

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JUNE 19, 2001
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:03 a.m. The meeting was recessed at 12:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:05 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 3:50 p.m. for a short break and thereafter convened the Redevelopment Agency. Mayor Murphy reconvened the meeting at 4:28 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 4:30 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Abdelnour/Fishkin (rl/er)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Fishkin called the roll:

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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comments by Dan Beeman regarding the dying immigrants and the need for a plaque to acknowledge their death at cemeteries.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A020-034.)

PUBLIC COMMENT-2:

Comments by Ann Stodtman regarding the Ethics Commission and how it relates to citizens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A035-056.)

PUBLIC COMMENT-3:

Comments by Donald Mayes regarding “2001 Black History Year in San Diego”.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A065-098.)

PUBLIC COMMENT-4:

Comments by Ernie Abbit regarding concerns at De Anza Cove Community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A099-129.)

PUBLIC COMMENT-5:

Comments by Joseph Cuseo regarding St. Vincent de Paul and the organization’s good reputation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A130-164.)

PUBLIC COMMENT-6:

Comments by Virginia Gomez regarding Logan Heights and Sherman Heights communities and the lowering of daily life by too many homeless shelters being placed in these areas.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A165-199.)

PUBLIC COMMENT-7:

Comments by Leo Long regarding the Dana Inn Resort.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A200-238.)

PUBLIC COMMENT-8: **REFERRED TO THE CITY MANAGER**

Comments by Justin Booth regarding his desire to receive a copy of the Sea World Master Plan EIR for his summer project and his allegation that the City is denying his request for this document.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A239-261.)

COUNCIL COMMENT:

COUNCIL COMMENT-1: **REFERRED TO THE CITY MANAGER**

Comments by Council Member Wear regarding his request for an already-funded water main on a piece of City Owned property on the corner of Nimitz Boulevard

and Wabasca and his concern that the City is asking for deposits and additional fees.

Council Member Wear also commented on the issue of homeless housing assuring the public that he is working to create a good project to serve homeless Veterans.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A264-296.)

COUNCIL COMMENT-2:

Council Member Inzunza recognized Professor Signs and the students of South Western College - Political Science Class.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A297-313.)

COUNCIL COMMENT-3: **REFERRED TO THE CITY MANAGER**

Comments by Council Member Frye regarding water being sprayed on the sidewalks in front of City Hall entryways. Her concern is the runoff that is going directly into the street.

Council Member Frye also informed the public that the raking taking place at the beaches is still happening and there does not seem to be a resolution.

Council Member Frye offered the speaker, Justin Booth a copy of the document he requested.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A314-336.)

COUNCIL COMMENT-4:

Deputy Mayor Stevens commented on African American Independence Day and urged other Council Members to consider diversifying their staff.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A337-370.)

* ITEM-50: An Ordinance Amending Chapter III, Article 3, by Repealing Division 40 Relating to Licensing and Regulating Towing Companies.

CITY COUNCIL'S RECOMMENDATION:

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

(O-2001-107) ADOPTED AS ORDINANCE O-18955 (NEW SERIES)

Amending Chapter III, Article 3, of the San Diego Municipal Code by repealing Division 40 and Sections 33.4000, 33.4001, 33.4002, 33.4003, 33.4004, 33.4005, 33.4006, 33.4008, 33.4009, 33.4010, and 33.4011, all pertaining to Licensing and Regulating Towing Companies.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A555-B049.)

MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-51: Two actions related to Amending San Diego Gas and Electric Company Franchise Agreements to Extend the Negotiation Period.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances in Subitems A and B which were introduced on 6/05/2001. (Council voted 8 - 0. District 6 vacant.):

NOTE: 6 votes required pursuant to Section 103 of the City Charter.

Subitem-A: (O-2001-151) ADOPTED AS ORDINANCE O-18956 (NEW SERIES)

Amending Section 4(c) of the Franchise for the transmission and distribution of natural gas (Ordinance No. O-10465) to the citizens of the City to read as follows:

Section 4. CONSIDERATION

(c) Determination of the amount to be paid as set forth in Section 4(b) above shall be made by good faith negotiation between City and Grantee commencing not less than six (6) months prior to the expiration of the first thirty (30) year period. In the event that at the conclusion of the first thirty (30) year period said good faith negotiation does not result in a determination of the amount to be paid by Grantee during the last twenty (20) years (or 19 years, as the case may be) of the term of this franchise, then this question (and no other) shall be submitted to binding arbitration as hereinafter set forth; provided however that no later than fifteen (15) days prior to the end of the first thirty (30) year period the parties may mutually agree to extend the time for said good faith negotiation for an additional year if they so desire, during which time Grantee shall continue to pay a sum equal to three percent (3%) of Grantee's gross receipts as consideration for the rights and privileges herein granted. Unless City and Grantee mutually agree in writing to a modification prior to the conclusion of the first thirty (30) year period (or at the conclusion of the additional year as provided for above) then the determination of the number of arbitrators, the time and mode of their selection, and the rules of practice and procedure to be followed shall be as set forth herein.

Subitem-B: (O-2001-152) ADOPTED AS ORDINANCE 18957 (NEW SERIES)

Amending Section 4(c) of the Franchise for the transmission and distribution of electricity (Ordinance No. O-10466) to the citizens of the City to read as follows:

Section 4. CONSIDERATION

(c) Determination of the amount to be paid as set forth in Section 4(b) above shall be made by good faith negotiation between City and Grantee commencing not less than six (6) months prior to the expiration of the first thirty (30) year period. In the event that at the conclusion of the first thirty (30) year period said good faith negotiation does not result in a determination of the amount to be paid by Grantee during the last twenty (20) years (or 19 years, as the case may be) of the term of this franchise, then this question (and no other) shall be submitted to binding arbitration as hereinafter set forth; provided however that no later than fifteen (15) days prior to the end of the first thirty (30) year period the parties may mutually agree to extend the time for said good faith negotiation for an additional year if they so desire, during which time Grantee shall continue to pay a sum equal to three percent (3%) of Grantee's gross receipts as consideration for the rights and privileges herein granted. Unless City and Grantee mutually agree in writing to a modification prior to the conclusion of the first thirty (30) year period (or at the conclusion of the additional year as provided for above) then the determination of the number of arbitrators, the time and mode of their selection, and the rules of practice and procedure to be followed shall be as set forth herein.

FILE LOCATION: Subitems A,B: FRAN-San Diego Gas & Electric Co (08)

COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHIN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE IN SUBITEM A AND B. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-52: Sale of Surplus Motive Equipment to the City of Tijuana.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2001-167) INTRODUCED, TO BE ADOPTED ON JULY 9, 2001

Introduction of an Ordinance authorizing the sale of surplus motive equipment to the City of Tijuana.

CITY MANAGER'S SUPPORTING INFORMATION:

The San Diego Police Department usually disposes of surplus equipment by auction, pursuant to Section 35 of the City Charter. The Charter also allows for the City Council to authorize the disposal of surplus equipment directly to another agency. Prior to the auction of May 11-12, 2001 the City of Tijuana inspected the available surplus equipment and identified desired equipment. The San Diego Police Department's staff determined fair market value by researching amounts received in previous auctions for similar equipment and checking with the auctioneers for their opinions on value. The requested price for each of the desired pieces of equipment was accepted by the City of Tijuana, which then made a formal offer to purchase the equipment at a total cost of \$38,000. The equipment includes:

<u>Type</u>		<u>Quantity</u>	<u>Price</u>	<u>Total</u>
1994 Ford Crown Victoria Patrol Car	1		\$3,000 \$ 3,000	
1995 Ford Crown Victoria Patrol Car	10		\$3,500 \$35,000	
			TOTAL	\$38,000

The funds are to be deposited as follows: \$38,000 in Fund No. 100, Revenue Account # 78510.

Loveland/Gonzalez/Scanlon

FILE LOCATION: None

COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHIN TO INTRODUCE. Second by Wear.
Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea,
Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-100: Amending the schedule of meetings for the City Council and Standing Committees to cancel the Natural Resources and Culture Committee meeting of June 27, 2001.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1684)ADOPTED AS RESOLUTION R-295006

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 cancel the Natural Resources and Culture Committee meeting of June 27, 2001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-101: Amending the schedule of meetings for the City Council and Standing Committees to cancel the Public Safety and Neighborhood Services Committee meeting of July 11, 2001.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1685)ADOPTED AS RESOLUTION R-295007

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 cancel the Public Safety and Neighborhood Services Committee meeting of July 11, 2001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-102: Two actions related to Point Loma South Access Road - Advertise for Construction.

(Point Loma Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1680) ADOPTED AS RESOLUTION R-295054

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 the Point Loma South Access Road on Work Order No. 170491;

Authorizing the City Auditor and Comptroller to transfer \$107,010 from Fund No. 41509, CIP-41-925.0, Point Loma Fourth Sludge Pump and Other Modifications, to Fund No. 41508, CIP-46-132.0, Point Loma South Access Road;

Authorizing the expenditure of an amount not to exceed \$943,809, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury, to be expended as follows: \$883,809 from Sewer Fund No. 41508, CIP-46-132.0, Point Loma South Access Road, for project construction and related costs; \$60,000 from Fund No. 41508, CIP-46-501.0, Annual Allocation - Metro Pooled Contingency, for project contingency;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.
(BID-K01119)

Subitem-B: (R-2001-1681) ADOPTED AS RESOLUTION R-295055

Certifying that Mitigated Negative Declaration LDR-99-0700 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines; that the Mitigated Negative Declaration reflects the independent judgment of the City of San Diego as Lead Agency; and that the information contained in the Mitigated Negative Declaration, together with any comments received during the public review process, has been reviewed and considered by Council;

Approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required, pursuant to California Public Resources Code section 21081.6.

CITY MANAGER SUPPORTING INFORMATION:

The South Access Road provides for access to the Point Loma Wastewater Treatment Plant (PLWTP) and to federal facilities owned or operated by the Coast Guard, Navy, and Cabrillo National Monument. The City made improvements to the road in 1962 when the PLWTP was constructed. The City maintains the road as required by an agreement with the National Park Service filed with the City Clerk September 10, 1984 as Document No. RR-261520.

During the last 30 years, the City has performed minimal work with regard to the maintenance of the road. Portions of the road were severely damaged at the beginning of 1995 due to the heavy winter rains and construction truck traffic. An asphalt concrete overlay was installed by

the Metropolitan Wastewater Department in 1995. At that time, additional improvements were recommended to insure maintenance of the road and to extend its life. These improvements include widening of the roadway at the hairpin curve in front of the Coast Guard entrance to provide a safer turning radius for trucks traveling to and from the PLWTP, drainage improvements to the existing culverts to reduce erosion and improve access for maintenance, an additional asphalt concrete overlay to ensure maintenance, and extension of the existing guard railing to improve the safety of the road. The funding requested for the project includes \$600,000 for the construction contract, \$283,809 for related costs and \$60,000 for construction contingency. The related costs include City labor costs incurred since project development and environmental consultant service costs. The original design contract for the project was awarded in 1987. Since the project is located in an environmentally sensitive area considerable environmental analysis had to be conducted. At one point the improvements were not considered urgent and the project was shelved for a period of time. The funding of \$283,809 for related costs is needed to pay for City staff time and the environmental services needed to complete the project.

FISCAL IMPACT:

The total cost of this action is \$943,809 of which \$883,809 is available from Fund 41508, CIP-46-132.0, Point Loma South Access Road, for construction and related costs and \$60,000 is available from Fund 41508, CIP-46-501.0, Annual Allocation - Metro Pooled Contingency, for project contingency.

Loveland/Schlesinger/JAW

Aud. Cert. 2101212.

FILE LOCATION: SUBITEMS A & B: CONT - Nicholas Grant Corp.;
W.O. 170491

COUNCIL ACTION: (Tape location: D226-277.)

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

* ITEM-103: Two actions related to Business Improvement District Budgets for Fiscal Year 2002.

(Mid-City, Centre City, Uptown, Greater North Park, Old San Diego, Ocean Beach, La Jolla, Southeastern San Diego, College Area, Midway, Mission Hills, Pacific Beach, and San Ysidro Community Areas. Districts-1, 2, 3, 4, 6, 7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1625)ADOPTED AS RESOLUTION R-295008

Accepting the budget report for each Business Improvement District for July 1, 2001, through June 30, 2002 (FY 2002).

Subitem-B: (R-2001-1626)ADOPTED AS RESOLUTION R-295009

Resolution of Intention to levy an annual assessment within previously established Business Improvement Districts for July 1, 2001, through June 30, 2002 (FY 2002) and setting Tuesday, July 10, 2001 as the noticed public hearing for that purpose.

CITY MANAGER SUPPORTING INFORMATION:

Business Improvement Districts (BIDS) are authorized by State law to assess benefitted businesses for the cost for certain activities. These activities are generally promotional in nature. Once a BID is established the City collects the assessments and disburses them to an appropriate entity representing the district pursuant to an annual operating agreement. There are currently 18 active districts in the City of San Diego: Adams Avenue, City Heights, College Area, Diamond, Downtown, El Cajon Boulevard Central, El Cajon Boulevard Gateway, Gaslamp, Hillcrest, La Jolla, Little Italy, Midway, Mission Hills, North Park, Ocean Beach, Old Town, Pacific Beach and San Ysidro. State law requires that the City Council annually adopt a budget for each BID and hold a public hearing to levy appropriate assessments. The actions being taken today are: accept the budget reports and set Tuesday, July 10, 2001 for the public hearing to levy the proposed assessment for each BID for FY 2002.

FISCAL IMPACT:

Approximately \$1.1 million of BID assessments will be collected in FY 2002 by the City on behalf of the BIDs and disbursed back to the BIDs. There is no net fiscal impact.

Loveland/Cunningham/JVK

FILE LOCATION: Subitems A,B: STRT-L-1,L-2,L-3,L-4,L-5,L-6,L-7,L-8,L-9,L-11,L-12,L-13,L-14,L-15,L-16,L-17,L-18,L-22 (32)

COUNCIL ACTION: (Tape location: B050-198.)

MOTION BY ATKINS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-104: Easement Abandonment in Lots 2 and 26, Block 32 of Map 3208.

(Linda Vista Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1593)ADOPTED AS RESOLUTION R-295010

Vacating the easements, as described in the legal description marked Exhibit "A", and shown on Drawing No. 19243 marked Exhibit "B".

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to abandon a drainage and unnamed easements in Lots 2 and 26 of Linda Vista Unit No. 5 located within the Linda Vista Community area in Council District 5. The easements are no longer needed for their intended purpose and the vacation action will unencumber title to the land to facilitate the construction of a child care facility. The easement to be abandoned is located on City owned land. City staff recommends approval of the easement abandonment.

Loveland/Haase/AA

FILE LOCATION: DEED F-8075

COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-105: Abandonment of Two Drainage Easements in Section 20, Township 12 South, Range 1 West.

(San Pasqual Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1597)ADOPTED AS RESOLUTION R-295011

Vacating two drainage easements in Section 20, Township 12 South, Range 1 West, as described in the legal description marked Exhibit "A", and shown on Drawing No. 19353-B marked Exhibit "B".

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate two drainage easements in the San Pasqual Planning area within Council District 5. The San Pasqual Union School District applied for a building permit to build a school on the site, and requested the abandonment of the two easements. The two drainage easements are no longer needed for their intended purpose. The drainage easements were acquired at no cost to the City. City staff recommends approval of the easement abandonment.

Loveland/Haase/AA

FILE LOCATION: DEED F-8076

COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHHEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-106: Spreckels Organ Society 14th Annual International Summer Organ Festival Day.

COUNCILMEMBER ATKINS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1702)ADOPTED AS RESOLUTION R-295012

Proclaiming June 18, 2001 to be "Spreckels Organ Society 14th Annual International Summer Organ Festival Day" in San Diego;

Bestowing Robert Plimpton with the title of Civic Organist Emeritus.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHHEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-107: Stepping Stone of San Diego Day.

COUNCILMEMBER ATKINS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1699)ADOPTED AS RESOLUTION R-295013

Recognizing the 25th anniversary of Stepping Stone of San Diego and commending them for providing much needed residential care and day treatment to the HIV/AIDS, homeless, and gay, lesbian, bisexual and transgender recovery communities in San Diego;

Proclaiming June 8, 2001 to be “Stepping Stone of San Diego Day” in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-108: Bishop George Dallas McKinney Day.

COUNCILMEMBER ATKINS’S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1703)ADOPTED AS RESOLUTION R-295014

Recognizing the accomplishments of Bishop George Dallas McKinney and the many who have benefitted and been touched by his leadership and service;

Proclaiming June 23, 2001 to be “Bishop George Dallas McKinney Day” in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-109: Morena Area Traffic Signal Interconnect.

(Clairemont Mesa, Linda Vista, Mission Valley and Mission Bay Park Community Areas. Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1639)ADOPTED AS RESOLUTION R-295015

Authorizing the City Manager to accept the revised Program Supplement for \$428,971 of Federal Congestion Mitigation and Air Quality (CMAQ) Funds, and \$8,029 of Transportation System Management (TSM) Funds in the total amount of \$437,000 for design and construction of the Morena Area Traffic Signal Interconnect, CIP-63-042.0;

Amending Resolution R-288471 to reflect amounts now available of \$428,971 CMAQ funds and \$8,029 TSM funds, in the total amount of \$437,000 for the project;

Authorizing the appropriation and expenditure of an amount not to exceed \$367,000, CMAQ Funds, Fund No. 38665, to CIP-63-042.0, Morena Area Traffic Signal Interconnect 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:

Resolution number R-288471, adopted on March 31, 1997, authorized the City Manager to accept, appropriate and expend \$386,876 of Federal Congestion Mitigation and Air Quality (CMAQ) funds and \$50,124 of State Transportation System Management (TSM) funds in the

total amount of \$437,000 for design and construction of the Morena Area Traffic Signal Interconnect project. This project will interconnect 16 existing traffic signals along Sea World Drive/Tecolote Road, Morena Boulevard, and Friars Road to better control traffic flow and improve the air quality. In 1997, Senate Bill 45 (SB-45) eliminated the TSM program. Any project that had not been obligated with TSM funds prior to July 1, 1998 effectively lost the TSM funding. Since only \$8,029 was obligated at that time we picked up the additional \$42,095 through CMAQ funds. The total funding amount remains at \$437,000. This action is to accept the revised Program Supplement and amend the previous Resolution R-288471 to increase the CMAQ funds from \$386,876 to \$428,971 to cover the loss of \$42,095 in TSM funds for the construction phase.

