

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, JANUARY 24, 2005  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

**Table of Contents**

CHRONOLOGY OF THE MEETING.....	4
ATTENDANCE DURING THE MEETING .....	4
ITEM-1: ROLL CALL.....	5
ITEM-10: INVOCATION .....	5
ITEM-20: PLEDGE OF ALLEGIANCE.....	5
ITEM-30: Approval of Council Minutes .....	6
ITEM-31: Approval of Council Minutes .....	6
ITEM-32: In the Matter of a Public Workshop regarding Strong Mayor Transition.....	7
<b>CLOSED SESSION .....</b>	<b>8</b>
ITEM-50: Bid Protest Bonds and Clean Up Revisions to City’s Public Contracting Ordinance.....	12
ITEM-51: First Amendment to the Facility Franchise Agreement with San Diego Landfill Systems to Extend the Existing Agreement’s Provisions Dealing with Disposal of Biosolids .....	13
ITEM-100: Two actions related to Additional Funding for the Central Police Garage Relocation Project.....	14
ITEM-101: Lease Agreement with Boys and Girl Clubs of Inland North County for 2.11 Acres at 2930 Marcy Avenue in Logan Heights for Recreational, Educational, Health, Social and Cultural Activities for the Youth.....	17
ITEM-102: Third Amendment to Consultant Agreement with Estrada + EDAW Partnership for Professional Services for the North Chollas Community Park Phase 1 Improvements .....	18

ITEM-103:	Electrical Easement Grant to San Diego Gas and Electric for Fire Station No. 31 20	31
ITEM-104:	Two actions related to Sewer Easement Vacation and General Utility Easement Vacation in Jackson’s Map of Middletown PTS No. 16618 .....	22
ITEM-105:	Funding for Fanuel Street Park Walkway Replacement.....	23
ITEM-106:	El Camino Real Acceleration Lane Funding .....	25
ITEM-107:	Establishing a Tow-Away Zone Approximately 400 Feet on West Ysidro Boulevard, West of Via De San Ysidro, South Side.....	26
ITEM-108:	Establishing Angle Parking from 2548 A Street to 25th Street North Curb and from 2545 A Street to 26th Street South Curb.....	28
ITEM-109:	Establishing Angle Parking Zone on South 30 <sup>th</sup> Street Between Ocean View Boulevard and Marcy Avenue .....	29
ITEM-110:	Consideration of Nominees for Appointment to the San Diego Unified Port District Board of Commissioners.....	30
ITEM-111:	Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico .....	32
ITEM-112:	Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.....	33
ITEM-113:	Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) .....	33
ITEM-114:	Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City .....	34
ITEM-115:	Harriet Gill and Friends of San Diego Architecture Day .....	35
ITEM-200:	Strong Mayor Transition Consultant – Request for Qualifications .....	35
ITEM-250:	<b>Notice</b> of Settlement of the State of California resulting from Allegations of Sewer System Overflows.....	37

ITEM-S400: Nancy Goodrich Day ..... 38

ITEM-S401: Stalking Awareness Month..... 38

ITEM-S402: Fashion Valley Road Emergency Repair at the San Diego River Crossing ..... 39

NON-DOCKET ITEMS ..... 41

ADJOURNMENT..... 41

**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 2:05 p.m. Mayor Murphy recessed the meeting at 3:05 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:18 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 4:50 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:59 p.m. with all Council Members present.

Deputy Attorney Les Girard stated for the record that in light of recent events concerning document production pursuant to the investigation by the Securities and Exchange Commission and the United States Attorney's Office, the City Attorney is recommending that the City Council waive the attorney/client privilege relative to written communications via e-mail and memoranda between the City Attorney's Office, independent counsel, and City Staff regarding directions for the production of documents.

Mayor Murphy adjourned the meeting at 6:24 p.m. into Closed Session in the twelfth floor committee room to discuss existing and pending litigation matters.

**ATTENDANCE DURING THE MEETING:**

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

(8) Council Member Inzunza-present

Clerk-Abdelnour/Maland (ek)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

FILE LOCATION: MINUTES



ITEM-10: INVOCATION

Invocation was given by Pastor Brad Rigney of the North Park Community Church.

FILE LOCATION: MINUTES



ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Zucchet.

FILE LOCATION: MINUTES



ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS:** APPROVED

Approval of Council Minutes for the meetings of:

12/06/2004 – Special Meeting  
12/07/2004  
12/08/2004 – Special Meeting  
12/13/2004 – Adjourned  
12/14/2004 – Adjourned  
12/20/2004 – Adjourned  
12/21/2004 – Special Meeting  
12/27/2004 – Adjourned  
12/28/2004 – Adjourned  
01/03/2005 – Adjourned  
01/04/2005 – Adjourned

FILE LOCATION: MINUTES

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

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

ITEM-31: Approval of Council Minutes.

(Continued from the meeting of January 11, 2005, Item 30, at the request of Councilmember Peters, to correct Councilmember Peters' motion on Item 334.)

**TODAY'S ACTION IS:** APPROVED

Approval of Council Minutes for the meeting of:

11/30/2004

FILE LOCATION: MINUTES

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

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



ITEM-32: In the Matter of a Public Workshop regarding Strong Mayor Transition.

The purpose of this City Council Workshop is to receive public input regarding concerns, suggestions, and ideas relating to the implementation of the new Strong Mayor form of government.

(See City Manager Report CMR-05-019.)

WORKSHOP HELD

Note: This is an information item only.

**SUPPORTING INFORMATION:**

On November 2, 2004, the City of San Diego voters approved Proposition F. The passage of this proposition will result in a significant change to the City's form of government. In accordance with the language of Proposition F, certain provisions of the City Charter will be suspended and new provisions enacted, all to create a Strong Mayor form of government for a trial period beginning January 1, 2006, and ending December 31, 2010.

