

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, NOVEMBER 19, 2001
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:10 p.m. The meeting was recessed by Mayor Murphy at 3:48 p.m. for purposes of a short break. The meeting was reconvened by Mayor Murphy at 3:59 p.m. with Council Member Inzunza not present. The meeting was recessed by Mayor Murphy at 5:10 p.m. for purposes of a short break. The meeting was reconvened by Mayor Murphy at 5:20 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 6:42 p.m.

ATTENDANCE DURING THE MEETING:

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

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-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 Reverend Mary Katherine Allman of The Bishop's School.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Frye.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

- 10/15/2001
- 10/16/2001
- 10/16/2001 Special Joint Meeting
- 10/22/2001
- 10/23/2001

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A027-031.)

MOTION BY WEAR TO APPROVE. 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-31: Year 2000 Redistricting Commission Day.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-616) ADOPTED AS RESOLUTION R-295712

Declaring November 19, 2001 to be "Year 2000 Redistricting Commission Day" in San Diego, in appreciation of their exceptional volunteer service to the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A032-207.)

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

NON-AGENDA COMMENT:

NONE.

COUNCIL COMMENT:

NONE.

CITY MANAGER COMMENT:

NONE.

CITY ATTORNEY COMMENT:

NONE.

* ITEM-50: Citizen Proposal for Modification of San Diego Municipal Code Section 63.20.12, Dogs Prohibited.

(La Jolla, Mission Beach, Ocean Beach, and Pacific Beach Community Areas. Districts-1 and 2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/29/2001. (Council voted 9-0):

(O-2002-8 Cor. Copy) ADOPTED AS ORDINANCE O-19008
(NEW SERIES)

Amending Chapter 6, Article 3, of the San Diego Municipal Code by amending Section 63.20.12, relating to Dogs Prohibited, to prohibit dogs, whether leashed or unleashed, to be upon any public beach, any public park adjacent to a public beach, or any sidewalk adjacent to any public beach between the hours of 9:00 a.m. and 6:00 p.m. from April 1 to October 31, and between 9:00 a.m. and 4:00 p.m. from November 1 to March 31, adding a section making an exception for Santa Clara Point, and other appropriate modifications.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR 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: Amendments to the Centre City Planned District Ordinance - Cortez Hill Transitional Housing Facility.

(Cortez Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project Area. District-3.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/30/2001. (Council voted 9-0):

(O-2002-32) ADOPTED AS ORDINANCE O-19009 (NEW SERIES)

Amending Chapter 10, Article 3, Division 19, of the San Diego Municipal Code by amending Section 103.1910(g) to add Subsection 5 relating to the Centre City Planned District.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR 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-52: Scripps Pomerado Rezoning.

(RZ-40-0789. Scripps Miramar Ranch Community Area. District-7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/30/2001. (Council voted 9-0):

(O-2002-34) ADOPTED AS ORDINANCE O-19010 (NEW SERIES)

Rezoning 3.66 acres located on the southeast corner of the intersection of Spring Canyon Road, Pomerado Road, and Pomerado Road East, into the RX-1-2 Zone.

FILE LOCATION: PERM-40-0789(65)

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-53: Tierra Alta Rezoning.

(RZ-98-0792. Mira Mesa Community Area. District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/30/2001. (Council voted 9-0.):

(O-2002-37) ADOPTED AS ORDINANCE O-19011 (NEW SERIES)

Rezoning 4.44 acres, located at the northerly terminus of Caminito Rodar north of Calle Cristobal, from the AR-1-1 zone (previously referred to as the A-1-5 zone) to the RS-1-13 zone (previously referred to as the R1-6,000 zone).

FILE LOCATION: PERM-98-0792(65)

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-54: State Water Resources Control Board - Low Interest Loan Program Authorization.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/5/2001. (Council voted 9-0):

(O-2002-40) ADOPTED AS ORDINANCE O-19012 (NEW SERIES)

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 pursuant to Section 99 of the City Charter.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR 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-100: Purchase of Fire Apparatus, 100 Feet Aerial Ladders - Award of Contract.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-528) ADOPTED AS RESOLUTION R-295713

Accepting the low bid meeting specifications of Pierce Manufacturing, Inc., and authorizing the City Manager to execute a contract for furnishing Fire Apparatus, 100 Feet Aerial Ladders at a cost of \$752,077.53 each, including sales tax, with payment terms of \$1,700 discount if paid in 20 days, as may be required for a period of one year beginning on date of award, with options to renew the contract for four additional one-year periods, with price escalations not to exceed 3% of prices in effect at the end of each prior contract year;

