

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, NOVEMBER 15, 2004
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:12 p.m. Mayor Murphy recessed the meeting at 2:53 p.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the meeting at 2:59 p.m. with Council Member Peters not present and District 4 vacant. Mayor Murphy recessed the meeting at 3:21 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:31 p.m. with Council Members, Peters, Madaffer, and Inzunza not present and District 4 vacant. Mayor Murphy recessed the meeting at 4:07 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:27 p.m. with Council Members Peters and Inzunza not present and District 4 vacant. Mayor Murphy recessed the meeting at 6:08 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 6:29 p.m. with Council Members Peters, Maienschein, and Inzunza not present and District 4 vacant. Mayor Murphy adjourned the meeting at 8:50 p.m. into Closed Session immediately thereafter in the 12th floor conference room to discuss pending litigation and meet and confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-Excused (By R-299872 due to family emergency)
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council District 4-vacant
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour/Lane/Maland (er)

FILE LOCATION:

MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-not present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council District 4-vacant
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Deputy City Clerk Elizabeth Maland.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Madaffer.

FILE LOCATION: MINUTES

ITEM-30: American Indian Heritage Month.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-442) ADOPTED AS RESOLUTION R-299824

Recognizing and appreciating the countless contributions that American Indians continue to make to our City and our Country;

Proclaiming November 2004, to be "American Indian Heritage Month" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:35 p.m. – 2:53 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: Senator Dede Alpert Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2005-510) ADOPTED AS RESOLUTION R-299825

Recognizing the significant legislative and civic contributions of Senator Dede Alpert to the citizens of San Diego and California and commending her for her dedication to public service;

Proclaiming November 15, 2004, to be "Senator Dede Alpert Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:35 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Mayor Murphy. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-100: Inviting Bids for the San Diego Wetland Creation Project – Phase A (Project).

(See memorandum from Scott Tulloch dated 9/15/2004. Mission Valley Community Area. District 6.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-486) ADOPTED AS RESOLUTION R-299826

Approving the plans and specifications for the San Diego Wetland Creation Project – Phase A (Project) on Job Order No. 004075;

Authorizing the City Manager, after advertising for bids in accordance with law, to award a contract to, and execute a contract with, the lowest responsible and reliable bidder for the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for Project expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$740,000 from Fund No. 41506 to provide funds for construction and contingency costs for the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K05107)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/22/2004, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Frye, Madaffer, and Inzunza voted yea. District-4 vacant.)

SUPPORTING INFORMATION:

The Metropolitan Wastewater Department (MWWD) regularly implements construction, repair, or maintenance activities in accordance with Council Policy 400-13. This often requires compensatory upland and wetland mitigation for impacts to jurisdictional wetlands and timely restoration of impacts within canyons and other environmentally sensitive areas in accordance with the Canyon Sewer Cleaning and Long-Term Sewer Maintenance Programmatic Environmental Impact Report (PEIR) and Master Permit approved July 15, 2004. Timely mitigation of impacts associated with these activities is also required under the California Environmental Quality Act (CEQA) and by regulatory agencies. Accordingly, this project is proposed to meet these requirements.

The San Diego River Wetland Creation Project involves the creation of 3.4 acres of native riparian habitat located along the southern bank of the San Diego River, west of Interstate 15, and north of Camino Del Rio North to mitigate for past and future impacts within the San Diego River Watershed resulting from the Canyon Sewer Cleaning and Long-Term Sewer Maintenance Program. The conceptual design for the project has been presented to the Mission Valley Unified Planning Committee, the San Diego River Foundation, and has been reviewed by the Development Services Department, the Planning Department Multiple Species Conservation Program, the Park and Recreation Department and the resource agencies.

The project will be implemented in two phases. Phase A, the subject of this contract, would consist of site preparation, installation of erosion control measures, grading, and soil export and disposal. Phase B, to be implemented under a separate contract, would include finish grading, installation of an irrigation system, revegetation, and implementation of a long-term maintenance and monitoring period. A construction contract to implement the project will be advertised in accordance with the requirements of the Municipal Code and a contract would be awarded to the lowest responsible bidder.

FISCAL IMPACT:

The total estimated cost for this project is \$740,000 and is available in Fund 41506. This project is part of the existing operation and maintenance program and is not dependent on future financing proceeds.

Mendes/Tulloch/AKS

FILE LOCATION: W.O. 004075

COUNCIL ACTION: (Time duration: 2:15 p.m. – 2:18 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: State Funded E9-1-1 System Upgrade Contract.

(See Project Scope of Work Report dated 7/20/2004.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-490) ADOPTED AS RESOLUTION R-299827

Authorizing the City Manager to accept the 9-1-1 system upgrades and accept additional 9-1-1 systems upgrade funds should additional funds become available, as well as execute any documentation or agreements necessary to complete the transaction.

CITY MANAGER SUPPORTING INFORMATION:

The State of California assesses a 9-1-1 surtax on every telephone bill (landline as well as cellular) and the Department of General Services (DGS), Telecommunications Division, manages these tax dollars. DGS is responsible for distributing the 9-1-1 tax funds to all emergency 9-1-1 centers, otherwise known as Public Safety Answering Points (PSAP), for the sole purpose of upgrading 9-1-1 telephone lines and systems every five (5) years. Funding levels are determined by the amount of 9-1-1 call traffic experienced by the PSAP, San Diego Fire-Rescue Communications sustains the PSAP for all fire and medical 9-1-1 calls placed within the City of San Diego. Based on the previous system installation on June 30, 1998, Fire-Rescue Communications was eligible to use accumulated tax funds in June 2003. San Diego Fire-Rescue Communications initiated a request for funding on June 11, 2003, and on March 29, 2004; the State of California authorized SDFD to contract with an appropriate vendor. State funding for

this upgrade has been determined to be \$636,000 and will be paid directly to the selected vendor for approved upgrades and services. There is no expenditure of City funds required.

There are two methods defined by the State for obtaining an appropriate vendor. Fire-Rescue Communications can initiate a competitive bid, or they can use vendors designated by the Master Purchase Agreement (MPA) developed by the State of California through competitive bid. San Diego Fire-Rescue Communications chose the MPA method, and entertained a bid from Verizon of California, the vendor utilized by the San Diego Police Department, not only for continuity of current services but also for similarity in systems with SDPD to allow the potential long-term integration of all City of San Diego emergency responses without incurring unnecessary costs.

Verizon of California was selected as the vendor under agreement DGS-0026. State 9-1-1 recently initiated a new funding process that requires the City of San Diego to establish a zero (0) dollar purchase order with the vendor, which specifies the scope of work and project segment pricing. The purchase order will indicate that invoices are to be sent directly from the vendor to the State of California, DGS, for payment. The State of California then releases the accumulated tax funds as specified. The contract between Verizon of California and the State of California planned upgrades to the City of San Diego's PSAP are required to receive wireless E9-1-1 cellular calls placed within the City of San Diego jurisdiction, and to ensure the overall telephone system remains viable.

REQUESTED ACTION: This action authorizes the City Manager to request the State funds be released to Verizon of California, provide the scope of work to the vendor, and receive the upgrades to the Fire-Rescue Department's 9-1-1 system.

FISCAL IMPACT:

Approval of the Zero Purchase Order requested by the State of California for the 9-1-1 upgrade to Fire-Rescue Communications' Emergency 9-1-1 Center will have no fiscal impact on the City of San Diego as City funds will not be used. All funding is provided by the State of California from monies collected from the 9-1-1 surcharge tax on all telephone service within the State. All funds paid by the State of California will go directly to Verizon, not to the City of San Diego, to perform the items detailed in the Scope of Work.

*Note: Project Scope of Work is available for review in the Office of the City Clerk.

Ewell/Jarman/LLM

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:15 p.m. – 2:18 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-102: Awarding a Contract to 3D Enterprises for Construction Improvements for Bay Terraces Community Park.

