

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, MARCH 3, 2003  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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#### CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:09 p.m. Mayor Murphy recessed the meeting at 3:12 p.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 3:18 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 3:55 p.m. into Closed Session at 9:00 a.m. on Tuesday, March 4, 2003, in the twelfth floor conference room to discuss existing and anticipated litigation matters.

#### ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Fyre-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (gs)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor John Miller of the First Baptist Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Atkins.

FILE LOCATION: MINUTES

ITEM-30: Bill Anderson Day.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1028)ADOPTED AS RESOLUTION R-297690

Recognizing Bill Anderson's outstanding contributions to our community and appreciating his dedicated service to the City of San Diego's Planning Commission;

Proclaiming March 3, 2003 to be "Bill Anderson Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:11 p.m. - 2:19 p.m.)

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

\* ITEM-50: Joint Use Cooperative Agreement Between the City of San Diego and the San Diego Unified School District.

(District-2.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 2/18/2003 (Council voted 9-0):

(O-2003-961) ADOPTED AS ORDINANCE O-19157 (New Series)

Authorizing the City Manager, or his designee, to execute a Joint Use Cooperative Agreement for joint use of the future Main Library with the San Diego Unified

School District of San Diego County, California, 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.

FILE LOCATION: MEET (63)

COUNCIL ACTION: (Time duration: 2:27 p.m. - 2:28 p.m.)

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

\* ITEM-51: Exempting a Retirement Division Manager Position from the Classified Service.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 2/18/2003. (Council voted 9-0):

(O-2003-110) ADOPTED AS ORDINANCE O-19154 (New Series)

Exempting the position of a Retirement Division Manager from the Classified Service in the San Diego City Employees' Retirement System (SDCERS) and declaring it to be in the Unclassified Service of the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. - 2:28 p.m.)

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

\* ITEM-52: Exempting a Council Representative I Position from the Classified Service.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 2/18/2003. (Council voted 9-0):

(O-2003-112) ADOPTED AS ORDINANCE O-19156 (New Series)

Exempting the position of Council Representative I in the Council Administration from the Classified Service and declaring to be in the Unclassified Service of the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. - 2:28 p.m.)

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

\* ITEM-53: Torrey Hills Center.

(Rezone/Planned Development Permit No. 2118, PTS-1119/ MND LDR-41-0648. Sorrento Hills Community Plan Area. District-1.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 2/18/2003 (Council voted 9-0):

(O-2003-104) ADOPTED AS ORDINANCE O-19155 (New Series)

Rezoning 17.1 acres located at the southeast corner of Carmel Mountain Road and East Ocean Air Drive, within the Sorrento Hills Community Plan Area, in the City of San Diego, California, from the CC-1-3 Zone (Previously referred to as the CA Zone) into the CN-1-2 and OP-2-1 Zones (Previously referred to as the CN and



OS-R Zones), as defined by San Diego Municipal Code Section 131.0502 and 131.0202; and repealing Ordinance O-18393 (New Series), adopted March 31, 1997, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

FILE LOCATION: LUP - TORREY HILLS CENTER 2/18/03 (65)

COUNCIL ACTION: (Time duration: 2:27 p.m. - 2:28 p.m.)

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

\* ITEM-60: Two actions related to Equipment and Vehicle Financing Program (EVFP).

(See City Manager Report CMR-03-024.)

**CITY MANAGER'S RECOMMENDATION:**

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

Subitem-A: (O-2003-111) INTRODUCED, TO BE ADOPTED ON MONDAY,  
MARCH 17, 2003

Introduction of an Ordinance authorizing the City Manager to execute a Master Lease Agreement with the most responsive, duly qualified, responsible, and competitive lease provider and backup lease provider(s) for a 5-year lease term for the purpose of financing and refinancing the acquisition of equipment through lease-purchase. The Master Lease Agreement shall be in substantially the form presented to this Council, with such additions and changes as the City Manager, or his specified designees, shall approve as being in the best interests of the City, and as are approved as to form and legality by the City Attorney;

Authorizing the City Manager to execute a Master Lease Agreement with the most responsive, duly qualified, responsible, and competitive lease provider and backup lease provider(s) for a 6-year lease term for the purpose of financing the

acquisition of equipment through lease-purchase. The Master Lease Agreement shall be in substantially the form presented to this Council, with such additions and changes as the City Manager, or his specified designees shall approve as being in the best interests of the City, and as are approved as to form and legality by the City Attorney;

Authorizing the City Manager to execute a Master Lease Agreement with the most responsive, duly qualified, responsible, and competitive lease provider and backup lease provider(s) for a 7-year lease term for the purpose of financing the acquisition of equipment through lease-purchase. The Master Lease Agreement shall be in substantially the form presented to this Council, with such additions and changes as the City Manager, or his specified designees shall approve as being in the best interests of the City, and as are approved as to form and legality by the City Attorney.

