

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 14, 2004
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:04 a.m. with Council Members Zucchet and Inzunza not present and District 4 vacant.

Mayor Murphy recessed the meeting at 11:00 a.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the meeting at 11:06 a.m. with all Council Members present and District 4 vacant. Mayor Murphy recessed the meeting at 11:21 a.m. to reconvene the Redevelopment Agency. Mayor Murphy convened the Joint Council and Redevelopment Agency at 11:23 a.m. with all Council Members present and District 4 vacant. Mayor Murphy reconvened the regular meeting at 11:33 a.m. with all Council Members present and District 4 vacant.

Mayor Murphy recessed the meeting at 11:41 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:48 a.m. with Council Member Inzunza not present and District 4 vacant. Mayor Murphy recessed the meeting at 12:00 p.m. for the noon break, to be reconvened at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:09 p.m. with all Council Members present and District 4 vacant.

Mayor Murphy introduced Mr. Philip Mangano, White House Executive Director for the Interagency Council on Homelessness, who spoke on the outstanding collection of citizens from San Diego who make up the Leadership Council and who work in conjunction with other governmental agencies to address the problem of the nation's veterans and homeless individuals.

Mayor Murphy recessed the meeting at 4:01 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:10 p.m. with all Council Members present and District 4 vacant. Mayor Murphy adjourned the meeting at 5:35 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 District 4-vacant
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council Member Inzunza-present
- Clerk-Abdelnour/Lane (er/ek)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Louise Torio commented on the work City Planner Brian Schoenfisch has been doing in Council Districts 3, 4, and 8 and the desire of the community that he remain working in their Council Districts.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:06 a.m. – 10:10 a.m.)

PUBLIC COMMENT-2: REFERRED TO THE CITY MANAGER

Bonnie Poppe requested that City Planner Brian Schoenfisch remain working in Council Districts 3, 4, and 8.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-3:

Phil Hart commented on the City's finances and ballot arguments.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:13 a.m. – 10:17 a.m.)

PUBLIC COMMENT-4:

Ron Boshun commented on Council's actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:17 a.m. – 10:20 a.m.)

PUBLIC COMMENT-5:

Shawn Chamberline and Ron Shamoun commented on the liquor license for the Quik Stop convenience store in Ocean Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:22 a.m.)

PUBLIC COMMENT-6:

Ian Trowbridge commented on San Diego Data Processing Corporation and conflict of interest matters.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-7:

Susie Shimasaki commented on the alcohol billboard ordinance.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. – 10:29 a.m.)

PUBLIC COMMENT-8:

Arleen Freeman commented on the Sister City resolution.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:33 a.m.)

PUBLIC COMMENT-9:

Ken Perkal commented on the Mission Hills Business Improvement District.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:33 a.m. – 10:36 a.m.)

PUBLIC COMMENT-10:

Al Strohleim commented on the number of alcohol licenses issued to businesses in Pacific Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:36 a.m. – 10:39 a.m.)

PUBLIC COMMENT-11:

Muhammed Abdulla commented on the City's plan to protect citizens against terrorism.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:42 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Mayor Murphy, Council Member Madaffer, Mel Katz, and Ana Tatar announced that September is Library Card Sign-up Month and thanked everyone for their support of the Library System. Ana Tatar announced that Mayor Murphy was recognized as the Politician of the Year for 2004 in the "Library Journal."

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:43 a.m. – 10:50 a.m.)

COUNCIL COMMENT-2:

Council Member Maienschein recognized and congratulated the City employees involved in the State Route 56 project.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:50 a.m. – 10:55 a.m.)

COUNCIL COMMENT-3:

Council Member Peters also congratulated the employees involved in the SR-56 project and announced California Coastal Clean-up Day.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:53 a.m. – 10:56 a.m.)

COUNCIL COMMENT-4:

Council Member Frye commended the San Diego Surf Rider Foundation for the 13th Annual Paddle for Clean Water Day.

FILE LOCATION: MINUTES

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

COUNCIL COMMENT-5:

Council Member Zucchet encouraged people to participate in the next annual Paddle for Clean Water Day.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:59 a.m. – 11:00 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-330: La Jolla Children's Pool Joint Use.

(Continued from the meeting of August 10, 2004, Item 330, at the request of Councilmember Peters, due to lack of time.)

(See City Manager Report CMR-04-135; Meeting Guide submitted by James Hudnall and Gabriel Solmer; and Report from Martha Patricia Argomedo Weisz dated 6/17/2004. La Jolla Community Area. District-1.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-112) ADOPTED AS AMENDED AS RESOLUTION R-299646

Authorizing the City Manager to:

- a) perform preliminary studies, initiate design and permit applications, and actions incidental to these functions, in order to comply with the accepted City Council recommendation, noting that this action does not constitute a decision to proceed with construction of the project as recommended, and does not foreclose the analysis of alternatives or mitigation measures that would ordinarily be a part of environmental or permit review for the Project;
- b) return to City Council with the appropriate environmental document for review and certification for approval in order to comply with the accepted recommendation for the Project; and
- c) take all necessary actions to seek, apply for, accept, and secure donations in order to comply with the accepted recommendation for the Project.