FISCAL IMPACT:

The estimated total cost of this project is \$437,000 which is reimbursable by Federal (CMAQ) and State (TSM) grants.

Loveland/Belock/PB

Aud. Cert. 2101182.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-110: Transfer of Funds - Tierrasanta Community Park Tot Lot Improvements.

(Tierrasanta Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1641) ADOPTED AS RESOLUTION R-295056

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$67,000 from Stone Crest Developer Agreement Fund, Fund No. 392030, and \$30,000 from City Matching Funds, Fund No. 10365, to CIP-29-484.0, Tierrasanta Community Park Tot Lot Improvements;

Authorizing the expenditure of an amount not to exceed \$97,000 from CIP-29-484.0, Tierrasanta Community Park Tot Lot Improvements;

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 City Auditor and Comptroller to amend the Fiscal Year 2001 budget by an increase of \$97,000 into CIP-29-484.0.

CITY MANAGER SUPPORTING INFORMATION:

The existing Tierrasanta Community Park Tot Lot is a multi-level facility built approximately sixteen (16) years ago. This project will provide for an expanded and renovated tot lot which will meet current safety and maintenance standards, as well as comply with the Americans with Disabilities Act (ADA) requirements. Playground improvements will include demolition of the existing tot lot and installation of new play equipment, sand and resilient surfacing, drainage facilities, paving, benches, picnic tables, landscaping and irrigation. It is not anticipated that annual maintenance costs will be increased as a result of this development.

FISCAL IMPACT:

The estimated project cost is \$257,000 of which \$160,000 has been previously approved. The remaining funds (\$97,000) are available in CIP-29-484.0, Tierrasanta Community Park Tot Lot Improvements, Fund No. 392030 (\$67,000), and Fund No. 10365 (\$30,000).

Loveland/Belock/AO

Aud. Cert. 2101184.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D281-302.)

MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-111: 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-2001-1581)ADOPTED AS RESOLUTION R-295016

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: A398-554.)

CONSENT MOTION BY MAIENSCHHEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-112: Project Design Consultants As-Needed Annual Underground Utility Location.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1614)ADOPTED AS RESOLUTION R-295057

Authorizing the City Manager to execute an agreement with Project Design Consultants, for As-Needed Consultant Underground Utility Location Services for the Engineering and Capital Projects Department for an amount not to exceed \$200,000;

Authorizing the expenditure of an amount not to exceed \$70,000 from Water Fund 41500 and an amount not to exceed \$130,000 from Sewer Fund 41506 for providing funds for the agreement.

CITY MANAGER SUPPORTING INFORMATION:

A list of As-Needed Underground Utility Location Consultants was requested on December 1, 2000, from the Consultant Selection Coordinator. The Consultant Nominating Committee nominated five firms to participate in the final selection process. In conformance with Council Policy 300-7, these firms were interviewed on January 9, 2001, and the firm of Project Design Consultants was selected as the best qualified firm to provide the as-needed annual underground utility consultant services. The subconsultant on this project is Air X Utility Surveyors. The agreement provides for underground utility services by task on an hourly basis not to exceed \$15,000 per task. Project Design Consultants will be required to perform subsurface exploration services to locate existing underground facilities for sewer and water pipeline projects. These reports and analysis will help to avoid construction delays by anticipating mitigative measures and selecting appropriate sites and pipeline alignments. The total contract cost shall not exceed \$200,000 for a period of two years from the date of execution by the City.

FISCAL IMPACT:

The total estimated cost of this agreement is \$200,000. Funding of \$70,000 is available in Water Fund 41500 and \$130,000 in Sewer Fund 41506 for this purpose.

Loveland/Belock/HR

Aud. Cert. 2101158.

WWF-01-519.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D306-323.)

MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-113: Amendments to Consultant Services Agreements Regarding the Ballpark and Redevelopment Project, with Jacobs, Chase, Frick, Kleinkopf & Kelly LLC, and Long, Aldridge & Norman.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1582)ADOPTED AS RESOLUTION R-295017

Authorizing an amendment to the Retainer Agreement with Jacobs, Chase, Frick, Kleinkopf & Kelley LLC, for consulting services concerning increasing the authorized amount of \$75,000;

Authorizing the expenditure of an amount not to exceed \$75,000 from Fund 102214, Dept. 102214, Org. No. 200, Object Account 4141, Job Order 000203 for providing funds for the project on the condition that the City Auditor and Comptroller first provide the necessary certification that sufficient funds are available for the purpose;

Authorizing an amendment to the Retainer Agreement with Long, Aldridge & Norman, for consulting services concerning increasing the authorized amount of \$75,000;

Authorizing the expenditure of an amount not to exceed \$75,000 from Fund 102214, Dept. 102214, Org. No. 200, Object Account 4141, Job Order 000202 for providing funds for the project on the condition that the City Auditor & Comptroller first provide the necessary certification that sufficient funds are available for the purpose.

SUPPORTING INFORMATION:

This action will amend the existing Jacobs, Chase, Frick, Kleinkopf & Kelley LLC, and Long, Aldridge & Norman agreements for outside consultant services to assist the City Attorney and City Manager regarding the Ballpark and Redevelopment Project by \$75,000 each for a total agreement of \$842,000 for Jacobs, et al., and \$800,000 for Long, et al. Additional services from each firm are necessary and appropriate because issues concerning the implementation of the Ballpark and Redevelopment Project have arisen due to the inordinate delay associated with the Project. Participation from the City's negotiating team is necessary to resolve these issues and successfully implement the Project.

Girard

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHHEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-114: Amendment to Consultant Agreement with Bryan Stirrat & Associates for Miramar Landfill.

(Miramar Marine Corps Air Station. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1638)ADOPTED AS RESOLUTION R-295018

Authorizing the City Manager to execute amendment Number Four to the Agreement with Bryan Stirrat & Associates, for professional services required for the West Miramar Refuse Disposal Facility-Phase II;

Authorizing the expenditure of an amount not to exceed \$418,436 from CIP-37-056.0, West Miramar Refuse Disposal Facility-Phase II, Fund No. 41201, Environmental Services Enterprise Fund, provided the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for such expenditure are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

In 1991, Congress passed the Resource Conservation and Recovery Act (RCRA). A portion of the act (Part 257-258, 40 CFR) referred to as "Subtitle D" affects all landfills accepting municipal solid waste after October 9, 1993. Bryan A. Stirrat & Associates (BAS) was hired in March of 1994 (Resolution No. R-283575) to design a liner system for the first two modules (Modules 2/3 & A) scheduled for development, and to update all applicable permits required under existing regulations. Construction of the first lined cell was completed in May 1995. BAS provided Construction Management and Construction Quality Assurance (CQA) services for this construction. The first Amendment (Resolution No. R-286236, dated August 14, 1995) provided funds to cover additional CQA and construction management costs incurred during the construction of the first module due to extended inclement weather. Secondly, it expanded the scope of work to have BAS provide CQA services to certify the placement of the low-permeability layer and high density polyethylene liner components for the second module (Module A). Finally, it provided for upgrades to the groundwater monitoring network at the Miramar Landfill to comply with the newly promulgated, "Subtitle D" driven, State regulations (Chapter 15 of Division 3, Title 23, CCR).

The second and third Amendments (Document Nos. C-07642 dated December 9, 1996 and R-290649 dated September 8, 1998) provided additional funds for BAS to generate third and fourth sets of construction documents (Modules B & C) and CQA services. Construction of Module C has been completed and landfilling operations commenced on May 5, 2000. This amendment will allow BAS to develop a fifth set of construction documents and provide CQA services for the final two modules (Modules D & E) at the Miramar Landfill. Once constructed, these modules will provide the capacity to meet the City of San Diego's disposal needs until 2011, the projected closure date of the landfill at current consumption rates.

BAS was selected because of their unique experience and expertise to provide the required services. They are highly regarded by the Regulatory community and are imminently familiar with the site. They produced design drawings and have been intimately involved in the construction phases for all four of the lined Modules at the Miramar Landfill. They have also provided the Refuse Disposal Division with innovative ideas over the years which have resulted in lower construction costs.

FISCAL IMPACT:

Funds are available from the Environmental Services Enterprise Fund 41201, CIP-37-056.0, West Miramar Refuse Disposal Facility-Phase II.

Loveland/Hays/MDT

Aud. Cert. 2101197.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-115: Mission Bay Sewage Interceptor System Improvements - Consultant Agreement.

(Mission Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1526) ADOPTED AS RESOLUTION R-295058

Authorizing the City Manager to execute an agreement with Hirsch & Company, for engineering consultant services for the design of Mission Bay Sewage Interceptor System Improvements for a cost not to exceed \$116,007;

Authorizing the expenditure of an amount not to exceed \$116,007 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Stations.

CITY MANAGER SUPPORTING INFORMATION:

The major threat to the natural beauty and recreational use of Mission Bay is contamination from sewer overflows and other pollution carried to the bay by storm drains. The existing Mission Bay Sewage Interceptor System (MBSIS) protects the water quality of Mission Bay and the San Diego Flood Control Channel. This project is intended to upgrade the operational and maintenance characteristics of the system and enhance its reliability. Every diversion sub-system will be inspected for a wide variety of operational and maintenance concerns. Specifically, the following issues will be addressed:

1 - Relocate existing vaults from heavily traveled roadways, and replace with a larger vault to improve maintenance access.

2 - Replace ineffective tidal check valves, inoperable valve actuators and electrical components. A list of 15 design consultants was provided by the City's Consultant Services Coordinator. In conformance with Council Policy 300-7, only 11 consultants interviewed. Hirsch & Company was selected as the best qualified firm to provide the design consultant services for Mission Bay Sewage Interceptor System. The sub-consultants are Moraes/Pham & Associates - electrical at 10.0%; Advanced Infrastructure Systems - peer review at 3.0%; and The Corrao Group - civil at 7.0%.

FISCAL IMPACT:

The estimated cost of \$116,007 for professional services, which includes \$105,461 for design services, and \$10,546 for additional services as required. Funding is available in Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration, for this purpose. The total estimated cost for this project is \$833,500.

Loveland/Belock/HR

Aud. Cert. 2101122.

WWF-01-505.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D346-514.)

MOTION BY MAIENSCHHEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-116: Consultant Agreement for Sewer Pump Station 62 Rehabilitation and Upgrade Project.

(Rancho Bernardo and Rancho Penasquitos Community Areas. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1686) ADOPTED AS RESOLUTION R-295059

Authorizing the City Manager to execute an agreement with Metcalf & Eddy, Inc. to perform consultant services for the Sewer Pump Station 62 Rehabilitation and Upgrade Project, for an amount not to exceed \$231,326;

Authorizing the expenditure of an amount not to exceed \$231,326 from Sewer Fund No. 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Stations;

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:

This agreement is for providing a pre-design study and rehabilitation and upgrade design for Sewer Pump Station 62. Sewer Pump Station 62 is located at 15500 Paymoco Street in the Rancho Bernardo and Rancho Penasquitos communities. Sewer Pump Station 62 was built in 1972 and upgraded in 1988. A preliminary report prepared by the City's Wastewater Collection Division shows that the station is in need of rehabilitation and upgrade to meet current City standards. The scope of work includes structural, geotechnical, electrical examination of the pump station, site investigation, widening of existing access road, preparation of a pre-design report, and the rehabilitation design of Sewer Pump Station 62.

A list of ten (10) design consultants was provided by the City's Consultant Services Coordinator. In conformance with Council Policy 300-7, the firms were interviewed. Metcalf & Eddy, Inc., was selected as the best qualified firm to provide the design consultant services for Sewer Pump Station 62 Rehabilitation and Upgrade Project. The Sub-Consultants are Lintvedt, McColl & Associates, Civil/Surveying (Caucasian female owned firm), 16%; Moraes & Pham, Electrical/I&C (Asian male owned firm), 14.3%; and Ninyo & Moore, Geotechnical (Hispanic male owned firm), 5.2%.

FISCAL IMPACT:

The total consultant agreement cost is \$231,326 of which \$23,600 is for additional services as required. Funding is available from Sewer Fund 41506, CIP-46-106.0, Annual Allocations - Sewer Pump Stations, for this purpose.

Loveland/Belock/HR

Aud. Cert. 2101198.

WWF-01-527.

_____ FILE LOCATION: MEET

_____ COUNCIL ACTION: (Tape location: D346-514.)

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

ITEM-117: South Bay Pump Station and Conveyance System - Phase I.

(City of Chula Vista.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1613) ADOPTED AS RESOLUTION R-295060

Certifying that Environmental Impact Report LDR-99-1024 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, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of the South Bay Pump Station and Conveyance System - Phase I Project;

Adopting the Mitigation Monitoring and Reporting Program pursuant to California Public Resources Code section 21081.6;

Authorizing the expenditure of an amount not to exceed \$117,000 from Fund 41509, CIP-40-911.1, South Bay Pump Station and Conveyance System - Phase I, for the acquisition of property rights and related costs of the project, provided that the City Auditor first furnishes one or more certificates demonstrating that the funds are, or will be, on deposit in the City Treasury; and 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:

This project, the South Bay Pump Station and Conveyance System-Phase I, CIP-40-911.1, provides for the acquisition of necessary property rights, and the design of a pump station with pipeline system to convey sewage to the proposed South Bay Wastewater Treatment Plant. This Metro sewer project, along with the planned South Bay Wastewater Treatment Plant, will provide additional treatment capacity for the South Bay region of the City and the other participating agencies. The City of San Diego and the City of Chula Vista previously entered into a Memorandum of Understanding regarding the pump station and pipeline system to be located within the boundaries of the City of Chula Vista. The pump station will be located on a

1.46-acre site comprised of two parcels of land located northwest of the intersection of Sea Vale Street and Woodland Avenue and the pipeline system will run the length of Chula Vista in a north to south direction through various city streets. This action certifies the environmental document, adopts a mitigation monitoring and reporting program, and authorizes funding for the acquisition of property rights and related costs of the project.

FISCAL IMPACT:

Funding in the amount of \$117,000 for the acquisition of property rights and related costs is available in Fund 41509, CIP-40-911.1, South Bay Pump Station and Conveyance System-Phase 1.

Herring/Griffith/SAC

Aud. Cert. 2101194.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D346-514.)

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

ITEM-118: Two actions related to Change Order to the Convention Center Dewatering Outfall (CCDO) Construction Contract.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1646) ADOPTED AS RESOLUTION R-295061

Approving Change Order No. 004, dated April 27, 2001 between the City of San Diego and Orion Construction Company, issued in connection with the Convention Center Dewatering Outfall contract to provide for the permanent

incorporation of carbon absorption water treatment systems at both bay-side sumps (sump numbers three and four), amounting to a net increase in the contract price of \$239,897.71;

Authorizing the expenditure of an amount not to exceed \$239,897.71 from Fund No. 102212, CIP-12-147.0, Convention Center Dewatering Outfall.

Subitem-B: (R-2001-1647) ADOPTED AS RESOLUTION R-295062

Declaring that the information contained in Environmental Negative Declaration LDR-90-0748, including any comments received during the public review process, has been reviewed and considered by Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with approval of Change Order No. 004 for the Convention Center Dewatering Outfall Project.

CITY MANAGER SUPPORTING INFORMATION:

The Convention Center Dewatering Outfall (CCDO) (CIP-12-147.0) is a \$2-million joint project between the San Diego Unified Port District (SDUPD) and the City of San Diego (City). The Metropolitan Wastewater Department is managing this project. Funding is derived as follows: 50% from the SDUPD and 50% from the City.

The CCDO project was commissioned on March 1, 2001, and is now essentially completed. However, the San Diego Convention Center Corporation (SDCCC) and the SDUPD have requested that additional work be added to the contractor's scope of work in order to permanently incorporate carbon absorption water treatment systems at both of the bay-side sumps (sump numbers three and four). The dewatering system consists of four sumps, with two pumps and motors each, on the P-2 level of the existing Convention Center. Currently, there exists permanent carbon absorption water treatment systems at both of the land-side sumps (sump numbers one and two), however, no permanent treatment system capabilities exist at either of the bay-side sumps. Once the additional treatment systems have been incorporated, this will enable all of the groundwater which is extracted from the existing Convention Center building to be treated, prior to being discharged into San Diego Bay through the recently completed outfall. Lately, there have been particular constituent exceedances of the existing National Pollutant Discharge Elimination System (NPDES) permit for the existing groundwater discharge, which include copper, arsenic, nickel, and hexavalent chromium. Therefore, the incorporation of the additional permanent water treatment capabilities, at sump numbers three and four, is required, and will allow for compliance with the NPDES permit. In addition, the

recent temporary carbon absorption system testing at the bay-side sumps, which the Metropolitan Wastewater Department has been administering, has shown that permanent carbon absorption treatment system capabilities at the bay-side sumps is considered both desirable and required for, among others, toxicity compliance, and will result in higher-quality groundwater effluent being discharged into San Diego Bay from the existing San Diego Convention Center. This additional work, which involves the incorporation of permanent carbon absorption water treatment system capabilities at the two bay-side sumps (sump numbers three and four), can be accomplished with a change order to the existing construction contract, at a cost of \$239,897.71.

