

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, OCTOBER 28, 2002
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING	<u>3</u>
ATTENDANCE DURING THE MEETING	<u>3</u>
ITEM-1: ROLL CALL	<u>4</u>
ITEM-10: INVOCATION	<u>4</u>
ITEM-20: PLEDGE OF ALLEGIANCE	<u>4</u>
ITEM-30: Mission Bay Yacht Club Day, 75 th Anniversary	<u>4</u>
ITEM-31: Luis Natividad Day	<u>5</u>
ITEM-32: San Diego State University Month	<u>6</u>
* ITEM-50: Office Space Lease Amendment - Executive Complex - 6th Floor	<u>6</u>
* ITEM-51: Prohibiting Spectators at Illegal Speed Contests	<u>7</u>
* ITEM-52: Urban Forest Programs - Tree Advisory Board Name Change	<u>8</u>
* ITEM-100: Agreement with the Pacific Safety Council Under the “Traffic Safety Network” Grant	<u>8</u>
* ITEM-101: Application for an Emergency Housing and Assistance Program (EHAP) Grant	<u>10</u>
ITEM-102: The San Diego Sustainable Community Program	<u>12</u>
* ITEM-103: Parcel Map W.O. No. 960506 and Related Item	<u>12</u>

ITEM-250: Notice of Pending Final Map Approval - Pacific Highlands Ranch Unit No. 2A	<u>13</u>
ITEM-251: Notice of Pending Final Map Approval - Ocean View Hills Corporate Center Unit No. 3	<u>14</u>
ITEM-252: Notice of Pending Final Map Approval - Torrey Santa Fe Summit	<u>15</u>
ITEM-253: Notice of Pending Final Map Approval - Country Club Villas of La Jolla	<u>16</u>
*ITEM-S400: Consultant Agreement with Black & Veatch for Otay 2 nd Pipeline Improvements (Cast Iron Replacement Phase)	<u>17</u>
*ITEM-S401: Insurance Premiums for the Water CIP Owner Controlled Insurance Program	<u>19</u>
*ITEM-S402: Transfer of Funds - Tecolote Nature Center Expansion	<u>22</u>
ITEM-S403: Notice of Pending Final Map Approval - Montecito	<u>24</u>
ITEM-S404: Settlement of the Property Damage Claim of Dana Horne	<u>24</u>
ITEM-S405: Alzheimer's Disease Awareness Month	<u>25</u>
* ITEM-S406: Bayside Community Center Day	<u>26</u>
* ITEM-S407: Lease Amendment - BH Partnership d.b.a. Bahia Resort Hotel	<u>27</u>
* ITEM-S408: Appointments and Reappointment to the San Diego Convention Center Board	<u>28</u>
NON-DOCKET ITEMS	<u>28</u>
ADJOURNMENT	<u>29</u>

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:12 p.m. Council Member Maienschein acknowledged and welcomed his parents to the meeting, as well as his aunt and uncle who were visiting from Jefferson City, Missouri. Mayor Murphy adjourned the meeting at 3:22 p.m. to meet in Closed Session on Tuesday, October 29, 2002, at 9:00 a.m. in the twelfth floor conference room to discuss existing and anticipated 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 Fyre-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (mc)

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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by City Clerk Charles Abdelnour.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Executive Assistant City Attorney Leslie Devaney.

FILE LOCATION: MINUTES

ITEM-30: Mission Bay Yacht Club Day, 75th Anniversary.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-424) ADOPTED AS RESOLUTION R-297234

Proclaiming Monday, October 28, 2002 as "Mission Bay Yacht Club Day" in the City of San Diego to celebrate seventy-five years of service to its members and the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A110-230.)

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

ITEM-31: Luis Natividad Day.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-399) ADOPTED AS RESOLUTION R-297235

Commending Luis Natividad for his contributions to the City of San Diego;

Proclaiming October 28, 2002 to be "Luis Natividad Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A231-393.)

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

ITEM-32: San Diego State University Month.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-558) ADOPTED AS RESOLUTION R-297236

Recognizing the commitment to San Diego State University and proclaiming March 2003 to be "San Diego State University Month" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A394-593.)

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

* ITEM-50: Office Space Lease Amendment - Executive Complex - 6th Floor.

