

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, NOVEMBER 12, 2002  
AT 9:00 A.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 10:08 a.m. Mayor Murphy recessed the meeting at 11:21 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:26 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 11:31 a.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the meeting at 11:32 a.m. with all Council Members present. Mayor Murphy reconvened the Redevelopment Agency to meet simultaneously with the City Council at 11:33 a.m. Mayor Murphy recessed the meeting at 12:05 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:06 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 2:07 p.m. to reconvene the Redevelopment Agency. Mayor Murphy reconvened the meeting at 2:20 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 3:25 p.m. for purposes of a break. Mayor Murphy reconvened the meeting at 3:30 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 4:28 p.m.

#### ATTENDANCE DURING THE MEETING:

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

(7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Fishkin (pr/er)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin 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 Richard Day of the Horizon Christian Fellowship Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City Attorney Casey Gwinn.

FILE LOCATION: MINUTES

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Drew Potolki wishing to recognize the City of San Diego for their efforts in the management of tree resources and programs.

Mayor Murphy stated that this Saturday, November 16, 2002, will be San Diego Arbor Day. The community forest initiative is planting 5,000 trees per year for the next 20 years. The program will take place in each of the eight Districts and each Council Member will be leading efforts in their District this Saturday. Mayor Murphy invited the public to participate, celebrating protecting the environment, and if there were questions to contact their Council Office or call 236-TREE.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:41 a.m. - 10:43 a.m.)

PUBLIC COMMENT-2:

Comment by Lori Saba regarding regional marketing, and delivering their quarterly report to the Council.

Mayor Murphy suggested Ms. Saba consider presenting her marketing report to Rules Committee to allow more time to give their quarterly report.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:45 a.m. - 10: 48 a.m.)

PUBLIC COMMENT-3:

Comment by Al Strohlein regarding departing Council Members' office files.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:49 a.m. - 10:51 a.m.)

**PUBLIC COMMENT-4: REFERRED TO THE CITY MANAGER**

Comment by Elizabeth Bacon regarding access to sidewalks under the Americans with Disabilities Act.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:52 a.m. - 10:55 a.m.)

**PUBLIC COMMENT-5:**

Comment by Wenyi Wang regarding China and the Falun Dafa Practitioners.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:56 a.m. - 10: 58 a.m.)

**PUBLIC COMMENT-6:**

Comment by Sig Weitzman regarding the lack of public toilets.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:59 a.m. - 11:02 a.m.)

**PUBLIC COMMENT-7: REFERRED TO THE CITY MANAGER**

Comment by Michael Sprague regarding election issues involving the Project Area Committee in City Heights.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:03 a.m. - 11:06 a.m.)



PUBLIC COMMENT-8:

Comment by Joyceline Tarr regarding palm trees on Newport Avenue.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:07 a.m. - 11:09 a.m.)

PUBLIC COMMENT-9:

Comment by Donna Dou regarding the North Park needle exchange site.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:10 a.m. - 11:13 a.m.)

PUBLIC COMMENT-10:

Comment by Steve McWilliams regarding medical use of marijuana and Federal prosecution.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:14 a.m. - 11:17 a.m.)

PUBLIC COMMENT-11:

Comment by John Redman regarding medical marijuana policies.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:18 a.m. - 11:21 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Peters thanked the candidates and voters who participated in last week's election.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 4:20 p.m. - 4:21 p.m.)

COUNCIL COMMENT-2:

Council Member Madaffer announced the dedication of the Navajo Road medians this past weekend and commented on the opening and renovation of the Colina Golf Course.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 4:22 p.m. - 4:23 p.m.)

COUNCIL COMMENT-3:

Council Member Wear responded to a complaint from Joyceline Tarr regarding the trees on Newport Avenue.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 4:24 p.m. - 4:26 p.m.)

CITY MANAGER COMMENT:

NONE.

CITY ATTORNEY COMMENT:

NONE.

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS:** APPROVED

Approval of Council Minutes for the meetings of:

10/07/2002  
10/08/2002  
10/14/2002  
10/15/2002

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:07 a.m. - 10:08 a.m.)

MOTION BY MADAFFER TO APPROVE. 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: American Indian Heritage Month.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-626) ADOPTED AS RESOLUTION R-297257

Recognizing the countless contributions American Indians in the San Diego region continue to make to our City;

Proclaiming the month of November 2002 to be "American Indian Heritage Month" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:15 a.m. - 10:22 a.m.)

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-32: Mindy Pellissier Day.

**COUNCILMEMBER WEAR'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-608) ADOPTED AS RESOLUTION R-297258

Proclaiming November 12, 2002 to be "Mindy Pellissier Day" in the City of San Diego in honor of her dedication to improving the quality of life in the community of Ocean Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. - 10:25 a.m.)

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-33: Peggy Cooper Day.

**DEPUTY MAYOR STEVENS' RECOMMENDATION:**

Adopt the following resolution:

(R-2003-579) ADOPTED AS RESOLUTION R-297259

Commending Ms. Peggy Cooper for her dedication and commitment to the City of San Diego;

Proclaiming November 12, 2002 to be "Ms. Peggy Cooper Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. - 10:34 a.m.)

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-34: Montgomery Adult School and Episcopal Community Services Day.

**COUNCILMEMBER INZUNZA'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-592) ADOPTED AS RESOLUTION R-297260

Acknowledging the commitment between the Sweetwater Union High School District and Episcopal Community Services Head Start and Early Head Start;

Proclaiming October 25, 2002 as "Montgomery Adult School and Episcopal Community Services Center Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. - 10:39 a.m.)

MOTION BY INZUNZA 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-50: Urban Forest Programs - Tree Advisory Board Name Change.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 10/28/2002. (Council voted 9-0):

(O-2003-71) ADOPTED AS ORDINANCE O-19119 (New Series)

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.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:08 a.m. - 10:11 a.m.)

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-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-51: Savannah Terrace.

(RZ-40-0644. Sabre Springs Community Area. District-5.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 10/29/2002. (Council voted 9-0):

(O-2003-60 Cor. Copy) ADOPTED AS ORDINANCE O-19120 (New Series)

Rezoning portions of a property located at the northeast corner of Sabre Springs Parkway and Poway Road, in the Sabre Springs Community Plan Area, from the RM-2-5 (Medium Density Residential) Zone, to the OC-1-1 (Open Space Conservation) Zone, and from the CC-1-3 (Community Commercial) Zone to the RM-2-5 (Medium Density Residential) Zone; and repealing Ordinance O-16839 (New Series), adopted May 6, 1987, of the ordinances of the City of San Diego.

FILE LOCATION: LUP-Savannah Terrace - 09/10/02 (65)

COUNCIL ACTION: (Time duration: 10:08 a.m. - 10:11 a.m.)

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: Office Space Lease Amendment - Comerica Bank Building.

(Centre City Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2003-42) INTRODUCED, TO BE ADOPTED ON MONDAY,  
NOVEMBER 25, 2002

Introduction of an Ordinance authorizing the City Manager to execute a Fifth Amendment to Office Lease with 400 West Broadway, LLC., for the lease of approximately 2,280 square feet, for a total monthly rental rate of \$3,648, for a term of approximately 10 years;

Authorizing the City Auditor and Comptroller to expend an additional amount not to exceed \$59,264 for space and data infrastructure costs from Fund No. DE-2300032, Line 1, from the FY2002 Budget.

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

**CITY MANAGER SUPPORTING INFORMATION:**

The Community Services Division, currently located at the City Administration Building, 5<sup>th</sup> floor, will need to be relocated to 600 B Street, Suite 1440, in order to provide the Planning Department with expansion space for new employees. The Planning Department occupies over 90% of the 5<sup>th</sup> floor; therefore, it was more cost efficient to relocate the Community Services staff. In addition, Suite 1440 at 600 B Street will be able to accommodate the IT&C Department with expansion space for several new employees that have already been hired. IT&C is currently occupying space in the Civic Center Plaza Building. However, this building is 100% occupied. 600 B Street can provide the City with low rental rates and is in close proximity to the Civic Center Plaza.

Suite 1440 will be leased under the following basic terms:

TERM - Approximately 10 years with a lease expiration date of May 31, 2013.

RENT - \$1.60 per square foot or \$3,648 per month. This rental rate is below market as compared to similar space in the downtown core.

USE - General office use.

SIZE - Approximately 2,280 square feet.

