

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 28, 2002
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:10 a. m. The meeting was recessed by Mayor Murphy at 11:17 a.m. to convene the Housing Authority. Mayor Murphy reconvened the regular meeting at 11:19 a.m. with Council Member Maienschein not present. The meeting was recessed by Mayor Murphy at 11:43 a.m. to convene the Housing Authority. Mayor Murphy reconvened the regular meeting at 11:44 a.m. with Council Member Maienschein not present. The meeting was recessed by Mayor Murphy at 12:04 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:12 p.m. with all Council Members present. The meeting was recessed by Mayor Murphy at 3:59 p.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 4:00 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 4:01 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:09 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 5:22 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 5:30 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 7:25 p.m.

ATTENDANCE DURING THE MEETING:

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

(7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Abdelnour (ek/pr)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

ITEM-10: INVOCATION

Invocation was given by Reverend Eric Miller of
True Vine Missionary Baptist Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City Attorney Gwinn.

FILE LOCATION: MINUTES

ITEM-30: David Valladolid Day.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-1425) RETURNED TO COUNCIL DISTRICT 4

Commending Mr. David Valladolid for his contributions to the City of San Diego;

Proclaiming May 28, 2002, to be "David Valladolid Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A040-042.)

MOTION BY COMMON CONSENT TO RETURN THE ITEM TO COUNCIL DISTRICT 4. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: STAR Team Day.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1589) CONTINUED TO MONDAY, JUNE 10, 2002

Proclaiming May 28, 2002 as "STAR Team Day" in honor of the outstanding contributions and valuable service that the STAR Team provides to the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A043-124.)

MOTION BY MADAFFER TO CONTINUE TO MONDAY, JUNE 10, 2002, IN ORDER FOR RECIPIENTS OF PROCLAMATION TO BE PRESENT. Second by Frye. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on more taxes due to the Balboa Master Plan, construction of a garage at the Organ Pavillion, and taxes for parking at beach facilities.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: A133-172.)

PUBLIC COMMENT-2: REFERRED TO THE CITY MANAGER

Mr. Strohle brought to the attention of the City Council that he read an article in last week's Beach and Bay Press regarding a \$300,000 state grant to crack down on drunk driving and how police are trying to determine how the money should be spent, and that Governor Davis wants police to use the money to address alcohol-related traffic offenses in Pacific Beach. He pointed out that the article stated that this program will be a challenge in Pacific Beach which sports the highest concentration of alcohol beverage-control licensed establishments in the City. Mr. Strohle stated that the City Council has not responded to this concern in the past. He feels that there are too many alcohol licenses concentrated in one area, noting that some of the alcohol licenses, which are 10 times the legal limit, should be rescinded and that no additional licenses should be issued.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: A173-220.)

PUBLIC COMMENT-3: REFERRED TO THE CITY ATTORNEY

Miss Lightner, on behalf of the La Jolla Town Council, requested the City Council to reconsider its vote on Site 653 because this site has been Community Plan Designated Open Space since 1975, that it was procedural error to approve the environmental documents in the morning session when 653 was open space and then change its designation in the afternoon session without further environmental review. She stated that Harel testified that they had been working on this for five years even though the RFP was issued in May 2000 with a response date of June 2000, this was prior to any decision from any community group that should have been involved. When these groups became aware, they voted unanimously to keep this as designated open space. Miss Lightner said that Council's prior action in 2002 was in error. She stated that the stipulation by the City Attorney that this was a land-use issue only precluded public testimony that would have made clear the negative impacts of such an institutional use in a single-family residential area. She further stated that Council's action last Tuesday overturned its own Council Policy 600-23 and that Community Plan Designated Open Space is for sale and without public notice. Miss Lightner also requested the City Attorney to address the legal effect of the vote which took place on Site 653.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: A221-380.)

PUBLIC COMMENT-4:

Beverly Walker commented on an 85-year-old woman who was struck in her motorized wheelchair where the driver was not cited, and requested that there be more curb cuts and that the deadline for providing these has passed.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: A038-467.)

PUBLIC COMMENT-5:

Noel Neudeck commented on developing and installing a curb ramp at the street corner at Mission Heights Road before accessing the north side of the commercial shopping center, and requested the inspector's name on the project and is pushing for accountability of inspectors' name.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A468-499.)

PUBLIC COMMENT-6:

Jim Neri commented on the health of community plans City-wide and what is public space and what is private space.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A500-543.)

PUBLIC COMMENT-7: REFERRED TO THE CITY MANAGER

Miss Mulette requested the City Council to revoke a home-occupation permit that has been residing at 3572 Ivy Street, named Hanz Demolition. Miss Mulette stated that in 1999 they applied for and received a home-occupation permit because they had a California state general contractor's license but that this license had been revoked six years prior. She also said that violations of home-occupation have been numerous and continuous for three years, and requested an investigation into these current violations and a revocation of the home-occupation permit.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: A544-587.)

PUBLIC COMMENT-8:

Bert Decker commented on parking meters on Shelter Island and asked the Council to remove them.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: A588-B018.)

PUBLIC COMMENT-9:

Nick Moffit commented on police reports that are provided judges for arrests.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: B019-B053.)

PUBLIC COMMENT-10:

Michael Aguirre commented on improvements to Qualcomm Stadium and how the public has been misled.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: B062-B097.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Frye urged the public to pick up their litter at Mission Bay Park and other beaches when they visit them. This will save the City a great deal of money.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B098-109.)

COUNCIL COMMENT-2:

Deputy Mayor Stevens commented that the ticket guarantee expires in 2006, not 2007, and that the Chargers will remain in San Diego and that we come together for the best interests of the City.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A110-131.)

COUNCIL COMMENT-3:

Mayor Murphy stated that, as to the Chargers, during the last two weeks he has granted at least a half dozen interviews to the press. Mayor Murphy stated that in his opinion, the agreement between the City of San Diego and the Chargers entered into in 1995 contained provisions that were not a good deal for the City. The proposal to build a new football stadium in Los Angeles and relocate there could impact the Chargers but, as Mayor, he has the obligation to do what he can to keep the Chargers in San Diego. He also commented that he does not believe San Diegans want to spend public money to build a new stadium but that they would be disappointed if the Chargers left town. He added that he has met with San Diego Charger President Dean Spanos three times since taking the office of Mayor, in April of 2001, February 2002 and April 2002. Mr. Spanos then sent the Mayor a letter where Mr. Spanos asked to meet with representatives of the

City to discuss the future of the Charger Franchise. Also, an informal working group was assembled to evaluate the City's options relative to the Chargers. Mayor Murphy noted that last week, Mr. Aguirre accused the City of secretly negotiating an extension of the ticket guarantee but that Mr. Aguirre's statement is false. Mayor Murphy cited the lawsuit that Mr. Aguirre filed last week which alleged that the Mayor and Council violated the Brown Act relative to the Charger negotiations, and those allegations are false and his lawsuit is frivolous.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B132-166.)

COUNCIL COMMENT-4:

Council Member Wear wished to thank the City Attorney's Office for its diligent pursuit of removing the adult entertainment businesses that were in violation of the original codes in the Midway area and the Pacific Beach area. Council Member Wear also clarified that the Redevelopment Agency of the City of San Diego does not have jurisdiction over the Port of San Diego's policy issues in and around Shelter Island. Also, new projects, new parks and new public improvements are being funded because of redevelopment. He stated that the vision of the Midway District is to ultimately remove many of the adult businesses through the powers of condemnation and redevelopment and create improvements in traffic and housing and other land uses.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B220-237.)

CITY ATTORNEY COMMENT:

City Attorney Gwinn commented that, pursuant to the Brown Act, today in Closed Session the City Council by a vote of 8 to 0, with District 4 absent, voted to pursue an appeal in the case of McHale v. City of San Diego, Superior Court Case No. GIC-748962.

Mr. Gwinn also wished to thank Mr. Strohlein and others, including Council Member Wear, for advocating on the issue of F Street Book Stores. Mr. Gwinn stated that the

City received a decision last Monday from the Court of Appeals in The City of San Diego v. F Street Book Store Corporation on two locations where stores were operating illegally, one at 3112 Midway and the other at 4626 Albuquerque Street. When their agreement with the City expired in June of 2001, Mr. Gwinn took legal action to try to close those stores. After that action, the City received a preliminary injunction from the trial court, which was appealed. The City argued the case, after which the Court of Appeal five days later issued a ruling in the City's favor that those stores are now operating illegally. That decision will be final in 30 days. If F Street Book Store Corporation attempts to appeal to the California Supreme Court, that could delay the City's ability to close the stores in 60 days. Mr. Gwinn did not anticipate the California Supreme Court hearing a case like this and those stores should be closed by the fall at the latest and, if they do not close, they will be in contempt of court.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B167-199.)

CITY MANAGER COMMENT:

Comment by the City Manager wishing to announce that the Fitch Ratings of the City's General Obligation Bond Rating for Fire and Life Safety Facility Lease Revenue Bonds was upgraded from AA+ to AAA, its highest rating. The City Manager stated that currently, no other large city in California has an AAA rating from the Fitch Rating.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H005-023.)

* ITEM-50: Olson Industrial Lot Rezoning.

(RZ-40-0495. University Community Plan Area. District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/14/2002 (Council voted 9-0):

(O-2002-137 Cor. Copy) ADOPTED AS ORDINANCE O-19067 (New Series)

Rezoning approximately 5.71 acres of a 13.6 acre site located north of Olson Drive and south of the BNSF Railroad Right-of-Way, easterly of Interstate 805, within the University Community Plan area, from the AR-1-1 zone into the IL-2-1 zone.

FILE LOCATION: PERM/Olson Industrial Lot Rezoning-05/14/02 (65)

COUNCIL ACTION: (Tape location: A125-132.)

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

* ITEM-51: Fiscal Year 2002-2003 Salary Ordinance.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/14/2002 (Council voted 9-0):

(O-2002-136 2nd Cor. Copy) ADOPTED AT ORDINANCE O-19068 (New Series)

Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for Fiscal Year 2002-2003.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A125-132.)

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

* ITEM-52: Logan Heights Branch Library Lease Agreement - 28th Street and Ocean View Boulevard.

(Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2002-142) INTRODUCED, TO BE ADOPTED TUESDAY, JUNE 4, 2002

Introduction of an Ordinance authorizing the City Manager to execute a ground lease agreement for the development of the future Logan Heights Branch Library with the San Diego Unified School District of San Diego County, in support of the City's application for a California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 (Proposition 14) Grant.

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

CITY MANAGER SUPPORTING INFORMATION:

This is a companion item to the Request for Council Action on Joint Use Cooperative Agreements between the City, San Diego Unified School District and San Ysidro District.

On January 22, 2002, Council directed the City Manager to proceed with applications for Proposition 14 State Bond Grants due June 14, 2002, for three (3) library projects, including Logan Heights Branch.

The City intends to build and operate the Library on property leased from the San Diego Unified School District at 28th Street and Ocean View Boulevard.

As specified in the Education Code, Section 20440(e)(G), the term of the lease shall be a minimum of 40 years. A copy of the properly executed lease must be attached to the grant application.

The City will occupy the premises under the following basic terms:

TERM - 50 years. The lease will commence on the date upon which an award of a grant is made to the City. If such a grant is not awarded, the lease shall be null and void and automatically terminated.

RENT - \$1 per lease year.

USE - Library use.

SIZE - Approximately 82,500 square feet.

