

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 7, 2003
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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53

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:05 a.m. Mayor Murphy recessed the meeting at 11:36 a.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 11:38 a.m. with Council Member Madaffer not present. Mayor Murphy recessed the meeting at 11:40 a.m. to reconvene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 11:48 p.m. with Council Member Madaffer not present. The meeting was recessed by Mayor Murphy at 11:50 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:04 p.m. with Council Member Madaffer not present. Mayor Murphy introduced and welcomed to San Diego Ambassador Andres Bianchi of Chile, Consulate General of Chile Rodrigo Perez, and San Diego's Honorary Consulate of Chile George Gildred. Mayor Murphy recessed the meeting at 2:17 p.m. to reconvene the Redevelopment Agency. Mayor Murphy reconvened the meeting at 2:43 p.m. with Council Member Madaffer not present. Mayor Murphy recessed the meeting at 3:52 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:05 p.m. with Council Member Madaffer not present. Mayor Murphy recessed the meeting at 4:22 p.m. to reconvene the Redevelopment Agency. Mayor Murphy reconvened the meeting at 5:45 p.m. with Council Member Madaffer not present. Mayor Murphy adjourned the meeting at 5:52 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present

(6) Council Member Frye-present

(7) Council Member Madaffer-Excused by R-297585 (No reason given)

(8) Council Member Inzunza-present

Clerk-Abdelnour/Lane (pr/er)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor Murphy-present

(1) Council Member Peters-present

(2) Council Member Zucchet-present

(3) Council Member Atkins-present

(4) Council Member Lewis-present

(5) Council Member Maienschein-present

(6) Council Member Frye-present

(7) Council Member Madaffer-not present

(8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given by Reverend Wayne Riggs of the Plymouth Congregational Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Inzunza.

FILE LOCATION: MINUTES

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

11/25/2002
11/26/2002
11/26/2002 - Special Joint Meeting
12/02/2002
12/03/2002

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:10 a.m. - 10:11 a.m.)

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

ITEM-31: Gay and Lesbian Times Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-776) ADOPTED AS RESOLUTION R-297506

Recognizing the 15th anniversary of the Gay & Lesbian Times, and commending them for their continued service to the San Diego's GLBT community and commitment to journalistic excellence;

Proclaiming January 7, 2003 to be "Gay and Lesbian Times Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:19 a.m. - 10:26 a.m.)

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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1: REFERRED TO THE CITY ATTORNEY

Comment by Al Strohlelein regarding D. U. I.'s and a recent accident in Point Loma.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. - 10:39 a.m.)

PUBLIC COMMENT-2: REFERRED TO THE CITY MANAGER

Comment by Noel Neudeck regarding LEGIS software and his opinion that it is outdated.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:41 a.m. - 10:43 a.m.)

PUBLIC COMMENT-3:

Comment by Don Stillwell regarding America's heritage and religious practices.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. - 10:47 a.m.)

PUBLIC COMMENT-4:

Comment by Sussy Castillo wishing to thank the Mayor and Council for their efforts regarding children and families in need during the holiday season.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:49 a.m. - 10:50 a.m.)

PUBLIC COMMENT-5:

Comment by Eddie Caire regarding representing the Interfaith Community, and that they were able to pass out approximately three thousand toys during the holiday season.

Council Member Inzunza wished to thank Sussy Castillo and Eddie Caire for all their efforts for the children and their families.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. - 10:51 a.m.; 10:52 a.m. - 10:53 a.m.)

PUBLIC COMMENT-6: **REFERRED TO THE CITY ATTORNEY**

Comment by Katherine Burton regarding Torrey Hills open space and her concern of dirt removal from that site.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:53 a.m. - 10:55 a.m.)

PUBLIC COMMENT-7:

Comment by Joe Williams regarding public safety and recent gang related shootings in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:56 a.m. - 10:59 a.m.)

PUBLIC COMMENT-8:

Comment by Jeremy Kaercher regarding San Diego's housing crisis and the residents at the Maryland Hotel downtown.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:59 a.m. - 11:02 a.m.)

PUBLIC COMMENT-9:

Comment by Dery Daye regarding the number of Council Members serving San Diego at the present time.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:03 a.m. - 11:04 a.m.)

PUBLIC COMMENT-10:

Comment by Pureza Bacor regarding law enforcement guidelines and medical marijuana issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:05 a.m. - 11:07 a.m.)

PUBLIC COMMENT-11:

Comment by Vic Hooker regarding his proposal of new legislation on the voucher system for schools, and his drug testing proposal.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:07 a.m. - 11:09 a.m.)

PUBLIC COMMENT-12: **REFERRED TO THE CITY MANAGER**

Comment by Joyceline Tarr regarding the trimming of palm trees on the 4400 block of New Port Avenue.

The City Manager stated that the trees will be trimmed in February, 2003.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:11 a.m. - 11:14 a.m.; 11:15 a.m. - 11:16 a.m.)

PUBLIC COMMENT-13:

Comment by Ron Boshun regarding the actions of the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:16 a.m. - 11:18 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Lewis wishing to commend the Mayor on his “State of the City Address” the previous evening. Council Member Lewis noted “Goal 8” regarding keeping San Diego a safer City and its applicability to the five recent shootings in his District. Council Member Lewis commended the Police for their work and requested the support of his colleagues to stop the violence. He also wished to assure the residents of his District that he is doing everything he can to make their communities safe.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:18 a.m. - 11:22 a.m.)

COUNCIL COMMENT-2: **REFERRED TO THE CITY MANAGER/CITY ATTORNEY**

Comment by Council Member Atkins wishing to support Council Member Lewis request for assistance and reiterate his comments regarding gang related shootings. Council Member Atkins stated that there was a shooting in City Heights a few days ago, and that there is a lot of gang activity there as well. Council Member Atkins also wished to address ADA issues at Qualcomm Stadium, and that she would like to see all the responses to all the issues that are currently being litigated.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:22 a.m. - 11:25 a.m.)

COUNCIL COMMENT-3:

Council Member Zucchet wished to pledge his support to Council Member Lewis regarding the recent shootings and gang activity. Council Member Zucchet stated that Mr. Williams, who spoke on public safety, was very eloquent and passionate with a lot of valid points on a broader scale. Council Member Zucchet wished to thank once again this year the San Diego City Fire Fighters Union for their work during the holidays, and for their collection from their own members of close to \$100,000 that is spent on local charity projects in the City during the holidays for families that would not have a Christmas but for these efforts. Council Member Zucchet also wished to thank the Council Members for their efforts and involvement as well.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:25 a.m. - 11:28 a.m.)