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

Subitem-B: (R-2003-956) ADOPTED AS RESOLUTION R-297691

Authorizing the City Manager to execute a Master Lease Agreement with the most responsive, duly qualified, responsible, and competitive lease provider and backup lease provider(s) for a 3-year lease term for the purpose of financing and refinancing the acquisition of equipment through lease-purchase. The Master Lease Agreement shall be in substantially the form presented to this Council, with such additions and changes as the City Manager, or his specified designees, shall approve as being in the best interests of the City, and as are approved as to form and legality by the City Attorney;

Authorizing the City Manager to execute a Master Lease Agreement with the most responsive, duly qualified, responsible, and competitive lease provider and backup lease provider(s) for a 4-year lease term for the purpose of financing and refinancing the acquisition of equipment through lease-purchase. The Master Lease Agreement shall be in substantially the form presented to this Council, with such additions and changes as the City Manager, or his specified designees shall approve as being in the best interests of the City, and as are approved as to form and legality by the City Attorney.

FILE LOCATION: SUBITEM A: NONE  
SUBITEM B: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. - 2:28 p.m.)

CONSENT MOTION BY ATKINS TO INTRODUCE THE ORDINANCE IN SUBITEM A; AND ADOPT THE RESOLUTION IN SUBITEM B. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-61: Four actions related to Refunding of 1993 Lease Revenue Bonds (Old Town Trolley) and 1993 Certificates of Participation (Balboa Park and Mission Bay Park Improvements) and authorization to replace Cash in Debt Reserve Funds of Refunding Issuances with Surety Policies.

(See City Manager Report CMR-03-029.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following Ordinances in Subitems A and B, and adopt the Resolutions in Subitems C and D:

Subitem-A: (O-2003-121 Cor.Copy) INTRODUCED, TO BE ADOPTED ON MONDAY, MARCH 17, 2003

Introduction of an Ordinance authorizing a Facilities Lease and Site Lease with the San Diego Facilities and Equipment Leasing Corporation, and a Trust Agreement, and approving the Form of an Assignment Agreement relating to the Delivery of Certificates of Participation in an amount not to exceed \$22,000,000 ~~\$27,000,000~~ for a term not exceeding 32 Years (1993 Balboa Park/Mission Bay Park Refunding), and such other necessary actions in connection therewith.

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

Subitem-B: (O-2003-122 Cor.Copy) INTRODUCED, TO BE ADOPTED ON MONDAY, MARCH 17, 2003

Introduction of an Ordinance authorizing a Lease Agreement with the City of San Diego/MTDB Authority, a Sublease Agreement with the San Diego Metropolitan Transit Development Board, and the authorization for the City of San Diego/MTDB Authority to issue its Lease Revenue Refunding bonds in an amount not to exceed \$18.5 million, pursuant to Section 99 of the City Charter relating to the refunding of certain Lease Finance Obligations Related to the Old Town Light Rail Transit Extension and Financing of Certain Other Public Capital Improvements.

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

Subitem-C: (R-2003-1024 Cor.Copy)      ADOPTED AS AMENDED AS  
RESOLUTION R-297692

Authorizing the Sale of not to exceed \$22,000,000 ~~\$27,000,000~~ Certificates of Participation by the City of San Diego, California; approving a Trust Agreement, Facilities Lease, Site Lease, Assignment Agreement, Escrow Agreement, Form of The Official Bid Form, The Notice Inviting Bids, and the Preliminary Official Statement; and authorizing and directing certain actions with respect thereto.

Subitem-D: (R-2003-1025 Cor.Copy)      ADOPTED AS RESOLUTION R-297693

Authorizing the City of San Diego/MTDB Authority to issue its Lease Revenue Refunding Bonds in an amount not to exceed \$18.5 million pertaining to The Old Town Light Rail Transit Extension and certain other public capital improvements.

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**FILE LOCATION:**                    SUBITEMS A & B: NONE  
  SUBITEMS C & D: MEET

**COUNCIL ACTION:**                (Time duration: 2:32 p.m. - 2:59 p.m.)

MOTION BY ATKINS TO INTRODUCE THE ORDINANCES IN SUBITEMS A AND B AND ADOPT THE RESOLUTIONS IN SUBITEMS C AND D WITH THE FOLLOWING AMENDMENT: THAT \$2.3 MILLION BE PLACED IN A RESERVE ACCOUNT FOR DEFERRED MAINTENANCE IN BALBOA PARK AND MISSION BAY PARK, BUT DEFER A DECISION ON HOW THAT MONEY IS SPENT UNTIL THE NEXT FISCAL YEAR CYCLE.

ACCEPT COUNCIL MEMBER ZUCCHET'S RECOMMENDATION TO INCLUDE LANGUAGE IN THE RESOLUTION THAT THE CASH FUNDS RELEASED WILL BE USED ON CAPITAL IMPROVEMENTS IN BALBOA PARK AND MISSION BAY PARK WHICH ARE DETERMINED TO BE ELIGIBLE FOR FUNDING WITH BOND PROCEEDS, WITH THE UNDERSTANDING THAT THE CITY MANAGER AND THE CITY COUNCIL HAS THE RIGHT TO REVISIT THE ISSUE DURING THE BUDGET NEGOTIATIONS AND HEARINGS.

