

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, FEBRUARY 25, 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 2:12 p.m. Mayor Murphy wished to introduce and welcome Ms. Carol Williams, the City's new Civic Organist. Mayor Murphy stated that the City was very fortunate to attract a musician of Ms. Williams talent and caliber. Ms. Williams thanked everyone and stated that she looked forward to performing in San Diego.

The meeting was recessed by Mayor Murphy at 4:05 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:15 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 6:00 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 6:15 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 8:00 p.m. into Closed Session at 9:00 a.m. on Tuesday, February 26, 2002, in the twelfth floor conference room to discuss existing and anticipated litigation.

**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/Fishkin (pr)

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 Dave Hart of the North Park Community Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Inzunza.

**COUNCIL COMMENT:**

None.

**CITY ATTORNEY COMMENT:**

None.

**CITY MANAGER COMMENT:**

None.

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS: APPROVED**

Approval of Council Minutes for the meetings of:

1/21/2002 Adjourned  
1/22/2002  
1/28/2002  
1/29/2002  
2/04/2002 Adjourned  
2/05/2002

**FILE LOCATION: MINUTES**

**COUNCIL ACTION: (Tape location: A024-025.)**

MOTION BY ATKINS TO APPROVE. 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-31: Cliff Resch Day.

**COUNCILMEMBER PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-988) ADOPTED AS RESOLUTION R-296082

Proclaiming February 19, 2002 to be "Cliff Resch Day" in San Diego, in recognition of his exemplary years of service to the residents of the City of San Diego and to the San Diego Police Department.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A050-161.)

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

ITEM-32: Bethel African Methodist Episcopal Church Day.

**DEPUTY MAYOR STEVENS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1041) ADOPTED AS RESOLUTION R-296083

Commending Bethel African Methodist Episcopal Church for their contributions to the City of San Diego;

Proclaiming February 25, 2002 to be "Bethel African Methodist Episcopal Church Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A162-224.)

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-50: Rezoning 11.85 acres - Torrey View Estates.

(RZ-40-0197. Carmel Valley Community Plan Area. District-1.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 2/5/2002. (Council voted 9-0):

(O-2002-73 Cor. Copy) ADOPTED AS ORDINANCE O-19035 (New Series)

Rezoning 11.85 acres located at 4049 Arroyo Sorrento Road on the south side of  
the road between Tierra Del Sur and Arroyo Sorrento Place, in the Carmel Valley  
Community Plan area, from the AR-1-1 Zone (Agricultural-Residential minimum  
10 acre lots) to AR-1-2 Zone (Agricultural-Residential minimum 1 acre lots).

FILE LOCATION: PERM-40-0197 (65)

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-51: Medical Cannabis Voluntary Verification Card Program.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced as amended on 2/12/2002.  
(Council voted 7-2. Councilmembers Maienschein and Madaffer voted nay.):

(O-2002-87 Cor. Copy) ADOPTED AS ORDINANCE O-19036 (New Series)

Amending Chapter 4, Article 2, of the San Diego Municipal Code by adding new Division 13, Sections 42.1301, 42.1302, 42.1303, 42.1304, 42.1305, 42.1306, 42.1307, 42.1308, 42.1309, 42.1310, and 42.1311 relating to the San Diego Medical Cannabis Voluntary Verification Card Program.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-52: Office Space Lease Amendment - Comerica Bank Building (Floors 10 to 13).

(Centre City Community Area. District-2.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 2/11/2002. (Council voted 7-2. Councilmembers Stevens and Madaffer voted nay.):

(O-2002-77) ADOPTED AS ORDINANCE O-19037 (New Series)

Authorizing the City Manager to execute a Sixth Amendment to Office Lease agreement with 400 West Broadway, LLC, to extend the City's lease term for

floors 10 through 13 to terminate coterminously with floors 3 through 9, that termination date being May 31, 2013;

Declaring that there is no additional Fiscal Year 2002 impact. The rent is budgeted under the FY02 Rent Budget and paid by the Water Department under Dept. 760, Fund 002431.

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

**FILE LOCATION:** LEAS-400 West Broadway, LLC

**COUNCIL ACTION:** (Tape location: B009-167.)

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

\* ITEM-53: Adobe Bluffs Elementary School - Joint Use Agreement and Improvements.

(Rancho Peñasquitos Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2002-92) INTRODUCED, TO BE ADOPTED MONDAY, MARCH 18,  
2002

Introduction of an Ordinance authorizing a ten year agreement for the joint use, operation, and maintenance of turfed fields, parking lot, and restroom at Adobe Bluffs Elementary School and Adobe Bluffs Park with the Poway Unified School District; adding CIP-29-570.0, Adobe Bluffs - Joint Use Area Improvements, to the FY2002 CIP budget; and authorizing the appropriation and expenditure of \$20,950 from CIP-29-570.0 for construction of backstops at the joint use site.

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

**CITY MANAGER SUPPORTING INFORMATION:**

The Adobe Bluffs Neighborhood Park is located in the Rancho Peñasquitos community at Adobe Bluffs Drive and Gainsborough Court, within the boundaries of the Poway Unified School District and is bordered by Adobe Bluffs Elementary School on the west. The City has expressed interest in joint use of the District property to meet recreational demand for the Rancho Peñasquitos community. The joint use areas will include approximately 2.3 acres of turfed multi-sports fields located on the Park property, and 3.7 acres of turfed multi-sports fields, a 1-acre parking lot, and a 1,120 square foot restroom facility located on School District property. All new improvements on the School District property will be constructed by the City at City expense. All improvements installed by the City will be removed by the City at their expense upon termination of the lease. This proposed facility will be developed and maintained through a ten (10) year Lease Agreement with the Poway Unified School District.

The joint use boundary is subject to change due to future installation of portable classrooms on District property and to meet rising enrollment needs of the elementary School.

City and District shall repair, maintain and irrigate their respective turfed multi-purpose fields and facilities at their own expense.

City shall construct two new backstops on District property at ballfield #2 and ballfield #3 in accordance with the City-wide standards of the Park and Recreation Department at the City's expense of \$20,950. City shall reimburse District quarterly its pro rata share for use of the District parking lot and restroom facility at an estimated annual cost of \$10,864. City will topdress and drag existing infields located on District property once per year, in accordance with Park and Recreation Department standards, at City expense at an estimated annual cost of \$2,000.

**FISCAL IMPACT:**

Funds in the amount of \$20,950 are available from Park Service District Fees, Peñasquitos North, Major District Fund No. 11140, to pay for improvements to Adobe Bluffs Joint-Use Area.

The annual on-going Operating Budget increase will be requested in the FY03 Budget Request. Maintenance of existing infields, parking lot areas and restroom facilities is estimated to be \$12,864.

Herring/Van Wanseele/MM

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-54: Shared Parking Agreement - College Lutheran Church.

(College Community Area. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2002-80) INTRODUCED, TO BE ADOPTED ON MONDAY, MARCH 18, 2002

Introduction of an Ordinance authorizing the City Manager to execute a twenty-year shared parking agreement with College Lutheran Church, commencing November 1, 2002, and terminating October 31, 2022, for the adjacent College Park Community Library to use thirty-one vehicle parking spaces on the Church property and for the Church to use a portion of the Library parking area as overflow parking when the Library is closed;

Authorizing the expenditure of an amount not to exceed \$156,027 from HUD 108 Loan to construct parking improvements on the Church property in lieu of rent at the time of the Library construction.

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

**CITY MANAGER SUPPORTING INFORMATION:**

The City owns property located at the corner of Montezuma Road and Reservoir Drive in the College area. The City purchased the property to build the College Park Community Library and desires to enter into a Shared Parking Agreement with the adjacent owner, College Lutheran Church. In addition to vehicle parking on the City Library site, this agreement will give the City thirty-one vehicle parking spaces on the church property and allow the church to use a portion of the City Library parking area, as overflow parking, when the library is closed. Using a portion of the church property for City Library parking will be a public benefit that will enable the City to design and build the City Library with an open and expanded entry that may be used for community events. The agreement will also provide the City with a First Right of Offer to purchase the church property. This would provide a public benefit for future library expansion and/or provide additional City park land. The City proposes to complete parking improvements on the church property in the amount of \$156,027 in lieu of rent for the initial twenty year term of the agreement. City Valuation staff has opined it would cost the City over 3 times the cost per space to construct the additional spaces on its own property. The parking improvements will be completed with the Library construction.

**TERM** - Twenty years commencing November 1, 2002, terminating October 31, 2022.

**USE** - Additional parking for College Park Community Library.

**SIZE** - Thirty-one vehicle parking spaces or approximately 9,755 square feet.

**RENT** - In lieu of rent the City will make vehicle parking improvements on the church property.

**IMPROVEMENTS** - Paving, curbs, lighting, irrigation, plant material.

**OPTION TO EXTEND** - After the initial twenty year term, the City has the option to extend the lease for two additional five year periods at fifty percent of the then market rent used for parking only.

**FISCAL IMPACT:**

\$156,027 from CDBG Fund at the time of Library construction.

Herring/Griffith/DCM

Aud. Cert. 2200791.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-100: Award Contract- Metropolitan Operations Center (MOC) Projects.

(See Ann Sasaki's 1/29/2002 memo; Scott Tulloch's 1/23/2002 memo. Kearny Mesa Community Area. District-6.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-1083) ADOPTED AS RESOLUTION R-296084

Authorizing the execution of a contract with the lowest responsible bidder, St. Thomas Enterprises, for the Point Loma - Headworks, Odor Control, and Grit Processing, MOC II Build Out, and the MOC I Office Improvements sublet;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$324,573 from Fund 41508, CIP-46-175.0, Point Loma Headworks, Odor Control, and Grit Processing, of which \$275,943 is for Fund 41509, CIP-40-924.0, MOC II Build Out and \$48,630 is for Fund 41506, CIP-46-196.0 for the MOC I Office Improvements sublet, CIP-46-196.1;

Authorizing the increased expenditure for construction and related costs for this project of an amount not to exceed \$324,573 over the amount previously authorized by Council Resolution R-294743, of \$672,519 for a revised authorized expenditure of \$997,092 (based on actual low bid submitted) of which \$275,943 is from CIP-40-924.0, MOC II Build Out and \$48,630 is from CIP-46-196.0 for the MOC I Office Improvements sublet, CIP-46-196.1, provided that the City Auditor first furnishes one or more certificates demonstrating that the

funds necessary for expenditure under the contract are, or will be, on deposit in the City Treasury.

