

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, OCTOBER 22, 2001  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING	4
ATTENDANCE	4
ITEM-1: ROLL CALL	5
ITEM-10: INVOCATION	5
ITEM-20: PLEDGE OF ALLEGIANCE	5
ITEM-30: Approval of Council Minutes	5
ITEM-31: Peggy Lacy Day	6
ITEM-32: Making Strides Against Breast Cancer Day	6
NON-AGENDA COMMENT	7
COUNCIL COMMENT	8
CITY MANAGER COMMENT	8
CITY ATTORNEY COMMENT	9
ITEM-50: Rezoning for Coca Cola Permit No. 40-0158.	9
ITEM-51: Balboa Park Governance	9
ITEM-100: <u>Two</u> actions related to Inviting Bids for the Construction of Sewer and Water Group 697.	11
* ITEM-101: <u>Two</u> actions related to Inviting Bids for Alvarado Water Treatment Plant - Earl Thomas Reservoir Replacement	14

ITEM-102:	<u>Two</u> actions related to Inviting Bids for the Reconfiguration of La Jolla Shores Drive, Torrey Pines Road, Ardath Road, Hidden Valley Road, and Ardath Access Road	16
ITEM-103:	Inviting Bids for Mountain View Community Center	20
* ITEM-104:	Tijuana River Valley 100 Year Flood Control Berm Project - Easement Acquisition	22
* ITEM-105:	Grant Application to Coastal Conservancy for Point Loma Avenue Stairs Rehabilitation	23
ITEM-106:	Centre City Motorist Information System	25
* ITEM-107:	Settlement of the Property Damage Claim of Deborah LaTouche	27
* ITEM-108:	Foreign Trade Zone No. 153 Boundary Expansion	28
* ITEM-109:	San Diego County Abandoned Vehicle Abatement Service Authority (AVASA) Extension	30
* ITEM-110:	Nominating Mr. Thomas Lancaster and Ms. Shirley Kaltenborn for Appointment and Reappointment to the San Diego Transit Board	30
* ITEM-111:	Friends of the University Heights Library	31
* ITEM-112:	San Diego Housing Federation Day.	32
* ITEM-113:	Proclamation for March of Dimes - Hispanic Women's Initiative Project Day	32
* ITEM-114:	Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico	33
* ITEM-115:	<u>Two</u> actions related to Cooperative Agreement with CalTrans for La Jolla Village Drive/I-805 and Miramar Road Widening	33

ITEM-116:	Condition Assessment of Sewer Collection System - Amendment No. 1 to Hirsch & Company Agreement	35
* ITEM-117:	Agreement with GeoTrans, Inc. - Electronic Document Database and Management System	37
ITEM-150:	City Manager's Interim Equal Opportunity Contracting Program (EOCP) Status Reports	38
ITEM-200:	Reimbursement Agreement with Santaluz, LLC for the Construction of Various Public Improvements Completed in Conjunction with Development in the Black Mountain Ranch Community	40
PUBLIC NOTICES		42
ITEM-S400:	Fleet Week	44
ITEM-S401:	U.P.A.C. Housing Information and Resource Fair Day	45
NON-DOCKET ITEMS		46
ADJOURNMENT		46

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:09 p.m. The meeting was recessed by Mayor Murphy at 3:55 p.m. for purposes of a short break. The meeting was reconvened by Mayor Murphy at 4:05 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 4:18 p.m.

ATTENDANCE DURING THE MEETING:

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

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Atkins.

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS:** APPROVED

Approval of Council Minutes for the meetings of:

09/17/2001

09/18/2001

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A026-028.)

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

ITEM-31: Peggy Lacy Day.

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-480) ADOPTED AS RESOLUTION R-295588

Recognizing the accomplishments and proactive involvement of Peggy Lacy, and proclaiming October 22, 2001 to be "Peggy Lacy Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A094-143.)

MOTION BY FRYE 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: Making Strides Against Breast Cancer Day.

**COUNCILMEMBER FRYE'S AND INZUNZA'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-473) ADOPTED AS RESOLUTION R-295589

Proclaiming October 21, 2001 as "Making Strides Against Breast Cancer Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A208-273.)

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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented regarding project funding. Mr. Stillwell stated that the City should look for other ways to fund projects rather than issuing bonds and going into debt.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B248-276.)

PUBLIC COMMENT-2:

Bob Greene stated that the Governor had signed new legislation creating a new Airport Authority and he requested that Mayor Murphy appoint him to that organization.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B279-335.)

PUBLIC COMMENT-3:

Gail Milliken reported that there is no wheelchair cut-away on the San Diego High School side of Russ Street. Ms. Milliken also commented that since St. Vincent DePaul is funded by the City, she felt it was necessary that the City Council be made aware that there has been an outbreak of viral meningitis at the St. Vincent DePaul Village.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B336-362.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Mayor Murphy announced that the new heating and air conditioning system has been powered up and it will save the City \$300,000 per year plus a rebate check of \$690,000 for using an energy efficient system. Mayor Murphy thanked City staff and the City Manager for their work to get this system installed.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B370-420.)

CITY MANAGER COMMENT:

City Manager Uberuaga introduced the new General Manager Richard Mendez.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B422-459.)



CITY ATTORNEY COMMENT:

NONE.

ITEM-50: Rezoning for Coca Cola Permit No. 40-0158.

(Mid-City Community Area. District-4.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 10/9/2001. (Council voted 9-0):

(O-2002-31) CONTINUED TO MONDAY, OCTOBER 29, 2001

Rezoning a portion of a 3.085 acre site located at 1348 47<sup>th</sup> Street between Federal Boulevard and State Highway 94 in the Mid-City Communities Plan area from the RM-1-2 (Residential-Multiple Unit) Zone into the IL-3-1 (Industrial-Light) Zone.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A280-328.)

MOTION BY STEVENS TO CONTINUE TO MONDAY, OCTOBER 29, 2001, AT HIS REQUEST, TO PROVIDE AN OPPORTUNITY TO VIEW THE FINISHED DESIGN OF THE WALL. 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: Balboa Park Governance.

