

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, DECEMBER 3, 2002 AT 10:00 A.M.
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These items do not require Council action and there is no public testimony.

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SPECIAL ORDER OF BUSINESS

ITEM-30: Reggie Smith Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-686)

Proclaiming December 3, 2002 to be "Reggie Smith Day" in San Diego in recognition of her many outstanding contributions and service to the City.

SUPPORTING INFORMATION:

Reggie Smith joined the City of San Diego's Commission for Arts and Culture in 1995. She has dedicated her time and effort to Commission business such as serving on panels, committees and special events. She advised the Commission in the planning, design, and implementation of a variety of agency programs. Her enthusiasm for the job and her deep roots in the community have significantly contributed to the Commission and to the City of San Diego.

Maienschein/BE

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject**, regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue those items scheduled to be heard at this morning's session. Requests to continue items scheduled to be heard at 2:00 p.m. will be taken at the beginning of the afternoon session.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50, 51 and 52.

ORDINANCE TO BE INTRODUCED:

Item 53.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118 and 119.

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION:

- * ITEM-50: Approval of Ordinance amending San Diego Municipal Code related to FY 2003 Negotiated Retirement Benefits.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/18/2002. (Council voted 8-1. Councilmember Frye vote nay):

(O-2003-74)

Amending the San Diego Municipal Code by amending Division 13 by amending Sections 24.1310 and 24.1312; by amending Division 14 by amending Sections 24.1402, 24.1403, and 24.1404; all relating to the San Diego City Employees' Retirement System.

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION:

- * ITEM-51: Office Space Sublease - Police Department Harbor Patrol Unit.

(Mission Bay Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/18/2002. (Council voted 9-0):

(O-2003-77)

Authorizing the City Manager to execute a Sublease agreement with WESCO Sales Corp., for the sublease of approximately 1,175 square feet, at a total monthly rental rate of \$1,685.95, for an initial term of five (5) years with the option of two (2) additional three (3) year extensions;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$15,173.55, plus applicable CAM charges, from Police Department Fund 100 for FY2003.

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

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-52: Office Space Lease - Police Department.

(Navajo Community Area. District-7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/18/2002. (Council voted 9-0):

(O-2003-78)

Authorizing the City Manager to execute a lease agreement with CTF-I Mission, LLC, for the lease of approximately 3,828 square feet, at the initial monthly rental rate of \$5,742, for a term of five (5) years;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$57,420, from Police Department Fund 100 for FY2003.

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

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCE TO BE INTRODUCED:

* ITEM-53: Water Service Agreement for the East Fortuna Equestrian Staging Area.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-89)

Introduction of an Ordinance 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.

CITY MANAGER SUPPORTING INFORMATION:

The proposed agreement with the Padre Dam Municipal Water District for the Mission Trails Regional Park - East Fortuna Equestrian Staging Area (project) will allow for an “Out of District” water delivery. The City of San Diego is currently developing the project, and will require water service when the new development is complete. The City of San Diego currently does not have facilities in this area which can provide water service to the project area. The Padre Dam Water District has facilities adjacent to the project site and can provide water service to the project. The Padre Dam Water District Board of Directors have reviewed and approved the agreement on October 8, 2002. As part of the project the City of San Diego will construct all water line improvements necessary for the water service.

FISCAL IMPACT:

Fiscal impact will not affect the 2003 Park and Recreation Department operating budget, but will impact future budgets when the new development is complete. Operating and maintenance water costs are estimated to be \$12,466 a year. The water will be paid for through the General Fund of the Park and Recreation Department, contingent upon future budget allocations and approvals.

FISCAL IMPACT:

Subject to future review and approval, the following is the estimated fiscal impact of the project to construct water line improvements for water service:

Proposed Construction Budget:

Field Engineering	\$ 90,000
Project Construction	\$1,786,682
Contingencies/Field Orders	\$ <u>65,080</u>
Total Costs	<u>\$1,941,762</u>

Funding:

State Grant Funds	\$ 985,000	(obtain by the Mission Trails Foundation and held in their bank account, per City Agreement with the foundation)
MTRP Foundation Donations	\$ 265,000	(obtain by the Mission Trails Foundation and held in their bank account)
2002 Antenna Fund	\$ 400,000	
Regional Park Infrastructure Fund	\$ 100,000	
2002 EGF Fund by memo	\$ 100,000	
2003 EGF Fund by memo	\$ <u>100,000</u>	
Total Funding	<u>\$1,950,000</u>	

Herring/Oppenheim/MM

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Agreement for Professional Services - Carmel Valley Park and Recreation Center - South, General Development Plan.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-725)

Authorizing the City Manager to execute an agreement with Schmidt Design Group, Inc., for professional consultant services required for the Carmel Valley Park and Recreation Center - South, General Development Plan;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$170,744 from CIP-29-764.0, Carmel Valley Community Park South - Neighborhood #8A, Carmel Valley South Facilities Benefit Assessment Fund, Fund No. 79008.

CITY MANAGER SUPPORTING INFORMATION:

The proposed agreement with Schmidt Design Group, Inc. will provide for the professional services required for the General Development Plans for the Carmel Valley Community Park and Recreation Center - South (project). The 20 acre site is located south of State Highway #56 and east of Interstate 5. The consultant will be responsible for the design of the community park, joint use area of the recreation building. The recreation building, approximately 15,000 square feet, will serve the Torrey Hills and Carmel Valley South communities. The community park and joint use area will feature recreational facilities which may include athletic fields, basketball courts and other active play areas. The park is scheduled in the Carmel Valley Public Facilities Financing Plan for implementation between FY 2003 and 2007.