The new form of government will be different from the present form of government in many substantive aspects. For example, the Mayor becomes the City's Chief Executive Officer and will assume much of the authority and responsibility currently held by the City Manager. The Mayor will no longer be a member of the City Council and will be in charge of running the day-to-day affairs of the City. The Mayor will be responsible for preparing the annual budget for the Council's consideration and adoption. Under the new system, the City Council will select a Presiding Officer of the Council and can choose new committees. The Council will also appoint an Independent Budget Analyst to review and provide budget information to the Council, independent from the Mayor.

The purpose of this City Council Workshop is to receive public input regarding concerns, suggestions, and ideas relating to the implementation of the new Strong Mayor form of government.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:18 p.m. – 5:34 p.m.;  
5:43 p.m. – 6:20 p.m.)

**CLOSED SESSION:**

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):**

**CS-1 *7-Eleven v. City of San Diego, et al.*  
San Diego County Superior Court Case No. GIC 837831**

**REFERRED TO CLOSED SESSION ON TUESDAY, JANUARY 25, 2005**

DCA: Silva

This case involves a complaint for damages and a challenge to the City's actions related to the determination whether San Diego Municipal Code section 141.0502(b)(2) applied to Plaintiff's business, located in Scripps Ranch. In closed session, the City Attorney will update the City Council on the status of the litigation and seek direction on Plaintiffs' most recent offer to settle the case.

FILE LOCATION: AGENDA

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

**Mayor Murphy closed the hearing.**

**CS-2 *Del Mar Union School District V. City of San Diego (AME)*  
Riverside County Superior Court Case No. RIC 390648**

***Del Mar Union School District v. City of San Diego (Nexus)*  
Riverside County Superior Court Case No. RIC 390673**

**REFERRED TO CLOSED SESSION ON TUESDAY, JANUARY 25, 2005**

DCA: Silva

These cases involve petitions for writs of mandate based on the City's approval of substantial conformance review applications for two projects in the Torrey Hills community. In closed session, the City Attorney will update the City Council on the trial court's rulings in these cases and seek direction from the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:50 p.m. – 2:50 p.m.)

**Mayor Murphy closed the hearing.**

**CS-3 *Gleason v. San Diego City Employees' Retirement System*  
San Diego Superior Court Case No. GIC 803779**

**REFERRED TO CLOSED SESSION ON TUESDAY, JANUARY 25, 2005**

DCA assigned: Morris

This matter involves litigation concerning the City's retirement system and the City's obligation to fund that system. Previously, a settlement was reached with the plaintiffs, the terms of which generally involve certain payments by the City to the system in each of Fiscal Years 2005, 2006, 2007 and 2008. In closed session, the City Attorney and the City's outside counsel will report to the City Council on the conduct of negotiations regarding the outcome of plaintiff's attorney's fees application.

**CLOSED SESSION PUBLIC TESTIMONY:**

**CLOSED SESSION COMMENT-1:**

Comment by Ann Smith on the Gleason v. San Diego case and the related lawsuit filed on Friday, January 21, 2005.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:50 p.m. – 2:50 p.m.)

**Mayor Murphy closed the hearing.**

- CS-4** *Border Business Park v. City of San Diego*  
**Appellate Case No. D039225; SDSC Case No. GIC 692794**  
*Otay Acquisitions v. City of San Diego*  
**SDSC Case No. GIC 753247**  
*National Enterprises, Inc. v. City of San Diego*  
**SDSC Case Nos. GIC 791407; GIC 805465**

**REFERRED TO CLOSED SESSION ON TUESDAY, JANUARY 25, 2005**

ACA assigned: Girard

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego [City] regarding the Border Business Park in Otay Mesa. The Border Business Park case resulted in a jury verdict against the City which is now on appeal. The National Enterprises and Otay Acquisitions cases are currently awaiting trial in the Superior Court. The Border Business Park case has been referred to a mediation process in the appellate court. In closed session the City Attorney will report on the status of the mediation and request appropriate direction.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:50 p.m. – 2:50 p.m.)

**Mayor Murphy closed the hearing.**

- CS-5** *Howard Jarvis Taxpayers Ass. v. City of San Diego*  
**San Diego Superior Court No. GIC 706260**

**REFERRED TO CLOSED SESSION ON TUESDAY, JANUARY 25, 2005**

ACA Girard

This matter is litigation concerning Propositions E and F that appeared on the November 2002 ballot. The court of appeal affirmed the decision of the trial court that Proposition F was invalid in part, but also found that Proposition E was completely invalid. Upon remand the plaintiffs sought attorney's fees on the basis that the public benefited from the finding that Proposition F was partially invalid. The trial court agreed and ordered the City to pay \$82,600 in fees. In closed session the City Attorney will advise the City Council on the fee award and the potential for an appeal of that award.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:50 p.m. – 2:50 p.m.)

**Mayor Murphy closed the hearing.**

**Conference with Labor Negotiator, pursuant to Government Code section 54957.6:**

**CS-6 Agency negotiators: Lamont Ewell, Cathy Lexin, Mike McGhee**

**REFERRED TO CLOSED SESSION ON TUESDAY, JANUARY 25, 2005**

Employee organizations: Municipal Employees Association, Local  
127 AFSCME, AFL-CIO, Local 145  
International Association of Firefighters  
AFL-CIO, San Diego Police Officers  
Association

HDCA assigned: Morris

In closed session, the City's negotiating team will review with the City Council the City's anticipated position with respect to the upcoming meet and confer process. Topics to be discussed include, but are not limited to: 1) salaries and wages, 2) health benefit plans, and 3) retirement benefits, including the recommendations from the Pension Reform Committee. The City Manager and staff will request instructions from the City Council as to those matters.

**CLOSED SESSION PUBLIC TESTIMONY:**

CLOSED SESSION COMMENT-1

Comment by Ann Smith on the lawsuit filed on behalf of the Taxpayers Association and the need to come to a rational solution for the City of San Diego.

CLOSED SESSION COMMENT-2:

Comment by Judie Italiano requesting that the City Manager be granted ongoing bargaining power for the employees of the City of San Diego.

CLOSED SESSION COMMENT-3:

Comment by Daniel Beeman stating that people should work for bonuses and implement ways to save money, and that employees should be given incentives. He suggested that a way to produce revenue is to rent out the square footage where newspaper racks are located.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:56 p.m. – 3:05 p.m.)

