

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, AUGUST 5, 2002
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:08 p.m.

Mayor Murphy wished to welcome and introduce Gai Vassallo, the Commanding Officer of the Italian Sailing Ship, Amerigo Vespucci. Mayor Murphy noted that this ship was built in 1931 and will be visiting San Diego until August 10, and that San Diego is the only city in the continental United States to host this ship on its deployment this summer. Mayor Murphy also introduced the Honorable Massimo Roscigno, the Consul General of Italy from Los Angeles; Captain Caruso from the Italian Embassy in Washington, D.C.; and the Honorable Maurizia Cantoni, the Honorary Vice Consul of Italy in San Diego.

Council Member Maienschein wished to introduce and congratulate six students in the audience who were the recipients of the 2002 Ghandi Scholarship: Anthonio Fahme from Hilltop High School, Divya Bhatt from Scripps Ranch High School, Angel Chong from Carlsbad High School, Sandra Yam from Serra High School, Danielle Goldman from West Hills High School, and Nghia Tahn Vu from Mira Mesa High School.

The meeting was recessed by Mayor Murphy at 3:16 p.m. to convene the Housing Authority. Mayor Murphy reconvened the regular meeting to meet simultaneously with the Redevelopment Agency at 3:17 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 4:13 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:22 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 5:42 p.m. into Closed Session at 9:00 a.m. on August 6, 2002 on the Twelfth Floor conference room to discuss existing and pending litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present

- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present

- (6) Council Member Frye-present

- (7) Council Member Madaffer-present

- (8) Council Member Inzunza-present

- Clerk-Abdelnour (ek)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

ITEM-10: INVOCATION

Invocation was given by Pastor Brooks Gibbs
of Horizon Christian Fellowship.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Byron Wear.

ITEM-30: Mr. Michael Bruner Day.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-195) ADOPTED AS RESOLUTION R-296902

Commending Michael Bruner for his contributions to the City of San Diego;

Proclaiming August 5, 2002 to be "Mr. Michael Bruner Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A316-579.)

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

ITEM-31: Labor Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-198) ADOPTED AS RESOLUTION R-296903

Recognizing the vast contributions that working people in the City of San Diego have made to better the quality of life and make San Diego America's Finest City;

Proclaiming September 2, 2002 to be "Labor Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A225-315.)

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

ITEM-32: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

7/01/2002 Adjourned
7/02/2002 Adjourned
7/08/2002
7/09/2002
7/15/2002
7/16/2002

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A021-084.)

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

* ITEM-50: Water System Financing Program.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/22/2002. (Council voted 7-2.
Councilmember Stevens and Madaffer voted nay):

(O-2003-30 Cor. Copy) ADOPTED AS ORDINANCE 0-19084 (New Series)

Approving the form of and authorizing the issuance of the Public Facilities Financing Authority of the City of San Diego Water Revenue Bonds, Series 2002 (payable solely from the installment payments payable from Net System Revenues of the Water Utility Fund of the City of San Diego) and the approval of an indenture and approving the form and authorizing the execution and delivery of a 2002 supplement to the Master Installment Purchase Agreement relating to an installment purchase financing and approving certain other agreements and actions in connection therewith.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A580-B017.)

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

* ITEM-51: Amendment of Ordinance No. O-18788 - Community Facilities District No. 2 (Santaluz).

(Black Mountain Ranch Community Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/22/2002. (Council voted 9-0):

(O-2003-84) ADOPTED AS ORDINANCE O-19085 (New Series)

Ordinance of the Council of the City of San Diego, State of California, acting in its capacity as the Legislative Body of Community Facilities District No. 2 (Santaluz) amending, in part, Ordinance No. O-18788 and authorizing the levy of a special tax within Improvement Area No. 1 of such district.

FILE LOCATION: STRT-CF-2-03 (58)

COUNCIL ACTION: (Tape location: A580-B017.)

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

* ITEM-52: Headquarters Point Research Park - Open Space Rezone.

Matter of approving, conditionally approving, modifying or denying a Rezone of 36.6 acres of open space located on Headquarters Point between Wateridge Circle and Lusk Boulevard.

(RZ-99-0036. Mira Mesa Community Plan Area. District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/23/2002. (Council voted 7-0. Councilmembers Wear and Inzunza not present.):

(O-2003-24) ADOPTED AS ORDINANCE O-19086 (New Series)

Rezoning 36.6 acres located between Wateridge Circle and Lusk Boulevard, within the Mira Mesa Community Plan area, in the City of San Diego, California, from the RS-1-8 (Residential) zone into the OC-1-1 (Open Space-Conservation) zone, as defined by San Diego Municipal Code Section 131.0203; and repealing Ordinance No. 18451 (New Series), adopted December 9, 1997, of the ordinances of the City of San Diego insofar as the same conflict herewith.

FILE LOCATION: LUP-Headquarters Point Research Park 07-23-02 (65)

COUNCIL ACTION: (Tape location: A580-B017.)

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

- * ITEM-100: Awarding a Contract and Authorizing Additional Expenditure for Miramar Water Treatment Plant, Early Start Improvements Project Phase II.

(See memorandums from Larry Gardner dated 7/16/2002 and 7/10/2002; NR&C's 6/26/2002 Actions. Scripps Miramar Ranch Community Area. District-5.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-183) ADOPTED AS RESOLUTION R-296904

Authorizing the City Manager to accept the second lowest bid and award a phase funded construction contract to Archer Western Contractors, Ltd. for the Miramar Water Treatment Plant Early Start Improvements Project, Phase II, in the amount of \$17,325,413;

Authorizing the additional expenditure of an amount not to exceed \$1,940,771 from Water Fund No. 41500, CIP-73-284.0, Miramar Water Treatment Plant Upgrade and Expansion (Early Start Improvements Project, Phase II) and \$962,541 from Water Fund No. 41500, CIP-73-331.0, Water Pooled Contingency, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing Funding Phase I (Fiscal Year 2003) in the amount of \$5,314,184 from Water Fund No. 41500, CIP-73-284.0, Miramar Water Treatment Plant Upgrade and Expansion (Early Start Improvements, Phase II);

Authorizing Phase I of the agreement with Montgomery Watson Americas for construction management services in CIP-73-284.0, Miramar Water Treatment Plant (Early Start Phase II);

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 7/17/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

As part of Water Department Capital Improvements Program, the Miramar Water Treatment Plant (WTP) is scheduled for expansion from the current capacity of 140 million gallons per day (MGD) to 215 MGD to meet the water demand of its service area. In addition to increasing treatment capacity, the design is underway to upgrade the treatment unit processes to allow for improved operation and maintenance, and to meet the new drinking water standards set by the U.S. Environmental Protection Agency.

Early Start Improvements Project Phase II represents the second improvement component to the Miramar WTP Expansion and Upgrade. It consists of construction of a new 90-inch diameter raw water supply, 84-inch diameter treated water supply line, 108-inch diameter new overflow pipeline, upgrade of existing pumps and motors at Miramar Lake Pump Station, construction of temporary chemical facility and improvements to lake entrance and recreation area parking. This request for Council Action is required to augment the authorized budget to account for increased costs resulting from the verified low bid coming 13% higher than the project estimate.

The first apparent low bidder (Colich Construction at \$15,286,413) was rejected by the City, on the recommendation of Contract Services Division, because they were deemed non responsive. The next lowest bidder has been verified by the City as acceptable for the award. Staff believes that rebidding the project will not result in a lower bid and any delays will have significant impact to the project.

FISCAL IMPACT:

The total cost of this project is \$23,247,795 of which \$20,182,323 was previously authorized. Funding for Phase I is available in FY2003, from Water Revenue Fund 41500, CIP-73-284.0, provided that the City Auditor certifies that the funds are or will be available.

Mendes/Gardner/HH

Aud. Certs. 2300090 and 2300091.

FILE LOCATION:

CONT-Archer Western Contractors, Ltd.

COUNCIL ACTION: (Tape location: A580-B017.)

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

ITEM-101: Two actions related to Awarding of Contract and Authorizing Additional Funding for Sewer Group 623B

(See memorandum from Frank Belock, Jr. dated 6/5/2002. Barrio Logan Community Area. District-8.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-165) ADOPTED AS RESOLUTION R-296905

Authorizing the City Manager to award the Project contract to BRH-Garver, Inc. in an amount not to exceed \$3,296,735;

Authorizing Fiscal Year 2003 - Phase I of the Project in an amount of \$3,079,923 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement;

Authorizing the additional expenditure of an amount not to exceed \$1,877,582 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 certifying that funds necessary for such expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the amount of \$4,500 in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement for property-related Project costs;

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

Subitem-B: (R-2003-164) ADOPTED AS RESOLUTION R-296906

Declaring that the information contained in the final document, including comments received during the public review process, has been reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with the approval of the Award and Additional Funding for Sewer Replacement Group 623B;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/12/2002, NR&C voted 3 to 0 to approve. (Councilmembers Wear, Frye, and Inzunza voted yea. Councilmembers Peters and Madaffer not present.)

CITY MANAGER SUPPORTING INFORMATION:

Sewer Group 623B 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 1925 and are approaching the end of their useful service life. This project is located in the Barrio Logan community and consists of replacing approximately 2,270 feet (0.43 miles) of 24-inch, 12-inch, 8-inch, and 6-inch sewer mains, which includes 608 feet of concrete sewer pipe. Approximately 1,295 feet of the proposed alignment will be constructed by trenchless technology to minimize traffic impacts. Also, this project includes the construction of four (4) pedestrian ramps and repaving of impacted streets. The streets affected by construction operations within this project are: 32nd Street, Harbor Drive, Thor Street, and Una Street. This project was presented to the Barrio Logan Project Area Committee (PAC) and the United States Navy at several phases of the design by the Engineering and Capital Projects Department and future presentations will be given to the PAC and Navy 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 32nd Street and Harbor Drive. Traffic control plans for 32nd Street and Harbor

Drive have been developed and were approved by the City of San Diego's Traffic Signal Design and Traffic Control Section and have been provided to the contractor as part of the construction plans for Sewer Group 623B.

Funding for this project was approved by the City Council on March 18, 2002. Bids were opened on March 28, 2002. There were seventeen (17) bid packages issued and one (1) bid package received. BHR-Garver, Inc. was the low bidder with a bid amount of \$3,296,735 which is \$1,629,838 higher than the engineer's estimate. The engineer's estimate was performed utilizing the most up-to-date bid prices available in October 2001. Based upon staff's investigation of current economic conditions for the underground utility industry, we do not believe re-advertising will result in lower bids.

FISCAL IMPACT:

The total cost of this project is \$4,221,594. Authorizing an additional expenditure of \$1,877,582 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement. This project is scheduled to be phase-funded within FY 2003. Funding for Phase 1 (FY 2003) is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, in the amount of \$3,079,923 for this purpose.

Loveland/Belock/HR

Aud. Cert. 2300074.

WWF-02-607.

FILE LOCATION: SUBITEMS A & B: CONT-BRH-Garver, Inc.

COUNCIL ACTION: (Tape location: E031-274.)

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

* ITEM-102: Two actions related to Approving the Plans and Specifications and Inviting Bids for the Construction of Sewer and Water Group 688.

(See Memorandum from Frank Belock, Jr. dated 3/25/2002. University Heights Community Area. District-3.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-92) ADOPTED AS RESOLUTION R-296907

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Sewer and Water Group 688 on Work Order Nos. 174811 and 184161;

Authorizing the City Manager to establish contract funding phases and to execute a contract with the lowest responsible and reliable bidder for the Construction of Sewer and Water Group 688, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for such expenditure under established contract funding phases are, or will be on deposit with the City Treasurer;

Authorizing the use of City Forces in an amount not to exceed \$220,000 from Water Fund 41500, CIP-73-083.0, Annual Allocation, Water Main Replacement;

Authorizing the expenditure not to exceed \$2,430,264 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement and \$1,431,980 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for the construction, contingency and project related costs contingent upon the passage of the FY 2003 Capital Improvement Program and Appropriation Ordinance budgets, and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for such expenditure are, or will be on deposit with the City Treasurer.

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K-02250C)

Subitem-B: (R-2003-93 Cor. Copy) ADOPTED AS RESOLUTION R-296908

Certifying that Mitigated Negative Declaration LDR No. 41-0754, 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 Construction of Sewer and Water Group 688;

Declaring that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving said Mitigated Negative Declaration;

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 for the County of San Diego regarding the project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

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

CITY MANAGER SUPPORTING INFORMATION:

Sewer and Water Group 688 is part of the City of San Diego's continuing Annual Sewer and Water Main Replacement Program. The sewer and water mains being replaced in this project were constructed as early as 1921 and are approaching the end of their useful service life. This project is located in the University Heights Community and consists of replacing approximately 6,548 feet (0.43 miles) of 8-inch and 6-inch sewer mains which includes 3,890 feet of concrete sewer pipe and approximately 4,160 feet of 6-inch and 4-inch cast iron water mains.

Also, this project includes the construction of sixty-one (61) pedestrian ramps and resurfacing of impacted streets. The streets affected by construction operations within this project are: Kansas Street and Alabama Street, and the alley between Mississippi Street and Louisiana Street. This project was presented to the Greater North Park Community and to the Adams Avenue Business Improvement District (BID) during the design phase by the Engineering & Capital Projects Department and future presentations will be given to the Greater North Park Community and BID prior to construction.

Residents will be notified by mail at least one (1) month before construction begins by the City's Engineering & 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 & Traffic Control Section for approval, with the exception of Adams Avenue between Utah Street and 30th Street. Traffic control plans for Adams Avenue between Utah Street and 30th Street have been developed and were approved by the City of San Diego's Traffic Signal Design & Traffic Control Section and will be provided to the contractor as part of the construction plans for Sewer & Water Group 688.

FISCAL IMPACT:

The total estimated cost of this project is \$3,862,244. Funds of \$2,430,264 are available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and funds of \$1,431,980 are available in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement for this purpose. This project is scheduled to be phase funded over FY 2003 to FY 2004.

Loveland/Belock/HR

WWF-02-593.

FILE LOCATION: SUBITEMS A & B: CONT - Ortiz Corp.; W.O.
174811/184161

COUNCIL ACTION: (Tape location: A580-B017.)

CONSENT MOTION BY MADAFFER 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-103: Three actions related to the Final Subdivision Map of Dennery Ranch Unit No. 3A.
(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-188) ADOPTED AS RESOLUTION R-296909

Authorizing a Deferred Improvement Agreement with Pardee Construction Company, for Dennery Road street improvements in the subdivision to be known as Dennery Ranch Unit No. 3A.

Subitem-B: (R-2003-187 Cor.Copy) ADOPTED AS RESOLUTION R-296910

Approving the final map.

Subitem-C: (R-2003-189) ADOPTED AS RESOLUTION R-296911

Accepting a grant deed of Pardee Construction Company, granting to the City Lot "A" of Dennery Ranch Unit No. 3A for open space purposes.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 33.786 acre site into 53 lots for residential development plus Lots "A" and "B" for open space purposes. It is located northeasterly of I-805 and SR 905, on the south side of Dennery Road in the Otay Mesa Community Plan area. On November 9, 1993 the Council of the City of San Diego approved City Council Resolution R-282975 for Dennery Ranch. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. This map requires City Council approval because there is portion of a water easement being vacated.

The public improvements required for this subdivision are shown in detail on Drawing Number 30446-1 -D through 30446-42-D, filed in the Office of the City Clerk under Micro Number 141.34. All improvements are to be completed within two years.

The Engineer's estimate for the cost of public improvements is \$1,508,424. An agreement has been entered into and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$9,300, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development".

Lot "A" is being deeded to the City at no cost. The lot totals 18.78 acres in size. No park fee credit is being granted by this action. The lot is to be used for open space purposes.

This subdivision is located in the Otay Mesa Facilities Financing Plan area, which provides for the payment of a Facilities Benefits Assessment (FBA), including parks, at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of building permit issuance. This is part of a larger project. This portion of

the project consisting of 53 single family dwelling units is estimated to generate approximately 530 average daily trips (ADT), 430 of which are estimated to occur on the nearby Interstate 805, which has a near term plus project volume of 131,350 north of Palm Avenue with level of service "D" and 101,080 south of Palm Avenue with level of service "C".

The total estimated impact fees for the Dennery Ranch project is \$7,447,873 . A portion of these fees will go toward the improvements at Palm Avenue/1-805 interchange per Otay Mesa Public Facilities Financing Plan. In order to satisfy Condition 15 of VTM-88-0785 approving Dennery Ranch, the subdivider is required to dedicate and improve approximately 175 feet of Dennery Road at the southerly boundary of their property adjacent to the Robinhood Ridge development. These improvements are not required at this time; therefore the subdivider is entering into a bonded deferred agreement to assure these improvements within 2 years unless it is determined that the improvements are no longer necessary.

FISCAL IMPACT:

None.