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

\* ITEM-100: Mesa Verde Neighborhood Park Lot Tot Improvements.

(Mira Mesa Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-994)                      ADOPTED AS RESOLUTION R-297694

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2003 Capital Improvements Program Budget by an amount not to exceed \$42,000 in CIP-29-414.0, Mesa Verde Neighborhood Park Tot Lot Improvements in Fund 79006, Mira Mesa FBA Fund;

Authorizing the additional expenditure of an amount not to exceed \$42,000 from CIP-29-414.0, Mesa Verde Neighborhood Park Fund 79006, Mira Mesa FBA Fund, solely and exclusively for the purpose of completing construction of the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

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

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed Mesa Verde Neighborhood Park Tot Lot Improvements project is located at 8350 Gold Coast Drive in the Mira Mesa Community area. The project will provide for upgrade and renovation of the existing tot lot by adding new play equipment and ADA accessibility to the tot lot.

On November 20, 2002, three bid packages were received for the project. The lowest bidder, Court Concepts Inc., submitted their bid in the amount of \$197,376.97. This request will transfer additional funds into the project to allow the City Manager to enter into contract with the lowest bidder.

**FISCAL IMPACT:**

The estimated total project cost is \$270,000 of which \$228,000 has been previously authorized. The additional funds requested in the amount of \$42,000 are available in Mira Mesa FBA No. 79006. With this action, the requested funding will be made available in CIP-29-414.0.

Loveland/Belock/AO

Aud. Cert. 2300835.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. - 2:28 p.m.)

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

ITEM-101: Scripps Ranch Community Park Sports Field Lighting.

(Scripps Miramar Ranch Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-989)                      RETURNED TO THE CITY MANAGER

Authorizing amendment of the Fiscal Year 2003 Capital Improvement Projects Budget by adding CIP-29-618.0, Scripps Ranch Community Park-Sports Lighting;

Authorizing amendment of the Fiscal Year 2003 Capital Improvement Projects Budget by increasing CIP-29-618.0, Scripps Ranch Community Park-Sports Lighting, in the amount of \$268,000 from the following funds: \$125,000 from Fund No. 63022, Private and Other Contributions; and \$143,000 from Fund No. 11230, Scripps Miramar Ranch Special Park Fees;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$268,000 from CIP-29-618.0, Scripps Ranch Community Park-Sports Lighting, from the following funds: \$125,000 from Fund No. 63022, Private and Other Contributions; and \$143,000 from Fund No. 11230, Scripps Miramar Ranch Special Park Fees.

**CITY MANAGER SUPPORTING INFORMATION:**

Scripps Ranch Community Park is located in the community of Scripps Miramar Ranch in Council District 5. The park supports a number of activities and includes a recreation building, basketball courts, tot lots, lighted multi-purpose sports fields, picnic shelters, and parking. Currently, two of the three multi-purpose sports fields are lighted. The proposed project will provide lighting for the remaining field.

**FISCAL IMPACT:**

Funding in the amount of \$125,000 has been provided by Shea Homes as a condition of their Planned Industrial/Planned Commercial/Planned Residential/Hillside Review Permit No. 92-0466. Funding is available from Fund No. 11230, Scripps Miramar Ranch Special Park Fees (\$143,000). With this request the project budget will be \$268,000.

Herring/Oppenheim/JH

Aud. Cert. 2300858.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. - 2:28 p.m.)

MOTION BY MAIENSCHIN TO RETURN THIS ITEM TO THE CITY MANAGER FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-102: Environmental Justice Transportation/Land Use Planning Grant for the Barrio Logan Area.

(Barrio Logan Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1029)ADOPTED AS RESOLUTION R-297695

Authorizing the City Manager, or his representative, to submit an application to the State of California Department of Transportation for a community-based transportation planning study in the Barrio Logan/Logan area;

Authorizing the City Manager, or his representative, to take all necessary steps to secure the grant funds from the California Department of Transportation, to provide funds for the above-mentioned study;

Authorizing the City Manager, or his representative, to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, payment request, which may be necessary for the completion of the study;



Authorizing the City Manager, or his representative, to accept, appropriate, expend, and administer the grant funds, if secured, in accordance with the terms and conditions set forth in the approved grant, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$15,396 from Fund 100, Dept. 549, Org. 2150, Account 4222, Job Order No. 120131, as in-kind contributions for the grant from the Department of Transportation;

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

**CITY MANAGER SUPPORTING INFORMATION:**

In November 2001, the City of San Diego submitted an application for an Environmental Justice grant to the California Department of Transportation for the Barrio Logan area. Due in part to inadequate transportation/land use planning, this area has experienced serious environmental justice problems including the adjacency of incompatible land uses and negative effects associated with diesel truck traffic near residential uses. Grant funds were requested to conduct community-based transportation planning studies as part of a larger community visioning process that would help identify ways to remedy environmental justice issues in the area.