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

On 1/30/2002, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

The Metropolitan Operations Center (MOC) Projects consist of five construction areas within the MOC-2 facility (installation of HVAC Back-up System, construction of a South Entrance Canopy, construction of exterior Steel Stairs to comply with exit regulations for the exterior balcony, installation of ceiling tiles and floor carpeting in the Industrial Waste section, and the construction of a Storage Facility structure, between the MOC-1 and MOC-2 facilities), and landscape/irrigation construction around the MOC-3 facility. The advertisement and award for the Metropolitan Operations Center (MOC) Projects were authorized by City Council on April 16, 2001, under Resolution R-294743 for \$672,519, which was the estimated construction cost, contingencies, and all other related costs. On April 26, 2001, the project was advertised in the San Diego Transcript. Three bids were opened on July 12, 2001. The City rejected all three bids submitted as being non-responsive. On September 6, 2001, the construction contract was re-advertised in the San Diego Transcript. Bids were opened on December 6, 2001. The lowest responsible bidder is St. Thomas Enterprises of San Diego, California with a bid amount of \$675,000. During the time between the initial bid date and the re-advertised bid date, additional construction scope was added to the contract via an Addendum "D" entitled "MOC-2 Emergency Switchboard Additional Loads." This additional work scope will connect additional loads to an existing 500 KVA generator adjacent to the MOC-2 facility which will supply emergency power to selected areas of the MOC-1, MOC-2, and MOC-3 facilities during unexpected power outages.

This request is to increase the funding for the MOC Projects by \$324,573 of which \$275,943 is for additional construction costs and \$48,630 is for additional related costs, which, when added to the previously authorized amount of \$672,519 will result in a new total of \$997,092.

**FISCAL IMPACT:**

The total cost of this action is \$324,573 of which \$275,943 is from Fund 41509, CIP-40-924.0, MOC II Build Out and \$48,630 is from Fund 41506, CIP-46-196.0 for the MOC I Office Improvements sublet, CIP-46-196.1.

Mendes/Tulloch/JMM

Aud. Cert. 2200809.

FILE LOCATION: CONT- St. Thomas Enterprises

COUNCIL ACTION: (Tape location: B009-167.)

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

ITEM-101: Two actions related to Inviting Bids and Awarding of Construction Contract for Sewer and Water Group 684A.

(See Frank Belock Jr.'s 11/6/2001 memo. City Heights Community Area. District-3.)

**TODAY'S ACTIONS ARE:**

Adoption of the following resolutions:

Subitem-A: (R-2002-837) TRAILED TO TUESDAY, FEBRUARY 26, 2002

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Sewer and Water Group 684A on Work Order No. 174711/184111;

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

Authorizing the use of City Forces in an amount not to exceed \$129,450 from Water Fund 41500, CIP-73-083.0, Water Main Replacement;

Authorizing the expenditure of an amount not to exceed \$2,468,803 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and an amount not to exceed \$635,787 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02077C)

Subitem-B: (R-2002-838) TRAILED TO TUESDAY, FEBRUARY 26, 2002

Certifying that Mitigated Negative Declaration LDR-41-0343 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines, that the declaration reflects the independent judgment of the City of San Diego as lead agency, and that the information contained in the report has been reviewed and considered by Council;

Approving Mitigated Negative Declaration LDR-41-0343;

Adopting the Mitigation Monitoring and Reporting Program;

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

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

On 11/14/2001, NR&C voted 4-0 (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present) to approve with direction to the City Manager to report back to the Natural Resources and Culture Committee on recent project cost increases in light of the increased quantity of CIP projects expected in the near future.

**CITY MANAGER SUPPORTING INFORMATION:**

Sewer & Water Replacement Group 684A is part of the City of San Diego's continuing Annual Sewer & Water Replacement Program. This project is in the City Heights community area and consists of replacing approximately 14,018 feet (2.65 miles) of 6-inch and 8-inch sewer main,

2,739 feet (0.52 miles) of 6-inch water main, and 225 feet (0.04 miles) of 12-inch water main. Also, this project includes the construction of 39 pedestrian ramps and slurry sealing and resurfacing of the impacted streets. The streets within this project which will be affected by construction operations are: Meade Avenue, El Cajon Boulevard, Orange Avenue, Polk Avenue, University Avenue, Wightman Avenue, Landis Street, 41<sup>st</sup> Street, Central Avenue, Poplar Street, Pepper Drive, Manzanita Drive, and numerous alleys in this vicinity. Residents will be notified by mail at least one month before construction begins by the City's Engineering and Capital

Projects Department and again 10 days before construction begins by the contractor through hand distribution.

The contractor will be required to provide traffic control plans for the entire project area to the City of San Diego's Traffic Signal Design & Traffic Control Section for approval with the exception of El Cajon Boulevard, Orange Avenue, University Avenue, and Wightman Avenue. Traffic control plans for these streets have been developed and were approved by the City of San Diego's Traffic Signal Design & Traffic Control Section.

**FISCAL IMPACT:**

The total estimated cost of this project is \$3,104,590. Funds of \$2,468,803 are available from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and \$635,787 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement. This project will be phase-funded: FY2002, \$362,894; FY2003 \$2,590,384; and in FY2004, \$151,312.

Loveland/Belock/HR

WWF-02-556.

FILE LOCATION: SUBITEMS A & B: NONE

COUNCIL ACTION: (Tape location: H150-157.)

\* ITEM-102: Two actions related to Inviting Bids and Awarding of Contract for Sewer and Water Group 667.

(See Frank Belock, Jr.'s 7/12/2001 memo. Peninsula Community Area. District-2.)

**TODAY'S ACTIONS ARE:**

Adoption of the following resolutions:

Subitem-A: (R-2002-841) ADOPTED AS RESOLUTION R-296085

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Sewer and Water Main Replacement Group 667 on Work Order No. 173821/183711;

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

Authorizing the use of City Forces to temporarily cut and plug and make all live connections of the water main in an amount not to exceed \$210,000;

Authorizing the expenditure of an amount not to exceed \$2,448,945 from Sewer Fund No. 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacements, and an amount not to exceed \$828,481 from Water Fund No. 41500, CIP-73-083.0, Annual Allocation - Water Main Replacements, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02070C)

Subitem-B: (R-2002-842) ADOPTED AS RESOLUTION R-296086

Certifying that Mitigated Negative Declaration LDR-40-1026 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines and that the information contained in the report has been reviewed and considered by Council;

Approving Mitigated Negative Declaration LDR-40-1026;

Adopting the Mitigation Monitoring and Reporting Program;

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

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

On 7/18/2001, NR&C voted 4-0 (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present) to recommend moving the projects as listed in Frank Belock's July 12, 2001 memo forward to Council for approval with direction on Group Job 667 to closely coordinate with the community on drainage and run-off issues between Adair Street and Hill Street, on Group Job 516 to inform the Ocean Beach community on all pending projects and time lines, and on Barnett Avenue Trunk Sewer to coordinate with redevelopment staff on a proposal to narrow Enterprise Street.

**CITY MANAGER SUPPORTING INFORMATION:**

Sewer and Water Group 667 is part of the City of San Diego's continuing annual sewer and water main replacement program. This project will include the installation of approximately 12,265 feet of eight-inch (8") sewer main, and approximately 3,330 feet of eight-inch (8") water main. It also calls for the construction of 61 pedestrian ramps, and slurry sealing and resurfacing of the impacted City streets. Traffic control plans will be prepared by the contractor and implemented during construction.

The following streets will be affected by construction operations: Osprey Street, Froude Street, Devonshire Street, Leon Street, Guizot Street, Hill Street, Novara Street, and numerous alleys located within the area. Residents will be notified by the City, via mail, at least one (1) month prior to construction, and at least ten (10) days before the start of construction by the contractor through hand distribution.

**FISCAL IMPACT:**

The total estimated cost of this project is \$3,277,426. Funding of \$2,448,945 is available from Sewer Fund No. 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and \$828,481 from Water Fund No. 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for this purpose. Included in the total estimate is \$210,000 for City Forces to

make temporary cuts and plugs, connections, and perform operational checks.

Loveland/Belock/HR

WWF-01-535.

FILE LOCATION: SUBITEMS A & B: W.O. 173821/183711

COUNCIL ACTION: (Tape location: B009-167.)

CONSENT MOTION BY INZUNZA TO ADOPT THE RESOLUTIONS AND TO DIRECT THE CITY MANAGER, AT THE REQUEST OF COUNCIL MEMBER WEAR, TO CLOSELY COORDINATE WITH THE COMMUNITY ON DRAINAGE AND RUN-OFF ISSUES BETWEEN ADAIR STREET AND HILL STREET. ON GROUP JOB 516, INFORM THE OCEAN BEACH COMMUNITY ON ALL PENDING PROJECTS AND TIME LINES, AND ON THE BARNETT AVENUE TRUNK SEWER, COORDINATE CLOSELY WITH THE REDEVELOPMENT STAFF ON A PROPOSAL TO NARROW ENTERPRISE STREET. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-103: Sewer & Water Group 661B - Contract Change Order No. 4.

(See Frank Belock Jr.'s 1/9/2002 memo. Uptown Community Area. District-2.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-874) ADOPTED AS RESOLUTION R-296087

Authorizing the Contract Change Order No. 4, dated November 15, 2002, issued in connection with the contract between the City of San Diego and Pacific Southwest Construction & Equipment, amounting to a net increase in the contract price of \$252,261.34;

Authorizing the expenditure of an amount not to exceed \$243,862 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement;

Authorizing the expenditure of an amount not to exceed \$7,900 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement.

**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:**

Sewer & Water Group 661B is part of the City's ongoing Concrete Sewer and Cast Iron Water Main Replacement Program. This project involves the installation of approximately 6,200 feet of sewer main, 1,215 feet of water main, 22 new pedestrian ramps, 30 replumbs, and street repair.

On July 21, 2000, this project was awarded to Pacific Southwest, Inc. Construction Change Order No. 4 consists of items that were a result of repairing existing deteriorated conditions that were further damaged during the installation process of the sewer and water mains. The cross gutters located on Pine Street and Arista Street were damaged and replaced during the process of abandoning the 16-inch water main. On Altamirano Way, the existing concrete street pavement was in poor condition. The sewer main installation further damaged the pavement and the street was resurfaced in order to remedy the pavement failure. Likewise at the intersections of Ampudia Street and Pine Street and Trias Street and Pine Street, sewer main installation disturbed poor soil conditions and caused further damage to the pavement. Again, the street was repaired.

Construction Change Order No. 4 also contains bid items that exceeded the Engineer's original estimate. Change Order No. 4 reflects the actual constructed and field measured quantities. Construction Change Order No. 4 also includes the cost for delay days caused by the unmarked electrical and street light conduit which hindered the construction process for four days.

Also, additional inspection services at a cost of \$8,000 are needed to address the additional work performed for the items listed on Change Order No. 4.