Ewell/Escobar-Eck/GB

FILE LOCATION: SUBITEMS A & B: LUP-Dennery Ranch Unit No. 3A, 08-05-02 (65)
SUBITEM C: DEED F-9266

COUNCIL ACTION: (Tape location: A580-B017.)

CONSENT MOTION BY MADAFFER 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-104: Two actions related to the Final Subdivision Map of Dennery Ranch Unit No. 3B.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-190) ADOPTED AS RESOLUTION R-296912

Approving the final map of Dennery Ranch Unit No. 3B.

Subitem-B: (R-2003-191) ADOPTED AS RESOLUTION R-296913

Approving the acceptance by the City Manager of a grant deed dated May 4, 2001 of Pardee Construction Company, granting to the City Lot "A" of Dennery Ranch Unit No. 3B for open space purposes.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 36.307 acre site into 93 lots for residential development plus Lots "A" and "B" for open space purposes and "C" through "F" for building restricted easements. It is located northeasterly of I-805 and SR 905, on the south side of Dennery Road in the Otay Mesa Community Plan area.

On November 9, 1993 the Council of the City of San Diego approved City Council Resolution No. R-282975 for Dennery Ranch. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. This map requires City Council approval because there is a portion of a water easement being vacated on the map.

The public improvements required for this subdivision are shown in detail on Drawing Number 30447-1-D through 30447-32-D, filed in the Office of the City Clerk under Micro Number 141.35. All improvements are to be completed within two years.

The Engineer's estimate for the cost of public improvements is \$2,168,243.00. An agreement has been entered into and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$16,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments.

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

Lot "A" is being deeded to the City at no cost. The lot totals 17.146 acres in size. No park fee credit is being granted by this action. The lot is to be used for open space purposes.

This subdivision is located in the Otay Mesa Facilities Financing Plan area, which provides for the payment of a Facilities Benefits Assessment (FBA), including parks, at the time of building permit issuance.

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

This is part of a larger project. This portion of the project consisting of 93 single family dwelling units is estimated to generate approximately 930 average daily trips (ADT), 740 of which are estimated to occur on the nearby Interstate 805, which has a near term plus project volume of 131,600 north of Palm Avenue with level of service "D" and 101,140 south of Palm Avenue with level of service "C". The total estimated impact fees for the Dennery Ranch project is \$7,447,873. A portion of these fees will go toward the improvements at Palm Avenue/1-805 interchange per Otay Mesa Public Facility Financing Plan.

FISCAL IMPACT:

None.

Ewell/Escobar/ECK

FILE LOCATION: SUBITEM A: LUP-Dennery Ranch Unit No. 3B, 08-05-02
(65)
SUBITEM B: DEED F-9267

COUNCIL ACTION: (Tape location: A580-B017.)

CONSENT MOTION BY MADAFFER 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-105: Vacation of a Drainage Easement in Lot 176 of Miscellaneous Map 36.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-147) ADOPTED AS RESOLUTION R-296914

Vacating a portion of the drainage easement located in Pueblo Lot 176 of Miscellaneous Map No. 36, 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 general utility easement in Pueblo Lot 176 of Miscellaneous Map No. 36. This property is located in the Peninsula Planning area within Council District 2. The easement was granted in 1938 and there are no existing or planned utility facilities within the easement area. The applicant has requested a grading and building permit for the property, but the final approval of the project requires that easement be vacated. This easement was acquired at no cost to the City.

City staff recommends approval of the easement abandonment.

FISCAL IMPACT:

None. All costs have been paid by the applicant.

Ewell/Broughton/AEA

FILE LOCATION: DEED F-9268

COUNCIL ACTION: (Tape location: A580-B017.)

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

* ITEM-106: Vacation of a Building Restricted Easement.

(Black Mountain Ranch Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-175 Cor. Copy) ADOPTED AS RESOLUTION R-296915

Vacating the City's interest in the building restricted easement located in Parcel 22 of Map No. 18504, 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 building restricted easement in Parcel 22 of Map No. 18504. This property is located in the Black Mountain Ranch Community Planning Area within Council District 1. The applicant requested that the City vacate the easement. The area being vacated will be granted to SDG&E to build a substation which is necessary for the development of Black Mountain Ranch.

The easement is on private property and no rights are granted to the public. This easement was acquired at no cost to the City.

City staff recommends approval of the easement abandonment.

FISCAL IMPACT:

None. All costs have been paid by the applicant.

Ewell/Broughton/AEA

FILE LOCATION: DEED F-9269

COUNCIL ACTION: (Tape location: A580-B017.)

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

ITEM-107: Belt Street Trunk Sewer Project - Exchange of Sewer Easements.

(Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-201)

ADOPTED AS RESOLUTION R-296916

Approving the acceptance by the City Manager of an easement deed executed by the San Diego Unified Port District conveying to the City a sewer easement across a portion of San Diego Unified Port District property;

Authorizing the City Manager to execute a quitclaim deed to the San Diego Unified Port District, conveying all the City's right, title and interest in the existing sewer easement previously granted to the City by the San Diego Unified Port District recorded in the Office of the County Recorder as File/Page 175764 in Book 1971 on August 9, 1971;

Authorizing the City Manager, or his designee, to expend an amount not to exceed \$25,000 from Sewer Fund 41506, CIP-46-195.0 Belt Street Trunk Sewer for labor and other costs related to the exchange of property rights required for Belt Street Trunk Sewer Project.

CITY MANAGER SUPPORTING INFORMATION:

The City's Belt Street Trunk Sewer Project CIP-46-195.0 will realign and replace an existing trunk sewer line on San Diego Unified Port District property that is reaching its capacity and cannot accommodate future projected needs. The segment of pipeline being replaced is within a portion of the old Belt Street alignment adjacent to Kelco and National Steel and Shipbuilding that was conveyed to the San Diego Unified Port District in 1963.

This action provides for an exchange of easements between the City of San Diego and the San Diego Unified Port District. The exchange of easements is necessary for the realignment of the sewer as part of the project. The easements being acquired and relinquished are of comparable size and utility. The Port is providing a new easement for the realignment and installation of a new pipe and the City is relinquishing its rights to an existing easement that was granted to the City by the Port in 1971. The easement being relinquished will no longer be needed by the City upon completion of the project.

FISCAL IMPACT:

Funds in the amount of \$25,000 to cover labor and other costs related to the acquisition of the necessary property rights are available in Sewer Fund 41506, CIP-46-195.0 Belt Street Trunk Sewer.

Herring/Griffith/SAC

Aud. Cert. 2300106.

FILE LOCATION: DEED F-9270

COUNCIL ACTION: (Tape location: E275-289.)

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

- * ITEM-108: Amending the Schedule of City Council Meetings and Standing Committees to cancel the November 20, 2002 Public Safety and Neighborhood Services Committee Meeting.

PUBLIC SAFETY AND NEIGHBORHOOD COMMITTEE'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-212) ADOPTED AS RESOLUTION R-296917

Amending the Schedule of Meetings for the City Council and Standing Committees of the City Council for the period of January 1, 2002 through December 31, 2002, to cancel the Public Safety and Neighborhood Services Committee meeting of Wednesday, November 20, 2002, at 2:00 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A580-B017.)

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

- * ITEM-109: Initiation of Amendment to the North City West (Carmel Valley) Community Plan and Town Center Precise Plan.

(Carmel Valley Community Area. District-1.)

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-204) ADOPTED AS RESOLUTION R-296918

Initiating the North City West (Carmel Valley) Community Plan and Town Center Precise Plan amendment process to reclassify a portion of Townsgate Drive from a 4-lane to a 2-lane collector street.

SUPPORTING INFORMATION:

This is a request for initiation of an amendment to the North City West (Carmel Valley) Community Plan and Town Center Precise Plan to reclassify a portion of Townsgate Drive from a 4-lane to a 2-lane collector street. Excess auto travel lanes within the existing right-of-way are proposed to be converted to pedestrian and bicycle use.

The plan amendment is necessary to address the need identified by the Carmel Valley Community Planning Board for additional public space, pedestrian linkages and traffic calming within the town center. Over the past year, the planning board has considered the conceptual design of a community concourse at a public workshop as well as at ongoing planning board subcommittee meetings. Initiation of the plan amendment will allow city staff to conduct a traffic study and retain a consultant to work with the community on the design of the streetscape improvements and develop a cost estimate. It is assumed that the project will ultimately be added to the Carmel Valley Public Facilities Financing Plan with construction costs funded by the Facilities Benefit Assessment.

The City's Land Development Code requires that an amendment to a land use plan be initiated (Section 122.0103). City Council approval of the initiation will allow staff to analyze and process the land use plan amendment. If initiated, the land use plan amendments will require a City Council decision with a recommendation by the Planning Commission at future public hearings.

Ewell/Cameron

FILE LOCATION: LAND-Carmel Valley Community Area (10)

COUNCIL ACTION: (Tape location: A580-B017.)

CONSENT MOTION BY MADAFFER 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.

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

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the City Manager to accept, appropriate, and expend \$190,000 of CMAQ funds, Fund 38698, for the CIP-63-036.0, La Jolla Traffic Signal Interconnect. This project provides for a traffic signal interconnect and central communications to 18 traffic signals in La Jolla. Twisted pair interconnect will be installed on Nautilus Street, Fay Avenue, La Jolla Shores Drive and Girard Avenue. Central communications will be achieved by a dial-up telephone line. The cost of this project is estimated to be \$190,000 for design, construction, and construction engineering.

FISCAL IMPACT:

The total cost of this project is \$190,000, which is reimbursable by a Federal (CMAQ) grant.

Loveland/Belock/PB

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A580-B017.)

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

* ITEM-112: Installation of Angle Parking on State Street, Island Avenue, Second Avenue and Third Avenue.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-124) ADOPTED AS RESOLUTION R-296921

Authorizing the installation of Angle Parking on the west side of State Street between "E" Street and Market Street; the south side of Island Avenue between Union Street and Front Street; the east side of Second Avenue between Market Street and "J" Street; and on the west side of Third Avenue between Market Street and "J" Street, pursuant to authority conferred by and in accordance with the provision of Section 86.03 of the San Diego Municipal Code;

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

CITY MANAGER SUPPORTING INFORMATION:

The Centre City Development Corporation (CCDC) in coordination with residents of the "Marina District" area of the downtown are proposing the following changes in "Marina District":

Permit Angle Parking on the west side of State Street between "E" street and Market Street the south side of Island Avenue between Union Street and Front Street; the east side of Second Avenue between Market Street and "J" Street; and on the west side of Third Avenue between Market Street and "J" Street. Currently, there are 67 parallel spaces on the above mentioned streets. With the installation of angle parking, it is estimated that there will be an increase of 35 spaces for a total of 102 spaces. Council approval for installation of Angle parking is required, according to Municipal Code Section 86.03.

CCDC received input for these proposals at a number of widely-advertised community meetings. On September 4, 2001, a community meeting sponsored by CCDC was held to discuss the proposed changes. The meeting notice was sent to 5,000 residents and tenants in the area, and an announcement of the meeting and information pertaining to the meeting and proposal appeared on the CCDC website. The meeting was attended by approximately 60 people who suggested a number of modifications to the Marina Parking Improvement proposal. Those included: ensuring adequate commercial parking areas, passenger loading zones and well-placed handicapped parking spaces as well. The project was reviewed for consistency with these suggestions, and changes were made based on the comments.

The project was then presented at a number of regularly scheduled public meetings. The Parking Subcommittee of the CCDC's Project Area Committee (PAC) was supportive of the proposed changes. The full Project Area Committee (PAC) considered the proposal at their October 10, 2001 meeting. Following discussion of the issues, the PAC unanimously recommended approval of the proposed changes to on-street parking in the Marina District. On October 16, 2001, staff presented the project to the CCDC Board of Directors. The Board of Directors approved the subject proposal.

The proposed parking regulation is consistent with the parking regulations in most areas of the Downtown. The proposed parking changes will increase number of spaces and provide a better use of on street parking to businesses in the area.

The City Manager recommends approval of this action.

FISCAL IMPACT:

Minimal. Funds are budgeted within the Transportation Department, Street Division's operating fund for this purpose.

Loveland/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A580-B017.)

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

* ITEM-113: Planning and Design Agreement with Parsons Engineering Science, Inc., for Sewer Projects.

(See Memorandum from Frank Belock dated 6/13/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-49) ADOPTED AS RESOLUTION R-296922

Authorizing the City Manager to execute an agreement with Parsons Engineering Science, Inc., for engineering services of various sewer projects City-wide for the Engineering and Capital Projects Department, in an amount not to exceed \$2,000,000;

Authorizing the expenditure of an amount not to exceed \$2,000,000 from Sewer Fund 41506 for the project, provided that the City Auditor first furnishes a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/26/2002, NR&C voted 4 to 0 to approve the project and direct staff to review bids starting from July 1, 1999, to the present and conduct and analysis/breakdown of all costs associated with CIP projects. (Councilmembers Wear, Frye, Madaffer and Inzunza voted yea. Councilmember Peters not present.)

CITY MANAGER SUPPORTING INFORMATION:

In an effort to support the increase rate of replacement of the City's aging sewer lines, it was anticipated that the use of consultant services would be needed. On August 24, 2001, the City Consultant Selection Coordinator advertised for engineering consulting firms to provide general civil engineering services for various engineering projects. The advertisement had been placed in the San Diego Daily Transcript, Voice and Viewpoint Journal, Asian Journal, La Prensa San Diego, Integrated Marketing Systems, and City of San Diego Web Page/Public Notice. Twenty-four (24) firms responded and on October 25, 2001, the Consultant Nominating Committee nominated 17 firms to participate in the final selection process.

In conformance with Council Policy 300-7, these firms were interviewed on December 4, 2001 through December 11, 2001, and the firm of Parsons Engineering Science, Inc., was selected as one of the best qualified firms to provide the two (2) years of consulting services. These services will include preparing reports, studies, and construction documents and performing civil, geotechnical, and traffic engineering and may require other associated services including, but not limited to, structural engineering, environmental permitting and planning for major pipelines, pump stations, and other miscellaneous projects. These consultant services are required in order to meet the anticipated planning and design needs for the expanded sewer main replacement program. The sub-consultants for this consultant services agreement are URS Corporation, Lintvedt, McColl and Associates, Tran Consulting Engineers, and KTU&A.

This Agreement provides for general civil engineering services by task on an hourly basis such that the fee for an individual project does not exceed \$350,000 per task and is within the standards and norms of the industry. The total contract cost shall not exceed \$2,000,000 for a period of two (2) years (from the date of execution by the City) or the completion of the last authorized task.

FISCAL IMPACT:

The total estimated cost of this agreement will be \$2,000,000. Funding is available from Sewer Fund 41506 for this purpose.

Loveland/Belock/HR

Aud. Cert. 2300018.

WWF-02-601.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A580-B017.)

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

* ITEM-114: Planning and Design Agreement with Richard D. Brady, for Sewer and Water Group Jobs.

(See Memorandum from Frank Belock, Jr., dated 7/8/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-57) ADOPTED AS RESOLUTION R-296923

Authorizing the City Manager to execute an agreement with Richard D. Brady, for engineering services for the planning and design of various sewer and water group jobs City-wide for the Engineering & Capital Projects Department, in an amount not to exceed \$2,000,000;

Authorizing the expenditure of an amount not to exceed \$400,000 from Water Fund 41500, and \$1,600,000 from Sewer Fund 41506, provided that the City Auditor first furnishes a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/17/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

On August 24, 2001, the City Consultant Services Coordinator advertised for engineering consulting firms to provide planning and design services for various sewer and water group jobs. The advertisement had been placed in the San Diego Daily Transcript, Voice and Viewpoint Journal, Asian Journal, La Prensa San Diego, Integrated Marketing Systems, and City of San Diego Web Page/Public Notice.

Twenty-four (24) firms responded and on October 25, 2001, the Consultant Nominating Committee nominated the seventeen (17) most qualified engineering firms to participate in the selection process.

In conformance with Council Policy 300-7, these firms were interviewed and the firm of Richard D. Brady, was selected as one of the firms to provide the two (2) years of consulting services. Engineering services required of the Consultant include preparing planning and design packages, responding to design related questions during bidding, reviewing contractor's submittals, and preparing "As-built" drawings. These consultant services are required in order to meet the anticipated planning and design needs for the expanded sewer main replacement program. The sub-consultants anticipated to be utilized for this work are: Lintvedt, McColl & Associates, DeC Consultant, Inc., Katz & Associates, Inc., Helix Environmental Planning, Inc., Montgomery Watson Harza and Kleinfelder.

This Agreement provides for planning and design of sewer and water group jobs by task on an hourly basis such that the fee for an individual project does not exceed \$200,000 per task and is within the standards and norms of the industry. The total contract cost shall not exceed \$2,000,000 for a period of two (2) years (from the date of execution by the City) or the completion of the last authorized task.

