

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, NOVEMBER 5, 2001  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

**Table of Contents**

CHRONOLOGY OF THE MEETING	5
ATTENDANCE DURING THE MEETING	5
ITEM-1: ROLL CALL	6
ITEM-10: INVOCATION	6
ITEM-20: PLEDGE OF ALLEGIANCE	6
ITEM-30: Approval of Council Minutes.	6
ITEM-31: Arab-American Day	7
ITEM-32: Iranian American-Mehregan Day	8
ITEM-33: Navajo Bobby Sox Day	8
NON-AGENDA COMMENT	9
CITY COUNCIL COMMENT	9
CITY MANAGER COMMENT	9
* ITEM-50: Balboa Park Governance	9
* ITEM-51: Amending the San Diego Municipal Code relating to Property Development Regulations in the Centre City Planned District.	10
ITEM-52: Revisions to the Ordinance Forming the Small Business Advisory Board	11
* ITEM-100: Peñasquitos Reservoir Rehabilitation - Award of Contract	13

* ITEM-101:	<u>Two</u> actions related to the Final Map of the Villas at Stallions Crossing	15
* ITEM-102:	Community Facilities District No. 2 (Santaluz) - Modification of the Rate and Method of Apportionment of Special Tax and Amendment of List of Facilities Eligible for Financing by the District	17
ITEM-103:	Emergency Housing Assistance Grant Application	19
* ITEM-104:	Allied Gardens Community Park - Pool Filter Replacement	20
* ITEM-105:	Western Integrated Networks Technology & Communications	22
* ITEM-106:	One Way Operation on Auburn Drive and Wightman Street	23
ITEM-107:	Appointment of Joseph Cazares and Yen Tu to the San Diego County Water Authority Board	25
* ITEM-108:	San Diego Foundation for Change Day	26
* ITEM-109:	Sister Ursula Doherty, RSM Day	26
* ITEM-110:	Amendment to the Agreement for Cost of Service and Rate Design Services	27
* ITEM-111:	Sillman/Wright Architects, Amendment No. 3	28
ITEM-112:	First Amendment with Camp Dresser & McKee Inc. for Water Resources Consulting Services	30
* ITEM-113:	South Metro Downtown Tunnel Rehabilitation - Additional Project Contingency	32
ITEM-114:	Sewer Pump Station No. 61 Improvements - Request for Additional Funds	34
* ITEM-115:	Sewer Pump Station 24 - Contract Change Order No. 6	36
* ITEM-116:	Reinvestment Task Force Master Plan and Council Policy 900-09	38
ITEM-150:	Inviting Bids for Sewer and Water Group 702	40

ITEM-151:	Advanced Infrastructure Systems, LLC - Condition Assessment of Trunk Sewers	42
ITEM-200:	<u>Two</u> actions related to State Water Resources Control Board - Low Interest Loan Program Authorization	44
ITEM-201:	Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8	46
ITEM-202:	Inviting Bids for the Construction of Navajo Road Median Enhancement Phase 2 - Jackson Drive to Bisby Lake Avenue	47
ITEM-203:	Regional Water Quality Control Board/Administrative Civil Liability Order No. 2001-174	49
ITEM-204:	Qualcomm Stadium ADA Upgrade - Award Design Build Contract	51
ITEM-205:	<u>Two</u> actions related to a District Primary Election on March 5, 2002	52
ITEM-206:	<u>Two</u> actions related to a Special Municipal Election on March 5, 2002	53
ITEM-207:	<u>Five</u> actions related to a Ballot Proposal for March 5, 2002 Amending the City Charter Granting Subpoena Power to the Ethics Commission	55
ITEM-208:	<u>Five</u> actions related to a Ballot Proposal for March 5, 2002 to Fill Short Term Vacancies on the City Council	57
ITEM-209:	<u>Five</u> actions related to a Ballot Proposal for March 5, 2002 Amending City Charter Section 141 (City Employees Retirement System) to Provide a 5-Year Vesting	58
ITEM-210:	<u>Five</u> actions related to a Ballot Proposal for March 5, 2002 Amending the City Charter Concerning Public Agency Participation in the City Employees Retirement System	60
ITEM-211:	<u>Five</u> actions related to an Initiative Petition for the March 5, 2002 Ballot Amending the City Charter to Add Section 76.2 Titled "General Taxes."	61

ITEM-212:	<u>Five</u> actions related to Referendum of O-18939 related to the Ban of Alcohol at Certain City Parks and Beaches for the March 5, 2002 Ballot	62
ITEM-250:	SUBMISSION OF BALLOT PROPOSALS	64
ITEM-251:	<b>Notice</b> of Pending Final Map Approval	65
* ITEM-S400:	Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico	66
ITEM-S401:	Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8	66
NON-DOCKET ITEMS		67
ADJOURNMENT		67

#### CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:05 p.m. The meeting was adjourned by Mayor Murphy by at 4:05 p.m. into Closed Session at 9:00 a.m. on Tuesday, November 6, 2001, in the twelfth floor conference room to discuss existing and anticipated litigation matters.

#### ATTENDANCE DURING THE MEETING:

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

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

ITEM-10: INVOCATION

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

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Wear.

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS: APPROVED**

Approval of Council Minutes for the meetings of:

- 10/08/2001
- 10/09/2001
- 10/09/2001 Special Joint Meeting

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A056-060.)

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

ITEM-3 1: Arab-American Day.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-581) ADOPTED AS RESOLUTION R-295669

Recognizing the Association of Arab-American employees (SDAAAE), members of which represent every Arab country and religion;

Proclaiming November 5, 2001, to be "Arab-American Day" in San Diego, in recognition of the contributions of Arab-Americans and encouraging all residents to share and enjoy festivities and cultural significance of this day.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A061-212.)

MOTION BY PETERS TO ADOPT ITEMS 31 AND 32. 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-32: Iranian American-Mehregan Day.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-582) ADOPTED AS RESOLUTION R-295670

Recognizing the contributions of the Iranian-American community and proclaiming November 5, 2001 as "Iranian American-Mehregan Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A129-212.)

MOTION BY PETERS TO ADOPT ITEMS 31 AND 32. 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-33: Navajo Bobby Sox Day.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-573) ADOPTED AS RESOLUTION R-295671

Recognizing the many accomplishments and dedication of the Navajo Bobby Sox Purple All-Star Softball Team 2-A and proclaiming October 15, 2001 to be "Navajo Bobby Sox Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A213-343.)



MOTION BY MADAFFER TO ADOPT. Second by Mayor Murphy. 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:

Non-agenda public comment is taken on Tuesday pursuant to Ordinance O-18939 adopted on September 24, 2001.

CITY COUNCIL COMMENT:

None.

CITY MANAGER COMMENT:

None.

\* ITEM-50: Balboa Park Governance.

(Balboa Park Community Area. District-3.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 10/22/2001. (Council voted 9-0):

(O-2002-35 Cor. Copy)

ADOPTED AS ORDINANCE O-18998 (New Series)

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.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A380-479.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-51: Amending the San Diego Municipal Code relating to Property Development Regulations in the Centre City Planned District.

(Centre City Redevelopment Project Area. District-2.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 10/23/2001. (Council voted 8-1. Councilmember Frye voted nay.):

(O-2002-22 Rev.) ADOPTED AS ORDINANCE O-18999 (New Series)

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 Stepbacks, all relating to Property Development Regulations in the Centre City Planned District, to remove the requirement for View Corridor Stepbacks on Broadway, east of 12<sup>th</sup> Avenue as shown on Figure 7.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A380-479.)

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

ITEM-52: Revisions to the Ordinance Forming the Small Business Advisory Board.

(See Committee Consultant Analysis No. 2001-05 and Small Business Advisory Board Presentation.)

**TODAY'S ACTION IS:**

Introduce the following ordinance:

(O-2002-5 Cor. Copy)REFERRED TO THE RULES COMMITTEE FOR  
REVIEW IN TWO WEEKS

Introduction of an Ordinance amending Chapter II, Article 6 of the San Diego Municipal Code by amending Section 26.06 relating to the Small Business Advisory Board.

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

On 5/23/2001, PS&NS voted 4-0 (Councilmembers Atkins, Stevens, Maienschein, and Inzunza voted yea) to direct:

- A. The City Attorney to draft revisions to the ordinance forming the Small Business Advisory Board (SBAB) as requested by the SBAB members in their presentation:
  - 1) Eliminate the ordinance's requirement for "standing" members from the National Federation of Independent Business and San Diego Regional Chamber of Commerce.
  - 2) Add a seat for the President of the Business Improvement District Council.

- 3) Increase the total number of seats on the Board to 11.
  - 4) Include guidance in the ordinance to the effect that when filling a future SBAB vacancy, the City Council should seek SBAB recommendations as to the background needed on the Board in order to guarantee a breadth of representation reflective of the small business community in the City.
- B. The City Manager to review the following recommendations of the SBAB and return to the Public Safety and Neighborhood Services Committee with recommendations for changes to the City's policies, practices, and/or ordinances in order to achieve these goals:
- 1) For those departments that have significant impact on the development and administration of policy and regulations that directly impact small business, have the City Manager designate City personnel to serve as liaisons between the SBAB and their specific departments.
  - 2) Assign specific personnel from the Police Department, City Attorney, Development Services, Planning, and Neighborhood Code Compliance to act as liaisons to serve as support personnel to the SBAB on a permanent as-needed basis to supplement services provided by the City's Office of Small Business.
  - 3) In addition, it is recommended that whenever new administrative policy or regulations are developed that directly impact San Diego small business, that the SBAB be advised of those new policy and regulatory changes so that it can obtain proactive input from the small business community.
- C. The City Manager to conduct a review of Zoning, Permitting, and Code Enforcement Policies relative to commercial and mixed-use neighborhoods. This process should include representatives of the SBAB and the Business Improvement District Council, with the objective of making information user-friendlier and more accessible to business owners.