(Skyline/Paradise Hills Community Area. District 4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-466) ADOPTED AS RESOLUTION R-299828

Amending the Fiscal Year 2005 Capital Improvements Program Budget in CIP-29-665.0, Bay Terraces Community Park, Fund No. 15000, Building Permit Fees, by increasing the budget amount by \$58,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$58,000 from CIP-29-665.0, Bay Terraces Community Park, Fund No. 15000, Building Permit Fees;

Amending the Fiscal Year 2005 Capital Improvements Program Budget in CIP-29-665.0, Bay Terraces Community Park, Fund No. 11700, Park Service District Fees, by increasing the budget amount by \$8,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$8,000 from CIP-29-665.0, Bay Terraces Community Park, Fund No. 11700, Park Service District Fees;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$84,000 from CIP-20-013.0, Park and Recreation Match Funds to CIP-29-665.0, Bay Terraces Community Park, in Fund No. 630221;

Amending the Fiscal Year 2005 Capital Improvements Program Budget in CIP-29-665.0, Bay Terraces Community Park, Fund No. 630221, Grant Fund, by increasing the budget by \$84,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$84,000 from CIP-29-665.0, Bay Terraces Community Park, in Fund No. 630221, Grant Fund;

Authorizing the City Manager to execute a contract with 3-D Enterprises, Inc., for the construction of CIP-29-665.0, Bay Terraces Community Park, in an amount not to exceed \$853,126, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$853,126 from CIP-29-665.0, Bay Terraces Community Park, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

CITY MANAGER SUPPORTING INFORMATION:

The Bay Terraces Community Park is an existing twelve acre park located in the Community of Skyline/Paradise Hills at 7373 Tooma Street. The existing park includes a comfort station, shade structures, multi-purpose turf field and children's play area. This project provides for a new parking lot within the existing park and building pad and underground utilities in preparation for a future 3,100 square foot recreation building. The Park and Recreation Department applied for a 2002 Resource Bond Grant to fund the construction of the building and is awaiting the results of the grant. Directly adjacent the park is Zamorano Elementary School. The main feature of this project provides for 2.7 acres of new joint use multi-purpose turf fields on adjacent San Diego Unified School District property. The City and the San Diego Unified School District (SDUSD) have been cooperating in the use of numerous recreational facilities in accordance with the City-SDUSD Recreation Agreement of September 1948, and the Memorandum of Understanding Between the City and SDUSD for the Development and Maintenance of Joint Use Facilities (MOU) adopted by the San Diego City Council on October 7, 2002, (Resolution No. 297149) and by the SDUSD's Board of Education on October 8, 2002. Zamorano Elementary School on Bay Terraces #6 property is a joint use site. Ordinance number O-19164 was approved by City Council on April 1, 2003.

On October 15, 2004, three bids were received. The successful bidder with a bid price percent 17 percent over the engineer's estimate. This action authorizes the City Manager to enter into a contract with 3D Enterprises in the amount of \$853,126 and authorizes the transfer of \$150,000, the remaining funds necessary for construction.

FISCAL IMPACT:

The total project cost is \$1,263,250. The existing funding is via State Park Trailer Bills totaling \$1,113,250. The additional funding of \$150,000 is available from Building Permit Fees (\$58,000), Park Service District Fees (\$8,000) and Park and Recreation Grant Match Funds (\$84,000). Funding for maintenance of this new facility has been programmed in the current Fiscal Year.

Herring/Oppenheim/AP

Aud. Cert. 2500447.

FILE LOCATION: CONT – 3D Enterprises; W.O. 296650

COUNCIL ACTION: (Time duration: 2:15 p.m. – 2:18 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-103: Cost Recovery Fee for Determination of Public Convenience or Necessity.

(See City Manager Report CMR-04-225.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-363 Cor. Copy) CONTINUED TO MONDAY,
NOVEMBER 22, 2004

Adopting the fee schedule for the purpose of recovering the cost of the San Diego Police Department’s “public convenience or necessity” determinations;

Declaring that the fee for this service shall be Two Hundred and Twenty Dollars (\$220), and shall be effective thirty days from and after the passage of this resolution;

Declaring that the San Diego Police Department may, in the exercise of its discretion, forgo or excuse the service fee when deemed appropriate;

Authorizing the City Manager to review and adjust the fee annually or as costs of services increase.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:56 p.m. – 3:58 p.m.)

MOTION BY ATKINS TO CONTINUE TO MONDAY, NOVEMBER 22, 2004, FOR FURTHER REVIEW. Second by Maienschein. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-104: University Avenue – Vermont to Herbert Street Improvements Project.

(Uptown Community Area. District 3.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-492) ADOPTED AS RESOLUTION R-299829

Authorizing the City Auditor and Comptroller to reallocate an amount not to exceed \$30,000 from Fund 70303, Parking Meter District Uptown, previously allocated by Auditor's Certificate No. 2500131, C-12795 to CIP-39-213.1, Hillcrest Streetscape Improvements;

Authorizing the City Auditor and Comptroller to transfer \$55,000 from CIP-37-224.0, Golden Hill Commercial Revitalization-Public Requirements, Fund 30300, TransNet to CIP-39-213.1, Hillcrest Streetscape Improvements;

Authorizing the City Auditor and Comptroller to increase the FY05 Capital Improvements Projects Budget in CIP-39-213.1, Hillcrest Streetscape Improvements, in an amount not to exceed \$30,000;

Authorizing the Auditor and Comptroller to appropriate and expend an additional \$85,000 in CIP-39-213.1, Hillcrest Streetscape Improvements, \$30,000 from Fund 70303, Parking Meter District Uptown, and \$55,000 from Fund 30300, TransNet, for the purpose of constructing University Avenue – Vermont to Herbert Street Improvements.

CITY MANAGER SUPPORTING INFORMATION:

The University Avenue - Vermont to Herbert Street Improvement Project is the next segment of the Hillcrest Streetscape Improvement Project, CIP-39-213.1, to be constructed. Through the advocacy efforts of the Uptown Partnership members and the Hillcrest Business Association, donations have been secured to make this project a reality. The Uptown Partnership has contributed \$30,000 from Parking Meter Revenues, and Council District Three has transferred \$55,000 from CIP-37-224.0 Golden Hill Streetscape Improvement, for a total increase to the project budget of \$85,000. This Council Action would accept funds from the various sources, increase the Hillcrest Streetscape Improvement CIP budget, CIP-39-213.1 FY05 Budget by \$85,000, and authorize the appropriation and expenditure of these funds for the University Avenue - Vermont to Herbert Street Improvements, the current segment of the Hillcrest Streetscape Improvement Project. With the \$85,000 increase, the Total Project Cost comes to \$1,542,829.

FISCAL IMPACT:

Action would accept \$85,000 in additional funding for the project, increase the FY05 CIP Budget for CIP-39-213.1, Hillcrest Streetscape Improvements by \$85,000 and authorize appropriation and expenditure of these funds for construction of the University Avenue - Vermont to Herbert Street Improvements.

Cunningham/AMH

Aud. Cert. 2500355.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:15 p.m. – 2:18 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-105: Third Amendment to Agreement with HDR Engineering, Inc., for As Needed Construction Manager/Program Manager Services.

(See memorandum from Richard Mendes dated 9/30/2004. Rancho Bernardo, San Pasqual, and Lake Hodges Community Areas. District 5.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-493) ADOPTED AS RESOLUTION R-299830

Authorizing the City Manager to execute Amendment No. 3 to the Agreement with HDR Engineering, Inc., for As Needed Construction Manager/Program Manager Services (Third Amendment) in an amount not to exceed \$600,000 under the terms and conditions set forth in the Amendment which brings the total contract amount to \$13,066,635;

Authorizing the expenditure of an amount not to exceed \$600,000 from Funds 41506, 41508, and 41509 to fund the Third Amendment;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,116,698 from Sewer Fund 41506, CIP-46-197.9, Lake Murray Trunk Sewer, to Fund 41506, CIP-46-106.0, Annual Allocation Pump Station Restorations.

Authorizing the expenditure of an amount not to exceed \$1,116,698 from Fund 41506, CIP-46-106.0, Annual Allocation - Pump Station Restoration, of which \$429,765 is for construction management services for the Sewer Pump Stations 77A and 77B Rehabilitation Project (PS 77A & 77B Project) under the Third Amendment, and \$546,933 is for the PS 77A & 77B Project construction contingency and \$140,000 is for PS 77A & 77B Project related costs;

Authorizing the expenditure of an amount not to exceed \$50,000 from Fund 41506, CIP-46-200.0, Sewer Pump Station 30A Relocation for construction management services under the Third Amendment;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/06/2004, NR&C voted 4 to 0 to approve the City Manager's recommendation. (Councilmembers Zucchet, Frye, Madaffer, and Inzunza voted yea. District-4 vacant.)

SUPPORTING INFORMATION:

Sewer Pump Stations 77A and 77B Rehabilitation (SPS 77 A&B) is an ongoing project, which began construction in December 2002. SPS 77A was last upgraded in 1984 and has been experiencing numerous electrical and mechanical failures. These two stations work in tandem and must remain in operation during construction. If SPS 77A is shut down or fails to operate for more than a few minutes, sewage is diverted to an open pond which has a capacity of approximately 24 hours.

The construction is running significantly longer than anticipated due to differing site conditions and additional operational issues encountered as the work progresses. The original contract amount was \$4,893,000. To date six change orders have been executed for a total of \$174,745 bringing the current contract amount to \$5,067,745. At this time, a number of potential change orders necessary to complete the job have been identified by the contractor and construction manager. These additional items include: instrumentation modifications, by-pass pumping, cathodic protection, electrical supply modifications, 20-inch isolation valve, demolition of interfering underground equipment, replacement of wet well protective coating, and additional roofing. Our non-negotiated estimate for these change orders is \$546,933. Due to the added construction time, additional funding in the amount of \$429,765 is required to continue the construction management services. An additional \$140,000 for in-house labor and related services is also required.

The contractor for Pump Station 30A-Pipeline Alternative, Vadnais Corporation has submitted a Request for Equitable Contract Adjustment for Differing Site Conditions associated with tunneling operations for the portions of the work. The contractor is requesting \$1,173,607.77 and a 164 calendar day time extension to the contract duration. The additional funds of \$50,000 requested are for HDR Engineering, Inc., the project construction manager, to evaluate the Request for Equitable Contract Adjustment.