FISCAL IMPACT:

The total estimated cost of this Agreement is \$2,000,000. Funding of \$400,000 is available from Water Fund 41500 and \$1,600,000 from Sewer Fund 41506 for this purpose.

Aud. Cert. 2300014.

WWF-02-603.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A580-B017.)

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

* ITEM-115: HDR Engineering Agreement to Provide Professional Services for Optimizing Water Department Operations.

(See memorandum from Larry Gardner dated 7/10/2002, and letter from Judie Italiano dated 7/08/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-785) ADOPTED AS RESOLUTION R-296924

Authorizing the City Manager to execute an agreement with HDR Engineering, Inc., for the development and implementation of a Bid to Goal Program for the Water Department, Operations Division;

Authorizing the expenditure of an amount not to exceed \$1,371,000 from Water Fund 41500 for the purpose of funding this agreement.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/17/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The proposed agreement with HDR Engineering, Inc. (HDR) is to provide professional services to develop a Bid to Goal program to optimize Water Department operations. The Water

Department's Operations Division is responsible for the operation and maintenance of the City's entire water system.

The Water Operations Division sections that will be addressed under this program are: water treatment plants, system operations, construction, administration, laboratory, engineering, lakes and recreation, safety and stormwater/watershed. City Council action for the FY 2002 budget has recommended the Water Department develop an optimization program for the Water Operations Division similar to that of the Metropolitan Wastewater Department (MWW). HDR is being recommended as a "sole source" vendor due to the successful development and implementation of MWW's Bid to Goal program in their O&M and Collections Divisions.

MWW's Bid to Goal Program developed by HDR has been proven highly successful in fostering team orientation, a total system focus on improving productivity, measuring results and assuming accountability. HDR has a history in other City and Water Department (Otay Treatment Plant) competitive efforts, for improving cost savings and streamlining work processes. Time savings are anticipated due to their knowledge, skills, experience and familiarity with the City structure, which makes them uniquely qualified to provide optimization services to the Water Operations Division. It will also provide uniformity between Water and MWW's optimization efforts, in addition to providing the Water Department with improved workforce efficiency and overall cost savings.

Development and implementation of the Bid to Goal strategies for Water Operations will be over three fiscal years. Phase I (FY2003) - Data Collection, Optimization and ISO Planning : Steps and tasks in this phase will result in a comprehensive assessment of the Division's operations. Development of ISO 14001, an Environmental Management System (EMS), will enhance environmental performance by integrating measurable goals into overall management system of the Water Operations Division. HDR will provide technical assistance, engineering and management consulting services to assist Ops in preparing a draft employee bid.

Phase 2 (FY2004) - Optimization and ISO Implementation: HDR will provide technical assistance to develop the ISO 14001 EMS, as well as the requirements leading towards ISO registration. HDR will also prepare a Competitive Business Plan, which will contain the Bid (contract), period financial and performance targets, as well as the internal optimization strategies (process improvements) proposed to achieve the bid.

Phase 3 (FY2005) - ISO Registration, ISO Expansion and Performance Evaluation: Steps and tasks in this phase will pertain to preparation of the Division's "ISO" units for ISO Registration by September 2004. This phase will also include technical, engineering and management consulting services for the evaluation of incorporated Bid to Goal optimization strategies, and the potential expansion of ISO to other units and facilities within the division.

FISCAL IMPACT:

FYs' 2002, 2003, 2004, and 2005 cost estimates are \$403,907, \$427,143, \$404,525 and \$136,125 respectively to be funded by the Water Department Operations Division.

Belock/KF

Aud. Cert. 2200665.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A580-B017.)

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

* ITEM-116: Agreement with Otay Water District for as Needed Water Service.

(See memorandum from Larry Gardner dated 7/10/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1564) ADOPTED AS RESOLUTION R-296925

Authorizing the City Manager to execute an Agreement with Otay Water District, for as needed Water Service at Otay Mesa Road and Heritage Road.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/17/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.

CITY MANAGER SUPPORTING INFORMATION:

This Agreement is between the City of San Diego (City) and Otay Water District (Otay) for installation of an Interconnection Facility between the Otay System and the City's Water System.

This Interconnection Facility is to deliver water, as needed, to the City and as available from Otay's Surplus Water and it is located on the southwest corner of the intersection of Otay Mesa Road and Heritage Road. This interconnection facility will provide a back-up source of treated water to serve the City's southern service area in case of operational difficulties with water pump stations or other water facilities. It will provide a maximum flow rate of 5,000 gallons per minute for a total of 7.2 million gallons per day.

FISCAL IMPACT:

CIP Number not applicable. The Interconnection Facility has been installed by City crews. This agreement is for water transfer and finalizes necessary arrangements.

Mendes/Gardner/RM

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A580-B017.)

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

* ITEM-117: Planning Agreement with Pountney Consulting Group, Inc., for Sewer and Water Group Jobs.

(See memorandum from Frank Belock, Jr. dated 7/8/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-157) ADOPTED AS RESOLUTION R-296926

Authorizing the City Manager to execute an agreement with Pountney Consulting Group, Inc., for engineering services for the planning of urban sewer and water system improvements city-wide for the Engineering & Capital Projects Department, in an amount not to exceed \$800,000;

Authorizing the expenditure of an amount not to exceed \$785,000 from Sewer Fund 41506, and \$15,000 from Water Fund 41500, provided that the City Auditor

and Comptroller first furnishes a certificate that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/17/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

In an effort to support the increased rate of replacement of the City's aging sewer lines, it is anticipated that the use of consultant services will be needed. On August 24, 2001, the City Consultant Services Coordinator advertised for engineering consulting firms to provide planning and design services for various sewer and water group jobs.

The advertisement had been placed in the San Diego Daily Transcript, Voice and Viewpoint Journal, Asian Journal, La Prensa San Diego, Integrated Marketing Systems, and City of San Diego Web Page/Public Notice. Twenty-four firms responded and on October 25, 2001, the Consultant Nominating Committee nominated the 17 most qualified engineering firms to participate in the selection process. In conformance with Council Policy 300-7, these firms were interviewed, and the firm of Pountney Consulting Group, Inc., was selected as one of the firms to provide the two years of consulting services.

Engineering services required of the Consultant include those needed to prepare urban sewer and water system planning and preliminary design packages. Services include evaluating maintenance history, capacity needs, pipe condition assessments, and site characteristics to recommend system improvements and optimal construction methods. The subconsultants anticipated to be utilized for this work are Ninyo and Moore, Katz and Associates, and Underground Surveying.

This Agreement provides for the planning of sewer and water group jobs by task on an hourly basis such that the fee for an individual project does not exceed \$50,000 per task and is within the standards and norms of the industry. The total contract cost shall not exceed \$800,000 for a period of two years (from the date of execution by the City) or the completion of the last authorized task.

FISCAL IMPACT:

The total estimated cost of this agreement will be \$800,000. Funding of \$785,000 is available from Sewer Fund Revenue 41506 and \$15,000 from Water Revenue Fund 41500 for this purpose.

Loveland/Belock/HR

Aud. Cert. 2300066.

WWF-02-608.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A580-B017.)

CONSENT MOTION BY MADAFFER 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-118: Agreement with CDM for the Miramar Water Treatment Plant Upgrade and Expansion.

(See memorandum from Mark Stone dated 5/09/2002. Scripps Miramar Ranch Community Area. District-5.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-162) ADOPTED AS RESOLUTION R-296927

Authorizing the City Manager to execute a phase-funded agreement with Camp, Dresser & McKee, Inc., for engineering services in connection with the Miramar Water Treatment Plant Upgrade and Expansion Project;

Authorizing the expenditure of an amount not to exceed \$6,644,975 from Water Fund No. 41500, CIP-73-284.0, Miramar Water Treatment Plant Upgrade & Expansion (consisting of \$6,044,975 from Water Fund No. 41500, CIP-73-284.0 and \$600,000 from Water Fund No. 41500, CIP-73-284.2), provided that the City

Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the Phase I of the agreement with Camp, Dresser & McKee in the amount of \$3,850,000 (consisting of \$3,700,000 from Water Fund No. 41500, CIP-73-284.0 and \$150,000 from Water Fund No. 41500, CIP-73-284.2);

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/15/2002, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Wear, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

This agreement will provide additional engineering services for the expansion and upgrade of the Miramar Water Treatment Plant (WTP) to meet future potable water needs to the northern parts of the City. In addition to increasing the capacity, the plant is 40 years old and is in need of modernization to allow for improved operation and maintenance and to meet the new drinking water standards set by the U.S. Environmental Protection Agency. This project is part of the water system Capital Improvements Program approved by the City Council in August 1997, as part of the Strategic Plan for Water Supply 1997-2015.

The City executed an agreement with Camp Dresser & McKee (CDM) in August 1996, in the amount of \$2,108,613 for the design of Miramar WTP Expansion and Upgrade, Council Action (RR-287744). The scope of services under this agreement was to provide preliminary engineering. In June of 1999, the First Amended Agreement with CDM was authorized by City Council (RR-291717) for a total of \$12,280,286.

The scope of services for the amended agreement included detail design for the expansion and upgrade of Miramar WTP from current production capacity of 140 million gallons per day (mgd) to 215 mgd. The engineering services included the design of rapid mix facility, flocculation basins, filters, chemical feed and storage facility, Ozone and wash water recovery basin.

The continued contractual participation in this critical CIP project by CDM is essential because of its historical and current involvement and its dedicated professional staff and high quality work. Due to additional service described below, a new agreement is needed to complete the design phase of the Miramar WTP Expansion and Upgrade Project: Raw Water Ozone and Deaeration Basins, additional chemicals, Miramar Lake entrance and recreational parking

improvements, Miramar 2A Pipeline Extension, new administration building, temporary chemical facility, Early Start Improvement Projects Phase I and II Process Control System, engineering construction services for Early Start Improvement Projects, one additional flocculation and sedimentation basin plus the demolishing of two existing basins (lower construction cost) and, split water treatment plant contract to four separate contract documents (to provide more competitive bids and better opportunity to local contractors).

The design phase of the Miramar WTP Expansion and Upgrade is scheduled to be completed in early part of 2004.

This project was presented and approved by the Natural Resources and Culture Committee on May 15, 2002.

FISCAL IMPACT:

The total cost of this agreement is \$21,033,874 of which \$14,388,899 was previously authorized. The balance of \$6,644,975 is available from Water Revenue Fund 41500, CIP-73-284.0, Miramar Filtration Plant Upgrade and Expansion. This agreement will be phase-funded over three phases as follows: Phase 1 (FY2003) \$3,850,000, Phase 2 (FY2004) \$1,700,000 and Phase 3 (FY2005) \$1,094,975.

Mendes/Gardner/VB

Aud. Cert. 2300094.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A580-B017.)

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

ITEM-119: Point Loma Kelp Forest Studies - Agreement with the Regents of the University of California.

(See memorandum from Scott Tulloch dated 5/13/2002.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-131)

ADOPTED AS RESOLUTION R-296928

Authorizing the City Manager to execute a Phase Funded Agreement for Consultant Services between the City of San Diego and the Regents of the University of California for an amount not to exceed \$923,718 for a four fiscal year period;

Authorizing the expenditure of an amount not to exceed \$923,718 from Sewer Revenue Fund 41508 for the purpose of funding the four phases allocated as follows, contingent upon City Council approval of the Originating Department's operating budget for the respective fiscal year:

Phase 1 - \$186,834 from FY 2003 appropriations, contingent upon the approval of FY 2003 operating budget;

Phase 2 - \$240,447 FY 2004 appropriations, contingent upon the approval of FY 2004 operating budget;

Phase 3 - \$237,806 from FY 2005 appropriations, contingent upon the approval of FY 2005 operating budget;

Phase 4 - \$258,631 from FY 2006 appropriations, contingent upon the approval of FY 2006 operating budget.

CITY MANAGER SUPPORTING INFORMATION:

A unique feature of the local ocean environment is the kelp forest that lies 1 to 2 miles offshore, west of the City's Point Loma Wastewater Treatment Plant.

The NPDES permit for the Treatment Plant specifies that the aerial extent of the kelp forest canopy must be mapped and reported annually to the Regional Water Quality Control Board. Whereas the mapping gives a general indication of the existing surface condition of this very important feature of the local ocean environment, it does not assess the natural and anthropogenic factors that may contribute to the health of the kelp forest.

Since 1992, the City of San Diego has contracted with the University of California, Scripps Institution of Oceanography, to monitor and study the condition of the kelp bed to ensure that the discharge from the Treatment Plant does not have a negative impact on the forest. To continue

these investigations of factors that control the health of the Point Loma kelp forest, it is requested that this agreement be approved for the period of the four fiscal years indicated.

FISCAL IMPACT:

The total cost of this agreement shall not exceed \$923,718. Total amount of \$923,718 shall be encumbered in four phases over four fiscal years: Phase 1 (FY2003) \$186,834; Phase 2 (FY2004) \$240,447; Phase 3 (FY 2005) \$237,806; and Phase 4 (FY2006) \$258,631.

Mendes/Tulloch/ACL

Aud. Cert. 2300048.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B126-B320.)

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

* ITEM-120: Amendment of Subdivision Improvement Agreement (Deferred Improvement Development) for Piper Ranch Business Park.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-168) ADOPTED AS RESOLUTION R-296929

Authorizing the City Manager to execute an Amendment to Subdivision Improvement Agreement (Deferred Improvement Development) with DAMG IV, LLC, and Piper Ranch LLC for the installation and completion by Piper Ranch LLC of public improvements in the subdivision to be known as Piper Ranch Business Park.

CITY MANAGER SUPPORTING INFORMATION:

On November 14, 2000 per Document No. RR-294130, the City entered into a Subdivision Improvement Agreement (Deferred Improvement Agreement) with DAMG IV, LLC for the construction of public improvements as shown on Engineering Drawing No. 23680-1-D through 23680-35-D for the final map of Piper Ranch Business Park Map No. 12346. This property is located east of I-805, north of Otay Mesa Road in the Otay Mesa Community Plan area.

The property is now owned by Piper Ranch LLC. Piper Ranch LLC is requesting that the agreement be amended such that they be substituted for the existing subdivider (DAMG IV LLC). Piper Ranch LLC will assume all duties and obligations that are set forth in the Subdivision Improvement Agreement (Deferred Improvement Agreement).

Piper Ranch Business Park was previously approved under Tentative Map TM-86-0934 and Final Map number 12346. This action will only transfer the ownership of the subdivision improvement agreement.

Piper Ranch Business Park is estimated to generate approximately 17,000 average daily trips (ADT). Project ADT is estimated to travel on the nearby State Route 905, which has a near term plus project volume of 36,400 at the eastern end with level of service "E" and 61,600 at the western end with level of service "D". Piper Ranch Business Park is required to provide improvements along its frontage on Otay Mesa Road and Piper Ranch Road. Project will also provide a traffic signal system at the intersection of Otay Mesa Road/Piper Ranch Road and will pay \$26,250 toward a traffic signal at the intersection of Piper Ranch Road/Aviator Road. According to the applicant, occupancy of the project is anticipated by July 2005.

FISCAL IMPACT:

None.

Ewell/Broughton/GRB

FILE LOCATION: LUP-Piper Ranch Business Park, 08-05-02 (65)

COUNCIL ACTION: (Tape location: A580-B017.)

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

* ITEM-121: Contribution Agreement with Caltrans for Installation of a Median Fence on Palm Avenue.

(Otay Mesa-Nestor Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-90) ADOPTED AS RESOLUTION R-296930

Authorizing the City Manager to execute a Contribution Agreement with the State of California, to accept \$35,000 for the construction of a median fence on Palm Avenue;

Authorizing the appropriation and expenditure of an amount not to exceed \$35,000 from CIP-39-225.0, Palm Avenue West Improvements, Fund 63022, contingent upon receipt of funds from the State of California.

CITY MANAGER SUPPORTING INFORMATION:

This project will provide for the installation of a five-foot high median fence on Palm Avenue between Saturn Boulevard and 16th Street in the Nestor community. The purpose of this fence is to discourage pedestrians from crossing mid-block at this location. Because Palm Avenue is part of State Route 75, CalTrans is contributing the \$35,000 cost for the installation of the fence. The City will oversee the installation of the fence, and will coordinate it with the median landscaping.

FISCAL IMPACT:

This action will approve the appropriation of \$35,000 contribution from the State of California to CIP-39-225.0, Palm Avenue West Improvements. This amount was included in the FY 2003 Annual Budget. The total project cost for Palm Avenue West Improvements is \$430,446, of which \$105,000 remains unidentified.

Loveland/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A580-B017.)

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

* ITEM-122: Fourth Amendment to Lease Agreement - Sports Arena Village Limited, LLC.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-169)

ADOPTED AS RESOLUTION R-296931

Authorizing the City Manager to execute a Fourth Amendment to Lease Agreement with Sports Arena Village Limited, for the adjustment of Lessee's gross income rent for the succeeding twelve-year term of the lease.

