

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 29, 2001
AT 10:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:08 a.m. The meeting was recessed by Mayor Murphy at 12:04 p.m. to convene the Housing Authority and the Redevelopment Agency thereafter. Mayor Murphy reconvened the meeting at 12:06 p.m. with Council Member Madaffer not present and District 6 vacant. Mayor Murphy recessed the meeting at 12:07 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:10 p.m. with Deputy Mayor Stevens and Council Member Madaffer not present, and District 6 vacant. The meeting was recessed by Mayor Murphy at 2:12 p.m. to convene the Housing Authority and the Redevelopment Agency thereafter. Mayor Murphy reconvened the regular meeting at 3:00 p.m. with Deputy Mayor Stevens and Council Member Madaffer not present, and District 6 vacant. The meeting was recessed by Mayor Murphy at 4:00 p.m. for the purpose of a break. Mayor Murphy reconvened the regular meeting at 4:08 p.m. with Council Member Madaffer not present, and District 6 vacant. The meeting was recessed by Mayor Murphy at 4:15 p.m. to reconvene the Housing Authority. Mayor Murphy reconvened the regular meeting at 4:19 p.m. with Council Member Madaffer not present, and District 6 vacant. Mayor Murphy adjourned the meeting at 5:42 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) District 6-vacant

(7) Council Member Madaffer-not present

(8) Council Member Inzunza-present

Clerk-Abdelnour/Fishkin (er/pr)

FILE LOCATION: MINUTES

ITEM-1: 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) District 6-vacant

(7) Council Member Madaffer-not present

(8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given by Deaconess Jane Hewitt of the De Anza Community Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Atkins.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of :

4/30/2001

5/01/2001

5/07/2001

5/08/2001

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A033-036.)

MOTION BY WEAR TO APPROVE. Second by Atkins. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant,
Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: Fiesta de los Peñasquitos Day.

COUNCILMEMBER PETERS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1481) ADOPTED AS RESOLUTION R-294904

Proclaiming May 6, 2001 to be "Fiesta de los Peñasquitos Day" in San Diego, in
recognition of the community's outstanding community leaders and volunteers
and their accomplishments.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A039-091.)

MOTION BY PETERS TO ADOPT. Second by Stevens. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant,
Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1: **Referred to the City Attorney**

Al Strohlein commented regarding the F-Street Book Store located in Pacific Beach in Council District 6. Ten years ago F-street Book Store located to Pacific Beach. The City allowed them to stay in order to amortize their expense. There was no expense. They moved in late at night without permits or permission and the City was intimidated by threats of lawsuits and allowed them to remain. Now, their ten-year license has expired and they have to go. The attorney for F-Street and the owner both died under mysterious circumstances several years ago. Perhaps Mr. Gwinn should inquire about the circumstances of their deaths.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A104-144.)

PUBLIC COMMENT-2:

Don Stillwell commented regarding whether the energy shortage and high cost of energy is real or created. Elected officials should do what is right for the people once this question has been answered. There is enough crude oil in the state of Alaska to make the United States self sufficient. This information is contained in a book entitled, "The Energy Non-Crisis" by Lindsay Williams. Please investigate statements made in the book and educate yourselves and the public on this subject.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A145-180.)

PUBLIC COMMENT-3: Referred to the City Attorney

Steve McWilliams commented regarding the Ethics Commission and the Medical Marijuana Task Force. Last Saturday he received a letter from City Attorney Casey Gwinn's office and a copy was provided for all the Council Members. Mr. Mc Williams stated that he will be filing a complaint with the Attorney General's office. He will seek to have the City Attorney and the Deputy City Attorney who wrote this letter disbarred. He stated that sending threatening letters to plaintiffs is not correct. He believes that this is an attempt by the City Attorney to dismantle the Medical Marijuana Task Force before it has a chance to convene for the first time. Mr. McWilliams requested that the new Ethics Commission look into the actions of the City Attorney.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A182-224.)

PUBLIC COMMENT-4:

Adrian Kwiatkowski commented regarding the Budget Committee proposal. Mr. Kwiatkowski stated that he believes it is critical that the Council seriously take the budget proposal into consideration and look into implementing it. Knowing where all the money is and reviewing department heads is extremely critical.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A288-317.)

PUBLIC COMMENT-5:

Daniel Beeman commented regarding the celebration of time.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A318-359.)

PUBLIC COMMENT-6:

Mel Shapiro commented on the demolition issue brought up at a previous meetings. On February 12, there was a Planning Department report through the Land Use Committee saying that the demolition issue would return to LU&H with recommendations within 90 days. They did not do so and they are not setting any date to come back. On April 3, Mr. Shapiro was at the Council meeting and the demolition issue was referred to the LU&H Committee; they never received it. The most recent request to address this issue was on May 8. The minutes say that Council Member Maienschein requested that the City Manager investigate the demolition permit process and provide a report. There hasn't been any report. If there is to be any credibility to the referrals and votes, the procedures should be changed to have a specific date.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A363-400.)

PUBLIC COMMENT-7:

Ethel Murphy commented regarding the De Anza Cove Community. She stated that once a long time ago her home was destroyed during WWI. Our government gave her compensation to rebuild. Now, at the age of 91 again she is face with the dilemma of losing her home. Ms. Murphy stated that she has hope and faith because she believes our American sense of fairness and justice is inbred and it will prevail.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A405-430.)

PUBLIC COMMENT-8:

Patricia Granger commented regarding Land Use Plot 653. Mr. Granger stated that she would like to bring to the Council's attention a matter of vital importance to the La Jolla Community. The City of San Diego is attempting to remove a parcel of City-owned designated open-space park from its parks inventory by way of updating the community plan. The La Jolla Community Plan has not been

followed by City staff for over five years. As a result, the community is in danger of losing publically-owned open space to development. A public hearing to discuss the La Jolla Community Plan will be held at the La Jolla Community Planning Association meeting on Thursday, June 7th at 7:00 p.m. at the La Jolla Recreation Center, 615 Prospect Street.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A431-479.)

PUBLIC COMMENT-9:

Jeralene Corley commented regarding transitional housing for the disabled. Ms. Corley stated that she is an employee of the Access Center of San Diego Incorporated, a resource center for persons with disabilities. The goal of the center is to assist the disabled with living an independent life. Before the first of the year, the center had 15 to 20 calls a day from people expecting to lose their homes. Now it is up to 35 a day. These people are on the streets or about to be on the streets. She stated that faster emergency housing, shorter waiting lists, or more transitional housing is needed for all persons with disabilities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A482-500.)

PUBLIC COMMENT-10:

Rudolf Hradecht commented regarding the affect of the beach alcohol ban on Sail Bay. Mr. Hradect stated that he represents the Sail Bay Shores Home Owners Association, one of the condominium associations on Sail Bay. There are approximately 800 units between the Catamaran Hotel and Mooreland Street. This area includes Fanuel Park and the children's park. Mr. Hradecht is concerned about the displacement affect of the alcohol ban on the rest of the beaches which will commence on June 1. He anticipates a displacement of party goers on the eastern area of Sail Bay. A solution might be to include the eastern part of Sail Bay in the alcohol ban or change the hours of restriction.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A504-559.)

PUBLIC COMMENT-11:

Pavel Kuzminskiy commented regarding the ban on alcohol at local beaches. He believes that this is not fair to the middle income people who attend the beaches. Mr. Kuzminskiy stated that he sees another election coming up and someone wants to run for the state office and needs financial support and will get it by supporting this issue..

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A568-639.)

PUBLIC COMMENT-12:

Jay Powell invited everyone to attending the one block redevelopment groundbreaking celebration on Saturday at the corner of University and Fairmount Avenue. The Mayor and Council Member Atkins will be attending. He stated that in the budget deliberations, one of the things that is being looked at is creating an infrastructure fund to address some of the deficiencies that are there. Mr. Powell urges Council to set that aside and use it as a matching fund to build a larger community development fund that could be leveraged by other public funds and equity fund.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A643-686.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins recognized Reverend Harvey Peters and Mrs. Peters residents of Kensington Community.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B048-056.)

COUNCIL COMMENT-2:

Comment by Deputy Mayor Stevens regarding Veterans Day.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B060-068.)

COUNCIL COMMENT-3:

Comment by Mayor Murphy regarding Veterans Day.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B070-076.)

* ITEM-50: Adoption of the Fiscal Year 2001-2002 Salary Ordinance.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/15/2001. (Council voted 7-1. Councilmembers Peters, Wear, Atkins, Stevens, Madaffer, Inzunza and Mayor Murphy voted yea. Councilmember Maienschein voted nay. District 6 vacant.):

(O-2001-144) ADOPTED AS ORDINANCE 18943 (New Series)

Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2001-2002.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B213-330.)

CONSENT MOTION BY PETERS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-nay, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-51: Bid to Goal Agreement for the Wastewater Collection Division of MWWD.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/15/2001. (Council voted 8-0. District 6 vacant.):

(O-2001-141 Cor. Copy) ADOPTED AS ORDINANCE O-18944 (New Series)

Ratifying a Memorandum of Understanding and accepting a responsible bid prepared by the Metropolitan Wastewater Department Labor/Management Partnership for the operation and maintenance of the City's wastewater collection/conveyance system.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B213-330.)

CONSENT MOTION BY PETERS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-52: Remove 8 Parking Meters Located on the North June 1, 2001 Side of "F" Street between 14th Street and 15th Street.

(Centre City Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2001-137) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JUNE 12, 2001

Introduction of an Ordinance approving the removal of eight 2-hour parking meters from the north side of F Street between 14th Street and 15th Street pursuant to San Diego Municipal Code Section 86.04;

Authorizing the removal of the necessary signs and markings.

CITY MANAGER SUPPORTING INFORMATION:

This action removes eight 2-hour parking meters from the north side of F Street between 14th Street and 15th Street. Council approval is required according to the Municipal Code Section 86.04. The fronting property owner on this block is Jerome's Furniture, and they have petitioned the City for this action. A recent parking study revealed that during a ten hour period from 8 a.m. to 6 p.m. on a weekday there was 0% parking occupancy at all 8 meters. We recommend approval of this action.

FISCAL IMPACT:

The parking meter collection group reports that an average of \$0.40/day was collected from each meter during the past 6 months. Funds for the removal of meters are budgeted within the Transportation Department, Street Division's operating fund.

Loveland/Gonzalez/AH

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B213-330.)

CONSENT MOTION BY PETERS TO INTRODUCE THE ORDINANCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-53: Office Space Lease Amendment - Civic Center Plaza Building.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2001-142) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JUNE 12, 2001

Introduction of an Ordinance authorizing the City Manager to execute a Ninth Amendment to Lease with Civic Center Associates for additional office space of approximately 2,325 square-feet on the 13th floor of the Civic Center Plaza building for the Labor Relations Department, commencing March 1, 2001, and terminating July 23, 2014, at an initial monthly rent of \$3,138.75;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$12,555 from the Labor Relations Fund 100, Department 080 for rent from the FY2001 budget.

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

CITY MANAGER SUPPORTING INFORMATION:

The Labor Relations Department is currently sharing space with other City departments on the 5th floor of the Executive Complex Building, 1010 Second Avenue, and has expanded beyond current capacity. Relocation space was found on the 13th floor of the Civic Center Plaza Building, 1200 Third Avenue.

Labor Relations is proposing to lease the space under the following basic lease terms:

TERM - Approximately 13 years. The space will be available for occupancy March 1, 2001 and will terminate July 23, 2014, the expiration date of the Master Lease.