**FISCAL IMPACT:**

The total cost of this project is \$2,725,673 of which \$2,473,911 was previously authorized by Council resolutions. This request of \$243,862 is available in Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and \$7,900 is available in Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement.

Loveland/Belock/HR

Aud. Cert. 2200769.

WWF-02-558.

FILE LOCATION: CONT-Pacific Southwest Construction & Equipment

COUNCIL ACTION: (Tape location: B009-167.)

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

ITEM-104: Partnering with Joint Powers Authority of the Water Conservation Demonstration Garden at Cuyamaca College.

(See City Manager Report CMR-02-007 and Metropolitan's Aqueduct Magazine. County of San Diego, East County and Cuyamaca Community College Areas.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-1038)ADOPTED AS RESOLUTION R-296088

Authorizing the City Manager to execute an agreement to join the Joint Powers Authority (JPA) of the Water Conservation Demonstration Garden at Cuyamaca College, in an effort to increase awareness and extend the water conservation message to all County water agencies and their consumers;

Authorizing the City Manager to make the current year membership contribution of \$32,000 for the Water Conservation Demonstration Garden at Cuyamaca College from the Water Resources Program, Water Conservation Fund (Org. No. 2570, Object Account No. 4217).

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

On 1/16/2002, NR&C voted 5-0 to accept the City Manager's recommendations. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

The Water Conservation Demonstration Garden was established by the Joint Powers Authority (JPA) of the Otay Water District, Helix Water District and the Grossmont-Cuyamaca College District. The JPA operates as a non-profit organization with a board comprised of representatives from the three sponsoring agencies. Its goal is to create awareness of long-term landscape and resource conservation by educating the community on the benefits of xeriscaping.

The Garden opened to the public in May 1999 and is located 20 minutes east of downtown San Diego on the Cuyamaca Community College Campus. It was developed with \$3 million in funding from grants, private donors and the two water agencies (Helix and Otay) and was primarily in response to four years of drought. Since San Diego has recently experienced two consecutive years of significantly dry winters, a continual trend can lead to depletion of state water resources and would therefore call for a heightened awareness for water conservation.

The City of San Diego, along with the County Water Authority, County of San Diego, Sweetwater Authority and Padre Municipal Water District, has been invited to join the Water Conservation Garden Authority in an effort to increase awareness and extend the water conservation message to all County water agencies and their consumers. The Garden can be one resource to create such an awareness to the citizens of San Diego because it is used for water conservation classes for residential customers and as a resource for customers with landscape water conservation questions. The Garden will be helpful to the City in achieving Best Management Practices (BMP) as outlined in the 1991 Memorandum of Understanding on Urban Water Conservation, providing the opportunity to promote a more regional approach to water conservation that is beneficial to our ratepayers and helping to educate citizens on lessening urban runoff in support of the Storm-water Prevention Program. Additionally, the Garden can serve as a resource to enhance the existing Water Conservation Program and support future programs such as the Irrigation Incentive Program, anticipated for implementation in Fiscal Year

2003. Finally, there are no buy-in costs, outstanding claims or litigation associated with the Water Conservation Garden. The Authority is debt free. As a new partner, the City would be required to remain a member for a minimum of one year. A two-month notice would be required to terminate membership thereafter.

**FISCAL IMPACT:**

The membership share for the remainder of the fiscal year has been capped at \$32,000. It is anticipated that there will be participation from five partners in 2002 and 2003, which would estimate an annual operating share of approximately \$53,000 from each partner. If other agencies do not join, the City would still be responsible for an equal share of the Garden's budget, which is expected to be about \$265,000. The operating budget for FY2001/02 is \$262,489. Membership contributions in future years will be requested as part of the City's annual budget process.

Mendes/Gardner/CY

Aud. Cert. 2200792.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C312-498.)

MOTION BY MADAFFER TO ADOPT THE RESOLUTION AND TO DIRECT THE CITY MANAGER THAT ALTHOUGH THE CITY IS JOINING THE JPA OF THE WATER CONSERVATION DEMONSTRATION GARDEN AT CUYAMACA COLLEGE THIS CURRENT FISCAL YEAR, JOINING ANY ADDITIONAL FISCAL YEARS WOULD BE SUBJECT TO REVIEW AND WITH THE CITY RESERVING THE RIGHT TO END THEIR PARTICIPATION SHOULD OTHERS NOT JOIN IN. Second by Wear. 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-105: Encanto Park Pipeline Project - Additional Funds for Connection Work by City Forces.

(See memorandum from Larry Gardner dated 1/23/2002. Encanto Community Area. District-4.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-1033) ADOPTED AS RESOLUTION R-296089

Authorizing the expenditure of an amount not to exceed \$70,000 from Water Fund 41500, CIP-70-952.0, Encanto Park Pipeline, for the purpose of administering the construction of Encanto Park Pipeline, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be on deposit in the City Treasury;

Authorizing the use of City Forces for an additional amount not to exceed \$70,000, Water Fund 41500, CIP-70-952.0, for a total City Force authorization of \$200,000, for City Forces to perform water pipeline tie-ins and connections as required on the Encanto Park Pipeline Project;

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 1/30/02, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Frye, Madaffer and Inzunza voted yea. Councilmember Wear not present.)

**CITY MANAGER SUPPORTING INFORMATION:**

The construction of the 3,496 linear feet of 24-inch and 16-inch water pipeline in the Encanto community enhanced water service reliability in the area and provided the pressure needed to meet peak-hour demand. This project served as the discharge pipeline of the newly constructed 65th and Herrick pump station, which was completed in May 1, 2001. This pipeline replacement begins south of Herrick Street on 65th Street and heads north to Broadway. It continues north on Klauber Avenue to Bittern Street where it then extends to Scimitar Drive.

The request enclosed herein for additional funding will provide final administrative and budgetary closure on the subject CIP project. Due to unforeseen subsurface conditions during one of the deepest pipeline tie-in connections the ground became unstable and required a different type of shoring method thus creating extended working hours and increased the

equipment cost. The City Forces construction time, equipment and materials were increased because of the necessity to continue running/feeding water through the existing 12-inch 65th and Herrick Pump Station discharge line while making permanent tie-ins and connections over a concurrent peak demand two weekend period. The various cut and plug locations were scheduled differently as compared to original plans to sustain water demands in the northern area of the Encanto Community. In order to accomplish this activity most work was required to be scheduled during weekend premium time which resulted in unanticipated expenditures.

Although the cost of the work exceeded the amount authorized by prior Council authorization, the connection work had to continue because:

- 1) A discontinuation of the work by City Forces would have impacted the delivery of water to residents of Encanto
- 2) A discontinuation of work would have resulted in additional overall project costs
- 3) The streets at the connection points would have been disturbed longer and would have caused more disruption to the community

**FISCAL IMPACT:**

Funding in the amount of \$70,000.00 for the construction and other related costs is available within Water Fund 41500, CIP 70-952.0, Encanto Park Pipeline.

Mendes/Gardner/ECF

Aud. Cert. 2200821.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-106: North Metro Interceptor Diversion 3A - Additional Project Costs.

(See Ann Sasaki's 1/28/2002 memo and Scott Tulloch's 1/23/2002 memo. Linda Vista and Mission Valley Community Areas. District-6.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-1081) ADOPTED AS RESOLUTION R-296090

Authorizing the City Manager to enter into negotiations and execute Construction Change Order No. 2 for an amount not to exceed \$253,000 with Mitchell Pacific Constructors, Inc., issued in connection with the contract between the City of San Diego and Mitchell Pacific Constructors, Inc.;

Authorizing the expenditure of an amount not to exceed \$393,000 from Fund 41509, CIP-46-502.0, Annual Allocation - Clean Water Pooled Contingency, provided that the City Auditor first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

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

On 1/30/2002, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

The North Metro Interceptor Diversion 3A project is currently under construction. This project is the final phase of a series of projects designed to divert significant flows away from the old North Metro Interceptor, a 96-inch diameter unlined reinforced concrete pipe built in the 1960's. When the flows are diverted, the original pipeline interior will be inspected, and repairs will be completed under a separate contract. As authorized by the City Council on November 27, 2000, Resolution R-294298, the City Manager executed a contract with Mitchell Pacific Constructors, Inc., in the amount of \$2,927,470 for construction of this project. Additional funds are required to compensate the contractor for differing site conditions encountered at the Friars Road location. While drilling thirty-five holes for shoring beams and numerous dewatering wells, a portion of a concrete cap over an existing pipeline was encountered which extended beyond the normal trench limits, as well as a 17-foot thick area of buried rip-rap. An extra level of effort was required to drill through this material, as well as to remove and dispose of it, in seven of the shoring holes and three dewatering wells. This material was not shown on the contract drawings nor located during geotechnical explorations. Change Order No.2 in an amount not to exceed \$253,000 is required to compensate the contractor for this work.

Additionally, when excavating for the 72-inch Mission Bay Interceptor at the Pacific Highway location, it was discovered that the pipe was contained in a 96-inch tunnel which will require

additional efforts for removal and disposal. This tunnel was not shown on record drawings. The estimated cost of this work is \$90,000. MWWD staff is also anticipating additional costs during start up of the diversion facility due to requirements for the contractor to take additional precautions beyond the contract requirements to prevent a potential sewage overflow or spill. These additional precautions include additional start-up planning, standby pumping and bypass equipment, and personnel to operate the equipment. The estimated cost of this work is \$40,000.

**FISCAL IMPACT:**

The total cost of this action is \$393,000. Funding is available from Fund 41508 CIP-46-104.0, North Metro Interceptor Diversion 3A.

Mendes/Tulloch/CAW

Aud. Cert. 2200811.

FILE LOCATION: CONT-Mitchell Pacific Construction Inc.

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-107: Mission Valley Branch Library - Authorization for Funding.

(Mission Valley Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-915 Cor. Copy) ADOPTED AS RESOLUTION R-296091

Amending the Fiscal Year 2002 Capital Improvements Program Budget by increasing CIP-35-092.0, Mission Valley Library, Mission Valley DIF Fund 79529, by \$475,000;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$475,000 from DIF Fund 79529, Mission Urban Community, to CIP-35-092.0, Mission Valley Branch Library, for the purchase of books, equipment, and furnishing

of the Mission Valley Branch Library in accordance with all applicable competitive bidding requirements;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$475,000 from CIP-35-092.0, Mission Valley Library for the purchase of books, equipment and furnishing;

Authorizing the 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 and Comptroller first furnishes a certificate demonstrating that the funding necessary for the expenditure is, or will be, on deposit in the City Treasury.