CITY MANAGER SUPPORTING INFORMATION:

The City owns a parcel approximately 17-acres in size located at the northeast corner of Sports Arena Boulevard and Hancock Street. This parcel has been occupied by Sports Arena Village Limited, a California limited partnership ("Lessee") under a lease that commenced on January 2, 1979 and expires on January 1, 2029. The Lessee developed and subleases retail stores, restaurants and offices on the property. The City is paid percentage rent on gross income as follows: (1) 10% of gross rents received from office space; (2) 20% of gross rents received on the first \$640,000 from retail space; (3) 50% of gross rents received from retail space above \$640,000. Percentage rent adjustments are scheduled every twelve years.

A minimum rent equal to 66-2/3% of the average annual rent paid for the preceeding three years applies if percentage rent falls below the minimum rent. Pursuant to the first amendment to the lease, the percentage rates were to be adjusted on January 1, 2001. The City and Lessee were unable to agree as to the percentage rent adjustment and the Lessee subsequently filed a lawsuit against the City. The parties have recently agreed to settle the case by adjusting the rents received by the City as follows: (1) 16% of gross rents received from office space; (2) 35% of gross rents received from retail space, excluding two pads subleased to restaurants; (3) 50% of gross rents received from the two pads subleased to restaurants; (4) minimum rent will be adjusted to 80% of the average annual rent for the five years preceding the rental review date.

On June 25, 2002, the City Council approved a conditional settlement in a related lawsuit. The case would be dismissed if the Council approved the fourth amendment to the lease. Based on the gross rental figures, if the proposed amendment is approved, the City would collect \$813,000 in rent for the year 2001. This figure represents a 57% increase over the rent the City would receive based on current percentage rates and the Lessee estimates that future rents will increase by 4% per year. The next percentage rent adjustment will occur in 2012.

A staff estimate from 2001 determined that the land value was \$9,200,000 based on the allowed uses under the lease. The annual percentage rent of \$813,000 offers a fair rate of return to the City.

FISCAL IMPACT:

Annual rent of \$813,000 will be deposited in Qualcomm Stadium Operation Fund.

Herring/Griffith/VEB

FILE LOCATION: LEAS-Sports Arena Village Limited, LLC

COUNCIL ACTION: (Tape location: A580-B017.)

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

* ITEM-123: Accepting Bid for the Construction of the North Park Community Park Phase I Requirement Project.

(Greater North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-182) ADOPTED AS RESOLUTION R-296932

Authorizing the City Manager to accept the low bid of Heffler Company, Inc., for the North Park Community Park Phase I Requirements, Work Order No. 298260, in an amount not to exceed \$1,035,600;

Authorizing the City Auditor and Comptroller to expend \$1,035,600 for construction of the Project and to return any excess budgeted funds to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The existing North Park Community Park is located between Oregon Street and Idaho Street on the west and east and Lincoln Avenue and Howard Avenue on the north and south, respectively,

in the community of North Park. On July 3, 2001, three bids were opened for the construction of the phase one improvements.

The lowest bid of \$1,428,126 was 42% over the available budget. To better meet the budget and community needs, the project was refined to include multiple phases of construction, and it was readvertised. On April 16, 2002, four bid packages were received for the project. The lowest responsible bidder, Heffler Company, Inc. submitted a bid in the amount of \$1,035,600.

The proposed project will provide ADA compliant play equipment structures and swings for school age (5-12) and toddler age (2-5) children, recycled rubber resilient surfacing, sand play areas, concrete paving, picnic tables, seat walls, educational components and artistic treatments.

The existing comfort station will also be expanded and upgraded to meet current American's with Disabilities Act (ADA) standards. The other park improvements will be scheduled when additional funds become available.

FISCAL IMPACT:

The estimated project cost is \$1,595,000, which is fully funded in CIP-29-8260, North Park Community Park Phase I Requirements Project. Prior Council action (R-294932, adopted May 29, 2001) authorized the expenditure of funds for the construction contract.

Loveland/Belock/AO

Aud. Cert. 2300098.

FILE LOCATION: CONT-Heffler Company, Inc.

COUNCIL ACTION: (Tape location: A580-B017.)

CONSENT MOTION BY MADAFFER 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-124: San Diego Enterprise Zone Program Boundary Expansion for the South Bay Enterprise Zone and Metro Enterprise Zone.

(See City Manager Report CMR-02-179. Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-158)

ADOPTED AS RESOLUTION R-296933

Authorizing and directing the City Manager to file documents with the California Technology, Trade & Commerce Agency to expand the Metropolitan Enterprise Zone and the South Bay Enterprise Zone in accordance with regulations promulgated by the Technology, Trade & Commerce Agency pursuant to State Law (AB 251 of 1989);

Authorizing the City Manager to file documents with the California Technology, Trade & Commerce Agency to expand the City's Targeted Employment Area [TEA] to include the City of National City's low and moderate income census tracts;

Authorizing the City Manager to take actions necessary to expand the Metropolitan Enterprise Zone and South Bay Enterprise Zone to include areas within the city limits of San Diego and National City as described in City Manager Report CMR-02-179, including execution of the Memorandum of Understanding with the City of National City for the expansion and administration of the South Bay Enterprise Zone;

Declaring that the City Council finds that the Metropolitan Enterprise Zone and the South Bay Enterprise Zone, as expanded, are in areas with high unemployment and limited employment opportunities for area residents, and that designation of these areas as Enterprise Zones 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 and the South Bay Enterprise Zone within the San Diego city limits, as expanded, when such expansions are approved by the California Technology, Trade & Commerce Agency: to expedite the necessary development plan and permit processing, and building permit issuance for such projects. In light of recent concerns associated with the lack of affordable housing in San Diego, the Housing Trust Fund fee waiver will not be offered as a local incentive to new development projects within the proposed Enterprise Zone Expansion Areas within San Diego's city limits.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: C281-332; 495-589.)

MOTION BY INZUNZA 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.

AMENDMENT TO THE MOTION BY WEAR TO ADOPT WITH DIRECTION TO THE CITY MANAGER THAT A PORTION OF THE UNDEVELOPED PORTION OF HORTON PLAZA RETAIL CENTER WHICH LIES BETWEEN THE HORTON PLAZA PARKING GARAGE AND THE PUBLIC SIDEWALK, LOCATED BETWEEN SECOND AND THIRD AVENUES ON G STREET, BE ADDED TO ALLOW FOR CONSTRUCTION OF A NEW \$100 MILLION HOTEL. THE SITE IS 56.7 FEET ON THE WEST END, 55.8 FEET DEEP ON THE EAST END, AND 34.08 FEET WIDE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-125: Two actions related to Ocean Beach Entry Way.

(Ocean Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-150) ADOPTED AS RESOLUTION R-296934

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$248,000 from CDBG Fund Nos. 18535 and 18537 for the fee acquisition of the 9,358 square-foot parcel located at 2304 Sunset Cliffs Boulevard in the City of San Diego, for the purchase of furniture, fixtures and equipment on the Premises, and for demolition, labor title, escrow and miscellaneous costs associated with the acquisition.

Subitem-B: (R-2003-151) ADOPTED AS RESOLUTION R-296935

Declaring that the information contained in the final document, including any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the acquisition of property rights from the Ocean Beach Community Development Corporation for a proposed Ocean Beach Entry Way Project;

Directing the City clerk to file a Notice of Determination with the clerk of the Board of Supervisors for the County of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

On October 25, 1999, the Mayor and City Council approved Resolution No. R-292347, which authorized a loan to the Ocean Beach Community Development Corporation ("OBCDC") in the amount of \$371,000 in CDBG Funds to assist the OBCDC in the purchase of the property for the Ocean Beach Entry Way project. The City placed a Second Deed of Trust on the property to secure the loan.

The balance of the purchase price was obtained by the OBCDC through a loan from Scripps Bank in the amount of \$160,000. This amount was secured by a First Deed of Trust.

The funds requested in this action will pay off the balance of the First Deed of Trust. The City will release the Second Deed of Trust and by paying off the First Deed of Trust complete the acquisition in the name of the City. Also, this action will provide the funds for the acquisition of the furniture, fixtures and equipment the City is required to purchase from the tenant along with the cost of demolition of the improvements located on the property.

FISCAL IMPACT:

The amount of \$248,000 from CDBG Fund Nos. 18536 and 18537.

Herring/Griffith/RAG

Aud. Cert. 2300078.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Tape location: A580-B017.)

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

* ITEM-126: Barrio Logan Redevelopment Project Ratification of PAC Election.

(See City Manager Report CMR-02-178. Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-194) ADOPTED AS RESOLUTION R-296936

Ratifying the election results of May 15, 2002, for the Project Area Committee (PAC) for the Barrio Logan Redevelopment Project Area; and authorizing the extension of the Project Area Committee for one year.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A580-B017.)

CONSENT MOTION BY MADAFFER 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-127: Letter of Intent Between the Cities of San Diego and Chula Vista.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-180) ADOPTED AS RESOLUTION R-296937

Authorizing the City Manager to execute a Letter of Intent (Agreement) with the City of Chula Vista, regarding the reorganization of the San Diego and Chula Vista jurisdictional boundaries within the Otay Valley Regional Park Planning Area.

CITY MANAGER SUPPORTING INFORMATION:

The purpose of the Letter of Intent (LOI) is to memorialize the intentions of the City of San Diego and the City of Chula Vista with regard to jurisdictional boundaries within and surrounding the Otay Valley Regional Park (OVRP). The parties will initiate the process of Reorganization for three properties: a) Nakano-Davies, b) Rancho Rios, and c) West Fairfield ("Fenton").

The Letter of Intent identifies Lead and Responsible Agency responsibilities, requires that parties may enter into a revenue sharing agreement (West Fairfield), and urges the expeditious initiation and processing of the reorganization applications. The Letter of Intent does not approve or disapprove any of the applications, pre-zoning, entitlements and/or other necessary discretionary actions.

The Cities of San Diego and Chula Vista are, in partnership with the County of San Diego, participants in the Otay Valley Regional Park Joint Exercise of Powers Agreement (JEPA). The purpose of the JEPA is to provide policy direction for coordination of the planning, acquisition, and design of the Otay Valley Regional Park as outlined in the Otay Valley Regional Park Concept Plan.

To meet the goals of the OVRP Concept Plan, all three agencies have been endeavoring to acquire parkland in order to preserve valuable biological resources and to create recreational opportunities within the Otay River Valley. As part of this effort, a concept plan has been approved by the three jurisdictions that will preserve natural open space areas, and create passive and active recreational sites within the Otay Valley Regional Park. In order to accomplish these objectives, a reorganization of the jurisdictional boundaries of the two Cities will be required. Adoption of a Letter of Intent between San Diego and Chula Vista is proposed in order to memorialize the intent of both Cities to initiate and implement an "OVRP Reorganization Plan."

The Letter of Intent provides the initial principles that will form the basis of reorganization of the properties, and expresses the agreement to cooperate with each other to accomplish the purposes and intent associated with the Otay Valley Regional Park Reorganization Plan. The Letter of Intent is not a binding agreement, nor does it commit either City to approve or disapprove any of the applications, pre-zoning, entitlements or other approvals required for the related projects.

FISCAL IMPACT:

There is no Fiscal impact associated with the recommendation.

Ewell/Goldberg

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A580-B017.)

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

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

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-208)

ADOPTED AS RESOLUTION R-296938

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

CITY MANAGER'S SUPPORTING INFORMATION:

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

FILE LOCATION:

GEN'L-Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

COUNCIL ACTION:

(Tape location: A580-B017.)

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

- * ITEM-129: 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-2003-3) ADOPTED AS RESOLUTION R-296939

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: A580-B017.)

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

ITEM-130: 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-2003-107) ADOPTED AS RESOLUTION R-296940,
WITH DIRECTIONS

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: B006-125.)

MOTION BY INZUNZA TO ADOPT WITH DIRECTION FROM MAYOR MURPHY THAT THE CITY MANAGER PROVIDE A RESPONSE TO THE FOLLOWING QUESTIONS:

1. WHY IS IT THAT WE ARE CONTINUING TO DECLARE A STATE OF EMERGENCY REGARDING DISCHARGE OF RAW SEWAGE FROM TIJUANA, MEXICO?
2. WHAT SCIENCE IS BEING USED TO DETERMINE THAT IN FACT RAW SEWAGE IS COMING FROM TIJUANA AND NOT FROM U.S. SOURCES AND TO TRACK SEWAGE IN THE TIJUANA RIVER VALLEY TO DETERMINE ITS SOURCE?
3. WHAT ACTUAL DATA DOES THE CITY HAVE TO DETERMINE WHETHER OR NOT BACTERIA IS CONTINUING TO BE FOUND?
4. CAN WE LOOK AT SOME OF THE LATEST TECHNOLOGY, SUCH AS COASTAL OCEAN RADAR, TO DETERMINE WHETHER OR NOT BACTERIA IS COMING FROM OCEAN OUTFALL THAT IS CONNECTED TO THE TREATMENT PLANT AT THE BORDER?

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

ITEM-150: City Manager's Equal Opportunity Contracting (EOC) Status Report for the First Half of Fiscal Year 2002.

(See City Manager Report CMR-02-106.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-160) ADOPTED AS RESOLUTION R-296941

Accepting the City Manager's Equal Opportunity Contracting Status Report for the first half of Fiscal Year 2002;

Approving the City Manager's recommended revision to the Subcontractor Outreach Program;

Directing the City Manager to implement the outreach consultant activities previously approved and funded in the amount of \$100,000.

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

On 5/08/2002, PS&NS voted 4 to 0 to:

ACTION: Regarding CMR-02-106 - Motion by Councilmember Frye, second by Councilmember Maienschein to:

- A. Accept the City Manager's EOCP biennial status report for the first half of Fiscal Year 2002.
- B. Approve the City Manager's recommended changes to the Subcontractor Outreach Program.
- C. Direct the City Manager to implement the outreach consultant activities previously approved and funded by the City Council in the amount of \$100,000.
- D. Refer to the Rules, Finance and Intergovernmental Relations Committee a discussion of an amendment to City Charter Section 94 for possible placement on the November ballot, regarding "lowest responsible, reliable bidder" requirements for consideration, with the goal of adding language that better defines a "responsible" bidder as one who has demonstrated compliance with our City's Equal Opportunity policies and procedures.

VOTE: 4-0; Councilmembers Atkins, Stevens, Maienschein, and Frye voted yea. Councilmember Inzunza not present.

ACTION: Regarding Hometown Coalition Presentation - Motion by Councilmember Frye, second by Deputy Mayor Stevens to:

Refer the issues raised in the "Hometown Coalition" report to the Public Works Advisory Board and direct the City Manager to return to the Public Safety and Neighborhood Services Committee with a report on the responses to these issues.

VOTE: 4-0; Councilmembers Atkins, Stevens, Maienschein, and Frye voted yea. Councilmember Inzunza-not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E322-352.)

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

ITEM-151: Power Purchase Contract with San Diego Gas and Electric Company.

(See memorandum from Scott Tulloch dated 7/10/2002. Peninsula Community Area. District-2.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-181) ADOPTED AS RESOLUTION R-296942

Authorizing the City Manager to execute a power purchase agreement with San Diego Gas and Electric Company, for the sale of excess electrical energy generated but not used at the City's Point Loma Wastewater Treatment Plant Gas Utilization Facility [GUF];

Authorizing the City Auditor and Comptroller to deposit funds received under this agreement in Revenue Account No. 77537.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/17/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

Since the collapse of the California Power Exchange and the discontinuation of Uniform Standard Offer contracts for sale of energy to utilities within the State, the City's Point Loma Gas Utilization Facility has been selling its excess power to the energy spot market through its scheduling coordinator contract with Sempra Energy Trading.

Due to actions taken by the State and the Federal government, the prices on the wholesale energy spot market have dropped dramatically over the past year to less than \$.03/kwh. In order to improve revenues and reduce the operating cost of the Point Loma Wastewater Treatment Plant, it is desirable to enter into a short-term contract with SDG&E for the sale of this excess energy. This contract will give the City increased revenues over the current spot market values.

There are currently several issues under consideration by the California Public Utilities Commission to determine how the State's utilities will purchase energy, how much should be renewable energy, and how they would take over the energy contracts signed by the State. This

contract will provide a stable revenue source to the City over the next 18 months while the Public Utilities Commission decides how future energy sales contracts with the State's utilities will be managed.

FISCAL IMPACT:

This contract will generate estimated revenues of \$1,680,000 to the sewer fund over the 18 month term of the contract.

Mendes/Tulloch/TRA

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D289-399.)

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

ITEM-200: Tax Rate Ordinance for Fiscal Year 2003.

(See City Manager Report CMR-02-172.)