RENT - \$1.35 per square foot or \$3,138.75 per month. Rent is below market as compared to similar buildings in the downtown area.

USE - General office usage.

SIZE - 2,325 square feet.

TENANT IMPROVEMENTS - Landlord will install the tenant improvements at landlord's sole cost and expense. The cost of the improvements is estimated at \$12,500.

FISCAL IMPACT:

\$12,555 will be paid from the Labor Relations Fund No. 100, Dept. 080 for rent from the FY2001 Budget.

Herring/Griffith/DLM

Aud. Cert. 2101100.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B213-330.)

CONSENT MOTION BY PETERS TO INTRODUCE THE ORDINANCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-54: Two actions related to Torrey Pines Elementary School - Joint Use Improvements.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

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

Subitem-A: (O-2001-146) INTRODUCED, TO BE ADOPTED ON
TUESDAY, JUNE 12, 2001

Introduction of an Ordinance authorizing the City Manager to execute an agreement with the San Diego Unified School District for the construction, operation, maintenance and lease of turf fields and recreation facilities at Torrey Pines Elementary School site.

Subitem-B: (R-2001-1555) ADOPTED AS RESOLUTION R-294905

Authorizing the City Manager to execute an agreement with La Jolla Youth, Inc., for the Partial Assignment of Agreement for the construction, operation and maintenance of turf fields and recreation facilities at Torrey Pines Elementary School Site and for design, construction, and maintenance of the Joint Use Area project.

Note: **Six** votes required for Subitem A pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

The proposed lease agreement between the City and the San Diego Unified School District (District) provides for a twenty-five year, joint use facility on the Torrey Pines Elementary School site. The terms of the agreement provide for the design, construction, operation and maintenance of multi-use playing fields on approximately 2.8 acres and a parking lot on approximately 0.2 acres. Pursuant to the proposed lease agreement, the City shall be responsible for the design and construction of the recreational facilities which include turf fields, irrigation system, drainage system, underground electrical service, storage facilities and landscaping. Additionally, the City shall be responsible for the maintenance of the recreational facilities, and the cost of electrical utilities and irrigation water for the facilities within the joint use area. Maintenance costs associated with the parking lot shall be shared equally between both agencies. Collection and removal of litter in the entire joint use area shall be shared between both agencies based on percentage of use. The associated agreement between the City and La Jolla Youth, Inc. (LJY), a private, non-profit local organization, provides for the partial assignment of the City's responsibilities to LJY. Under this agreement, LJY will assume the City's responsibilities for design, construction and maintenance of the recreational facilities. The City will be responsible for the ongoing cost of irrigation water. The costs for the first phase of construction of the joint

Subitem-A: (R-2001-820) ADOPTED AS RESOLUTION R-294906

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Mission Bay Park - Ski Beach Improvement Project on Work Order No. 218573;

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

Authorizing the re-appropriation of \$150,000 from Fund No. 9164, CIP-21-8340, Balboa Park/Mission Bay Park, and \$83,010.66 from Fund No. 30244, CIP-22-928.0, Bicycle/Walkway Improvement to Fund No. 10244, CIP-21-857.3, Ski Beach Parking Improvement and Boat Ramp Expansion Project;

Authorizing the expenditure of an amount not to exceed \$607,857 from Fund No. 10244, CIP-21-857.3, Ski Beach Parking Improvements and Boat Ramp Expansion, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01058C)

Subitem-B: (R-2001-821) ADOPTED AS RESOLUTION R-294907

Certifying that the Mitigated Negative Declaration LDR-96-7561 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines and that the information contained in the report has been reviewed and considered in connection with the approval of Construction of Mission Bay Park - Ski Beach Improvement Project;

Approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program or alterations to implement the changes to the project as required in order to mitigate or avoid significant effects on the environment.

ITEM-101: Approving the Final Subdivision Map of Phoenix III.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1299) CONTINUED TO TUESDAY, JUNE 5, 2001

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 0.718 acre site into 1 lot of 0.401 acres for a maximum of 14 units residential condominium development. It is located southeasterly of Howard Avenue and Mississippi Street in the Greater North Park Community Plan area.

On January 20, 2000 the Planning Commission of the City of San Diego approved Tentative Map TM-99-0921 by Planning Commission Resolution No. 2915-PC. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied.

There are no public improvements required in connection with this final map. The survey monuments are existing, therefore, lot stakes and monuments bond are not required. This project is estimated to generate 84 average daily trips (ADT). 17 of these trips are estimated to occur on the nearby Interstate 805, which has an estimated near term plus project volume of 216,017. There are no improvements planned by CalTrans on Interstate 805 in the vicinity of this project. Park fees in the amount of \$1,185 have been paid. This project is in Park Service District No. 11.590.

FISCAL IMPACT:

None.

Loveland/Haase/GB

FILE LOCATION: SUBD - Phoenix III (40)

COUNCIL ACTION: (Tape location: E105-325.)

MOTION BY TO PETERS TO CONTINUE THIS ITEM TO TUESDAY, JUNE 5, 2001, AT THE REQUEST OF COUNCIL MEMBER ATKINS TO ALLOW TIME FOR THE CITY ENGINEER TO DETERMINE THAT ALL CONDITIONS OF THE MAP HAVE BEEN MET, AND TO REQUEST THAT THE DEVELOPER MEET WITH COUNCIL MEMBER ATKINS TO ADDRESS HER CONCERNS REGARDING THIS PROJECT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-102: Spring Canyon Water Easement/Easement Quitclaim.

(Scripps Miramar Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1479) CONTINUED TO MONDAY, JULY 16, 2001

Authorizing the acceptance of an Easement Deed from the U.S. Navy, executed in favor of the City of San Diego, conveying to the City an easement over, under, upon, along and across its real property for water line purposes;

Authorizing the City Manager to execute a Quitclaim Deed, quitclaiming to the United States of America (U.S. Navy), all the City's right, title and interest in an old road easement.

CITY MANAGER SUPPORTING INFORMATION:

In 1995 the City approved a Rezone, Planned Residential Development (PRD) Permit, Tentative Map (TM) and Resource Protection Ordinance (RPO) Permit for a 69-unit single-family residential development known as Spring Canyon at Scripps Miramar Ranch. The Spring Canyon Project required a water line easement across United States of America (U.S. Navy) property for a 12 inch looped pipeline as an off-site requirement for this development. As a part of this action, the City will quitclaim a road easement to the United States of America (U.S. Navy), which is located on their military base and no longer meets any City or public needs. The acceptance of the Easement Deed and execution of the Quitclaim Deed are subsequent actions to satisfy conditions of the previously approved project.

FISCAL IMPACT:

None.

Herring/Griffith/RAG

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B337-368.)

MOTION BY MAIENSCHIN TO CONTINUE TO JULY 16, 2001 TO OBTAIN ADDITIONAL INFORMATION FROM STAFF AND FOR FURTHER REVIEW. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-103: Vesta Street Easement Amendments - Group Job 525A.

(Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1575) ADOPTED AS RESOLUTION R-294908

Authorizing the City Manager to accept an Amendment to Grant of Easement document, executed by the United States of America, which modifies and amends a 20-foot wide sewer easement granted to the City of San Diego, recorded October 12, 1982, as File/Page No. 82-313321 of Official Records, to include water and additional property rights which are coincident with the existing easement. The property rights to be amended are described as portions of Vesta Street, as dedicated on Silvergate Park Map 967, and on Partition Map of Pueblo Lot 1168, Map 160. The amended use is to allow for the construction, installation, operation, maintenance, repair and replacement of a 16-inch water line;

Authorizing the City Manager to accept an Amendment to Grant of Easement document, executed by the United States of America, which modifies and amends a 25-foot-wide sewer easement granted to the City of San Diego, recorded June 5, 1996, as File/Page No. 1996-0283193 of Official Records, to include water. The amended use is to allow for the construction, installation, operation, maintenance, repair and replacement of a 16-inch water line;

Declaring that the amendments to the easements are being granted at no cost to the City.

CITY MANAGER SUPPORTING INFORMATION:

The easement amendments are required to allow for the removal of an aged and deteriorated water line, and the re-alignment and replacement with a new, sixteen-inch line. The majority of the new line is to be placed within the unused portions of two existing easements: A) a 20-foot-wide sewer easement, recorded October 12, 1982, as File/Page No. 1982-313321, and B) a 25-foot-wide sewer easement, recorded June 5, 1996, as File/Page No. 0283193. Because said easements applied to sewer purposes only, these amendments are required to modify the "use" language to allow for water line installation. Also, because additional easement area is required for the proposed water line replacement, the amendment document which applies to the 1982 easement will serve to enlarge the easement by a total of 2,536 square feet. This new easement area, as well as the pre-existing easements, are detailed on City Engineer Drawing No. 30608-D. This project, part of the Group 525A Project, will improve water service to area residents and facilities served by the line. Of the 4,700 lineal feet to be replaced by the project, these easement amendments are necessary to allow for the installation of a 2,400-foot portion, with the balance of the replacement and re-alignment to be completed within existing City right-of-way.

FISCAL IMPACT:

None. Due to the fact that the easement serves their property, the United States Navy is granting the easement at no cost to the City.

Herring/Griffith/SLG

FILE LOCATION: DEED F-8067

COUNCIL ACTION: (Tape location: B213-330.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-104: Angle Parking on Harrison Avenue.

(Southeastern San Diego Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1527) ADOPTED AS RESOLUTION R-294909

Approving angle parking on the north side of Harrison Avenue between Dewey Street and Evans Street pursuant to San Diego Municipal Code Section 86.03;

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

CITY MANAGER SUPPORTING INFORMATION:

This action permits angle parking on the north side of Harrison Avenue between Dewey Street and Evans Street. Currently, there is parallel parking in this segment. This action will provide 5 additional parking spaces. Council approval is required according to Municipal Code Section 86.03. A petition signed by 14 of 17 affected property owners (representing 79% of the abutting property) was submitted in support of this action. The Southeastern San Diego Development 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.

Loveland/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B213-330.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-105: San Diego Regional Beach Sand Project Funding.

(Mission Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1574) ADOPTED AS RESOLUTION R-294910

Adopting the Statement of Overriding Considerations pursuant to California Code of Regulations Section 15093 with respect to this project;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required in order to mitigate or avoid significant effects on the environment, pursuant to California Public Resources Code Section 21081.6;

Authorizing the City Manager to expend an amount not to exceed \$255,263 from CIP-52-671.0, Ocean Front Walk - San Fernando Place to Ventura Place, to pay SANDAG for placement of an additional 50,000 cubic yards of sand at Mission Beach (\$185,000) and for 25% of the City of San Diego's share of mitigation costs (\$70,263) associated with SANDAG's San Diego Regional Beach Sand 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:

On April 1, 2001, SANDAG implemented the San Diego Regional Beach Sand Project in which sand would be dredged offshore and placed on local beaches. With this action, the City would agree to pay 25.6 percent or up to \$281,050 for "potential environmental costs" associated with the project, the first year of which amounts to \$70,263 authorized by this action.

The Environmental Impact Report for the project concluded "there would be no significant long-term impacts on nearshore reef habitat, based on analysis of a reasonable worst case scenario." However, state and federal permit requirements recognize that the coastal area is very dynamic and difficult to evaluate. SANDAG will be required to conduct an extensive monitoring program over four years (2002-2005) to determine whether mitigation is required.

