

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, AUGUST 6, 2001
AT 2:00 P.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 2:09 p.m. Mayor Murphy welcomed a government delegation from Beijing, China. Mayor Murphy recognized and introduced a group of students who are Mahatma Gandhi Scholarship recipients. The meeting was recessed by Mayor Murphy at 3:55 p.m. for purposes of a break. The meeting was reconvened by Mayor Murphy at 4:05 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 4:34 p.m. into Closed Session immediately thereafter to discuss pending and potential litigation and Meet and Confer matters.

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 (er)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

ITEM-10: INVOCATION

Invocation was given by Reverend Willard James of the Mira Mesa Presbyterian Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Inzunza.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

- 06/11/2001
- 06/12/2001
- 06/18/2001
- 06/19/2001
- 06/25/2001 Adjourned

06/26/2001
07/02/2001 Adjourned
07/03/2001 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A066-068.)

MOTION BY MADAFFER TO APPROVE. Second by Atkins. 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-31: Gloria Serrano-Medina Day.

DEPUTY MAYOR STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-760) ADOPTED AS RESOLUTION R-295260

Commending Gloria Serrano-Medina for her dedicated service to the City of San Diego;

Proclaiming August 6, 2001 to be "Gloria Serrano-Medina Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A210-258.)

MOTION BY STEVENS TO ADOPT. Second by Atkins. 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-32: Keith Flitner Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-66) ADOPTED AS RESOLUTION R-295261

Recognizing August 6, 2001 as "Keith Flitner Day" in San Diego for his commitment in making Mira Mesa a better place to live for his fellow community members.

SUPPORTING INFORMATION:

Keith Flitner has been an admired and active member of the Mira Mesa Community. Keith serves on numerous boards. He has been the past president of Mira Mesa's Town Council serving from 1998 to 2000; co-representative on the Citizen Advisory Committee for School Board Member Sue Braun in 1995; a member of the Mira Mesa Landscape Maintenance Assessment District Committee since 1995 and has been the Chair since 1996; and a member of the Mira Mesa Community Planning Group Board from 1997 to 1999. He has spent numerous hours participating in the Mira Mesa Town Council Scholarship Committee and also served as Chair of the Traffic Safety Sub-Committee, Chair of the Mira Mesa Street Fair and the Annual Clean Day since 1999, and was also co-leader of the Daisy Girl Scouts in 2000. Keith was also voted as the 2000 Volunteer of the Year in Mira Mesa and became an Elder at the Mira Mesa Presbyterian Church in 2000. Keith exemplifies commitment, drive and loyalty which are demonstrated on a routine basis, admirably impacting the Mira Mesa Community. Therefore, this action proclaims August 6, 2001 to be "Keith Flitner Day."

Balolong

_____ FILE LOCATION: AGENDA

_____ COUNCIL ACTION: (Tape location: A259-374.)

MOTION BY MAIENSCHIN 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.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented regarding funding downtown redevelopment. Mr. Stillwell stated that there is enough money in the employee retirement and pension funds to fund redevelopment without issuing bonds and going into debt.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B039-072.)

PUBLIC COMMENT-2:

Norma Milne requested that Council accommodate people with disabilities by scheduling Non-Agenda Comment at the beginning of the Council meeting. This would be more convenient for people with certain disabilities who wish to speak during Non-Agenda Comment but find it difficult to be in attendance for any significant period of time.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B073-111.)

PUBLIC COMMENT-3:

Dennis Ritz commented on behalf of the San Diego Astronomy Association regarding the replacement of low-pressure sodium streetlights. Mr. Ritz requested that the San Diego Astronomy Association be allowed to have some input before a final decision is made.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B113-150.)

PUBLIC COMMENT-4:

Marion Chillis commented regarding his arrest by the San Diego Police Department. He stated that the City was wasting tax payers money trying to prosecute him because he was falsely arrested.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B151-188.)

PUBLIC COMMENT-5:

Jane Hewitt thanked the Council for listening to the residents of the De Anza Cove Community when they come before Council to speak. Ms. Hewitt stated that Camp Land is a better site for a hotel than De Anza.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B189-239.)