### **SUPPORTING INFORMATION:**

At the Public Safety & Neighborhood Services Committee meeting of May 23, 2001 the Committee heard a presentation by the members of the City's Small Business Advisory Board (SBAB) and voted to support the Board's request to update the ordinance forming the SBAB in order to: (1) Eliminate the ordinance's requirement for "standing" members from the National

Federation of Independent Business and the San Diego Regional Chamber of Commerce; (2) Add a seat for the President of the Business Improvement District Council; (3) Increase the number of seats on the Board to 11; (4) Directing the City Council to seek the input of the sitting members of the Board when filling vacancies in order to guarantee a breadth of representation of the small business community in San Diego.

Russell

\_\_\_\_\_ FILE LOCATION:                    NONE

\_\_\_\_\_ COUNCIL ACTION:                (Tape location: A356-379.)

CONSENT MOTION BY ATKINS TO APPROVE ITEMS B AND C OF THE PS&NS RECOMMENDATION. 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.

MOTION BY ATKINS TO REFER ITEM A (ORDINANCE O-2002-5) OF THE PS&NS RECOMMENDATION TO THE RULES COMMITTEE FOR REVIEW IN TWO WEEKS. 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: Peñasquitos Reservoir Rehabilitation - Award of Contract.

(See Larry Gardner's memorandum dated 5/11/01. Peñasquitos East Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-489) ADOPTED AS RESOLUTION R-295672

Authorizing and accepting the second lowest bid and awarding a construction contract to SCW Contracting Corporation, for the construction of Peñasquitos Reservoir Rehabilitation in the amount of \$1,344,869 which is 13.74 percent above the Engineer's estimate;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$265,501.40 from Water Fund 41500, CIP-73-277.0, Annual Allocation - Standpipes and Reservoirs Restorations, for the construction of the Peñasquitos Reservoir Rehabilitation provided that the City Auditor first furnishes the certificate certifying that the funds necessary for expenditure will be on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01079C)

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

On May 15, 2001, NR&C voted 3-1 to approve with the condition that the Equal Opportunity Contracting Program information will be included in all future projects. (Councilmembers Peters, Wear and Madaffer voted yea. Councilmember Inzunza voted nay.)

**CITY MANAGER SUPPORTING INFORMATION:**

The Peñasquitos Reservoir is an existing 5.0 million-gallon, above ground, circular prestressed concrete potable water reservoir, built in 1966 and located in the eastern slopes of Black Mountain in the Peñasquitos Community of San Diego. This project was presented to the Natural Resources and Culture Committee on May 9, 2001 and on July 9, 2001, the City Council approved advertisement for bids and construction of the Peñasquitos Reservoir Rehabilitation (R- 295120).

The rehabilitation of this reservoir will improve the water system quality and reliability, increase its service life and upgrade the structure to conform with the latest seismic and building codes. Furthermore, it will meet the current health and safety standards mandated by a Compliance Order #04-14-96-022, Amendment #7 by the State of California Department of Health Services (DHS).

On July 25, 2001, five (5) bids were received and opened. The lowest two bidders are Pro Contracting Corporation with a bid price of \$1,322,081.60 and SCW Contracting Corporation with a bid price of \$1,344,869 while the engineer's estimate for the construction of the rehabilitation of the Peñasquitos Reservoir was at \$1,182,325. The bids submitted by Pro

Contracting Corporation and SCW Contracting Corporation are 11.82 percent and 13.74 percent higher than the engineer's estimate respectively. This is attributed to design changes that were incorporated during the bid process that amended the scope of work of the project.

The bidders were required to limit their bid price for mobilization, bonds, permits, cleanup and demobilization to 3 percent of the total contract amount. Pro Contracting did not comply with this requirement. Their bid for this item was 11 percent of the contract amount. The Equal Opportunity Contracting Program, the Water Department, and the City Attorney's office evaluated a series of bid protests between these two contractors and did not concur that this irregularity could be waived without giving Pro Contracting a bidding advantage.

Accordingly, Pro Contracting's bid was rejected as non-responsive and a final recommendation was made to award the contract to the second lowest bidder, SCW Contracting Corporation.

This action for City Council is to award the construction contract to SCW Contracting Corporation and to authorize the funding for the additional construction related costs.

**FISCAL IMPACT:**

Funding in the amount of \$265,501.40 for the construction is available from the Water Fund 41500, CIP-73-277.0, Annual Allocation - Standpipes and Reservoir Rehabilitations.

Loveland/Gardner/NXX

Aud. Cert. 2200420.

FILE LOCATION: CONT - SCW Contracting Corp.

COUNCIL ACTION: (Tape location: A380-479.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. 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-101: Two actions related to the Final Map of the Villas at Stallions Crossing.

(Subarea II of the North City Future Urbanizing Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-596) ADOPTED AS RESOLUTION R-295673

Approving the final map.

Subitem-B: (R-2002-602) ADOPTED AS RESOLUTION R-295674

Authorizing the City Manager to execute a Subdivision Improvement Agreement with CRV Stallions Crossing, LP, for the installation and completion of certain public improvements.

**CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the subdivision of a 26.9 acre site into 47 lots for residential development, 1 open space lot, 3 private driveways, 2 brush management lots, 1 private park, 5 landscape/signage lots and 1 detention basin lot. It is located on the east side of El Camino Real south of San Dieguito Road in the North City Future Urbanizing Area, Subarea II.

On November 10, 1998 the Council of the City of San Diego approved City Council Resolution R-290951 for the Villas at Stallion Crossing. The City Engineer has approved the final map and states that all conditions of the tentative map have been satisfied.

The public improvements required for this subdivision are shown in detail on Drawing Numbers 31119-1-D through 31119-6-D and 31143-1-D through 31143-36-D, filed in the Office of the City Clerk under Micro Numbers 141.19 and 141.20 respectively. All improvements are to be completed within two years.

The Engineer's estimates for the cost of public improvements are \$521,762 and \$834,388. An agreement will be entered into and performance bonds in the above amounts have been provided as surety. A cash bond in the amount of \$7,480 as determined by the surveyor's estimate has been posted as surety for the setting of survey monuments.

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



This subdivision is located in the North City Future Urbanizing Area Subarea II which provides for the payment at the prevailing rate of an Interim Development Impact Fee. These fees will be paid at the time of building permit issuance.

This community may be subject to impact fees, as established by the City Council, at the time of building permit issuance.

In order to satisfy Condition No. 16 of PRD-98-0983 which requires providing for Affordable Housing, subdivider has made a cash deposit in the amount of \$227,480.

This project is estimated to generate approximately 470 average daily trips (ADT). 100 of these trips are estimated to occur on the nearby Interstate 5, which has an estimated near-term plus project volume of 261,000 ADT south of State Route 56. Caltrans is planning to widen Interstate 5 to provide ten additional lanes south of State Route 56 to be completed by 2004.

**FISCAL IMPACT:** None.

Loveland/Haase/GB

FILE LOCATION: Subitems A & B: SUBD - Villas at Stallions Crossing (40)

COUNCIL ACTION: (Tape location: A380-479.)

CONSENT MOTION BY ATKINS 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-102: Community Facilities District No. 2 (Santaluz) - Modification of the Rate and Method of Apportionment of Special Tax and Amendment of List of Facilities Eligible for Financing by the District.

(Subarea I of the Future Urbanizing Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-600 Cor. Copy)      ADOPTED AS RESOLUTION R-295675

Resolution of Consideration of the Council of City of San Diego, California acting in its capacity as the Legislative Body of Community Facilities District No. 2 (Santaluz) to alter the existing rate and method of apportionment of the special tax and amend the list of eligible facilities for Improvement Area No. 1.

**CITY MANAGER SUPPORTING INFORMATION:**

Pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 (the "Act"), the City of San Diego formed Community Facilities District No. 2 (Santaluz) ("CFD No. 2") and designated Improvement Areas therein. On November 2, 2000, CFD No. 2, Improvement Area No. 1, issued \$56,020,000 of special tax bonds to finance the acquisition by the City of certain public infrastructure facilities. In accordance with the Act, an owner of more than 25% of the property within Improvement Area No. 1 has filed a written petition with the District requesting that the rate and method of apportionment of the special tax (the "Rate and Method"), be modified and the list of facilities eligible for financing be amended.

The amendment to the Rate and Method is called for to ensure equitable tax treatment for the various categories of taxable property in light of expected revisions to the development product mix and to clarify certain other provisions of the document. Specifically, the amended Rate and Method would provide for additional affordable units, provide for substitution of additional custom lots for production homes, and would simplify the taxation methodology in situations where development does not proceed as planned.

The proposed changes to the list of facilities eligible for financing by the District would modify the description of certain facilities to conform to revised City requirements, provide for limited flexibility in the order of acquisition of some facilities, and provide for the acquisition of certain additional facilities by the City, subject to availability of bond proceeds.

Under the Act, adoption of a Resolution of Consideration in response to the property owner petition is required to begin the process of implementing the above changes.

It is recommended that the City Council adopt a Resolution of Consideration to modify the Rate and Method and amend the list of facilities eligible for financing by CFD No. 2. City staff, in conjunction with the City's financing team for the project, have determined that the proposed modifications are allowable under the Act, and that the modifications should provide certain benefits to the special tax payers within CFD No. 2, Improvement Area No. 1, such as more equitable tax treatment for the various categories of taxable property.

