

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, NOVEMBER 22, 2005
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 Deputy Mayor Atkins 10:07 a.m. Deputy Mayor Atkins recessed the meeting at 11:08 a.m. for the purpose of a break. Deputy Mayor Atkins reconvened the meeting at 11:16 a.m. with Council Member Maienschein not present and District 2, District 8, and Mayor vacant. The meeting was recessed by Deputy Mayor Atkins at 11:48 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Atkins at 2:06 p.m. with Council Member Maienschein not present and District 2, District 8, and Mayor vacant. Deputy Mayor Atkins recessed the meeting at 2:06 p.m. to convene the Redevelopment Agency. The meeting was adjourned by Deputy Mayor Atkins at 4:20 p.m.

ATTENDANCE DURING THE MEETING:

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

(8) Council District 8-vacant

Clerk-Maland (ek/pr)

FILE LOCATION: MINUTES



ITEM-300:

ROLL CALL

Clerk Maland called the roll:

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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on the legislative responsibilities of the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:08 a.m. – 10:09 a.m.)

PUBLIC COMMENT-2: **REFERRED TO THE CITY MANAGER**

Noel Neudeck commented on the Horton Plaza Skating Rink.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-3:

Hud Collins commented on the functions of the City Attorney and the Pension.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-4:

David Edick, Jr., commented on a case study regarding why Sister Cities are a matter of concern.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:16 a.m. – 10:18 a.m.)

PUBLIC COMMENT-5:

Ron Boshun spoke on the subject of the actions of the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:21 a.m.)

PUBLIC COMMENT-6:

Jim Varnadore commented on the subject of off-agenda Public Comment.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:24 a.m.)

PUBLIC COMMENT-7:

Al Strohlein commented on the troubles in Pacific Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:17 a.m. – 11:19 a.m.)

PUBLIC COMMENT-8:

Phil Hart wished the City Council Happy Holidays.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:20 a.m. – 11:20 a.m.)

PUBLIC COMMENT-9:

Kathleen Blavatt spoke on the subject of Redevelopment reorganization.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:20 a.m. – 11:23 a.m.)

PUBLIC COMMENT-10:

Laurie Black commented on her gratitude for and leadership of the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:24 a.m. – 11:25 a.m.)

PUBLIC COMMENT-11:

Remy Bermudez spoke on the subject of the status of the Chollas Creek Project.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:26 a.m. – 11:29 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Young wished to thank the people who support the City Council for their clear and thoughtful comments during their attendance at Council Meetings.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:31 a.m. – 11:32 a.m.)

COUNCIL COMMENT-2:

Deputy Mayor Atkins commented that on November 19, 2005, she was pleased to be able to celebrate the 100th Birthday of Azalea Park resident Miss Faye Rice, and wished to thank the Azalea Park Recreation Center and the Azalea Park Community Association for hosting the event. Deputy Mayor Atkins also wished to thank members of the Urban Search and Rescue Team for their heroic efforts in the Gulf Coast Region.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:33 a.m. – 11:36 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



ITEM-330: Selection of a Council President for the 2006 Annual Year.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2006-486 REV.) ADOPTED AS AMENDED AS RESOLUTION R-301063

Declaring that after full discussion and deliberation by the City Council, a Councilmember will be selected as the Council President-elect to begin a one-year term commencing on January 1, 2006, as Council President, subject to confirmation by the City Council within 30 days after the vacancies in Council Districts 2 and 8 are filled.

SUPPORTING INFORMATION:

On November 2, 2004, San Diego voters approved a charter amendment changing San Diego's Council-Manager form of government to a Mayor-Council form of government for five years beginning on January 1, 2006.

San Diego Municipal Code Section 270(d) provides that the Council shall have the right to determine its own rules including a process for selection of a presiding officer.

On October 31, 2005, the City Council adopted San Diego Municipal Code Section 22.0101.5 – Permanent Rules of City Council for use during the five-year period that the Mayor-Council form of government is in effect. Rule 4.2 of the Permanent Rules provides that the Council, by

majority vote, select a president from one of its members to serve a one-year term beginning in January of each year.

Kinsley

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:25 a.m. – 11:07 a.m.)