FISCAL IMPACT:

This authorization is to expend an additional \$239,897.71, for a total construction cost of \$1,167,190.68. Total project costs are estimated to be \$2 million. Funds are available in Convention Center Expansion Fund 102212 (\$1 million SDUPD; \$1 million City).

Loveland/Schlesinger/RHL

Aud. Cert. 2101215.

FILE LOCATION: SUBITEMS A & B: CONT - Orion Construction Company

COUNCIL ACTION: (Tape location: D519-629.)

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

* ITEM-119: Consultant Agreement for Sewer Pump Stations 3, 10, 12, 15, 17, 20, and 23 Upgrades.

(See memorandum from Frank Belock dated 5/24/2001 and Frequently Asked Questions About Group Jobs. Centre City, La Jolla, Mission Beach, Ocean Beach, Otay Mesa, and Pacific Beach Community Areas. Districts-1, 2, and 8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1630)ADOPTED AS RESOLUTION R-295019

Authorizing the City Manager to execute an agreement with Brown and Caldwell, for consultant services for the design of Sewer Pump Stations 3, 10, 12, 15, 17, 20, and 23 Upgrades for an amount not to exceed \$131,923;

Authorizing the expenditure of an amount not to exceed \$131,923 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration, for providing funds for the agreement.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/30/2001, NR&C voted 3 to 0 to approve the agreement. (Councilmembers Peters, Madaffer, and Inzunza voted yea. Councilmember Wear not present.)

CITY MANAGER SUPPORTING INFORMATION:

This project is part of the City of San Diego's continuing Annual Sewer Pump Station Restoration Program. Sewer Pump Stations 3 to 23 Upgrades is an improvement project composed of seven (7) Sewer Pump Stations, Sewer Pump Stations 3, 10, 12, 15, 17, 20, and 23. Much of the existing equipment at the Sewer Pump Stations, including the pumps, electrical, and control systems, are from the original installations, dating from the late 1980's to the early 1990's. The scope of work includes: replacing existing pumps or motors, adding odor control systems, upgrading ventilation, miscellaneous restorations, and electrical upgrades. A list of five (5) design consultants was provided by the City's Consultant Services Coordinator. In conformance with Council Policy 300-7, the firms were interviewed. Brown and Caldwell was selected as the best qualified firm to provide the design consultant services for Sewer Pump Stations 3 to 23 Upgrades. The Sub-Consultant is Tran Consulting Engineering, 14.9% (Asian male owned firm).

FISCAL IMPACT:

The estimated cost of \$131,923 for professional services, which includes \$119,923 for design services and \$12,000 for additional services, as required. Funding is available in Sewer Fund

41506, CIP- 46-106.0, Annual Allocation - Sewer Pump Station Restoration, for this purpose. The total estimated cost for this project is \$1,215,523.

Loveland/Belock/HR

Aud. Cert. 2101191.

WWF-01-524.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-120: Two actions related to South Bay Water Reclamation Plant - Change Orders 28 and 29.

(See City Manager Report CMR-01-106 and Equal Opportunity Contracting Program Evaluation. Tijuana River Valley Community Area. District-8.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-2001-1642) ADOPTED AS RESOLUTION R-295020

Authorizing the City Manager to execute the following change orders with Kiewit Pacific Company:

- 1) Change Order No. 28 in an amount not to exceed \$1,383,000 for the Standby Generator (Secondary Power);
- 2) Change Order No. 29 in an amount not to exceed \$680,000 for the Regulatory and Process Sampling Systems;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$600,000 from Fund 41509, CIP-40-911.1, South Bay Pump Station and Conveyance System, to CIP-42-910.6, South Bay Water Reclamation Plant, to provide additional contingency;

Authorizing the expenditure of an amount not to exceed \$2,063,000 from Fund 41509, CIP-42-910.6, South Bay Water Reclamation Plant, for funding Change Order Nos. 28 and 29, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

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

Subitem-B: (R-2001-1643) ADOPTED AS RESOLUTION R-295021

Declaring that the information contained in the final document, Environmental Impact Report LDR-94-0635, including any comments received during the public review process, has been reviewed and considered by Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with the approval of Change Order Nos. 28 and 29 for the South Bay Water Reclamation Plant.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/30/2001, NR&C voted 3 to 0 to approve the City Manager's recommendation. (Councilmembers Peters, Madaffer and Inzunza voted yea. Councilmember Wear not present.)

Aud. Cert. 2101173.

FILE LOCATION: Subitems A,B: CONT-Kiewit Pacific Company

COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHHEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-121: Parking Meter District 2 (Uptown) and District 3 (Mid-City).

(See City Manager Report CMR-01-023.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1645 Cor. Copy) ADOPTED AS RESOLUTION R-295022

Authorizing the City Manager to negotiate and execute agreements with private non-profit organizations for the expenditure of Parking Meter District 2 (Uptown) and Parking Meter District 3 (Mid-City) funds;

Authorizing the Auditor and Comptroller to transfer the Parking Meter revenues from Citywide Department No. 601 to Parking Meter District Funds as follows: \$87,500 to Fund No. 70301; \$1,078,744 to Fund No. 70302; \$436,861 to Fund No. 70303; and \$149,895 to Fund No. 70304;

Authorizing the Auditor and Comptroller to allocate the expenditures for Parking Meter District No. 1, \$1,078,744; Parking Meter District No. 2, \$436,861; Parking Meter District 3, \$149,895; and \$87,500 for administrative costs, plus the expenditure of any carryover amounts not fully expended under prior contracts for Parking Meter Districts 2 and 3.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 2/7/2001, PS&NS voted 3 to 0 (Councilmembers Atkins, Stevens, and Maienschein voted yea) to accept the City Manager's recommendations. The Chair asked that the recommendations of the Parking District representatives to create a Task Force on parking, traffic and pedestrian mobility issues be included in the motion. The Task Force (led by the Economic Development Division and its Parking Meter District Program, to include Street Division, Traffic Engineering Division, and representatives of the Parking Meter Districts) is to review City policies and practices with regard to:

- A. Parking configuration on City streets such as diagonal parking to increase or improve parking.
- B. "Pedestrian scrambles" and other pedestrian priority measures to improve safety at critical intersections.
- C. The installation of parking meters and timed parking zones.
- D. Possible modifications to the process of implementing on-street parking modifications, time limited parking zones, signage, and painted curbs.
- E. Measures which would improve traffic circulation and pedestrian safety in our communities through traffic calming and other innovative practices.
- F. Coordination of Parking District resources and City forces in the installation of lighting and other capital projects and in the elimination of obsolete curb cuts and sidewalk repair.
- G. Efficiencies in the delivery of services which could be derived from the partnership of the City and the Parking Districts.

Aud. Cert. 2101201.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B199-242.)

MOTION BY ATKINS TO ADOPT WITH THE INCLUDED RECOMMENDATION THAT STAFF INCLUDE SOMEONE FROM DISABILITIES SERVICES AND LINDA WOODBURY'S ORGANIZATION SO THAT WE ARE NOT WORKING AT CROSS PURPOSES. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-150: Two actions related to Advertising for Bids for the Construction of Environmental Monitoring and Technical Services Laboratory.

(See F.D. Schlesinger's 5/9/2001 memo. Peninsula Community Area. District-2.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-2001-1531) ADOPTED AS RESOLUTION R-295063

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 the Environmental Monitoring and Technical Services Laboratory on Work Order No. 191820;

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

Authorizing the expenditure of an amount not to exceed \$13,755,687, 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, to be expended as follows: \$13,180,687 from Sewer Fund No. 41509, CIP-46-187.0, Environmental Monitoring and Technical Services Laboratory, for construction and related costs; and \$575,000 from Sewer Fund No. 41509, CIP-46-502.0, Annual Allocation - Pooled Contingency, for project contingency;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01108)

Subitem-B: (R-2001-1532) ADOPTED AS RESOLUTION R-295064

Certifying that Mitigated Negative Declaration No. LDR-99-1076 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines; that the Mitigated Negative Declaration reflects the independent judgment of the City of San Diego as Lead Agency; and that the information contained in the Mitigated Negative Declaration, together with any comments received during the public review process, has been reviewed and considered by Council;

Approving the Mitigated Negative Declaration.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/16/2001, NR&C voted 3 to 0 to approve the project. (Councilmembers Peters, Wear and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

The Environmental Monitoring and Technical Services Division of the Metropolitan Wastewater Department (MWWD) conducts a comprehensive laboratory program in support of wastewater treatment and effluent disposal operations. The laboratory program ensures compliance with standards set by the state and federal governments through monitoring, sampling, and testing the wastewater entering the treatment process. The information generated serves to support the waiver from secondary treatment. Currently, the MWWD uses the Alvarado Laboratory facility at Lake Murray and leased space at Driscoll's Wharf for much of its testing. The Alvarado Laboratory was originally designed for a staff of 75. More than 120 people now work at this facility. As more of MWWD's treatment facilities come on line, the existing laboratories have become increasingly inadequate. New facilities are needed to relieve this overcrowding and at the same time to relocate staff from costly leased spaces into a City-owned facility.

In July 1993, the Navy announced its plan to close the Naval Training Center (NTC). MWWD submitted a request for Public Benefit Transfer in September 1999. The application was approved, and on January 8, 2001 MWWD received a quitclaim deed of conveyance of this property to construct up to 100,000 square feet of laboratory facilities. This project, Phase I, will consist of laboratory and associated offices of approximately 37,000 square feet, along with associated site and adjacent infrastructure improvements. Construction of a boat dock and pier to support the facility, and a park area between the lab and the boat channel (esplanade) will follow as soon as the boat channel is conveyed to the City. Approval is requested for the advertisement and award of the construction contract.

The construction cost for the laboratory is estimated at \$11,500,000. Project related costs include: pre-design \$200,000; construction management \$520,000; in-house engineering, surveying and administration \$514,764 (FY1999-FY2003); permits and environmental costs \$381,600; previously performed studies \$64,323.

FISCAL IMPACT:

The total estimated cost of this action is \$13,755,687, of which \$13,180,687 is for the construction contract and related costs and \$575,000 is for contingencies. Funds for construction and related costs are available from Sewer Fund 41509, CIP-46-187.0, Environmental Monitoring and Technical Services Laboratory; funds for construction contingencies are available in Sewer Fund 41509, CIP-46-502.0, Pooled Contingency. This contract will be phase funded over two fiscal years.

Loveland/Schlesinger/CME

FILE LOCATION:

SUBITEMS A & B: CONT - JAYNES CORPORATION OF CALIFORNIA (Formerly KVAAS Constructors but was changed to Jaynes Corp. by Change Order No. 7); W.O. 191820

COUNCIL ACTION:

(Tape location: E045-631.)

MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-151: Two actions related to the Award of Design-Build Contract to J. R. Filanc Construction for the Construction of the Otay River Pump Station.

(See F. D. Schlesinger's 5/9/2001 memo. Otay Mesa Nestor Community Area. District-2.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-2001-1561) CONTINUED TO MONDAY, AUGUST 6, 2001

Authorizing the City Manager to execute an agreement with J. R. Filanc Construction Company for services related to designing and building the Otay River Pump Station and Conveyance System;

Authorizing the expenditure of an amount not to exceed \$11,703,036 for the design-build project, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City treasury, to be expended as follows:

\$10,185,347 from Fund No. 41509, CIP-41-924.0, Otay River Pump Station, for project construction;

\$410,000 from Fund No. 41509, CIP-41-924.0, Otay River Pump Station, for construction management; \$598,422 from Fund No. 41509, CIP-41-924.0, Otay River Pump Station, for project related costs;

\$509,267 from Fund No. 41509, CIP-46-502.0, Annual Allocation - Pooled Contingency, for project contingency;

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

Subitem-B: (R-2001-1562) CONTINUED TO MONDAY, AUGUST 6, 2001

Certifying that Mitigated Negative Declaration LDR-40-0088 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 Mitigated Negative Declaration, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the construction of the Otay River Pump Station and Conveyance System;

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.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/16/2001, NR&C voted 3 to 0 to approve the project with the condition that Equal Opportunity Contracting Program information will be included in all future projects. (Councilmembers Peters, Wear and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

The purpose of this project is to supply the South Bay Water Reclamation Plant expansion with wastewater to produce reclaimed water for the South Bay area. The upgraded Otay River Pump Station will pump up to 12 million gallons per day (mgd) of wastewater to the Grove Avenue Pump Station, where it will be combined with another 6 mgd and then pumped to the South Bay Water Reclamation Plant.

The Otay River Pump Station and Conveyance System Project includes the following:

1) Upgrade of the existing Pump Station No. 9A (Otay River Pump Station) to pump 12 mgd of flow to the Grove Avenue Pump Station (currently under construction); 2) Construction of a lift station on the Pump Station 9A site to pump flow from Imperial Beach, which is currently pumped by Pump Station 9A, to the South Metro Interceptor Sewer. The flow coming from Imperial Beach has a high salinity level, and is not suitable for water reclamation; 3) Construction of diversion structures to bring flows from two trunk sewers, the Salt Creek Trunk Sewer and the Otay Trunk Sewer, to the Otay River Pump Station; 4) Construction of a conveyance pipeline from the diversion structures to the Otay River Pump Station, and 5) Construction of a conveyance pipeline from the Otay River Pump Station to the Grove Avenue Pump Station.

This project will be designed and constructed under a Design-Build Contract. Nine Statements of Qualifications were received, and four qualified firms were short-listed. Three short-listed firms submitted technical proposals and were evaluated on the basis of the technical proposal and interviews. Cost proposals were submitted the day after the interviews, and selection was made based on the adjusted low bid (price divided by interview/technical proposal score). J. R. Filanc Construction had the lowest adjusted bid price.

FISCAL IMPACT:

The total cost of this action is \$11,703,036, of which \$10,185,347 is for construction, \$410,000 is for construction management, \$598,422 is for related costs, and \$509,267 is for project contingency. This project will be phase funded over two fiscal years from Fund 41509, CIP-41-924.0, Otay River Pump Station.

Loveland/Schlesinger/KMJ

Aud. Cert. 2101160.

FILE LOCATION: SUBITEMS A & B: CONT - J.R. Filanc Construction Company

COUNCIL ACTION: (Tape location: E045-631.)

MOTION BY INZUNZA TO CONTINUE TO AUGUST 6, 2001, FOR FURTHER REVIEW OF MINORITY HIRING PRACTICES. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-152: Two actions related to North City Reclamation System, Santaluz Reclaimed Water Pipelines Participation Agreement.

(See Larry Gardner's memo dated May 11, 2001. Black Mountain Ranch Community Area. District-1.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-2001-1632) ADOPTED AS RESOLUTION R-295065

Authorizing the City Manager to execute a Participation Agreement for the design and construction of the Santaluz Reclaimed Water Pipelines with Santaluz, LLC;

Authorizing the City Auditor and Comptroller to transfer \$177,471 from Water Fund 41500, CIP-75-925.0, Annual Allocation - Water Service Meter Replacements to Water Fund 41500, CIP-70-954.0, North County Reclamation System (formerly Black Mountain Ranch Reclaimed Water Pipeline);

Authorizing the City Auditor and Comptroller to expend \$4,345,000 from Water Fund 41500, CIP-70-954.0, North County Reclamation System (formerly Black Mountain Ranch Reclaimed Water Pipeline), for the agreement for design, and construction services and related costs, provided that the City Auditor first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the City Manager to establish contract funding phases for the agreement, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for expenditure under the agreement 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.

Subitem-B: (R-2001-1708) ADOPTED AS RESOLUTION R-295066

Certifying that the information contained in Addendum to Environmental Impact Report EIR-95-0173, LDR-95-0173.1, dated January 23, 1997, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines, and that the Report has been reviewed and considered by Council.

Directing the City Clerk to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/16/2001, NR&C voted 3 to 1 to approve the project with the condition that the Equal Opportunity Contracting Program information will be included. (Councilmembers Peters, Wear and Madaffer voted yea. Councilmember Inzunza voted nay.)

CITY MANAGER SUPPORTING INFORMATION:

As part of the Water Department's Water Resources planning effort, two different reclaimed water planning studies were prepared, Beneficial Reuse Study - 2003/2010 Conceptual Reclaimed Water System Technical Memorandum dated April 2000, and Preliminary Design Concept Report - Reclaimed Water Pipeline to Black Mountain Ranch Development dated July 2000. On July 17, 2000 Council adopted Resolution R-293457 directing staff to finalize these documents and prepare an updated Reclaimed Water Master Plan and long term Capital Improvements Project budget. This was completed in December 2000. The findings of these studies recommend the construction of a reclaimed water pipeline to serve the demands of Black Mountain Ranch and other users. In addition, the studies recommended construction of the reclaimed water pipelines concurrently with the construction of the Black Mountain Ranch Development. The Phase I development of Black Mountain Ranch is known as "Santaluz."

On December 5, 2000, the First Amendment to the Participation Agreement for the Design and Construction of the Black Mountain Potable Water Reservoir, Pipeline, and Pressure Reducing Facility was approved by City Council, Document No. RR-294344 (First Amendment). The First Amendment included the design and construction of the first phase of reclaimed water pipelines within Santaluz. In addition, the Council Action for the First Amendment mentioned that a separate Council Action would be processed for the remaining reclaimed water pipelines within Santaluz. This request is for the design and construction of the remaining reclaimed water pipelines within Santaluz. A total of 24,893 lineal feet (4.71 miles) of reclaimed water

pipelines ranging in size from 10-inch diameter to 30-inch diameter will be designed and constructed under this agreement. \$200,000 of the \$4,345,000 is for concrete encasing pipe adjacent to the Black Mountain Reservoir as required by Department of Water Resources, California Division Safety of Dams installed per the First Amendment and \$50,000 is related to in-house City costs.