Adoption of the Resolution of Consideration would not constitute authorization of the modifications, but would authorize a public hearing and subsequent special election by the qualified electors within CFD No. 2, Improvement Area No. 1 on the proposed amendments.

**FISCAL IMPACT:**

None. All costs related to this action have been funded by property owners within CFD No. 2, Improvement Area No. 1.

Frazier/Vattimo/CW

FILE LOCATION: STRT - CF2 (58)

COUNCIL ACTION: (Tape location: A380-479.)

CONSENT MOTION BY ATKINS 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-103: Emergency Housing Assistance Grant Application.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-597) ADOPTED AS RESOLUTION R-295676

Authorizing the application to the State of California, Department of Housing and Community Development, for grant funding offered through their Emergency Housing Assistance Program.

**CITY MANAGER SUPPORTING INFORMATION:**

The California Department of Housing and Community Development is accepting grant applications for the Emergency Housing Assistance Program (EHAP). This program funds emergency shelter, transitional housing and services for the homeless. The City is applying for two grants for \$100,000 each. These funds will be used to cover the overflow cost associated with the 2001/2002 Winter Shelter Program and the operating expenses associated with the short term family transitional shelter. The California Department of Housing and Community Development requires that the City Council adopt a resolution before November 15, 2001 authorizing the City Manager or his designee to apply for grant funding under this program.

**FISCAL IMPACT:**

The California Department of Housing and Community Department will provide grant funding for one year for each program. There is no matching requirement associated with this grant.

Herring/Cunningham/RT

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A480-512.)

MOTION BY INZUNZA TO ADOPT THE RESOLUTION WITH THE CONDITION THAT THE EXTRA OVERFLOW MONIES THAT WE WOULD BE RECEIVING FROM THE STATE BE TIED IN TO THE RFP PROCESS THAT IS BEING DEVELOPED FOR THREE SEGMENTS OF THE EMERGENCY PROGRAM WHICH ARE THE HOMELESS INDIVIDUALS, VETERANS AND FAMILIES.

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

\* ITEM-104: Allied Gardens Community Park - Pool Filter Replacement.

(Navajo Community Area. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-548) ADOPTED AS RESOLUTION R-295677

Authorizing the addition of CIP-29-506.0, Allied Gardens Pool Filter, to the FY 2002 Capital Improvements Program;

Authorizing the City Auditor and Comptroller to allocate \$70,000 from Park Service District Fund, Allied Gardens - Major District, No. 11380, and \$30,000 from General Fund 100, Park and Recreation Department/Inland Division, Department No. 444 to CIP-29-506.0, Allied Gardens Pool Filter;

Amending the Fiscal Year 2002 Capital Improvements Program Budget to add \$100,000 in CIP-29-506.0, Allied Gardens Pool Filter;

Authorizing the City Manager to expend \$100,000 from CIP-29-506.0, Allied Gardens Pool Filter, Fund 11380 and Fund No. 100, for replacement of the pool filters at Allied Gardens Community Park Pool and related costs.

**CITY MANAGER SUPPORTING INFORMATION:**

The filters for the Allied Gardens Community Pool are twenty nine (29) years old and well beyond their normal functional life expectancy. As a result, the filters have deteriorated and could fail resulting in closure of the pool. Since the installation of these filters in 1972, the legal requirements for water turnover rates in commercial pools have changed from three times per day (every eight hours) to four times per day (every 6 hours). Although the filters are legal due to a grandfather clause in the law, the new filters will allow for improved water filtration and bring this pool up to current regulations. These improvements will allow the community enhanced access to the pool.

Loveland/McLatchy/MB

Aud. Cert. 2200449.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: A380-479.)

CONSENT MOTION BY ATKINS 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-105: Western Integrated Networks Technology & Communications.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-540) ADOPTED AS RESOLUTION R-295678

Authorizing the City Manager to execute agreements for the installation of capital improvements for PEG Access, Institutional Network, and other affiliated equipment and services;

Authorizing the City Manager to make expenditures in an amount not to exceed \$250,000 from the Western Integrated Networks Technology Capital Grant Fund, provided that the City Auditor first furnishes one or more certificates demonstrating that the funds necessary for the expenditure under the established fund are on deposit in the City Treasury.

**CITY MANAGER SUPPORTING INFORMATION:**

On June 19, 2000, the City entered into a competitive cable television franchise agreement with Western Integrated Networks to establish competitive cable television and other broadband services in the City of San Diego (Document 00-18819). To date, Western Integrated Networks has not sought approval to begin construction of their physical network but does continue to be bound by the terms of their agreement with the City. Under terms of the Western Integrated Networks franchise, the company is required to provide the City two payments of \$250,000 on the first and third year of their franchise to be utilized for "the purchase and installation of capital improvements" for government access video production, Institutional Network equipment, and affiliated equipment and services. Western Integrated Networks' initial payment

of \$250,000 was received by the City on September 1, 2000 and has been placed in the special revenue Western Integrated Networks Technology Fund (Fund 10262) for appropriation as indicated in the franchise agreement. City Council Resolution is required for expenditures under this fund.

The Department of Information Technology and Communications (IT&C) has established a priority capital equipment and installation necessity list for the expenditure of the initial \$250,000 in Technology Grant Funding. This list includes a rebuild of the City Council Chambers public address audio system and major capital equipment needs for the City's government access video production unit including additional cameras, lighting, closed captioning capital equipment, and field production equipment. Council authorization is requested for the expenditure of funding under the Western Integrated Networks Technology Fund and the authority of the City Manager to select the successful bidding vendors for the purchase and installation of the identified capital equipment needs.

The second installment of funding is anticipated to be used in part for the activation of a Library System Institutional Network that will be installed by Western Integrated Networks pursuant to the terms of its Franchise Agreement with the City. IT&C will seek separate authorizing approval by the City Council for the Institutional Network funding expenditure when applicable.

Stapleton/Wilken/MJ

Aud. Cert. 2200387.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A380-479.)

CONSENT MOTION BY ATKINS 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-106: One Way Operation on Auburn Drive and Wightman Street.

(City Heights Community Area. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-555) ADOPTED AS RESOLUTION R-295679

Declaring Auburn Drive between Euclid Avenue and Wightman Street and Wightman Street between Auburn Drive and Euclid Avenue to be one-way streets;

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

**CITY MANAGER SUPPORTING INFORMATION:**

This action converts Auburn Drive to one-way eastbound operation between Euclid Avenue and Wightman Street and converts Wightman Street to one-way westbound operation between Auburn Drive and Euclid Avenue. Council approval is required according to San Diego Municipal Code section 82.19. A petition signed by 69 of 81 affected properties on Auburn Drive (representing 85% of the abutting property on Auburn Drive), and a petition signed by all 41 affected properties on Wightman Street (representing 100% of the abutting property on Wightman Street) were submitted supporting this action.

The City Heights Area Planning Committee supports this action.

**FISCAL IMPACT:**

Fiscal impact is minimal. Funds are budgeted within the Transportation Department, Street Division's operating fund for this purpose.

Loveland/Gonzalez/Holden

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A380-479.)



CONSENT MOTION BY ATKINS 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-107: Appointment of Joseph Cazares and Yen Tu to the San Diego County Water Authority Board.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-537) ADOPTED AS AMENDED AS RESOLUTION R-295680

Council confirmation of the following appointments by the Mayor, to serve as members of the San Diego County Water Authority Board of Directors, for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Joseph A. Cazares (replacing John Fowler, who resigned effective 7/1/2001)	March 5, 2003
Yen C. Tu (replacing Francesca M. Krauel, who resigned effective 8/27/2001)	January 30, 2003

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A514-580.)

Mayor Murphy announced the withdrawal of Joseph A. Cazares.

MOTION BY MADAFFER TO ADOPT THE RESOLUTION AS AMENDED CONFIRMING THE APPOINTMENT OF YEN C. TU AND THE WITHDRAWAL OF JOSEPH A. CAZARES. 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-108: San Diego Foundation for Change Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-523) ADOPTED AS RESOLUTION R-295681

Commending the board of directors, volunteers and staff of San Diego Foundation for Change for their tireless leadership in supporting those groups and individuals who are working in the most underserved and disenfranchised communities in San Diego and Tijuana;

Proclaiming November 9, 2001 to be "San Diego Foundation for Change Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A380-479.)

CONSENT MOTION BY ATKINS 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-109: Sister Ursula Doherty, RSM Day.

**DEPUTY MAYOR STEVENS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-559) ADOPTED AS RESOLUTION R-295682

Commending Sister Ursula Doherty for her dedicated service and contributions to the St. Vincent de Paul parish, school, and the City of San Diego;

Proclaiming October 14, 2001 to be "Sister Ursula Doherty, RSM Day" in San Diego.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: A380-479.)

CONSENT MOTION BY ATKINS 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-110: Amendment to the Agreement for Cost of Service and Rate Design Services.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-542) ADOPTED AS RESOLUTION R-295683

Authorizing the City Manager to execute an amendment to the agreement with Black & Veatch Corporation, for Cost of Services and Rate Design Services for the Metropolitan Wastewater Department;

Authorizing the expenditure of an amount not to exceed \$70,000 from Fund 41509.

**CITY MANAGER SUPPORTING INFORMATION:**

On April 20, 2000 the City of San Diego entered into an agreement with Black and Veatch Corp. to determine the cost of service for sewer, develop sewer rate design alternatives, conduct a series of informational meetings with a Stakeholders' group of mayoral appointees, and prepare a sewer revenue plan for City and State officials. Due to extensive data requests from the

Stakeholders' group and the analytical pursuit of options and alternatives at the group's behest not envisioned in the original scope of work, the number of stakeholder meetings had to be increased, and the costs incurred by the Consultants to this point have reached the authorized limit.

