

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, DECEMBER 5, 2000
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING	5
ATTENDANCE DURING THE MEETING	5
ITEM-300: ROLL CALL	6
NON-AGENDA COMMENT	6
COUNCIL COMMENT:	9
ITEM-50: Amending the San Diego Municipal Code relating to Massage Business and Massage Therapists.	10
* ITEM-51: Science and Technology Commission.	11
* ITEM-52: Amending the San Diego Municipal Code Section 24.1503 Regarding Eligibility for Participation in the Supplemental COLA.	12
* ITEM-53: Amending the San Diego Municipal Code Relating to Holidays to Add Cesar Chavez Day.	12
* ITEM-54: Office Space Lease Amendment - Downtown Child Care Facility for City Staff.	13
* ITEM-55: Point Loma Digester C1/C2 Upgrade - SWRCB - Low Interest Loan Authorization.	14
* ITEM-56: La Jolla Crossroads Rezoning.	15
* ITEM-57: The Establishment of City of San Diego Community Facilities District No. 4 (Black Mountain Ranch Villages).	15

* ITEM-58:	Market Street Industrial Park Project.	16
* ITEM-59:	Removal of 2 Hour Metered Parking Zone on W. University Ave. Between Front St. and Albatross St.	17
* ITEM-60:	First Amendment to the Agreement with Old Town Trolley Tours for Operation of the Tram System in Balboa Park.	18
ITEM-61:	<u>Two</u> actions related to Calling a Special Election to Fill the Vacancy in Council District 8.	19
* ITEM-100:	Results of November 7, 2000 Municipal General Election and Municipal Special Election.	21
* ITEM-101:	Excusing Councilmember Vargas from the Full City Council Meetings of November 13, 2000 and November 14, 2000.	22
* ITEM-102:	Eddie Louis Edwards Day.	22
* ITEM-103:	<u>Five</u> actions related to Authorizing Suggestion Awards to City Employees.	23
* ITEM-104:	“Decoy Shoulder Tap” Grant from the State Department of Alcoholic Beverage Control.	24
* ITEM-105:	Amending FY 2001 Capital Improvements Program Budget - Sandburg Neighborhood Park Playground Improvements.	26
* ITEM-106:	Construction of Cement Foundations for Homicide Evidence Storage Buildings.	27
* ITEM-107:	Contract Amendment for Market Street and 33 rd Street Storm Drain.	29
* ITEM-108:	Office Space Lease Amendment - Eric D. Wolf, Attorney At Law.	30
* ITEM-109:	First Amendment to the Agreement with Dudek & Associates, Inc., for the Bonita Pipeline Phase II Project.	31
* ITEM-110:	Consultant Agreement With RBF Consulting For Catalina Standpipe Renovation Project.	33

* ITEM-111:	Two actions related to Change Order 15 to the Alvarado Water Treatment Plant-Phase I Contract.	34
* ITEM-112:	Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.	36
* ITEM-113:	Time Limit Parking on Adams Avenue.	37
ITEM-114:	Declaring a Continued State of Emergency Regarding a Critical Local Public Health Crisis Related to the Spread of the Hepatitis C Virus.	38
ITEM-150:	Amendment to Council Policy 600-08, Underground Conversion of Utility Lines at Company Expense.	39
ITEM-151:	Undergrounding of Utilities - 2001 Calendar Year, Annual Allocation, "Case 8209" Funds.	40
ITEM-152:	Proposed Ordinance Restricting Access to Violent and Sexually Explicit Video Games.	41
ITEM-200:	Selecting Councilmember George Stevens as the Deputy Mayor for the Period of December 5, 2000 through December 3, 2001.	42
ITEM-201:	Approving Chairpersons and Committee Members for the Four Standing Council Committees for terms commencing December 5, 2000 through December 3, 2001.	42
ITEM-202:	Year 2001 Appointments to Outside Organizations.	44
ITEM-203:	In the Matter of Adopting the Year 2001 Legislative Calendar for the City of San Diego.	47
ITEM-204:	Inviting Bids for an As-Needed Pipeline System Rehabilitation Contract.	48
ITEM-205:	2000 City of San Diego Urban Water Management Plan.	50
ITEM-206:	Extension of State Route 56, Phase I westerly, and State Route/56 Camino Ruiz Interchange.	51

ITEM-207:	Agreement with Lee & Ro Consulting Engineers, Inc. for Design Work in Connection with the Point Loma - Grit Processing Improvements Project.	53
ITEM-208:	South San Diego/Otay Mesa Water Reimbursement Agreement.	55
ITEM-209:	First Amendment to the Black Mountain Reservoir Participation Agreement.	57
ITEM-330:	Vacation of a portion of Blaine Avenue.	58
ITEM-331:	Vacation of a Street Reservation in Lot "A" of Map 4217.	59
*ITEM-S400:	<u>Three</u> actions related to the Final Subdivision Map of Black Mountain Ranch Unit No. 12.	60
*ITEM-S401:	<u>Four</u> actions related to the Final Subdivision Map of Black Mountain Ranch, Unit No. 11.	62
	CLOSED SESSION	64
	NON-DOCKET ITEMS	65
	ADJOURNMENT	65

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:04 a.m. The meeting was recessed by Mayor Murphy at 12:01 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:04 p.m. with all Council Members present and District 8 vacant. Mayor Murphy adjourned the meeting at 3:13 p.m.

ATTENDANCE DURING THE MEETING:

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

Clerk-Abdelnour (er/rl)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Ethel Murphy on behalf of the citizens of the De Anza Cove Community regarding concerns about the termination of their lease.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A054-079.)

PUBLIC COMMENT-2:

Comment by Ernie Abbitt regarding his concerns about the De Anza Cove Community and its residents.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A084-103.)

PUBLIC COMMENT-3:

Comment by Jim Varnadore regarding the importance of a legacy; Mr. Varnadore stated that the Council should move away from technical and professional worship and listen to the views of the citizens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A116-141.)

PUBLIC COMMENT-4: **Referred to the City Manager**

Comment by Henry Olivas regarding graffiti control in Balboa Park; Mr. Olivas stated that he volunteers at Balboa Park cleaning graffiti. He suggested that it would be helpful if a police officer patrolled Pan American Road near the canyon to discourage taggers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A142-169.)

PUBLIC COMMENT-5:

Al Strohleim welcomed the new Mayor and Council Members. He requested that the Council follow Robert's Rules of Order.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A172-200.)

PUBLIC COMMENT-6:

Catherine Strohlein welcomed the new Mayor and Council Members and requested that the Council be prompt for meetings and treat citizens with respect.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A201-234.)

PUBLIC COMMENT-7:

Steven McWilliams requested the arrest and resignation of the City Attorney.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A242-290.)

PUBLIC COMMENT-8:

Tami Carew introduced herself and welcomed the new Mayor and Council Members.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A293-308.)

PUBLIC COMMENT-9:

Don Stillwell requested that the dips located on a street west of Qualcomm Stadium be fixed. Mr. Stillwell applauded the Mayor for reading the Municipal Code regarding the three minutes allowed on non-agenda comments.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A309-332.)

PUBLIC COMMENT-10:

Ernie Wright welcomed the new Mayor and Council Members and presented Jim Madaffer with a banner on behalf of Prokids Golf Academy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A337-375.)

PUBLIC COMMENT-11: **Referred to the City Manager**

Peter Mirche requested that disabled seating be installed at the Civic Theater. Mr. Mirche stated that he was at the Civic Theater for the inauguration and had to sit in the back because there was no disabled seating available.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A377-441.)

PUBLIC COMMENT-12:

Doug Beckman from the Community of Linda Vista welcomed the new Mayor and Council Members.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A493-521.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Stevens expressed his concerns regarding the De Anza Cove Community and their plight. Mr. Stevens welcomed the new Mayor and Council Members.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A522-584; 599-619.)

COUNCIL COMMENT-2:

Council Member Wear welcomed the new Mayor and Council Members.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A586-597.)

ITEM-50: Amending the San Diego Municipal Code relating to Massage Business and Massage Therapists.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/20/2000. (Council voted 9-0):

(O-2001-3 Cor. Copy Rev. 3) ADOPTED AS ORDINANCE O-18907
(NEW SERIES)

Amending Chapter III, Article 3, Division 35, of the San Diego Municipal Code by repealing Section 33.3501; amending and renumbering Section 33.3502 to 33.3501; repealing Section 33.3503; amending and renumbering Sections 33.3504, 33.3520 and 33.3521 to 33.3502, 33.3503 and 33.3504; adding new Sections 33.3505 and 33.3506; amending and renumbering Sections 33.3522 and 33.3523 to 33.3507 and 33.3508; amending and renumbering Sections 33.3530 and 33.3531 to 33.3509 and 33.3510; adding new Sections 33.3511 and 33.3512; amending and renumbering Section 33.3532 to 33.3513; adding new Section 33.3514; amending and renumbering Section 33.3540 to 33.3515; adding new Sections 33.3516, 33.3517, 33.3518, 33.3519, 33.3520, 33.3521, 33.3522 and 33.3523; repealing Section 33.3524; adding new Sections 33.3524, 33.3525, 33.3526, 33.3527, 33.3528 and 33.3529; repealing Sections 33.3533, 33.3541, 33.3542, 33.3550, 33.3551, 33.3552, 33.3553, 33.3554, 33.3555 and 33.3556; all relating to Massage Business and Massage Therapists.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D414-E252.)

MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-51: Science and Technology Commission.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/20/2000. (Council voted 9-0):

(O-2001-82 Cor. Copy) ADOPTED AS ORDINANCE O-18899 (New Series)

Amending Chapter II, Article 6, of the San Diego Municipal Code by amending Section 26.1402, relating to the Science and Technology Commission.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-52: Amending the San Diego Municipal Code Section 24.1503 Regarding Eligibility for Participation in the Supplemental COLA.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/20/2000. (Council voted 9-0):

(O-2001-97) ADOPTED AS ORDINANCE O-18900 (New Series)

Amending Chapter II, Article 4, of the San Diego Municipal Code by amending Section 24.1503 to add the survivors of the Special Class Safety Members who were receiving fluctuating monthly retirement benefits and the survivors of special death benefit recipients to the class of persons eligible to participate in the Supplemental COLA Program.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-53: Amending the San Diego Municipal Code Relating to Holidays to Add Cesar Chavez Day.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/20/2000. (Council voted 9-0):

(O-2001-87) ADOPTED AS ORDINANCE O-18901 (New Series)

Amending Chapter II, Article 1, of the San Diego Municipal Code by renumbering sections 21.01, 21.02 and 21.03 to sections 21.0101, 21.0102 and 21.0103; by amending and renumbering section 21.04 to new section 21.0104, relating to Holidays to add Cesar Chavez Day.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-54: Office Space Lease Amendment - Downtown Child Care Facility for City Staff.

(Centre City Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/20/2000. (Council voted 9-0):

(O-2001-94) ADOPTED AS ORDINANCE O-18902 (New Series)

Authorizing the City Manager to execute a Lease Agreement/Lease Amendment with an appropriate lessor, for the lease of space for a downtown child care facility for City staff, expend funds for tenant improvements; subsidize the rates for the proposed child care; and amend Ordinance O-18827.

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

FILE LOCATION: LEAS - Downtown Child Care Facility for City Staff

COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-55: Point Loma Digester C1/C2 Upgrade - SWRCB - Low Interest Loan Authorization.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/20/2000. (Council voted 9-0.):

(O-2001-92) ADOPTED AS ORDINANCE O-18903 (New Series)

Authorizing and accepting State Revolving Fund Loan Program Contracts pursuant to City of San Diego Charter Section 99.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-56: La Jolla Crossroads Rezoning.

(University Community Plan Area. District-1.)

NOTE: The public testimony portion of the hearing is closed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/21/2000. (Council voted 9-0.):

(O-2001-96) ADOPTED AS ORDINANCE O-18904 (New Series)

Incorporating 33.8 acres located west of Interstate 805 and south of La Jolla Village Drive, within the University City Community Plan Area, in San Diego, from the RS-1-14 (R1-5000) zone into the RM-3-9 (R-600) and IP-1-1 (SR) zones, as defined by San Diego Municipal Code Sections 131.0406 and 131.0602; and repealing ordinance No. 13455 (New Series), adopted February 15, 1932, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

FILE LOCATION: LAND - Progress Guide and General Plan/University Community Plan - La Jolla Crossroads (09)

COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-57: The Establishment of City of San Diego Community Facilities District No. 4 (Black Mountain Ranch Villages).

(Subarea I of the North City Future Urbanizing Area. District-1.)

NOTE: The public testimony portion of the hearing is closed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/21/2000. (Council voted 9-0.):

(O-2001-93) ADOPTED AS ORDINANCE O-18905 (New Series)

Authorizing the levy of a special tax within the District.

FILE LOCATION: STRT-CF-4 (58)

COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-58: Market Street Industrial Park Project.

(District-4.)

NOTE: The public testimony portion of the hearing is closed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/21/2000. (Council voted 8-0. Councilmember McCarty not present.):

(O-2001-77) ADOPTED AS ORDINANCE O-18906 (New Series)

Terminating the effectiveness of the Redevelopment Plan for the Market Street Industrial Park Redevelopment Project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-59: Removal of 2 Hour Metered Parking Zone on W. University Ave. Between Front St. and Albatross St.

(Uptown Community Area. Districts-2 and 3.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2001-85) INTRODUCED, TO BE ADOPTED ON JANUARY 9, 2001

Introduction of an Ordinance removing the 23 two-hour parking meters from the north and south sides of West University Avenue between Front Street and Albatross Street.

CITY MANAGER'S SUPPORTING INFORMATION:

This action removes 23 two hour parking meters from the north and south sides of West University Avenue between Front Street and Albatross Street. Council approval is required, according to the Municipal Code, section 86.04. The Uptown Partnership is in favor of this change. A recent parking study revealed that during a ten hour period from 8:00 a.m. to 6:00 p.m. a weekday, there was 0% parking occupancy at all 23 meters.

FISCAL IMPACT:

Fiscal impact is minimal. Funds are budgeted within the Transportation Department, Street Division's operating fund for this purpose.

Belock/Gonzalez/AH

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO INTRODUCE THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-60: First Amendment to the Agreement with Old Town Trolley Tours for Operation of the Tram System in Balboa Park.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2001-101) INTRODUCED, TO BE ADOPTED ON JANUARY 9, 2001

Introduction of an Ordinance authorizing the City Manager to enter into a First Amendment to an agreement with Old Town Trolley Tours for operation of a tram system in Balboa Park.

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

CITY MANAGER'S SUPPORTING INFORMATION:

Based on the vehicle traffic reduction goal identified in the Balboa Park Master Plan, the City Council authorized the City Manager to enter into an agreement with Old Town Trolley Tours of San Diego, OO-18732, adopted December 6, 1999, to provide tram service in Balboa Park. This service provider maintains an extensive fleet of trolley vehicles in San Diego that can be used to support the park's tram system and assure the continuous service level stipulated in the agreement. Since the execution of the agreement with Old Town Trolley Tours, the Park and Recreation Department has identified an increased ridership in the park of approximately 25%. The increased ridership indicated a need to provide additional tram service during the winter season. In order to do this, it is necessary to amend the agreement to provide for one more tram

in service on Monday, Wednesday, Thursday, and Friday which would increase the number of trams in service on those days from one to two. This would provide a minimum of two trams each day of the week year round. Further, the Department has identified a need for flexibility with respect to the hours of operation for the day tram service in order to better serve the transportation needs of the public. Currently the agreement provides for a fixed hourly schedule of operations which does not always meet the public demand. As such, an amendment allowing for this flexibility is being requested.

FISCAL IMPACT:

Expend \$49,920 from Fund 102240, Public Buildings and Parks TOT Fund, to increase the Fiscal Year 2001 Budget for this activity from \$247,541 to \$297,461. Subsequent Fiscal Year financing of the tram system would be subject to approval of an additional annual appropriation of \$49,920 for a total of \$297,461 during the term of the existing agreement.

Loveland/McLatchy/MJB

Aud. Cert. 2100607.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO INTRODUCE THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-61: Two actions related to Calling a Special Election to Fill the Vacancy in Council District 8.

(See City Clerk Report CCR-00-09.)

CITY CLERK'S RECOMMENDATION:

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

Subitem-A: (O-2001-99 Cor. Copy)

INTRODUCED AND ADOPTED AS
ORDINANCE O-18908 (NEW SERIES)

Introduction and adoption of an ordinance ordering, calling, providing for and giving notice of a special election to be held in Council District 8 for the purpose of filling a vacancy in the office of Council District 8 in the City of San Diego on February 27, 2001.

Subitem-B: (R-2001-905) ADOPTED AS RESOLUTION R-294354

Requesting the services of the Registrar of Voters in connection with the Special Election in Council District 8 on February 27, 2001.

CITY CLERK'S SUPPORTING INFORMATION:

District 8 Councilmember Juan Vargas was elected to the California State Assembly on November 7, 2000. On November 14, 2000, Councilmember Vargas submitted to the City Clerk his resignation from the City Council, effective at 12:00 p.m. on December 4, 2000. Pursuant to City Charter Section 12, because more than one year remains in Councilmember Vargas's term of office, and because there is no regular election scheduled to be held within 180 days of the vacancy, the Council must call a special election to be held in the District within 90 days of the date of the vacancy. The City Clerk recommends February 27, 2001, as the date to hold the special election. If one candidate receives the majority of votes cast for all candidates in the special election, the candidate receiving the majority of votes cast shall be deemed to be and declared by the Council to be elected to the vacant office, pursuant to Charter Section 12. Also pursuant to Charter Section 12, if no candidate receives a majority of votes cast in the special election, a special run-off election shall be held within 49 days of the first special election. The ordinance and resolution requested herewith relate only to the first special election. The candidate elected to the vacant office shall serve the remainder of the term, which ends December 2, 2002.

