

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, JUNE 11, 2002  
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 10:06 a.m. Mayor Murphy recessed the meeting at 10:58 a.m. to convene the Housing Authority and thereafter a short break. Mayor Murphy reconvened the meeting at 11:36 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 12:05 p.m. to be reconvened at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:05 p.m. with Deputy Mayor Stevens and Council Member Madaffer not present. Mayor Murphy recessed the meeting at 4:07 p.m. for the purpose of a break. The meeting was reconvened at 4:16 p.m. by Mayor Murphy with Council Member Inzunza not present. Mayor Murphy recessed the meeting at 5:10 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 5:16 p.m. with Deputy Mayor Stevens and Council Member Madaffer not present. The meeting was recessed at 6:10 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 6:20 p.m. with Council Member Peters not present. Mayor Murphy announced that the budget portion of the meeting will trail to Monday, May 17, 2002. Mayor Murphy adjourned the meeting at 6:33 p.m.

#### ATTENDANCE DURING THE MEETING:

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

Clerk-Abdelnour/Fishkin (er/mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell thanked the Council for their vigilance by questioning City staff regarding the increase in the dollar amounts on projects.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A060-091.)

PUBLIC COMMENT-2:

Al Strohlein commented regarding the abuse of alcohol in Pacific Beach and requested that the City not issue a license or permit for the block party in Pacific Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A098-134.)

PUBLIC COMMENT-3:

Beverly Walker commented regarding two full-time positions for the City's ADA Special Services Department.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A138-176.)

PUBLIC COMMENT-4:

Noel Nudeck commented regarding the installation of sidewalks and curb ramps.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A177-213.)

PUBLIC COMMENT-5:

Gary Smith commented regarding the budget process, trains, and a central park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A215-245.)

PUBLIC COMMENT-6:

Pat Granger commented regarding City policy and accountability in regard to land use.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A243-294.)

PUBLIC COMMENT-7 :**Referred to the City Manager**

Gilda Mulette commented regarding an on-going problem with Code Enforcement.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A295-318.)

PUBLIC COMMENT-8:

Barbara MacKenzie commented regarding the destruction of medical marijuana plants by police officers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A326-374.)

PUBLIC COMMENT-9:

Mike Aguirre commented regarding the Chargers and the stadium.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A375-424.)

PUBLIC COMMENT-10:

Nick Moffit commented regarding inconsistencies in an accident report by the Fire Department and the paramedics when he was injured in an accident involving a storm drain.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A426-482.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins acknowledged staff member John Latimer for his participation in an Iron Man Competition.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A483-518.)

COUNCIL COMMENT-2: **Referred to City Manager**

Council Member Peters expressed his concerns regarding the trenching of a La Jolla street for the purposes of installing underground utilities.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A519-550.)

COUNCIL COMMENT-3:

Council Member Madaffer announced that he attended a ground breaking ceremony at Foster Elementary School for the construction of a new library which was a joint effort between the Schools and the City. Mr. Madaffer also announced

the completion of fields at Hurst Elementary School and the intention to building 100 more libraries at elementary school sites, which will be an effort by the Schools and the City.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A551-582.)

COUNCIL COMMENT-4:

Council Member Stevens announced that there will be a ribbon cutting ceremony for the Wall of Excellence on Thursday, June 13, 2002 at 12:30 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A583-610.)

CITY ATTORNEY COMMENT:

None.

CITY MANAGER COMMENT

City Manager Uberuaga announced that Patricia Hightman would be leaving employment with the City of San Diego and moving to China. Mr. Uberuaga acknowledge Ms. Hightman for her years of service to San Diego and wished her well in her new endeavor.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A611-685.)



\* ITEM-50: Logan Heights Branch Library Lease Agreement - 28<sup>th</sup> Street and Ocean View Boulevard.

(Barrio Logan Community Area. District-8.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 5/28/2002 (Council voted 9-0):

(O-2002-143 Cor. Copy)      ADOPTED AS ORDINANCE O-19069 (New Series)

Authorizing the City Manager to execute a ground lease agreement for the development of the future Logan Heights Branch Library with the San Diego Unified School District of San Diego County, in support of the City's application for a California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 (Proposition 14) Grant.

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

FILE LOCATION:                      LEAS - Logan Heights Branch Library

COUNCIL ACTION:                      (Tape location: A012-053.)

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

\* ITEM-51: San Ysidro Library at Las Americas.

(San Ysidro Community Area. District-8.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 5/28/2002 (Council voted 9-0):

(O-2002-145) ADOPTED AS ORDINANCE O-19070 (New Series)

Approving the Amendment to the Public Use Lease (Parcel A);

Authorizing the City Manager to execute the Amendment to the Public Use Lease Agreement (Parcel A), with International Gateway Associates.

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

FILE LOCATION: LEAS - International Gateway Associates

COUNCIL ACTION: (Tape location: A012-053.)

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

\* ITEM-100: Two actions related to Inviting Bids and Award of Contract for Sewer Replacement Group 692.