PUBLIC COMMENT-6:

Leo Long presented the conclusion to his Third Way Plan.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B232-270.)

PUBLIC COMMENT-7:

Glenn MacNary commented regarding low wages and the non-payment of taxes, insurance, and licenses by illegal aliens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B273-297.)

PUBLIC COMMENT-8:

Jean Costa commented regarding the federal trade agreements and the threat to local sovereignty.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B299-344.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Deputy Mayor Stevens stated that he wanted to go on record as being opposed to the Chevron Station which was on the docket of July 31, 2001. He stated that he had intended to vote nay on that item.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B348-360.)

COUNCIL COMMENT-2:

Council Member Inzunza announced that he received notice from the State that a million dollars that was designated as passive money for the Otay Valley Regional Park has now been designated as General Fund money, and it will be used to build a skateboard park in the Otay Regional Park.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B503-504.)

CITY ATTORNEY COMMENT:

City Attorney Gwinn announced that he represented San Diego in a meeting with the Attorney General regarding funding to combat domestic violence, violence against women, stalking, and sexual assault crimes.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B365-390.)

CITY MANAGER COMMENT:

City Manager Uberuaga announced that the State budget was signed and adopted. His office has sent a memo on how it affects San Diego. Mr. Uberuaga introduced the new Intergovernmental Relations Department Director Andrew Poat.

Senior Deputy City Manager George Loveland introduced and thanked a group of City employees who have been working on energy savings projects at the request of the Mayor and City Council.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B391-480.)

* ITEM-50: Ban of Caulerpa Taxifolia (“Killer Algae”).

CITY COUNCIL’S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/23/2001. (Council voted 9-0):

(O-2001-171) ADOPTED AS ORDINANCE O-18967 (New Series)

Amending Chapter VI, Article 3, of the San Diego Municipal Code by adding Division 15, Sections 63.1501 through 63.1505 relating to Possession, Sale, and Disposal of the Genus Caulerpa, also known as "Killer Algae."

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A380-516.)

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

* ITEM-51: Kilroy Carmel Mountain Technology Center Rezone.

(RZ-99-1351. Rancho Bernardo Community Area. District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/24/2001. (Council voted 9-0):

(O-2001-174) ADOPTED AS ORDINANCE O-18968 (New Series)

Rezoning 13.3 acres located at 15435 and 15445 Innovation Drive, into the IP-2-1 Zone (previously referred to as the M-IP Zone).

FILE LOCATION: PERM-99-1351 (65)

COUNCIL ACTION: (Tape location: A380-516.)

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

* ITEM-52: Tax Rate Ordinance for Fiscal Year 2002.

(See City Manager Report CMR-01-159.)

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-2002-21) INTRODUCED AND ADOPTED AS ORDINANCE O-18969
(New Series)

Introduction and adoption of an Ordinance fixing the tax rates and levying taxes
for the Fiscal Year 2001-2002.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A380-516.)

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

* ITEM-53: Ellen Browning Scripps Elementary School and Spring Canyon Neighborhood
Park - Lease and Joint Use Agreement.

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

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2002-14) INTRODUCED, TO BE ADOPTED ON SEPTEMBER 10, 2001

Introduction of an Ordinance authorizing the City Manager to execute an
agreement with the San Diego Unified School District for the construction,
operation, maintenance and lease of turfed recreational facilities and parking
facilities at the Ellen Browning Scripps Elementary School site.

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

CITY MANAGER SUPPORTING INFORMATION:

The Spring Canyon Neighborhood Park is located in the Miramar Ranch North community at Spring Canyon Road and Scripps Poway Parkway, within the boundaries of the San Diego Unified School District. A new elementary school is proposed at the intersection of Spring Canyon Road and Scripps Poway Parkway, and is bordered by the park to the south and east. The San Diego Unified School District requested joint use of Spring Canyon Neighborhood Park to meet their school requirements. The joint use area will include approximately 4.8 acres of existing turf ball fields and approximately 0.4 acres of existing paved parking facilities located on City property, and approximately 1.4 acres of new paved parking facilities located on School District property. The new Ellen Browning Scripps Elementary School is a temporary facility and will be removed in six years, at which time the joint use agreement will expire. All new temporary improvements, including modifications to the existing park facilities, will be constructed by the School District at their expense. All improvements installed by the School District will be removed by the School District at their expense upon termination of the lease.