PARKING RENT - Six employees from IT&C and Community Services will be parking at 600 B Street. The parking rent at 600 B Street is \$135 per month. \$55 will be charged to the employees through their paychecks monthly. The balance of the parking rent will be paid with the rent each month to the 600 B Street landlord.

TENANT IMPROVEMENTS - The landlord will install new carpet, paint, a divider wall and a dedicated outlet at the landlord's sole cost and expense. The estimated improvement cost is \$8,500.

**FISCAL IMPACT:**

\$59,264 will be paid from DE-2300032, Line 1, from the FY2002 Budget for rent costs, relocation costs, and data infrastructure costs.

Herring/Griffith/DLM

Aud. Cert. 2300282.

\_\_\_\_\_ FILE LOCATION:                      NONE

\_\_\_\_\_ COUNCIL ACTION:                      (Time duration: 10:08 a.m. - 10:11 a.m.)

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

\* ITEM-100: Two actions related to Inviting Bids and Award of Contract for Black Mountain Road-Gap Reclaimed Water Pipeline.

(See memorandum from Larry Gardner dated 10/3/2002. Rancho Peñasquitos Community Area. District-1.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2003-498)                      ADOPTED AS RESOLUTION R-297261



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 Black Mountain Road-Gap Reclaimed Water Pipeline System on Work Order No. 186761;

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

Authorizing the City Manager to execute an Amendment to the Agreement with Kennedy/Jenks Consultants in the amount of \$105,500, to provide additional design support;

Authorizing the expenditure of an amount not to exceed \$4,753,318 from Water Fund 41500, CIP-70-954.0, North City Reclamation System (Black Mountain Road-Gap Reclaimed Water Pipeline); and an amount not to exceed \$185,000 from Water Fund 41500, CIP-70-942.0, Pooled Contingency-Reclaimed Water Distribution System, for the Amendment, construction, and related construction costs of the construction of Black Mountain Road-Gap Reclaimed Water Pipeline, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the 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. (BID-K-03033C)

Subitem-B: (R-2003-499)

ADOPTED AS RESOLUTION R-297262

Certifying that the information contained in the Environmental Impact Report LDR-41-0629 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines (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 the report, together with any comments received during the public review process, has been reviewed and considered by Council;

Adopting the findings made with respect to the project and the Statement of Overriding Considerations;

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.

**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 December of 2000, the Water Department completed a Beneficial Reuse Study. The intent of this study is to provide a review of the City's existing reclaimed water system and plans for development of future reclaimed water pipelines, and to meet the North City Environmental Protection Agency (EPA) grant goal. The goal is to reuse 25 percent of the flows (6 MGD) treated at the North City Water Reclamation Plant (NCWRP) by December 31, 2003 and 50 percent of the flows (12 MGD) by December 31, 2010. As part of the City's water reuse goals, three phases of the pipeline alignments have been identified to deliver the reclaimed water to potential customers in the northern service area. Phase I is intended to meet the 2003 reuse goal, while Phases II and III would fulfill the 2010 reuse goal. The Water Department's goal is to have the pipeline ready for operation by December 2003. However, the final completion of the construction contract will extend to Summer 2004. It is anticipated that Phase I will be completely operational by Summer 2004 following completion of a pump station which is presently in design.

As part of the Phase I, the Black Mountain Road-Gap Pipeline will serve the Black Mountain Ranch Developments and Olivenhain Municipal Water District, and future customers in the City's northern service areas. The Gap Pipeline will be connected from the southerly Black Mountain Road Reclaimed Water Pipeline at Twin Trail Drive, to the northerly Black Mountain Ranch Reclaimed water system which will be terminated at Carmel Valley Road. The Gap Pipeline consists of approximately 11,000 linear feet of 24-inch diameter steel and mortar coated pipe. Construction of the Gap Pipeline will be performed during the day-time, with the exception of some street intersections which will require night-time work due to traffic constraints.

The Black Mountain Road Reclaimed Water Gap Pipeline is a component of Phase I of the North City Water Reclamation System Project. The City of San Diego prepared an Environmental Impact Report (LDR-41-0629), dated October 7, 2002, that analyzes the Gap Pipeline and the larger, three phase project.

This project was presented to and approved by the Natural Resources and Culture Committee at the meeting of October 9, 2002.

The CIP Program has performed several community outreach efforts by meeting with the Rancho Peñasquitos Community Planning Group, and various community advisory groups. This request authorizes the funding, bidding and award for the construction of this project, and the necessary engineering support. This action also certifies the environmental document.

**FISCAL IMPACT:**

Funding in the amount of \$4,938,318 for the construction is available from the Water Fund 41500, CIP-79-954.0, North City Reclamation System (Black Mountain Road-Gap Reclaimed Water Pipeline), and CIP-70-942.0, Pooled Contingency-Reclaimed Water Distribution System. This will be phase funded over two fiscal years.

Mendes/Gardner/VB

\_\_\_\_\_ FILE LOCATION:                      SUBITEMS A & B: CONT - Excel Comm Constructors;  
W. O. 186761

\_\_\_\_\_ COUNCIL ACTION:                      (Time duration: 10:08 a.m. - 10:11 a.m.)

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: Inviting Bids and Award of Contract for the Construction of Sewer Replacement Group 2001.

(See memorandum from Frank Belock, Jr. dated 7/23/2002. Uptown and Centre City Community Areas. District-2.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolution:

Subitem-A: (R-2003-496)

**RETURNED TO THE CITY MANAGER**

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 Replacement Group 2001 on Work Order No. 174401/174411;

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

Authorizing the expenditure of an amount not to exceed \$2,000 from CDBG Fund 18537, Dept. 4244, Org. 4401, for the purpose of providing funds for construction of pedestrian ramps for the Sewer Group 681 portion of the Project;

Authorizing the expenditure of an amount not to exceed \$8,395,960 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for the purpose of providing funds for construction, contingency, and other Project-related costs for the Sewer Group 680 portion of the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$7,558,525 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for the purpose of providing funds for construction, contingency, and other Project-related costs for the Sewer Group 681 portion of the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases 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-K03032C)

Subitem-B: (R-2003-497)

**RETURNED TO THE CITY MANAGER**

Certifying that the information contained in Mitigated Negative Declaration LDR-41-0386, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said Declaration reflects the independent judgment of the City as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of Construction of Sewer Replacement Group 2001;

Approving LDR-41-0386 and 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 above project.

Subitem-C: (R-2003-617)

**RETURNED TO THE CITY MANAGER**

Certifying that the information contained in Mitigated Negative Declaration LDR-41-0187, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said Declaration reflects the independent judgment of the City as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of Construction of Sewer Replacement Group 2001;

Approving LDR-41-0187 and 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 above project.

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

On 7/31/2002, NR&C voted 4 to 0 to approve. (Councilmembers Wear, Frye, Madaffer, and Inzunza voted yea. Councilmember Peters not present.)

### **CITY MANAGER SUPPORTING INFORMATION:**

This project is part of the City's concrete sewer main replacement program. Sewer Group 2001 will replace and realign approximately 32,025 linear feet of existing 6-inch and 12-inch concrete and vitrified clay sewer mains with new 8-inch, 10-inch, and 15-inch sewer mains. The existing facilities were installed as early as 1903, are undersized, deteriorated, and are in need of replacement. This project will reduce any stoppages and provide a more reliable sewer system for the service area. This project will also install new pedestrian ramps and resurface all impacted streets.

This Project is located in the Centre City and the Uptown Community Planning Areas and is bounded by Thorn Street and Date Street on the north and south, and by Sixth Avenue and Kettner Boulevard on the east and west. The City will notify residents, via mail, at least one month prior to the construction and again ten days before construction begins, by the contractor, via hand distribution. The contractor will be required to adhere to the traffic control plans which were prepared for this project and will be required to preserve/relocate existing historical stamps. City staff coordinated the construction schedule with the Uptown Planners, the Centre City Development Corporation, the Hillcrest Association, Paradise in Progress, and the Little Italy Business Improvement District. A construction moratorium will be observed during January 2003 for the Super Bowl. Also, funding for City Forces work is included to facilitate the construction of the new sewer main.

### **FISCAL IMPACT:**

The total estimated cost of this project is \$15,954,485. Funds of \$15,954,485 are available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for this purpose. This project is scheduled to be phase funded over FY 2003 to FY 2005.