**FISCAL IMPACT:**

This amendment authorizes additional funding for services and expenses for the completion of the remaining elements of the original agreement in the amount of \$30,000. An additional \$40,000 will be allocated for additional services should items not specifically identified in the original agreement arise. Total authorization of this amendment: \$70,000. The total cost for these services will be paid with available Sewer Funds.

Frazier/Vattimo/EA

Aud. Cert. 2200407.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A380-479.)

CONSENT MOTION BY ATKINS 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-111: Sillman/Wright Architects, Amendment No. 3.

(Kearny Mesa Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-569) ADOPTED AS RESOLUTION R-295684

Authorizing a third amendment to the agreement of April 1, 1998, with Sillman/Wright Architects (formerly Sillman/Wyman, Inc.), for design and construction services associated with the Metropolitan Operations Center upgrade, under the terms and conditions set forth in Amendment No. 3;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$20,000 from Fund No. 41508, CIP-45-939.0, Point Loma Maintenance Building Expansion, Phase 1, to Fund No. 41509, CIP-40-924.0, Metropolitan Operations Center MOC II Build Out;

Authorizing the expenditure of an amount not to exceed \$20,000 from Fund No. 41509, CIP-40-924.0, Metropolitan Operations Center MOC II Build Out to provide funds.

**CITY MANAGER SUPPORTING INFORMATION:**

On April 1, 1998, under C-08654, the City Council approved the agreement between the City and Sillman/Wyman, Inc. (now Sillman/Wright Architects) to provide design services for the Metropolitan Operations Center (MOC). The MOC project is comprised of three office buildings (MOC I, II, and III), and a parking facility (MOC IV). Amendment No. 1, adopted June 21, 1999 (Document No. R-291791) and Amendment No. 2, adopted on March 6, 2000 (Document No. R- 292813) provided funding for additional design services in connection with the MOC project.

This Amendment No. 3 is for an amount not-to-exceed \$20,000 to provide design and construction services for the following upgrades to the MOC II facility:

- 4) MOC II Emergency Switchboard Additional Loading - Presently, a 500KVA capacity emergency generator services the MOC II facility whenever a power outage is experienced. This upgrade provides additional areas within the MOC I and MOC II facilities to be connected to the Emergency Generator, which results in additional electrical loading.
- 5) MOC II Cool Roof Application - This upgrade is the spray-on application of a cool roof material over the entire roof area of the MOC II facility. The cool roof application will provide an additional insulating "blanket," preventing the loss of energy and ultimately reducing energy costs.

**FISCAL IMPACT:**

The total cost of this action is \$20,000 from Fund 41509, CIP-40-924.0, Metropolitan Operations Center, MOC II Build Out.

Loveland/Tulloch/JMM

Aud. Cert. 2200417.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A380-479.)

CONSENT MOTION BY ATKINS 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-112: First Amendment with Camp Dresser & McKee Inc. for Water Resources Consulting Services.

(See Larry Gardner's memo dated 10/9/2001.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-462) **RETURNED TO THE CITY MANAGER**

Authorizing the City Manager to execute a First Amendment to the Water Resources Consulting Services Agreement with Camp Dresser & McKee, Inc. for an amount not to exceed \$369,665;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$369,665 from Water Department Fund 41500, for funding this amendment;

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 10/17/2001, NR&C voted 4-0 to approve. (Councilmembers Peters, Frye, Madaffer, and Inzunza voted yea. Councilmember Wear not present.)

**CITY MANAGER SUPPORTING INFORMATION:**

On August 12, 1997, the City Council adopted the Strategic Plan for Water Supply (Strategic Plan) that included a water resources strategy to meet future water demands through 2015, and identified a nine year capital improvements program (CIP) 1998 to 2006 to replace, upgrade and expand key water system facilities.

As a result of recent changes in the water industry, private sector interests are developing alternative sources of water. To effectively and efficiently evaluate various unsolicited water supply proposals received by the City, the Water Department undertook a process to hire a firm to develop an evaluation process using uniform criteria that includes assessing project feasibility, cost/benefit, water quality, long-term affordability and reliability. Integrating these potential water supply opportunities with existing and future City water facilities and extending the water demand forecast to 2030 were additional consultant tasks. This data is critical for long-term water resources and facilities planning. In October 1999, City Council approved an agreement with Camp Dresser & McKee Inc. (CDM) to provide consultant services to complete this work. During the past two years, the Water Department and CDM have made significant progress toward this effort.

An aspect of this progress was the development of an electronic planning model (Stella) which assembles an array of water supply portfolios from alternatives under review linking them with water system infrastructure. The evaluation process and criteria, the model and the resultant water supply portfolios have been defined and documented into a "draft" Water Resources Plan. For the last year and a half, the Water Department's Citizen Advisory Board (CAB) has participated and commented on this water resources planning effort. Finalization of the Water Resource Plan will involve City Council approval.

To complete this strategic planning effort, the Water Department is requesting that additional work be added to the existing CDM contract as Amendment No. 1. This additional work

includes enhancing the electronic planning model (Stella Model) to allow for more comprehensive planning decisions for the water system; updating the CIP planning effort to the year 2015 by incorporating the "Stella Model" findings; updating the Water Resources Plan with the enhanced model; and updating the Strategic Plan for Water Supply to reflect the City's planning goals through the year 2030.

By incorporating the above work into the existing CDM contract, the Water Department will have the needed information to complete its current water resources planning effort. Therefore, by having the proper planning information, the Water Department will be able to meet the water needs of existing customers and plan appropriately for the future.

**FISCAL IMPACT:**

The original contract amount was \$560,715. This First Amendment will add \$369,665 for a not to exceed total of \$930,980 which is available from the Water Department Fund 41500.

Loveland/Gardner/MS

Aud. Cert. 2200342.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A346-353.)

MOTION BY STEVENS TO RETURN ITEM TO THE CITY MANAGER FOR FURTHER REVIEW OF THE CONTRACT. 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: South Metro Downtown Tunnel Rehabilitation - Additional Project Contingency.

(See Scott Tulloch's 9/26/2001 memo. Centre City Community Area. District-2.)



**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-463) ADOPTED AS RESOLUTION R-295685

Authorizing the City Manager to negotiate and execute Change Order No. 4 with Sancon Technologies, Inc., in an amount not to exceed \$250,000 in connection with the South Metro Downtown Tunnel Rehabilitation Project;

Authorizing the expenditure of an amount not to exceed \$849,704 from Fund No. 41508, CIP-46-501.0, Annual Allocation - Metro Pooled Contingency, for Change Order No. 4 and for additional project contingency in connection with the South Metro Downtown Tunnel Rehabilitation Project.

**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:**

The South Metro Downtown Tunnel Rehabilitation Project is currently under construction. The project will rehabilitate the deteriorated concrete and PVC tunnel lining sections without reducing the sewage flow capacity in the tunnel.

On October 16, 2000 the City Council authorized Resolution R-293970 to execute a construction contract with the lowest responsible bidder and the contract was awarded to Sancon Technologies, Incorporated for \$2,940,950 with an engineer's estimate of \$5,192,573.

This request for additional funds is needed to repair anticipated additional deteriorated tunnel sections, based on those already discovered during construction operations (\$325,000); and to make repairs at Pump Station No. 1, which will maximize safety and working time in the tunnel, and which consists of removing debris formed in the influent channels during shutdowns (\$85,000), replacement of the influent gates (not to exceed \$250,000 - Change Order No. 4), and replacement of deteriorated stem guides (\$50,167); as well as ancillary work at P.S. No. 2 (\$99,309). Maximizing safety and working time in the tunnel will benefit the Contractor and the

City by reducing the potential for accidents shortening the length of the project. Also, as part of a value engineering proposal, the access shaft at the County Administration Center has been increased in size to accommodate motorized equipment to allow the work to be accomplished in a more safe and timely manner (\$40,228). This will also facilitate future inspections, which are as deep as 100 feet below ground surface and as far as 3,000 feet inside the tunnel.

**FISCAL IMPACT:**

The total cost of this action is \$849,704 from Fund 41508, CIP-45-941.0, South Metro Downtown Tunnel Rehabilitation.

Loveland/Tulloch/JMM

Aud. Cert. 2200343.

FILE LOCATION: CONT - Sancon Technologies, Inc.; W.O. 175794

COUNCIL ACTION: (Tape location: A380-479.)

CONSENT MOTION BY ATKINS 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-114: Sewer Pump Station No. 61 Improvements - Request for Additional Funds.

(See Frank Belock, Jr.'s 5/24/2001 memo; Frequently Asked Questions About Group Jobs. Kearny Mesa Community Area. District-6.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-568) CONTINUED TO MONDAY, NOVEMBER 19, 2001

Authorizing the City Manager to execute a second amendment to the agreement with Earth Tech, formerly Barrett Consulting Group, for additional engineering services at a cost not to exceed \$36,780;

Authorizing the City Manager to execute Change Order No. 3, amounting to a net increase in the contract price of \$201,132.97 for the construction of Sewer Pump Station 61 Improvements, CIP-46-106.0;

Authorizing the expenditure of an amount not to exceed \$360,425 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Pump Station Restoration, of which \$36,780 is for the Second Amendment, \$2,400 is for Special Concrete Inspection performed by an ICBO certified inspector, \$6,000 is for additional in-house engineering services, \$50,000 is for additional inspection services and \$265,245 is for Change Order No. 3 with AES Construction Group and additional project contingencies for Sewer Pump Station No. 61.