COUNCIL COMMENT-4:

Comment by Council Member Inzunza wishing to add his support and help to Council Member Lewis stating that some of the negative gang related activities that happen in Council Member Lewis' District straddles his District as well. Council Member Inzunza also stated that he'd like to put out some urgency to the City Manager and the Police Chief in getting an "Emergency Strike Team" to deal with this, and to lend a hand to Council Member Lewis in his leadership efforts while trying to address these issues. Council Member Inzunza also commended Mayor Murphy for his "State of the City Address" last evening.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:28 a.m. - 11:30 a.m.)

COUNCIL COMMENT-5:

Council Member Maienschein wished to thank Council Member Lewis for his leadership on gang activity issues, and wished to lend his support as well. Council Member Maienschein reiterated Deputy Mayor Inzunza's comments regarding the Mayor's speech last night, and commended the Mayor on his service.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:30 a.m. - 11:31 a.m.)

CITY MANAGER COMMENT:

City Manager Uberuaga wished to address the violence issues that Council Member Lewis and other Council Members brought up today. Through the "Gang Suppression Unit" and supplemented by the Patrols, there has been significant focus on the violence in the area. The City Manager also stated that since early December, 21 people have been

arrested, weapons have been recovered, and there will be continuing aggressive proactive approaches that address these violent acts as well as additional plans being developed. The City Manager wished to indicate that he is working on trying to reduce budget expenditures to comply with the revenues. He expressed that he is trying to have expenditures trimmed internally to not affect direct services to the public. The City Manager also noted that today there has been a lot of phone calls regarding the high winds, and that if people would like to call, if they have trees in the road for example, or a public safety hazard on a public right of way, to call 619-527-7500.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:31 a.m. - 11:34 a.m.)

CITY ATTORNEY COMMENT:

None.

* ITEM-50: Water Service Agreement for the East Fortuna Equestrian Staging Area.

(Navajo Community Area. District-7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/3/2002 (Council voted 9-0):

(O-2003-89) ADOPTED AS ORDINANCE O-19134 (New Series)

Authorizing a fifty year agreement with the Padre Dam Municipal Water District for water service at the East Fortuna Equestrian Staging Area in Mission Trails Regional Park.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

CONSENT MOTION BY ZUCCHET TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-51: Wagner Rezone.

(RZ/ND-42-0022. Mira Mesa Community Plan area. District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/3/2002. (Council voted 9-0):

(O-2003-73) ADOPTED AS ORDINANCE O-19135 (New Series)

Rezoning 6.98 acres located on lot 10 of Mark II Industrial Park, within the Mira Mesa Community Plan area, in the City of San Diego, California, from the AR-1-1 zone into the IP-2-1 zone, as defined by San Diego Municipal Code section 131.0602; and repealing ordinance no. O-10936 (New Series), adopted October 5, 1972, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

FILE LOCATION: LUP - Wagner Rezone 12/3/02 (65)

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:31 a.m.)

CONSENT MOTION BY ZUCCHET TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-52: Dedicating City-Owned Land as Park Land - Mira Mesa and Serra Mesa.

(Mira Mesa and Serra Mesa Community Areas. (Districts-5 and 6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 12/9/2002. (Council voted 9-0):

Subitem-A: (O-2003-85) ADOPTED AS ORDINANCE O-19136 (New Series)

Setting aside and dedicating various parcels of City-owned land known as “Mira Mesa (Headquarters Point)” in perpetuity for park and recreational purposes;

Declaring that the City Council of the City of San Diego hereby specifically reserves the right to establish underground public service easements through and across the dedicated property so long as the construction and maintenance of the subject easements do not substantially negatively impact the availability of the property for use for park and recreational purposes.

Subitem-B: (O-2003-86) ADOPTED AS ORDINANCE O-19137 (New Series)

Setting aside and dedicating various parcels of City-owned land known as “Serra Mesa (Ruffin Canyon)” in perpetuity for park and recreational purposes;

Declaring that the City Council of the City of San Diego hereby specifically reserves the right to establish underground public service easements through and across the dedicated property so long as the construction and maintenance of the subject easements do not substantially negatively impact the availability of the property for use for park and recreational purposes.

FILE LOCATION: DEED F-9376

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

CONSENT MOTION BY ZUCCHET TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-53: Lewis Middle School - Joint Use and Developer Agreements.

(Allied Gardens Community Area. District-7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/9/2002. (Council voted 9-0):

(O-2003-94 Rev. 1) ADOPTED AS ORDINANCE O-19138 (New Series)

Authorizing the City Manager to execute an Agreement for the Construction, Operation, Maintenance, and lease of Turfed Fields and Recreational Facilities at Lewis Middle School (Joint Use Agreement) with the San Diego Unified School District of San Diego County, for the construction, operation, maintenance, and lease of turfed multi-purpose fields and recreational facilities at Lewis Middle School on 1.8 acres of currently undeveloped property.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

CONSENT MOTION BY ZUCCHET TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-54: Point Loma - Fourth Sludge Pump and Other Modifications Project; Additional Funding.

(Point Loma Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/9/2002. (Council voted 9-0):

(O-2003-88) ADOPTED AS ORDINANCE O-19139 (New Series)

An Ordinance authorizing the City Manager and his duly designated representatives to apply for, enter into, conduct all negotiations for, and execute and comply with all loan requirements regarding matching funding to fund zero-interest SRF loans, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the necessary matching funds are, or will be, on deposit in the City Treasury;

Amending Ordinance No. O-19106, adopted on September 24, 2002, to increase the authorized SRF loan amount from \$3,900,000 to an amount not to exceed \$4,800,000 for the Point Loma - Fourth Sludge Pump Modifications Project, CIP-41-925.0;

Designating the net System Revenues as the dedicated source of funds for repayment of the above SRF loans made by the SWRB, and shall remain so until such time as the loans are fully repaid, unless change of such dedication is approved by the SWRCB;

Declaring that the City Manager, or his duly designated representatives, may execute the documents for the loans accepted by this ordinance, consistent with the authority granted by Resolution R-288425.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

CONSENT MOTION BY ZUCCHET TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-55: San Diego City Employees Retirement System (SDCERS).

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/9/2002. (Council voted 9-0):

(O-2003-76) ADOPTED AS ORDINANCE O-19140 (New Series)

Amending Chapter II, Article 4, of the San Diego Municipal Code by amending Division 1 by amending Section 24.0103; by amending Division 9 by adding Section 24.0912; and by adding Division 18, entitled "Contracting Public Agencies," and by adding Sections 24.1801, 24.1802, 24.1803, 24.1804, 24.1805, 24.1806, 24.1807, 24.1808 and 24.1809, all pertaining to the Retirement System.