FISCAL IMPACT:

The consultants base fee is \$145,744. An additional \$25,000 is provided for Additional Services, as requested by the City. Funds for this purpose (\$170,744) are available in CIP-29-764.0, Carmel Valley Community Park South - Neighborhood #8A, Carmel Valley South Facilities Benefit Assessment Fund, Fund No. 79008. The cumulative award for Schmidt Design Group, Inc. for the fiscal year of July 1, 2002 through June 30, 2003 exceeds \$250,000 and therefore this agreement requires City Council action.

Herring/Oppenheim/Penera

Aud. Cert. 2300571.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-101: Third Amendment to Consultant Agreement for State Route 905 Environmental Documents.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-444 Cor. Copy)

Authorizing the City Manager to execute a Third Amendment to the Agreement with Helix Environmental Planning, Inc., for consulting services for additional professional environmental studies and services for State Route 905;

Authorizing an additional expenditure of an amount not to exceed \$185,950 from CIP-52-396.0, for the purpose of providing funds for the Third Amendment to the Agreement, thereby increasing the compensation of the original Agreement to a total amount not to exceed \$2,179,409;

Authorizing the City Auditor and Comptroller to accept funds from CalTrans in an amount not to exceed \$148,760 for eighty percent (80%) reimbursement of the City costs.

CITY MANAGER SUPPORTING INFORMATION:

In November 1994, the City entered into an agreement with Helix Environmental Planning, Inc. to provide professional services as part of the preparation of an environmental document for State Route 905. In August 1996, the original agreement was amended to provide for additional services. In June 1998, the City Council adopted a second amendment to the agreement in the amount of \$395,794 for the provision of additional environmental studies and services.

This proposed third amendment is recommended by City staff and CalTrans staff to provide for the curation of archaeological artifacts found during the performance or archaeological technical studies and for the preparation of additional biological studies, responses to comments on the draft environmental document, amendments to technical reports and other additional services. Cost of this work is expected to be \$165,950.

CalTrans has requested that this amendment be executed so that they can complete their environmental analysis for SR-905, and they have agreed to reimburse the City 80% of costs for this amendment associated administration costs incurred by City staff. CalTrans has also concurred that the proposed amendment is consistent with the existing Cooperative Agreement between the City of San Diego and CalTrans entered into on December 10, 1996 (Document No. RR-288209), and with the Program Supplement Agreements No. 088 and Nos. 088-R1 to Local

Agency-State Agreement No. 11-5004, and that there is no need to amend those documents.

FISCAL IMPACT:

CalTrans' reimbursement to the City of 80% of costs associated with this amendment amounts to \$148,760. As a result, the fiscal impact to the City will be \$37,190.

Loveland/Belock/PKB

Aud. Cert. 2300337.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-102: First Amendment to Agreement - College/Rolando Library.

(College Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-724)

Authorizing the City Manager to execute a First Amendment to the McGraw/Baldwin Architects Agreement for professional services to complete the required construction drawings and specifications of the College/Rolando Branch Library;

Authorizing the expenditure of an amount not to exceed \$390,000 from Fund No. 18538.

CITY MANAGER SUPPORTING INFORMATION:

The existing College/Rolando Library located at 4710 College Avenue was opened in 1955 and currently serves the College/Rolando neighborhood, is inadequate by today's standards for neighborhood libraries. Since 1996, \$954,984 of CDBG funding has been allocated for this project. These funds have been used to purchase a site at Montezuma and El Cajon Boulevard; the remaining CDBG funds were used for the original design and working drawings. When completed, the library will have almost 15,000 square feet of space and will include an expanded children's area, enhanced study and reading space, a community meeting room, up-to-date computer facilities and significantly increased shelving and parking. The scope of work for this amendment includes preparation of construction drawings and specifications for the new library, an acoustical study, and implementation of the City's Green Building Policy 900-14.

The City entered into an Agreement with McGraw/Baldwin Architects on January 13, 2000 (Doc. No. C-09830) for the schematic design and environmental review of the College/ Rolando

Library. This First Amendment to the Agreement with McGraw/Baldwin Architects will provide the necessary professional services for the scope of work to complete the required construction drawings and specifications.

FISCAL IMPACT:

The compensation for architectural services authorized by the original agreement was \$244,000. This First Amendment will authorize an additional compensation of \$390,000 (\$377,500 for design services, and \$12,500 for additional services), if needed, increasing the total compensation to \$634,000. Funds for this purpose (\$390,000) are available in FY2003, Fund #18538, Depart # 14252, Org. #5232 College/Rolando Library. The total estimated cost for construction and land acquisition is \$3,606,000.

Loveland/Belock/AO

Aud. Cert. 2300561.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-103: Parcel Map W.O. No. 411033 and Easement Vacations.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-554)

Approving Parcel Map W.O. No. 411033.

CITY MANAGER SUPPORTING INFORMATION:

This parcel map proposes a lot line adjustment and lot consolidation of a 15.695 acre site into three parcels for research (planned industrial) development. It is located northwesterly of General Atomics Court and Science Center Drive in the University Community Plan Area. This map requires City Council approval because a portion of an emergency access easement, a drainage easement and a portion of a general utility and access easement are being vacated on the map.

The portion of the existing emergency access easement and the drainage easement were granted to the City of San Diego on Torrey Pines Science Center Unit No. 2, Map No. 12845. The portion of the general utility and access easement was granted on Parcel Map 18732, all at no cost to the City. There is no present or anticipated future need for the existing easements in their

current configuration. A new general utility and access easement, as well as a new drainage easement, are granted on the map. Staff has determined that the revised project is consistent with all previously approved permits. The City Engineer has approved the parcel map.

The public improvements required for this map as shown on Engineering Drawing No. 31607-1-6-D have been assured by the issuance of Engineering Permit No. W50207. A Permit Performance Bond in the amount of \$462,888 has been provided as surety. The improvements are to be completed within one year.

This lot consolidation map does not create any new lots, or greater development density. Therefore there is no expected traffic impact.

There are no park fees due in connection with this project.