FISCAL IMPACT:

No cost to the City.

Herring/Griffith/GDJ

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A125-132.)

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

* ITEM-100: Inviting Bids and Award for a General Requirement Contract for Water and Sewer Projects

(See Frank Belock, Jr.'s 7/12/2001 memo.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-1398) ADOPTED AS RESOLUTION R-296539

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental for the General Requirement Contract and inviting bids for the Construction of Water

and Sewer Projects on Work Order No. 002003A;

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

Authorizing the expenditure of an amount not to exceed \$500,000 from Water Fund 41500, and an amount not to exceed \$3,500,000 from Sewer Fund 41506, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02211C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/18/2001, NR&C voted 4-0 to approve. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

On June 19, 2001, Council approved the amendment to an existing General Requirement Contract with KTA Construction, Inc. with the understanding that a New General Requirement Contract would be advertised competitively and a contractor selected. The existing contract with KTA Construction, Inc. would then be terminated. The Water and Wastewater Facilities Division has a continuing need for as-needed construction contracts for small accelerated CIP construction projects such as repairs needed for existing sewer manholes, sewer and water main replacements and/or rehabilitations. This General Requirement Contract will enable the Division to achieve its objective of rapidly engaging contractors in critical and necessary work, requested by the operating divisions, while lowering costs. Each GRC is competitively procured using a request for bids and has a pre-established maximum dollar amount not to exceed \$4,000,000. When work is ordered by task order, the contractor and the City representative meet to scope the work and prepare a task order with unit prices in accordance with the contract. Work is accomplished by the issuance of individual task orders to the contract. The City is under no obligation to guarantee and give work to the contractor, therefore, the contractor will have an incentive to deliver quality work in a timely fashion in order to get additional work. The City will have a one-year renewal option for this contract.

FISCAL IMPACT:

The total estimated construction contract cost is \$4,000,000, of which \$500,000 is available in Water Fund 41500, and \$3,500,000 is available in Sewer Fund 41506, for this purpose.

Loveland/Belock/HR

Aud. Cert. 2200257.

WWF-02-539.

FILE LOCATION: CONT - KTA Construction; W.O. 002003A

COUNCIL ACTION: (Tape location: A125-132.)

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

ITEM-101: Three actions related to the Final Map of NTC-Unit No. 4.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1490) ADOPTED AS RESOLUTION R-296540

Authorizing the City Manager to execute a Subdivision Improvement Agreement with McMillin-NTC, LLC, for the installation and completion of certain public improvements in the subdivision to be known as NTC-Unit No. 4.

Subitem-B: (R-2002-1489) ADOPTED AS RESOLUTION R-296541

Approving the final map.

Subitem-C: (R-2002-1491) ADOPTED AS RESOLUTION R-296542

Authorizing the City Manager to execute a landscape Maintenance Agreement with McMillin-NTC, LLC, for maintenance of landscaping and irrigation in the subdivision to be known as NTC-Unit No. 4.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 22.476 acre site into 9 lots to be used for educational, retail, restaurant, offices and light industrial purposes, plus Lot "A" to be used as a promenade area and Lot "B" for landscaping. It is located southeasterly of Lytton Street and Rosecrans Street in the Peninsula Community Planning Area.

On October 3, 2000 the Council of the City of San Diego approved City Council Resolution R-293939 for Vesting Tentative Map No. 99-1076. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied.

The public improvements required for this subdivision are shown in detail on Engineering Drawing Number 31155-1-D through 31155-29-D filed in the Office of the City Clerk under Micro Number 141.48. All improvements are to be completed within two years.

The Engineer's estimate for the cost of public improvements is \$696,008. An agreement has been entered into and Performance Bonds in the above amount has been provided as surety. A cash bond in the amount of \$5,000 as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments.

This subdivision is located in the Peninsula Community Planning Area, which has impact fees established by City Council, to provide financing for public facilities necessary to support additional development. This development will be subject to those impact fees for the portions of the project which exceed existing development levels.

The proposed Naval Training Center Unit 4 project is estimated to generate approximately 5,592 average daily trips (ADT). 1,200 of these trips are estimated to occur on Interstate 8, which has an estimated near-term plus project volume of 228,200 ADT. The proposed Naval Training Center is required to construct an additional lane along the project's frontage on Rosecrans Street. NTC-Unit No. 4 complete occupancy is expected to be in 2007.

A portion of street drainage for this project enters into the park lot/promenade when it flows through grass-lined drainage swales (bioswales) and then enters the storm drain system where it

is treated a second time in an oil/water separator. The remainder of the drainage for the site enters the storm drain system and is treated by the oil/water separator before discharging into the boat channel.

FISCAL IMPACT:

None.

Ewell/Broughton/GRB

FILE LOCATION: SUBD-NTC-Unit No. 4 (40)

COUNCIL ACTION: (Tape location: B490-C089.)

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

* ITEM-102: First Amendment to Retainer Agreement with Horvitz and Levy for Outside Counsel Appellate Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1530) ADOPTED AS RESOLUTION R-296543

Authorizing a First Amendment to the Retainer Agreement with Horvitz & Levy for outside counsel appellate services in Otay Acquisition v. City of San Diego, San Diego Superior Court Case No. GIC-753247, National Enterprise v. City of San Diego, San Diego Superior Court Case No. GIC-730011, and Border Business Park, Inc. v. City of San Diego, San Diego Superior Court Case No. 692794;

Authorizing the expenditure of an amount not to exceed \$325,000 from Liability Fund No. 81140.

CITY MANAGER SUPPORTING INFORMATION:

This action will amend the existing Retainer Agreement with Horvitz & Levy for outside counsel appellate services to defend the City in the matters of Otay Acquisition v. City, S.D. Superior GIC-753247, National Enterprise v. City, S.D. Superior GIC-730011, and Border Business Park, Inc. v. City, S.D. Superior 692794.

Lexin/Lopez/JLS

Aud. Cert. 220177.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A125-132.)

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

ITEM-103: Two actions related to Amending the Agreement for the East Mission Gorge Trunk Sewer Rehabilitation Project.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1591) ADOPTED AS RESOLUTION R-296572

Authorizing a First Amendment to Agreement with Brown & Caldwell, for construction management services associated with the East Mission Gorge Trunk Sewer Rehabilitation Project, in an amount not to exceed \$10,665.67 for a total contract amount of \$804,645.67;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$85,665.67 from Sewer Fund 41506, CIP-46-138.0, Highland Park Estate TS

Phase II, to Sewer Fund 41506, CIP-40-920.4, East Mission Gorge Trunk Sewer Rehabilitation;

Authorizing the expenditure of an amount not to exceed \$75,000 from Sewer Fund 41506, CIP-40-920.4, East Mission Gorge Trunk Sewer Rehabilitation, for additional Project contingencies;

Authorizing the expenditure of an amount not to exceed \$10,665.67 from Sewer Fund 41506, CIP-40-920.4, East Mission Gorge Trunk Sewer Rehabilitation, for the First Amendment.

Subitem-B: (R-2002-1592) ADOPTED AS RESOLUTIONS R-296573

Declaring that the information contained in the Environmental Impact Report DEP-94-0077, certified by Resolution R-286457 on February 20, 1996, has been reviewed and considered by Council, and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review for construction management services;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

CITY MANAGER SUPPORTING INFORMATION:

The East Mission Gorge Trunk Sewer transports wastewater from users in Santee, El Cajon, Alpine, Lakeside, and Wintergardens Sanitation District to the San Diego Metro System. The alignment follows the San Diego River from Fairmount Avenue to the Santee city limits. Due to the age and condition of the pipeline, the City has completed the process of rehabilitating the existing main using trenchless technology. Consultant Construction Management Services were needed due to the specialized expertise required for the rehabilitation and the environmental restrictions within the Mission Trails Regional Park. All phases, 1 and 2 were completed.

The agreement with Brown & Caldwell for Construction Management Services was approved by City Council on April 1, 1996 (RR-287100), by a 1472 in the amount of \$793,980. The additional funding requested by this action will provide \$10,665.67 for additional consultant services added to the Scope of Work and \$75,000 to pay for revegetation of the project area.

FISCAL IMPACT:

Funding for this project is available in Sewer Fund 41506, CIP-40-920.4, East Mission Gorge Trunk Sewer Rehabilitation Project, for Environmental Monitoring and related costs.

Loveland/Belock/HR

WWF-02-570.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Tape location: D009-029.)

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

* ITEM-104: Third Amendment to Agreement for Disclosure Counsel Services and Litigation Review.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1625) ADOPTED AS RESOLUTION R-296544

Authorizing the City Manager to execute a Third Amendment to the Agreement with Orrick, Herrington & Sutcliffe, for Ballpark Disclosure Counsel and Litigation Review Services in an amount not to exceed \$489,869.64;

Authorizing the expenditure of an amount not to exceed \$489,869.64 (\$75,000 from Fund 81140, Dept. 81140, Org. 3501 and \$414,869.64 from Fund 102214, Dept. 102214, Org. 200).

SUPPORTING INFORMATION:

Orrick currently is acting as Bond and Disclosure Counsel for the financing for the Ballpark and Downtown Redevelopment Project. Due to the numerous lawsuits that have been initiated on

the project, the City engaged Orrick to review the litigation and its impact on the bond financing. Pursuant to an Agreement for Disclosure Counsel and Litigation Review Services between the City and Orrick, and a First Amendment thereto (Document No. RR-295459) these services have already been undertaken by Orrick, others are ongoing as the City proceeds with the various lawsuits filed pertaining to the Ballpark and Downtown Redevelopment Project. Because of the length of time to bring this financing forward, ongoing legal issues related to the financing, and continuing disclosure obligations, an amendment to the Agreement is needed to increase Orrick's compensation by an additional \$489,869.64.

FISCAL IMPACT:

\$489,869.64.

Devaney/KS

Aud. Cert. 2201123.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A125-132.)

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

* ITEM-105: Authorizing Second Amendment to the Bond Counsel Services Agreement with Orrick Herrington & Sutcliffe and Webster and Anderson for Ballpark Financing.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1624) ADOPTED AS RESOLUTION R-296545

Authorizing the City Manager to execute the Second Amendment to the Bond Counsel Services Agreement with Orrick, Herrington & Sutcliffe and Webster and Anderson, for additional services regarding the Ballpark Financing.

Authorizing the expenditure of an amount not to exceed \$36,250 from Fund 102214, Dept. 102214, Org. 200;

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

SUPPORTING INFORMATION:

Webster and Anderson is acting as Co-bond Counsel with Orrick Herrington & Sutcliffe for the financing of the Ballpark and Downtown Redevelopment Project [Project]. Due to numerous lawsuits filed on the Project, the City was not able to issue bonds to finance the Project within the time originally contemplated. Because of the length of time to bring this financing forward, ongoing legal issues related to the financing and litigation, an amendment is necessary to increase the compensation to Webster and Anderson by \$36,250.

FISCAL IMPACT:

\$36,250.

Devaney/KS

Aud. Cert. 2201124.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A125-132.)

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

* ITEM-106: Engineering Department Capital Improvement Program (CIP), Project: First Amendment to the Consultant Agreement for Sewer Pump Stations 21 and 41.