Loveland/Belock/HR

Aud. Cert. 2300328.

WWF-02-618.

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

COUNCIL ACTION: (Time duration: 10:08 a.m. - 10:11 a.m.)

CONSENT MOTION BY MADAFFER TO RETURN THIS ITEM TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW. 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: Participation Agreement for 712/610 Pressure Reducing Station Upgrades.

(See memorandum of Larry Gardner dated 10/3/2002. Peñasquitos East, Black Mountain Ranch and Mira Mesa Community Areas. Districts-1 and 5.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-543) ADOPTED AS RESOLUTION R-297291

Authorizing the City Manager to execute a phase funded participation agreement with Stowe-Pasco Development, Inc., for the construction of the 712/610 Pressure Reducing Station Upgrades;

Authorizing the City Manager to establish contract funding phases for the agreement;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$206,813 from Fund No. 41500, CIP-73-216.0, Black Mountain Reservoir, to Water Fund No. 41500, CIP-73-900.0, Annual Allocation - Pressure Reducing Facility Upgrades (Eastgate Court Pressure Station);

Authorizing the expenditure of an amount not to exceed \$2,772,105 in Water Fund 41500, CIP-73-900.0, Annual Allocation - Pressure Reducing Facility Upgrades (Genetic Centre Drive in the amount of \$985,526; Eastgate Court in the amount of \$1,145,166; and Del Mar Heights in the amount of \$641,413); solely and exclusively to provide funds for the agreement and related in-house engineering costs, provided that the City Auditor and Comptroller first furnishes a certificate certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

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

**CITY MANAGER SUPPORTING INFORMATION:**

Based upon the findings of the Miramar (712) / North City (610) Water Study dated December 1997, the Water Department has determined that the existing 712/610 Pressure Reducing Stations (PRS) do not meet the current City standards for capacity and lack the system redundancy necessary to ensure sufficient water pressure to existing and future communities in the area. Consequently, the Water Department entered into an Agreement with Black Mountain Ranch LLC (Document R-291916) for the design and construction of the Black Mountain Reservoir which included the design of the 712/610 Pressure Reducing Station Upgrades. Stowe-Passco Development, the developer for Sundowner Estates, LCC, has agreed to construct the PRS upgrades per the Water Department's construction schedule. When complete the new and upgraded stations will provide increased capacity from the 712 HGL Miramar Pressure Zone to the 610 HGL North City Zone. Under this Agreement, the work will be performed by Developer in three phases over three fiscal years (FY) as outlined below.

Phase I (FY03) - The construction of the Eastgate Court PRS, located at the intersection of Eastgate Court and Eastgate Mall, will augment flows from the existing Eastgate Mall PRS. Construction includes three 16-inch pressure reducing valves in a vault structure, electrical and telemetry improvements, cathodic protection, and pipeline connections. Also, included in this phase are electrical and telemetry improvements to the existing Camino Ruiz PRS.

Phase II (FY 04) - The Genetic Center Drive PRS will augment flows from the existing Steadman Street PRS. Work includes the construction of a new PRS with two vaults and installation of 227 feet of new 36-inch pipeline. The new pipeline will connect the Genetic Center PRS to the existing Green Valley and Miramar Pipelines.

Phase III (FY05) - Requires the demolition of the existing 12-inch Del Mar Heights PRS and construction of a new PRS that includes three 16-inch pressure reducing valves in a vault structure. The project also includes a connection with the existing Rancho Bernardo and Del Mar Heights Pipelines.



**FISCAL IMPACT:**

The total cost of the project is \$2,772,105. Funding of \$1,116,861 is available in FY03, Water Fund 41500, CIP-73-900.0, Annual Allocation -Pressure Reducing Facility Upgrades for Eastgate Court Pressure Reducing Station.

Mendes/Gardner/FA

Aud. Cert. 2300376.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:30 p.m. - 3:40 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Maienschein. 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-103: Renaming of Skyline Community Park and Recreation Center.

(Southeastern Community Area. District-4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-604) ADOPTED AS RESOLUTION R-297263

Declaring that the Skyline Community Park and Recreation Center is officially renamed "Skyline Hills Community Park and Recreation Center."

**CITY MANAGER SUPPORTING INFORMATION:**

In an effort to revitalize the image of the "Skyline" community, steps are being taken to identify and refer to the area by its proper and appropriate name, "Skyline Hills". This effort has been encouraged and embraced by some residents in the Skyline Hills community. During the summer of 2001, the effort to have signs posted on the entry arteries into Skyline Hills was undertaken resulting in signs being posted in four locations. The renaming of the Skyline Park and Recreation Center is another step in the revitalization effort.

If approved by action of the Council, the renaming of Skyline Hills Community Park and Recreation Center will require new signage in the park and on the recreation building. Signage will be changed as funds are made available by Council District 4.

**FISCAL IMPACT:**

None at this time.

Herring/Oppenheim/CH

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:08 a.m. - 10:11 a.m.)

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: Parcel Map W.O. No. 420274 and Emergency Access Easement Vacation.

(University Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-591) ADOPTED AS RESOLUTION R-297264

Approving Parcel Map W.O. No. 420274.

**CITY MANAGER SUPPORTING INFORMATION:**

This parcel map proposes the consolidation of a 5.168 acre site into one parcel for research (planned industrial) development. It is located northwesterly of General Atomics Court and Science Center Drive in the University Community Plan Area. This map requires City Council approval because an emergency access easement is being vacated on the map.

The existing emergency access easement was granted to the City of San Diego on Torrey Pines Science Center Unit No. 2, Map-12845. There is no present or anticipated future need for the existing easement in its current configuration. A new general utility and access easement of approximately equal value is granted on the map. Staff has determined that the revised project is consistent with all previously approved permits. The City Engineer has approved the parcel map.

The public improvements required for this map as shown on Engineering Drawing No. 318281-10-D have been assured by the issuance of Engineering Permit No. W50502. A Permit Performance Bond in the amount of \$674,949 has been provided as surety. The improvements are to be completed within one year. This lot consolidation map does not create new lots, or greater development density. Therefore there is no expected traffic impact. There are no park fees due in connection with this project.

**FISCAL IMPACT:**

None.

Ewell/Broughton/GRB

FILE LOCATION: DEED F-9348

COUNCIL ACTION: (Time duration: 10:08 a.m. - 10:11 a.m.)

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: Time Limit Parking Fronting 4275 Eastgate Mall.

(University Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-547 ) ADOPTED AS RESOLUTION R-297265

Establishing a parking time limit of two-hour unmetered time limit parking zone, effective between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the south side of Eastgate Mall fronting 4275 Eastgate Mall;

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

**CITY MANAGER SUPPORTING INFORMATION:**

This action establishes a two-hour unmetered time limit parking zone effective between 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the south side of Eastgate Mall fronting the Northern Police Facility located at 4275 Eastgate Mall. Council approval is required, according to San Diego Municipal Code Section 86.04. A 30 minute green zone currently exists, fronting the police facility, for members of the public to access police services. However, the 30 minute time limit was an inappropriate time constraint, because the average time needed to conduct business at the police facility exceeded 30 minutes.

A petition was submitted by the San Diego Police Department in support of this action. The University Community Planning Group supports this action.

**FISCAL IMPACT:**

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

Loveland/Gonzalez/AH

\_\_\_\_\_ FILE LOCATION:                      MEET

\_\_\_\_\_ COUNCIL ACTION:                      (Time duration: 10:08 a.m. - 10:11 a.m.)

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: Kearny Mesa Community Park - Pool Building Improvements.

(Kearny Mesa Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-593) ADOPTED AS RESOLUTION R-297292

Authorizing amendment of the Fiscal Year 2003 Capital Improvements Program Budget by adding CIP-29-622.0, Kearny Mesa Community Park Pool Building Improvements;

Authorizing amendment of the Fiscal Year 2003 Capital Improvements Budget by increasing CIP-29-622.0, Kearny Mesa Community Park Pool Building Improvements, in the amount of \$60,000 from Fund 38150, 2000 Park Bond Per Capita Funding;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$60,000 from CIP-29-622.0, Kearny Mesa Community Park Pool Building Improvements, from Fund 38150, 2000 Park Bond Per Capita Funding.

**CITY MANAGER SUPPORTING INFORMATION:**

This project will provide for a number of improvements to the pool building at Kearny Mesa Community Park. Work will include repairs or replacement to the pool's concrete deck, safety groove deck, shower hardware and painting the building.