_____FILE LOCATION: MEET

_____COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

CONSENT MOTION BY ZUCCHET TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-56: Navy Broadway Complex Development Agreement - Extension.

(Centre City Redevelopment Project. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/10/2002. (Council voted 8-1. Councilmember Frye voted nay):

(O-2003-91) ADOPTED AS ORDINANCE O-19141 (New Series)

An Ordinance approving the Second Amendment to the Agreement between the City of San Diego and the United States of America Adopting a Development Plan and Urban Design Guidelines for the Redevelopment of the Navy Broadway Complex.

_____FILE LOCATION: MEET

_____COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

CONSENT MOTION BY ZUCCHET TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-nay, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-57: Transfer of Baggage Building and REA Site (Santa Fe Depot) to City and the City's Lease to Museum of Contemporary Art.

(Columbia Subarea of the Centre City Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/10/2002. (Council voted 5-0. Councilmembers Peters, Maienschein, Inzunza, and Mayor Murphy voted nay):

(O-2003-98) ADOPTED AS ORDINANCE O-19142 (New Series)

Approving the Third Amendment to Development Agreement between the City of San Diego and Catellus Development Corporation.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:19 p.m. - 4:22 p.m.)

MOTION BY ZUCCHET TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-58: Exempting One (1) Assistant Deputy Director from the Classified Service.

(See memorandum from Rich Snapper dated 8/5/2002.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-96) INTRODUCED, TO BE ADOPTED ON TUESDAY, JANUARY 28, 2003

Introduction of an Ordinance exempting an Assistant Deputy Director position from the classified service in the Street Division of the Transportation Department.

CITY MANAGER SUPPORTING INFORMATION:

The Assistant Deputy Director position will be responsible for assisting the Street Division Deputy Director with managing the day to day operations of the Division; reviewing, and formulating policies, and administering the Division's personnel related issues.

The Street Division has a workforce of over 360 employees and a budget of over \$50 million. It consists of five major sections: Roadways, Storm Drains (includes Street Sweeping), Electrical, Urban Forestry, and Traffic. The Assistant Deputy Director position was created because of the Division's increase in size, responsibilities, and complexity of operations.

On August 1, 2002, the Civil Service Commission reviewed the duties and responsibilities of this position and found that it meets the intent of Charter Section 117. Charter Section 117 states that the Unclassified Service shall include "managerial employees having significant responsibilities for formulating and administering department policies and programs. Each such position shall be exempt from the Classified Service by ordinance, upon the initiation of the appropriate appointing authority and after receiving the advisory review and comment of the Civil Service Commission and approval of the City Council."

FISCAL IMPACT:

This position was swap-out for two Principle Utility Supervisor positions, resulting in a \$24,000 savings. This position was included in the Street Division's Fiscal Year 2003 Budget, which was approved by Council on July 30, 2002.

Loveland/Gonzalez/MXS

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

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

- * ITEM-59: Removal of 2-Hour Parking Meters and Establishment of a 2-Hour Un-Metered Parking Zone on the South Side of Ivy Street between Third Avenue and Fourth Avenue.

(Uptown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-99) INTRODUCED, TO BE ADOPTED ON TUESDAY, JANUARY 28, 2003

Introduction of an Ordinance removing parking meters from the south side of Ivy Street between Third Avenue and Fourth Avenue;

Establishing a two-hour unmetered time limit parking zone, effective between the hours of 8:00 a.m. and 6:00 p.m., Sundays and holidays excepted, on the south side of Ivy Street between Third Avenue and Fourth Avenue;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action is to remove four parking meters and establish a 2-hour un-metered parking zone, 8 a.m. to 6 p.m., Sundays and certain holidays excepted, on the south side of Ivy Street between Third Avenue and Fourth Avenue. The subject meters were installed under Ordinance number 11354, on 7/25/1974. The request to remove the meters has been petitioned by Competitive Edge Research at 2170 Fourth Avenue, and the San Diego Daily Transcript at 2131 Third Avenue. Both properties front Ivy Street and comprise the entire area and directly impacted by this request.

The businesses fronting the subject area have stated that they are best served by a 2-hour unmetered parking zone. The Uptown Planners, Inc., and the Uptown Partnership, Inc., oppose the removal of the meters. The current occupancy of this parking meter zone is low, and there are several unmetered parking zones immediately adjacent to the subject location. The average revenue of these four parking meters is \$275.40 per year. Taking into consideration primarily the concerns of the businesses fronting the affected area, staff recommends approval of this action.

FISCAL IMPACT:

Funds for the removal of the parking meters and installation of signs are budgeted within Transportation Department, Street Division's operating fund.

Loveland/Gonzalez/AH

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

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

* ITEM-100: Inviting Bids and Award of Contract for Re-Construction of Tennyson Street/Sterne Street (Sewer and Water Group Job 637B).

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-783) ADOPTED AS RESOLUTION R-297507

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the re-construction of Tennyson Street/Sterne Street (Sewer and Water Group Job 637B) (Project) on Work Order No. 187421;

Authorizing the City Manager to award and execute a contract with the lowest responsible bidder;

Authorizing the City Manager to transfer \$900,000 from Water Fund 41500, CIP-73-338.0, Water Department Central Facility to Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacements;

Authorizing the expenditure of an amount not to exceed \$900,000 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and an amount not to exceed \$900,000 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacements, for the purpose of providing funds for the construction, contingency, and other Project related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the 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:

From October 1999 to February 2000, the sewer and water mains within Tennyson and Sterne Streets in Point Loma were replaced as part of Sewer and Water Group Job 637. This work required significant trenching within existing concrete streets that already had multiple trench-cuts from previous utility work. The new trenches were resurfaced with concrete. Unfortunately, a portion of these patches were unacceptable and had to be rejected by the City's Field engineers. Soon after this, the contractor went out of business. The cost to replace the defective portions of the trench work was recovered from their bonding company. However, due to the significant amount of trench disturbance from previous utility work, it was determined that a second resurfacing of the trenches would provide little improvement to the integrity of the street. Also, since it would use concrete pavements, the trench resurfacing would not allow for future maintenance. So, a separate project was created for the replacement of the entire street pavement in the areas of the defective trenches, which would include the installation of a maintainable asphalt pavement in all but the steepest areas.

The Reconstruction of Tennyson/Sterne Streets (Sewer and Water Group Job 637B) will provide for the replacement of the pavement between Chatsworth Street and Willow Street. Because the pavement section will be replaced, this will also address several drainage problems and allow for proper maintenance. Portions of the curbs, gutters, sidewalks, and driveway approaches that were affected by the original construction will also be replaced as part of the project.

