

**AGENDA FOR THE
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MONDAY, NOVEMBER 25, 2002 AT 2:00 P.M.
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**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, NOVEMBER 25, 2002 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

- ITEM-1: ROLL CALL.
- ITEM-10: INVOCATION.
- ITEM-20: PLEDGE OF ALLEGIANCE.

SPECIAL ORDERS OF BUSINESS

- ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

10/21/2002
10/22/2002
10/28/2002
10/29/2002
11/04/2002 Adjourned
11/05/2002 Adjourned

SPECIAL ORDERS OF BUSINESS

- ITEM-31: CLASS Day.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-701)

Proclaiming November 25, 2002 to be “CLASS Day” in the City of San Diego in appreciation of the San Diego Regional Economic Development Corporation *Corporate Leaders Advocating Success Skills* (CLASS) program volunteers’ efforts to help high school students in our city.

SPECIAL ORDERS OF BUSINESS

ITEM-32: Two actions related to Pauline des Granges Day and Philip M. Klauber Day.

COUNCILMEMBER ATKINS’ RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-589)

Declaring that the Council of the City of San Diego is proud to honor Pauline des Granges for her longstanding commitment to the City of San Diego and Balboa Park, and saluting her on receiving the 2002 Millennium Award;

Proclaiming November 19, 2002 to be “Pauline des Granges Day” in the City of San Diego.

Subitem-B: (R-2003-590)

Declaring that the Council of the City of San Diego is proud to honor Philip Klauber for his longstanding commitment to the City of San Diego and Balboa Park, and saluting him on receiving the 2002 Millennium Award;

Proclaiming November 19, 2002 to be “Philip M. Klauber Day” in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-33: Jim Bates Day.

DEPUTY MAYOR GEORGE STEVENS’ RECOMMENDATION:

Adopt the following resolution:

(R-2003-581)

Commending Mr. Jim Bates for his contributions to the City of San Diego;

Proclaiming November 25, 2002 to be “Jim Bates Day” in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-34: God Bless America Week.

COUNCILMEMBER MAIENSCHHEIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-630)

Proclaiming November 24 through 30, 2002 to be “God Bless America Week” in the City of San Diego, and encouraging all people to express their gratitude and appreciation for the freedoms that we enjoy as American citizens.

SUPPORTING INFORMATION:

“God Bless America Week” is dedicated to the rebirth of patriotism in America by providing and operating for the patriotic resurgence by Americans of all faiths and races and to create a magnitude of pride in each and every American for the bountiful blessings and God given principles for which this country stands. In order to manifest these principles to all Americans, the week of November 24-30, 2002 will be set aside and dedicated in order that all citizens may reflect upon the blessings which are ours as Americans. The City of San Diego, as American citizens, will observe November 24-30, 2002 as a day to demonstrate the love of principles of freedom, justice, and liberty, upon which the United States of America was founded. Citizens are encouraged to personally contribute to the spirit of patriotism by flying the American flag throughout the week as an expression of thanks for blessings we enjoy as Americans.

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING

WITH THE READING AND ADOPTION:

Items 50 and 51.

ORDINANCES TO BE INTRODUCED:

None.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115 and 116.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-50: Office Space Lease Amendment - Comerica Bank Building.

(Centre City Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/12/2002. (Council voted 9-0):

(O-2003-42)

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

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

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

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING

WITH THE READING AND ADOPTION:

* ITEM-51: Sunroad at San Diego Spectrum.

(Kearny Mesa Community Plan Area. District-6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 11/12/2002.
(Council voted 9-0):

Subitem-A: (O-2003-43)

Authorizing the City Manager to execute an amendment to a development agreement with Sunroad Centrum Partners, L.P.

Subitem-B: (O-2003-35)

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

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-100: Amendment No. 4 to the Agreement with Burns & McDonnell.

