

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, OCTOBER 2, 2001  
AT 10:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

**Table of Contents**

CHRONOLOGY OF THE MEETING.....	4
ATTENDANCE DURING THE MEETING.....	4
ITEM-1: ROLL CALL.....	5
ITEM-10: INVOCATION.....	5
ITEM-20: PLEDGE OF ALLEGIANCE.....	5
ITEM-30: Approval of Council Minutes.....	5
ITEM-3 1: David and Lesley Cohn Day.....	6
ITEM-32: Resolution regarding “Hands Are Not For Hurting.”.....	7
NON-AGENDA COMMENT.....	7
COUNCIL COMMENT.....	9
CITY ATTORNEY COMMENT.....	11
CITY MANAGER COMMENT.....	11
ITEM-100: Drain Cleaner Truck - Ratify Award of Contract and Authorize Expenditure.....	12
* ITEM-101: 333 Coast Boulevard - Easement Acquisition.....	13
* ITEM-102: City Fund for Advisory Boards Activities.....	15
* ITEM-103: Traffic Signal at Carmel Country Road and Caminito Clasica.....	15
* ITEM-104: San Diego Liveable Community Initiative.....	17
* ITEM-105: Time Warner Cable Television Franchise Fee Audit.....	18

* ITEM-106:	International Front Runners Day.....	18
* ITEM-107:	Local Initiatives Support Corporation (LISC) Day.....	19
* ITEM-108:	<u>Two</u> actions related to Advertising for Bids for South Pacific Highway Trunk Sewer and Water Group 535.....	20
* ITEM-109:	Sewer Pipeline Rehabilitation in the Right-of-Way and Easements.....	22
* ITEM-110:	Mid-City Pipeline Project - Contract Change Order No. 7.....	25
* ITEM-111:	Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.....	28
ITEM-330:	Vacation of a Portion of Puterbaugh Street.....	28
ITEM-331:	Vacation of a Portion of Palm Street.....	30
ITEM-332:	Amendment to Volume 1 of the Land Development Manual to include Project Submittal Requirements.....	32
ITEM-333:	<u>Three</u> actions related to Rancho Encantada - FY 2002 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).....	34
ITEM-334:	<u>Two</u> actions related to Proposed Amendments to the Centre City Community Plan and Planned District Ordinance to Eliminate the Required 15-Foot View Corridor Setback along Broadway East of Columbia.....	36
ITEM-350:	SUBMISSION OF BALLOT PROPOSALS.....	38
ITEM-S400:	San Diego Disability Awareness Month.....	39
ITEM-S401:	Pershing Middle School - Joint Use Agreement and Improvements.....	40
ITEM-S402:	Pump Station Two Ozone Odor Control System One Year Pilot Study.....	41
NON-DOCKET ITEMS.....		43
ADJOURNMENT.....		43

**Minutes of Tuesday, October 2, 2001**  
**Table of Contents**

**Minutes of Tuesday, October 2, 2001**  
**Table of Contents**

**CHRONOLOGY OF THE MEETING:**

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

The meeting was reconvened by Mayor Murphy at 2:10 p.m. with Council Member Stevens not present. Mayor Murphy adjourned the meeting at 3:08 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-Excused by R-295575 (Attended the APTA Conference in Philadelphia)
  - (5) Council Member Maienschein-present
  - (6) Council Member Frye-present
  - (7) Council Member Madaffer-present
  - (8) Council Member Inzunza-present
- Clerk-Abdelnour (pr/rl)

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-not present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-not 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 Pastor John Cabrera of the Set Free Baptist 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:

09/10/2001

09/11/2001 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A034-035.)

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

ITEM-3 1: David and Lesley Cohn Day.

(District-2.)

**COUNCILMEMBER WEAR'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-384) ADOPTED AS RESOLUTION R-295515

Proclaiming October 1, 2001 as "David and Lesley Cohn Day," in the City of San Diego, in honor of their outstanding contributions to the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A191-301.)

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

ITEM-32: Resolution regarding "Hands Are Not For Hurting."

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-457) ADOPTED AS RESOLUTION R-295516

Declaring that we should all join together, as a family, community, state, nation, and world by pledging both privately and publicly: "I will not use my hands or words for hurting myself or others."

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A041-154.)

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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Steven Strauss regarding the Sports Arena Redevelopment project, and asking Council to put that issue on the docket before October 18, 2001.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A485-530.)

PUBLIC COMMENT-2:

Comment by Mel Shapiro regarding the City budget; the Convention Center; the Hotel industry; and room rates.



FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A531-585.)

**PUBLIC COMMENT-3:**

Comment by Jim Mettee regarding the need to get more Krispy Kreme's Donut Shops open in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B001-023.)

**PUBLIC COMMENT-4: REFERRED TO THE CITY MANAGER  
REFERRED TO THE CITY ATTORNEY**

Comment by Don Schmidt regarding a mentally ill neighbor who has put linen sheets in her windows, and on the back of her car, with messages on the sheets. Mr. Schmidt stated at other times she has painted her house with graffiti that included ethnic slurs, and that the situation has become intolerable.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B024-087.)

**PUBLIC COMMENT-5:**

Comment by Mary Coakley regarding wireless communication facilities in Cliffridge Park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B093-117.)

PUBLIC COMMENT-6:

Comment by Leo Long regarding his "Third Way Plan for De Anza and The Golf Course."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B123-156.)