With this requirement, if SANDAG has to set up a reserve account for these potential mitigation costs using current project funding, there would be a \$1.1 million shortfall for the project and SANDAG would be required to reduce the amount of sand placed on beaches by 12 percent. If \$1.1 million is not used for beach restoration or mitigation at the end of four years, SANDAG will be required to return these funds to the state and federal agencies. Therefore, SANDAG requested agencies to put additional funds in for the potential mitigation costs.

To this end, the City Manager intends to include and reserve as part of the City Manager's proposed budget for the next three (3) fiscal years \$70,262 per year for this purpose. SANDAG understands that additional appropriation of funds (beyond the \$70,263 herein) is subsequently subject to the approval of City Council.

Additionally, with dredging already underway, a rare opportunity now exists to economically place 50,000 cubic yards of sand at Mission Beach in addition to the 100,000 cubic yards in the original project which will be beneficial to Ocean Front Walk. CIP-52-671.0, Ocean Front Walk-San Fernando Place to Ventura Place is currently not fully funded for construction. Expending the amount in this resolution for the beach sand will leave funding adequate to complete the design of the project. Grant money will be sought for construction.

FISCAL IMPACT:

\$255,263 is available in CIP-52-671.0.

Loveland/Belock/PB

Aud. Cert. 2101164.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B213-330.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-106: TransNet SANDAG Walkable Communities Demonstration Program Funding.

(Greater North Park, Clairemont Mesa, and Greater Golden Hill Community Areas. Districts-3, 6, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1530) ADOPTED AS RESOLUTION R-294911

Authorizing the City Manager to receive and award the SANDAG TransNet Walkable Communities Demonstration Program (Fund 30308) for the University Avenue Traffic Calming Project (J.O. #000001), the Balboa Avenue Vision Plan (J.O. #000002), and the 25th Corridor Project (CIP-39-236.0), contingent upon receipt of funds;

Amending the Fiscal Year 2001 Capital Improvements Program budget to include CIP-39-236.0, 25th Street Corridor Project;

Amending the Fiscal Year 2001 Capital Improvements Program budget by appropriating \$200,000 to CIP-39-236.0, \$56,000 to J.O. #000001 (University Avenue Traffic Calming Project), and \$40,000 to J.O. #000002 (Balboa Avenue Vision Plan), contingent upon receipt of funds;

Authorizing the update of the Golden Hill 25th Street Revitalization Action Plan.

CITY MANAGER SUPPORTING INFORMATION:

On October 23, 2000 the City Council adopted Resolution R-294043, which authorized staff to apply for SANDAG TransNet Walkable Communities Demonstration Program funds. On January 26, 2001, the SANDAG board approved funding (\$296,000) for three projects in the City of San Diego. These projects are the University Avenue Traffic Calming Project, the Balboa Avenue Vision Plan, and the 25th Street Corridor Project. This action will allow the City Manager to receive and award \$296,000 in TransNet funds granted by the SANDAG Board through the Walkable Communities Demonstration Program (Fund 30308) to the City of San Diego for the University Avenue Traffic Calming Project, the Balboa Avenue Vision Plan, and the 25th Street Corridor Project. This action will also allow the City Manager to amend the FY 2001 Capital Improvements Program (CIP) budget to include CIP-39-236.0, 25th Street Corridor Project, and to amend the FY 2001 CIP budget by appropriating \$200,000 to CIP-39-236.0, contingent upon receipt of funds. This action will also authorize the City Manager to update the Golden Hill 25th Street Revitalization Action Plan.

FISCAL IMPACT:

Total receipt of \$296,000 in TransNet Walkable Communities Demonstration Program Funding (Fund 30308).

Ewell/Goldberg/ATS

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B213-330.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-107: Amending the FY 2001 Capital Improvements Program Budget - Windansea Erosion Control Plan/Beach Access.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1480) ADOPTED AS RESOLUTION R-294928

Authorizing the City Manager to apply to the State of California Coastal Commission for a grant for the Windansea Erosion Control Improvements;

Authorizing the City Manager to take all necessary actions to secure and accept grant funds from the California Coastal Commission for the Windansea Erosion Control Improvements, including negotiating and entering into a grant funding agreement;

Authorizing the City Manager to conduct all negotiations, execute, and submit all documents necessary for the completion of the Windansea Erosion Control Improvements including, but not limited to applications, agreements, amendments, and payment request;

Authorizing the City Manager to appropriate and expend the grant funds, if secured, in accordance with the terms and conditions set forth in the grant funding agreement;

Authorizing the City Manager, provided the grant funding is secured, to accept and expend the donated funds for Windansea Erosion Control Improvements;

Authorizing the Auditor and Comptroller, upon receipt of a fully executed grant agreement, to amend the Fiscal Year 2001 Capital Improvements Program Budget to reflect the additional appropriation and expenditure of California Coastal Commission grant funds for CIP-29-680.0, Windansea Erosion Control Improvements;

Authorizing the Auditor and Comptroller, upon receipt of a fully executed grant agreement, to appropriate \$100,000 in donated funds to Windansea Erosion Control Improvements, CIP-29-680.0.

CITY MANAGER SUPPORTING INFORMATION:

The FY2001 State of California Coastal Commission has allocated grant funds for an erosion control plan and beach access at Windansea Beach. This action authorizes the City Manager to apply for, accept and expend the allocated State of California Coastal Commission funds for the purpose of ensuring safe public access and helping to alleviate the erosion associated with the existing access. Specifically, this project will provide for the replacement and addition of wood stairs to accommodate pedestrian access to the Windansea Beach area at Winamar Street, Kohnar Street, and Palomar Street.

FISCAL IMPACT:

Funds in the amount of \$250,000 are available for this purpose as follows: \$150,000 from State of California FY 2001 budget, and an anonymous donation of \$100,000, which has been deposited into a fund specifically setup for this project.

ANNUAL MAINTENANCE:

There will be no significant increase in maintenance costs resulting from this project.

Loveland/McLatchy/DVW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E565-590.)

MOTION BY PETERS TO ADOPT THE RESOLUTION TO ACCEPT THE GRANT MONEY WITH THE CAVEAT THAT ADMINISTRATIVE FEES BE CAPPED AT 15 PERCENT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-108: Traffic Signal and Street Lighting Systems at Camino Ruiz and Jade Coast Drive and at Empire Street and Miramar Road.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1536) ADOPTED AS RESOLUTION R-294912

Amending the Fiscal Year 2000 Capital Improvement Program (CIP) budget by increasing the appropriation in CIP-62-203.0, Traffic Signal and Street Lighting Systems at Camino Ruiz and Jade Coast Drive and at Empire Street and Miramar Road, by \$81,060;

Authorizing the City Auditor and Comptroller to accept and appropriate an additional amount not to exceed \$81,060 of Surface Transportation Program Fund (Fund No. 38968) for the design and construction of traffic signals;

Authorizing the expenditure of an amount not to exceed \$81,060 from CIP-62-203.0, contingent upon the receipt of a fully executed Program Supplement and provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for such expenditures are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

Resolution number R-293098, adopted on May 15, 2000, authorized the City Manager to accept, appropriate, and expend \$240,000 of Surface Transportation Program Funds (Fund No. 38968) for the design and construction of two traffic signals; one at Camino Ruiz and Jade Coast Drive, and one at Empire Street and Miramar Road.

The initial cost estimate for the two signals was \$240,000 at the time the funds were applied for and was not based on any field information or preliminary design for either intersection. After completing the detailed designs and construction estimates for the two signals, the estimated total cost will be \$321,060, based on elements that were not estimated at the time of the grant application. These items include additional environmental analysis required for the Federal grant funding; the mast arms for the signals at these locations are longer than typically included in the preliminary cost estimate; the installation of video detection at one of the locations to avoid easement requirement on private property; and the need to interconnect the signal at Camino Ruiz/Jade Coast Drive with the signal at Camino Ruiz/Gold Coast Drive adds 1,200 feet of trench. Therefore, this action is to accept the revised Program Supplement and amend the previous Resolution number R-293098 to increase the appropriated amount of Surface Transportation Funds from \$240,000 to \$321,060.

FISCAL IMPACT:

The estimated total cost of this project is \$321,060 which is reimbursable by a Federal (STP) grant.

Loveland/Belock/PB

Aud. Cert. 2101129.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B213-330.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-109: Mira Mesa Senior Citizen Center Expansion.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1197) ADOPTED AS RESOLUTION R-294913

Authorizing the City Auditor and Comptroller to transfer and appropriate an amount not to exceed \$7,254 from Park Service Fund (PSD) No. 11210, to General Fund No. 100, Org. No. 2601, Dept. No. 532, Job Order No. 002786, to complete the Mira Mesa Senior Center Expansion Project;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$5,000 from Mira Mesa Senior Center Fund No. 60216, to General Fund No. 100, Org. No. 2601, Dept. No. 532, Job Order No. 002786, to complete the Mira Mesa Senior Center Expansion Project;

Authorizing the expenditure of an amount not to exceed \$12,254 from General Fund No. 100, Org. No. 2601, Dept. No. 532.

CITY MANAGER SUPPORTING INFORMATION:

The Mira Mesa Senior Citizen Center is located at 8460 Mira Mesa Boulevard on the Mira Mesa Community Park site. In 1997 the City undertook a 980-square foot expansion of this 4,210 square foot building to provide additional offices, totally renovate the kitchen, and provide additional storage for the Senior Nutrition Program. The original contract was in the amount of \$96,230.

Construction on the expansion project started in May, 1997. During construction, the City asked that the contractor make changes requested by the Senior Center's manager and staff, and by the City's Development Services Department to make the project code compliant. The expansion was nearly completed when the contractor suffered a catastrophic illness. He was relieved of his contractual obligation due to his major health problems. Since the 1997 expansion was originally undertaken, the project scope has expanded to replace more sidewalks and walkways, to add a pedestrian ramp to bring the project into compliance with ADA requirements, to replace additional drains to eliminate existing deteriorated drainage conditions, and to address other Code requirements. Because of this expansion in scope, an additional \$12,254 is now needed to complete the project. The additional funds are being requested at this time so that the City's Facility Maintenance Division of the General Services Department can complete all remaining work.

FISCAL IMPACT:

This action will provide needed funds to perform corrective work and complete the project. The additional funding is from Park Services District (PSD) Fund (\$7,254) & Mira Mesa Senior Funds (\$5,000).

Loveland/Belock/AO

Aud. Cert. 2100921.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B213-330.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-110: Two actions related to the West Linda Vista Trunk Sewer, Phase II Project.

(Linda Vista Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1438 Cor. Copy) ADOPTED AS RESOLUTION R-294929

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$228,280 within Sewer Fund No. 41506, from CIP-46-195.0, Belt Street Trunk Sewer, to CIP-46-199.0, West Linda Vista Trunk Sewer, Phase II;

Authorizing the expenditure of an amount not to exceed \$263,820 from Sewer Fund No. 41506, CIP-46-199.0, West Linda Vista Trunk Sewer, Phase II, for the West Linda Vista Trunk Sewer, Phase II Project as follows: \$163,820 for additional project contingency; and \$100,000 for additional project related costs;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserve on advice of the administering department.