CITY MANAGER'S RECOMMENDATION:

Introduction and adoption of the following ordinance

(O-2003-39) INTRODUCED AND ADOPTED AS
ORDINANCE O-19087 (New Series)

Introduction and adoption of an ordinance Fixing the Tax Rates and Levying Taxes for the Fiscal Year 2002-2003.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D224-229.)

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

ITEM-201: Two actions related to Modifying the Program Supplement for 9 Category 1 Seismic Retrofit Bridge Projects.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-203) ADOPTED AS RESOLUTION R-296943
WITH DIRECTIONS

Authorizing the City Manager to accept a second modification to Program Supplement No. 11-5004(104) to Local Agency-State Agreement for Federal Aid Project No. 11-5004(040) in the amount of \$468,631 for the seismic Retrofit Design of Category 1 Bridges; of which \$233,690 is from Fund 38714 and 38854 - North Harbor Drive Bridge over Navy Estuary Seismic Retrofit Highway Bridge Rehabilitation and Replacement (HBRR); \$214,941 is from Fund 38718 and 38858 - west Mission Bay Drive over Mission Bay Channel Seismic Retrofit HBRR; and \$20,000 is from Fund 38722 and 38852 - Garnet Avenue Bridge over Rose Creek Seismic Retrofit HBRR;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2003 Capital Improvements Program Budget for CIP-53-037.0, Annual Allocation Earthquake Restrainers, by \$468,631;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$468,631, of which \$233,690 is from Fund 38714 and 38854 - North Harbor Drive Bridge over Navy Estuary Seismic Retrofit HBRR; \$214,941 is from Fund 38718 and 38858 - West Mission Bay Drive over Mission Bay Channel Seismic Retrofit HBRR; and \$20,000 is from Fund 38722 and 38852 - Garnet Avenue Bridge over Rose Creek Seismic Retrofit HBRR;

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

Subitem-B: (R-2003-200) ADOPTED AS RESOLUTION R-296944
WITH DIRECTIONS

Certifying that the information contained in Mitigated Negative Declaration LDR-98-0235, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as

amended, and State guidelines (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgement 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 Council in connection with the approval of Seismic Retrofit of the North Harbor Drive Bridge over Navy Boat Channel (NTC);

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore said LDR-98-0235 Mitigated Negative Declaration is approved;
Adopting the Mitigation Monitoring and Reporting Program;

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.

CITY MANAGER SUPPORTING INFORMATION:

A total of nine seismically deficient City bridge projects were part of the State's Seismic Retrofit Program which provided 100 percent funding for design of seismic upgrades for bridges state-wide (no local match was required for this program). For the City's nine bridges, the State funded all of the assessment and design through one program supplement. Subsequent to design, separate program supplements were to be done for the construction of projects as their designs were completed.

This action will seek an amendment to the program supplement which covers design of all nine bridges (5 of which have completed both design and construction, four of which require additional funds for their design). The remaining four bridge projects are North Harbor Drive Bridge over Navy Estuary Seismic Retrofit, West Mission Bay Drive Bridge over Mission Bay Channel Seismic Retrofit Garnet Avenue Bridge over Rose Creek Seismic Retrofit and Pacific Highway Truck Crossing Demolition Seismic Project. The previous program supplement was for \$1,144,258. The revised total program supplement would be for \$1,612,890 (an additional amount of \$468,631 of Federal and State funding). The revised program supplement will cover additional funding needed as a result of additional coordination of environmental review/updates and updating plans and specifications to current seismic standards.

FISCAL IMPACT:

No impact for the City-100 percent of the cost would be covered by State and Federal funding through this amended program supplement as follows:

Total estimated cost: \$1,612,890

Federal share: \$1,025,902
State share: \$ 586,988

Loveland/Belock/PB

NOTE: See Item 202 on today's docket for a companion item.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Tape location: D230-263.)

MOTION BY WEAR TO ADOPT WITH DIRECTION FROM COUNCIL MEMBER FRYE THAT, AS A MITIGATION AND MONITORING MEASURE, IN ORDER TO HELP EXPEDITE THE REOXYGENATION PROCESS, OTHER HEALTHY, LOOSE OXYGENATED BAY FILL SHOULD BE PLACED ON TOP OF THE DEAD SEDIMENTS AFTER WORK ON THE PROJECT IS COMPLETED.

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-202: Two actions related to Advertising for Bids and Awarding a Contract for Seismic Retrofit of the West Mission Bay Drive Bridge over Mission Bay Channel - Bridge No. 57C-426.

(Mission Bay Park Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-95) ADOPTED AS RESOLUTION R-296945

Authorizing the City Manager to apply for construction Program Supplement and accept a total of \$8,000,000 from Highway Bridge Rehabilitation and Replacement (HBRR) Funds, of which \$7,082,400 is from Fund 38718; and \$917,600 is from Fund 38858;

Authorizing the City Auditor and Comptroller to add CIP-53-055.0, West Mission Bay Drive Bridge over Mission Bay Channel Seismic Retrofit, to the Fiscal Year 2003 Capital Improvements Program Budget (CIP), and increase the CIP budget by \$8,425,478; \$14,000 in Fund 30300, \$964,797 in Fund 38858, and \$7,446,681 in Fund 38718;

Authorizing the expenditure of an amount not to exceed \$8,000,000, of which \$7,082,400 is from Fund 38718 and \$917,600 is from Fund 38858, for providing funds for the project and related costs, contingent upon receipt of a fully executed Program Supplement and provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

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

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 Seismic Retrofit of the West Mission Bay Drive Bridge Over Mission Bay Channel (Bridge No. 57C-426);

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder for the Seismic Retrofit of the West Mission Bay Drive Bridge Over Mission Bay Channel (Bridge No. 57C-426);

Authorizing the City Auditor and Comptroller to return \$14,000 to CIP-53-037.0, Annual Allocation - Earthquake Restrainers, which was provided during the design phase to pay for environmental services and consultation, contingent upon the return of funds during the execution of construction Program Supplement.

Subitem-B: (R-2003-96) ADOPTED AS RESOLUTION R-296946

Certifying that Mitigated Negative Declaration LDR-98-0799, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and State guidelines (California code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgement 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 Council in connection with the approval of Seismic Retrofit of the West Mission Bay Drive Bridge Over Mission Bay Channel (Bridge No. 57C-426);

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore said LDR-98-0799 Mitigated Negative Declaration is approved;
Adopting the Mitigation Monitoring and Reporting Program;

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.

CITY MANAGER SUPPORTING INFORMATION:

The West Mission Bay Drive Bridge over Mission Bay Channel has been identified as a seismically deficient bridge by Caltrans. The proposed work includes stabilizing of the bridge by reinforcing existing piers and joining the paired piers together at the waterline to increase support during seismic events. The total project cost is 88.53% Federally funded and 11.47 percent State funded.

FISCAL IMPACT:

Prior Council Action authorized \$411,478 for preliminary engineering and design of this project under CIP-53-037.0, Annual Allocation - Earthquake Restrainers. This current action will result in authorizing the construction of West Mission Bay Drive Bridge over Mission Bay Channel Seismic Retrofit in the amount of \$8,000,000, contingent upon receipt of Federal (88.53%) (Fund 38718) and State (11.47%) (Fund 38858) Highway Bridge Restoration and Rehabilitation funds. Funds below are available and programmed for this work:

Total project cost	\$8,411,478
Total contribution through Program Supplement	
Federally funded (88.53%)	\$7, 446,681
State funded (11.47%)	\$ 964,797

Loveland/Belock/PB

NOTE: See Item 201 on today's docket for a companion item.

FILE LOCATION: SUBITEMS A & B: CONT - Traylor Bros Inc./dba/Traylor Pacific; W.O. 530385

COUNCIL ACTION: (Tape location: D264-288.)

MOTION BY WEAR TO ADOPT. Second by Frye. 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 the Disposition and Development Agreement for the Renaissance at North Park Project.

(See City Manager Report RA-02-13/CMR-02-165. North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-196 Cor.Copy) ADOPTED AS RESOLUTION R-296947,
WITH DIRECTIONS

Approving the Disposition and Development Agreement for the Renaissance at North Park Project in the North Park Redevelopment Project Area with Carter Reese and Associates; approving the sale of property in the North Park Redevelopment Project Area; and making certain findings with respect to the Disposition and Development Agreement and the sale.

Subitem-B: (R-2003-197) ADOPTED AS RESOLUTION R-296948,
WITH DIRECTIONS

Certifying that the Council has reviewed and considered information contained in the Final Environmental Impact Report for the North Park Redevelopment Project; and

making certain finding with determinations regarding the environmental impacts of the Renaissance at North Park Project.

NOTE: See the Redevelopment Agency Agenda of Monday, August 5, 2002 for a companion item.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Tape location: B333-C036.)

Hearing began at 3:17 p.m. and halted at 3:35 p.m..

MOTION BY ATKINS TO ADOPT WITH DIRECTION TO AUTHORIZE THE AGENCY EXECUTIVE DIRECTOR, OR ITS DESIGNEE, TO CARRY OUT THE DISPOSITION AND DEVELOPMENT AGREEMENT SO THAT NO TAX-EXEMPT FINANCING FROM THE AGENCY WILL BE USED FOR THE ACQUISITION OR

THE FINANCING OF THE SENIOR PROJECT AND THAT ONLY FUNDS THAT WILL NOT BE TREATED AS FEDERAL SUBSIDIES OR FEDERAL GRANTS WILL BE USED FOR THE ACQUISITION AND THE FINANCING OF THE SENIOR PROJECT. 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-204: Cielo Del Mar.

Matter of approving, conditionally approving, modifying or denying a Tentative Map/Planned Development Permit/Site Development Permit/Neighborhood Use Permit/Coastal Development Permit No. 40-0513 to subdivide an 80.8-acre site in 32 residential lots, 3 open space lots, 3 Brush Management Zone 2 lots, 1 non-residential lot and 1 private drive lot. The vacation of a portion of Road Survey 65, within the subject Tentative Map, also known as Lusardi Road, and an off-site street vacation of a portion of Road Survey 65 located westerly of the subject Map is proposed. The abandonment of a water easement within the subject Tentative Map is also requested. The subject site is located east of Rancho Toyon Place, south of SR 56 and east of Carmel Country Road at the eastern end of Shaw Ridge Road in the Del Mar Mesa Community Plan area.

(TM/PDP/SDP/NUP/CDP/SV/Water Easement Abandonment-40-0513/PTS No. 1863. Del Mar Mesa Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A to grant the permit; adopt the resolution in subitem B to grant the map, street vacation and water easement abandonment No. 40-0513; and adopt the resolution in subitem C and D:

Subitem-A: (R-2003-) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-296949

Adoption of a Resolution granting or denying Planned Development Permit/ Site Development Permit/Neighborhood Use Permit/Coastal Development Permit No. 40-0513, with appropriate findings to support Council action.

Subitem-B: (R-2003-215 Cor. Copy) GRANTED MAP, ADOPTED AS
RESOLUTION R-296950

Adoption of a Resolution granting Vesting Tentative Map No. 40-0513 Certifying that pursuant to California Government Code section 66434(g), portions of Road Survey 65, also known as Lusardi Road, recorded August 22, 1896, in Deed Book 275, pages 35, as shown in Vesting Tentative Map No. 40-0513, shall be vacated, contingent upon the recordation of the approved final map for the project;

That the recommendation of the Planning Commission is sustained, and Vesting Tentative Map No. 40-0513 is granted to Dassons-Cielo Del Mar, LTD, subject to the conditions attached hereto and made a part hereof.

Subitem-C: (R-2003-167)

ADOPTED AS RESOLUTION R-296951

Adoption of a Resolution certifying that findings to a Master Environmental Impact Report No. 40-0513, 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 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 in connection with the approval of a tentative map, street vacation, planned development permit, site development permit, neighborhood use permit and coastal development permit for Cielo Del Mar;

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-D: (R-2003-231)

ADOPTED AS RESOLUTION R-296952

Adoption of a Resolution certifying that the portion of Road Survey 65 as more particularly shown on Exhibit "A" and on Drawing 19813-B, labeled Exhibit "B," on file in the Office of the City Clerk ;

That this Resolution shall not become effective unless and until the last final map within Vesting Tentative Map No. 04-0513 has been approved and recorded in accordance with the subdivision Map Act;

That the City Engineer shall advise the City Clerk of the completion of the terms, conditions and the off-site street dedication of the said Vesting Tentative Map; and the City Clerk shall then cause a certified copy of this Resolution, Exhibit "A," and Exhibit "B" attested by him under seal, to be recorded in the Office of the County Recorder;

That in the event the last final map is not approved by August 6, 2005, this resolution shall become void and of no further force or effect.

OTHER RECOMMENDATIONS:

Planning Commission on July 11, 2002 voted 4:0:0 to approve; no opposition.

Ayes: Lettieri, Brown, Steele, Anderson

Not present: Chase, Garcia, Schultz

The Del Mar Mesa Community Planning Board has recommended approval of this project.

SUPPORTING INFORMATION:

The subject project, Cielo del Mar, is located south of proposed State Route 56, east of Carmel Country Road at the eastern end of Shaw Ridge Road, and north of Los Penasquitos Canyon Preserve. The surrounding undeveloped lands are designated for preservation as open space by the City's Multiple Species Conservation. The Del Mar Mesa Specific Plan designates the site for Estate Residential development and Resource-Based Open Space. For parcels designated Estate Residential within the AR-1-1 Zone, residential density of 2.5 dwelling units per acre is permitted, which equates to 32 residential lots for this parcel. The proposed project would subdivide the 80.8-acre site into 40 lots (32 residential lots, 3 open space lots, 3 brush management lots, and one non-residential lot and one private driveway lot) for 32 custom homes, guest quarters, private driveways, public water and sewer lines, a 10-foot wide public multi-trail use trail for pedestrians and equestrians. The design of the proposed 32 single family homes will be regulated through implementation of the Cielo del Mar Design Guidelines. A portion of Road Survey 65 within the subdivision limits will be vacated, as well as an on-site water easement. On-site streets are proposed as private driveways with a gated entry. Private access easements, however, would be granted to those property owners east of the project site in need of rights of access through the project.

TRAFFIC IMPACT:

The project is estimated to generate approximately 2,312 average daily trips (ADT). Eight hundred of these trips are estimated to occur on Interstate 15, which has an estimated near-term

plus project volume of 263,800 ADT's. CALTRANS is planning to widen Interstate 15 to provide two additional lanes south of Poway Road to be completed by 2004.

FISCAL IMPACT:

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

Ewell/Christiansen/PXG

LEGAL DESCRIPTION:

The project site is located on Del Mar Mesa, south of proposed State Route 56 and east of Carmel Country Road at the eastern end of Shaw Ridge Road. The project site zoned AR-1-1 (Agricultural) and lies within the Del Mar Mesa (Subarea V) Specific Plan of the North City Future Urbanizing Area (NCFUA) and is more particularly described as the east half of the northeast quarter of Section 22, Range 3 West, San Bernardino Meridian.

FILE LOCATION: SUBITEMS A, C & D: LUP-Cielo Del Mar, 08-05-02 (65)
SUBITEM B: STRT-J-2939 (39)

COUNCIL ACTION: (Tape location: C037-048.)

Hearing began at 3:36 p.m. and halted at 3:37 p.m.

MOTION BY PETERS TO ADOPT THE RESOLUTION IN SUBITEM A TO GRANT THE PERMIT; ADOPT THE RESOLUTION IN SUBITEM B TO GRANT THE MAP, STREET VACATION AND WATER EASEMENT ABANDONMENT NO. 40-0513;
AND

ADOPT THE RESOLUTION IN SUBITEM C AND D. 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-205: Torrey Highlands Village Center (LMXU).

Matter of approving, conditionally approving, modifying or denying a Rezone (from AR-1-1 to RM-2-4, CC-3-4, and RM-4-10) a Tentative Map, a Planned Development Permit, a Site Development Permit, and a Street Vacation to develop 267 condominium units, 135 affordable housing units, a 90,000 square-

foot commercial center, 1,400 square-feet of community space, and 4,200 square-feet of affordable housing/office space, on an undeveloped 39.5-acre site located at the northwest corner of future State Route 56 and Camino Ruiz, within the Torrey Highlands Subarea Plan. TM No. 7032 (Torrey Highlands Village Center (LMXU)

(MND-40-0968/RZ/TM-7032/PDP-7033/SDP-7034/Street Action-7035/PTS No. 1418. Torrey Highlands Subarea IV Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Subitem-A: (R-2003-146) ADOPTED AS RESOLUTION R-296953, WITH DIRECTIONS

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration LDR No. 40-0968 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 the Torrey Highlands Village Center (LMXU) Project;

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-2003-216) GRANTED MAP, ADOPTED AS RESOLUTION R-296954

Adoption of a Resolution granting Tentative Map No. 7032;

Certifying that pursuant to California Government Code section 66434(g), a portion of Old Survey No. 80, declared a public highway by the County of San Diego Board of Supervisors in the Memorandum of Proceedings Vol. 9, Page 300, dated October 15, 1888, and a portion of Camino Ruiz, granted to the City of San Diego by grant deed recorded March 4, 2002, F/P 2002-017886 are no longer needed for the public purpose for which they are granted, located within the project boundaries as shown in Tentative Map No. 7032, shall be vacated, contingent upon the recordation of the approved final map for the project.