Abdelnour/Lane

Aud. Cert. 2100600.

_____ FILE LOCATION: SUBITEMS A & B: MEET

_____ COUNCIL ACTION: (Tape location: D219-413.)

MOTION BY STEVENS TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE IN SUBITEM A; AND ADOPT THE RESOLUTION IN SUBITEM B. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-100: Results of November 7, 2000 Municipal General Election and Municipal Special Election.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-916) ADOPTED AS RESOLUTION R-294316

Declaring the results of the Municipal General Election and the Special Municipal Election held in the City of San Diego on November 7, 2000.

SUPPORTING INFORMATION:

A Municipal General Election was held November 7, 2000, for the purpose of electing candidates for the offices of Mayor and Councilmember for Districts 1, 3, 5 and 7. Additionally, a Municipal Special Election was held the same date to allow qualified voters to cast votes either for or against Proposition C, pertaining to the height of buildings in the Coastal Zone.

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/Lane/RR

_____ FILE LOCATION: MEET

_____ COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-101: Excusing Councilmember Vargas from the Full City Council Meetings of November 13, 2000 and November 14, 2000.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-894) ADOPTED AS RESOLUTION R-294317

Excusing Councilmember Juan Vargas from attending the regularly scheduled Council meetings of November 13 and 14, 2000.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-102: Eddie Louis Edwards Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-873) ADOPTED AS RESOLUTION R-294318

Commending Eddie Louis Edwards for his contributions to the City of San Diego;

Proclaiming December 8, 2000 to be "Eddie Louis Edwards Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-103: Five actions related to Authorizing Suggestion Awards to City Employees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-882) ADOPTED AS RESOLUTION R-294319

Ken Brassard, Ronald Liddle, Juan Echavarria, Anthony Sotter
Metropolitan Wastewater
\$2,500 award divided equally (\$625 each)

Subitem-B: (R-2001-883) ADOPTED AS RESOLUTION R-294320

Robert H. Cook
Police Department
\$397.80

Subitem-C: (R-2001-884) ADOPTED AS RESOLUTION R-294321

Larry Fregia
Police Department
\$508.50

Subitem-D: (R-2001-885)

ADOPTED AS RESOLUTION R-294322

John Faxon, Diosdado Torres
Metropolitan Wastewater
\$2,020.36 award divided equally (\$1,010.18 each)

Subitem-E: (R-2001-886)

ADOPTED AS RESOLUTION R-294323

Lorna Samuel
Library
\$4,025.30

FILE LOCATION: SUBITEMS A - E: MEET

COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-104: "Decoy Shoulder Tap" Grant from the State Department of Alcoholic Beverage Control.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-790)

ADOPTED AS RESOLUTION R-294324

Authorizing the Chief of Police on behalf of the City of San Diego, to accept, expend and manage funds for, and to conduct and administer, the grant funds from the State of California, Department of Alcoholic Beverage Control, to conduct a strategy called "Decoy Shoulder Tap" including any extensions or amendments;

Declaring that such authorization shall include all aspects of grant acceptance, operation, contracts, expenditures, and certifications, and that the City will comply with all applicable statutory and/or regulatory requirements related to this program;

Authorizing the Chief of Police, on behalf of the City Manager, to accept, expend, manage and administer any amendments, extensions, renewals, or future funding of this program for a period of up to five years, provided funding is made available by the State of California;

Authorizing the City to provide the required matching resources, if any, and ongoing costs of operation relating to this program, including any amendments, under the program and funding terms and conditions of the State of California;

That the grant funds and/or resources received hereunder shall not be used to supplant expenditures controlled by this body;

That the expenditures and personnel positions funded hereunder are not subject to local spending or hiring freezes.

CITY MANAGER SUPPORTING INFORMATION:

"Decoy Shoulder Tap" is a strategy designed to discourage alcohol acquisition and use by minors. The State of California Department of Alcoholic Beverage Control has provided \$20,000 to fund overtime for SDPD Detectives to conduct the "Decoy Shoulder Tap" operations at liquor establishments throughout the City, as identified. "Decoy Shoulder Tap" operations prevent underage alcohol acquisition and use by targeting adults who are willing to purchase liquor for unknown minors. The project will employ minor decoys. These decoys will approach adults whom they do not know outside liquor stores, and ask the adults to purchase liquor for them. "Decoy Shoulder Tap" has proven to be an effective strategy, both in San Diego and elsewhere, in preventing youth access to alcohol.

FISCAL IMPACT:

This is a \$20,000 grant from the State of California Department of Alcoholic Beverage Control (ABC). Under a separate grant, ABC provides funds for a Vice Detective who will be responsible for the preparation and implementation of the "Decoy Shoulder Tap" operations. All other program expenses are funded by this grant. There is no obligation or requirement to continue these operations beyond the end of the grant.

Uberuaga/Bejarano/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-105: Amending FY 2001 Capital Improvements Program Budget - Sandburg Neighborhood Park Playground Improvements.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-876) ADOPTED AS RESOLUTION R-294325

Authorizing the City Auditor and Comptroller to add CIP-29-410.0, Sandburg Neighborhood Park Playground Improvements, to the FY 2001 Capital Improvements Program Budget;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$265,389 (\$98,000 from the Mira Mesa Community Fund, Fund No. 10516; \$98,000 from Park and Recreation Department Matching Funds, Fund No. 10365, and \$69,389 from the Mira Mesa Public Facilities Benefit Assessment Improvements.

CITY MANAGER SUPPORTING INFORMATION:

This project will provide for playground upgrades at Sandburg Neighborhood Park, located at the intersection of Avenida Del Gato and Zapata Avenue, adjacent to Sandburg Elementary School in the Mira Mesa community. The five-acre park was originally developed in 1984. Since that time, due to damage or non-compliance with current safety standards, all playground

equipment has been removed from the park. During the past several years, neighborhood residents worked with City staff to revise the General Development Plan (GDP) for the park, which provides for upgraded facilities.

The GDP was approved by the Park and Recreation Board on March 16, 2000. The proposed upgrades will implement the revised GDP and are required in order to bring the playground into compliance with current playground safety standards and the Americans with Disabilities Act (ADA) accessibility guidelines.

FISCAL IMPACT:

Funds are available in the amount of \$265,389 from the Mira Mesa Community Fund, Fund No. 10516 (\$98,000), Park and Recreation Department Matching Funds, Fund No. 10365 (\$98,000) and the Mira Mesa Public Facilities Benefit Assessment Fund, Fund No. 79006 (\$69,389) for this purpose.

Loveland/McLatchy/DVW

Aud. Cert. 2100564.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-106: Construction of Cement Foundations for Homicide Evidence Storage Buildings.

(Serra Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-866 Cor. Copy) ADOPTED AS RESOLUTION R-294326

Ordering the City Auditor to transfer \$74,815 from the STOP grant fund 18684 to the Police Department upon a request from the Police Department;

Authorizing the expenditure of the funds for the construction of the foundation for the storage buildings.

CITY MANAGER SUPPORTING INFORMATION:

The Police Department is tasked by court mandate to store personal and vehicular property from homicide and other violent crime cases for extended periods of time, often for years. The Department currently leases warehouse space in the East Village area for vehicle storage. Due to redevelopment in the area, the Department has lost the lease on this warehouse. Additionally, a variety of mini-storage units in the downtown area are being leased to store boxed evidence. The Department has identified sufficient space for a centralized storage facility on City property leased by the Department in the Aero Drive Industrial Park adjacent to the Traffic Division. Two pre-fabricated metal storage buildings, each 80 by 100 feet, have been purchased and delivered. A purchase order to erect the buildings on site has been secured. The Engineering and Capital Projects Unit's Contract Services Division have already bid the project. The Department is seeking authorization to expend \$74,815 to construct the concrete foundations for the buildings.

FISCAL IMPACT:

Funding in the amount of \$74,815 is available in fund 18684, STOP grant, for this purpose.

Uberuaga/Harrison/NA

Aud. Cert. 2100403.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-107: Contract Amendment for Market Street and 33rd Street Storm Drain.

(Stockton Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-713) ADOPTED AS RESOLUTION R-294327

Approving the Change Order No. 1 dated December 15, 1999 with 3-D Enterprises, Inc. for the construction of Market Street and 33rd Street storm drain, CIP-12-102.0, amounting to a net increase of \$6,040 in the contract price;

Authorizing the City Auditor and Comptroller to appropriate and transfer an amount not to exceed \$15,000 from Storm Drain Fund Balance, Fund No. 10508 to CIP-12-102.0, Market Street and 33rd Street storm drain;

Authorizing the expenditure of an amount not to exceed \$15,000 from CIP-12-102.0 (Fund No. 10508), Market Street and 33rd Street storm drain for Change Order No. 1 and engineering and administration costs for providing funds for the project;

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

CITY MANAGER SUPPORTING INFORMATION:

The construction of Market Street and 33rd Street storm drain system has been completed. The project budget is currently in deficit and a change order for \$6,040, due to additional work has been approved. Additional funding in the amount of \$15,000 is required to complete and closeout the project. This amount of \$15,000 will be used to cover the change order and other related administration costs.