Subitem-B: (R-2001-1619) ADOPTED AS RESOLUTION R-294930

Certifying that Mitigated Negative Declaration No. 99-0744 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the report reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process has been reviewed and considered by the Council; finding that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the Mitigated Negative Declaration; adopting the Mitigation, Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

West Linda Vista Trunk Sewer, Phase II Project, removes the sewer main from a canyon and increases capacity. It replaces approximately 4,250 linear feet of old and deteriorated vitrified clay sewer mains and realigns approximately 1,065 linear feet of vitrified clay sewer main outside the canyon and into the public right-of-way. The existing sewer was found to be much deeper than anticipated based on existing records. The sewer was redesigned at a deeper elevation. Change Order No. 2 will pay for the contractor's increased cost. Additional project 1 related costs is requested for in-house engineering and consultant construction management staff time through project completion. Additional contingency is also requested to fund an anticipated change order due to a buried leaky water main.

FISCAL IMPACT:

The total estimate of this request is \$263,820; \$163,820 for Construction Contingency and \$100,000 for additional related costs. Funding is available in Sewer Fund 41506, CIP-46-199.0, West Linda Vista Trunk Sewer, Phase II, for this purpose.

Loveland/Belock/HR

Aud. Cert. 2101104.

FILE LOCATION: SUBITEMS A&B: MEET

COUNCIL ACTION: (Tape location: E591-F008.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-111: Retention of Consultants for Evaluation of Construction Claims and Litigation Support.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1412) ADOPTED AS RESOLUTION R-294914

A resolution approved by the City Council in Closed Session on Tuesday, April 17, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; District 6-vacant; Madaffer-yea; Inzunza-yea; Mayor Murphy-yea.

Authorizing the City Attorney to enter into contracts for outside consultant and attorney services for the evaluation of construction claims in an aggregate amount not to exceed \$1,400,000;

Authorizing the transfer of \$1,400,000 from the Sewer Revenue Fund Unallocated Reserve Fund 41509, Department 777, Organization 445, Program Element 777210, Object Account 4903 to Fund 41509, Department 777, Organization 445, Object Account 4151;

Authorizing the expenditure of not to exceed \$1,400,000 from the Operations and Maintenance Fiscal Year 2001 Budget Fund 41509, Department 777, Organization 445, Object Account 4151 for retaining consultants for evaluation of construction claims and litigation support.

CITY MANAGER SUPPORTING INFORMATION:

In closed session on April 17, 2001, the City Council authorized the City Attorney's Office to retain consultants to evaluate and assist the City in its defense against contractor claims in the amount not-to-exceed \$1,400,000. In addition, City Council authorized the transfer of the \$1,400,000 from the Sewer Revenue Fund Unallocated Reserve to the Sewer Revenue Fund Operating Budget.

FISCAL IMPACT:

Funds for this purpose are available in the MWWD FY2001 Operations & Maintenance Budget, Fund 41509.

Loveland/Schlesinger/AR

Aud. Cert. 2101139.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B213-330.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-112: Retainer Agreement for Outside Counsel in the matters of Otay Acquisition v. City, and National Enterprise v. City.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1440 Cor. Copy) ADOPTED AS RESOLUTION R-294915

Authorizing the City Manager to execute a Retainer Agreement for outside counsel to serve in Otay Acquisition v. City of San Diego, San Diego Superior Court Case No. GIC-753247, National Enterprise v. City of San Diego, San Diego Superior Court Case No. GIC-730011, and related matters, together with any reasonably necessary modifications or amendments which do not increase the project scope or cost and which the administering department deems necessary from time to time in order to carry out the purpose and intent of this project and agreement;

Authorizing the expenditure of an amount not to exceed \$1,600,000 from Liability Fund No. 81140;

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

CITY MANAGER SUPPORTING INFORMATION:

The request is for authorization of payment for legal expenses that will be incurred for the property damage claim in the matters of Otay Acquisition v. City, and National Enterprise v. City.

Lexin/Oliva/AWR

Aud. Cert. 2101137.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B213-330.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-113: International AIDS Candlelight Memorial Day.

COUNCILMEMBER ATKINS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1594) ADOPTED AS RESOLUTION R-294916

Commemorating the lives of those lost to AIDS;

Proclaiming May 20, 2001 to be "International AIDS Candlelight Memorial Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B213-330.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-114: National Missing Children's Month.

DEPUTY MAYOR STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1511) ADOPTED AS RESOLUTION R-294917

Commending Spotlight on Families, KCBQ 1170 AM, and the Klass Kids Foundation for their efforts to keep our children and families safe;

Proclaiming May 2001 to be “National Missing Children’s Month” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B213-330.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-115: Educational Cultural Complex Day.

COUNCILMEMBER STEVENS’S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1566) ADOPTED AS RESOLUTION R-294918

Commending the Educational Cultural Complex for its 25 years of excellence;

Proclaiming May 16, 2001 to be “Educational Cultural Complex Day” in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B213-330.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-116: As-Needed Consulting Agreement with Pountney and Associates.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1324) CONTINUED TO TUESDAY, JUNE 5, 2001

Authorizing the City Manager to execute an agreement with Pountney and Associates, Inc. for as-needed water planning/resources consulting services to the City's Water Department Capital Improvements Program;

Authorizing the Auditor and Comptroller to expend an amount not to exceed \$250,000 from Water Department Fund 41500 for funding the agreement;

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

CITY MANAGER SUPPORTING INFORMATION:

The Water Department is implementing a number of projects as part of its Capital Improvements Program (CIP). The ability to obtain as-needed engineering support services in an expeditious manner is an essential element of project implementation. The Water Department has identified a need for several as-needed consultants to assist the Water Planning and Water Research sections with various support tasks including, but not limited to, the review and preparation of pre-design and 10% design reports, 100% design, as-needed field inspection/monitoring work, hydraulic modeling, data gathering, long range planning, and risk analysis.

To select the as-needed consultants, the City As-Needed Consultant Selection Process was used to obtain a short list of six qualified candidates. On January 18, 2001, a Selection Panel convened and interviewed the six consulting firms. Firms were evaluated on a weighted basis of qualifications including expertise, experience, understanding and approach to the scope of services, and the capability of personnel and subcontractors. Based upon the results of these interviews and subsequent reference checks, Pountney and Associates was one of two firms selected as the most qualified to provide as-needed engineering consulting services. Task orders will be negotiated and issued as appropriate projects are identified by the Water Department. The Project Manager will issue a written task order which shall describe the specific scope, schedule and compensation for the task. Each task order shall be subject to the terms, conditions and fee schedule included in this Agreement. All task orders shall be approved and signed by the Deputy Director before the Consultant may proceed with the task.

FISCAL IMPACT:

Funding is available from the Water Department Fund 41500 in the amount of \$250,000.

Loveland/Gardner/MS

Aud. Cert. 2101167.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: E012-F147.)

Motion by Peters to adopt. Second by Atkins. Failed. Yeas-1,2,3,M. Nays-5,8.
Not present-4,7. 6-vacant.

MOTION BY PETERS TO CONTINUE THIS ITEM TO TUESDAY, JUNE 5, 2001,
AT THE REQUEST OF MAYOR MURPHY TO ALLOW ALL COUNCIL MEMBERS
TO BE PRESENT. Second by Wear. Passed by the following vote: Peters-yea,
Wear-yea, Atkins-yea, Stevens-not present, Maienschein-yea, District 6-vacant,
Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-117: Fourth Amendment to the Memorandum of Understanding (MOU) with the San
Diego Metropolitan Transit Development Board (MTDB).

(Mission Valley, Navajo, College, and San Ysidro Community Areas. Districts-6
and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1377) ADOPTED AS RESOLUTION R-294919

Authorizing the City Manager to execute a fourth amendment to the
Memorandum of Understanding (MOU) between the City of San Diego and the
San Diego Metropolitan Transit Development Board, to add Mission Valley East
LRT and San Ysidro Intermodal Transportation Center projects.

CITY MANAGER SUPPORTING INFORMATION:

The Metropolitan Transit Development Board (MTDB) and the City entered into a Memorandum of Understanding (MOU) for the construction and operation of the South Line and the East Urban Line (to El Cajon), and amended that MOU to also include the Bayside, Old Town, and Mission Valley West trolley lines. The MOU sets forth the respective responsibilities of the City and MTDB relative to the construction, maintenance, and operation, as well as liability apportionment. The proposed amendment would add the Mission Valley East LRT project as well as the San Ysidro Intermodal Transportation Center project to the MOU, delete obsolete language and make conforming changes.

FISCAL IMPACT:

None.

Loveland/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B213-330.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-118: 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-2001-1533) ADOPTED AS RESOLUTION R-294920

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: B213-330.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-150: Construction Management Services Agreement for Otay Water Treatment Plant Upgrades.

(See Larry Gardner's 4/2/2001 memo.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1379) ADOPTED AS RESOLUTION R-294931

Authorizing the City Manager to execute a phase funded agreement with Butier Engineering, Inc., to provide construction management services for the Otay Water Treatment Plant upgrades;

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

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$2,924,868 from Water Fund 41500, CIP-73-250.0, Otay Water Treatment Plant Clearwell Storage, and to expend an amount not to exceed \$3,423,716 from Water Fund 41500, CIP-73-285.0, Otay Water Treatment Plant Upgrade, for the purpose of funding the agreement and related in-house engineering 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 funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On April 2, 2001, NR&C voted 3 to 1 to move the project forward to City Council for approval. (Councilmembers Peters, Wear and Madaffer voted yea. Councilmember Inzunza voted nay.)

CITY MANAGER SUPPORTING INFORMATION:

In August 1997, the City Council approved the Water Strategic Plan for Water Supply that included a water resources strategy to meet water demands through 2015 by replacing, upgrading and expanding key water system facilities. Upgrades to the Otay Water Treatment Plant (WTP) were identified in this plan. The Otay WTP supplies one of the City of San Diego's three (3) major water service areas, providing up to 40 million gallons per day (mgd) of potable water to customers primarily in the City's southern communities. The Otay WTP upgrade is being undertaken to comply with state and federal drinking water regulations while improving the efficiency and reliability of the plant. The Otay WTP upgrades include constructing two 6.5 million gallon treated water storage reservoirs (clearwells), a membrane facility and chlorine contact basin; relocating existing and installing new pipelines; improving the electrical efficiency of the raw water pump station; and installing a chlorine gas safety system. Construction is scheduled to begin in the summer 2001 and is expected to be completed by the summer 2005. Water treatment plant upgrades require specialized construction methods and experience. A construction manager with expertise in these specialized construction techniques is required to manage and coordinate all aspects of construction; inspect the construction work for compliance with the contract documents, City standards and all applicable environmental, safety and Equal Opportunity Compliance Program regulations; provide quality control for the construction work to minimize change orders and claims; and monitor construction progress to ensure the project is completed on schedule and within budget. The City's consultant procurement process was used to interview the most qualified consultants. Six firms were short-listed and interviewed by a panel consisting of Water Department, Equal Opportunity Compliance Program and County Water Authority staff. The procurement process resulted in the selection of Butier Engineering, Inc. to provide the required professional construction management services for the Otay WTP upgrades. Butier has extensive water treatment plant, membrane facility, pipeline and pump station construction management experience. The proposed contract would be phase funded over four years, starting in June 2001 and concluding in June 2005.

FISCAL IMPACT:

Funding for the construction management services consultant in the amount of \$2,924,868 is available from Water Fund 41500, CIP-73-250.0, Otay Water Treatment Plant Clearwell Storage and the amount of \$3,423,716 is available from Water Fund 41500, CIP-73-285.0, Otay Water Treatment Plant Upgrade.

Belock/Gardner/NMK

Aud. Cert. 2101147.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F150-169.)

MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Approving the Plans and Specifications and Inviting Bids for the Construction of North Park Phase I Requirements.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1445) ADOPTED AS RESOLUTION R-294932

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of North Park Phase I Requirements on Work Order No. 298260;

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

Authorizing the City Auditor and Comptroller to transfer \$470,000 from Fund 39095, Job Order No. 288674, Garfield Elementary School/North Park Community Park Joint Use, Fund No. 39095 and \$410,000 from CIP-29-827.0, Jefferson School Park Playground Park, North-East Park Development Fund, Fund No. 39095 to CIP-29-826.0, North Park Community Phase I Requirements;

Authorizing the expenditure of an amount not to exceed \$1,396,500 from CIP-29-826.0, North Park Community Park Phase I Requirements, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2001 budget by an increase of \$470,000 into CIP-29-826.0;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01069C)

CITY MANAGER SUPPORTING INFORMATION:

The North Park Community Park is an eight (8) acre park that is currently bordered by Lincoln Avenue on the south, Howard Avenue on the north, Oregon Street on the west and Idaho Street on the east. Located in the Greater North Park Community Planning Area, the initial development of the park occurred in 1967. A revised General Development Plan for the park was approved in November 1996. Proposed improvements with artistic enhancement include tot lot and play equipment, lighting, hard courts, fencing, picnic tables, walls, landscaping and irrigation. The existing restroom will be brought up to current codes under a separate supplemental construction contract and the existing security lighting will be upgraded by City forces.

FISCAL IMPACT:

The estimated total cost of the Phase I project is \$1,595,000 of which \$198,500 has been previously approved. The remaining funds (\$1,396,500) are available in CIP-29-826.0, North Park Community Park Phase I Requirements.

Belock/Boekamp/AO

Aud. Cert. 2100871.

FILE LOCATION: CONT - Heffler Company, Inc.; W.O. 298260

COUNCIL ACTION: (Tape location: F150-169.)

MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-201: Advertising for Bids for Torrey Pines Road Sewer and Water Project.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1426) ADOPTED AS RESOLUTION R-294933

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Torrey Pines Road Sewer and Water Project: Construction of Sewer Pump Station 27 - Second Force Main, and Torrey Pines/La Jolla Boulevard 16-Inch Water Main Replacement on Work Order No. 174261;

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

Authorizing the use of City Forces to replace existing crosses, tees, valves, and sections of pipe along the proposed Torrey Pines/La Jolla Blvd. 16" Water Main Replacement, pursuant to recommendation of the City Manager indicating that the work can be done by City Forces more economically than if let by contract, with the cost of the work not to exceed \$500,000;

Authorizing the expenditure of an amount not to exceed \$4,907,974 for the construction of Sewer Pump Station 27, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury:

\$1,834,976 from Sewer Fund No. 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Stations, for design, inspection, construction, and contingencies for the Sewer Pump Station 27 - Second Force Main;

\$2,921,742 from Water Fund No. 41500, CIP-70-953.0, Torrey Pines/La Jolla Blvd. 16" Water Main Replacement, for design, inspection, construction, and City Forces for the Torrey Pines/La Jolla Blvd. 16" Water Main Replacement;

\$151,256 from Water Fund No. 41500, CIP-73-331.0, Annual Allocation - Pooled Contingency, for Torrey Pines/La Jolla Blvd. 16" Water Main Replacement, for project contingencies;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.
(BID-K01117)

CITY MANAGER SUPPORTING INFORMATION:

In order to meet the reliability criteria of the Sewer and Water Design Guidelines of the City of San Diego, a secondary force main needs to be constructed to service Sewer Pump Station 27. This project is within the La Jolla community and involves the installation of 5,279 linear feet of 16-inch pipe. The 16" cast iron water main in Torrey Pines/La Jolla Blvd. was originally constructed in 1920 and then rehabilitated in 1951 but has come close to reaching its intended service life. Approximately 5,200 linear feet of 16" cast iron pipe will be replaced under this contract between the streets of Avenida de la Playa and Exchange Place in La Jolla. The Water Department's City Forces will be replacing the existing valves, tees and crosses in advance of the Contractor's work in order to assure safe and reliable water system shutdown and minimize water service interruptions to the community during construction. The water main replacement and installation of the new sewer force main projects were combined to be constructed under one contract to minimize the disruption to the community. In order to minimize traffic impact, the construction activity on Torrey Pines Road will take place between 9:00 p.m. and 6:00 a.m.

FISCAL IMPACT:

The estimated total cost of these projects is \$4,907,974. Funding of \$1,834,976 for Sewer is available in CIP-46-106.0, Annual Allocation - Sewer Pump Stations, \$2,921,742 for Water from the Water Fund 41500, CIP-70-953.0, Torrey Pines/La Jolla Blvd. 16" Water Main Replacement, and \$151,256 from Water Fund 41500, CIP-73-331.0, Annual Allocation for Pooled Contingency. This project will be phase-funded.

Loveland/Belock/LG

WWF-01-504.

FILE LOCATION: CONT - BRH Garver, Inc.; W.O. 174261

COUNCIL ACTION: (Tape location: F150-169.)

MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-202: Two actions related to Approving the Plans and Specifications and Inviting Bids for the Construction of Water and Sewer Group 539.

(Centre City and Barrio Logan Community Areas. Districts-2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1402) CONTINUED TO TUESDAY, JUNE 5, 2001

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Water and Sewer Group 539 on Work Order No. 175451;

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

Authorizing the expenditure of an amount not to exceed \$2,229,718 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and \$3,046,547 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for providing funds for the project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating

that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

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

Authorizing the use of City Forces in the amount of \$638,309 in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for additional construction services related to the project. (BID-K01067C)

Subitem-B: (R-2001-1403) CONTINUED TO TUESDAY, JUNE 5, 2001

Certifying that the information contained in the final EIR SCH No. 98121003, including any comments received during the public review process, has been reviewed and considered by the Council;

Directing the City Clerk to file the Notice of Determination with the Recorder of the County Clerk.

CITY MANAGER SUPPORTING INFORMATION:

Water and Sewer Group 539 is part of the City of San Diego's continuing Annual Water and Sewer Main Replacement Program. The work consists of replacing approximately 12,200 feet (2.31 miles) of water main and 9,700 feet (1.84 miles) of sewer main. Also, this project includes the construction of thirty-one (31) pedestrian ramps and the slurry sealing or resurfacing of the impacted streets. This project lies in the Centre City and Barrio Logan Community Planning area within the area bounded by Third Avenue and 17th Street on the east and west and bounded by Market Street and National Avenue on the north and south. This project has been coordinated with MTS, CCDC, and Paradise in Progress to minimize traffic impacts on Market Street. There is a Holiday Construction Moratorium on Market Street from Thanksgiving day to New Year's day in which no construction will be allowed. Residents will be notified by mail at least one month before construction begins by the Water Department and again ten days before construction begins by the contractor through hand distribution. The existing sewer and water mains were installed as early as 1917 and are now undersized and have experienced many breaks and stoppages. Replacement of these deteriorated water and sewer mains will continue to provide the community with a safe and reliable water and sewer infrastructure well into the next century.

FISCAL IMPACT:

The total estimated cost of this project is \$5,276,265 of which \$3,046,547 is available in FY2001 and FY2002 in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, and \$2,229,718 is available from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for this purpose. Included in the above project cost estimate is \$638,309 for City forces work. A reduction in annual maintenance costs is anticipated. This project will be phase-funded.

Loveland/Belock/HR

WWF-01-515.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A078-086.)

MOTION BY WEAR TO CONTINUE TO TUESDAY, JUNE 5, 2001 FOR FURTHER REVIEW AT THE NR&C COMMITTEE. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-203: Two actions related to Approving the Plans and Specifications and Inviting Bids for the Construction of Sewer Group 619.

(Uptown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-825) CONTINUED TO TUESDAY, JUNE 5, 2001

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Sewer Group 619 on Work Order No. 172531;

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

Authorizing the Auditor and Comptroller to transfer \$1,897,718 from Sewer Fund 41506, CIP-46-215.0, Annual Allocation - Infrastructure Upgrade and Replacement to Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement;

Authorizing the expenditure of an amount not to exceed \$2,340,500 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for providing funds for the project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01064C)

Subitem-B: (R-2001-1384) CONTINUED TO TUESDAY, JUNE 5, 2001

Certifying that the information contained in Mitigated Negative Declaration LDR-99-0303, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council;

Finding that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

Sewer Group 619 is part of the program established by the City of San Diego mandating the replacement of all concrete sewer mains currently in service. The existing mains were constructed as early as 1920 and are approaching the end of their useful life. Replacement of

these deteriorated and undersized mains will continue to provide the community with a safe and reliable infrastructure. This project is within the Uptown community area and involves the replacement and rehabilitation of approximately 9,800 linear feet of sewer. Some of the work involves abandoning existing sewer mains within City easements and relocating to more accessible street locations. This also requires the need to re-plumb approximately twenty-five (25) sewer laterals within private property and reconnect to the new sewer main. The limits of the work affected by the construction operations are shown on the location map. Traffic Control Plans will be provided by the contractor as shop drawings. Residents will be notified by the contractor ten (10) days prior to start of construction.

FISCAL IMPACT:

The total estimated cost of this project is \$2,340,500. Funding is available from Sewer Fund 41506, Annual Allocation - Sewer Main Replacement, CIP-44-001.0, for this purpose.

Belock/Boekamp/HR

Aud. Cert. 2001015.

WWF-00-451.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A078-086.)

MOTION BY WEAR TO CONTINUE TO TUESDAY, JUNE 5, 2001 FOR FURTHER REVIEW AT THE NR&C COMMITTEE. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-204: Two actions related to Approving the Plans and Specifications and Inviting Bids for the Construction of Sewer and Water Main Replacement Group 669.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-823) ADOPTED AS RESOLUTION R-294934

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Sewer and Water Main Replacement Group 669 on Work Order Nos. 173851/183721;

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

Authorizing the expenditure of an amount not to exceed \$1,609,118 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement and \$465,622 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for providing funds for the project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01063C)

Subitem-B: (R-2001-824) ADOPTED AS RESOLUTION R-294935

Certifying that the information contained in Mitigated Negative Declaration LDR-40-0083, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council;

Finding that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

This project is part of the City's ongoing concrete sewer main and cast iron water main replacement program. Sewer and Water Group Job 669 will replace approximately 3,041 linear feet of existing 6-inch concrete sewer main and approximately 2,349 linear feet of existing 8-inch concrete sewer main with new 8-inch sewer main and approximately 1,858 linear feet of 6-inch cast iron water main and 608 linear feet of 8-inch cast iron water main with new 8-inch water main. The existing sewer and water mains were installed as early as 1927 and are now undersized and have experienced many breaks and stoppages. This project will reduce these stoppages and provide a more reliable sewer and water system for the service area. This project lies in the Peninsula Community Planning Area within the area bounded by Cornish Drive and Sunset Cliffs Boulevard on the east and west and bounded by Hill Street and Ladera Street on the north and south. Residents will be notified by mail at least one month before construction begins by the Water Department and again ten days before construction begins by the contractor through hand distribution. Also, this project includes pedestrian ramps and slurry sealing or resurfacing of impacted streets. The contractor is required to prepare traffic control plans for the entire project area and submit them to the City of San Diego's Traffic Signal Design and Traffic Control Section for approval. This project was presented to the Peninsula Planning Committee and the community concurred that a summer moratorium was not necessary since there is no beach access from or parking on Sunset Cliffs Boulevard. Additionally, traffic volumes are low on the affected portion of Sunset Cliffs Boulevard.