Additionally, MWWD requests the approval of Amendment #3 to the existing multi-year Department wide Construction Management as-needed contract with HDR Engineering, Inc., in the amount of \$600,000, bringing the new contract total to \$13,066,635. HDR, Inc. is an employee-owned corporation with 85 offices throughout the United States. The corporation's CEO is Richard R. Bell, P.E., and the parent company is located in Omaha, NE.

FISCAL IMPACT:

The total amount of Amendment #3, \$600,000, is available in Funds 41506, 41508, 41509. The total project cost for SPS 77 A&B is \$8,489,561 of which \$7,372,863 was previously authorized. The amount requested for SPS 77 A&B, \$1,116,698, will be transferred from Sewer Fund 41506, CIP-46-197.9, Lake Murray Trunk Sewer. The amount requested for SPS 30A, \$50,000, is available in Sewer Fund 41506, CIP-46-200.0. These projects are part of the existing capital improvement program and are not dependent on future financing proceeds.

Mendes/Tulloch/CW

Aud. Cert. 2500446.

FILE LOCATION: CONT – HDR Engineering, Inc

COUNCIL ACTION: (Time duration: 2:15 p.m. – 2:18 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-106: Agreement with HDR Engineering, Inc., for Engineering Consulting Services for Miramar Pipeline Rehabilitation Project Phases III & IV.

(See memorandum from Frank Belock, Jr. dated 9/30/2004. Mira Mesa and Scripps Ranch Community Areas. District 5.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-476) ADOPTED AS RESOLUTION R-299831

Authorizing the City Manager to execute a phase-funded agreement with HDR Engineering Inc., for engineering consulting services for the Miramar Pipeline Rehabilitation Project (Agreement) in an amount not to exceed \$950,824, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$1,277,250 from Fund 41500, CIP-70-910.5, Miramar Pipeline Phase III, for the purpose of providing funds for the above referenced Agreement and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/06/2004, NR&C voted 4 to 0 to approve the City Manager's recommendation. (Councilmembers Zucchet, Frye, Madaffer, and Inzunza voted yea. District-4 vacant.)

SUPPORTING INFORMATION:

Originally installed in 1962, the Miramar Pipeline is a critical component of the City's water delivery system that transports water from the Miramar Water Treatment Plant westward to Mira Mesa and Sorrento Valley areas, as well as northward via Rancho Bernardo and Black Mountain Road Pipeline to Rancho Penasquitos and Rancho Bernardo areas. During the past ten years, the Water Department has replaced or rehabilitated portions of the pipeline to maintain a reliable water distribution system.

The Miramar Pipeline Rehabilitation Project has been divided into four phases. Phases I and II have been completed. This action consists of Phases III and IV as follows:

- Phase III proposes to inspect the interior of approximately 16,695 feet of 51-inch and 54-inch pipe along Mira Mesa Boulevard from a point about 900 feet east of Pacific Heights Boulevard eastward to Westonhill Drive.
- Phase IV proposes to inspect the interior of approximately 12,283 feet of pipe eastward from the intersection of Westonhill Drive and Mira Mesa Boulevard east to the Miramar Treatment Plant. Pipe diameters in this section range from 60 inches to 66 inches.
- A Shutdown Plan will be developed in coordination with the City's Project Manager and Water Operations Division to isolate and dewater the pipeline, inspect the pipeline, and return the pipeline to service.

Since 1988, the Miramar Pipeline has experienced two major breaks requiring emergency repairs. Because of the potential risk of water outages, property damage, and injuries resulting from possible future failures in this pipeline, the City instituted the Miramar Pipeline rehabilitation Project in 1994 to assess the condition and rehabilitate or replace portions of the Miramar Pipeline. Phases III and IV will employ an inspection technology known as Remote Field Eddy Current/Transformer Coupling (RFEC/TC) to identify and locate prestressing wire failures in the pipe wall. Upon completion of the inspection, this data along with information regarding pipe design and fabrication, pipeline soil and traffic loads, internal pressures, and soil corrosivity and other corrosion factors will be considered to make recommendations for the most cost effective rehabilitation and/or replacement strategies.

The Water Department Request for Qualifications (RFQ) selection process was followed to obtain the services of an engineering consultant. As part of this process, the Water Department advertised the RFQ and received five Statements of Qualifications. On July 13, 2004, a selection panel convened and interviewed qualified respondents. The firms were evaluated on the basis of qualifications, including expertise, experience, understanding, and approach to the scope of services, as well as subsequent reference checks. HDR Engineering, Inc. was selected as the most qualified firm to provide consultant services for the project.

FISCAL IMPACT:

Funding of \$ 1,277,250 for this agreement and related costs is in Fund 41500, CIP-70-910.5, Miramar Pipeline Phase III.

Mendes/Belock/AM

Aud. Cert. 2500403.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:15 p.m. – 2:18 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-107: Lease Renewal Agreement with Braemar Partnership and 9th and A Limited Partnership for the Operation and Maintenance of a Docking Facility for Catamaran Resort Hotel.

(Mission Bay Community Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-469) ADOPTED AS RESOLUTION R-299832

Authorizing the City Manager to execute a ten year lease agreement (an initial five year term with one five year option to extend) with Braemar Partnership and 9th and A Limited Partnership for the operation and maintenance of a docking facility for the temporary berthing of boats, the storage and rental of small boats and watercraft, the operation of a beach chair, umbrella and boat rental concession, the sale of food and non-alcoholic beverages and the storage and moorings of sight seeing and excursion boats operated by Bahia Sternwheelers, Inc., all for the general public and patrons of the Catamaran Resort Hotel, at the initial rental rate of ten percent of all gross revenues from operations on the leased property and not less than \$17,500 per year, under the terms and conditions and as more specifically set forth in that certain Catamaran Pier Lease Agreement.

CITY MANAGER SUPPORTING INFORMATION:

Since 1962, the operator of the Catamaran Resort Hotel has leased and maintained a .588-acre land area and .902-acre water area for a pier extending from the hotel property into the water of Mission Bay. The pier was removed and stored during the reconstruction of Sail Bay and refurbished and replaced when the Sail Bay beach enhancement Project was completed in 1988.

The pier is used for the docking of their sternwheelers, temporary berthing of boats and a boat rental operation for use by the general public and hotel guests. The present lease expired on December 31, 2002, and is on holdover. The lease included provisions for negotiation and renewal of the lease. The City has negotiated the following terms of the proposed lease renewal:

TERM: 5 years with one 5-year option to extend based upon lessee's commitment to spend 1 % of gross income annually for maintenance, upkeep and replacement upgrades to keep the pier in a first class condition.

RENT: The greater of a percentage rent of 10% of all business operations or an annual minimum rent starting at \$17,500. The minimum rent is adjusted every three years to 80% of the average rent for the preceding three years. The percentage rent is comparable to rates charged elsewhere in Mission Bay Park.

USES: Temporary berthing of boats, storage and rental of small boats and watercraft, sale of food and non-alcoholic beverages and storage and moorings of sight-seeing and excursion boats operated by Bahia Sternwheelers.

The public is not precluded from using any of the beach or pier area and the beach is signed as a "Public Beach."

Market rent for the property was determined by City staff as of September 2, 2004, to be 10% of gross revenue. A review of comparable water front agency leasing practices indicated a range of 3% to 10% for similar uses.

FISCAL IMPACT:

A minimum of \$17,500 will be deposited annually into the General Fund.

Herring/Griffith/CLY

FILE LOCATION: LEAS – Braemar Partnership and 9th and A Limited Partnership

COUNCIL ACTION: (Time duration: 6:30 p.m. – 6:43 p.m.)

MOTION BY MADAFFER TO ADOPT WITH DIRECTION TO THE CITY MANAGER TO REVIEW THE SUBJECT OF LEASES IN MISSION BAY GOING TO PLANNING AREA COMMITTEE REVIEW. Second by Inzunza. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-108: License Agreement with Braemar Partnership for Catamaran Pier Beach Concession Area.

(Mission Bay Community Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-470) ADOPTED AS RESOLUTION R-299833

Authorizing the City Manager to execute a ten year license agreement (an initial five year term with one five year option to extend) with Braemar Partnership, for operation of a beach chair, umbrella, boat rental and food and beverage service for the general public and the guests of the Catamaran Resort Hotel, at an initial rental rate of ten percent of all gross revenue and not less than \$500 per year, under the terms and conditions and as more specifically set forth in that certain License Agreement;

Waiving the Council Policy 700-41 as it relates to the above-referenced License Agreement.

CITY MANAGER SUPPORTING INFORMATION:

A 0.133 acre land area adjoining the Catamaran Pier leasehold is used under a separate permit by the Catamaran Hotel for providing beach chair and umbrella rentals, boat rentals, and food and beverage service for Catamaran Resort Hotel guests and the general public. The permit area for the concession was originally established in 1992 as a convenience to the users of Sail Bay and the Catamaran Resort Hotel. Since the use is limited and seasonal, a license is used for the right to use the land. The present beach permit expired on June 30, 2004, and is on holdover. The Catamaran Resort Hotel has leased and managed the pier since 1962. Pursuant to Section 1.2 of the new lease agreement for the pier, the lessee has the right to operate a concession. This license enhances the use of the pier leasehold by providing additional space on the beach for the concession. For that reason, a waiver of Council Policy 700-41 is in the best interest of the City. The public is not precluded from using any of the beach area and the beach is signed as a "Public Beach."