FISCAL IMPACT:

The total amount of \$137,241.28 was authorized and programmed for this work in the CIP-12-102.0. The additional project cost of \$15,000 will be available in Storm Drain Fund Balance, Fund 10508, CIP-12-102.0.

Belock/Boekamp/HR

Aud. Cert. 2100464.

_____ FILE LOCATION: CONT - 3-D Enterprises, Inc.

_____ COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-108: Office Space Lease Amendment - Eric D. Wolf, Attorney At Law.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-909) ADOPTED AS RESOLUTION R-294328

Authorizing the City Manager to execute a Second Amendment to Lease with Eric D. Wolf, Attorney at Law, for a leasehold area of 172 square feet, in the World Trade Center Building, at the base rent of \$232.30 per month;

That the total annual rent paid to the City of San Diego for the first year of the Second Amendment to lease, in the amount of \$2,786.40, shall be deposited into the General Fund 100.

CITY MANAGER SUPPORTING INFORMATION:

Eric D. Wolf, Attorney at Law, has been leasing space from the City in the World Trade Center Building, located at 1250 Sixth Avenue, Suite 236, since February 18, 1996. Leased space is approximately 172 rentable square feet. The tenant will be leasing the space under the following terms:

TERM - For one (1) year commencing September 1, 2000 and terminating August 31, 2001. Tenant has the option to extend the lease for four (4) additional one (1) year periods providing the tenant is not in default.

RENT - \$232.20 per month or approximately \$1.35 per square foot. The rental rate is market value as compared to similar space in the downtown area. Rent to increase 5% with each one year extension option.

USE - General office usage.

SIZE - 172 square feet.

FISCAL IMPACT:

\$2,786.40 will be deposited to the General Fund 100 for the first year of the Lease Amendment.

Loveland/Griffith/DLM

_____ FILE LOCATION: LEAS - Eric D. Wolf, Attorney at Law

_____ COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-109: First Amendment to the Agreement with Dudek & Associates, Inc., for the Bonita Pipeline Phase II Project.

(Mount Hope, Chollas View, Mountain View and Golden Hill Community Areas. Districts-4 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-892) ADOPTED AS RESOLUTION R-294329

Authorizing the City Manager to execute a first amendment to the agreement with Dudek & Associates, Inc. to provide additional design services for the Bonita Pipeline Phase II project;

Authorizing the expenditure of an amount not to exceed \$91,420 from Water Revenue Fund 41500, CIP-70-920.0, Bonita Pipeline Phase II, provided that the City Auditor first furnishes one or more certificates demonstrating that the funds necessary for 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 budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Bonita pipeline was constructed in 1915 and conveys water from both the Alvarado and Otay Water Treatment Plants to service customers in the central and southeastern portions of the City. The City entered into an agreement with Dudek & Associates, Inc. (R-293109) on May 15, 2000 to provide design and construction support services for the Bonita Pipeline Phase II project in an amount not to exceed \$211,000.

During the design phase, the need for additional improvements, including installing three flow meters and related equipment and relocating approximately 500 linear feet of pipeline from the existing easement into the public right-of-way was determined. The First Amendment to the agreement with Dudek & Associates, Inc., for an amount not to exceed \$91,420, will provide the additional design services required.

FISCAL IMPACT:

Funding for the first amendment, in the amount of \$91,420, is available from Water Fund 41500, CIP-70-920.0, Bonita Pipeline Phase II.

Belock/Gardner/NMK

Aud. Cert. 2100581.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-110: Consultant Agreement With RBF Consulting For Catalina Standpipe Renovation Project.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-724) ADOPTED AS RESOLUTION R-294330

Authorizing the City Manager to execute an agreement with RBF Consulting to provide design and construction support services for the Catalina Standpipe Renovation Project;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$384,218 from Water Revenue Fund 41500, CIP-73-277.0, Annual Allocation Standpipe and Reservoir Restorations - Upgrade, for the purpose of executing this agreement and related in-housing engineering costs;

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

CITY MANAGER SUPPORTING INFORMATION:

The Catalina Standpipe is located in the 700 block of Catalina Boulevard south of Mills Street, adjacent to a U. S. Navy military installation on Point Loma, San Diego, California. The existing Catalina Standpipe was completed in 1954 by Chicago Bridge and Iron Co. The Standpipe consists of 10 shell courses with a total shell height of 75 feet and diameter of 59 feet. The Standpipe has a water storage capacity of 1.5 million gallons.

This aging standpipe not only does not meet the current seismic code, but also has severely corroded valves, piping, nuts, safety cage and ladder, an unsafe access platform, and deteriorating lead-based exterior paint and coal tar interior. Given the reliance on the Standpipe to feed the 462 Zone and the existing condition of the standpipe, it becomes very necessary to refurbish the standpipe.

The rehabilitated Catalina Standpipe will meet the current seismic code as well as current California Occupational Safety and Health Association and American Water Works Association's requirements. In addition, the refurbished standpipe will provide a more reliable, efficient, and safer facility that will save in maintenance and ensure the quality of water. This standpipe refurbishment project will also provide U.S. Navy with a permanent by-pass line. Six engineering firms were interviewed and RBF Consulting was determined to be the most qualified for this project. This agreement with RBF Consulting will provide design and engineering services during the construction for refurbishment of the Catalina Standpipe.

FISCAL IMPACT:

Funding for the engineering consultant and related in-house engineering costs in the amount of \$384,218 is available from the Water Fund 41500, CIP-73-277.0, Annual Allocation Standpipe and Reservoir Restorations.

Belock/Gardner/EF

Aud. Cert. 2100582.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-111: Two actions related to Change Order 15 to the Alvarado Water Treatment Plant-Phase I Contract.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-690) ADOPTED AS RESOLUTION R-294331

Approving Change Order No. 15 to the Alvarado Filtration Plant Upgrade and Expansion-Phase I Contract with Nielsen Dillingham Builders Inc., increasing the contract price of an amount not to exceed \$508,603;

Authorizing the expenditure of an amount not to exceed \$508,603 from Water Revenue Fund 41500, CIP-73-261.0, Alvarado Water Treatment Plant - Upgrade and Expansion, provided that the City Auditor first furnishes a certificate certifying that funds are, or will be, on deposit with the City Treasurer;

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

Subitem-B: (R-2001-691) ADOPTED AS RESOLUTION R-294332

Declaring that the information contained in the final document Environmental Impact Report DEP-88-0459 and Addendum LDR-98-0130, including any comments received during the public review process, has been reviewed and considered by the Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with approval of Alvarado Filtration Plant Upgrade and Expansion - Phase I, Construction Change Order No. 15.

CITY MANAGER SUPPORTING INFORMATION

The Alvarado Water Treatment Plant (WTP) Project is currently undergoing Phase I construction to upgrade and expand the existing facility to meet new Federal Drinking Water Standards and comply with State of California's Department of Health Service Compliance Order. The overall improvements for the Alvarado WTP, as defined in the Water Department's Capital Improvements Programs were approved by City Council in August, 1997. This Contract Change Order No. 15 will add a Secondary Chemical containment system of piping, valves and storage tanks to the new chemical facilities in this contract. These facilities provide secondary system of containment and will drain any spilled chemicals to temporary holding tanks for

subsequent recycling or disposal. This will provide additional protection and eliminate any possibility of contamination of adjacent areas and costs associated with Emergency, Hazardous Waste cleanup of chemical spills. This change also adds Concrete pipeline cradles. These are being required by the State of California, Division of Safety of Dams (DSOD). These concrete pipe cradles will provide further assurance to DSOD staff that the pipelines installed under the current contract will not adversely affect the Lake Murray Dam.

FISCAL IMPACT:

The total estimated cost of this Amendment is \$508,603. Funding is available from the Water Revenue Fund 41500.

Belock/Gardner/MBW

Aud. Cert. 2100595.

FILE LOCATION: SUBITEMS A & B: CONT - Nielsen Dillingham
Builders Inc.

COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-112: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-842) ADOPTED AS RESOLUTION R-294333

Declaring a continued state of emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of emergency regarding the discharge of raw sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

* ITEM-113: Time Limit Parking on Adams Avenue.

(Greater North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-765) ADOPTED AS RESOLUTION R-294334

Establishing a two-hour unmetered time limit parking zone effective between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the south side of Adams Avenue between Utah Street and the alley to the west;

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

CITY MANAGER SUPPORTING INFORMATION:

This action establishes a two-hour unmetered time limit parking zone effective between 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the south side of Adams Avenue between Utah Street and the alley to the west. Council approval is required, according to Municipal Code section 86.04. Recent studies indicate that this segment of Adams Avenue is heavily impacted by long term parking. The average parking occupancy is 77%, the average parking duration is 4.3 hours, and the average turnover is 1.8 parkers per space. This satisfies the criteria established in Council Policy 200-04 for the installation of time limit parking. A petition representing all 5 of the abutting properties was submitted in support of this action. The Greater North Park Planning Committee supports this action.