FISCAL IMPACT:

The total amount of this request is \$4,345,000. Funding is available in Water Revenue Fund No. 41500, CIP-70-954.0, North City Reclamation System (formerly Black Mountain Ranch Reclaimed Water Pipeline).

Loveland/Gardner/LLW

Aud. Cert. 2101214.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Tape location: E043-631.)

MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Advertising for Bids for the Sidewalk and Curb/Gutter Replacement City-Wide Group "C-19".

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1448)ADOPTED AS RESOLUTION R-295023

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 Sidewalk and Curb/Gutter Replacement City-Wide Group "C-19";

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

Authorizing the expenditure of an amount not to exceed \$876,236, of which \$576,236 is from Fund No. 30244, CIP-59-002.0 (to be funded by TransNet Fund No. 30300) and of which \$300,000 is from Fund No. 30244, CIP-59-002.2 (to be funded by TransNet Fund No. 30300), 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-K01068-C)

CITY MANAGER SUPPORTING INFORMATION:

This action will provide for the replacement of damaged concrete hard scape surfaces in all Council Districts. Specific sidewalk and curb and gutter replacement locations are selected from the Street Division's current concrete backlog. The backlog is comprised of locations that fall under Council Policy 200-12 or qualify for the City's Cost Sharing Program, (50/50). It is projected that 197 locations can be completed by this contract. Of the 197 locations, 46 will be done through the City's Cost Sharing Program, (50/50). The contract shall start work in Council District 3. Council District 3 has the largest concentration of Cost Sharing Program, (50/50) locations. The contract will then complete all of the City's Cost Sharing Program, (50/50) locations prior to scheduling other locations. The projected contract locations are sites which involve sidewalk, curb and gutter, and pedestrian ramp installations throughout the city.

FISCAL IMPACT:

The cost of the contract is estimated not to exceed \$876,236. Funds for this project are available as follows: \$576,236 from Fund No. 30244, CIP-59-002.0 to be funded by TransNet Fund 30300 and \$300,000 from Fund No. 30244, CIP-59-002.2 to be funded by TransNet Fund 30300.

Loveland/Gonzalez/MDD

Aud. Cert. 2101218.

FILE LOCATION: CONT - Portillo Concrete; W.O. 590020/590022;

COUNCIL ACTION: (Tape location: B243-259.)

MOTION BY FRYE TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-201: Fiscal Year 2002 Tax Appropriations Limit.

(See City Manager Report CMR-01-121.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1653) ADOPTED AS RESOLUTION R-295067

Establishing the following tax appropriations limit for the City of San Diego pursuant to the authority of California Government Code, Division 9, Title 1 (sections 7900 et seq.):

Established for Fiscal Year 2000	\$512,052,218
Established for Fiscal Year 2001	\$548,766,362
Established for Fiscal Year 2002	\$603,258,862

Declaring that, pursuant to the requirements of section 7910 of the California Government Code, the documentation upon which the tax appropriations limit herein established has been determined, has been made available for public information and review at the Office of the City Clerk since May 31, 2001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E635-662.)

MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-202: Multi-Agency Campaign Against Drunk Driving Along the U.S./Mexico Border Corridor.

(San Ysidro/Otay Mesa Community Area. District-8. Operates in District 8. All Council Districts benefit.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1631) ADOPTED AS RESOLUTION R-295068

Authorizing the Chief of Police to apply for, accept, manage and expend funds for the "Multi-Agency Campaign Against Drunk Driving Along the U.S./Mexico Border Corridor" grant;

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

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

Authorizing the Chief of Police to expend funds in payments to the California Highway Patrol for assistance as set forth in the grant application;

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

CITY MANAGER SUPPORTING INFORMATION:

The California Office of Traffic Safety (OTS) has worked closely with San Diego Police Department Southern Division personnel for some time to develop strategies to reduce deaths and injuries to pedestrians and vehicle occupants as a result of alcohol consumption in Mexico. OTS has approved grant funding for a project which will implement approximately thirty new, high-visibility public education, prevention and enforcement operations at the U.S./Mexico

border crossing over a 24 month period. The project will provide information and forewarning to deter border-crossing pedestrians from becoming intoxicated in Mexico, then returning to their vehicles on the U.S. side of the border and becoming drunk drivers. The project will target motorists and pedestrians at key border crossing locations and parking lots near the pedestrian crossing areas, both before they enter Mexico to visit bars, and as they return to the U.S. Project objectives are to reduce the number of U.S. border crossers who are driving with an illegal blood alcohol level; and to reduce the number of alcohol involved crashes on I-5, I-805 and South Bay surface streets. The grant will fund one Police Officer II (POII) to coordinate the project; overtime for SDPD officers to staff the project operations; overtime for California Highway Patrol Officers to assist in the project; and various supplies and expenses.

FISCAL IMPACT:

OTS grants fund 100% of staff salary and benefits in the first program year, and 50% in the second program year. The City must fund the remaining 50% of the POII coordinator's year 2 salary and benefits, for a cash match of \$41,031. The application also includes a commitment of existing in-kind resources, including supervision, and current border area DUI Operations, at an estimated value of \$602,263. (NOTE: The current border area DUI and Safe Crossing Operations are presently funded by grants and other sources, and do NOT represent additional expenses or commitments to the City. The current border area operations would not normally be considered in-kind contributions, but because they are so closely related to, and supportive of, the grant project, OTS has accepted them as in-kind contributions to the new project.) SDPD agrees to absorb all matching costs.

Uberuaga/Bejarano/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E635-662.)

MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-203: Matching Funds for the Code Enforcement Incentive Program.

(Grant Hill, Memorial, Stockton Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1436) ADOPTED AS RESOLUTION R-295069

Authorizing the City Manager to accept \$395,900 in matching grant funds and execute an Agreement with the State of California, Department of Housing and Community Development (DHCD), including any extensions or amendments, for staffing of the Neighborhood Code Compliance Department and the Office of the City Attorney;

Declaring that the City agrees to provide all matching funds required for the project under the Program and the funding terms and conditions of DHCD and that the cash match will be appropriated as required;

Declaring that any liability arising out of the performance of the Grant Award Agreement shall be the responsibility of the grant recipient and the authorizing agency. The State of California and DHCD disclaim responsibility for any liability;

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

CITY MANAGER SUPPORTING INFORMATION:

The Neighborhood Code Compliance Department (NCCD) has been selected by the State's Department of Housing and Community Development to receive a \$395,900 matching grant over a three-year period. The grant funds a Residential Property Rehabilitation Program designed to address substandard housing stock in low-income neighborhoods. A dedicated code enforcement team will be assigned to the communities of Grant Hill, Stockton and Memorial. This team includes members from the Neighborhood Code Compliance Department and the Code Enforcement Unit of the City Attorney's Office. It will work in partnership with police officers, members of the community, property owners, and tenants in a community-oriented property rehabilitation program.

The grant will enable the City to develop a new, innovative program to help maintain the quality of rental housing. The program will focus on new techniques to: 1) Preserve existing housing stock through more timely code enforcement intervention; 2) Prevent the loss of housing units in lower income neighborhoods from closure or demolition; 3) Address nuisance properties more

effectively. These properties include those which are vacant and remain unabated for extended periods of time, and substandard rental properties owned by absentee landlords or slum lords.

Other cities, including Los Angeles, already use San Diego's existing policies and procedures for nuisance abatement. This grant will be monitored by the State's Division of Codes and Standards as an attempt to generate innovative methods which can be used as models for the abatement of substandard housing conditions throughout communities of California. The experience facilitated by this grant will lead to modification of existing policies and procedures which govern substandard housing conditions. The result will be a direct benefit to San Diego communities citywide.

FISCAL IMPACT:

Matching funds in the amount of \$395,900 over a 3-year period. The first year, the State's contribution is 75% of the program's annual budget amount and NCCD's will be the remaining 25%. The second year, the State's contribution is 50% and NCCD's will be the remaining 50%. The third year, the State's contribution is 25% and NCCD's will be the remaining 75% (it is not a requirement for the City to continue funding the program beyond the three-year agreement with the State). In December 2000, four new positions for Code Compliance Officers were funded as proposed by NCCD for the match requirement. The funding for this matching requirement is tentatively in NCCD's base budget for FY-2002. This is not a request for new matching funds.

Ewell/Samuels/FSH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E635-662.)

MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-204: FY2001 Deappropriation of Fund 41500 Capital Improvement Project Funds.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1624) ADOPTED AS RESOLUTION R-295070

Authorizing the City Auditor and Comptroller to deappropriate an amount not to exceed \$34,706,907 from Fund 41500, Capital Improvement Projects, per the schedule entitled Schedule of FY2001 Year End Deappropriations Fund 41500.

CITY MANAGER SUPPORTING INFORMATION:

Fiscal Year 2001 deappropriations reflect refining previously approved budgets to meet actual Fiscal Year 2001 needs. Funds are not being expended this fiscal year and will be reappropriated in the future fiscal years to correspond with project schedules and meet requirements of bond funding.

FISCAL IMPACT:

Previously approved appropriations in Fund 41500 will be reduced by \$34,706,907.

Loveland/Gardner/SL

_____ FILE LOCATION: MEET

_____ COUNCIL ACTION: (Tape location: F026-060.)

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

ITEM-205: First Amendment to the General Requirements Contract with KTA Construction, Inc.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1683) ADOPTED AS RESOLUTION R-295071

Authorizing the City Manager to execute the First Amendment to the General Requirements Contract with KTA Construction, Inc. for one additional year until May 31, 2002, for an amount not to exceed \$4,000,000;

Authorizing the expenditure of an amount not to exceed \$3,500,000 from Sewer Fund No. 41506 and \$500,000 from Water Fund No. 41500;

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

CITY MANAGER SUPPORTING INFORMATION:

The Water and Wastewater Facilities Division has a continuing need for as-needed construction contracts for small accelerated CIP Construction Projects such as repairs needed for existing sewer manholes, sewer and water main replacements, and/or rehabilitation. Renewing the one-year option of this contract will enable the Division to achieve its objectives of rapidly engaging contractors in critical and necessary work, requested by the Water Operations Division and Wastewater Collection Division, while lowering costs. On May 31, 2000, the current GRC Contract was competitively procured using a request for bids and had a pre-established maximum dollar amount not to exceed \$4,000,000. When work is ordered by task order, the contractor and the City representative meet to scope the work and prepare a task order with unit prices in accordance with the contract. Work is accomplished by the issuance of individual task orders to the contractor. The City is under no obligation to guarantee the full GRC amount of work to the contractor, therefore, the contractor will have an incentive to deliver quality work in a timely fashion in order to get additional work. This work is in compliance with Resolution R-292835 which offers a one-year renewable option with KTA Construction, Inc. Approval of this amended contract is on an interim basis until we can hire a new general requirement contractor. At which time, this agreement can be terminated.

FISCAL IMPACT:

The total estimated construction contract cost is \$4,000,000, of which \$500,000 is available in Water Fund 41500, and \$3,500,000 is available in Sewer Fund 41506, for this purpose.

Loveland/Belock/HR

Aud. Cert. 2200005.

WWF-01-529.

FILE LOCATION: CONT - KTA Construction, Inc.

COUNCIL ACTION: (Tape location: F066-210.)

MOTION BY PETERS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-206: Vacation of "A" Street.

(Centre City Community Area. District-2.)

(Continued from the meeting of May 22, 2001, Item 105, at the request of Council, for further review by staff.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1433)ADOPTED AS RESOLUTION R-295024

Vacating a portion of "A" Street between Pacific Highway and California Street, as described in the legal description marked "Exhibit "A", and shown on Drawing No. 19371-B marked Exhibit "B".

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a portion of "A" Street between Pacific Highway and California Street in the Centre City Community area within Council District 2. The street vacation is being requested to develop the property north and south of "A" street as proposed in the development agreement recorded July 19, 1993 Doc#1993-0459374, between the City and Catellus Development. The City will reserve a general utility easement over the area to be vacated. The area of the street to be vacated was acquired at no cost to the City. City staff recommends approval of the street vacation.

FINDINGS: Staff review has indicated that the right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made. These findings are:

- a) That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated - it is unlikely that a street would be constructed at this location.
- b) That the public will benefit from the action through improved utilization of land made possible by the street vacation - the area will be developed and will lead to higher property tax revenues.
- c) That the vacation is not inconsistent with the General Plan, an approved Community Plan, or Local Coastal Program - Centre City Development Corporation supports the street vacation.
- d) That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation - there are no present or future plans to construct a street in this area.

FISCAL IMPACT:

None. All costs have been paid by the applicant.

Loveland/Haase/AA

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

FILE LOCATION: STRT-J-293 (39)

COUNCIL ACTION: (Tape location: B260-287.)

Hearing began at 11:20 a.m. and halted at 11:21 a.m.

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

ITEM-330: South San Diego Pipeline No. 2 - Reach A & B Project.

(See City Manager Report CMR-01-112. South San Diego Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1506)CONTINUED TO TUESDAY, JULY 31, 2001

FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION

Determining and declaring that the public interest, convenience and necessity of the City of San Diego requires the acquisition of permanent easements and rights-of-way for the South San Diego Pipeline No. 2 - Reach A and B; that the property is located in the South San Diego/Otay Mesa area of the City of Chula Vista; and that the public interest, convenience and necessity demand the acquisition of permanent easements and rights-of-way over the property.

Declaring that the acquisition of permanent easements and rights-of-way is necessary for completion of the South San Diego Pipeline No. 2 - Reach A and B project;

Declaring the intention of the City to acquire the property under eminent domain proceedings;

Directing the City Attorney to commence an eminent domain action in the Superior Court of the State of California, to condemn, acquire and obtain prejudgement possession of the property for use of the City.

NOTE: 6 votes required.

_____ **FILE LOCATION:** None

_____ **COUNCIL ACTION:** (Tape location: A371-388.)

MOTION BY WEAR TO CONTINUE TO TUESDAY, JULY 31, 2001 FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: East Clusters at Black Mountain Ranch.

Matter of approving, conditionally approving, modifying or denying a Vesting Tentative Map, Rezone from A-1-10/HR (AR-1-1) to R1-40000 (RS-1-8) and R1-5000 (RS-1-14), Planned Residential Development Permit, and Street Vacation No. 99-1054 to develop 134 single-family residential homes and 17 attached affordable housing units on 137 acres located in the eastern section of the Black Mountain Ranch Subarea, legally described as Parcels 1, 2, 6 and Parcel "B" of Parcel Map PM-18504.

(VTM/RZ/PRD/SV-99-1054. Black Mountain Ranch Subarea I Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A; adopt the resolution in subitem B to grant the map and street vacation; adopt the resolution in subitem C to grant the permit; and introduce the ordinance in subitem D:

Subitem-A: (R-2001-1659) ADOPTED AS RESOLUTION R-295025

Adoption of a Resolution certifying that the information contained in Addendum LDR-99-1054 to Environmental Impact Report EIR-96-7902, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et. seq.) as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.); that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the land use actions for the East Clusters at Black Mountain Ranch development;

that pursuant to California Public Resources Code, Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, pursuant to California Public Resources Code Section 21081;

and that the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2001-) GRANTED MAP, ADOPTED AS RESOLUTION R-295026

Adoption of a Resolution granting or denying Vesting Tentative Map, VTM-99-1054, pursuant to the (Old Code) Municipal Code Section 102.0307, and pursuant to California Government Code section 66499.20 , portions of Black Mountain Road also known as Ossuna Canon Road located as shown in Vesting Tentative Map No. VTM-99-1054, shall be vacated, contingent upon the recordation of the approved final map for the project.

Subitem-C: (R-2001-) GRANTED PERMIT, ADOPTED AS RESOLUTION R-295027

Adoption of a Resolution granting or denying Planned Residential Development Permit No. 99-1054, with appropriate findings to support Council action.

Subitem-D: (O-2001-165) INTRODUCED, TO BE ADOPTED MONDAY, JULY 9, 2001

Introduction of an Ordinance changing the East Clusters at Black Mountain Ranch property, located in the eastern portion of the Black Mountain Ranch Subarea, north and south of the proposed Carmel Valley Road, in the City of San Diego, California, from the AR-1-1 zone to the RS-1-8 and RS-1-14 zones, as defined by San Diego Municipal Code Section 131.0401; and repealing Ordinance No. O- 8858 (New Series), adopted July 18, 1963, and Ordinance No. O-12650 (New Series) adopted May 22, 1979, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

OTHER RECOMMENDATIONS:

Planning Commission on June 7, 2001, voted (4-0) to recommend City Council approval of the East Clusters project - but denied the proposed gated entries.

Ayes: Garcia, Skorepa, Butler, Stryker

Abstaining: Steele

Not present: Anderson, Brown

There is no planning group for the Black Mountain Ranch Subarea I Plan Area. Both the Rancho Penasquitos Planning Board and the Rancho Bernardo Community Planning Group (adjacent communities) voted unanimously to recommend approval of the East Clusters project.

CITY MANAGER SUPPORTING INFORMATION:

These actions (Vesting Tentative Map, Rezone, Planned Residential Development Permit, Street Vacation) are proposed for the East Clusters project which includes development of 134 single-family homes and 17 attached affordable housing units on a 137-acre site within the Black Mountain Ranch Subarea.