**CITY MANAGER SUPPORTING INFORMATION:**

The Mission Valley Branch Library is a new 19,760 sq. ft. branch library located at 2123 North Mission City Parkway. The library consists of main reading rooms, community meeting rooms, computer laboratory, children's library, staff section, and an audiovisual aids area. On January 30, 2001, the City Council approved awarding a construction contract to KVAAS Construction. It is anticipated that the construction of the new Library will be completed by March/April 2002. Funding is being requested now for the purchase of books, equipment, and furnishings, so that the library may be opened in a timely fashion.

**FISCAL IMPACT:**

The amount of \$475,000 is available from Fund 79529, Mission Urban Community, and will be transferred to CIP-35-092.0, Mission Valley Branch Library, for the purchase of books, equipment and furnishings of the Mission Valley Branch Library.

Loveland/Belock/AO

Aud. Cert. 2200787.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-108: 43<sup>rd</sup> and National (Phase 2) Fund Transfer for Property Expenditures.

(Dists. 4 and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1072) ADOPTED AS RESOLUTION R-296092

Authorizing the appropriation and expenditure of an amount not to exceed \$40,000 from Fund No. 30300 to Job Order 155522 for the purpose of maintaining and repairing the City owned property located at 4202-4212 National Avenue (Rental Unit Maintenance on 43<sup>rd</sup> Street and Logan Avenue);

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:**

The National Avenue Street Realignment Project will realign the 43<sup>rd</sup> Street and National Avenue intersection. The project will make the necessary traffic enhancements to handle the increased daily traffic associated with the residential, industrial and commercial development of the State Route 252 Corridor. The project was originally scheduled for 1999 and has been delayed several times due to a lack of funding. Construction is now tentatively scheduled for 2003, contingent on approval of the Fiscal Year 2003 budget.

In 1998, the City acquired the property located at 4202-4212 National Avenue as part of the National Avenue street realignment project (CIP-524090). This property is currently being rented out for commercial use, with the income being placed into a revenue account (#75699). It is projected that we will collect \$41,772 in rental income for Fiscal Year 2002. These funds are needed for a new roof, miscellaneous repairs, and other projected expenses to maintain the property until the project begins construction. Since the project will not begin immediately, the property will need interim maintenance and repairs that can no longer be deferred. It is proposed that the rental revenue collected from this property be used to fund the repairs.

**FISCAL IMPACT:**

Funding in the amount of \$40,000 is available from Fund No. 30300.

Loveland/Belock/PB

Aud. Cert. 2200801.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-109: Linda Vista Road Traffic Signal Interconnect.

(Linda Vista Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1084) ADOPTED AS RESOLUTION R-296093

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2002 Capital Improvement Program budget by increasing the appropriation in CIP-62-308.0, Linda Vista Road Traffic Signal Interconnect, by \$120,000;

Authorizing the acceptance and appropriation of an additional amount not to exceed \$120,000 of Congestion Mitigation and Air Quality Funds (Fund No. 38677) for the design and construction of Linda Vista Road Traffic Signal Interconnect;

Authorizing the expenditure of funds in the amount not to exceed \$427,000 from CIP-62-308.0, for the Linda Vista Road Traffic Signal Interconnect, contingent upon receipt of a fully executed Program Supplement and provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for such expenditure are, or will be, on deposit with the City Treasurer and authorizing the City Auditor and Comptroller to retain excess monies, if any, in CIP-62-308.0;

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'S SUPPORTING INFORMATION:**

Resolution Number R-292199, adopted on September 27, 1999, authorized the City Manager to accept, appropriate, and expend \$307,000 of Congestion Mitigation and Air Quality Funds (Fund No. 38677) for the design and construction of the Linda Vista Road Traffic Signal Interconnect. The initial cost estimate for the project at the time of the funding application was estimated to be \$307,000. After completing the detailed designs and construction estimates for the signal interconnect, the estimated total cost will be \$427,000. Therefore, this action is to accept the revised Program Supplement and amend the previous Resolution Number R-292199 to increase the appropriated amount of Congestion Mitigation and Air Quality Funds from \$307,000 to \$427,000.

**FISCAL IMPACT:**

The total cost of this project is \$427,000 which is reimbursable by a Federal (CMAQ) grant.

Loveland/Belock/PB

Aud. Cert. 2200799.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-110: Traffic Signal and Street Lighting Systems at Activity Road and Black Mountain Road and at Camino del Norte and Paseo Montanoso.

(Mira Mesa and Rancho Bernardo Community Areas. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1085 Cor. Copy) ADOPTED AS RESOLUTION R-296094

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2002

Capital Improvement Program budget by increasing the appropriation in CIP-62-206.0, Traffic Signal and Street Lighting Systems at Activity Road and Black Mountain Road and at Camino del Norte and Paseo Montanoso, by \$82,000;

Authorizing the acceptance and appropriation of an additional amount not to exceed \$82,000 of Surface Transportation Program Fund, Fund No. 38970, for design and construction of traffic signals;

Authorizing the expenditure of funds in an amount not to exceed \$322,000 from CIP-62-206.0 for the construction of traffic signal and street lighting systems, contingent upon receipt of a fully executed Program Supplement and provided that the City Auditor and Comptroller first furnishes a certificate demonstrating the funds necessary for such expenditures are, or will be, on deposit with the City Treasurer, and authorizing the City Auditor and Comptroller to retain excess monies, if any, in CIP-62-206.0;

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:**

Resolution R-293168, adopted on May 30, 2000, authorized the City Manager to accept, appropriate, and expend \$240,000 of Surface Transportation Program Funds, Fund No. 38970) for the design and construction of two traffic signals; one at Activity Road and Black Mountain Road and one at Camino del Norte and Paseo Montanoso.

The initial cost estimate for the two signals was \$240,000 at the time of funding application and was based on the average signal cost at that time. After completing the detailed designs and construction estimates for the two signals, the estimated total cost will be \$322,000, based on elements that were not estimated at the time of the grant application. These items include additional environmental analysis required for the Federal grant funding; the installation of audible signals; the modification of pedestrian ramp and median configuration; the change of all signal heads from incandescent bulb and glass lens to LED lens to save energy; and the installation of video detection at one of the locations to avoid easement required on private property.

Therefore, this action is to accept the revised Program Supplement and amend the previous Resolution R-293168 to increase the appropriated amount of Surface Transportation Funds from \$240,000 to \$322,000.

**FISCAL IMPACT:**

The estimated total cost of this project is \$322,000 which is reimbursable by a Federal (STP) grant.

Loveland/Belock/PB

Aud. Cert. 2200800.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-111: Traffic Signal and Street Lighting Systems at Athey Avenue and Smythe Avenue and at Hollister Street and Tocayo Avenue.

(Otay Mesa Nestor and San Ysidro Community Areas. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1037) ADOPTED AS RESOLUTION R-296095

Authorizing the City Auditor and Comptroller to accept and appropriate an additional amount not to exceed \$63,000 of Surface Transportation Program Funds, Fund No. 38971, for design and construction of traffic signals at Athey Avenue and Smythe Avenue and at Hollister Street and Tocayo Avenue;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2002 Capital Improvement Program budget by increasing the appropriation in CIP-62-207.0, Traffic Signal and Street Lighting Systems at Athey Avenue and Smythe Avenue and Hollister Street and Tocayo Avenue, by an amount not to exceed \$63,000;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$303,000 from CIP-62-207.0 for the Construction of Traffic Signal and Street Lighting Systems at Athey Avenue and Smythe Avenue and at Hollister Street and Tocayo Avenue, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating the funds necessary for such expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to retain excess monies, if any, in CIP-62-207.0;

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:**

Resolution R-293167, adopted on May 30, 2000, authorized the City Manager to accept, appropriate, and expend \$240,000 of Surface Transportation Program Funds, Fund No. 38971, for the design and construction of two traffic signals; one at Athey Avenue and Smythe Avenue and one at Hollister Street and Tocayo Avenue.

The initial cost estimate for the two signals was \$240,000 at the time of funding application and was based on the average signal cost at that time. After completing the detailed designs and construction estimates for the two signals, the estimated total cost will be \$303,000, based on elements that were not estimated at the time of the grant application. These items include additional environmental analysis required for the Federal grant funding; the installation of audible signals; the change of all signal heads from incandescent bulb and glass lens to LED lens to save energy; and the installation of video detection at one of the locations to avoid easement required on private property.

Therefore, this action is to accept the revised Program Supplement and amend the previous Resolution R-293167 to increase the appropriated amount of Surface Transportation Funds from \$240,000 to \$303,000.

**FISCAL IMPACT:**

The estimated total cost of this project is \$303,000 which is reimbursable by a Federal (STP) grant.

Loveland/Belock/PB

Aud. Cert. 2200763.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-112: Time Limit Parking on Executive Drive.

(University Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-997) ADOPTED AS RESOLUTION R-296096

Establishing a parking time limit of two hours between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the south side of Executive Drive between Regents Road and Regents Park Row. The two-hour unmetered time limit parking zone will replace one of the two existing yellow "commercial loading" zones;

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

**CITY MANAGER SUPPORTING INFORMATION:**

This action establishes a two-hour unmetered time limit parking zone effective between 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the south side of Executive Drive between Regents Road and Regents Park Row. The two-hour unmetered time limit parking zone will replace the easterly of the two existing yellow "commercial loading" zones. The property owner, representing the only affected property, made the request so that large moving trucks may have sufficient time to load and unload. Council approval is required according to Municipal Code Section 86.04.

A petition representing 100% of the affected properties was submitted in support of this action and the University planning group supports this action.

**FISCAL IMPACT:**

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

Loveland/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-113: Removal of Time Limit Parking on Draper Avenue, Between Bonair Way and Nautilus Street.

(La Jolla Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1036) ADOPTED AS RESOLUTION R-296097

Approving the removal of a two-hour unmetered time limit parking zone on the west side of Draper Avenue between Bonair Way and Nautilus Street;

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

**CITY MANAGER SUPPORTING INFORMATION:**

This action establishes the removal of a two-hour unmetered time limit parking zone on the west side of Draper Avenue between Bonair Way and Nautilus Street. Council approval is required according to Municipal Code Section 86.04. The existing two-hour unmetered time limit parking zone was established by Resolution Number R-289137, adopted on September 8, 1997. A two-hour unmetered parking zone was established on the west side of Draper Avenue between Fern Glen and Bonair Street. A petition representing 100% of the affected properties was submitted in support of this action and the La Jolla planning group supports this action.

**FISCAL IMPACT:**

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

Loveland/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-114: Excusing Councilmember Peters from Attending the Regularly Scheduled Council Meeting of 1/29/2002.