Subitem-C: (R-2003-232) ADOPTED AS RESOLUTION R-296955

Adoption of a Resolution certifying that the portion of Road Survey 80, as more particularly shown on Exhibit "A," and on Drawing 19816-B, labeled Exhibit "B" on file in the Office of the City Clerk;

That this Resolution shall not become effective unless and until the last final map within Tentative Map No. 40-0968 has been approved and recorded in accordance with the Subdivision Map Act;

That the City Engineer shall advise the City Clerk of the completion of these terms and conditions; and the City Clerk shall then cause a certified copy of this Resolution, and Exhibit "A," attested by him under seal, to be recorded in the Office of the County Recorder;

That in the event the last final map is not approved by August 6, 2005, this resolution shall become void and of no further force or effect.

Subitem-D: (O-2003-36) INTRODUCED, TO BE ADOPTED TUESDAY,
SEPTEMBER 3, 2002

Introduction of an Ordinance changing the Torrey Highlands Village Center (LMXU) property located in the City of San Diego, California, from the AR-1-1 zone into the RM-2-4, RM-4-10 and CC-3-4 zones, as defined by San Diego Municipal Code sections 131.0406 and 131.0507; and repealing Ordinance No. 8858 (New Series), adopted August 9, 1963, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-E: (R-2003-) GRANTED PERMIT, ADOPTED AS RESOLUTION
R-297075

Adoption of a Resolution granting or denying Planned Development Permit No. 7033 and Site Development Permit No. 7034, with appropriate findings to support Council Action.

OTHER RECOMMENDATIONS:

Planning Commission on July 11, 2002, voted 5-0 to approve ; no opposition.

Ayes: Lettieri, Brown, Schultz, Anderson, Steele

Not present: Chase, Garcia

The Rancho Penasquitos Planning Board has recommended approval of the project.

SUPPORTING INFORMATION:

These actions (Tentative Map, Rezone, Planned Development Permit, Site Development Permit, Street Vacation) are proposed for the Torrey Highlands Village Center (LMXU) project which proposes a mixed-use development plan comprised of 267 condominium units, 135 affordable housing units, a 90,000 square-foot retail/commercial center, 1,400 square-feet of community meeting space, and 4,200 square-feet of affordable housing/office space on a 39.5-acre site within the Torrey Highlands Subarea. The project has been designed consistent with a pedestrian oriented, neo-traditional village center, and includes both a vertical and horizontal mixture of affordable and market-rate housing units with commercial/retail and civic public spaces; pedestrian-friendly streetscapes designed on a grid system with canopy trees, street furniture, and convenient access to three transit stops; a variety of civic and public spaces including landscaped promenades, community outdoor plazas, and the option for street closure for public/civic events such as farmers markets, bazaars, and seasonal festivities. It is estimated that all proposed dwelling units will be constructed within two years of project approval.

TRAFFIC IMPACT:

The project is estimated to generate approximately 10,617 average daily trips (ADT). 500 of these trips are estimated to occur on Interstate 5 south of SR-56, which has an estimated near-term plus project volume of 265,500 ADT. Caltrans is planning to widen Interstate 5 to provide ten additional lanes to be completed by 2004-2007. Torrey Highlands/Subarea IV is required to contribute \$5.9 million for the widening of State route 56 from 4 to 6 lanes, and \$11.6 million for the construction of SR-56 and Camino Ruiz interchanges. The Torrey Highlands Village Center is subject to the Torrey Highlands/Subarea IV Transportation Phasing Plan.

FISCAL IMPACT: None. A deposit has been collected from the applicant to cover all costs associated with processing this proposed project.

LEGAL DESCRIPTION:

The project site is located on the north half of Parcel AA of Torrey Highlands Subarea IV, north of State Route 56 (SR-56) and west of Camino Ruiz, in the North City Future Urbanizing Area and is more particularly described as Parcel A of Map No. 6038.

FILE LOCATION: SUBITEMS A & B: LUP-Torrey Highlands Village Center (LMXU), 08-05-02 (65)
SUBITEM C: STRT-J-2940 (39)
SUBITEM D: NONE
SUBITEM E: LUP-Torrey Highlands Village Center (LMXU), 08-05-02 (65)

COUNCIL ACTION: (Tape location: C049-256.)

Hearing began at 3:38 p.m. and halted at 3:52 p.m.

Motion by Peters to adopt with the requirement that 135 affordable units in the LMXU for sale will be at 77.86 percent of Average Median Income. Second by Wear. Vote not taken.

MOTION BY PETERS TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTIONS, GRANTING THE MAP AND PERMIT, WITH DIRECTION FROM COUNCIL MEMBER WEAR THAT THE ITEM COME BACK TO COUNCIL FOR CONSIDERATION OF A POLICY TO ALLOW ONE DEVELOPER ON THE PROJECT WHO OWNS MORE THAN ONE PROJECT TO BE ABLE TO AVERAGE A PRODUCTION OF 65 PERCENT OF AFFORDABLE UNITS IN THE LMXU. IF THAT POLICY IS ADOPTED, THE DEVELOPERS WOULD BE SUBJECT TO IT AND THEN IMPLEMENT IT. THE ITEM SHOULD BE PLACED ON THE FIRST AGENDA IN SEPTEMBER. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-nay, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-206: Navajo/MTDB Community Plan Amendment.

Matter of approving, conditionally approving, modifying or denying an amendment to the Navajo Community Plan to 1) reflect the approved easterly extension of the San Diego trolley from Mission Valley to the Navajo Community Plan Area, with a station on Alvarado Canyon Road, and continuing southeasterly into the College Area Community to San Diego State University, and beyond to La Mesa; and 2) extend Alvarado Canyon Road easterly from its terminus at

Mission Gorge Place over Waring Road to Adobe Falls Road; 3) recommend a study to realign Alvarado Canyon Road to move the intersection of Alvarado Canyon Road with Mission Gorge Road northward to align with the Mission Gorge Road/Fairmount Avenue intersection, and 4) update selected information.

(CPA/PG&GP-98-0794. Navajo Community Plan Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1496) ADOPTED AS RESOLUTION R-296956

Adoption of a Resolution amending the Navajo Community Plan and the City of San Diego's Progress Guide and General Plan related to the Mission Valley East trolley extension.

Subitem-B: (R-2002-1497) ADOPTED AS RESOLUTION R-296957

Adoption of a Resolution certifying that the information contained in the final document (Environmental Impact Statement/Environmental Impact Report, State Clearinghouse Number 93081125, dated June 1998, prepared by the Metropolitan Transit Development Board and the Federal Transit Administration) including any comments received during the public review process, has been reviewed and considered by this Council in connection with Navajo MTDB Community Plan Amendment;

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 November 15, 2001, voted 5 - 0 to approve; no opposition.

Ayes: Butler, Brown, Anderson, Lettieri, Stryker

Not present: Garcia

Recusing: Schultz

The Navajo Community Planners has recommended approval of this project.

SUPPORTING INFORMATION:

This amendment to the Navajo Community Plan will add the Mission Valley East Trolley Extension to the appropriate maps and text of the community plan. In October 1997, MTDB approved the extension of the Blue Line trolley from its current terminus at Rancho Mission Road in Mission Valley easterly through the Navajo community, continuing to San Diego State University within the College Area community planning area and connecting with the existing Orange Line west of the Grossmont Transit Center in the City of La Mesa. Within the Navajo community, the trolley extension will parallel Interstate 8 on the north side easterly to the future Grantville Station on Alvarado Canyon Road east of Mission Gorge Road. The extension will then cross over to the south side of I-8 and continue on to San Diego State University. The trolley extension will provide travel capacity enhancements and mobility improvements to the Mission Valley and I-8 corridor, completing a loop that connects the Blue Line and Orange Line. Service is scheduled to start in late 2004.

The project will include a new two-lane collector road extending Alvarado Canyon Road from its terminus at Mission Gorge Place easterly to Adobe Falls Road, bridging over Waring Road. This new connection will provide improved access to the Grantville Station and help to mitigate traffic impacts on Fairmount Avenue, Mission Gorge Road, and the westbound I-8 off ramp.

This plan amendment also recommends that the realignment of the west end of Alvarado Canyon Road be studied and undertaken if feasible to move its intersection with Mission Gorge Road northward to align with the intersection of Fairmount Avenue with Mission Gorge Road. This realignment will help alleviate traffic congestion on Mission Gorge Road.

FISCAL IMPACT: None with this action.

Ewell/Goldberg/JW

LEGAL DESCRIPTION:

The proposed project is located in the Mission Valley East Corridor which lies between Interstate 15 (I-15) on the west in Mission Valley and the East County community of La Mesa. The corridor extends approximately 5.9 miles (9.5 km) from the Rancho Mission LRT station on the west, (the terminus of the Mission Valley West LRT segment), to Baltimore Drive on the east (the junction point with the existing East Line LRT from Center City to Santee).

FILE LOCATION: SUBITEMS A & B: LAND-Progress Guide and General Plan/Navajo Community Plan Area-Navajo/MTDB Community Plan Amendment (09)

COUNCIL ACTION: (Tape location: C333-494.)

Hearing began at 3:59 p.m. and halted at 4:09 p.m.

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

ITEM-207: College MTDB Community Plan Amendment.

Matter of approving, conditionally approving, modifying or denying an amendment to the College Area Community Plan, amendment to the Progress Guide and General Plan, and a rezoning. The purpose of the amendment and rezoning is to 1) identify the Mission Valley East trolley alignment and future trolley station locations at San Diego State University (at Plaza Drive and Montezuma Place) and near Alvarado Road and Reservoir Drive, 2) revise information related to existing conditions, population, income, housing characteristics, commercial uses and commercial zones, 3) rezone the MR-1,000 (Multi-family Residential, maximum 1 dwelling per 1,000 square feet of lot area) zoned area on the south side of Alvarado Road east of Reservoir Drive to RM-3-7 (Multi-family residential, maximum 1 dwelling per 1,000 square feet of lot area) to be consistent with other Multi-family zoning in the area in making use of the updated Land Development Code.

(98-0794-CPA/RZ. College Community Plan area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A, and B; and introduce the ordinance in subitem C:

Subitem-A: (R-2002-1754) ADOPTED AS RESOLUTION R-296958

Adoption of a Resolution certifying that the information contained in the final documents, including any comments received during the public review process, has been reviewed and considered by this Council in connection with College Area Community Plan and Progress Guide and General Plan Amendment, and rezoning of 10.1 acres on the south side of Alvarado Road from MR-1000 to RM-3-7;

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-2002-1753) ADOPTED AS RESOLUTION R-296980

Adoption of a Resolution amending the College Area Community Plan;
That the City Council adopts an amendment to the Progress Guide and General
Plan for the City of San Diego to incorporate the above amended plan.

Subitem-C: (O-2002-149) INTRODUCED, TO BE ADOPTED TUESDAY,
SEPTEMBER 3, 2002

Introduction of an Ordinance incorporating approximately 10.1 acres located on the south side of Alvarado Road between Reservoir Drive and 70th Street in the College Area Community Plan Area, in the City of San Diego, California, from the MR-1000 Zone into the RM-3-7 Zone, as defined by Chapter 13, Division 4 of the San Diego Municipal Code; and repealing Ordinance No. 16577 (New Series), Adopted January 21, 1986, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

OTHER RECOMMENDATIONS:

Planning Commission on March 2, 2000, voted 6 - 0 to approve; no opposition.

Ayes: Steele, Brown, Butler, Skorepa, Styker, White

Not present: Anderson

The College Area Community Council has recommended approval of this project.

SUPPORTING INFORMATION:

This amendment to the College Area Community Plan will add the Mission Valley East Trolley Extension to the appropriate maps and text of the plan. In October 1997, MTDB approved the extension of the Blue Line trolley from its current terminus at Rancho Mission Road in Mission Valley easterly through the Navajo community, continuing to San Diego State University (SDSU) and connecting with the existing Orange Line near the Grossmont Transit Center in the City of La Mesa. Within the College Area, the trolley extension will parallel I-8 on the south side, turning southward at the westerly edge of SDSU, tunnel to the SDSU station site at the main entrance to the university, cross College Avenue, turn northward to Alvarado Road, and continue easterly with a stop at Reservoir Drive. The trolley extension will provide travel capacity enhancements and mobility improvements to the Mission Valley and I-8 corridor, completing a loop that connects the Blue Line and Orange Line.

Service is scheduled to start in late 2004. The proposed amendment would identify the adopted trolley alignment, delete an alternative alignment currently shown in the plan, and update existing and proposed bus routes. Various data will also be updated throughout the community plan.

An unrelated cleanup item is also recommended. In October 2000 the updated Mid-City Communities Plan was implemented by replacing the Mid-City Communities Planned District with the Central Urbanized Planned District in Mid-City. This rezoning included rezoning commercial areas along the north side of El Cajon Boulevard in the College Area from the Mid-City Communities Planned District to the Central Urbanized Planned District, and multiple dwelling unit areas from the Mid-City Communities Planned District to the equivalent Land Development Code zones. It is recommended that a piece of residentially zoned property on Alvarado Road that remains in a Mid-City Planned District zone (MR-1000) be rezoned to the equivalent Land Development Code zone (RM-3-7) to be consistent with the remainder of the College Area.

FISCAL IMPACT: None.

Ewell/Goldberg/JW

LEGAL DESCRIPTION:

The State University community is bounded by Interstate 8 and the City of La Mesa on the north, the City of La Mesa on the east, El Cajon Boulevard on the south, and Collwood Canyon, Montezuma Road and Fairmount Avenue on the west. The area comprises approximately 1,850 acres.

FILE LOCATION: SUBITEMS A & B: LAND-Progress Guide and General Plan/College Community Plan Area, College MTDB Community Plan Amendment (09)
SUBITEM C: NONE

COUNCIL ACTION: (Tape location: C333-494.)

Hearing began at 3:59 p.m. and halted at 4:09 p.m.

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

ITEM-208: Two actions related to Kearny Mesa Public Facilities Financing Plan and Development Impact Fee.

(See City Manager Report CMR-02-161; Draft 3 Fiscal Year 2003 PFFP; and letter from Buzz Gibbs dated 7/16/2002.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-120) ADOPTED AS RESOLUTION R-296959

Approving the document titled "Kearny Mesa Public Facilities Financing Plan, Fiscal Year 2003," dated July 2003.

Subitem-B: (R-2003-121) ADOPTED AS RESOLUTION R-296960

Approving the Kearny Mesa Public Facilities Financing Plan, rescinding the existing Development Impact Fees for the Kearny Mesa Community and establishing new Development Impact Fees for all property within the Kearny Mesa Community.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 7/17/2002, LU&H voted 5-0 to approve the City Manager's recommendation with direction to review making Transportation Project T29 (Completed traffic signals) a priority in the plan. (Councilmembers Peters, Wear, Stevens, Maienschein and Frye voted yea.)

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Tape location: D400-409.)

Hearing began at 4:56 p.m. and halted at 4:57 p.m.

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-209: Seton Arms Apartments-1240-1244 10th Avenue.

Matter of the appeal by Western Pacific Housing, from the decision of the Historical Resources Board in approving the historical site designation of property located at 1240-1244 10th Avenue in the City of San Diego. The site designation is only for the 10th Avenue building facade.

(See City Manager Report CMR- 02-182. Centre City Community Plan Area. District-2.)

TODAY'S ACTION IS:

(R-2003-) DENIED APPEAL, UPHOLDING THE ACTION TAKEN
BY THE HISTORICAL RESOURCES BOARD

A motion either granting or denying the appeal and upholding or overturning the action of the Historical Resources Board.

CITY MANAGER'S RECOMMENDATION:

Deny the appeal of Western Pacific Housing and uphold the action of the Historical Resources Board.

OTHER RECOMMENDATIONS:

Historical Resources Board voted 8-5-0 on July 26, 2001 to approve the building's designation.

Ayes: Furlong, Iseman, McNeely, Christenson, Bishop, Riley, Sewell, Burnet

Nays: Sykes, Ahern, Percival, Schwartz, Sherr

CITY MANAGER SUPPORTING INFORMATION:

Background

This item is before the City Council as an appeal of the Historical Resources Board (HRB) decision of July 26, 2001, to designate the Seton Arms Apartments Building Facade fronting Tenth Avenue as a City of San Diego Historical Resource Site. The appeal has been submitted by the developer of the proposed project, Western Pacific Housing. The property is located at 1240-44 Tenth Avenue, in the Centre City Community, Council District 2.