Authorizing the City Manager to finance this acquisition under the Equipment and Vehicle Lease Program over a period of seven years;

Authorizing the expenditure of an amount estimated not to exceed \$105,000 from Fund No. 100, Department No. 120, Organization No. 2252, Object Account No. 6029, and Job Order No. 005700, for cash payment of sales tax for the contract for the initial order of two units, subject to the issuance of an Auditor's Certificate; and authorizing the City Auditor and Comptroller, upon advice from the department to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The proposed contract is for the purchase of Fire Apparatus, 100 Feet Aerial Ladders for the Fire and Life Safety Services as may be required for a period of one year from date of award of contract, with options to renew the contract for four additional one-year periods, with option period increases not to exceed 3% of the prices in effect at the end of the prior option period. The initial order will be for two units. These units will replace units which no longer meet the department's day to day operational needs. One of the replaced units will be added to the reserve fleet and the other will be placed with the Training Division.

Ten potential bidders were contacted. The bid was advertised in the San Diego Daily Transcript and on the City's web page. Three potential bidders attended the pre-bid conference and one bid was received. It is anticipated that the first unit will be delivered 240 calendar days after the placement of the order and the second unit within 300 calendar days of placement of order.

FISCAL IMPACT:

It is proposed that the acquisition be financed using the City's Equipment and Vehicle Financing Program. For Fiscal Year 2003, the estimated payment for sales tax is \$105,000 (rounded), for Fiscal Year 2004 through Fiscal Year 2010 lease payments of \$241,000 (rounded). Total expenditure is \$1,792,000 (rounded).

Loveland/Baldwin/PK

_____ FILE LOCATION: PURCHASE (55)

_____ COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR 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-101: Three actions related to the Final Subdivision Map of Pacific Highlands Ranch Unit No. 1.

(Pacific Highlands Ranch Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-627) ADOPTED AS RESOLUTION R-295714

Authorizing the City Manager to execute a Subdivision Improvement Agreement with Pardee Construction Company for the installation and completion of certain public improvements.

Subitem-B: (R-2002-625) ADOPTED AS RESOLUTION R-295715

Approving the final map.

Subitem-C: (R-2002-626) ADOPTED AS RESOLUTION R-295716

Approving the Acceptance of a Covenant of Easement for Protection of Environmentally Sensitive Lands of Pardee Construction Company, conveying to the City a Covenant of Easement over Lot 101.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 60.188 acre site into 97 lots for residential development, 1 lot for general utility and access easement purposes, 3 building restricted lots and 1 open space lot. It is located northeasterly of El Camino Real and Carmel Valley Road in the Pacific Highlands Ranch Community Plan area.

On January 20, 2000, the Planning Commission of the City of San Diego approved Planning Commission Resolution No. 2907-3-PC for Pacific Highlands Ranch Unit No. 1. 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 No. 30461-1-D through 30461-13-D, filed in the Office of the City Clerk under Micro Number 141.08. An agreement is being entered into and all improvements are to be completed within two years.

The Engineer's estimate for the cost of public improvements is \$1,081,741 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$17,520, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments.

This subdivision is located in the Pacific Highlands Ranch Community Plan Area, which has a Public Facilities Financing Plan which establishes Development Impact Fees due at building permit issuance.

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

This project is estimated to generate approximately 970 average daily trips (ADT). 200 of these trips are estimated to occur on the nearby Interstate 5, which has an estimated near-term plus project volume of 261,300 ADT south of State Route 56. Caltrans is planning to widen Interstate 5 to provide ten additional lanes south of SR-56 to be completed by 2004. Pacific Highlands Ranch is required to contribute \$10 million for the widening of SR-56 from 4 to 6 lanes and \$7 million for the construction of I-5/SR-56 northerly connector ramps.

The Covenant of Easement, among other things, provides for the preservation and/or restoration of MHPA acreage within this subdivision. Lot 101, which totals 27.464 acres in size, will ultimately be deeded to the City as open space at a time specified in the covenant.

FISCAL IMPACT:

None.

Loveland/Haase/GB

_____ FILE LOCATION: Subitems A,B,C: SUBD-Pacific Highlands Ranch
Unit #1(40)

_____ COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR 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: Four actions related to the Final Subdivision Map of Saddle Club Estates.

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-429) ADOPTED AS RESOLUTION R-295717

Authorizing a Subdivision Improvement Agreement with Saddle Club Associates, L.P. for the installation and completion of public improvements.

Subitem-B: (R-2002-428) ADOPTED AS RESOLUTION R-295718

Approving the final map.