FISCAL IMPACT:

Fiscal impact is minimal. Funds are budgeted within the Transportation Department, Street Division's operating fund for this purpose.

Belock/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-114: Declaring a Continued State of Emergency Regarding a Critical Local Public Health Crisis Related to the Spread of the Hepatitis C Virus.

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-924) FAILED

Declaring a continued state of emergency regarding a critical local public health crisis related to the spread of the Hepatitis C Virus.

FILE LOCATION: GEN'L - State of emergency regarding a critical local public health crisis related to the spread of hepatitis C Virus

COUNCIL ACTION: (Tape location: B300-C132.)

MOTION BY STALLINGS TO ADOPT. Second by Wear. Failed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-nay, Stallings-yea, Madaffer-nay, District 8-Vacant, Mayor Murphy-nay.

ITEM-150: Amendment to Council Policy 600-08, Underground Conversion of Utility Lines at Company Expense.

(See City Manager Report CMR-00-39 and Frank Belock's, memorandum dated 4/11/2000.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-556) ADOPTED AS RESOLUTION R-294335

Amending Council Policy No. 600-08 regarding Underground Conversion of Utility Lines at Company Expense.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 4/12/2000, LU&H voted 5 to 0 to approve the City Manager's recommendation as contained in Frank Belock's April 11, 2000 memorandum. (Councilmembers Wear, Kehoe, Stevens, Warden and McCarty voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

Currently private parties wishing to fund the undergrounding of utilities incur additional passed along costs from utility companies due to a tax imposed upon the utility for income generated by performing the service of undergrounding utilities. This compels these private parties to ask the City to act as the applicant to these projects. The City avoids these additional passed along costs because they perform these projects for the public benefit. Discussions between the City Attorney and SDG&E have determined that, if the City Council declares through a Council Policy or Resolution that these privately funded utility undergrounding projects in the public right-of-way provide a benefit, the tax consequences may be eliminated completely. This would allow private parties to apply directly to SDG&E to accomplish projects in the least expensive way possible. This action will amend Council Policy 600-8, Underground Conversion of Utility Lines at Company Expense to expressly state that utility undergrounding is a public benefit even when these projects are funded by private parties.

FISCAL IMPACT:

None to negligible.

Belock/Boekamp/HR

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C146-152.)

MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-151: Undergrounding of Utilities - 2001 Calendar Year, Annual Allocation, "Case 8209" Funds.

(See City Manager Report CMR-00-226 Revised. See memorandum from Councilmember Stallings's dated 10/18/2000; memorandum from Councilmember McCarty dated 10/18/2000; memorandum from Councilmember Vargas dated 10/11/2000; letter from Kenneth Lau dated 10/18/2000; letter from James and Dorothy Kimura dated 9/15/2000; C.A.U.S. E.'s information.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-747) RETURNED TO THE CITY MANAGER

Approving the Annual Allocation - Undergrounding of Utilities, San Diego Gas and Electric Company Allocation for 2001 Calendar Year.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/18/2000, LU&H voted 4 to 0 to approve the City Manager's recommendation, as amended by Councilmembers McCarty, Vargas (#1-4), and Stallings's memorandums as long as the changes are revenue neutral by Council District. (Councilmembers Wear, Kehoe, Stevens, and McCarty voted yea. Councilmember Blair not present.)

CITY MANAGER SUPPORTING INFORMATION:

The proposed Calendar Year 2001 job listing was reviewed and discussed at the Land Use and Housing (LU&H) Committee meeting on October 18, 2000. As a result of this meeting, changes and revisions were made. The Manager's Report and revised list reflect the changes and revisions per the LU&H Committee's recommendation.

FISCAL IMPACT:

None with this action.

Belock/Boekamp/HR

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A623-B142.)

MOTION BY STALLINGS TO RETURN TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-152: Proposed Ordinance Restricting Access to Violent and Sexually Explicit Video Games.

(See Memorandum from Councilmember Juan Vargas dated 9/5/2000.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-880) ADOPTED AS RESOLUTION R-294336

Directing the City Manager and the City Attorney to conduct the necessary research and investigation and return to Council with a recommendation regarding appropriate action.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:

On 9/13/2000, PS&NS voted 4 to 0 to adopt the proposal presented by Councilmember Vargas and forward a completed ordinance to the City Council for consideration. (Councilmembers Mathis, Wear, Stevens and Stallings voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C156-209.)

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-200: Selecting Councilmember George Stevens as the Deputy Mayor for the Period of December 5, 2000 through December 3, 2001.

(See Memorandum from Mayor Murphy dated 11/30/2000.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-919) ADOPTED AS RESOLUTION R-294337

Selecting Councilmember George Stevens as the Deputy Mayor for the period commencing December 5, 2000 and ending December 3, 2001, pursuant to Section 25 of the Charter of the City of San Diego and after full discussion by the City Council.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C210-218.)

MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-201: Approving Chairpersons and Committee Members for the Four Standing Council Committees for terms commencing December 5, 2000 through December 3, 2001.

(See Memorandum from Mayor Murphy dated 11/30/2000.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-920) ADOPTED AS RESOLUTION R-294338

Appointing the following Councilmembers to serve as chairpersons and members of the four (4) Standing Council Committees for terms commencing December 5, 2000 and ending December 3, 2001, pursuant to San Diego Municipal Code Section 22.0101:

COMMITTEE ON RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS

Mayor Dick Murphy (Chair)
Deputy Mayor George Stevens (Vice Chair)
Councilmember Toni Atkins
Councilmember Jim Madaffer
Councilmember Byron Wear

COMMITTEE ON PUBLIC SAFETY AND NEIGHBORHOOD SERVICES

Councilmember Toni Atkins (Chair)
Councilmember Valerie Stallings (Vice Chair)
Councilmember Brian Maienschein
Deputy Mayor George Stevens
District 8

COMMITTEE ON NATURAL RESOURCES AND CULTURE

Councilmember Jim Madaffer (Chair)
Councilmember Scott Peters (Vice Chair)
Councilmember Valerie Stallings
Councilmember Byron Wear
District 8

COMMITTEE ON LAND USE AND HOUSING

Councilmember Byron Wear (Chair)
Councilmember Brian Maienschein (Vice Chair)
Councilmember Scott Peters

Deputy Mayor George Stevens
District 8

Suspending temporarily Rule 13 pursuant to Rule 32 of the Permanent Rules of Council to permit the City Council to appoint the members of the four (4) standing committees rather than the RULES Committee.

NOTE: 6 votes required.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C225-226.)

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-202: Year 2001 Appointments to Outside Organizations.

(See Memorandum from Mayor Murphy dated 11/30/2000.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-921) ADOPTED AS RESOLUTION R-294339

Appointing the following named persons, pursuant to Section 22.0101 of the San Diego Municipal Code to serve as Council Representatives and Council Liaisons and their Alternates to organizations listed below for the period commencing December 5, 2000 and ending December 3, 2001:

1. ADAPT BOARD OF DIRECTORS
Toni Atkins - Representative
2. ARJIS BOARD OF DIRECTORS
Jim Madaffer - Representative
District 8 Councilmember - Alternate

3. CITIES ADVISORY COMMITTEE TO LAFCO
Valerie Stallings - Representative
4. CRIMINAL JUSTICE COUNCIL
Brian Maienschein - Representative
District 8 Councilmember - Alternate
5. ECONOMIC DEVELOPMENT CORPORATION
Byron Wear - Representative
6. LEAGUE OF CITIES, SAN DIEGO COUNTY DIVISION
Byron Wear - Representative
7. LOCAL AGENCY FORMATION COMMISSION
Byron Wear - Representative
Valerie Stallings - Alternate
8. LOS PEÑASQUITOS CANYON PRESERVE TASK FORCE
Brian Maienschein - Representative
Scott Peters - Representative
9. METROPOLITAN TRANSIT DEVELOPMENT BOARD
Valerie Stallings - Representative, Executive Board
Byron Wear - Alternate
Mayor Dick Murphy - Representative
George Stevens - Alternate
Brian Maienschein - Representative
Toni Atkins - Alternate
Scott Peters - Representative
Jim Madaffer - Alternate
10. MISSION TRAILS REGIONAL PARK TASK FORCE
Jim Madaffer - Representative
Mayor Dick Murphy - Representative
11. OTAY RIVER VALLEY TRANSPORTATION STUDY
District 8 Councilmember - Representative
Byron Wear - Alternate
12. PARK AND RECREATION BOARD
Jim Madaffer - Representative