(See Memorandum from Frank Belock dated 5/02/2002. La Jolla and Mission Bay Park Community Areas. Districts-1 and 2.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1599) ADOPTED AS RESOLUTION R-296546

Authorizing the City Manager to execute a First Amendment to Agreement with Dudek and Associates, for additional consultant services at a cost not to exceed \$146,604;

Authorizing the expenditure of an amount not to exceed \$146,604 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restorations, solely and exclusively for the purpose of providing funds for the above project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

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

CITY MANAGER SUPPORTING INFORMATION:

Council authorized an agreement with Dudek and Associates on August 2, 1999, Document Number R-292033, to provide engineering services for the rehabilitation of Sewer Pump Stations 21 and 41 and construction of secondary force mains.

Sewer Pump Station 21 is located in the La Jolla community area, adjacent to the intersection of Neptune Place and Gravilla Street. The existing pump station and force main were constructed in 1950. Consultant agreement design consists of pump station complete mechanical and electrical rehabilitation including new emergency generator, pumps, motors, piping, switchboard, wiring, panel, telemetry, construction of a new 8-inch secondary force main, and replacement of the existing 8-inch cast iron primary force main to PVC.

Sewer Pump Station 41 is located at the south end of De Anza Road in the De Anza area of Mission Bay Park. The existing pump station and force main were constructed in 1953. Consultant agreement design consists of pump station complete mechanical and electrical

rehabilitation including new emergency generator, pumps, motors, piping, switchboard, wiring, panel, telemetry, construction of a new emergency storage tank, and a new 8 inch secondary force main to conform to the new design standards. This amendment covers a revision to the construction method for the force mains installation from open trench to trenchless method to minimize community impact and for the consultant to provide bidding assistance, and design support for the construction phase for both pump stations to ensure successful construction completion.

FISCAL IMPACT:

The total cost of this agreement is \$385,591. Of this amount, \$238,987 was previously authorized by Council Resolution No. 292033. The estimated cost for this First Amendment is \$146,604. Funds of \$146,604 are available in Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restorations.

Loveland/Belock/HR

Aud. Cert. 2201102.

WWF-02-591.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A125-132.)

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

* ITEM-107: Sewer, Water and Drainage Easement Abandonment in Lots 6 and 7 of Map 4161.

(La Jolla Community Area. District-1.)

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

* ITEM-109: Mid City Transit Gateways Project, Phase 1.

(Mid City [City Heights, Normal Heights, Talmadge] Community Area.
District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1565) ADOPTED AS RESOLUTION R-296549

Authorizing the City Manager to accept the plans and specifications for Cal Trans' "Authorization to Proceed with Construction" on the Mid City Transit Gateways Project (MCTGP), Phase 1, as advertised by Contract Services;

Authorizing the City Auditor and Comptroller to transfer and appropriate an amount not to exceed \$18,140 from TransNet Fund No. 30306, Capital Improvements Project CIP-68-0110, to CIP-39-232.0 for expenditure exclusively on the above project (MCTGP);

Authorizing the expenditure of an amount not to exceed \$99,688 in TransNet Funds from CIP-39-232.0 for the purpose of providing funds for this contract, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for such expenditure are or will be on deposit with the City Treasurer;

Authorizing the City Auditor and comptroller to accept, appropriate, and expend an amount not to exceed \$909,444 in Surface Transportation Program (STP) grant funding in Fund 38610, for the construction of Phase 1 of MCTGP, which includes \$140,000 additional STP funding awarded by SANDAG in December 2001;

Increasing the Fiscal Year 2002 Capital Improvements Program by adding an additional \$909,444 in STP funding in Fund 38610 in CIP-39-232.0;

Authorizing the City Auditor and Comptroller, upon the direction of the City Manager, to reallocate the funding sources from TransNet funds between TransNet Cash and Commercial Paper funded projects as may be appropriate to maximize the use of TransNet Cash and minimize the use of Commercial Paper funding for CIP-39-232.0.

CITY MANAGER SUPPORTING INFORMATION:

The Mid City Transit Gateways Project, Phase 1, will install median improvements on El Cajon Boulevard between Central Avenue and 43rd Street, including street trees, shrubs, automatic irrigation and enhanced paving. This is a TEA 21 funded project with the City providing a TransNet local match. CalTrans, as the administering agency, issued their "Authorization to Proceed with Construction" on March 18, 2002. During the design process of Phase 1, a need surfaced for an additional \$140,000 in TEA21 funding (also, known as Surface Transportation Program-STP) which was awarded by SANDAG at the December 10, 2001, meeting of the SANDAG Board of Directors. This award necessitated an additional local TransNet match of \$18,140.

The current Council Action would authorize the City Manager to accept the plans and specifications; authorize transfer, appropriation and expenditure of \$18,140 in TransNet matching funds; authorize expenditure of \$99,688 in TransNet funds already in CIP 39-232.0, contingent upon the Auditor's certifying the \$117,828 in TransNet funds; accept, appropriate and expend \$909,444 in STP funding, which includes the \$140,000 additional grant; authorize a \$909,444 increase to the Fiscal Year 2002 Capital Improvement Program in STP funding; and, authorize the City Auditor and Comptroller to reallocate funding sources for TransNet between TransNet Cash and Commercial Paper funded projects as may be appropriate to maximize use of TransNet Cash and minimize use of Commercial Paper, funding for CIP 39-232.0.

FISCAL IMPACT:

Authorizing transfer, appropriation and expenditure of \$18,140 in TransNet funds from CIP-68-011.0 to CIP-39-232.0; authorizing expenditure of \$99,688 in TransNet funds from CIP- 39-232.0; accepting, appropriating and authorizing expenditure of \$909,444 in STP funding in Fund 38610, CIP-39-232.0 (including \$140,000 additional in STP funding); authorizing a \$909,444 increase to the Fiscal Year 2002 Capital Improvement Program in STP funding; and, authorizing the City Auditor and Comptroller to reallocate funding sources for TransNet between TransNet Cash and Commercial Paper funded projects as may be appropriate to maximize use of TransNet

Cash and minimize use of Commercial Paper funding for CIP-39-232.0.

Uberuaga/Cunningham/SHM

Aud. Cert. 2201085.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A125-132.)

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

* ITEM-110: Two actions related to Mira Mesa Community Park - Sports Field Lighting.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1608) ADOPTED AS RESOLUTION R-296550

Approving the Agreement with MMRC regarding the transfer of funds between the City and MMRC for the purpose of assisting the lighting upgrade at Mira Mesa Community Park;

Approving the transfer of \$14,000 to MMRC from Fund No. 10529, Council District Five Infrastructure Improvement Fund for the purpose of assisting the lighting upgrade at Mira Mesa Community Park;

Declaring that the total amount that the City will provide MMRC shall not exceed \$14,000 from Fund No. 10529, Council District Five Infrastructure Improvement Fund;

Authorizing the City Manager to execute the Agreement.

Subitem-B: (R-2002-1609) ADOPTED AS RESOLUTION R-296551

Accepting funds from MMRC in the amount of \$14,000 to Fund No. 10365, Park and Recreation Matching Funds, for the purpose of upgrading lighting at the Mira Mesa Community Park;

Accepting the donation of \$20,000 from MMRC to Fund No. 10365, Park and Recreation Matching Funds, for the purpose of upgrading lighting at the Mira Mesa Community Park;

Authorizing amendment of the Fiscal Year 2002 Capital Improvements Program Budget by increasing CIP-29-593.0, Mira Mesa Community Park-Sports Field Lighting, in the amount of \$128,000 from the following funds:

- 1) Fund No. 10516, Mira Mesa Community Fund, in the amount of \$30,000;
- 2) Fund No. 10365, Park and Recreation Matching Funds, in the amount of \$64,000;
- 3) Fund No. 10365, Park and Recreation Matching Funds, in the amount of \$20,000 (from the Mira Mesa Recreation Council); and
- 4) Fund No. 10365, Park and Recreation Matching Funds, in the amount of \$14,000 (from the Mira Mesa Recreation Council).

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$128,000 for CIP-29-593.0, Mira Mesa Community Park-Sports Field Lighting, from the following funds:

- 1) Fund No. 10516, Mira Mesa Community Fund, in the amount of \$30,000;
- 2) Fund No. 10365, Park and Recreation Matching Funds, in the amount of \$64,000;
- 3) Fund No. 10365, Park and Recreation Matching Funds, in the amount of \$20,000 (from the Mira Mesa Recreation Council); and
- 4) Fund No. 10365, Park and Recreation Matching Funds, in the amount of \$14,000 (from the Mira Mesa Recreation Council).

Declaring that the appropriations and authorization of expenditure of funds is contingent upon the Auditor and Comptroller certifying that funds are available.

CITY MANAGER SUPPORTING INFORMATION:

Mira Mesa Community Park is located in the community of Mira Mesa in Council District 5. The park supports a number of activities and includes a recreation building, outdoor basketball courts, softball fields and multi-purpose fields. This lighting upgrade will provide recreation level lighting for ball fields #1 and #2, including the multi-purpose field. Existing light poles, fixtures and foundations will be removed from Lopez Ridge Park. The light poles and fixtures will be relocated to Mira Mesa Community Park, and new foundations will be provided.

This action authorizes an agreement between the City of San Diego and the Mira Mesa Recreation Council regarding the provision of \$14,000 from Fund No. 10529, Council District 5 Infrastructure Improvement Fund, to the Mira Mesa Recreation Council for the purpose of providing lighting at the Mira Mesa Community Park. The Mira Mesa Recreation Council will be forwarding \$34,000 which will be matched with Park and Recreation Matching Funds for the project.

Overall, the Matching Funds Program is providing \$64,000 which will be matched by \$64,000 from two sources: \$30,000 from the Mira Mesa Community Fund (No. 10516) and \$34,000 from the Mira Mesa Recreation Council (which includes \$14,000 according to the agreement between the City of San Diego and the Mira Mesa Recreation Council). This action also authorizes the addition of \$128,000 to the project, and authorizes expenditure of funds.

FISCAL IMPACT:

Initial funding, in the amount of \$11,000, was allocated to this project from Infrastructure Improvement Fund 10529 in January 2002. Funding for an increase to the project's budget is available from Fund No. 10516, Mira Mesa Community Fund (\$30,000); Fund No. 10365, Park and Recreation (Donation) Matching Funds (\$64,000); Fund No. 10365, Park and Recreation (Donation) Matching Funds from Mira Mesa Recreation Council (\$20,000) and Fund No. 10365, Park and Recreation (Donation) Matching Funds from Mira Mesa Recreation Council according to the agreement between the City of San Diego and the Mira Mesa Recreation Council (\$14,000). With this request the total project budget will be \$139,000.

Herring/DVW

Aud. Cert. 2201121.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A125-132.)

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

* ITEM-111: Balboa Park - Bird Park Artistic Upgrades Construction Documents.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1317) ADOPTED AS RESOLUTION R-296552

Amending the Fiscal Year 2002 Capital Improvements Program Budget by adding CIP-21-861.0, Bird Park Artistic Upgrades Construction Documents, in the amount of \$30,000;

Authorizing the City Auditor and Comptroller to expend \$30,000 for CIP-21-861.0, Bird Park Artistic Upgrades Construction Documents, from Park and Recreation Department Matching Funds, Fund No. 10365.

CITY MANAGER SUPPORTING INFORMATION:

This project will provide approximately seven artistic upgrades to the existing Bird Park of Balboa Park, that were not financially possible when the project was constructed three years ago. The artistic upgrades include an entrance arbor, mosaic picnic tables, a bird's eye gazebo, a "beak" patio, the game of the golden goose, a cobblestone foot, and enhanced landscaping that will attract birds to the site.