FISCAL IMPACT:

The total estimated construction and related costs are estimated at \$2,074,740. Funding of \$1,609,118 is available from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement and \$465,622 is available from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement for this purpose.

Loveland/Belock/HR

WWF-01-495.

FILE LOCATION: SUBITEMS A & B: CONT - Ortiz Corporation; W.O.
173851/183721

COUNCIL ACTION: (Tape location: F150-169.)

MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-205: Two actions related to Approving the Plans and Specifications and Inviting Bids for the Construction of Sewer and Water Group 673.

(Uptown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1385) ADOPTED AS RESOLUTION R-294936

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Sewer and Water Group 673 on Work Order Nos. 174061/183791;

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

Authorizing the expenditure of an amount not to exceed \$2,295,969 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for providing funds for the project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

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

Authorizing the use of City Forces in the amount of \$212,652 for additional construction services related to the project. (BID-K01066C)

Subitem-B: (R-2001-1401) ADOPTED AS RESOLUTION R-294937

Certifying that the information contained in Mitigated Negative Declaration LDR-40-1033, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council;

Finding that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

Sewer and Water Replacement Group 673 is part of the City of San Diego's continuing Annual Sewer and Water Main Replacement Program. This project is in the Uptown community area and consists of replacing approximately 10,661 feet (2.01 miles) of 6-inch and 8-inch sewer main and 8,167 feet (1.54 miles) of 6-inch and 10-inch water main. Also, this project includes the construction of 34 pedestrian ramps and re-paving or slurry sealing of the impacted streets. The streets affected by construction operation within this project are: India Street, Columbia Street, State Street, Union Street, Glenwood Drive, Vine Street, West Upas Street, West Thorn Street, Sassafras Street, and Spruce Street. Residents will be notified by mail at least one month before construction begins by the City's Engineering and Capital Projects Department and again 10 days before construction begins by the contractor through hand distribution. The contractor will be required to provide Traffic Control Plans for the entire project area to the City of San Diego's Traffic Signal Design & Traffic Control Section for approval with the exception of India Street and Sassafras Street west of India Street. Traffic Control Plans for India Street and Sassafras Street west of India Street have been developed and were approved by the City of San Diego's Traffic Signal Design & Traffic Control Section and the California Department of Transportation and will be provided to the contractor as part of the construction plans for Sewer and Water Group 673. Working hours for India Street and Sassafras Street west of India Street are limited from 11:00 p.m. to 7:00 a.m., Sunday through Thursday.

FISCAL IMPACT:

The total estimated cost of this project is \$4,092,314. Funds of \$2,295,969 will be available in Sewer Fund 41506, CIP- 44-001.0, Annual Allocation - Sewer Main Replacement and \$1,796,344 in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement for this purpose. Included in the total cost estimate is \$212,652 for City Forces to make connections and perform operational checks. This project will be phase-funded.

Loveland/Belock/HR

WWF-01-508.

FILE LOCATION: SUBITEMS A & B: CONT - Ortiz Corporation; W.O.
174061/183791

COUNCIL ACTION: (Tape location: F150-169.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Maienschien. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-206: Additional Project Contingency for Point Loma Wastewater Treatment Plant.

(See City Manager Report CMR-01-091. Point Loma Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1425) ADOPTED AS RESOLUTION R-294938

Authorizing the expenditure of an amount not to exceed \$1,015,000 solely and exclusively to provide additional project contingency for construction improvements at the Point Loma Wastewater Treatment Plant, to be expended as follows:

- 1) \$75,000 from Fund No. 41508, CIP-46-110.0, Point Loma - Scum Removal System;
- 2) \$590,000 from Fund No. 41508, CIP-46-175.0, Point Loma - Headworks, Odor Control & Grit Processing;
- 3) \$350,000 from Fund No. 41508, CIP-46-182.0, Point Loma - Chemical Feed Systems Upgrade.

Aud. Cert. 2101138.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F150-169.)

MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-207: Awarding a Planning and Design Agreement for Various Sewer and Water Group Jobs.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1381 Cor. Copy) ADOPTED AS RESOLUTION R-294939

Authorizing the City Manager to execute an agreement with Brown & Caldwell for Planning and Design of Various Sewer & Water Group Jobs Services for the Engineering & Capital Projects Department in an amount not to exceed \$1,500,000;

Authorizing the City Manager to expend \$400,000 from Water Fund 41500 and \$1,100,000 from Sewer Fund 41506 provided that the City Auditor first furnishes a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer, and authorizing the Auditor and Comptroller to return excess budgeted funds to the appropriate reserve.

CITY MANAGER SUPPORTING INFORMATION:

A short list of six consulting engineering firms was requested from the Consultant Selection Coordinator. The consulting engineering firms will provide Planning and Design of Sewer & Water Group Jobs services. The Consultant Nominating Committee nominated the most qualified six consulting engineering firms to participate in the selection process. In conformance with Council Policy 300-7 these firms were interviewed and the firm of Brown & Caldwell was selected to provide the two years of consulting services. The services will include all associated work to prepare and complete planning and design packages for water and sewer group jobs. The sub-consultants on this project are Lintvedt, McColl & Associates, Estrada Land Planning, Inc. and Southland Geotechnical, Inc. The agreement provides for planning and design of sewer and water group jobs by task on an hourly basis not to exceed \$200,000 per task. The total contract cost shall not exceed \$1,500,000 for a period of two (2) years from the date of execution by the City.

FISCAL IMPACT:

The total estimated cost of this agreement is \$1,500,000. Funding of \$400,000 is available from Water Fund 41500 and \$1,100,000 from Sewer Fund 41506 for this purpose.

Loveland/Belock/HR

Aud. Cert. 2101064.

WWF-01-514.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F150-169.)

MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-208: Amendment #2 to the Agreement with Fraser Engineering, Inc., for Sewer Pump Station No. 4.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1291) ADOPTED AS RESOLUTION R-294940

Authorizing the City Manager to execute an Amendment No. 2 to the agreement with Fraser Engineering, Inc., to provide additional engineering services, for the design and construction of Sewer Pump Station No. 4, in an amount not to exceed \$56,530;

Authorizing the City Manager to execute an agreement with Teddy Cruz and Marcos Ramirez to provide architectural and public art services in an amount not to exceed \$35,000;

Authorizing the expenditure of an amount not to exceed \$65,500 from Sewer Fund No. 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Rehabilitation, for engineering services;

Authorizing the additional expenditure of an amount not to exceed \$157,030 from Sewer Fund No. 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration, for the construction of Sewer Pump Station No. 4;

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

CITY MANAGER SUPPORTING INFORMATION:

Sewer Pump Station No. 4 is located at 2799 Carleton Street in the Roseville neighborhood of the Peninsula community planning area. Having noted severe deterioration in both the pumping equipment and the existing structure, it was approved to redesign and construct a new pump station. Fraser Engineering, Inc. was hired to provide consulting services. However, during the course of design, the City has requested Fraser Engineering to explore other design alternatives not included in the scope of work. This was in an effort to address the community request to study the feasibility of constructing an underground pump station. Money initially allocated to

engineering services during construction was used to pay the consultant for this out of scope work. Therefore, this request is to allocate \$56,530 to the project for engineering services provided by Fraser Engineering, Inc. and \$65,500 to the project for In-House Engineering Services during construction of Sewer Pump Station No. 4. The project will include an art component, that was not in the original scope of work, which is desired by the community. This request includes \$35,000 for the designing of this art work.

Artist/Architect interviews for the Sewer Pump Station No. 4 Public Art Project were held on Monday, June 5, 2000. Three of the four artists recommended for the project were interested, including, Louis Hock/Paul Hock, Jamex and Einar de la Torre/Norma Medina, and Marcos Ramirez. Out of the three finalists, Teddy Cruz & Marcos Ramirez was selected to provide architectural and art services to aesthetically enhance the structure of the pump facility.

FISCAL IMPACT:

The total estimated cost of this project is \$3,018,541 of which \$2,861,511 was previously authorized by Resolution R-276188 on July 23, 1990, by Resolution R-281737 on April 12, 1993, for design and administrative costs, and by Resolution R-292548 on December 6, 1999, for advertising for bids. The total amount of this request is \$157,030 which is available in Sewer Fund No. 41506, CIP-46-106.0, Annual Allocation for Sewer Pump Station Restoration.

Belock/Boekamp/HR

Aud. Cert. 2100879.

WWF-01-484.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F150-169.)

MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-209: Lifeguard Facility Improvements.

(See City Manager Report CMR-01-088. Districts-1 and 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1491) RETURNED TO THE CITY MANAGER

Amending the Fiscal Year 2001 Capital Improvements Program Budget by adding the following:

CIP-33-502.0, North Pacific Beach Station;
CIP-33-503.0, La Jolla Shores Station;
CIP-33-504.0, South Mission Beach Station;
CIP-33-505.0, La Jolla Cove Station;
CIP-33-506.0, Ocean Beach Station;
CIP-33-507.0, Mission Beach Station;
CIP-33-508.0, Lifeguard Headquarters; and
CIP-33-509.0, Old Mission Beach Station;

Approving the overall program for improvements to the lifeguard facilities;

Referring the financing plan options for the improvements to the lifeguard facilities to the Mayor's Blue Ribbon Committee on City Finances for review before the Council commits to any financing alternative for the program;

Approving the appropriation and expenditure of an amount not to exceed \$750,000 in Fiscal Year 2002 Coastal Infrastructure Fund monies as interim funding to begin work on the project, contingent upon the approval of the Fiscal Year 2002 Budget.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B170-202.)

MOTION BY PETERS TO RETURN TO THE CITY MANAGER TO BE HEARD AS PART OF THE BUDGET PROCESS ON JUNE 4, 2001. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-210: Chollas Community Park - Transfer of Funds.

(Mid City Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1487) ADOPTED AS RESOLUTION R-294941

Authorizing the City Auditor and Comptroller to de-appropriate and return \$106,000 from CIP-29-667.0, Chollas Community Park Master Plan and Development, to Fund No. 79511, Southeastern San Diego Development Impact Fees.

CITY MANAGER SUPPORTING INFORMATION:

In March 1999, \$106,000 in Southeastern Development Impact Fees were appropriated to the Chollas Community Park project through a previous council action. Subsequently, it was learned that the Chollas Community Park project was ineligible for use of these funds because it actually exists within the Mid-City Community Planning area. Therefore, this action provides for the transfer of the funds and returns them to the fund balance to be utilized on other eligible projects. Phase I of the project, which includes preparation of the master plan, construction of a sports field, parking and an access road, is fully funded (\$2,083,000). Phase II includes the construction of a comfort station, two multipurpose fields, a tee ball field and parking at an estimated cost of \$1.5 million. Funds in the amount of \$673,483 will remain after transfer of \$106,050 for Phase II improvements. If the shortfall of \$826,517 cannot be identified, then the scope of Phase II will be modified to reflect the available funding. The scope of future phases will be determined as funding is identified. Implementation of remaining improvements, beyond Phase II, is estimated to be approximately \$8,000,000.

FISCAL IMPACT:

Funds in the amount of \$106,000 are to be transferred from CIP-29-667.0, Chollas Community Park Master Plan and Development to the fund balance, Southeastern Development Impact Fee, Fund No. 79511.

Loveland/McLatchy/DVW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F195-245.)

MOTION BY STEVENS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-211: Lease Approval - Pacific Bell Telephone Company at Mount Woodson.