Ewell/Goldberg/ALA

LEGAL DESCRIPTION:

The subject property is located at 1240-1244 Tenth Avenue (APN 534-065-10) and is further described as Block 5, Lot J, Lot I in the City of San Diego, County of San Diego, State of California.

FILE LOCATION: LUP-Seton Arms Apartments-1240-1244 10th Avenue,
08-05-02 (65)

COUNCIL ACTION: (Tape location: C590-D223.)

Hearing began at 4:23 p.m. and halted at 4:49 p.m.

Testimony in opposition by Scot Sandstrom.

Testimony in favor by Lynne Christenson.

MOTION BY WEAR TO DENY THE APPEAL, UPHOLDING THE ACTION OF THE HISTORICAL RESOURCES BOARD. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-nay, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: Notice of Pending Final Map Approval.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled Remington Hills Unit No. 3, TM-93-0140, a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located southerly of I-805 and I-905, in the Otay Mesa Community Plan Area in Council District 8. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed.

Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-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	7/01/02	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	7/01/02	127	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	8/09/02	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-252:

ARGUMENTS SUPPORTING OR OPPOSING PROPOSITIONS

For propositions approved by the Council for submittal to the qualified voters of the City of San Diego at the General Municipal Election to be held on Tuesday, November 5, 2002, the City Clerk has fixed 5:00 p.m. on Thursday, August 22, 2002, as a reasonable date prior to such election after which no arguments for or against City propositions may be submitted to the Clerk.

Any argument for or against any City proposition shall not exceed 300 words in length and may be filed by the Council, or any member or members of the Council authorized by the Council, or the bona fide sponsors or proponents of the measure, or any bona fide association of citizens or individual voter, or any combination of voters and associations.

All arguments must be accompanied by a statement signed by each author that the argument is true and correct to the best of his/her knowledge and belief. (Forms for this statement are available in the Office of the City Clerk.)

An argument shall not be accepted unless accompanied by the name or names of the person or persons submitting it, or if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers. No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

Arguments may be changed or withdrawn by their proponents until and including the date fixed by the City Clerk.

Arguments shall be submitted to the City Clerk at the Office of the City Clerk, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, California, 92101.

CITY MANAGER SUPPORTING INFORMATION:

The Poway Unified School District is in the process of forming a community facilities district in the County of San Diego which will provide public improvements in the Black Mountain Ranch community. The purpose of this district is to finance a number of required public facilities, including some that will be owned and maintained by the City of San Diego. The Black Mountain Ranch Facilities Benefit Assessment (FBA) will reimburse the cost of these facilities, consistent with Draft FY 2003 Black Mountain Ranch Public Facilities Financing Plan as approved. A separate agreement for FBA reimbursement of the cost of the City facilities will be forthcoming.

FISCAL IMPACT:

None. This measure will expedite the construction of public facilities needed for development of the community before FBA funds become available.

Ewell/Goldberg/GM

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A580-B017.)

CONSENT MOTION BY MADAFFER 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-S402: Camden Redevelopment- Little Italy Participation Agreement.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-110) ADOPTED AS RESOLUTION R-296963

Authorizing the City Manager to execute a Participation Agreement with Camden Development Inc., for the design and construction of the 740 linear feet of sewer mains and sewer system improvements in Kettner Boulevard between Date Street and Beech Street;

Amending the Fiscal Year 2003 CIP Budget to include CIP-40-932.0, Camden Redevelopment;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$65,000 from Fund 41506, CIP-41-923.0, Sewer Pump Station 26 to Fund 41506, CIP-40-932.0, Camden Redevelopment;

Authorizing the expenditure of an amount not to exceed \$65,000 from Fund 41506, CIP-40-932.0, Camden Redevelopment.

CITY MANAGER SUPPORTING INFORMATION:

As a condition of Tentative Map TM-40-0518 for the development of The Park at Little Italy, the Developer is required to make improvements to the public wastewater system. The Developer, Camden Development Inc., a California corporation, whose mailing address is, 140 Newport Center Drive, Suite 210, Newport Beach, CA 92660, will perform the design, permitting, construction, supervision, and completion of the Project which shall consist of abandoning the existing 6-inch PVC and replacing and up-sizing with approximately 740 linear feet of 10-inch PVC sewer mains, sewer laterals and manholes along Kettner Boulevard, extending from Date Street to Beech Street, pursuant to City Drawing No. 30966-2-D, said drawing being on file in the Office of the City Engineer.

The Developer is responsible for constructing the public sewer main fronting their project site between Date and Cedar Street. The MWWD will reimburse the Developer the sum of \$58,050 for the offsite public sewer improvements that does not front their project site along Kettner Blvd. between Cedar and Beech Streets, downstream of their frontage.

FISCAL IMPACT:

The total estimated cost of this project is \$65,000 funding is available for this project in Sewer Fund 41506, CIP-40-932.0.

Ewell /Christiansen/HRB

Aud. Cert. 2201234.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A580-B017.)

CONSENT MOTION BY MADAFFER 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-S403: Grant Application - TH!NK Neighbor Electric Vehicle Donation Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-221)

ADOPTED AS RESOLUTION R-296964

Authorizing the City Manager, or designee, to apply to the National Park Foundation's TH!NK Neighbor Electric Vehicle Donation Program to received 15 electric vehicles for use by the Park and Recreation Department;

Authorizing the City Manager, or designee, to take all necessary actions to secure the donation of TH!NK Neighbor electric vehicles through the grant program;

Authorizing the City Manager, or designee, provided the grant is secured, to accept the donation of TH!NK Neighbor electric vehicles, including negotiating and entering into a grant agreement;

Authorizing the City Manager, or designee, provided the grant is secured, to use the donated vehicles for the Park and Recreation Department;

Authorizing the City Manager, or designee, to use the donated vehicles, if the grant is secured, in accordance with the terms and conditions set forth in the grant agreement.

CITY MANAGER SUPPORTING INFORMATION:

The National Park Foundation (NPF) in partnership with the Ford Motor Company has made available 500 TH!NK Neighbor electric vehicles for donation to United States Fish and Wildlife Preserves, State Parks, and Municipal Parks. Approximately 80 are available for City Municipal Park agencies throughout California.

On April 5, 2002, the Park and Recreation Department's Development Office staff became aware of this grant program. Working expeditiously with staff from General Services and Park and Recreation departments, Development Office staff requested 15 electric vehicles through the

NPF grant program on April 12, 2002. If the grant is secured, the vehicles will be located at the following park sites, but can be rotated to other park sites, as deemed appropriate: Balboa Park - 9 vehicles; Inland Division - 2 vehicles; Mission Bay Park - 3 vehicles; and Mission Trails Regional Park - 1 vehicle. The average cost of electricity, as provided by a local Ford dealership, is 35 cents per charge.

The general vehicle specifications includes the following:

Zero Emissions electric vehicle
30-mile range on a single charge (4 to 8 hours per charge)
2-4 person capacity
Top speed of 25 mph
Rear storage area
Three (3) year warranty

This action authorizes the City Manager to apply and accept 15 electric vehicles, as well as enter into any grant agreement that is required to secure the vehicles.

FISCAL IMPACT:

None at this time. If the vehicles are secured, a nominal registration fee will be paid to the California Department of Motor Vehicles. Park and Recreation Department will use general operating funds for these fees.

Herring/Oppenheim/SLM

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A580-B017.)

CONSENT MOTION BY MADAFFER 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-S404: Easement Grant And Abandonment - San Diego Gas & Electric Company - Otay Water Treatment Plant.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1713) ADOPTED AS RESOLUTION R-296965

Authorizing the City Manager to execute an easement deed conveying to San Diego Gas and Electric Company, an easement for the purpose of constructing, repairing, modifying, maintaining and using overhead and underground facilities and appurtenance of the transmission and distribution of electricity, affecting a portion of Lots 1 and 2 in Fractional Section 13, Township 18 South, Range 1 West, San Bernardino Meridian and that portion of the Northeast Quarter of the Northeast Quarter of Section 13, and that portion of Section 18, Township 18 South, Range 1 East, and that portion of Otay Rancho according to Otay Ranch Map 862, filed 6/4/1915 in the Office of the San Diego County Recorder;

Authorizing the City Manager to accept a quitclaim deed conveying to the City of San Diego the existing electrical easement area which is being abandoned as part of this action. The total easement area requested to be abandoned is approximately 44,662 square feet.

CITY MANAGER SUPPORTING INFORMATION:

The Otay Water Treatment Plant Upgrade Project will require 400 feet of new overhead electrical facilities, necessitating a new easement in favor of SDG&E. The City has requested that the existing electrical easement in favor of SDG&E be abandoned. The requested new easement is irregular in shape, and includes two parcels, Parcel A containing approximately 43,690 square feet, and Parcel B containing approximately 6,984 square feet.

The total easement area to be granted is approximately 50,674 square feet. The total easement area to be abandoned is approximately 44,662 square feet- SDG&E will quitclaim the easement to be abandoned.

The Water Department has reviewed and approved the location of the easement. Since the easements benefit a City Water Treatment Facility, there will be no compensation requested.

Note: A master plan to underground the electrical facilities at the Otay Water Treatment Plant will be developed and evaluated as part of the current Otay Water Treatment Plant Upgrades project. A future project will be needed to implement the master plan.

FISCAL IMPACT:

None.

Herring/Griffith/ACG

FILE LOCATION: DEED F-9271

COUNCIL ACTION: (Tape location: E290-321.)

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

* ITEM-S405: Approving the Plans and Specifications and Inviting Bids for the Construction of East Clairemont Athletic Field- Senior Field Renovation.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-177) ADOPTED AS RESOLUTION R-296966

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of East Clairemont Athletic Field [Project], on Work Order No. 294670;

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

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$75,000 from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Act of 2000 to CIP-29-467.0, Fund No. 38151;

Authorizing the expenditure of an amount not to exceed \$75,000 from East Clairemont Athletic Field - Senior Field Renovation, CIP-29-467.0, provided that

the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2002 Capital Improvement budget by increasing CIP-29-467.0 by \$75,000;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K03001C)

CITY MANAGER SUPPORTING INFORMATION:

The proposed East Clairemont Athletic Field - Senior Field Renovation project is located at 3451 Mount Acadia Boulevard in the community of Clairemont Mesa. The scope of this project will provide for turfing, irrigation and security lights. This includes preparation of existing soil, installation of an irrigation system, and hydro-seeding to provide for a turfed playing area. The funding authorized by the City Council Action will supplement funding previously authorized to construct the project.

FISCAL IMPACT:

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 Projection Act of 2000 (Park Bond). The City Manager has secured the 2000 Park Bond grant funding and has entered into a subcontract with the State of California specifying the use of \$75,000 for the East Clairemont Athletic Field - Senior Field Renovation project. The estimated total project cost is \$386,250 of which \$311,250 has been previously authorized (Resolution No. R-292812). The additional funds requested in the amount of \$75,000 is available in Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Projection Act of 2000 (Park Bond). With this action the requested funding will be made available in CIP-29-467.0 for construction contract for this project.

Loveland/Belock/AO

Aud. Cert. 2201142.

FILE LOCATION: CONT - Western Rim Constructor; W.O. 294670

COUNCIL ACTION: (Tape location: A580-B017.)

CONSENT MOTION BY MADAFFER 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-S406: Authorization to Transfer Funds and Enter Into or Amend Agreements.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-227)

ADOPTED AS RESOLUTION R-296967

Directing the City Manager to execute agreements in accordance with Council Policy 100-03 with the following: KPBS for \$30,000; San Diego Lifesaving Association for \$30,000; Discover Pacific Beach Business Improvement Association for \$16,000; San Diego Foundation for \$10,000; Public Art Fund for \$10,000; and Pacific Beach Community Foundation for \$7,500;

Directing the City Manager to execute an agreement with SAY, San Diego, Inc. for \$30,000;

Directing the City Manager to incorporate into these agreements that there will be no on-going fiscal impact to the City for maintenance or improvements of the non-City facilities or programs;

Authorizing the City Auditor and Comptroller to reprogram an amount not to exceed \$133,500 in Council District 2 CDBG funds, Fund 18538, to CIP-29-685.0, Teralta Neighborhood Park Project;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$133,500 from CIP-29-685.0 - Teralta Neighborhood Park Project, Capital Outlay Sales Tax Fund 30245, to the General Fund to be used as follows: \$30,000 to be expended from Department 042 for the SAY, San Diego, Inc., project for underage drinking; \$10,000 to be transferred to the Arts & Culture Commission's Public Art Fund for the Grand Avenue Median Arts Project; and \$93,500 to be reallocated to the TOT Fund 10220 to be expended for agreements with the San Diego Lifesaving Association, KPBS, Discover Pacific Beach Business Improvement Association, San Diego Foundation, and Pacific Beach Community Foundation.

SUPPORTING INFORMATION:

\$133,500 of District 2 FY 2003 CDBG funds have been identified to be allocated to the Teralta Neighborhood Park Project, CIP-29-685.0. As a result of this action, \$133,500 is available for reallocation. This action would allocate funds in the following manner: \$30,000 to SAY, San Diego, Inc. for a media campaign to curb underage drinking on San Diego beaches, \$30,000 to KPBS to help fund a documentary on the Carrizo Gorge, \$30,000 to the San Diego Lifesaving Association for the 2002 USLA Nationals competition, \$16,000 to the Discover Pacific Beach Business Improvement Association for the 2002 BeachFest, \$10,000 to the San Diego Foundation for the "Here is New York" 9/11 Photographic Exhibit, \$10,000 to the Arts & Culture Commission's Public Art Fund for the Grand Avenue Median Arts Project and District 2 Public Art Maintenance, and \$7,500 to the Pacific Beach Community Foundation for the 2002 PB Christmas Parade.

FISCAL IMPACT:

\$133,500 will be reallocated from CDBG Fund 18538 to CIP-29-685.0, and \$133,500 will be transferred from CIP-29-685.0, Capital Outlay Fund 30245 to the General Fund.

Ewell/Van Deerlin

Aud. Cert. 2300132.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A580-B017.)

CONSENT MOTION BY MADAFFER 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-S407: Additional Funding for the Sewer Pump Station No. 61 Improvements.

(See memorandum from Frank Belock, Jr. dated 6/13/2002. Kearny Mesa Community Area. District-6.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-178 Cor. Copy) ADOPTED AS RESOLUTION R-296968

Approving Change Order No. 6, with AES Construction amounting to a net increase in the contract price not to exceed \$162,997.11;

Authorizing the expenditure of an amount not to exceed \$263,865 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Pump Station Restorations, for the purpose of providing funds for Contract Change Order No. 6, engineering and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary are, or will be, on deposit with the City Treasurer.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/26/2002, NR&C voted 4 to 0 to approve the project and direct staff to review bids starting from July 1, 1999, to the present and conduct an analysis/breakdown of all costs associated with CIP projects. (Councilmembers Wear, Frye, Madaffer, and Inzunza voted yea. Councilmember Peters not present.)

CITY MANAGER SUPPORTING INFORMATION:

Council authorized an agreement with EarthTech, Inc., formerly known as Barrett Consulting Group, Document No. R-281299, to provide engineering services for the upgrade and replacement of Sewer Pump Station No. 61. This facility, located at 5074 Mercury Street, was built in 1972 and needs to be upgraded with the current design and safety standards. Council authorized the award of this contract to AES Construction Group, Document No. R-292314.

This project is currently in construction. The pumps originally chosen by the Contractor which met the City's requirements and standards became discontinued during construction. The pumps that were available and acceptable to the City had a larger motor which required a larger power generator. This created changes in the electrical layout of the pump station's control panels resulting in additional labor and materials costs, and also delays in construction due to the time required to manufacture and deliver the new pumps. The additional funds will be sufficient to cover the increased costs resulting from the change in the pumps and delays incurred.

FISCAL IMPACT:

The total estimated cost for this action is \$263,865. Funding for this request will come from Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration. Total cost of the project, including construction, is estimated at \$ 2,721,525.

Loveland/Belock/HR

Aud. Cert. 2300086.

WWF-02-612.

FILE LOCATION: CONT-AES Construction

COUNCIL ACTION: (Tape location: A580-B017.)

CONSENT MOTION BY MADAFFER 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-S408: Appointments to the Funds Commission.

(See memorandum from Mayor Murphy dated 7/25/2002 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-210) ADOPTED AS RESOLUTION R-296969

Council confirmation of the following appointments by the Mayor to serve as members of the Funds Commission for terms indicated:

<u>Name</u>	<u>Appointments</u>	<u>Term Expires</u>
Robert H. Gleason (replacing Susan Riegel Harding whose term has expired)		January 28, 2006
Sally Salazar Preston (replacing Conny Jamison who has resigned)		January 28, 2004

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A580-B017.)