(North Park, South Park, and University Heights Community Areas. District-3.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2002-1577) ADOPTED AS RESOLUTION R-296641

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 Sewer Replacement Group Job No. 692 (Project) on Work Order Number 175281;

Authorizing the City Manager to establish contract funding phases and to execute a construction contract with the lowest responsible and reliable bidder for the Project, provided that the City Auditor and Comptroller first furnishes one or

more certificates certifying that the funds necessary for such expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$2,453,447.07 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for such expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02224C)

Subitem-B: (R-2002-1578) ADOPTED AS RESOLUTION R-296642

Certifying that Mitigated Negative Declaration LDR-41-0754/41-0926 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 (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgement 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 Council in connection with the approval of Sewer Replacement Group Job 692;

Approving Mitigated Negative Declaration LDR-41-0754/41-0926;

Adopting the Mitigation Monitoring and Reporting Program;

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

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

On 4/3/2002 NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.)

## **CITY MANAGER SUPPORTING INFORMATION:**

Sewer Group Job 692 is part of the City of San Diego's continuing Annual Sewer Main Replacement Program. The sewer mains being replaced in this project were constructed as early as 1927 and are approaching the end of their useful service life. This project is located in the North Park, South Park, and University Heights communities and consists of replacing approximately 7,497 linear feet (1.42 miles) of existing 6-inch, 8-inch, and 10-inch concrete sewer mains by 7,059 linear feet (1.34 miles) of 8-inch new sewer main and rehabilitation of 839 linear feet of existing 6-inch and 8-inch concrete sewer mains.

Also, this project includes the construction of 57 curb ramps and resurfacing of impacted streets. The streets affected by construction operations within this project are Dwight Street, Upas Street, Redwood Street, Palm Street, Boundary Street, Thorn Street, Gregory Street, the alley block between Bancroft Street and 33<sup>rd</sup> Street from Dwight Street to Myrtle Street, the alley block between 33<sup>rd</sup> Street and Felton Street from Upas Street to Landis Street, the alley between Felton Street and Boundary Street from Upas Street to Boundary Street, and the alley between Felton Street and Gregory Street from Redwood Street to Upas Street.

This project was presented two times to the Greater North Park community by the Engineering and Capital Projects Department and future presentations will be given to them prior to construction. Residents will be notified by mail at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution of notices. The contractor will be required to provide traffic control plans for the entire project area to the City of San Diego's Traffic Signal Design and Traffic Control Section for approval prior to starting construction to minimize traffic and community impact.

## **FISCAL IMPACT:**

The total estimated costs of this project is \$2,453,447.07. Funds of this amount are available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer main Replacement, for this purpose. This project is scheduled to be phase funded in FY2003.

Loveland/Belock/HR

WWF-02-590.

FILE LOCATION: CONT - Cass Construction, Inc.; W.O. 175281

COUNCIL ACTION: (Tape location: A012-053.)

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

\* ITEM-101: Advertise and Award of Contract for Sewer Pump Station No. 59 Improvements.

(See memorandum from Frank Belock dated March 25, 2002. University Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1580) ADOPTED AS RESOLUTION R-296643

Approving the plan specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for Pump Station 59 Improvements in Work Order No. 176161;

Authorizing the City Manager to establish contract funding phases and to execute a construction contract with the lowest responsible and reliable bidder for the project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of not to exceed \$1,397,345 from Sewer Fund 41506, CIP-46-106.0, Annual Allocations - Sewer Pump Station Restorations, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the expenditure under established contract funding phases 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. (BID-K02225C)

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

On April 3, 2002, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

Sewer Pump Station No. 59 is located at 8434 Miramar Place in the University City community area. This project was presented to the community during design. The goal of this project is to improve the reliability of the pump station and bring it up to current standards and regulations. This project proposes the upgrade of existing Sewer Pump Station No. 59. Work includes the rehabilitation of the wet well/valve vault, construction of new pumps and mechanical equipment, along with the upgrade of electrical controls that includes conversion of existing propane emergency generator to run on natural gas. The existing wet well will be retained for emergency purposes. Project also includes building a new 178 square foot structure to house a back-up generator and electrical components, and the construction of an approximately 330 linear foot secondary 4-inch force main beginning at the pump station and going south to the intersection of Marindustry Drive and Miramar Road. During construction, the existing fence around the pump station will remain intact. The contractor will be required to provide traffic control plans for the project to the San Diego's Traffic Signal Design & Traffic Control Section for approval. During the construction phase of the project, the contractor will be working between 8:30 a.m. and 3:30 p.m., Monday to Friday. Surrounding property owners, businesses, and residents will be notified by mail at least one month before construction begins by the City's Engineering & Capital Projects Department and again 10 days before construction begins by the contractor through hand distribution.

**FISCAL IMPACT:**

The total estimated cost of the project is \$1,515,007. Funds of \$1,397,345 are available in Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restorations, for this purpose. This project is scheduled to be phase-funded over FY 2003 and FY 2004.

Loveland/Belock/HR

WWF-02-587.

FILE LOCATION: W.O. 176161

COUNCIL ACTION: (Tape location: A012-053.)

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

\* ITEM-102: Pump Station 1 and 2 Instrumentation Upgrade - Inviting Bids and Award of Contract.

(See memorandum from Scott Tulloch dated 2/6/2002.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-1627)ADOPTED AS RESOLUTION R-296644

Approving the plans and specifications for furnishing all labor, material, tools, equipment, transportation, and other expense necessary or incidental and inviting bids for Pump Stations 1 and 2 Instrumentation Upgrades Project on Work Order No. 195060;

\_\_\_\_\_ Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder for this project, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure under the contract are, or will be, on deposit in the City treasury;

Authorizing the expenditure of an amount not to exceed \$1,840,000 to provide