**Mayor Murphy closed the hearing.**

\* ITEM-50: Bid Protest Bonds and Clean Up Revisions to City's Public Contracting Ordinance.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 01/11/2005, Item 150, Subitem A. (Council voted 9-0):

(O-2005-77) ADOPTED AS ORDINANCE O-19353 (New Series)

Amending Chapter 2, Article 2, of the San Diego Municipal Code by amending Division 8, Section 22.0807, relating to Debarment; by amending Division 30, Sections 22.3003, 22.3006, 22.3026, 22.3029, 22.3036, and 22.3037, Division 31, Section 22.3102 and Division 32, Sections 22.3212, and 22.3223, all relating to Administration of Contracts.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:25 p.m. – 2:32 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-51: First Amendment to the Facility Franchise Agreement with San Diego Landfill Systems to Extend the Existing Agreement's Provisions Dealing with Disposal of Biosolids.

(See City Manager Report CMR-05-006.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2005-82) INTRODUCED, TO BE ADOPTED  
MONDAY, FEBRUARY 7, 2005

Introduction of an Ordinance amending the Facility Franchise Agreement with the San Diego Landfill Systems, to extend the existing Agreement's provisions dealing with disposal of biosolids, for an additional five year period, under the terms and conditions set forth in Amendment No. 1;

Authorizing the expenditure not to exceed \$1,585,339, solely and exclusively, to fund the beneficial reuse of biosolids from the effective date of Amendment No. 1 through the end of Fiscal Year 2005;

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

Aud. Cert. 2500613.

FILE LOCATION: NONE

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

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



ITEM-100: Two actions related to Additional Funding for the Central Police Garage Relocation Project.

(City Heights Community Area. District 3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2005-730) CONTINUED TO MONDAY, FEBRUARY 7, 2005,  
WITH DIRECTION

Amending the Fiscal Year 2005 Capital Improvement Program Budget by increasing CIP-36-063.0, Central Police Garage Relocation, Fund No. 630221, Contributions from the General Fund;

Authorizing City Auditor and Comptroller to transfer an amount not to exceed \$85,000 from Fund No. 100, General Fund Police Department FY05 Operating Budget, to Fund No. 630221, Contributions from the General Fund;

Authorizing the City Auditor and Comptroller to appropriate and expend \$85,000 from Fund No. 630221, Contributions from the General Fund into CIP-36-063.0, Central Police Garage Relocation, for the purpose of construction;

Authorizing the expenditure of an amount not to exceed \$188,409 from Fund No. 30244, CIP-37-028.0, Undergrounding of Utilities to Sundt Construction, for the purpose of undergrounding overhead utilities on Federal Boulevard and tying those in with the new on-site utilities in the Police Garage, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the

funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

Subitem-B: (R-2005-715) CONTINUED TO MONDAY, FEBRUARY 7, 2005,  
WITH DIRECTION

Stating for the record that the information contained in the final Mitigated Negative Declaration, including any comments received during the public review process, has been previously reviewed and considered by this 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 the Central Police Garage Relocation;

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

**CITY MANAGER SUPPORTING INFORMATION:**

On September 23, 2003, the City Council authorized the award of a design build contract for the Central Police Garage Relocation (RR-298416). The project site is located at the northeast corner of Home Avenue and Federal Boulevard within the Fairmount Park neighborhood of the City Heights Community Planning Area. The 28,000 square foot Vehicle Maintenance Facility (VMF), currently under construction, will include administrative offices, vehicle service, storage space, surface parking spaces, fuel station, oil lubrication site, and vehicle wash bay. To accommodate the VMF building, the existing K-9/SWAT facility is being relocated to vacant land to the east of the pistol range and north of Federal Boulevard. No modification to the pistol range was proposed as a part of this project. This project has been coordinated extensively with the community, and includes sidewalk improvements, landscaping in accordance with the Chollas Creek Enhancement Plan, a meeting room, post construction Best Management Practices (BMP's), acquisition of parkland, and public art.

At the request of the Police Department, an additional \$85,000 of funding is being provided for improvements not originally included in the project. These include: a concrete apron around the Vehicle Maintenance Facility; dog training field lighting; additional doors and walks around the modular building at the K-9/SWAT facility, and other design changes unforeseen at the award of

this contract. In addition, the contract calls for the undergrounding of all on-site utilities. The additional \$188,409 from CIP-37-028.0, Undergrounding of City Utilities, will allow the existing overhead utilities in the Federal Boulevard be undergrounded with the on-site utilities, and provide Street Lights with all the other Public Improvements being installed by the Design-Build Contractor.

**FISCAL IMPACT:**

The total project cost is \$10,673,409. Previously, The City Council authorized the design-build contract for a total cost of \$8,220,000. The total cost of this action is \$273,409. Funding is available from FY 05, Police Department Operating Budget, Fund No. 100, General Fund (\$85,000) and CIP-37-028.0, Undergrounding of City Utilities, Fiscal Year 2005 Annual Allocation, Fund No. 30244, Underground Surcharge Fund (\$188,409).

Mendes/Boekanp/AO

Aud. Cert. 2500640.

FILE LOCATION: CONT-Sundt Construction, Inc., Southern California  
(Sundt)

COUNCIL ACTION: (Time duration: 2:33 p.m. – 2:49 p.m.)