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

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

**CITY MANAGER SUPPORTING INFORMATION:**

Council authorized an agreement with Earth Tech, formerly known as Barrett Consulting Group, on January 4, 1993, Document Number RR-281299, to provide engineering services for the upgrade and replacement of Sewer Pump Station No. 61. This facility is located at 5074 Mercury Street, was built in 1972, and needs to be upgraded with the current design and safety standards.

This project is currently in construction. During the grading operations, contaminated soil and groundwater were discovered. Geotechnical investigations performed by a Geotechnical Engineering Consultant during the design phase did not reveal any contaminated soil nor indicate a high groundwater table. There are several possibilities for the unexpected encounter of contaminated soil and groundwater during construction, even though the boring logs taken before did not show evidence of such. One possibility is that the soil is dense and fine grained; thus, the permeability is low and the water does not flow through it fast enough to get collected in the boring logs (test logs). Another possibility is perched groundwater, which means the possibility exists of excessive rainfall after the boring logs were taken which caused the water to infiltrate down stream.

This has created the need for additional engineering services to provide a structural redesign of the pump station. The amendment to the consultant agreement will accommodate the costs of

providing the redesign as well as providing special geotechnical and structural inspection during construction. The additional funds will also accommodate the additional construction and other inspection costs by City staff incurred as a result of encountering contaminated soil and groundwater.

**FISCAL IMPACT:**

The estimated cost for this action is \$360,425. Funding for this request will come from Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration. Total cost of the project, including construction, is estimated at \$2,457,660.

Loveland/Belock/HR

Aud. Cert. 2200396.

WWF-01-521.

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

\_\_\_\_\_ COUNCIL ACTION:                      (Tape location: A380-390.)

MOTION BY FRYE TO CONTINUE THE ITEM TO NOVEMBER 19, 2001 FOR FURTHER REVIEW. 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-115: Sewer Pump Station 24 - Contract Change Order No. 6.

(See Frank Belock Jr.'s 9/12/2001 memo. La Jolla Community Area. District-1.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-571) ADOPTED AS RESOLUTION R-295686

Approving Change Order No. 6, dated July 18, 2001, issued in connection with the contract between the City of San Diego and Orion Construction Company, setting forth the changes amounting to a net increase in the contract price of \$387,388;

Authorizing the expenditure of an amount not to exceed \$227,544.50 from Sewer Fund 41506, CIP-46-142.0; and an amount not to exceed \$249,843.50 from Sewer Fund 41506, CIP-46-193.0, Annual Allocation - Muni Pooled contingency.

**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.)

On March 30, 1999, the City Manager approved awarding the low base bid of \$3,595,325 to Orion Construction Corporation for the construction of Sewer Pump Station No. 24. This project includes the construction of a new underground sewer pump station, the demolition of the existing sewer pump station, the construction of a new force main, and the rehabilitation of the existing force main along Coast Boulevard and Pearl Street in the La Jolla Community area. Construction Change Order No. 1 included the additional installation of three (3) manholes, and compensation to the contractor for work associated with various underground utility conflicts. Change Order No. 2 compensated the contractor for additional work associated with modifications to the COMNET System and other electrical work.

Change Order No. 3 compensated the contractor for additional work required by the Regional Water Quality Board in connection with the Site Assessment Plan to abandon the existing sewage emergency storage tank. Change Order No. 4 included the additional replacement of 80 feet of 8-inch sewer main along Pearl Street, per request from the operating division. Change Order No. 5 included the replacement of concrete pavement which was in poor condition, and provided additional stripping within the vicinity of the pump station.

During the final phase of construction, it was necessary to replace the existing pumps to resolve the cavitation noise problem and to further reduce the probability of pumps failure and potential sewage spill. Also, the modification of the existing overhead crane was required to accommodate the new pumps. In addition, due to concerns of an energy crisis and power outages, MWWD requested the purchase and the installation of an emergency generator. The total construction cost for Change Order No. 6 is \$387,388. The requested money for additional engineering of \$90,000 is needed to fund additional design and inspection work associated with

the redesign and replacement of the existing pumps and overhead crane due to the pump cavitation problem. This work includes hiring a mechanical engineering expert to examine and evaluate the existing pump and to make recommendations. Also, additional meetings and coordination efforts between the City staff, the contractor, manufacturer and the design consultant are required to redesign and replace the pumps and resolve the cavitation issue.

**FISCAL IMPACT:**

The total cost of this project is \$5,326,391 of which \$4,849,003 was previously authorized by Council Resolutions. This request of \$227,544.50 is available in Fund 41506, CIP-46-142.0, Sewer Pump Station No. 24 and \$249,843.50 is available in Fund 41506, CIP-46-193.0, Annual Allocation - Muni Pooled contingency. Construction contingencies amount to \$387,388 and engineering and other related costs are \$90,000.

Loveland/Belock/HR

Aud. Cert. 2200406.

WWF-01-541.

FILE LOCATION: CONT - Orion Construction

COUNCIL ACTION: (Tape location: A380-479.)

CONSENT MOTION BY ATKINS 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-116: Reinvestment Task Force Master Plan and Council Policy 900-09.

(See Committee Consultant Analysis No. 2001-04; Draft Reinvestment Master Plan 2001-2003; Council Policy 900-09; Home Ownership Counseling Initiative; San Diego City-County Reinvestment Task Force.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-611) ADOPTED AS RESOLUTION R-295687

Endorsing the Reinvestment Task Force's (RTF) Master Plan for 2001-2003;

Revising Council Policy 900-09 to formalize the role of the RTF, and encouraging community reinvestment activities by financial institutions doing business with the City.

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

On 3/7/2001, PS&NS voted 4-0 to: a) Direct the San Diego City/County Reinvestment Task Force (RTF) to incorporate the proposed revisions into its Plan and forward it to the full City Council for adoption. b) Direct the City Treasurer to work with the City's Financial Management and Community & Economic Development Departments and the RTF to revise Council Policy 900-09 to achieve the policy goal of encouraging community reinvestment activities by financial institutions engaged in business in the City and forward them to the full City Council for adoption. (Councilmembers Atkins, Stevens, Maienschein, and Inzunza voted yea.)

**SUPPORTING INFORMATION:**

On March 7, 2001, the Public Safety & Neighborhood Services Committee voted unanimously to:

1. Accept the RTF's Master plan with the recommendations of the accompanying Consultant's Report and forward them to the Council for adoption.
2. Direct the City Manager to work with the appropriate City departments and the RTF to revise Council Policy 900-09 to achieve the policy goal of encouraging community reinvestment activities by financial institutions engaged in business in the City and to forward the revised policy to the full City Council for adoption.

In response to these directions:

1. The RTF's Master Plan, with the requested revisions, is being presented to Council.

2. Working with the appropriate City departments and the RTF, a draft Council Policy 900-9 has been prepared. In consideration of the concerns raised at Committee, the following Policy revisions are proposed:
  - a.) Rather than "requiring" a San Diego-specific reinvestment plan from financial institutions doing business with the City, the Policy would "request" this information;
  - b.) Financial thresholds for requesting this information would be established. Only firms whose annual compensation from the City might reasonably be projected to exceed \$ 100,000 and whose total assets exceed \$250 million would be included.

As a practical matter, to provide for implementation of the above:

- a.) Reinvestment information will be requested from all firms meeting the above criteria;
- b.) All responses will be made available to the RTF for compilation and analysis;
- c.) The City Manager and the RTF will be expected to report back to PS&NS on an annual basis to report on the implementation of the program and provide recommendations for further refinement of this policy.

Russell

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A380-479.)

CONSENT MOTION BY ATKINS 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-150: Inviting Bids for Sewer and Water Group 702.

(See Frank Belock, Jr.'s 5/24/2001 memo; Frequently Asked Questions About Group Jobs. Peninsula and Midway Community Areas. District-2.)



**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-491) ADOPTED AS RESOLUTION R-295688

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Water and Sewer Group 702 Project on Work Order No. 184481/175381;

Authorizing the City Manager to establish contract funding phases and execute a contract with the lowest responsible bidder, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the use of City Forces for making temporary cuts and plugs, connections, and operational checks in an amount not to exceed \$159,236 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement;

Authorizing the expenditure of an amount not to exceed \$756,437 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and an amount not to exceed \$1,165,390 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying 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-K02036C)

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

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

**CITY MANAGER SUPPORTING INFORMATION:**

Water and Sewer Group 702 is part of the City of San Diego's continuing annual water and sewer main replacement program. This project will include the installation of approximately

5,130 feet of twelve, ten, and eight-inch (12", 10", 8") water main, and approximately 5,092 feet of eight-inch sewer main. It also calls for the construction of 28 pedestrian ramps, and slurry sealing and resurfacing of the impacted City streets.

The following streets will be affected by construction operations: Chatsworth Boulevard, Alcott Street, Zola Street, Lytton Street, Rosecrans Street, and the alley north of Barnett Avenue. Traffic control plans will be included with the project plans.

**FISCAL IMPACT:**

The total estimated cost of this project is \$1,921,827. Of this amount, \$422,851 is for engineering services, \$1,435,179 is for construction, and \$63,797 is for contingency. Funding of \$1,165,390 is available in FY 2001 and FY 2002 from Water Fund No. 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, and \$756,437 from Sewer Fund No. 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for this purpose. Included in the total construction estimate is \$159,236 for City forces to make temporary cuts and plugs, connections, and perform operational checks. This project will be phase-funded.

Loveland/Belock/HR

WWF-01-526.

FILE LOCATION: W.O. 184481/175381

COUNCIL ACTION: (Tape location: A581-592.)

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

ITEM-151: Advanced Infrastructure Systems, LLC - Condition Assessment of Trunk Sewers.