In May 2002, the City was notified that grant funds in the amount of \$277,144 were approved for this project. Since that time, the City Planning Department has been working with the community and the Department of Transportation on the scope of work. Council authorization is requested to authorize the original submittal of the grant as well as to authorize the City Manager to accept, expend and administer grant funds.

**FISCAL IMPACT:**

The City would receive \$277,133 in environmental justice funds. A 10% match would be provided primarily by in-kind contributions.

Ewell/Goldberg/MPW

Aud. Cert. 2300897.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. - 2:28 p.m.)

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

\* ITEM-103: Inviting Bids and Award of Contract for Water Department General Requirements Contract.

(See memorandum from Larry Gardner dated 12/5/2002.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-834) ADOPTED AS RESOLUTION R-297696

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for Water Department General Requirements Contract 002 for repairs and emergency work for water related facilities in an amount not less than \$50,000 and not to exceed \$5,000,000, and a contract duration not to exceed two years, as advertised by Contract Services on Work Order No. 822004;

Authorizing the City Manager to execute a contract with the lowest responsible bidder for Water Department General Requirements Contract 002;

Authorizing the expenditure of an amount not to exceed \$5,100,000 from Water Fund 41500, 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-K03873C)

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

On 12/11/2002, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, and Inzunza voted yea. Councilmember Madaffer not present.)

**CITY MANAGER SUPPORTING INFORMATION:**

The objective of this General Requirements Contract (GRC) is to provide a means to continue executing repair, and emergency type of construction work on water facilities in an expeditious and cost effective manner.

During the past six years, GRC contracts have been successfully implemented by the Metropolitan Wastewater and Engineering & Capital Projects, and Water Departments.

The Water Department initiated the GRC procurement process in May 2001, by bidding and awarding a contract for a maximum compensation of \$10 million for task order work. The existing contractor has provided approximately \$2 million in water infrastructure improvements to date with another \$2 million estimated to be awarded by the end of the contract (May 2003). Since the Water Department has found this procurement approach to be very cost effective and expeditious, it desires to continue this project delivery capability for another two years. The general specifications have been updated as well as the unit price book now called Construction Task Catalog. Approval is required for the City Manager to advertise and award a GRC to continue this procurement process.

The Water Department plans to use the GRC contractor to perform such tasks: raise and relocate underground water meters to aboveground; relocate underground air valves to aboveground; enhance and expand reservoir recreational facilities to modify/improve CAL Boating projects to meet ADA requirements; and, for emergency repair work.

The maximum work to be authorized for each GRC task order shall not exceed \$500,000 except in the case of an emergency affecting health, safety, or property or when authorized by City Council. The minimum percentage of work the successful contractor will be required to self perform is 30 percent.

**FISCAL IMPACT:**

The total authorized to expend is \$5,100,000. Funds for this purpose are available in the Fiscal Year 2003 Budget.

Mendes/Gardner/DS

FILE LOCATION: CONT - FH Paschen SN Nielsen, Inc.; W. O. 822004

COUNCIL ACTION: (Time duration: 2:27 p.m. - 2:28 p.m.)

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

\* ITEM-104: READ/San Diego Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1016)ADOPTED AS RESOLUTION R-297697

Recognizing the accomplishments of READ/San Diego and the many adults who have benefitted from their literacy program, and congratulating the program on the occasion of its 15<sup>th</sup> Anniversary;

Proclaiming Saturday, February 22, 2003 to be "READ/San Diego Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:27 p.m. - 2:28 p.m.)

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

\* ITEM-105: Appointment of Ms. Kathryn Ashworth to the Civil Service Commission.

(See memorandum from Mayor Murphy dated 2/14/2003 with resume attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1026)ADOPTED AS RESOLUTION R-297698

Council confirmation of the appointment by the Mayor of Kathryn F. Ashworth to serve as a member of the Civil Service Commission, for a term ending January 9, 2008, replacing Franne Ficara, whose term has expired.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. - 2:28 p.m.)

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

\* ITEM-106: Appointment of Mr. Gil Ontai to the San Diego Planning Commission.

(See memorandum from Mayor Murphy dated 2/18/2003 with resume attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1027)ADOPTED AS RESOLUTION R-297699

Council confirmation of the appointment by the Mayor of Gil Ontai to serve as a member of the Planning Commission, for a four-year term ending January 28, 2007, replacing William R. Anderson, whose term has expired.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. - 2:28 p.m.)

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

ITEM-150: Two actions related to Inviting Bids and Award of Contract for the Construction of Water and Sewer Group Job 464C.