MOTION BY ATKINS TO CONTINUE TO FEBRUARY 7, 2005 AT THE REQUEST OF CAROLYN CHASE TO DETERMINE WHAT EFFECT ADDITIONAL FUNDING WILL HAVE ON DEFERRED MAINTENANCE, WITH DIRECTION BY COUNCIL MEMBER MAIENSCHIN THAT THE CITY MANAGER DETERMINE WHAT EFFECT THE ADDITIONAL FUNDING WILL HAVE ON THE PLAN TO ADDRESS THE DEFERRED MAINTENANCE. COUNCIL MEMBER YOUNG REQUESTED THAT THE CITY MANAGER DETERMINE HOW THE PROJECT COST OF \$10,673,409 WILL AFFECT THE ACTUAL PUBLIC SAFETY BUDGET AND HOW THIS MONEY COULD BE USED IN OTHER WAYS. MR. YOUNG ALSO PUT ALL CITY DEPARTMENTS ON NOTICE THAT HE WILL BE LOOKING CAREFULLY AT THESE TYPES OF PROJECTS, AND THAT IF ADDITIONAL FUNDING IS REQUESTED, THE QUESTIONS WILL ALWAYS BE: 1) ARE THESE CHANGES NECESSARY? 2) HOW COULD THE FUNDING HAVE BEEN USED IN ANOTHER WAY? 3) WHETHER OR NOT FUNDS CAN BE USED IN ANOTHER AREA OF THE DEPARTMENT THAT MAY BE UNDERFUNDED OR USED TO ENSURE OUR CORE CITY SERVICES, SUCH AS FIGHTING THE GANG PROBLEM IN THE CITY OR FOR ADDITIONAL POLICE OFFICERS.

CITY MANAGER EWELL STATED THAT WHEN THIS ITEM COMES BACK IN TWO WEEKS, HE WILL BE PREPARED TO EXPLAIN THE SPECIFIC REASONS FOR ANY COST INCREASES. HE WILL ALSO RETURN TO THE COUNCIL WITH AN ITEMIZED LIST OF THE ORIGINAL EXPENSES FOR THIS PROJECT.

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

ITEM-101: Lease Agreement with Boys and Girl Clubs of Inland North County for 2.11 Acres at 2930 Marcy Avenue in Logan Heights for Recreational, Educational, Health, Social and Cultural Activities for the Youth.

(Logan Heights Community Area. District 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-667) ADOPTED AS RESOLUTION R-300054

Authorizing the City Manager to execute a 15-year lease agreement with two 10-year options to extend with Boys' and Girl' Clubs of Inland North county, a California nonprofit public benefit corporation, dba Boys & Girls Clubs of San Diego, for a recreational facility on approximately 2.11 acres at 2930 Marcy Avenue, under the terms and conditions set forth in a lease agreement;

Waiving Council Policy 700-41 regarding the use of the RFP process for the lease of City-owned land.

**CITY MANAGER SUPPORTING INFORMATION:**

Since 1941, the Boys & Girls Club has leased approximately 2.11 acres at 2930 Marcy Avenue in Logan Heights to provide recreational, educational, health, social and cultural activities for the youth of the surrounding community. The current lease commenced on February 1, 1992, and is on holdover. Improvements on the property that have been constructed by the Boys & Girls Club include an indoor swimming pool, a gymnasium, a computer room, offices, class rooms and art rooms.

The terms of the proposed lease renewal are as follows:

TERM: 15 years with two 10-year options to extend.

DEVELOPMENT PLAN: The Boys & Girls Club will spend a minimum of \$2.4 million to upgrade the existing improvements. A complete general development plan is required from the Boys & Girls Club within five years of the effective date of the lease. All operations and maintenance costs associated with the property are the responsibility of the lessee.

FEE: Annual administrative fee with an annual CPI adjustment. The fee for 2005 is \$2,712.50.

USES: Renovation, operation and maintenance of a Boys & Girls Club for recreational, educational, health, social and cultural uses by Boys & Girls Club members and the general public, which may include the operation of a Head Start Program.

SIZE: 2.11 acres. The boundaries of the leasehold will remain the same.

The fee simple value of the land as unimproved was estimated by City staff as of July 26, 2004, to have a fair market value of \$500,000.

**FISCAL IMPACT:**

\$2,712.50 per year, subject to annual CPI adjustments, will be deposited into the General Fund from lessee.

Herring/Griffith/CLY

FILE LOCATION: LEAS-Boys' and Girls' Clubs of Inland North county, a California nonprofit public benefit corporation, dba Boys & Girls Clubs of San Diego

COUNCIL ACTION: (Time duration: 5:35 p.m. – 5:35 p.m.)

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

ITEM-102: Third Amendment to Consultant Agreement with Estrada + EDAW Partnership for Professional Services for the North Chollas Community Park Phase 1 Improvements.

(Eastern Community Area. District 4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-659) ADOPTED AS RESOLUTION R-300055

Authorizing the City Manager to execute an agreement with Estrada + EDAW Partnership, for professional services required to provide mitigation monitoring for the North Chollas Community Park Phase 1 Improvements (Project), under the terms and conditions set forth in the Agreement;

Authorizing the appropriation and expenditure of an amount not to exceed \$22,990 from CIP-29-667.0, North Chollas Community Park Phase 1 Improvements, Park and Recreation Grant Match, Fund No. 630221, for this purpose, provided that the City Auditor and Comptroller first furnishes a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer and authorizing the City Auditor and Comptroller to return excess budgeted funds to the appropriate reserve.

**CITY MANAGER SUPPORTING INFORMATION:**

The North Chollas Community Park, when complete, will cost between \$19 million to \$25 million. There is an approved General Development Plan (GDP) for the Community Park, and projects are being implemented, in phases, as funds become available. Currently, the Community Park has the following improvements: a turfed baseball/multipurpose field with a 300' outfield fence, spectator plaza, 110-space parking lot, entry road, park identification, signage and landscaping, herein referred to below as Phases 1A and 1B.

- On July 7, 2000, the City entered into an Agreement with Estrada + EDAW Partnership for consultant services necessary for the design and construction of the North Chollas Community Park Phase 1A and 1B Improvements, in accordance with the GDP that they helped to prepare.
- Phase 1A has been completed.
- The City entered into the First Amendment to Agreement with Estrada + EDAW Partnership to provide consultant services for the design of Phase 2 (adding a new comfort station).

- On February 3, 2003, the City and Consultant entered into the Second Amendment to Agreement with Estrada + EDAW Partnership to provide consultant services for reports and studies required by regulatory agencies for Phase 1B.
- Construction of Phase 1B has subsequently been completed.
- This Third Amendment to Agreement will provide consultant services needed to monitor and maintain environmental mitigation sites constructed for the Phase 1B project. As stated above, the various phases of the approved GDP are being designed and constructed as funds become available, hence the need for the amendments to the Agreement with Estrada + EDAW.