The school and joint use area are currently being constructed and are expected to be completed by September 2001.

FISCAL IMPACT:

Costs for utilities and grounds maintenance of the joint use area will be borne by the San Diego Unified School District and reimbursed to the City on a quarterly basis. The costs for graffiti removal and litter collection will be shared equally by the City and the School District. The annual maintenance cost to the City is reduced. The School District will pay 100 percent of the cost of turf maintenance that the City was paying (\$32,000). The City maintenance costs are increased for litter control and graffiti removal (\$4,200). There will be a net reduction in City maintenance responsibilities of \$27,800.

Loveland/McLatchy/DVW

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A380-516.)

CONSENT MOTION BY MADAFFER TO INTRODUCE THE ORDINANCE. 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-54: Two actions related to Pershing Middle School - Joint Use Agreement and Improvements.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

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

Subitem-A: (O-2002-15) INTRODUCED, TO BE ADOPTED ON
SEPTEMBER 10, 2001

Introduction of an Ordinance authorizing the City Manager to execute a twenty-five year agreement for the construction, operation, maintenance, and lease of turfed fields and recreation facilities at Pershing Middle School with the San Diego Unified School District.

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

Subitem-B: (R-2002-155) ADOPTED AS RESOLUTION R-295262

Authorizing the City Manager to execute an agreement with Pershing Middle School Foundation, a California nonprofit public benefit corporation, for the construction of turfed fields and recreational facilities;

Authorizing the expenditure of an amount not to exceed \$175,000 from Capital Outlay Fund No. 30244, for Capital Improvement Program CIP-29-531.0, for providing funds for the project;

Authorizing the appropriation and expenditure of an amount not to exceed \$66,633.65 from Park and Recreation Matching Funds, Fund No. 10365, for CIP-29-531.0 for providing funds for the project;

Amending the Fiscal Year 2001 Capital Improvements Program budget by increasing CIP-29-531.0, by \$66,633.65;

Accepting and thanking Pershing Middle School Foundation for its generous donation of cash and in-kind services for a total of \$57,000 to help pay for the development of the Pershing Middle School turf fields and recreational facilities.

CITY MANAGER SUPPORTING INFORMATION:

The proposed lease agreement between the City and the San Diego Unified School District provides for a twenty-five year, joint use facility on the Pershing Middle School site. The terms of the Agreement provide for the design, construction, operation and maintenance of approximately 10.0 acres for recreational and athletic purposes, of which 9.0 acres will be turf multi-purpose sports fields and a Little League/Bobby Sox ballfield, and 1.0 acre will be hardcourts for basketball, tennis and other court games, restrooms, and shade pavilions. Phase I improvements are estimated to cost \$966,620 and include relocation of existing hardcourts, and turfing and irrigation of multi-purpose sports fields. Phase II improvements will be implemented subsequent to the identification of additional funding. The associated Agreement between the City and the Pershing Middle School Foundation, a non-profit public benefit corporation, provides for a cooperative partnership to design and implement the project. The Pershing Middle School Foundation has generously donated \$13,967 in cash and \$43,033 in in-kind services for a total of \$57,000 towards the project. They have also been instrumental in obtaining state grant and park bond funding and Park and Recreation Matching Funds to supplement identified City funding for Phase I improvements. Additionally, the Foundation will assist in the processing of a Design/Build contract for implementing the proposed improvements by giving input into the preparation of the Request for Proposal and evaluation of submitted proposals.

