

THE CITY OF SAN DIEGO, CALIFORNIA  
 MINUTES FOR REGULAR COUNCIL MEETING  
 OF  
 TUESDAY, JUNE 4, 2002  
 AT 10:00 A.M.  
 IN THE COUNCIL CHAMBERS - 12TH FLOOR

**Table of Contents**

CHRONOLOGY OF THE MEETING ..... 4

ATTENDANCE DURING THE MEETING ..... 4

ITEM-1: ROLL CALL ..... 5

NON-AGENDA COMMENT ..... 5

COUNCIL COMMENT ..... 9

CITY ATTORNEY COMMENT ..... 10

CITY MANAGER COMMENT ..... 10

\* ITEM-100: Two actions related to Inviting Bids and Award of Contract  
 for Sewer Group 722. .... 11

\* ITEM-101: Two actions related to Inviting Bids and Award of Contract for  
 North Chollas Community Park Phase IB Improvements. .... 13

ITEM-102: Agreement with Earth Tech, Inc. for San Pasqual Reclaimed Water System. . . . 15

\* ITEM-103: Utilities Asset Management System Consulting Agreement with  
 Brown & Caldwell. .... 17

ITEM-104: Utilities Asset Management System Consulting Agreement with  
 Brown & Caldwell ..... 19

\* ITEM-105: McAuliffe Community Park - Tot Lot Upgrade. .... 21

\* ITEM-106: Grant Application for North Chollas Community Park Athletic Field. .... 23

\* ITEM-107: Grant Application for Murray-Hayden Urban Parks and Youth Service Program State Route 252 Corridor Park - Phase I. . . . . 25

\* ITEM-108: 38<sup>th</sup> Street Canyon Park Development-Grant Application. . . . . 27

ITEM-109: Propose Expansion of Metropolitan Enterprise Zone. . . . . 30

\* ITEM-110: Naval Air Depot Day. . . . . 32

\* ITEM-111: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. . . . . 33

\* ITEM-112: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region. . . . . 33

\* ITEM-113: Transfer of Funds-Southcrest Community Park Tot Lot Upgrade. . . . . 34

ITEM-114: Funding for Rose Creek Bikeway. . . . . 35

\* ITEM-115: Regional Park Infrastructure Funds. . . . . 37

\* ITEM-116: Sewer and Drainage Easement Vacation in Lot 6 Map No. 13125. . . . . 39

\*ITEM-117: Drainage Easement Vacation in Parcel Map No. 18040. . . . . 40

\* ITEM-118: Appointment and Reappointment to the Local Enforcement Agency Hearing Panel. . . . . 41

ITEM-200: San Diego City Employees' Retirement System - Amendments Relating to Deferred Option Retirement Plan . . . . . 42

ITEM-201: Two actions related to Miramar Ranch North Maintenance Assessment District . . . . . 44

ITEM-202: Two actions related to First San Diego River Improvement Project Maintenance Assessment District . . . . . 46

ITEM-203: Two actions related to Scripps-Miramar Ranch Maintenance Assessment District . . . . . 48

ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement. . . . .	50
ITEM-251: SUBMISSION OF BALLOT PROPOSALS . . . . .	51
ITEM-330: Redevelopment Agency Proposed Fiscal Year 2003 Budget. . . . .	52
ITEM-331: Summerwind Village Apartments . . . . .	53
ITEM-332: Savon El Cajon Boulevard . . . . .	57
ITEM-333: Caltrans Street Vacation . . . . .	60
ITEM-334: Expansion of YMCA on Friars Road. . . . .	61
ITEM-335: La Jolla Community Plan & Local Coastal Program & Associated Documents & Actions . . . . .	64
* ITEM-S500: San Diego Domestic Violence Council Day . . . . .	76
* ITEM-S501: Absence of Councilmember Ralph Inzunza. . . . .	76
ITEM-S502: Acceptance of Whole House Energy Retrofit Incentive Program . . . . .	77
ITEM-S503: Design/Build Agreement, Photovoltaic Projects - Group A . . . . .	78
ITEM-S504: Request for Reconsideration--La Jolla Community Plan and Local Coastal Program Land Use Plan--Land Use Designation of Site 653. . . . .	80
ITEM-S505: Proposition 40 Parks Bond: Funding Process Review and Development of Priority Local Projects . . . . .	81
NON-DOCKET ITEMS . . . . .	84
ADJOURNMENT . . . . .	84

**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 10:08 a.m. The meeting was recessed by Mayor Murphy at 12:00 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:07 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 2:29 p.m. for purposes of a break and thereafter convened the Redevelopment Agency. Mayor Murphy reconvened the meeting at 2:32 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 4:12 p.m. for purposes of a break. Mayor Murphy reconvened the meeting at 4:23 p.m. with Council Member Inzunza not present. Mayor Murphy recessed the meeting at 5:12 p.m. to reconvene the Redevelopment Agency. Mayor Murphy reconvened the meeting at 5:45 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 6:13 p.m.

**ATTENDANCE DURING THE MEETING:**

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

Clerk-Abdelnour (pr/er)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Al Strohlein regarding the Pacific Beach Block Party, and the effects of alcohol.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A050-075.)

PUBLIC COMMENT 2:

Comment by Walt Hall regarding the Park and Recreation Department, their matching fund program, and that it has grown to 1.4 million dollars making it one of the City's most popular and profitable programs.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A075-097.)

**PUBLIC COMMENT-3: REFERRED TO THE CITY MANAGER**

Comment by Noel Neudeck regarding the City Inspector's failure to install a curb ramp at the north east corner of Mission Heights Road.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A099-149.)

**PUBLIC COMMENT- 4:**

Comment by Eric Bowlby regarding the Wetlands Advisory Board, and that he'd like to thank everyone for their vote on the Mission City Parkway Bridge. Mr. Bowlby stated he was hopeful that there was some effort being made to retain the skateboard park in Mission Valley.

The Mayor announced that Council Member Frye and himself were working on restructuring the Wetlands Advisory Board, and that they didn't want to appoint anybody at this time if they were going to eliminate some of the spots.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A150-176.)

**PUBLIC COMMENT-5:**

Comment by Don Stillwell regarding religion and morality.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A176-222.)

PUBLIC COMMENT-6:

Comment by Bill Carney regarding media ads promoting San Diego, and that the ADC serves as the City's Agency for marketing outreach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A223-253.)

PUBLIC COMMENT-7:

Comment by David Landry regarding the City of San Diego and the Barona Band Water negotiations, and their concerns about water shortages.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A256-302.)

PUBLIC COMMENT-8: **REFERRED TO THE CITY MANAGER**

Comment by Gilda Mulette regarding Code Compliance and her request to the Council to investigate what she terms to be a three year violation of the San Diego Municipal Regulations of their home occupation permit laws.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A303-347.)

PUBLIC COMMENT-9:

Comment by Joyceline Tarr regarding the Police budget.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A365-404.)

**PUBLIC COMMENT-10: REFERRED TO THE CITY MANAGER**

Comment by Bert Decker on the new Peninsula Community Planning Board, and their nine issues regarding the NTC redevelopment.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A428-460.)

**PUBLIC COMMENT-11:**

Comment by Nick Moffit regarding perjury and fraud, and his claim against the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A461-537.)

**PUBLIC COMMENT-12: REFERRED TO THE CITY MANAGER**

Comment by Dr. Art Salzberg regarding his observation that the Library has featured just one Jewish movie and one concert in his many years of monitoring this activity.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A538-597.)

**PUBLIC COMMENT-13:**

Comment by Michael Aguirre regarding his seven point action plan for keeping the Chargers in San Diego without having to build a new stadium with public funds.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B001-034.)

PUBLIC COMMENT-14:

Comment by John McNab regarding City affairs.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B037-070.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Inzunza regarding the City's goals, and what is it they are going to do to have a society that works for all of us in the year 2020. Council Member Inzunza stated he was particularly interested in that because he knows an individual that will be affected when the year 2020 comes around; his son. Council Member Inzunza introduced his wife Anna and his new born son Ralph.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B073-099.)

COUNCIL COMMENT-2:

Comment by Mayor Murphy that Council Member Inzunza and himself were at the dedication of Ocean View Hills Park on Saturday, and that little Ralph the III was there with them. Mayor Murphy expressed that Council Member Inzunza actually allowed him to hold his son at the event, and that if Council noticed the baby actually tried to grab the microphone when they sat down. Mayor Murphy noted that it must be an inherited trait.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B100-108.)

**COUNCIL COMMENT-3:**

Comment by Deputy Mayor Stevens regarding individuals who address Council, and that they should not address their comments personally to anyone on the Council.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B108-115.)

**COUNCIL COMMENT-4:**

Comment by Council Member Madaffer regarding what he feels to be some really good Police work by Sergeant Dale Shockley.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B118-147.)

**CITY ATTORNEY COMMENT:**

None.

**CITY MANAGER COMMENT:**

Comment by City Manager Uberuaga wishing to state that he will follow-up on those public comments where appropriate, and that he wished to tell Mr. Strohle that he will also follow-up on the May 13<sup>th</sup> letter.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B148-150.)

\* ITEM-100: Two actions related to Inviting Bids and Award of Contract for Sewer Group 722.

(See Frank Belock, Jr.'s 3/25/2002 memo. Peninsula/Fletridge Community Area. District-2.)

**TODAY'S ACTIONS ARE:**

Adoption of the following resolutions:

Subitem-A: (R-2002-1401) ADOPTED AS RESOLUTION R-296587

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 Group 722 on Work Order No. 175781;

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

Authorizing the expenditure of an amount not to exceed \$2,282,622 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, provided that the City Auditor and Comptroller first furnishes one or more certificates 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-K02223C)

Subitem-B: (R-2002-1402) ADOPTED AS RESOLUTION R-296588

Certifying that Mitigated Negative Declaration LDR-41-0620 has been completed in compliance with the California Environment Quality Act of 1970, 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-41-0620;

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 4/3/2002, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

Sewer Group 722 is part of the City of San Diego's continuing Annual Sewer Main Replacement Program. The sewer mains being replaced in this project were constructed as early as 1956 and are approaching the end of their useful service life. This project is located in the Peninsula/Fleetridge Community and consists of replacing approximately 7,370 feet (1.40 miles) of 8-inch sewer mains. In coordination with the NTC redevelopment, a participation agreement will be executed between the City of San Diego and McMillin Land Development for coordination and construction of approximately 224 feet of the proposed alignment via trenchless technology to minimize community impacts. Also, this project includes the construction of fifty-nine (59) curb ramps and resurfacing of impacted streets. The streets affected by construction operations within this project are Rosecrans Street, Ibsen Street, Homer Street, Goldsmith Street, Freeman Street, and Elliott Street.

This project was presented to the Peninsula/Fleetridge Community by the Engineering and Capital Projects Department and future presentations will be given to the Peninsula/Fleetridge Community prior to construction. Residents will be notified by mail at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution of notices. The contractor will be required to provide traffic control plans for the entire project area to the City of San Diego's Traffic Signal Design and Traffic Control Section for approval, with the exception of Rosecrans Street. Traffic control plans for Rosecrans Street have been developed and were approved by the City of San Diego's Traffic Signal Design and Traffic Control Section and will be provided to the contractor as part of the construction plans for Sewer Group 722.

**FISCAL IMPACT:**

The total estimated cost of this project is \$2,282,622; of this amount \$493,181 is for engineering and related services, \$1,704,229 is for construction, and \$85,212 is for contingencies. Funding of \$2,282,622 is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for this purpose. This project will be phase funded for Phase I (FY03) \$1,314,727.00 and Phase 2 (FY03) \$967,895.

Loveland/Belock/HR

WWF-02-579.

FILE LOCATION: SUBITEMS A & B: CONT - Dietrich Corporation;  
W. O. 175871

COUNCIL ACTION: (Tape location: A011-033.)

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

- \* ITEM-101: Two actions related to Inviting Bids and Award of Contract for North Chollas Community Park Phase IB Improvements.

(Chollas Heights Community Area. District-4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-1399) ADOPTED AS RESOLUTION R-296589

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 North Chollas Community Park Phase IB Improvements (Project) on Work Order No. 296670;

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

Authorizing the City Auditor and Comptroller to transfer \$300,000 from 2000 Park Bond per Capita Funds, Fund No. 38144; and \$50,000 from Fiscal Year 2002 Community Development Block Grant (CDBG) Fund No. 18537 to CIP-29-667.0, North Chollas Community Park Phase I Improvements;

Authorizing the expenditure of an amount not to exceed \$350,000 from CIP-29-667.0, North Chollas Community Park Phase I Improvements; Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2002 budget by an increase of \$350,000 into CIP-29-667.0;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02217C/K01069CA)

Subitem-B: (R-2002-1400) ADOPTED AS RESOLUTION R-296590

Declaring that Mitigated Negative Declaration, LDR-98-015.0, certified by Resolution R-294297 adopted on November 15, 1998, 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 stating for the record that the information contained in the report has been reviewed and considered by Council;

Directing the City Clerk to file a Notice of Determination (NOD) for a subsequent action by a Lead Agency with the Clerk of the Board of Supervisors.

**CITY MANAGER SUPPORTING INFORMATION:**

The North Chollas Community Park CIP is a multi-phased park improvement project located on College Grove Drive, in the Chollas Heights Community area. The proposed Phase IB of the North Chollas Community Park project will provide an entry road, entry signage and gates, bridge overcrossing, parking areas, paved spectator plaza and pedestrian walkways to augment the recently completed Phase IA, a turfed and irrigated three hundred (300) foot multipurpose field. As additional funding is identified subsequent phases of the project will include additional multipurpose fields, restroom and concession stand, tot lot play area, passive turf areas, interpretive nature trails and signage and habitat restoration.

**FISCAL IMPACT:**

The total cost of the Phase IA project was \$989,688. The estimated total cost of the Phase IB project is \$1,748,192. \$350,000 funding is now available from 2000 Park Bond per Capita Funds (\$300,000), and FY2002 CDBG Funds (\$50,000). This will augment the previous authorization of \$2,655,033, from CIP-29-667.0, North Chollas Community Park Phase Improvements. Loveland/Belock/AO

Aud. Cert. 2200989.

FILE LOCATION: SUBITEMS A & B: W. O. 296670

COUNCIL ACTION: (Tape location: A011-033.)

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

ITEM-102: Agreement with Earth Tech, Inc. for San Pasqual Reclaimed Water System.

(See Memorandum from Larry Gardner dated 3/21/2002. San Pasqual Valley Community Area. District-5.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-1550) ADOPTED AS RESOLUTION R-296620

Authorizing the City Manager to execute a phase funded agreement with Earth Tech, Inc. for consulting services in connection with the San Pasqual Reclaimed Water System;

Authorizing the expenditure of an amount not to exceed \$1,269,605 from Water Fund No. 41500, CIP-70-955.0, San Pasqual Reclaimed Water System, solely and exclusively to provide funds for the above agreement and related costs, to be expended as follows:

\$369,079 for Phase I of the agreement;

\$114,851 for in-house engineering and related costs for Phase I of the agreement;

\$785,675 for Phase II of the agreement, provided that the City Auditor and Comptroller furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury.