**FISCAL IMPACT:**

The consultant's fee for the original Agreement was \$80,000. The fee for the First Amendment to Agreement was \$138,860. The fee for the Second Amendment to Agreement was \$50,000. An additional \$22,990 is necessary to provide for additional services requested by the City. Funds for this purpose, \$22,990, are available in CIP-29-667.0, North Chollas Community Park Phase 1 Improvements, Park and Recreation Grant Match, Fund No. 630221. Funding for maintenance of this new facility was programmed last Fiscal Year.

Herring/Oppenheim/AP

Aud. Cert. 2500580.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:35 p.m. – 5:35 p.m.)

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

\* ITEM-103: Electrical Easement Grant to San Diego Gas and Electric for Fire Station No. 31.

(Navajo Community Area. District 7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-686) ADOPTED AS RESOLUTION R-300056

Authorizing the City Manager to execute an easement deed in favor of SDG&E, affecting a portion of Lot 67 of the Partition of Rancho Mission of San Diego according to Map No. 330, filed in the Office of the County Recorder, for the purpose of maintaining, constructing, repairing, and using underground facilities for the transmission and distribution of electricity, as more particularly described in the easement deed.

**CITY MANAGER SUPPORTING INFORMATION:**

SDG&E has submitted a request for an electrical easement to serve the new Fire Station 31 located at the Northeast corner of College Avenue and Camino Rico in the Del Cerro neighborhood of the Navajo Community area. The easement is to provide power to a transformer located on the Northwest corner of the City-owned parcel. The property (APN: 670-230-04) totals 21,671 square feet or 0.5-acre, and the proposed easement is approximately 125 square feet or 0.003-acre. The power lines will be undergrounded and will run a short distance from the street to the transformer, having little impact on the utility of the parcel. Since the easement serves a city facility, there is no compensation for the easement grant.

**FISCAL IMPACT:**

None.

Herring/Griffith/JPA

**FILE LOCATION:** DEED F-9859

**COUNCIL ACTION:** (Time duration: 2:25 p.m. – 2:32 p.m.)

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

- \* ITEM-104: Two actions related to Sewer Easement Vacation and General Utility Easement Vacation in Jackson's Map of Middletown PTS No. 16618.

(Centre City Community Area. District 2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2005-453) ADOPTED AS RESOLUTION R-300057

Vacating the sewer easement located within Lots 1 through 12 inclusive within Jackson's Map of Middletown, to unencumber this property and facilitate development of the site under the procedure for the summary vacation of public service easements, Section 8330 et seq. of the California Streets and Highways Code and San Diego Municipal Code Section 125.1001 et seq.

Subitem-B: (R-2005-461) ADOPTED AS RESOLUTION R-300058

Vacating the general utility easement located at Spruce Street (vacated) within Jackson's Map of Middletown, to unencumber this property and facilitate development of the site under the procedure for the summary vacation of public service easements, Section 8330 et seq. of the California Streets and Highways Code and San Diego Municipal Code Section 125.1001 et seq.

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to vacate unneeded sewer easements within a portion of Lots 1 through 12 inclusive in Block 131 of Jackson's Map of Middletown and an unneeded general utility easement within Spruce Street (vacated) of Jackson's Map of Middletown as shown on Engineering Drawing 20142-B. This property is located southwesterly of Sassafras Street and Kettner Boulevard in the Centre City Community Planning Area in Council District 2.

The sewer and general utility easements being vacated are on private property. They were acquired at no cost to the City, and the City has no fee interest. The applicant is obtaining a permit for a parking structure to be constructed over the existing easements.

The existing public utilities within these areas will be relocated within the contiguous public rights-of-way of Kettner Boulevard and Sassafras Street, making the existing utilities and

easements unnecessary. There is no present or anticipated future use for the easements in their present locations.

Staff has reviewed the request and recommends approval of the vacations.

**FISCAL IMPACT:**

None.

Loveland/Broughton/GRB

FILE LOCATION: DEED F-9860

COUNCIL ACTION: (Time duration: 2:25 p.m. – 2:32 p.m.)

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

ITEM-105: Funding for Fanuel Street Park Walkway Replacement.

(Mission Bay Park Community Area. District 2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-719) ADOPTED AS RESOLUTION R-300059

Amending the Fiscal Year 2005 Capital Improvements Program by adding CIP-22-963.0, Fanuel Street Park - Walkway Replacement;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$85,000 from Park and Recreation Department/Developed Regional Park's budget in Fund No. 100, Department No. 443, Organization No. 2452, Object Account No. 4213 and Job Order No. 024521 to Fund No. 630221, Contributions from 100 fund;

Authorizing an increase in the Fiscal Year 2005 Capital Improvements Program Budget by \$85,000 in CIP-22-963.0, Fanuel Street Park - Walkway Replacement, Fund No. 630221, Contributions from 100 fund;

Authorizing the City Auditor and Comptroller to appropriate and expend \$85,000 from CIP-22-963.0, Fanuel Street Park - Walkway Replacement, Fund No. 630221, Contributions from 100 fund, for the purpose of construction of damaged walkway.

**CITY MANAGER SUPPORTING INFORMATION:**

This request authorizes the City Manager or his representative to fund the construction, and all associated costs, of the walkway at Fanuel Street Park that was unforeseeably damaged during the storm event that occurred the week of October 11, 2004. The effects of the storm resulted in substantial damage to the walkway that separates Fanuel Street Park and Mission Bay. Approximately 100 linear feet of the walkway buckled, due to the high velocity and excessive volume of storm water runoff. Because of the resultant hazardous condition, it was necessary to proceed with construction immediately. Work for this construction was completed by Scheidel Contracting and Engineering, Inc., as a Sole Source Contract. It is anticipated that the new walkway is sufficiently reinforced and designed to withstand similar future storm events.