The design and development of homes will be regulated by the East Clusters Design Review Guidelines. The Design Review Guidelines establish the basic design policy for development, and describe specific, detailed, and measurable criteria against which the development will be evaluated. These Design Guidelines assure that the fundamental concepts developed during the Black Mountain Ranch master planning effort are maintained.

FISCAL IMPACT:

None.

A deposit has been collected from the applicant to cover all costs associated with processing this proposed project.

PROJECT TRAFFIC INFORMATION:

The project is estimated to generate approximately 1,588 average daily trips (ADT). 317 of these trips are estimated to occur on Interstate 5, which has an estimated near-term plus project volume of 254,742 ADT. CalTrans is planning to widen Interstate 5 to provide ten additional lanes south of State Route 56 to be completed by 2004. The proposed Black Mountain Ranch project is required to contribute \$8.0 million for the widening of State Route 56 from 4 to 6 lanes, and \$6.1 million for the widening of Interstate 15 by an additional 4 lanes.

Loveland/Christiansen/MW

LEGAL DESCRIPTION:

The 137.23-acre project site is located in the southeastern portion of the La Jolla Valley and in the eastern panhandle portion of the 4,920-acre Black Mountain Ranch ownership within the Black Mountain Ranch Subarea I Planning Area and is more particularly described as Parcels 1, 2, 6, and Parcel "B" of Parcel Map PM-18504.

FILE LOCATION: Subitems A,B,C: PERM-99-1054 (65)
Subitem D: None.

COUNCIL ACTION: (Tape location: C120-254.)

Hearing began at 11:42 a.m. and halted at 11:48 a.m.

MOTION BY PETERS TO ADOPT THE RESOLUTIONS, CERTIFYING THE ADDENDUM TO THE EIR; ADOPTING THE MMRP; GRANTING THE VTM; GRANTING THE PRD PERMIT; REZONE THE LAND FROM AR-1-1 TO RS-1-8 AND RS-1-14; AND APPROVE THE GATES LOCATED AT UNITS 1 AND 2 PROVIDED THE APPLICANT PROVIDE AN AREA FROM PARKING AND EASY ACCESS TO THE TRAILS. THE PARKING, STAGING AND TURN-AROUND AREA FOR THE EAST CLUSTERS SHOULD BE LOCATED IMMEDIATELY ADJACENT TO THE GATED ENTRY AT UNIT 1 AT STREET A AND CAMINO RUIZ. THE TRAIL HEAD TO THE REGIONAL TRAIL SYSTEM SHOULD BE ACCESSIBLE FROM THIS PARKING AND STAGING AREA. THE APPLICANT SHOULD ALSO PROVIDE SIGNS AT THE GATED DEVELOPMENTS INDICATING THERE IS A PUBLIC, REGIONAL TRAIL SYSTEM THAT CAN BE ACCESSED BY FOOT THROUGH THE DEVELOPMENT (“REGIONAL TRAIL SYSTEM,” “PUBLIC ACCESS TO REGIONAL TRAILS”) AND INTRODUCE THE ORDINANCE IN SUBITEM D. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: West Clusters at Black Mountain Ranch.

Matter of approving, conditionally approving, modifying or denying a Vesting Tentative Map, Rezone (from AR-1-1 to RS-1-8), Planned Development Permit, Site Development Permit, and Street Vacation to develop 70 single family residential homes on 99 acres located in the northwest corner of the Black Mountain Ranch Subarea, west of proposed Camino Ruiz, legally described as parcels 12 & 14, PM-18504.

(VTM/RZ/PDP/SDP/SV- No.40-0529. Black Mountain Ranch Subarea I Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A; adopt the resolution in subitem B to grant the permit; adopt the resolution in subitem C to grant the map and the street vacation; and introduce the ordinance in subitem D:

Subitem-A: (R-2001-1660) ADOPTED AS RESOLUTION R-295028

Adoption of a Resolution certifying that Addendum LDR-40-0529 to Environmental Impact Report EIR-96-7902 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the West Clusters at Black Mountain Ranch development;

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

Subitem-B: (R-2001-) GRANTED PERMIT, ADOPTED AS RESOLUTION R-295029

Adoption of a Resolution granting or denying Planned Development Permit/Site Development Permit No. 40-0529, with appropriate findings to support Council action.

Subitem-C: (R-2001-) GRANTED MAP, ADOPTED AS RESOLUTION R-295030

Adoption of a Resolution granting or denying the Vesting Tentative Map, VTM-40-0529 and street and easement vacations, pursuant to the Municipal Code Section 125.0430 of the City of San Diego, contingent upon the recordation of the approved final map for the project.

Subitem-D: (O-2001-166) INTRODUCED, TO BE ADOPTED MONDAY, JULY 9, 2001

Introduction of an Ordinance changing the West Clusters at Black Mountain Ranch property, located in the northwest portion of the Black Mountain Ranch Subarea, west of proposed Camino Ruiz, in the City of San Diego, California, from the AR-1-1 Zone to the RS-1-8 Zone, as defined by San Diego Municipal Code Section 131.0401; and repealing Ordinance No. O-8858 (New Series), adopted July 18, 1963, and Ordinance No. O-12650 (New Series) adopted May 22, 1979, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

OTHER RECOMMENDATIONS:

Planning Commission on June 7, 2001, voted 4-0 to approve the West Clusters project - but denied the proposed gated entry.

Ayes: Garcia, Skorepa, Butler, Stryker
Abstaining: Steele

There is no planning group for the Black Mountain Ranch Subarea 1 Planning area. Both the Rancho Penasquitos Planning Board and the Rancho Bernardo Community Planning Group (adjacent communities) voted unanimously to recommend approval of the West Clusters project.

SUPPORTING INFORMATION:

These actions (Vesting Tentative Map, Rezone, Planned Development Permit, Site Development Permit, Street Vacation) are proposed for the West Clusters project which includes the development of 70 single-family homes on a 99-acre site within the Black Mountain Ranch Subarea. The design and development of homes will be regulated by the West Clusters Design Review Guidelines. These Design Guidelines assure that the fundamental concepts developed during the Black Mountain Ranch master planning effort are maintained. The project includes and provides connections to the regional system of hiking, bicycle, and equestrian trails. The project applicant has chosen the option of payment of an in-lieu fee to the Executive Director of the Housing Authority to meet the affordable housing requirement.

Project Traffic Information: The project is estimated to generate approximately 840 average daily trips (ADT). 168 of these trips are estimated to occur on Interstate 5, which has an estimated near-term plus project volume of 254,892 ADT. CalTrans is planning to widen Interstate 5 to provide ten additional lanes south of State Route 56 to be completed by 2004. The proposed Black Mountain Ranch project is required to contribute \$8.0 million for the widening of State Route 56 from 4 to 6 lanes and \$6.1 million for the widening of Interstate 15 by an additional 4 lanes.

FISCAL IMPACT:

None.

A deposit has been collected from the applicant to cover all costs associated with processing the proposed project.

Loveland/Christensen/MW

LEGAL DESCRIPTION:

The 99.2-acre project site is located along the western boundary of Black Mountain Ranch, and is more particularly described as Parcels 12 and 14 of Parcel Map PM-18504.

FILE LOCATION: Subitems A,B,C: PERM-40-0529 (65)
Subitem D: None.

COUNCIL ACTION: (Tape location: C255-282.)

Hearing began at 11:49 a.m. and halted at 11:51 a.m.

MOTION BY PETERS TO ADOPT THE RESOLUTIONS, CERTIFYING THE ADDENDUM TO THE EIR; ADOPTING THE MMRP; GRANTING THE VTM; GRANTING THE PRD PERMIT; REZONING THE LAND FROM AR-1-1 TO RS-1-8 AND RS-1-14; AND APPROVE THE GATE LOCATED AT UNIT 2 PROVIDED THE APPLICANT PROVIDES THREE AREAS FOR PARKING AND EASY ACCESS TO THE TRAILS. THE FIRST PARKING, STAGING AND TURN-AROUND AREA SHOULD BE LOCATED SOUTH OF UNIT 2 AND NORTH OF UNIT 1 ADJACENT TO CAMINO RUIZ AND THE TRAIL HEAD AT THIS LOCATION. THE SECOND AREA SHOULD BE LOCATED NORTH OF UNIT 2 ADJACENT TO STREET B AND THE TRAIL. A THIRD LOCATION SHOULD BE LOCATED OFF CAMINO RUIZ AND CAMINO DEL NORTE, NORTH OF THE VILLAGE AND ELEMENTARY SCHOOL. THE APPLICANT SHOULD ALSO PROVIDE SIGNS AT THE GATED DEVELOPMENTS INDICATING THERE IS A PUBLIC, REGIONAL TRAIL SYSTEM THAT CAN BE ACCESSED BY FOOT THROUGH THE DEVELOPMENT (“REGIONAL TRAIL SYSTEM,” “PUBLIC ACCESS TO REGIONAL TRAILS”), AND INTRODUCE THE ORDINANCE IN SUBITEM D. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Best Buy Mira Mesa.

Matter of approving, conditionally approving, modifying or denying a request to amend the Progress Guide and General Plan and Mira Mesa Community Plan to redesignate a 3.92 acre site zoned CC-1-3 from Visitor Commercial to Community Commercial to allow the construction of a 38,250 square-foot single user retail store with on-site parking and landscaping. The site is located on the northeast corner of Westview Parkway and Mira Mesa Boulevard.

(40-0819. Mira Mesa Community Plan area. District-5.)

CITY MANAGER'S RECOMMENDATION:

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

Subitem-A: (R-2001-1578)ADOPTED AS RESOLUTION R-295031

Adoption of a Resolution certifying that Mitigated Negative Declaration LDR No. 40-0819, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent 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 this Council in connection with the approval of the land use actions for the Best Buy Mira Mesa project;

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

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

That the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2001-1579) ADOPTED AS RESOLUTION R-295032

Adoption of a Resolution approving the Amendment to the Mira Mesa Community Plan to become effective upon City Council adoption of the General Plan Amendment;

Adopting an amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

Subitem-C: (R-2001-) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-295033

Adoption of a Resolution granting or denying Planned Development Permit No. 40-0819, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on May 10, 2001, voted 6-0 to approve; no opposition.

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

The Mira Mesa Community Planning Group, on January 16, 2001, voted 9-1-1 to recommend approval of this project.

SUPPORTING INFORMATION:

This project proposes Amendments to the Progress Guide and General Plan and the Mira Mesa Community Plan to change the land use designation of a 3.92 acre site, located on the north side of Mira Mesa Boulevard and the east side of Westview Parkway, from Visitor Commercial to Community Commercial in order to allow the development of a 38,000 square-foot single-user retail store, with an accessory 250 square-foot kiosk, off-street parking and landscaping through an accompanying Planned Development Permit.

The Planning Commission considered this project on May 10, 2001, and voted 6-0 (Skorepa absent) on the Consent Agenda, to recommend that the City Council adopt City staff recommendations to approve the project, as presented in the Planning Commission Report No. P-01-083.

There was no opposition to the project. The Mira Mesa Community Planning Group voted 9-1-1 on January 16, 2001, to recommend approval of the project. The planning group noted the

incorporation of their suggestions for no direct driveway access to Mira Mesa Boulevard and building frontage orientation to Westview Parkway.

The City Manager recommends that the City Council approve the Amendments of the Progress Guide and General Plan and the Mira Mesa Community Plan and approval of the Planned Development Permit No. 40-0819. The City Council must first certify the Mitigated Negative Declaration, LDR No. 40-0819 and adopt the MMRP.

FISCAL IMPACT: None.

All costs associated with the project are recovered from a deposit provided by the applicant.

Loveland/Christiansen/RMK

LEGAL DESCRIPTION:

The project site is located on the north side of Mira Mesa Boulevard east of Westview Parkway and is more particularly described as Lots 1 through 3, Parcel Map No. 12628.

FILE LOCATION: PERM-40-0819 (65)

COUNCIL ACTION: (Tape location: B288-356.)

Hearing began at 11:22 a.m. and halted at 11:30 a.m.

MOTION BY MAIENSCHIN TO ADOPT, GRANTING THE PERMIT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-334: Revision to Reclaimed Water Rates.

Matter of revising reclaimed water rates. If the City Council adopts the revised reclaimed water rates the following would result:

1. A reduction in the reclaimed water commodity charge for all City customers;
2. A reduction in the reclaimed water monthly base fee charge for all City customers;

3. Incorporation of all current applicable potable water fees and charges for services as reclaimed water fees and charges for similar services; and

4. Creating a cross-connection test fee for reclaimed water services.

(Districts-All.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1611)ADOPTED AS RESOLUTION R-295034

Adoption of a Resolution approving a reclaimed water commodity charge of \$0.80 per hundred cubic feet [HCF] (or \$350 per acre foot);

Approving the reclaimed water base fees set forth in Exhibit A, an attachment to this resolution;

Approving the reclaimed water services fees set forth in Exhibit B Schedule of Reclaimed Water Fees and Charges, an attachment to this resolution.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/2/2001, NR&C voted 4 to 0 on the following recommendations. (Councilmembers Peters, Wear, Madaffer, and Inzunza voted yea.):

A. Commend the Water Department staff for reducing the reclaimed water rate.

B. Recommend to the City Council to set the proposed \$350/acre feet rate, effective the beginning of Fiscal Year (FY) 2002 through the end of FY 2005 for 3 years, to allow for the needed infrastructure to be planned and construction begun. The City Manager is to return within one year to give a status report on how the program is proceeding.

C. Defer implementing the rate for agricultural uses in San Pasqual so the City Manager can negotiate with the agricultural lessees on their unique issues as a "package" (leases on City land, groundwater, etc.). But, do not let these negotiations hold up the rest of the reclaimed rate plan from being implemented Citywide that should move forward to the City Council.

D. Direct the City Manager to provide a progress report in one year on the status of customer base and transportation infrastructure construction. Additionally, the City Manager is to return to the Natural Resources and Culture Committee in mid-FY 2005 on potential rate restructuring, as necessary, to include volume based discounts and other incentive options.

E. Direct the City Manager to pursue all possible marketing measures for this program including the possibility of utilizing an outsourced marketing consultant.

F. Require that other public agencies who contract to resell San Diego's reclaimed water pass along the cost savings to their customers.

OTHER RECOMMENDATIONS:

The Water Department Citizen's Advisory Board, at the March 7, 2001 meeting, approved a motion to support the recommendations listed above.

CITY MANAGER SUPPORTING INFORMATION:

BACKGROUND

The City of San Diego owns and operates two water reclamation plants, with a third one scheduled to come on line in late 2001. The total production capacity of these three plants will be 46 million gallons per day (MGD). The one MGD San Pasqual Water Reclamation Plant (San Pasqual) was completed in 1993. The 30 MGD North City Water Reclamation Plant (North City) was completed in 1997, and the 15 MGD South Bay Water Reclamation Plant (South Bay) will be completed later this year. In addition to the reclamation plants, distribution pipeline systems have been constructed to deliver water to customers. Approximately 5 miles of pipe up to 16" in diameter have been constructed to serve San Pasqual customers, approximately 46 miles of pipe have been constructed to serve North City customers, and approximately one mile of pipe has been constructed to serve South Bay customers.

History

In 1989, the City Council passed Ordinance O-17327, which amended San Diego Municipal Code Section 64.0801 et. seq to include reclaimed water. This ordinance is sometimes called the "Mandatory Use Ordinance," in that it established as City policy that reclaimed water shall be used within [the City] where feasible. Moreover, the ordinance also states that no person shall use potable water where reclaimed water is suitable and when it is available.

Under the ordinance, the City Manager is directed to make determinations as to which existing potable water customers shall be converted to the use of reclaimed water based on Water Reclamation Master Plans, and is further directed to make determinations as to whether applicants for tentative maps, subdivision maps, or other development projects as defined by California Government Code Section 65928 are required to use reclaimed water, or to include reclamation facilities as a condition of development.

In 1994 (Manager's Report No. 94-328), reclaimed water rates were set for San Pasqual customers at 90% of the commercial potable water rate. The commercial potable water rate at that time was \$1.35 per hundred cubic feet (1 HCF = 748 gallons), yielding a reclaimed water rate of \$1.21/HCF (\$524 per acre-foot). This rate was set for a period of at least five years.

In 1996 (Manager's Report No. 96-112), the City Council reaffirmed the setting of reclaimed water rates at 90% of the commercial potable water rate for all retail customers except for the California Department of Transportation (CALTRANS), which was afforded a rate equivalent to 80% of the commercial potable water rate in return for pipeline easements in the Highway 52 right-of-way. The commercial potable water rate used was the then-current commercial potable water rate of \$1.435/HCF (\$621/AF), which yielded a retail reclaimed water rate of \$1.29/HCF (\$558/AF) and a CALTRANS rate of \$1.15/HCF (\$498/AF).

The City Council action setting the above rates also created the client site retrofit program as a means of encouraging customers to connect to the reclaimed water system by financially assisting in the design and construction of necessary on-site potable to reclaimed water retrofits. Under this incentive program, customers committed to using reclaimed water and were reimbursed 100% of their infrastructure retrofit costs. Approximately \$17.8 million in client retrofit funding was budgeted from Fiscal Year 1997 through Fiscal Year 2001. This funding has enabled almost 200 customer sites to be retrofitted for use of reclaimed water. Through the client site retrofit program, reclaimed water customers were reimbursed for all on-site infrastructure costs including design of system, piping, meter and backflow assembly procurement and installation and San Diego County Department of Environmental Health (DEH) inspection fees. The City mandated cross-connection tests were performed at no cost to the retrofit customer.