Authorizing the City Auditor and Comptroller to:

- a) establish a special interest-bearing fund for the La Jolla Children's Pool donations in reference to the Project;
- b) add CIP-29-872.0, La Jolla Children's Pool – Joint Use, to the Fiscal Year 2005 Capital Improvements Program for the Project;

- c) increase the Fiscal Year 2005 Capital Improvement Program budget in CIP-29-872.0, La Jolla Children's Pool – Joint Use, up to the amount received for the Project; and
- d) appropriate and expend donations, if secured, up to the amounts secured for purposes of design initiation, environmental documents, permit applications, and actions incidental to these functions in order to comply with the accepted recommendation from CIP-29-872.0, La Jolla Children's Pool – Joint Use, provided that the City Auditor and Comptroller first furnishes a certificate certifying that the funds are, or will be, on deposit with the City Treasurer.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/23/2004, NR&C voted 5 to 0 to forward to the full City Council with no recommendation. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

On April 1, 2003, the Mayor and City Council directed the City Manager to return to the Natural Resource and Cultural Committee (NR&C) this year with a strategy to do the following: "In compliance with Federal Law, to reduce pollution levels in the sand and to return the Children's Pool to recreational use for children, including accessible uses, thus restoring this area to the joint use of seals, divers, fishermen, children and their families." A report was given before the NR&C on June 23, 2004. The NR&C voted unanimously to refer the matter to the full City Council.

The Manager's Report # 04-135 was presented to the NR&C. A strike out/underlined version is provided with the only changes being correcting a typographical error for the Technical Advisory Committee members; a clarification of the proximity of the Children's Pool to the La Jolla Underwater Park; and, a clarification that Ellen Browning Scripps contracted with the builder of the breakwater as opposed to the City of San Diego. Otherwise, the content, information and recommendations remain unchanged. The City Council is being requested to approve initiation of the design of a seasonal joint use recommendation provided by the City Manager. Since funds, permits and environmental review are required, this action does not constitute a decision to proceed with construction of the project, nor does it foreclose analysis of alternatives or mitigation measures that would ordinarily be part of environmental or permit review. In addition, upon full review of: a) any permit conditions (if any), b) a completed environmental document, and c) the construction documents, City Council action will be required to authorize the construction project.

FISCAL IMPACT:

1. The estimated cost to dredge the Children's Pool ranges between \$250,000 and \$500,000. This cost includes construction documents, permits, environmental, administration, and construction.
2. The cost to provide testing per year is \$3,000. This cost may potentially be borne by the County Environmental Health Department.
3. The cost to rework the soil on a yearly basis per the County Environmental Health Department's non-advisory status is \$5,000 per year.
4. The cost to provide dredging every three to five years, budgeted on a yearly basis is \$50,000.
5. The cost for a limited full time ranger position with associated non personnel expense to provide education interpretation of the area and manage the mixed use of the site is \$75,000 per year.

Herring/Oppenheim/AP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:52 a.m. – 12:00 p.m.; 2:29 p.m. – 5:34 p.m.)

MOTION BY PETERS TO ADOPT THE RESOLUTION AS AMENDED TO APPROVE THE CITY MANAGER'S ALTERNATIVE RECOMMENDATION 1 IN CITY MANAGER REPORT 04-135 THAT WOULD MODIFY THE STAFF RECOMMENDATION TO DESIGN AND PERMIT THE SAND REMOVAL PROJECT AND OPEN THE POOL FOR YEAR-ROUND USE. DIRECT THAT THE OPENING OF THE SLUICeways IN THE CHILDREN'S POOL BE EVALUATED AS AN ALTERNATIVE METHOD TO OBTAIN SAND REMOVAL AND TIDAL FLUSHING AS PART OF THIS EFFORT. DIRECT THAT THE ROPE BARRIERS AND SIGN POSTS BE IMMEDIATELY REMOVED TO RESTORE PUBLIC ACCESS TO THE AREA AND THAT NEW SIGNS BE PLACED ON THE LIFEGUARD TOWER INDICATING THAT PUBLIC ACCESS IS PERMITTED BUT THAT SEAL HARASSMENT IS A VIOLATION OF THE MARINE MAMMAL PROTECTION ACT. THESE SIGNS SHOULD ALSO INDICATE THE BACTERIA LEVELS GARNERED FROM TESTING IN THE AREA, WHICH SIGNS ARE CONSISTENT WITH THE RECOMMENDATIONS OF THE PARK AND RECREATION DEPARTMENT. DIRECT THAT CIP FUND NO. 29-872 BE CREATED FOR THE LA JOLLA CHILDREN'S POOL TO PROVIDE FOR FUTURE FUNDING. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-nay, Atkins-nay, Council District 4-vacant, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.