**FISCAL IMPACT:**

The estimated total cost of this project is \$85,000. Of this amount, \$25,000 is for engineering and related services, \$55,400 is for construction, and \$4,600 is for contingencies. Funding of \$85,000 is available in Park and Recreation Department/Developed Regional Park's budget in Fund No. 100, Department No. 443, Organization No. 2452, Object Account No. 4213 and Job Order No. 024521 for this purpose.

Herring/Oppenheim/AP

Aud. Cert. 2500633.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:36 p.m. – 5:38 p.m.)

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

 \* [ITEM-106](#): El Camino Real Acceleration Lane Funding.

(North City Sub Area 2 Community Area. District 1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-717) ADOPTED AS RESOLUTION R-300060

Amending the Fiscal Year 2005 Capital Improvement Program Budget by adding CIP-52-746.0, El Camino Real Acceleration Lane, to the Fiscal Year 2005 Capital Improvements Program;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2005 Capital Improvements Program budget by appropriating \$120,000 into CIP-52-746.0, El Camino Real Acceleration Lane, Fund 390662, North City Sub Area 2;

Authorizing the expenditure of an amount not to exceed \$120,000 from Fund 390662, North City Sub Area 2, CIP-52-746.0, El Camino Real Acceleration Lane, solely and exclusively for the purpose of providing funds for the design and construction of the El Camino Real Acceleration Lane, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

**CITY MANAGER SUPPORTING INFORMATION:**

This action will add a new project to the Fiscal Year 2005 Capital Improvement Program, entitled "El Camino Real Acceleration Lane". The project will construct a 250 foot acceleration lane for residents making a left turn from Sea Country Lane onto El Camino Real. This improvement will permit safer acceleration and merging into traffic on El Camino Real. This project has been coordinated with Council District 1.

**FISCAL IMPACT:**

Total estimated cost of the project is \$120,000. Funding is available in developer FBA Fund 390662, North City Sub Area 2.

Mendes/Boekamp/DZ

Aud. Cert. 2500627.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:25 p.m. – 2:32 p.m.)

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

\* ITEM-107: Establishing a Tow-Away Zone Approximately 400 Feet on West Ysidro Boulevard, West of Via De San Ysidro, South Side.

(San Ysidro Community Area. District 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-725) ADOPTED AS RESOLUTION 300061

Authorizing the prohibition of the parking or standing of vehicles between the hours of 4:00 p.m. and 7:00 p.m. Monday through Friday (Saturdays, Sundays, and Holidays excepted), on approximately 400 feet of the south side of west San Ysidro Boulevard west of Via De San Ysidro and east of Cottonwood Road, pursuant to authority conferred by and in accordance with the provisions of San Diego Municipal Code Section 86.05;

Declaring that this parking prohibition on the south side of west San Ysidro Boulevard west of Via De San Ysidro and east of Cottonwood Road is to be

enforced as a tow-away zone under the authority of California Vehicle Code Section 22651(n) and San Diego Municipal Code Sections 81.09 and 86.05;

Authorizing the installation of the necessary signs and markings to be made on said streets, and the regulations hereinabove imposed shall become effective upon the installation of such signs.

**CITY MANAGER SUPPORTING INFORMATION:**

This action establishes a Tow-Away Zone to be used in conjunction with a PM Peak Hour Lane between the hours of 4:00 p.m. to 7:00 p.m. Monday through Friday (Saturdays, Sundays and Holidays excepted) to be located approximately 400 feet on the south side of W. San Ysidro Boulevard west of Via De San Ysidro. The afternoon peak hour (4:00pm to 7:00pm) restriction with a Tow-Away provision is proposed in order to relieve travel congestion on W. San Ysidro Boulevard, between Cottonwood Road and Via De San Ysidro. This will be accomplished by converting the parking lane along the south side of W. San Ysidro Boulevard to a travel lane during the afternoon peak traffic hours. Presently, this portion of W. San Ysidro Boulevard has one (1) travel lane for west and eastbound directions. During afternoon peak times, the eastbound commute becomes heavily congested, and the proposed PM Peak Hour lane will help relieve congestion and allow better access to the I-5 freeway on-ramps.

Signs indicating NO STOPPING with TOW A WAY (4PM to 7PM, Monday thru Friday) provision will be posted at this location. The TOW AWAY provision is needed to prevent blockage of the proposed through traffic lane, and it is in accordance with the California Vehicle Code Section 22651(n) and San Diego Municipal Code Sections 81.09 and 86.05.

The San Ysidro Business Association is in favor of this action. All adjacent property owners have been notified, and no objections have been filed at this time. Staff recommends approval of this action.

**FISCAL IMPACT:**

\$1,200 for three signs. Funds are available in the Street Division for this purpose.

Mendes/Boekamp/DVW

Aud. Cert. 2500645.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:25 p.m. – 2:32 p.m.)

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

ITEM-108: Establishing Angle Parking from 2548 A Street to 25th Street North Curb and from 2545 A Street to 26th Street South Curb.

(Golden Hills Community Area. District 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-726) ADOPTED AS RESOLUTION R-300062

Authorizing the installation of angle parking from 2548 A Street to 25th Street along the north curb and from 2545 A Street to 26th Street along the south curb, pursuant to authority conferred by and in accordance with the provisions of San Diego Municipal Code Section 86.03;

Authorizing the installation of the necessary signs and markings be and the same to be made on said street, and the regulations hereinabove imposed shall become effective upon the installation of such signs.

**CITY MANAGER SUPPORTING INFORMATION:**

A Street is a residential street. The residents expressed concern with the shortage of parking on this block of A Street. They submitted a petition signed by 100% of the fronting residents requesting angle parking. In addition, the Greater Golden Hill Planning Committee voted to support this action on December 8, 2004.

Because angle parking can not be installed on an uphill grade, it will be installed from 2548 A Street to 25th Street along the north curb, and from 2545 A Street to 26th Street, along the south curb. Field survey by staff indicated that there is sufficient room for angle parking on both sides of the street in the down grade sections, and it will result in a gain of seven parking spaces.

**FISCAL IMPACT:**

Fiscal impact is \$800. Funds are available in the Street Division budget for this purpose.