(See memorandum from Frank Belock, Jr. dated 9/11/2002. Centre City Community Area. District-2.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2003-832) ADOPTED AS RESOLUTION R-297700

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Water and Sewer Group Job 464C on Work Order No. 174991/184231;

Authorizing the City Manager to establish contract funding phases, to award contract to, and to execute a contract with the lowest responsible and reliable bidder for the Project, contingent upon: (a) City Council approval of the expenditure of any additional Project funding that may become necessary as a result of the bid opening for the Project; and (b) the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$1,054,556.91 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, and \$1,540,827 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, contingent upon the passage of the FY 2004 Capital Improvement Program and Appropriations Ordinance Budgets, and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Approving the use of City Forces on the Project for the purpose of additional construction related to this project for a cost not to exceed \$289,192 from Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement;

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

Terminating the Construction Contract No. K20027C with AATR Enterprises, Inc., as per settlement agreement entered into on October 25, 2001, by and between the parties. (BID K03901C)

Subitem-B: (R-2003-833) ADOPTED AS RESOLUTION R-297701

Certifying that the information contained in Mitigated Negative Declaration, LDR-98-1182, including any comments received during the public review process, has been previously reviewed and considered by this Council, and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of Construction of Water and Sewer Group Job 464C;

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

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

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

**CITY MANAGER SUPPORTING INFORMATION:**

Water and Sewer Group Job 464C is part of the City of San Diego's Continuing Annual Water and Sewer Main Replacement Program. This project is in the Centre City Community area and consists of replacing approximately 3,600 linear feet of existing cast iron water main and 3,200 linear feet of existing concrete sewer main. Also, this project includes asphalt concrete paving and slurry sealing of the impacted streets. It was presented several times to the community during the design phase.

On January 24, 2000, the construction of this project was awarded to AATR Enterprises, Inc. AATR completed 22% of the contract work. In March 2001, AATR and the City agreed to mutually terminate the contract. On October 30, 2001, the City Council approved the terms of the mutual termination agreement. This contract is for the construction of the remaining portion of the project.

The streets within this project which will be affected by construction operation are Ninth Avenue from Date Street to Broadway, Date Street, Cedar Street, Beech Street, Ash Street, and "A" Street. Traffic control plans have been prepared by Katz, Okitsu & Associates and reviewed by the City of San Diego's Traffic Signal Design and Traffic Control Section. During the construction phase of the project, the contractor will be working on Ninth Avenue north of "A" Street between 8:30 a.m. and 3:30 p.m., and on Ninth Avenue south of "A" Street between 2:00 p.m. and 11:00 a.m., Sunday through Thursday.

Residents will be notified by mail at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again 10 days before construction begins by the contractor through hand distribution.

**FISCAL IMPACT:**

The total estimated cost of this project is \$4,707,253.91. Funds of \$1,054,556.91 are available in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, and



\$1,540,827 are available from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for this purpose. This project is scheduled to be phase funded within FY 2004.

Loveland/Belock/HR

WWF-03-619.

FILE LOCATION: SUBITEMS A & B: W. O. 174991/184231

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

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

ITEM-151: Two actions related to Authorizing the Transfer of Funds for Chollas Valley Trunk Sewer Phase II.

(See memorandum from Frank Belock, Jr. dated 12/4/2002. Mid-City Community Area. Districts-4 and 7.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2003-996) CONTINUED TO TUESDAY, APRIL 1, 2003

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,000,000 from Fund 41506, CIP-46-197.0, Sorrento Valley Trunk Sewer; an amount not to exceed \$131,508 from Fund 41506, CIP-46-111.0, Rose Canyon Trunk Sewer; an amount not to exceed \$71,500.15 from Fund 41506, CIP-46-199.0, West Linda Vista Trunk Sewer, and an amount not to exceed \$76,232 from Fund 41506, CIP-46-202.0, Barnett Avenue Trunk Sewer, to Fund 41506, CIP-40-910.2, Chollas Valley Trunk Sewer Phase II.

Subitem-B: (R-2003-997) CONTINUED TO TUESDAY, APRIL 1, 2003

Stating for the record that the information contained in final Mitigated Negative Declaration, LDR-40-0797, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of the Project;

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

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

On 12/11/2002, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, and Inzunza voted ye. Councilmember Madaffer not present.)

**CITY MANAGER SUPPORTING INFORMATION:**

Chollas Valley Trunk Sewer was constructed in 1940. It serves a drainage basin of about 1,900 gross acres in the Mid-City Community, plus the University Avenue drainage basin for the City of La Mesa. This existing 18- and 15-inch trunk sewer begins at the intersection of University Avenue and 60<sup>th</sup> Street and continues in a southwesterly direction, parallel to University Avenue, across private parcels, to Federal Boulevard. This trunk sewer is currently operating above its design capacity, not able to meet future demands and has limited access or no access to manholes for regular maintenance.

The advertisement and expenditure of \$10,955,120 for this project was approved by Council on April 22, 2002 (R-296369). Bids were opened on August 8, 2002. The lowest responsible bidder was Cass Construction, Inc. Their bid was below the engineer's estimate. The transfer of funds is needed because not enough funds were included for this project in the FY 2003 Capital Improvement Program budget.