The project is located in the northeast corner of Balboa Park, on the corner of 28th Street and Upas Street within San Diego. The scope of work includes the development of construction plans for public bidding and the actual construction.

FISCAL IMPACT:

Funds in the amount of \$30,000 are available from Park and Recreation Department's Donation Matching Funds Program, Fund No. 10365 and consist of \$15,000 in Private Donations (San Diego Foundation, Balboa Park Committee), and \$15,000 in Park and Recreation Matching Funds.

Herring/DVW

Aud. Cert. 2201073.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A125-132.)

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

ITEM-112: Transfer of Funds - Tierrasanta Community Park Tot Lot Improvements.

(Tierrasanta Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1315) ADOPTED AS RESOLUTION R-296553

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2002 budget by an increase of \$100,000 into CIP-29-484.0, Tierrasanta Community Park Tot Lot Improvements;

Authorizing the City Auditor and Comptroller to appropriate an amount not to exceed \$100,000 from the Stone Crest Developer Agreement Fund 392031 to CIP-29-484.0, Tierrasanta Community Park Tot Lot Improvements;

Authorizing the expenditure of an amount not to exceed \$100,000 from CIP-29-484.0, Tierrasanta Community Park Tot Lot Improvements;

Authorizing the City Auditor and Comptroller, upon advice from the Engineering and Capital Projects Department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The existing Tierrasanta Community Park Tot Lot is a multi-level facility built approximately sixteen (16) years ago. The project will provide for an expanded and renovated tot lot which will meet current safety and maintenance standards, as well as comply with the Americans with Disabilities Act (ADA) requirements. Proposed improvements include installations of children's play structures, swings, accessible resilient surfacing, sand, concrete paving, drainage facilities, irrigation and turfing. It is not anticipated that annual maintenance costs will be increased as a result of this development.

FISCAL IMPACT:

The estimated project cost is \$357,000 of which \$257,000 has been previously approved. The remaining funds (\$100,000) are available in CIP-29-484.0, Tierrasanta Community Park Tot Lot Improvements, Fund No. 392031 (\$100,000).

Loveland/Belock/AO

Aud. Cert. 2200945.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B426-489.)

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

* ITEM-113: Transfer Funding to Sewer Main Replacement Annual Allocation.

(See Memorandum from Frank Belock, Jr. dated 5/02/2002. City Heights, Kensington, Mid-City, Mission Valley, Normal Heights, North City West, and Talmadge Community Areas. Districts-1, 3, 4 and 6.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1573) ADOPTED AS RESOLUTION R-296554

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$498,163 from Fund 41506, CIP-40-931.0, South Mission Valley Trunk Sewer, an amount not to exceed \$2,250,000 from Fund 41506, CIP-46-136.0, Carmel Valley Trunk Sewer e/o I-5; an amount not to exceed \$275,481.53 from Fund 41506, CIP-46-139.0, Home Avenue Trunk Sewer-Phase I; an amount not to exceed \$585,686.32 from Fund 41506, CIP-46-140.0, North Mission Valley Interceptor-Phase II; and an amount not to exceed \$240,000 from Fund 41506,

CIP-46-202.0, Barnett Avenue Trunk Sewer to Fund 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

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

CITY MANAGER SUPPORTING INFORMATION:

These funds were previously budgeted through last year's budget process for individual stand alone projects which will not need expenditure authorization this fiscal year.

For purposes of utilizing sewer funds most efficiently, this transfer is being recommended to move the funds to Sewer Main Annual Allocation 44-001.0 to make them available for upcoming sewer main projects. The City Council will be requested, at the time the individual sewer main projects proceed, to authorize the actual expenditure of these funds at a later date.

FISCAL IMPACT:

Funding is available for the transfer of \$498,163 from Fund 41506, CIP-40-931.0, South Mission Valley Trunk Sewer, \$2,250,000 from Fund 41506, CIP-46-136.0, Carmel Valley Trunk Sewer e/o 1-5, \$275,481.53 from Fund 41506, CIP-46-139.2, Home Avenue Trunk Sewer - Phase 1, \$585,686.32 from Fund 41506, CIP-46-140.0, North Mission Valley Interceptor - Phase II, \$240,000 from Fund 41506, CIP- 46-202.0, Barnett Avenue Trunk Sewer to Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement for this purpose.

Loveland/Belock/HR

Aud. Cert. 2201080.

WWF-02-595.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A125-132.)

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

* ITEM-114: U.S. Fish and Wildlife Service Section 6 Grants Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1474) ADOPTED AS RESOLUTION R-296555

Authorizing the City Manager to submit an application to the U.S. Fish and Wildlife Service Section 6 Grants Program for MSCP Preserve Planning Activities;

Authorizing the City Manager to take all necessary steps to secure the grant funds;

Authorizing the City Manager to conduct all negotiations, execute and submit all documents, which may be necessary for the completion of the Project;

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

Directing the City Auditor and Comptroller to establish a special interest bearing account for the grant.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego is requesting consideration of the following proposal under the U.S. Fish and Wildlife Service Section 6 Grants Program. The U.S. Fish and Wildlife Service Section 6 Grants Program funds planning activities for Habitat Conservation Plans, such as the MSCP. Under the Section 6 Grants Program, the funding will be given to the San Diego Association of Governments (SANDAG) and forwarded onto the City of San Diego through a cooperative agreement. The following items are tasks outlined in the grant proposal:

Accurate mapping and inventory of all vernal pools within the City of San Diego. The City of San Diego has recently completed an effort using existing biological surveys reports to identify all known locations within the City of San Diego that contain documented vernal pools. In order to revise MSCP approved documents, it is anticipated that the vernal pool sites will need to be field checked. This task would involve site visits during a year with appropriate rainfall. A GPS with sub-meter accuracy would be used to survey in the basins and watersheds of the pools. In addition, all plants and animal species within the vernal pools basins will be identified.

Development of a comprehensive vernal pool management plan. Using the information collected in Task 1, MSCP staff would then develop a comprehensive vernal pool management plan. In 1996, the City of San Diego completed a vernal pool management plan for all City-owned vernal pools in the City of San Diego. The 1996 management plan would be augmented to include all properties within the City of San Diego. Specific management recommendations would be identified for both City-owned and privately owned properties. Management of privately owned property would occur if and when those properties are conserved and become public lands. MSCP staff would also need to coordinate public review of the management plan. This would involve development of a public working group, coordination of public meetings, collecting comments, and incorporating comments into the final document.

Revision of MSCP Subarea Plan and supporting documents. It is anticipated that the analysis conducted for the vernal pool management plan will help City and wildlife agencies staff determine the revisions necessary to the MSCP Subarea Plan and supporting documents in order to further protect vernal pool species. Once information on vernal pools within the City of San Diego has been collected and a management plan has been developed, MSCP staff would then proceed to revise the MSCP Subarea Plan and supporting documents. This task will include meetings with wildlife agency staff and public meetings to resolve issues associated with the revisions. City Council review and approval will be required prior to final approval by the wildlife agencies.

FISCAL IMPACT:

If the grant is awarded to the City, a total of \$257,276 would be received from the U.S. Fish and Wildlife Service. City matching in-kind services would total \$18,422.40 consisting of work already approved and conducted under the existing budgeted work program.

Uberuaga/Goldbert/HEC

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A125-132.)

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

* ITEM-115: Accepting a Grant from the State Victim Compensation & Government Claims Board.

(See letter from the Victim Compensation and Government Claims Board dated 3/15/2002.)

(See Frank Belock, Jr.'s 5/2/2002 memo. Peninsula Community Area. District-2.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-2002-1396) ADOPTED AS RESOLUTION R-296557

Accepting the low base bid of Lambco Engineering, Inc. meeting the specifications for Construction of Sewer Main Replacement Group Job 634B, in an amount not to exceed \$2,137,402.94;

Awarding a phase-funded contract to Lambco Engineering, Inc. in accordance with Document No. 175121;

Authorizing the expenditure of an amount not to exceed \$434,178 for Phase I of the Project;

Authorizing the additional expenditure of an amount not to exceed \$1,420,331 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, provided that the City Auditor and Comptroller first furnishes one more certificates demonstrating that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02057C)

Subitem-B: (R-2002-1397) ADOPTED AS RESOLUTION R-296558

Declaring that the information contained in Mitigated Negative Declaration LDR-40-0594, certified by Resolution R-295902, adopted on January 8, 2002, has been reviewed and considered by Council, and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guidelines Section 15162 would warrant any additional environmental review;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

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

CITY MANAGER SUPPORTING INFORMATION:

Sewer Group 634B is part of the City's ongoing concrete sewer main Capital Improvement's Annual Allocation Replacement Program. The existing mains were installed in 1929. Replacement of these deteriorated mains will continue to provide the community with a safe and reliable infrastructure.

This project is within the Peninsula community area and involves the replacement of approximately 6,510 feet of 8-inch, 10-inch, and 12-inch concrete sewer main. The following streets will be affected by the construction operation: Locust, Rosecrans, Scott, Shafter, Carleton, Dickens, Emerson, Fenelon, Garrison, Hugo, Ingelow, Jarvis, Keats, Harbor Drive, and Nimitz Boulevard. During the construction phase of the project, the contractor will be working between 8:30 a.m. and 3:30 p.m., Monday to Friday. Residents will be notified by mail at least one month before construction begins by the City's Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution. During the design phase, this project was presented to the Peninsula Community Planning Group.

The advertising of this project was approved by the City Council on January 8, 2002. Bids were opened on January 29, 2002. There were nineteen (19) bid packages issued and three (3) bid packages received. Lambco Engineering, Inc., is the lowest bidder with a bidding amount of \$2,137,402.94 which is higher than the engineer's estimate. Contractors who did not bid were contacted, and it was determined that re-advertising would not likely result in lower bids.

FISCAL IMPACT:

The total cost of this project is \$2,676,820. Authorizing an additional expenditure of \$1,420,331 from Sewer Fund 41506, CIP- 44-001.0, Annual Allocation - Sewer Main Replacement. This project is scheduled to be phase funded over FY2002 to FY2003. Funding for Phase I (FY2002)

is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, in the amount of \$434,178 for this purpose.

Loveland/Belock/HR

Aud. Cert. 2201070.

WWF-02-592.

FILE LOCATION: CONT-Lambco Engineering, Inc.

COUNCIL ACTION: (Tape location: C090-118.)

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

* ITEM-117: Appointments and Reappointments to the Board of Library Commissioners.

(See memorandum from Mayor Murphy dated 5/14/2002 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1636) ADOPTED AS RESOLUTION R-296559

Council confirmation of the following appointments and reappointments by the Mayor to serve as members of the Board of Library Commissioners for terms ending 3/01/2004:

Reappointments:

Laurie Black
Melvin I. Katz

Appointments:

Susan Lew (replacing Norris S. Nagao, whose term has expired)
Ernest H. Wright, Sr. (replacing Ann MacCullough, whose term has expired)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A125-132.)

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

ITEM-118: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1566) ADOPTED AS RESOLUTION R-296560

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

CITY MANAGER'S SUPPORTING INFORMATION:

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

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

COUNCIL ACTION: (Tape location: B341-425.)

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

ITEM-200: Two actions related to Bay Terraces (Zone 1) Maintenance Assessment District.
(Skyline/Paradise Hills Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1544) ADOPTED AS RESOLUTION R-296561

Resolution of Intention to initiate proceedings for a ballot protest procedure for
Zone 1 of the Bay Terraces Maintenance Assessment District and to levy and
collect Fiscal Year 2003 annual assessments on Zone 1.