(See City Manager Report CMR-01-182. Balboa Park Community Area. District-3.)

**TODAY'S ACTION IS:**

Introduce the following ordinance:

(O-2002-35) INTRODUCED, TO BE ADOPTED ON MONDAY,  
NOVEMBER 5, 2001

Introduction of an Ordinance amending Chapter 2, Article 6, of the San Diego Municipal Code by amending Section 26.30 relating to Balboa Park, to reconfigure the representation and membership of the Balboa Park Committee to serve as the centralized authority under the Park and Recreation Board for matters pertaining to Balboa Park.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:**

On 9/26/2001, RULES voted 5-0 to approve the City Manager's recommendation contained in City Manager Report CMR-01-182 with the following amendments: 1) Remove the Zoological Society from the list of organizations that have designated representation on the committee. 2) Add a second appointee to the Central Balboa Park Association, with the stipulation that their appointments represent one large institution and one medium or small institution. 3) Create 2 non-voting emeritus positions for long serving members. 4) Delete the term "Councilmember from District 3" and replace it with "the Councilmember representing the majority of Balboa Park." 5) Insert the words "a member of the Park and Recreation Board" after "Chair" and before "appointed by the Mayor" on page 2 of the Report. (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

This item was heard by the Rules, Finance and Intergovernmental Relations Committee on September 26, 2001, and is the subject of City Manager Report CMR-01-182.

The report was accepted and approved at Committee, with the following changes:

- 1) The Chairperson of the Balboa Park Committee shall be a current member of the Park and Recreation Board.
- 2) Deletion of the Zoological Society appointee.

- 3) The appointee representing the park institutions shall be increased to two appointees, one representing the small or mid-sized institutions, and one representing the large institutions.

**FISCAL IMPACT:**

None.

Loveland/McLatchy/MB

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A421-639.)

MOTION BY ATKINS 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 Inviting Bids for the Construction of Sewer and Water Group 697.

(See memorandum from Frank Belock, Jr. dated 7/12/2001. Barrio Logan, Stockton, and Grant Hill Community Areas. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-393) ADOPTED AS RESOLUTION R-295590

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Sewer and Water Group 697 on Work Order No. 175331;

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

Authorizing the expenditure of an amount not to exceed \$57,293 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement and an amount not to exceed \$2,655,000 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02027C)

Subitem-B: (R-2002-394) ADOPTED AS RESOLUTION R-295591

Certifying that the information contained in Mitigated Negative Declaration LDR-40-0884, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

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

On 7/18/2001, NR&C voted 4-0 to approve. (Councilmembers Peters, Wear, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

**CITY MANAGER SUPPORTING INFORMATION:**

Sewer and Water Replacement Group 697 is part of the City's ongoing cast iron water and concrete sewer main replacement program. The water and sewer mains being replaced in this project were constructed as early as 1927 and are approaching the end of their useful service life.

This project is in the Barrio Logan, Stockton, and Grant Hill community areas and consists of replacing approximately 100 feet (.02 miles) of water main and 9,365 feet (1.77 miles) of sewer main.

This work includes 23 pedestrian ramps and repairing and slurry sealing of impacted streets. The streets affected by construction operations are: Pickwick Street, 28<sup>th</sup> Street, 29<sup>th</sup> Street, 30<sup>th</sup> Street, 33<sup>rd</sup> Street, G Street, K Street, Market Street, Hoitt Street, Island Avenue, Sigsbee Street, Beardsley Street, Newton Avenue, and the alleys located south of Logan Avenue, National Avenue, and Newton Avenue. Residents will be notified by mail at least one month before construction begins by the City's Engineering and Capital Projects Department and again 10 days before construction begins by the contractor through hand distribution. The contractor will be required to provide Traffic Control Plans for the entire project area to the City of San Diego's Traffic Signal Design and Traffic Control Section for approval with the exception of 28<sup>th</sup> Street, 30<sup>th</sup> Street, and Market Street. Traffic Control Plans for 28<sup>th</sup> Street, 30<sup>th</sup> Street, and Market Street have been developed and approved by the City of San Diego's Traffic Signal Design and Traffic Control Section and will be provided to the contractor as part of the construction plans for Sewer and Water Group 697.

**FISCAL IMPACT:**

The total estimated cost of this project is \$2,712,293 of which \$57,293 is available from Water Revenue Fund 41500, Annual Allocation for Water Main Replacement, CIP-73-083.0, and \$2,655,000 is available from Sewer Revenue Fund 41506, Annual Allocation for Sewer Main Replacement, CIP-44-001.0. Included in the above project cost estimate is \$9,293 for City forces to make connections and operational checks. This project maybe phase funded.

Loveland/Belock/HR

WWF-01-531.

\_\_\_\_\_ FILE LOCATION:                      CONT - Ortiz Corporation; W.O. 175331

\_\_\_\_\_ COUNCIL ACTION:                      (Tape location: B450-549.)

MOTION BY WEAR 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-101: Two actions related to Inviting Bids for Alvarado Water Treatment Plant - Earl Thomas Reservoir Replacement.

(See Larry Gardner's 7/10/2001 memo. Navajo Community Area. District-7.)

**TODAY'S ACTIONS ARE:**

Adoption of the following resolutions:

Subitem-A: (R-2002-390) ADOPTED AS RESOLUTION R-295592

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 Earl Thomas Reservoir Replacement on Work Order No. 186421;

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

Authorizing the expenditure of an amount not to exceed \$24,485,805 from Water Revenue Fund 41500, CIP-73-261.4, Alvarado Water Treatment Plant Phase I, and \$2,725,250 from Water Revenue Fund 41500, CIP-73-331.0, Annual Allocation for Pooled Contingency, for the demolition of the existing and construction of the new Alvarado Water Treatment Plant - Earl Thomas Reservoir, 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 use of City Forces in an amount not to exceed \$200,000 to help minimize and mitigate disruptions to the City's water service and for other work related to this project;

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

Authorizing the City Manager to apply to the Department of Health Services for a Safe Drinking Water State Revolving Fund loan to assist in funding this project. (BID-K02029C)

Subitem-B: (R-2002-391) ADOPTED AS RESOLUTION R-295593

Certifying that LDR-40-0259 (an Addendum to EIR-88-1459) has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines thereto, that the Addendum reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the final Addendum, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of the Earl Thomas Reservoir Replacement;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

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

On 7/18/2001, NR&C voted 4-0 to approve. 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 Alvarado Water Treatment Plant (WTP) Project is currently undergoing the first of three phases of construction to upgrade and expand the existing facility to meet new Federal Drinking Water Standards and to comply with the State of California's Department of Health Service Compliance Order. This Project, the Earl Thomas Reservoir Replacement, represents the second phase of that construction.