(Centre City Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/14/2002.
(Council voted 9-0):

(O-2003-45) ADOPTED AS ORDINANCE O-19117

Authorizing the City Manager to execute a Fifth Amendment to Lease Agreement with Executive One Associates for the lease of an expansion area of approximately 10,489 square feet, at a monthly rental rate of \$14,999.27, for a term commencing on or before or about December 1, 2002 and terminating on March 31, 2014, approximately 12 years;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$135,622.77 from Facilities Fund No. 10250, Dept. 541, for rent from the FY

2003 budget. The monthly rent will increase by approximately 1.5% per year through the term of the Master Lease.

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

FILE LOCATION: LEAS - Executive One Associates

COUNCIL ACTION: (Tape location: A594-B036.)

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

* ITEM-51: Prohibiting Spectators at Illegal Speed Contests.

CITY COUNCIL'S RECOMMENDATION:

Adopt the ordinance which was introduced on 10/15/2002 (Council voted 9-0):

(O-2003-62) ADOPTED AS ORDINANCE O-19118

Amending Chapter 5, Article 2 of the San Diego Municipal Code by adding a new Division 52, titled "Spectators Prohibited at Illegal Speed Contest or Exhibitions of Speed;" and by adding new Sections 52.5201, 52.5202, 52.5203, 52.5204 and 52.5405.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A594-B036.)

CONSENT MOTION BY STEVENS 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: Urban Forest Programs - Tree Advisory Board Name Change.

(See City Manager Report CMR-02-231.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2003-71) INTRODUCED, TO BE ADOPTED TUESDAY,
NOVEMBER 12, 2002

Introduction of an Ordinance amending Chapter 2, Article 6, of the San Diego Municipal Code by Amending Sections 26.0501 and 26.0502 relating to Tree Advisory Board by changing the name to Community Forest Advisory Board.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 10/16/2002, RULES voted 4 to 0 to approve the City Manager's recommendations (regarding the proposed name change). (Councilmembers Wear, Atkins, Madaffer, and Mayor Murphy voted yea. Councilmember Stevens voted nay.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A594-B036.)

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

* ITEM-100: Agreement with the Pacific Safety Council Under the "Traffic Safety Network" Grant.

(See memorandum from Chief of Police dated 7/24/2002.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-491 Cor. Copy) ADOPTED AS RESOLUTION R-297237

Authorizing the Chief of Police to enter into an Agreement with the Pacific Safety Council to operate the "Traffic Safety Network" grant program, and the authorization shall include all aspects of Agreement administration funding, and operation;

Authorizing the expenditures not to exceed \$246,575;

Declaring that the Agreement is contingent upon final approval by OTS of the program and budget;

Authorizing the Chief of Police to execute any amendments, extensions, renewals, or future funding for the Agreement for a period of up to five years, provided funding is made available by the State of California.

CITY MANAGER SUPPORTING INFORMATION:

The California Office of Traffic Safety awarded a grant of \$246,575 to SDPD to implement a vehicle passenger safety project titled San Diego Traffic Safety Network. The grant and project were approved by Council in R-296646 on 6/11/2002. The grant proposal names the Pacific Safety Council ("PSC," formerly San Diego County Safety Council) as contractual partner to provide services.

(NOTE: SDPD has sponsored the OTS Safe Communities and Buckle Up San Diego grants for 12 years. This new grant is essentially the continuation of those programs. PSC has been selected as the new vendor due to the retirement of Safe Communities Director David Thompson.)

SDPD Traffic Division and OTS concur that PSC is the appropriate entity to provide this vehicle safety program in San Diego. It will be advantageous to SDPD and citizens of San Diego for the City to sponsor PSC in continuing and expanding the existing program through this OTS grant. Because Louise Nichols remains the most qualified individual to conduct the child safety seat components of the project, she is named as Listed Subconsultant in the Agreement.

FISCAL IMPACT:

SDPD has received a grant of \$246,575 over a two-year period from the California Office of Traffic Safety to fund a passenger/child safety restraint program named the "Traffic Safety Network." The purpose of this action is to subcontract the grant to the Pacific Safety Council,

with Louise Nichols as Listed Subcontractor for the child safety seat components. There is no requirement for matching funds, and no requirement to continue program services or expenditures after grant funding has ended. The proposal originally requested 3% of the grant for administrative costs. However, because the original request (for nearly \$1 million) was drastically reduced by OTS, the City agreed to waive this 3% in order to allocate maximum funds to the program. Administrative and fiscal support will be minimal, at less than 2 hours per week.

Uberuaga/Bejarano/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A594-B036.)