Subitem-B: (R-2002-1542) ADOPTED AS RESOLUTION R-296562

Preliminarily approving the City Engineer's report.

CITY MANAGER SUPPORTING INFORMATION:

This action will increase the Fiscal Year 2003 assessments for Bay Terraces (Zone 1)
Maintenance Assessment District (District). The District was established on December 1982. It
currently provides maintenance of the dedicated open space areas which contains trees, turf and
walking trails. Zone 1 is located just north of Highway 54 in the Paradise Hills community. In
FY 2003 the District will maintain 2.01 acres of dedicated open space which includes collection
and disposal of fallen branches/trees, tree/shrub trimming, trail maintenance, weeding, and

fertilizing. For the last few years, the District has been over-spending its income, and financing the maintenance of its current service level by spending down its reserve.

On April 6, 2002, the property owners representing Bay Terraces (Zone 1) Maintenance Assessment District approved going to a ballot of the Zone 1 property owners to: 1) raise the annual assessment per Equivalent Benefit Unit (EBU) from \$65.92 to \$89.92 in FY 2003 and, 2) effective FY 2004 authorize an annual increased assessment not to exceed the San Diego CPI-U index and, 3) revise the current apportionment methodology and determination of benefitting parcels within the District.

<u>DESCRIPTION</u>	Est. Year End (Zone 1)	(Zone 1) FY <u>2002</u> <u>FY 2003</u>	(Zone 1) FY <u>2002</u> <u>FY 2003</u>
BEGINNING BALANCE	\$ 289.00	\$ 65.00	
REVENUE:			
Assessments		\$ 20,106.00	
		\$29,615.00	
Interest		300.00	
	200.00		
City Contribution		<u>50.00</u>	
	<u>53.00</u>		
TOTAL REVENUE		\$ 20,456.00	
		\$29,868.00	
EXPENSE:			
Personnel		\$ 1,695.00	
		\$ 1,405.00	
Contractual		11,000.00	
	17,000.00		
Incidental		3,513.00	
	3,255.00		
Utilities		<u>4,472.00</u>	
	<u>6,072.00</u>		
TOTAL EXPENSE		\$20,680.00	
		\$27,682.00	
ENDING BALANCE	\$ 65.00	\$ 2,251.00	

The proposed assessment for Zone 1 in Fiscal Year 2003 is \$89.92 per EBU. Zone 1 contains a total of 329.35 EBUs. The assessment is an increase of \$24.00 (a 36.4% increase) per EBU in zone 1 from \$65.92 per EBU.

FISCAL IMPACT:

It is proposed that the City contribute \$53 from the Environmental Growth Fund for 2 acres of open space (\$26.63/acre). This represents the City's share of expenses incurred for maintaining

open space comparable to similar areas throughout the City. All other costs are assessed to the District.

Herring/Medina/SY

FILE LOCATION: STRT-M-407-03 (34)

COUNCIL ACTION: (Tape location: B200-212.)

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

ITEM-201: Two actions related to Linda Vista Road Maintenance Assessment District.

(Linda Vista Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1536) ADOPTED AS RESOLUTION R-296563

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

Subitem-B: (R-2002-1538) ADOPTED AS RESOLUTION R-296564

Preliminarily approving the City Engineer's report.

CITY MANAGER SUPPORTING INFORMATION:

This action will increase the Fiscal Year 2003 assessments for Linda Vista Road Maintenance Assessment District (District). The District was established in April 1990. It currently provides maintenance for landscaping improvements on the raised medians and parkway areas along each side of Linda Vista Road within the public right-of-way, and for street trees on the southern side

		<u>19,747.00</u>
TOTAL EXPENSE		\$121,392.00
		\$113,031.00
ENDING BALANCE (Reserve)	\$ 714.00	\$
	13,339.00	

The proposed assessment for Fiscal Year 2003 is \$14.00 per EBU in Zone 1, Zone 2, and Zone 3. The District contains a total of 8,579.77 EBUs, with 6,721.28 EBUs in Zone 1, 1,094.35 EBUs in Zone 2, and 764.14 EBUs in Zone 3. The assessment is an increase of \$3.66 (a 35.4% increase) per EBU to each zone from the Fiscal Year 2002 assessment of \$10.34 per EBU. Within Zone 3, the medians are currently being cared for by the Navy in lieu of half of the

Navy's assessment. If those medians are ever transferred to the District, the assessment to each parcel within Zone 3 will be increased proportionately.

FISCAL IMPACT:

It is proposed that the City contribute \$5,510 from the Gas Tax Fund: \$5,013 for the maintenance of 27,850 sq. ft. of landscaped medians (0.18/sq. ft.) And \$497 for maintenance of 38,260 sq. ft. of hardscape medians (\$0.013/sq. ft). This represents the City's share of expenses incurred for maintenance of street medians comparable to similar areas throughout the City. All other costs are assessed to the District.

Herring/Medina/SY

FILE LOCATION: STRT-M-363-03 (34)

COUNCIL ACTION: (Tape location: B213-237.)

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

ITEM-202: Two actions related to Allocation of Underground Conversion Projects for FY2003 and Amendments to Council Policy 600-08.

(See City Manager Report CMR-02-117.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1628) ADOPTED AS RESOLUTION R-296565

Revising Council Policy 600-08 regarding underground conversion of utility lines by utility companies.

Subitem-B: (R-2002-1629 Cor. Copy 1) (Cor. Copy 2) (Rev.)

ADOPTED AS RESOLUTION R-296566,
WITH AMENDMENT TO PLAN

Approving the proposed Underground Utility Project allocation for calendar year 2002 and the proposed Master Plan.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A238-280.)

MOTION BY MADAFFER TO ADOPT THE RESOLUTION IN SUBITEM A AND ADOPT THE RESOLUTION IN SUBITEM B AS AMENDED TO ACCEPT COUNCIL MEMBER WEAR'S MEMORANDUM DATED MAY 27, 2002, WHICH STATES:

SEVERAL MODIFICATIONS ARE PROPOSED TO THE PLAN OUTLINED IN THE CITY MANAGER'S REPORT 02-117:

1. REALIGNMENT OF BLOCKS 2P AND 2L TO PLACE STREETS IN 2L AND ALLEYS IN 2P. THIS WOULD MOVE CORNISH DR., AMIFORD DR., STRATFORD PL., OSPREY, CORNISH, BARCELONA, CALAVERAS, SORRENTO AND PIEDMONT. MOVING INTO 2P WOULD BE STREETS/ALLEYS BORDERED BY HILL ST., ALEXANDRIA DR., PT. LOMA AVE. AND CATALINA BL.
2. COMBINATION OF LOW COST BLOCKS 2Z AND 2W INTO A SINGLE YEAR (\$5,369,525) PLUS THE NON-ALLEY SECTION AT THE NORTHERN END OF BLOCK 2V
3. COMBINATION OF LOW COST BLOCKS 2G AND 2H INTO A SINGLE YEAR (\$6,799,625)
4. COMBINATION OF LOW COST BLOCKS 2M AND 2M INTO A SINGLE YEAR (\$6,845,650)
5. RESTRUCTURING BLOCKS 2S AND 2T INTO NORTHERN AND SOUTHERN BLOCK IN MISSION BEACH WITH BELMONT PARK BEING THE DIVIDING LINE. DUE TO A DESIRE TO UNDERGROUND THE BEACH COMMUNITY AS SOON AS POSSIBLE AND LOWER COSTS, COMBINE BLOCK 2K AND THE NORTHERN SECTION OF 2 S/T INTO ONE YEAR (\$7,194,375)

6. COMBINE LOW COST BLOCK 2I WITH THE SOUTHERN PORTION OF BLOCKS 2 S/T INTO ONE YEAR. (\$5,663,250)

BY COMBINING SOME PROJECT YEARS, THE SPREADSHEET ATTACHED TO EXHIBIT C AND ON FILE IN THE OFFICE OF THE CITY CLERK WOULD CONCURRENTLY COMPLETE 20A AND RESIDENTIAL UNDERGROUNDING IN DISTRICT 2 IN THE YEAR 2025.

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

ITEM-203: Seven actions related to Library Proposition 14 Applications for the Main Library, Logan Heights Branch, and San Ysidro Branch.

(See City Manager Report CMR-02-116. Southeastern San Diego, San Ysidro and Centre City Community Areas. Districts-2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1601 Cor. Copy) ADOPTED AS RESOLUTION R-296574

Authorizing the application for the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 Funds grant administered by the California State Library, Office of Library Construction.

Certifying as to the New Main Library Project the following:

1) Providing the local matching fund amount of \$10,800,000 identified in the New Main Library Project Budget, as required by Education Code Section 19995(a), which includes and identifies amounts to be credited to local matching funds pursuant to Section 19995(c) and (d);

2) Providing the supplemental funds necessary to complete the project at the level stated in the project budget;

- 3) Providing the local matching, supplemental and ineligible cost funds of \$117,100,000 specified in the New Main Library Project Budget, when needed to meet cash flow requirements; ~~\$118,325,000 and \$18,775,000 of ineligible costs- as defined by the grant requirements~~
- 4) Approving the project budget contained in the New Main Library Project Budget section of the City's Proposition 14 grant application (Application Form);
- 5) Certifying the accuracy and truthfulness of all information regarding the new Main Library and the required supporting documents submitted in the Application Form;
- 6) Certifying the City's commitment to operate the completed New Main Library and to provide public library direct service;
- 7) Dedicating the New Main Library to public library direct service use for a period of forty years following the completion of the project.

Certifying as to the San Ysidro Branch Library Project the following:

- 1) Providing the local matching funds of \$5,140,000 identified in the San Ysidro Branch Library Project Budget, as required by Education Code Section 19995(a), which includes and identifies amounts to be credited to local matching funds pursuant to Section 19995(c) and (d);
- 2) Providing the supplemental funds necessary to complete the project at the level stated in the project budget;
- 3) Providing the local matching and supplemental funds of \$5,140,000 specified in the San Ysidro Branch Library Project Budget, ~~project budget~~ when needed to meet cash flow requirements;
- 4) Approving the project budget contained in the San Ysidro Branch Library Project Budget section of the Application Form;
- 5) Certifying the accuracy and truthfulness of all information regarding the San Ysidro Branch Library and the required supporting documents submitted in the Application Form;

6) Certifying the City's commitment to operate the completed San Ysidro Branch Library and to provide public library direct service;

7) Dedicating the San Ysidro Library to public library direct service use for a period of forty years following the completion of the project.

Certifying as to the Logan Heights Branch Library Project the following:

1) Providing the local matching funds amount of \$2,826,250 ~~and \$323,000 of ineligible costs~~, identified in the Logan Heights Branch Library Project Budget, as required by Education Code Section 19995(a), which includes and identifies amounts to be credited to local matching funds pursuant to Section 19995(c) and (d);

2) Providing the supplemental funds necessary to complete the project at the level stated in the project budget;

3) Providing the local matching, supplemental and ineligible cost funds of \$3,149,250 specified in the Logan Heights Library Project Budget when needed to meet cash flow requirements;

4) Approving the project budget contained in the Logan Heights Branch Library Project Budget section of the Application Form;

5) Certifying the accuracy and truthfulness of all information regarding the Logan Heights Branch Library and the required supporting documents submitted in the Application Form;

6) Certifying the City's commitment to operate the completed Logan Heights Branch Library and to provide public library direct service;

7) Dedicating the Library to public library direct service use for a period of forty years following the completion of the project.