Braemar Partnership is proposing to enter into a license agreement for the beach area as follows:

TERM: 5 years with one 5-year option to extend which is consistent with leasing practices for Mission Bay Park. The license may be canceled by either party without cause by giving 60 days prior written notice.

RENT: The greater of percentage rent of 10% of gross revenue or an annual minimum rent starting at \$500. The minimum rent is adjusted every three years to 75% of the average rent.

USES: Beach chair, umbrella, boat rental and food and beverage service for Catamaran Resort Hotel guests and the general public.

Market rent for the property was determined by City staff as of September 2, 2004, to be 10% of gross revenue. A review of comparable water front agency leasing practices indicated a range of 3% to 10% with the majority falling in the 3% to 4% range for similar uses.

FISCAL IMPACT:

A minimum of \$500 will be deposited annually into the General Fund.

Herring/Griffith/CLY

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:30 p.m. – 6:43 p.m.)

MOTION BY MADAFFER TO ADOPT WITH DIRECTION TO THE CITY MANAGER TO REVIEW THE SUBJECT OF LEASES IN MISSION BAY GOING TO PLANNING AREA COMMITTEE REVIEW. Second by Inzunza. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-150: Two actions related to Midway/Pacific Highway Corridor Public Facilities Financing Plan Fiscal Year 2005.

(See City Manager Report CMR-04-204 and FY 2005 Draft Public Facilities Financing Plan. Midway/Pacific Highway Corridor Community Area. District-2.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-1366) ADOPTED AS RESOLUTION R-299834

Approving the document titled "Midway/Pacific Highway Corridor Public Facilities Financing Plan Fiscal Year 2005".

Subitem-B: (R-2004-1367) ADOPTED AS RESOLUTION R-299835

Rescinding the existing Development Impact Fees (DIF) for the Midway/Pacific Highway Corridor Community;

Declaring that the DIF fee schedule contained in the Midway/Pacific Highway Corridor Public Facilities Financing Plan Fiscal Year 2005, is to be an appropriate and applicable DIF fee schedule for all properties within the Midway/Pacific Highway Corridor area;

Declaring that the Docket Supporting Information (City Manager's Report), including all exhibits and attachments thereto, and the text contained in the Midway/Pacific Highway Corridor Public Facilities Financing Plan, Fiscal Year 2005, are incorporated by reference into this Resolution as support and justification for satisfaction of findings required pursuant to California Government Code Sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;

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

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 9/15/04, LU&H voted 3 to 0 to adopt the City Manager's recommendation. (Councilmembers Peters, Zucchet, and Frye voted yea. Councilmember Inzunza not present. District 4-vacant.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:44 p.m. – 7:08 p.m.)

MOTION BY ZUCCHET TO ADOPT. Second by Frye. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-151: Two actions related to Status of Solid Waste Diversion Report and Construction/Demolition Material Recycling Policy.

(See City Manager Reports CMR-04-175 and CMR-04-176; and letter from Jim Ambroso dated 7/26/2004.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2005-437) CONTINUED TO MONDAY, NOVEMBER 22, 2004

Accepting the City Manager's Report No. 04-175 in connection with the City's Solid Waste Diversion Status.

Subitem-B: (R-2005-438) CONTINUED TO MONDAY, NOVEMBER 22, 2004

Establishing Council Policy pertaining to construction and demolition (C&D) material recycling as set forth in Exhibit A and as set forth in the Council Policy;

Instructing the City Clerk to assign a policy number and add the aforesaid to the Council Policy Manual.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 8/4/2004, NR&C voted 4 to 0 to accept the City Manager's Report No. 04-175 in connection with the City's Solid Waste Diversion Status; and approve the City Manager's recommendation to establish Council Policy pertaining to construction and demolition material. (Councilmembers Lewis, Frye, Madaffer, and Inzunza voted yea. Councilmember Zucchett not present.)

SUPPORTING INFORMATION:

On August 4, 2004, the Natural Resources & Culture Committee reviewed the City Manager's Status of Solid Waste Diversion Report and Construction and Demolition Material Recycling Policy Report. The committee voted 4-0 to accept the Solid Waste Diversion Report and 4-0 to approve the Construction and Demolition Material Recycling Policy and to forward the policy to City Council for adoption.

The Construction and Demolition Material Recycling Policy was developed in consultation with industry and City Department stakeholders. ESD is working with the Building Industry Association (BIA), the Association of General Contractors (AGC) and other industry groups to develop the educational materials and outreach programs that will be used to implement the policy by the industry. ESD has also consulted with City Departments, including the Engineering & Capital Projects, Water, and General Services Departments, to assist them in preparing for implementation of the Policy. These Departments are working cooperatively with ESD to ensure that their construction and demolition activities and contracts are in compliance with the new policy.

FISCAL IMPACT:

There is no fiscal impact associated with the Solid Waste Diversion Report. The Construction and Demolition Material Recycling Policy will have no fiscal impact at this time however successful diversion of construction and demolition waste from Miramar Landfill could result in some reduction in annual tipping fee revenue. The benefit would be slower utilization of landfill space, potentially extending the life of the Miramar Landfill.

Mendes/Heap/JT

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 7:33 p.m. – 7:35 p.m.)

MOTION BY MADAFFER TO CONTINUE TO MONDAY, NOVEMBER 22, 2004, FOR FURTHER REVIEW. Second by Maienschein. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Two actions related to Establishing the Family Justice Center Department.

(See City Attorney Report dated 11/2/2004.)

**CITY ATTORNEY’S, CITY MANAGER’S, POLICE CHIEF’S, AND FIRE CHIEF’S
RECOMMENDATIONS:**

Introduce the following ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2005-61) INTRODUCED BY INTERLINEATION

Introduction of an Ordinance amending Chapter 2, Article 2, Division 18 of the San Diego Municipal Code by amending Section 22.1801(b) and amending Chapter 2, Article 2 of the San Diego Municipal Code by adding Division 22 and Sections 22.2201, 22.2202, and 22.2203, all relating to the creation of the Family Justice Center Department.

Subitem-B: (R-2005-500) RETURNED TO THE CITY MANAGER

Accepting the Family Justice/Arts & Culture Center 2004 Charrette Report, from the October 9, 2004 event sponsored by the Family Justice Center Working Group.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:31 p.m. – 3:32 p.m.; 3:58 p.m. – 4:03 p.m.; 4:27 p.m. – 6:08 p.m.)

MOTION BY MADAFFER TO INTRODUCE SUBITEM A BY INTERLINEATION AS FOLLOWS AND RETURN SUBITEM B TO THE CITY MANAGER: ON PAGE 5 OF 7 OF THE ORDINANCE, UNDER DIVISION 22 OF THE MUNICIPAL AMENDMENTS, SECTION 22.2203, DRAW A LINE THROUGH THE WORDS “THE SAN DIEGO COUNTY DISTRICT ATTORNEY,” AND BEFORE THE SENTENCE THAT BEGINS, “THE FAMILY JUSTICE CENTER STEERING COMMITTEE MEMBERS,” ADD A NEW SENTENCE THAT SAYS, “THE SAN DIEGO COUNTY DISTRICT ATTORNEY SHOULD ALSO BE INVITED TO BE A MEMBER OF THE FAMILY JUSTICE CENTER STEERING COMMITTEE.”

DIRECT THE CITY MANAGER AS FOLLOWS:

IDENTIFY THE FIVE STAFF POSITIONS TO BE ASSIGNED AND ALL CURRENT CITY COSTS ASSOCIATED WITH THE FAMILY JUSTICE CENTER OPERATION AND REPORT BACK WITHIN 60 DAYS.

WORK WITH THE CITY ATTORNEY, POLICE CHIEF, MEA, AND OTHER CITY DEPARTMENT HEADS TO COORDINATE ALL NECESSARY TRANSITIONAL PROCESSES FOR THE CREATION OF THE DEPARTMENT. DIRECT THE MANAGER TO BEGIN ESTABLISHING THE STEERING COMMITTEE TO ADVISE THE FAMILY JUSTICE CENTER OPERATIONS.

INCLUDE THE FAMILY JUSTICE CENTER DEPARTMENT IN THE FY 2006 MANAGER’S PROPOSED BUDGET ON A REVENUE NEUTRAL BASIS TO THE GENERAL FUND.

WORK WITH THE CITY ATTORNEY AND POLICE CHIEF TO IMMEDIATELY APPOINT AN ACTING DIRECTOR FOR THE DEPARTMENT AND INITIATE A SELECTION PROCESS FOR A PERMANENT DIRECTOR AFTER FORMAL ADOPTION OF THE ORDINANCE.

ENSURE THAT THE CITY IS INDEMNIFIED BY ALL COMMUNITY PARTNERS AT THE FAMILY JUSTICE CENTER.

ENSURE THAT ANY MEET AND CONFER OBLIGATIONS ARE ADDRESSED BEFORE FINAL ADOPTION OF THE ORDINANCE.