In addition to the serious structural and seismic deficiencies which affect its long term reliability, replacement of the existing reservoir is necessary because the existing reservoir is not baffled, and therefore suffers from poor circulation. Because the disinfectant qualities of chlorine degrade over time, stagnation in the distribution system can decrease the water quality. The new reservoir will be well baffled and will meet all current seismic requirements resulting in increased water quality and improved system reliability.

The proposed work consists of demolishing the existing 35 MG (million gallon) earth embankment reservoir at the Alvarado WTP site and replacing it with a 35 MG pre-stressed concrete reservoir. The demolition, grading, valve vaults, and associated piping will also be included within this work.

The extensive use of City Forces on this Project is necessary due to their familiarity with, and ultimate responsibility for, the operation and maintenance of all facilities within the site's water treatment process train. The integration of City Forces throughout the construction process is also expected to help minimize and mitigate the effects associated with both planned and unplanned disruptions to the City's water service. Expenditures for City Forces are expected to occur over a three year period and are estimated not to exceed \$200,000.

The Water Department has submitted a loan application to the California Department of Health Services Safe Drinking Water State Revolving Fund (SDWSRF) Loan Program for the Earl Thomas Reservoir Replacement Project at Alvarado WTP. The use of the SDWSRF Loan Program will significantly reduce the City's cost of borrowing.

**FISCAL IMPACT:**

The total estimated cost of performing this work is \$27,211,055. Funding is available from the Water Revenue Fund 41500.

Loveland/Gardner/MBW

FILE LOCATION: CONT - CE Wylie Construction; W.O. 186421

COUNCIL ACTION: (Tape location: A330-417.)

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

ITEM-102: Two actions related to Inviting Bids for the Reconfiguration of La Jolla Shores Drive, Torrey Pines Road, Ardath Road, Hidden Valley Road, and Ardath Access Road.

(La Jolla Shores Community Area. District-1.)



**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-487) ADOPTED AS RESOLUTION R-295594

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 Reconfiguration of La Jolla Shores Drive, Torrey Pines Road, Ardath Road, Hidden Valley Road, and Ardath Access Road on Work Order No. 525830;

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

Authorizing the expenditure of an amount not to exceed \$2,902,290 from CIP-52-583.0, La Jolla Shores Drive, Torrey Pines Road, Ardath Road, and Hidden Valley Road Project, with \$972,981 from Fund No. 30300, \$843,908 from Fund No. 30306, \$606,141 from Fund No. 79514, and \$524,260 from Fund No. 302453, with \$105,000 of the total expenditure for the purposes of acquiring property rights and related costs thereof, and \$2,797,290 for the purposes of design, construction, and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of \$1,125,200 from Fund No. 41506, CIP-44-001.0, Annual Allocation for Sewer Main Replacement, for the sewer line replacement portion of the construction and related costs;

Authorizing the expenditure of \$1,720,260 from Fund No. 41500, CIP-70-953.0, Torrey Pines Road/La Jolla Boulevard Water Main Replacement, for the water pipeline replacement portion of the construction and related costs;

Authorizing the City Manager to execute a Memorandum of Understanding between the Engineering and Capital Projects Department and the Water Department for the purpose of transferring the property rights for Parcels 1 and 2, from the Engineering and Capital Projects Department to the Water Department;

Authorizing the City Manager to amend the Fiscal Year 2002 CIP budget by decreasing the appropriations in Fund No. 302453, CIP-52-583.0, La Jolla Shores Drive, Torrey Pines Road, Ardath Road, and Hidden Valley Road project, by \$25,740 to a revised amount of \$524,260 in accordance with the Memorandum of Understanding between the Engineering and Capital Projects Department and the Water Department;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02032C)

Subitem-B: (R-2001-488 Cor. Copy 2) ADOPTED AS RESOLUTION R-295595

Certifying that the information contained in LDR Negative Declaration No. 41-0383, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that the declaration and the Addendum to Negative Declaration No. 98-0994 reflects the independent judgement of the City as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of the Reconfiguration of La Jolla Shores Drive, Torrey Pines Road, Ardath Road, Hidden Valley Road, and Ardath Access Road;

Declaring that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving said LDR Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

**CITY MANAGER SUPPORTING INFORMATION:**

The La Jolla Shores Drive, Torrey Pines Road, Ardath Road, Hidden Valley Road Intersection Reconfiguration Project will improve traffic flow on Torrey Pines Road and Ardath Road by more than 50% from its current levels, as well as access improvements on Hidden Valley Road and La Jolla Shores. This intersection currently handles about 70,000 vehicles per day and is one of the busiest intersections in the City of San Diego.

On February 27, 2001, the Council approved (Resolution R-294577) a contract for the relocation of the Torrey Pine trees conflicting with the proposed work and that contract has been awarded. This action will provide a contract for the remaining work including the reconfiguration of the roadways, traffic signals, drainage, and additional landscaping.

In lieu of a previously anticipated public property sale for project funds, the title of an existing City-owned vacant property adjacent to the project will be transferred to the Water Department at fair market value for use as a construction staging area. This property was acquired by the General Fund in 1981 for a previously planned improvement project at this location but is not entirely needed for the currently proposed configuration.

Therefore, a Memorandum of Understanding between the Water Department and Engineering and Capital Projects Department has been prepared in order to address the title transfer of the excess property, and associated funding along with the construction usage rights for both departments.