PUBLIC COMMENT-7:

Comment by Bert Decker regarding NTC, and expressing that the San Diego area is at war and needs NTC.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B157-198.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Mayor Murphy wishing to thank Senator Dee Dee Alpert who played a significant role in restoring the San Diego River. Mayor Murphy stated it was part of his goal to increase open space acquisitions, and also to clean up the beaches and bays in San Diego. Mayor Murphy noted that three members of the Council; Council Member Wear, Council Member Frye, and Council Member Madaffer were involved, with Council Member Peters support as well. Last week a check was received from the State of California in the amount of \$1.5 million dollars described as a down payment on the efforts to restore the San Diego River. Mayor Murphy stated that on the Senate side it was Senator Dee Dee Alpert, who is the leader in all budgetary areas of the State, and who helped obtain the grant that began the effort to restore the San Diego River to its original condition.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A167-190.)

**COUNCIL COMMENT-2:**

Comment by Council Member Atkins wishing to remind people that tonight the San Diego Padres will be holding HIV/AIDS Awareness Night. The Padres had to reschedule the event due to the tragedy in America a couple of weeks ago. The Padres are doing this in partnership with local corporations and companies. Council Member Atkins stated that a portion of the price of tickets will go to agencies in the communities that are working on HIV and AIDS issues. Council Member Atkins expressed that she had a staff member that they had hired within the last six months that loves her job and is a wonderful person of American-Mexican descent who happens to have a last name that is Arabic. Council Member Atkins stated that her staff members work more than 40 hours per week and week-ends as well, and to have a staff member who loves her job, and is the recipient of comments that are not appropriate is upsetting. Council Member Atkins wished to ask all of the citizens in San Diego to please remember that we should be kind to each other, and to also remember we need to think before we speak. Council Member Atkins stated diversity has made this City strong.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B213-258.)

**COUNCIL COMMENT-3:**

Comment by Council Member Peters wishing to thank Council Member Atkins for her comments, and that he was privileged to participate this morning in "Walk to School 2001," at the Sage Canyon Elementary School. Sage Canyon Elementary was one of four elementary schools in the County to observe this, and Council Member Peters wished to encourage others to do this next year. Council Member Peters stated that it is a great opportunity to get around other than your car, and to consider pedestrian safety.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B259-266.)

**CITY ATTORNEY COMMENT:**

Comment by City Attorney Casey Gwinn stating that the issue of unauthorized water use has been an issue that the Council has been working on with the Manager and the Water Department. City Attorney Casey Gwinn wished to announce that they have filed in the San Diego Superior Court a settlement agreement in a large case involving unauthorized water use. The settlement is based on an investigation by the Neighborhood Code Compliance Division and the City's Water Department, discovering that the companies were using water without a meter, back flow devise, or atmospheric vacuum breakers for approximately 14 months. Lastly, City Attorney Casey Gwinn stated that the companies have agreed to a settlement of almost \$300,000, and have agreed to work cooperatively in a public relations campaign and education effort to the trade industries, to the construction industries, and to the general public regarding unauthorized use of water.

Mayor Murphy thanked the City Attorney and his office for pursuing this issue aggressively for San Diego rate payers.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B266-292; B294-302.)

**CITY MANAGER COMMENT:**

None.

\* ITEM-100: Drain Cleaner Truck - Ratify Award of Contract and Authorize Expenditure.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-357) ADOPTED AS RESOLUTION R-295517

Awarding a contract to Dion International Trucks, Inc. for furnishing Drain Cleaner Trucks, as required for the period of April 21, 2001 through April 20, 2002, with options to renew for two additional one year periods, for a total estimated cost of \$2,318,157.98, including tax and terms;

Authorizing the expenditure of an amount not to exceed \$1,808,163.22 from Fund No. 500313, Department No. 8313, Organization No. 773, and Object Account No. 6013; \$370,905.28 from Fund No. 500318, Department No. 8318, Organization No. 940, and Object Account No. 6013; and \$139,089.48 from Fund No. 500333, Department No. 8333, Organization No. 773, and Object Account No. 6013;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-1936-99-Q)

**CITY MANAGER SUPPORTING INFORMATION:**

In April 1999, bids were opened for furnishing 10 Cubic Yard Drain Cleaner Trucks. Five (5) potential bidders were contacted and three (3) bids were received. Dion International Trucks, Inc., a San Diego based company, was awarded the contract. The original contract period was for one (1) year beginning April 21, 1999 through April 20, 2000. At the time of award, the estimated expenditure was below \$1,000,000.

Thus, Council approval was not requested. Since award of contract, the contract was renewed twice, in April 2000 and April 2001, with no increase and .6% price increase, respectively. The .6% price increase in April 2001 was passed on to the distributor, Dion International Trucks, Inc., from the manufacturer. This Fiscal Year, the City intends to purchase 10 Drain Cleaner Trucks with various optional equipment, which are like replacements for existing equipment, at a cost of \$2,318,157.98, including tax, which equates to an average cost of \$231,815.70 per truck.

Specifically, Metropolitan Wastewater Department, Wastewater Collections Division, currently has 18 Drain Cleaner Trucks in service which are five (5) to seven (7) years old. Due to the high maintenance of these vehicles, the useful life is approximately five (5) years. In order to address issues related to maintaining over 3,000 miles of collection system, the dependability of cleaning equipment is of the utmost importance. Some of the vehicles currently in the fleet have five (5) cubic yard debris tanks. To improve the efficiency of collection when responding to sanitary overflows, the division requests Drain Cleaner Trucks with ten cubic yard debris tanks. Drain Cleaner Trucks with ten cubic yard debris tanks double the amount of storage when containing, controlling, and correcting a spill.