(See memorandum from Scott Tulloch dated 11/6/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-482)

Authorizing the City Manager to execute Amendment No. 4 to the existing Agreement between the City of San Diego and Burns & McDonnell Waste Consultants, Inc., for Professional Consultant Services for an amount not to exceed \$76,764.80, Amendment No. 4;

Authorizing the expenditure of an amount not to exceed \$76,764.80 from Fund 102211, for the purpose of funding Amendment No. 4 to the existing

Agreement, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/13/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego has assumed responsibility from the San Diego Unified Port District for dewatering (removing ground water discharge) at the San Diego Convention Center. The Metropolitan Wastewater Department (MWWD) is providing the monitoring and reporting required by NPDES Order No. 2000-90, governing this discharge. Following approval of City Manager Action (Document No. C-09672) on November 4, 1999, a portion of this work involving sampling and analysis of the discharge and preparation of monitoring reports was outsourced to Burns and McDonnell, Waste Consultants, Inc. The original Agreement was for \$53,260 and services were rendered from November 4, 1999 through September 30, 2000. Amendment No. 1, dated July 28, 2000, added \$40,000 to the original Agreement and extended the expiration date to December 31, 2000. Amendment No. 2 added \$69,786.40 and extended the contract until Dec. 31, 2001. Amendment No. 3 added \$75,000 to the contract and extended the contract until Dec. 31, 2002.

Additional regulatory compliance monitoring has been requested by the Regional Water Quality Control Board to enable the City to acquire an individual NPDES Permit for this facility, during this calendar year, and additional money (\$76,764.80) is needed for this required compliance monitoring for the remainder of the calendar year. Due to the high degree of regulatory scrutiny and the need to ensure continuity in the performance of the monitoring and reporting program, it is recommended that Amendment No. 4 to the Agreement between the City and Burns and McDonnell be approved.

Consideration has been given to bringing this work in-house, but due to the fact that special clean water sampling and analysis techniques must be used and the amount of samples to be analyzed is minimal, it is more cost-effective to have an outside laboratory perform this work. While Burns and McDonnell has been very cost-effective, MWWD is still intending to begin the process to re-bid this work next year.

FISCAL IMPACT:

The cost of the amended Professional Services Agreement is not to exceed \$76,764.80. Funds are available in Fund 102211.

Mendes/Tulloch/LSW

Aud. Cert. 2300340.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-101: First Amendment to Consultant Agreement for Underground Storage Tank Management Program Engineering and Design.

(See memorandum from Richard L. Hays' dated 11/12/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-602)

Authorizing the City Manager to execute First Amendment to the Sole Source Consultant Agreement for Underground Storage Tank Management Program Engineering and Design with Gary Engineering, Inc. [Contract], for design engineering services for underground storage tank system removal, installation, and upgrade at various City sites;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2003 Capital Improvement Program [CIP] budget for CIP-33-084.0, Underground Hazardous Materials Storage Tanks, by \$287,000;

Authorizing the City Auditor and Comptroller to transfer funds in an amount not to exceed \$270,000 from the Equipment Fund 50030 to Special Fund No. 10503 and to transfer funds in an amount not to exceed \$7,000 from the Golf Course Fund 41400 to Special Fund 10506;

Authorizing the City Auditor and Comptroller to appropriate and expend a total amount not to exceed \$287,000 (\$270,000 from Special Fund 10503, \$7,000 from Special Fund 10506, and \$10,000 from Fund 10330) into CIP-33-084.0;

Authorizing the City Auditor and Comptroller to expend funds in an amount not to exceed \$5,363 from Water Fund 41500, CIP-79-284.0, Miramar Water Treatment Plant Upgrade and Expansion (Early Start Phase 2), for the purpose of design engineering services for underground storage tank removal, provided that the City Auditor and Comptroller first certifies that the funds are available;

Authorizing the City Auditor and Comptroller to expend an amount to exceed \$137,000 from CIP-33-084.0, Underground Hazardous Material Storage Tanks, for the purpose and design engineering services for underground storage tank system removal, installation, and upgrade of various City sites;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$250,000 from CIP-33-084.0, Underground Hazardous Materials Storage Tanks, for the purpose of construction of fueling system upgrades at Chollas Operations Yard and related in-house and environmental consulting engineering;