**FISCAL IMPACT:**

The total estimated cost for the La Jolla Shores Drive, Torrey Pines Road, and Ardatth Road Project including water and sewer is \$6,954,737. Previous actions approved \$1,206,987 and this request will provide authorization for the remaining \$5,747,750. Of this request, funding for the road reconfiguration portion of the work in the amount of \$2,902,290 is available in CIP-52-583.0 with \$927,981 available in Fund No. 30300 (TransNet), \$843,908 from Fund 30306, \$606,141 from Fund No. 79514 (DIF), and \$524,260 from Fund No. 302453 (Property Transfer). Funding for the water replacement portion in the amount of \$1,720,260, including the property transfer, is available in Water Fund 41500, CIP-70-953.0, Torrey Pines Road/La Jolla Boulevard Main Replacement. Funding for the sewer related work in the amount of \$1,125,200 is available from Sewer Fund 41506, CIP-44-001.0, Annual Allocation for Sewer Main Replacement. In an effort to defer the issuance of commercial paper, available cash in the amount of \$843,908 will be identified through our cash management process.

Loveland/Belock/PB

Aud. Cert. 2200291.

<u>FILE LOCATION:</u>	CONT - West Coast General Corp. TC Construction/AJV; W.O. 525830
<u>COUNCIL ACTION:</u>	(Tape location: B020-242.)

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

ITEM-103: Inviting Bids for Mountain View Community Center.

(Mountain View Community Area. District-4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-387) ADOPTED AS RESOLUTION R-295596

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 Mountain View Community Center on Work Order No. 298330;

Authorizing the City Manager to establish contract funding phases and execute a construction 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;

Amending the Fiscal Year 2002 Capital Improvements Program Budget by appropriating \$760,000 from Fund No. 38131, 2000 Park Bond Roberti-Z'berg-Harris Per Capita Fund, for CIP-29-833.0, Mountain View Community Center, upon receipt of a fully executed grant agreement from the State;

Authorizing the expenditure of an amount not to exceed \$760,000 from CIP-29-883.0, 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-K01034C)

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed Mountain View Community Center site is located along the east side of Boundary Street between "T" Street and Ocean View Boulevard. The approximately three (3) acre site will support a 18,000 square foot community center which includes a gymnasium, dance studio, activity rooms, and computer facility. This project is consistent with the Southeastern San Diego Community Plan and the City's General Plan Guidelines. On December 11, 2000, Council approved plans and specification for this project and authorized the City Manger to execute a contract with the lowest responsible bidder.

Since that time the project's design has been refined. This action requests that the Council approve the revised plans and allow phase funding of the project. The project's costs are now estimated at \$4,331,250. Project spending of \$3,571,250 has been authorized by previous Council actions. State funding in the amount of \$760,000 from the 2000 Park Bond Roberti-Z'berg-Harris Per Capita Block Grant Allocation will be available in the future to meet these increased costs. City Council, on August 15, 2000, (Resolution R-293698), approved \$760,000 from the FY 2000 Park Bond funding for this project. This funding has been appropriated in the FY2002 State Budget and the City is in the process of entering into a grant agreement for these funds. Phase funding will allow construction to begin and will authorize the Auditor to appropriate the 2000 Park Bond funds into the project construction budget once the fully-executed grant contract is received from the State.

**FISCAL IMPACT:**

The total estimated project cost is \$4,331,250. Previous City Council actions (R-290947, R-294369 and Ordinance O-18821 authorized a total of \$3,571,250 for the project. This action increases the authorization in the amount of \$760,000 and requests phase funding. The final construction phases will be awarded when the \$760,000 in State Bond funds are available to be appropriated by the City Auditor.

Loveland/Belock/AO

FILE LOCATION: W.O. 298330

COUNCIL ACTION: (Tape location: B550-C029.)

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-104: Tijuana River Valley 100 Year Flood Control Berm Project - Easement Acquisition.

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

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-516) ADOPTED AS RESOLUTION R-295597

Authorizing the City Manager to acquire the easement rights for flood control berm purposes;

Authorizing the expenditure of not to exceed \$65,000 from TransNet Fund No. 30300 for the acquisition of property rights, relocation, labor, title, escrow, and miscellaneous costs.

**CITY MANAGER SUPPORTING INFORMATION:**

This Tijuana River Valley 100-Year Flood Control Project will construct an earthen berm, approximately 3,300 feet in length, 30 feet in width and 6 feet in height. The berm will be located along the northern boundary of the subject property next to the Sunrise Development Subdivision facing the Tijuana River, from International Road to Hollister Street. The project will provide protection, in the event of the 100-year flood, to the homes in the Sunrise Development Community. The City is responsible for the acquisition of the slope easement consisting of 3.07 acres and a temporary construction area consisting of 0.98 acres. The U.S. Army Corps of Engineers is responsible for the design and construction of the project.

The purchase price of \$50,000 has been approved by the U.S. Army Corps of Engineers.

**FISCAL IMPACT:**

\$65,000 is available in TransNet C Fund No. 30300.

Herring/Griffith/RAG

Aud. Cert. 2200371.

\_\_\_\_\_ FILE LOCATION: DEED F-9089

\_\_\_\_\_ COUNCIL ACTION: (Tape location: A330-417.)

CONSENT MOTION BY INZUNZA 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: Grant Application to Coastal Conservancy for Point Loma Avenue Stairs Rehabilitation.