**FISCAL IMPACT:**

The cost of this transaction is \$1,279,240.15, and funds are available in Sewer Fund 41506.

Loveland/Belock/HR

Aud. Cert. 2300843.

WWF-03-636.

FILE LOCATION: SUBITEMS A & B: NONE

COUNCIL ACTION: (Time duration: 3:00 p.m. - 3:10 p.m.)

MOTION BY LEWIS TO CONTINUE TO TUESDAY, APRIL 1, 2003, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

ITEM A -Site 619 - (APN 346-484-1)

Property: An approximate 0.2-acre parcel on active portions of the Rose Canyon Fault line located along the unimproved portion of Boulevard Place, 20 feet above Torrey Pines Road in La Jolla

City Negotiator: Real Estates Assets Director

Negotiating Parties: Gitty Aryafar and Abbas Derissi, husband and wife, sole adjacent property owner.

Under Negotiation: Seeking direction on the terms of a potential disposition of this property.

ITEM B - SR-56 at Cannel Valley Road - (APN 307-330-62 and 63)

Property: A 20,910 square-foot (0.48 acre) parcel located northwesterly of Carmel Country Road and S.R. 56 in Carmel Valley. This

excess right of way is the remainder of a larger lot that was purchased by the City in 1993 for CalTrans for the construction of S.R. 56.

City Negotiator: Real Estates Assets Director

Negotiating Parties: Cavallo Partners, LLC (Minh T. Nguyen, Frank A. Brown, Richard Mark Anderson and Paul R. (Chip) Hasley, adjacent property owners.

Under Negotiation: Seeking direction on the terms of a potential disposition of this property.

ITEM C - Site 221 - (APN 452-254-01)

Property: A 11,343 square-foot (0.26 acre) parcel located on the northwest corner of Brooks Avenue (paper street) and Otsego Drive in Mission Hills.

City Negotiator: Real Estates Assets Director

Negotiating Parties: Peter Capobianco and Richard Mangino, adjacent property owners

Under Negotiation: Seeking direction on the terms of a potential disposition of this property.

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

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

**Referred to Closed Session on Tuesday, March 4, 2003**

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on March 4, 2003.

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

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FILE LOCATION: MEET

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COUNCIL ACTION: (Time duration: 3:10 p.m. - 3:11 p.m.)

Mayor Murphy closed the Hearing.

ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement - Siempre Viva Business Park-Central Phase.

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 subdivision:

SUBDIVISION  
Siempre Viva Business Park -  
Central Phase

COMMUNITY AREA  
Otay Mesa Enterprise Zone

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 of Development Services or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-251: **Notice** of Pending Final Map Approval - Skyline Terrace Estates.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Skyline

Terrace Estates,” (TM-41-0046), a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the southwesterly of Skyline Drive and Woodman Street in the Southeastern San Diego Community Plan Area in Council District 4. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

(3) The map is technically correct.

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

ITEM-S400: Rose Marie Starns Day.

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1038)ADOPTED AS RESOLUTION R-297702

Commending Rose Marie for her continued efforts through the years to promote and improve the image of the City of San Diego and Mission Bay Park;

Proclaiming March 3, 2003 to be “Rose Marie Starns Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:20 p.m. - 2:25 p.m.)

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

\* ITEM-S401: Resolution to adjourn the City Council Meeting of May 27, 2003.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1046) ADOPTED AS RESOLUTION R-297703

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period January 1, 2003 through December 31, 2003 to adjourn the City Council meeting of May 27, 2003.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:27 p.m. - 2:28 p.m.)

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

ITEM-S402: Change in Funding Source for Existing Underground Conversion Districts.

(See City Manager Report CMR-03-030. Various Community Areas. Districts-All.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1003)      ADOPTED AS RESOLUTION R-297704, WITH  
DIRECTIONS

Authorizing the City Manager to approve the transfer of the Underground Utility Districts listed in Exhibit A to this resolution from the current 20-A funding status to the desired surcharge funding status;

Authorizing the increase of \$38,356,324 in CIP-37-028.0, Fund 30100 in the Fiscal Year 2003 Capital Improvements Program;

Authorizing the appropriation and expenditure of an amount not to exceed \$38,356,324 from CIP-37-028.0, Fund 30100 - Undergrounding Surcharge Fund, for purposes of underground conversion of poles, overhead wires, and associated structures, administering the Districts, and associated minor City force work, street restoration, tree replacement, replacement of street lights, archaeological monitoring and other related work, contingent upon receipt of funds from San Diego Gas and Electric, and provided the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer.

**CITY MANAGER SUPPORTING INFORMATION:**

The Underground Utility Districts are identified in CIP-37-028.0, "Annual Allocation Undergrounding of City Utilities," and will underground the overhead utility facilities within the designated districts. The districts require the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary.

The districts were created by Council under CPUC Rule 20-A, which required the expense of the underground installation and removal of overhead electric facilities within the right-of-way to be financed through City of San Diego Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from San Diego Gas and Electric. The expense of the underground installation and removal of overhead facilities within the right-of-way for all other utilities will remain the responsibility of all other utility companies in accordance with California Public Utilities Commission Rules.



