" Walton as requested by Mayor Murphy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:07 p.m. – 6:10 p.m.)