Mendes/Boekamp/DVW

Aud. Cert. 2500644.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 5:39 p.m. – 5:42 p.m.)

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

ITEM-109: Establishing Angle Parking Zone on South 30<sup>th</sup> Street Between Ocean View Boulevard and Marcy Avenue.

(Southeastern San Diego Community Area. District 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-685) ADOPTED AS RESOLUTION R-300063

Authorizing the installation of an angled parking zone on the west side of South 30th Street between Ocean View Boulevard and Marcy Avenue, pursuant to authority conferred by and in accordance with the provisions of Section 86.03 of the San Diego Municipal Code;

Authorizing the installation of the necessary signs and markings to be made on said street, and the regulations hereinabove imposed shall become effective upon the installation of such signs.

**CITY MANAGER SUPPORTING INFORMATION:**

This action will authorize the City Manager to install an angle parking zone on the west side of South 30th Street between Ocean View Boulevard and Marcy Avenue. This action is in accordance with Municipal Code Section 86.03.

Every parcel on the west side of this segment of South 30th Street is owned by the City, no petition supporting this action is required. The community expressed concern with shortage of parking in the area and requested the City to convert existing parallel parking to angle parking. Field survey by staff indicated that there is sufficient room for angle parking on the west side of the street, and it will result in a gain of nineteen parking spaces. Therefore, angle parking is recommended. The Southeastern San Diego Planning Committee voted to support this action in their meeting on September 13, 2004.

**FISCAL IMPACT:**

\$3,100. Funds are available in the Street Division for this purpose.

Mendes/Boekamp/DVW

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:39 p.m. – 5:42 p.m.)

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

ITEM-110: Consideration of Nominees for Appointment to the San Diego Unified Port District Board of Commissioners.

(See memorandums from Mayor Murphy and Councilmember Zucchet dated 12/6/2004, Councilmember Peters dated 12/7/2004, Councilmember Maienschein dated 11/30/2004, Councilmember Frye dated 1/13/2005, and Councilmember Madaffer dated 12/6/2004 with resumes attached.)

**]MAYOR MURPHY'S RECOMMENDATION:**

Consider the following list of nominees and select **one** to fill the vacancy on the San Diego Unified Port District Board of Commissioners:

**NOMINEE**

**NOMINATED BY**

Kourosh Hangafarin,

Mayor Murphy, Councilmember Zucchet,  
Councilmember Peters, Councilmember  
Maienschein, and Councilmember Madaffer

Peter Q. Davis

Councilmember Frye

**TODAY'S ACTION IS:**

(R-2005-740 Cor. Copy) CONTINUED TO MONDAY, JANUARY 31, 2005

Adoption of a Resolution making **one** appointment to the San Diego Unified Port District Board of Commissioners for a term ending January 2, 2009.

**NOTE:** Council Policy 000-13, as amended on 12-3-84, provides for the following procedure:

1. Mayor calls on each candidate whose name appears on the docket as a nominee to make a presentation to the Council in support of his candidacy for appointment (maximum of 3 minutes presentation each).
2. The Mayor calls on members of the Council to ask brief questions of any of the candidates concerning either the presentation or matters contained in their application filed with the City.
3. The City Clerk provides ballots to the Council and each Councilmember votes for the candidates he/she feels to be most qualified for each vacancy and returns the ballots to the City Clerk. Each Councilmember has one vote per vacancy.
4. The candidates receiving the highest number of votes (minimum of five) shall be appointed to the vacancy.
5. If no candidates receive a minimum of five votes, balloting continues until there are sufficient candidates receiving a majority to fill those vacancies. In a tie

among the top vote getters, those candidates run off for the vacancies. If an insufficient number of candidates receive a majority of votes to fill all vacancies, a run off will be held among the remaining candidates to fill the remaining vacancies.

FILE LOCATION: NONE

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

MOTION BY COMMON CONSENT TO CONTINUE TO JANUARY 31, 2005 IN ORDER TO CORRECT A DOCKETING ERROR WHICH DID NOT COMPLY WITH COUNCIL RULES. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-111: 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-2005-407) ADOPTED AS RESOLUTION R-300064

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L- State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 2:25 p.m. – 2:32 p.m.)

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

- \* ITEM-112: 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-2005-679) ADOPTED AS RESOLUTION R-300065

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

**FILE LOCATION:** GEN'L- State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region

**COUNCIL ACTION:** (Time duration: 2:25 p.m. – 2:32 p.m.)

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

- \* ITEM-113: 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-2005-682) ADOPTED AS RESOLUTION R-300066

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: 2:25 p.m. – 2:32 p.m.)

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

\* ITEM-114: 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-2005-587) ADOPTED AS RESOLUTION R-300067

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

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

COUNCIL ACTION: (Time duration: 2:25 p.m. – 2:32 p.m.)

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

\* ITEM-115: Harriet Gill and Friends of San Diego Architecture Day.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-747) ADOPTED AS RESOLUTION R-300068

Recognizing Harriet Gill and the Friends of San Diego Architecture for its contribution to the architectural and design community of San Diego;

Proclaiming January 15, 2005, to be "Harriet Gill and Friends of San Diego Architecture Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:25 p.m. – 2:32 p.m.)

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

ITEM-200: Strong Mayor Transition Consultant – Request for Qualifications.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-748) ADOPTED AS RESOLUTION 300069, WITH DIRECTION

Authorizing the City Manager to issue a Request for Qualifications for consulting services for the Strong Mayor Form of Government transition process.

**CITY MANAGER SUPPORTING INFORMATION:**

On November 2, 2004, the City of San Diego voters approved Proposition F. The passage of this proposition will result in a significant change to the City's form of government. In accordance with the language of Proposition F, certain provisions of the City Charter will be suspended and new provisions enacted, all to create a Strong Mayor form of government for a trial period beginning January 1, 2006, and ending December 31, 2010.

The new form of government will be different from the present form of government in many substantive aspects. The transition process may benefit from the help and expertise from a consulting firm with experience in the transition of a Manager-Council form of government to a Strong Mayor form of government.