Subitem-C: (R-2002-430) ADOPTED AS RESOLUTION R-295719

Authorizing a Landscape Maintenance Agreement with Saddle Club Associates, L.P., to assure maintenance of landscaping.

Subitem-D: (R-2002-431) ADOPTED AS RESOLUTION R-295720

Accepting a grant deed of Saddle Club Associates, L.P. granting to the City Lot "J" of Saddleback Club Estates for open space purposes.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 35.415 acre site into 40 lots for residential development, five lots for private streets and five lots for easement purposes. It is located northeasterly of Pomerado Road and Bernardo Trails Drive in the Rancho Bernardo Community Plan area.

On January 11, 1999 the Council of the City of San Diego approved City Council Resolution R-290149 for Saddle Club Estates. 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 No. 30314-1-D through No. 30314-20-D, filed in the Office of the City Clerk under Micro Number 141.04. All Improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$1,303,741 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$14,720, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments.

Lot "J" is being deeded to the City at no cost. The lot totals 14.778 acres in size. No park fee credit is being granted by this action. The lot is to be used for open space purposes. This subdivision is located in the Rancho Bernardo Community Plan area, which is subject to a Development Impact Fee. In addition, Rancho Bernardo has a Special Park Fee to pay for construction of new parks. All fees are due prior to building permit issuance. Subdivider, by letter, has given assurance to the City of San Diego that he/she subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development."

The subdivider is entering into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision, until another mechanism is established and assumes maintenance responsibility. Project is estimated to generate approximately 400 average daily trips (ADT). 100 of these trips are estimated to occur on the nearby 1-15, which has an estimated near-term volume of 225,100 ADT south of Rancho Bernardo Road. CalTrans is planning to widen 1-15 by 2 additional lanes to be completed by 2005.

FISCAL IMPACT:

None.

Loveland/Haase/GB

_____ FILE LOCATION: Subitems A,B,C: SUBD-Saddle Club Associates, L.P.(40)
Subitem D: DEED F-9108

_____ COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR 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-nay, Mayor Murphy-yea.

* ITEM-103: Drainage Easement Abandonment.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-604) ADOPTED AS RESOLUTION R-295721

Vacating the public service easement located within Lot 9 of Map 14055, as more particularly shown on Drawing No. 19510-B, and described in the legal description marked as Exhibit "A."

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a drainage easement in Lot 9 of Map 14055. This property is located in the Otay Mesa Planning area within Council District 8. This abandonment is necessary for the development of the site and the construction of a retaining wall. The applicant granted another drainage easement to the City on September 12, 2001 to replace the easement being vacated. This easement is on private property and the only purpose for this public service easement is to allow the City staff to construct and maintain facilities within the easement. No rights are granted to the public for this easement. This easement was acquired at no cost to the City.

City staff recommends approval of the easement abandonment.

Loveland/Haase/AEA

FILE LOCATION: DEED F-9104

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR 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-104: Water Easement Abandonment.

(Carmel Mountain Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-628) ADOPTED AS RESOLUTION R-295722

Vacating the water easement in Lots 7 and 10 of Map 12995, as more particularly described in the legal description marked as Exhibit "A" and as shown on Drawing No. 19245-B marked as Exhibit "B."

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to abandon a water easement in Lots 7 and 10 of Map 12995. This property is located in the Carmel Mountain Ranch Planning area within Council District 5. The applicant applied for the easement abandonment to provide parking for the office building on this property. There are no water facilities within the easement and the easement is not needed for future construction. This easement is on private property and the only purpose for this public service easement is to allow the City staff to construct and maintain facilities within the easement. No rights are granted to the public for this easement. The abandonment of this easement will relieve the City of the responsibility to maintain the easement. The water easement was acquired at no cost to the City. City staff recommends approval of the easement abandonment.

Loveland/Haase/AEA

FILE LOCATION: DEED F-9105

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR 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: Water, Sewer and Drainage Easement Abandonment.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-545) ADOPTED AS RESOLUTION R-295723

Vacating the water, sewer and drainage easements in Parcel 8 of Map 13138, as more particularly described in the legal description marked as Exhibit "A" and as shown on Drawing No. 19349-B marked as Exhibit "B."

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a water, sewer and drainage easement in Parcel 8 of Map 13138. This property is located in the Carmel Valley Planning area within Council District 1. The applicant wants to develop his property and requested the abandonment of the water, sewer and drainage easements. The applicant will grant another drainage easement to replace the drainage easement being vacated. These easements are on private property and the only purpose for these public service easements is to allow the City staff to construct and maintain facilities within the easement. No rights are granted to the public for this easement. The vacation of the water and sewer easements will relieve the City of the responsibility of maintaining the easements. There are no improvements within the proposed easement abandonment. These easements were acquired at no cost to the City.