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

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-589) ADOPTED AS RESOLUTION R-295689

Authorizing the City Manager to execute an agreement with Advanced Infrastructure Systems, LLC, for professional consulting services to perform condition assessments of the City's trunk sewers;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$3,254,222 from Fund No. 41506, CIP-46-215.0, Annual Allocation - Infrastructure Upgrade and Replacement, to Fund No. 41506, Department 773, Org. 820, Job Order 8206;

Authorizing the expenditure of an amount not to exceed \$3,254,222 from Fund No. 41506, Department 773, Org. 820, Job Order 8206.

**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:**

The work to be performed under this agreement will consist of televising selected City trunk sewers, sewer manholes, and junction structures located in the southern part of San Diego to assess their existing condition. A total of 106.6 miles out of 350 miles of City trunk sewers ranging from 6 inches to 96 inches in diameter and 1,352 manholes and junction structures will be televised and assessed. Approximately 29.6 miles of these trunk sewers are located in remote areas (i.e. open space areas, canyons, and backyards) but most can be accessed via existing utility roads. Where there is no existing access road, the consultant will hand-carry equipment to the inspection site in compliance with environmental conditions for this project. The consultant will also prepare inspection reports to document observed pipeline condition, any structural defects, and other pertinent findings. The reports will be instrumental in evaluating the condition of the trunk sewers and identifying locations where high priority rehabilitation, replacement, or cleaning of sewer facilities is required.

The inspection and report work shall be completed within one hundred twenty (120) workdays from the Notice to Proceed date. This is the second phase of a multi-phase program to televise City sewers, for a not to exceed amount of \$3,254,222.

This request is to enter into an Agreement with Advanced Infrastructure Systems, L.L.C., for the condition assessment of selected trunk sewers, in the amount of \$3,254,222. In accordance with Council Policy 300-07, on July 6, 2001 the City held interviews with four (4) firms, and Advanced Infrastructure Systems, L.L.C. was selected as the best qualified firm to provide this service. Prime subcontractors on this project are Hirsch & Co., LKS & Associates, Affordable Pipeline Services, Innerline Engineering, SAF-r-DIG Utility Surveys, and Cecilia's Safety Services.

**FISCAL IMPACT:**

The total cost of this action is \$3,254,222.

Loveland/Tulloch/DG

Aud. Cert. 2200448.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A593-B061.)

MOTION BY PETERS 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-200: Two actions related to State Water Resources Control Board - Low Interest Loan Program Authorization.

**CITY MANAGER'S RECOMMENDATION:**

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

Subitem-A: (O-2002-40) INTRODUCED, TO BE ADOPTED ON MONDAY,  
NOVEMBER 19, 2001

Introduction of an Ordinance authorizing and accepting State Revolving Fund Loan Program contracts for the Otay River Pump Station & Conveyance Project and for the Environmental and Technical Services Laboratory Phase I.

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

Subitem-B: (R-2002-141) ADOPTED AS RESOLUTION R-295690

Providing the necessary State matches in the amount of \$2,000,000 for the Otay River Pump Station & Conveyance Project, SRF Loan Number C-06-4721-110, and in the amount of \$2,200,000 for the Environmental & Technical Services Laboratory, Phase I, SRF Loan Number C-06-4703-110;

Providing the State match for an administrative fee in an amount not to exceed 0.575 percent of the eligible project cost, if requested;

Establishing a match account for the project and depositing sufficient funds to make State match payments to contractors;

Providing certification with progress payments certifying that payment has been made to contractors;

Providing copies of canceled checks to the State Water Resources Control Board documenting payments.

**CITY MANAGER SUPPORTING INFORMATION:**

The State Water Resources Control Board's State Revolving Fund (SRF) is a low interest loan program that allows municipalities and wastewater agencies to obtain loans for construction of wastewater capital projects. Currently, the City has contracted with the State for eight loans in an amount totaling approximately \$90 million. Of the various loan programs, the City has elected to participate in the "zero/low" interest program. This program is comprised of Federal and State funds. The participating municipalities have the option to pay the State's share of the

loan (16.7%) in return for a zero interest, thereby allowing the State to have more funds available for other applicants. The "zero-interest" is applied over the loan repayment period of 20 years. The savings are significant when compared to traditional bond funding of capital projects.

In order to obtain these loans, the State requires certain authorizations and compliance from the City. The first of these is authorization of the City Manager or his designated representative to enter into the loans and oversee matters related to loan administration, as well as to certify that the City has funds necessary to construct a project. The second is a resolution certifying that the City will provide the State match and administrative fee, if requested, by establishing an account for this purpose and provide required documentation to the State as part of the administration of the loans. With the exception of a change to reflect the Senior Deputy City Manager as the duly designated representative and project specific information, the requested ordinance and resolution for the Otay River and Conveyance System Project and the Environmental Monitoring & Technical Services Laboratory, Phase I, will accomplish the same compliance as for previous projects to obtain a low interest loan. The combined loan amounts for these two projects is expected to be \$24,630,000.

**FISCAL IMPACT:**

Matching funds are available in CIP-41-924.0 and CIP-46-187.0 budgets and are included in the Wastewater Financing Plan/Rate Case.

Loveland/Tulloch/WMG

FILE LOCATION: Subitem A: NONE; Subitem B: MEET

COUNCIL ACTION: (Tape location: B062-093.)

MOTION BY WEAR TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTION. 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-201: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: 3970, 3980, 3990 Sherman Street (APN 760-102-16)

Agency Negotiator: Real Estate Assets Director

Negotiating Parties: P.O.P. Commerce Point, LP; CP Holdings, LP, a Delaware limited partnership.

Under Negotiation: Assignment of the leasehold interest.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket only for public testimony.

**There is no Council discussion of this item. The City Council's actions are:**

**REFERRED TO CLOSED SESSION ON NOVEMBER 6, 2001**

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on November 6, 2001.

**NOTE:** Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B094-098.)

Mayor Murphy opened and closed the hearing.

ITEM-202: Inviting Bids for the Construction of Navajo Road Median Enhancement Phase 2 - Jackson Drive to Bisby Lake Avenue.

(Navajo Community Area. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-490) ADOPTED AS RESOLUTION R-295691

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 Navajo Road Median Enhancement Phase 2 - Jackson Drive to Bisby Lake Avenue on Work Order No. 526680A;

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

Authorizing the expenditure of an amount not to exceed \$2,644,000 from Fund 30306, CIP-52-668.0, Navajo Road Median Enhancement Phase 2 - Jackson Drive to Bisby Lake Avenue 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-K02039C)

**CITY MANAGER SUPPORTING INFORMATION:**

The Navajo Road Median Enhancement Phase 2 improvements will improve the overall appearance of the neighborhood by replacing existing asphalt medians with landscaping, irrigation, hardscape, and providing additional pedestrian access with new sidewalks in place of existing dirt parkways along some portions of Navajo Road. On December 12, 2000, Phase I of the Navajo Road Median Enhancement Project was completed. This phase included the replacement of existing asphalt medians with landscaping, irrigation, and hardscape for approximately 1/4 mile along Navajo Road. Phase 2 will continue the aesthetic enhancement of the roadway over an additional 1-3/4 mile stretch.



**FISCAL IMPACT:**

The total estimated cost for both phases of Navajo Road Median Enhancement is \$3,046,105. Previous actions approved \$402,105, and this request will provide authorization for the remaining \$2,644,000. The funding for this request is available from CIP-52-668.0, Fund 30306, TransNet Commercial Paper. In an effort to defer the issuance of commercial paper, available cash in the amount of \$2,644,000 will be identified through our cash management process to fund this project. No expenditures will be incurred against commercial paper.  
Loveland/Belock/PB

FILE LOCATION: CONT - Heffler Company, Inc.; W.O. 526680A

COUNCIL ACTION: (Tape location: B099-151.)

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

ITEM-203: Regional Water Quality Control Board/Administrative Civil Liability Order No. 2001-174.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-614) ADOPTED AS RESOLUTION R-295692

Authorizing the transfer of \$1,589,000 from Fund 41509, CIP-42-915.0, NCWRP Permanent Demineralization Facility, to Fund 41506, Department 773, Org. 190, Object Account 4972, Job Order 1906 for the purpose of funding the Regional Water Quality Control Board's Administrative Civil Liability Order No. 2001-174;

Authorizing the expenditure of not to exceed \$1,589,000 from Fund 41506, Department 773, Org. 190, Object Account 4972, Job Order 1906 for the purpose of funding the Regional Water Quality Control Board's Administrative Civil Liability Order No. 2001-174.

**CITY MANAGER SUPPORTING INFORMATION:**

On October 10, 2001, the Regional Water Quality Control Board (RWQCB) adopted Administrative Civil Liability Order # 2001-174. This order established the penalty to be collected as a result of the Tecolote Canyon sewer spill that occurred in February 2001.

The total penalty was established to be \$1,589,000. Two Supplemental Environmental Projects (SEPs) were approved as a part of the penalty amount. These are: 1) an Epidemiological Study in Mission Bay to be done by the Southern California Coastal Water Research Project (SCCWRP) for \$700,000 and; 2) a Contaminate Dispersion Study in Mission Bay to be done by an as yet unknown contractor for \$400,000.

The entire \$1,589,000, including funds allocated for the SEPs, must be paid within 30 days of the RWQCB action. The \$700,000 is to be paid directly to SCCWRP for the Epidemiological Study. The \$400,000 is to be paid to the State Water Resources Control Board (SWRCB) for eventual distribution to the contractor that is selected for the Dispersion Study. The balance of the penalty, \$489,000, is to be paid to the SWRCB for deposit in the Cleanup and Abatement Fund.