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

On 4/3/2002, NR&C voted 5 to 0 to: a) Approve the project; and b) report back to the Natural Resources and Culture Committee within 90 days on the following items: 1) How many golf courses currently within the City of San Diego have the potential to use reclaimed water, and 2) feasibility of placing reclaimed water pipes adjacent to potable water and sewer pipes. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

The San Pasqual Water Reclamation Facility (WRF), is an advanced wastewater treatment plant that provides recycled water to a portion of the Rancho Bernardo area. The WRF is currently designed to produce 1.0 MGD (700 gpm) of treated wastewater. A limited recycled water distribution system is currently in operation; delivering recycled water from the WRF to a nearby residential development and a City of San Diego pump station. The San Pasqual Reclaimed Water System Project (Project) will extend the existing distribution system to additional users in North San Diego County. The new system will increase the use of WRF recycled water from approximately 0.1 MGD to approximately 1 MGD upon project completion. The Project includes approximately 46,360 feet of pipe, two 1.7 million gallon storage tanks and a 2,800 gpm booster pump station.

This is a significant project for the City. The City actively supports the implementation of alternative water sources to reduce the need for importation of raw water from external sources. By utilizing an existing water supply from within the City's boundaries to supply large-demand recycled water markets, a reduction on the dependence of water from outside sources and elimination of fees for the discharge of excess treated effluent would be accomplished.

The Water Department Request for Qualifications selection process was followed to obtain the services of a design engineering consultant. As part of this process, the Water Department received a short-list of six qualified firms from Contract Services. On October 10, 2001, a Selection Panel convened and interviewed the short-listed firms. The firms were evaluated on the basis of qualifications including expertise, experience, understanding and approach to the scope of services, and the capability of personnel and subcontractors. Based upon the results of these interviews and subsequent reference checks, Earth Tech, Inc. was selected as the most qualified to provide engineering consulting services.

**FISCAL IMPACT:**

Funding is available from the Water Department Fund 41500 in the amount of \$1,269,605.

Mendes/Gardner/FA

Aud. Cert. 2201078.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D010-066.)

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

\* ITEM-103: Utilities Asset Management System Consulting Agreement with Brown & Caldwell.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-704) ADOPTED AS RESOLUTION R-296591

Authorizing the City Manager to execute an agreement with Brown & Caldwell, to provide consulting services for the development of a utilities asset management system;

Authorizing the expenditure of an amount not to exceed \$712,579, consisting of \$358,581 from Fund No. 41500, Dept 760, Org 879, Account 4222, Job Order 8793; \$176,999 from Fund No. 41508, Dept 771, Org 365, Account 4151, Job Order 236600; and \$176,999 from Fund No. 41506, Dept 773, Org 180, Account 4151, Job Order 1815, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

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

On 5/01/2002, NR&C voted 5 - 0 to approve the project.  
(Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

The Water and Metropolitan Wastewater Departments are seeking to develop an Asset Management System (AMS) to provide accurate, comprehensive and up-to-date information on the material condition of the water and wastewater infrastructures. This information will be utilized by the Departments' respective Capital Improvements Programs to facilitate long-range planning for facility replacement. The Departments request approval to hire Brown & Caldwell consultants to design and implement the AMS.

The two Departments currently employ a variety of computer systems for water modeling, inventory and maintenance. However, existing systems do not provide information on the age or condition of the facilities. This project would integrate the data in the existing systems and add age, condition and cost information to provide improved planning for the scheduling and financing of capital facility replacements.

The AMS will track the classification, installation date, location, cost, physical condition, repair history and useful life for Department fixed assets, and generate reports based on this information. It will calculate valuation, expected life, and replacement cost information for department fixed assets, and provide historical and expected cost information for budgeting and financing processes. The AMS will document the level at which Department assets are being preserved, assess equipment condition and summarize the result using a measurement scale and estimate funds required for maintaining and preserving the assets at a condition level established by the Departments.

The AMS project is divided into two phases: study/assessment and implementation. The study/assessment phase will cost \$255,079 and is scheduled to begin in Spring 2002, completing in late 2002. The implementation schedule will be determined during the initial phase, and is expected to take approximately twelve months. The implementation phase is estimated at \$457,500, giving the AMS a total cost of \$712,579. The Water Department issued a Request for Qualifications on April 23, 2001. Four teams submitted Statements of Qualifications and were interviewed in July. Brown & Caldwell was determined to be the most qualified firm to provide the required professional services.

**FISCAL IMPACT:**

Total cost is \$712,579. Funding is available in Funds 41500, 41506 and 41508.

Mendes/Gardner/MS

Aud. Cert. 2201132.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A011-033.)

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

ITEM-104: Utilities Asset Management System Consulting Agreement with Brown & Caldwell

(See memorandum from Scott Tulloch dated 4/24/2002. City Heights, Clairemont Mesa and College Area Community Areas. Districts-3, 4, 5, 6 and 7.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-1635) ADOPTED AS RESOLUTION R-296621

Authorizing the City Manager to execute a phase funded agreement of an amount not to exceed \$1,900,000 with Berryman & Henigar, for Planning and Design of Specific Canyon Trunk Sewers Group I;

Allocating funding for the two phases as follows: Phase 1 (FY2002) = \$300,000; Phase 2 (FY2003) = \$1,600,000, with execution of Phase 2 by the City Manager contingent upon City Council approval of the Originating Department's operating budget for Fiscal Year 2003;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$300,000 from Fund 41506, CIP-46-117.0, Sewer Pump Station 65 Expansion and Force Main to Fund 41506, CIP-46-194.0, Annual Allocation - Trunk Sewers;

Authorizing the expenditure of an amount not to exceed \$1,900,000 from Fund 41506, CIP-46-194.0, Annual Allocation - Trunk Sewers, in the following manner:

Phase 1           \$300,000 from FY2002 appropriations

Phase 2           \$1,600,000 from FY2003 appropriations, contingent upon the approval of the FY2003 Operating budget, and provided the City Auditor and Comptroller first furnishes a certificate 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 5/1/2002, 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, final design, and construction support for the Specific Canyon Trunk Sewers Group I project which consists of trunk sewers at Miramar, Montezuma, Lexington, and Balboa. A preliminary report prepared by the Metropolitan Wastewater Department shows that these trunk sewers have reached their flow capacity and/or are deteriorated, and do not meet current City standards for trunk sewers.

The scope of work includes the environmental, geotechnical, site investigation, preparation of a pre-design report, environmental restoration design, trunk sewers replacement design, and construction support for the Miramar, Montezuma, Lexington, and Balboa Trunk Sewers. Also, the design team will explore a number of alternatives to determine if it is economically feasible to re-route the trunk sewers away from the canyon.

The Consultant Nominating Committee nominated the most qualified six consulting firms to participate in the final selection process. In conformance with Council Policy 300-07, these firms were interviewed, and the firm of Berryman & Henigar was selected as the best qualified firm to provide the design services. The sub-consultants on this project are Hirsch & Company, Haley & Aldrich, Katz, Okitsu & Associates(DBE), Libby Engineers(D/WBE), Garbibi & Garbini(D/WBE), Oconnor Construction Management(D/WBE), and Tierra Environmental(DBE).

Several community meetings are anticipated throughout the design phase.

**FISCAL IMPACT:**

The total consultant agreement cost is \$1,900,000, of which \$300,000 is for FY02 as follows: funding is available in Sewer Fund 41506, CIP-46-196.0.

Mendes/Tulloch/AS

Aud. Cert. 2201113.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D067-087.)

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

\* ITEM-105: McAuliffe Community Park - Tot Lot Upgrade.

(Mira Mesa Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1568) ADOPTED AS RESOLUTION R-296592

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2002 Capital Improvements Program Budget to add CIP-29-587.0, McAuliffe Community Park - Tot Lot Upgrade, in the amount of \$270,000 as follows: \$178,000 from 2000 Park Bond Per Capita Funds, Fund 38186; \$36,000 from Park and Recreation Department Matching Funds, Fund 10365; \$20,000 from Mira Mesa Facilities Benefit Assessment Funds, Fund 79006; and \$36,000 from Mira Mesa Community Fund, Fund 10516;

Authorizing the City Auditor and Comptroller to expend \$270,000 from CIP-29-587.0, McAuliffe Community Park - Tot Lot Upgrade (\$178,000 from 2000 Park Bond Per Capita Funding, Fund 38186; \$36,000 from Park and Recreation Department Matching Funds, Fund 10365; \$20,000 from Mira Mesa Facilities Benefit Assessment Funds, Fund 79006; and \$36,000 from Mira Mesa Community Fund, Fund 10516).

**CITY MANAGER SUPPORTING INFORMATION:**

On August 15, 2000, City Council adopted Resolution R-293698 authorizing the City Manager, or his representative, to secure grant funding from the State of California under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Act of 2000 (Park Bond), including playground upgrades in each Council District. The City Manager has secured the grant funding and has entered into a Grant Contract for Park Bond Per Capita Funds, and a Grant Contract for Roberti-Z'berg-Harris Per Capita Funds with the State of California. In addition, the City Manager will enter into a subcontract with the State of California specifying use of \$178,000 for a tot lot upgrade at McAuliffe Community Park.

This action authorizes the City Manager, or his representative, to move Park Bond funding into the Capital Improvement Project for McAuliffe Neighborhood Park - Tot Lot Upgrade. By State law, all public play areas must conform to the Consumer Product Safety Commission and American Society of Testing Materials Guidelines. Additionally, play areas are to be brought into compliance with Americans with Disabilities Act Guidelines. Playground upgrades will include improvements which comply with state and federal safety and accessibility regulations.

**FISCAL IMPACT:**

Funds in the amount of \$270,000 are available from 2000 Park Bond Per Capita Funds, Fund 38186 (\$178,000), Park and Recreation Department Matching Funds, Fund 10365 (\$36,000) Mira Mesa Facilities Benefit Assessment Funds, Fund 79006 (\$20,000), and Fund 10516, Mira Mesa Community Fund (\$36,000).

Herring/DVW

Aud. Cert. 2201093.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A011-033.)

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

\* ITEM-106: Grant Application for North Chollas Community Park Athletic Field.

(Eastern Community Area. District-4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1652) ADOPTED AS RESOLUTION R-296593

Authorizing the City Manager to apply to the State of California Department of Parks and Recreation for a grant of \$315,000 under the Murray-Hayden Urban Parks and Youth Service Program for the development of an athletic field at North Chollas Community Park;

Authorizing the City Manager to take all necessary actions to secure and accept grant funding and enter into an agreement;

Authorizing the City Auditor and Comptroller to accept and expend funds if the grants are secured;

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

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant agreement, to amend the Fiscal Year 2002 Capital Improvement Program Budget to add \$315,000 to CIP-29-667.0, North Chollas Community Park;

Certifying that the required matching funds are available and authorizing the City Auditor and Comptroller to transfer the matching funds of \$60,000 from Mid-City Special Park Fees (Fund No. 39094) and \$25,000 from CIP-20-013.0, Park and Recreation Matching Funds (Fund No. 30244) to CIP-29-667.0, North Chollas Community Park;

Authorizing the City Manager to expend the \$315,000 in grant funds, and authorizing the City Manager to expend the \$85,000 in matching funds, all (\$400,000) from CIP-29-667.0, North Chollas Community Park;

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

Declaring that the Council has reviewed, understands, and agrees to the terms of the grant as shown in the Murray-Hayden Program Procedural Guide.

**CITY MANAGER SUPPORTING INFORMATION:**

The State of California Department of Parks and Recreation administers the Murray-Hayden Urban Parks and Youth Service Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000. The intent of this competitive grant program is to provide funding for capital projects, including parks, park facilities, environmental enhancement projects, and youth centers that are within immediate proximity of neighborhoods with a critical lack of parks or deteriorated park facilities in areas with significant poverty, unemployment and shortages of services for youth. Priority is given to projects that employ neighborhood residents and at-risk youth.

This action authorizes the City Manager to submit a grant request to the State of California Department of Parks and Recreation for a new athletic field at North Chollas Community Park located in a densely populated community with a critical shortage of recreational facilities and a growing number of children. Once funded, this project will construct one multipurpose athletic field on 1.5 acres. In addition, a collaboration with the Urban Corps of San Diego will improve the site and surrounding canyon areas. The Urban Corps of San Diego will recruit young adults from the surrounding community to participate. The total project cost is \$450,000, and the grant request is for \$315,000 (70%), from the Murray-Hayden Urban Parks and Youth Service Program.

**FISCAL IMPACT:**

If the grant is secured, the city will receive \$315,000 from the State of California Department of Parks and Recreation. The required match for the grant is at least 30 percent of the total project cost. The City will meet this match requirement with \$25,000 from the Park and Recreation Grant Match Funding, CIP 20-013.0, Fund 630221, and \$60,000 from Mid-City Special Fees, Fund No. 39094. The project match also includes a previous allocation of \$50,000 to the project in FY02 Community Development Block Grant funds.

Herring/HL

Aud. Cert. 2201145.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A011-033.)

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

\* ITEM-107: Grant Application for Murray-Hayden Urban Parks and Youth Service Program State Route 252 Corridor Park - Phase I.

(Southeastern Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1595) ADOPTED AS RESOLUTION R-296594

Authorizing the City Manager to apply to the State of California Department of Parks and Recreation for a grant of \$610,000 under the Murray-Hayden Urban Parks and Youth Service Program for the development of Phase I of the State Route 252 Corridor Park;

Authorizing the City Manager to take all necessary actions to secure and accept grant funding and enter into an agreement for this project;

Authorizing the City Auditor and Comptroller to accept and expend funds if the grant funds are secured;

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

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant agreement, to amend the Fiscal Year 2002 Capital Improvement Program Budget to add \$610,000 to CIP-29-458.0, State Route 252 Corridor Park;

Authorizing the City Manager to expend \$610,000 from CIP-29-458.0, State Route 252 Corridor Park;

Certifying that the required matching funds are, or will be, available prior to commencement of any work on the project;

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

Declaring that Council has reviewed, understands, and agrees to the terms of the grant as shown in the Murray-Hayden Program Procedural Guide.

**CITY MANAGER SUPPORTING INFORMATION:**

The State of California Department of Parks and Recreation administers the Murray-Hayden Urban Parks and Youth Service Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000. The intent of this program is to provide grant funding for capital projects, including parks, park facilities, environmental enhancement projects, and youth centers that are within immediate proximity of neighborhoods with a critical lack of parks or deteriorated park facilities in areas with significant poverty and unemployment and shortages of services for youth. Priority is given to projects that employ neighborhood residents and at-risk youth.