(Ocean Beach Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-536) ADOPTED AS RESOLUTION R-295598

Authorizing the City Manager to apply to the California State Coastal Conservancy for grant funds to rehabilitate the beach access stairs at Point Loma Avenue;

Authorizing the City Manager to take all necessary actions to secure and accept grant funds from the California State Coastal Conservancy for the Project, including negotiating and entering into a grant funding agreement;

Authorizing the City Manager to expend the grant funds, if the grant funds are secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the grant funds;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2002 Capital Improvements Program Budget to add CIP-29-507.0, Point Loma Avenue Stairs Rehabilitation, in the amount of \$112,000;

Authorizing the City Auditor and Comptroller to reprogram \$22,000 from CIP-20-013.0, Park and Recreation Department Matching Funds, to CIP-29-507.0, Point Loma Avenue Stairs Rehabilitation, upon receipt of a fully executed grant agreement;

Authorizing the City Manager to expend \$112,000 from CIP-29-507.0 for the Point Loma Avenue Stairs Rehabilitation from the following funds: \$90,000 from the California State Coastal Conservancy grant; and \$22,000 from Park and Recreation Department Matching Funds.

**CITY MANAGER SUPPORTING INFORMATION:**

The California State Coastal Conservancy considers public access to the shoreline one of its highest priorities. The Conservancy manages the Public Access Program which provides funding for projects carried out by local governments and non-profit organizations that increase the public's enjoyment of the coast. This grant program funds such projects as public access ways, trails and stairs to the beach and improvements to existing access ways that have been closed or damaged.

This action authorizes the City Manager to submit a grant proposal to the California State Coastal Conservancy for repairs to the beach access stairs located at Point Loma Avenue in Ocean Beach, just north of Sunset Cliffs Natural Park.

The stairway and railings have been damaged by years of use and exposure to the elements. The poor condition of the stairway presents a public safety hazard, which has caused the stairs to be closed to the public since December 2000. This project is consistent with the draft Ocean Beach Action Plan which recommends improving and restoring access to public beaches.

**FISCAL IMPACT:**

The total cost of this project will be \$112,000. If the grant is secured, the City will receive \$90,000 from the California State Coastal Conservancy and contribute \$22,000 from



CIP-20-013.0, Park and Recreation Grant Match Funding, approved as part of the Fiscal Year 2001/2002 Appropriation Ordinance, O-18964, adopted on July 24, 2001.

Loveland/McLatchy/CH

\_\_\_\_\_ FILE LOCATION:                      MEET

\_\_\_\_\_ COUNCIL ACTION:                      (Tape location: A330-417.)

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

ITEM-106:    Centre City Motorist Information System.

(Centre City Community Area. Districts-2, 3 and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-314) ADOPTED AS RESOLUTION R-295599, WITH DIRECTIONS

Amending the Fiscal Year 2002 Budget by increasing CIP-63-039.0, Centre City Motorist Information System by an amount not to exceed \$183,000;

Authorizing the City Auditor and Comptroller to accept an additional \$183,000 in Congestion Mitigation and Air Quality Funds, Fund No. 38664, for Federal Aid Project No. CMLG-5004(055);

Authorizing the appropriation and expenditure of an amount not to exceed \$183,000 from CIP-63-039.0, Fund 38664 for funding the construction of the Centre City Motorist Information System, contingent upon receipt of a fully executed Program Supplement.

**CITY MANAGER SUPPORTING INFORMATION:**

In March, 1997 the City Council approved Resolution R-288469, authorizing the expenditure of \$235,000 of Congestion Mitigation and Air Quality (CMAQ) and Transportation Systems Management (TSM) funds for the design and construction of the Centre City Motorist Information System.

This project consists of the design and construction of five changeable message signs at the following locations in the Centre City area:

Front Street between Beech Street and Cedar Street

F Street between 14th Street and 15th Street

Tenth Avenue between A Street and B Street

Harbor Drive east of Eighth Avenue

Harbor Drive between Front Street and First Avenue

Bids were opened in November, 1999. The low bid from H.M.S. Construction significantly exceeded the construction cost estimate. In order to cover the shortfall, SANDAG approved an additional \$183,000 of Congestion Mitigation and Air Quality (CMAQ) funds.

This action is to authorize the acceptance and expenditure of the additional \$183,000 of CMAQ funds so that final project reimbursements may be processed.

**FISCAL IMPACT:**

The total cost of this project is \$418,000 of which \$415,133 (Fund 38664 - CMAQ) and \$2,867 (Fund 38549 - TSM) is reimbursable through these grant sources.

Loveland/Belock/PKB

Aud. Cert. 2200173.

FILE LOCATION: .MEET

COUNCIL ACTION: (Tape location: C033-199.)

MOTION BY WEAR TO ADOPT WITH DIRECTION TO THE CITY MANAGER TO PROVIDE A REPORT INCLUDING THE FOLLOWING INFORMATION: THE NAME OF THE PERSON OR ORGANIZATION THAT WILL BE RESPONSIBLE FOR MONITORING THE SYSTEM; THE LOCATION WHERE THE SYSTEM IS BEING CONTROLLED, IDEAS OF MESSAGES THAT WILL BE POSTED. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-107:.. Settlement of the Property Damage Claim of Deborah LaTouche.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

.....(R-2002-497) ADOPTED AS RESOLUTION R-295600

.....A Resolution approved by the City Council in Closed Session on Tuesday, September 25, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-not present; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

.....Authorizing the City Manager to pay the total sum of \$16,750 in the settlement of each and every claim against the City, its agents and employees, resulting from the property damage to Deborah LaTouche, as a result of an incident that occurred on January 31, 2000 (Superior Court Case No. GIC 760933, Deborah LaTouche v. City of San Diego, et al.);

.....Authorizing the City Auditor and Comptroller to issue one check in the amount of \$16,750 made payable to Deborah LaTouche and her attorney of record, Lisa Cervantes, in full settlement of the lawsuit and all claims.

**CITY MANAGER SUPPORTING INFORMATION:**

This constitutes the complete and final settlement of the property damage claim of Deborah LaTouche, against the City of San Diego, its agents and employees, as a result of the incident which occurred on January 31, 2000.

Lexin/Oliva/JE

Aud. Cert. 2200364.

**NOTE:** The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

FILE LOCATION: .MEET

COUNCIL ACTION: (Tape location: A330-417.)

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

\* ITEM-108:.. Foreign Trade Zone No. 153 Boundary Expansion.