**COUNCILMEMBER PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1029) ADOPTED AS RESOLUTION R-296098

Excusing Councilmember Peters from attending the regularly scheduled Council meeting of January 29, 2002, due to his attendance at a meeting of the California Commission on Tax Policy in the New Economy in Sacramento, CA.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-115: Osteopathic Center for Children Day.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1054) ADOPTED AS RESOLUTION R-296099

Recognizing twenty years of wonderful service to children by the Osteopathic Center for Children and proclaiming February 9, 2002 to be "Osteopathic Center for Children Day" in the City of San Diego.

**SUPPORTING INFORMATION:**

Commending the Osteopathic Center for Children for its invaluable service to San Diego's medically fragile youth and recognizing their 20<sup>th</sup> anniversary by proclaiming February 9, 2002 to be "Osteopathic Center for Children Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-116: Acceptance of AB936 (Vargas) CHAPTERED Grant Funding for Special Needs Homeless Transitional Housing.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1078) ADOPTED AS RESOLUTION R-296100

Authorizing the City Manager to accept and expend AB936 (Vargas) CHAPTERED award funds for the housing project(s) outlined in AB936 (Vargas) CHAPTERED in the grant amount of \$750,000 to assist homeless persons diagnosed with severe mental illness;

Stating that the City of San Diego agrees to use funds for eligible activities in the manner outlined in AB936 (Vargas) CHAPTERED;

Authorizing the City Manager to execute the Standard Agreement, and all other documents, including applications, contracts, agreements, and all subsequent amendments with the State of California, Department of Housing and Community Development necessary to implement and carry out the purpose of the grant.

**CITY MANAGER SUPPORTING INFORMATION:**

On October 14, 2001, Governor Davis signed AB 936 (Vargas), which awards \$750,000 to the City of San Diego for the purpose of developing facilities that would house homeless persons diagnosed with severe mental illness. This bill-which was also strongly supported by Senator Dede Alpert - was the result of a collaborative effort between state elected officials, CCDC, the Housing Commission and the City of San Diego. The \$750,000 will help to implement the City of San Diego Special Needs Homeless Program, adopted by the City Council in December 1999. It will be combined with several other funding sources and issued as a joint CCDC/Housing Commission/City/County of San Diego RFP for the construction and operation of 50 units or more of transitional and permanent supportive housing for this comprehensive program.

Herring/Dunchack/ABH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-117: Appointments and Reappointment to the Human Relations Commission.

(See memorandum from Mayor Murphy dated 2/7/2002 with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1070) ADOPTED AS RESOLUTION R-296101

Council confirmation of the following appointments and reappointment by the Mayor to serve as members of the Human Relations Commission, for terms ending July 22, 2005:

NAME

Gitfon Cheung - District 1 (Chair)  
(Reappointment)

Grover Diemert - District 6  
(Replacing Anna J. Matthews, whose term has expired)

Robert L. Blumberg  
(Replacing Mary Laquita Robbins, whose term has expired)

Michael J. Perez  
(Replacing David J. Valladolid, whose term has expired)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B009-167.)

CONSENT MOTION BY INZUNZA TO ADOPT THE RESOLUTION TO CONFIRM THE APPOINTMENTS. 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-118: Agreement with Brown & Caldwell for Storm Drain Service Charge Development.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-877) ADOPTED AS RESOLUTION R-296102

Authorizing the City Manager to execute an agreement with Brown & Caldwell for consultant services for Storm Drain Service Charge Development for an amount not to exceed \$399,434 contingent upon identification of funding for Phase B and additional services in the Fiscal Year 2003 budget;

Authorizing the expenditure of an amount not to exceed \$97,839 from Water Operating Budget, Fund 100 for Phase A services.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego began collecting a storm drain fee from water and sewer utility customers in 1990 for the purpose of reimbursing the General Fund for costs associated with storm drain maintenance. The Storm Drain Revenue Fund is used for the operations, maintenance, capital projects and management of the storm drain system. The Fee has not been increased since it was set at \$0.95 per month per residential customer and \$0.0647 per 100 cubic feet of metered water use for all other City utility accounts by Resolution R-287688 effective August 1, 1996. The City Attorney has opined that any update to the storm drain fee must confirm to the requirements of Proposition 218 as codified in California Constitution Articles XIII C and XIII D.

In May 1999, the City of San Diego requested proposals, including statements of qualifications, from five qualified engineering firms with experience in establishing fee methodologies to conduct a study. Four firms submitted proposals. Two short-listed firms were interviewed and Brown and Caldwell was selected. Subsequently, Brown and Caldwell prepared Storm Drainage Service Fee Study Phase I, dated January 4, 2001 that provided preliminary information about a fee methodology and the related schedule and costs to implement it.

New revenues are needed to implement the City's Urban Runoff Management Program and to comply with the recently updated Municipal Storm Water Permit. Storm drain service charge development services to be performed by Brown & Caldwell will include a storm drain service fee structure that is in conformance with requirements of Proposition 218, a public awareness and understanding program, and seeking voter or service customer approval for the updated charges. The services are separated into two phases plus additional services as required for mail-out balloting. Phase A tasks are for completion this Fiscal Year, while Phase B tasks are to be completed thereafter (starting in July 1, 2002) and in anticipation of the November 5, 2002 electoral vote. Sub-consultants will be hired to assist City staff with public outreach.

**FISCAL IMPACT:**

Funding for Phase A of the Agreement in the amount of \$97,839 is available in Fund 100, the Fiscal Year 2002 Storm Water Division operating budget. Phase B and Additional Services in the amount of \$301,595 is dependent upon identification of funding and Council approval of the Fiscal Year 2003 budget.

Loveland/Anderson/LM

Aud. Cert. 2200823.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-119: Brown & Caldwell, Professional Engineering Services for FY2002-FY2005.

(See Ann Sasaki's 1/28/2002 memo and Scott Tulloch's 1/23/2002 memo.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-996) ADOPTED AS RESOLUTION R-296103

Authorizing the City Manager to execute an agreement with Brown and Caldwell, for as-needed engineering services;

Authorizing the expenditure of an amount not to exceed \$5,000,000 from Funds 41506, 41508 and 41509 for providing funds for the project.

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

On 1/30/2002, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

MWWD is currently in the midst of upgrading the sewer collection and pump station system to reduce the number of sewer spills by 25% by 2004. In order to implement this aggressive program, MWWD requires consultant professional engineering services to provide select planning and design functions. These resources are needed to supplement City staff and to

provide specialized expertise not available in-house. MWWD advertised for Engineering Services on September 6, 2001. Ten proposals were received and a selection committee was convened in compliance with City Council Policy 300-7. Five companies were short listed and interviewed. Brown & Caldwell was selected as the most qualified. The Agreement with Brown & Caldwell will provide Professional Engineering Services on existing MWWD facilities. Projects in this contract include studies and improvements to collection system, pump station and treatment plant operations and design of pipelines, treatment plants, pump stations and other facilities. The specialized technical services required include expertise in odor and corrosion control, instrumentation and control systems, electrical systems, and soils and geology. Some of the near term projects requiring design services under this contract include the following:

- Pump Station 64 modifications/upgrades
- Pump Station No. 1 and No. 2 Upgrades
- North Metro Interceptor Manholes & Pipeline
- Municipal Collection System Improvements

Work will be authorized on a task order basis. The contract duration is three years and has a value of \$5,000,000.

**MBE/WBE Utilization:**

In keeping with the City's policy to voluntarily provide subcontracting opportunities to all interested and qualified firms, including minorities and women, Brown and Caldwell has retained the following subconsultants as members of their engineering consultant team in connection with this project:

**Certified Subconsultants**

- MBE - Simon Wong Engineering
- MBE - Estrada Land Planning
- MBE - Ninyo & Moore
- WBE - Lindvedt-McColl Surveying
- MBE - Roesling Nakamura
- MBE - Tran Consulting Engineers

**Other Subconsultants**

- DeC Corrosion Consultants

Due to the nature of this contract, the percentage utilization of MBE/WBE subconsultants is dependent upon the tasks authorized by the City and the type of work required by those tasks.

**FISCAL IMPACT:**

The total authorized to expend is \$5,000,000 for FY02-FY05 from funds 41506, 41508, and 41509.

Mendes/Tulloch/PZW

Aud. Cert. 2200728.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-120: South Mission Valley Trunk Sewer - Consultant Agreement.

(See Frank Belock Jr's., memorandum dated 10/24/2001. Mission Valley Community Area. District-6.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-1051) ADOPTED AS RESOLUTION R-296104

Authorizing the City Manager to execute a phase-funded agreement with Hirsch and Company, for engineering and consultant services for the design of South Mission Valley Trunk Sewer for a cost not to exceed \$1,072,971;

Authorizing the expenditure of an amount not to exceed \$350,000 from Sewer Fund 41506, CIP-40-931.0, South Mission Valley Trunk Sewer for the purpose of funding Phase I of Hirsch and Company's engineering and consultant services for the design of the above project;

Authorizing the expenditure of an amount not to exceed \$954,971 from Sewer Fund 41506, CIP-40-931.0, South Mission Valley Trunk Sewer, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer.

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

On 10/31/2002, NR&C voted 4 to 0 to approve. (Councilmember Peters, Wear, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

**CITY MANAGER SUPPORTING INFORMATION:**

The South Mission Valley Trunk Sewer is located in the Mission Valley community between Moreno Boulevard and Interstate 15. The purpose of this project is to replace approximately 14,160 linear feet of existing trunk sewer that have reached semi-critical flow capacity and are projected to reach critical flow capacity by the year 2005. This project will continue to provide the community with a safe and reliable infrastructure while having the least detrimental effect on the community's environment.

A list of seven (7) design consultants was provided from the City's Consultant Services Coordinator. In conformance with Council Policy 300-7, seven (7) firms were interviewed. Hirsch & Company was selected as the best qualified firm to provide the design consultant services. The subconsultants are Haley and Aldrich at 7.9%; HDR, Inc. - environmental at 3.0%; San-Lo Aerial Surveys - aerial mapping at 1.5%; SOTA Environmental - geotechnical at 10.6% (MBE); Advanced Infrastructure Systems - pipe design and utility surveys at 2.5% (MBE); and Libby Engineers, Inc. - structural at 2.0% (WBE).

**FISCAL IMPACT:**

The total estimated design cost for consultant services is \$1,072,971. Funding is available in Sewer Fund 41506, CIP-40-931.0, South Mission Valley Trunk Sewer for this purpose. The total estimated cost for this project is \$10,077,698. This project will be phase-funded for FY 2002 - \$350,000, FY 2003 - \$586,620, FY- 2004 \$100,000, and FY 2005 - \$36,351.

Loveland/Belock/HR

Aud. Cert. 2200742.