**FISCAL IMPACT:**

\$2,318,157.95 from Fiscal Year 2002 funds.

Loveland/Baldwin/PA

Aud. Cert. 2200297.

FILE LOCATION:

PURCHASE

COUNCIL ACTION:

(Tape location: B302-336.)

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

\* ITEM-101: 333 Coast Boulevard - Easement Acquisition.

(La Jolla Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-399) ADOPTED AS RESOLUTION R-295518

Approving the acceptance of an easement deed of the 333 Coast Boulevard Owner's Association, donating to the City a communication antenna easement on a portion of Lots 5 through 11 in Block 16 of La Jolla Park, according to Map No. 352.

**CITY MANAGER SUPPORTING INFORMATION:**

Capital Improvement Project CIP-48-168.0, Telemetry Control Systems, is a City-wide project which provides for a centralized, automated, monitoring and control facility for the City's sewer system. From the central facility, engineers will have the ability to track data, and manipulate valves and equipment within the pump stations. Improved service and quick emergency response to the entire sewer system will be the ultimate result.

Pump Station 24, located immediately west of the subject property (333 Coast Boulevard), was recently upgraded and equipped with the automated, remote-control devices. A necessary communication antenna was initially planned to be mounted on an existing streetlight pole, adjacent to the pump station.

However, the subject property owners approached the City, advised that the pole location disrupted the view shed, and offered to allow the City to mount the antenna equipment on the roof of their property.

City engineers studied the roof location, and determined that it actually allowed for improved reception. On the merits of a permit signed by the Owner's Association, the equipment was installed and is now in service. This action will authorize acceptance of an easement in perpetuity to allow access to the equipment for future maintenance.

**FISCAL IMPACT:**

None. The affected property owners have elected to donate the required easement in exchange for the benefits to accrue to their property in the way of an improved view shed.

Herring/Griffith/SLG

FILE LOCATION: DEED F-9071

COUNCIL ACTION: (Tape location: B302-336.)

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

\* ITEM-102: City Fund for Advisory Boards Activities.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-442) ADOPTED AS RESOLUTION R-295519

Authorizing the City Auditor and Comptroller, in cooperation with the Mayor's Office and the City Attorney, to create a separate special fund to receive, appropriate and disburse as designated by the donor(s), all contributions designated and received for the purposes of the Mayor's Advisory Boards;

Declaring that to the extent allowed by law, the City's procurement and expenditure policies may be waived in connection with funds received from private donations for the Advisory Boards.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B302-336.)

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

\* ITEM-103: Traffic Signal at Carmel Country Road and Caminito Clasica.

(Carmel Valley Community Area. District-1.)



**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-883) ADOPTED AS RESOLUTION R-295520

Amending the Fiscal Year 2002 Capital Improvements Program budget by increasing CIP-62-275.0, Traffic Signals - FBA/PDIF Fund, in an amount not to exceed \$50,000;

Authorizing the appropriation and expenditure of an amount not to exceed \$50,000 from Fund 63022, Private and Other Contribution - CIP, to CIP-62-275.0, Traffic Signals - FBA/PDIF Fund, for the purpose of funding the construction of a Traffic Signal and Street Lighting System at Carmel Country Road and Caminito Clasica;

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:**

In 1997, per Condition 25 of Vested Tentative Map VTM-96-0561, Pardee Construction paid \$50,000 fair share contribution for a future traffic signal at Carmel Valley Road and Caminito Clasica. This money was deposited in Fund 63022, Deposit Trust Fund. This project was included in the 2001 Capital Improvements Budget to be designed and constructed under CIP-62-275.0, Traffic Signals, FBA/PDIF Funded.

The Pardee contribution, however, was not added to the CIP at that time. This action is to authorize the transfer of \$50,000 from Fund 63022 to CIP-62-275.0 for the design and

construction of traffic signals and street lighting systems at Carmel Country Road and Caminito Clasica.

**FISCAL IMPACT:**

The total cost of this project is \$100,000 of which \$50,000 is available in Fund 63022 (Developer Contribution) and \$50,000 is available in Fund 79010 (FBA).

Loveland/Belock/PKB

Aud. Cert. 2200229

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B302-336.)

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

\* ITEM-104: San Diego Liveable Community Initiative.

(See City Manager Report CMR-01-197.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-421) RETURNED TO THE CITY MANAGER

Authorizing and empowering the City Manager to take the following actions:

1. Renew the Partnership Agreement between the City and the Department of Energy.
2. Resolve to develop an action plan to reduce greenhouse gas emissions.
3. Approve the components of the San Diego Liveable Community Initiative, as set forth in City Manager Report CMR-01-197.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B302-336.)

CONSENT MOTION BY INZUNZA TO RETURN THIS ITEM TO THE CITY MANAGER AT HIS REQUEST TO DO ADDITIONAL WORK ON THE INITIATIVE. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-105: Time Warner Cable Television Franchise Fee Audit.

(See City Manager Report CMR-01-190. Districts-1, 2, 5, 6 and 7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-348) ADOPTED AS RESOLUTION R-295521

Authorizing the City Manager to accept the proposed compromised amount of \$82,210.18 and to execute a release agreement, if requested, with Time Warner Cable, based upon a dispute whether "Launch Fees" paid for programming support is subject to the 3 percent franchise fee on gross revenue received by the company.

FILE LOCATION: FRAN-Time Warner Cable Television Franchise

COUNCIL ACTION: (Tape location: B302-336.)