This action authorizes the City Manager to submit a grant request to the State of California Department of Parks and Recreation for the development of State Route 252 Corridor Park - Phase I, located in a densely populated community with a critical shortage of recreational facilities. Once funded, the project will construct a park including a restroom, playground, picnic areas, walkways and turf. In addition, a collaboration with the Urban Corps of San Diego will improve the site and surrounding area. The Urban Corps of San Diego will recruit young adults from the surrounding community to participate in the project. Total project cost is \$1,110,000, and the grant request is for \$610,000(55%) from the Murray Hayden Urban Parks and Youth Service Program.

**FISCAL IMPACT:**

If the grant is secured, the city will receive \$610,000 from the State of California Department of Parks and Recreation. The minimum required match for the grant is 30 percent of the total project cost. This property is currently held with the City of San Diego's Redevelopment Agency. Via City Council action (Document RR-292980) the Redevelopment Agency is scheduled to deed the property as park land for the State Route 252 Corridor Park. Along with the real property transfer, the Agency is contributing \$500,000 towards the development of Phase 1. The \$500,000 will be the City's grant match.

Herring/CH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A011-033.)

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

\* ITEM-108: 38<sup>th</sup> Street Canyon Park Development-Grant Application.

(City Heights Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1631) ADOPTED AS RESOLUTION R-296595

Authorizing the City Manager to apply to the State of California Land and Water Conservation Fund Program for a grant for development of the 38<sup>th</sup> Street Canyon Park;

Authorizing the City Manager to take all necessary actions to secure and accept the grant funds from the State of California Land and Water Conservation Fund Program for the 38<sup>th</sup> Street Canyon Park Development Project;

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

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

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant agreement, to amend the Fiscal Year 2002 Capital Improvements Program Budget to add \$545,920 to CIP-29-684.0, Park de la Cruz/38th Street Canyon Park Development;

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant agreement, to transfer the required grant match of \$222,000 from Mid-City Special Park Fees, Fund No. 39094, and \$50,960 from CIP-20-013.0, Park and Recreation Grant Match Funding Fund No. 630221, to CIP No. 29-684.0, Park de la Cruz/38th Street Canyon Park Development;

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant agreement, to appropriate and expend \$545,920 from CIP-29-684.0, Park de la Cruz/38th Street Canyon Park Development;

Certifying that the City of San Diego has reviewed and understands the Assurances contained in the Land and Water Conservation Fund Program Procedural Guide, including that the City of San Diego has or will have sufficient funds to operate and maintain the project.

**CITY MANAGER SUPPORTING INFORMATION:**

The Federal Land and Water Conservation Fund (LWCF) Grant-In-Aid Program provides funds to develop facilities for public outdoor recreation purposes. The LWCF program offers grants on a competitive basis and will fund up to 50% of the cost to develop facilities that support outdoor recreation. This action authorizes the Manager to apply for LWCF funds to develop the 38th Street Canyon Park. Based on review of the LWCF program criteria, this project was identified as highly competitive for possible funding. The project will develop what is currently a dirt lot in City Heights into a passive park with an open turf field and amenities for picnicking, security lighting, landscaping and walkways. Completion of this park will be the next step in the community drive to mitigate for the construction of I- 15 through the Mid-City community.

**FISCAL IMPACT:**

The total cost of this project will be \$545,920. If the grant is secured, the City will receive \$272,960 from the LWCF administered by the California Department of Parks and Recreation. The required matching funds of \$222,000 from Fund 39094, Mid-City Special Park Fees and \$50,960 from CIP 20-013.0, Fund 630221, Park and Recreation Grant Matching Fund will be allocated to the 38th Street Canyon Park Development Project, CIP No. 29-684.0, Park de la Cruz/38th Street Canyon Park Development, upon receipt of a fully executed grant agreement.

Herring/CAW

Aud. Cert. 2201146.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A011-033.)

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

ITEM-109: Propose Expansion of Metropolitan Enterprise Zone.

(Mid-Way/Pacific Highway Corridor Community Plan Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1657) ADOPTED AS AMENDED AS RESOLUTION R-296596

Authorizing the City Manager to file documents with the California Technology, Trade & Commerce Agency to expand the Metropolitan Enterprise Zone;

Authorizing the City Manager to take actions necessary to expand the Metropolitan Enterprise Zone to include the Solar Turbines, Inc., site, a 27.12-acre site bounded by Pacific Highway, Laurel Street, Harbor Drive, and Hawthorne Street;

Finding that the Metropolitan Enterprise Zone, as expanded, is in an area with high unemployment and limited employment opportunities for area residents, and that designation of this area as an Enterprise Zone is necessary to the creation of jobs by private enterprise;

Authorizing the City Manager to take the following actions for commercial and industrial projects within the Metropolitan Enterprise Zone, as expanded, when the expansion is approved by the California Technology, Trade & Commerce Agency: to expedite the necessary development plan and permit processing, and building permit issuance for the projects; and waive the requirement to pay into the San Diego Housing Trust Fund pursuant to an approved Economic Development Incentive Agreement.

**CITY MANAGER SUPPORTING INFORMATION:**

An Enterprise Zone is defined as a geographical area in which companies doing business within an Enterprise Zone can claim significant state income tax credits for qualifying employees and expenditures. Enterprise Zones were created in California to stimulate the manufacturing sector and create jobs.

The State of California has designated 39 Enterprise Zones, two are in the City of San Diego: the Metropolitan Enterprise Zone, designated in October 1986; and the San Ysidro/Otay Mesa Enterprise Zone, designated in January 1992. On March 5, 2001, the City Council authorized (Resolution R-294528) the City Manager to file an application with the California Technology Trade and Commerce Agency (Agency) to extend the Metropolitan Enterprise Zone life for five years.

On September 10, 2001, the Agency informed the City of San Diego that the Metropolitan Enterprise Zone five year extension was awarded, and would operate through October 14, 2006. In January 1998, Assembly Bill 2079 was signed into law, allowing the Agency to consider periodic requests from local Zones to expand their boundaries by up to 20% of the original designated acreage.

On February 7, 2001, the Agency notified the City of San Diego that the request to expand the former San Ysidro/Otay Mesa Enterprise Zone to include a portion of the City of Chula Vista (577 acres) was approved effective December 5, 2000. On March 18, 2002, the City Council authorized (Resolution R-296168) the City Manager to file documents with the Agency to expand the Metropolitan Enterprise Zone and the now "South Bay" Enterprise Zone in accordance with regulations promulgated by the Agency.

This expansion, subject to final approval by the Agency, will include the 45 acre "Imperial Marketplace" in the "Metro" Enterprise Zone and the 42 acre "Palm Promenade" in the South Bay Enterprise Zone, leaving 95 acres and 208 acres remaining in the respective Enterprise Zones.

In an effort to retain and support a major employer within the "Metro" Enterprise Zone, it is recommended that the City Manager be authorized to again take actions necessary to expand the "Metro" Enterprise Zone boundary to include the Solar Turbine, Inc., site (2200 Pacific Highway), bounded by Pacific Highway, Laurel Street, Harbor Drive and Hawthorne Street (27.12 acres). This employer generates 1500 jobs, pays livable wages; offers training in management, negotiation and process development; and offers apprenticeship programs for new hires.

The Enterprise Zone tax credits and other benefits will support the growth and job creation potential of this long-time San Diego employer. This expansion, once approved by the Agency, will leave 67.88 acres remaining in the "Metro" Enterprise Zone. There is no fiscal impact assumed with this action.

Herring/Cunningham/PF

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B303-327.)

MOTION BY ATKINS TO ADOPT THE RESOLUTION AS AMENDED TO REFLECT THAT IF THE CALIFORNIA TECHNOLOGY TRADE AND COMMERCE AGENCY APPROVES THE EXPANSION OF THE METROPOLITAN ENTERPRISE ZONE TO INCLUDE THE SOLAR TURBINES SITE AT 2200 PACIFIC HIGHWAY, THE EXEMPTION FROM THE HOUSING TRUST FUND FEE SET FORTH IN SAN DIEGO MUNICIPAL CODE SECTION 98.0608 SHALL NOT BE APPLICABLE TO SOLAR TURBINES IN CONNECTION WITH PROJECTS AT 2200 PACIFIC HIGHWAY SITE. 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: Naval Air Depot Day.

**COUNCILMEMBERS WEAR'S AND MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1639) ADOPTED AS RESOLUTION R-296597

Proclaiming June 2002 to be "NAVAIR Depot, North Island Employee Appreciation Month" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A011-033.)

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

- \* ITEM-111: 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-2002-1644) ADOPTED AS RESOLUTION R-296598

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

FILE LOCATION: GEN'L-State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: A011-033.)

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

- \* ITEM-112: 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-2002-907) ADOPTED AS RESOLUTION R-296599

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: A011-033.)

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

\* ITEM-113: Transfer of Funds-Southcrest Community Park Tot Lot Upgrade.

(Southcrest Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1597) ADOPTED AS RESOLUTION R-296600

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$25,000 from CIP-20-013.0, Park and Recreation Grant Match Funding, Fund No. 630221, to CIP-29-662.0, Southcrest Community Park Tot Lot Upgrade;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2002 budget by an increase of an amount not to exceed \$25,000 into CIP-29-662.0;

Authorizing the expenditure of an amount not to exceed \$25,000 from CIP-29-662.0, Southcrest Community Park Tot Lot Upgrade to augment previously authorized expenditures, and authorizing the City Auditor and Comptroller, upon the advice from the Engineering and Capital Projects Department to transfer excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

The existing Southcrest Community Park Tot Lot encompasses approximately 8,000 square feet and was built in the mid 1960's. Due to concerns with safety and recent standards for play equipment, the majority of the original play equipment has been removed. This project will provide for new play equipment and resilient surfacing that is consistent with current safety and maintenance standards, as well as comply with the Americans with Disabilities Act (ADA) requirements. It is not anticipated that annual maintenance costs will be increased as a result of the project.

**FISCAL IMPACT:**

The estimated project cost is \$235,250 of which \$210,250 has been previously approved. The remaining funds (\$25,000) are available in CIP-29-662.0, Southcrest Community Park Tot Lot Upgrade, Fund No. 630221 (\$25,000).

Loveland/Belock/AO

Aud. Cert. 2201109.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A011-033.)

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

ITEM-114: Funding for Rose Creek Bikeway.

(Mission Bay Park and Pacific Beach Community Areas. Districts-2 and 6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1611) ADOPTED AS RESOLUTION R-296629

Authorizing the City Manager to apply for and accept a total of \$1 million in Bicycle Transportation Account funding from the State of California for Rose Creek Bikeway;

Authorizing the City Manager to take all necessary actions to secure the grant funding from the State;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2003 Capital Improvement Program budget by \$1 million in CIP-58-147.0, Rose Creek Bikeway, contingent upon receipt of a fully executed Program Supplement from the State;

Authorizing the appropriation and expenditure of \$1 million from CIP-58-147.0;

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

**CITY MANAGER SUPPORTING INFORMATION:**

This action will authorize the City Manager or his representative to apply for and accept a total of \$1,000,000 in BTA Funds for Rose Creek Bikeway and take all necessary actions to secure this grant funding from the State. It will also authorize the City Auditor and Comptroller to increase Fiscal Year 2003 Capital Improvement Program budget by \$1,000,000 in CIP-58-147.0 (Rose Creek Bikeway), contingent upon receipt of a fully executed Program Supplement from the State, and transfer excess funds, if any, to the appropriate reserves.

Furthermore, it will authorize the appropriation and expenditure of \$1,000,000 from CIP-58-147.0 for Rose Creek Bikeway.

The Rose Creek Bikeway consists of a bicycle bridge across the Rose Creek Inlet and a paved bicycle path between the westerly end of the new bridge and Pacific Beach Drive. This bike path will provide a direct connection between Pacific Beach and Mission Bay Park for bicyclists and pedestrians. The Rose Creek Bikeway has \$1,000,000 in TransNet Bikeway Funds already secured for its design and construction. The total project cost is estimated at \$2,000,000.

**FISCAL IMPACT:**

Appropriation and expenditure of \$1,000,000 in BTA Funds from CIP-58-147.0.

>Loveland/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D089-156.)

MOTION BY ATKINS TO ADOPT WITH DIRECTION THAT COUNCIL WILL HAVE THE OPPORTUNITY TO REVIEW THE FINAL PROJECT ENVIRONMENTAL IMPACTS BEFORE THE MONEY IS EXPENDED. 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: Regional Park Infrastructure Funds.

(Balboa Park, Mission Valley, Navajo and Otay Mesa-Nestor Community Areas. Districts-3, 6, 7 and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1642) ADOPTED AS RESOLUTION R-296601

Amending Fiscal Year 2002 Capital Improvements Project Budget by adding CIP-21-863.0, Balboa Park Deferred Maintenance and Matching Funds;

Amending Fiscal Year 2002 Capital Improvement Project Budget by increasing CIP-21-863.0, Balboa Park Deferred Maintenance and Matching Funds, Fund 102341, Regional Park Infrastructure Funds, by \$150,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$150,000 in CIP-21-863.0, Balboa Park Deferred Maintenance and Matching Funds, Fund 102341, Regional Park Infrastructure Fund;

Amending Fiscal Year 2002 Capital Improvements Project Budget by increasing CIP-20-101.3, Mission Trails Regional Park - East Fortuna Equestrian Staging Area, Fund 102341, Regional Park Infrastructure Fund, by \$100,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$100,000 in CIP-20-101.3, Mission Trails Regional Park - East Fortuna Equestrian Staging Area, Fund 102341, Regional Park Infrastructure Fund;

Amending Fiscal Year 2002, Capital Improvements Project Budget by increasing CIP-29-550.0, Otay River Valley Athletic Complex, Fund 102341, Regional Park Infrastructure Fund, by \$100,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$100,000 in CIP-29-550.0, Otay River Valley Athletic Complex, Fund 102341, Regional Park Infrastructure Fund;

Amending Fiscal Year 2002 Capital Improvements Budget to add CIP-29-666.0, San Diego River Park Master Plan;

Amending Fiscal Year 2002 Capital Improvements Budget by increasing CIP-29-666.0, San Diego River Park Master Plan, Fund 102341, Regional Park Infrastructure Fund, by \$150,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$150,000 in CIP-29-666.0, San Diego River Park Master Plan, Fund 102341, Regional Park Infrastructure Fund.

**CITY MANAGER SUPPORTING INFORMATION:**

During the Fiscal Year 2002 Budget Deliberations held on June 18, 2001, \$500,000 was allocated within the Special Promotional Programs Budget to a Regional Park Infrastructure Improvement Fund. While there was discussion on June 18, 2001 about the potential allocation of these funds to five regional parks, no allocation was approved at that time.