WWF-02-550.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: B009-167.)

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

\* ITEM-121: Consultant Agreement for Peñasquitos Views Trunk Sewer Replacement Project.

(See Frank Belock, Jr.'s 12/5/2001 memo. Rancho Peñasquitos and Mira Mesa Community Areas. Districts-1 and 5.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-605) ADOPTED AS RESOLUTION R-296105

Authorizing the City Manager to execute an agreement with Rick Engineering Company to perform consultant services for Peñasquitos Views Trunk Sewer Replacement Project;

Authorizing the expenditure of an amount not to exceed \$354,151.14 from Sewer Fund 41506, CIP-46-194.0, Annual Allocation - Trunk Sewer Rehabilitation;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to return excess budgeted funds to the appropriate reserve.

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

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

**CITY MANAGER SUPPORTING INFORMATION:**

This agreement provides a pre-design study, replacement design, and construction support for the Peñasquitos Views Trunk Sewer which is located north of Mercy Road in the communities of Rancho Peñasquitos and Mira Mesa. A preliminary report prepared by the City's Wastewater Collection Division shows that the existing 15-inch Peñasquitos Views Trunk Sewer will reach its flow capacity by calendar year 2005, and in addition does not meet current City standards for sewer mains. The scope of work includes the environmental, geotechnical, and cultural examination of the project, site investigation, preparation of a predesign report, environmental restoration design, and the sewer replacement design and construction support of Peñasquitos Views Trunk Sewer.

This design team will explore a number of alternatives to determine if it is economically feasible to re-route the trunk sewer away from the canyon. This project is extremely complex and will require extensive environmental and cultural studies to determine relocation feasibility, impacts,

and restoration requirements due to the sensitive habitats, species, cultural, and paleontological resources of the Los Peñasquitos Canyon. These studies are required to obtain the anticipated permits from the Army Corp of Engineers, Regional Water Quality Control Board, California Department of Fish & Game, and U.S. Fish & Wildlife Service.

Five (5) consultants were interviewed in conformance with Council Policy 300-7, and the firm of Rick Engineering Company was selected as the best qualified firm to provide the design consultation. The subconsultants for this job are BRG Consulting, Inc. (WBE), KTU&A Landscape Architectural Services (MBE), and Allied Geotechnical Engineers, Inc. (MBE).

Several community meetings are anticipated throughout the design phase.

**FISCAL IMPACT:**

The total consultant agreement cost is \$354,151.14 of which \$321,955.58 is for preliminary engineering and \$32,195.56 is for additional services as required. Funding is available from Sewer Fund 41506, CIP-46-194.0, Annual Allocation - Trunk Sewer Rehabilitation. The total estimated cost for this project is \$1,713,000.

Loveland/Belock/HR

Aud. Cert. 2200733.

WWF-02-564.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-122: Agreement for Professional Services-Windansea Erosion Control/Beach Access.

(La Jolla Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1077) ADOPTED AS RESOLUTION R-296106

Authorizing an Agreement with URS Corporation for Consulting Services, for the professional services required for CIP-29-680.0, Windansea Erosion Control/Beach Access;

Authorizing the expenditure of an amount not to exceed \$77,281 from CIP-29-680.0, Windansea Erosion Control/Beach Access, for the agreement between the City of San Diego and URS Corporation for Consulting Services.

**CITY MANAGER SUPPORTING INFORMATION:**

The Windansea Erosion Control/Beach Access Plan project encompasses the area between Belvedere Street and Palomar Street, known as Windansea Beach, within the Pacific Beach Community. The Plan was developed to preserve and enhance the natural character and beauty of the beach area, while providing safe beach access. The Project will be implemented in phases as funding is identified. Phase I of the project will require the consultant to provide construction documents for three beach stairways at Kolmar Street, Palomar Street, and Winamar Street. Project improvements will comply with City and State agency requirements for development.

Council Action is required for this Agreement because the City's accumulative awarded contracts to URS Corporation exceeds \$250,000 in this fiscal year.

Herring/DVW

Aud. Cert. 2200724.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-123: Item 123 was removed at the request of the originating department.

\* ITEM-124: Agreement with the Unified Port District for Consultant Selection Services.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-968) ADOPTED AS RESOLUTION R-296107

Authorizing the City Manager to execute an agreement with the San Diego Unified Port District for consultant selection services.

**CITY MANAGER SUPPORTING INFORMATION:**

On March 12, 1996, the City of San Diego (City) entered into an agreement with the County of San Diego (County) for the creation and administration of joint prequalified consultant lists for architecture, engineering and related professional services. The maximum consultant award for these projects is \$250,000. This agreement has resulted in a successful, cooperative, and mutually beneficial inter-agency program which has provided short lists of consultants for interview for both City and County projects. The cost of the program is shared between the City and County. Currently, the list of disciplines provided by the joint City and County lists include: Airport Engineering, Architecture, Construction Administration Services, Electrical Engineering, Environmental: Biological, Environmental: Cultural Resources, Environmental: General EIR/EIS, Environmental: Hazardous Materials, General Civil Engineering, Geotechnical, Landscape Architecture, Mechanical Engineering, Planning Services, Project Management - Staff Extension, Storm Water and Erosion Control Design, Structural Engineering, Subsurface Utility Engineering, Surveying, Traffic Engineering, Water and Wastewater Facilities, Water and Wastewater Pump Stations.

The professional consultant selection process consists of seven steps: 1) solicitation; 2) review and, if necessary, rating; 3) establishment and management of lists; 4) establishment of short lists; 5) interview/selection; 6) negotiation; and 7) award of agreement. The City conducts the first four steps of the professional consultant selection process on behalf of the County in exchange for a fee. The average cost the County has incurred during the last two fiscal years is \$42,733. Starting in Fiscal Year 2003, we plan to charge the County a set fee per project. The County has averaged about 31 projects per fiscal year.

The San Diego Unified Port District (Port) has expressed an interest in joining the City and the County in the use of the consultant list. Therefore, an agreement between the City and the Port

is needed. Once approved, the consultant list will become the joint City/County/Port Consultant List. The City will continue to conduct the first four steps of the professional consultant selection process on behalf of the Port in exchange for a per project fee.

The City first established a consultant list for City projects during the 1980's. The fees received from the County and the Port will continue to offset the costs of the establishment and management of the consultant lists and may generate additional revenue. Finally, the consultants benefit by having to submit only one statement of qualifications to become eligible for City, County and Port projects.

**FISCAL IMPACT:**

Additional revenue up to \$10,250 for the remainder of FY2002 and between \$3,313 and \$18,328 for FY2003.

Ewell/Stevenson/JPM

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-125: Lease Renewal Approval - California Highway Patrol at Moody Canyon.

(San Ysidro Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1080) ADOPTED AS RESOLUTION R-296108

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 Moody Canyon Communications Center, at an initial annual rent of \$8,280.

**CITY MANAGER SUPPORTING INFORMATION:**

Moody Canyon is a 0.26-acre hilltop, primarily government fixed radio communications facility in San Ysidro. It is a general fund property. The California Highway Patrol (CHP), through the State's Department of General Services, has requested to renew their current lease at this location. Their equipment consists of two rack spaces in the City's communications vault with one antenna mounted on the City tower and another on the side of the vault building. This facility provides radio communications between CHP vehicles and stations to furnish law enforcement services 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 \$8,280 annually (\$690 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 \$8,280 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

COUNCIL ACTION: (Tape location: B009-167.)

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

ITEM-126: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-1076) TRAILED TO TUESDAY, FEBRUARY 26, 2002

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: H150-157.)

\* ITEM-127: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-901) ADOPTED AS RESOLUTION R-296109

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

FILE LOCATION: GEN'L-State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-128: Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-1086) ADOPTED AS RESOLUTION R-296110

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

**SUPPORTING INFORMATION:**

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

**FILE LOCATION:** GEN'L-Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)

**COUNCIL ACTION:** (Tape location: B009-167.)

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

\* ITEM-129: Montezuma Road Medians - Establishment of an Endowment Fund for the Maintenance.

(College Community Area. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1096) ADOPTED AS RESOLUTION R-296111

Authorizing the City Auditor and Comptroller to establish the Montezuma Road Median Maintenance Fund, Fund No. 67050;

Approving the acceptance of an endowment of \$100,000 from San Diego State University to be deposited into Montezuma Road Maintenance Fund, Fund No. 67050;

Authorizing the expenditure of an amount not to exceed the interest earnings in Fund No. 67050;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$30,000 within Fund 30300, from Navajo Road Median Enhancement Project, CIP-52-668.0, to Montezuma Road Median Improvement Project, CIP-52-692.0.

**CITY MANAGER SUPPORTING INFORMATION:**

Montezuma Road Median Improvement Project, CIP-52-692.0, was established in FY2001 and funded in the FY2002 budget to design and construct new medians along Montezuma Road between Fairmont Avenue and College Avenue. The design phase of this CIP is now complete and staff is ready to begin the construction phase. The funding source for the maintenance of the medians is in the form of an endowment. Outlined below is a brief history on the genesis of the endowment.

In the early 1990's, the design and construction of San Diego State University's (SDSU) Student Activity Center and Cox Arena raised concerns within the College Area community. In response to the concerns, the College Area Community Council (CACC), San Diego State University (SDSU) and the City signed a Memorandum of Understanding in 1995 which defined the various steps SDSU would take to mitigate the negative impact of these new facilities within the surrounding areas. One of the provisions in the Agreement required SDSU to set aside \$1 per ticket from all large commercial events held at Cox Arena in an interest-bearing account for the CACC to designate for capital improvements and maintenance expenses in the College Community Area.

In September of 2000, the CACC voted to approve the transfer of \$100,000 from the \$1 per ticket fund established at SDSU to a City of San Diego interest-bearing account for the purpose of providing maintenance and water for the Montezuma Road Median Improvement Project.

SDSU agreed in a letter from President Stephen Weber to transfer the \$100,000 for this project with written assurance from the City that the money would be placed in an interest-bearing account and only interest would be used for maintenance expense.

In October, 2001, the City received the \$100,000 from SDSU and deposited the funds in an interest-bearing account. Through this Council action, the City will officially accept the endowment of \$100,000 from San Diego State University (SDSU) for the purpose of maintaining medians along Montezuma Road. In addition, this action will authorize the Auditor and Comptroller to establish the Montezuma Road Median Maintenance Fund 67050 and to deposit the \$100,000 endowment from SDSU to said fund.

After five years or by mutual agreement between the City and the CACC, the CACC shall have the option to terminate the City interest bearing account and to transfer funds to an alternative management agreement. Any change in the structure of the endowment will require City Council approval.