FISCAL IMPACT:

None.

Ewell/Broughton/GRB

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-104: Vacation of a Sewer Easement in Lot 6, Block “E” of Map 1975.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-682)

Vacating the sewer easement located in Lot 6, Block “E” of Map 1975.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a sewer easement in Lot 6, Block “E” of Map 1975. This property is located in the La Jolla Planning area within Council District 1. This easement is on private property and the only purpose for this public service easement is to allow the City to construct and maintain sewer facilities within the easement area. The sewer line was installed at a different location and another sewer easement is granted in its place.

The Waste Water 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

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-105: Solid Waste Local Enforcement Agency (LEA) Application for Waste Tire Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-726)

Authorizing the City Manager to execute all necessary applications, contracts, agreements and amendments for the purposes of securing grant funds and carrying out the purposes specified in the grant application to the Board for a Local Government Waste Tire Cleanup Grant, if awarded, and conduct all negotiations, execute and submit all documents, including but not limited to applications, grant agreements, amendments, payment requests, which may be necessary to carry out and administer the City's obligations, responsibilities, and duties under the terms of the grant;

Authorizing the City Auditor and Comptroller to create a separate fund of the City for the grant monies.

CITY MANAGER SUPPORTING INFORMATION:

The California Integrated Waste Management Board (CIWMB) is offering waste tire enforcement monies to local agencies. The Solid Waste Local Enforcement Agency (LEA) has been the recipient of three prior waste tire enforcement grants. Up to \$300,000 of non-competitive grant funds will be available for use for inspection, surveillance and enforcement activities and projects designed to prevent illicit waste tire disposal in San Diego. The LEA is also proposing to: 1) develop a waste tire enforcement training module for use by the LEA and possible adoption by the CIWMB to train

local agencies and industry throughout California in implementing a waste tire enforcement programs; 2) prepare bilingual educational literature for use in the border region to inform the public of waste tire issues; 3) research the regional movement of waste tires and its interfaces with international trade portals in the San Diego region. The LEA is requesting \$300,000 with this application. (The CIWMB authorized the LEA on November 19, 1997 to carry out the duties and responsibilities for solid waste inspections, permitting and enforcement within the City's jurisdiction.)

The LEA requests grant funds to continue implementing an effective waste tire enforcement and surveillance program which will provide guidance to waste tire generators and, when necessary, take enforcement action to remedy threats to public health safety and the environment. Additionally, the LEA will develop waste tire training, educational programs and research projects to prevent waste tires from becoming threat to the community. During previous grant cycles the LEA has discovered illegal operating procedures in tire shops, franchised haulers and brought violators into compliance. In order to maintain the high level of compliance achieved thus far, the LEA needs to continue its inspection and surveillance activities. Without these continued efforts illegal waste tire handling and disposal could pose a serious threat to public health and safety and the environment. Authorization to submit this grant application by the City Council and approval by the CIWMB would be the LEA's fourth consecutive waste tire enforcement grant and would allow the LEA to continue its successful program. Along with the inspection, surveillance and enforcement components of the Waste Tire Enforcement program the LEA has reached out to numerous stakeholder groups and agencies throughout the region and the State. The waste tire enforcement program has also been a springboard for obtaining other grant funds for cleaning up waste tires in the Tijuana River Valley and coordinating broader environmental border issues with federal, state and local agencies in the United States and Mexico.

This is not a matching grant.

Ewell/Christiansen/PRM

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-106: Corridor Study for Evaluating Transit Priority Measures.

(Centre City, College, Kensington-Talmadge, Normal Heights, North Park, and Uptown Community Areas. Districts-2, 3, 6 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-698)

Authorizing the City Manager, or designee, to take all necessary steps to extend the grant funds received from the State of California Department of Transportation to provide funds for the Transit First Project;

Authorizing the City Manager, or designee, to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, and payment requests which may be necessary for the completion of the Project;

Authorizing the City Manager, or designee, to accept, appropriate, expend, and administer the grant funds in accordance with the terms and conditions set forth in the approved grant for the Project;

Authorizing the City Auditor and Comptroller to establish a special interest bearing fund for the grant;

Authorizing the City Manager, or designee, to enter into all necessary agreements with MTDB required for the completion of the Project;

Authorizing the boundaries of the Study Corridor set forth in Resolution R-296035 to be amended from the Mission Valley, Uptown and Downtown corridor to the San Diego State, El Cajon Boulevard Park Boulevard and Downtown Corridor.

CITY MANAGER SUPPORTING INFORMATION:

On February 5, 2002, the City Council adopted Resolution R-296035 which included authorization for submittal, acceptance and expenditure of funds for a transportation planning grant application to CALTRANS. This application was for a study of transportation alternatives in a corridor between downtown and Mission Valley along the Fourth/Fifth Avenue corridor. Subsequently, as the Transit First project evolved, the corridor between San Diego State, El Cajon Boulevard and Park Boulevard and downtown emerged as a "showcase project" to demonstrate how Transit First could function to link numerous urban villages with a high quality transit system. Consequently, after consultation with MTDB staff, City staff is recommending that the corridor study area be shifted in order to

better coordinate with Transit First.

CALTRANS has notified City staff that they would have no objection to the corridor being shifted. A new resolution is required in order to formally amend the corridor. Furthermore, no change in funding is involved with the shifting of the study corridor since CALTRANS has already notified the City that they would fund the study.

Additionally, the resolution would authorize the City Manager to enter into a Memorandum of Understanding with MTDB to perform the necessary design and engineering professional services for the Showcase Project and to provide the necessary project administration.

Ewell/Goldberg/MEP

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-107: Los Peñasquitos Canyon Preserve Trans County Trail - Crib Wall Capital Improvement Project.