(Ramona Community Area.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1295) ADOPTED AS RESOLUTION R-294942

Authorizing the City Manager to execute a lease agreement with Pacific Bell Telephone Company, for a telecommunications facility on Mount Woodson, at an initial annual rent of \$20,400.

CITY MANAGER SUPPORTING INFORMATION:

Pacific Bell has maintained a communications facility on Mount Woodson since January 1972. It consists of a 25' x 30' equipment building and adjacent microwave antenna tower. Pacific Bell Telephone requires continued use of Mount Woodson to provide telephone service to the local community. The existing lease is currently on holdover status. Pacific Bell Telephone has proved to be a reliable tenant during their tenure at this site. Basic terms of the agreement are as follows:

USE - To install, construct, maintain, repair, and operate its Communications Center.

TERM - Five (5) years, with two additional 5-year options.

GROUND RENT - Rent is \$20,400 annually (\$1,700 per month) with annual 5% rent increases and reappraisal at year five.

This value is consistent with a recent outside independent fee appraisal dated August 2000.

FISCAL IMPACT:

The City will receive \$20,400 in the first year of the lease with 5% annual rent increases thereafter. Rental Proceeds generated will be credited to the City General Fund.

Herring/Griffith/JPA

FILE LOCATION: LEAS - Pacific Bell Telephone Company

COUNCIL ACTION: (Tape location: F150-169.)

MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-330: Five Year Review of Conditional Use Permit No. 89-0585 for Mining and Extractive Industries, Carroll Canyon Plant.

Matter of the appeal by Mark S. Kornheiser of the decision by the Planning Commission in approving the five-year review of Conditional Use Permit (CUP) No. 89-0585 for Mining and Extractive Industries and adding a condition providing for City cost recovery to conduct annual reviews of the operation in accordance with the Surface Mining and Reclamation Act (SMARA) for Carroll Canyon Sand and Gravel Mining operation located in Carroll Canyon east of Camino Santa Fe.

(CUP-89-0585. Mira Mesa Community Plan Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to deny the appeal and uphold the Planning Commission Resolution:

(R-2001-) APPEAL DENIED UPHOLDING THE PLANNING COMMISSION RESOLUTION; ADOPTED AS RESOLUTION R-294921

Adoption of a Resolution granting or denying the appeal and upholding or overturning the Planning Commission Resolution.

OTHER RECOMMENDATIONS:

Planning Commission on March 1, 2001, voted 4 - 0 to approve the five-year review of CUP No. 89-0585 and added a condition providing for City cost recovery to conduct annual reviews of the operation in accordance with the Surface Mining and Reclamation Act (SMARA). The Planning Commission indicated that the City review process for the 5 year review had afforded sufficient time and opportunity for community input and that Hanson Materials Company has been operating their facility consistent with the approved CUP.

Ayes: Steele, Anderson, Brown, Butler
Not present: Skorepa, Stryker, Garcia

The Mira Mesa Community Planning Group on January 16, 2001, voted (8-3-2) to recommend approval of the five-year review.

CITY MANAGER SUPPORTING INFORMATION:

The mining site has been in continuous operation since the 1950's by the Fenton Materials Company (Fenton) and was sold to Hanson Materials Company (Hanson) in 1998. The subject property is located between Miramar Road and Mira Mesa Boulevard, just east of the alignment of Camino Santa Fe. The mining operation continued after it was purchased by Hanson Materials, although a large portion of the original property was split off for the purpose of subdivision and development of an industrial park in accordance with the Mira Mesa Community Plan and the approved Reclamation Plan.

In 1986, Conditional Use Permit (CUP) No. 86-0803 was issued to Fenton, subsequently modified in 1990 and reissued as CUP-89-0585. This permit, which is transferred to Hanson, is due to expire on March 1, 2015. Provisions were included within the CUP for mandatory 5-year reviews of the CUP to be performed by the City. The Carroll Canyon mining operations are currently conducted by Hanson.

In addition to the CUP, the mining operation is subject to the State Surface Mining and Reclamation Act (SMARA). SMARA requires that the property be inspected annually to confirm compliance with the approved Reclamation Plan. The inspections are to be paid for by the mining company, and performed by the lead agency, in this case the City of San Diego. The modifications proposed as a part of this action will provide for costs to be borne by the mining operator.

On March 1, 2001, the Planning Commission considered the 5-year review of the Carroll Canyon Plant. Testimony was heard from 25 speakers in support of staff's recommendation and from three in opposition. Those in opposition felt that sufficient time had not been afforded for public review and input on the mining operation's compliance with the CUP and that the operation was not in compliance with conditions of the CUP. After hearing all testimony and reviewing evidence presented at the hearing, the Planning Commission determined that the Hanson's mining operation was in compliance with CUP No. 89-0585 and supported addition of the condition that allows the City to recover costs for annual review under SMARA.

An appeal of the Planning Commission's decision was filed on March 9, 2001, citing procedural issues with the hearing.

FISCAL IMPACT:

With this action, the City will be able to recover costs for staff time that were previously charged to the General Fund as overhead.

Loveland/Christiansen/RH

LEGAL DESCRIPTION:

The project site is more particularly described as located south of Carroll Canyon Road between El Camino Memorial Park and Camino Ruiz, comprised of portions of Sections 2 and 3, Township 15S, Range 3W, SBBM, in the A1-10 Zone.

NOTE: An environmental analysis was prepared and accepted for CUP 89-0585, and no changes are proposed for the operation.

FILE LOCATION: LUP - Five Year Review of Conditional Use Permit No. 89-0585 for Mining and Extractive Industries, Carroll Canyon Plant

COUNCIL ACTION: (Tape location: B400-C371.)

Hearing began at 11:22 a.m. and halted at 12:04 p.m.

Testimony in opposition by Mark Kornheiser, Deborah Kornheiser, William MacKersie.

Testimony in favor by Chris Niels, Dave Hummel, Dave Stipe, Tom Morrison.

MOTION BY PETERS TO DENY THE APPEAL IN ACCORDANCE WITH CITY STAFF'S RECOMMENDATION. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Third Update to the Land Development Code.

Matter of approving, conditionally approving, modifying or denying the Third Update to the Land Development Code.

(City-wide)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem E; and introduce the ordinances in subitems A, B, C, and D:

Subitem-A: (O-2001-123) INTRODUCED, TO BE ADOPTED ON TUESDAY, JUNE 12, 2001

Introduction of an Ordinance amending Chapter 12 of the San Diego Municipal Code by amending Article 6, Division 3, Section 126.0303; by amending Article 7, Division 1, Sections 127.0103 and 127.0107; Division 2, Section 127.0202; by amending Article 8, Division 3, Section 128.0314; by amending Article 9, Division 1, Section 129.0119; Chapter 13, by amending Article 1, Division 1, Section 131.0112; Division 2, Sections 131.0222 and 131.0250; Division 3, Section 131.0322; Division 4, Sections 131.0422, 131.0443, and 131.0461;

Division 5, Sections 131.0522 and 131.0531; Division 6, Section 131.0622; Chapter 14, by amending Article 1, Division 4, Section 141.0406; Division 10, Section 141.1004; Division 11, Section 141.1104; by amending Article 2, Division 5, Section 142.0530; Division 7, Section 142.0725; Division 12, Section 142.1206; and by amending Article 3, Division 8, Section 143.0840, all pertaining to the Land Development Code.

Subitem-B: (O-2001-125) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JUNE 12, 2001

Introduction of an Ordinance amending Chapter 14 of the San Diego Municipal Code by amending Article 5, Division 4, Sections 145.0401, 145.0403, 145.0404, 145.0405, 145.0406, 145.0407, 145.0408, 145.0410, 145.0411, and 145.0415, all pertaining to the Building Regulations of the Land Development Code.

Subitem-C: (O-2001-124) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JUNE 12, 2001

Introduction of an Ordinance amending Chapter 12 of the San Diego Municipal Code by amending Article 6, Division 7, Section 126.0704, pertaining to Coastal Development Permits of the Land Development Code.

Subitem-D: (O-2001-109) CONTINUED TO MONDAY, JULY 16, 2001

Introduction of an Ordinance amending Chapter 14, Article 1, Division 4 of the San Diego Municipal Code by amending Section 141.0412 relating to Homeless Facilities.

Subitem-E: (R-2001-1414) ADOPTED AS RESOLUTION R-294943

Adoption of a Resolution revising the guidelines listed below:

<u>Document</u>	<u>Document Number</u>
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Biology Guidelines	RR-
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Instructing the City Clerk to add the above-listed guidelines to the Land Development Manual;

Outside the Coastal Overlay Zone these amended guidelines shall take effect immediately. Within the Coastal Overlay Zone, this resolution shall be in force and effect on the date it is effectively certified by the California Coastal Commission as a City of San Diego Local Coastal Program amendment.

OTHER RECOMMENDATIONS:

Planning Commission voted 7 - 0 to approve; no opposition.

Ayes: Steele, Anderson, Brown, Butler, Skorepa, Stryker, and Garcia

Nays: None

This is a matter of City-wide effect.

SUPPORTING INFORMATION:

BACKGROUND

The Third Update to the Land Development Code (LDC) is part of the Code Monitoring Program directed by the City Council in September 1997.

This update includes a number of issues that were identified by staff and the public during the first year of implementation. The first set of issues are the minor format and reference corrections. The second set of issues titled "consistency issues" include various proposed changes that will clarify inconsistencies in the regulations and improve implementation of existing city policies.

FISCAL IMPACT: None

Loveland/Christiansen/SDD

LEGAL DESCRIPTION:

City-wide

ENVIRONMENTAL IMPACT:

1. Action on the minor format and reference corrections, and consistency corrections to Land Development Code Chapter 11-14 are exempt from CEQA pursuant to the State Guidelines Section 15061(b)(3);

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1558) ADOPTED AS RESOLUTION R-294944

Approving the issuance of bonds in an amount not to exceed \$1,800,000 by the Housing Authority of the City of San Diego for the acquisition and rehabilitation of the Park Haven Court Apartments located at 4010-4050 Park Haven Court, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E090-097.)

Hearing began at 3:01 p.m. and halted at 3:04 p.m.

MOTION BY ATKINS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Issuance of Multifamily Housing Revenue Bonds for Logan Square Apartments.

(See San Diego Housing Commission Report HCR-01-061. District-4.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1559) ADOPTED AS RESOLUTION R-294945

Approving the issuance of bonds in an amount not to exceed \$11,000,000 by the Housing Authority of the City of San Diego for the acquisition and rehabilitation of the Logan Square Apartments, located at 4742 Solola Avenue, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F339-350.)

Hearing began at 4:20 p.m. and halted at 4:21 p.m.

MOTION BY STEVENS TO ADOPT. Second by Peters. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant,
Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-334: Housing Trust Fund FY2002 Implementation Strategy.

(See San Diego Housing Commission Report HCR-01-051.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1557) ADOPTED AS RESOLUTION R-294946

Approving the San Diego Housing Fund Fiscal Year 2002 Implementation
Strategy.

NOTE: See the Housing Authority Agenda of 5/29/2001 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E089-090.)

MOTION BY ATKINS TO ADOPT. Second by Peters. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, Maienschein-yea, District
6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-S500: Rehearing of Debarment of Southern California Underground Contractors, Inc. Its Divisions and Organizational Elements, its Affiliates, James Craig Jackson and George Rogers Frost.

(See City Manager Report CMR-01-068 Revised.)