It is proposed that the Regional Park Infrastructure Improvement Funds be allocated as follows:

Balboa Park - Deferred Maintenance/Matching Funds - \$150,000;  
Mission Trails Regional Park - East Fortuna Staging Area - \$100,000;  
Otay Valley - Otay Valley Regional Skateboard Park - \$100,000; and  
San Diego River Park Master Plan - \$150,000.

Uberuaga/Irvine

Aud. Cert. 2201144.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A011-033.)

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

\* ITEM-116: Sewer and Drainage Easement Vacation in Lot 6 Map No. 13125.

(Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1600) ADOPTED AS RESOLUTION R-296602

Vacating a portion of the sewer and drainage easement located within Lot 6 of Map No. 13125, to unencumber this property under the procedure for the summary vacation of public service easements, Section 8330 et seq. of the California Streets and Highways Code.

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to vacate a sewer and drainage easement in Lot 6 of Map No. 13125 (Beecroft/Fisher Condominiums). This property is located in the Carmel Valley Planning area within Council District (1). This easement is on private property and has the sole purpose of allowing the City to construct and maintain sewer and drainage facilities within the easement. The public is granted no rights by this easement.

During the design phase of the condominium project, it was discovered that the foundation of one of the proposed buildings would encroach into this easement by approximately two feet. The easement does have a drainage system, but not within the area proposed to be vacated. There are no sewer facilities within this easement. The City Engineer has determined that there is no sewer and drainage need for the two foot portion of the easement and recommends its vacation. Vacating this portion of the easement will allow improved utilization of the property and reduce impacting the project design. The easement was acquired at no cost to the City. City staff recommends approval of the easement vacation.

**FISCAL IMPACT:**

None. All costs paid for by the applicant.

Ewell/Broughton/AKW

FILE LOCATION: DEED F-9243

COUNCIL ACTION: (Tape location: A011-033.)

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

\*ITEM-117: Drainage Easement Vacation in Parcel Map No. 18040.

(Mission Valley Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1632) ADOPTED AS RESOLUTION R-296603

Vacating the City's interest in drainage easement located within Parcel Map 184040 on Drawing Nos. 18808-1-B and 18808-2-B.

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to vacate a drainage easement in Parcel 1 of Parcel Map No. 18040. This property is located in the Mission Valley Planning area within Council District 6. This easement is on private property and has the sole purpose of allowing the City to construct and maintain drainage facilities within the easement. The public is granted no rights by this easement. There are no drainage facilities within this easement. Because the design and improvements of the site provide a realigned drainage system within a new easement, the easement to be vacated is no longer needed.

The drainage easement was acquired at no cost to the City.

City staff recommends approval of the easement vacation.

Ewell/Broughton/AKW

FILE LOCATION: DEED F-9244

COUNCIL ACTION: (Tape location: A011-033.)

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

\* ITEM-118: Appointment and Reappointment to the Local Enforcement Agency Hearing Panel.

(See memorandum from Mayor Murphy dated May 15, 2002 with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1637) ADOPTED AS RESOLUTION R-296604

Council confirmation of the following appointment and reappointment by the Mayor to serve as members of the Local Enforcement Agency Hearing Panel, for terms ending January 1, 2004:

<u>NAME</u>	<u>CATEGORY</u>
Pennie McLaughlin Carlos (Reappointment)	Legal
Steven South (Replacing Gary Stephany, whose term has expired)	Technical Expert

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A011-033.)

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

ITEM-200: San Diego City Employees' Retirement System - Amendments Relating to Deferred Option Retirement Plan.

**RETIREMENT BOARD'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2002-140) INTRODUCED, TO BE ADOPTED ON TUESDAY,  
JUNE 18, 2002

Introduction of an Ordinance amending Chapter 2, Article 4, of the San Diego Municipal Code by amending Division 14 by amending Sections 24.1401, 24.1402, 24.1403, 24.1404, 24.1405, 24.1406, 24.1407, 24.1408, and 24.1409, all relating to the San Diego City Employees' Retirement System.

**SUPPORTING INFORMATION:**

To allow DROP participants greater flexibility in how they receive their DROP monies when they retire.

To offer the greatest flexibility to DROP participants by allowing a DROP participant, at the end of his DROP participation period, to elect to receive the monies in his DROP account in any of the following forms: (1) in lump sum, (2) by making periodic withdrawals in amounts and at times that are not predetermined, or (3) as an annuity in equal amounts for the period of the individual's life expectancy.

To clarify that a member entering DROP must irrevocably select his retirement option and name his beneficiary for any survivor benefit before entering DROP.

To clarify that the amounts credited to the member's DROP account that are equal to his retirement benefit are determined based upon the member's selection of a retirement option and election of a beneficiary.

To clarify that the member's benefit level is frozen when the member enters DROP, based upon the member's Final Compensation, age, service and retirement option selection at the time of entering DROP.

To clarify that UPD members may participate in DROP and that their DROP benefits are the same as the DROP benefits for City participants, except that they are paid for by the UPD.

To clarify that UPD participants leaving DROP are not Health Eligible Retirees, and are not entitled to City-paid health insurance.

These proposed amendments will have no fiscal impact and will not affect any benefits that present Members are entitled to.

Grissom

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B166-168.)

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

ITEM-201: Two actions related to Miramar Ranch North Maintenance Assessment District.

(#17 Miramar Ranch North Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-1616) ADOPTED AS RESOLUTION R-296605

Resolution of Intention to initiate proceedings for a ballot protest procedure for the Miramar Ranch North Maintenance Assessment District and to levy and collect Fiscal Year 2003 annual assessments.

Subitem-B: (R-2002-1618) ADOPTED AS RESOLUTION R-296606

Preliminarily approving the Assessment Engineer's report.

**CITY MANAGER SUPPORTING INFORMATION:**

This action will increase the Fiscal Year 2003 assessments for Miramar Ranch North Maintenance Assessment District (District). The District was established in 1987. It currently provides maintenance for landscape medians, paved medians, landscaped right-of-ways, landscaped slopes, gutters, and "interpretive/pocket" parks within the District boundaries. At build-out, the District will maintain 2 acres of landscaped medians, 1.6 acres of paved medians, 19.3 acres of landscaped right-of-ways, 74.3 acres of sidewalks and curbs, 523.3 acres of open space and 7.8 acres of "interpretive/pocket" parks and a restroom at Miramar Overlook Park. On February 6, 2002 the Miramar Ranch North Planning Committee approved going to a ballot to: 1) raise the annual assessment per Equivalent Benefit Unit (EBU) from \$50.64 to \$52.90 in Zone 1 and from \$127.34 to \$229.82 in Zone 2 in FY2003 and, 2) provide funding for additional improvements within the District and their future maintenance.

<b><u>DESCRIPTION</u></b>	<b>Est. Year End</b>	
<b>BEGINNING BALANCE</b>	<b><u>FY 2002</u></b>	<b><u>FY 2003</u></b>
	\$ 182,967.00	\$ 232,255.00
<b>REVENUE:</b>		
Assessments	\$ 633,890.00	\$1,038,348.00
Interest	7,112.00	6,881.00
Damages Recovered	121,000.00*	0.00

City Contribution	<u>13,351.00</u>	<u>33,363.00</u>
<b>TOTAL REVENUE</b>	\$ 775,353.00	\$1,078,592.00
<b>EXPENSE:</b>		
Personnel	\$ 56,365.00	\$ 97,824.00
Contractual	361,000.00	415,569.00
Incidental	93,700.00	136,117.00
Utilities	<u>215,000.00</u>	<u>367,130.00</u>
<b>TOTAL EXPENSE</b>	\$ 726,065.00	\$1,016,640.00
<b>ENDING BALANCE</b>	\$ 232,255.00	\$ 294,207.00

\* Anticipated one-time reimbursement for damage to District assets.

The proposed assessment for Fiscal Year 2003 is \$52.90 per Equivalent Benefit Unit (EBU) in Zone 1, and \$229.824 per EBU in Zone 2. The District contains 6,441.41 EBU's: 2,498.43 EBU's in Zone 1 and 3,942.98 EBU's in Zone 2. The assessment is an increase of \$2.26 (a 4.4% increase) per EBU in Zone 1 from the FY2002 assessment of \$50.64 and an increase of \$102.48 (a 80.4% increase) per EBU in Zone 2 from the FY2002 assessment of \$127.34. The maximum authorized assessment is \$64.28 per EBU in Zone 1 and \$279.34 in Zone 2 indexed annually by the San Diego CPI-U. The assessment increase in Zone 2 is due to approximately double the acreage of medians, right-of-way, slopes adjacent to rights of way, open space, pocket parks and street medians being added to this area of the MAD from what was previously approved by property owner ballot in 1998.

**FISCAL IMPACT:**

It is proposed that the City contribute a total of \$13,653.00 from the Gas Tax Fund: \$12,736 for the maintenance of 70,754 sq. ft. of landscaped medians at \$0.18/sq. ft. and \$917 for maintenance of 70,515 sq. ft. hardscaped (paved) medians at \$0.013/sq. ft. In addition the City will contribute \$19,710 from the Environmental Growth Fund: \$13,935 for the maintenance of 523.30 acres of open space at \$26.63/acre, plus retroactive correction of FY2002 for \$5,775 for maintenance of 231 acres at \$25/acre. This represents the City's share of expenses incurred for maintenance of street medians comparable to similar areas throughout the City. All other costs are assessed to the District.

Herring/Medina/SY

FILE LOCATION: SUBITEMS A & B: STRT-M-35-03 (36)

COUNCIL ACTION: (Tape location: B175-193.)

MOTION BY MAIENSCHIN 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-202: Two actions related to First San Diego River Improvement Project Maintenance Assessment District.

(Mission Valley Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-1574) ADOPTED AS RESOLUTION R-296607

Resolution of Intention to initiate proceedings for a ballot protest procedure for the First San Diego River Improvement Project Maintenance Assessment District and to levy and collect Fiscal Year 2003 annual assessments.

Subitem-B: (R-2002-1621) ADOPTED AS RESOLUTION R-296608

Preliminarily approving the Assessment Engineer's report.

**CITY MANAGER SUPPORTING INFORMATION:**

This action will increase the Fiscal Year 2003 assessments for First San Diego River Improvement Project Maintenance Assessment District (District). The District was established in 1987 to provide maintenance for the San Diego River earthen flood control channel, eight river islands inside the channel zone, and an approximately 20 foot wide buffer zone running along and adjacent to the channel embankments. District maintenance includes dredging to maintain the flow capacity of the river, revegetation, wildlife monitoring and reporting, landscaping, restoration of embankment erosion and trash removal. By ballot in 1998 the property owners capped their savings for a dredging reserve at \$440,000. Last year the City's Engineering department reported the flood control channel will require dredging in certain areas of the channel where sedimentation has built up beyond acceptable limits. The City staff has met throughout the year with the First San Diego River Improvement Project Maintenance

Assessment District Committee (Committee) discussing the dredging requirements and the need to increase the funding through an assessment increase. The Committee approved processing a ballot protest proceeding to request the District property owners approving the increase and the proposed budget for FY 2003 on April 24, 2002.

<u>DESCRIPTION</u>	<u>Est. Year End</u>	
	<u>FY 2002</u>	<u>FY 2003</u>
<b>BEGINNING BALANCE</b>	\$ 590,328.00	\$ 552,972.00
<b>OPERATING REVENUE:</b>		
Assessments	\$ 162,518.00	\$1,536,752.00
Interest	<u>27,102.00</u>	<u>27,000.00</u>
<b>TOTAL REVENUE</b>	\$ 189,620.00	\$1,563,752.00
<b>OPERATING EXPENSE:</b>		
Personnel	\$ 42,966.00	\$ 45,418.00
Contractual	100,000.00	1,825,750.00
Incidental	39,933.00	60,393.00
Utilities	<u>44,850.00</u>	<u>45,184.00</u>
<b>TOTAL EXPENSE</b>	\$ 227,749.00	\$1,976,745.00
<b>Ending Balance</b>		
<b>(Operating Reserve):</b>	\$ 112,199.00	\$ 139,979.00
<b>Continuing Appropriation</b>		
<b>(Dredging Reserve):</b>	\$ 425,000.00	\$ 0.00

<u>Zone</u>	<u>FY 02 Assessment</u> <u>Per Benefit Area</u>	<u>FY 03 Assessment</u> <u>Per Benefit Area</u>	<u>Increase in Assessment</u> <u>from Fiscal Year 2001</u>	<u>Equivalent</u> <u>Benefit Area</u>
Aesthetics				
Zone 1	\$441.36	\$827.36	\$386.00 (87.5%)	113.01
Aesthetics				
Zone 2	\$220.68	\$413.68	\$193.00 (87.5%)	72.20
Flood Control	\$4,275.34	\$72,353.88	\$68,078.54 (1,592%)	19.12

The maximum authorized Aesthetics assessment is \$830.80/EBA in Zone 1, \$415.40/EBA in Zone 2 and Flood Control assessment is \$15,923.15/EBA indexed annually by the San Diego CPI-U.

**FISCAL IMPACT:**

All costs are assessed to the District.

Herring/Medina/SY

FILE LOCATION: SUBITEMS A & B: STRT-M-381-03 (34)

COUNCIL ACTION: (Tape location: B196-198.)

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

ITEM-203: Two actions related to Scripps-Miramar Ranch Maintenance Assessment District.

(Scripps-Miramar Ranch Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-1612) ADOPTED AS RESOLUTION R-296609

Resolution of Intention to initiate proceedings for a ballot protest procedure for the Scripps-Miramar Ranch Maintenance Assessment District and to levy and collect Fiscal Year 2003 annual assessments.

Subitem-B: (R-2002-1614) ADOPTED AS RESOLUTION R-296610

Preliminarily approving the Assessment Engineer's report.

**CITY MANAGER SUPPORTING INFORMATION:**

This action will increase the Fiscal Year 2003 assessments for Scripps-Miramar Ranch Maintenance Assessment District (District). The District was established in May 1981. It currently provides maintenance for landscaped medians, open space areas, two ponds and oversees contracts for population based parks and the Scripps Ranch Library within the District Boundaries. In FY 2003 the District will maintain 15,468 sq. ft. of landscaped medians, 3,260 sq. ft. of hardscaped medians, 479 acres of open space areas and two ponds. The District will also continue to oversee the contracts for the population based parks and the Scripps Ranch Library. Recently, the City Auditor and Comptroller's Office has reviewed General Fund transfers and recommended a retroactive adjustment be made for payments made to the District for its population based parks in FY 99, FY 00 and FY 01. This adjustment will be spread over a three year period beginning in FY 04. For the last few years the District has been over-spending its income, and financing the maintenance of its current service level by spending down its reserve. On January 8, 2002, the property owners representing Scripps-Miramar Ranch Maintenance Assessment District approved going to ballot of the District property owners to: 1) raise the annual assessment per Equivalent Benefit Unit (EBU) from \$84.00 to \$116.00 in FY 2003 and, 2) provide funding for additional improvements within the District and their future maintenance and, 3) revise the current apportionment methodology and determination of benefitting parcels within the District.