Subitem-B: (R-2002-1602) ADOPTED AS RESOLUTION R-296575

Certifying that Mitigated Negative Declaration LDR-41-0980 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines and that the declaration reflects the independent

judgment of the City of San Diego as Lead Agency; declaring that the information contained in the report has been reviewed and considered by Council in connection with the approval of the San Diego Main Library Proposition 14 Grant application;

Approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

Subitem-C: (R-2002-1603) ADOPTED AS RESOLUTION R-296576

Authorizing the City Manager to execute the First Amendment to the Agreement with Steinmann Facility Development Consultants, for professional consulting services for the San Diego Main Library;

Authorizing the expenditure of an amount not to exceed \$285,280 from CIP-35-082.0, San Diego Main Library.

Subitem-D: (R-2002-1604) ADOPTED AS RESOLUTION R-296577

Certifying that Negative Declaration LDR-42-0267 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that the declaration reflects the independent judgment of the City of San Diego as Lead Agency; declaring that the information contained in the report has been reviewed and considered by Council in connection with the approval of the Logan Heights Branch Library Proposition 14 grant application;

Approving the Negative Declaration;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

Subitem-E: (R-2002-1605) ADOPTED AS RESOLUTION R-296578

Revising the Capital Improvement Program Budget for the Logan Heights Branch Library, CIP-35-101.0, as contained in the Proposition 14 grant application.

Subitem-F: (R-2002-1606) ADOPTED AS RESOLUTION R-296579

Declaring that the information contained in Final Environmental Impact Report SCH-95-101015 has been reviewed and considered by Council in connection with approval of the San Ysidro Branch Library Proposition 14 grant application;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

Subitem-G: (R-2002-1607 Cor. Copy) ADOPTED AS RESOLUTION R-296580

Revising the Capital Improvement Program Budget for the San Ysidro Branch Library, CIP-35-093.0 ~~CIP-35-089.0~~, as contained in the Proposition 14 grant application.

Aud. Cert. 2201122.

FILE LOCATION: SUBITEMS A, B, C, D, E, F, & G: MEET

COUNCIL ACTION: (Tape location: D117-F174.)

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

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Settlement of the City of San Diego - Accepting Compensation for Costs of Removing and Replacing Pipelines.

(R-2002-1569)

Adopted as Resolution R-296475.

A Resolution approved by the City Council in Closed Session on Tuesday, May 7, 2002, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-not present; Inzunza-not present; Mayor-yea; approving the City to accept \$2,023,000, for compensation for the costs of removing and replacing the pipelines;

Accepting the sum of \$2,023,000 in settlement of City of San Diego v. Nielsen Dillingham Builders, Carollo Engineers, apportioned as follows:

Allianz	\$341,000
Carollo	\$825,000
NDB	\$163,000
Wessex	\$150,000
Reed	\$ 84,000
Little	\$160,000

Authorizing and directing the City Auditor and Comptroller to deposit said settlement in Sewer Revenue Fund No. 41509.

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

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

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

SUBDIVISION

COMMUNITY AREA

Horizons-Marina District Condominiums Marina Planned District

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the

Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507),
San Diego, CA 92101.

ITEM-252: SUBMISSION OF BALLOT PROPOSALS

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

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

<u>DAY</u>	DAYS BEFORE	<u>DATE</u> <u>EVENT</u>	<u>ELECTION</u>
Friday		5/24/02	165 Last Date (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday		6/05/02	153 Rules Committee review of ballot proposals
Monday		6/17/02	141 Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday		6/24/02	134 Council adopts propositions for ballot;
	Through	to	directs City Attorney to prepare
Monday		7/22/02	106 ordinances
Monday		7/29/02	99 Council adopts ordinances prepared

by City Attorney

Friday

8/09/02

88

Last day for City Clerk to file with
Registrar of Voters all elections material

Thursday

8/22/02

75

Last

day to file ballot arguments with City Clerk

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

ITEM-330: Inn at La Jolla Condominiums.

Matter of approving, conditionally approving, modifying or denying a Coastal Development Permit, Planned Development Permit, Site Development Permit, Tentative Map and Street Vacations for the demolition of existing motels, restaurants, and commercial structures, the vacation of a portion of Chelsea Avenue, the vacation of Colima Street between La Jolla Boulevard and Chelsea Avenue and the construction of a mixed residential/commercial project on a 4.20 acre property. The project would consist of 14, one, two and three story buildings with subterranean parking to total 265,070 square feet of gross floor area, with 5,900 square feet of commercial use and 259,170 square feet of multi-family residential use including 139 dwelling units. The project site is located at 5390, 5440, -5460 and 5474 La Jolla Boulevard in Zone 4 of the La Jolla Planned District, the RM 5-12, RM-3-7, Coastal Overlay (non appealable area), Coastal Height Limitation Overlay and the Parking Impact Overlay zones of the La Jolla Community Planning area.

(See City Manager Report CMR-02-114. La Jolla Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A; adopt the resolution in subitem B to grant the tentative map; and adopt the resolution in subitem C to grant the permits.

Subitem-A: (R-2002-1570) CONTINUED TO TUESDAY, JUNE 25, 2002

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration No. 41-0481, 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 Coastal Development Permit/Planned Development Permit/La Jolla Planned District Permit, Tentative Map and Street Action No. 1097;

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

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

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

Subitem-B: (R-2002-) CONTINUED TO TUESDAY, JUNE 25, 2002

Adoption of a Resolution granting or denying Tentative Map No. 5136 with Street and Easement Vacations for the Inn at La Jolla Condominium project (1097), with appropriate findings to support Council action.

Subitem-C: (R-2002-) CONTINUED TO TUESDAY, JUNE 25, 2002

Adoption of a Resolution granting or denying Coastal Development Permit No. 5134, Planned Development Permit No. 5133, and Site Development Permit No. 5135 for the Inn at La Jolla Condominium Project (1097), with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on March 7, 2002, voted 5 - 0 to approve; was opposition.

Ayes: Anderson, Lettieri, Brown, Butler, Garcia

Recusing: Schultz

Not present: Stryker

The La Jolla Community Planning Group has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

The Inn at La Jolla Condominium project proposes 259,170 square feet of residential uses, including 139 multi-family dwelling units, and 5,900 square feet of commercial uses on a 4.20 acre site. The project would also include the vacation of the easterly nine to twelve feet of Chelsea Avenue and all of Colima Street, between La Jolla Boulevard and Chelsea Avenue.

The Development site is bounded by Midway Street to the north, private residential development to the south, La Jolla Boulevard to the east, and Chelsea Avenue to the west. The access to the development would be taken from a thirty-four foot wide driveway on La Jolla Boulevard that is central to the proposed site. The Vesting Tentative Map would divide the project site into two lots.

The proposed project also includes 323 vehicle parking spaces. Ten spaces would be provided on grade for the commercial uses and 313 would be provided in two subterranean garages. The required parking for the development is 282 spaces.

FISCAL IMPACT:

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

Ewell/Christiansen/TEMPLE

LEGAL DESCRIPTION:

The project site is located at 5390, 5440,-5460 and 5474 La Jolla Boulevard, between Midway Street and Sea Ridge Drive, in the La Jolla Community and is more particularly described as Parcel 1, Portion of Block B and Parcel 2, Block A, both of Bird Rock Villas Map No. 1563.

FILE LOCATION:

SUBITEMS A, B, & C: LAND-Progress Guide and
General Plan/Inn at La Jolla Condominiums (09)

COUNCIL ACTION:

(Tape location: F203-210.)

MOTION BY PETERS TO CONTINUE THIS ITEM TO TUESDAY, JUNE 25, 2002 FOR FURTHER REVIEW. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Two actions related to Del Mar Mesa FY 2002 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report CMR-02-074; Public Facilities Financing Plan and FBA, Fiscal Year 2002, February 2002 Draft. Del Mar Mesa Community Area. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2002-1212)ADOPTED AS RESOLUTION R-296567

Designating an area of benefit in Del Mar Mesa and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of Del Mar Mesa Facilities Benefit Assessment Area.

Subitem-B: (R-2002-1213)ADOPTED AS RESOLUTION R-296568

Declaring that the assessment fee schedule contained in the Del Mar Mesa Public Facilities Financing Plan, Fiscal Year 2002, as adopted and approved on April 30, 2002, by Resolution No. R-296427, is an appropriate and applicable development impact fee schedule [DIF] for all properties within the Del Mar Mesa Specific Plan Area;

Declaring that the Docket Supporting Information and the text contained in the Del Mar Mesa Public Facilities Financing Plan are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; 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 4/03/02, LU&H voted 4-0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Maienschein, and Frye voted yea.)

FILE LOCATION: STRT-FB-16-02 (33)

COUNCIL ACTION: (Tape location: B281-293.)

Hearing began at 11:13 a.m. and halted at 11:15 a.m.

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

ITEM-332: Two actions related to Tierrasanta - FY 2003 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report CMR-02-076; Public Facilities Financing Plan and FBA, Fiscal Year 2003 Draft. Tierrasanta Community Area. District-7.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2002-1352 Cor. Copy) (Rev.) ADOPTED AS AMENDED AS
RESOLUTION R-296569

Designating an area of benefit in Tierrasanta and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of Tierrasanta Facilities Benefit Assessment Area.

Subitem-B: (R-2002-1353 Cor. Copy) ADOPTED
AS RESOLUTION R-296570

Declaring that the assessment fee schedule contained in the Tierrasanta Public Facilities Financing Plan, Fiscal Year 2003, as adopted and approved on April 30, 2002, by Resolution No. R-296425, is an appropriate and applicable development impact fee schedule [DIF] for all properties within the Tierrasanta Specific Plan Area;

Declaring that the Docket Supporting Information and the text contained in the Tierrasanta Public Facilities Financing Plan are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; 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 4/03/02, LU&H voted 4-0 to approve the City Manager's recommendation.
(Councilmembers Peters, Wear, Maienschein, and Frye voted yea.)

FILE LOCATION: STRT-FB-10-03 (33)

COUNCIL ACTION: (Tape location: B294-340.)

Hearing began at 11:16 a.m. and halted at 11:18 a.m.

MOTION BY MADAFFER TO ADOPT THE RESOLUTION AS AMENDED IN SUBITEM A TO REMOVE \$300,000 FROM PROJECT NO. 47-23, THE SKATEBOARD PARK PROJECT, AND PUT THAT MONEY INTO PROJECT 47-33, THE TIERRASANTA DEPORTOLOA FIELDS COMFORT STATION, AND ADOPT THE RESOLUTION IN SUBITEM B . Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: The Bicycle Master Plan.

Matter of approving, conditionally approving, modifying or denying the Bicycle Master Plan and the associated amendment to the Progress Guide and General Plan.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1527) ADOPTED AS AMENDED AS RESOLUTION R-296581

Approving the City of San Diego Bicycle Master Plan and the amendment to the General Plan.

This is a matter of City-wide effect. The following community groups have taken a position on the item:

In favor - Tierrasanta and Pacific Beach took formal action in support of the Bicycle Master Plan. Also, the Community Planners Committee took action and voted in support of the Bicycle Master Plan at their 4/23/2002 meeting. Opposed: None.

OTHER RECOMMENDATIONS:

Planning Commission on 03/16/2002, voted 6 - 0 to approve; no opposition.