FISCAL IMPACT:

The total estimated cost of this project is \$1,800,000. Funds of \$900,000 are available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement and \$900,000 in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacements for this purpose.

Loveland/Belock/PB

FILE LOCATION: CONT - Scheidel Contracting; W.O. 187421

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

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

* ITEM-101: First Amendment to the Consultant Agreement for the Seismic Retrofit of the West Mission Bay Drive Bridge over Mission Bay Channel and North Harbor Drive Bridge over Navy Estuary.

(Mission Bay Park and Peninsula Community Areas. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-819) ADOPTED AS RESOLUTION R-297508

Authorizing the City Manager to execute the First Amendment to the Agreement with TY Lin International McDaniel [Agreement] for professional engineering services relating to the West Mission Bay Drive Bridge over Mission Bay Channel and North Harbor Drive Bridge over Navy Estuary Seismic Retrofit Projects;

Authorizing the expenditure of a total amount not to exceed \$71,780, consisting of \$41,920 from CIP-53-055.0, West Mission Bay Drive Bridge over Mission Bay Channel, Fund No. 38718, HBRR-Highway Bridge Restoration and Rehabilitation and \$29,860 from CIP-53-037.0, North Harbor Drive Bridge Over Navy Estuary, Fund No. 38714, HBRR - Highway Bridge and Rehabilitation;

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:

The West Mission Bay Drive Bridge over Mission Bay Channel and North Harbor Drive Bridge over Navy Estuary have been identified as seismically deficient bridges by Caltrans. This Consultant Agreement with T-Y-Lin International - McDaniel Civil and Structural Engineering Company provides for the detailed seismic analysis of the bridges and the subsequent completion of the design documents which will incorporate the seismic retrofit measures approved by Caltrans for both seismic retrofit projects.

On April 28, 1997, per RR-288579, the City Council approved a Consultant Agreement with T-Y-Lin International & McDaniel for preparation of plans and specifications for the seismic retrofit of West Mission Bay Drive Bridge Over Mission Channel and North Harbor Drive Bridge over Navy Estuary.

This First Amendment to the Agreement with T-Y-Lin International - McDaniel will provide updating the plans and specifications to the current Caltrans Standards (1999 Edition) and provide construction support services for both projects.

FISCAL IMPACT:

Funding necessary for this action in the amount of \$71,780, is available in CIP-53-055.0, West Mission Bay Drive Bridge over Mission Bay Channel (\$41,920) and in CIP-53-037.0, North Harbor Drive Bridge over Navy Estuary (\$29,860).

The projects (design and future construction) will be reimbursed by the State for 100% of the costs under the Highway Bridge Restoration and Rehabilitation Program.

Loveland/Belock/PB

Aud. Cert. 2300675.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

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

* ITEM-102: Cooperative Agreement with CalTrans for Interchange Improvements at I-805 and Vista Sorrento Parkway.

(Torrey Pines and Mira Mesa Community Areas. Districts-1 and 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-786) ADOPTED AS RESOLUTION R-297509

Authorizing the City Manager to enter into a Cooperative Agreement with the State of California for the construction of a left-turn lane and a traffic signal at the intersection of Vista Sorrento Parkway and the northbound on- and off-ramp of Interstate 805;

Authorizing the Auditor and Comptroller to accept, appropriate and expend \$120,000 for the State of California;

Authorizing the \$120,000 increase in the Fiscal Year 2003 Capital Improvements Program budget in CIP-52-676.0, Vista Sorrento Parkway at I-805 Modification;

Authorizing the Auditor and Comptroller to appropriate and expend \$120,000 from CIP-52-676.0, Vista Sorrento Parkway at I-805 Modification, for the construction of a left-turn land and traffic signal at the intersection of Vista Sorrento Parkway and the northbound on- and off-ramp of Interstate I-805, contingent upon receipt of a fully executed Cooperative Agreement;

Authorizing the transfer of \$104,409.18 from CIP-68-011.0, Traffic Signals - Modifications/Moderations/Modernization, to CIP-52-676.0, Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway, within Fund 30300;

Authorizing the expenditure of \$104,409.18 from CIP-52-676.0, Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway, Fund 30300, for the construction of Vista Sorrento Parkway at Interstate 805 Modification;

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

CITY MANAGER SUPPORTING INFORMATION:

This project (CIP-52-676.1) is a sublet project of CIP-52-676.0 - Construction of a new street, Mira Sorrento Place, from Scranton Road to Vista Sorrento Parkway. The original project scope was to restripe the existing I-805 northbound off-ramp at Vista Sorrento Parkway within the existing width to provide a left-turn pocket and to modify the existing signal due to the lane configuration change. The project was appropriated \$54,408.28.

Since the I-805 northbound off-ramp is within CalTrans' right-of-way, an Encroachment Permit is required. During the application of the Encroachment Permit, CalTrans placed an additional requirement to improve the northbound off-ramp by widening it by 14 feet and lengthening it by 250 feet to provide a separate left-turn pocket instead of re-striping. With this change in design, the total estimated cost of this project increased to \$278,817.46. CalTrans will contribute a lump sum of \$120,000 and the City will contribute \$158,787.46 of which \$54,408.28 was already appropriated for the original restriping project (CIP-52-676.1); the remaining \$104,409.18 will come from CIP-68-011.0, TransNet Fund 30300.

FISCAL IMPACT:

Total project cost is \$278,817.46. With the acceptance of this agreement, the State of California will contribute a lump-sum amount of \$120,000 to CIP-52-676.0 (Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway) for the modification of the I-805 northbound ramps at Vista Sorrento Parkway. \$54,408.28 was previously appropriated for this purpose in job order 526761. An additional \$104,409.18 is available in CIP-68-011.0, TransNet Fund 30300, and is comprised of \$90,379.80 which was previously appropriated for the same work in job order 681123, and \$13,673.38 which has been identified as available from completed job order 680133.

Loveland/Gonzalez/AH

Aud. Cert. 2300653.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

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

* ITEM-103: State Block Grant - “Citizen Options for Public Safety”.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-817) ADOPTED AS RESOLUTION R-297510

Authorizing the Chief of Police, on behalf of the City Manager, to apply for, accept, and expend Citizens’ Option for Public Safety Grant funds from the State of California;

Authorizing the Chief of Police to execute all aspects of program operation, including any amendments, extensions, or renewals, for a period of up to five years, provided funding is made available by the State of California, and to certify that the City will comply with all applicable statutory or regulatory requirements related to the program;

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

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Police Department will receive approximately \$2,494,207 from the State of California under Assembly Bill 3229, “Citizen Options for Public Safety” (State COPS). The State designates these funds for “front line law enforcement services,” and requires the City Council appropriate and approve these funds in accordance with the request of the Chief of Police.