FISCAL IMPACT:

Total estimated cost for project completion is \$2,250,205. Phase I is estimated to cost \$966,620. Funds in the amount of \$241,663.65 are available for Phase I as follows: \$175,000 from Capital Outlay Fund No. 30244, and \$66,663.65 from Park and Recreation Matching Funds, Fund No. 10365. Previously appropriated funding for Phase I includes \$344,750 from FY2001 State Park Trailer Bill, Fund No. 38114. Additional funding identified for Phase I, but unappropriated at this time, includes \$240,000 from Proposition 12 (Park Bond) funds, pending State contract approval, and \$40,000 from Proposition MM (School Bond) funds, pending School District approval, and \$100,000 from FY2002 Navajo Development Impact Fees, Fund No. 79506. Funds from these sources will be appropriated to the Phase I project as they become available. Estimated annual maintenance costs pursuant to the Joint Use Agreement are approximately \$77,640. The funding for these costs will be requested as a new Park and Recreation facility in the Fiscal Year budget process in which it will come on line.

Loveland/McLatchy/DVW

Aud. Cert. 2200073.

FILE LOCATION: SUBITEM A: NONE
SUBITEM B: LEAS - Pershing Middle School Foundation

COUNCIL ACTION: (Tape location: A380-516.)

CONSENT MOTION BY MADAFFER TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTION. 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-55: Transfer of the Non-Exclusive Solid Waste Collection Franchise.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2002-20) INTRODUCED, TO BE ADOPTED ON SEPTEMBER 10, 2001

Introduction of an Ordinance approving the transfer of the Non-Exclusive Solid Waste Collection Franchise Agreement and the Waste Delivery Agreement from Dominion Disposal to National Environmental Waste Corporation.

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

CITY MANAGER SUPPORTING INFORMATION:

On December 13, 1996 the City Council enacted Ordinance O-18353, which amended the Municipal Code to establish Non-Exclusive Franchises for solid waste haulers and authorized the City Manager to execute Non-Exclusive Franchise Agreements with the City's seventeen existing licensed solid waste haulers. Under City Charter Section 103, these franchises can be transferred by an ordinance of the Council. Charter Section 103 states the following: "For the purpose of this Section, a Council approved transfer shall be required when there is any change in the legal structure of the entity which holds the franchise, which change alters the ownership or control of the entity. Such changes include, but are not necessarily limited to sale, lease, assignment..." It further states that, "Absent Council approval, the franchise shall not be deemed to have been transferred to the new entity."

National Environmental Waste Corporation (NEWCO) has applied for a transfer of the franchise agreement and waste delivery agreement currently held by Dominion Disposal, Inc. The application for the transfer of the franchise agreement and waste delivery agreement has been reviewed and staff has determined NEWCO meets all the technical and financial criteria for securing a Non-Exclusive Franchise within the City of San Diego. The transfer of Dominion Disposal's franchise agreement and waste delivery agreement is contingent upon fulfillment of all payment obligations on outstanding invoices.

NEWCO has been in business for over thirty years. They plan to purchase Dominion Disposal's garbage collection routes, which have delivered approximately 10,000 tons annually to the Miramar Landfill. NEWCO is also in the process of acquiring Dominion Disposal's franchise with the County of San Diego.

FISCAL IMPACT:

The City will collect outstanding invoices, including fees, interest and penalties (estimated at \$200,000).

Loveland/Hays/DA

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A380-516.)

CONSENT MOTION BY MADAFFER 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: Two actions related to Advertising for Bids for Sewer Group Job 652.

(Kensington Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-186) ADOPTED AS RESOLUTION R-295263

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Sewer Group Job 652 on Work Order No. 173581;

Authorizing the City Manager to establish contract funding phases and execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$3,940,126, from Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, 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-K02002C)

Subitem-B: (R-2002-187) ADOPTED AS RESOLUTION R-295264

Certifying that Mitigated Negative Declaration LDR-40-1036 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines; declaring that the information contained in the report has been reviewed and considered by Council in connection with the approval of the Construction of Sewer Group Job 652;

Approving Mitigated Negative Declaration LDR-40-1036;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the County Clerk's Office.