Authorizing the City Manager, or his designee, to accept an additional \$950,000 of reimbursement funds from the State Water Resources Control Board/CalEPA for deposit to the Underground Hazardous Materials Storage Tanks Fund 38059;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2003 Capital Improvements Program Budget in CIP-33-084.0, Fund 38059, by \$950,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an additional amount not to exceed \$950,000 within CIP-33-840.0, Underground Hazardous Materials Storage Tank, Fund 38059, for the purpose of providing funds for the City's underground storage tank program;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/13/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The proposed First Amendment to the Agreement with Gary Engineering, Inc. will provide design engineering services for underground storage tank (UST) system removal, installation, and upgrade at various City sites including Fire Stations, Police Divisions, and Operations yards. Gary Engineering, Inc. is the Design Engineering Consultant under the existing Engineering Agreement R-289964 adopted April 20, 1998. Based on an initial assessment of the marketplace, a sole source agreement was entered into with Gary Engineering because of their expertise with underground tanks. The proposed First Amendment to the Agreement with Gary Engineering, Inc. will expedite design development and reduce costs. Their acquired knowledge of the City's design requirements, the location and layout of the City's fueling facilities, and State and local regulatory requirements is necessary to ensure that the state mandated upgrades to underground storage tank systems that require under dispenser containment and piping and sump upgrades are completed by the December 31, 2003 deadline. In addition, they have consistently produced high quality designs and plans. No extensions to this deadline will be authorized. Under State Law, fuel cannot be delivered after January 1, 2004 to any Underground Storage Tank that is not certified as complying with the new regulations.

Whereas Gary Engineering, Inc. has been very cost effective in carrying out the work to date, the

Environmental Services Department plans to utilize their services through the December 31, 2003 deadline.

FISCAL IMPACT:

This request is for \$392,363 of which \$5,363 is available from Water Fund, 41500, CIP-73-284.0; \$270,000 from Equipment Fund 50030; \$100,000 from Underground Hazardous Materials Storage Tanks, CIP-33-084.0, sublet 33-842.2; \$10,000 from Stadium Fund, 10330; and \$7,000 from Golf Course Enterprise Fund-Balboa Park, 41400. \$137,000 is for the First Amendment to the Agreement and the remaining balance of \$255,363 is for construction of fueling system upgrades at Chollas Operations Yard.

The Seventh resolution to amend the FY 2003 CIP Budget, CIP-33-084.0, Underground Hazardous Materials Storage Tank Management Program is to increase the current authorized amount of \$850,000 that may be deposited to and expended from Special Fund 38059 by an additional \$950,000, bringing the total amount to \$1,800,000. This increase is necessary because the current authorized limit of \$850,000 will soon be reached. Additional funds of up to \$950,000 will be deposited into Special Fund 38059, which was set up and authorized by resolution R-288765, dated June 9, 1997, as cleanup reimbursements become available from the State Water Resources Control Board's Underground Storage Tank Cleanup Fund.

Loveland/Hays/TWO

Aud. Cert. 2300420.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-102: San Diego State Building Joint Powers Authority Agreement.

(District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-658)

Authorizing the City Manager to execute a joint exercise of powers agreement with the State of California, acting through the Department of General Services, for the oversight of development of a State Office Building in the City of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

This Agreement is entered into between the State of California, acting through the Department of General Services, and the City of San Diego, a municipal corporation duly organized and existing under a charter adopted under the Constitution of the State of California, for the purpose of creating a joint powers authority to be known as the "San Diego State Building Joint Powers Authority". The Authority will manage, oversee, control and otherwise orchestrate the development of state-owned office space and related facilities at a designated location in the City.

The State Legislature passed legislation giving the authority to build in the City of San Diego, a building to house state employees. The Joint Powers Authority (JPA) is created as an opportunity to oversee the building process. The Mayor of San Diego, will have two appointments to the JPA five member board. Having appointments to the JPA board gives the opportunity to ensure building consistency with the City of San Diego and the Centre City Development Corporation's downtown building plan.

The State and City agree that the state office buildings and associated child care and parking facilities should be developed on the real property bounded by Ash, Union, "A", State Street, and Front Street in the City of San Diego.

Uberuaga/Poat

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-103: Lease Amendment - Mission Bay Yacht Club.

(Mission Bay Park Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-673)

Authorizing the City Manager to execute a Fourth Amendment to Lease with Mission Bay Yacht Club for modification of the legal description of the leasehold boundary, at an estimated rent of \$139,449 per annum.