Excusing Councilmember Scott Peters from attending the regularly scheduled Council Meeting of Monday, July 29, 2002.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A580-B017.)

CONSENT MOTION BY MADAFFER 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-S411: Edward Spencer Wilson Day.

(District-1.)

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-219) ADOPTED AS RESOLUTION R-296972

Proclaiming August 22, 2002 to be "Edward Spencer Wilson Day" in the City of San Diego in recognition of his spirit of activism and engagement in contributing to the quality of life we all enjoy as San Diegans.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A580-B017.)

CONSENT MOTION BY MADAFFER 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-S412: Rocky Horror at the Ken Cinema Day.

(District-3.)

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-218) ADOPTED AS RESOLUTION R-296973

Proclaiming August 24, 2002 to be "Rocky Horror at the Ken Cinema Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A580-B017.)

CONSENT MOTION BY MADAFFER 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-S413: Lease Amendment - Rio Vista Tower - Padres.

(Continued from the meeting of July 29, 2002, Item 50, at Councilmember Wear's request, to allow Mayor Murphy and Councilmember Peters to be present. Mission Valley Community Area. District-6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/15/2002. (Council voted 6-3. Councilmembers Atkins, Maienschein, and Frye voted nay):

(O-2003-29) ADOPTED AT ORDINANCE O-19088 (New Series)

Authorizing the City Manager to execute the First Amendment to Lease Agreement with Hyundai Rio Vista, Inc., at an initial monthly rent of \$43,252.30;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$84,549.79 from Fund No. 10330, Dept. 930 for FY2002.

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

FILE LOCATION: LEAS-Hyundai Rio Vista, Inc.

COUNCIL ACTION: (Tape location: B018-065.)

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

ITEM-S414: North Metro Interceptor Diversion 3A - Additional Project Costs.

(Continued from the meeting of July 29, 2002, Item 105, at Councilmember Madaffer's request, to allow Mayor Murphy and Councilmember Peters to be present. See memorandum from Scott Tulloch dated 6/19/2002, and Equal Opportunity Contracting Program Evaluation. Linda Vista, Mission Valley Community Areas. District-6.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-106) ADOPTED AS RESOLUTION R-296974

Authorizing the City Manager to negotiate and execute with Mitchell Pacific Contractors, Inc., Construction Change Order No. 4 (for differing site conditions) to the North Metro Interceptor Diversion 3A Project, for an amount not to exceed \$278,000;

Authorizing the City Manager to negotiate and execute with Mitchell Pacific Contractors, Inc., Construction Change Order No. 6 (for dewatering fee) to the North Metro Interceptor Diversion 3A Project, for an amount not to exceed \$1,280,000;

Authorizing the City Auditor and Comptroller to transfer \$1,278,000 from Fund 41508, CIP-45-937.0, Point Loma - Site Improvements to Fund 41508, CIP-46-104.0, North Metro Interceptor Diversion 3A;

Authorizing the expenditure of an amount not to exceed \$1,278,000 from Fund 41508, CIP-46-104.0, North Metro Interceptor Diversion 3A, for additional project contingency provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the 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 6/26/2002, NR&C voted 3 to 1 to approve. (Councilmembers Wear, Frye, and Inzunza voted yea. Councilmember Madaffer voted nay. Councilmember Peters not present.)

CITY MANAGER SUPPORTING INFORMATION:

The North Metro Interceptor Diversion 3A project is currently under construction. This project is the final phase of a series of projects designed to divert significant flows away from the old North Metro Interceptor, a 96-inch diameter unlined reinforced concrete pipe built in the 1960s. When the flows are diverted, the original pipeline interior will be inspected, and repairs will be completed under a separate contract. As authorized by the City Council on November 27, 2000, Resolution R-294298, the City Manager executed a contract with Mitchell Pacific Contractors, Inc. in the amount of \$2,927,470 for construction of this project.

Additional funds are required to compensate the contractor for additional differing site conditions encountered in Friars Road. While drilling to set 23 shoring beams in a 64-foot section between station 0+25 and 0+89, buried rip-rap, rubble, steel debris and cement slurry was encountered in 17 of the borings. The same was encountered in 6 of 11 dewatering wells installed in the same vicinity. An extra level of effort was required to drill through this material, and in some instances, the borings had to be abandoned and relocated. As the excavation proceeded, this assorted material and debris had to be removed and disposed of as well. The existence of this material was not known during the design nor located during geotechnical explorations. Change Order #4 in an amount not to exceed \$278,000 is required to compensate the contractor for this work.

The project is required to have an Industrial Waste Discharge Permit from the City for the disposal of water, extracted during construction dewatering, to the sewer system. Existing funds in the contract for this item are insufficient due to the volume of water encountered. Due to the site proximity to the river and water migrating in existing pipe trenches, an exceptionally large volume of ground water has been encountered and extracted.

Dewatering is expected to continue through the end of the project in August 2002 and total volume is estimated to reach 180,000,000 gallons. Dewatering discharge fees are due and payable to the Metropolitan Wastewater Department's Industrial Waste Program. The fees are based on volume and vary based on total suspended solids the discharge fee is a reimbursable contract item and additional funds are required to compensate the contractor. Change Order #6 in an amount not to exceed \$1,280,000 is required to compensate the contractor for these fees.

FISCAL IMPACT:

The total cost of Change Orders #4 and #6 is \$1,558,000. Additional project funds of \$1,278,000 are needed to fund this action. Funding is available from Fund 41508 CIP-46-104.0, North Metro Interceptor Diversion 3A.

Mendes/Tulloch/CAW

Aud. Cert. 2201246.

FILE LOCATION: CONT-Mitchell Pacific Contractors, Inc.

COUNCIL ACTION: (Tape location: E025-030.)

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

ITEM-S415: Two actions related to Authorizing Additional Expenditure for Alvarado Water Treatment Plant - Earl Thomas Reservoir Replacement.

(Continued from the meeting of July 29, 2002, Item 110, at Councilmember Inzunza's request, to allow Mayor Murphy and Councilmember Peters to be present. See memorandum from Mark Stone dated 5/9/2002. Navajo Community Area. District-7.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-2002-1526) ADOPTED AS RESOLUTION R-296975

Authorizing the City Manager to accept the second lowest bid and award a phase funded construction contract to C.E. Wylie Construction Company for the Earl Thomas Reservoir Replacement Project in the amount of \$25,511,000, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to execute Contract Change Order No. 1, in the amount of \$811,912, which transfers most of the cost of insuring the project from the City's Owner Controlled Insurance Program to C.E. Wylie Construction Company;

Authorizing the additional expenditure of an amount not to exceed \$2,950,895 from Water Fund No. 41500, CIP-73-261.4, Alvarado Water Treatment Plant - Earl Thomas Reservoir, and \$637,762 from Water Fund No. 41500, CIP-73-331.0, Water Pooled Contingency, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to execute Phase 2 of the agreement with Malcolm Pirnie, Inc. to provide engineering services for the Earl Thomas Reservoir Replacement in the amount of \$215,500;

Authorizing Funding Phase 1 (FY03) in the amount of \$2,916,971 from Water Fund No. 41500, CIP-73-261.4, Alvarado Water Treatment Plant - Earl Thomas Reservoir; and \$1,131,912 from Water Fund No. 41500, CIP-73-331.0, Water Pooled Contingency;

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

Subitem-B: (R-2002-1786 Cor. Copy) ADOPTED AS RESOLUTION R-296976

Declaring that the information contained in the EIR and Addendum to LDR-40-0259 (certified by Resolution R-295593, adopted on October 10, 2001), have been reviewed and considered by Council in connection with the Alvarado Water Treatment Plant - Earl Thomas Reservoir Replacement;

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 5/15/2002, NR&C voted 4-0 to approve. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

The Earl Thomas Reservoir Replacement Project is integral to the Alvarado Water Treatment Plant Expansion and Improvement Project as defined in the Water Department's Capital Improvements Program and approved by City Council in August 1997.

The Reservoir Replacement Project consists of demolishing the existing 35 million gallon reservoir and replacing it with a 35 million gallon pre-stressed concrete clearwell. The new clearwell will meet all current structural and seismic criteria, improve the quality of the water produced, and provide the additional long term reliable storage required at Alvarado Water Treatment Plant.

Construction is expected to begin in late 2002 and finish in late 2004. \$27,291,405 is the construction component of the total project cost which, including Contract Change Order No. 1, is now estimated at \$34,356,431.

The City's application for \$21,525,249 from the California Safe Drinking Water State Revolving Fund Loan Program has been approved by the California Department of Health Services (DHS) for this Project. Once authorized by Council and secured by contract with DHS, this money will be available to partially fund the Earl Thomas Reservoir Replacement Project.

This request for Council Action is required to augment the authorized budget to account for increased costs resulting from the verified low bid coming in 13.28% higher than the engineer's estimate, and the restructuring of the City's Owner Controlled Insurance Program (OCIP) which resulted in the need to process Contract Change Order No. 1 for \$811,912.

The first apparent low bidder (Nielsen Dillingham Builders Inc. at \$25,358,732) was rejected by the City, on the recommendation of EOC, because they did not meet the bidding specifications. The next lowest bidder (C.W. Wylie Construction Co. at \$25,511,000) has been verified by the City as acceptable for the award.

FISCAL IMPACT:

The total cost of this project is \$34,354,488 of which \$30,765,831 was previously authorized. Funding for Phase I is available in FY2003, from Water Fund 41500, CIP-73- 261.4, Alvarado Water Treatment Plant - Earl Thomas Reservoir.

Mendes/Gardner/JOP

Aud. Certs. 2300004, 2300006, 2300007.

FILE LOCATION: SUBITEMS A & B: CONT-C.E. Wylie Construction Company

COUNCIL ACTION: (Tape location: C257-280.)

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

ITEM-S416: Reinvestment Task Force Annual Report on Lender Performance.

(Continued from the meeting of July 29, 2002, Item 113, at Deputy Mayor Stevens' request, to allow Mayor Murphy and Councilmember Peters to be present. See Housing Commission Report HCR-02-064.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-128) ADOPTED AS RESOLUTION R-296977

Accepting the City-County Reinvestment Task Force's Lender Performance Report pursuant to the City's Community Reinvestment Master Plan (Council Policy 900-9).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E353-370.)

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

ITEM-S417: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

REFERRED TO CLOSED SESSION

Property: Franchise to Serve Water to South San Diego Residents.

Agency Negotiator: Richard Mendes, Utilities General Manager; Deborah Berger, Deputy City Attorney.

Negotiating Parties: California American Water Company.

Under Negotiation: Price and Terms.

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

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

Mayor Murphy opened and closed the Public Hearing.

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on Tuesday, August 6, 2002.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D410-417.)

ITEM-S418: Two actions related to First San Diego River Improvement Project Maintenance Assessment District.

(Continued from the meetings of July 23, 2002, Item 330 and July 29, 2002, Item S401; last continued at the City Manager's request, to allow staff to tabulate the ballots.)

NOTE: Hearing opened and closed on 7/29/02.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1575) ADOPTED AS RESOLUTION R-296985, WITH DIRECTIONS

Considering the protests, approving modified map, confirming the assessments, ordering the proposed maintenance, and approving the Assessment Engineer's Report in the matter of the First San Diego River Improvement Project Maintenance Assessment District.

Subitem-B: (R-2002-1622) ADOPTED AS RESOLUTION R-296986, WITH DIRECTIONS

Approving Fiscal Year 2003 Budget for the First San Diego River Improvement Project Maintenance Assessment District.

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 FY 2002</u>	<u>FY 2003</u>
BEGINNING BALANCE	\$ 590,328.00	\$ 552,972.00

OPERATING REVENUE:

Assessments	\$ 162,518.00	\$1,536,752.00
Interest	<u>27,102.00</u>	<u>27,000.00</u>
TOTAL REVENUE	\$ 189,620.00	\$1,563,752.00

OPERATING EXPENSE:

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>
TOTAL EXPENSE	\$ 227,749.00	\$1,976,745.00
Ending Balance		
(Operating Reserve):	\$ 112,199.00	\$ 139,979.00
Continuing Appropriation		
(Dredging Reserve):	\$ 425,000.00	\$ 0.00

<u>Zone</u>	<u>FY 02 Assessment Per Benefit Area</u>	<u>FY 03 Assessment Per Benefit Area</u>	<u>Increase in Assessment from Fiscal Year 2001</u>	<u>Equivalent 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: D418-E024.)

Hearing began at 4:57 p.m. and halted at 5:09 p.m.

The Clerk stated that the ballots were tabulated and that the assessment ballots returned in opposition to the levy of the Assessment for the District are greater than those returned in favor.

MOTION BY FRYE TO ADOPT WITH DIRECTION FROM MAYOR MURPHY THAT THE ITEM BE REFERRED TO THE CITY ATTORNEY FOR CLOSED SESSION CONSIDERATION ON THE FOLLOWING QUESTIONS:

1. WHETHER BROKEN PROMISES WERE MADE BY CERTAIN PROPERTY OWNERS IN THE DEVELOPMENT AGREEMENT REGARDING DREDGING AND MAINTAINING A CLEAR CHANNEL IN MISSION VALLEY IN RELATIONSHIP TO THE INCREASE IN ASSESSMENT.
2. BY MEANS OF A LEGAL ANALYSIS, WHAT RIGHTS THE CITY HAS IN THE DEVELOPMENT AGREEMENT.
3. WHETHER OR NOT A CONSTITUTIONAL AMENDMENT CAN IMPAIR CONTRACTUAL OBLIGATIONS AND WHAT THE CONTRACTUAL OBLIGATION REALLY WAS.
4. WHO WAS INVOLVED IN MAKING ALL THE MISREPRESENTATIONS IN THE DEVELOPMENT AGREEMENT.
5. WHO THE PEOPLE ARE NOW THAT ARE THE SUCCESSORS-IN-INTEREST WHO ARE FAILING TO COMPLY WITH PRIOR REPRESENTATIONS.
6. EVALUATE THE CITY'S LEGAL RECOURSE TO SEE WHETHER OR NOT WE HAVE THE ABILITY TO ENFORCE THESE KINDS OF IMPROVEMENTS TO KEEP THE SAN DIEGO RIVER CLEAR.
7. REVIEW THE HISTORY OF THE PROJECT TO DETERMINE AND EVALUATE THE NATURE OF THE COMMITMENTS IN THE DEVELOPMENT AGREEMENT.

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

*ITEM-S419: Lease Approval - Pacific Bell Wireless at Fire Station #24.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-19 Cor.Copy) ADOPTED AS RESOLUTION R-296978

Authorizing the City Manager to execute a five year lease agreement with an option for one additional term of five years with Pacific Bell Wireless, LCC for a telecommunication facility at Fire Station Number 24, at an initial annual rent of \$22,800.

CITY MANAGER SUPPORTING INFORMATION:

Pacific Bell Wireless is requesting a lease for the operation and maintenance of a wireless communications facility at Fire Station #24 in the Carmel Valley community. It consists of equipment shelters and antenna equipment. Pacific Bell requires the fire station location to provide service coverage to the local community. Pacific Bell Wireless has proved to be a reliable tenant at other existing City-owned sites. As directed by the Mayor and Council, City Staff met with representatives from the Carmel Valley Community Planning Group on July 18, 2002. Fire and Life Safety Services has agreed to enter into a Memorandum of Understanding with the Carmel Valley Maintenance Assessment district to address community concerns over the ongoing landscaping at Fire Station #24.

Basic terms of the agreement are as follows:

USE - Install, maintain and operate a wireless communication facility.

TERM - Five (5) years, with one (1) additional 5-year option.

GROUND RENT - Initial rent is \$22,800 annually (\$1,900 per month) with annual 5 percent rent increases and a reappraisal at year five.

STATEMENT OF VALUE - The fair market value rent for this facility was determined by an outside independent fee appraisal utilizing a comparative valuation methodology as outlined in detail in the July 12, 2002 memorandum to the Mayor and Council. In addition to the fair market value, the rent includes a Site Access Fee of \$15,000 which will be amortized over the initial 5 year lease term.

PRIOR APPROVALS - Carmel Valley Community Planning Board, Fire and Life Safety Services, Development Services.

FISCAL IMPACT:

The City will receive \$22,800 in the first year of the lease with 5 percent annual rent increases thereafter. Rent proceeds will be deposited into Fund 100, Revenue Account 75692.

Herring/Griffith/CPA

FILE LOCATION: LEAS-Pacific Bell Wireless, LCC

COUNCIL ACTION: (Tape location: A580-B017.)

CONSENT MOTION BY MADAFFER 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-S420: Kay B. Carter Day.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-236) ADOPTED AS RESOLUTION R-296979

Proclaiming Monday, August 5, 2002 to be "Kay B. Carter Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A085-139.)

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

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 5:42 p.m. in honor of the memory of:

Marla Bennett as requested by Mayor Murphy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E371-452.)