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

\* ITEM-106: International Front Runners Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-432) ADOPTED AS RESOLUTION R-295522

Recognizing the 15<sup>th</sup> annual International Front Runners organization, and welcoming them to America's Finest City;

Proclaiming October 4, 2001 to be "International Front Runners Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B302-336.)

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

\* ITEM-107: Local Initiatives Support Corporation (LISC) Day.

**DEPUTY MAYOR STEVENS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-412) ADOPTED AS RESOLUTION R-295523

Commending Local Initiatives Support Corporation for their contributions to the City of San Diego;

Proclaiming October 10, 2001 to be "Local Initiatives Support Corporation Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B302-336.)

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

- \* ITEM-108: Two actions related to Advertising for Bids for South Pacific Highway Trunk Sewer and Water Group 535.

(See Frank Belock's 5/24/2001 memo, and Frequently Asked Questions About Group Jobs. Centre City Community Area. District-2.)

**TODAY'S ACTIONS ARE:**

Adoption of the following resolutions:

Subitem-A: (R-2002-194 Cor. Copy) ADOPTED AS RESOLUTION R-295524

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 South Pacific Highway Trunk Sewer & Water Group 535 on Work Order No. 175781/184041;

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

Authorizing the expenditure of an amount not to exceed \$2,889,000 for FY 2002 from Water Fund 41500, CIP-73-083.0, Annual Allocation-Water Main Replacement, Sub-CIP-73-852.1, and \$2,830,000 for FY 2002 from Sewer Fund 41506, CIP-40-928.0, South Pacific Highway Trunk Sewer, 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-K-02017C)

Subitem-B: (R-2002-193) ADOPTED AS RESOLUTION R-295525

Certifying that Mitigated Negative Declaration LDR-40-0762 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;

Approving the LDR Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program;

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

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

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

**CITY MANAGER SUPPORTING INFORMATION:**

The South Pacific Highway Trunk Sewer and Water Group 535 project is part of the continuing Annual Capital Improvements Program to replace old concrete sewer and cast iron water mains. This project is proposing to install approximately 4,018 feet of 33-inch trunk sewer and approximately 1,717 feet of 15-inch, 12-inch, 10-inch and 8-inch sewer main, and to replace 9,298 feet of existing 10-inch and 12-inch cast iron water main with 12-inch PVC water main.

This project is located within the Centre City community area. The design has been completed through coordination with the Centre City Development Corporation. The proposed sewer and water mains are located on Pacific Highway, West Ash Street, A Street, Broadway, Columbia Street, State Street, Kettner Boulevard, and West Harbor Drive. Traffic Control Plans in accordance with the City of San Diego's Traffic Signal Design & Traffic Control Section were produced. Due to heavy traffic at the intersection of Grape Street and Pacific Highway, work at this area will be done at night, between 9:00 p.m. and 5:00 a.m. Per MTDB's requirement, construction at the areas adjacent to rail road tracks on West Ash Street, A Street, Broadway, and Kettner Boulevard will also be operated at night. On the other streets construction will be operated during the day, between 8:30 a.m. and 3:00 p.m., Monday to Friday.

Installation of the new trunk sewer and replacement of the deteriorated and undersized water main will provide the community with a safe and reliable sewer and water infrastructure. Residents will be notified by mail at least one month before construction begins by the City's Engineering and Capital Projects Department and again 10 days before construction begins by the contractor through hand distribution.

**FISCAL IMPACT:**

The total estimated project cost is \$5,719,000. Funding in the amount of \$2,889,000 is available in FY 2001 and FY 2002 in Water Fund No. 41500, CIP-73-083.0, Annual Allocation-Water Main Replacement, and \$2,830,000 in FY 2001 and FY 2002 in Sewer Fund 41506, CIP-40-928.0, South Pacific Highway Trunk Sewer, for this purpose. This project will be phase-funded.

Loveland/Belock/HR

WWF-01-500.

FILE LOCATION: SUBITEMS A & B: CONT - CAL Southwest  
Const.; W.O. 175781/184041

COUNCIL ACTION: (Tape location: B302-336.)

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

\* ITEM-109: Sewer Pipeline Rehabilitation in the Right-of-Way and Easements.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-327) ADOPTED AS RESOLUTION R-295526

Amending the Capital Improvement Program budget by adding CIP-46-506.0, Pipeline Rehabilitation in the Right-of-Way, Phase A;

Authorizing the City Auditor and Comptroller to transfer the amount of \$1,924,557 within Fund No. 41506, from CIP-46-215.0, Annual Allocation - Infrastructure Upgrade and Replacement, to CIP-46-506.0;

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 Pipeline Rehabilitation in the Right-of-Way, Phase A Project, on Work Order No. 177291;

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

Authorizing the expenditure of an amount not to exceed \$13,878,000 to be expended as follows, and provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for the expenditure under established contract funding phases are, or will be, on deposit in the City Treasury:

\$13,253,000 from Sewer Fund No. 41506, CIP-46-506.0, Pipeline Rehabilitation in the Right-of-Way, Phase A, for project construction and related costs

\$625,000 from Sewer Fund No. 40506, CIP-46-193.0, Annual Allocation - CIP Contingencies, 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-K02104)

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 9/19/2001, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

This request provides for authorization to advertise for bids and award of a contract to the lowest responsible bidder, based on the actual low bid submitted for the project. Also, this project was not included in the Fiscal Year 2002 CIP Budget, and authorization is requested to modify the FY 2002 CIP Budget to include this project.