CITY MANAGER SUPPORTING INFORMATION:

This project is part of the City's ongoing concrete sewer main replacement program. Sewer Group Job 652 will replace approximately 4,764 linear feet of existing 6- and 8-inch concrete sewer main and 2,383 linear feet of existing 8-inch vitrified clay sewer main with approximately 7,291 linear feet of new 8-inch sewer main and 3,456 linear feet of new 12-inch sewer main.

This project also abandons 7,038 linear feet of existing 8-inch vitrified clay sewer main in the canyon and redirects flow into the sewer mains located in the streets, making it more accessible for routine maintenance. The existing sewer mains were installed in the early 1920's and are now undersized and have experienced many breaks and stoppages. This project will reduce these problems and provide a more reliable sewer system for the service area.

This project is in the Kensington Community Planning Area within the area bounded by Adams Avenue and Interstate 8 on the south and north, and Interstate 15 and Fairmont Avenue on the east and west. The City will notify residents, via mail, at least one month prior to the commencement of construction. The Contractor will also notify the residents, via hand distribution, at least ten days prior to the commencement of construction. Also, this project includes pedestrian ramps and slurry sealing or resurfacing of impacted streets.

FISCAL IMPACT:

The total estimated construction and related costs are estimated at \$3,940,126. Funds are available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for this purpose. This project may be phase-funded.

Loveland/Belock/HR

WWF-01-496.

FILE LOCATION: CONT - BRH Garver, Inc; W.O. 173581

COUNCIL ACTION: (Tape location: A380-516.)

CONSENT 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-101 Three actions related to Carmel Valley Maintenance Assessment District.
(#24 Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-217) ADOPTED AS RESOLUTION R-295265

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2002-218) ADOPTED AS RESOLUTION R-295266

Approving the City Engineer's report.

Subitem-C: (R-2002-219) ADOPTED AS RESOLUTION R-295267

Approving the Fiscal Year 2002 Budget for the Carmel Valley Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for Carmel Valley Maintenance Assessment District (District). The District was established in July 1987 to provide maintenance for landscaped medians, paved medians, landscaped right-of-ways, slopes, mini-parks, community parks, and open space within the District boundaries. The assessments associated with the following FY 2002 proposed budget were approved by the Carmel Valley Planning Board on July 10, 2001.

DESCRIPTION	Est. Year End	
	FY 2001	FY 2002
BEGINNING BALANCE	\$ 627,632.00	\$ 171,249.00
REVENUE:		
Assessments	\$1,166,450.00	\$1,300,720.00
Interest	10,000.00	10,000.00
City Contribution	52,667.00	28,398.00*
TOTAL REVENUE	\$ 245,297.00	\$1,339,118.00
EXPENSE:		
Personnel	\$ 105,947.00**	\$ 135,678.00
Contractual	714,835.00	760,099.00***
Incidental	188,167.00	190,313.00
Utilities	253,550.00	266,050.00
TOTAL EXPENSE	1,262,499.00	\$1,352,140.00
ENDING BALANCE	\$ 171,249.00	\$ 158,227.00

*Includes: 1) reduced funding from the Library Department due to transfer of library grounds maintenance from the District to the Library Department effective August 1, 2001; and 2) adjustment of other City contributions based on current acreage maintained.

**The Personnel budget is the same in FY 2001 and FY 2002; it was under spent in FY 2001. Planning Board voted to use full Personnel Budget in FY 2002 for contract inspection.

***Includes just 1 month of Library maintenance contractual expense.

This District contains a total of 14,978.24 EBUs. The proposed assessment per Equivalent Benefit Unit (EBU) for the Fiscal Year 2002 is as follows:

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9
Overlay Rate	\$55.38	\$55.38	\$ 55.38	\$55.38	\$ 55.38	\$ 55.38	\$ 55.38	\$55.38	\$55.38
Zone Assessment	<u>\$ 0.00</u>	<u>\$70.00</u>	<u>\$248.22</u>	<u>\$ 0.00</u>	<u>\$ 0.00</u>	<u>\$ 0.00</u>	<u>\$65.00</u>	<u>\$45.00</u>	<u>\$ 0.00</u>
Total Assessment	\$55.38	135.38	303.60	55.38	55.38	55.38	120.38	100.38	55.38
Zone EBUs	7,635.43	992.34	1,238.73	1,159.22	1,236.83	1,017.35	1,037.13	375.61	285.60