**FISCAL IMPACT:**

Fiscal Impact to the Sewer Revenue Fund is not-to-exceed \$1,589,000 which represents the Administrative Civil Liability Order No. 2001-174. Funding is available in Fund 41506, Department 773, Org. 190, Object Account 4972, Job Order 1906.  
Loveland/Tulloch/SE

Aud. Cert. 2200488.

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

\_\_\_\_\_ COUNCIL ACTION:                      (Tape location: B152-310.)

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

ITEM-204: Qualcomm Stadium ADA Upgrade - Award Design Build Contract.

(Mission Valley Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-603 Cor. Copy 1 ) ADOPTED AS RESOLUTION R-295693

Authorizing the City Manager to execute an agreement with Sundt Construction, Inc. for design-build construction services for Qualcomm Stadium ADA Upgrade;

Authorizing the expenditure of an amount not to exceed \$4,053,950 for a Design-Build Agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$5,250,000, of which \$1,000,000 was previously authorized and this request will provide for the transfer in the amount of \$4,250,000 from Capital Outlay-Sales Tax, CIP-34-2010.

**CITY MANAGER SUPPORTING INFORMATION:**

To comply with requirements of ADA/Title 24, the Stadium requires structural and programmatic modifications. The proposed agreement with Design-Build Team (DBT) will provide the professional services required to prepare construction drawing and construct the ADA upgrades.

Under the terms of the settlement agreement all work will need to be completed by April 2002. Some of the major scope of improvements includes installation of two new elevators, five chair lifts, ramps and seating modifications for wheelchairs, and other disabled patrons. Five companies responded to the Request for Qualifications. Three Design - Build companies submitted their proposals and were interviewed. The team of Sundt Construction, Inc. / Vasquez and Marshall, was selected in accordance with Council Policy 300-7 and Division 33 of the San Diego Municipal Code.

**FISCAL IMPACT:**

The total estimated project cost for the Qualcomm Stadium ADA Upgrade is \$5,250,000. Previous action authorized a total of \$1,000,000 for the project. This action will provide the authorization for the remaining \$4,250,000. Of this request, funding for the Design-Build Contract portion of the work in the amount of \$4,053,950 is available in CIP-34-201.0, Fund No. 30245, Capital Outlay-Sales Tax and \$1,196,050 is for engineering and related costs.

Loveland/Belock/AO

Aud. Cert. 2200460.

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Tape location: B311-398.)

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.

ITEM-205: Two actions related to a District Primary Election on March 5, 2002.

(See memorandum from the City Clerk dated 10/8/2001.)

**CITY CLERK'S RECOMMENDATION:**

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

Subitem-A: (O-2002-47) INTRODUCED AND ADOPTED AS O-19000 (New Series)

Introduction and adoption of an Ordinance calling a District Primary Election in the City of San Diego, on Tuesday, March 5, 2002, for the purpose of conducting elections for Councilmembers for Districts 2, 4, 6 and 8.

Subitem-B: (R-2002-584) ADOPTED AS RESOLUTION R-295694

Requesting the consolidation of a District Primary Election to be held in the City of San Diego on March 5, 2002, with the Statewide Primary Election to be held on the same date.

**SUPPORTING INFORMATION:**

This is to request that the City Council adopt an ordinance calling a Municipal Primary Election and a resolution requesting the consolidation of the election with the Statewide Primary Election to be held on March 5, 2002. The resolution requesting consolidation includes a request for the services of the Registrar of Voters. The Municipal Primary Election will be held for the purpose of conducting elections for Councilmembers for Districts 2, 4, 6 and 8.

Abdelnour

Aud. Cert. 2200472.

FILE LOCATION: Subitems A & B: MEET

COUNCIL ACTION: (Tape location: B407-436.)

MOTION BY STEVENS TO INTRODUCE THE ORDINANCES AND ADOPT THE RESOLUTIONS FOR ITEMS 205 AND 206. 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-206: Two actions related to a Special Municipal Election on March 5, 2002.

(See City Clerk Report CCR-01-04.)

**CITY CLERK'S RECOMMENDATION:**

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

Subitem-A: (O-2002-48) INTRODUCED AND ADOPTED AS O-19001 (New Series)

Introduction and adoption of an Ordinance calling a Special Municipal Election in the City of San Diego on March 5, 2002, for the purpose of submitting to the qualified voters of the City one or more ballot propositions; and consolidating the Special Municipal Election with the Statewide Primary Election to be held on the same date.

Subitem-B: (R-2002-585) ADOPTED AS RESOLUTION R-295695

Requesting the consolidation of a Special Municipal Election to be held in the City of San Diego on March 5, 2002, with the Statewide Primary Election to be held on the same date.

**SUPPORTING INFORMATION:**

This is to request that the City Council adopt an ordinance calling a Municipal Special Election as well as a resolution requesting the consolidation of this election with the Statewide Primary Election to be held on March 5, 2002. The resolution requesting consolidation includes a request for the services of the Registrar of Voters. The Municipal Special Election will be held for the purpose of conducting elections for any and all propositions the Council approves for placement on the ballot.

Ballot propositions approved by the Rules Committee on September 26, 2001, and being forwarded to Council with a recommendation to place the item(s) on the March 5, 2002 ballot:

1. Charter Amendment granting subpoena power to the Ethics Commission;
2. Proposal to fill short term vacancies on the City Council;
3. Charter Amendment concerning public agency participation in the City Employees Retirement System (Proposed Section 149); and
4. Charter Amendment to Section 141 (City Employees Retirement System) to provide five-year vesting.

Additionally, two initiative petition efforts have qualified for placement on the March 5, 2002 ballot:

1. Charter Amendment to add Section 76.2 titled "General Taxes"
2. Referendum of O-18938 relating to the ban of alcohol at certain City parks and beaches

The estimated cost of this election, including ballot proposals being considered by Council, is \$1,516,500, if as many as eight measures are approved for the ballot.

Abdelnour

Aud. Cert. 2200472

FILE LOCATION: Subitems A & B: MEET

COUNCIL ACTION: (Tape location: B407-436.)

MOTION BY STEVENS TO INTRODUCE THE ORDINANCES AND ADOPT THE RESOLUTIONS FOR ITEMS 205 AND 206. 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-207: Five actions related to a Ballot Proposal for March 5, 2002 Amending the City Charter Granting Subpoena Power to the Ethics Commission.

(See Dorothy Leonard's 9/14/2001 letter; O-18945, Subsection 26.0414(e).)

**TODAY'S ACTIONS ARE:**

Introduce and adopt the ordinance in Subitem A; consider Subitems B, C, and D; adopt the resolution in Subitem E:

Subitem-A: (O-2002-45) INTRODUCED AND ADOPTED AS O-19002 (New Series)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Special Municipal Election consolidated with the Statewide Primary Election to be held on March 5, 2002, one proposition amending the City Charter by adding Subsection (d) to Charter Section 41 granting subpoena power to the San Diego Ethics Commission.

Subitem-B: NO DIRECTION GIVEN

In the matter of directing the City Attorney to prepare a ballot title and summary.

Subitem-C: NO DIRECTION GIVEN

In the matter of directing the City Attorney to prepare an impartial analysis.

Subitem-D: NO DIRECTION GIVEN

In the matter of directing the City Manager to prepare a fiscal analysis.

Subitem-E: (R-2002-610) ADOPTED AS AMENDED AS RESOLUTION R-295696

Adoption of a resolution authorizing the Mayor to sign a ballot argument in favor of the proposition amending the City Charter by adding subsection (d) to Charter section 41 granting subpoena power to the San Diego Ethics Commission.

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

On 9/26/2001, RULES voted 5-0 to approve the proposed draft language contained in the 9/14/2001 letter from the Ethics Commission Chair, except that the following seven words are to be deleted "or any person designated by the Commission" and to forward it to the full Council with a recommendation to place the item on the March 2002 ballot. Mayor Murphy also indicated his desire to be authorized to sign the ballot argument in favor of the measure. (Councilmembers Wear, Atkins, Stevens, Madaffer, and Mayor Murphy voted yea.)

\_\_\_\_\_ FILE LOCATION: Subitems A - E: MEET

\_\_\_\_\_ COUNCIL ACTION: (Tape location: B437-510.)

MOTION BY STEVENS TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE AND TO ADOPT THE RESOLUTION AS AMENDED TO CONFIRM THAT CITY ATTORNEY CASEY GWINN WILL CO-SIGN THE BALLOT ARGUMENT WITH MAYOR MURPHY. 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-208: Five actions related to a Ballot Proposal for March 5, 2002 to Fill Short Term Vacancies on the City Council.

(See City Attorney's 3/26/2001 report; Councilmember Wear's 1/30/2001 memo.)

**TODAY'S ACTIONS ARE:**

Introduce and adopt the ordinance in Subitem A; consider Subitems B, C, D and E:

Subitem-A: (O-2002-43) REFERRED TO RULES COMMITTEE FOR POSSIBLE PLACEMENT ON THE NOVEMBER 2002 BALLOT

Introduction and adoption of an Ordinance submitting to the qualified voters at the Special Municipal Election consolidated with the Statewide Primary Election to be held on March 5, 2002, one proposition amending the City Charter by amending Section 12 permitting City Council appointment to fill Council vacancy pending Special Election.

Subitem-B: REFERRED TO RULES COMMITTEE FOR POSSIBLE PLACEMENT ON THE NOVEMBER 2002 BALLOT

In the matter of directing the City Attorney to prepare a ballot title and summary.

Subitem-C: REFERRED TO RULES COMMITTEE FOR POSSIBLE PLACEMENT ON THE NOVEMBER 2002 BALLOT

In the matter of directing the City Attorney to prepare an impartial analysis.