Metropolitan Wastewater Department has identified the need to rehabilitate approximately 28.8 miles of existing clay pipe sanitary sewer lines ranging from 8 inches to 18 inches in diameter. The rehabilitation method uses a pipe liner, inserted into the sewer at the manholes, and then cured in place. Service connections are then opened and sealed with robotics. All service connections will be lined for approximately 8 to 12 inches from the sewer mainline. Additionally, the manholes in need of repair will either be lined, using a similar material as used in the sewer main, or replaced, depending on their condition. For this contract, all manholes are located in the City's Right-of-Way, easements, or open space with vehicular access.

The lining of the sewer will help improve flow and eliminate future root intrusion through the pipe joints. This approach is faster and less expensive to complete than the traditional excavation and replacement method, and is also less disruptive than the construction associated with replacement. Rehabilitation of the pipes is one of the approaches the department is taking to prevent sewage spills and protect the environment.

The purpose of this project is to reduce maintenance requirements of the sewer, lessen community impacts from related activities, extend the service life of the sewer system and decrease the overall number of sewer spills. This contract is the first of several contracts to implement permanent solutions, which will further reduce sanitary sewer overflows.

**FISCAL IMPACT:**

The total cost of this action is \$13,878,000 of which \$1,804,144 is for Fiscal Year 2002, \$10,898,058 is for Fiscal Year 2003, and \$1,175,798 is for Fiscal Year 2004.

Loveland/Tulloch/ALM

Aud. Cert. 2200121.

FILE LOCATION: CONT - Insituform Technologies, Inc.; W. O.  
177291

COUNCIL ACTION: (Tape location: B302-336.)

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

\* ITEM-110: Mid-City Pipeline Project - Contract Change Order No. 7.

(See Larry Gardner's memo dated 7/10/2001. Mid-City and College Community Areas. Districts-3 and 7.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-229) CONTINUED TO MONDAY, OCTOBER 8, 2001

Approving Contract Change Order No. 7 to the Mid-City Pipeline Project;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$750,199.75 from Water Fund 41500, CIP-73-246.0, Mid-City Pipeline, for Contract Change Order No. 7, Class F Asphalt, and additional safety and City Force work, provided that the City Auditor and Comptroller first furnishes a certificate certifying that funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$123,119 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, as follows: \$93,504 for Water Group Job 490A, CIP-73-849.8, and \$29,615 for Water Group Job 489A, CIP-73-849.7; provided that the City Auditor and Comptroller first furnishes a certificate certifying that funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to do by City Forces all the work as required in connection with the stand-by services, closing and opening valves, cut and plugs, installation of temporary valves and piping, and inspection, in an amount not to exceed \$202,221 as follows: \$92,221 in Water Fund 41500, CIP-73-246.0, Mid-City Pipeline, and \$110,000 in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacements (\$90,000 in Water Group Job 490A and \$20,000 in Water Group Job 489A); for a total City Force authorization of \$510,000 for the Mid-City Pipeline Projects;

Authorizing the City 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 7/18/2001, NR&C voted 4-0 to approve the projects as listed in Larry Gardner's 7/10/2001 memo. Any mandated completion due dates from the Department of Health Service Compliance Order should be included in future projects backup when applicable. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

**CITY MANAGER SUPPORTING INFORMATION:**

The Mid-City Pipeline (MCPL) Project will bring a needed backup supply of drinking water and improved water pressure to the communities of the Mid-City area. There is a significant need for the new infrastructure improvement as it will complement the only existing supply of water to the area, currently delivered by Trojan Pipeline, and improve water delivery reliability. The Trojan Pipeline, built in the 1950's, has never been out of service for inspection or routine maintenance.

During design, the City formed the MCPL Mitigation Monitoring Team (MMT) with representatives from business improvement districts, churches, schools, and Council Districts 3 and 7. The MMT began identifying associated impacts to the community and recommending feasible mitigation measures. Examples include requiring night time construction in business districts to avoid impacting traffic, no construction activity adjacent to schools while in session, and repaving El Cajon Boulevard curb-to-curb and curb-to-median within the Project limits at the completion of the contract.

On May 24, 1999, the City Council approved R-291660 for advertisement for bids and construction of the Project, and on November 9, 1999, the Council approved R-292438 to award the construction contract to PCL Civil Constructors, Inc. The construction is about 70% complete and is expected to be finished by the Spring of 2002. Furthermore, the project was addressed in a Mitigated Negative Declaration (LDR No. 94-0236) and two Addenda to the Mitigated Negative Declaration (LDR Nos. 98-0539 and 98-1200).

The main alignment for the pipeline is El Cajon Boulevard, which is extremely old and congested with numerous underground utilities, many of which are missing from existing records. The existing condition of El Cajon Boulevard is also very fragile and has not been able to stand the impact of construction worsened by the past rainy season. The underground utility conflicts and deteriorating conditions of El Cajon Boulevard have all resulted in additional project costs for the contractor (i.e., additional temporary and permanent pavings and restoration of curbs and medians), design consultant, public outreach efforts, and the support from City

Forces (i.e., inspection, stand-by services, closing and opening valves, temporary pipeline isolations, and installation of temporary valves and piping). The Water Department has already taken some actions such as directing the contractor to perform extra paving works on an emergency basis in response to complaints from traveling public and local communities and at the requests of Council offices.

Furthermore, in consideration of the Street Division's minimum standards for overlay pavement, Change Order No. 7 in the amount of \$388,380.42 is needed to compensate the contractor for a stronger and thicker mix.

The additional paving activities are needed to restore the driveability and safety of the streets within the work areas and to ameliorate any adverse effects to local businesses and residents. More support from City Forces is also necessary to resolve utility conflicts and changed conditions.