**FISCAL IMPACT:**

The fiscal impact to the City is the construction cost estimated at \$33,289,729 and other indirect costs such as street light replacement, tree replacement, street improvement, minor City forces, and other related work estimated at \$5,066,595, which will be financed through the City of San Diego Fund 30100, Undergrounding Surcharge Fund, contingent upon receipt of funds from San Diego Gas & Electric.

Loveland/Belock/PB

FILE LOCATION: STRT-K-315 (38)

COUNCIL ACTION: (Time duration: 3:19 p.m. - 3:50 p.m.)

MOTION BY ATKINS TO ADOPT WITH THE DIRECTION THAT TO ENSURE BETTER COMMUNICATION QUARTERLY UPDATES ARE PRESENTED TO THE RULES COMMITTEE RATHER THAN SEMIANNUAL UPDATES. THESE QUARTERLY UPDATES SHOULD LAST AT LEAST FOR THE NEXT 18 MONTHS AND ALSO BE AVAILABLE TO THE CITY COUNCIL. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S403: Change in Funding Source for Existing CPUC Rule 20-A Underground Conversion Districts.

(Various Community Areas. Districts-All.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1007) ADOPTED AS RESOLUTION R-297705

Authorizing the increase of \$3,730,021 in CIP-37-028.0, Fund 30100 in the Fiscal Year 2003 Capital Improvements Program;

Authorizing the appropriation and expenditure of an amount not to exceed \$3,730,021 from CIP-37-028.0, Fund 30100 - Undergrounding Surcharge Fund, for the purpose of administering the Underground Utility Districts listed in Exhibit A to this resolution, and associated minor City force work, street restoration, tree replacement, replacement of street lights, archaeological monitoring and other related work, contingent upon receipt of funds from San Diego Gas and Electric, and provided the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer.

**CITY MANAGER SUPPORTING INFORMATION:**

The Underground Utility Districts are identified in CIP-37-028.0, “Annual Allocation - Undergrounding of City Utilities,” and will underground the overhead utility facilities within the designated districts. The districts require the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary. The districts were created by

Council under CPUC Rule 20-A, which required the expense of the underground installation and removal of overhead facilities to be the responsibility of the utility companies in accordance with California Public Utilities Commission Rules.

**FISCAL IMPACT:**

The construction cost will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the California Public Utilities Commission (Case 8209). The fiscal impact to the City are the street light replacement, tree replacement, street improvement, archaeological monitoring, minor City forces, and other related work estimated at \$3,730,021, which will be financed through the City of San Diego Fund 30100, Undergrounding Surcharge Fund, contingent upon receipt of funds from San Diego Gas and Electric.

Loveland/Belock/PB

FILE LOCATION:                   STRT-K-314 (38)

COUNCIL ACTION:               (Time duration: 3:50 p.m. - 3:50 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S404: Various Underground Utility Districts with Mitigation Monitoring and Reporting Program.

(Pacific Beach, Mission Valley, Emerald Hills, Sorrento Valley Community Areas. Districts 2, 4, 5 & 6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1008)            ADOPTED AS RESOLUTION R-297706

A Resolution certifying the Mitigated Negative Declaration for Underground Utility Districts and adopting the Mitigation Monitoring and Reporting Program.

**CITY MANAGER SUPPORTING INFORMATION:**

Certifying that the information contained in LDR File No. 42-0642 for Archaeological Monitoring for the following underground utility districts: Hill Street from Catalina Boulevard to Sunset Cliffs Boulevard., Pacifica Drive from Bluffside Avenue to Amity Street, Euclid Avenue from Trinidad Way to Manzanares Way, Princess Street/Spindrift Drive from Torrey Pines Road to Paseo Dorado, Bird Rock Avenue from La Jolla Boulevard to end of Bird Rock, Hotel Circle South (Phase 1) from Taylor Street to Bachman Place, Roswell/51st Street from Market Street to Kelton Road, Camino Del Rio South from Texas Street to Mission Center Road Underground Utility Districts has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said Mitigated Negative Declaration reflects the independent judgement of the City of San Diego as Lead Agency. Stating for the record that the final Mitigated Negative Declaration has been reviewed and considered prior to approving the project.

**FISCAL IMPACT:** None with this action.

Loveland/Belock/PB

FILE LOCATION:            STRT-K-317 (38)

COUNCIL ACTION:            (Time duration: 3:50 p.m. - 3:50 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S405: Amendment to the Undergrounding of Utilities 2003 Calendar Year Annual Allocation, and Deletion of Council Policy 600-08.

(La Jolla, Ocean Beach, City Heights, Chollas View, South Encanto and Jamacha Community Areas. Districts 1, 2, & 4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1006 Cor. Copy) CONTINUED TO MONDAY, APRIL 7, 2003

A Resolution modifying the list of Underground Utility Districts in the 2003 Calendar Year Annual Allocation and deleting Council Policy 600-80.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed action to amend the 2003 annual allocation is made at the request of Council District 1, 2 and 4 and is in accordance with Council Policy 600-08. The formation of Underground Utility Districts require that it become the responsibility of individual property owner(s) for the trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service.