The Overlay Zone assessment is an increase of \$3.54 (a 6.8% increase) per EBU from Fiscal Year 2001 assessment of \$51.84. The Zone assessment for Zone 2 increased \$5 (7.7%) per EBU, Zone 3 increased \$2.98 (1.2%) per EBU, and Zone 7 increased \$40 (160%) per EBU. The Overlay and Zones 2 & 3 increases are to cover inflation. The Zone 7 increases are to cover inflation and maintenance of new assets in that Zone. No change is needed in Zone 8.

FISCAL IMPACT:

It is proposed that the City contribute a total of \$28,398. The Gas Tax Fund will contribute \$23,031 for the maintenance of 191,928 sq. ft. of landscaped medians (0.12/sq. ft.). The General Fund will contribute \$224 (Dept. 310) for grounds maintenance at the Carmel Valley Branch Library for 1 month and \$5,143 (Dept. 120) for grounds maintenance at Fire Station #24. These City contributions represents the City’s share of expenses incurred for maintenance of similar areas throughout the City. All other costs are assessed to the District.

Loveland/McLatchy/SY

FILE LOCATION: SUBITEMS A, B, C: STRT-M-393-02 (34)

COUNCIL ACTION: (Tape location: A380-516.)

CONSENT 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-102 Three actions related to Bay Terraces Maintenance Assessment District.

(#39 Skyline/Paradise Hills Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1725) ADOPTED AS RESOLUTION R-295268

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2001-1726) ADOPTED AS RESOLUTION R-295269

Approving the City Engineer's report.

Subitem-C: (R-2001-1727) ADOPTED AS RESOLUTION R-295270

Approving the Fiscal Year 2002 Budget for the Bay Terraces Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for Bay Terraces Maintenance Assessment District (District). The District was established on December 14, 1982 to provide maintenance of 4 acres of open space. There are two noncontiguous areas in this District. Zone 1 is located north of Parkside Avenue and south of Manos Drive and Zone 5 is located south of Paradise Road east of Woodman Drive north of Alsacia Street. The Zone numbers correspond to the phases of the development on the project. The proposed FY 2002 budget is based on current maintenance costs.

DESCRIPTION	Est. Year End	
	FY 2001	FY 2002
BEGINNING BALANCE	\$ 2,589.00	\$ 1,355.00
REVENUE:		
Assessments	\$ 30,248.00	\$30,248.00
Interest	966.00	966.00
City Contribution	100.00	100.00
TOTAL REVENUE	\$ 31,314.00	\$31,314.00
EXPENSE:		
Personnel	\$ 6,605.00	\$ 3,392.00
Contractual	15,582.00	15,811.00
Incidental	5,688.00	4,492.00
Utilities	4,673.00	4,472.00
TOTAL EXPENSE	\$32,548.00	\$28,167.00
ENDING BALANCE	\$ 1,355.00	\$ 4,502.00

The proposed assessments for Zone 1 in Fiscal Year 2002 is \$65.92 per Equivalent Benefit Unit (EBU) with a total of 305 EBUs or \$20,015 for maintenance of 2 acres of open space green belt

area that includes turf, trees, ground maintenance and walkways. The proposed assessment for Zone 5 in Fiscal Year 2002 is \$105.62 per Equivalent Benefit Unit (EBU) with a total of 96.03 EBUs or \$10,143 for maintenance of 2 acres of natural open space area. The assessment amounts are the same as Fiscal Year 2001 in both zones.

FISCAL IMPACT:

It is proposed that the City contribute \$100 from the Environmental Growth Fund for 4 acres of open space (\$25/acre). This represents the City's share of expenses incurred for maintaining open space comparable to similar areas throughout the City. All other costs are assessed to the District.