Support from City Forces is mostly needed at night and/or over weekends. Since work is ongoing and there have been immediate needs, use of City Forces will be timelier and more economical because they are familiar with the project and have the required equipment and expertise. The use of City Forces will also allow better coordination with Water Operations Division and will help minimize interruptions in water service. However, all these extra works require appropriation of additional funding to support the MCPL project budget for the successful completion of this contract.

**FISCAL IMPACT:**

Funding in the amount of \$750,199.75 is available from CIP-73-246.0, Mid-City Pipeline and funding for Water Group Jobs 489A and 490A in the amount of \$123,119 is available from CIP-73-083.0, Annual Allocation - Water Main Replacements.

Loveland/Gardner/MML

Aud. Cert. 2200278.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B302-336.)

CONSENT MOTION BY MADAFFER TO CONTINUE THIS ITEM TO MONDAY, OCTOBER 8, 2001, FOR FURTHER REVIEW. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, 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-2002-329) ADOPTED AS RESOLUTION R-295527

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: B302-336.)

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

ITEM-330: Vacation of a Portion of Puterbaugh Street.

(Uptown Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-176) ADOPTED AS RESOLUTION R-295528

Vacating a portion of Puterbaugh Street, as described in the legal description marked Exhibit "A," and shown on Drawing No. 19483-B marked Exhibit "B."

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to vacate a portion of Puterbaugh Street located in the Uptown Community Area within Council District 2. The street is unimproved and there are no plans to construct a street at this location. A general utility and access easement will be reserved over a portion of the area to be vacated. The applicant wishes to apply for a building permit and construct a two car garage over a portion of the vacated street. The Uptown Planners recommend approval of the street vacation unanimously on March 19, 2001. 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 built at this location due to the steep terrain and the topography of the land.
- b) 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.
- c) That the vacation is not inconsistent with the General Plan, an approved Community Plan or the Local Coastal Program. The Community Planning Group recommends approval of 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. This street has limited use and will not be extended. There are no present or future plans to construct a street in this area and easements will be reserved for existing utilities.

**FISCAL IMPACT:**

None. All costs have been paid by the applicant.

Loveland/Haase/AA

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

FILE LOCATION: STRT-J-2929 (39)

COUNCIL ACTION: (Tape location: B337-344.)

Hearing began at 11:19 a.m. and halted at 11:20 a.m.

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

ITEM-331: Vacation of a Portion of Palm Street.

(Uptown Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-267) ADOPTED AS RESOLUTION R-295529

Vacating a portion of Palm Street, as described in the legal description marked Exhibit "A," and shown on Drawing No. 19411-B marked Exhibit "B."

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to vacate a portion of Palm Street in the Uptown Community Area within Council District 2. The applicant wishes to fence and landscape the area being

vacated. That portion of Palm Street is currently unimproved and there are no plans to improve the street due to the steep terrain. The Uptown Planners recommend approval of the street vacation by a vote of 13-0-1. 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 built at this location due to the steep terrain and the topography of the land.
- b) That the public will benefit from the action through improved utilization of land made possible by the street vacation. The vacation of the land 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. Uptown Planners 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 action is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

FILE LOCATION: STRT-J-2928 (39)

COUNCIL ACTION: (Tape location: B345-354.)

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



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

ITEM-332: Amendment to Volume 1 of the Land Development Manual to include Project Submittal Requirements.

Matter of approving, conditionally approving, modifying or denying the Land Development Manual - Project Submittal Requirements.

(City-wide.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-335) ADOPTED AS RESOLUTION R-295530

Adoption of a Resolution approving Project Submittal Requirements for the Land Development Manual.

**COMMITTEE ACTION:**

Reviewed by Land Use and Housing Committee on 3/28/2001. Motion to approve the City Manager's recommendation on consent. Districts 1, 2, 3 and 5 voted yea. District 4 absent.

**OTHER RECOMMENDATIONS:**

The Planning Commission, on March 22, 2001, voted 6 - 0 to recommend to the City Council that they approve this project. No one present to speak in favor or in opposition.

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

**SUPPORTING INFORMATION:**

Project Submittal Requirements were created to provide staff and the decision maker (City Council, Planning Commission, etc.) with enough information to determine a project's compliance with City regulations and land use policies. With the adoption of the Land Development Code, the number of permit types were reduced and new permit types were created. Prior to the Land Development Code going into effect, project submittal requirements for development were found in various sections of the Municipal Code, in numerous public information bulletins, in a variety of guidelines and in multiple submittal manuals used in different City staff work groups. To address these changes in the code and to consolidate the submittal requirements, a draft of the Project Submittal Requirements was created. Along with a comprehensive overview of the submittal process existing requirements were combined, format and terminology were made consistent, and unnecessary and redundant requirements were eliminated to create the draft.

Planning Commission Recommendation: On March 22, 2001, the Planning Commission voted (6-0) to recommend City Council approval of the Project Submittal Requirements.

Committee on Land Use and Housing Recommendation: On March 28, 2001 the Committee on Land Use and Housing recommended that City Council approve the Project Submittal Requirements amending Volume 1 of the Land Development Manual to consolidate all project submittal requirements for development activities in the City of San Diego.

Other Recommendations: A draft of these submittal requirements have been in use since the effective date of the Land Development Code on January 3, 2000. Over the past year, staff collected suggested revisions from project customers and City staff and have incorporated those changes into the revised Project Submittal Requirements being proposed for approval. In addition, staff has held public forums on the proposed revisions on February 21, 2001 and March 21, 2001 (over 120 attendees). On May 30, 2001 a public forum was held for members of the Community Planning Groups for the City of San Diego. The forum was attended by 26 people representing 22 of the Community Planning Groups for the City of San Diego.