In addition to the establishment of an endowment fund for the Montezuma Road medians, this action seeks approval to transfer \$30,000 from Navajo Road Median Enhancement Project, CIP-52-668.0, to Montezuma Road Median Improvement Project, CIP-52-692.0. It is now estimated that the total cost of the CIP will be \$720,000 based upon the cost of similar projects.

Herring/MB

Aud. Cert. 2200826.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-130: Excusing Councilmember Inzunza from Attending the Meeting of February 13, 2002.

**COUNCILMEMBER INZUNZA'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1088) ADOPTED AS RESOLUTION R-296112

Excusing Councilmember Inzunza from attending the regularly scheduled Natural Resources and Culture Committee meeting of February 13, 2002, due to his attendance to other City related business in Mexico as the Binational Liaison for the Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-131: Two actions related to Changing the Name of Crosby Street to Cesar E. Chavez Parkway.

(Southeastern San Diego and Barrio Logan Community Areas. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-1097) ADOPTED AS RESOLUTION R-296113

Changing the name of Crosby Street to Cesar E. Chavez Parkway.

Subitem-B: (R-2002-1099) ADOPTED AS RESOLUTION R-296114

Authorizing the City Manager to execute a cooperative agreement with the Department of Transportation (CalTrans) for the design, equipment, and installation of all freeway signage connected with Cesar E. Chavez Parkway;

Authorizing the City Auditor and Comptroller to add CIP-52-405.0, Cesar E. Chavez Parkway Signs, to the Fiscal Year 2002 Capital Improvements Program;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$90,000 from CIP-52-702.0, Nestor Street and Sidewalk Improvements to CIP-52-405.0, Cesar E. Chavez Parkway Signs, within TransNet Funds, for the purposes of funding the City's 50% share of the costs related to the installation of new freeway signs necessitated by the above street name change;

Authorizing the City Manager to expend an amount not to exceed \$90,000 from CIP-52-405.0, Cesar Chavez Freeway Signs, TransNet Funds, contingent upon the Auditor and Comptroller first certifying that funds are available in the City Treasury;

Authorizing the City Auditor and Comptroller, upon direction of the City Manager, to reallocate the funding sources for TransNet funds between Trans Net Cash and Commercial Paper funded projects as may be appropriate to maximize the use of TransNet Cash and minimize the use of Commercial Paper funding for CIP-52-405.0.

**CITY MANAGER SUPPORTING INFORMATION:**

Council action is requested to rename Crosby Street in Barrio Logan to Cesar E. Chavez Parkway. The street runs westerly 1.7 miles between Commercial Street and San Diego Bay. Crosby Street is in Council District 8 within the Southeastern San Diego and the Barrio Logan Community Planning Areas. The respective planning groups voted unanimously to support the name change. Historical research revealed that Crosby Street was probably named after Rear Admiral Pierce Crosby, a hero of the Civil War and former commander of the U.S. Navy's Pacific Fleet. Pierce Crosby was born January 16, 1824 in Pennsylvania. He joined the Navy in 1838. Then Captain Crosby was instrumental in the capture of New Orleans by Federal forces. Adm. Crosby died in Washington, D.C. in 1882. Cesar E. Chavez was born on March 31, 1927 near Yuma, Arizona. After spending many years as a farm worker, he began in 1952 his work as a community organizer, seeking to improve conditions for the migrant farm workers. He died in 1993 at the age of 66, still actively pursuing his life's work of community service. He was awarded our Nation's highest civilian honor, the Presidential Medal of Freedom, posthumously in 1994. City street signs will be replaced under our existing program to convert the old green signs to the new reflectorized blue signs. The Department of Transportation (CalTrans) will be responsible for the installation of new freeway signs. The City will enter into an agreement with CalTrans for fifty percent of the total costs for the sign replacement in an amount not to exceed \$90,000. Council is asked to authorize this agreement and the associated expenditure. Staff recommends approval of this action.

**FISCAL IMPACT:**

City funds not to exceed \$90,000 to be transferred from CIP-52-702.0. With this action, it is anticipated that an issuance of TransNet Commercial Paper (consistent with the Fiscal Year 2002 Annual Budget) may be required for expenditures related to other TransNet-funded projects during Fiscal Year 2002.

Ewell/Christiansen/LH

FILE LOCATION: SUBITEMS A & B: DEED F-9185

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-132: Awarding of Contract for Sewer and Water Main Replacement Group 2000.

(See Frank Belock Jr.'s 11/6/2001 memo. Centre City, Uptown, Greater North Park and Mountain View Neighborhood Community Areas. Districts-2, 3 and 4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-875) ADOPTED AS RESOLUTION R-296115

Authorizing the City Manager to accept the lowest responsible bid of , and award a phase funded contract to, Orion Construction Corporation for the construction of the Sewer and Water Replacement Group 2000 in the amount of \$14,934,550.10;

Authorizing the expenditure of funds on FY02-Phase I of the project in an amount not to exceed \$1,488,180 from Water Fund 41500, CIP-73-083.0, Annual Allocation-Water Main Replacement (\$1,046,241 for the Contract; \$301,829 for project related costs; and \$140,110 for City Forces work, including \$16,138 for the Water Group Job 699 component, \$23,972 for the Water Group Job 690 component, and \$100,000 for the Water Group Job 537 component);

Authorizing the expenditure of funds on FY02-Phase I of the project in an amount not to exceed \$6,079,120 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement (\$4,938,554 for the Contract; \$1,120,566 for project related costs; and \$20,000 for right-of-way and easement related property costs);

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$700,000 from Fund 41506, CIP-46-193.0, Annual Allocation-Muni Pooled

Contingency, to Fund 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement;

Authorizing the additional expenditure of funds in an amount not to exceed \$666,482 from Water Fund 41500, CIP-73-083.0, Annual Allocation-Water Main Replacement (resulting in an increase in expenditure of \$708,370 on the Water Group Job 537 component, an increase in expenditure of \$369,178 on the Water Group Job 690 component, and a decrease in expenditure of \$411,066 on the Water Group Job 699 component), provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the additional expenditure of funds on the project in an amount not to exceed \$4,019,638 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement (resulting in an increase in expenditure of \$1,585,968 on the Sewer Group Job 699 component, an increase in expenditure of \$2,477,685 on the Sewer Group Job 632 component, an increase in expenditure of \$568,838 on the Sewer Group Job 633 component, and a decrease in expenditure of \$612,853 on Sewer Group Job 690 component), provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

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

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

On 11/14/2001, NR&C voted 4-0 (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present) to approve with direction to the City Manager to report back to the Natural Resources and Culture Committee on recent project cost increases in light of the increased quantity of CIP projects expected in the near future.

**CITY MANAGER SUPPORTING INFORMATION:**

Sewer and Water Main Replacement Group 2000 is part of the City of San Diego's continuing Annual Sewer and Water Main Replacement Program. The apparent low bidder requested to be released from the contract due to an error that failed to include their overhead costs. It is recommended that staff award this contract to the second low bidder which is 42% higher than the engineer's estimate because of the necessity for this contract to go to construction immediately, and rebidding is not likely to result in a lower bid. Sewer and Water Main Replacement Group 2000 consists of five sewer and water group jobs that are located in various parts of the City. This project includes replacement and rehabilitation of approximately 45,750

feet (8.7 miles) of 6, 8, 10-inch old and deteriorated sewer mains; abandoning 8,500 feet of 6-inch sewer in easements to be relocated in the public right-of-way; and replacement of 7,680 feet (1.45 miles) of 6, 8, 12, 16-inch water mains. This project includes replacement of 787 sewer laterals and installing 231 sewer replumbs. Re-routing the sewer main required additional trenching that reached 28 feet deep. This project includes the construction of 163 pedestrian ramps and re-paving and slurry sealing of the impacted streets. The streets affected by construction operations within this project are: Upas Street, Georgia Street, Alabama Street, Robinson Avenue, Park Boulevard, Myrtle Street, Mississippi Street, Louisiana Street, Normal Street, El Cajon Boulevard, Polk Avenue, University Avenue, Bush Street, Pennsylvania Avenue, Redwood Street, Ocean View Boulevard, 40<sup>th</sup> Street, Hemlock Street, Teak Street, T Street, 38<sup>th</sup> Street, 37<sup>th</sup> Street, 36<sup>th</sup> Street, 35<sup>th</sup> Street, 16<sup>th</sup> Street, 13<sup>th</sup> Street, 10<sup>th</sup> Avenue and 11<sup>th</sup> Avenue. Traffic control plans have been prepared for this project and will be implemented during the construction operations. Residents of the Communities that are affected by construction will be notified by mail at least (1) one month before construction begins by the City's Engineering and Capital Projects Department and again (10) ten days before construction begins by the contractor through hand distribution of notices.

**FISCAL IMPACT:**

The total estimated cost of these projects is \$17,663,248. Funding of \$14,788,737 is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and \$2,874,511 is available in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement. Included in the total cost estimate is \$1,821,859.90 for Planning/Design/Administration; \$14,934,550.10 for Construction; \$20,000 for Land/Right-of-Way; \$746,728 for Contingencies and related costs; and \$140,110 for City Forces to perform operational checks. These project will be phase funded in Fiscal Year 2002 of which \$6,079,120 is from Sewer Fund 41506 and \$1,488,180 is from Water Fund 41500. In Fiscal Year 2003, \$8,709,617 is from Sewer Fund 41506 and \$1,386,331 is from Water Fund 41500.

Loveland/Belock/HR

Aud. Cert. 2200786.

WWF-02-560.

FILE LOCATION: CONT-Orion Construction Company

COUNCIL ACTION: (Tape location: B009-167.)

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

- \* ITEM-133: Two actions related to Inviting Bids and Awarding of Contract for East Linda Vista Trunk Sewer Phase II.

(See Frank Belock Jr.'s 11/6/2001 memo. Linda Vista Community Area. District-6.)

**TODAY'S ACTIONS ARE:**

Adoption of the following resolutions:

Subitem-A: (R-2002-843) ADOPTED AS RESOLUTION R-296116

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of East Linda Vista Trunk Sewer Phase II on Work Order No. 174191;

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

Authorizing the expenditure of an amount not to exceed \$2,272,265 from Sewer Fund 41506, CIP-46-162.0, East Linda Vista Trunk Sewer - Sewer Main Replacement and an amount not to exceed \$292,827 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.  
(BID-K02074C)

Subitem-B: (R-2002-844) ADOPTED AS RESOLUTION R-296117

Certifying that Mitigated Negative Declaration LDR-41-0050 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines, and that the information contained in the report has been reviewed and considered by Council;

Approving the Mitigated Negative Declaration LDR-41-0050;

Adopting the Mitigation, Monitoring and Reporting Program;

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

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

On 11/14/2001, NR&C voted 4-0 (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present) to approve with direction to the City Manager to report back to the Natural Resources and Culture Committee on recent project cost increases in light of the increased quantity of CIP projects expected in the near future.