.....(Otay Mesa Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-406) ADOPTED AS RESOLUTION R-295601

Authorizing the City Manager to submit a Request for Expansion to the Foreign Trade Zones Board, United States Department of Commerce, for restructuring Foreign Trade Zone No. 153 by adding 87 acres to the approved general purpose zone site, in accordance with regulations pursuant to federal law (15 C.F.R. part 400);

Authorizing the City Manager to take such actions and execute such documents as may be necessary to complete the authorization process.

**CITY MANAGER SUPPORTING INFORMATION:**

In 1988, the U.S. Department of Commerce, Foreign Trade Zone Board, authorized the City of San Diego to establish a general purpose Foreign Trade Zone (FTZ) for Otay Mesa. Foreign Trade Zones are predesignated areas outside of the U.S. Customs sphere of influence permitting companies to import and export merchandise duty free. Duties are only assessed as merchandise

is brought into the U.S. for consumption. FTZ companies are also eligible to file U.S. Customs reports via “weekly entry” rather than daily entries saving companies thousands of dollars each year. The regulations for the foreign trade zones, governed by the U.S. Department of Commerce, Foreign Trade Zones Board, entitles grantees authority to apply to expand FTZ boundaries to better serve commerce. An expansion would increase the acreage of the FTZ general purpose designation. San Diego's FTZ currently includes 1,500 acres of pre-designated areas within 8 business parks and at Brown Field Airport. Activation of an area requires U.S. Customs and FTZ Board approval prior to utilizing the FTZ benefits.

The City has received a request from Pardee Construction Company (Pardee) to expand FTZ No. 153 by 87 acres to include the Ocean View Hills Corporate Center located in the community of Otay Mesa. This business park will be developed in 3 phases with approximately 47 lots. Bee International, Inc., a packaging company of imported candies and products, is the only facility built at this business park. Pardee is marketing to a wide range of industries from electronics to biotechnology firms that can take advantage of Foreign Trade Zone status.

Since all of the business parks designated for FTZ use are nearing build out, the need to designate other areas in Otay Mesa for FTZ use is important to afford as many businesses with opportunities to utilize the benefits of the FTZ. Staff supports the expansion of the FTZ to include the 87 acre Ocean View Hills Corporate Center.

**FISCAL IMPACT:**

None. The applicant will incur all expenses related to the expansion request.

Herring/Cunningham/LM

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A330-417.)

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

\* ITEM-109: San Diego County Abandoned Vehicle Abatement Service Authority (AVASA) Extension.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-451) ADOPTED AS RESOLUTION R-295602

Extending the registration fees, as authorized by the State of California, imposed on vehicles registered in the County of San Diego, for 10 years from date of the approval of this Resolution, in accord with California Vehicle Code sections 9250.7 and 22710.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A330-417.)

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

\* ITEM-110: Nominating Mr. Thomas Lancaster and Ms. Shirley Kaltenborn for Appointment and Reappointment to the San Diego Transit Board.

(See memorandum from Mayor Murphy dated 8/20/2001 with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-454) ADOPTED AS RESOLUTION R-295603

Approving the following nominations for appointment by the Metropolitan Transit Development Board (MTDB), to serve as City members of the San Diego Transit Board, for terms to expire as indicated:

NAME...                      TERM ENDING

Thomas A Lancaster                      June 30, 2003  
(Replacing Jacqui Vines, whose  
term has expired)

Shirley J. Kaltenborn                      .....June 30, 2003  
(Reappointment)

FILE LOCATION:                      MEET

COUNCIL ACTION:                      (Tape location: A330-417.)

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

\* ITEM-111: Friends of the University Heights Library.

.....(University Heights Community Area. District-2.)

**COUNCILMEMBER WEAR'S RECOMMENDATION:**

Adopt the following resolution:

.....(R-2002-474) ADOPTED AS RESOLUTION R-295604

.....Recognizing and giving sincere appreciation to the Friends of the University Heights  
Library.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: A330-417.)

CONSENT MOTION BY INZUNZA 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-112: San Diego Housing Federation Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

.....(R-2002-525) ADOPTED AS RESOLUTION R-295605

.....Proclaiming October 19, 2001 to be "San Diego Housing Federation Day" in recognition of the importance of affordable housing in the lives of our citizens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A330-417.)

CONSENT MOTION BY INZUNZA 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-113: Proclamation for March of Dimes - Hispanic Women's Initiative Project Day.

**COUNCILMEMBER INZUNZA'S RECOMMENDATION:**

Adopt the following resolution:

.....(R-2002-539) ADOPTED AS RESOLUTION R-295606

.....Proclaiming October 18, 2001 as the "Hispanic Women's Initiative Project Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A330-417.)

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



\* ITEM-114: 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-2002-401) ADOPTED AS RESOLUTION R-295607

.....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: A330-417.)

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

\* ITEM-115: Two actions related to Cooperative Agreement with CalTrans for La Jolla Village Drive/I-805 and Miramar Road Widening.

.....(North University City Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-417) ADOPTED AS RESOLUTION R-295608

.....Authorizing the City Manager to execute a cooperative agreement for the reconstruction of La Jolla Village Drive/Miramar Road Interchange and widening of La Jolla Village Drive/Miramar Road overcrossing, and its approaches on Interstate 805.

Subitem-B: (R-2002-418) ADOPTED AS RESOLUTION R-295609

.....Declaring that the information contained in Environmental Impact Report No. 91-0397, certified by Council Resolution R-290810 on October 5, 1998, including any comments received during the public review process, has been reviewed and considered by Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of the La Jolla Village Drive/Miramar Road Interchange and widening of La Jolla Village Drive/Miramar Road overcrossing, and its approaches on Interstate 805;

.....Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

**CITY MANAGER SUPPORTING INFORMATION:**

The Miramar Road Widening Project (CIP-52-679.0) and La Jolla Village Dr./Interstate 805 Interchange Ramp Project (CIP-52-485.0) are scheduled to begin engineering design. The projects consist of reconstructing La Jolla Village Dr./Miramar Road interchange and the widening of La Jolla Village Dr./Miramar Road overcrossing and its approaches on Route 805 from Eastgate Mall to the southbound I-805 on ramps. Prior to initiating the engineering design of the projects and pursuant to State and Highways Code Section 130, the State of California and City of San Diego are authorized to enter into a cooperative agreement for improvements to State Highways within the City of San Diego. Therefore, it is proposed that the State of California and the City of San Diego enter into a cooperative agreement. The cooperative agreement outlines the City of San Diego's responsibilities in the development of the engineering plans, specifications and estimates and the State of California's oversight of the environmental, design and right of way activities for the projects. Council approval will be required in the future to authorize the expenditure of funds for the design and construction of 'the projects.