Manager's Recommendation: Approve the Project Submittal Requirements amending Volume 1 of the Land Development Manual to consolidate all project submittal requirements for development activities in the City of San Diego.

**FISCAL IMPACT:**

Consolidating the project submittal requirements for all projects will help both customers and staff save time in the submittal and project review process. By helping staff to receive better submittals at the beginning of a project review and clearly informing customers of what the City considers a complete application, the submittal process will be more consistent and predictable. For some projects, this could result in a reduction in the number of project review cycles and thus, reduce a customer's time and costs in the review process.

Loveland/Christiansen/JS

**NOTE:** This activity is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15060(c)(3).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B358-367.)

Hearing began at 11:21 a.m. and halted at 11:22 a.m.

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

ITEM-333: Three actions related to Rancho Encantada - FY 2002 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report 01-163; Public Facilities Financing Plan and FBA, Fiscal Year 2002, August 2001 Final Draft. Rancho Encantada Community Area. District-7.)

NOTE: This item was re-noticed from the adjourned meeting of 9/11/01, Item 330.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-253) ADOPTED AS RESOLUTION R-295531

Designating an area of benefit in Rancho Encantada and the boundaries thereof; confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto; and ordering of proposed Public Facilities Project in the matter of Rancho Encantada Facilities Benefit Assessment Area.

Subitem-B: (R-2002-254) ADOPTED AS RESOLUTION R-295532

Declaring that the assessment fee schedule contained in the Rancho Encantada Public Facilities Financing Plan, Fiscal Year 2002, as adopted and approved on August 7, 2001, by Resolution No. R-295399, is an appropriate and applicable development impact fee schedule [DIF] for all properties within the Rancho Encantada Community;

Declaring that the Docket Supporting Information and the text contained in the Rancho Encantada Public Facilities Financing Plan, Fiscal Year 2002, are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed;
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

Subitem-C: (R-2002-255) ADOPTED AS RESOLUTION R-295533

Authorizing the City Auditor and Comptroller to establish the Rancho Encantada Facilities Benefit Assessment Fund.

FILE LOCATION: SUBITEMS A, B &C: STRT-FB-21-02 (33)

COUNCIL ACTION: (Tape location: B374-376.)

Hearing began at 11:22 a.m. and halted at 11:23 a.m.

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

ITEM-334: Two actions related to Proposed Amendments to the Centre City Community Plan and Planned District Ordinance to Eliminate the Required 15-Foot View Corridor Setback along Broadway East of Columbia.

(See CCDC Report dated 8/23/2001. Centre City Redevelopment Project Area. District-2.)

(Renoticed from the adjourned meeting of September 11, 2001, Item 331.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

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

Subitem-A: (O-2002-22) INTRODUCED WITH AMENDMENTS, TO BE RE-INTRODUCED MONDAY, OCTOBER 15, 2001

Introduction of an Ordinance amending Chapter 10, Article 3, Division 19, of the San Diego Municipal Code by amending Table 2 of Section 103.1915, View Corridors, and by amending Figure 7 titled View Corridor Setbacks, all relating to Property Development Regulations in the Centre City Planned District.

Subitem-B: (R-2002-266) ADOPTED AS RESOLUTION R-295536

Approving the Broadway Amendment to the Centre City Community Plan relating to View Corridors.

FILE LOCATION: SUBITEM A: NONE  
SUBITEM B: MEET

COUNCIL ACTION: (Tape location: B409-C338; D005-E124 )

Hearing began at 11:25 a.m. and recessed at 12:00 p.m.

Hearing reconvened at 2:12 p.m. and halted at 3:04 p.m.

Testimony in favor by Scot Sandstrom, Howard Greenberg, and Robert Lankford.

Motion by Wear to approve Centre City Development Corporation's recommendation.  
Second by Atkins. No vote taken.

MOTION BY WEAR TO INTRODUCE AND AMENDED THE ORDINANCE IN SUBITEM A; AND ADOPT THE RESOLUTION IN SUBITEM B WITH THE FOLLOWING DIRECTIONS:

1) FOR LU&H TO TAKE A COMPREHENSIVE LOOK AT THIS ITEM AS PART OF THE POLICY DISCUSSION AT LU&H AND THEN TO REFER IT RIGHT BACK TO THE COUNCIL WITH CCDC'S ASSISTANCE. 2) THAT CCDC BRING THE FOLLOWING PARTIES TOGETHER TO HAVE A DISCUSSION IN A WAY THAT IS APPROPRIATE BEFORE IT COMES TO COUNCIL AGAIN: THE CCDC BOARD, THIS CITY COUNCIL, AND THE COMMUNITY GROUPS; 3) THAT THE CITY MANAGER FIGURE OUT A WAY TO DEVELOP THE SORT OF PROCESS THAT IS GOING TO BE PRODUCTIVE, THAT IS NOT GOING TO WASTE EVERYBODY'S TIME WITH THE SUGGESTION THAT COUNCIL SET A JOINT CITY COUNCIL, CCDC WORKSHOP IN JANUARY FOR MULTIPLE VISIONARY ISSUES; 4) TO ELIMINATE THE SETBACK FROM 12<sup>TH</sup> TO THE EAST, TO MAINTAIN IT FROM 4<sup>TH</sup> TO THE WEST AND TO PUT OFF FOR 30 TO 90-DAYS THE ISSUE ON 4<sup>TH</sup> TO 12<sup>TH</sup>. WHETHER THAT IS WRAPPED AS PART OF THE VISIONARY STATEMENT AS LATE AS JANUARY OR WHETHER