PROVIDE AN ANALYSIS ON HOW THE FAMILY JUSTICE CENTER DEPARTMENT FITS INTO THE ORGANIZATIONAL STRUCTURE. ALL DIRECTIONS SHALL BE ADDRESSED BEFORE THE SECOND READING IS BROUGHT BEFORE COUNCIL.

Second by Inzunza. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-201: Five actions related to Recommendations of the Manager's Parking Task Force.

(See City Manager Report CMR-04-214 and letter from Robert A. Collins dated 9/27/2004. Citywide.)

TODAY'S ACTIONS ARE:

Introduce the ordinances in Subitems A and B, and adopt the resolutions in Subitems C, D, and E:

Subitem-A: (O-2005-54) INTRODUCED, TO BE ADOPTED ON MONDAY,
NOVEMBER 29, 2004

Introduction of an Ordinance amending Chapter 8, Article 6, Division 00, of the San Diego Municipal Code by amending Section 86.04, all relating to Traffic and Vehicles.

Subitem-B: (O-2005-59) INTRODUCED, TO BE ADOPTED ON MONDAY,
NOVEMBER 29, 2004

Introduction of an Ordinance amending Chapter 2, Article 6, of the San Diego Municipal Code by adding Division 18, titled "Parking Advisory Board," and Sections 26.1801, 26.1802, and 26.1803, all relating to the creation of a Parking Advisory Board.

Subitem-C: (R-2005-454) ADOPTED AS RESOLUTION R-299836

Amending Council Policy No. 100-18 pertaining to Parking Meter Revenue Allocation and Expenditure Policy;

Instructing the City Clerk to add the aforesaid to the Council Policy Manual.

Subitem-D: (R-2005-455) ADOPTED AS RESOLUTION R-299837

Amending Council Policy No. 200-04 pertaining to Installation or Removal of Time Limit Parking Zones and Parking Meters;

Instructing the City Clerk to add the aforesaid to the Council Policy Manual.

Subitem-E: (R-2005-468) ADOPTED AS RESOLUTION R-299838

Accepting the City Manager Report concerning the Parking Task Force Report.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 9/29/2004, LU&H voted 4 to 0 to adopt the City Manager's recommendation and restrict organizations eligible to nominate Community Parking Districts (CPD) to Community Planning Groups and Business Improvement Districts only; change the section regarding revenue sharing between the City and CPDs to apply the 55/45 split to the entire meter rate (including the 25 cents added during the FY 2003 budget); direct the City Manager to further evaluate the type of non-profit status required for CPD Boards; encourage use of solar powered parking meters and pay and display stations; and refer this matter promptly to the City Council. (Councilmembers Peters, Zucchet, Frye, and Inzunza voted yea. District 4-vacant.)

CITY MANAGER SUPPORTING INFORMATION:

On March 24, 2004, the City Manager presented the recommendations of the Manager's Parking Task Force to the Land Use and Housing Committee, Manager's Report 04-061. The Land Use & Housing Committee (LU&H) accepted the report of the Parking Task Force and directed the City Manager to return to the Committee with further analysis of the recommendations. On September 29, 2004, the City Manager returned to the Land Use & Housing Committee with its analysis of the Manager's Parking Task Force recommendations, Manager's Report 04-214 (Attachment 1 including draft Council Policies 100-18 and 200-04). The Land Use & Housing Committee voted to approve the Joint Manager's and Task Force recommendations, which included amending Council Policy 100-18, (Parking Meter Revenue Allocation & Expenditure Policy), with the following items; restrict organizations eligible to nominate Community Parking Districts (CPD) to Community Planning Groups and Business Improvement Districts only; change the section regarding revenue sharing between the City and CPD's to apply to 55/45 split to the entire meter rate (including the 25 cents added during the CY 2003 budget). This action will accept the Manager's Parking Task Force Report (04-214) and amend:

- Council Policy 100-18, Parking Meter Revenue Allocation & Expenditure Policy (Attachment 2)
- Municipal Code Section 86.04 authorizing the City Manager to install and remove time limit parking zones (Attachment3)
- Council Policy 200-04, (Installation or Removal of Time Limit Parking Zones and Parking Meters (Attachment 4) (no changes from version presented to LU&H on September 29, 2004)

In addition, it will create a Parking Advisory Board; see Managers Report 04-238 (Attachment 5).

The Manager's Parking Task Force report was presented to the Community Planners Committee (CPC) on October 26, 2004. (see Attachment 6 for the CPC action)

FISCAL IMPACT:

Fiscal impact will depend on the actions adopted and are detailed in the accompanying Manager Reports. Refer to attachments 1 to 6.

Mendes/Gardner/MS

FILE LOCATION: SUBITEMS A & B: NONE
SUBITEMS C, D, & E: MEET

COUNCIL ACTION: (Time duration: 7:08 p.m. – 7:32 p.m.)

MOTION BY ZUCCHET TO INTRODUCE THE ORDINANCE IN SUBITEM A AND ADOPT THE RESOLUTIONS IN SUBITEMS C THROUGH E. Second by Atkins. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY ZUCCHET TO INTRODUCE THE ORDINANCE IN SUBITEM B. Second by Atkins. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-nay.

ITEM-202: Extend the North Park Project Area Committee (PAC) and Notice and Conduct the Annual North Park PAC Election for 2005.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-498) ADOPTED AS RESOLUTION R-299839

Extending the North Park Project Area Committee PAC for one year from October 16, 2004, to October 16, 2005;

Directing the staff of the Redevelopment Agency of the City of San Diego to notice and conduct the North Park PAC elections in 2005.

CITY MANAGER SUPPORTING INFORMATION:

California Community Redevelopment Law, California Health and Safety Code Section 33385, requires the legislative body of a city to call upon residents and existing community organizations in a redevelopment project area to form a Project Area Committee ("PAC") if, there is a substantial number of low or moderate-income residents within the project area, and the redevelopment plan contains authority for the agency to acquire property, by eminent domain, on which anyone resides; or the redevelopment plan contains one or more public projects that will displace a substantial number of low/moderate-income residents. Each PAC serves as an advisory body to the Redevelopment Agency on policy matters affecting the residents of the project area. The Agency is required to consult with the PAC for at least three years after the redevelopment plan is adopted, subject to one year extensions by the legislative body.

Each PAC is elected and conducts its business in accordance with its specific PAC Formation Procedures ("Procedures") that were adopted individually by the City Council. The Procedures address the purpose and authority of the PAC, define the PAC's composition and membership, establish eligibility requirements for the term of membership, set procedures for conducting elections, etc.

In December 2003, the City Council authorized the City Manager to proceed with amending the Procedures for the Redevelopment Agency administered North Park PAC. Agency staff was directed to seek authorization from the Council to extend the PACs for one year and authorize Agency staff to notice and conduct PAC elections.

In accordance with the North Park PAC Procedures, Agency staff must seek authorization from the City Council to: 1) extend the North Park PAC for one-year and 2) notice and conduct the annual North Park PAC election.

On October 12, 2004, the North Park Project Area Committee recommended extending the PAC for one-year.

Herring/Cunningham/KG

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:14 p.m. – 3:15 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Zucchet. Passed by the following vote:
Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-
yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-203: Ninety Day Financial Disclosure Extensions for 21 Special Promotional
Programs-Funded Organizations.

(See City Manager Report No. 04-236.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-462) CONTINUED TO MONDAY, NOVEMBER 22, 2004

Waiving Council Policy No. 100-03 titled "Transient Occupancy Tax,"
Attachment B: General Requirements and Conditions, Section F.1 in order to
grant ninety (90) day extensions for the following 21 organizations for submittal
of financial disclosure documents:

Citywide Economic Development

Accessible San Diego
San Diego Convention and Visitors Bureau
San Diego Hall of Champions
San Diego World Trade Center

Economic Development and Tourism Support

ACCION San Diego
Travelers Aid Society of San Diego

Organizational Support Program

Athenaeum Music and Arts Library
California Ballet Association
La Jolla Music Society
Malashock Dance and Company

Museum of Contemporary Art San Diego
San Diego Art Institute
San Diego Center for Jewish Culture
San Diego Chamber Orchestra
San Diego Historical Society
San Diego Model Railroad Museum
San Diego Museum of Art
San Diego Opera Association
San Diego Symphony Association
San Diego Youth Symphony

Festivals and Celebrations

Adams Avenue Business Association

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 8:45 p.m. – 8:46 p.m.)

MOTION BY MADAFFER TO CONTINUE TO MONDAY, NOVEMBER 22, 2004, FOR FURTHER REVIEW. Second by Maienschein. Passed by the following vote: Peters-not present, Zuchet-nay, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-204: Extension of Emergency Medical Services (EMS) Agreements.