The San Diego Police Department plans to use these funds for police automation, vehicle, communications, safety, forensic, training, and miscellaneous equipment, maintenance and resources as needs are identified. Expenditures will contribute to the safety and efficiency of law enforcement and crime prevention services throughout San Diego.

Please note: At present, there is NO application form for these grant funds. Once approved in the State budget, they are transferred automatically.

FISCAL IMPACT:

There is no requirement for matching funds, and no requirement to continue grant funded activities or expenditures after grant funds are exhausted or terminated. State law requires that these funds supplement and not supplant funds otherwise available to law enforcement. Any automation purchases that may require future SDDPC maintenance costs will be funded from the Police Department's existing budget.

Uberuaga/Bejarano/DJW

_____ FILE LOCATION: MEET

_____ COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

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

ITEM-104: “East African Youth and Families Self-Help Grant” from the Federal Office of Refugee Resettlement.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-797) ADOPTED AS RESOLUTION R-297511

Authorizing the Chief of Police to apply for, accept, manage and expend grant funds under the East African Youth and Families Self-Help Program;

Authorizing the Chief of Police to execute all aspects of program operation, including any amendments, extensions, or renewals, for a period of up to five years, provided grant funding is made available, and certifying that the City will comply with all applicable statutory or regulatory requirements related to said program;

Authorizing the Chief of Police to commit the required matching funds and resources;

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

CITY MANAGER SUPPORTING INFORMATION:

In recent years, the City of San Diego has seen an influx of up to 12,000 refugees fleeing political persecution from the East African nations of Sudan, Ethiopia, Eritrea, and Somalia. Due to emotional, mental, physical, social, economic and educational issues, neighborhoods settled by these refugees have seen a dramatic increase in crime, particularly by juveniles.

The U.S. Office of Refugee Resettlement has solicited proposals for projects to aid these refugees in their economic, emotional, physical, legal and educational acculturation. SDPD, in cooperation with the Union of Pan Asian Communities (UPAC, which serves refugees of all nationalities and ethnicities), has developed a proposal for an outreach and service program based on our successful Indochinese Services model. The program will operate from the Multi-Cultural Storefront Office, which is collocated with UPAC in the heart of Mid-City, which is home to a large proportion of the target populations. However, qualified refugees from all areas of San Diego will be served.

The primary focus will be on youth, with the goal of impacting families through the children. Program goals are:

To promote and facilitate acculturation through a program of proactive outreach, assistance and activities which build trust, understanding and relationships between refugees, municipal government, the community, schools and social agencies; to create alliances and build bridges to support acculturation.

To help newly arrived refugee youth, adults, families and groups to overcome and conquer social, legal, emotional, health and economic obstacles to self-sufficiency.

To provide law enforcement and crime prevention services that are fair, judicious, unbiased, and respectful of the dignity and culture of all individuals.

FISCAL IMPACT:

The proposal requests \$102,158 (amount may be adjusted by ORR) to fund an East African Community Service Officer to serve as Project Coordinator; automation equipment; office supplies and basic furnishings; a vehicle; contractual funds for translators and workshop educators; ORR mandated travel; and indirect costs. ORR requires a 10% match (\$11,351). SDPD has pledged an additional \$74,649 in existing matching resources, for a total match of \$86,000. All match requirements are included in, and will be met from, the Police Department's FY2002/2003 budget. There is no requirement to continue grant operations, services or expenses after grant funds are exhausted. Future costs for service or maintenance of the automation equipment purchased with this grant will be absorbed by the Police Department.

Uberuaga/Bejarano/DJW

_____ FILE LOCATION: MEET

_____ COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

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

* ITEM-105: COPS MORE (Making Officer Redeployment Effective) 2002 Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-796) ADOPTED AS RESOLUTION R-297512

Authorizing the Chief of Police to apply for, accept and expend the COPS MORE (Making Officer Redeployment Effective) 2002 grant program funds for funding technology which will maximize law enforcement effectiveness;

Authorizing the Chief of Police to execute all aspects of program operation, including any amendments, extensions, or renewals, for a period of up to five years, provided funding is made available by the U.S. Department of Justice, and certifying that the City will comply with all applicable statutory or regulatory requirements related to said program;

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

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Police Department wishes to apply for, accept and expend a grant of \$999,940 from the United States Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS) under their Making Officer Redeployment Effective (MORE) 2002 grant solicitation.

The San Diego Police Department application requests funds for Mobile Computer Terminals, and software and hardware development and implementation to continue the Automated Field Reporting project. These expenditures will contribute to the safety and efficiency of law enforcement and crime prevention services throughout San Diego.

FISCAL IMPACT:

Applicants were limited to requesting a maximum of \$1 million, with a mandatory match of 25%. The entire project submitted totals \$1,333,524. Therefore, the Federal amount requested is \$999,940 and the 25% match is \$333,314. The match will be met through other grant funds, including State technology grants.

Any costs for future service or maintenance of the Mobile Computer Terminals purchased with this grant will be absorbed by the Police Department.

Uberuaga/Bejarano/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

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

* ITEM-106: Vacation of a Drainage Easement in Lots 168, 169, 180 and 181 of Map 1891.

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-749) ADOPTED AS RESOLUTION R-297513

Vacating the drainage easement located in Lots 168, 169, 180 and 181 of Map 1891.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a drainage easement in lots 168, 169, 180 and 181 of Map 1891. This property is located in the Pacific Beach Planning area within Council District 2. The easement was granted to the City in March 1927 and there are no existing or planned utility facilities within the easement area. No rights are granted to the public by the easement and the abandonment will relieve the City of the responsibility to maintain the easement area. The applicant has submitted a grading and building permit for the property, and the new design of the building makes this easement unnecessary. The applicant's approved development requires that the easement be vacated. The Engineering Section of the Development Services Department has reviewed the abandonment request and recommends approval of the abandonment. This easement was acquired at no cost to the City.

City staff recommends approval of the easement vacation.

FISCAL IMPACT:

None, all costs have been paid by the applicant.

Ewell/Broughton/AEA

_____ FILE LOCATION: DEED F-9377

_____ COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

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

* ITEM-107: Installation of One Way and Angle Parking on West Fir Street Westbound Between India Street and Columbia Street.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-790) ADOPTED AS RESOLUTION R-297526

Approving a one-way and angle parking on West Fir Street westbound between India Street and Columbia Street, pursuant to San Diego Municipal Code Section 82.19;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action is to convert West Fir Street to one way westbound between India Street and Columbia Street, and for the installation of angle parking on both sides of the street. Property owners representing 100% fronting of the affected area have signed a petition for this action.