(Ranch Peñasquitos Community Area. Districts-1 and 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-719)

Authorizing amendment of the Fiscal Year 2003 Capital Improvements Program Budget by adding CIP-29-624.0, Los Peñasquitos Trans-County Trail-Crib Wall;

Authorizing amendment of the Fiscal Year 2003 Capital Improvements Program Budget by increasing CIP-29-624.0, Los Peñasquitos Trans-County Trail-Crib Wall, in the amount of \$83,000 from Fund No. 10365, Park and Recreation Donation Matching Funds;

Authorizing the transfer of the following funds to CIP-29-624.0, Los Peñasquitos Trans-County Trail-Crib Wall:

(A) \$45,000 from CIP-20-020.0, Annual Allocation Open Space Parks, from funding source number 10505, Environmental Growth Fund; and

(B) \$52,000 from CIP-20-013.0, Park and Recreation Grant Matching Funds, from funding source number 630221, General Fund Contributions to the CIP;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$180,000 from CIP-29-624.0, Los Peñasquitos Trans-County Trail-Crib Wall.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the Manager to create and complete a capital improvement project to construct a crib (retaining) wall to complete the eastern portion of the Trans County Trail through Los Peñasquitos Canyon Preserve. The wall finishes a portion of the trail originally funded in 1997, when the City received a \$52,000 grant from the State Habitat Conservation Fund to complete a 1.6 mile portion of the Trans-County Trail through Los Peñasquitos Canyon Preserve from Black Mountain Road to the I-15 bridge at the Mercy Road exit. The trail will eventually span the county from the Pacific Coast at Torrey Pines State Preserve to the Eastern border of the Anza-Borrego Desert.

The original project scope included volunteer labor to construct a small retaining wall and trail

under the I-15 bridge. Upon subsequent Caltrans review, the retaining wall was termed a removable “crib” wall and it was determined that the crib wall construction could not be completed with volunteer labor. Engineering Department staff provided a cost estimate for completion of the crib wall as a capital improvement project, and the project can be scheduled to begin construction in early 2003.

FISCAL IMPACT:

The total project cost to construct the trail crib wall is \$180,000. The City received a \$52,000 grant from the State of California to complete a portion of the trail up to the crib wall, and to purchase the concrete block to construct the crib wall. The project funding will include: Grant Match Funding in the amount of \$52,000, Environmental Growth Fund in the amount of \$45,000, and Park and Recreation Department Matching Funds in the amount of \$83,000 which will match hours of documented volunteer labor valued at \$99,872 based on the Points of Light Foundation national average value per hour for volunteer time.

Herring/Oppenheim/CW

Aud. Cert. 2300540.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-108: Awarding a Construction Management and Inspection Services Contract - Richard Brady & Associates, Inc.

(See memorandum from Frank Belock, Jr. dated 9/11/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1345)

Authorizing the City Manager to execute a Construction Management and Inspection Services agreement with Richard Brady & Associates, Inc. to supplement City staff work for upcoming Water and Sewer Replacement CIP Projects;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$500,000 to various CIP projects, for a duration of two years from the date of execution by the City;

Authorizing the expenditure of an amount not to exceed \$250,000 for FY2003 and \$250,000 for FY2004 (funding available from Water Fund 41500 in the amount of \$200,000 and from the Sewer Fund 41506 in the amount of \$300,000), provided that the City Auditor furnishes one or more certificates;

Authorizing the City Auditor and Comptroller, upon approval from the administering department, to transfer excess unbudgeted funds, if any, to the appropriate resources.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/18/2002, NR&C voted 3 to 0 to approve. (Councilmembers Wear, Frye and Madaffer voted yea. Councilmembers Peters and Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

A short list of Civil Engineering consulting Firms were requested on March 20, 2001 from the Consultant Selection Coordinator. The Consultant Nominating committee nominated nine (9) firms to participate in a final selection process. In accordance with Council Policy 300-7, these firms were interviewed on May 11, 2001, for selection of 3 consulting firms to provide Construction Management and Inspection Services to supplement City staff work for upcoming Water & Sewer Replacement CIP Projects. This request was made based on anticipated work load increase for replacement of the City's aging, deteriorated water and sewer main infrastructure. The firm of Richard Brady & Associates, Inc., was selected as one of the qualified firms to provide consulting services for an annual contract amount not to exceed \$250,000. Richard Brady & Associates, Inc. will be required to provide public work inspector(s) for City's Capital Improvement Project contracts during peak work load period. The total contract cost shall not exceed \$250,000 per year from the date of execution by the City. The City has an option to extend this contract one more year.

FISCAL IMPACT:

The total not to exceed cost of this agreement is \$500,000. Funding is available in Water Fund 41500, in the amount of \$200,000 and in Sewer Fund 41506, in the amount of \$300,000. This agreement will run for 2 years, of which \$250,000 is for FY2003 and \$250,000 is for FY2004.

Loveland/Belock/HR

Aud. Cert. 2300549.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-109: Award of Contract for Management and Inspection Services - Caltrop Engineering.

(See memorandum from Frank Belock, Jr. dated 9/11/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1346)

Authorizing the City Manager to execute a Construction Management and Inspection Services agreement with Caltrop Engineering to supplement City staff work for the upcoming Water and Sewer Replacement CIP Projects;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$500,000 to various CIP projects, for a duration of two years from the date of execution by the City;

Authorizing the expenditure of an amount not to exceed \$250,000 for FY 2003 and \$250,000 for FY 2004 (funding available from Water Fund 41500 in the amount of \$200,000 and from the Sewer Fund 41506 in the amount of \$300,000), provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/18/2002, NR&C voted 3 to 0 to approve. (Councilmembers Wear, Frye, and Madaffer voted yea. Councilmembers Peters and Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

A short list of Civil Engineering Consulting Firms were requested on March 20, 2001 from the Consultant Selection Coordinator. The Consultant Nominating committee nominated nine (9) firms to participate in a final selection process. In accordance with Council Policy 300-7, these firms were interviewed on May 11, 2001, for selection of 3 consulting firms to provide Construction Management and Inspection Services to supplement City staff work for upcoming Water & Sewer Replacement CIP Projects. This request was made based on anticipated work load increase for replacement of the City's aging, deteriorated water and sewer main infrastructure. The firm of Caltrop Engineering, was selected as one of the qualified firms to provide consulting services for an annual contract amount not to exceed \$250,000. Caltrop Engineering will be required to provide public work inspector(s) for City's Capital Improvement Project contracts during peak work load period. The total contract cost shall not exceed \$250,000 per year from the date of execution by the City. The City has an option to extend this contract one more year.