(See City Manager Report CMR-02-219 and CMR-04-244 (not available at Committee); and letter from David Mintz dated 9/30/2004.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-509) ADOPTED AS RESOLUTION R-299840

Approving the recommendations of City Manager's Report No. 04-219 regarding amendments to the Emergency Medical Services Agreements, in addition to modifications contained in City Manager's Report;

Authorizing the City Manager to execute the Third Amended and Restated Operating Agreement of San Diego Medical Services Enterprise, LLC (SDMSE) thereby extending the existence of SDMSE from December 1, 2004, until June 30, 2008, unless sooner terminated pursuant to the provisions of the Agreement;

Authorizing the City Manager to execute the Third Amended and Restated Emergency Medical Services Agreement between SDMSE and the City, thereby extending the Agreement from December 1, 2004, until June 30, 2008, unless sooner terminated pursuant to the provisions of the Agreement;

Authorizing the City Manager to execute the Third Amended and Restated Agreement between SDMSE and the City, thereby extending the Agreement from December 1, 2004, until June 30, 2008, unless sooner terminated pursuant to the provisions of the Agreement;

Authorizing the City Manager to execute the Third Amended and Restated Agreement between SDMSE and Rural/Metro of San Diego, Inc., thereby extending the Agreement from December 1, 2004, until June 30, 2008, unless sooner terminated pursuant to the provisions of the Agreement;

Declaring the City shall transfer to SDMSE an amount per year for each year of the extension to subsidize the cost of emergency medical and medical transportation services as a direct result of the Federal or State Government's Medicare/Medi-Cal Fee Reimbursement Reductions in an amount not to exceed \$250,000 per year collectively;

Authorizing the City Manager to prepare a lease agreement with SDMSE for property located at Interstate 15 and Aero Drive for ambulance and employee parking.

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

On 10/06/2004, PS&NS voted 4 to 0 to approve the City Manager's recommendation and to move forward to the full Council. (Councilmembers Zucchet, Atkins, Maienschein, and Frye voted yea. District 4-vacant.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:00 p.m. – 3:01 p.m.)

MOTION BY MADAFFER TO ADOPT WITH DIRECTION TO FIRE AND LIFE SERVICES TO WORK WITH DISTRICT ONE IN IDENTIFYING SOME OF THE EMERGENCY MEDICAL SERVICE CONCERNS IN DISTRICT ONE. Second by Inzunza. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: **Notice** of Pending Final Map Approval – Carmel Valley Neighborhood 10 Unit 8 West.

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 “Carmel Valley Neighborhood 10 Unit 8 West” (T.M. No. 96-0737 PTS No. 26161), located northwesterly of Carmel Mountain Road and Carmel Country Road in the Carmel Valley Community Plan Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

ITEM-251: Notice of Pending Final Map Approval – Golden Palms Condominiums.

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 “Golden Palms Condominiums” (T.M. No. 51078 PTS No. 43869), located southwesterly of 29th Street and “C” Street in the Greater Golden Hill Community Plan Area in Council District 8, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

ITEM-252: **Notice of Pending Final Map Approval – 3677 41st Street.**

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 “3677 41st Street” (T.M. No. 63605 PTS No. 36620), located southeasterly of 41st Street and Landis Street in the Mid-City: City Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. 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: Sorority Row.

Matter of approving, conditionally approving, modifying or denying a request for a Planned Development Permit, Site Development Permit, Conditional Use Permit, Tentative Map and Easement Abandonment to construct five sorority chapter houses, 50 sorority units attached to the chapter houses, and 15 live-out units, all above subterranean parking, with a pool, spa and associated improvements, and to abandon an existing sewer and drainage easement, on a 1.56-acre vacant site located on the west side of College Avenue between College Place and Cresita Drive, in the RM-3-9 zone, the Core Subarea of the College Community Redevelopment Project Area, and the Parking Impact Overlay Zone, within the College Community Plan.

(MND No. 6036/MMRP/TM No. 9996/Easement Vacation No. 9999/PDP No. 142191/SDP No. 9998/CUP No. 9997/Project No. 6036. College Community Plan Area. District 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in subitems A and B:

Subitem-A: (R-2005-444) ADOPTED AS RESOLUTION R299841

Adoption of a Resolution certifying that the information contained Mitigated Negative Declaration LDR No. 6036, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a planned development permit, site development permit, conditional use permit, tentative map, and easement abandonment for the Sorority Row Project;

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

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

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

Subitem-B: (R-2005-445) ADOPTED AS RESOLUTION R-299842

Adoption of a Resolution finding with respect to Tentative Map No. 9996, the above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

That pursuant to California Government Code section 66434(g) the sewer and drainage easement in a portion of Lot 21, Rancho Mission of San Diego, Map No. 330, recorded October 25, 1956, in Book 6335, Page 326 of Official Records, located within the project boundaries as shown in Tentative Map No. 9996, shall be vacated, contingent upon the recordation of the approved final map for the project;

That the recommendation of the Planning Commission is sustained, and Tentative Map No. 9996 is granted to SDSU Foundation, Applicant/Subdivider and NASLAND Engineering, Engineer, subject to the attached conditions, which are made a part of this resolution.

OTHER RECOMMENDATIONS:

Planning Commission on October 7, 2004, voted 6-0 to approve; no opposition.

Ayes: Lettieri, Schultz, Garcia, Otsuji, Chase, Ontai
Recusing: Steele

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

CITY MANAGER SUPPORTING INFORMATION:

BACKGROUND:

The Sorority Row project proposes a Planned Development Permit, a Site Development Permit, a Conditional Use Permit, a Tentative Map, and Easement Vacation to allow the construction of a sorority housing development having of 5 new chapter houses and 65 sorority units above a 2-level subterranean parking structure on a vacant site. The proposal would require deviations for a reduced front setback, an encroachment into steep hillsides and retaining walls exceeding the maximum height. A Tentative Map is requested to divide the project into 8 components for a condominium plan. Also proposed is the vacation of an existing sewer and drainage easement. The relocated sewer will be coordinated with Sewer Group Job 725 currently underway. The site is within the College Community Redevelopment Project (CCRP) Area. The College Area Community Plan and CCRP Master Project Plan specify this site for sorority use.

PLANNING COMMISSION RECOMMENDATION:

The item was originally scheduled for 9/16/04, but was continued until 10/7/04 at the applicant's request. On 10/7/04, the Planning Commission voted 6-0 (with Steele recusing) to recommend approval of the project as presented in Planning Commission (PC) Report No. PC-04-144.

COMMUNITY PLANNING GROUP RECOMMENDATION:

On 4/9/03, the College Area Community Council voted 13-0-1 to recommend approval of the project with conditions as presented in PC Report No. PC-04-144.

PAC RECOMMENDATION:

On 2/4/03, the College Area Redevelopment Project Area Committee recommended approval of the project with no conditions as presented in PC Report No. PC-04-144.

MANAGER'S RECOMMENDATION:

Certify Mitigated Negative Declaration No. 6036 and Adopt the Mitigation, Monitoring and Reporting Program. Approve Planned Development Permit No. 142191, Site Development Permit No. 9998, Conditional Use Permit No. 9997, Tentative Map No. 9996, and Easement Vacation No. 9999.

WATER QUALITY IMPACT STATEMENT:

During construction, this project will comply with Best Management Practices (BMPs) via preparation of a Storm Water Pollution Prevention Plan (SWPPP) with grading plans. The SWPPP will identify all BMPs required during construction to reduce/eliminate discharges of pollutants. The post construction BMPs detailed in the Water Quality Technical Report have been evaluated and accepted by the City Engineer. The property owners will be responsible for the long-term maintenance of all private drainage facilities.

FISCAL IMPACT: None.

Loveland/Halbert/MAS

LEGAL DESCRIPTION:

The project site is located on a 1.56 acre site, west of College Avenue and North of Cresita Drive in the RM-3-9 zone of the College Community Plan (Assessors Parcel No. 467-150-29, Portion 21 of Rancho Mission, Recorded Map No. 330, in the City and County of San Diego, State of California) Council District 7.

FILE LOCATION: LUP-Sorority Row 11/15/04 (65)

COUNCIL ACTION: (Time duration: 3:12 p.m. – 3:14 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Mayor Murphy. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Parkside.

Matter of approving, conditionally approving, or denying an application for Community Plan Amendment, New Century Center Master Plan Amendment, Rezone, Planned Development Permit and Map Waiver to the Requirements for a Tentative Map for the construction of 300 condominiums (30 affordable at 100 percent of the Area Median Income) and 10,000 square feet of commercial on a vacant 6.4 acre site located at the northwest corner of Overland Avenue and Lightwave Avenue in the Kearny Mesa Community Planning Area and City Council District 6.

(See City Manager Report CMR-04-239. Addendum to EIR No. 96-0165/Statement of Overriding Considerations/PG&GP, Kearny Mesa Community Plan, New Century Center Master Plan Amendment No. 21221/RZ No. 20918/PDP No. 20919/Map Waiver No. 137015/Project No. 11211. Kearny Mesa Community Plan Area. District 6.)

CITY MANAGER'S RECOMMENDATION:

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

Subitem-A: (R-2005-479) NOTED AND FILED

Adoption of a Resolution certifying that the information contained in Addendum to Environmental Impact Report LDR No. 96-0165, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of amendments to the Progress Guide and General Plan, the Kearny Mesa Community Plan, and the New Century Center Master Plan, a planned development permit, rezone, and map waiver for the Parkside Project No. 11211;

That pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations, a copy of which is on file in the office of the City Clerk and incorporated herein by reference, with respect to the project;

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-2005-480) NOTED AND FILED

Adoption of a Resolution certifying amendments to the Community Plan, a copy of which is attached hereto and incorporated by reference herein and which is on file in the office of the City Clerk;

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: (R-2005-) DENIED PERMIT, ADOPTED AS RESOLUTION
R-299843

Adoption of a Resolution granting or denying Planned Development Permit No. 20919, with appropriate findings to support Council action.