City staff recommends approval of the easement abandonment.

Loveland/Haase/AEA

_____ FILE LOCATION: DEED F-9106

_____ COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR 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: Revisions to City Treasurer's Investment Policy.

(See memorandum from the City Treasurer dated 10/26/2001.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-630) ADOPTED AS RESOLUTION R-295724

Accepting the revised City Treasurer's Investment Policy for the Pooled Investment Fund dated October 2001.

CITY MANAGER SUPPORTING INFORMATION:

Under Section 53646 of the California Government Code, the City Treasurer is required, on an annual basis, to render to the City Council and the City Manager's Investment Advisory Committee a statement of investment policy or any changes to that investment policy to be considered at a public meeting. The Investment Policy has been updated to reflect changes in the California Government Code as a result of the previous legislative sessions. These changes are summarized in Attachment "A". The City Manager's Investment Advisory Committee has reviewed the Investment Policy (Attachment "B") and recommends that the City Council accept the policy.

FISCAL IMPACT:

None.

Frazier/Vattimo/RD

_____ FILE LOCATION: MEET

_____ COUNCIL ACTION: (Tape location: F242-375.)

MOTION BY WEAR TO ADOPT WITH THE FOLLOWING POLICY AMENDMENTS AND DIRECTION: THAT THE CITY'S POLICY INCLUDE A PARAGRAPH THAT EXPLICITLY STATES THE CRA INVESTMENT COMMITMENT AS OPPOSED TO REFERENCING THE CODE IN GENERAL;

THE CITY MANAGER SHOULD FIND OUT WHAT COUNCIL HAS ALREADY PAST FOR BANKS, SAVINGS AND LOANS, AND FOR BONDING COMPANIES WHO WOULD DO BUSINESS WITH THE CITY OF SAN DIEGO AND THE COUNTY OF SAN DIEGO AS FAR AS REQUIRING A RE-INVESTMENT AGREEMENT CONCEPT WITH THEM; THAT WOULD ALSO COVER BONDING COMPANIES WHO WOULD DO BUSINESS WITH THE CITY;

CITY STAFF SHOULD MEET WITH PEOPLE TO DISCUSS REVERSE RE-PURCHASE AGREEMENTS, RISKS INVOLVED, MISUNDERSTANDINGS ABOUT IT AND HOW IT'S BEEN USED BY THE CITY IN THE PAST. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-nay, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-107: Accepting Grant from the State Victim Compensation and Government Claims Board for funding the Criminal Restitution Compact Restitution Specialist position in the City Attorney's Office, Criminal Division.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-588) ADOPTED AS RESOLUTION R-295725

Authorizing the City Attorney to apply for, accept and expend a \$67,030 Grant from the State Victim Compensation and Government Claims Board (State Agency) to fund the Criminal Restitution Compact Restitution Specialist position in the Criminal Division, for a period of July 1, 2001 through June 30, 2002, under the terms and conditions outlined in the Standard Agreement Number BOC- 1073 between the State Agency and the City Attorney's Office;

Declaring that the City of San Diego agrees to hold the State Agency of the State of California harmless from any liability arising out of the performance of the grant agreement, including court actions or damages, and certifies that the City will not use the grant to supplant local expenditures.

SUPPORTING INFORMATION:

The City Attorney has been notified by the State Board of Control that the City has been awarded a grant in an amount not to exceed \$67,030 to hire a Legal Assistant to perform the duties outlined in the City Attorney Contract. This grant is for the period of July 1, 2001 through June 30, 2002 and is a continuation of a grant authorized and accepted by the City Council on September 12, 2000 by Resolution No. R-293781.

Swett

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F240-241.)

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

ITEM-108: Two actions related to Fay Avenue Realignment - First Amendment to the Agreement.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-605) ADOPTED AS RESOLUTION R-295731

Authorizing the City Manager to execute the First Amendment to the Agreement with the La Jolla High School Facilities Expansion Foundation;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$34,235.22 from Water Fund 41500, CIP-73-277.0, Annual Allocation - Standpipe and Reservoir Rehabilitations, to Water Fund 41500, CIP-70-953.0, Torrey Pines Road/La Jolla Boulevard Main Replacement;

Authorizing the expenditure of an amount not to exceed \$200,000 from Fund 30300, CIP-52-690.0, Fay Avenue Realignment, and an amount not to exceed \$34,235.22 from Water Fund 41500, CIP-70-953.0, Torrey Pines Road/La Jolla Boulevard Main Replacement, and an amount not to exceed \$5,000 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation for Sewer Mains, for the purpose of additional storm drain, water and sewer construction, engineering, City force work and related City obligations;

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

Subitem-B: (R-2002-606) ADOPTED AS RESOLUTION R-295732

Certifying that the information contained in the Mitigated Negative Declaration LDR-40-0692, including any comments received during the public review process, has been reviewed and considered by Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with the approval of Fay Avenue Realignment - First Amendment to the Agreement;

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

CITY MANAGER SUPPORTING INFORMATION:

On March 27, 2001, the City Council approved (Resolution R-294687) a participation agreement with the La Jolla High School Facilities Foundation for construction of sewer, water, and storm drain facilities associated with the Fay Avenue Realignment project that included City agreement obligations in the amount of \$752,000. Prior to this agreement, large portions of the existing roadway did not meet current standards. For this reason, the plans associated with the agreement called for the upgrade of the road in all locations to meet the latest requirements. During the negotiations for this agreement, the Foundation requested that an additional \$200,000 be allocated to cover these upgrades. Unfortunately, no funding was available at that time (Fiscal Year 2001) to cover these costs. However, in order to avoid disruptions to the adjacent

schools with construction work and assure a fully ADA accessible roadway when the project was completed, the Foundation agreed to the lesser amount with the request that the missing funds be submitted for approval in the upcoming budget. In addition, some minor changes to the sewer and water system were required to meet the conditions encountered during construction. Funds to cover both of these issues were approved as part of the Fiscal Year 2002 Budget Process.

FISCAL IMPACT:

Under this action, the additional agreement costs for the City will be \$219,235.22, bringing the total City participation in this project to \$1,219,185.22 with \$971,235.22 of this amount being for agreement obligations and the remainder for related staff costs. With the approval of the Fiscal Year 2002 Budget, all funds necessary for this action (\$239,235.22) are available in their respective funds with \$200,000 from Fund 30300 ,CIP-52-690.0, Fay Avenue Realignment, \$34,235.22 from Fund 41500, CIP-70-953.0, Torrey Pines Road/La Jolla Boulevard Main Replacement, and \$5,000 from Fund 41506, CIP-44-001.0, Annual Allocation for Sewer Mains.

Loveland/Belock/PKB

Aud. Cert. 2200509.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F236-239.)

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

* ITEM-109: Non-Motorized Trails Grant Program - Famosa Slough Trail.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-549) ADOPTED AS RESOLUTION R-295728

Authorizing the application for and expenditure of State grant funds for Non-Motorized Trails for Famosa Slough Trail.

CITY MANAGER SUPPORTING INFORMATION:

This request authorizes the City Manager or his representative to apply for grant funding under the Non-Motorized Trails Grant Program, which provides funding for the development, improvement, restoration and enhancement of trails and associated interpretive facilities. The program's intent is to increase access to public areas and to increase recreational opportunities. This program is administered by the State of California Department of Parks and Recreation. In the fall of 2001, \$1,740,000 is available statewide through a competitive grant program funded by the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (Park Bond). After reviewing program criteria, Park and Recreation staff identified Famosa Slough Trail as a competitive proposal within the grant guidelines. This site is located in a high density urban area, and provides a natural habitat that is ideal for interpretive and educational purposes. If funded, this new trail will run along the west side of Famosa Slough, from the parking lot at Valeta Street and Famosa Boulevard north to West Point Loma Boulevard. The project will create a safe trail for pedestrians, interpretive panels, a walkway and a small bridge. This project will reroute informal trails farther away from the marsh edge to help protect sensitive habitat. The Friends of Famosa Slough support this proposal.

FISCAL IMPACT:

If the grant is secured, the City of San Diego will receive \$60,200. The City will provide a match of \$11,866 with in-kind work performed by volunteers.

Loveland/McLatchy/HL

_____ FILE LOCATION: MEET

_____ COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR 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: Two actions related to the Construction of El Capitan Boat Launching Facilities - Phase III.

(Lakeside Community Area.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-618 Cor. Copy) CONTINUED TO MONDAY,
NOVEMBER 26, 2001

Amending the Fiscal Year 2002 Capital Improvement Program by increasing CIP-73-318.0, El Capitan Boat Launching Facility - Phase III, by an amount not to exceed \$651,283;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$651,283 from Water Fund 41500, Program 765005, Unallocated Reserve, to Water Fund 41500, CIP-73-318.0;

Authorizing the expenditure of an amount not to exceed \$651,283 from Water Fund 41500, CIP-73-318.0;

Authorizing the expenditure of an amount not to exceed \$380,161.48 from Water Fund 41500, CIP-73-318.0, for the purpose of providing funds for a Job Order Contract to Phillips National, Inc., Task Order, ECP .01.186704.00;

Approving the plans and specifications accompanying the Task Order for the El Capitan Boat Launching Facility - Phase III.

Subitem-B: (R-2002-619) CONTINUED TO MONDAY, NOVEMBER 26, 2001

Declaring that the information contained in the final document, Mitigated Negative Declaration LDR-96-0115 certified by Resolution R-288762, adopted on December 19, 1996, including any comments received during the public review process, has been reviewed and considered by Council and it is determined that no substantial changes or new information of substantial importance within the CEQA Guidelines section 15162 would warrant any additional environmental review in connection with the approval of the construction of El Capitan Boat Launching Facilities - Phase III.

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

CITY MANAGER SUPPORTING INFORMATION:

The limited boating facilities at El Capitan Reservoir have deteriorated significantly since their original construction in the late 1940's. Pavement has broken from the roadways; slopes have eroded; and existing utilities have become outdated.

In 1982, the City entered into a grant agreement with the State Department of Boating and Waterways for the construction of boating facilities at the Barrett Reservoir. In 1994, due to problems encountered with the original project at that lake, the City Council approved Amendment No. 1 (R-283709) to transfer these grant funds to new projects at Sutherland and El Capitan Reservoirs.

In 1997, a new high water boat launching ramp, additional parking, and slope protection improvements were constructed at El Capitan Reservoir to allow for peak usage, and public access to the lake during periods of high water levels. This phase of the project will provide an eight (8) stall restroom, widen roadways, sidewalks, paving and slope protection improvements, and upgrade utilities, to provide adequate service for the lake's recreational facilities. In March of 1999, the California Department of Boating & Waterways issued a supplemental grant to the City (R-291326) providing most of the funds necessary to construct El Capitan Boat Launching Facilities - Phase III.

FISCAL IMPACT:

The total estimated cost for Phase I, II and III is \$1,616,359; of this amount, \$965,076 has been

previously authorized. The total additional funding required for Phase III construction is \$651,283. Funding is available from Water Fund 41500, Program 765005, Unallocated Reserve. The State Department of Boating and Waterways will reimburse the City, in accordance with the provisions of the grant agreement, up to \$480,000.

With this action, the Water Fund Unallocated Reserve will decrease from \$4,257,371 to \$3,606,088.

Loveland/Belock/AXO

Aud. Cert. 2200484.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: F215-235.)

MOTION BY FRYE TO CONTINUE TO MONDAY, NOVEMBER 26, 2001 FOR FURTHER REVIEW. 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-111: San Diego 18 Flow Control Facility - Additional Authorization.

(Mid-City and College Community Areas. Districts-3 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-623) ADOPTED AS RESOLUTION R-295729

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$64,583.85 from Water Fund 41500, CIP-73-263.0, Annual Allocation - Water Pump Station Restorations, to Water Fund 41500, CIP-75-927.0, San Diego 18 Flow Control Facility, for the construction, operation and maintenance of the San Diego 18 Flow Control Facility;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$64,583.85 from Water Fund 41500, CIP-75-927.0, San Diego 18 Flow Control Facility for construction, operation and maintenance of the San Diego 18 Flow Control Facility, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure will be on deposit with the City Treasurer;

Authorizing an increase of an amount not to exceed \$81,583.85 in the total compensation payable for the Participation Agreement with the San Diego County Water Authority under Section E.4.a for a total amount of \$1,754,583.85;

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

CITY MANAGER SUPPORTING INFORMATION:

On September 9, 1996 the City of San Diego entered into an agreement with the San Diego County Water Authority (Authority) for design, construction, and operation of San Diego 18 Flow Control Facility and the inlet and discharge piping (R-287801). The purpose of the construction is to measure the water flow from the Authority's Aqueduct No. 2 into the Alvarado Water Treatment Plant. In this agreement, Section E.4.a., states that if the Authority's costs are greater than the deposits, the City will within sixty (60) days of final receipt, make payment in full to the Authority.

At this time, a final request for payment of \$357,026.28 has been received from the Authority, and the expenditure records have been reviewed for accuracy. Additional funds are needed to satisfy this requirement of the agreement. In addition, if the payment is not received within sixty (60) days, a penalty of 5.758 percent of the unpaid balance will be assessed. This action will allow the transfer of the needed funds to settle the City's obligations under the agreement.

FISCAL IMPACT:

Funding in the amount of \$64,583.85 for the construction, operation and maintenance is available from Water Fund 41500, CIP-75-927.0, San Diego 18 Flow Control Facility.

Loveland/Gardner/RM

Aud. Cert. 2200512.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F206-214.)

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

* ITEM-112: Annual Contribution to the San Dieguito River Valley Regional Open Space Park Joint Powers Authority Endowment Fund.

(Torrey Pines, Via de la Valle, Fairbanks CC, Black Mountain Ranch, San Pasqual, North City Future Urbanizing Community Areas. Districts-1 and 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-601 Cor. Copy) ADOPTED AS RESOLUTION R-295730

Authorizing a contribution to the San Dieguito River Regional Open Space Park JPA endowment fund, for building a permanent endowment to cover future park maintenance and operation costs;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$25,714 from the Water Fund Unallocated Reserve (Org. No. 5005, Obj. Acct. 4903) to Water Operations Program (Org., No. 504, Job Order No. 31795) for the endowment fund expenditure;

Authorizing the City Manager to make an endowment contribution totaling \$25,714 to the San Dieguito River Valley Regional Open Space Park JPA endowment fund.

CITY MANAGER SUPPORTING INFORMATION:

In June 1989, the San Dieguito River Valley Regional Open Space Park Joint Powers Authority

(JPA) was created as an independent agency by the County of San Diego and the Cities of Del Mar, Escondido, Poway, San Diego and Solana Beach. The JPA was designed to provide a coordinated program to create, preserve and enhance the San Dieguito River Valley Regional Open Space Park for the benefit of the public.

The JPA is governed by a 9-member Board, which includes City of San Diego Councilmembers Scott Peters and Brian Maienschein.

The City of San Diego currently supports the River Park through its annual assessed membership contribution. This contribution assists in funding the JPA's objectives for the planning, acquisition, implementation and management of the San Dieguito River Valley Open Space Park. The FY 2001/02 assessed membership contribution for the City of San Diego is \$162,524.

The JPA is continuing to transition away from being a predominately planning based organization towards an organization responsible for the operation and maintenance of the River Park. Recognizing the need for self-sufficiency in the coming years, the JPA Board has established an endowment fund that will work to accomplish this purpose. This endowment fund would enable the JPA, over the next twenty years, to begin to generate sufficient revenue intended to cover additional operation and maintenance costs of the completed park, without increasing the current agency contribution level. Through use of an endowment fund, the JPA envisions building "a permanent endowment of a sufficient magnitude" that will produce the interest necessary to pay for annual recurring operations cost.

The endowment fund goal is \$11.5 million. The assumption was made that in order to reach this goal, \$200,000 would need to be contributed annually. The JPA's strategy is to secure annual endowment contributions totaling \$100,000 from member agencies and seek matching endowment contributions each year from private corporations. The City's contribution to the endowment fund is based upon a similar calculation used to determine the member agency contributions to the JPA. A percentage allocation is calculated using a formula that combines population plus the acreage in the planning area. The City's annual proportional contribution to the endowment fund is anticipated to be \$25,714.

FISCAL IMPACT:

The FY 2001/02 contribution is \$25,714 and will be funded from the Water Fund Unallocated Reserve. The subsequent endowment contribution expenditure will be budgeted and anticipated until FY 2021. The transfer of \$25,714 from the Water Fund Unallocated Reserve will result in a fund balance of \$4,231,657.

Loveland/Gardner/CNS

Aud. Cert. 2200458.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR 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-113: Settlement of the Personal Injury Claim of Teresa Messina.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-634) ADOPTED AS RESOLUTION R-295726

A Resolution approved by the City Council in Closed Session on Tuesday, October 30, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor Murphy-yea.

Authorizing the City Manager to pay the total sum of \$30,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Teresa Messina (Superior Court Case No. 99cv0084L(LAB), v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$30,000 made payable to Teresa Messina and her attorney, Steven M. Boudreau, in full settlement of the lawsuit and all claims.

Declaring that said funds are to be payable from Fund No. 81140, Public Liability Reserve Fund.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the personal injury claim of Teresa Messina, against the City of San Diego, its agents and employees, as a result of the incident which occurred on January 16, 1998.

Lexin/Oliva/AWR

Aud. Cert. 2200462.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR 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: Two actions related to Approval of Suggestion Awards.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-578) ADOPTED AS RESOLUTION R-295727

Authorizing Suggestion Awards to the following employees:

Lee Fertig - Fire and Safety Services - \$80.

Bruce Hoover - Metropolitan Wastewater Department - \$50.02.

Subitem-B: (R-2002-579) ADOPTED AS RESOLUTION R-295733

Authorizing Suggestion Award to the following employee:

Maria Romero - Auditors - \$589.80.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR 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-115: Captain Walter 'Wally' Schirra Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-632) ADOPTED AS RESOLUTION R-295734

Congratulating Captain Wally Schirra on his inspiring achievements and contributions to the community;

Proclaiming November 6, 2001 to be "Captain Walter 'Wally' Schirra Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR 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: Excusing Councilmember Atkins from Attending the LU&H Committee Meeting of November 14, 2001.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-621) ADOPTED AS RESOLUTION R-295735

Excusing Councilmember Toni Atkins from attending the Committee on Land Use and Housing Committee meeting of November 14, 2001, due to her attendance at the 17th Annual INGLO Conference in Washington, D.C.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A214-317.)

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

* ITEM-117: Lake Murray Tennis Club Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-624) ADOPTED AS RESOLUTION R-295736

Recognizing the Lake Murray Tennis Club for its commitment to the City of San Diego, and proclaiming November 10, 2001 to be "Lake Murray Tennis Club Day" in San Diego.

SUPPORTING INFORMATION:

Commending the Lake Murray Tennis Club for their exceptional dedication to the communities

of San Diego and for being recognized by the United States Tennis Association as one of the outstanding public tennis facilities for 2001 by proclaiming November 10, 2001 to be "Lake Murray Tennis Club Day" in San Diego.

Agey

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR 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-118: Appointments to the Board of Library Commissioners.

(See memorandum from Mayor Murphy dated 10/26/2001 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-638) ADOPTED AS RESOLUTION R-295737

Council confirmation of the following appointments by the Mayor to serve as members of the Board of Library Commissioners, for terms ending March 1, 2003:

REAPPOINTMENT

Mary Lindenstein Walshok

APPOINTMENTS

Judy McCarty (replacing Charles Elster, whose term has expired)

Mary Anne Baca Pintar (replacing Khalada Salaam, whose term has expired)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A214-331; A318-381.)

CONSENT MOTION BY WEAR 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-119: State Route 15 Bikeway - Consultant Agreement with Tetra Tech, Inc.

(City Heights, Normal Heights, Kensington and Mission Valley Community Areas. Districts-3 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-611) ADOPTED AS RESOLUTION R-295738

Authorizing the City Manager to enter into an agreement with Tetra Tech, Inc., for consultant services in the amount of \$369,301;

Authorizing the expenditure of an amount not to exceed \$369,301 from Fund 38687, CIP-58-127.0.

CITY MANAGER SUPPORTING INFORMATION:

The State Route 15 Bikeway will generally consist of Class 1 and 3 Bikepaths. It will abut State Route 15 and extend between Landis Street and Camino Del Rio South, thereby connecting District 3 communities to the planned Mission Valley Bicycle circulation network. Previous Council action (Resolution R-294734) authorized the acceptance of \$2,213,250 in CMAQ Funds and \$268,750 in Prop A (Bikeway) Funds, for a total of \$2,500,000.

The proposed consultant was selected in accordance with Council Policy 330-7. Five firms were certified by the EOCP Consultant Selection Coordinator and interviews were conducted by the Transportation and Drainage Design Division. Tetra Tech, Inc. was selected as the recommended consultant for this project.

FISCAL IMPACT:

Funding in the amount of \$369,301 is available in CIP-58-127.0 State Route 15 Bikeway. This project is partially funded with CMAQ grant and Prop A Bikeway Funds.

Belock/Boekamp/HR

Aud. Cert. 2200452.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR 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-120: Reauthorization of the San Diego Traffic Offenders Program (STOP) and \$72 Unlicensed Driver Vehicle Impound Fee.

(See City Manager Report CMR-01-185.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-326) ADOPTED AS RESOLUTION R-295739

Authorizing the San Diego Traffic Offenders Program (STOP) to continue operating for another five years, until September 16, 2006, with periodic status reports to the Public Safety and Neighborhood Services Committee;

Continuing the \$72 Unlicensed Driver Vehicle Impound Fee for the purpose of recovering costs of Police Department vehicle impound expenses, and that this fee shall be over and above any current or future administrative impound fees, such as the \$53 Negligent Impound Fee, levied by the City on vehicle impounds, and over and above any other fees or costs associated with towing, storage, and other incidental costs related to vehicle impounds;

Declaring that the \$72 Unlicensed Driver Vehicle Impound Fee be levied upon each vehicle impound, where the vehicle is impounded for driver's license offenses, where the driver is unlicensed or whose license has been suspended or revoked, except in the following circumstances:

Impounded vehicles, which at the time of impound were reasonably claimed or