MOTION BY MADAFFER TO ADOPT AS AMENDED, TO SELECT COUNCIL MEMBER SCOTT PETERS AS COUNCIL PRESIDENT-ELECT TO BEGIN A ONE-YEAR TERM COMMENCING JANUARY 1, 2006, AS COUNCIL PRESIDENT. THE FOURTH PARAGRAPH ON PAGE 1 OF 2 OF THE RESOLUTION IS TO BE DELETED, WITH THE SUCCEEDING PARAGRAPH TO BEGIN WITH THE WORDS “BE IT RESOLVED”, AND TO READ IN FULL AS FOLLOWS: “BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF SAN DIEGO, THAT AFTER FULL DISCUSSION AND DELIBERATION BY THE CITY COUNCIL, COUNCILMEMBER SCOTT PETERS IS HEREBY SELECTED AS THE COUNCIL PRESIDENT-ELECT TO BEGIN A ONE YEAR TERM COMMENCING ON JANUARY 1, 2006, AS COUNCIL PRESIDENT.” Second by Young. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-331: Establishing Short-Term Automated Refuse Container Fee Schedule Effective December 1, 2005.

(See City Manager Report CMR-05-191; and City Attorney Report dated 6/13/2005, not available at the Committee.)

TODAY’S ACTION IS:

Adopt the following resolution:

(R-2006-454) CONTINUED TO TUESDAY, DECEMBER 6, 2005

Authorizing and directing the City Manager as follows:

1. To establish and impose a short-term fee for automated refuse containers of \$50 per container, for new service requests, replacement of non-serviceable

containers no longer under warranty, and replacement of lost or stolen containers, effective December 1, 2005 and until a long-term replacement plan for automated containers is implemented, as set forth in City Manager Report No. 05-191;

2. To establish and impose a short-term fee for non-warranty automated refuse container field repairs of \$30 per repair trip plus cost of parts and labor, effective December 1, 2005 and until a long-term replacement plan for automated containers is implemented, as set forth in City Manager Report No. 05-191;
3. To establish and impose a fee for both refuse and recycling automated container delivery services of \$30 per delivery, effective December 1, 2005, as set forth in City Manager Report No. 05-191;
4. To issue a Waste Management Regulation revising the existing automated container program to provide for the above fees;
5. To review the above short-term fees and make adjustments in accordance with Council Policy 100-055 and Administrative Regulation 95.25, to ensure that all reasonable costs of goods and services incurred in connection with the provision of these automated containers are being recovered; and
6. To deposit all automated container program fees into the Automated Container Fund No. 10509, to be used solely for purposes of the automated container program.

Directing the City Clerk to amend the Ratebook of City Fees and Charges to include the automated container program fees described above;

Declaring this activity is statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15273 because this activity pertains to the establishment, modification, structuring, restructuring, or approval of rates, fares, tolls, or other charges by a public agency, which the City Council finds are for the purpose of meeting operating expenses and purchasing supplies, equipment or materials.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/26/2005, NR&C voted 3 to 1 to approve the City Manager's recommendations. (Councilmembers Young, Frye, and Madaffer voted yea. Councilmember Maienschein voted nay.)

SUPPORTING INFORMATION:

The People's Ordinance of 1919, codified as Section 66.0127 of the San Diego Municipal Code, provides that "Residential Refuse shall be collected, transported and disposed of by the City at least once a week and there shall be no City fee imposed or charged for this service by City forces." Historically, from 1919 through 1994, it was the responsibility of residents and small businesses receiving City collection services to provide, maintain, repair and replace the containers used for storage and collection of refuse. In 1995, to ease the transition to automated refuse and recycling collection from manual collection, the City provided uniform automated collection containers to residences and small businesses without charge. This was done to ensure all containers would be fully compatible with new automated and semi-automated collection systems and be able to withstand the heavy industrial use. A significant portion of the City's automated collection container inventory is now approaching the end of its expected life span and warranty period. In an attempt to keep up with growing demand and the anticipated increase in container failure rates, \$220,000 was requested but not funded in the FY 2006 General Fund budget.

To mitigate the unbudgeted expenditures to the General Fund that occur as additional and replacement containers are required, it is recommended that effective December 1, 2005, a cost-recovery fee of \$50 per refuse container be established for all new service requests, lost or stolen containers, and non-warranty replacements. Additionally, a fee of \$30 (plus parts and labor) is proposed for non-warranty repairs on automated refuse containers and a \$30 fee is proposed to recover the cost associated with delivery of recycling and refuse automated containers. Recycling containers are provided free of charge and currently have a \$25 delivery fee. This action does not alter the free recycling container policy but brings the delivery fee in line with the current estimated cost of \$30 per container.