<b><u>DESCRIPTION</u></b>	<b><u>Est. Year End</u></b>	
	<b><u>FY 2002</u></b>	<b><u>FY 2003</u></b>
<b>BEGINNING BALANCE</b>	\$ 4,484.00	\$ 0.00
<b>REVENUE:</b>		
Assessments	\$512,084.00	\$721,044.00
Interest	(1,000.00)	1,000.00
Transfer from the General Fund	177,328.00	168,989.00
City Contribution	<u>\$ 13,706.00</u>	<u>\$ 15,957.00</u>
<b>TOTAL REVENUE</b>	<b>\$702,118.00</b>	<b>\$906,990.00</b>
<b>EXPENSE:</b>		
Personnel	\$75,980.00	\$ 77,875.00
Contractual	504,274.00	556,604.00
Incidental	74,747.00	79,027.00
Utilities	<u>51,600.00</u>	<u>51,600.00</u>
<b>TOTAL EXPENSE</b>	<b>\$706,601.00</b>	<b>\$765,106.00</b>
<b>ENDING BALANCE</b>	<b>\$ 0.00</b>	<b>\$141,884.00</b>

The proposed assessment for Fiscal Year 2003 is \$116.00 per EBU in Zones 1, 2, 3 and 4. The District contains a total of 6,215.81 EBU's, with 855.85 EBU's in Zone 1, 4,592.52 EBU's in Zone 2, 767.44 EBU's in Zone 3 and 0.0 EBU's in Zone 4. The assessment is an increase of \$32.00 (a 38% increase) per EBU to each zone from the Fiscal Year 2002 assessment of \$84.00 per EBU. The property owners in Zone 4 are currently maintaining open space improvements along the south side of Pomerado Road in lieu of being billed an assessment.

**FISCAL IMPACT:**

It is proposed that the City contribute \$2,826 from the Gas Tax for maintenance of 15,468 sq. ft. of landscaped medians at \$0.18/sq. ft. and 3,260 sq. ft. of hardscaped medians at \$0.013/sq. ft. In addition, the City will contribute \$12,756 from Environmental Growth Fund for the maintenance of 479 acres of open space at \$26.63/acre and a one-time retroactive contribution of \$375 for the maintenance of 4 acres at \$25/acre for three years (FY 00, 01 and 02). Additionally, a transfer of \$168,989 will be made from the General Fund. Park and Recreation Department will transfer \$160,867 for grounds maintenance of 36.93 acres of population-based parks at the City average cost of \$4,356/park acre. The Library Department will transfer \$8,122 for grounds maintenance of 2 acres at the Scripps Ranch Branch Library at the City's average cost of \$4,061/library acre. These City contributions and transfers represent the City's share of expenses for maintenance of similar areas throughout the City. All other costs are assessed to the District.

Herring/Medina/SY

FILE LOCATION: SUBITEM A & B: STRT-M-356-03 (34)

COUNCIL ACTION: (Tape location: B203-206.)

MOTION BY MAIENSCHIN 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-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Monarch Estates Unit No. 6

COMMUNITY AREA

Mira Mesa Community

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

**ITEM-251: SUBMISSION OF BALLOT PROPOSALS**

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 5, 2002 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	5/24/02	165	Last Date (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	6/05/02	153	Rules Committee review of ballot proposals
Monday	6/17/02	141	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	6/24/02	134	Council adopts propositions for ballot;
Monday	Through 7/22/02	to 106	directs City Attorney to prepare ordinances

Monday	7/29/02	99	Council adopts ordinances prepared by City Attorney
Friday	8/09/0	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/22/02	75	Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, 533-4025.

ITEM-330: Redevelopment Agency Proposed Fiscal Year 2003 Budget.

(Continued from the meeting of May 21, 2002, Item S504, at the request of Mayor Murphy, due to lack of time.)

(See City Manager Report RA-02-10/CMR-02-108.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1620) CONTINUED TO TUESDAY, JUNE 18, 2002

Accepting a loan repayment from the Redevelopment Agency in the amount of \$2,221,459 from the Mount Hope Redevelopment Project Area;

Authorizing the transfer of \$2,221,459 from the City of San Diego as an interest bearing loan to the Redevelopment Agency to be used in the proposed Fiscal Year 2003 project budget to augment the Central Imperial Redevelopment Project Area in the amount of \$1,241,459 and to augment the Southcrest Redevelopment Project Area in the amount of \$980,000;

Directing the City Auditor to record the \$2,221,459 as an interest-bearing loan to the Redevelopment Agency to be repaid as soon as practicable from tax increment or other appropriate revenues;

Authorizing the reprogramming of Community Development Block Grant Funds (CDBG) previously authorized for the Central Imperial Fund 98779/98779 (18536) in the amount of \$769,374 to augment Central Imperial (General) Fund 98770;

Authorizing the reprogramming of CDBG Funds previously authorized for the Southcrest Redevelopment Project Area Fund 98335 in the amount of \$445,000 to the Southcrest Redevelopment Project Area Fund 98330/97171.

**NOTE:** See the Redevelopment Agency Agenda of 6/4/2002 for a companion item.

**FILE LOCATION:** NONE

**COUNCIL ACTION:** (Tape location: G286-291.)

MOTION BY WEAR TO CONTINUE TO JUNE 18, 2002. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

ITEM-331: Summerwind Village Apartments.

Matter of approving, conditionally approving, modifying or denying a request to rezone the premises located on the southeast corner of Madden Avenue and Caulfield Drive from AR-1-1 Zone (Agriculture/Residential - 1 dwelling unit per lot) to RM-1-1 Zone (Residential/Multiple Unit - 1 dwelling unit per 3000 square feet of lot area) and a Site Development Permit (SDP)/Planned Development Permit (PDP) No. 40-1069 to construct ten, two-story apartment buildings for a total of 42 dwelling units. The rezone requires a Community Plan Amendment to the Otay Mesa-Nestor community plan for the site to change the land use designation from Low Density Residential to Low-Medium Residential.

(PG&GP/CPA/RZ/PDP/SDP-40-1069. Otay Mesa/Nestor Community Plan area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolutions in subitems A and D; adopt the resolution in subitem C to grant the permit; and introduce the ordinance in subitem B:

Subitem-A: (R-2002-1645) ADOPTED AS RESOLUTION R-296611

Adoption of a Resolution amending the Otay Mesa/Nestor Community Plan;

Amending the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

Subitem-B: (O-2002-146) INTRODUCED, TO BE ADOPTED ON TUESDAY,  
JUNE 18, 2002

Introduction of an Ordinance changing a portion of a 3.34-acres site located at Madden Avenue south of Caulfield Drive, and west of Beyer Boulevard, within the Otay Mesa/Nestor Community Plan area, in the City of San Diego, California, from the AR-1-1 zone into the RM-1-1 (Multiple-Family Residential) zone, as defined by San Diego Municipal Code section 131.0406; and repealing Ordinance No. 10862 (New Series), adopted July 29, 1972, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-C: (R-2002- ) GRANTED PERMIT, ADOPTED AS RESOLUTION  
R-296612

Adoption of a Resolution granting or denying Site Development/Planned Development Permit No. 40-1069, with appropriate findings to support Council action.

Subitem-D: (R-2002-1646) ADOPTED AS RESOLUTION R-296613

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration No. 40-1069 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 thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Community Plan Amendment, Rezone, Site Development Permit and Planned Development Permit No. 40-1069 for Summerwind Village Apartments;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

**OTHER RECOMMENDATIONS:**

Planning Commission on May 2, 2002, voted 7 - 0 to approve; no opposition.

Ayes: Brown, Schultz, Anderson, Lettieri, Chase, Garcia, Steele

The Otay Mesa-Nestor Community Planning Group on November 14, 2001, voted 11-1-0 to recommended approval of this project.

**SUPPORTING INFORMATION:**

The proposed project is for a Planned Development Permit (PDP)/Site Development Permit (SDP)/Rezone (RZ) and a Community Plan Amendment (CPA) to allow the development of a 3.34-acre site into ten, four-unit buildings comprising of 42 attached, two-story multi-family residential units. The multi-family development will consist of 2 and 3 bedroom units ranging from approximately 1,100 square feet and 1,200 square feet. Each unit will include an attached 2-car garage and a private patio. The project also includes a swimming pool/spa, picnic and play area, five-foot privacy wall, landscape and hardscape improvements. The Community Plan Amendment would redesignate two-acres located at the corner of Caulfield Drive and Madden Avenue from Low Density Residential to Low-Medium Density Residential. To implement this action the site will be rezoned from Agriculture Residential (AR-1-1) to Multi-Family Residential (RM-1-1).

The following actions are recommended for approval.

1. Certify - Mitigated Negative Declaration No. 40-1069.
2. Planned Development Permit/Site Development Permit No. 40-1069 - To develop a vacant 3.34-acre site into ten, four-unit buildings comprising of 42 attached two-story multi-family residential units.
3. Community Plan Amendment - Amend the Otay Mesa-Nestor Community Plan to change the land use designation from Low Density Residential to Low-Medium Residential on 2.0 acres.
4. Rezone - To rezone 3.34 acres from AR-1-1 (Agriculture Residential) to RM-1-1 (Multi-Unit Residential).

**TRAFFIC IMPACT:**

The project is estimated to generate approximately 250 average daily trips (ADT), 200 of which are estimated to occur on the nearby Interstate 5, which has an estimated near term plus project volume of 120,150 north of Coronado Avenue and 107,050 south of Coronado Avenue. There are no improvements currently programmed by Caltrans on Interstate 5 in the vicinity of the project. Project estimated to be completed within three years.

**WATER QUALITY:**

Section 401 Certification from the San Diego Regional Water Quality Control Board (RWQCB) would be required for impacts to the drainage that may significantly threaten or degrade water quality. Implementation of Best Management Practices (BMPs) are required in this project.

**FISCAL IMPACT:**

All costs associated with this project are paid by a deposit account by the applicant.

Loveland/Christiansen/WJZ

**LEGAL DESCRIPTION:**

The project is located east of Madden Avenue, south of Caulfield Drive and west of Beyer Boulevard in the Otay Mesa/Nestor Community Planning Area and is more particularly described as Section 27, T18S, R2W, San Bernardino Meridian, APN 630-010-10, and 630-010-12.

FILE LOCATION: SUBITEMS A, C, & D: LAND-Progress Guide and  
General Plan/Otay Mesa-Nester Community Plan Area,  
Summerwind Village Apartments (09)  
SUBITEM B: NONE

COUNCIL ACTION: (Tape location: B359-550.)

Hearing began at 11:15 a.m. and halted at 11:25 a.m.

Testimony in opposition by Patricia Swanson, Marianne Roane, and Dante Flandez.

MOTION BY INZUNZA TO INTRODUCE THE ORDINANCE, ADOPT THE RESOLUTIONS AND TO GRANT THE PERMIT. 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-332: Savon El Cajon Boulevard.

Matter of approving, conditionally approving, modifying or denying a Planned Development Permit/Street Vacation No. 1960 to demolish two retail business structures and a single dwelling unit; vacation of an alley; and construction of a 15,943 square-foot drugstore with single-lane drive-thru pharmacy on a 45,302 square-foot lot at 4404 El Cajon Boulevard in the Kensington-Talmadge Community of the Mid-City Communities Plan. The site lies within the CU-2-4 and CT-2-4 Zones, and is described as lots 1, 2, & 3 in Block 3 of the Orangewood subdivision, Map No. 1293; and the north 101.2 feet of Lots 1 & 2 of the Orchard Villa subdivision, Map 1332.

(No. 1960/PDP/Street Vacation, Mid-City Communities Plan Area, District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolution in subitem A; adopt the resolution in subitem B to grant the permit; and adopt the resolution in subitem C:

Subitem-A: (R-2002-1670) ADOPTED AS RESOLUTION R-296614

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration No. 41-0589, on file in the Office of the City Clerk, 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 thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Street Vacation and Planned Development Permit No. 5921;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2002- ) GRANTED PERMIT, ADOPTED AS  
RESOLUTION R-296615

Adoption of a Resolution granting or denying Planned Development Permit No. 5921, with appropriate findings to support Council action.

Subitem-C: (R-2002-1671 Cor. Copy) ADOPTED AS RESOLUTION R-296616

Adoption of a Resolution authorizing the vacation of the alley as more particularly shown on Exhibit "B" and on Drawing 19602-B;

That this resolution shall not become effective unless and until Planned Development Permit No. 5291 is approved by the Council;

That the City Clerk shall cause a certified copy of this resolution, with Exhibit "B" and Drawing No. 19602-B, attested by him under seal, to be recorded in the office of the County Recorder.

**OTHER RECOMMENDATIONS:**

Planning Commission on April 25, 2002, voted 4-0 to approve; no opposition.

Ayes: Anderson, Lettieri, Schultz, Butler  
Not present: Garcia, Brown

The Kensington-Talmadge Planning Committee has recommended approval of this project.

**SUPPORTING INFORMATION:**

This is a request for a Planned Development Permit/Street Vacation to demolish two retail-business structures and a single-family residence, vacate an alley located within the project development and construct a 15,943 square-foot drugstore with a single-lane drive-through pharmacy. The project site is zoned CU-2-4 (commercial central urbanized, heavy commercial and limited industrial uses with residential uses) in the Central Urbanized Planned District. Council is asked to vacate an existing paper alley which spans approximately one half of the project property easterly from 44<sup>th</sup> Street. The alley is no longer needed for public access and is entirely contained within the development. Its vacation is consistent with the General Plan.

The project complies with all applicable regulations of the Municipal Code in effect at the time of project submittal. No variances are requested. The zone limits the maximum setback to 10 feet for 70 percent of the lot's street frontage. As the building is set back to allow for parking, the project exceeds these maximums on 44<sup>th</sup> Street and Highland Avenue. The site is T-shaped and oriented toward the El Cajon Boulevard and this constrains the developable area. Staff's analysis has determined that this orientation and resulting parking pattern results in a better design for this type of development at this intersection, and support this deviation.

**TRAFFIC IMPACT:**

The project is estimated to generate 909 average daily trips. The project impact on the surrounding streets is minimal, and no street improvements are required for this project.

**FISCAL IMPACT:** None with this action.  
Ewell/Christiansen/MED

**LEGAL DESCRIPTION:**

The project site is located at 4404 El Cajon Boulevard in the Kensington-Talmadge Community of the Mid-City Communities Planning Area and is more particularly described as Lots 1, 2, & 3 in Block 3 of the Orangewood subdivision, Map No. 1293; and the north 101.2 feet of Lots 1 & 2 of the Orchard Villa subdivision, Map 1332.