FISCAL IMPACT:

The total cost of this agreement is in the amount not to exceed \$500,000. Funding is available in Water Fund 41500 in the amount of \$200,000, and

in Sewer Fund 41506 in the amount of \$300,000; of which \$250,000 is for FY 2003 and \$250,000 is for FY 2004.

Belock/Ruhi/HT

Aud. Cert. 2300550.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-110: Awarding a Construction Management and Inspection Services Contract - Harris & Associates, Inc.

(See memorandum from Frank Belock, Jr. dated 9/11/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1344)

Authorizing the City Manager to execute a Construction Management and Inspection Services agreement with Harris & Associates, to supplement City staff work for upcoming Water and Sewer Replacement CIP Projects;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$500,000 to various CIP projects, for a duration of two years from the date of execution by the City;

Authorizing the expenditure of an amount not to exceed \$250,000 for FY2003 and \$250,000 for FY2004 (funding available from Water Fund 41500 in the amount of \$200,000 and from Sewer Fund 41506 in the amount of \$300,000), provided that the City Auditor furnishes one or more certificates;

Authorizing the City Auditor and Comptroller, upon approval from the administering department, to transfer excess unbudgeted funds, if any, to the appropriate resources.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/18/2002, NR&C voted 3 to 0 to approve. (Councilmembers Wear, Frye and Madaffer voted yea. Councilmembers Peters and Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

A short list of Civil Engineering Consulting Firms were requested on March 20, 2001 from the Consultant Selection Coordinator. The Consultant Nominating Committee nominated nine (9) firms to participate in a final selection process. In accordance with Council Policy 300-7, these firms were interviewed on May 11, 2001, for selection of 3 consulting firms to provide Construction Management and Inspection Services to supplement City staff work for upcoming Water and Sewer Replacement CIP Projects. This request was made based on anticipated work load increase for replacement of the City's aging, deteriorated water and sewer main infrastructure. The firm of Harris & Associates, Inc. was selected as one of the qualified firms to provide consulting services for an annual contract amount not to exceed \$250,000. Harris & Associates will be required to provide public work inspector(s) for City's Capital Improvement Project contracts during peak work load period. The total contract cost shall not exceed \$250,000 per year from the date of execution by the City. The City has an option to extend this contract one more year.

FISCAL IMPACT:

The total not to exceed cost of this agreement is \$500,000. Funding is available in Water Fund 41500, in the amount of \$200,000 and in Sewer Fund 41506, in the amount of \$300,000, of which \$250,000 is for FY2003 and \$250,000 is for FY2004.

Loveland/Belock/HR

Aud. Cert. 2300551.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-111: Results of November 5, 2002 General Municipal and Special Elections.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-681)

Declaring the results of the General Municipal Election and the Special Municipal Election held in the City of San Diego on November 5, 2002.

SUPPORTING INFORMATION:

A General Municipal Election and a Special Election were held November 5, 2002, for the purpose of submitting candidates for the office of Councilmember for Districts Two (2) and Four (4) to the voters of each of those Council Districts; and for the purpose of submitting one ballot measure to the voters of the City of San Diego. The results of this election have been certified

by the Registrar of Voters and the City Clerk, and are now being certified to the City Council.

Abdelnour

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-112: Barnhart, Inc. Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-696)

Proclaiming December 7, 2002 to be "Barnhart, Inc. Day" in San Diego in recognition of their 20th Anniversary Celebration.

SUPPORTING INFORMATION:

Barnhart, Inc. is a full service general building, engineering and construction management firm. Founded in 1983 by Doug Barnhart, the corporation has successfully built and managed hundreds of projects throughout the Southwest. Barnhart, Inc. is well recognized in the Southern California Construction Industry as one of the largest general building/construction management firms and has achieved numerous awards and recognitions for their outstanding work. Their goal is to provide the best possible service to their clients.

Maienschein

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-113: Reappoint Richard Vortmann to the Retirement System, City Employees' Board of Administration.

(See memorandum from Mayor Murphy dated 11/18/2002 with resumé attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-694)

Re-nominating Richard H. Vortmann for election to the City Employees' Retirement System Board of Administration;

Declaring that after full and complete public discussion and deliberation, Richard H. Vortmann is reappointed to serve as a member of the City Employees' Retirement System Board of Administration, for a term ending December 7, 2008.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-114: Appointments and Reappointment to the Citizens Equal Opportunity Commission.

(See memorandum from Mayor Murphy dated 11/12/2002 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-695)

Council confirmation of the appointments and reappointment by the Mayor of the following persons to serve as members of the Citizens Equal Opportunity Commission for two-year terms ending January 1, 2004, in categories as specified:

<u>Appointments</u>	
<u>Name</u>	<u>Category</u>
Audie J. De Castro (replacing Andrew T. Shogren, who has resigned)	Asian
Rebecca Llewellyn (replacing Jon T. Myers, whose term has expired)	City at Large
<u>Reappointment</u>	
<u>Name</u>	<u>Category</u>
Debbie Day	City at Large

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-115: 2003 Council Committee Assignments.