Ayes: Tony Lettieri, Bruce Brown, Carolyn Chase, Kathleen Garcia, Barry Schultz, Mark Steele.

Nays: None

Abstaining: None

The Planning Commission has recommended approval of this project with direction

SUPPORTING INFORMATION:

This action will adopt the City of San Diego Bicycle Master Plan. The Bicycle Master Plan is a comprehensive planning document developed in accordance with State standards (please see attached copy). The plan includes the following major elements: a comprehensive network of proposed bikeways including linkages to other transportation modes and bicycle secure storage facilities, identification of highest priority projects and funding sources, and providing recommendations regarding bicycle safety and education. A technical advisory committee with members from various City departments, the State, San Diego City Schools, Poway Unified School Districts, SANDAG, and the San Diego County Bicycle Coalition was formed to assist in the development of the Plan. Furthermore, two public workshops were advertised and held to involve the public in the development of the Plan and solicit their input. The Plan has been reviewed by several City departments, SANDAG, the State, the San Diego County Bicycle Coalition, MTDB, community planning groups, Centre City Development Corporation, and other cities in the San Diego Region. The Planning Commission approved an amendment initiation on January 17, 2002 to include the Bicycle Master Plan in the Transportation Element of the General Plan and Progress Guide (Please see attached Planning Commission Report No. P-02-007). The Plan is scheduled for the May 16, 2002 Planning Commission Agenda for approval. Fiscal Year 2003 grant applications for bikeway projects to SANDAG along with information about the Bicycle Program were presented to the Land Use and Housing Committee on April 3, 2002 (Manager's Report No. CMR-02-071).

FISCAL IMPACT: None.

Loveland/Gonzalez/AH

FILE LOCATION: LAND-PROGRESS GUIDE AND GENERAL
PLAN/THE BICYCLE MASTER PLAN (09)

COUNCIL ACTION: (Tape location: F223-H004.)

Hearing began at 4:08 p.m. and halted at 5:22 p.m.

Testimony in opposition by M. E. Battle, Sherlie Miller, Don Steele, Walter Shaw, Bernadine King, Grace Olsen, Juli Wilkerson, and Ingrid Lewim.

Testimony in favor by Kathy Keehan and Randy Berkman.

MOTION BY TO MADAFFER TO ADOPT THE RESOLUTION AS AMENDED TO
CONDITIONALLY APPROVE THE BICYCLE MASTER PLAN WITH THE
FOLLOWING DIRECTIONS:

1. DESIGNATE THE PROPOSED TIERRASANTA BIKE PATH AND THE PORTION OF THE SAN DIEGO RIVER BIKE PATH WITHIN MISSION TRAILS REGIONAL PARK AS A FUTURE STUDY AREA.
2. THE TIERRASANTA BIKE PATH WOULD REQUIRE RECOMMENDATIONS FROM MISSION TRAILS CITIZEN ADVISORY COMMITTEE, MISSION TRAILS TASK FORCE, TIERRASANTA COMMUNITY COUNCIL, AND THE SAN DIEGO RIVER PARK COALITION AND TRUSTEES.
3. THE SAN DIEGO RIVER BIKE PATH WITHIN MISSION TRAILS REGIONAL PARK WOULD REQUIRE RECOMMENDATIONS FROM MISSION TRAILS CITIZEN ADVISORY COMMITTEE, MISSION TRAILS TASK FORCE, AND THE SAN DIEGO RIVER PARK COALITION AND TRUSTEES. FURTHERMORE, IT WOULD NOT INTERFERE WITH SENSITIVE BIOLOGICAL RESOURCES WITHIN THE PARK AND BE CONSISTENT WITH THE MULTIPLE HABITAT PLANNING AREA.

4. ANY ACTION TAKEN ON THESE TWO PROPOSED PROJECTS WOULD HAVE TO COME BEFORE THE CITY COUNCIL FOR FORMAL APPROVAL.

TO ACCEPT THE FOLLOWING AMENDMENTS TO THE MOTION BY COUNCIL MEMBER WEAR:

1. ADD LANGUAGE TO THE BICYCLE MASTER PLAN STATING THAT IN THE FUTURE, CONNECTIONS, WHICH ARE CONSISTENT WITH ENVIRONMENTAL REVIEW AND COMMUNITY INPUT, BETWEEN THE NAVAL TRAINING CENTER AND MISSION BAY PARK AS A PART OF THE "BAY TO BAY" LINK AND AROUND THE CHANNEL OF THE NAVAL TRAINING CENTER WILL BE LOOKED AT.
2. INCLUDE A BIKEWAY CONNECTION ALONG CANON STREET BETWEEN ROSECRANS STREET AND CATALINA BOULEVARD.
3. INCLUDE A BIKEWAY CONNECTION ALONG THE PROPOSED PARK BOULEVARD BETWEEN BALBOA PARK AND SAN DIEGO BAY AS A PART OF THE CENTRE CITY COMMUNITY PLAN UPDATE, WHICH IS CURRENTLY IN PROGRESS.
4. INCLUDE A BIKE PATH PROPOSAL IN THE NORTH EMBARCADERO AREA.

TO ACCEPT THE FOLLOWING AMENDMENTS TO THE BICYCLE MASTER PLAN BY COUNCIL MEMBER FRYE AS FOLLOWS:

1. ON PAGE 23, UNDER "LINDA VISTA COMMUNITY PLAN," DELETE THE LAST TWO SENTENCES.
2. DELETE ANY REFERENCE TO A PROPOSED BIKE PATH THROUGH TECOLOTE CANYON.
3. ADD TECOLOTE CANYON MANAGEMENT PLANS, MARIAN BEAR MEMORIAL PARK NATURAL RESOURCE MANAGEMENT PLAN, MISSION TRAILS REGIONAL PARK MASTER PLAN, RIVER PARK PLANS, AND PLANS DEALING WITH SENSITIVE BIOLOGICAL HABITAT TO CHAPTER 3 OF THE BICYCLE MASTER PLAN.
- 4.

4. ON PAGE 3, UNDER "CONSISTENCY WITH OTHER PLANS," ADD LANGUAGE REGARDING CONSISTENCY OF THE BICYCLE MASTER PLAN WITH INDIVIDUAL COMMUNITY PLANS, RIVER PARK PLANS, PARK MASTER PLANS, CANYON PLANS, NATURAL RESOURCE MANAGEMENT PLANS, AND ANY EXISTING PLANS DEALING WITH SENSITIVE BIOLOGICAL HABITAT.
5. ON PAGE 102, UNDER "PROJECT 9," ADD LANGUAGE REFERENCING THE BALBOA AVENUE MASTER PLAN.
5. ON PAGE 127, UNDER "PROJECT 26," ADD LANGUAGE STATING THAT THE SAN CLEMENTE CANYON BIKEWAY WOULD BE CONSISTENT WITH THE MARIAN BEAR MEMORIAL PARK NATURAL RESOURCE MANAGEMENT PLAN.
6. ON PAGE 129, 2ND PARAGRAPH UNDER "PROJECT 28," DELETE REFERENCE TO MISSION CITY PARKWAY.
7. ON PAGE 129, 1ST PARAGRAPH UNDER "PROJECT 28," DELETE REFERENCE TO A "BICYCLE FREEWAY."
8. ON PAGE 132, UNDER "PROJECT 30," ADD LANGUAGE REFERENCING THE BALBOA AVENUE MASTER PLAN.

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

ITEM-334: Mission City Parkway Bridge.

Matter of the appeal by Randy Berkman, President of River Valley Preservation Project, et al, of the decision of the Planning Commission in approving Site Development Permit (Environmental Sensitive Lands) No. 41-0530 (4985) and Multiple Habitat Planning Area (MHPA) Boundary Adjustment to 1) construct a two-lane collector bridge over the San Diego River extending Mission City Parkway; 2) construction of associated roadway approaches; 3) extension of an existing 96-inch reinforced concrete pipe (RCP) 4) the extension of "I" Street from Mission City Parkway to the west end of the Qualcomm Stadium parking

lot; 5) the realignment and widening of a 0.25-mile portion of the existing Camino del Rio North immediately east of its intersection with Mission City Parkway; 6) the use of a 15-acre site for the National Football League (NFL) Experience venue in association with Super Bowl 2003, and 7) an MHPA boundary adjustment of 8.08 acres to occur with a combination of on- and off-site habitat areas. The site lies within the RS-1-1, OF-1-1 Zones, Mission Valley Community Plan (Lot 1101, Pueblo Lands Map No. 195774).

Inviting Bids for the Mission City Parkway Bridge Project and Award of Contract for the Mission City Parkway Bridge Project.

Memorandum of Understanding for the purpose of transferring property rights and the relocation of Camino Del Rio North.

(See City Manager Report CMR-02-115. Revised Final EIR LDR-40-0559; SDP-4985/Environmentally Sensitive Lands/MHPA Boundary Line Adjustment. Mission Valley Community Plan area. District-6.)

CITY MANAGER'S RECOMMENDATION:

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

Subitem-A: (R-2002-) GRANTED APPEAL, DENIED PERMIT,
ADOPTED AS RESOLUTION R-296582

Adoption of a Resolution granting or denying the appeal and granting or denying Site Development Permit (Environmentally Sensitive Lands) No. 4985 and MHPA Boundary Line Adjustment, with appropriate findings to support Council action.

Subitem-B: (R-2002-1598) NOTED AND FILED

Adoption of a Resolution authorizing and empowering the City to approve the plans and specifications for the Mission City Parkway Bridge project, CIP-53-053.0, provided that they are in compliance with the provisions outlined in the final Environmental Impact Report and the provisions of any resource agency permits;

That the City Manager is hereby authorized to advertise for bids for the Mission City Parkway Bridge project, CIP-53-053.0;

That the City Manager is hereby authorized to establish contract funding phases and award a construction contract with the lowest responsible and reliable bidder for the first phase of the Mission City Parkway Bridge project, CIP-53-053.0, in an amount not exceed \$4,510,000 for the first phase and a total of \$7,960,000 for all phases, provided that the City Auditor first furnishes one or more certificates certifying that funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer, and authorizing the Auditor and Comptroller to return excess budgeted funds to the appropriate reserve;

That the City Auditor and Comptroller is authorized to appropriate, transfer, and expend any future developer contributions and accumulated interest in an amount not to exceed \$130,000 from Fund 392201, Mission City Parkway Bridge over the San Diego River, to CIP-53-053.0, Mission City Parkway Bridge;

That the City Manager is hereby authorized to execute a Memorandum of Understanding between Engineering and Capital Projects Department and the Metropolitan Wastewater Department for the purposes of transferring the property rights and the relocation of Camino Del Rio North;

That the Council hereby accepts and authorizes the expenditure of \$152,000 from CIP-53-053.0, Mission City Parkway Bridge, Fund 392201, for purposes of satisfying the property obligations stated in the Memorandum of Understanding between Engineering and Capital Projects Department and the Metropolitan Wastewater Department;

That the Council hereby accepts and authorizes the \$87,315 increase to the Fiscal Year 2002 Capital Improvements Program budget in Fund 392201, CIP-53-053.0;

That the expenditure not to exceed \$1,301,977 from Fund 392201 for the purposes of construction, engineering, consultant contracts, and related project expenses for the Mission City Parkways Bridge project, CIP-53-053.0, is authorized, provided that the City Auditor first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

That the expenditure not to exceed \$2,107,901 from TransNet Funds for the purposes of construction, engineering, and related project expenses for the Mission City Parkways Bridge Project, CIP-53-053.0, is authorized, provided that the City Auditor first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

That the City Auditor and Comptroller is authorized, upon direction of the City Manager, to reallocate the funding sources for TransNet funds between TransNet Cash and Commercial Paper funded projects as may be appropriate to maximize the use of TransNet Cash and minimize the use of Commercial Paper funding for CIP-53-053.0;

That the expenditure of \$1,150,000 from Sewer Fund 41509, CIP-45-955.0, Mission Valley Water Reclamation Road Improvements, for construction, engineering, and related project costs, and \$50,000 from Sewer Fund 41509 CIP-46-502.0, Annual Allocation-Clean Water Program Pooled Contingencies, for the purpose of providing a portion of the project contingency, is authorized, provided that the City Auditor first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

That the City Manager is hereby authorized to accept and the City Auditor and Comptroller is authorized to appropriate and expend future State Transportation Improvement Program funds in the amount not to exceed \$3,917,785, contingent upon receipt of fully executed grant agreement.