On August 15, 2000, City Council adopted Resolution R-293698 authorizing the City Manager or his representative to secure grant funding from the State of California under the Safe Neighborhood Parks, clean Water, Clean Air and Coastal Protection Act of 2000 (Park Bond).

The City Manager has secured the grant funding and has entered into a grant contract with the State of California for Park Bond Per Capita Funds, including \$60,000 for this project. This action authorizes the City Manager or his representative to move Park Bond Per Capita funding into CIP-29-622.0, Kearny Mesa Community Park Pool Building Improvements for the purpose stated above.

**FISCAL IMPACT:**

Funds in the amount of \$60,000 are available from CIP-29-622.0, Kearny Mesa Community Park Pool Building Improvement, 2000 Park Bond Per Capita Funds, Fund No. 38150 for this purpose.

Herring/Oppenheim/DS

Aud. Cert. 2300456.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:18 p.m. - 4:19 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-107: Agreement with Burns and McDonnell Engineering, Inc. for Design Build Services - Interim Erosion Control.

(See memorandum from Scott Tulloch dated 9/11/2002.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-595) ADOPTED AS RESOLUTION R-297266

Authorizing the City Manager to execute an agreement with Burns and McDonnell Engineering, Inc., to perform interim erosion control design, installation and maintenance, for an amount not to exceed \$500,000 for a one year period;

Authorizing the expenditure not to exceed \$250,000 from Fund No. 41506, Department 773, Org. No. 851, Job Order 8513, and \$250,000 from Fund No. 41506, Department 773, Org. No. 241, Job Order 2909, for a total amount not to exceed \$500,000, for the purpose of providing funds for the above project.

**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:**

This request is to enter into an Agreement with Burns & McDonnell Engineering, Inc. for a Design/Build Contract, in an amount not to exceed \$500,000. Following a competitive procurement process, Burns & McDonnell was selected as the most qualified firm for this service. On September 18, 2002, the NR&C Committee approved this firm with a vote of 3-0. The duration of this contract is twelve (12) months with the option to renew on an annual basis for up to three (3) years per the City's discretion.

Erosion and sediment control is a significant part of ongoing cleaning and maintenance activities for the sewer pipelines in canyons and other non-right-of-way areas. Regulatory agencies require effective erosion and sediment control programs for any work activity on non-right-of-way sewer pipelines and manholes including cleaning, emergency repairs and assessments. Additionally, erosion control measures reduce the risk of pipelines failures.

The work under this contract will consist of design and implementation of effective interim erosion control measures to minimize soil erosion and sedimentation during and immediately after maintenance or repairs of sewer facilities. The design/build contractor is responsible for preparing construction drawings and furnishing all equipment, material and labor necessary to accomplish the work. This work will be issued on a task order basis.

**FISCAL IMPACT:**

The total cost of this action is \$500,000

Mendes/Tulloch/DG

Aud. Cert. 2300457.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:08 a.m. - 10:11 a.m.)

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-108: Accepting Funding from George Hunt, Citizen Financier, for resurfacing of Sherman Street.

(Linda Vista Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-388) **RETURNED TO THE CITY MANAGER**

Authorizing the City Manager to execute an agreement with, and accepting \$25,000 in funding, from George Hunt, Citizen Financier, for implementation of a pilot project to resurface the concrete street surface of Sherman Street between Grant Street and Lovelock Street;

Authorizing the deposit of these funds into Street Division Operating Fund 10440 and expenditure of the funds in conjunction with Resurfacing of Various Streets City Wide, Group R-6, which will begin construction in Fiscal Year 2003.

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to return any excess funds to George Hunt, Citizen Financier.

**CITY MANAGER SUPPORTING INFORMATION:**

Accepting this agreement will provide \$25,000 of funding to the City's Transportation Department, Street Division, to repair the concrete surface of Sherman Street between Grant Street and Lovelock Street. The current condition of the street will be improved, and the useful life of the street will be extended for approximately three years, in a manner similar to an asphalt overlay. The Street Division is researching alternative methods and design specifications for



asphalt overlays on concrete streets, and will choose appropriate materials, methods, and design specifications which another municipality has implemented, on that section of Sherman Street as a pilot project.

Mr. Hunt would like to donate this money to assist the Street Division in going forward with this pilot project to improve the condition of his street. Mr. Hunt is offering this money as a restricted donation for a specific purpose in accordance with Council Policy 100-02.

The Street Division intends to complete this pilot project in conjunction with Resurfacing of Various Streets City Wide, Group R-6, which is expected to begin construction in FY 03. The work on Sherman Street is expected to take approximately two weeks to complete. Any unused funds will be returned to Mr. Hunt upon completion of the project.

**FISCAL IMPACT:**

There is no significant cost associated with the acceptance of this agreement and said funds.

Loveland/Gonzalez/MMW

\_\_\_\_\_ FILE LOCATION:                      MEET

\_\_\_\_\_ COUNCIL ACTION:                      (Time duration: 10:08 a.m. - 10:11 a.m.)

CONSENT MOTION BY MADAFFER TO RETURN THIS ITEM TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER CONSIDERATION OF LEGAL ISSUES. 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: Additional Funding for Belt Street Trunk Sewer.

(See memorandum from Frank Belock, Jr. dated 9/11/2002. Barrio Logan Community Area. District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-601)                      ADOPTED AS RESOLUTION R-297267

Authorizing the FY 2003 - Phase I funding for the construction of the Belt Street Trunk Sewer Project in an amount not to exceed \$2,571,685;

Authorizing the additional expenditure of an amount not to exceed \$689,780 from Sewer Fund 41506, CIP-46-195.0, Belt Street Trunk Sewer, for the construction of the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the transfer of an amount not to exceed \$137,063.30 from Sewer Fund 41506, CIP-46-202.0, Barnett Avenue Trunk Sewer Replacement, and the transfer of an amount not to exceed \$294,881 from Sewer Fund 41506, CIP-46-191.0, Brine Management Force Main and Pump Station to Fund 41506, CIP-46-195.0, Belt Street Trunk Sewer;

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 Belt Street Trunk Sewer mains are located in Belt Street between the NutraSweet Kelco Plant near the Coronado Bridge to the west and the National Steel and Shipbuilding Company (NASSCO) shipyard at Harbor Drive to the east. These sewer mains serve a drainage basin of approximately 52 acres. Two roughly parallel trunk sewer mains serve this basin, a 21-inch vitrified clay pipe (v.c.p.) and a 15-inch v.c.p.

The 21-inch sewer main has been classified as critical due to surcharging.

A number of deficiencies have also been identified in both mains including failed and sagging pipe sections, and a large amount of build-up inside. This project replaces both mains with a new 30-inch sewer main.

The advertising of this project was previously approved by the City Council. Bids were opened on April 4, 2002. There were forty-seven (47) bid packages issued and one (1) bid package received. BRH Garver, Inc., was the only bidder with a bid 19.8% higher than the engineering consultant estimate. Council action is requested to provide additional funding for the project.

**FISCAL IMPACT:**

The total cost of this project is \$5,835,355. Authorizing an additional expenditure of \$689,780 from Sewer Fund 41506, CIP-46-195.0, Belt Street Trunk Sewer. This project is scheduled to be phase funded over FY 2003 to FY 2004. Funding for Phase I (FY 2003) is available in Sewer Fund 41506, CIP-46-195.0 in the amount of \$2,571,685 for this purpose.

Loveland/Belock/HR

Aud. Cert. 2300350.

WWF-03-620.

\_\_\_\_\_ FILE LOCATION: MEET

\_\_\_\_\_ COUNCIL ACTION: (Time duration: 10:08 a.m. - 10:11 a.m.)

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-110: Perimeter Fencing and Access Control for Montgomery Field Airport.

(Kearny Mesa Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-299) ADOPTED AS RESOLUTION R-297268

Authorizing the City Manager to execute a First Amendment to Agreement with P & D Consultants, Inc., increasing the scope of work and the contract amount by \$59,300 for the Perimeter Fencing and Access Control at Montgomery Field Airport Project;

Authorizing the expenditure of an amount not to exceed \$59,300 from CIP-31-339.0, Perimeter Fencing and Access Control at Montgomery Field Airport Project;

Authorizing the City Manager, or his designee, to apply for Entitlement/Grant funds from the FAA in the amount of \$150,000 and a State Grant from the State of California in the amount of \$8,300 for the Perimeter Fencing and Access Control Project at Montgomery Field Airport;

Authorizing the City Manager, or his designee, to take all necessary actions to secure funding from the FAA and the State of California for the Perimeter Fencing and Access Control Project at Montgomery Field Airport;

Authorizing the City Auditor and Comptroller to appropriate and expend funds, if grant funding is secured;

Authorizing the City Auditor and Comptroller to establish special interest-bearing funds for the grant funds, if awarded.