**FISCAL IMPACT:**

None.

Loveland/Belock/PB

FILE LOCATION: .MEET

COUNCIL ACTION: (Tape location: A330-417.)

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

ITEM-116: Condition Assessment of Sewer Collection System - Amendment No. 1 to Hirsch & Company Agreement.

.....(See Scott Tulloch's 9/26/2001 memo.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

.....(R-2002-328) ADOPTED AS RESOLUTION R-295610

.....Authorizing the City Manager to execute an amendment to the agreement of April 23, 2001 with Hirsch & Company for condition assessment of the City's sewer collection system;

.....Authorizing the expenditure of an amount not to exceed \$2,000,000 from Fund No. 41506, CIP-46-215.0, Annual Allocation - Infrastructure Upgrade and Replacement.

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

On 10/3/2001, NR&C voted 5-0 to approve with direction to the City Manager to share sewer pipe photos with the public through the website, etc. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

Pursuant to Council Resolution R-294798, on April 23, 2001 the City Manager was authorized to enter into an agreement with Hirsch & Company to televise an estimated 60 miles of the most critical sewer mains based on ongoing maintenance problems. This request is to amend the Hirsch & Company's contract for an amount of \$2,000,000 which includes televising approximately 36 miles of sewer and inspecting over 700 manholes all located in canyons. Protecting the water quality of beaches is an important goal for the City of San Diego.

The City's MWWD is focused upon preventing municipal sewerage system spills and minimizing these spills' collective impact on the environment. To prevent the potential spills that drain into Mission Bay, the sewer systems in canyons have been identified for needed condition assessment. The televising can be accomplished by hand carried, battery operated CCTV equipment in areas where vehicular access is prohibited. Hirsch has performed canyon inspections for the City in the past, using the specialized, hand carried equipment. Hirsch's cost is competitive and comparable to other companies capable of this work. Additionally, Hirsch has demonstrated an ability to complete this type of work quickly, which results in timely identification of blockages that can cause costly sewer spills. Thus, this CCTV inspection data gives City crews time to remove the blockages or repair the damage, thereby avoiding the spills before they occur.

The consultant shall also prepare inspection reports to document observed conditions and structural defects and other pertinent findings. The reports will be an instrumental tool in evaluating the condition of the sewer mains and identifying locations where high priority rehabilitation or replacement of sewer facilities is required.

The inspection and report work shall be completed within two hundred eighty (280) workdays from the contract's original Notice to Proceed date of May 21, 2001, pursuant to terms of the original agreement, for the additional cost not to exceed \$2,000,000. This will increase the total cost of services, including \$1,654,131 for the original agreement, to \$3,654,131.

The implementation of this amendment will ensure that the Metropolitan Wastewater Department can achieve its objective of reducing sewer spills by evaluating City sewer mains, prioritizing identified replacement and rehabilitation projects and maintaining the quality of the sewage collection system and the environment.

**FISCAL IMPACT:**

The total estimated cost of this action is \$2,000,000 which shall be encumbered in Fiscal Year 2002.

Loveland/Tulloch/MND

Aud. Cert. 2200246.

FILE LOCATION: .MEET

COUNCIL ACTION: (Tape location: C200-260.)

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

\* ITEM-117: Agreement with GeoTrans, Inc. - Electronic Document Database and Management System.

.....(See Larry Gardner's 9/13/2001 memo.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

.....(R-2002-526)        ADOPTED AS RESOLUTION R-295611

.....Authorizing the City Manager to execute an agreement with GeoTrans, Inc. for an amount not to exceed \$346,094 for professional services;

.....Authorizing the expenditure of an amount not to exceed \$400,000 from Water Department Fund 41500, CIP-75-932.0, Groundwater Asset Development Program, provided that the City Auditor and Comptroller furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

**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:**

The City of San Diego Water Department and City Attorney's Office, in conjunction with consultants, are evaluating the availability of local groundwater resources through a Groundwater Asset Protection and Development Program (Program). One element of the Program is the need to manage the various archives and historic documents that currently exist, as well as those documents that will be generated in connection with the Program. The City seeks to have these documents available by remote electronic means.

Due to the volume of documents, in some cases the documents' fragility, the complexity and scope of the Program, and the number of parties involved with the Program, the City seeks to enter into a contract with a consulting firm (GeoTrans) with expertise in the areas of electronic document database and management system (EDDMS). GeoTrans was selected through an interview process, in response to the City issued RFQ dated January 26, 2001.

GeoTrans was assigned to develop, manage and control the access, distribution, and evaluation of a wide range of materials. These materials include, but are not limited to, archival and other historic documents, new documents that will be generated in connection with the program, technical reports, legal files, word processing files, graphics, maps, photos, scanned document images, shape files, e-mails, drawings, slide presentations, spread sheets, and audio/video information.

The final product will be a comprehensive oracle database with a web based front-end, containing scanned images of all the Groundwater related documents/shape files identified by the parties. The database will have the capability to allow users to perform keyword searches on any document, as well as uploading and downloading the document to and from the database.

**FISCAL IMPACT:**

The total project cost is \$400,000. Funding is available from Water Revenue Fund 41500, CIP-75-932.0, Groundwater Asset Development Program.

Loveland/Gardner/MS

Aud. Cert. 2200401.

FILE LOCATION: .MEET

COUNCIL ACTION: (Tape location: A330-417.)

CONSENT MOTION BY INZUNZA 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-150: City Manager's Interim Equal Opportunity Contracting Program (EOCP) Status Reports.