Subitem-C: (R-2002-1092 Cor. Copy) NOTED AND FILED

Adoption of a Resolution certifying that Environmental Impact Report, LDR-40-0559/SCH-2000101088 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 the Mission City Parkway Bridge and Associated Facilities;

That pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project;

That pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations with respect to the project;

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

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

OTHER RECOMMENDATIONS:

Planning Commission on April 4, 2002, voted 4-0 to approve the Site Development Permit; was opposition.

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

The Mission Valley Unified Community Planning Organization has recommended approval of Site Development Permit.

SUPPORTING INFORMATION--Capital Improvement Project:

The Mission City Parkway Bridge project (CIP-53-053.0) provides an all-weather 2-lane bridge and roadway across the San Diego River from the Light Rail Crossing (LRT) at Fenton Parkway to the intersection of Camino Del Rio North and Mission City Parkway. The project also includes a new entrance to Qualcomm Stadium from Mission City Parkway, realignment of the substandard Camino Del Rio North east of the Mission City Parkway intersection, a dedicated wetland mitigation area adjacent the San Diego River, and the site preparation necessary for the NFL Experience as part of the Superbowl in January 2003. Access to the Fenton Parkway LRT Station Parking Lot (under design by MTDB) is also provided for as well as the improvements required under agreement with H.G. Fenton for the reconstruction of their drainage facilities to

the San Diego River. The bridge will be an all-weather structure and provide the only local road crossing of the river between Morena Blvd. and Mission Gorge Road that will not be subject to flooding during peak storm events. The bridge, roadway, and wetlands creation site have been included in the Mission Valley Community Plan (previously named Milly Way) since 1985 and are critical elements of the Mission Valley traffic circulation plan. The Fenton Marketplace development, proposed Mission Valley Library, and the Fenton Parkway LRT Trolley Station all depend on the improved traffic circulation related traffic improvements that this project will provide. In addition, the above projects were approved with the understanding that the bridge would be completed. Successful completion of the bridge is required as part of the Settlement Agreement with H.G. Fenton that resulted from their lawsuit over the Stadium expansion project. The NFL Experience or other Superbowl-related event is planned to be held on property owned by Metropolitan Wastewater Department (MWWD). The realignment of Camino Del Rio North included in this project will significantly increase the value of the adjacent MWWD property. In order to meet the site and access needs for the Superbowl, all the necessary clearances for the NFL experience site preparation and temporary access must be obtained by September 2002.

FISCAL IMPACT:

The total project cost is \$10,552,000. Of this, \$1,742,337 was previously approved with \$1,133,637 being for the consultant agreements and \$409,000 from the Storm Drain Agreement with H.G. Fenton. Funds necessary for this action (\$4,761,878) are available from Developer Contributions Fund 392201 (\$1,453,977), Sewer Revenue Fund 41509 (\$1,200,000), and TransNet Funds (\$2,107,901). In an effort to deter the issuance of commercial paper, available cash in the amount of \$2,107,901 will be identified through our cash management process. Upon approval of the Fiscal Year 2003 Budget, it is not anticipated that Commercial Paper expenditures will be required for the TransNet portion of this project. Also, an additional \$130,000 of developer contributions is anticipated. The remaining funds necessary to construct the project (\$3,917,785) has been applied for through the State Transportation Improvement Program (STIP) administered by SANDAG.

Loveland/Belock/PB

Aud. Cert. 2201120.

SUPPORTING INFORMATION--Site Development Permit

The project also requires a Site Development Permit which was approved by the Planning Commission on April 4, 2002 and was appealed by the River Valley Preservation Project.

The project is located north of Interstate 8, and west of Interstate 15, east of Interstate 805. The site is zoned MV-CO (Mission Valley Commercial Office), MV-CV (Mission Valley Commercial Visitor), OF-1-1 (Open Space Floodplain) and MV-M/SP (Mission Valley Specific Plan) of the Mission Valley Planned District. The land use falls within the Commercial - Recreation, Public Recreation and Public Facilities designations. The bridge is designated as a two-lane collector in the Mission Valley Community Plan. As the site contains Environmentally Sensitive Lands (ESL), a Site Development Permit is required in accordance with Section 143.0110 of the Land Development Code (LDC). The Site Development Permit (SDP) includes a Multi-Habitat Planning Area (MHPA) Boundary Adjustment and requires certification of the associated EIR No. LDR-40-0559, and adoption of the Statement of Overriding Considerations.

Ewell/Christiansen/MED

LEGAL DESCRIPTION:

The project is located north of Interstate 8 and east of Interstate 15 in the Mission Valley Community Plan Area. A portion of the site is within the Multi-Habitat Planning Area of the City's Multiple Species Conservation Program (MSCP) and is more particularly described as a Portion of Lot 35, Rancho Mission, Map No. 330, SCC 348.

FILE LOCATION: SUBITEM A, B, & C: PERM-Mission City
Parkway Bridge 02/26/02 (65)

COUNCIL ACTION: (Tape location: H025-J271.)

Hearing began at 5:31 p.m. and halted at 7:15 p.m.

Testimony in opposition by Randy Berkman, Eric Bowlby, Jim Peugh, Bruce Reznik, Tom Mullaney, Lynn Mulholland, Margarita Morales, Michael Aguirre, and Pat Teaze.

Testimony in favor by Alexander Shaw, Ky Snyder, Tom Sudberry, Jim Schmidt, and Stefan Khudie.

MOTION BY FRYE TO ADOPT THE RESOLUTION IN SUBITEM A TO GRANT THE APPEAL AND TO DENY THE PERMIT, TO NOTE AND FILE THE RESOLUTIONS IN SUBITEM B AND C, AND TO READ INTO THE RECORD THE FOLLOWING:

ON THE SITE DEVELOPMENT PERMIT, I DO NOT BELIEVE IT IS PHYSICALLY SUITABLE FOR THE DESIGN AND CITING OF THE PROPOSED DEVELOPMENT. I BELIEVE THE DEVELOPMENT COULD RESULT IN MAXIMUM DISTURBANCE TO ENVIRONMENTALLY SENSITIVE LANDS, AND I CANNOT MAKE THE FINDING THAT THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATION OF NATURAL LAND FORMS. I BELIEVE IT WILL INCREASE THE ALTERATION OF NATURAL LAND FORMS WHICH WOULD RESULT IN UNDUE RISKS. ON THE THIRD FINDING, THE PROPOSED DEVELOPMENT WILL BE CITED AND DESIGNED TO PREVENT ADVERSE IMPACTS ON ANY ADJACENT ENVIRONMENTALLY SENSITIVE LANDS. I COULD NOT MAKE THAT FINDING BASED ON THE CITING AND DESIGN OF THE PROJECT. FINALLY, I DO NOT BELIEVE THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE CITY OF SAN DIEGO'S MSCP SUBAREA PLAN, AND THE PROPOSED DEVELOPMENT WILL IN FACT CONTRIBUTE TO INCREASE IN WATER QUALITY DEGRADATION IN AN ALREADY IMPAIRED WATER BODY.

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

* ITEM-S500: Parcel Map Work Order No. 410789.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1663) ADOPTED AS RESOLUTION R-296571

Approving Parcel Map W.O. No. 410789, being a lot line adjustment of portions of Lots G, H, I and 126 of California Terraces, North Phase, Unit No. 1, Map-13530.

CITY MANAGER SUPPORTING INFORMATION:

This parcel map is a six-parcel lot line adjustment map of an 18.11 acre site. One parcel is to be used for park purposes, one parcel is being used for a sewer pump station, one parcel is for future residential development, and three are for sight visibility, open space, landscaping and building restricted easement purposes. It is located southerly of Ocean View Hills Parkway easterly of 1-805 in the Otay Mesa Community Plan Area. This map requires City Council approval because the City is one of the property owners. The map will also abandon a drainage easement.

The existing drainage easement, building restricted easement and landscaping easement were granted to the City of San Diego on the final map of California Terraces North Phase Unit No. 1, Map-13530. They were granted at no cost to the city and are no longer needed in their present locations. New building restricted and landscaping easements are being granted on the map to accommodate the new design of the project. This action allows the creation of a 5.1 acre neighborhood park which is expected to generate approximately 255 Average Daily Trips (ADT). This traffic is expected to remain internal to the immediate neighborhood. There are neither public improvements nor park fees required in connection with this project.

FISCAL IMPACT:

None.

Ewell/Escobar-Eck/GRB

FILE LOCATION: SUBD-PA-410789 (40)

COUNCIL ACTION: (Tape location: A125-132.)

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

ITEM-S501: Three actions related to the San Ysidro Library at Las Americas.

(See City Manager Report RA-02-08/CMR-02-110. San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and B, and introduce the ordinance in Subitem C:

Subitem-A: (R-2002-1641) ADOPTED AS RESOLUTION R-296583

Finding that construction of the Library in the San Ysidro Redevelopment Project Area for which the Redevelopment Agency proposes to contribute \$2.5 million is of benefit to Project area; finding that no other reasonable means for financing the Agency's contribution of the proposed Library is available to the community; and finding that the proposed construction will assist in eliminating one ore more blighting conditions inside the Project area;

Finding that the construction of the proposed Library is consistent with the Five-Year Implementation Plan for the San Ysidro Redevelopment Project, as adopted and thereafter amended by the Agency pursuant to California Health and Safety Code Section 33490;

Authorizing the City Manager to execute a Cooperation Agreement with the Agency for the contribution of Agency funds;

Stating for the record that the Environmental Impact Report SCH-95-101015 (adopted April 2, 1996 by Council Resolution R-287149) and Mitigated Negative Declaration (adopted May 12, 1998 by Council Resolution R-290105) covering this activity has been reviewed and considered prior to approval of the Library, and directing the City Clerk to file a Notice of Determination.

Subitem-B: (R-2002-1643 Rev.) ADOPTED AS RESOLUTION R-296584

Approving the Reciprocal Easement Agreement between the International Gateway Associates and the City of San Diego;

Authorizing the City Manager to make changes to the Agreement as are necessary to be consistent with the requirements of the City's application;

Accepting two deeds, donated by International Gateway Associates, LLC, one of which is valued at \$3,195,000 for the library air rights parcel and an easement for 152 parking spaces.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 7:25 p.m. in honor of the memory of:

Erma Taylor O'Brien as requested by Mayor Murphy.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: J271-305.)