Amending the Fiscal Year 2003 Capital Improvements Program to increase CIP-31-339.0, Perimeter Fencing and Access Control at Montgomery Field Airport Project, by \$158,300: \$150,000 from the FAA Grant, if awarded, and \$8,300 from the State Grant, if awarded;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$158,300 from CIP-31-339.0, Perimeter Fencing and Access Control at Montgomery Field Airport Project, contingent upon receipt of fully executed grant agreements with the FAA and State;

Authorizing the City Auditor and Comptroller to transfer \$247,256 from CIP-31-001.0, Annual Allocation - Montgomery and Brown Field Airports, to CIP-31-339.0, Perimeter Fencing and Access Control at Montgomery Field Airport Project, within the Airports Enterprise Fund, of which \$8,300 is a match to the State Grant.

## **CITY MANAGER SUPPORTING INFORMATION:**

Montgomery Field ranks as the 51st busiest of the 492 airports in the nation with operational Air Traffic Control Towers. The airport has three runways, three parallel taxiways and ten connecting taxiways and is defined within the limits of an existing perimeter fence. The existing fence is not void of open spaces, which leads to unauthorized access onto the Airport Operating Area (AOA).

The current major safety priority of the Federal Aviation Administration (FAA) is to reduce potential runway incursions that can lead to serious accidents and to increase security at airports. The project consist of replacing damages to the existing fence; installation of new fence where none exists and the addition of ten electric vehicular drive thru gates, and fourteen pedestrian walk through gates.

Initially, the Project recommended the construction of 6 vehicular gates and a 6 foot perimeter fence. After the September 11, 2001 terrorist attack on America increased emphasis was placed on Airport security.

As a result, the project was redesigned to include the additional construction of four vehicular gates to provide sufficient access to the Airport businesses and Operational areas. Fourteen pedestrian gates were also added for pilot convenience. All of the new gates and locations have been evaluated and designed to meet the American with Disabilities Act (ADA). The total contract amount with P&D Consultants, Inc., will be increased from \$70,000 to \$129,300 to reflect the change in scope of work.

## **FISCAL IMPACT:**

The current total project budget for CIP-31-339.0, Perimeter Fencing and Access Control Project at Montgomery Field is \$444,444. This action will increase the budget by \$405,556, which consists of \$150,000 in Federal Aviation Administration grants, \$8,300 in State of California grants, and a \$247,256 transfer from CIP-31-001.0, Annual Allocation - Montgomery and Brown Field Airport Improvements. The new total project cost is \$850,000.

Herring/Griffith/TM

Aud. Cert. 2300404.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:08 a.m. - 10:11 a.m.)

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-111: Grant Application for Black Mountain Open Space Park Interpretive Program.

(Rancho Peñasquitos Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-490) ADOPTED AS RESOLUTION R-297269

Authorizing the City Manager, or designee, to apply to the California Department of Parks and Recreation's Habitat Conservation Fund Grant Program for grant funds in the amount of \$25,000, for an interpretive program at Black Mountain Open Space Park;

Authorizing the City Manager, or designee, to take all necessary actions to secure grant funds from the California Department of Parks and Recreation for the interpretive program at Black Mountain Open Space Park, including entering into and executing a grant funding agreement;

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

Authorizing the Auditor and Comptroller to accept, appropriate and expend funds if the grant is secured;

Authorizing the Auditor and Comptroller to amend the Fiscal Year 2003 Capital Improvements Program Budget by adding CIP-29-623.0, Black Mountain Interpretive Program;

Authorizing the Auditor and Comptroller, upon receipt of a fully executed grant agreement, to transfer the grant match of \$25,000 from CIP-20-013.0, Fund 630221, Park and Recreation Grant Match Funding, to CIP-29-623.0, Black Mountain Interpretive Program;

Authorizing the Auditor and Comptroller, upon receipt of a fully executed grant agreement, to appropriate and expend \$50,000 from CIP-29-623.0, Black Mountain Interpretive Program;

Certifying that Council understands the assurances and certification in the grant application form;

Certifying that the City has the required matching funds for the project, and has sufficient funds to operate and maintain the project.

**CITY MANAGER SUPPORTING INFORMATION:**

The State of California Department of Parks and Recreation provides grant funding via the Habitat Conservation Fund under the California Wildlife Protection Act of 1990. This grant program funds a variety of conservation related projects, including trails, programs and urban access to park and wildlife areas.

This grant application is for an interpretive program at Black Mountain Open Space Park. The project will encourage urban residents to visit the site and appreciate its wildlife resources. The grant proposal includes four major components: design and print interpretive materials; purchase backpacks filled with interpretive materials, field guides, binoculars, etc.; design and install interpretive signs; and conduct a public outreach to local schools, youth groups and environmental groups. Park rangers will provide backpacks to groups visiting Black Mountain Open Space Park.

**FISCAL IMPACT:**

This application requests \$25,000 from the State of California Department of Parks and Recreation from the habitat conservation Fund Program. The City of San Diego will provide a local match of \$25,000 from Park and Recreation Grant Match Funding, CIP-20-013.0. Sufficient funds to operate and maintain this project are included in the annual Park and Recreation Department budget.

Herring/Oppenheim/HL

Aud. Cert. 2300441.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:08 a.m. - 10:11 a.m.)

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: Two actions related to Environmental Monitoring and Technical Services Laboratory, Related Costs.

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

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2003-562) ADOPTED AS RESOLUTION R-297270

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$476,928 from Fund No. 41509, CIP-45-940.0, Wet Weather Storage Facility, to Fund 41509, CIP-46-187.0, Environmental Monitoring & Technical Services Laboratory, solely and exclusively for the purpose of implementing the telephone and computer services to the new facility;

Authorizing the expenditure of an amount not to exceed \$2,019,715 from Fund No. 41509, CIP-46-187.0, Environmental Monitoring & Technical Services Laboratory, for telephone and computer data equipment, construction management services and related costs; and \$384,885 from Fund 41509, CIP-46-502.0, Annual Allocation-Pooled Contingency, for project 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 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.



Subitem-B: (R-2003-585) ADOPTED AS RESOLUTION R-297271

Declaring that the information contained in final Mitigated Negative Declaration LDR-99-1076, including any comments received during the public review process, has been reviewed and considered prior to approving the Environmental Monitoring & Technical Services Laboratory;

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.

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

On 10/9/2002, NR&C voted 5 to 0 to approve the projects and direct staff to report back to the NR&C Committee within sixty days on the following issues: a) How many CIP contracts went above the City Engineer's estimate in the past year. Include dollar amount and CIP projects from the following City Departments: Water, Metropolitan Wastewater, and Engineering and Capital Projects. b) Comprehensive report of the CIP process. Include feasibility of increasing design- build contracts and other bid options to help address escalating costs. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

The Environmental Monitoring and Technical Services Division of the Metropolitan Wastewater Department (MWWD) conducts a comprehensive laboratory program in support of wastewater treatment, analysis, and disposal operations to ensure compliance with standards set by state and federal governments through our intensive monitoring, sampling, and testing program. Currently, the MWWD uses the Alvarado Laboratory facility at Lake Murray and leased space at Driscoll's Wharf for much of its testing, data analysis, and reporting. On June 19, 2001, the City Council approved the plans and specifications for a new laboratory to be located at the former Naval Training Center, and authorized the City Manager to advertise and award construction of the Environmental Monitoring and Technical Services Laboratory (R-250963).

Kvaas Constructors, Inc. (KCI) was the low responsible bidder, and the MWWD issued a Notice to Proceed to KCI in the amount of \$10,620,000 on November 26, 2001. Construction is approximately 35% complete, and is scheduled for completion in the fall of 2003.