Loveland/McLatchy/SY

FILE LOCATION: SUBITEMS A, B, C: STRT-M-407-02 (34)

COUNCIL ACTION: (Tape location: A380-516.)

CONSENT 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-103: Three actions related to Central Commercial Maintenance Assessment District.
(#41 Sherman Heights Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-163) ADOPTED AS RESOLUTION R-295271

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2002-164) ADOPTED AS RESOLUTION R-295272

Approving the City Engineer's report.

Subitem-C: (R-2002-165) ADOPTED AS RESOLUTION R-295273

Approving the Fiscal Year 2002 Budget for the Central Commercial Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessment for the Central Commercial Maintenance Assessment District (District). The District is located in the Sherman Heights Community situated along Imperial Avenue from Interstate 5 to 32nd Street; Commercial Avenue from Interstate 5 to 28th Street; National Avenue from 28th Street to 32nd Street and all side streets in between Imperial Avenue and Commercial Avenue between Interstate 5 and 28th Street.

The purpose of the District is to fund streetscapes, signage, banners, beautification, sidewalk and landscape maintenance, security related services, street lighting and administration. In FY 2001 the property owners voted to be managed by the Central Commercial District Revitalization Corporation (Corporation). The one-year agreement between the City and the Corporation will be brought to the City Council for renewal in Nov./Dec., 2001. The following FY 2002 proposed budget was approved by the Corporation's officers on July 11, 2001.

DESCRIPTION	Est. Year End	
	FY 2001	FY 2002
BEGINNING BALANCE	\$ 0.00	\$ 164,870.00
REVENUE:		
Assessments	\$194,300.00	\$ 216,749.00
Interest	3,619.00	6,000.00
TOTAL REVENUE	\$197,919.00	\$ 222,749.00
EXPENSE:		
Personnel	\$ 0.00	\$ 0.00
Contractual	21,191.00	172,537.00
Incidental	11,858.00	4,500.00
Utilities	0.00	20,425.00
TOTAL EXPENSE	\$ 33,049.00	\$197,462.00
ENDING BALANCE		
(Reserve)	\$164,870.00	\$190,157.00

The proposed assessment for Fiscal Year 2002 is based on a three part assessment of \$1.9269 per Land Use unit, \$0.0417 per parcel Lot square foot (Sf.) and \$1.7576 per parcel Lot frontage foot (Lf.). The District contains a total of 438 parcels, a total of 2,877,426 Sf. and a total of 34,829 Lf.. The assessment is the same as Fiscal Year 2001. The District's estimated costs for FY 2001 reflect only 3 months of operating expenditures. Services did not begin until after assessment proceeds were received and deposited from the County Tax Collector in January 2001 and an agreement between the Corporation and the City was approved by the City Council in February 2001.

FISCAL IMPACT:

All costs are assessed to the District. There is no net fiscal impact.

Loveland/McLatchy/SY

FILE LOCATION: SUBITEMS A, B, C: STRT-M-421-02 (34)

COUNCIL ACTION: (Tape location: A380-516.)

CONSENT 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-104: Three actions related to Coral Gate Maintenance Assessment District.

(#44 Tijuana River Valley Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-202) ADOPTED AS RESOLUTION R-295274

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2002-203) ADOPTED AS RESOLUTION R-295275

Approving the City Engineer's report.

Subitem-C: (R-2002-204) ADOPTED AS RESOLUTION R-295276

Approving the Fiscal Year 2002 Budget for the Coral Gate Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for the Coral Gate Maintenance Assessment District (District). The District was established in 1999 to provide maintenance for parkway and slope landscaping along Camino de la Plaza, Sipes Lane and Bibler Drive, fences and walls along Camino de la Plaza, revegetation and cowbird trapping stations in the open space easement lots within Coral Gate. Per Resolution R-279171 adopted on December 10, 1991, when this Maintenance Assessment District was formed, it became responsible for the cost of a 5-year "Mitigation, Maintenance and Monitoring Plan" in the District open space. The Developer provided these services for the first 2 years. The District FY 2002 through 2004 budgets will provide funding for the remaining 3 years.