In 1997 (Manager's Report CMR-97-170), the Council approved an agreement with the City of Poway to provide reclaimed water from North City. Poway constructed a reclaimed water system within its southern geographical limits that was then connected to the North City distribution system. The wholesale reclaimed water rate was set pursuant to mutual agreement of the parties was \$450/AF (\$1.03/HCF), adjusted annually by the San Diego Region Consumer Price Index (CPI). This price was based on the proportionate valuation and cost of the

improvements constructed that were needed to transport the water from North City to the South Poway system.

In March 1999 (Manager's Report CMR-99-62), the City Council directed staff to prepare a Beneficial Reuse Study to determine how best to utilize the reclaimed water assets of the City. This report was completed in 2000 and will serve as the City's Reclaimed Water Master Plan, covering all three reclamation plant service areas. This report identifies potential customers, quantifies irrigation demands and identifies future facilities needed in order to beneficially reuse the water produced at the reclamation plants. In addition, it estimates the capital costs associated with these improvements.

In July 2000 (Manager's Report CMR-00-95), City Council directed staff to finalize the Beneficial Reuse Study and prepare a long-term capital program for consideration. This Manager's Report also presented to City Council, for the first time, the concept of and methodology to prepare a reclaimed water cost of service study. Council approved the analysis methodology and directed staff to: 1) develop full-cost-recovery reclaimed water rates and charges; and, 2) bring the results back for consideration.

CONCLUSION:

The City's strategic objective is to increase the reclaimed water customer base and sales volume. This will enable the City to beneficially utilize plant production capacity to the greatest extent possible.

It will also ensure that the reclaimed water program of the Water Department is fully self-supporting. A Cost of Service Study was undertaken to analyze all reclaimed water expenses and revenues projected over a 20-year period. Pursuant to the study, an initial reclaimed water rate of \$0.80/HCF (\$350/AF) was derived, based on the assumption that all other customer incentives would be eliminated and a schedule of fees for reclaimed water-related services is adopted.

Approval of the recommended changes to the current reclaimed water fees and charges will create materially higher demand for reclaimed water while reducing demands on the potable water system. The recommended fees and charges should go into effect at the beginning of Fiscal Year 2002.

FISCAL IMPACT:

None.

Adoption of the recommended changes in reclaimed water rates and charges will reduce projected FY2002 reclaimed water sales revenues of \$2,494,000 by \$989,000 or 39%. It is expected that this reduction will be at least partially offset in the near term by an increase in sales volume based on a reduced reclaimed water rate, and that the reduced rate will attract a substantial new customer base generating significantly greater revenues going forward.

Loveland/Gardner/PG

NOTE: This activity is not a “project” and therefore is exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

FILE LOCATION: GEN’L - Fees & charges - Water Department

COUNCIL ACTION: (Tape location: B357-C119.)

Hearing began at 11:31 a.m. and halted at 11:41 a.m.

MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

PUBLIC NOTICES:

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

ITEM-350: Settlement of the Property Damage Claim of Jeff Chals.

(R-2001-1313)

Adopted as Resolution R-294857.

A Resolution approved by the City Council in Closed Session on Tuesday, May 1, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; District 6 - vacant; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$59,177.09 in the settlement of each and every claim against the City, its agents and employees, resulting from property damage to Jeff Chals, et al., as a result of an incident which occurred on May 16, 2000;

Authorizing the City Auditor and Comptroller to issue four checks, one in the amount of \$33,546.77; one in the amount of \$13,964.24; one in the amount of \$8,462.28; and one in the amount of \$3,203.80 made payable to Luth and Turley, Inc. in full settlement of all claims.

Aud. Cert. 2101029.

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

ITEM-35 1: Settlement of the Contractual Claim of Nielsen Dillingham Builders, a Joint Venture.

(R-2001-1623)

Adopted as Resolution R-294903.

A Resolution approved by the City Council in Closed Session on Tuesday, May 29, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; District 6-vacant; Madaffer-yea; District 8-not present; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$135,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the contractual claim of Nielsen Dillingham Builders, a joint venture, (Superior Court Case No. 719731, Nielsen Dillingham Builders, et al. v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$135,000 made payable to Plaintiffs, Nielsen Dillingham and Saturn Electric, and their attorney of record, William L. Bruckner, Esq., in full settlement of all claims.

Aud. Cert. 2101188.

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

ITEM-352: **NOTICE** of Pending Final Map Approval.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on those certain final maps entitled "Greystone Torrey Highlands Unit No. 1" and "Greystone Torrey Highlands Unit No. 3," a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The maps substantially conform to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The maps comply with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The maps are technically correct.

Said maps will be deemed approved and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 5:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the maps or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

* ITEM-S500: Three actions related to the Final Subdivision Map of Black Mountain Ranch Unit No. 13.

(Black Mountain Ranch Subarea I. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1691) ADOPTED AS RESOLUTION R-295035

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

Subitem-B: (R-2001-1690) ADOPTED AS RESOLUTION R-295036

Approving the final map.

Subitem-C: (R-2001-1693) ADOPTED AS RESOLUTION R-295037

Authorizing the City Manager to accept a grant deed of Santaluz, LLC, formerly known as Black Mountain Ranch Developers, LLC, granting to the City Lot B of Black Mountain Ranch Unit No. 13.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of an 85.318 acre site into 71 lots for residential development, plus 9 lots for easements and private driveways. It is located northerly of Carmel Valley Road westerly of Camino Ruiz in the Black Mountain Ranch Subarea I Community Plan area. On October 31, 1995 the Council of the City of San Diego approved City Council Resolution No. R-286502 for Black Mountain Ranch TM-95-0173. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied.

The public improvements and landscaping required for this subdivision are shown in detail on Drawing Number 30272-1-D through 30272-23-D, filed in the Office of the City Clerk on April 2, 2001 under Micro Number 140.88. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$2,410,236. A Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$11,500, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments.

Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development".

As a condition of TM-95-0173, subdivider has entered into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision, until another mechanism is established and assumes maintenance responsibility. This subdivision is located in the Black Mountain Ranch Public Facilities Financing Plan area, which provides for the payment of a Facilities Benefits Assessment (FBA), including parks, at the time of building permit issuance. Lot "B" is being deeded at no cost to the City as a condition of T.M. approval. The lot totals 45.181 acres in size. No park fee credit is being granted. This project is estimated to generate approximately 710 daily trips (ADT). 150 of these trips are estimated to occur on Interstate 5, which has an estimated near-term plus project volume of 254,257 ADT. Caltrans is planning to widen Interstate 5 to provide ten additional lanes south of State Route 56 to be completed by 2004. The proposed Black Mountain Ranch is required to contribute \$8 million for the widening of State Route 56 from four to six lanes, and \$6.1 million for the widening of Interstate 15 by an additional four lanes.

FISCAL IMPACT:

None.

Loveland/Haase/GB

FILE LOCATION: Subitems A,B: SUBD-Black Mountain Ranch Unit No. 13 (40); Subitem C: DEED F-8083

COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHHEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S501: Two actions related to the Final Subdivision Map of Black Mountain Ranch Unit No. 14.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1743) ADOPTED AS RESOLUTION R-295038

Authorizing the City Manager to execute a Subdivision Improvement Agreement with Santaluz, LLC, for the installation and completion of certain public improvements.

Subitem-B: (R-2001-1742) ADOPTED AS RESOLUTION R-295039

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 31.303 acre site into 65 lots for residential development, plus 5 lots for easements and private driveways. It is located northerly of Carmel Valley Road westerly of Camino Ruiz in the Black Mountain Ranch Subarea I Community Plan area. On October 31, 1995 the Council of the City of San Diego approved City Council Resolution No. R-286502 for Black Mountain Ranch T.M. No. 95-0173. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements and landscaping required for this subdivision are shown in detail on Drawing Number 30282-1-D through 30282-6-D, filed in the Office of the City Clerk on May 17, 2001 under Micro Number 140.96. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$715,878. A Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$11,500, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". As a condition of T.M. No. 95-0173, subdivider has entered into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision, until another mechanism is established and assumes maintenance responsibility.

This subdivision is located in the Black Mountain Ranch Public Facilities Financing Plan area, which provides for the payment of a Facilities Benefits Assessment (FBA), including parks, at

the time of building permit issuance. This project is estimated to generate approximately 650 daily trips (ADT). 150 of these trips are estimated to occur on Interstate 5, which has an estimated near-term plus project volume of 254,677 ADT. CalTrans is planning to widen Interstate 5 to provide ten additional lanes south of State Route 56 to be completed by 2004. The proposed Black Mountain Ranch is required to contribute \$8 million for the widening of State Route 56 from four to six lanes, and \$6.1 million for the widening of Interstate 15 by an additional four lanes.

FISCAL IMPACT:

None.

Loveland/Haase/GB

FILE LOCATION: Subitems A,B: SUBD-Black Mountain Ranch Unit No. 14
(40)

COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHHEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S502: Three actions related to the Final Map, Street Vacations, and Street Name Change - San Diego Spectrum Phase 3A.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1695)ADOPTED AS RESOLUTION R-295040

Changing the name of Spectrum Center Court and Kearny Spectrum Boulevard, as dedicated by Maps 13826, 13827, 13980, and Parcel Maps 18532 and 18754, as shown on Drawing 19518-B as Exhibit "C", to Spectrum Center Boulevard.

Subitem-B: (R-2001-1696)ADOPTED AS RESOLUTION R-295041

Approving the Final Map of San Diego Spectrum Phase 3A.

Subitem-C: (R-2001-1697)ADOPTED AS RESOLUTION R-295042

Vacating the portion of the Spectrum Center Boulevard, reserving out a general utility and access easement, as described in the legal description marked Exhibit "A", and shown on Drawing No. 19515-B marked Exhibit "B".

CITY MANAGER SUPPORTING INFORMATION:

Sunroad Centrum Partners, L.P., a California Limited Partnership, has prepared a Subdivision Map in order to implement the terms of Tentative Map 99-1269. The land development will consist of mixed uses including residential and commercial. As a part of the site plan, a through street will connect previously dedicated cul de sacs to create a through street. The remnant portion of the cul de sac are proposed to be vacated with this action. Also, since three different street names were created by previous street dedications, the combination of these streets into one thoroughfare necessitates the need to have one name for the street. Staff recommends Council approval of the map, street vacations, and street name change which will enable the property development and the creation of one through street.

FINDINGS: Staff review has indicated that the four required findings for a street vacation can be made:

- 1.) That there is no prospective use for the easement or right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. The street vacation will eliminate unuseable remnant right-of-way.
- 2.) That the public will benefit from the action through improved utilization of land made possible by the street vacation. The land value will lead to higher property tax revenues. The adjacent property owners can recover their property use unencumbered by street right-of-way.
- 3.) That the vacation or abandonment is not inconsistent with the General Plan, an approved Community Plan, or the Local Coastal Program. The vacation is consistent with the land development uses proposed for this property.
- 4.) That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation. The streets are not yet constructed. One

through street will improve traffic circulation in this area.

FISCAL IMPACT:

None. All costs have been paid for by the applicant.

Loveland/Haase/AW

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

FILE LOCATION: Subitem A: DEED F-8084
Subitem B: SUBD-San Diego Spectrum Phase 3A (40)
Subitem C: STRT-J-2925 (39)

COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHHEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S503: Approving Parcel Map No. W. O. 400252 and Easement Abandonments.
(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1694)ADOPTED AS RESOLUTION R-295043

Approving Parcel Map No. W. O. No. 400252, including the abandonment of an unneeded sewer and incidental purposes easement, emergency access easement, and a portion of a drainage easement.

CITY MANAGER SUPPORTING INFORMATION:

This parcel map is a lot line adjustment map of an 11.125 acre site into three parcels for industrial development. It is located north of Genesee Avenue west of 1-5 in the University

Community Plan area. This map requires City Council approval because easements are being abandoned on the map. The existing sewer and incidental purposes easement, emergency access easement, and a portion of drainage easement granted to the City of San Diego on Map-12845 are no longer necessary because the development project has been redesigned.

A new general utility and access easement is granted on the map to accommodate the new utility locations. Staff has determined that the revised project is consistent with all previously approved permits. There are no new public improvements required for this parcel map. This project is expected to generate approximately, 2000 average daily trips (ADT) and add 600 ADT to I-5 segments north and south of Genesee Avenue which carry approximately 147,000 ADT and operate at LOS E. A project to improve the I-5/Genesee Avenue overcrossing is planned and its scope is currently being studied by SANDAG.

FISCAL IMPACT:

None.

Loveland/Haase/GRB

FILE LOCATION: SUBD-Parcel Map-40-0252 (40)

COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S504: Abandonment of a General Utility Easement in Parcels 1, 2 & 3 of Parcel Map PM-15118.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1679)ADOPTED AS RESOLUTION R-295044

Vacating the general utility easement in Parcels 1, 2 and 3 of Parcel Map PM-15118, as more particularly described in the legal description marked Exhibit "A" and shown on Drawing No. 19307-B marked Exhibit "B."

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to abandon a general utility easement in several parcels located in the Clairemont Mesa Community area within Council District 6. The applicant has applied for a construction permit and intends to build a retaining wall along the vacated easement. The easement has not been used for its intended purpose and there is no prospective use for the easement. The easement was acquired at no cost to the City. City staff recommends approval of the easement abandonment.

Loveland/Haase/AA

_____ FILE LOCATION: DEED F-8085

_____ COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S505: Abandonment of a Drainage Easement in Lot 24 of Map 12911.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1689)ADOPTED AS RESOLUTION R-295045

Vacating the drainage easement in Lot 24 of Map 12911 as described in the legal description marked Exhibit "A", and shown on Drawing No. 19475-B marked Exhibit "B".

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a drainage easement in Lot 24 of Map 12911. The property is located in the Miramar Ranch North Planning area within Council District 5. The applicant wishes to develop the land applied for a grading permit. One of the conditions of approval for the grading is to abandon the drainage easement. The drainage easement was acquired at no cost to the City.

City staff recommends approval of the easement abandonment.

Loveland/Haase/AA

FILE LOCATION: DEED F-8086

COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHHEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S506: Traffic Signal and Street Lighting Systems at Briarwood Road and Nebraska Avenue and at 60th Street and University Avenue.

(Skyline, Paradise Hills, and Mid-City Community Areas. Districts-4, 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1682)ADOPTED AS RESOLUTION R-295046

Amending the Fiscal Year 2001 Capital Improvements Program budget by increasing the appropriation in CIP-62-202.0, Traffic Signal and Street Lighting Systems at Briarwood Road and Nebraska Avenue and at 60th Street and University Avenue, by \$15,800;

Authorizing the City Manager to accept the revised program supplement for an additional \$15,800 of Surface Transportation Program Fund (Fund No. 38966) for design and construction of traffic signals at Briarwood and Nebraska Avenue and at 60th Street and University Avenue;

Authorizing the additional expenditure of an amount not to exceed \$15,800 from CIP-62-202.0, for the construction of Traffic Signal and Street Lighting Systems at Briarwood and Nebraska Avenue and at 60th Street and University Avenue, for the purpose of providing funds for the above project, contingent upon receipt of a fully executed Program Supplement;

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:

Resolution No. R-293004, adopted on April 17, 2000, authorized the City Manager to accept, appropriate, and expend \$240,000 of Surface Transportation Program Funds (Fund No. 38966) for the design and construction of two traffic signals, one at Briarwood Road and Nebraska Avenue, and one at 60th Street and University Avenue. The initial cost estimate for the two signals was \$240,000 at the time the funds were applied for but did not include comprehensive design or field information for either intersection. After completing the detailed designs and construction estimates for the two signals, the estimated total cost will be \$255,800, 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 one of the intersections are longer than typically included in the preliminary cost estimate; modification of existing raised center median; and additional 300 feet of conduit trenching to connect the traffic controller to an existing power source. Therefore, this action is to accept the revised Program Supplement and amend the previous Resolution R-293004 to increase the appropriated amount of Surface Transportation Funds from \$240,000 to \$255,800.

FISCAL IMPACT:

The estimated total cost of this project is \$255,800 which is reimbursable by a Federal (STP) grant.

Loveland/Belock/PB

Aud. Cert. 2101225.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHHEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S507: Two actions related to Authorizing Additional Funds - Fire Station No. 44.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1706) ADOPTED AS RESOLUTION R-295047

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$200,000 from Fund Balance, Mira Mesa Facilities Benefit Assessment Fund 79006 to CIP-33-083.0, Fire Station No. 44; and authorizing the expenditure of an amount not to exceed \$200,000 from CIP-33-083.0, Fire Station No. 44, for the purpose of construction and related costs;

Authorizing the City Auditor and Comptroller, upon advice from the administering department to transfer excess budgeted funds, if any, to the appropriate reserves, provided that the City Auditor first furnishes a certificate demonstrating that the funding necessary for such expenditures is, or will be, on deposit in the City Treasury.

Subitem-B: (R-2001-1707) ADOPTED AS RESOLUTION R-295048

Declaring that the information contained in the final document, Negative Declaration, LDR-98-0166, including any comments received during the public review process, has been reviewed and considered by Council and it is determined that no substantial changes or new information of substantial

importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with approval of Fire Station No. 44.

CITY MANAGER SUPPORTING INFORMATION:

The project provides for construction of a 9,500 square foot fire station located at Black Mountain Road and Maya Linda Road. The facility will be used to house eleven (11) firefighters, and three (3) fire apparatus. Fire Station No. 44 will serve the Carroll Canyon and Miramar industrial areas. A construction contract was awarded to Golden Springs Construction on June 23, 1999. Additional funding is now necessary to include additional improvements requested by the Fire Department for unknown site conditions. These extra costs include the cost of additional structural steel for the pre-fabricated building, additional soil importing cost due to unknown site conditions and the new fencing of the site requested by the community.