During the design and bid of this laboratory project, certain crucial elements related to utilities and communications were pending evaluation, and therefore were not included in the bid construction documents. Additionally, portions of the previously approved CIP budget were not fully authorized to expend. This action requests authorization to expend the remaining portion of

the approved FY03 budget, including \$774,457 for planned construction management services and \$768,330 for related costs, which include costs for in-house administration, other City forces work, permits and fees, environmental regulatory compliance, and environmental mitigation. An additional expenditure of \$476,928 is also requested for the design and installation of telephone and computer data equipment. This work will be completed by the San Diego Data Processing Corporation. Project contingency funds will be replenished by \$384,885 for unforeseen changes to on-site sewer and water infrastructure upgrades in the original bid documents, and anticipated new construction costs to bring telephone, gas, and electricity services to the facility from off-site. These actions were approved by the Metro Commission.

**FISCAL IMPACT:**

This request is for \$2,404,600 of which \$2,019,715 is available in Sewer Fund 41509, CIP-46-187.0, Environmental Monitoring & Technical Services Laboratory, and \$384,885 is available in Sewer Fund 41509, CIP-46-502.0, Annual Allocation-Pooled Contingency.

Mendes/Tulloch/CME

Aud. Cert. 2300366.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Time duration: 10:08 a.m. - 10:11 a.m.)

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: Second Chance/Strive of San Diego Day.

**COUNCILMEMBER WEAR'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-559) ADOPTED AS RESOLUTION R-297272

Proclaiming November 1, 2002 to be "Second Chance/Strive of San Diego Day" in San Diego and commending Second Chance/Strive of San Diego for its dedication and commitment to this very worthwhile program.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:08 a.m. - 10:11 a.m.)

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: San Diego Foundation for Change Changemaker Celebration Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2003-594) ADOPTED AS RESOLUTION R-297273

Commending the board of directors, volunteers and staff of San Diego Foundation for Change for their tireless leadership to support those groups and individuals who are working in the most underserved and disenfranchised communities in San Diego and Tijuana;

Proclaiming November 15, 2002 to be "San Diego Foundation for Change Changemaker Celebration Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:08 a.m. - 10:11 a.m.)

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: Excusing Councilmember Wear from Council Meeting of September 24, 2002.

**COUNCILMEMBER WEAR'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-381) ADOPTED AS RESOLUTION R-297274

Excusing Councilmember Byron Wear from attending the regularly scheduled Council meeting of September 24, 2002.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:08 a.m. - 10:11 a.m.)

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: Excusing Councilmember Wear from Council Meeting of September 23, 2002.

**COUNCILMEMBER WEAR'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-542) ADOPTED AS RESOLUTION R-297275

Excusing Councilmember Byron Wear from attending the regularly scheduled Council Meeting of September 23, 2002.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:08 a.m. - 10:11 a.m.)

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: Excusing Deputy Mayor Stevens from the Land Use and Housing Meeting of Wednesday, September 18, 2002.

**DEPUTY MAYOR STEVENS' RECOMMENDATION:**

Adopt the following resolution:

(R-2003-546)                      ADOPTED AS RESOLUTION R-297276

Excusing Deputy Mayor George Stevens from attending the regularly scheduled Land Use and Housing Committee meeting of September 18, 2002, due to prior personal commitments.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Time duration: 10:08 a.m. - 10:11 a.m.)

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: Cancellation of the Wednesday, November 27, 2002, Natural Resources and Culture Committee Meeting.

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

Adopt the following resolution:

(R-2003-564)                      ADOPTED AS RESOLUTION R-297277

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period January 1, 2002 through December 31, 2002 to delete the Natural Resources and Culture Committee meeting of November 27, 2002.

FILE LOCATION:                      MEET

COUNCIL ACTION:                      (Time duration: 10:08 a.m. - 10:11 a.m.)

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: 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-2003-405)                      ADOPTED AS RESOLUTION R-297278

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:                      (Time duration: 10:08 a.m. - 10:11 a.m.)

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

- \* ITEM-120: 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-2003-537)                      ADOPTED AS RESOLUTION R-297279

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: (Time duration: 10:08 a.m. - 10:11 a.m.)

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

\* ITEM-121: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-556) ADOPTED AS RESOLUTION R-297280

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L-State of Emergency Due to Severe Shortage of Affordable Housing in the City

COUNCIL ACTION: (Time duration: 10:08 a.m. - 10:11 a.m.)

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-122: 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-2003-08) ADOPTED AS RESOLUTION R-297281

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: (Time duration: 10:08 a.m. - 10:11 a.m.)

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



ITEM-200: Marketing Partnership Agreement with General Motors.

(See City Manager Report CMR-02-255.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-598) ADOPTED AS RESOLUTION R-297293

Authorizing the City Manager to execute a Marketing Partnership Agreement with General Motors, for the use of vehicles for the lifeguard services fleet and general City purposes in return for specified marketing benefits.

Aud. Cert. 2300067.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:40 p.m. - 4:16 p.m.)

MOTION BY WEAR TO ADOPT WITH THE FOLLOWING DIRECTIONS:  
COUNCIL SHALL REVIEW THE CORPORATE SPONSORSHIP PROGRAM BEFORE IT IS EXTENDED BEYOND TWO YEARS; THE CORPORATE SPONSORSHIP PROGRAM MATTER SHALL BE HEARD AT THE RULES COMMITTEE WITHIN THE NEXT SIX MONTHS; THE NUMBER OF NEW CAR SALES EVENTS AT QUALCOMM STADIUM SHALL BE LIMITED TO THREE PER YEAR. 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-250: Settlement of the Property Damage Claim of Shirley Davies, Cindy Kaase and Terry Greaves.

(R-2003-550)

Adopted as Resolution R-297233.

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 \$234,145.38 in the settlement of each and every claim against the City, its agents and employees, resulting from the property damage to the homes of Shirley Davies, Cindy Kaase and Terry Greaves from a water main break on August 29, 2001; the City of San Diego previously paid a sum of \$46,020.67 from damages arising from this incident;

Authorizing the City Auditor and Comptroller to issue three checks, one in the amount of \$133,144.17 made payable to Luth and Turley, Inc.; one in the amount of \$97,282.44 made payable to Cindy Kaase; and one in the amount of \$3,718.77 made payable to Terry Greaves in full settlement of all claims.

Aud. Cert. 2300419.

**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-251: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

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

SUBDIVISION  
Piazza Carmel II Unit No. 1

COMMUNITY AREA  
Carmel Valley

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

ITEM-252: **Notice** of Pending Final Map Approval - Nobel Research Park.

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 “Nobel Research Park”, a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the University Community Plan Area southwesterly of La Jolla Village Drive and I-805 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 - Scripps Pomerado.

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 Scripps Pomerado, a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Scripps Miramar Ranch Community Plan Area southeasterly of Pomerado Road and Spring Canyon Road in Council District 5. 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-330: Sunroad at San Diego Spectrum.

Matter of approving, conditionally approving, modifying, or denying a request to amend the Progress Guide and General Plan, Kearny Mesa Community Plan, and New Century Center Master Plan, Development Standards, and Design Manual, a rezone, and a Development Agreement Amendment to allow Sunroad Centrum Partners, L.P., to construct an additional 570 dwelling units within the San Diego Spectrum project, on Planning Areas 1A, 1B, 2B, and/or 3A (998 dwelling units are currently approved at San Diego Spectrum). Sunroad's property within San Diego Spectrum (formerly General Dynamics) is located in the community of Kearny Mesa east of Kearny Villa Road, south of Lightwave Avenue, west of Paramount Drive, and north of Spectrum Center Boulevard.

(See City Manager's Report CMR-02-257. PG&GP/Kearny Mesa Community Plan/New Century Center Master Plan/Development Standards/ Design Manual/RZ/Development Agreement Amendment/41-0101. Kearny Mesa Community Plan Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolutions in subitems A and B; and introduce the ordinances in subitems C and D:

Subitem-A: (R-2003-142) ADOPTED AS RESOLUTION R-297294

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-41-0101 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 Sunroad at San Diego Spectrum;

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-2003-143) ADOPTED AS RESOLUTION R-297295

Adoption of a Resolution amending the Kearny Mesa Plan Area Community Plan contingent upon recordation of the amendment to development agreement with Sunroad Centrum Partners, L.P., LNR and other property owners, with the office of the County Recorder;

That the 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-2003-43) INTRODUCED AS AMENDED, TO BE ADOPTED ON MONDAY, NOVEMBER 25, 2002

Introduction of an Ordinance authorizing the City Manager to execute an amendment to a development agreement with Sunroad Centrum Partners, L.P.  
ITEM-330: (Continued)

Subitem-D: (O-2003-35) INTRODUCED, TO BE ADOPTED ON MONDAY, NOVEMBER 25, 2002

Introduction of an Ordinance changing 8.2 acres of the San Diego Spectrum project site (formerly known as the Kearny Mesa General Dynamics property) located within the Kearny Mesa Community Plan area, in the City of San Diego, California, from the M-1B zone into the CA zone, as defined by San Diego Municipal Code section 101.0428; and repealing Ordinance No. 12342 (New Series), adopted May 31, 1978, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

**OTHER RECOMMENDATIONS:**

Planning Commission on June 13, 2002, voted 5 - 0 to approve staff's recommendations with the following modifications:

Affordable housing requirements be increased from 10% to 20% on the 570 additional units.