Subitem-D: (R-2005-481) NOTED AND FILED

Adoption of a Resolution adopting findings with respect to Map Waiver No. 137015;

That the recommendation of the Planning Commission is sustained, and Map Waiver is granted to Greystone Homes, Inc, and Latitude 33, Engineer, subject to the conditions contained herein which are made a part of this resolution.

Subitem-E: (O-2005-60) NOTED AND FILED

Introduction of an Ordinance of the Council of the City of San Diego changing 6.4 acres, located at the northwest corner of Overland Avenue and Lightwave Avenue, in the Kearny Mesa Community Plan Area, in the City of San Diego, California, from the IL-3-1 Zone into the CC-1-2 Zone, as defined by San Diego Municipal Code Section 131.0507, and repealing Ordinance No. O-18447 (New Series), adopted December 2, 1997, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

OTHER RECOMMENDATIONS:

Planning Commission on September 16, 2004, voted 4-2 to recommend approval with conditions; was opposition.

Ayes: Steele, Garcia, Schultz, Chase

Nays: Lettieri, Ontai

Not Present: Otsuji

The Kearny Mesa Community Planning Group has recommended approval of this project (6- 5- 1).

CITY MANAGER SUPPORTING INFORMATION:

Background

The 6.4 acre project site is located within the previously approved New Century Center Master Plan. New Century Center was originally approved in 1997 as a 233-acre retail and industrial master planned development on property previously occupied by General Dynamics, located east of Highway 163 between Clairemont Mesa Boulevard and Balboa Avenue. Environmental Impact Report No. 96-0165 was finalized for the entire General Dynamics Site on September 25, 1997, as a part of the New Century Center development project.

On October 3, 2000, an amendment to the Master Plan was adopted that included the approval of a 448-unit Planned Residential Development Permit on Planning Area 3B, and also allowed up to an additional 550 dwelling units in the commercial/mixed-use area of the Master Plan, southwest of the subject parcel. The amendment also shifted the emphasis of the commercial area from retail to office use. A development agreement applicable to the Master Plan area was amended to address the addition of residential use.

On November 12, 2002, an amendment was approved to allow up to 570 additional units in the 33-acre commercial/mixed-use area (Planning Areas 1A and 2B), and an eight-acre industrial area (Planning Area 3A) north of Spectrum Center Boulevard and west of Paramount Drive, currently owned by Sunroad Enterprises. This approval brought the total permitted units to 1,568. Development of the additional 570 units requires the provision of a minimum two-acre park onsite.

On January 14, 2003, an amendment was approved to allow a YMCA (Toby Wells) facility on Missile Park, which was previously designated as a passive private park. This request is to allow a 300 unit residential condominium project (270 market rate units and 30 units affordable to those at or below 100% AMI) on Lot 8A on the northwest corner of Overland and Lightwave Avenues, west of Missile Park. Residential use in the Kearny Mesa Community outside of the New Century Center Master Plan is limited to a mobile home park approximately two miles to the northwest, a small single family dwelling unit subdivision approximately 1.5 miles to the southwest, and the Stonecrest community approximately 1.5 miles to the southeast.

The currently vacant 6.4 acre project site is located at the northwest corner of Lightwave Avenue and Overland Avenue in the IL-3-1 Zone and Transit Area Overlay Zone, and designated as General Commercial within the Kearny Mesa Community Plan. In the mid-1990s, demolition of existing structures in the General Dynamics complex began, and the project site has remained undeveloped.

State Route 163 is approximately 3,000 feet to the west and Interstate 15 is approximately 4,800 feet to the east of the project site. The project site is bounded by General Commercial (a Gas Station and Office building) to the north, Overland Avenue (and Missile Park beyond) to the east, Lightwave Avenue (and a vacant lot and Frito Lay distribution facility beyond) to the south, and an Industrial and Business Park to the west. Other surrounding uses include retail uses along Clairemont Mesa Boulevard to the north, light industrial and office uses to the south, and 448 units of built residential and 120 units under construction approximately one-third mile to the southwest. There are another 1,000 residential units under construction approximately 700 feet to the west within New Century Center Master Plan.

Public Improvements, including curb, gutter, sidewalk, and street trees have been installed surrounding the property on the south and east as a part of the redevelopment of the General Dynamics site. The project site was formerly owned and occupied by General Dynamics. In 1955, General Dynamics purchased the project site, as well as the surrounding area, from the City of San Diego. After developing and expanding administrative, engineering, manufacturing, and product testing facilities over the next four decades, General Dynamics experienced a period of unprecedented downsizing.

On January 30, 2003, the Planning Commission approved a Community Plan Amendment Initiation on the current project site. The amendment was requested to allow residential development on Lot 8A in the New Century Center Master Plan, adopted as part of the Kearny Mesa Community Plan, where the current land use designation is General Commercial and the Master Plan permits commercial and industrial uses.

Because the project proposes the development of 30 affordable for-sale units at, or below, 100% of the Area Median Income (AMI), the land use approvals have been processed through the "Affordable/In-Fill Housing and Sustainable Buildings Expedite Program."

FISCAL IMPACT:

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

Loveland//Goldberg/Halbert/DES

LEGAL DESCRIPTION:

The site is located in the IL-3-1 Zone of the New Century City Master Plan of the Kearny Mesa Community Plan area. The project proposes a rezone to CC-1-2.

FILE LOCATION: LUP-Parkside 11/15/04 (65)

COUNCIL ACTION: (Time duration: 7:35 p.m. – 8:45 p.m.)

Testimony in opposition by Buzz Gibbs, Patti Krebs, Evelyn Heidelberg, and Rick Moffett.

Testimony in favor by Jim Dawe, Peter Fagrell, Gary London, Steven Kerch, and Jim Moxham.

MOTION BY FRYE NOT TO ADOPT THE RESOLUTIONS IN SUBITEMS A, B, AND D; TO ADOPT THE RESOLUTION IN SUBITEM C DENYING THE PERMIT; AND NOT TO INTRODUCE THE ORDINANCE IN SUBITEM E. Second by Atkins. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S400: Fifth Implementation Agreement to the Disposition and Development Agreement (DDA) and Related Documents – Las Americas Project.

(See Redevelopment Agency Report RA-04-41/CMR-04-233. San Ysidro Community Area. District 8.)

CITY MANAGER’S RECOMMENDATION:

Introduce the following ordinance in Subitem A and adopt the resolutions in Subitems B, C, and D:

Subitem-A: (O-2005-58) CONTINUED TO NOVEMBER 22, 2004

Introduction of an Ordinance authorizing the City Manager to execute the amended and restated Second Amendment to the Public Use Lease Agreement (Parcel A-1) with International Gateway Associates, LLC.

Subitem-B: (R-2005-494) CONTINUED TO NOVEMBER 22, 2004

Approving: 1) amendment to Public Use Lease (Parcel B/C); 2) Second Amendment to overall Reciprocal Easement Agreement (REA); 3) subsequent Parcel A-1/Civic Parcel/Parcel A-3 REA; 4) Quitclaim Deed for Library Airspace Parcels; and 5) Grant Deed for Civic Parcel, all in conjunction with the Disposition and Development Agreement (DDA) with International Gateway Associates, LLC for the Las Americas Project;

Stating for the record that the Environmental Impact Report SCH No. 95-101015 (adopted April 2, 1996 by Council Resolution No. R-287149) and Mitigated Negative Declaration (adopted May 12, 1998 by Council Resolution No. R-290105) covering this activity has been reviewed and considered, and directing the City Clerk to file a Notice of Determination in accordance therewith.

Subitem-C: (R-2005-495) CONTINUED TO NOVEMBER 22, 2004

Approving a Cooperation Agreement with the Redevelopment Agency of the City of San Diego for the Conveyance and Oversight of the Civic Parcel at the Las Americas site, within the San Ysidro Redevelopment Project Area.

Subitem-D: (R-2005-496) CONTINUED TO NOVEMBER 22, 2004

Initiating a Community Plan Amendment to make appropriate changes to the San Ysidro Community Plan in order to implement the Mi Pueblo Pilot Village in the San Ysidro Community Planning Area.

CITY MANAGER'S SUPPORTING INFORMATION:

The following is a summary of actions associated with this item:

Amended and Restated Second Amendment to Public Use Lease (Parcel A-1)

- The City had until 9/30/03 to acquire the funding to build a library on the second story above retail. Since the deadline has passed, the reversionary clause of the lease will be exercised, and the City will quitclaim the two airspace parcels back to the developer.
- Minor adjustment to the location of the Park and Ride facility.
- The lease payment schedule, which was adjusted with the Fourth Implementation Agreement, will revert back to the original schedule: Total Principal of \$6,306,000; annual payments of \$496,402 for 30 years with a 2-tier interest rate: \$1,145,000 at 10%; \$5,161,000 at 6%. Annual payments expected to begin in approximately November 2006, once City has received the necessary sales tax revenue.