FISCAL IMPACT:

The estimated project cost is \$3,187,000 of which \$2,987,000 has previously been authorized for professional services, property acquisition, and the construction contract. The balance of \$200,000 is available in FBA Fund No. 79006 for this purpose.

Loveland/Belock/AO

Aud. Cert. 2101237.

_____ FILE LOCATION: MEET

_____ COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHHEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S508: Transfer of Funds from Sports Arena Blvd (CIP-52-503.0) to Various CIP Projects.

(Ocean Beach and Pacific Beach Community Areas. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1731)ADOPTED AS RESOLUTION R-295049

Authorizing the City Auditor and Comptroller to reprogram the TransNet Commercial Paper Fund 30306, CIP-52-503.0, Sports Arena Boulevard, Rosecrans Street to Midway Drive, in the amount of \$720,000;

Amending the FY 2002 Capital Improvements Program Budget by adding CIP-11-306.0, Ocean Beach Storm Drain;

Authorizing the City Auditor and Comptroller to transfer and appropriate \$400,000 to CIP-11-306.0, Ocean Beach Storm Drain from Fund 30306, CIP-52-503.0, TransNet Commercial Paper Fund 30306, Sports Arena Boulevard, Rosecrans Street to Midway;

Authorizing the City Auditor and Comptroller to amend the CIP budgets by increasing the appropriations and transferring \$150,000 to CIP-39-216.0, Washington Street Improvements - Phase II, and \$170,000 to CIP-39-224.0, Pacific Beach Streetscape Improvements from Fund 30306, CIP-52-503.0, TransNet Commercial Paper Fund 30306, Sports Arena Boulevard, Rosecrans Street to Midway.

CITY MANAGER SUPPORTING INFORMATION:

This item transfers \$720,000 from the Sports Arena Boulevard CIP project to the following: Ocean Beach Drainage Improvement Project (\$400,000), Washington Street Improvements - Phase II (\$150,000), and Pacific Beach Streetscape Improvements (\$170,000). The Ocean Beach Drainage Improvement project is located in the Ocean Beach Community area. The project encompasses the area between West Point Loma Boulevard in the north, the Pacific Ocean in the west, Coronado Avenue in the south, and Santa Barbara Street in the east. The existing drainage system is undersized and has historically resulted in flooding within the area during the rainy seasons. The proposed project will provide funding for preliminary engineering and design of improvements to the existing drainage facilities. The Pacific Beach Streetscape and Washington Street Improvements Phase II are projects which resulted from master plans for these areas and which need additional funds to complete the next phase of each project.

Alternate funding is available for the Sports Arena Boulevard project in that since the original programming of this project, the North Bay Redevelopment area has been implemented and bond funds proceeds will be available in the future.

FISCAL IMPACT:

Funding is available in CIP-52-503.0 (Sports Arena Blvd.), Fund 30306 TransNet Commercial Paper. In an effort to defer the issuance of commercial paper, available cash in the amount of \$720,000 will be identified through our cash management process to fund these projects. No expenditures will be incurred against commercial paper.

Loveland/Belock/PB

Aud. Cert. 2200007.

_____ FILE LOCATION: MEET

_____ COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHIEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S509: Transfer of Funds - Canyonside Community Park Tennis Courts.

(Rancho Peñasquitos Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1710)ADOPTED AS RESOLUTION R-295050

Directing the City Auditor and Comptroller to transfer an amount not to exceed \$30,000 from Peñasquitos East-Park Development, Fund No. 39085, to CIP-29-441.0, Canyonside Community Park Tennis Courts;

Amending the Fiscal Year 2001 Capital Improvements Program budget by increasing the appropriation in CIP-29-441.0, Canyonside Community Park Tennis Courts, by \$30,000;

Authorizing the expenditure of an amount not to exceed \$30,000 from CIP-29-441.0, Canyonside Community Park Tennis Courts, for the project;

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:

Canyonside Community Park is located at 12350 Black Mountain Road in the Rancho Peñasquitos Community Planning Area. The proposed project will provide for the addition of six (6) lighted tennis courts, retaining walls, paving, fencing, drainage improvements, landscaping and irrigation. During construction of the project the Contractor encountered unanticipated geologic conditions that resulted in impacting the proposed drainage and the existing facilities. Additional funding will allow construction to continue and project close-out to occur.

FISCAL IMPACT:

The estimated project cost is \$855,000 of which \$825,000 has been previously authorized. The balance of \$30,000 is available in CIP-29-441.0, Canyonside Community Park Tennis Courts, Peñasquitos East-Park Development Fund No. 39085. The annual maintenance and operation of the courts will be the responsibility of the existing tennis court association.

Loveland/Belock/AO

Aud. Cert. 2101232.

_____ FILE LOCATION: MEET

_____ COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHIEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S510: Juneteenth Day.

MAYOR MURPHY AND DEPUTY MAYOR STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1720)ADOPTED AS RESOLUTION R-295051

Proclaiming June 19, 2001 to be “Juneteenth Day” in San Diego;

Declaring that “Juneteenth Day” in San Diego is in conjunction with “Black History Year” which was proclaimed by Council on April 2, 2001 to honor the African American communities of San Diego and their commitment to the preservation of their cultural heritage.

_____ FILE LOCATION: AGENDA

_____ COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S511: Being Alive San Diego Day.

COUNCILMEMBER ATKINS’S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1740)ADOPTED AS RESOLUTION R-295052

Recognizing the 12th anniversary of Being Alive San Diego, and commending the volunteers for their outstanding commitment to serve the HIV/AIDS community in San Diego;

Proclaiming June 22, 2001 to be “Being Alive San Diego Day” in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHHEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S512: As-Needed Civil Engineering Consultant Agreement with Tetra Tech ASL, Inc.

(See Frank Belock, Jr.'s 5/24/2001 memo and Frequently Asked Questions About Group Jobs.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1292)ADOPTED AS RESOLUTION R-295053

Authorizing the City Manager to execute an agreement with Tetra Tech ASL, Inc., Consulting Engineers, to provide as-needed civil engineering services, for sewer and water projects;

Authorizing the expenditure of an amount not to exceed \$50,000 from Water Fund No. 41500, and \$150,000 from Sewer Fund No. 41506;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/30/2001, NR&C voted 3 to 0 to approve the project. (Councilmembers Peters, Madaffer and Inzunza voted yea. Councilmember Wear not present.)

CITY MANAGER SUPPORTING INFORMATION:

On October 11, 2000, a list of As-Needed Civil Engineering Consultants for Water and Sewer Projects was requested from the Consultant Services Coordinator. On October 23, the Consultant Services Coordinator nominated five (5) consulting firms to participate in the final selection process. The firms were interviewed on November 22, 2000, in conformance with Council Policy 300-7; and Tetra Tech ASL, Inc., Consulting Engineers was selected as the best qualified firm to provide consulting services for the Engineering and Capital Projects Department. The agreement between the City of San Diego and Tetra Tech ASL, Inc., Consulting Engineers, will provide civil engineering services per task based on hourly service fees not to exceed \$20,000 for each task. The services will include complete civil engineering design for the construction of water and sewer projects. The total service fees shall not exceed \$200,000 for a period of two (2) years from the date of execution by the City.

FISCAL IMPACT:

The total estimated cost is \$200,000. Funding of \$50,000 is available from Water Fund No. 41500, and \$150,000 from Sewer Fund No. 41506 for this purpose.

Belock/Boekamp/HR

Aud. Cert. 2101028.

WWF-01-492.

_____ FILE LOCATION: MEET

_____ COUNCIL ACTION: (Tape location: A398-554.)

CONSENT MOTION BY MAIENSCHHEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S513: South Bay Reclaimed Water Pipelines.

(See Larry Gardner's 6/3/2001 memo. San Ysidro Community Area. District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2001-1616) ADOPTED AS RESOLUTION R-295072

Adding CIP-70-956.0, South Bay Reclaimed Water Pipelines, to the FY01 Capital Improvement Program;

Authorizing the City Auditor and Comptroller to transfer \$397,684 from Water Fund 41500, CIP-70-916.0, Miramar Road Subsystem Extension; \$181,889 from Water Fund 41500, CIP-70-917.0, Miramar Storage Tank and Raw Water Connection; \$133,291 from Water Fund 41500, CIP-70-921.0, Scripps Poway Parkway Subsystem; \$426,000 from Water Fund 41500, CIP-70-934.0, Sorrento Valley/Carroll Canyon Subsystem; \$684,801 from Water Fund 41500, CIP-73-333.0-Annual Allocation - Air Valve Adjustments; and \$419,637 from Water Fund 41500, CIP-75-925.0, Annual Allocation - Water Service Meters, to Water Fund 41500, CIP-70-956.0, South Bay Reclaimed Water Pipelines;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$2,243,302 from Water Fund 41500, CIP-70-956.0, South Bay Reclaimed Water Pipelines, for the purchase of approximately 4,145 linear feet of existing reclaimed water pipeline located at Dairy Mart Road from the Metropolitan Waste Water Department.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/13/2001, NR&C voted 4 to 0 to approve the City Manager's recommendation. (Councilmembers Wear, Frye, Madaffer and Inzunza voted yea. Councilmember Peters not present.)

CITY MANAGER SUPPORTING INFORMATION:

The Water Department is responsible for distribution of reclaimed water throughout the City. As part of the construction of the South Bay Water Reclamation Plant, the Metropolitan Waste Water Department constructed a pipeline at Dairy Mart Road at a cost of \$2,243,302. It is approximately 4,145 linear feet of 30 inch diameter, ductile iron pipe, polyurethane lined and coated. A cathodic protection system is in place on this project. The Water Department wishes to purchase this pipeline from the Metropolitan Waste Water Department and subsequently construct additional projects to form a distribution system for reclaimed water from the South Bay Water Reclamation Plant.

FISCAL IMPACT:

Funding in the amount of \$2,243,302 is available from Fund 41500, CIP-70-916.0, Miramar Road Subsystem Extension (\$397,684) and CIP-70-917.0, Miramar Storage Tank and Raw Water Connection (\$181,889) and CIP-70-921.0, Scripps Poway Parkway Subsystem (\$133,291) and CIP-70-934.0, Sorrento Valley/Carroll Canyon Subsystem (\$426,000) and CIP-73-333.0, Annual Allocation - Air Valve Adjustments (\$684,801) and CIP-75-925.0, Annual Allocation - Water Service Meters (\$419,637) for the purchase of this pipeline.

Loveland/Gardner/KAR

Aud. Cert. 2101192.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E020-040.)

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

ITEM-S514: Three actions related to Energy Conservation and Management.

(See City Manager Reports CMR-01-115, CMR-01-086, CMR-01-032; memo from George Loveland dated 6/14/2001; Copeland Lowery & Jacquez's 5/30/01 memo; SDG&E information; Jim Bell's 6/5/01 Commentary; Pepper Rae Coffey's 6/6/01 letter; "Reaching Out.")

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1728) ADOPTED AS RESOLUTION R-295073

Approving the City Manager Report CMR-01-115 which includes the following recommendations:

- (a) Adopt the Summer Energy Action Plan
- (b) Adopt the Energy Start Procurement Policy
- (c) Direct City staff to install VendingMiser devices on cold drink vending machines
- (d) Pursue installation of photovoltaic (PV) energy generation systems in five City buildings, as stated in CMR-01-115
- (e) Continue the active skylight pilot project at Golden Hill Recreation Center
- (f) Accept the donation of ten active skylight systems by So-Luminaire, Inc.
- (g) Continue the energy management information system pilot project using "Portal" technology
- (h) Not pursue reactivation or repowering of the Silver Gate Power Plant using City funds

Thanking So-Luminaire, Inc. for its donation of active skylight systems to be used at the Golden Hill Recreation Center.

Subitem-B: (R-2001-1729) ADOPTED AS RESOLUTION R-295074

Amending Council Policy No. 900-2 entitled, "Energy Conservation," and Council Policy No. 900-14, entitled "Green Building,";

Deleting Council Policy No. 900-16, entitled "Community Energy Partnership," because its provisions have been incorporated into Council Policy No. 900-14.

Subitem-C: (R-2001-1730) ADOPTED AS RESOLUTION R-295075

Authorizing the City Manager and the Energy Conservation and Management Administrator to apply to the State of California for state sponsored or authorized energy efficiency and management grant funding, subject to Council ratification prior to acceptance of any grants requiring unbudgeted City funding;

Authorizing the City Manager and the Energy Conservation Manager to execute all documents required in connection with the grant funding.

RULES COMMITTEE'S RECOMMENDATION:

On 6/06/2001, Rules voted 4-0 (Mayor Murphy and Councilmembers Atkins, Stevens and Madaffer voted yea; Councilmember Wear not present) to approve all staff recommendations:

- H. Adopt the Summer Energy Action Plan
- I. Adopt the Energy Start Procurement Policy
- J. Direct City staff to install VendingMiser devices on cold drink vending machines.
- K. Pursue installation of photovoltaic (PV) energy generation systems in five City buildings.
- L. Continue the active skylight pilot project at Golden Hill Recreation Center.
- F. Accept the donation of ten active skylight systems by So-Luminaire, Inc.
- G. Continue the energy management information system pilot project using “Portal” technology.
- H. Not pursue reactivation or repowering of the silver Gate Power Plant using City funds.

In addition, make the following two changes to the proposed Council Policy:

- B. City Regulated Activities, Subitem 2. Transportation-Add “Encourage telecommuting.”

Private-Sector Incentives, 1. Change Wording to read “...expedite the ministerial plan check for up to 20 **or more** projects per year...”

Refer to staff Jim Bell’s proposal and Pepper Coffey’s recommendation for a report back to the Committee in a month on the viability of their proposals.

CITY MANAGER SUPPORTING INFORMATION:

On 6/06/2001, Rules Committee voted 4 to 0 to recommend the following: (Mayor Murphy and Councilmembers Atkins, Stevens and Madaffer voted yea.)

- A. Adopt the recommendations in City Manager Report CMR-01-115 for the implementation of a Summer Energy Action Plan, adopt an Energy Star Procurement Policy, adopt revised Council Policy 900-2, Energy Conservation and Management and 900-14, Sustainable Building Practices (Green Building) for Public and Private Building Projects, delete Council Policy 900-16 which has been incorporated into Council Policy 900-14, and provide direction to City staff to install VendingMiser energy controllers on soft drink vending machines, pursue installation of photovoltaic (PV) energy generation systems on five City buildings, accept the donation of ten active skylight systems by So-Luminaire, Inc. for installation at the Golden Hill Recreation Center, continue the pilot energy management information system project and do not pursue reactivation or repowering of the Silver Gate Power Plant using City funds.

B. Authorize the City Manager and the Energy Conservation and Management Administrator to submit applications for State of California sponsored or authorized energy efficiency and management grant funding subject to City Council ratification prior to the acceptance of grants requiring unbudgeted City funding.

Loveland/Hays/RAE

FILE LOCATION: SUBITEMS A, B, C: MEET

COUNCIL ACTION: (Tape location: D034-220.)

MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S515: Two actions related to Metropolitan Wastewater Department Program Management/Construction Management Services.

(See City Manager Report CMR-01-089.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-2001-1687) ADOPTED AS RESOLUTION R-295076

Authorizing the City Manager to execute an agreement with HDR Engineering, Inc., for as-needed program management/construction management services in an amount not to exceed \$7,000,000 and duration not to exceed three years;

Authorizing the expenditure of an amount not to exceed \$7,000,000 from Fund Nos. 41506, 41508, and 41509 to provide funds for the agreement;

Authorizing the expenditure of an amount not to exceed \$2,906,000 to provide funds for the agreement, to be expended as follows:

\$434,000 from Fund No. 41506, CIP-46-200.0, Sewer Pump Station 30A Relocation, for construction management services

\$112,000 from Fund No. 41506, CIP-46-106.0, Annual Allocation Sewer Pump Station Restorations, for construction management services in connection with Sewer Pump Station 30A

\$90,000 from Fund No. 41508, CIP-46-182.0, Point Loma Chemical Feed System Upgrades, for construction management services

\$270,000 from Fund No. 41509, CIP-46-170.0, Point Loma Digester Facility Upgrade and Expansion, for construction management services in connection with Digesters C1/C2

\$2,000,000 from Fund No. 41506, CIP-46-215.0, Annual Allocation - Infrastructure Upgrade and Replacement, for consultant services, provided the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

Subitem-B: (R-2001-1688) ADOPTED AS RESOLUTION R-295077

Authorizing a twelfth amendment to the agreement of December 10, 1991, with Sverdrup Civil, Inc. for construction management services in an amount not to exceed \$6,085,678;

Authorizing the expenditure of an amount not to exceed \$6,085,678 from Fund Numbers 41500, 41506, 41508, and 41509 to provide funds for the Amendment No. 12, provided the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Manager to revise contract phase funding with Sverdrup Civil, Inc., as indicated on Exhibit G, "Funding Phases," to the twelfth amendment to the agreement, revised April 4, 2001;

Authorizing the City Auditor and Comptroller to reallocate budget appropriations for various Capital Improvement Projects in Fund Numbers 41500, 41506, 41508, and 41509, under the agreement, where such reallocations are necessary to cover costs related to a redistribution of services under the agreement, provided that the total annual appropriations for the agreement remain unchanged.

Aud. Cert. 2101211.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/16/2001, NR&C voted 3 to 0 to approve with the condition that Equal Opportunity Contracting Program information will be included in all future projects. (Councilmembers Peters, Wear, and Madaffer voted yea. Councilmember Inzunza not present.)

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Tape location: F212-219.)

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

ITEM-S516: Deappropriation of TransNet Commercial Paper.