Parks should be developed in closer proximity to housing.

Add criteria to the site design guidelines to strengthen, rather than just to encourage mixing, that single use areas, in particular those that are auto-oriented, are strongly discouraged unless incorporated as part of a vertically mixed use development; no opposition.

Ayes: Schultz, Garcia, Lettieri, Brown, Chase

Not present: Anderson, Steele

The Kearny Mesa Community Planning Group on April 17, 2002, voted (13-0-1) to recommend approval of this project.

**CITY MANAGER SUPPORTING INFORMATION:**

The project area is located within the northwestern portion of the New Century Center Master Plan Area of the Kearny Mesa Community Planning Area. ITEM-330: (Continued)

**FISCAL IMPACT:**

All costs associated with the processing of this project are paid from a deposit account maintained by the applicant. The Extraordinary Benefits required through the original General Dynamics Development Agreement will continue to be assured through the amended Development Agreement.

Ewell/Christiansen/MJW

**LEGAL DESCRIPTION:**

The project area is located within the northwestern portion of the New Century Center Master Plan Area of the Kearny Mesa Community Planning Area.

FILE LOCATION: LAND - Progress Guide and General Plan/Kearny Mesa Community - Sunroad at San Diego Spectrum (09)

COUNCIL ACTION: (Time duration: 2:20 p.m. - 3:23 p.m.)

Testimony in favor by Paul Robinson and Aaron Feldman.

MOTION BY FRYE TO ADOPT THE RESOLUTIONS AND INTRODUCE THE ORDINANCES WITH THE FOLLOWING AMENDMENTS: PRIOR TO THE ISSUANCE OF THE FIRST BUILDING PERMIT FOR SUNROAD'S 570 ADDITIONAL RESIDENTIAL UNITS WITHIN THE NEW CENTURY CENTER MASTER PLAN AREA, THE OWNER/PERMITTEE SHALL MEET, OR ASSURE THROUGH AGREEMENT OR BOND, THE FOLLOWING MITIGATION OPTIONS:

1. THE DEVELOPER SHALL PROVIDE 3.42 CONTIGUOUS, USABLE ACRES OF LAND WITHIN THEIR DEVELOPMENT FOR PARK AND RECREATION PURPOSES, AND PROVIDE FUNDING FOR THE DESIGN AND CONSTRUCTION OF THE REQUIRED PUBLIC RECREATIONAL FACILITIES ON THE PROVIDED ACREAGE PLUS THEIR PRO RATA

SHARE OF THE COST OF CONSTRUCTING A 15,000 SQUARE-FOOT RECREATION BUILDING AND SWIMMING POOL; OR

2. THE DEVELOPER SHALL PROVIDE A MINIMUM OF 2.0 CONTIGUOUS, USABLE ACRES OF LAND WITHIN THEIR DEVELOPMENT IN A CONFIGURATION TO SUPPORT ACTIVE RECREATIONAL PROGRAMMING, PROVIDE THE FUNDING FOR THE DESIGN AND CONSTRUCTION OF THE REQUIRED PUBLIC RECREATION FACILITIES ON THE PROVIDED ACREAGE PLUS THEIR PRO-RATA SHARE OF THE COST OF CONSTRUCTING A 15,000 SQUARE-FOOT RECREATION BUILDING AND SWIMMING POOL, AND MEET THE FOLLOWING:
  - A. PROVIDE THE REMAINDER OF THE REQUIRED 3.42 ACRES WITHIN THEIR DEVELOPMENT AS CONTIGUOUS, USABLE LAND.

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-331: Changing the Name of a Portion of Churchward Street to Brooks Huffman Plaza.

(Encanto Neighborhoods Community Planning Area. District-4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-569) ADOPTED AS RESOLUTION R-297282

Approving the street name change of a portion of Churchward Street to Brooks Huffman Plaza;

Authorizing the expenditure of funds from Council District 4 discretionary funds for the amount of \$2,500.



**CITY MANAGER SUPPORTING INFORMATION:**

Council is asked to rename a small portion of Churchward Street to Brooks Huffman Plaza at the request of Council District 4 to honor Brooks Huffman, a longtime community leader. Mr. Huffman was born August 8, 1923 and spent much of his life in Koscuiko, Mississippi. He moved to San Diego in about 1954 and worked for fourteen years as a contractor. In 1967, he fulfilled a life goal and founded Huffman's Bar-B-Que and the restaurant developed in “the place” to go for true southern cooking. He became active in community affairs almost as soon as he arrived in San Diego. Brooks was particularly interested in youth programs, sponsoring youth sports teams and since 1984, the Black Santa Claus program for kids in the neighborhood and far beyond. He was active in the local chapter of the NAACP and worked tirelessly for advancing the cause of fair treatment for all our citizens. His involvement with community affairs has made him a friend of many nationally known celebrities such as Jessie Jackson, Mohammad Ali, and Jim Brown, the famous football player. Brooks was a business leader and very active in the Chamber of Commerce. He died May 26, 2000 and is survived by his wife Bobbie, daughter Brooklyn, and sons Victor and Brooks, Jr.

The portion of Churchward Street that is being renamed is cut off from the remaining street to the east by a raised and fenced median strip in Euclid Avenue. This portion of Churchward Street is not a through public street because it is closed to the west by curb, gutter and sidewalk where Churchward Street intersects Imperial Avenue. The area now functions as a parking area for the surrounding businesses. All mailing addresses for the businesses are off of Imperial Avenue. The Encanto Neighborhoods Community Planning Group endorses the name change as do all three businesses affected by the change. Staff recommends approval.

**FISCAL IMPACT:**

Incidental processing expenses have been paid for by District 4.

Ewell/Broughton/LH

Aud. Cert. 2300431.

FILE LOCATION: DEED F-9349

COUNCIL ACTION: (Time duration: 11:27 a.m. - 11:29 a.m.)

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

ITEM-332: Re-loan of Funds to Barrio Logan for Redevelopment Plan Amendment.

(Barrio Logan Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-529)                    ADOPTED AS RESOLUTION R-297283

Accepting a loan repayment from the Redevelopment Agency of the City of San Diego in the amount of \$250,000 from the San Ysidro Redevelopment Project Area, to Fund No. 10227, Contributions to the Redevelopment Agency;

Amending the Fiscal Year 2003 Budget for Fund No. 10227, Contributions to the Redevelopment Agency, in the amount of \$250,000;

Authorizing the appropriation and expenditure of \$250,000 to be transferred from the City to the Redevelopment Agency as an interest-bearing loan to be used in the Barrio Logan Redevelopment Project Area;

Directing the City Auditor and Comptroller to record the \$250,000 as an interest bearing loan from the City of San Diego to the Redevelopment Agency to be repaid as soon as practicable from tax increment or other appropriate revenues.

**CITY MANAGER SUPPORTING INFORMATION:**

The Barrio Logan Redevelopment Project Area was adopted in May 1991. Since that time, the Redevelopment Agency has initiated several projects in the area, and most notably, assisted with the development of the successful Mercado Apartments. However, the assessed valuation of the project area fell below base in 1997 and tax increment revenues have been insufficient to support needed Agency activities, or to assist with development in the area. Because of this, an expansion of the area to make it more viable has been contemplated for some time, though funding for upfront costs had not been previously identified. The time limit for the Agency's power of eminent domain expires in May 2003. The Agency has the ability to extend this time limit, if certain findings are made. Several development opportunities are currently in negotiation, and it has been determined that the Agency's power of eminent domain may be needed beyond this current time limit to ensure proposed projects can be successfully assisted. Work that must be completed to properly extend the time limit will also benefit the Agency's efforts to expand the project area, which will allow the project area to generate additional revenues and allow for greater reinvestment in the community.