(See memorandum from Mayor Murphy dated 11/22/2002.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-742)

Appointing the following Councilmembers to serve as chairpersons and members of the four standing Council committees for terms commencing December 3, 2002 and ending November 30, 2003, pursuant to Section 22.0101, as amended, of the Municipal Code of the City of San Diego:

Committee on Rules, Finance and Intergovernmental Relations

Mayor Dick Murphy (Chair)
Deputy Mayor Ralph Inzunza (Vice Chair)
Councilmember Jim Madaffer
Councilmember Brian Maienschein
Councilmember Scott Peters

Committee on Public Safety and Neighborhood Services

Councilmember Brian Maienschein (Chair)
Councilmember Donna Frye (Vice Chair)
Councilmember Toni Atkins
Councilmember Charles Lewis
Councilmember Michael Zucchet

Committee on Natural Resources and Culture

Councilmember Jim Madaffer (Chair)
Deputy Mayor Ralph Inzunza (Vice Chair)
Councilmember Donna Frye
Councilmember Charles Lewis
Councilmember Michael Zucchet

Committee on Land Use and Housing

Councilmember Scott Peters (Chair)
Councilmember Toni Atkins (Vice Chair)
Councilmember Donna Frye
Councilmember Charles Lewis
Councilmember Michael Zucchet

Declaring that Rule 13 of the Permanent Rules of Council is temporarily suspended, pursuant to Rule 32, to permit the City Council to appoint the members of the four standing committees rather than the Rules Committee.

NOTE: 6 votes required.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-116: 2003 Appointment of Councilmembers to Various Outside Organizations.

(See memorandum from Mayor Murphy dated 11/22/2002.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-743)

Declaring that pursuant to the San Diego Municipal Code, Section 22.0101, as amended, the following named persons are appointed to serve as Council representatives and Council liaison and their alternates to organizations listed below for the period commencing December 3, 2002 and ending November 30, 2003:

1. **ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY:**
Toni Atkins - representative
Donna Frye - representative
 2. **ARJIS BOARD OF DIRECTORS:**
Charles Lewis - representative
 3. **CITY-COUNTY JOINT HOMELESS TASK FORCE:**
Toni Atkins - representative
Michael Zucchet - representative
 4. **CRIMINAL JUSTICE COUNCIL:**
Brian Maienschein - representative
 5. **LEAGUE OF CITIES, SAN DIEGO COUNTY DIVISION:**
Jim Madaffer - representative
 6. **LOCAL AGENCY FORMATION COMMISSION:**
Donna Frye - representative
 7. **LOS PEÑASQUITOS CANYON PRESERVE TASK FORCE:**
Brian Maienschein - representative
Scott Peters - representative
-
1. **METROPOLITAN TRANSIT DEVELOPMENT BOARD:**
Scott Peters - representative, Executive Comm.

Toni Atkins - representative, Alt. Executive Comm.
Brian Maienschein - representative , Taxi Cab Comm.
Mayor Dick Murphy - representative
Jim Madaffer - alternate

2. MISSION TRAILS REGIONAL PARK TASK FORCE:
Jim Madaffer - representative
Mayor Dick Murphy - representative
10. **NORTH EMBARCADERO ALLIANCE:**
Michael Zucchet - representative
11. **OTAY RIVER VALLEY REGIONAL PARK POLICY COMMITTEE:**
Ralph Inzunza - representative
12. **PORT COMMISSION LIAISON:**
Michael Zucchet - representative
13. **REINVESTMENT TASK FORCE:**
Charles Lewis - representative
14. **SANDAG BOARD OF DIRECTORS:**
Mayor Dick Murphy - representative
Jim Madaffer - representative
Scott Peters - alternate
15. **SANDAG BAYSHORE BIKEWAY COMMITTEE:**
Michael Zucchet - representative
16. **SANDAG BORDERS COMMITTEE:**
Ralph Inzunza - representative
17. **SANDAG HIGH SPEED RAIL TASK FORCE:**
Brian Maienschein - representative
18. **SANDAG REGIONAL ENERGY COMMITTEE:**
Michael Zucchet - representative
19. **SANDAG EXECUTIVE COMMITTEE:**
Mayor Dick Murphy - representative
Jim Madaffer - alternate
20. **SANDAG REGIONAL HOUSING TASK FORCE:**
Toni Atkins - representative
21. **SANDAG REGIONAL PLANNING COMMITTEE:**

Jim Madaffer - representative

22. **SANDAG SHORELINE PRESERVATION COMMITTEE:**
Scott Peters - representative
23. **SANDAG TRANSPORTATION COMMITTEE:**
Mayor Dick Murphy - representative
Jim Madaffer - alternate
24. **SANDAG WALKABLE COMMUNITIES COMMITTEE:**
Donna Frye - representative
25. **SAN DIEGO WORKFORCE:**
Toni Atkins - representative
Charles Lewis - representative
26. **SAN DIEGO DATA PROCESSING CORPORATION BOARD OF DIRECTORS LIAISON:**
Jim Madaffer - representative
27. **SAN DIEGO REGIONAL AIRPORT AUTHORITY:**
Ralph Inzunza - representative
28. **SAN DIEGO RIVER CONSERVANCY:**
Mayor Dick Murphy - representative
Donna Frye - representative
29. **SAN DIEGO TROLLEY ADVISORY BOARD:**
Donna Frye - representative
Charles Lewis - representative
Jim Madaffer - representative
Michael Zucchet - representative
30. **SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY:**
Brian Maienschein - representative
Scott Peters - representative
31. **SERVICE AUTHORITY FOR FREEWAY EMERGENCIES (SAFE):**
Toni Atkins - representative
Donna Frye - representative
32. **SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION LIAISON:**
Charles Lewis - representative

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-117: Legislative Calendar for 2003.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-744)

Adopting the schedule of meetings for the City Council and Standing Committees of the City Council for the period of January 1, 2003 through December 31, 2003.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-118: 2003 Council Committee Assignments - Appointments of Chairpersons to the Four Standing Council Committees.