**FILE LOCATION:** SUBITEMS A, & B: LAND-Progress Guide and General Plan/Savon El Cajon Boulevard (09)  
SUBITEM C: STRT-J-2934 (39)

**COUNCIL ACTION:** (Tape location: B210-302.)

Hearing began at 11:05 a.m. and halted at 11:10 a.m.

Testimony in favor by Mike McDade.

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

**NOTE:** This matter is expected to be continued. In the event the City Council continues the matter to a date certain, additional notices may not be sent.

ITEM-333: Caltrans Street Vacation.

**RETURNED TO THE CITY MANAGER**

Matter of approving, conditionally approving, modifying or denying Parcel map including street vacations and an agreement for street vacations and construction of public improvements. Caltrans is requesting Council approval for a consolidation of lots and street vacations of four streets that terminate on existing Caltrans property within the Old Town area. The subject property is located north of Taylor Street, south of Interstate 8, east of the Amtrak/Coaster/Metropolitan Transit Development Board railroad tracks and west of Interstate 8 on-ramp from

Morena Boulevard. The lots are to be consolidated and streets are to be vacated because of a future office building and parking lot project proposed by Caltrans that will be developed on the site. The streets to be vacated are Juan Street (north of Taylor Street), Rosecrans Street (west of Sunset Street), Sunset Street (north of Rosecrans Street), and Gaines Street (east of the existing railroad tracks). As part of this action, Caltrans is required to provide certain public improvements; including the construction of a cul-de-sac at the eastern terminus of Rosecrans Street; the widening of Sunset Street; the modification of the traffic signal at Taylor Street and Juan Streets; and the abandonment or relocation of public utilities. Included in the street vacation action is an off-site portion of Rosecrans Street to be vacated. As a result of the required improvement to construct a cul-de-sac at the end of Rosecrans, a remnant, unusable portion of Rosecrans Street would remain. Vacating this portion of Rosecrans Street will eliminate leaving the remnant part of this unusable street.

(See City Manager Report CMR-02-126. SV-1424. Old Town Community Plan Area. District-2.)  
Ewell/Christiansen/MED

FILE LOCATION: Cal Trans-STRT-J2935 (39)

COUNCIL ACTION: (Tape location: A011-033; B150-161.)

CONSENT MOTION BY WEAR TO RETURN THIS ITEM TO THE CITY MANAGER DUE TO THE AGREEMENT NOT BEING COMPLETED. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-334: Expansion of YMCA on Friars Road.

Matter of the appeal by the River Valley Preservation Project and the Sierra Club of the decision by the Planning Commission in approving an application for a Conditional Use Permit/Site Development Permit-40-0596 (5244) (amending Conditional Use Permit-91-0215) and Multi-Habitat Planning Area (MHPA) Boundary Adjustment to modify an existing YMCA facility on an 8.3-acre site leased from the City of San Diego by demolishing 2,801 square feet and renovating 7,913 square feet of building area, adding 24,372 square feet of building area, and adding a 50-meter pool, removing three tennis courts and an in-

line hockey rink, and adding 146 paved parking stalls within two surface parking areas at 5505 Friars Road in Mission Valley. The site lies within the RS-1-1, OF-1-1 Zones, Mission Valley Community Plan (Lot 1101, Pueblo Lands Map No. 195774).

(See City Manager Report CMR No. 02-129. SDP/CUP/DEVIATION-5244/MHPA Boundary Adjustment/MND LDR No.-40-0596. Mission Valley Community Plan area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolution in subitem A; and adopt the resolution in subitem B to deny the appeal and grant the permit:

Subitem-A: (R-2002-1679) NOTED AND FILED

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR No. 40-0596 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 thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of Site Development/Conditional Use Permit No. 40-0596 (Amending Conditional Use Permit No. 91-0215) and Multi-Habitat Planning Area [MHPA] Boundary Adjustment for the YMCA of San Diego, Mission Valley Branch;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2002- ) GRANTED APPEAL, DENIED PERMIT, ADOPTED AS RESOLUTION R-296622

Adoption of a Resolution granting or denying the appeal and granting or denying Conditional Use/Site Development/Deviation Permit No. 5244, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission on April 4, 2002, voted 5 - 0 to approve; was opposition.

Ayes: Lettieri, Schultz, Anderson, Schultz, Brown  
Not present: Butler

The Mission Valley Unified Planning Organization on December 6, 2000, voted 16-0-0 to recommend approval of this project.

**CITY MANAGER SUPPORTING INFORMATION:**

The project before the City Council is an appeal of the Planning Commission's decision to approve a Conditional Use Permit (CUP)/Site Development Permit (SDP) and a Multi-Habitat Planning Area (MHPA) Boundary Adjustment and to certify the associated MND No. LDR 40-0596. The project was approved by the Planning Commission on April 4, 2002 and was appealed by the River Valley Preservation Project and the Sierra Club. The project is located at 5505 Friars Road in Mission Valley on an 8.3-acre site leased from the City of San Diego and contains an existing YMCA, built in 1981. The project proposes to modify the existing facility by demolishing 2,801 square feet of space and renovating 7,913 square feet of building area, adding 24,372 square feet of building area, adding a 50-meter pool, removing three tennis courts and an in-line hockey rink, and adding 146 paved parking stalls within two surface parking areas.

The project is located within the RS-1-1 (Residential Single Unit) and OF-1-1 Zones (Open Space Floodplain) in the Mission Valley Community Planning Area. As the site contains Environmentally Sensitive Lands (ESL) a Site Development Permit is required per Section 143.0110 of the Land Development Code (LDC). The CUP would amend existing Conditional Use Permit 91-0215 approved by Planning Commission on January 10, 1980 which permitted the original YMCA facility, and proposes to allow a 13-foot front yard setback where 25 feet is required.

**FISCAL IMPACT:**

The cost of processing this project is paid for by the applicant by deposit account.

Ewell/Christiansen/MED

**LEGAL DESCRIPTION:**

The project site is located at 5505 Friars Road, within the Mission Valley Community Planning Area.

FILE LOCATION: SUBITEMS A & B: PERM - Expansion of YMCA on  
Friars Road 06/04/02 (65)

COUNCIL ACTION: (Tape location: B551-C278; D330-E074.)

Hearing began at 11:25 a.m. and recessed at 12:00 p.m.

Testimony in favor by Randy Berkman, Joanne Pearson, Eric Bowlby, and Michael Stevens.

Hearing resumed at 2:33 p.m. and halted at 3:02 p.m.

MOTION BY FRYE TO NOTE AND FILE SUBITEM A AND GRANT THE APPEAL AND DENY THE PERMIT IN SUBITEM B. Second by Mayor Murphy. Passed by the following vote: Peters-yea, Wear-nay, Atkins-nay, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-yea.

ITEM-335: La Jolla Community Plan & Local Coastal Program & Associated Documents & Actions.

(Continued from the meeting of May 21, 2002, Item 331, at the request of Councilmember Peters, for report from City Manager and staff.)

Matter of approving, conditionally approving, modifying or denying the April 2002 Draft of the La Jolla Community Plan and Local Coastal Program Update, the April 2002 Draft La Jolla Public Facilities Financing Plan, the associated rezones, and the associated amendments to the Progress Guide and General Plan as well as considering for certification the addendum LDR-40-0747

to EIR DEP-92-0199 and rescission of the 1976 La Jolla Community Plan (amended in 1988), the 1972 La Jolla Shores Precise Plan (amended in 1976), the 1983 La Jolla - La Jolla Shores Local Coastal Program, the 1995 La Jolla Community Plan and the 1980 Fay Avenue Plan. The La Jolla Community Plan and Local Coastal Program and other associated actions are located in part in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on this La Jolla Community Plan and Local Coastal Program Update and other associated actions will be with the California Coastal Commission. The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment. If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the Planning Department, 202 "C" Street, Fourth Floor, San Diego, CA 92101 Attn: Michael Tudury, Senior Planner before the close of the City Council public hearing. If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing.

(See City Manager Report CMR-02-111. La Jolla Community Plan Area. Districts-1 & 2.)

**NOTE:** Testimony taken on 5/21/2002. Public testimony portion of the hearing is closed.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolutions in Subitems A, B, C, and D; and introduce the ordinance in subitem E:

Subitem-A: (R-2002-1546 Cor. Copy) ADOPTED AS RESOLUTION R-296623

Adoption of a Resolution certifying that the information contained in Addendum LDR-40-0747 Environmental Impact Report No. 92-0199 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 thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any

comments received during the public review process, has been reviewed and considered by this Council; Based upon the initial Study and any comments received, the City Council finds that there is no substantial evidence that the project will have a significant effect on the environment other than those identified in previous EIR-92-0199, and said Addendum has been approved.

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

**Subitem-B: (R-2002-1547) ADOPTED AS AMENDED AS RESOLUTION R-296624**

Adoption of a Resolution approving the comprehensive update of the La Jolla Community Plan and Local Coastal Program Land Use Plan, and rescinding the 1976 and 1995 La Jolla Community Plans, the 1972 La Jolla Shores Precise Plan, the 1983 La Jolla - La Jolla Shores Local Coastal Program and the 1980 Fay Avenue Plan;

That the Council adopts associated amendments to City of San Diego Progress Guide and General Plan and the Local Coastal Program to incorporate the updated La Jolla Community Plan and Local Coastal Program Land Use Plan;

That the La Jolla Community Plan and Local Coastal Program Land Use Plan are not effective until unconditionally certified by the California Coastal Commission as a Local Coastal Program amendment;

That the City Manager is directed to forward to the Coastal Commission the amendments required to be certified as Local Coastal Program amendments.

**Subitem-C: (R-2002-1518) ADOPTED AS RESOLUTION R-296625**

Adoption of a Resolution approving the La Jolla Public Facilities Financing Plan.

**Subitem-D: (R-2002-1519) ADOPTED AS RESOLUTION R-296626**

Adoption of a Resolution rescinding the existing La Jolla Development Impact Fees (DIF);

That the DIF fee schedule contained in the La Jolla Public Facilities Financing Plan Fiscal Year 2002 is declared to be an appropriate and applicable DIF fee

schedule for all properties within the La Jolla Community Planning Area; That the Docket Supporting Information (including City Manager Report CMR-02-111) and the text contained in the La Jolla Public Facilities Financing Plan are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed;
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

Subitem-E: (O-2002-138 Cor. Copy)                   INTRODUCED TO BE ADOPTED ON  
TUESDAY, JUNE 18, 2002

Introduction of an Ordinance changing a single property of 0.18 acre (7936 sq. ft.) located at 1252 Cave Street as shown on Drawing B-4170, a single property of 0.16 acre (7274 sq. ft.) located at 5779 La Jolla Boulevard as shown on Drawing B-4174, 28 properties located in the Muirlands Terrace, Unit 1 Map 2523 Por. Lots 1 and 2, Muirlands Terrace Unit 2, Map 3051 (P.M.16924) Lots 49-62, Muirlands Village Unit 1, Map 3081, subdivisions as shown on Drawing B-4184, and various City-owned properties located within the La Jolla Community Plan area, as shown on Drawing C-914 all within the La Jolla Community Plan area, from the LJ-1 Zone (Cave St.), the CC-3-5 Zone (La Jolla Blvd.), the RS-1-5 Zone (Muirlands), and zones L-SF, L-PP, L-PRF, L-CC, RS-1-1, RS-1-5, RS-1-7, RM-1-1, LJ-1, LJ-5, LJ-6 (Various City-owned properties per C-914) into the RM-3-7 Zone (Cave St.), the La Jolla Planned District LJ-4 Zone (La Jolla Blvd.), and the RS-1-4 Zone (Muirlands) as defined by San Diego Municipal Code sections 103.0301 (La Jolla Shores Planned District Ordinance), 103.1201 (La Jolla Planned District Ordinance), 131.0201 (Open Space), 131.0401 (Residential), 131.0501 (Commercial), respectively; and repealing Ordinance Nos. O-18430, adopted 09/08/97 (Cave St.); O-15342, adopted 09/22/80 (La Jolla Blvd.); O-12176, adopted 10/19/77 (Muirlands); and O-15567, adopted 08/17/81; O-7670, adopted 12/31/57; O-18168, adopted 03/20/95; O-12177, adopted 10/19/77; O-4059, adopted 05/24/49; O-13294, adopted 08/31/31; O-12176, adopted 10/19/77; O-12643, adopted 05/15/79; O-3858, adopted 09/07/48;

O-16608, adopted 03/17/86; O-16627, adopted 04/21/86; and O-13455, adopted 02/15/32 (various City-owned properties per C-914), insofar as the same conflict therewith.

**OTHER RECOMMENDATIONS:**

Planning Commission on December 6, 2001, voted 5 - 1 to recommend approval with conditions; was opposition.

Ayes: Butler, Garcia, Anderson, Lettieri, Brown

Nays: Stryker

Not present: Schultz

The La Jolla Community Planning Association has recommended denial of this project.

**CITY MANAGER SUPPORTING INFORMATION:**

The La Jolla Community Plan and Local Coastal Program Land Use Plan is the City of San Diego's adopted statement of policy for growth and development of the La Jolla community planning area for the foreseeable future. The plan proposes specific goals, policies and strategies regarding the future preservation, use and development of land within La Jolla and identifies how the use and development of that land will affect current levels of public services and facilities.

**FISCAL IMPACT:**

The April 2002 draft Public Facilities Financing Plan identifies total project costs for public facilities of \$98,641,898 to be used as the base for calculation of development fees.

Ewell/Goldberg/MTT

**LEGAL DESCRIPTION:**

The La Jolla Community Planning area encompasses approximately 4,680 acres of land located within the mid-coastal region of the City.

**ENVIRONMENTAL IMPACT:**

The City of San Diego as Lead Agency, has prepared a final Addendum to an Environmental Impact Report EIR-92-0199 (SCH-92071032) for the proposed project pursuant to Section 15164 of the State CEQA Guidelines. Based upon a review of the current project, it had been determined that there are no new significant environmental impacts not considered in the previous EIR; no substantial changes have occurred with respect to the circumstances under which the project is undertaken; and there is no new information of substantial importance to the project.

The previous Final EIR No. 92-0199 for the La Jolla and Pacific Beach Community Plan and Local Coastal Program Land Use Plan Updates, dated July 12, 1993, concluded that the Plan update for La Jolla would result in significant and unmitigated impacts to traffic and circulation (direct and cumulative), air quality (direct and cumulative), geology and soils, biology, cultural resources, hydrology and water quality (direct and cumulative), and noise (direct and cumulative). In addition, the EIR concluded that some of these impacts would be mitigated during future, site-specific CEQA review for development proposals requiring subsequent discretionary permits. Mitigation measures were adopted with the certification of the Final EIR and are still applicable to this current update project.