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

* ITEM-101: Application for an Emergency Housing and Assistance Program (EHAP) Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-525) ADOPTED AS RESOLUTION R-297238

Authorizing the Deputy Director of Community Services to apply for an EHAP grant in an amount not more than the maximum amount permitted by the NOFA, and in accordance with the program statute, regulations, and local Emergency Shelter Strategy, where applicable;

Declaring that the City of San Diego agrees to use the EHAP funds for eligible activities in the manner presented in the application as approved by the California Department of Housing and Community Development and in accordance with the program statute (Health and Safety Code Section 50800-50806.5) and Regulations (Title 25, Division 1, Chapter 7, Subchapter 12, Sections 7950 through 7976 of the California Code of Regulations), and Chapter 117, Statutes of 2002, and the Standard Agreement;

Authorizing the City Manager to execute the Standard Agreement, and all documents, including applications, contracts, agreements, and all subsequent amendments with the Department necessary to implement and carry out the purpose of this grant;

Authorizing the City Manager to accept and expend funds from the Department of Housing and Community Development, Division of Community Affairs, Emergency Housing and Assistance Program (EHAP) (Round #EHAP-X), to implement and carry out the purpose of this grant.

CITY MANAGER SUPPORTING INFORMATION:

On Thursday, September 12, 2002 the State of California Department of Housing and Community Development issued its statewide Notice of Funding Availability (NOFA) for Funding Round X of the Emergency Housing and Assistance Program (EHAP) and Operating Facility Grants. The City of San Diego is applying for a grant in the amount of \$100,000. These funds can be used to defray the cost of eligible activities including facility operation and administration, residential rental assistance, and leasing or renting rooms for provisions of temporary shelter.

The California Department of Housing and Community Development requires that the City Council adopt a resolution prior to submission of the EHAP application. The grant application is due to the California Department of Housing and Community Development on or before Thursday, November 14, 2002.

FISCAL IMPACT:

The grant application to the California Department of Housing and Community Development will be for \$100,000 which is the maximum amount the City can apply for. There are no matching requirements.

Herring/Cunningham/HLL

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A594-B036.)

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

ITEM-102: The San Diego Sustainable Community Program.

(See City Manager Report CMR-02-233.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-561) ADOPTED AS RESOLUTION R-297239

Approving the City Manager's recommendations to accept the update prepared by the Environmental Services Department regarding San Diego Sustainable Community Program with a request that the ad hoc committee be diverse.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 10/16/2002, RULES voted 5 to 0 to approve the City Manager's recommendations with a request that the ad hoc committee be diverse. (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B145-390.)

MOTION BY PETERS 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-103: Parcel Map W.O. No. 960506 and Related Item.

(Mid-City/City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-544) ADOPTED AS RESOLUTION R-297240

Approving Parcel Map W.O. No. 960506.

CITY MANAGER SUPPORTING INFORMATION:

This parcel map is a four-parcel consolidation and lot line adjustment parcel map of a 10.887 acre site. The site is located southeasterly of Wightman Street and 43rd Street in the Mid-City/City Heights Community Plan area in Council District 3. This map requires City Council approval because the land is City-owned and because unnamed alleys and a street are being vacated.

The purpose of this map was to reconfigure the lots to allow for the construction of tennis courts, a library, community center, park, continuing education structure and police station.

This project is constructed and therefore there are no additional traffic impacts on the fronting and nearby roadways and freeways. A project traffic information sheet is therefore not provided.

The public improvements for this project have been completed, and there are no park fees required in connection with this project.

FISCAL IMPACT:

None.

Ewell/Broughton/GRB

FILE LOCATION: DEED - F-9340

COUNCIL ACTION: (Tape location: A594-B036.)

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

ITEM-250: **Notice** of Pending Final Map Approval - Pacific Highlands Ranch Unit No. 2A.

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 "Pacific

Highlands Ranch Unit No. 2A”, a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Pacific Highlands Ranch Community Plan Area in Council District 1, northeasterly of SR-56 and Old Carmel Valley Road. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

(3) The map is technically correct.

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

ITEM-251: **Notice** of Pending Final Map Approval - Ocean View Hills Corporate Center Unit No. 3.

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 “Ocean View Hills Corporate Center Unit No. 3”, a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Otay Mesa Community Plan Area northeasterly of SR 905 and Ocean View Hills Parkway 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-252: **Notice** of Pending Final Map Approval - Torrey Santa Fe Summit.

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 "Torrey Santa Fe Summit," a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Torrey Highlands Community Plan Area, southeasterly of Torrey Santa Fe Road and I-5 in Council District 1. 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-253: **Notice** of Pending Final Map Approval - Country Club Villas of La Jolla.