(See City Manager Reports CMR-01-118 and CMR-01-047.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-510)ADOPTED AS RESOLUTION R-295612

Accepting the City Manager's Interim Equal Opportunity Contracting Program (EOCP) Status Reports for the second half of Fiscal Year 2000 and the first half of Fiscal Year 2001.

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

On 6/6/2001, PS&NS voted 4-0 to approve the following in connection with City Manager Report CMR-01-118. (Councilmembers Atkins, Stevens, Maienschein and Inzunza voted yea.):

- A. Direct the City Manager to further examine the following recommendations and report back to the City Council during the budget hearing:
  - 1. Raise the threshold to \$99,999.99 for minor construction contracts to be consistent with the bonding threshold (\$100,000). Further, implement a minor construction program to assist small and disadvantaged contractors.
  - 2. Expand the Mentor-Protégé Program to include more than three protégés and fund a companion program to assist smaller start-up prime contractors/subcontractors.
  - 3. Explore and create partnering opportunities with the Redevelopment Agencies, County Water Authority, San Diego Unified School District, and Port District.
  - 4. Add apprenticeship requirements to City funded construction projects.
  - 5. Hire a consultant to focus on outreach to the contracting community.
- B. Request that the Rules, Finance and Intergovernmental Relations Committee discuss the City Charter "Low Bid" requirements.

On 3/7/2001, the Committee did not vote on City Manager Report CMR-01-047. In response to discussion by the Committee Members, City staff was directed to work with the City Attorney and representatives of some of the City's smaller contracting firms to evaluate the contracting process and make suggestions with regards to making the process proactive in its outreach to a diverse range of contractors. The suggestions are to be brought to the Public Safety and Neighborhood Services Committee along with EEO/EOCP report for the first half of Fiscal Year 2001 on May 9, 2001.

**CITY MANAGER SUPPORTING INFORMATION:**

On March 7, 2001, the City Manager's Interim Equal Opportunity Contracting Program (EOCP) Status Report for the second half of FY 2000 (CMR-01-047) was presented to the Public Safety and Neighborhood Services Committee.

On June 6, 2001, the City Manager's Interim Equal Opportunity Contracting Program (EOCP) Status Report for the first half of FY 2001 (CMR-01-118) was presented to the Public Safety and Neighborhood Services Committee.

These two reports are now presented for approval by the full Council.

**FISCAL IMPACT:**

None.

Ewell/Stevenson/LS

FILE LOCATION: .MEET

COUNCIL ACTION: (Tape location: C285-480.)

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

ITEM-200: Reimbursement Agreement with Santaluz, LLC for the Construction of Various Public Improvements Completed in Conjunction with Development in the Black Mountain Ranch Community.

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

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-514) ADOPTED AS RESOLUTION R-295613



Authorizing the City Manager to execute a Reimbursement Agreement with Santaluz, LLC for the construction of various public improvements completed in conjunction with development in the Black Mountain Ranch Community.

**CITY MANAGER SUPPORTING INFORMATION:**

SantaLuz, LLC (Developer) is the majority owner of certain real property located in the City and County of San Diego, State of California, as depicted on Vesting Tentative Map VTM-95-0173 (VTM) for Black Mountain Ranch, which was approved by City Council on October 31, 1995 by Resolution No. R-286502. The approvals granted by the City Council require that the Developer advance substantial infrastructure improvements to service the Black Mountain Ranch Subarea and adjacent areas. Many of these improvements are also required by the current Transportation Phasing Plan, which was incorporated as part of the Public Facilities Financing Plan, approved by City Council on September 29, 1998 by Resolution No. R-290768. The projects constructed by the Developer have been determined to benefit Black Mountain Ranch as a whole, as well as surrounding communities, and therefore the Developer is entitled to reimbursement. The facilities being provided would be in lieu of paying FBA assessments.

This reimbursement agreement provides for:

- 1) the procedure for the Developer to be reimbursed for constructing certain public facilities projects which the Developer is financing by Communities Facilities District #2 (CFD #2); and
- 2) the documentation required to substantiate the reimbursement amount for a constructed public facility project in the form of FBA credits.

**FISCAL IMPACT:**

The estimated total cost of improvements relating to this agreement is \$38,900,000. The Developer will utilize CFD funding to pay for the project costs. The developer will then be provided reimbursement on completed projects as approved by the City Auditor and Comptroller. Reimbursement will be in the form of FBA credits, at the time building permits are issued.

Ewell/Goldberg/CMG

FILE LOCATION: .MEET

COUNCIL ACTION: (Tape location: C272-280.)

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

PUBLIC NOTICES:

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

ITEM-250: 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>.....DAYS</u>	
	<u>.....BEFORE</u>	
<u>DAY</u>	<u>.....DATE</u>	<u>ELECTION EVENT</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
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;
through    to		directs City Attorney to prepare
Tuesday.... 11/20/2001	.....105.....	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-251: Notice of Pending Final Map Approval.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Bryn Glen,” a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating

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

**ITEM-252: Notice of Pending Final Map Approval.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on those certain final maps entitled “Reata Way” and “Casitas De Las Florecitas,” copies of which are available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the maps to be examined and has made the following findings:

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

Said maps will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the maps or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**SPECIAL ORDERS OF BUSINESS**

ITEM-S400:Fleet Week

**MAYOR MURPHY’S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-554) ADOPTED AS RESOLUTION R-295614

Proclaiming October 12 through 27, 2001 to be "Fleet Week" in San Diego and commending the organizers and all the participants for their commitment to honoring the service men and women of the United States Navy, Marine Corps, Coast Guard and their families.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A030-091.)

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

ITEM-S401:U.P.A.C. Housing Information and Resource Fair Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-551) ADOPTED AS RESOLUTION R-295615

Proclaiming November 3, 2001 to be "U.P.A.C. Housing Information and Resource Fair Day" in recognition of their work to provide housing information and services to the people of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A144-206.)

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

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 4:18 p.m.

FILE LOCATION:            MINUTES

COUNCIL ACTION:        (Tape location: C482).