Tax increment revenues generated by the San Ysidro Redevelopment Project Area exceeded budgeted projections last fiscal year. It is anticipated that tax allocation bonds will be issued for the San Ysidro project area this fiscal year, allowing current tax increment funds on hand to be utilized to repay City loans previously made to the San Ysidro project area. This loan repayment to Fund 10227 - Contributions to the Redevelopment Agency, in the amount of \$250,000, can be made available to the Barrio Logan project area, if the Agency and the City Council so chooses, to provide needed funding for costs associated with the amendment of the redevelopment plan.

**FISCAL IMPACT:**

The Fiscal Year 2003 Redevelopment Agency included the proposed loan repayment in the amount of \$250,000 from the San Ysidro Redevelopment Project Area. Funds will become available in City Fund 10227 - Contributions to Redevelopment Agency following the loan repayment from the San Ysidro project area.

Herring/Hooks/EMD

Aud. Cert. 2300390.

**NOTE:** See the Redevelopment Agency Agenda of 11/12/2002 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:30 a.m. - 11:31 a.m.)

Testimony in favor by Hays Witt.

MOTION BY INZUNZA 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-S500: San Diego Archaeological Center Day.

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-619)                      ADOPTED AS RESOLUTION R-297284

Recognizing November 12, 2002 as “San Diego Archaeological Center Day” for their significant contributions to the City of San Diego.

**SUPPORTING INFORMATION:**

San Diego has a rich cultural history, which is reflected in millions of archaeological artifacts recovered on public and private lands. The vast majority of these artifacts are scattered in non-publicly accessible locations.

The San Diego Archaeological Center was established in 1993 to provide a facility where these artifacts can be properly cared for and returned to the public as cultural resources we can understand, appreciate, and value. The San Diego Archaeological Center was the first nonprofit, private organization to become a federally designated repository for artifacts and has become a nationally recognized leader in the curation of archaeological collections. Respect for the cultures represented in these collections is a central mission of the San Diego Archaeological Center and its board of trustees composed of archaeologists, community activists, Native Americans, scientists, educators, and other interested members of our community.

The San Diego Archaeological Center has opened a new facility in San Pasqual Valley, which will enable it to expand its public programs, curation activities and research for the benefit of all San Diegans.

Maienschein/BE

\_\_\_\_\_ FILE LOCATION:                      AGENDA

\_\_\_\_\_ COUNCIL ACTION:                      (Time duration: 10:35 a.m. - 10:38 a.m.)

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

\* ITEM-S501: Family Literacy Foundation Day.

**DEPUTY MAYOR STEVENS' RECOMMENDATION:**

Adopt the following resolution:

(R-2003-618)                      ADOPTED AS RESOLUTION R-297285

Commending Family Literacy Foundation for their time, commitment and dedication to our young and future generations in the City of San Diego;

Proclaiming November 2002 to be "Family Literacy Foundation Day" in the City of San Diego.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Time duration: 10:08 a.m. - 10:11 a.m.)

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-S502: Appointments and Reappointments to the Human Relations Commission.

(See memoranda from Mayor Murphy dated 11/4/2002 and Councilmember Wear dated 8/12/2002 with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-646)                      ADOPTED AS RESOLUTION R-297286

Council confirmation of the following appointments and reappointments by the Mayor to serve as members of the Human Relations Commission, for terms ending as indicated:

**Appointments** **Term Expires**

Jaime Thomas Minotti - District 2 July 22, 2006  
(Replacing Reuel K. Olin, whose term has expired)

Karen L. Marshall - District 3 July 22, 2003  
(Replacing Jonathan A. Stein, who has resigned)

Tommy T. Hightower - District 4 July 22, 2003  
(Replacing Randa Trapp, who has resigned)

Kandra A. Jeffcoat - District 5 July 22, 2006  
(Replacing Betty McManus, whose term has expired)

Christine Fletcher July 22, 2006  
(Replacing Harry Walter Cooper, whose term has expired)

**Reappointments** **Term Expires**

Juan Antonio Ulloa July 22, 2006

Kaneko Oshima Bishop July 22, 2006

George M. Khoury July 22, 2006

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:08 a.m. - 10:11 a.m.)

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

\* ITEM-S503: 2002/2003 Winter Shelter Program.

(See City Manager Report CMR-02-237.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-633 Cor. Copy)      ADOPTED AS RESOLUTION R-297287

Accepting the City Manager's findings that there do not appear to be adequate shelter beds for the estimated number of homeless persons that reside within the City of San Diego; declaring that a shelter emergency exists within the City of San Diego, in accordance with Government Code Section 8689 through 8698.2;

Declaring that the sheltering program outlined in City Manager's Report 02-237 constitutes in part the City's response addressing the declared sheltered emergency;

Establishing the Winter Shelter Program Fund and authorizing the City Auditor and Comptroller to appropriate and expend \$546,000 for the purpose of operating the 2002/2003 Winter Shelter Program, provided that a City Auditor and Comptroller's certificate is furnished demonstrating that funds for such obligations are, or will be, on deposit in the City Treasury;

Establishing a Homeless Family Program Fund, and authorizing the City Auditor and Comptroller to appropriate and expend \$349,500 for the purpose of operating the Homeless Family Program, provided that a City Auditor and Comptroller's certificate is furnished demonstrating that funds for such obligations are, or will be, on deposit in the City Treasury;

Authorizing the transfer of \$130,000 of FY2003 Community Development Block Grant [CDBG] funds to the Family/Winter Homeless Shelter (4258/5812) from Council District 1 reserves in the amount of \$5,000, Council District 2 reserves in the amount of \$25,000, Council District 3 reserves in the amount of \$25,000, Council District 4 reserves in the amount of \$20,000, Council District 5 reserves in the amount of \$5,000, Council District 6 reserves in the amount of \$25,000, and the Cortez Hill Section 108 Payment Savings in the amount of \$25,000;

Authorizing the expenditure of \$148,473 from CDBG fund 18538;

Authorizing the expenditure of \$41,587 from the Human Care Fund for the Family/Winter Homeless Shelter;

Authorizing the City Auditor and Comptroller to accept and expend contributions associated with the 2002/2003 Winter Shelter Program and the Homeless Family Program;

Certifying that the information in LDR-41-0414 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and the National Environmental Policy Act (NEPA), and that said report reflects the independent judgement of the City of San Diego as Lead Agency stating for the record that the final Finding of No Significant Impact/Negative Declaration has been reviewed and considered prior to approving the project;

Authorizing the City Manager to negotiate and execute agreements and leases associated with implementing the 2002/2003 Winter Shelter Program, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that funds for such obligations are, or will be, on deposit in the City Treasury.

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

On 10/23/2002, LU&H voted 5 to 0 to approve the City Manager's recommendation and direct the City Manager to return with options for closing the funding gap. (Councilmembers Peters, Wear, Stevens, Maienschein, and Frye voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

On Wednesday, October 23, 2002, the Land Use and Housing Committee voted 5-0 to approve the recommendations as outlined in City Manager's Report 02-237, 2002/2003 Winter Shelter Program. The Committee also directed the Manager to implement a breakfast program in the family overflow portion of the program at an additional cost of \$9,000. This additional cost was not budgeted, however, prior year savings were identified in the Human Care Fund that will fund this and the Year Round Family Program at the level approved by City Council.



The difference between the amount identified in the original City Manager's Report 02-237 (\$853,913) and the amount indicated on the CM-1472 (\$895,500) is the result of the City Manager identifying the funding to close the \$41,587 gap created by program enhancement (phased closure, breakfast program for overflow) and the loss of state grant funds.

**FISCAL IMPACT:**

See Accounting information.

Herring/Cunningham/DFF

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:08 a.m. - 10:11 a.m.)

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-S504: **Notice** of Pending Final Map Approval - Black Mountain Ranch Unit No. 10 A.

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 "Black Mountain Ranch Unit No. 10 A", a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Black Mountain Ranch Community Plan Area, southwesterly of San Dieguito Road and Camino Ruiz 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.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 4:28 p.m. in honor of the memory of:

Doug Linner as requested by Council Member Madaffer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:27 p.m.- 4:28 p.m.)