The Little Italy Association and the Piazza Basilone Task Force Committee are in favor of this action.

Council Approval is required for designating angle parking (Municipal Code Section 82.19) and for designating a one-way street (Municipal Code Section 82.19)

No adverse traffic impacts are anticipated as a result of this action, and the proposed circulation plan ensures that access to businesses and properties is not adversely affected.

Staff recommends approval of this action.

FISCAL IMPACT:

None. Funding for this type of activity is already identified in the Transportation Department, Street Division budget.

Loveland/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:13 p.m. - 4:19 p.m.)

MOTION BY ZUCCHET TO ADOPT WITH DIRECTION TO REFER THE MATTER OF ANGLED PARKING AND THE DIFFICULTIES IT PRESENTS TO PERSONS IN WHEELCHAIRS TO THE SCRAB COMMITTEE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-108: Additional Funding for Sewer Main Replacement and Emergency and Accelerated Annual Allocations.

(See memorandum from Frank Belock, Jr. dated 10/3/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-820 Cor. Copy) ADOPTED AS RESOLUTION R-297514

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$618,000 from Fund 41506, CIP-41-927.0, Annual Allocation - Pump Station 64, 65, Peñasquitos and East Mission Gorge; an amount not to exceed \$1,403,318 from Fund 41506, CIP-46-178.0, San Pasqual Aquatic Treatment Facility - Phase II; an amount not to exceed \$443,487 from Fund 41506, CIP-42-928.0, San Pasqual Process Replacement; an amount not to exceed \$588,534 from Fund 41506, CIP-46-117.0, Pump Station 65 - Expansion and Force Main; an amount not to exceed \$65,707 from Fund 41506, CIP-46-193.0, Annual Allocation - CIP Contingencies; an amount not to exceed \$264,472 from Fund 41506, CIP-46-188.0, Pump Station 64 - Ferric Chloride Addition; an amount not to exceed \$9,426,859 from Fund 41509, CIP-45-940.0, Wet Weather Storage Facility, to Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement in an amount not to exceed \$12,210,377 and to Fund 41506, CIP-46-206.0, Annual Allocation - Emergency and Accelerated in an amount not to exceed \$600,000.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/9/2002, NR&C voted to 4 to 0 to approve. (Councilmembers Peters, Wear, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

Funds are available in FY 2003 from the following projects as the result of the need to reschedule the work: CIP-46-178.0, San Pasqual Aquatic Treatment Facility - Phase II; CIP-42-928.0, San Pasqual Process Replacement; CIP-46-117.0, Pump Station 65 - Expansion & Force Main; CIP-46-188.0, Pump Station 64 Ferric Chloride Addition; and CIP-45-940.0, Wet Weather Storage Facility. In addition, funds are available from the following FY 2003 annual allocations as a result of the identification of excess funds in FY 2003 and the rescheduling of projects under the specific annual allocation themselves: CIP-41-927.0, Annual Allocation - Pump Station 64, 65, Peñasquitos & East Mission Gorge; and CIP-46-193.0, Annual Allocation - CIP Contingencies. The transfer of these funds will allow the City to move forward with the critical replacement of sewer mains and will contribute to meeting the Council's goal of replacing 60 miles of sewer pipelines by Calendar Year 2004.

For purposes of utilizing sewer funds most efficiently, this transfer is being recommended to move the funds to the Sewer Main Annual Allocation 44-001.0 and Emergency and Accelerated Annual Allocation 46-206.0, to make them available for upcoming projects. The City Council will be requested, at the time the individual sewer main or emergency and accelerated projects proceed, to authorize the actual expenditure of these funds at a later date.

FISCAL IMPACT:

Funding is available for the transfer of \$618,000 from Fund 41506, CIP-41-927.0, Annual Allocation - Pump Station 64, 65, Peñasquitos & East Mission Gorge, \$1,403,318 from Fund 41506, CIP-46-178.0, San Pasqual Aquatic Treatment Facility - Phase II, \$443,487 from Fund 41506, CIP-42-928.0, San Pasqual Process Replacement, \$588,534 from Fund 41506, CIP-46-117.0, Pump Station 65 - Expansion & Force Main, \$65,707 from Fund 41506, CIP-46-193.0, Annual Allocation - CIP Contingencies, \$264,472 from Fund 41506, CIP-46-188.0, Pump Station 64 - Ferric Chloride Addition, \$9,426,859 from Fund 41509, CIP-45-940.0, Wet Weather Storage Facility, to Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement amounting to \$12,210,377 and to Fund 41506, CIP-46-206.0, Annual Allocation - Emergency & Accelerated amounting to \$600,000.

Loveland/Belock/HR

Aud. Cert. 2300677.

WWF-03-639.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

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

* ITEM-109: Amendments to FY 2003 Capital Improvement Program Budget for Silver Terrace Park.

(Linda Vista Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-818) ADOPTED AS RESOLUTION R-297515

Authorizing the amendment of the Fiscal Year 2003 Capital Improvements Budget by increasing CIP-29-497.0, Silver Terrace Park/Friars Road Mini Park;

Authorizing the transfer of \$50,000 from CIP-29-488.0, Tecolote Nature Center Expansion, Fund No. 79503, Linda Vista Development Impact Fees, to CIP-29-497.0, Silver Terrace Park/Friars Road Mini Park;

Authorizing the appropriation of \$50,000 from Fund 79503, Linda Vista Development Impact Fees, to CIP-29-497.0, Silver Terrace Park/Friars Road Mini Park;

Authorizing the appropriation and expenditure of \$50,000 from Fund 38152, 2000 Park Bond Per Capita Fund, to CIP-29-488.0, Tecolote Nature Center Expansion contingent upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$100,000 from CIP-29-497.0, Silver Terrace Park/Friars Road Mini Park.

CITY MANAGER SUPPORTING INFORMATION:

The proposed Silver Terrace Park is located on the north side of Friars Road between Napa Street and Colusa Street, on the southern edge of the Linda Vista Community Planning Area. The design for the 0.89 acre park includes passive turf and picnic areas, a playground, parking, walkways, seating, lighting and landscaping.

On September 4, 2002, three bids were received for construction of the project. The low bid of \$447,400 was 32% over the consultant's estimate of probable cost (\$340,000). Appropriation of \$100,000 to supplement existing project funds will enable the award of a construction contract to the low bidder and cover administrative costs.