Grant Deed for Civic Parcel

- The developer will grant to the City an approximately 26,500 sf parcel valued at \$3.5 million for civic uses. Value based on the land, entitlements, perpetual Common Area Maintenance relief and an easement for 134 parking spaces.
- The City has 84 months to either build on the property or sell it; at the end of 84 months, the developer may repurchase the property for \$1.25 million plus an annual inflation factor.

Second Amendment to Overall Reciprocal Easement Agreement

- Allocates rights and obligations of three parcels including the Civic Parcel, giving the City all the benefits of being in the integrated development without having to bear its proportionate share of the obligations.
- Assures that users on neighboring parcels cannot object to the development of a civic building on the Civic Parcel nor to a residential development on Parcel A-3.

Subsequent Parcel A-1/Civic Parcel/Parcel A-3 Reciprocal Easement Agreement

- Provides Civic Parcel with access to Las Americas Shopping Center common areas, maintenance of streetscape and landscape surrounding the Civic Parcel building, a parking easement for 134 parking spaces and restrictions on the uses permitted within the Civic Parcel.
- Developer absorbs the Civic Parcel's share of Common Area Maintenance fees in perpetuity.
- Allows City to sell Civic Parcel to third party, but gives the developer the right of first refusal to match the third party's terms.

Cooperation Agreement between the City and the Agency

- The City will retain ownership of the Civic Parcel; the Agency will lead in the planning and redevelopment of the parcel on the City's behalf.

Fifth Implementation Agreement to the Las Americas DDA

- Adjusts the boundaries of former parcels A-1, A-2 and A-3 to new parcels A-1, Civic Parcel, and A-3;
- Authorizes the conveyance of Civic Parcel to the City for future redevelopment.
- Authorizes a change in use for parcel A-3 from commercial to residential.
- Authorizes the developer to reduce the square footage of improvements on Parcel A-1 from 270,000 sf to 188,272 sf;
 - Pro-rates the principal amount of the related Loan Agreement from \$1,780,000 to \$1,246,758 to reflect the reduced square footage on Parcel A-1 and the change in use of Parcel A-3 from commercial to residential; 30-year loan at 10% annual interest. Annual payments of \$132,255 expected to begin in November 2006.
 - Results in savings of \$530,000 in loan principal or \$1.7 million over 30 years.
- Revises the Schedule of Performance and Public Use Lease payment schedule to reflect changes in construction phasing and to extend to June 30, 2005, the developer's ability to pursue the presidential Permit for the River Pedestrian Bridge on behalf of the City.

Other Actions

- Reinforce the City's commitment to analyzing the feasibility of pursuing and reapplying for a Presidential Permit through the US State Department for implementation of the Las Americas River Pedestrian Bridge connecting San Diego and Tijuana.

- Approve initiation of an amendment to the San Ysidro Community Plan for implementation of Mi Pueblo Pilot Village Project.

FISCAL IMPACT:

For the City: The Amended and Restated Second Amendment to Public Use Lease (Parcel A-1) proposes to modify the Lease's economic plan by reverting the rent payment schedule back to its original state as agreed upon in 2001 (MR #01-035). The principal amount of \$6,306,000 will not change, but the full annual rent payments will be \$496,402 to be paid from City sales tax beginning in FY 2007 after Phase 1B1 is developed with 188,232 square feet of building space.

The Agreement also requires an annual reserve allocation. For parcel A, the reserve allocation is equivalent to all excess dollars above and beyond the lease payment. This amount is to be deposited into a reserve account until a cap is reached at \$588,096 once in the life of the lease. The Lease Payments and reserve allocation will be made provided that the project development generates at least that amount of sales tax revenues to the City. The reserve requirement will be calculated annually. The only substantive change to the economic plan is such that the minimum threshold of building space to be developed as a condition for receiving the full rent payment is being reduced by approximately 20,000 square feet.

For the Agency: The Parcel A-1 Loan Agreement's principal amount owed by the Agency will be reduced from the DDA's proposed \$1,780,000 amount to \$1,246,758, saving the Agency \$533,242 in principal, or \$1,696,977 over 30 years.

Cunningham/RC

NOTE: See Redevelopment Agency Agenda of 11/15/2004 for a companion item.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:59 p.m. – 3:00 p.m.)

MOTION BY INZUNZA TO CONTINUE TO MONDAY, NOVEMBER 22, 2004 FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S401: North Embarcadero Visionary Plan: Cleanup Plan and Ordinance Amendments.

(See Centre City Development Corporation Report CCDC-04-26. Columbia Redevelopment District and Marina Sub Area of the Expansion Sub Area of the Centre City Redevelopment Project. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2005-63) INTRODUCED, TO BE ADOPTED ON MONDAY,
 NOVEMBER 29, 2004

Introduction of an Ordinance amending Chapter 10, Article 3, of the San Diego Municipal Code by amending Sections 103.1904, 103.1910, 103.1915, 103.1918, 103.1925, 103.1933, 103.1936, all relating to the Centre City Planned District Ordinance.

Subitem-B: (R-2005-414) ADOPTED AS RESOLUTION R-299844

Adopting amendments to the Centre City Community Plan pertaining to the North Embarcadero Visionary Plan.

FILE LOCATION: SUBITEM A: NONE
 SUBITEM B: MEET

COUNCIL ACTION: (Time duration: 3:07 p.m. – 3:07 p.m.)

MOTION BY MADAFFER TO INTRODUCE THE ORDINANCE IN SUBITEM A AND ADOPT THE RESOLUTION IN SUBITEM B. Second by Inzunza. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madafffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S402: Appointments and Reappointments to the Seniors Affairs Advisory Board.

(See memorandum from Mayor Murphy dated 11/9/2004, with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-534) ADOPTED AS RESOLUTION R-299845

Council confirmation of the appointments and reappointments by the Mayor of the City of San Diego to the Senior Affairs Advisory Board, for terms expiring as indicated, and in categories as indicated:

<u>REAPPOINTMENTS</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Sam Duran	Senior Services – Professional	May 31, 2006
John Patrick Ford	Senior Services – Professional	May 31, 2006
Pamela B. Smith	Senior Services – Professional	May 31, 2006
<u>APPOINTMENTS</u>		
Leane Marchese (replacing Joseph M. Horiye, whose term has expired)	Senior Services – Professional	May 31, 2006
Sharon L. McColl (replacing B. J. Spitler, who is deceased)	City at Large Sr. - Representative	May 31, 2005
Madeline Paul (replacing Flora Calem, who resigned)	City at Large Sr. - Representative	May 31, 2006
Cheryl Wilson (replacing Laura Impastato, who resigned)	Senior Services – Professional	May 31, 2006

Don Steele
(replaces Paulina Gilbert,
whose term has expired)

City at Large Sr. - Representative

May 31, 2006

Declaring that the categories of William Liu and Dolli Cutler have changed from City at Large Sr. – Representative to Senior Services – Professional.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:15 p.m. – 2:18 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S403: Agreement with House of Mexico to Build International Cottage in Balboa Park.

(Districts 3 and 8.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-540) ADOPTED AS RESOLUTION R-299846

Authorizing the City Manager to execute an agreement with the House of Mexico, for the sole and exclusive purpose of contributing toward building a House of Mexico, to be included with other international cottages located in Balboa Park (Project), under the terms and conditions as generally set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$50,000 from Fund No. 100, for the purpose of providing funds for the above Project.

CITY MANAGER SUPPORTING INFORMATION:

The House of Mexico, a 501 (c) (3) all volunteer organization, plans to build an international cottage in Balboa Park. The sole purpose of the House of Mexico cottage will be to provide a patriotic, educational, cultural, and nonprofit service in coordination and in conjunction with the member houses of the House of Pacific Relations and to foster understanding and goodwill beneficial to the total community of San Diego.

The House of Mexico will need as much as \$225,000 for construction of the project. The City of San Diego, Council District 8 has provided available discretionary funding to the Community Service Center Program making available savings in the General Fund to be used for construction of this project.

As part of this action the House of Mexico agrees to submit to the City of San Diego evidence that the City's contribution toward this project is used for construction related expenses only. In addition, if construction does not commence within five (5) years from the date of the agreement, the House of Mexico shall return the sum of \$50,000 to the City.

FISCAL IMPACT:

This agreement with the House of Mexico project is not to exceed the sum of \$50,000.

Frazier/Irvine/AWM

Aud. Cert. 2500486.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:15 p.m. – 2:18 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-S404: Two actions related to Mira Mesa FY 2005 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report CMR-04-230; "Public Facilities Financing Plan and Facilities Benefit Assessment Fiscal Year 2005," October 2004 Draft. Mira Mesa Community Plan Area. District 5.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2005-400) ADOPTED AS RESOLUTION R-299847

Resolution approving the document entitled "Mira Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2005".

Subitem-B: (R-2005-401) ADOPTED AS RESOLUTION R-299848

Resolution of Intention to designate an area of benefit in Mira Mesa and setting the time and place for holding a public hearing thereon.

FILE LOCATION: STRT-FB-12-05 (33)

COUNCIL ACTION: (Time duration: 2:15 p.m. – 2:18 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