13. PORT COMMISSION

Byron Wear - Representative
District 8 Councilmember - Alternate

14. REINVESTMENT TASK FORCE

George Stevens - Representative

15. SANDAG BAY SHORE BIKEWAY POLICY COMMITTEE

Byron Wear - Representative

16. SANDAG BOARD

Mayor Dick Murphy - Representative
Byron Wear - Alternate

17. SANDAG SHORELINE EROSION COMMITTEE

Scott Peters - Representative

18. SAN DIEGO WORKFORCE

Toni Atkins - Representative
George Stevens - Representative
District 8 Councilmember - Alternate

19. SAN DIEGO DATA PROCESSING CORPORATION

Jim Madaffer - Representative

20. SAN DIEGO TROLLEY ADVISORY BOARD

Toni Atkins - Representative
Jim Madaffer - Representative
George Stevens - Representative
Byron Wear - Representative

21. SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE
PARK JOINT POWERS AUTHORITY

Brian Maienschein - Representative
Scott Peters - Representative
Valerie Stallings - Alternate

22. SENIOR CITIZENS ADVISORY BOARD

Valerie Stallings - Representative

23. SERVICE AUTHORITY FOR FREEWAY EMERGENCIES (SAFE)

Toni Atkins - Representative

Scott Peters - Representative

24. SMALL BUSINESS ADVISORY BOARD

Toni Atkins - Representative

25. SOUTHEAST ECONOMIC DEVELOPMENT CORPORATION

George Stevens - Representative

26. TRANSNET COMMITTEE

Brian Maienschein - Representative

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C225-226.)

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea,
Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-203: In the Matter of Adopting the Year 2001 Legislative Calendar for the City of San Diego.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-922) ADOPTED AS RESOLUTION R-294340, WITH DIRECTIONS

Adopting the schedule of meetings for the City Council and Standing Committees of the City Council for the period of January 1, 2001 through December 31, 2001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C228-411.)

MOTION BY MADAFFER TO ADOPT WITH DIRECTIONS BY MAYOR MURPHY TO SEND A MEMO TO HIS OFFICE WHEN A COUNCIL MEMBER WILL BE OUT OF TOWN ON CITY BUSINESS AND HE WILL CONSIDER CANCELING THE MEETING. MAYOR MURPHY STATED THAT HE WILL CONSIDER COUNCIL MEMBER STEVENS' REQUEST TO SCHEDULE MEETINGS WITH THE COUNTY AND COUNCIL MEMBER WEAR'S SUGGESTION REGARDING MEETINGS OUTSIDE COUNCIL CHAMBERS. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-204: Inviting Bids for an As-Needed Pipeline System Rehabilitation Contract.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-877) ADOPTED AS RESOLUTION R-294341

Authorizing and directing the City Manager to proceed to publish in accordance with law, notice to contractors calling for bids for as-needed pipeline system rehabilitation services for the Metropolitan Wastewater Department on Work Order No. 4160, such services not to exceed two years in duration, at a minimum value of \$50,000 and not to exceed \$4,000,000 in value;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$4,000,000 from Fund No. 41506, Fund No. 41508, and Fund No. 41509 to provide funds for the contract.

CITY MANAGER SUPPORTING INFORMATION:

The Metropolitan Wastewater's Wastewater Collection Division (WWC) is responsible for the maintenance and operation of over 2,900 miles of sewers in the City of San Diego. The As-Needed Pipeline System Rehabilitation Contract is being implemented so that urgent repairs to the system can be carried out quickly to maintain the operation of the system and minimize the risk of sewer spills due to delays caused by advertising and awarding lining contracts for specific locations. This contract is competitively procured. The contractor bids a unit price for a range of pipe sizes and lengths and aboveground conditions. The contractor with the lowest total price

for the identified pipe sizes and lengths is awarded the contract. When a repair is identified, a task authorization is prepared and given to the contractor for pricing. The appropriate unit prices are applied to the quantities identified in the task order. The prices are verified by the Contract Manager and the contractor is notified to proceed with the repair work. The City is under no obligation to pay the contractor any more than \$50,000, the minimum contract's obligation, and, therefore, the contractor has an incentive to complete repairs in a timely fashion to be awarded more work. The exact repair projects to be executed under this contract have not been identified. In accordance with the California "Subletting and Subcontracting Fair Practices Act" (Public Contract Code Section 4100ETAL), the successful bidder shall list, at the time a proposal is submitted for each task authorization, the name and business location of each subcontractor who will perform work, labor, or render service on the work, in excess of one-half (1/2) of one percent (1 %) of the total proposal amount submitted. Under this system, a contractor that conducts or participates in bid shopping or bid peddling after the submission of a task authorization proposal shall not receive any additional task authorizations under this contract and such conduct shall be grounds for the City to terminate this contract. The implementation of this contract will ensure that the Metropolitan Wastewater Department can achieve its objective of rapidly engaging contractors to carry out urgent repairs at competitive prices and maintain the quality of the collection system and the environment.

FISCAL IMPACT:

The total authorized to expend is \$4,000,000 from Funds 41506, 41508 and 41509.

Belock/Schlesinger/LTS

Aud. Cert. 2100578.

FILE LOCATION: CONT - Ford Construction Co.; W.O. 4160

COUNCIL ACTION: (Tape location: C412-426.)

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea,
Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-205: 2000 City of San Diego Urban Water Management Plan.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-888) REFERRED TO THE NATURAL RESOURCES AND
 CULTURE COMMITTEE

Approving the 2000 City of San Diego Urban Water Management Plan;

Authorizing the City Manager to submit the approved 2000 Urban Water Management Plan to the California Department of Water Resources by December 31, 2000.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego has prepared a 2000 Urban Water Management Plan (Plan) in response to the Urban Water Management Planning Act, Water Code Sections 10610 through 10656. The Act requires "every urban water supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually, to prepare and adopt an urban water management plan." The Act also specifies that the Plan be filed with the California Department of Water Resources (DWR) every five years. In compliance with the Act, the City of San Diego has filed prior plans with DWR in 1985, 1990, and 1995. DWR has given all submitting agencies until December 31, 2000, to adopt and submit a 2000 Plan. The City's 2000 Plan will be used by the City as a water resources planning tool to ensure the citizens of San Diego a safe and adequate water supply through the year 2020. San Diego relies mostly upon imported water from Northern California and the Colorado River. Careful water resource planning has been the cornerstone in meeting future water demand. The City is committed to maximizing its current systems and facilities through an aggressive capital improvements project, conserving potable water through its varied water conservation programs, maximizing the use of reclaimed water to replace potable water use, and investigating new alternative sources of water (i.e. desalting, water transfers, graywater use, groundwater storage management). The 2000 Plan describes these current and planned efforts that help diversify San Diego 's sources of water and consequently improve water supply reliability. The draft Plan was presented to the Water Department Citizen's Advisory Board last September for review and comments, and those comments have been incorporated into the Plan.

Belock/Gardner/LSG

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B148-176.)

MOTION BY MADAFFER TO REFER TO THE NATURAL RESOURCES AND CULTURE COMMITTEE FOR FURTHER REVIEW. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-206: Extension of State Route 56, Phase I westerly, and State Route/56 Camino Ruiz Interchange.

(Carmel Valley and Rancho Penasquitos Community Areas. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-833 Cor. copy 2) ADOPTED AS RESOLUTION R-294355

Authorizing the City Manager to execute a Camino Ruiz Interchange Funding and Reimbursement Agreement with Western Pacific Housing, Inc.; Greystone Homes, Inc.; D.R. Horton San Diego Holding Co., Inc.; and McMillan Companies, L.L.C; for the purpose of extending the SR-56 Phase I Project westerly to the SR-56/Camino Ruiz interchange and constructing half of the SR-56/Camino Ruiz Interchange (the Project);

Authorizing the City Auditor and Comptroller to accept and appropriate an amount not to exceed \$9,404,340 from Western Pacific Housing, Inc.; Greystone Homes, Inc.; D.R. Horton San Diego Holding Co., Inc.; and McMillan Companies, L.L.C.; Fund 39225; Interest Bearing Account, to CIP-52-643.0, for the design, acquisition of property, construction and other related costs;

Authorizing the City Auditor and Comptroller to increase the Capital Improvement Program to increase the appropriation of \$9,404,340 to the FY 2001 Capital Improvements Program, to be utilized for the design acquisition of property, construction and other costs related to the Project CIP-52-463.0;

Authorizing the City Manager to negotiate and execute a Supplemental Agreement with E.L. Yeager Construction, in the amount not to exceed \$5,390,000 for purposes of constructing the Project, CIP-52-463.0, upon certification by the Auditor Comptroller of funds being available; and

Authorizing the City Manager to execute a Seventh Amendment to Agreement with Boyle Engineering Corporation for professional engineering services for the Project, CIP-52-463.0, upon certification by the City Auditor and Comptroller of funds being available;

Authorizing the expenditure of \$714,840 from Fund 39225 for the Seventh Amendment to Agreement with Boyle Engineering Corporation for the Project, CIP-52-463.0, upon certification by the City Auditor and Comptroller of funds being available;

Authorizing the expenditure of not to exceed \$2,250,000 from Fund 39225 for the acquisition of property rights, appraisals, litigation, condemnation, labor, title, escrow and miscellaneous costs for the Project, CIP-52-463.0, upon certification by the City Auditor and Comptroller of funds being available;

Authorizing the expenditure of not to exceed \$6,439,500 from Fund 39225 for construction of the Project, CIP-52-643.0, upon certification by the Auditor and Comptroller of funds being available;

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

CITY MANAGER SUPPORTING INFORMATION:

Earlier this year, the City began construction of Phase 1 of the State Route 56 project, which is from the existing terminus of Ted Williams Parkway to west of Carmel Mountain Road. The City's construction is anticipated to be completed by July, 2002. Caltrans is scheduled to construct the remaining section of State Route 56 beginning in the summer of 2002. However, neither the City nor Caltrans projects include construction of the Camino Ruiz Interchange which is an F.B.A. project that was not planned to be constructed until after Caltrans completed their project.