(See memorandum from Mayor Murphy dated 11/22/2002.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-745)

Appointments of the following Councilmembers to serve as chairpersons of the four standing Council committees, for terms commencing December 3, 2002 and ending November 30, 2003:

Committee

Chairperson

**Committee on Rules, Finance
and Intergovernmental Relations**

Mayor Dick Murphy

**Committee on Public Safety
and Neighborhood Services**

Councilmember Brian Maienschein

**Committee on Natural Resources
and Culture**

Councilmember Jim Madaffer

**Committee on Land Use and
Housing**

Councilmember Scott Peters

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-119: 2003 Council Assignments - Selection of Deputy Mayor.

(See memorandum from Mayor Murphy dated 11/22/2002.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-746)

Declaring that Councilmember Ralph Inzunza is hereby selected as Deputy Mayor of the City of San Diego for the period commencing December 3, 2002 and ending November 30, 2003, pursuant to Section 25 of the Charter of the City of San Diego, and after full discussion and deliberation by the City Council.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Settlement of the Property Damage Claim of Allison McBride.

(R-2003-659)

Adopted as Resolution R-297298

A Resolution approved by the City Council in Closed Session on Tuesday, November 12, 2002, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea. Authorizing the City Manager to pay the sum of \$89,915.13 in complete settlement of each and every claim against the City, its agents and employees, resulting from a sewer main collapse on October 16, 2001, causing property damage to the home of Allison McBride. The City previously paid a sum of \$42,509.93 from damages arising from this incident;

Authorizing the City Auditor and Comptroller to issue one check in the amount of

\$46,405.20 made payable to Luth and Turley, Inc.

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

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: Settlement of the Property Damage Claim of Jerry Silva.

(R-2003-660)

Adopted as Resolution R-297297.

A Resolution approved by the City Council in Closed Session on Tuesday, November 12, 2002, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$94,000 in complete settlement of each and every claim against the City, its agents and employees, resulting from a water main break on March 19, 2002, causing property damage to the home and property of Jerry Silva;

Authorizing the City Auditor and Comptroller to issue two checks, one in the total amount of \$52,000 made payable to Luth and Turley, Inc., and one in the amount of \$42,000 made payable to Jerry Silva in full settlement of all claims.

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

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: Settlement of the Subrogation Claim of Legion Insurance Company.

(R-2003-662)

Adopted as Resolution R-297296.

A Resolution approved by the City Council in Closed Session on Tuesday, November 12, 2002, by the following vote: Peters-yea; Wear-yea; Atkins-yea;

Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the sum of \$35,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the subrogation claim of Legion Insurance Company (Superior Court Case No. GIC-773526, Legion Insurance Company v. City of San Diego);

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$35,000 made payable to Legion Insurance Claim in full settlement of all claims.

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

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-253: 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 subdivisions:

SUBDIVISION

Torrey Hills Unit No. 3

COMMUNITY AREA

Sorrento Hills

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.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-254: **Notice** of Pending Final Map Approval - Fenton Carroll Canyon.

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 "Fenton Carroll Canyon", a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Mira Mesa Community Plan Area northwesterly of Miramar Road and Camino Santa Fe in Council District 5. 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.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-255: **Notice** of Pending Final Map Approval - Remington Hills Unit No. 4.

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 "Remington Hills Unit No. 4", a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Otay Mesa Community Plan Area northeasterly of Otay Mesa Road and Hawken Drive in Council District 8. 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.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-330: Two actions related to Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment (FBA) Fiscal Year 2003.

(See City Manager's Report CMR-02-262; Public Facilities Financing Plan and FBA, Fiscal Year 2003, October 2002 Draft. Carmel Valley Community Area. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-652)

Approving the document entitled "Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2003, October 2002."

Subitem-B: (R-2003-653)

Resolution of Intention to designate two areas of benefit in Carmel Valley and setting the time and place for holding a public hearing thereon.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 11/13/2002, LU&H voted 4 to 0 to approve the City Manager's recommendation.
(Councilmembers Wear, Stevens, Maienschein and Frye voted yea.)

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-331: Two actions related to Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment (FBA) Fiscal Year 2003.

(See City Manager's Report CMR-02-261; Public Facilities Financing Plan and FBA, Fiscal Year 2003, October 2002 Draft. Otay Mesa Community Area. District-8.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-622)

Approving the document entitled "Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2003, October 2002."

Subitem-B: (R-2003-623)

Resolution of Intention to designate an area of benefit in Otay Mesa and setting the time and place for holding a public hearing thereon.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 11/13/2002, LU&H voted 5 to 0 to approve the City Manager's recommendation.
(Councilmembers Peters, Wear, Stevens, Maienschein and Frye voted yea.)

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-332: Wagner Rezone.

Matter of approving, conditionally approving, modifying or denying an application for a Rezone designation from AR-1-1 to IP-2-1 on a vacant 6.98 acre site located on Via Excelencia, west of Via Pasar.

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

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in subitem A; and adopt the resolution in subitem B:

Subitem-A: (O-2003-73)

Introduction of an Ordinance of the Council of the City of San Diego changing 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.

Subitem-B: (R-2003-599)

Adoption of a Resolution certifying that the information contained in Negative Declaration No. 42-0022, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Wagner Rezone;

That the Council finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore the Negative Declaration is approved;

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.

OTHER RECOMMENDATIONS:

Planning Commission on September 19, 2002, voted 6-0 to approve; no opposition.