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 "Country Club Villas of La Jolla," a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the La Jolla community Plan Area, located southeasterly of Genter Street and Girard Avenue in Council District 1. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

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

*ITEM-S400: Consultant Agreement with Black & Veatch for Otay 2nd Pipeline Improvements (Cast Iron Replacement Phase).

(See memorandum from Larry Gardner dated 9/12/2002. Greater North Park, Mid-City Community Areas. Districts-3 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-538) ADOPTED AS RESOLUTION R-297241

Authorizing the City Manager to enter into a phase funded agreement with Black & Veatch Corporation in the amount of \$1,444,100, for design and construction support services for the Otay 2nd Pipeline Improvements (Cast Iron Replacement Phase);

Authorizing the City Manager to execute Phase I of the Agreement with Black & Veatch Corporation in the amount of \$1,004,204;

Authorizing the expenditure of an amount not to exceed \$1,954,100 from Water Fund 41500, CIP-73-286.0, 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 in the City Treasury;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/18/2002, NR&C voted 3 to 0 to approve. (Councilmembers Wear, Frye, and Madaffer voted yea. Councilmembers Peters and Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

The Otay 2nd Pipeline, completed in 1929, is one of the City's oldest water transmission pipelines. Originally, it conveyed water from the Otay Water Treatment Plant to the University

Heights area of San Diego approximately 19 miles north. Today, the pipeline is still used to convey water north and south between the Alvarado & Otay Water Treatment Plants service areas.

Based on the results of recent studies evaluating the pipeline hydraulic capacity and condition, some pipeline portions are in need of replacement. Subsequently, a phased program of pipeline improvements and alignment changes was developed. In this project phase, a portion of the 72 year-old cast iron pipe will be replaced with a new 48-inch diameter steel pipeline. The scope of services includes the design for replacement of approximately one mile of existing 36-inch cast iron pipe with new 48-inch and 54-inch welded steel pipeline along Highland Avenue and Wightman Street, including the connections to existing pipelines. In addition, the design will provide for a new welded steel pipeline in 54th Street directly to connect the Mid-City and Trojan Pipelines to the Otay 2nd Pipeline system.

A Selection Panel was convened to interview six design consultants for the Otay 2nd Pipeline Improvements - Cast Iron Replacements Phase, which resulted in the selection of Black & Veatch Corporation as the most qualified firm to provide the required professional service. The engineering services will be provided for a total not-to-exceed amount of \$1,444,100. The consultant has teamed up with other firms and 23% of the contract utilizes Certified Business Enterprises. The agreement with Black & Veatch Corporation is separated into two funding phases to conform to CIP budget constraints.

In accordance with mandatory dates established by the California Department of Health Services (DHS) Compliance Order No. 04-14-96-022, design must be completed by December 2004.

FISCAL IMPACT:

The total estimated cost is \$1,954,100. Funding of Phase I in the amount of \$1,165,213 is available from Water Fund 41500, CIP-73-286.6, Otay 2nd Pipeline Improvements (Cast Iron Replacement Phase).

Mendes/Gardner/KP

Aud. Cert. 2300405.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A594-B036.)

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

*ITEM-S401: Insurance Premiums for the Water CIP Owner Controlled Insurance Program.

(See memorandum from Larry Gardner dated 10/3/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-552) ADOPTED AS RESOLUTION R-297242

Authorizing an increase of an amount not to exceed \$86,494 of insurance premiums to be paid through Robert F. Driver Co., broker of record for the Water Department CIP Owner Controlled Insurance Program, for builder's risk insurance to supplement Resolution R-294235 adopted on November 20, 2000, provided that the City Auditor first furnishes one or more certificates certifying that funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer \$389,412 from Water Fund 41500, CIP-73-277.0, Annual Allocation for Standpipe & Reservoir Rehabilitations to Water Fund 41500 as follows:

CIP-73-261.0, Alvarado Water Treatment Plant Upgrade & Expansion Phase I, in the amount of \$137,067;

CIP-73-341.0, Black Mountain Road Pipelines (Potable Segment), in the amount of \$137,066;

CIP-70-954.0, North City Reclamation System (Black Mountain Road Pipelines - Reclaimed Segment) in the amount of \$75,988;

CIP-73-284.0, Miramar Water Treatment Plant Upgrade & Expansion (Early Start Improvements Phase I), in the amount of \$35,047;

CIP-70-920.0, Bonita Pipeline Phase I, in the amount of \$3,894;