The Resolution would authorize staff to prepare and issue a Request for Qualifications for consulting services for the Strong Mayor form of government transition process.

**FISCAL IMPACT:**

None at this time.

Herring/BAM

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:18 p.m. – 5:34 p.m.;  
5:43 p.m. – 6:20 p.m.)

MOTION BY PETERS TO ADOPT WITH DIRECTION THAT THE CITY MANAGER DEVELOP A SCOPE OF WORK FOR THE CONSULTANT, ISSUE THE REQUEST FOR QUALIFICATIONS (RFQ) AND RETURN TO COUNCIL WITH THE RESULTS OF THE RFQ TO DETERMINE THE NEXT STEP.

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

ITEM-250: **Notice** of Settlement of the State of California resulting from Allegations of Sewer System Overflows.

(R-2005-702)

Adopted as Resolution R-300023 on April 26, 2004.

A Resolution approved by the City Council in Closed Session on Monday, April 24, 2004 by the following vote: Peters-yea; Zucchet-not present; Atkins-not present; Lewis-yea; Maienschein-not present; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$1.2 million in the settlement of each and every claim against the City of San Diego, its agents and employees, in U.S. District Court Case No. 03-CV-1381-B, State of California v. City of San Diego, et al. resulting from the allegations of sewer system overflows;

Authorizing the City Auditor and Comptroller in accordance with the above settlement, to establish an interest bearing escrow account in an amount not to exceed \$500,000 from Sewer Revenue Fund No. 41506 to be used for funding water quality related monitoring in San Diego Bay and Mission Bay, as directed by the Regional Water Quality Control Board;

Authorizing the City Auditor and Comptroller to issue four checks in the amount not to exceed \$1.2 million in full settlement of the lawsuit and of all claims, to be paid in the following manner:

1. A check for Two Hundred Thousand Dollars (\$200,000) payable to the State Water Resources Control Board Cleanup and Abatement Account;
2. A check for Two Hundred Sixty Thousand Dollars (\$260,000) payable to the Southern California Coastal Water Research Project, to be used for conducting a Regional Board sediment toxicity source analysis water quality project in Chollas Creek;
3. A check for Five Hundred Thousand Dollars (\$500,000) payable to the interest bearing escrow account established above, to be used for funding water quality related monitoring in San Diego Bay and Mission Bay as directed by the Regional Board; and

4. A check for Two Hundred Forty Thousand Dollars (\$240,000) payable to the San Diego Conservancy, to be used for funding water quality related projects within the San Diego River Watershed.

Declaring that said funds are to be payable from Sewer Revenue Fund No. 41506.

Aud. Cert. 2500625.

**NOTE:** This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.



[ITEM-S400](#): Nancy Goodrich Day.

**COUNCILMEMBERS PETERS' AND MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-755) ADOPTED AS RESOLUTION R-300070

Declaring Monday, January 24, 2005, to be "Nancy Goodrich Day" in the City of San Diego, in honor of her outstanding service and contributions to the people of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:14 p.m.)

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



[ITEM-S401](#): Stalking Awareness Month.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-735) ADOPTED AS RESOLUTION R-300071

Proclaiming the month of January 2005 as “Stalking Awareness Month” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:15 p.m. – 2:24 p.m.)

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

ITEM-S402: Fashion Valley Road Emergency Repair at the San Diego River Crossing.

(Mission Valley Community Area. District 6.)

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-753) TRAILED TO TUESDAY, JANUARY 25, 2005

Declaring that the failure of Fashion Valley Road constitutes an emergency within the meaning of Charter Section 94 and that the public interest or necessity demands the immediate expenditure of money, without advertising for bids or receiving the same, to enter into a contract to repair Fashion Valley Road;

Authorizing an increase of \$1,200,000 in the Fiscal Year 2005 Capital Improvements Program Budget in CIP-13-005.0, Emergency Drainage Projects, Fund 30307, Assembly Bill – 2928;

Authorizing the City Manager to award an emergency contract to repair Fashion Valley Road, conditioned upon the City Auditor and Comptroller first furnishing a certificate that funds are available;

Authorizing the City Auditor and Comptroller to appropriate and expend \$1,200,000 from CIP-13-005.0, Emergency Drainage Projects, Fund 30307,

Assembly Bill – 2928, for the purpose of emergency repair for the Fashion Valley Road;

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:**

Fashion Valley Road at the San Diego River crossing is a 4-lane road located in the Mission Valley area between Friars Road and Hotel Circle North. Traffic from the road leads into the Fashion Valley Mall, Town and Country Convention Center, San Diego Trolley Station, Bus Transit Center, and other commercial and residential areas.

The road failed on December 30, 2004 and has been closed to traffic since then. The road collapsed due to the failure of the existing six (6) corrugated metal pipes (CMP) underneath the road. The CMP pipes were installed in 1969 and extended in 1978 when repairs were made after the 1978 storm season. The purpose of the pipes is to carry the normal low flow in the San Diego River. The road is located in the floodplain zone and therefore, it is subject to inundation during heavy flows in the river as a result of high intensity rainfall.

The proposed repair work will include the removal of the existing corrugated metal pipes, their replacement with reinforced concrete pipes (RCP), and restoration of the roadway. To accomplish this, staff has prepared design drawings and will convene a meeting on site with contractors to submit bids for this-work. The exact cost will be determined based on the bids received. Staff estimates for this work is at about \$1,200,000. Staff is looking into ways to expedite the construction, but estimate it will take about three months. This time frame includes six (6) weeks lead time to manufacture the (RCP) pipe. The rain and flows in the river will also have an impact on the construction schedule.

**FISCAL IMPACT:**

The estimated cost of this project is \$1,200,000. Funding is available in CIP-13-005.0, Emergency Drainage Projects, Fund 30307, Assembly Bill - 2928. This work will be completed under Job Order 130068. This action does not impact funding of existing projects.

Mendes/Boekamp/DZ

Aud. Cert. 2500662.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 5:43 p.m. – 5:43 p.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 6:24 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 6:24 p.m.)