FISCAL IMPACT:

Funds are available in the amount of \$100,000 from unallocated Linda Vista Development Impact Fees, Fund No. 79503 (\$50,000), and from Linda Vista Development Impact Fees, Fund No. 79503 (\$50,000) which are being transferred from CIP-29-488.0, Tecolote Nature Center, into CIP-29-497.0, Silver Terrace Park, to supplement existing funding for the construction of this project. Contingent upon fully executed grant agreement of \$50,000 from 2000 Park Bond Per Capita Fund, Fund No. 38152, to replace the funds that are being transferred from CIP-29-488.0, Tecolote Nature Center, into CIP-29-497.0, Silver Terrace Park.

Herring/Oppenheim/DS

Aud. Cert. 2300685.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

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

* ITEM-110: City Treasurer's Investment Policy and Delegation of Authority.

CITY TREASURER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-829 Cor. Copy) ADOPTED AS RESOLUTION R-297516

Receiving and accepting the City Treasurer's Investment Policy for the Pooled Investment Fund;

Delegating the authority to invest the City's operating and capital improvement funds to the City Treasurer for a period of one year.

SUPPORTING INFORMATION:

California Government Code (CGC) Section 53646 paragraph 2 provides that the City Treasurer shall annually render to the City Council a statement of investment policy which the Council will consider at a public meeting. The policy reflects the California Government Code Sections which govern the investment of public funds and any guidelines that are specific to the City, e.g. conflict of interest, credit rating requirements.

The 2002 Investment Policy has been revised to reflect changes required by legislation at the State level affecting the investment of City funds. The policy has been reviewed by the City Manager's Investment Advisory Committee (consisting of the City Auditor & Comptroller, Deputy City Manager and two private sector money management professionals) prior to being submitted to the Mayor and Council.

This policy will remain in effect until amended in 2003.

Recent California Government Code (CGC) changes due to legislation have vested authority with the City Council to invest or to reinvest funds of the City or to sell or exchange securities purchased. Under CGC Section 53607 the City Council may delegate this authority to the City Treasurer for a period of one year. Previously the City Treasurer had the authority to invest the funds of the City under CGC Section 53635 and City Charter Section 45. State code changes have superceded this prior authority.

Frazier/Vattimo/RFD

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

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

* ITEM-111: Three actions related to the Proposed Annexation of Improvement Area No. 4 to City of San Diego Community Facilities District No. 2 (Santaluz).

(See City Manager's Report CMR-03-002. Black Mountain Ranch (Subarea I of the Future Urbanizing Area). District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-613 Cor. Copy) ADOPTED AS RESOLUTION R-297517

Resolution of the City Council of the City of San Diego, State of California, declaring its Intention to annex territory to Community Facilities District No. 2 (Santaluz), and establish Improvement Area No. 4, and to authorize the Levy of Special Taxes therein, and approving the form of and authorizing the execution of a Purchase and Finance Agreement.

Subitem-B: (R-2003-614 Cor.Copy) ADOPTED AS RESOLUTION R-297518

Resolution of Intention of the City Council of the City of San Diego to incur indebtedness within proposed Improvement Area No. 4 of Community Facilities District No. 2 (Santaluz).

Subitem-C: (R-2003-615) ADOPTED AS RESOLUTION R-297519

Adoption of a Resolution declaring that the information contained in the final documents of Environmental Impact Report (EIR) LDR-95-0173, adopted on October 31, 1995 by Resolution R-286501, EIR/LDR-96-7902, adopted on July 28, 1998 by Resolution R-290524, Addendum No. 99-1364, adopted on May 1,

2002 by Resolution R-294812, Addendum No. 41-0480, adopted on April 9, 2002 by Resolution R-296290 and Addendum No. 40-0969, adopted on December 11, 2001 by Resolution R-295878, including any comments received during the public review process, has been 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 proposed annexation of Improvement Area No. 4 to the City of San Diego Community Facilities District No. 2 (Santaluz);

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

FILE LOCATION: STRT - CF-2 (58)

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

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

* ITEM-112: Christopher Michael Earl, Eagle Scout 2002.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-700) ADOPTED AS RESOLUTION R-297520

Recognizing Christopher Michael Earl and congratulating him on being a recipient of the very distinguished and honorable Eagle Award.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

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

ITEM-113: Balboa Park December Nights.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-785) ADOPTED AS RESOLUTION R-297527

Congratulating Balboa Park December Nights on the 25th Anniversary of Christmas on the Prado, and commending them for the success of this San Diego holiday tradition.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:06 p.m. - 4:13 p.m.)

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

* ITEM-114: Dr. Douglas Sharon Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-795) ADOPTED AS RESOLUTION R-297521

Honoring Dr. Douglas Sharon for his longstanding commitment to the City of San Diego, Balboa Park and the Museum of Man, and congratulating him on his new post;

Proclaiming December 10, 2002 to be "Dr. Douglas Sharon Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

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

* ITEM-115: 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-2003-597) ADOPTED AS RESOLUTION R-297522

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

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

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

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

ITEM-116: 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-2003-717) ADOPTED AS RESOLUTION R-297528

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: 5:46 p.m. - 5:51 p.m.)

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

* ITEM-117: 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-2003-798) ADOPTED AS RESOLUTION R-297523

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

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

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

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

ITEM-200: 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-2003-821)

ADOPTED AS RESOLUTION R-297529

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

CITY MANAGER'S SUPPORTING INFORMATION:

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

FILE LOCATION:

GEN'L - Local Health Emergency due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency virus (HIV)

COUNCIL ACTION:

(Time duration: 2:43 p.m. - 3:52 p.m.)

MOTION BY ATKINS TO ADOPT WITH A REFERRAL TO THE LAND USE AND HOUSING COMMITTEE TO ADDRESS THE MATTER OF ESTABLISHING A PERMANENT FORMALIZED NOTICING AND PERMITTING PROCESS FOR THE CLEAN NEEDLE EXCHANGE SITES AND TO REFER THE MATTER TO THE PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE FOR FURTHER REVIEW. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivision:

SUBDIVISION

Mira Mesa Marketcenter

COMMUNITY AREA

Mira Mesa

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-251: **Notice** of Pending Final Map Approval - Carmel Valley Neighborhood 8C Southwest.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Carmel Valley Neighborhood 8C Southwest" (TM-98-0200), a copy of which is available for public viewing at the Office of the San Diego City Clerk. Said project is located in the Carmel Valley Community Plan Area southeasterly of El Camino Real and Carmel Creek Road in Council District 1. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information

about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-330: Barrio Logan Planned District Ordinance Amendment.