FILE LOCATION: SUBITEMS A-D: LAND - Progress Guide and General Plan/La Jolla Community Plan Area - La Jolla Community Plan & Local Coastal Program & Associated Documents & Actions (09)  
SUBITEM E: NONE

COUNCIL ACTION: (Tape location: E269-G590.)

Hearing began at 3:11 p.m. and halted at 5:11 p.m.

Testimony in opposition by Sherri Lightner, Joanne Pearson, Claude-Anthony Marengo, Matt Peterson, Al Strohle, Wayne Brechtel, Jennifer Tillman, Eric Bowlby, Trip Bennett, Don Schmidt, Nancy Art, Penelope Bourk, Sally Fall, and Ross Starr.

MOTION BY PETERS TO ADOPT THE RESOLUTIONS IN SUBITEMS A, B, C, AND D; AND INTRODUCE THE ORDINANCE IN SUBITEM E WITH THE MODIFICATIONS MADE IN THE MAY 30 MEMORANDUM AS FOLLOWS:

FAY AVENUE OPEN SPACE AREA, [P. 45 1(F), P. 49 1(G), P. 48 ACTION PLAN] POLICIES AND RECOMMENDATIONS WERE ADDED OR AMENDED REGARDING THE DEDICATION OF FAY AVENUE OPEN SPACE AREA AS PARKLAND.

COVENANT OF EASEMENT AND OPEN SPACE CONSERVATION ZONE TO PRESERVE OPEN SPACE [PAGE 45 1(E), P. 49 1(A), 1(F)] POLICIES AND RECOMMENDATIONS REGARDING PRESERVATION OF SENSITIVE AREAS AND AREAS DESIGNATED AS OPEN SPACE WERE MODIFIED. THESE ARE NOT SPECIFIC TO THE COVENANT OF EASEMENT IN ORDER TO LEAVE OTHER OPTIONS FOR PRESERVATION AVAILABLE DEPENDING ON THE SITUATION. A RECOMMENDATION WAS ADDED REGARDING THE APPLICATION OF THE OPEN SPACE CONSERVATION (OC) ZONE TO AREAS INTENDED FOR PERMANENT CONSERVATION.

URBAN DESIGN PLAN [P. 81 2(F), P. 79 ACTION PLAN] THIS ISSUE WAS RECOMMENDED TO BE ADDRESSED WITH THE UPDATE OF THE LA JOLLA PLANNED DISTRICT ORDINANCE (PDO). A RECOMMENDATION WAS ADDED TO IMPLEMENT THE COMMUNITY CHARACTER RECOMMENDATION IN THE COMMUNITY PLAN WITH THE PDO. A SIMILAR ITEM WAS ADDED TO THE ACTION PLAN.

COASTAL BLUFFS [P. 46 3(C), P. 47 3(D), P. 52 4(B), 4(I), P. 53 4(J), 4(K), 4(L)] POLICIES AND RECOMMENDATIONS WERE ADDED REGARDING THE PRESERVATION OF COASTAL BLUFFS AND HOW DEVELOPMENT ON SITES CONTAINING A COASTAL BLUFF SHOULD OCCUR. RECOMMENDATIONS REGARDING DRAINAGE MONITORING (ON BLUFFS AND HILLSIDES) AND BLUFF EDGE SETBACKS WERE ADDED. THE MINIMUM BLUFF EDGE SETBACKS HAVE BEEN ADDED AS WELL AS HOW THESE SETBACKS ARE AFFECTED BY EROSION CONTROL MEASURES. NEW RECOMMENDATIONS WERE ADDED REGARDING EXISTING STRUCTURES THAT DO NOT COMPLY WITH THE BLUFF EDGE SETBACKS AND UNDER WHAT CIRCUMSTANCES THESE STRUCTURES WOULD BE REQUIRED TO BE BROUGHT INTO CONFORMANCE.

ROADBED EXPANSION FOR BIKEWAYS [P. 61 #6, P. 65 #17] A POLICY AND RECOMMENDATION WERE ADDED REGARDING ROADBED EXPANSIONS FOR BIKEWAYS NOT IMPACTING COASTAL BLUFFS OR CREATING THE NEED FOR SHORELINE PROTECTION.

VALET PARKING DISTRICT [P. 65#22]

A RECOMMENDATION WAS ADDED TO CONSIDER USING A VALET PARKING DISTRICT AS A WAY TO MEET PARKING DEMANDS.

PRESERVATION OF RED ROOST AND RED REST [P. 119 #6]

A RECOMMENDATION WAS ADDED TO FACILITATE ADAPTIVE REUSE OF THESE HISTORICAL STRUCTURES AND TO CONSIDER THEIR ACQUISITION.

A NUMBER OF MODIFICATIONS THAT WERE DIRECTED IN THE CITY COUNCIL MOTION ON THE LA JOLLA COMMUNITY PLAN UPDATE PERTAIN TO MAPS THAT ARE IN THE COMMUNITY PLAN. THESE MAPS COULD NOT BE COMPLETED IN TIME FOR THE JUNE 4, 2002 CONTINUANCE DATE. THESE MAPS WILL BE REVISED FOR THE SUBMITTAL TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION OF THE LOCAL COASTAL PROGRAM. THE FOLLOWING IS A LIST OF THOSE MAPS THAT WILL BE REVISED BASED ON THE CITY COUNCIL ACTION.

#### FIGURE 9 - IDENTIFIED PUBLIC VANTAGE POINTS

- DEFINITION OF VIEW CORRIDOR WILL BE REVISED TO MATCH DEFINITION IN THE APPENDIX G SUBAREA MAPS (AND DELETE REFERENCE TO "PARALLEL LINES").
- DEFINITION OF SCENIC OVERLOOK WILL BE REVISED AS FOLLOWS:
- FIGURE 9- IDENTIFIED PUBLIC VANTAGE POINTS
- DEFINITION OF VIEW CORRIDOR WILL BE REVISED TO MATCH DEFINITION IN THE APPENDIX G SUBAREA MAPS (AND DELETE REFERENCE TO "PARALLEL LINES").
- DEFINITION OF SCENIC OVERLOOK WILL BE REVISED AS FOLLOWS: ~~PARTIALLY OBSTRUCTED~~ VIEW OVER PRIVATE PROPERTY BUILDING ENVELOPES FROM A PUBLIC R.O.W.
- PRINCESS STREET WILL BE CHANGED TO A SCENIC OVERLOOK TO MATCH THE SUBAREA D MAP IN APPENDIX G. THIS MEETS THE DEFINITION OF SCENIC OVERLOOK AS IT IS A VIEW OVER PRIVATE PROPERTY.
- REVISE NOTE AS FOLLOWS: FOR MORE DETAILED INFORMATION REGARDING VISUAL ACCESS REQUIREMENTS FOR DEVELOPMENT BETWEEN THE LAST MAJOR ROADWAY AND THE OCEAN FIRST PUBLIC ROAD AND THE SEA, PLEASE REFER TO THE SUBAREA MAPS CONTAINED IN APPENDIX G AND SECTION 132.0403 OF THE LAND DEVELOPMENT CODE.

FIGURE 1 - LAND USE MAP (AND CORRESPONDING ELEMENT MAPS)

- EXPAND OPEN SPACE LAND USE DESIGNATION TO INCLUDE ALL AREAS CURRENTLY MAPPED ON COASTAL HILLSIDE MAP NO. C-720.

APPENDIX G - COASTAL ACCESS SUBAREA MAPS (ALL SUBAREAS)

- DEFINITION OF SCENIC OVERLOOK WILL BE REVISED TO MATCH THE REVISED DEFINITION ON FIGURE 9.

APPENDIX G - SUBAREA H: BIRD ROCK - VISUAL ACCESS

- REPLACE NOTE REGARDING COLIMA STREET WITH THE FOLLOWING: SCENIC OVERLOOK AT END OF CORRIDOR FROM LA JOLLA BLVD. THIS MEETS THE DEFINITION OF SCENIC OVERLOOK AS IT IS A VIEW OVER PRIVATE PROPERTY.

THE FOLLOWING ISSUES WERE INCLUDED IN THE CITY COUNCIL DIRECTION ON THE LA JOLLA COMMUNITY PLAN UPDATE THAT WERE TO BE ADDRESSED WITH MODIFICATIONS TO THAT DOCUMENT BUT DID NOT RESULT IN ANY PROPOSED REVISIONS FOR VARIOUS REASONS:

TOPIC: RECLASSIFICATION OF HILLSIDE DRIVE

THE MOTION INCLUDED DIRECTION TO RECLASSIFY HILLSIDE DRIVE FROM A 2-LANE COLLECTOR TO A LOCAL STREET. THIS WOULD BE REFLECTED IN THE TRANSPORTATION ELEMENT OF THE COMMUNITY PLAN. THIS HAS NOT BEEN DONE BECAUSE IN ORDER TO DO SO A TRAFFIC STUDY WOULD HAVE TO BE COMPLETED TO ANALYZE THE TRAFFIC IMPACTS OF RECLASSIFYING THE ROAD. ADDITIONAL ENVIRONMENTAL REVIEW COULD ALSO BE REQUIRED DEPENDING ON THE RESULTS OF THE TRAFFIC STUDY WHICH COULD CAUSE A SIGNIFICANT DELAY IN PROCESSING THE COMMUNITY PLAN UPDATE.

TOPIC: 50-YEAR LIFETIME ON REDEVELOPMENT OF NONCONFORMING STRUCTURES ON COASTAL BLUFFS.

THE MOTION INCLUDED DIRECTION TO ADD A POLICY THAT WOULD LIMIT REDEVELOPMENT OF NONCONFORMING STRUCTURES TO MINOR ADDITIONS (10 PERCENT OF FLOOR AREA OR 250 SQUARE FEET) AND WOULD LIMIT THE LIFE OF THE RESULTING STRUCTURE TO 50 YEARS FROM THE DATE OF THE ORIGINAL SITE DEVELOPMENT. THE MAIN OBJECTIVE OF THIS DIRECTIVE IS TO LIMIT IMPROVEMENTS TO NONCONFORMING STRUCTURES. WITH THAT GOAL, NEW POLICIES AND RECOMMENDATIONS WERE ADDED TO THE PLAN TO ADDRESS NONCONFORMING STRUCTURES THAT REQUIRE CERTAIN IMPROVEMENTS TO BE REMOVED AND THAT LIMIT THE EXTENT OF REDEVELOPMENT BEFORE REQUIRING THE

STRUCTURE TO BE BROUGHT INTO COMPLIANCE (PAGES 52 - 53). HOWEVER, THE AMOUNT OF ADDITIONS AND THE LIMIT ON THE LIFE OF THE STRUCTURE WERE NOT INCLUDED AS THESE ARE VERY RESTRICTIVE REGULATORY REQUIREMENTS, THEY CONFLICT WITH OTHER POLICIES AND REGULATIONS, AND THEY COULD THREATEN HISTORIC PRESERVATION EFFORTS.

TOPIC: REFERENCE TO WATER QUALITY DOCUMENTS.

THE MOTION INCLUDED DIRECTION TO MAKE A REFERENCE WITHIN THE COMMUNITY PLAN TO OTHER DOCUMENTS OR PLANS THAT ADDRESS WATER QUALITY IMPROVEMENTS THAT WOULD HAVE A CITY-WIDE FOCUS. NO REVISIONS WERE PROPOSED BECAUSE SUCH REFERENCES ALREADY EXIST IN THE BACKGROUND, POLICIES, AND RECOMMENDATION SECTIONS OF THE COMMUNITY FACILITIES, PARKS, AND SERVICES ELEMENT OF THE COMMUNITY PLAN (PAGES 105, 106, AND 111).

AND WITH THE FOLLOWING MODIFICATIONS MADE BY STAFF TODAY AND THE ADDITIONS MADE BY COUNCIL WITH RESPECT TO THE PLAN AS FOLLOWS:

- IF MORE THAN 50 PERCENT OF A STRUCTURE'S WALLS ARE TORN DOWN, THE STRUCTURE WOULD HAVE TO BE BROUGHT INTO CONFORMANCE WITH ALL BLUFF EDGE REGULATIONS. THE 50 PERCENT SHOULD BE A CUMULATIVE TOTAL FROM MARCH 17, 1990.
- REVIEW THE DEDICATION OF FAYE AVENUE RIGHT-OF-WAY AREA AS OPEN SPACE.
- ON PAGE 45, 1(F), REPLACE "CONSIDER THE DEDICATION OF," WITH, "THE CITY SHOULD, WHERE APPROPRIATE, DEDICATE THE FAYE AVENUE OPEN SPACE AREA."
- ON PAGE 49, 1(G), SECOND SENTENCE, REPLACE "CONSIDER ACQUISITION AND DEDICATION OF," WITH "WHERE APPROPRIATE, ACQUIRE AND DEDICATE THOSE PORTIONS OF FAYE AVENUE OPEN SPACE AREA NOT OWNED BY THE CITY."

- ON PAGE 52, 3(R) ADD THE FOLLOWING: “MAINTAIN LANDSCAPING ON CITY-OWNED LAND AND EASEMENTS AND PUBLIC RIGHTS-OF-WAY TO PRESERVE, ENHANCE, OR RESTORE IDENTIFIED PUBLIC PHYSICAL AND OR VISUAL ACCESS TO THE OCEAN.
- CHANGE THE RECOMMENDATIONS AS WRITTEN ON THE MAY 30 MEMO REGARDING MONITORING HILL SIDE AND COASTAL EROSION AND DRAINAGE. BECAUSE A PROGRAM WAS NOT IN PLACE, THE RECOMMENDATION WAS WRITTEN ON PAGE 52, 4(I) AND PAGE 55, 5(X) AS “EXPLORE CREATING A MONITORING PROGRAM.” CHANGE THAT TO SAY, “CREATE A MONITORING PROGRAM TO ENSURE COMPLIANCE.” ON PAGE 52 IT WOULD READ, “CREATE A MONITORING PROGRAM TO ENSURE COMPLIANCE WITH THIS PLAN’S POLICIES AND RECOMMENDATIONS RELATED TO BLUFF TOP DRAINAGE.” ON PAGE 55 IT WOULD READ, “CREATE A MONITORING PROGRAM TO ENSURE COMPLIANCE WITH THIS PLAN’S POLICIES AND RECOMMENDATIONS RELATED TO HILL SIDE DRAINAGE.
- REMOVE REFERENCES TO A VALET PARKING DISTRICT.
- THE DEFINITION OF SCENIC SHOULD BE AS FOLLOWS: VIEWS OVER PRIVATE PROPERTIES FROM PUBLIC RIGHT-OF-WAY. PAGE 50, 2(J) WOULD READ, “MINIMIZE THE IMPACT OF ROOF LINES AND LANDSCAPING ON THE VIEW SHED OVER THE PROPERTY AS VIEWED FROM IDENTIFIED SCENIC OVERLOOK.
- MOVE THE 50 PERCENT LANGUAGE TO THE POLICY SECTION.
- REGARDING COASTAL BLUFFS, ADD A NEW SENTENCE THAT WOULD READ, “TO PROVIDE AND DEVELOP INCENTIVES FOR LESS INTRUSIVE AND CONFORMING DEVELOPMENTS.”
- ON PAGE 52 SECTION B AT THE END OF THE LAST SENTENCE ADD THE FOLLOWING: “UNLESS OTHERWISE ALLOWED IN THE SENSITIVE COASTAL BLUFF REGULATIONS.”
- DIRECT THE LAND DEVELOPMENT CODE UPDATE TEAM TO WORK ON GRAPHIC ILLUSTRATIONS.