Recently, property owners of the Torrey Highlands Community informed the City that they are willing to advance the funding necessary to construct the Camino Ruiz Interchange. This action is recommended because it will allow a number of benefits including: the proposed project will

be constructed over two years earlier, it will provide for an essential circulation element as the community develops in the near future, and it will minimize traffic that is generated by the developing community from impacting existing city streets. It is proposed that the project be constructed by a supplemental agreement with the existing contractor, E. L. Yeager Construction, as the only other alternative would be to have it constructed as part of the Caltrans project, meaning it may not be open until late 2003 or early 2004. Utilizing the current contractor is the most practical and economical way to accelerate the construction. The contractor is already mobilized and familiar with the site. By avoiding mobilization of a new contractor, it is estimated \$490,000 would be saved. Typically mobilization costs are 10 percent of the estimated construction cost which is \$4,900,000.

FISCAL IMPACT:

None to the City. All costs are being provided by the property owners within the Torrey Highlands Community.

Loveland/Belock/BJ

_____ FILE LOCATION: MEET; W.O. 524631/524637; CONT - Yeager Construction Company

_____ COUNCIL ACTION: (Tape location: D001-218.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-207: Agreement with Lee & Ro Consulting Engineers, Inc. for Design Work in Connection with the Point Loma - Grit Processing Improvements Project.

(Point Loma Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-871) ADOPTED AS RESOLUTION R-294342

Authorizing the City Manager to execute an agreement with Lee & Ro Consulting Engineers, Inc., for design work in connection with the Point Loma - Grit Processing Improvements Project;

Authorizing the City Manager to establish contract phase funding of the agreement in the following manner:

Phase 1:FY01	\$1,025,120
Phase 2:FY02	\$1,109,242

Authorizing the expenditure of an amount not to exceed \$2,134,362 from Fund No. 41508, CIP-45-943.0, Point Loma - Grit Processing Improvements to provide funds expended as follows:

\$1,025,120 for Phase 1 of the agreement; and
\$1,109,242 for Phase 2 of the agreement,

provided the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City treasury.

CITY MANAGER SUPPORTING INFORMATION:

The Point Loma Wastewater Treatment Plant uses aerated grit tanks to remove grit, sand, and silt from the influent flows. Today there are six aerated grit tanks. As tanks were added, and the layout changed through the years, it was found that the south grit tanks had become very inefficient and had to be taken out of service. These two tanks were constructed in 1962 as part of the original plant layout. With today's conditions and projected flows it is important to reconfigure the two south aerated grit tanks to make them more efficient and operate them to provide the needed treatment capacity. The existing grit processing equipment is also part of the original plant construction and is not efficiently removing fine sand and silt. This material accumulates downstream of the grit tanks where it reduces the efficiency of other treatment processes and increases wear and tear on equipment. The Grit Processing Improvements Project (GIP) will include reconstruction of the south grit tanks and their adjacent pump gallery, replacement of the headworks building that was constructed in 1962 with a new drive-through facility to include state-of-the-art grit removal equipment, expansion of the existing odor removal system, and installation of a sixth screen channel. The current estimate for the construction of this project is \$16 million and is scheduled to commence construction in November of 2002. Council action is requested to approve a consultant agreement with Lee & Ro Consulting Engineers, Inc. to provide the engineered design services for the GIP. These services will include design, bid, construction and start-up services.

FISCAL IMPACT:

The total funding requested for this Agreement is \$2,134,362. Funding is available in MWWD Fund 41508, CIP-45-943.0, Point Loma - Grit Processing Improvements.

Belock/Schlesinger/JAW

Aud. Cert. 2100553.

_____ FILE LOCATION: MEET

_____ COUNCIL ACTION: (Tape location: C427-438.)

MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-208: South San Diego/Otay Mesa Water Reimbursement Agreement.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-782) ADOPTED AS RESOLUTION R-294343

Authorizing the City Manager to execute a Water Reimbursement Agreement with Pardee Construction Company for improvements to the water system in the South San Diego/Otay Mesa area.

CITY MANAGER SUPPORTING INFORMATION:

As a condition of the following Vesting Tentative Maps (VTM):

VTM-86-1032 - Ocean View Hills

VTM-96-7910 - Otay Corporate Center North

VTM-98-1094 - Otay Corporate Center South

VTM-98-0270 - South Palm Vista

VTM-96-7910 - Dennery Ranch

Pardee Construction Company was required to make certain improvements to the water system. The South San Diego/Otay Mesa Water Study, dated September 1999, identified the required water improvements for the entire South San Diego/Otay Mesa water service area. These water system improvements were identified as the "Ultimate Improvements" to serve the projected demands created by new development and to correct existing water system deficiencies. Pardee Construction Company, the City of San Diego Water Department, and other developers will construct the "Ultimate Improvements" as identified in the South San Diego/Otay Mesa Water Study. This agreement will allow any of the above parties to recover the cost exceeding their pro rata share of constructing the "Ultimate Improvements." The City finds that public interest is served by the construction of these water facilities. This agreement is in compliance with Council Policy No. 400-7 and Administrative Regulation 55.10. Planning and Development Review Department, Facilities Financing Section, will be responsible for ensuring that the proper reimbursement agreement charge is collected from each benefitting property at the time of permit issuance. The Water Department, Business Operations Section, will be responsible for distribution of the monies collected to the appropriate party due reimbursement. The City will retain 1 percent of the charge collected for expenses incurred in administering the agreement.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

Belock/Gardner/LLW

_____ FILE LOCATION: MEET

_____ COUNCIL ACTION: (Tape location: C427-438.)

MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-209: First Amendment to the Black Mountain Reservoir Participation Agreement.
(Black Mountain Ranch Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-683) ADOPTED AS RESOLUTION R-294344

Authorizing the City Manager to execute a First Amendment to the Participation Agreement for the Design and Construction of the Black Mountain Potable Water Reservoir with Santaluz, LLC;

Authorizing the City Manager to establish contract funding phases for this agreement;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$438,455 from CIP-73-342.0, Rancho Bernardo Pump Station No. 2, to CIP-73-216.0, Black Mountain Reservoir;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$2,227,582 from CIP-73-261.0, Black Mountain Reservoir, and to expend an amount not to exceed \$857,000 from CIP-70-954.0, Black Mountain Ranch Reclaimed Waterlines, for design services and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure under established contract funding phases 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 budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

On July 19, 1999, the Participation Agreement for the Design and Construction of the Black Mountain Potable Water Reservoir, Pipeline, and Pressure Reducing Facility was approved, Document No. RR-291916. During the design phase, the Black Mountain Reservoir 793/610 Water Study (793/619 Water Study) was prepared. The purpose of the 793/619 Water Study was to determine the most preferred alternative to serve the 793 Rancho Bernardo pressure zone from the 25 million gallon Black Mountain Potable Water Reservoir. The findings and

conclusions of the 793/610 Water Study identified that the best alternative was to construct a new pump station, called the Black Mountain Pump Station, within the property boundaries of the Black Mountain Potable Water Reservoir site. The construction of a new pump station adjacent to the Black Mountain Potable Reservoir would avoid the need for property acquisition, was the most cost effective of all alternatives, and satisfied the hydraulic needs for the 793 Rancho Bernardo pressure zone. As part of the Water Department's Water Resources planning effort, two different recycled water planning studies have been prepared, Beneficial Reuse Study - 2003/2010 Conceptual Recycled Water System Technical Memorandum dated April 2000, and Preliminary Design Concept Report - Recycled Water Pipeline to Black Mountain Ranch Development dated July 2000. The findings of these two studies recommend the construction of a recycled water pipeline to serve the demands of Black Mountain Ranch and other users. In addition, the studies recommended construction of the recycled water pipelines concurrently with the construction of the Black Mountain Ranch Development. This request, Amendment No. 1, includes the design and construction of all the recycled water pipelines needed at this time. A separate Council Action will be processed in the future to include the next phase of recycled water pipelines.