(Continued from the meeting of 12/9/2002, Item 150B, at the request of the City Manager in order to allow time for noticing to occur.)

Matter of approving, conditionally approving, modifying or denying an amendment to the Barrio Logan Planned District Ordinance to prohibit the establishment of new chrome plating businesses within the boundaries of the Barrio Logan Planned District.

The amendment to the Barrio Logan Planned District Ordinance would be effective within the Coastal Overlay Zone, therefore, the City Council's decision would amend the City's Local Coastal Program. As a result, the final decision on this amendment will be with the California Coastal Commission. The amendment will not be effective within the Coastal Overlay Zone until the Coastal Commission effectively certifies the amendment and the City has provided notice. If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to Development Services Department, 1222 First Avenue, San Diego, CA 92101, attention: Scott Donaghe, Senior Planner, M.S. 501 before the close of the City Council public hearing.

NOTE: Hearing open. No testimony taken on 12/9/2002.

(See City Manager's Report CMR-02-289. Barrio Logan Community Plan area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-92) INTRODUCED, TO BE ADOPTED ON TUESDAY, JANUARY 28, 2003

Introduction of an Ordinance amending Chapter 10, Article 3, Division 9, of the San Diego Municipal Code, by amending Sections 103.0902, 103.0926, and 103.0946, all relating to Barrio Logan Planned District.

COMMITTEE ACTION:

Reviewed by Land Use and Housing Committee on 9/18/2002. Recommendation to approve Recommendations 1 and 2 contained in Councilmember Inzunza's memo. The Committee made no recommendation on Recommendation 3 in Councilmember Inzunza's memo, but directed staff to devise options with community support which meet all legal tests. Councilmembers Peters, Wear, and Frye voted yea. Councilmembers Stevens and Maienschein not present.

OTHER RECOMMENDATIONS:

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

SUPPORTING INFORMATION:

The proposed Barrio Logan Planned District Ordinance amendment will permanently implement the provisions of the temporary emergency ordinance adopted by the City Council on December 9, 2002. The proposed amendments will permanently prohibit the establishment of new chrome plating businesses within the Barrio Logan community as discussed in the Staff Report.

FISCAL IMPACT:

The total estimated cost to implement an ordinance to prohibit new chrome plating establishments within the Barrio Logan Planned District would be \$1,402 and would be borne by the Development Services Department.

Ewell/Christiansen/SDD

NOTE: This activity is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:38 a.m. - 11:39 a.m.)

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

ITEM-S500: Ed Ryan Day.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-870) ADOPTED AS RESOLUTION R-297524

Recognizing Ed Ryan for his twenty years of City of San Diego work experience as the City Auditor and Comptroller;

Proclaiming January 7, 2003 to be "Ed Ryan Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:11 a.m. - 10:18 a.m.)

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

* ITEM-S501: Reappointments to the Board of Building Appeals and Advisors.

(See memorandum from Mayor Murphy dated 12/13/2002 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-866) ADOPTED AS RESOLUTION R-297525

Council confirmation of the following reappointments by the Mayor to serve as members of the Board of Building Appeals and Advisors, in categories as indicated, for terms ending March 1, 2004:

Arturo M. Castro (Architect)
Scot Deal (Fire Protection Engineer)
Richard G. Grabhorn (Civil Engineer)
Jean Marie Libby (Civil Engineer)

Dinesh K. Patel (Fire Protection Engineer)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:34 a.m.)

CONSENT MOTION BY ZUCCHET TO CONFIRM THE REAPPOINTMENTS.
Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea,
Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor
Murphy-yea.

ITEM-S502: TransNet Commercial Paper.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-825) ADOPTED AS RESOLUTION R-297530

Authorizing the City Manager to request advance funding from SANDAG through the TransNet commercial paper program in an amount not to exceed \$7,000,000 for the projects;

Authorizing the City Manager to execute any necessary documents relating to the receipt of said funds from SANDAG;

Authorizing the City Manager to declare that the City acknowledges that it is responsible for paying its proportionate share of the annual interest and administrative costs of the commercial paper program, which will be deducted from the City's monthly TransNet sales tax allocations prior to remittance to the City, based on the ratio of the amount of financing provided to the City to the total commercial paper outstanding each fiscal year;

Authorizing the City Manager to declare that the first priority use of the City's annual allocation of TransNet revenues shall be payment of the principal amount borrowed according to the schedule;

Authorizing the City Auditor and Comptroller to repay SANDAG the principal amount of \$7,000,000 according to the dates on schedule.

CITY MANAGER SUPPORTING INFORMATION:

As part of the Fiscal Year 2003 Final Capital Improvements Program Budget, the Mayor and City Council approved \$59.4 million in capital improvement projects funded by the TransNet Program. Of this total amount, \$26.9 million is from TransNet Sales Tax (TransNet) and \$32.5 million is from TransNet Commercial Paper (commercial paper). Commercial paper is a short-term borrowing tool used to raise cash needed to cover cash flow deficits and is an option available through SANDAG. In an attempt to minimize the issuance of commercial paper, staff utilizes a cash management system which identifies available cash. Cash is then transferred to commercial paper funded projects that require immediate financing. To maintain the balance of appropriations within the CIP budget, an equal amount of commercial paper is then moved to the cash funded project until it is in need of cash. This process continues throughout the year which reduces the use of debt, and maximizes the use of available cash. While the cash management effort has enabled us to postpone issuing commercial paper, it is estimated that approximately \$7 million in commercial paper will be needed this fiscal year to fulfill our short-term financing needs. Therefore, it is recommended that the City request advance funding from SANDAG through their commercial paper program to fund the remaining Fiscal Year 2003 project requirements. The commercial paper will be needed for the capital improvement projects.

FISCAL IMPACT:

The annual cost of Commercial Paper is approximately \$46,500 per \$1 million and is available in Fund 30300, CIP-52-683.0, Debt Service for Commercial Paper Funded Projects. The principal amount will be repaid according to dates on schedule.

Loveland/Belock/SMC

_____ FILE LOCATION: MEET

_____ COUNCIL ACTION: (Time duration: 5:45 p.m. - 5:46 p.m.)

MOTION BY MAIENSCHIN TO ADOPT WITH DIRECTION TO REFER THE MATTER TO THE TRAFFIC CONGESTION STRIKE TEAM. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 5:52 p.m. in honor of the memory of:

Gretchen Jordan as requested by Council Member Maienschein.

FILE LOCATION: Agenda

COUNCIL ACTION: (Time duration: 5:51 p.m.- 5:52 p.m.)