CIP-70-949.0, Annual Allocation - Reclaimed Water Extensions (Copley Drive Reclaimed Water Line), in the amount of \$350;

Authorizing the City Auditor and Comptroller to expend \$389,412 from Water Fund 41500 as follows:

CIP-73-261.0, Alvarado Water Treatment Plant Upgrade & Expansion Phase I, in the amount of \$137,067;

CIP-73-341.0, Black Mountain Road Pipelines (Potable Segment), in the amount of \$137,066;

CIP-70-954.0, North City Reclamation System (Black Mountain Road Pipelines - Reclaimed Segment), in the amount of \$75,988;

CIP-73-284.0, Miramar Water Treatment Plant Upgrade & Expansion (Early Start Improvements Phase I), in the amount of \$35,047;

CIP-70-920.0, Bonita Pipeline Phase I, in the amount of \$3,894;

CIP-70-949.0, Annual Allocation - Reclaimed Water Extensions (Copley Drive Reclaimed Water Line), in the amount of \$350;

for the continuation of the worker's compensation, general liability and builders risk insurance, provided the City Auditor first furnishes one, or more, certificates certifying that funds are, or will be, on deposit with the City Treasurer;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/9/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

In 1998 the City Council adopted Resolution R-290765 authorizing the Water Department to institute an Owner's Controlled Insurance Program (OCIP) for its capital improvements program (CIP). The OCIP provides a centralized insurance program for all capital projects rather than having each contractor provide their own insurance. The coverages provided include Workers Compensation, General Liability, Builders Risk and Excess Liability.

On November 20, 2000 City Council authorized continuation of this program and the payment of related premiums. The Builder's Risk insurance premium authorized by this action was \$430,038. A subsequent audit of premiums under the Builder's Risk insurance showed a higher value of capital projects being worked on than was anticipated when the premiums were first calculated making it necessary to increase the premium authorization by \$86,494. It is anticipated that future audits may reduce the premium obligation, but this additional authorization is necessary at this time to ensure that premium payments can be made in a timely manner.

The request for increased expenditures from specified capital projects results from the City's agreement with Traveler's Insurance Company to phase out the Worker's Compensation and General Liability insurance coverage under its Owner Controlled Insurance Program. Since new capital projects have not been added to the coverage to share the cost, those projects still covered have to pick up more cost than previously anticipated. Therefore, it is necessary to authorize additional expenditures from those projects until this coverage lapses in January 2003.

The affected projects are:

CIP-73-261.0, Alvarado Water Treatment Plant Upgrade & Expansion Phase I, in the amount of \$137,067;

CIP-73-341.0, Black Mountain Road Pipelines (Potable Segment), in the amount of \$137,066;

CIP-70-954.0, North City Reclamation System (Black Mountain Road Pipelines - Reclaimed Segment) in the amount of \$75,988;

CIP-73-284.0, Miramar Water Treatment Plant Upgrade & Expansion (Early Start Improvements Phase I), in the amount of \$35,047;

CIP-70-920.0, Bonita Pipeline Phase I, in the amount of \$3,894;

CIP-70-949.0, Annual Allocation - Reclaimed Water Extensions (Copley Drive Reclaimed Water Line), in the amount of \$350.

FISCAL IMPACT:

Funds in the amount of \$389,412 are available in Water Fund 41500.

Mendes/Gardner/MAS

Aud. Cert. 2300429.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A594-B036.)

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

*ITEM-S402: Transfer of Funds - Tecolote Nature Center Expansion.

(Clairemont Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-518) ADOPTED AS RESOLUTION R-297243

Amending the Fiscal Year 2002 Capital Improvement Program Budget by increasing CIP-29-488.0, Tecolote Nature Center Expansion, by \$90,000 for park improvements;

Authorizing the expenditure of an amount not to exceed \$90,000 from Park Bond Funds, Fund No. 38165, for CIP-29-488.0, Tecolote Nature Center Expansion, upon receipt of a fully executed grant.

CITY MANAGER SUPPORTING INFORMATION:

Tecolote Nature Center is located at the eastern end of Tecolote Road. This project expansion will provide for an additional 2,400 sq. ft. and enhance 800 sq. ft. of the existing courtyard.

In March 2000, California voters approved the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Act of 2000 (2000 Park Bond). On August 15, 2000, City Council adopted Resolution R-293698 authorizing the City Manager to secure grant funding under the 2000 Park Bond, including a \$155,000 grant for improvements at the Tecolote Nature Center. The City Manager has secured 2000 Park Bond funds and has entered in a grant contract for Park Bond Per Capita and Robert-Z'berg Harris Per Capita funds. Based on community's input and final design plans an additional \$90,000 is required to complete this project.