FISCAL IMPACT:

The total amount of this request is \$3,084,582. Funding of \$2,227,582 is available in Water Revenue Fund No. 41500, CIP-73-216.0, Black Mountain Reservoir, and \$857,000 is available in Water Revenue Fund No. 41500, CIP-70-954.0, Black Mountain Ranch Reclaimed Water Pipeline.

Belock/Gardner/LLW

Aud. Cert. 2100554.

_____ FILE LOCATION: MEET

_____ COUNCIL ACTION: (Tape location: C427-438.)

MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-330: Vacation of a portion of Blaine Avenue.

(Uptown Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION

Adopt the following resolution:

(R-2001-770) ADOPTED AS RESOLUTION R-294345

Vacating the street easement, a portion of Blaine Avenue located west of Normal Street.

CITY MANAGER SUPPORTING INFORMATION

City Council action is requested to vacate a portion of Blaine Avenue, in the Uptown Community area within Council District 3. Blaine Avenue was originally dedicated with the intent to construct a much wider street, but the right-of-way was never improved to its full width. The existing sidewalk is cracked with a variety of old concrete patches added through the years since constructed originally in 1910. The applicant requests the vacation to construct a new concrete patterned sidewalk, irrigation systems, and street trees in the area to be vacated. The vacation will leave a standard width public sidewalk in place. The new facilities within the vacated area will be maintained by the applicant at no cost to the City. The City has no present or future plans to improve this portion of Blaine Avenue to its full width as originally intended. The area of the street to be vacated was acquired at no cost to the City. City staff recommends approval of the Street Vacation.

Loveland/Haase/AA

_____ FILE LOCATION: STRT-J-2920 (39)

_____ COUNCIL ACTION: (Tape location: C440-450.)

Hearing began at 11:59 a.m. and halted at 12:01 p.m.

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-331: Vacation of a Street Reservation in Lot "A" of Map 4217.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION

Adopt the following resolution:

(R-2001-722) ADOPTED AS RESOLUTION R-294346

Vacating the street reservation located in Lot "A" of Map 4217, excepting therefrom a general utility and access easement in the north 4 feet and in the south 5 feet.

CITY MANAGER SUPPORTING INFORMATION

City Council action is requested to vacate a street reservation in Lot "A" of a map entitled "Resubdivision No. 1, Lot 2, Block 49 of Grantville and Outlots, "Map 4217", located within the Navajo Community Planning Area. The owner wishes to use the vacated portion of the street to build an addition to his house and add landscaping. The City has no plans to construct the street, now or in the future. The area reserved for future street was acquired at no cost to the City. A general utility and access easement will be reserved in the north 4 feet and in the south 5 feet of the vacated street reservation. The Navajo Community Planners supported (12:0:0) to vacate the street reservation at their meeting on June 20, 2000. Staff review has determined that the excess right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made. City staff recommends approval of the easement abandonment.

Loveland/Haase/AA

_____ FILE LOCATION: STRT -J-2919

_____ COUNCIL ACTION: (Tape location: C440-450.)

Hearing began at 11:59 a.m. and halted at 12:01 p.m.

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

*ITEM-S400: Three actions related to the Final Subdivision Map of Black Mountain Ranch Unit No. 12.

(Black Mountain Ranch Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-937) ADOPTED AS RESOLUTION R-294347

Authorizing a Subdivision Improvement Agreement with SRHI, LLC, for the installation and completion of public improvements.

Subitem-B: (R-2001-936) ADOPTED AS RESOLUTION R-294348

Approving the final map.

Subitem-C: (R-2001-938) ADOPTED AS RESOLUTION R-294349

Accepting a grant deed of Santaluz, LLC, formerly known as Black Mountain Ranch Developers, LLC, granting to the City all of Lots "B", "C", and "E" of Black Mountain Ranch Unit No. 12.

CITY MANAGER SUPPORTING INFORMATION

This map proposes the subdivision of a 34.677 acre site into 71 lots, 2 for easements, 3 for open space and 66 for residential development. It is located west of Interstate 15 and north of Carmel Valley Road in the Black Mountain Ranch Subarea and is within a Public Facilities Financing Plan which provides for the payment of an assessment for public facilities. On October 31, 1995 the City Council of the City of San Diego approved City Council Resolution R-286502 for Black Mountain Ranch Tentative Map. The City Engineer has approved the final map and states that all conditions of the Tentative Map as related to this unit have been satisfied.

The public improvements required for this subdivision are shown in detail on Drawing Nos. 30276-1-D through 30276-8-D, filed in the Office of the City Clerk under Micro Number 140.68. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$1,240,331 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$9,900.00, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". Lots "B", "C" and "E" are being deeded to the City at no cost as a condition of Tentative Map approval. The lots total 6.440 acres in size. No park fee credit is being granted by this action. The lots are to be used for open space purposes.

FISCAL IMPACT:

None.

Loveland/Haase/GPH

<u>FILE LOCATION:</u>		SUBITEMS A & B: SUBD - Black Mountain Ranch Unit No. 12 (40)
		SUBITEM C: DEED-F-7924

<u>COUNCIL ACTION:</u>	(Tape location: B181-288.)
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CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

*ITEM-S401: Four actions related to the Final Subdivision Map of Black Mountain Ranch, Unit No. 11.

(Black Mountain Ranch Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-940) ADOPTED AS RESOLUTION R-294350

Authorizing a Subdivision Improvement Agreement with PLC Santaluz, LLC, for the installation and completion of public improvements.

Subitem-B: (R-2001-939) ADOPTED AS RESOLUTION R-294351

Approving the final map.

Subitem-C: (R-2001-941) ADOPTED AS RESOLUTION R-294352

Authorizing a Landscape Maintenance Agreement with Santaluz, LLC, for the

maintenance of landscaping in the subdivision to be known as Black Mountain Ranch, Unit No. 11

Subitem-D: (R-2001-942) ADOPTED AS RESOLUTION R-294353

Accepting a grant deed of Santaluz, LLC, formerly known as Black Mountain Ranch Developers, LLC, granting to the City all of Lots "A" and "F" of Black Mountain Ranch, Unit No. 11.

CITY MANAGER SUPPORTING INFORMATION

This map proposes the subdivision of a 30.999 acre site into 71 lots, 4 for easements, 2 for open space purposes and 65 for residential development. It is located west of Interstate 15 and north of Carmel Valley Road in the Black Mountain Ranch Community Plan Area and is within a Public Facilities Financing Plan which provides for the payment of an assessment for public facilities.

On October 31, 1995 the City Council of the City of San Diego approved City Council Resolution R-286502 for Black Mountain Ranch Tentative Map. The City Engineer has approved the final map and states that all conditions of the Tentative Map as they relate to this unit have been satisfied.

The public improvements required for this subdivision are shown in detail on Drawing Nos. 30271-1-D through 30276-16-D, filed in the Office of the City Clerk under Micro Number 140.67. All improvements are to be completed within two years.

The Engineer's estimate for the cost of public improvements is \$2,431,290 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$10,200, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development".

Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision, until another mechanism is established and assumes maintenance responsibility. Lots "A" and "F" are being deeded to the City at no cost as a condition of Tentative Map approval. The lots total 1.556 acres in size. No park fee credit is being granted by this action. The lots are to be used for open space purposes.

FISCAL IMPACT:

None.

Loveland/Haase/GPH

FILE LOCATION: SUBITEMS A, B, C: SUBD - Black Mountain
Ranch, Unit No. 11 (40)
SUBITEM D: DEED-F-7925

COUNCIL ACTION: (Tape location: B181-288.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

CLOSED SESSION ITEM:

ITEM-CS-1: (R-2001-953) ADOPTED AS RESOLUTION R-294314

A Resolution adopted by the City Council in Closed Session on December 5, 2000:

Authorizing the City Manager to pay the sum of \$38,000 in settlement of each and every claim against the City, its agents and employees, resulting from the personal injury claim of Alejandro De Miranda; authorizing the City Auditor and Comptroller to issue one check in the amount of \$38,000 made payable to Alejandro De Miranda and Raymond M. Contreras, his attorney of record, as the complete and final settlement of the personal injury which occurred on March 5, 1999.

Aud. Cert. 2100626

FILE LOCATION: MEET

ITEM-CS-2: (R-2001-952) ADOPTED AS RESOLUTION R-294315

A Resolution adopted by the City Council in Closed Session on December 5, 2000:

Authorizing the City Manager to pay up to an additional \$500,000 for expert witness fees that relate to the property damage claim of De La Fuente Business Park, Inc., in Superior Court Case No. 692794, Border Business Park, Inc., formerly known as De La Fuente Business Park, Inc. v. City of San Diego; authorizing the City Auditor and Comptroller to issue payments up to and not exceeding \$500,000 made payable to KPMG and/or Joseph D'Antoni as expert witnesses.

Aud. Cert. 2100640

FILE LOCATION: MEET

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:13 p.m. until Monday, December 11, 2000 at 2:00 p.m. in honor of the memory of Sam Knott as requested by Mayor Murphy and Council Members Stevens, Peters, Maienschein, Madaffer and Atkins.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E253-280).