(Continued from the meeting of May 22, 2001, Item 203, at the request of the Council, for further review of evidence and information that shall be filed with the City Clerk by 5/24/2001 at 5:00 p.m.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in Subitem A:

Subitem-A: (R-2001-1551 Cor. Copy) ADOPTED AS RESOLUTION R-294947

Adopting the “Findings Regarding the Permanent Debarment of Southern California Underground Contractors, Inc., its divisions, organizational elements, its Affiliates, James Craig Jackson and George Rogers Frost, ” Exhibit A, pursuant to San Diego Municipal Code Section 22.0801, et seq., and after reviewing all evidence and testimony;

Debarring SoCal permanently as a consequence of the Findings set forth in Exhibit A and all evidence and testimony presented;

Declaring that the Council finds that permanent debarment of SoCal will prevent its continued corrupt practices on City contracts. As such, it is in the public interest, and it will protect the City by ensuring full and open competition by allowing the City to grant awards only to responsible contractors. The debarment is not for purposes of punishment.

OR, ALTERNATIVELY, adopt the resolution in Subitem B:

Subitem-B: (Alternate R-2001-1551 Cor. Copy) NOTED AND FILED

Adopting the “Findings Regarding the Three-Year Debarment of Southern California Underground Contractors, Inc., its divisions, organizational elements, its Affiliates, James Craig Jackson and George Rogers Frost,” Exhibit A, pursuant

to San Diego Municipal Code Section 22.0801, et seq., and after reviewing all evidence and testimony;

Debarring SoCal for a designated time not to exceed three years as a consequence of the Findings set forth in Exhibit A and all evidence and testimony presented;

Declaring that the Council finds that debarment of SoCal will prevent its continued violations of San Diego Municipal Code Section 22.0803 on City contracts. As such, it is in the public interest, and it will protect the City by ensuring full and open competition by allowing the City to grant awards only to responsible contractors. The debarment is not for purposes of punishment.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Tape location: F362-H240.)

Hearing began at 4:20 p.m. and halted at 5:35 p.m.

MOTION BY MAIENSCHIN TO ADOPT THE RESOLUTION IN SUBITEM A, AND AFTER REVIEWING AND CONSIDERING ALL THE EVIDENCE AND TESTIMONY PRESENTED, TO ADOPT INDIVIDUALLY EACH OF THE FOLLOWING FINDINGS WHICH ARE SUPPORTED BY THE EVIDENCE:

THE FINDINGS AND CONCLUSIONS A.1 THROUGH 5 OF EXHIBIT A TO THE RESOLUTION; FINDINGS AND CONCLUSIONS B.1 OF EXHIBIT A TO THE RESOLUTION; FINDINGS AND CONCLUSIONS C.1 THROUGH 3 OF EXHIBIT A TO THE RESOLUTION; FINDINGS AND CONCLUSIONS D.1 THROUGH 3 OF EXHIBIT A TO THE RESOLUTION; FINDING AND DEBARMENT BASIS NUMBER 5.

EACH FINDING THAT I JUST MENTIONED INDIVIDUALLY AND CUMULATIVELY SUPPORTS THE DEBARMENT OF SOCIAL. FURTHER, THE UNENFORCEABILITY, INVALIDITY, OR ILLEGALITY OF ANY ONE FACTUAL FINDING AND CONCLUSION FOR DEBARMENT SHALL NOT RENDER ANY OTHER FINDING AND CONCLUSION UNENFORCEABLE, INVALID, OR ILLEGAL. IN ADDITION TO THE FINDINGS IN EXHIBIT A OF THE RESOLUTION, AND SHOULD THIS MOTION PASS, WE FIND BASED UPON THE LETTERS SUBMITTED BY THE COMMUNITY TO THIS HEARING THAT THE PUBLIC INTEREST IS SERVED BY THE DEBARMENT OF SOCIAL. I ADDITIONALLY MOVE TO DEBAR SOCIAL PERMANENTLY AS A

CONSEQUENCE OF THE FINDINGS SET FORTH IN EXHIBIT A, AND ALL EVIDENCE AND TESTIMONY PRESENTED, AND DECLARE THAT THE COUNCIL FINDS THE PERMANENT DEBARMENT OF SOCAL WILL PREVENT ITS CONTINUING CORRUPT PRACTICES ON CITY CONTRACTS. AS SUCH, IT IS IN THE PUBLIC INTEREST, AND IT WILL PROTECT THE CITY BY ASSURING FULL AND OPEN COMPETITION BY ALLOWING THE CITY TO GRANT AWARDS ONLY TO RESPONSIBLE CONTRACTORS.

Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

ALTERNATE MOTION BY PETERS TO ADOPT THE RESOLUTION IN SUBITEM B AS AMENDED TO BE EFFECTIVE ONLY IN THE EVENT THAT A REVIEWING COURT DETERMINES THAT PERMANENT DEBARMENT IS NOT WARRANTED.

AFTER REVIEWING AND CONSIDERING ALL EVIDENCE AND TESTIMONY PRESENTED; ADOPT FINDINGS AND CONCLUSIONS A.1 THROUGH 5; FINDINGS AND CONCLUSIONS B.1 THROUGH 5; FINDINGS AND CONCLUSIONS C.1 THROUGH 3; FINDINGS AND CONCLUSIONS D.1 THROUGH 3; AND FINDING AND DEBARMENT BASIS NUMBER 5. EACH FINDING INDIVIDUALLY AND CUMULATIVELY SUPPORTS THE DEBARMENT OF SOCAL. FURTHER, THE UNENFORCEABILITY AND INVALIDITY, OR ILLEGALITY OF ANY ONE FACTUAL FINDING AND CONCLUSION FOR DEBARMENT SHALL NOT RENDER ANY OTHER FINDING AND CONCLUSION UNENFORCEABLE, INVALID, OR ILLEGAL.

IF WE ADOPT THIS, WE FIND BASED ON THE LETTERS SUBMITTED FROM THE COMMUNITY TO THIS HEARING THAT THE PUBLIC INTEREST IS SERVED BY THE DEBARMENT OF SOCAL. DEBARMENT OF SOCAL FOR A DESIGNATED TIME NOT TO EXCEED THREE YEARS AS A CONSEQUENCE OF THE FINDINGS SET FORTH IN EXHIBIT A, AND ALL THE EVIDENCE AND TESTIMONY PRESENTED. DECLARING THAT THE COUNCIL FINDS THAT THE DEBARMENT OF SOCAL WILL PREVENT ITS CONTINUED VIOLATION OF SAN DIEGO MUNICIPAL CODE SECTION 22.0803 ON CITY CONTRACTS AS SUCH, AND IS IN THE PUBLIC INTEREST. IT WILL PROTECT THE CITY BY INSURING FULL AND OPEN COMPETITION BY ALLOWING THE CITY TO GRANT AWARDS ONLY TO RESPONSIBLE CONTRACTORS.

Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

* ITEM-S501: Four actions related to the Final Subdivision Map of Riviera Del Sol Unit 2.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1608) ADOPTED AS RESOLUTION R-294922

Authorizing the City Manager to execute a Subdivision Improvement Agreement with M.W. Reynolds Construction Company, Inc. for the installation and completion of certain public improvements.

Subitem-B: (R-2001-1607) ADOPTED AS RESOLUTION R-294923

Approving the final map.

Subitem-C: (R-2001-1610) ADOPTED AS RESOLUTION R-294924

Authorizing the City Manager to execute a Park Property Acquisition and Rough Grading Agreement for Riviera Del Sol Neighborhood Park with Reynolds Communities;

Authorizing the expenditure of an amount not to exceed \$857,500 from Fund 79014 of Facilities Benefit Assessment (FBA) funds, for land acquisition and rough grading for Riviera Del Sol Neighborhood Park, contingent upon the Auditor first furnishing a certificate demonstrating that funds are available for providing funds for the project.

Subitem-D: (R-2001-1609) ADOPTED AS RESOLUTION R-294925

Accepting a grant deed of M.W. Reynolds Construction Company, Inc., granting to the City Lot "A" of Riviera Del Sol Unit 2 for multiple species conservation purposes.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 72.182 acre site into 78 lots for residential and industrial development. It is located northeasterly of I-805 and SR-905 in the Otay Mesa Community Plan area. On Dec. 7, 1999, Council approved TM-98-0762 by Resolution No. R-292568. The City Engineer has approved the final map and states that all conditions of the T.M. have been satisfied. The public improvements required for this subdivision are shown in detail on Engineering Drawing No. 30793-1-D through 30793-21-D, filed in the Office of the City Clerk under Micro Number 140.94. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$3,564,443 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$36,000 has been posted as surety for survey monuments. This subdivision is located in the Otay Mesa Public Facilities Financing Plan area, which provides for the payment of Facilities Benefits Assessment (FBA) or Development Impact Fee (DIF), which includes parks, at the time of building permit issuance. Lot "A" is being granted to the City at no cost for use in the multiple species conservation program. The lot totals 24.417 acres in size. No park fee credit is being granted by this action. The Park Site Agreement satisfies conditions of the T.M. resolution which require an agreement for the City to acquire a 4.9 acre park site, completion and approval of an appraisal of the park site, and agreements for the City to reimburse the developer for costs associated with the acquisition and rough grading of the park site. A park site property appraisal has been completed and approved. The entire Riviera Del Sol project is expected to generate approximately 5,615 Average Daily Cumulative Trips (ADT). All freeways in the vicinity of the project are expected to function at acceptable level of service. The total estimated impact fee for Riviera Del Sol project is \$2,945,379 under FY2001 rates. A portion of these fees will go toward the construction of Ocean View Pkwy., improvements at Palm Avenue/I-805 interchange, a traffic signal at Del Sol Blvd./Dennery Rd., extend Del Sol Blvd. east of Dennery Rd., provide additional right turn lane on Palm Avenue to northbound I-805, and contribute fair-share toward the future improvements at the intersection of Otay Mesa Blvd./Ocean View Hills Pkwy.

FISCAL IMPACT:

None.

Loveland/Haase/GB

FILE LOCATION: SUBITEMS A - C: SUBD - Riviera Del Sol Unit 2 (40)
SUBITEM D: DEED F-8068

COUNCIL ACTION: (Tape location: B213-330.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S502: Establishment of a Banner District in Kearny Mesa.
(Kearny Mesa Community Area. District-6.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2001-1617) ADOPTED AS RESOLUTION R-294926

Installing banners on Kearny Villa Road and Clairemont Mesa Boulevard in accordance with San Diego Municipal Code Section 142.1210;

Declaring that the Kearny Mesa Community Planning Group shall maintain the banners and all associated equipment within the rights-of-way, and secure all necessary approvals from the City of San Diego prior to the installation of banners.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B213-330.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S503: Recess of the City Council for the Week of August 13, 2001 to August 17, 2001.

(See Councilmembers Peters, Wear, and Madaffer's 5/14/2001 memo.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2001-1618) ADOPTED AS RESOLUTION R-294927

Amending 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 to delete the City Council and Standing Committee meetings of August 13, 14, 15, 2001 and declare the week of August 13 through August 17, 2001 as a Legislative Week.

RULES COMMITTEE'S RECOMMENDATION:

On 5/23/2001 Rules voted 5-0 to adjourn the Council meetings of August 13 and 14, 2001 and the two Committee meetings (Land Use and Housing - Natural Resources and Culture) scheduled for August 15, 2001. (Councilmembers Wear, Atkins, Stevens, Madaffer, and Mayor Murphy voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B213-330.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 5:42 p.m. in honor of the memory of:

Elizabeth Haase as requested by Council Member Atkins.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: H248.)