The current action will allocate an additional \$90,000 in 2000 Park Bond to the Tecolote Nature Center. This action represents a reallocation of Park Bond Per Capita funds among Council District 6 projects, rather than any new funding.

FISCAL IMPACT:

The estimated project cost is \$595,000 of which \$505,000 has been previously approved. The remaining funds (\$90,000) are available in CIP-29-488.0, Tecolote Nature Center Expansion, Fund No. 30244.

Loveland/Belock/AO

Aud. Cert. 2300385.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A594-B036.)

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

ITEM-S403: **Notice** of Pending Final Map Approval - Montecito.

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 “Montecito”, a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Military Facilities Reserve Community Plan area south of Scripps Poway Parkway easterly of Pomerado Road in Council District 7. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

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

ITEM-S404: Settlement of the Property Damage Claim of Dana Horne.

(R-2003-568)

Adopted as Resolution R-297229.

A Resolution approved by the City Council in Closed Session on Tuesday, October 22, 2002, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-not present; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$493,759.85 in the settlement of each and every claim against the City, its agents and employees, resulting from the property damage to the split level residence located at 5639 Desert View Drive, in the Mount Soledad area of La Jolla, as a result of an extensive sewer backup on October 28, 2000 (Superior Court Case No. GIC775530, Dana Horne, et al. v. City of San Diego);

Authorizing the City Auditor and Comptroller to issue two checks in the following amounts: (1) \$375,000 made payable to Dana Horne and Joseph Masaveg in care of their attorneys, John W. Wood, Esq., and Shirley J. Wood, 7825 Fay Avenue, Suite 200, La Jolla, California, 92037, in full settlement of all claims; and (2) \$118,759.85 made payable to Luth & Turley, Inc., 1350 Hill Street, Suite A, El Cajon, California, 92020, for previously completed repair and cleanup of the aforementioned property.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the property damage claim of Dana Horne against the City of San Diego, its agents and employees, as a result of an accident which occurred on October 28, 2000.

Lexin/Lopez/MAG

Aud. Certs. 2300445 and 2300446.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-S405: Alzheimer's Disease Awareness Month.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-573) ADOPTED AS RESOLUTION R-297244

Recognizing the Memory Walk 2002 participants' selfless dedication to assist the Alzheimer's Association of San Diego with all the vital work they do;

Proclaiming the month of November 2002 to be "Alzheimer's Disease Awareness Month" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A048-109.)

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

* ITEM-S406: Bayside Community Center Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-572) ADOPTED AS RESOLUTION R-297245

Commending Bayside Community Center for its outstanding efforts, and supporting and encouraging the mission and goals of the Bayside Community Center;

Recognizing the accomplishments of the Bayside Community Center for improving the lives of the people of San Diego, and proclaiming November 8, 2002 to be "Bayside Community Center Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A594-B036.)

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

* ITEM-S407: Lease Amendment - BH Partnership d.b.a. Bahia Resort Hotel.

(See City Manager Report CMR-02-248. Mission Bay Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-578) ADOPTED AS RESOLUTION R-297246

Authorizing the City Manager to execute a Second Amendment to Lease Agreement with BH Partnership, for the continued operation of the Bahia Resort Hotel located in Mission Bay Park, San Diego, California, at an initial rent of \$500,000.

FILE LOCATION: LEAS - BH Partnership

COUNCIL ACTION: (Tape location: A594-B036; B040-136.)

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

MOTION BY INZUNZA TO RECONSIDER THE ITEM TO CONSIDER NOEL NEUDECK'S QUESTIONS. 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.

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.

* ITEM-S408: Appointments and Reappointment to the San Diego Convention Center Board.

(See memorandum from Mayor Murphy dated 9/26/2002 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-571) ADOPTED AS RESOLUTION R-297247

Council confirmation of the following appointments and reappointment by the Mayor to serve as members to the San Diego Convention Center Corporation Board of Directors for a three-year term to expire on December 1, 2005:

Names

Daniel V. McAllister (reappointment)

Eric M. Rivera (appointment)
(replacing Patrick Shea, whose term has expired)

C. April Boling (appointment)
(replacing Gail Stoorza-Gill, whose term has expired)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A594-B036.)

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

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:22 p.m. in honor of the memory of:

David Birnbaum, as requested by Council Member Atkins; and

Robert Jope, as requested by Council Member Madaffer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B391-464.)