The following FY 2002 proposed budget is being increased to cover the biological maintenance and monitoring. The property owners in this District have not formed an oversight group; however one property owner has expressed interest in forming a group. Staff discussed the proposed assessment increase with her in June, 2001, and she accepted the reasons for it. Staff will work with property owners in the coming year to form an oversight group.

<u>DESCRIPTION</u>	<u>Est. Year End</u>	
	<u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 25,695.00	\$ 33,531.00
REVENUE:		
Assessments	\$ 28,732.00	\$ 57,436.00
Interest	480.00	480.00
TOTAL REVENUE	\$ 29,212.00	\$ 57,916.00
EXPENSE:		
Personnel	\$ 3,208.00	\$ 3,310.00
Contractual	13,600.00	54,300.00
Incidental	4,568.00	8,040.00
Utilities	0.00	2,250.00
TOTAL EXPENSE	\$ 21,376.00	\$ 67,900.00
ENDING BALANCE	\$ 33,531.00	\$ 23,547.00

The proposed assessment for Fiscal Year 2002 is \$114.44 per Equivalent Benefit Unit (EBU), compared to \$57.22 in FY 2001. The District contains 501.89 EBU's. The maximum authorized assessment is \$172.84 per EBU as set forth in the engineer's Report. The assessment for the "Mitigation, Maintenance and Monitoring Plan" will be discontinued after 3 years. As planned additional improvements are accepted into the District, additional assessment increases will be required.

FISCAL IMPACT:

All costs are assessed to the District. There is no net fiscal impact.

Loveland/McLatchy/SY

FILE LOCATION: SUBITEMS A, B, C: STRT-M-412-02 (34)

COUNCIL ACTION: (Tape location: A380-516.)

CONSENT 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-105: Three actions related to First San Diego River Improvement Project Maintenance Assessment District.

(#22 Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-129) ADOPTED AS RESOLUTION R-295277

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2002-130) ADOPTED AS RESOLUTION R-295278

Approving the City Engineer's report.

Subitem-C: (R-2002-131) ADOPTED AS RESOLUTION R-295279

Approving the Fiscal Year 2002 Budget for the First San Diego River Improvement Project Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for First San Diego River Improvement Project Maintenance Assessment District (District). The District was established in 1987 to provide maintenance for the San Diego River earthen flood control channel, eight river islands inside the channel zone, and an approximately 20 foot wide buffer zone running along and adjacent to the channel embankments. District maintenance includes dredging to maintain the flow capacity of the river, revegetation, wildlife monitoring and reporting, landscaping, restoration of embankment erosion and trash removal.

By ballot in 1998 the property owners capped their savings for a dredging reserve at \$440,000, reduced their assessments and began using excess accumulated reserves and the Flood Control portion of their assessment for other approved District purposes. The following FY 2002 proposed budget was approved by the First San Diego River Improvement Project Maintenance Assessment District Committee on April 25, 2001. The Committee plans to address the District's operating budget issues in the coming year.

<u>DESCRIPTION</u>	Est. Year End	
	<u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 132,786.00	\$ 94,457.00
OPERATING REVENUE:		
Assessments	\$ 145,422.00	\$ 163,501.00
Interest	27,102.00	27,102.00
TOTAL REVENUE	\$ 172,524.00	\$190,603.00
OPERATING EXPENSE:		
Personnel	\$ 27,773.00	\$ 44,095.00
Contractual	100,000.00	108,000.00
Annual Dredging Evaluation	1,000.00	1,000.00
Incidental	45,380.00	47,672.00
Utilities	36,700.00	49,850.00
TOTAL EXPENSE	\$ 210,853.00	\$250,617.00
Ending Balance		
(Operating Reserve):	\$ 94,457.00	\$ 34,443.00

**Continuing Appropriation
(Dredging Reserve):**

\$440,000.00

\$440,000.00

**Number
of**

FY 01 Assessment

FY 02 Assessment

Increase in Assessment

Equivalent