Ayes: Brown, Chase, Garcia, Lettieri, Schultz, Steele.
Not present: Anderson

The Mira Mesa Community Planning Group has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

The Rezone action is for a 6.98-acre undeveloped property located on Via Excelencia, just west of Interstate 15 and north of Miramar Road within the Mira Mesa Community Planning area. The parcel is bounded by Interstate 15 on the east, and existing light industrial development on the west, north, and south. This vacant parcel is currently zoned AR-1-1, an agricultural-residential zone requiring a 10-acre minimum lot size. All properties surrounding the project site are currently zoned IL-2-1. The IL-2-1 zoning allows for a mix of light industrial and office uses with limited commercial uses. The applicant proposes to acquire the property from the current property owner and has requested a Rezone to IP-2-1 (Industrial Park) in order to develop the site consistent with existing surrounding land uses and the Mira Mesa Community Plan, which designated this site as “Industrial Park,” a mixture of research and development, office, and manufacturing uses. Any future development would need to conform with the IP-2-1 zone.

The purpose of the IP zone is to provide for high quality science and business park development. The property development standards of this zone are intended to create a campus like environment characterized by comprehensive site design and substantial landscaping. Restrictions on permitted uses and signs are provided to minimize commercial influence.

TRAFFIC IMPACT:

The requested rezone only, does not permit immediate land development. Discretionary review will be required for the future development, at which time the proposed developments’ traffic impacts will be evaluated.

FISCAL IMPACT:

None. A deposit has been collected from the applicant to cover all costs associated with processing this proposed project.

Ewell/Christiansen/TPD

LEGAL DESCRIPTION:

The proposed project is located on Via Excelencia and is more particularly described as lot 10 of Mark II Industrial Park of Map 9310, west of Via Pasar, in the Mira Mesa Community Plan.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-333: “A” Street Townhomes.

Matter of approving, conditionally approving, modifying or denying a Site Development Permit to construct thirteen townhome style apartments on a vacant 0.45 acre site with underground parking located at 2761 through 2771 A Street within the Golden Hill Community Plan area.

(See City Manager Report CMR-02-271. MND-42-0015/SDP-8457/Abandonment and Relocation of Public Utility Easements. Greater Golden Hill Community Plan area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A and C; and adopt the resolution in subitem B to grant the permit:

Subitem-A: (R-2003-671)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-42-0015 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the “A” Street Townhomes;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

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.

Subitem-B: (R-2003-)

Adoption of a Resolution granting or denying Site Development Permit No. 8457, with appropriate findings to support Council action.

Subitem-C: (R-2003-699)

Adoption of a Resolution certifying that the drainage easement as more particularly described in the legal description marked as Exhibit "A," and the sewer easement as more particularly described in the legal description marked as exhibit "A-1" and as shown on Drawing No. 19876-B marked as Exhibit "B," is ordered vacated;

That the Resolution shall not become effective unless and until the applicant relocates and constructs a new storm drain and sewer system satisfactory to the City Engineer;

In the event the above condition is not completed within two years following the adoption of this Resolution, then this Resolution shall become void and be of no further force or effect;

That the City Engineer shall advise the City Clerk of the completion of the aforementioned condition, and the City Clerk shall then cause a certified copy of this Resolution with Exhibit "A," Exhibit "A-1" and Drawing 19876-B, attested by him under seal, to be recorded in the Office of the County Recorder.

OTHER RECOMMENDATIONS:

Planning Commission on October 31, 2002, voted 7-0 to recommend approval of staff's recommendations; no opposition.

Ayes: Brown, Chase, Anderson, Lettieri, Garcia, Schultz, Steele

The Greater Golden Hill Community Planning Committee on February 13, 2002, voted unanimously (8-0) to recommend approval of the proposed project.

CITY MANAGER SUPPORTING INFORMATION:

Background

The project site is a vacant 0.45 acre (19,600 square-foot) lot located at 2761-2771 A Street. The Golden Hill Community Plan designates the site for medium residential density at 15 to 29 dwelling units per acre. The site is zoned GH-1500 and subject to the development regulations of the Golden Hill Planned District Ordinance. The neighborhood surrounding the project site exhibits significant diversity in terms of residential densities and architectural styles including newer, higher density apartment buildings and older, stately single-family homes. The area also includes a one block commercial node along 28th Street between A Street and B Street typified by small-scale neighborhood retail and restaurant uses.

The project requires a Site Development Permit because the number of units exceed the established threshold for ministerial review in the GH-1500 Zone, and the project is requesting a deviation from the maximum 30 foot height limit.

The Golden Hill Planned District Ordinance stipulates that any project exceeding three units in the GH-1500 Zone requires a Site Development Permit. The project requires a Process Five City Council decision due to the proposed abandonment of the two existing Public Utility Easements for a storm drain and a sewer line. The Site Development Permit has been consolidated with this action.

Project Description

The project proposes the development of thirteen “for rent” multi-family dwelling units. The project has been designed as town homes utilizing five detached buildings with two-story dwelling units. Two of the structures would front on A Street and have two units each, while the three remaining structures would be sited at the rear of the property and include three units in each. All five of the structures would be located above a 15,000 square-foot subterranean parking garage. The garage would be accessed from the alley through two gated entries and provide 26 off-street parking spaces (two per unit) as well as bicycle and motorcycle parking. Trash and recycling facilities would be located in the alley. The project is requesting a deviation from the 30 foot height limit due to the existing topography of the site which drops steeply away from A street. The deviation would allow the project to provide underground parking using the natural gradient while minimizing the need for excessive grading.

An existing eight-foot storm water drainage easement and a ten-foot sewer easement traverse the property in a diagonal fashion and are proposed to be abandoned and relocated at the side property line on the adjacent lot. The relocation of the easement would unencumber the project site and allow for the reasonable development of the property. The applicant owns the adjacent lot on which the relocated easements are proposed.

FISCAL IMPACT: None.

Ewell/Christiansen/JPH

LEGAL DESCRIPTION:

The proposed project is located at 2761-2771 A Street in the Golden Hill community and is more particularly described as a portion of Lot 8 and Lots 9-13 of Map 309.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT