

THE CITY OF SAN DIEGO, CALIFORNIA  
 MINUTES FOR REGULAR COUNCIL MEETING  
 OF  
 MONDAY, JANUARY 28, 2002  
 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. Mayor Murphy recessed the meeting at 5:15 p.m. for a five-minute break. Mayor Murphy reconvened the meeting at 5:20 p.m. with all members present. Mayor Murphy adjourned the meeting at 6:05 p.m. into Closed Session on Tuesday, January 29, 2002 at 9:00 a.m. in the twelfth floor conference room to discuss existing and potential 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 (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 by Pastor James Gilbert of Fairmount Baptist Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Maienschein.

ITEM-30: Delores Lesnick Day.

**MAYOR MURPHY'S AND COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-977) ADOPTED AS RESOLUTION R-295996

Commending Delores Lesnick for her years of service to PFLAG San Diego and for her ongoing efforts to promote the health and well being of gay, lesbian,

bisexual and transgendered persons, their families and friends, through support, education and advocacy;

Proclaiming January 28, 2002 to be "Delores Lesnick Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A034-151.)

MOTION BY ATKINS 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.

ITEM-31: Rhonda Henton Day.

(Continued from the meeting of January 8, 2002, Item 31, at the request of Councilmember Peters.)

**COUNCILMEMBER PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-823) ADOPTED AS RESOLUTION R-295997

Commending Rhonda Henton for her courageous and selfless volunteer efforts following the attacks of September 11, 2001;

Proclaiming January 28, 2002 to be "Rhonda Henton Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A152-199.)

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-32: Point Loma Nazarene University Day.

**COUNCILMEMBER WEAR'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-812) ADOPTED AS RESOLUTION R-295998

Proclaiming January 28, 2002 as "Point Loma Nazarene University Day" in honor of its 100 years of quality higher education and wishing it success in its next 100 years.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A200-249.)

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-33: Skyline Tigers Day.

**DEPUTY MAYOR STEVENS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-957) ADOPTED AS RESOLUTION R-295999

Commending the Skyline Tigers for their accomplishments;

Proclaiming January 28, 2002 to be "Skyline Tigers Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A250-313.)

MOTION BY STEVENS 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-34: Valencia Park Hornets Day.

**DEPUTY MAYOR STEVENS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-927) ADOPTED AS RESOLUTION R-296000

Commending the Valencia Park Hornets for their accomplishments;

Proclaiming January 28, 2002 to be "Valencia Park Hornets Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A314-395.)

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-35: Recognition and Presentation of Attorney of the Year 2001 Award.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-967) ADOPTED AS RESOLUTION R-295995

Recognizing and presenting the Attorney of the Year 2001 award.

**SUPPORTING INFORMATION:**

The attorneys in the San Diego City Attorney's Office Civil Division protect the quality of life and the public fisc of the people of San Diego by defending and prosecuting civil lawsuits, and advising and counseling the City. They provide legal services to the City with professionalism and excellence, focusing on:

1. Just, effective, and ethical lawyering;
2. Early intervention and proactive problem solving; and,
3. Promoting public awareness of legal issues affecting the people of San Diego.

The attorneys meet these goals with a dedicated staff in a challenging, congenial, cohesive, and professional working environment where everyone is treated with dignity and respect.

**PURPOSE**

The Attorney of the Year Award acknowledges and rewards the Civil Division Deputy City Attorney whose professional accomplishments, abilities, and contributions to the community best demonstrated and fulfilled the goals of the San Diego City Attorney's Office during the last year.

**ELIGIBILITY**

- ! Deputy in the Civil Division (including Head Deputies and Senior Deputies)
- ! Full-time or part-time
- ! Employed as a deputy for all of the 2001 calendar year

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: A396-553.)

**MOTION BY WEAR 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-50: Revisions to the Ordinance Forming the Small Business Advisory Board.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 1/14/2002. (Council voted 9-0):

(O-2002-5 2<sup>nd</sup> Cor. Copy)      ADOPTED AS ORDINANCE O-19028  
(NEW SERIES)

Amending Chapter 2, Article 6, of the San Diego Municipal Code by amending  
Section 26.06 relating to the Small Business Advisory Board.

FILE LOCATION:                      MEET

COUNCIL ACTION:                      (Tape location: A567-626.)

CONSENT MOTION BY STEVENS DISPENSE WITH THE READING AND ADOPT  
THE ORDINANCE. 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-51: Energy Efficiency Services for Metro Pump Station No. 2 Engines.

(East of Peninsula Community Area. District-2.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 1/14/2002. (Council voted 9-0):

(O-2002-71)                      ADOPTED AS ORDINANCE O-19029 (NEW SERIES)

Authorizing the City Manager to execute a third amendment with Onsite Energy  
Corporation for professional energy efficiency services at Pump Station No. 2;

Authorizing the expenditure of an amount not to exceed \$91,863 from Fund No.  
41509, CIP-41-926.0, Annual Allocation - Pump Stations 1 & 2.

Aud. Cert. 2200562.

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

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: A567-626.)

CONSENT MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-100: Lower Rose Creek Restoration Project.

(Districts-2 and 6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-888 Cor. Copy) ADOPTED AS RESOLUTION R-296001

Approving the filing of an application for local assistance funds from the Riparian and Riverine Habitat Program, under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 for the Lower Rose Creek Restoration Project;

Certifying that the applicant has or will have sufficient funds to operate and maintain the project;

Certifying that the applicant has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide;

Appointing Richard Hays, Director of the Environmental Services Department, as agent to conduct all negotiations, execute and submit all documents, including,

but not limit to, applications, agreements, payment requests and so on, which may be necessary for the completion of the project;

Authorizing the acceptance and expenditure of \$80,000 of the grant funds.

**CITY MANAGER SUPPORTING INFORMATION:**

Environmental Services Department (ESD) in agreement with property owner, Real Estate Assets Department are applying for the California State Parks, Riparian and Riverine Habitat grant for the restoration of lower Rose Creek. The grant will cover the construction and maintenance costs of the entire project. Available grant fund amounts range between \$20,000-\$400,000 and no matching fund is required.

The Riparian and Riverine Habitat grant will provide the funds, estimated at \$40,000, for the restoration of lower Rose Creek where exotic plants and transient populations currently occupy the area. On a regular basis, various City departments call on Environmental Services Department's support services crews to perform weed and transient camp abatements on City properties. Most recently, Real Estate Assets requested ESD to do a transient camp abatement and afterwards trim back or remove the exotic plants that the transients use as cover within lower Rose Creek. This grant will be used for the long-term control and maintenance of non-native plants by restoring the creek with local native vegetation that does not grow in such a dense and invasive manner. Additional goals include restoring the riparian and adjacent fresh and salt marsh habitats back to a functioning wetlands.

The Lower Rose Creek Restoration project proposes to restore approximately eight acres of riparian habitat by removing and controlling the non-native plants and planting native riparian shrub and tree species and fresh marsh species to increase wetland habitat value. The project will include the placement of educational interpretive signs along the existing public trail featuring the riparian habitat characteristics, riparian and marsh plant and animal species and their role in this habitat and the beneficial function of wetlands such as improving water quality.

To ensure the success of this project, a long-term native revegetation and restoration plan and exotic plant control plan will be implemented to monitor the condition and establishment of native plantings and the success of exotic plant eradication. Additionally, volunteers and/or staff will monitor transient repopulation levels, provide graffiti control and regularly schedule clean up efforts within the area.

**FISCAL IMPACT:**

None.

Hays/Belock/GC

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: A567-626.)

CONSENT MOTION BY STEVENS 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-101: Kathy Ward.

(District-2.)

**COUNCILMEMBER WEAR'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-972) ADOPTED AS RESOLUTION R-296002

Congratulating and expressing sincere gratitude to Kathy Ward for leading the San Diego World Trade Center to reflect the best of the San Diego/Tijuana region.

**FILE LOCATION:** AGENDA

**COUNCIL ACTION:** (Tape location: A567-626.)

CONSENT MOTION BY STEVENS 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-102: Celebration of John Ryan's 80<sup>th</sup> Birthday.

(Point Loma Community Area. District-2.)

**COUNCILMEMBER WEAR'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-973) ADOPTED AS RESOLUTION R-296003

Congratulating John Paul Ryan on the celebration of his 80<sup>th</sup> birthday.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A567-626.)

CONSENT MOTION BY STEVENS 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-103: Gentry's Family Barber Shop Day.

**DEPUTY MAYOR STEVENS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-928) ADOPTED AS RESOLUTION R-296004

Commending Gentry's Family Barber Shop for their contributions to the City of San Diego;

Proclaiming January 20, 2002 to be "Gentry's Family Barber Shop Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A567-626.)

CONSENT MOTION BY STEVENS 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-104: Excusing Councilmember Maienschein from the City Council Meetings of January 28 and 29, 2002.

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-970)           NOTED AND FILED

Excusing Councilmember Brian Maienschein from attending the regularly scheduled City Council Meetings of January 28 and 29, 2002, due to his attendance to out of town City business in Washington, D.C. with the San Diego Regional Chamber of Commerce to lobby on transportation issues.

FILE LOCATION:           AGENDA

COUNCIL ACTION:           (Tape location: A554-566.)

- \* ITEM-105: Excusing Councilmember Maienschein from the Land Use and Housing Committee Meeting of January 30, 2002.

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-971)           NOTED AND FILED

Excusing Councilmember Brian Maienschein from attending the regularly scheduled meeting of the Committee on Land Use and Housing of January 30, 2002, due to his attendance to out of town City business in Washington, D.C. with the San Diego Regional Chamber of Commerce to lobby on transportation issues.

FILE LOCATION: AGENDA  
COUNCIL ACTION: (Tape location: A554-566.)

\* ITEM-106: Agreement with the County of San Diego for Indigent Burial, Mt. Hope Cemetery.  
(District-4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-931) ADOPTED AS RESOLUTION R-296005

Authorizing the City Manager to execute an agreement with the County of San Diego for Indigent Burial.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego entered into an agreement with the County of San Diego in 1964 whereby the County granted the City exclusive use and control for burial purposes of an approximately 10-acre parcel of land, known as Evergreen Cemetery, adjacent to Mt. Hope Cemetery. In return, the City agreed to permit burials of indigent dead in Mt. Hope Cemetery without charge to the County for the burial plot and to furnish perpetual care and cemetery services for a set fee. This agreement was last amended in 1992. A new agreement with the County is proposed to ensure full cost recovery for indigent burials. The County Board of Supervisors approved the new agreement on September 25, 2001.

**FISCAL IMPACT:**

The new agreement would assure the City full cost recovery for the services provided and associated with indigent burial and perpetual care and maintenance. Under the new agreement, the fee for each adult County indigent burial will be approximately \$726. The City currently receives \$386 per adult indigent burial from the County for net loss of revenue to the City of approximately \$340 per burial. The City currently receives approximately 35 indigent burials annually.

Herring/McLatchy/JH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A567-626.)

CONSENT MOTION BY STEVENS 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-107: Lease Renewal Approval - California Highway Patrol at City Administration Building.

(Centre City Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-932) ADOPTED AS RESOLUTION R-296006

Authorizing the City Manager to execute a five year lease agreement with an option for one additional term of five years with the State of California, Department of General Services for the California Highway Patrol, for a telecommunication facility at the City Administration Building, at an initial annual rent of \$7,800.

**CITY MANAGER SUPPORTING INFORMATION:**

The California Highway Patrol (CHP), through the State's Department of General Services, has requested to renew their current lease at this location. Their facility consists of one rack space in the City's communications vault and two antennas mounted on top of the elevator penthouse. The CHP requires use of this site to provide service to the local community. The CHP's current lease commenced in 1996. During this period they have proved to be a reliable tenant. Basic terms of the agreement are as follows:

USE - To install, construct, modify, maintain, and operate its communications facility.

TERM - Five (5) years, with one additional 5-year option.

RACK SPACE & ANTENNA RENT - Rent is \$7,800 annually (\$650 per month) with annual 5% rent increases and reappraisal every five years. This value is consistent with an outside independent fee appraisal based on a comparative survey of similar telecommunications facilities in the Southern California market dated August 2000 and updated November 2001.

**FISCAL IMPACT:**

The City will receive \$7,800 in the first year of the lease with 5% annual rent increases thereafter. Rental proceeds generated will be credited to the City's General Fund 100.

Herring/Griffith/JPA

FILE LOCATION: LEAS-State of California Department of General Services  
for the California Highway Patrol for a telecommunication  
facility at the City Administration Building

COUNCIL ACTION: (Tape location: A567-626.)

CONSENT MOTION BY STEVENS 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-108: Lease Renewal Approval - California Highway Patrol at Mount Woodson.

(Ramona Community Area.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-933) ADOPTED AS RESOLUTION R-296007

Authorizing the City Manager to execute a five year lease agreement with an option for one additional term of five years with the State of California, Department of General Services for the California Highway Patrol, for a

telecommunication facility at Mount Woodson, at an initial annual rent of \$17,460.

**CITY MANAGER SUPPORTING INFORMATION:**

The California Highway Patrol (CHP), through the State's Department of General Services, has requested to renew their current lease at this location. Their facility consists of four rack spaces in the City's communications vault and two antennas mounted on the adjacent City tower. The CHP requires use of this site to provide service to the local community. The CHP's current lease commenced in 1990. During this period they have proved to be a reliable tenant. Basic terms of the agreement are as follows:

USE - To install, construct, modify, maintain, and operate its communications facility.

TERM - Five (5) years, with one additional 5-year option.

RACK SPACE & ANTENNA RENT - Rent is \$17,460 annually (\$1,455 per month) with annual 5% rent increases and reappraisal every five years. This value is consistent with an outside independent fee appraisal based on a comparative survey of similar telecommunications facilities in the Southern California market dated August 2000 and updated November 2001.

**FISCAL IMPACT:**

The City will receive \$17,460 in the first year of the lease with 5% annual rent increases thereafter. Rental proceeds generated will be credited to the City's General Fund 100.

Herring/Griffith/JPA

FILE LOCATION: LEAS-State of California Department of General Services  
for the California Highway Patrol, for a telecommunication  
facility at Mount Woodson

COUNCIL ACTION: (Tape location: A567-626.)

CONSENT MOTION BY STEVENS 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-109: First Amendment to the Agreement between the City of San Diego and EDAW, Inc.

(See Frank Belock, Jr.'s memo dated 12/5/2001.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-889)                      ADOPTED AS RESOLUTION R-296008

Authorizing the City Manager to execute a First Amendment to the Agreement with EDAW, Inc. for additional services not to exceed \$250,000, and to extend the Contract for two additional years;

Authorizing the expenditure of an amount not to exceed \$25,000 from Water Fund No. 415000 and \$225,000 from Sewer Fund No. 41506;

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 12/12/2001, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

On November 14, 2000, the City of San Diego and EDAW, Inc. entered into an agreement, Document No. RR-294114, to provide as-needed environmental and permitting services for the City of San Diego Engineering and Capital Projects Department, Water and Wastewater Facilities Division. The contract expires on December 1, 2001, thus this is a request for an amendment to the original Contract.

With City Council passing of Metropolitan Wastewater Department's sewer rate increase, it has resulted in an increase in the amount of sewer replacement projects. This increase has also resulted in an increase in demand for the use of our biological and cultural consultant services. Some of these projects located in canyon and other sensitive areas will require impact

assessment, and mitigation analysis by experts in the fields. Unfortunately, we do not have sufficient City staff to handle the increase in workload. To avoid potential project delays, we are requesting this contract amendment. Nevertheless, we are in the process of evaluating a cost benefit analysis to determine if it would be more cost effective to hire additional City staff to perform this work.

Consultant services to be provided under this amendment shall include, but not be limited to, performing preliminary environmental constraint studies; biological resource evaluations including field surveys, wetland delineations, biology and wetland reports, revegetation, mitigation, and/or erosion control plans and "D" sheet drawings to accompany the plan, and resource agency permitting; archaeological resources evaluations/monitoring services; paleontological resources evaluations/monitoring services; noise impact analyses associated with construction and/or long term noise effects to adjacent sensitive receptors (sensitive species, residences); and preliminary hazardous waste analyses for sewer and water projects including new sewer and/or water pipeline projects, sewer and/or water replacement projects, pump stations, and other miscellaneous projects. Consultant services shall be provided for sewer and water projects and shall be by task order on an hourly fee basis not to exceed \$20,000 per individual task. The total contract amendment amount shall not exceed \$250,000 for a period of two years.

Please also note that the Water and Wastewater Facilities Division currently has as-needed environmental consulting contracts (both expire in July 2003) with two other firms in addition to EDAW. EDAW has provided excellent quality services at rates that are competitive when compared to the other two contracts.

**FISCAL IMPACT:**

The total estimated cost of this agreement is \$450,000. Of this amount, \$200,000 was previously authorized by Resolution R-294114. The estimated cost for this First Amendment is \$250,000, of which \$25,000 is available in Water Fund 41500 and \$225,000 is available in Sewer Fund 41506.

Loveland/Belock/HR

Aud. Cert. 2200675.

WWF-02-563.

**FILE LOCATION:**

**MEET**

COUNCIL ACTION: (Tape location: A567-626.)

CONSENT MOTION BY STEVENS 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-110: 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.

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

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-962)                      ADOPTED AS RESOLUTION R-296009

Certifying the results of the January 8, 2002 election and changing the existing rate and method of apportionment of the special tax and list of eligible facilities within Improvement Area No. 1 and approving the First Amendment to Purchase and Financing Agreement.

**CITY MANAGER SUPPORTING INFORMATION:**

On November 5, 2001, the City Council adopted Resolution Number R-295675, which declared the City Council's intention to consider altering the existing rate and method of apportionment of the special tax and amending the list of facilities eligible for financing within Community Facilities District No. 2 (Santaluz), Improvement Area No. 1. In addition, the City Council scheduled a public hearing on the proposed amendments. On December 11, 2001, pursuant to the noticed public hearing, the City Council adopted Resolution Number R-295881, which called for a special election among the qualified district voters to approve the proposed amendments. The special election was held January 8, 2002. The City Clerk has tallied the votes and has certified that the proposed amendments were approved by more than two-thirds of the votes cast. Pursuant to Mello-Roos Community Facilities Act, a City Council Resolution is required to determine that the amendments have been lawfully authorized. It is recommended that the City Council adopt such a resolution.

City staff, in conjunction with the City's financing team for the project, has determined that the proposed modifications could provide a more equitable tax treatment for the various categories of taxable property within Community Facilities District No. 2 (Santaluz), Improvement Area No. 1, and would provide for the potential acquisition of certain additional public facilities by the City. In addition, this action would authorize the first amendment to the Purchase and Financing Agreement between the City and Property Owners. This amendment would implement the amended list of facilities eligible for financing within Community Facilities District No. 2.

**FISCAL IMPACT:**

None. All costs related to this action have been funded by property owners within Community Facilities District No. 2.

Frazier/Vattimo/CW

FILE LOCATION: STRT-CF-2 (58)

COUNCIL ACTION: (Tape location: A567-626.)

CONSENT MOTION BY STEVENS 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-111: Cancellation of the 9:00 a.m. Wednesday, March 13, 2002, Natural Resources and Culture Committee Meeting.

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

Adopt the following resolution:

(R-2002-982) ADOPTED AS RESOLUTION R-296010

Amending the Schedule of meetings for the City Council and Standing Committees of the City Council for the period of January 1, 2002 through December 31, 2002, to delete the Natural Resources and Culture Committee meeting of Wednesday, March 13, 2002, at 9:00 a.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A567-626.)

CONSENT MOTION BY STEVENS 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-112: Cancellation of the 2:00 p.m. Wednesday, March 13, 2002, Land Use and Housing Committee Meeting.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-983) ADOPTED AS RESOLUTION R-296011

Amending the Schedule of meetings for the City Council and Standing Committees of the City Council for the period of January 1, 2002 through December 31, 2002, to delete the Land Use and Housing Committee meeting of Wednesday, March 13, 2002, at 2:00 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A567-626.)

CONSENT MOTION BY STEVENS 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-113: Judge Elizabeth A. Riggs Day.

**DEPUTY MAYOR STEVENS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-966) ADOPTED AS RESOLUTION R-296012

Commending Judge Elizabeth A. Riggs for her twenty-two years of service with the El Cajon Municipal Court and the San Diego Superior Court;

Proclaiming February 2, 2002 to be "Judge Elizabeth A. Riggs Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A567-626.)

CONSENT MOTION BY STEVENS 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-114: Cortez Hill Family Facility Operator.

(See City Manager Report CMR-01-254. Centre City Community Area. District-2.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-810) ADOPTED AS RESOLUTION R-296013

Accepting the result of the competitive selection process as outlined in the City of San Diego Manager's Report CMR-01-254 dated November 20, 2001, selecting the YWCA as the Cortez Hill Homeless Family Facility Operator;

Authorizing the City Manager to enter into exclusive negotiations and contract with the YWCA to operate the Cortez Hill Homeless Family Facility;

Authorizing the City Manager to return to the City Council with the final contract with the YWCA.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 11/28/2001, LU&H voted 4 to 0 to approve the City Manager's recommendation with clarification that, once the contract is negotiated with the YWCA, the full City Council will consider the item. (Councilmembers Peters, Wear, Atkins, Maienschein voted yea. Deputy Mayor Stevens not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A567-626.)

CONSENT MOTION BY STEVENS 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-115: Agreement with Boyle Engineering for Torrey Pines Road/La Jolla Boulevard Water Main Replacement.

(See Larry Gardner's 1/9/2002 memo. La Jolla and Pacific Beach Community Areas. Districts-1 and 2.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-955) ADOPTED AS RESOLUTION R-296014

Authorizing the City Manager to execute an agreement with Boyle Engineering Corporation, to provide engineering consulting services for the Torrey Pines Road/La Jolla Boulevard Water Main Replacement Project;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$775,760 from Water Fund 41500, CIP-73-338.0, Water Department Central Facility, to Water Fund 41500, CIP-70-953.0, Torrey Pines Road/La Jolla Boulevard Water Main Replacement - Phase II;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$775,760 from Water Fund 41500, CIP-70-953.0, Torrey Pines Road/La Jolla Boulevard Water Main Replacement - Phase II;

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 1/16/2002, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

The Torrey Pines Road/La Jolla Boulevard Water Main Replacement Projects will replace a total of approximately 31,900 lineal feet of the existing 16-inch cast iron water main within the La Jolla and Pacific Beach communities. The pipelines were installed in the early 1920's with an intended service life of about 50 years. Although most of the pipelines have lasted much longer they are now deteriorating due to use, age, and corrosive soils.

The Project is divided into three phases, Phase I which is in construction, Phase II (this project), and Phase III, which is in the planning stage. This action consists of Phase II, which proposes to replace approximately 21,200 lineal feet of existing pipeline. The pipeline traverses along Torrey Pines Road at Exchange Place into downtown La Jolla, and travels southwest on La Jolla Boulevard ending at the intersection of La Jolla Boulevard and Mesa Way. The pipeline then resumes on La Jolla Boulevard at Camino de la Costa and continues south into Pacific Beach along Mission Boulevard, and subsequently terminates at Pacific Beach Drive.

Due to corrosion of the cast iron pipeline, portions of this existing pipeline have deteriorated which caused several large pipeline breaks within recent years. As a result, the Water Department will replace the existing 16-inch transmission main with an equivalent pipe size, including tee connections, valves, and other associated work related to the pipe. The replacement pipeline will increase the service reliability of the water distribution system. It will also minimize future water and fire service disruptions, public inconveniences, property damage, and costly repairs that could be caused by the older cast iron water mains. The CIP Program will also perform an extensive community outreach program for the project by meeting with the La Jolla Community Planning Association, Mission Beach Precise Planning Committee, Pacific Beach Community Planning Committee, and others as appropriate.

The Water Department Request for Qualifications selection process was followed to obtain the services of a design engineering consultant. As part of this process, the Water Department received a short-list of five qualified firms from Contract Services. On July 10, 2001, a Selection Panel convened and interviewed the short-listed firms. The firms were evaluated on the basis of qualifications including expertise, experience, understanding and approach to the scope of services, and the capability of personnel and subcontractors. Based upon the results of these interviews and subsequent reference checks, Boyle was selected as the most qualified to provide engineering consultant services for the design of the replacement project. The requested amount of \$775,760 is for design and in-house related costs.

**FISCAL IMPACT:**

Funding will be transferred from CIP-73-338.6, Water Department Central Facility, in the amount of \$775,760 to CIP-70-953.0, Torrey Pines Road/La Jolla Boulevard Water Main Replacement - Phase II.

Mendes/Gardner/NK

Aud. Cert. 2200720.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A567-626.)

CONSENT MOTION BY STEVENS 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-116: San Diego Data Processing Corporation Governance & City of San Diego Information Technology Strategic Plan.

(See City Manager Report CMR-02-002; Councilmember Madaffer's 1/7/2002 memorandum.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-990)                      ADOPTED AS RESOLUTION R-296015

Declaring that the Amended and Restated Bylaws of San Diego Data Processing Corporation be amended as follows:

- a.     Article III, DIRECTORS, Section 2. Number and Qualifications of Directors. Reduce the authorized number of San Diego Data Processing Corporation Directors from nine (9) to seven (7) with a background in technology or finance with an emphasis on technology.
  
- b.     Article III, DIRECTORS, Section 3. Elections, Terms of Office and Vacancies. Subsection 1. Election and Term of Office. Reduce the term of San Diego Data Processing Corporation Directors from a three (3) year term to a two (2) year term and limit their service to a maximum of three (3) consecutive terms.
  
- c.     Article II, MEMBERS. Add Section 3 which will require San Diego Data Processing Corporation and the Board of Directors to report to the Committee on Rules, Finance and Intergovernmental Relations twice yearly.

Declaring that the Mayor should appoint and the City Council shall confirm the new San Diego Data Processing Corporation Board members concurrent with the City Council's adoption of the City of San Diego Information Technology Strategic Plan at City Council or as soon as possible;

Accepting the City of San Diego Information Technology Strategic Plan and directing the City Manager to give twice yearly reviews to the Committee on Rules, Finance and Intergovernmental Relations regarding the status of The City of San Diego Information Technology Strategic Plan and further brief the City Council regarding the City of San Diego Information Technology Strategic Plan as part of the annual budget process.

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

On 1/9/2002, RULES voted 5-0 (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.) to:

- A. Modify the SDDPC by-laws and reduce authorized number of SDDPC Board of Directors from nine (9) to seven (7) members with a background in either technology or finance with an emphasis on technology.
- B. SDDPC Board member terms would be reduced from three (3) years to two (2) years in length and may not serve more than a maximum of three (3) consecutive terms.
- C. SDDPC and its Board members would be required to report to the Rules Committee twice yearly.
- D. The Mayor should appoint and Council confirm the new Board members to SDDPC concurrent with adoption of the IT Strategic Plan at City Council or as soon as possible thereafter.
- E. Accept the IT Strategic Plan and direct the City Manager to give twice yearly reviews to the Rules Committee regarding the status of the IT strategic plan and further brief the City Council regarding the IT Strategic Plan as part of the annual budget process.

**CITY MANAGER SUPPORTING INFORMATION:**

City Manager Report CMR-02-002 issued 01/04/2002 recommended that the City Council accept the Information Technology Strategic Plan (ITSP) for the City of San Diego.

Councilmember Jim Madaffer, in his memo to Rules Committee dated January 7, 2002 (MO2-01-02), concurred in the Manager's recommendation and made several other recommendations related to the governance of San Diego Data Processing Corporation. On 01/09/2002, the Rules Committee discussed and further modified Councilmember Madaffer's recommendations to:

- A) Change the recommended number of SDDPC Directors from five (5) to seven (7); and
- B) Change the recommended term length for SDDPC Directors from one (1) to two (2) years.

**FISCAL IMPACT:**

None at this time. By accepting the ITSP, the City Council will be adopting the strategic IT framework for the City but not approving funding for specific initiatives.

Ewell/Stapleton/HPS

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A567-626.)

CONSENT MOTION BY STEVENS 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-150: Two actions related to the San Diego Sustainable Community Program.

(See City Manager Report CMR-02-003.)

**TODAY'S ACTIONS ARE:**

Adoption of the following resolutions:

Subitem-A: (R-2002-895) TRAILED TO TUESDAY, JANUARY 29, 2002

Renewing the Partnership Agreement between the City of San Diego and the U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy;

Approving the set of San Diego Sustainable Community Program Indicators; and implementing a system whereby pertinent information from City departments is compiled into an integrated report coordinated by the Environmental Services Department (ESD);

Fulfilling the City's commitment as a "Cities for Climate Protection" Partner with the International Council for Local Environmental Initiatives to set a 15% reduction target for greenhouse gas emissions by 2010;

Establishing an ad hoc task force comprised of members of the scientific community and City staff, coordinated by ESD, to refine and further develop the City for Climate Protection Action Plan to reduce greenhouse gas emissions.

Subitem-B: (R-2002-881) TRAILED TO TUESDAY, JANUARY 29, 2002

Adding the Cities for Climate Protection Campaign to the City's portfolio of programs that help to create a legacy of a city worthy of affection for many generations to come.

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

On 1/9/2002, RULES voted 5-0 (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea) to approve the City Manager's recommendations contained in City Manager Report CMR-02-003.

FILE LOCATION: Subitems A,B: NONE.

COUNCIL ACTION: (Tape location: E318-332.)

Item trailed to Tuesday, January 29, 2002 due to lack of time.

ITEM-151: Three actions related to Point Loma - Site Improvements: Design Amendment and Advertise Construction.

(See Scott Tulloch's 12/3/2001 memo. Point Loma Community Area. District-2.)

**TODAY'S ACTIONS ARE:**

Adoption of the following resolutions:

Subitem-A: (R-2002-910) ADOPTED AS RESOLUTION R-296016

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 Point Loma - Site Improvements Project on Work Order No.175184;

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

Authorizing the City Auditor and Comptroller to transfer \$766,069 within Fund No. 41508, from CIP-46-182.0, Point Loma - Chemical Feed Systems Upgrade, to CIP-45-937.0, Point Loma - Site Improvements;

Authorizing the expenditure of an amount not to exceed \$2,450,680 to be expended as follows and 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:

\$2,352,180 from Fund No. 41508, CIP-45-937.0, Point Loma - Site Improvements, for project construction and related costs, and

\$98,500 from Fund No. 41509, CIP-46-502.0, Annual Allocation - Metropolitan Sewer Pooled Contingencies, for project contingency;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department. (BID-K02102.)

Subitem-B: (R-2002-911) ADOPTED AS RESOLUTION R-296017

Authorizing the City Manager to execute an amendment to the agreement of May 1, 2000 with KTU&A, for additional design services in connection with the Point Loma - Site Improvements Project;

Authorizing the expenditure of an amount not to exceed \$50,000 from Fund No. 41508, CIP-45-937.0, Point Loma - Site Improvements.

Subitem-C: (R-2002-912) ADOPTED AS RESOLUTION R-296018

Certifying that the Addendum, LDR-41-0129, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State

guidelines; that the addendum reflects the independent judgment of the City of San Diego as Lead Agency; and that the information contained in the Addendum, together with any comments received during the public review process, has been reviewed and considered by Council prior to approval of the Point Loma - Site Improvements Project;

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

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

On 12/12/2001, NR&C voted 4-1 to approve. (Councilmembers Peters, Wear, Madaffer and Inzunza voted yea. Councilmember Frye voted nay.)

**CITY MANAGER SUPPORTING INFORMATION:**

Since 1993 the Point Loma Wastewater Treatment Plant has been undergoing over \$250 million of improvements and upgrades. The Point Loma - Site Improvements project will complete a variety of improvement needs at the plant.

The project also will address visual and functional fragmentation at the site which have resulted from the many years of incremental upgrades. In 1994, a Master Plan was developed for the current expansion and upgrade of the facility. After approval of the plan, the City retained a group of designers and artists to comprehensively address the problem of fragmentation as well as look at how the facility interfaces with the surrounding natural environment and its neighbors on the peninsula.

This study resulted in a report titled "Report on Landscape, Architectural and Aesthetic Improvements to the Point Loma Wastewater Treatment Plant" (Report) which was approved by the City Council in the summer of 1996. Several improvement areas recommended in the Report have already been implemented in conjunction with other projects at the PLWTP.

In order to implement a majority of the remaining recommendations in the Report, fulfill community commitments to reduce the plant's industrial appearance from Cabrillo National Monument, and complete other site improvement needs, on May 5, 2000, Council authorized the City Manager to execute an agreement with KTU+A to provide design services for \$217,508 for the Point Loma - Site Improvements project. To complete the project design, Council authorization is requested for Amendment No. 1 to KTU+A's contract for \$50,000 to fund additional design work and services during construction.

Consultant services added to the original agreement include design work for additional pedestrian facilities, restroom at the guardhouse, additional common use equipment, work to address geological recommendations, security card access features, additional lighting for process areas, and signs plant wide. Council authorization is also requested to authorize construction of the Point Loma - Site Improvements project and to fund related project costs estimated to be \$2,450,680.

**FISCAL IMPACT:**

The total cost of this action is \$2,450,680 of which \$2,352,180 is from Fund 41508 CIP-45-937.0, Point Loma - Site Improvements for construction, related costs, and KTU+A Amendment No. 1 and \$98,500 is available from Fund 41509, CIP-46-502.0, Annual Allocation - Metropolitan Sewer Pooled Contingencies for project contingency.

Mendes/Tulloch/JAW

Aud. Cert. 2200712.

FILE LOCATION: Subitems A,B,C: W.O. 175184

COUNCIL ACTION: (Tape location: E308-317.)

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

ITEM-200: Four actions related to Gas and Electric Franchise Agreements.

(Continued from the meeting of 1/14/2002, Item 51, at the request of the City Manager, for further review.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances in Subitems A, B, and C which were introduced on 12/11/2002; introduce and adopt the ordinance in Subitem D (Council voted 6-3. Councilmembers Stevens, Maienschein and Inzunza voted nay):

Subitem-A: (O-2002-49) ADOPTED WITH DIRECTION AS ORDINANCE  
O-19030 (NEW SERIES)

Amending the electric franchise with SDG&E to:

- (a) Continue with the current franchise fee consisting 3% of gross receipts
- (b) Implement an undergrounding surcharge of 4.5% of gross receipts minus any rate embedded underground funds
- (c) Change the definition of gross receipts to include paying the franchise fee on revenue collected on all surcharges

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

Subitem-B: (O-2002-50) ADOPTED WITH DIRECTION AS ORDINANCE  
O-19031 (NEW SERIES)

Amending the gas franchise with SDG&E to increase the Gas Franchise Fee Surcharge from 1.00 percent to 1.03 percent.

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

Subitem-C: (O-2002-24) ADOPTED WITH DIRECTION AS ORDINANCE  
O-19032 (NEW SERIES)

Amending Chapter 6, Article 1, Division 5 of the San Diego Municipal Code, by amending Sections 61.0501, 61.0502, 61.0503, 61.0504, 61.0505, 61.0507, and 61.0508; renumbering and amending Sections 61.0509, 61.0510, 61.0511, 61.0512, 61.0513, 61.0514, 61.0515, 61.0516, 61.0517; and adding Sections 61.0509 and 61.0510; and amending Chapter 6, Article 1, Division 21 by renumbering Sections 61.2103 and 61.2106.1, all relating to Underground Utility Procedures.

Subitem-D: (O-2002-65) INTRODUCED AND ADOPTED WITH  
DIRECTION AS ORDINANCE  
O-19033 (NEW SERIES)

Introduction and adoption of an ordinance amending the FY 2001-02 Annual Appropriation Ordinance, Document No. O-18964 to increase the General Fund

100, Engineering & Capital Projects, Department 547, appropriation by the amount of \$525,000 to be transferred from Fund No. 30100, Undergrounding Surcharge Fund, and the expenditure of the amount, provided a certificate is issued demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Amending the personnel authorization of Engineering & Capital Projects, Department 547, in the General Fund 100 by adding the following Classified positions, provided the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for such positions are, or will be, on file in the City Treasury:

2.0 Associate Civil Engineer  
1.0 Assistant Civil Engineer  
2.0 Principal Engineering Aide  
1.0 Senior Drafter  
1.0 Public Information Officer  
1.0 Senior Management Analyst  
1.0 Administrative Aide II

Authorizing the City Auditor and Comptroller to increase the General Fund 100, Engineering & Capital Projects, Department 547, appropriation by the amount of \$210,000 to be transferred from Fund No. 30100, Undergrounding Surcharge Fund, provided the City Auditor and Comptroller furnishes a certificate demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

**NOTE:** The first public hearing was held on December 11, 2001. Today's action is the second public hearing for the introduction and adoption of the ordinance.

**FILE LOCATION:** Subitems A,B,C,D: FRAN-San Diego Gas & Electric (08)

**COUNCIL ACTION:** (Tape location: B011-E150.)

MOTION BY ATKINS TO ADOPT SUBITEMS A,B,C AND DISPENSE WITH THE READING AND ADOPT SUBITEM D WITH DIRECTION THAT THE LAND USE AND HOUSING COMMITTEE WILL, IF THE PUC APPROVES THIS, SET FORTH CRITERIA FOR PRIORITIZATION; THAT IT WILL INCLUDE A PROCESS IN

WHICH EVERY PLANNING COMMUNITY COMMITTEE HAS AN OPPORTUNITY TO VOICE INPUT; AND THAT THOSE COMMUNITIES SELECTED AS URBAN VILLAGES AS PART OF THE STRATEGIC FRAMEWORK WILL BE USED AS ANOTHER CRITERIA WHERE THE CITY WOULD INITIATE PROGRESS BY ALLOCATING MONEY. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-nay, Frye-yea, Madaffer-yea, Inzunza-nay, Mayor Murphy-yea.

ITEM-201: Urban Runoff Management Program.

(See City Manager Report CMR-02-018.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-937) ADOPTED AS RESOLUTION R-296019

Approving the Urban Runoff Management Program Plan that describes the activities being undertaken, or to be undertaken, to reduce pollutants in urban storm water to the maximum extent practicable;

Authorizing the City Manager to implement activities identified in the Urban Runoff Management Program Plan.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: E346-F079.)

MOTION BY PETERS TO ADOPT WITH THE RECOMMENDATION TO REFER ALL OF THE DEVELOPMENT IMPLEMENTATION ISSUES THAT COME UP AS COUNCIL IMPLEMENTS THIS ITEM TO THE CITY'S EXISTING COMMITTEE IN THE LAND USE AND HOUSING COMMITTEE. 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-202: San Diego Regional Stormwater Co-Permittees Memorandum of Understanding and Agreement with the County of San Diego.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-964)                      ADOPTED AS RESOLUTION R-296020

Authorizing the City Manager to execute a Memorandum of Understanding (MOU) with the San Diego Unified Port District, and the Incorporated Cities of San Diego, Carlsbad, Chula Vista, Coronado, Escondido, Imperial Beach, La Mesa, San Marcos, Del Mar, El Cajon, Encinitas, Lemon Grove, National City, Oceanside, Poway, Santee, Solana Beach, and Vista;

Authorizing the City Manager to execute the Agreement between the County of San Diego and the San Diego County Co-permittees for Cost Sharing for Professional Services and Permit Fees, for Fiscal Year 2002 (Cost Sharing Agreement);

Authorizing the expenditure of an amount not to exceed \$44,992 from Storm Drain Fund 105087, for providing funds to execute the MOU and Cost Sharing Agreement with the County of San Diego.

**CITY MANAGER SUPPORTING INFORMATION:**

The 1972 Clean Water Act established the National Pollutant Discharge Elimination System (NPDES) permit program to regulate the discharge of pollutants to waters of the United States. Municipalities in San Diego County collect and discharge storm water and urban runoff containing pollutants through their storm water conveyance systems. These municipalities, including the City of San Diego, implement programs to reduce pollutants under NPDES permit requirements commonly known as the Municipal Storm Water Permit for San Diego Co-permittees. The San Diego Regional Water Quality Control Board issued the Municipal Storm Water Permit for San Diego Co-permittees in July 1990.

On February 21, 2001, the Regional Board significantly revised the Municipal Storm Water Permit with the adoption of Order No. 2001-01. The Order stipulates that a formal agreement between the Co-permittees, which provides a management structure for meeting the Permit

requirements, must be submitted to the Regional Board by February 21, 2002. The San Diego Regional Stormwater Co-permittees Memorandum of Understanding (MOU) fulfills this Permit requirement. The County of San Diego is the Principal Permittee. The MOU contains the permittee responsibilities, establishes a Regional Stormwater Management Committee, and defines fiscal responsibilities. Each Co-permittee receives one vote. The MOU stipulates that general programs such as the permit fee and the receiving water monitoring are shared amongst the 20 Co-permittees as follows: 45% of the cost divided based upon urbanized land area, 45% divided based upon population, and 10% divided equally. The City of San Diego authorized work required by the Permit prior to October 31, 2001 on behalf of the Co-permittees under the City's as needed Storm Water Sampling and Testing Contract. The City will receive credit for this expenditure (\$279,258) against the City's cost share. The County requires a separate agreement to cover this year's wet weather monitoring and permit fee because the MOU will not be effective until all parties have executed it.

**FISCAL IMPACT:**

The amount due to the County of San Diego for this year's monitoring and permit fee cost share is \$44,992. Funding is available from the Storm Drain Fund 105087.

Loveland/Anderson/DK

Aud. Cert. 2200714.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E346-F084.)

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-203: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

HEARING HELD/ REFERRED TO CLOSED SESSION

ITEM A - Headquarters Point Research Park

Property: An approximate 10.3 acre area of Headquarters Point Research Park located west of Wateridge Circle and east of Lusk Boulevard (APN 340-090-55)

City Negotiator: Real Estate Assets Director

Negotiating Party: Life Science Point LLC

Under negotiation: Seeking direction on property disposition and provisions to include in a Letter of Interest

ITEM B - San Diego Mission Bay Boat and Ski Club

Property: An approximate 4 acre parcel adjacent to Rose Creek in Mission Bay Park (APN 760-035-04)

City Negotiator: Real Estate Assets Director

Negotiating Party: San Diego Mission Bay Boat and Ski Club

Under negotiation: Lease negotiations for potential relocation from existing site to South Shores area of Mission Bay Park.

ITEM C - Orfila Vineyards

Property: Approximately 121 acres at 13455 San Pasqual Road (APN 760-170-71)

City Negotiator: Real Estate Assets Director

Negotiating Party: Orfila Vineyards

Under negotiation: Lease amendment for audit deficiency settlement

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:**

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on these subjects; 2) Conclude and close the public hearing; and 3) Refer these matters to Closed Session on January 29, 2002.

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

**ITEM-250: 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 "Encanto Urban Village," a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Southeastern San Diego Community Plan Area in Council District 4. 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-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 "Fraternity Housing Project," a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the College Area Community Plan Area in Council District 7. 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: Appoint Members of the Select Committee on Government Efficiency and Fiscal Reform.**

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-991)                      ADOPTED AS RESOLUTION R-296021

Establishing a Temporary Rule of the Council to permit the appointment of Councilmember Byron Wear as Chairperson of the Select Committee on Government Efficiency and Fiscal Reform and consisting of the following Rules Committee members and such advisors as they shall appoint:

Byron Wear, Chairperson  
George Stevens, Deputy Mayor  
Jim Madaffer, Councilmember

Declaring that this Temporary Rule supersedes the Permanent Rules of the Council established by Section 22.0101 of the San Diego Municipal Code and shall be effective until December 2, 2002, unless made permanent by enactment of an ordinance.

FILE LOCATION:                      MEET

COUNCIL ACTION:                      (Tape location: A567-626.)

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

\* ITEM-S401: Urban Recreational and Cultural Centers Grant Applications for the World Beat Center and the Centro Cultural de la Raza.

(Balboa Park, bounded by the Uptown, Greater North Park and Downtown Community Areas. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-547 Cor. Copy)                      ADOPTED AS RESOLUTION R-296022

Authorizing the City Manager to apply to the State of California under the Urban Recreation and Cultural Centers Grant Program for a grant for improvements to the Centro Cultural de la Raza and the World Beat Center;

Authorizing the City Manager to take all necessary actions to secure and accept grant funds, including negotiating and entering into a grant funding agreement;

Authorizing the City Manager to expend the grant funds in accordance with the terms and conditions of the agreement if the funds are secured;

Authorizing the Auditor and Comptroller, upon receipt of a fully executed grant agreement, to establish a special interest-bearing fund for the grant funds;

Declaring that the City will require any leaseholder of the Centro Cultural de la Raza and the World Beat Center to dedicate sufficient funds to properly operate and maintain the facility and program and to have sufficient funds identified for that purpose; or in the event that the City operates the facility, funding would need to be identified through the City's budget process for the City to certify that it has sufficient funds to operate and maintain the facility and project;

Declaring that Council has reviewed, understands, and agrees to the terms and conditions for receipt of the grant funds as set forth in the State of California, Department of Parks and Recreation's Grant Contract for Urban Recreation and Cultural Centers, Museums, and Facilities for Wildlife Education or Environmental Education Program.

**CITY MANAGER SUPPORTING INFORMATION:**

On October 23, 2001, the City Council voted to recommend submitting two Urban Recreational and Cultural Center (URCC) grant applications to the State of California Department of Parks and Recreation. As a result of the submittal, the State of California Department of Parks and Recreation requested additional language be incorporated into the resolution.

The intent of the Urban Recreational and Cultural Centers (URCC) grant program is to provide funds, on a competitive basis, to cities, counties, non-profit organizations, and federally recognized

California Indian tribes to enhance, develop and rehabilitate urban recreational and cultural centers, museums and facilities for wildlife or environmental education in urban areas throughout California.

The notice of funding availability for the URCC grant program was released by the State of California Park and Recreation Department as part of the Safe Neighborhood Parks, Clean

Water, Clean Air, and Coastal Protection Bond Act of 2000. A total of \$8,000,000 has been allocated for the URCC grant program. This program does not require matching funds.

The Planning Department is proposing to submit two applications for URCC funding for facilities improvements at the Centro Cultural de la Raza and the World Beat Center. Both are consistent with funding eligibility criteria that require projects to interpret a cultural theme and be located on publically owned land. The Centro Cultural de la Raza and the World Beat Center both provide unique cultural programs that serve diverse populations within the City of San Diego and are located on City-owned property within Balboa Park.

**FISCAL IMPACT:**

If the grants are awarded, the City would receive up to \$1,180,000 in grant funding and would be administered by the City of San Diego Park and Recreation Department.

Ewell/Goldberg/LBE

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A567-626.)

CONSENT MOTION BY STEVENS 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-S402: Appointment to the City of San Diego Civil Service Commission.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1003)ADOPTED AS RESOLUTION R-296023

Council confirmation of the appointment by the Mayor of Delia H. Talamantez to serve as a member of the Civil Service Commission, for a term ending January 9, 2007, replacing Linda Legerrette, whose term has expired.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A567-626.)

CONSENT MOTION BY STEVENS 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.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 6:05 p.m. in honor of the memory of:

Jerry Parker as requested by City Attorney Gwinn and Carina Tate as requested by Council Member Madaffer

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F085-176.)