COUNCIL SHOULD HAVE TO COME BACK SOONER ON IT, HAS BEEN LEFT UP IN THE AIR. BUT NO LATER THAN THAT WORKSHOP TO RESOLVE THAT ISSUE. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY WEAR TO HAVE COUNCIL SCHEDULE A WORKSHOP NO LATER THAN JANUARY, TO BRING BACK ISSUES ON THEIR VISION FOR DOWNTOWN, WHICH WOULD INCLUDE THE DENSITY ISSUE AND THE 4<sup>T H</sup> TO 12<sup>T H</sup> BROADWAY VISIONARY ISSUE, IF IT IS NOT RESOLVED SOONER. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

PUBLIC NOTICES:

ITEM-350: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the March 5, 2002 election:

<u>DAY</u>		DAYS BEFORE	<u>DATE</u> <u>EVENT</u>	<u>ELECTION</u>
Friday	9/14/2001	127		LAST DATE (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee

**Minutes of the Council of the City of San Diego  
for the Regular Meeting of Tuesday, October 2, 2001**

**Page 40**

Wednesday	9/26/2001	160	Rules Committee Review
Tuesday	10/23/2001	133	LAST DATE for City Manager, department or other public agency to submit ballot proposals to City Clerk for placement on Council Docket
Monday	10/29/2001	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	11/05/2001	120	Council adopts propositions for ballot;
Tuesday	through 11/20/2001	to 105	directs City Attorney to prepare ordinances
Monday	11/26/2001	99	Council adopts ordinances prepared by City Attorney
Friday	12/07/2001	88	Last day for City Clerk to file with Registrar of Voters all election material
Thursday	12/20/2001	75	Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, at 533-4025.

ITEM-S400: San Diego Disability Awareness Month.

**COUNCILMEMBERS WEAR AND ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-469) ADOPTED AS RESOLUTION R-295534

Commending the City's Community Services Department for their commitment to help make all San Diegans aware of disabilities;

Proclaiming October 2001 to be "San Diego Disability Awareness Month" in the City of San Diego.



FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: A304-385.)

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

ITEM-S401: Pershing Middle School - Joint Use Agreement and Improvements.

(Navajo Community Area. District-7.)

(Continued from the meetings of September 10, 2001, Item 55, and September 24, 2001, Item 200; last continued at the City Manager's request, for further review.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/6/2001. (Council voted 9-0):

(O-2002-15 Cor. Copy) ADOPTED AS ORDINANCE O-18993 (New Series)

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 pursuant to Section 99 of the City Charter.

FILE LOCATION:

LEAS-Pershing Middle School with the San Diego Unified School District

COUNCIL ACTION:

(Tape location: B383-390.)

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

ITEM-S402: *Pump Station Two Ozone Odor Control System One Year Pilot Study.*

(Midway/Pacific Highway Corridor. District-2.)

(Continued from the meeting of September 24, 2001, Item 119, at the City Manager's request, for further review.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-360) ADOPTED AS RESOLUTION R-295535

Authorizing the City Manager to execute an agreement with Pacific Rim Design and Development, Inc., for an ozone odor control pilot study;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$330,000 from Fund No. 41509, CIP-41-926.0, to Operations and Maintenance Fund No. 41508, Department 771, Org. 170, Job Order 2170, Object Account 4222;

Authorizing the expenditure of an amount not to exceed \$330,000 from Operations and Maintenance Sewer Fund No. 41508, Dept 771, Org 170, Job Order 2170, Object Account 4222.

**CITY MANAGER SUPPORTING INFORMATION:**

The objective of this project is to test a new odor control treatment technology using ozone (hydroxyl radicals) for removal of hydrogen sulfide (H<sub>2</sub>S) and to verify whether this technology is more cost-effective than the existing sodium hypochlorite mist scrubbing system at pump station 2 in meeting or exceeding Air Pollution Control District (APCD) permit requirements. This project will also include a retrofit of the existing odor control scrubber system to ensure compatibility with the proposed pilot study ozone odor control system, and upgrades to the existing system which are being required by APCD to provide a reliable back up system to the pilot study during the duration of the one year test.

Data will be collected to verify this system's effectiveness in removing Volatile Organic Compounds (VOCS) in order to support the removal of the carbon absorption process from the existing odor control system. The data will be collected during the one year trial period and summarized in a final report that will be provided to the City at the end of the trial period to determine whether the goals of the test have been met.

**CITY MANAGER SUPPORTING INFORMATION:**

If proven effective, the new ozone odor control system will:

- Provide a more efficient and reliable removal technology for hydrogen sulfide and other odor and toxic compounds commonly found in wastewater-related foul air;
- Reduce operating and maintenance cost;
- Reduce chemical and energy usage in support of IS014001 goals; and
- Reduce space requirements for equipment.

The action requested is approval of a contract with Pacific Rim in the amount of \$330,000.

**FISCAL IMPACT:**

The total cost of this action is \$330,000 from the FY2002 Operating Budget, Fund 41508, Dept. 771, Org 170, Job Order 2170, and Object Account 4222.

Loveland/Tulloch/MIF

Aud. Cert. 2200251.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B391-408.)

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

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:03 to Closed Session in honor of the memory of:

Herb King as requested by Council Member Atkins and Ralph Bing as requested by Council Member Maienschein.