Prior to January 2002, property owners could seek relief per Council Policy 800-02 "Underground Program-Use of Case 8209 Funds for Conversion Work on Private Property." This policy provided for use of CPUC 8209 funds to reimburse property owners up to a maximum of \$35 per linear foot for trenching and conduit, plus an additional amount of up to \$1,000 for panel conversion work. Even with these reimbursements, most property owners incurred non-reimbursed out of pocket expenses.

As of January 2002, SDG&E now offers property owner(s) within Underground Utility Districts, to perform all necessary work to convert private property, including necessary conduits for telephone and cable facilities at no cost to property owner(s), provided property owner(s) sign a Permit to Enter form allowing SDG&E on their property. Having the reimbursement program

active is counterproductive to the very reasons SDG&E has offered to perform this work. Thus, the Council Policy allowing these reimbursements should be eliminated.

Projects Euclid Avenue from Trinidad Way to Manzanares Way and Princess Street from Spindrift Drive to Torrey Pines Road activities are not exempt from CEQA, but has been evaluated and an environmental document has been prepared in compliance with CEQA (LDR-42-0642). The 1472 "Various Underground Utility Districts with Mitigation Monitoring Reporting Program" is requesting to certify LDR-42-0642 which includes both projects.

**FISCAL IMPACT:** None with this action.

Loveland/Belock/PB

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:18 p.m. - 3:19 p.m.)

MOTION BY FRYE TO CONTINUE TO TUESDAY, APRIL 7, 2003, AT THE REQUEST OF THE CITY MANAGER DUE TO A NOTICING DEFECT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S406: Public Hearing: Various Surcharge Funded Underground Utility Districts.

(Various Community Areas. Districts-All.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1004 Cor. Copy) ADOPTED AS RESOLUTION R-297687

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of underground utility districts financed through the City of San Diego Undergrounding Surcharge Fund.

## **CITY MANAGER SUPPORTING INFORMATION:**

The proposed districts are identified in CIP-37-028.0, “Annual Allocation - Undergrounding of City Utilities,” and will underground the overhead utility facilities within the designated districts.

The formation of these districts will require the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary. The expense of the underground installation and removal of overhead electric facilities within the right-of-way will be financed through City of San Diego Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from San Diego Gas & Electric. The expense of the underground installation and removal of overhead facilities within the right-of-way for all other utilities will be the responsibility of the utility companies in accordance with California Public Utilities Commission Rules.

It is the responsibility of the individual property owner(s) for the trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service. However, San Diego Gas & Electric will offer to property owner(s) within the Underground Utility District, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities, at no cost to the property owner(s). In order to take advantage of San Diego Gas & Electric’s offer to perform this work, property owners are required to sign a Permit to Enter Form.

## **FISCAL IMPACT:**

The construction cost estimated at \$23,629,050 and the other indirect costs such as street light replacement, tree replacement, street improvement, minor City forces, archaeological monitoring and other related work estimated at \$7,412,761, will be financed through the City of San Diego Fund 30100, Undergrounding Surcharge Fund, contingent upon receipt of funds from San Diego Gas & Electric.

Loveland/Belock/PB

FILE LOCATION:                      STRT-K-312 (38)

COUNCIL ACTION:                      (Time duration: 3:51 p.m. - 3:51 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S407: Public Hearing: Various CPUC 20A Underground Utility Districts.

(Various Community Areas. Districts-All.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1001 Cor. Copy) ADOPTED AS RESOLUTION R-297688

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of underground utility districts financed through SDG&E Annual Allocation Funds (Case 8209).

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed districts are identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities," and will underground the overhead utility facilities within the designated districts.

The formation of these districts will require the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary. The expense of the underground installation and removal of overhead facilities within the right-of-way (street and sidewalk area) will be the responsibility of the utility companies in accordance with California Public Utilities Commission Rules.

It is the responsibility of the individual property owner(s) for the trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service. However, San Diego Gas & Electric will offer to property owner(s) within the Underground Utility District, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities at no cost to the property owner(s). In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form.

**FISCAL IMPACT:**

SDG&E Cost: The construction cost of \$31,373,300 will be financed through the use of SDG&E Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is the indirect costs such as street light replacement, tree replacement, street improvement, archaeological monitoring, minor City forces, and other related work estimated at

\$4,178,665 will be available in Fund 30100, Undergrounding Surcharge Fund, contingent upon receipt of funds from San Diego Gas & Electric.

Loveland/Belock/PB

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NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:55 p.m. in honor of the memory of:

Roberto R. Alvarez, as requested by Council Member Inzunza; and  
John George Cocks, as requested by Council Member Lewis.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:51 p.m. - 3:55 p.m.)