(See City Manager Report CMR-01-127.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1709) ADOPTED AS RESOLUTION R-295078

Authorizing the City Manager to authorize the de-appropriation of TransNet Commercial Paper, Fund No. 30306, in the total amount of \$37,448,696 for 53 projects per Exhibit A.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F212-219.)

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

ITEM-S517: Three actions related to Carmel Mountain Road Interchange.

(See City Manager Report CMR-01-130. Sorrento Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1718) ADOPTED AS RESOLUTION R-295079

FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION.

Determining and declaring that the public interest, convenience and necessity of the City of San Diego require the acquisition of fee simple title and easements to the property for the construction, improvement, operation and maintenance of the Carmel Mountain Road Interchange Project-Interstate 5/805 widening, a public street or streets and incidents thereto; that the property is located at the intersection of Interstate 5 and Carmel Mountain Road, within the City of San Diego, County of San Diego, State of California; that the interests to be acquired include but are not limited to a fee simple interest and easements for slopes and public utilities, together with the right of ingress and egress over, under, along, and across the parcel of land; and that the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and that the property sought to be acquired is necessary for the project; that acquisition by eminent domain is authorized by law; and declaring that the offer to acquire the property required by Government Code Section 7267.2 has been made to the owners of record of the subject property and thereafter rejected; and declaring the intention of the City of San Diego to acquire the property under eminent domain proceedings; and directing the City Attorney of the City of San Diego to commence an eminent domain action in the Superior Court of the State of California, in the County of San Diego, to condemn, acquire and obtain immediate possession of the real property for the use of the City.

NOTE: 6 votes required for Subitem A.

Subitem-B: (R-2001-1747) ADOPTED AS RESOLUTION R-295080

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$500,000 from the Sorrento Hills Development Agreement (Fund 39063), for costs related to the acquisition of property rights, condemnation, labor, appraisal, relocation, title, escrow, and miscellaneous costs.

Subitem-C: (R-2001-1748) ADOPTED AS RESOLUTION R-295081

Stating that the information contained in the final document, Environmental Reevaluation Addendum for the Interstate 5 widening and Interchange Improvement Project, dated April 2001, prepared by CalTrans as Lead Agency, including any comments received during the public review process, has been reviewed and considered by this Council in connection with the Carmel Mountain Road Interchange project.

Aud. Cert. 2101219.

FILE LOCATION: SUBITEMS A, B, & C: MEET

COUNCIL ACTION: (Tape location: D005-034.)

MOTION BY PETERS TO ADOPT WITH DIRECTION TO STAFF TO CONTINUE TO WORK WITH CALTRANS AND THE DEVELOPER TO TRY TO RESOLVE THE RIGHT-OF-WAY PROBLEM. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S518: Headquarters Point Research Park.

(Continued from the meetings of December 12, 2000, Item 331, March 20, 2001, Item 330, and June 12, 2001, Item 330; last continued at the request of Councilmember Wear, for further review.)

Matter of approving, conditionally approving, modifying or denying an Open Space Easement Vacation (OS)/Rezone (RZ)/Vesting Tentative Map (VTM)/Planned Industrial Development (PID)/Coastal Development Permit

(CDP) to vacate an open space easement, rezone a 10.3 acre site from RS-1-1 (R1-40000) to IL-2-1 (M1-B) zone and to subdivide the site into two lots and develop a planned industrial development located immediately east of Interstate 805 (I-805) on Headquarters Point between Wateridge Circle and Lusk Boulevard in the Mira Mesa Community Plan area.

(99-0036 OS Vacation/RZ/VTM/PID/CDP. Mira Mesa Community Plan area. District-5.)

NOTE: Hearing open. No testimony taken on 12/12/2000.
Hearing open. No testimony taken on 3/20/2001.
Hearing open. No testimony taken on 6/12/2001.

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems B and E; adopt the resolution in subitem C to grant the map; adopt the resolution in subitem D to grant the permit; and introduce the ordinance in subitem A:

Subitem-A: (O-2001-103) CONTINUED TO TUESDAY, JULY 31, 2001

Introduction of an Ordinance changing 10.3 acres, located between Wateridge Circle and Lusk Boulevard, in the Mira Mesa Community Plan area, from the RS-1-1 (R1-40000) zone to the IL-2-1 (M1-B) zone, as defined by San Diego Municipal Code Section 131.0603 (101.0435.2); and repealing Ordinance No. O-8485 (New Series), adopted June 22, 1961.

Subitem-B: (R-2001-925 Cor. Copy) CONTINUED TO TUESDAY, JULY 31, 2001

Adoption of a Resolution certifying that the information contained in Environmental Impact Report LDR No. 99-0036 Supplement to EIR No. 96-0265, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations section 15000 et seq.), and that said EIR reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for this project;

that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the Findings made with respect to the project;

that pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations;

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

Subitem-C: (R-2001-) CONTINUED TO TUESDAY, JULY 31, 2001

Adoption of a Resolution granting or denying Vesting Tentative Map No. 99-0036, with appropriate findings to support Council action.

Subitem-D: (R-2001-) CONTINUED TO TUESDAY, JULY 31, 2001

Adoption of a Resolution granting or denying Planned Industrial Development/Coastal Development Permit No. 99-0036, with appropriate findings to support Council action.

Subitem-E: (R-2001-1195) CONTINUED TO TUESDAY, JULY 31, 2001

Adoption of a Resolution vacating the open space easement located between Wateridge Circle and Lusk Boulevard in the M1-B (IL-2-1) zone of the Mira Mesa Community Plan, a portion of Lot 10 of Corporate Research Park II, Map No. 13605, filed July 27, 1998 (APN 340-090-55), in connection with the Headquarters Point Research Park development.

OTHER RECOMMENDATIONS:

The Planning Commission on December 7, 2001, voted 7 - 0 to recommend to the City Council that they deny this project based on the fact that the fundamental issue of the Open Space Vacation needs to be resolved before the project can be evaluated and the decision should be reviewed by the Planning Commission and City Council concurrently; and the additional information requested of staff was not provided to the Commission prior to the hearing.

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

The Mira Mesa Community Planning Group on October 18, 1999, voted 11-0-1, with conditions, to recommend approval of the project.

CITY MANAGER SUPPORTING INFORMATION:

BACKGROUND

The Headquarters Point Project has its origins in a settlement agreement between the City and the San Dieguito Partnership (SDP) which resolved three complicated land use lawsuits. For approximately fifty years, SDP owned almost all of the property located in an area now identified as Subarea II of the North City Future Urbanizing Area. Over the years, SDP made numerous unsuccessful attempts to acquire entitlements to allow development of their property. SDP's development efforts culminated in 1996 when they submitted three applications to develop roughly 150 acres of their holdings in the region. Although two of the three applications were approved by the City Council and the third was denied, two ballot measures which proposed to phase shift the SDP property were defeated by the voters, thus leaving SDP with limited development rights.

SDP filed suit against the City, alleging the City had inversely condemned their property. SDP sought over \$50 million in damages. After extensive settlement discussions, on November 16, 1998, the City Council approved a settlement agreement resolving all of SDP's lawsuits. The primary aim of the City in the settlement agreement was to preserve as open space the vast majority of the SDP property located in Subarea II. To achieve this end, Southern California Edison agreed to buy about 50 acres of the SDP property. In addition, the City purchased a 47-acre parcel, commonly referred to as the "Ranch." In the settlement agreement, the City also agreed to consider a small residential development of SDP's 27-acre property known as the "Villas."

As consideration for the SDP's Ranch property, and SDP's agreement to forgive almost \$1.5 million in debt owed by the City to SDP from a prior transaction, the City agreed to transfer to SDP a parcel in University City, referred to now as the Nobel Research Park. In November 1998, the electorate approved Proposition N which ratified the proposed exchange of properties. The City also agreed to transfer fee simple title to roughly ten acres of property in Sorrento Mesa, now referred to as the Headquarters Point Research Park. The settlement agreement approved by the City Council contemplated SDP would apply to develop the property in a manner consistent with the pending application.

When the settlement agreement was being implemented in 1999, the parties discovered the presence of an unrecorded lease between the City and the Santa Fe Pacific Pipelines, LP, which allows an underground pipeline on a portion of the Headquarters Point Parcel. To expedite dismissal of SDP's lawsuits and to prevent any claim that the City failed to provide notice of the underground lease, on December 7, 1999, the City Council approved an amendment to the settlement agreement. As part of the amendment, SDP transferred the Headquarters Point parcel to the City and the City transferred to SDP a two-acre parcel at the Nobel Research Park which SDP was holding in trust for the City. SDP also agreed to continue to process at its expense the development application for the Headquarters Point Research Park. As part of the settlement discussions, Council directed staff to process a development application to allow Council to consider a proposal which would increase the value of the property to partially offset the financial commitments of the SDP settlement agreement.

The 10.3 acre site is located west of Wateridge Circle, east of Lusk Boulevard in the R1-40000 zone (IL-2-1 proposed (M1-B)) within Hillside Review Overlay Zone and the Coastal Development Overlay Zone in the Mira Mesa Community Plan. The surrounding land uses near the Headquarters Point Research Park property are the industrial Corporate Research Park to the southeast; Vista Sorrento Parkway to the southwest; Lusk Boulevard to the northwest; and commercial/industrial development to the northeast. The Mira Mesa Community Plan designates an industrial park for this location. The site was designated for industrial development as part of the larger project, the Corporate Research Park. With the approval of the Corporate Research Park, this area was identified from industrial uses to open space as biological mitigation for direct impacts resulting from the Corporate Research Park.

DISCUSSION

Approval of the Headquarters Point Research Park would allow the subdivision and development of 10.3 acres with a public road and two lots for future industrial uses; landscaping; off-street surface parking; improvements in the public right-of-way; and a MHPA boundary adjustment. All of the property in the Headquarters Point Research Park is owned by the City of San Diego. The majority of this site is not within the Multiple Habitat Preservation Area. When the MHPA boundaries were established in this area, this property was excluded due to its low value as habitat and because the site is not physically connected to other habitat which would contribute to a wildlife corridor. The MHPA boundary adjustment will result in a greater area being included into the MHPA preserve. The adjustment increases the MHPA by including areas currently not within the MHPA and is offset by decreasing areas which are included in the MHPA. The total of the MHPA land area is increased as a result of this adjustment. City staff has reviewed and is in support of the proposed adjustment. The Federal and State of California agencies reviewed the EIR and did not provide any written comments addressing the proposed

project. Development of the individual lots would be facilitated by the proposed Headquarters Point Research Park Planned Industrial Development Design Guidelines and conditions of approval found in Attachments 6 and 7. Approval of site specific building plans, landscaping and site development would be controlled by these guidelines and would be used during the review of specific building proposals.

Subject to the regulations in effect prior to the Land Development Code, January 2000, the Headquarters Point Research Park project is located within the Hillside Review Overlay Zone. The regulations of the Hillside Review Overlay Zone (HR), Section 101.0454D, Development Regulations require an HR permit before any development is allowed, with three exclusions. An HR permit is not required if a Planned Development Permit is obtained in accordance with the procedure set forth in Chapter X, Article 1, Division 9. The proposed project includes a Planned Industrial Development (PID) Permit and is consistent with the development regulations of the PID ordinance. The development regulations of the PID, Section 101.0920D Design Criteria, address the goals of the Hillside Review regulations in item number 2, “The plan shall provide for adequate permanent open space areas, circulation, off-street parking, and pertinent pedestrian amenities. Building structures and facilities and accessory uses within the parcel shall be well integrated, and oriented and related to the topographic and natural features of the site.” Therefore, the proposed project does not require a Hillside Review Permit, yet is consistent with the purpose and intent of those regulations.

The 10.3 acres of Headquarters Point Research Park was created by a grant deed from the Corporate Research Park, Lot 10, Map No. 13604 which totaled 46.9 acres. Of the original 46.9 acre property, the remaining 36.6 acres would be preserved in open space and retain the current R1-40000 zoning. The proposed project is located in the least sensitive portion of the site, is sited in the most level areas available, preserves the greatest amount of the open space possible, and protects the steepest slopes and most sensitive vegetation located on the site. The proposed development would be located adjacent to existing industrial developments on Lusk Boulevard and Wateridge Circle. These features, and the site specific design, architecture, and other details of the submitted Planned Industrial Development Design Guidelines meet the design criteria of the Planned Development regulations and are therefore consistent with the requirements of the HR zone.

The Mira Mesa Community Planning Group, voted 11:0:1 on October 18, 1999, to recommend approval with the following additional conditions:

1. All buildings shall be limited to a maximum of three stories in height;
2. Prior to the issuance of any building permit, a development plan package as defined on page 15 and 16 of the PID Text, shall be submitted to the Mira Mesa Community Planning Group for their review and approval, and;

3. Offsite acquisition required as mitigation for project impacts to the MHPA should be focused on sites north of State Route 52.

City Staff recommends certification of the Environmental Impact Report LDR No. 99-0036; adoption of the Mitigation Monitoring and Reporting Program with all mitigation necessary to reduce, to a level of insignificance, all significant impacts of the project as identified in the EIR; adoption of the Findings and Statement of Overriding Considerations; adoption of the rezone; approval of the Vesting Tentative Map; and approval of the Planned Industrial Development/Coastal Development Permit 99-0036 with the conditions recommended by the Mira Mesa Community Planning Group and those contained in the draft Tentative Map resolution and draft permit.

Headquarters Point Research Park - Open Space Easement Vacation proposes an open space easement vacation on City-owned property to allow development of an industrial project in the Mira Mesa Community Plan area. At Council direction on December 12, 2000, Headquarters Point Research Park was continued to March 13, 2001 to allow the open space easement vacation to be brought forward for consideration and to consolidate all necessary actions to make a decision on the entire project. The open space easement was discovered during the final review of the project after title to the property transferred from the owner to the City. The easement is referenced only on the grant deed and not on the recorded subdivision map or title report. The vacation of the open space easement will not affect local or regional transportation facilities. City staff supports the necessary findings reflected in the vacation resolution and recommends certification of the Environmental Impact Report LDR No. 99-0036; adoption of the Mitigation Monitoring and Reporting Program with all mitigation necessary to reduce, to a level of insignificance, all significant impacts of the project as identified in the EIR; and approval of the Open Space Easement Vacation.

FISCAL IMPACT: None.

No cost to the City. All costs are recovered by a deposit account funded by the applicant.

Loveland/Christiansen/Griffith/JSF

ENVIRONMENTAL IMPACT:

Supplemental Environmental Impact Report (EIR) LDR No. 99-0036 has been prepared for the project in accordance with State CEQA Guidelines. A Mitigation Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level of insignificance, any potential impacts identified by the environmental review process.

LEGAL DESCRIPTION:

The project site is located within the Mira Mesa community on the east side of Interstate 805 between Vista Sorrento Parkway to the west, Mira Mesa Boulevard to the south and Lusk Boulevard to the north and is more particularly described as a portion of Lot 10 of Map 13604.

FILE LOCATION: Subitem A: None
Subitem B,C,D,E: PERM-99-0036 (65)

COUNCIL ACTION: (Tape location: A389-397.)

MOTION BY WEAR TO CONTINUE TO TUESDAY, JULY 31, 2001 FOR FURTHER REVIEW. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S519: **Notice** of Pending Final Map Approval.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "International Gateway of the Americas Phase 1A" (TM-40-0338), a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be deemed approved and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 5:00 p.m., 10 calendar days

from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-S520: FY 2002 Budget Actions: Accepting Loan Repayment and Authorizing Reloan of \$892,371.

(See SEDC Report No. 01-010.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1661) ADOPTED AS RESOLUTION R-295082

Declaring that the City Council of the City of San Diego, accepts loan repayments in the total amount of \$892,371 from the following sources:

\$338,171 from the Central Imperial Redevelopment Project
\$154,200 from the Mount Hope Redevelopment Project
\$400,000 from the Gateway Center West Redevelopment Project

Authorizing a transfer of \$892,371 to the Agency as an interest bearing loan to be used in the proposed Fiscal Year 2001-2002 SEDC project budget for the Southcrest and Gateway West Redevelopment Project areas;

Directing the City Auditor and Comptroller to record the transfer of \$892,371 to the Agency, as an interest bearing loan, to be repaid as soon as practicable from tax increment or other appropriate and available revenues.

SUPPORTING INFORMATION:

SEDC FY 2001-2002 Reloans

<u>USES</u>	<u>FUND NO.</u>	<u>AMOUNT</u>
Southcrest - General	98330	\$287,123
Southcrest - Commercial Rehab.	98330/983352X	\$ 41,455
Southcrest - Linear Park	983302	\$554,200
Gateway Center West - Commercial Rehab.	98350/983503	\$ 9,593
	Total Reloans	\$892,371

The funding sources for the CDBG loan repayment of \$892,371 are derived from disposition proceeds, tax allocation bond proceeds, interest income and tax increment generated in Central Imperial, Mt. Hope and Gateway Center West Project areas. The proposed loan of \$892,371 would partially reimburse outstanding CDBG loans to the Central Imperial, Mt. Hope and Gateway Center West Project areas. The Agency will borrow back the total amount of \$892,371 to augment the Southcrest and Gateway Center West Redevelopment Project Areas. It should be noted that whenever SEDC receives CDBG funds from the City of San Diego CDBG Annual Allocation, the funding is recorded as debt by the Agency. Repayment of CDBG loans is a financing mechanism allowed under Redevelopment law. The above-mentioned funds will be used in the FY 01/02 Program Budget (See Attachment No. 1) for project implementation costs, planning and administration, City services, redevelopment, legal services, environmental, financial services and commercial rehabilitation.

Smith/Dayacap

Aud. Cert. 2101240.

NOTE: See the Redevelopment Agency Agenda of 6/19/2001 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G056-059.)

MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 4:30 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: G087.)