- WITH RESPECT TO THE RED ROOST AND RED REST ON PAGE 119, # 6, ADD, “WITH THE COOPERATION AND CONSENT OF THE OWNER.”
- DIRECT THE CITY MANAGER TO TAKE THE STEPS NECESSARY TO MAKE HILLSIDE DRIVE A LOCAL STREET.
- INCLUDE A POLICY AND APPROPRIATE LANGUAGE WHICH STATES THAT MITIGATION SHOULD BE LOCATED, TO THE EXTENT POSSIBLE, IN THE COMMUNITY THAT IS AFFECTED.
- ON PAGE 61, # 6, CHANGE THE WORD “IMPACT” TO “HARM.”
- CHANGE THE PLAN TO IDENTIFY THE GROSS ACREAGE WITH A CLARIFICATION OF WHAT THAT IS.
- PER COUNCIL MEMBER FRYE’S REQUEST STRIKE THE LAST SENTENCE ON PAGE 171 THAT STATES THAT TOURMALINE PARKING AREA IS UNDER UTILIZED.
- CHANGE THE NAME OF TOURMALINE PARK TO TOURMALINE SURFING PARK.
- DIRECT THE CITY MANAGER TO DEVELOP A STRATEGY FOR FAYE AVENUE BIKE PATH PROJECT
- THE VOTE TAKEN BY COUNCIL ON MAY 21, 2002, REGARDING THE ACTION ON SITE 653 WILL REMAIN AND IS AS FOLLOWS:  
PETERS-NAY, WEAR-YEA, ATKINS-YEA, STEVENS-YEA,  
MAIENSCHHEIN-YEA, FRYE-NAY, MADAFFER-YEA, INZUNZA-YEA,  
MAYOR MURPHY-NAY.

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-S500: San Diego Domestic Violence Council Day.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1668) ADOPTED AS RESOLUTION R-296618

Recognizing the accomplishments of the San Diego Domestic Violence Council;

Proclaiming June 7, 2002, to be "San Diego Domestic Violence Council Day" in the City of San Diego.

**SUPPORTING INFORMATION:**

Commending the San Diego Domestic Violence Council for its exceptional accomplishments and dedication to empowering battered men, women and children in San Diego by proclaiming June 7, 2002, to be "San Diego Domestic Violence Council Day" in San Diego.

Madaffer

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A011-033.)

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

\* ITEM-S501: Absence of Councilmember Ralph Inzunza.

**COUNCILMEMBER INZUNZA'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1590) ADOPTED AS RESOLUTION R-296619

Excusing Councilmember Ralph Inzunza from attending the following regularly scheduled meetings, due to the birth of his child:

5. Council meetings of May 6 and 7, 2002.
6. Committee on Public Safety and Neighborhood Services meeting of May 8, 2002.
7. Committee of Natural Resources and Culture meeting of May 15, 2002.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A011-033.)

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

ITEM-S502: Acceptance of Whole House Energy Retrofit Incentive Program.

(See City Manager Report CMR-02-124.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-1654) ADOPTED AS RESOLUTION R-296631

Authorizing the City Manager to accept the amount of \$1,448,946 from the California Public Utilities Commission to fund the City's Whole House Energy Retrofit Program in calendar years 2002 and 2003, and to execute all necessary documents in connection with the administration of this program;

Authorizing the City Auditor and Comptroller to deposit the funds received from the California Public Utilities Commission in Fund No. 10231, Dept. 514, Revenue Account 76410.

Subitem-B: (R-2002-1655) ADOPTED AS RESOLUTION R-296632

Authorizing the City Manager to execute an agreement with the San Diego Gas & Electric Company, to administer the distribution of funding from the California Public Utilities Commission for the City's Whole House Energy Retrofit Program, and to file with the California Public Utilities Commission the required reports on program expenditures;

Authorizing the expenditure of an amount not to exceed \$1,448,946 from Fund No. 10231, Dept. 514, Revenue Account 76410, upon receipt of award funding from the California Public Utilities Commission.

FILE LOCATION: SUBITEM A & B: MEET

COUNCIL ACTION: (Tape location: D159-218.)

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

ITEM-S503: Design/Build Agreement, Photovoltaic Projects - Group A.

(See City Manager Report CMR-02-125. Kearny Mesa Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-1262) ADOPTED AS RESOLUTION R-296633

Approving for one year the list of pre-qualified design/builders for City projects;

Authorizing the City departments to use the list for issuing Requests for Qualifications for projects to design and install multiple photovoltaic energy generation systems throughout the San Diego area;

Recommending the use of said list for use by other governmental agencies within the County of San Diego.

Subitem-B: (R-2002-1263 Cor. Copy) ADOPTED AS RESOLUTION R-296634

Authorizing the City Auditor and Comptroller, in accordance with the 2002 Appropriation Ordinance, to amend the Fiscal Year 2002 Capital Improvement Program budget to add CIP-32-025.0, Ridgeway Building Photovoltaic Project;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$580,700 within Fund No. 41200, from Fund Balance 41200, to CIP-32-025.0, Ridgehaven Building Photovoltaic Project;

Authorizing the City Manager to execute a design/build agreement with the Powerlight Corporation, to design and install a 64.8 kilowatt photovoltaic energy generation system on the Ridgehaven Green Building Facility in an amount not to exceed \$566,727;

Authorizing the expenditure of an amount not to exceed \$580,700 from Fund No. 41200, CIP-32-025.0, Ridgehaven Building Photovoltaic Project.

Subitem-C: (R-2002-1264 Cor. Copy) ADOPTED AS RESOLUTION R-296635

Authorizing the City Auditor and Comptroller, in accordance with the 2002 Appropriation Ordinance, to amend the Fiscal Year 2002 Capital Improvement Program budget to add CIP-32-026.0, Environmental Services Operations Yard Photovoltaic Project;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$693,915 within Fund No. 41200, from Fund Balance 41200, to CIP-32-026.0, Environmental Services Operations Yard Photovoltaic Project;

Authorizing the City Manager to execute a design/build agreement with Kerr Enterprise, Inc., to design and install a 72.96 kilowatt photovoltaic energy generation system on the Miramar Place Operations Facility in an amount not to exceed \$681,415;

Authorizing the expenditure of an amount not to exceed \$693,915 from Fund No. 41200, CIP-32-026.0, Environmental Services Operations Yard Photovoltaic Project.

Subitem-D: (R-2002-1265 Cor. Copy) ADOPTED AS RESOLUTION R-296636

Authorizing the City Manager to accept photovoltaic buy-down incentives (rebates) from the San Diego Regional Energy Office in the amount of \$263,911 for the Ridgehaven Green Building and the amount of \$275,788 for the Miramar Place Operations Center, on completion of the installation of photovoltaic energy generation systems at each facility;

Authorizing the City Auditor and Comptroller to deposit said monies received from the San Diego Regional Energy Office in Fund No. 41200, Fund Balance.

Aud. Certs. 2200886, 2200887.

FILE LOCATION: SUBITEMS A-D: MEET

COUNCIL ACTION: (Tape location: D220-269.)

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

ITEM-S504: Request for Reconsideration--La Jolla Community Plan and Local Coastal Program Land Use Plan--Land Use Designation of Site 653.

(See memorandum from Deputy Mayor Stevens dated 5/29/2002. La Jolla Community Area. District-1.)

**TODAY'S ACTION IS:**

Consideration of Motion to: **FAILED**

(1) Waive the Permanent Rules of the City Council, Section 22.0101 of the San Diego Municipal Code. **Waiver of the Permanent Rules of the Council requires a vote of two-thirds of the Councilmembers (6 votes required).**

(2) Reconsider designating, as low density residential, the City-owned parcel at the intersection of La Jolla Village Drive, La Jolla Scenic Way, and La Jolla Scenic Drive North (Site 653) within the La Jolla Community Plan and Local Coastal Program Land Use Plan area.

**If the request for reconsideration is approved, the matter will be scheduled for a noticed public hearing at a future date.**

**NOTE:** See Item 335 on today's docket for a companion item.

FILE LOCATION: LAND-Progress Guide & General Plan/La Jolla Community Plan Area-La Jolla Community Plan & Local Coastal Program & Associated Actions (09)

COUNCIL ACTION: (Tape location: E085-265.)

MOTION BY STEVENS TO WAIVE THE PERMANENT RULES OF THE CITY COUNCIL, SECTION 22.0101 OF THE SAN DIEGO MUNICIPAL CODE AND TO RECONSIDER DESIGNATING, AS LOW DENSITY RESIDENTIAL, THE CITY-OWNED PARCEL AT THE INTERSECTION OF LA JOLLA VILLAGE DRIVE, LA JOLLA SCENIC WAY, AND LA JOLLA SCENIC DRIVE NORTH (SITE 653) WITHIN THE LA JOLLA COMMUNITY PLAN AND LOCAL COASTAL PROGRAM LAND USE PLAN AREA . Second by Madaffer. Failed by the following vote: Peters-yea, Wear-nay, Atkins-nay, Stevens-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-nay, Mayor Murphy-yea.

ITEM-S505: Proposition 40 Parks Bond: Funding Process Review and Development of Priority Local Projects.

(See memorandums from Andrew Poat dated 5/28/2002 and 5/16/2002.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-1712) ADOPTED AS AMENDED AS RESOLUTION R-296627

Approving the Funding Programs as set forth in Report by the Governmental Relations Department to the Rules Committee dated May 16, 2002, with the following changes:

8. Add the word "Garden" to "Veterans Memorial" under "Historical and Cultural Resources Preservation" (at page 4);
9. Add the following projects under "California Coastal Conservancy" (at page 5):
  - a. Mission Bay Park-Nature Center - \$1,000,000
  - b. Ocean Beach Pier-Railing Restoration - \$500,000
  - c. Naval Training Center/Ocean Village Waterfront - \$2,000,000
  - d. Sunset Cliffs Natural Park Erosion Control - \$1,000,000;

Add the following projects, under the categories deemed appropriate by the Director of the Governmental Relations Department, and in the amount to be determined by the City Manager:

- a. San Diego River: Old Mission Dam Flume Preservation
- b. San Diego River Park Land Acquisition
- c. World Beat Center
- d. Centro Cultural de la Raza
- e. Removal of Dead Park Trees (removal of 1,000 park trees that have died due to lerp psyllid and replace on a 2-for-1 basis, as referenced at page 3, No. 13 of the Urban Forest Action Plan, attached to City Manager Report No. 02-120);

Directing the City Manager to address issues of geographic equity and to propose a mechanism for allocating funds that may be received under the \$12.1 million per capita distribution of Roberti-Z'berg-Harris Open Space and Recreation Act funds;

Directing the City Manager to communicate the list of projects as priorities for funding to the members of the California State Legislature and the Governor of the State of California;

Directing the Director of the Governmental Relations Department to coordinate with the Parks and Recreation Department for the State of California, to advocate for State park funding that would benefit parks in San Diego County.

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

On 5/22/2002, Rules Committee voted 5 to 0 to adopt the list of projects contained in the Governmental Relations Department Report of 5/16/2002 (with the amendments noted below); forward to the full City Council; communicate these priorities to the Governor and members of the State Legislature; and direct the Governmental Relations Department to coordinate with the San Diego County Region of State Parks to advocate for State park funding which would be beneficial to the region:

- a. Add the word "Garden" to "Veterans Memorial" on page 4;
- b. Add "San Diego River: Old Mission Dam Flume Preservation" as a project;
- c. Add "San Diego River Park Land Acquisition" as a project;
- d. Add the following projects under the section entitled "California Coastal Conservancy":
  - (i) "Mission Bay Park - Nature Center - \$1,000,000"

- (ii) "Ocean Beach Pier -Railing Restoration - \$500,000"
- (iii) "Naval Training Center/Ocean Village Waterfront - \$2,000,000"
- (iv) "Sunset Cliffs Natural Park Erosion Control - \$1,000,000";
- e. Add "World Beat Center" as a project;
- f. Add "Central Cultural de la Raza" as a project;
- g. Add "Removal of 1,000 park trees which died due to lerp psyllid and replace on a 2-for-1 basis" as a project (referenced in City Manager Report 02-120, attachment page 3, #13 - "Urban Forest Action Plan");
- h. City Manager to address the issues of geographic equity;
- i. City Manager to propose a mechanism for allocating the \$12,000,000;
- j. City Manager to determine the appropriate amounts for the projects added above.

(Councilmembers Wear, Atkins, Stevens, Madaffer, and Mayor Murphy voted yea.)

Baber

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H488-I232.)

MOTION BY WEAR TO ADOPT WITH THE FOLLOWING AMENDMENTS:

OLD NTC LIBRARY - BUILDING 177	\$700,000
LUCE AUDITORIUM - BUILDING 35	\$800,000
THE IMMIGRATION MUSEUM OF THE NEW AMERICANS AT NTC	\$2 MILLION
NORTH EMBARCADERO PROJECT	\$18 MILLION OR ANY PART THEREOF
PENASQUITOS SKATE PARK	\$750,000
WIND'AN SEA BEACH EROSION CONTROL AND HISTORIC SURFING PARK PROJECT	\$750,000
FIELD ELEMENTARY JOINT USE	\$740,000
TECOLOTE CANYON RESOURCE MGMT PLAN	\$250,000

MISSION TRAILS REGIONAL PARK EQUESTRIAN STAGING AREA PHASE II	\$1,750,000
MISSION TRAILS REGIONAL PARK DAM /KUMEYAA Y LAKE DREDGING AND BERM RESTORATION	\$1,000,000
SCRIPPS RANCH DOG PARK	\$500,000
JERABECK PARK	\$25,000
BAY TERRACE PARK	\$600,000 (CHANGE)
MARTIN LUTHER KING COMMUNITY PARK SENIOR CENTER	\$2,000,000 (CHANGE)

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

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 6:13 p.m. in honor of the memory of:

Fred Mason Conger as requested by Council Member Madaffer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: I236-248).