**CITY MANAGER SUPPORTING INFORMATION:**

East Linda Vista Trunk Sewer Phase II is part of the City of San Diego's Continuing Annual Water and Sewer Main Replacement Program. This project is in the Linda Vista community area. It was presented several times to the community during the design phase. The existing pipelines were installed as early as 1942 and are deteriorated, requiring replacement. The work consists of replacing approximately 5,300 linear feet of sewer main, rehabilitating 3,112 linear feet of sewer main, and replacing 767 linear feet of cast iron water pipe. The work also involves abandoning 5,757 linear feet of sewer main and re-routing the sewer flow away from the canyon. Also, this project includes the construction of ten (10) pedestrian ramps and the slurry sealing of impacted streets.

The contractor will be required to provide Traffic Control Plans for the project to the City of San Diego's Traffic Signal Design and Traffic Control Section for approval. During the construction phase of the project, the contractor will be working between 8:30 a.m. and 3:30 p.m., Monday to Friday. Residents will be notified by mail at least one (1) month before construction begins by the City's Water Department and again ten (10) days before construction begins by the contractor through hand distribution.

**FISCAL IMPACT:**

The total estimated cost of this project is \$2,565,092. Of this amount, \$470,108 is for Engineering Services, \$1,849,377 for construction, \$55,154 for City Forces work, and \$190,453 for contingencies. Funding is available in Sewer Fund 41506, CIP-46-162.0, East Linda Vista Trunk Sewer - Sewer Main Replacement, and from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement. City Forces will make connections and operational checks. This project will be phase funded for FY2002 \$552,183 and FY2003.

Loveland/Belock/HR

WWF-02-561.

FILE LOCATION: SUBITEMS A & B: CONT - BRH Garver, Inc.; W. O.  
174191

COUNCIL ACTION: (Tape location: B009-167.)

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

\* ITEM-134: Two actions related to Route 56 - Camino Santa Fe Interchange - FBA Credit Reimbursement Agreement.

(NCFUA Subarea III Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-1008) ADOPTED AS RESOLUTION R-296118

Authorizing the City Manager to execute a FBA Credit Reimbursement Agreement with Pardee Construction Company, for the acquisition of the right-of-way for the State Route 56 - Camino Sante Fe Interchange which will complete the acquisition of property for the Project;

Authorizing the City Auditor and Comptroller to reimburse Pardee Construction Company \$2,010,000 (the estimated value of land) plus interest, estimated to be \$500,000, contingent upon certification that funds are available in the City Treasury.

Subitem-B: (R-2002-1009) ADOPTED AS RESOLUTION R-296119

Stating for the record that the Final Environmental Impact Report LDR-95-0099, certified by Resolutions R-290286 and R-290467 on June 16, 1998, has been reviewed and considered prior to approving the project and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional

environmental review in connection with approval of the Route 56 - Camino Santa Fe Interchange Project;

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

**CITY MANAGER SUPPORTING INFORMATION:**

This FBA Credit and Reimbursement Agreement provides for Pardee to convey the right of way required for the Camino Santa Fe Interchange with a Closing Date prior to March 1, 2002 at no cost to the City at this time. The City will pay to Pardee from the Pacific Highlands Ranch Facilities Benefit Assessment/Public Facilities Financing Plan ("PHR FBA") and the Del Mar Mesa Public Facilities Financing Plan and Facilities Benefit Assessment ("DMM FBA") 100% of the Actual Purchase Price plus interest from the Closing Date, when the funds become available in the "FBA Plans". The Estimated Purchase Amount is \$2,010,000. Once escrow closes another action will be brought to Council appropriating and authorizing the expenditure of the final purchase price and accrued interest.

**FISCAL IMPACT:**

To be determined at the close of escrow.

Herring/Griffith/RAG

FILE LOCATION: SUBITEMS A & B: DEED F-9186

COUNCIL ACTION: (Tape location: B009-167.)

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

ITEM-135: Camino Santa Fe/State Route 56 Interchange.

(Pacific Highlands Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1068) ADOPTED AS RESOLUTION R-296120

Authorizing the City Manager to enter into a Cooperative Agreement with the Pardee Construction Company, for the design and construction of State Route 56/Camino Santa Fe Interchange, contingent upon the Auditor and Comptroller first certifying that funds are available in the City Treasury;

Authorizing the City Auditor and Comptroller to modify the FY 2002 Capital Improvement program by increasing \$9,900,000 to CIP-52-463.0 (SR-56/Camino Santa Fe Interchange), Fund 63022;

Authorizing the acceptance of \$9,900,000 from the Pardee Construction Company and depositing said amount in Fund 63022, CIP-52-463.0;

Authorizing the appropriation and expenditure of \$9,900,000 from CIP-52-463.0 (SR-56/Camino Santa Fe Interchange), Fund 63022 to the State of California for the purpose of designing and constructing the State Route 56/Camino Santa Fe Interchange, contingent upon the Auditor and Comptroller first certifying that funds are available in the City Treasury;

Authorizing the City Manager to enter into two agreements with the California Department of Transportation for the funding, design, and construction on the SR-56/Camino Santa Fe Interchange;

Stating for the record that the final Environmental Impact Report LDR-95-0099, previously certified by Resolution R-290286 on June 16, 1998, has been reviewed and considered prior to approving the project, and directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors regarding this project;

Authorizing the City Manager to execute a Facilities Benefit Assessment Credit and Reimbursement Agreement for costs associated with the SR-56 Camino Santa Fe Interchange which includes reimbursement of \$9,900,000 plus interest in an amount not to exceed \$1,782,000, contingent upon the Auditor and Comptroller first certifying that funds are available in the City Treasury.

**CITY MANAGER SUPPORTING INFORMATION:**

This Cooperative Agreement is a revised version of a Cooperative Agreement which was approved by Council on December 10, 2001. The agreement provides for \$9,750,000 in funding for the SR -56/Camino Santa Fe Interchange. All of these funds are being contributed by the Pardee Construction Company, with no fiscal impact to the City. The agreement has been revised due to the omission of certain State standard contract language concerning hazardous materials and a clause recognizing local agency requirements. These sections are required by CalTrans and are acceptable and, in fact, had been assumed by staff to be in effect. It does not affect the portions of the Agreement which provide for the transfer of funds from Pardee to CalTrans via the City. However, because of the revision, the agreement must be re-approved by Council.

**FISCAL IMPACT:**

\$9,900,000 plus \$1,782,000 of interest in the form of FBA credits or cash reimbursement per the FBA credit and reimbursement agreement.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F137-138.)

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-200: Approving Parcel Map TM-99-1076.

(Peninsula Community Area. District-2.)

(Continued from the meeting of January 8, 2002, Item 103, at the City Manager's request, for further review.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-807 Cor. Copy) CONTINUED TO TUESDAY, APRIL 9, 2002

Approving Parcel Map TM-99-1076; authorizing the City Clerk to sign the map on behalf of the City as property owner.

**CITY MANAGER SUPPORTING INFORMATION:**

This parcel map is a six-parcel lot line adjustment map of a 191.536 acre portion of the Liberty Station (Naval Training Center) site. This action is consistent with the previously approved Liberty Station project. The purpose of the map is to divide the land in such a way as to make subsequent mapping more expeditious. The site is located southeasterly of Rosecrans Street and Lytton Street in the Peninsula Community Plan area. This land will be re-subdivided as necessary to support the ultimate design of the NTC redevelopment project. This map requires City Council approval because the land is City owned.

**FISCAL IMPACT:**

None.

Loveland/Haase/GRB

FILE LOCATION: PA-99-1076 (40)

COUNCIL ACTION: (Tape location: B001-008.)

MOTION BY WEAR TO CONTINUE THIS ITEM TO TUESDAY, APRIL 9, 2002 AT THE REQUEST OF THE CITY MANAGER TO OBTAIN SIGNATURES ON THE COASTAL DEVELOPMENT PERMIT. 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-201: Three actions related to FY2002 - FY2003 Financial Review and Status Report.

**TODAY'S ACTIONS ARE:**

Subitem-A: PRESENTED

Presentation of the Fiscal Years 2002-2003 Financial Review and Status Report.

Subitem-B: DISCUSSION HELD

Identifying potential Fiscal Year 2003 Budget Issues, and request for budget priorities in developing the Fiscal Year 2003 proposed budget.

Subitem-C: (R-2002-960) ADOPTED AS RESOLUTION R-296121

Adoption of a Resolution relating to the FY2002 - FY2003 Financial Review and Status Report.

FILE LOCATION: SUBITEMS A, B, & C: MEET

COUNCIL ACTION: (Tape location: C540-H149.)

Motion by Frye to stay at the current funding levels for item 2 (maintain the number of positions in all general fund departments at the fiscal year 2002 level, unless the positions are related to a new program, new facility, or reimbursed from other funds) and item 5, (maintain categories within the special promotional program supported by the TOT tax at the fiscal year 2002 funding levels) and that items 1, 3, and 4 are not off the table and will be considered after items 2 and 5. Second by Madaffer. Motion withdrawn.

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

\*ITEM-S400: Exempting a Council Representative I Position from the Classified Service for Council District 4.

(See Rich Snapper's January 14, 2002 memo.)

**DEPUTY MAYOR STEVENS' RECOMMENDATION:**

Introduce the following ordinance:

(O-2002-93) INTRODUCED, TO BE ADOPTED ON MONDAY, MARCH 18, 2002

Introduction of an Ordinance exempting a Council Representative I position from the classified service for Council District 4.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B009-167.)

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

ITEM-S401: Les Girard Day.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1104) ADOPTED AS RESOLUTION R-296122

Commending Les Girard for being one of the "Best and Brightest" legal eagles in the nation;

Declaring February 25, 2002 to be "Leslie J. Girard Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A230-591.)

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

ITEM-S402: Patricia Frazier Day.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1105) ADOPTED AS RESOLUTION R-296123

Commending Patricia Frazier for being one of the “Best and Brightest” financial wizards in the nation;

Declaring February 25, 2002 to be “Patricia T. Frazier Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A230-591.)

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

ITEM-S403: Ed Ryan Day.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1106) ADOPTED AS RESOLUTION R-296124

Commending Ed Ryan for being one the “Best and Brightest” financial wizards in the nation;

Declaring February 25, 2002 to be “Ed Ryan Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A230-591.)

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

**ADJOURNMENT:**

The meeting was adjourned by Mayor Murphy at 8:00 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H158.)