Subitem-D: REFERRED TO RULES COMMITTEE FOR POSSIBLE PLACEMENT ON THE NOVEMBER 2002 BALLOT

In the matter of directing the City Manager to prepare a fiscal analysis.

Subitem-E: REFERRED TO RULES COMMITTEE FOR POSSIBLE PLACEMENT ON THE NOVEMBER 2002 BALLOT

In the matter of assigning authorship of the ballot argument.

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

On 9/26/2001, RULES voted 5-0 to approve the proposed draft language attached to the 3/26/2001 report from the City Attorney, except that the word "thirty" should be changed to "forty-five" in Sec. 12(h)(1)(B)(I) and to forward it to the full Council with a recommendation to place the item on the March 2002 ballot. (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

FILE LOCATION: Subitems A - E: MEET

COUNCIL ACTION: (Tape location: B511-C297.)

MOTION BY INZUNZA TO REFER THIS ITEM BACK TO THE RULES COMMITTEE FOR CONSIDERATION OF A POSSIBLE NOVEMBER, 2002 BALLOT PROPOSITION. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-nay, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-209: Five actions related to a Ballot Proposal for March 5, 2002 Amending City Charter Section 141 (City Employees Retirement System) to Provide a 5-Year Vesting.

(See City Manager Report CMR-01-201.)

**TODAY'S ACTIONS ARE:**

Introduce and adopt the ordinance in Subitem A; consider Subitems B, C, D and E:

Subitem-A: (O-2002-42) INTRODUCED AND ADOPTED AS O-19004 (New Series)

Introduction and adoption of an Ordinance submitting to the qualified voters at the Special Municipal Election consolidated with the Statewide Primary Election to be held on March 5, 2002, one proposition amending the City Charter by amending Section 141 concerning changing the vesting requirement of the San Diego City Employees' Retirement System from ten years to five years.

Subitem-B: NO DIRECTION GIVEN

In the matter of directing the City Attorney to prepare a ballot title and summary.

Subitem-C: NO DIRECTION GIVEN

In the matter of directing the City Attorney to prepare an impartial analysis.

Subitem-D: NO DIRECTION GIVEN

In the matter of directing the City Manager to prepare a fiscal analysis.

Subitem-E: ADOPTED AS RESOLUTION R-295704

In the matter of assigning authorship of the ballot argument.

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

On 9/26/2001, RULES voted 4-0 to approve the proposed draft language contained in City Manager Report CMR-01-201 and to forward it to the full Council with a recommendation to place the item on the March 2002 ballot. (Councilmembers Wear, Atkins, Madaffer and Mayor Murphy voted yea. Councilmember Stevens not present.)

FILE LOCATION: Subitems A - E: MEET

COUNCIL ACTION: (Tape location: C298-335.)

MOTION BY ATKINS TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE AND TO ADOPT A RESOLUTION FOR SUBITEM-E, TO REQUEST THAT THE PRESIDENT OF THE RETIREMENT BOARD SIGN THE AUTHORSHIP OF THE BALLOT PROPOSAL UNLESS THE RULES COMMITTEE DESIGNATES SOMEONE ELSE. FOR THE RECORD, IT WAS NOTED THAT THE BOARD OF ADMINISTRATION OF RETIREMENT HAS AGREED TO PAY FOR THE COST OF THIS ITEM. 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-210: Five actions related to a Ballot Proposal for March 5, 2002 Amending the City Charter Concerning Public Agency Participation in the City Employees Retirement System.

(See Lawrence Grissom's 9/4/2001 memo; Dennis P. Bouey's 9/21/2001 letter.)

**TODAY'S ACTIONS ARE:**

Introduce and adopt the ordinance in Subitem A; consider Subitems B, C, D and E:

Subitem-A: (O-2002-44) INTRODUCED AND ADOPTED AS O-19005 (New Series)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Special Municipal Election consolidated with the Statewide Primary Election to be held on March 5, 2002, one proposition amending the City Charter by adding Section 149 concerning public agency participation in the San Diego City Employees' Retirement System.

Subitem-B: NO DIRECTION GIVEN

In the matter of directing the City Attorney to prepare a ballot title and summary.

Subitem-C: NO DIRECTION GIVEN

In the matter of directing the City Attorney to prepare an impartial analysis.

Subitem-D: NO DIRECTION GIVEN

In the matter of directing the City Manager to prepare a fiscal analysis.

Subitem-E: NO DIRECTION GIVEN

In the matter of assigning authorship of the ballot argument.

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

On 9/26/2001, RULES voted 5-0 to approve the proposed draft language contained in the 9/24/2001 memo from Lawrence Grissom and to forward it to the full Council with a recommendation to place the item on the March 2002 ballot. (Councilmembers Wear, Atkins, Stevens, Madaffer, and Mayor Murphy voted yea.)

FILE LOCATION: Subitems A - E: MEET

COUNCIL ACTION: (Tape location: C336-372.)

MOTION BY WEAR TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-211: Five actions related to an Initiative Petition for the March 5, 2002 Ballot Amending the City Charter to Add Section 76.2 Titled "General Taxes."

**TODAY'S ACTIONS ARE:**

Introduce and adopt the ordinance in Subitem A; consider Subitems B, C, D and E:

Subitem-A: (O-2002-46) CONTINUED TO MONDAY, NOVEMBER 19, 2001

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Special Municipal Election consolidated with the Statewide Primary Election to be held on March 5, 2002, one proposition relating to an initiative petition amending the City Charter by adding Section 76.2 titled "General Taxes."

Subitem-B: CONTINUED TO MONDAY, NOVEMBER 19, 2001

In the matter of directing the City Attorney to prepare a ballot title and summary.

Subitem-C: CONTINUED TO MONDAY, NOVEMBER 19, 2001

In the matter of directing the City Attorney to prepare an impartial analysis.

Subitem-D: CONTINUED TO MONDAY, NOVEMBER 19, 2001

In the matter of directing the City Manager to prepare a fiscal analysis.

Subitem-E: CONTINUED TO MONDAY, NOVEMBER 19, 2001

In the matter of assigning authorship of the ballot argument.

---

FILE LOCATION: Subitems A - E: NONE

---

COUNCIL ACTION: (Tape location: C373-496.)

Motion by Peters to introduce, dispense with the reading and adopt the ordinance and to request that the City Manager prepare a fiscal analysis of this measure and request that the City Attorney prepare an impartial analysis. Second by Maienschein. No vote taken.

MOTION BY PETERS TO CONTINUE THIS ITEM TO MONDAY, NOVEMBER 19, 2001, TO ALLOW THE RULES COMMITTEE TO CONSIDER THE ITEM ON WEDNESDAY AND TO FURTHER EXPLORE ALTERNATIVES. THE CITY ATTORNEY IS REQUESTED TO PREPARE AN ANALYSIS AS TO THE PREEMPTION ISSUE BY STATE LAW AND TO RESEARCH THE LIABILITY ISSUE SHOULD THE CITY REFUSE TO PUT IT ON THE BALLOT CONSISTENT WITH THE CHARTER. 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-212: Five actions related to Referendum of O-18939 related to the Ban of Alcohol at Certain City Parks and Beaches for the March 5, 2002 Ballot.

**TODAY'S ACTIONS ARE:**

Introduce and adopt the ordinance in Subitem A; consider Subitems B, C, D and E:

Subitem-A: (O-2002-41) INTRODUCED AND ADOPTED AS O-19007 (New Series)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Special Municipal Election consolidated with the Statewide Primary Election to be held on March 5, 2002, one proposition relating to a referendum petition to approve or reject an ordinance amending Section 56.54 of the San Diego Municipal Code pertaining to Alcohol Consumption in Beach Areas.

Subitem-B: NO DIRECTION GIVEN

In the matter of directing the City Attorney to prepare a ballot title and summary.

Subitem-C: NO DIRECTION GIVEN

In the matter of directing the City Attorney to prepare an impartial analysis.

Subitem-D: NO DIRECTION GIVEN

In the matter of directing the City Manager to prepare a fiscal analysis.

Subitem-E: NO DIRECTION GIVEN

In the matter of assigning authorship of the ballot argument.

FILE LOCATION: Subitems A - E: MEET

COUNCIL ACTION: (Tape location: C497-511.)

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

ITEM-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>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>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 from members of the public referred by Rules Committee
Monday	11/05/2001	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances ITEM-250 (Continued):
Tuesday	11/20/2001	105	
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 Riviera Del Sol Unit No. 4, (T.M.-98-0762), a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is in Otay Mesa Community Plan Area, in Council District 8. 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 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-S400: 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-2002-613) ADOPTED AS RESOLUTION R-295697

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: A380-479.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. 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-S401: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

(Continued from the meeting of October 29, 2001, Item 203, at the City Manager's request, to be heard in Closed Session on November 6, 2001.)

Property: 811 25<sup>th</sup> Street (APN 534-404-17)

Agency Negotiator: Real Estate Assets Director

Negotiating Parties: Greater Golden Hill Community Development Corporation

Under Negotiation: Terms of Disposition of the property

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket only for public testimony.

**There is no Council discussion of this item. The City Council's actions are:**

**REFERRED TO CLOSED SESSION ON NOVEMBER 6, 2001**

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on November 6, 2001.

**NOTE:** Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B399-406.)

Mayor Murphy opened and closed the hearing.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 4:05 p.m. in honor of the memory of:

Mandy Schultz, as requested by Council Member Atkins; and  
Robert Page Blake, as requested by Council Member Madaffer.

FILE LOCATION:                    AGENDA

COUNCIL ACTION: (Tape location: C517-594.)