FISCAL IMPACT:

It is anticipated the proposed refuse container fees will generate approximately \$110,000, in revenue for FY 2006 allowing the City to continue to provide this service to residents until other options are evaluated. This approach allows the City to bridge short-term automated refuse container replacement issues with the longer-term need for citywide replacement of over 500,000 10-year-old automated refuse and recyclables containers reaching the end of their life. Ten-year lease purchase cost estimates for citywide replacement of all automated refuse and recyclables containers total \$24 to \$30 million.

Gardner/Heap/Monroe

Staff: Chuck Woolever - (858) 526-2355
Grace C. Lowenberg – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:37 a.m. – 11:38 a.m.)

MOTION BY MADAFFER TO CONTINUE TO DECEMBER 6, 2005, FOR FURTHER REVIEW. Second by Young. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-332: Approval of the 2006 Legislative Calendar.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-481) ADOPTED AS RESOLUTION R-301064, WITH DIRECTION

Adopting the schedule of meetings for the City Council and Standing Committees of the City Council, for the period of January 1, 2006 through December 31, 2006.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:38 a.m. – 11:47 a.m.)

MOTION BY MADAFFER TO ADOPT WITH DIRECTION THAT 1) THE WEEK OF APRIL 17, 2006 TO APRIL 21, 2006, BE CONVERTED FROM A LEGISLATIVE RECESS WEEK TO AN IN-SESSION WEEK; 2) THAT THE WEEK OF AUGUST 14, 2006 THROUGH AUGUST 18, 2006 CONVERTED TO A LEGISLATIVE RECESS WEEK; 3) THAT MAY 30, 2006 BE RESERVED AS A COUNCIL BUDGET MEETING DAY; AND 4) CONVERT THE MORNING CLOSED SESSION TO AN AFTERNOON SESSION ON FEBRUARY 21, 2006. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



[ITEM-333](#): Agreement with Overland, Pacific & Cutler, Inc. to Provide a Tenant Impact Report Associated with the De Anza Mobile Home Park.

(Mission Bay Community Area. District 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-414) RETURNED TO THE CITY MANAGER

Authorizing the City Manager to execute, for and on behalf of City, an agreement with Overland Pacific & Cutler, Inc., to provide a Tenant Impact Report associated with the De Anza Mobile Home Park, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$185,000 from Mission Bay Park CPA, Fund No. 10160, Dept. 10160, Acct No. 4222, Job Order 000001, for the purpose of providing funds for the above referenced Project;

Declaring this activity is statutorily exempt from CEQA pursuant to State CEQA Guidelines, Section 15262.

CITY MANAGER SUPPORTING INFORMATION:

De Anza Harbor Resort is a residential mobile home park located on city-owned, dedicated public parkland in De Anza Cove on the northern boundary of Mission Bay Park in San Diego. The City's ground lease with De Anza Harbor Resort and Golf, LLC expired on November 23, 2003, as did the State legislation authorizing residential use on the property.

On November 18, 2003, the San Diego City Council approved Resolutions R-298609 and R-298610 regarding implementation of a transition plan to end permanent residential use on the property and return the property to park and recreational use consistent with the City Charter, the State's legislation, and the Tidelands Trust. In February 2005, the City Attorney recommended a new legal strategy including the City agreeing to perform a Tenant Impact Report.

The Tenant Impact Report will address relocation needs, relocation costs, relocation assistance, relocation benefits, replacement housing needs, replacement housing availability, appraisal of existing mobile homes, and estimated replacement housing payments.

Upon execution of this Agreement Overland Pacific & Cutler, Inc. will provide the Real Estate Assets Department relocation services pursuant to Stipulation and Order filed February 22, 2005. This contract will allow an impartial third-party company to provide services necessary to prepare a Tenant Impact Report and Conversion, Relocation, and Replacement Housing Plan in accordance with applicable State and local sections and regulations.

FISCAL IMPACT:

Funds in the amount of \$185,000 are available in Fund 100.

Mendes/Griffith/DTY

Aud. Cert. 2600319.

Staff: Steve Geitz – (619) 236-6311
Heidi Wierman – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:37 a.m. – 11:37 a.m.)

MOTION BY COMMON CONSENT TO RETURN TO THE CITY MANAGER.
Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Atkins at 4:20 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 4:20 p.m.)