CITY MANAGER SUPPORTING INFORMATION:

A land boundary survey of Mission Bay Park completed on March 9, 2001, which included surveys of all existing leaseholds, indicated that portions of the Mission Bay Yacht Club's dock areas were outside the leasehold boundary. In order to modify the leasehold boundary to conform to the survey, the second paragraph of Section A of the Lease, amended by the Second

Amendment to Lease Agreement, which contains the legal description is to be deleted in its entirety and substituted with the legal description described in Exhibit A to this Fourth Amendment to Lease. All other terms and conditions of the original lease agreement remain unchanged. This modification will not result in a net gain or loss of land or water acreage to the leasehold area.

STATEMENT OF VALUE: This action was initiated by the City for corrective purposes only. No additional considerations is involved, since no net gain or loss of leasehold area is realized by this action. Per Council Policy 700-08, Mission Bay Park Policies, rent for this non-profit leasehold is calculated by multiplying the lease area square footage by one-third of the average rent per square foot for commercial leases in Mission Bay Park. Current rent is \$139,449.44 per year. The current estimated value of the 6.14 acres of land and 5.7 acres of water area included in this leasehold is approximately \$2,500,000.

FISCAL IMPACT:

None with this action.

Herring/Griffith/JPA

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-104: Ventura Place Entryway Project.

(Mission Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-656)

Authorizing the City Auditor and Comptroller to amend the Capital Improvements Program (CIP) Budget to increase CIP-52-687.0 - the Ventura Place Entryway Improvement Project, by the amount of \$43,000, in accordance with the Fiscal Year 2003 Appropriation Ordinance;

Authorizing the City Auditor and Comptroller to appropriate and expend a total amount not to exceed \$43,000 from Fund 10532 - Belmont Traffic Amelioration Fund in CIP-52-687.0 - the Ventura Place Entryway;

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 Ventura Place Entryway Improvement Project, CIP-52-687.0, is located in the Mission Beach community area. The City awarded the construction contract on 12/18/01 to Heffler Company, Incorporated. The project provides for the construction of a modified 70' diameter turnaround at the west end of Ventura Place. Other improvements include landscaping, concrete benches, bike racks, bollards, irrigation, patterned sidewalk, artwork, and replacing the existing curb, gutter and sidewalk on the north side of Ventura Place with patterned concrete, street lights, and pop-outs. The construction of this project is complete.

Additional funds in the amount of \$43,000 are required to close out the project. The additional funding will cover final construction change order and quantity adjustments, an added plaque explaining true vs. magnetic north, modification of steel plates at the trash enclosures, painting of tree grates, as-built plans and staff time associated with additional items.

FISCAL IMPACT:

Funding of \$43,000 has been identified in the Belmont Traffic Amelioration Fund (Fund number 10532). With this action, the total project cost will be \$759,345

Loveland/Belock/PB

Aud. Cert. 2300508.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-105: General Requirements Contracts II and III for the Engineering and Capital Projects Department Background.

(See memorandum from Frank Belock, Jr. dated 10/31/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-243)

Authorizing the City Manager to execute the as-needed consultant agreement with the Gordian Group in an amount not to exceed \$250,000, contingent upon the Auditor and Comptroller certifying that the funds are available for professional services needed to support the administration of General Requirements Contracts (GRC) II and III;

Approving the contract documents and technical specifications pertaining to GRC II for as needed construction, repairs and emergency work to Park and Recreation Facilities;

Authorizing the City Manager to execute the GRC II contract with the lowest responsible and reliable bidder, which contract has been previously advertized (BID K-02235C, Volume 2) in an amount not to exceed \$4,000,000, contingent upon certification by the City Auditor and Comptroller that the funds are available in CIP-21-834.0 and which contract has a duration not to exceed two years;

Approving the contract documents and technical specifications pertaining to GRC III for as needed construction, repairs and emergency work to non-Park and Recreation Facilities;

Authorizing the City Manager to execute the GRC III contract with the lowest responsible and reliable bidder, which contract has been previously advertized (BID K-02235C, Volume 1), in an amount not to exceed \$3,000,000, contingent upon certification by the City Auditor and Comptroller that the funds are available in CIP-21-834.0, and which contract has a duration not to exceed two years;

Authorizing the expenditure not to exceed \$7,250,000 from CIP-21-834.0 for the purpose of providing funds for said projects and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for such expenditure are or will be on deposit with the City Treasurer;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/13/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

A GRC is a competitively bid contract and includes a Unit Price Book which encompasses the typical work conducted by the construction contractor. The Contractor bids for price adjustment factors or multipliers which are applied to all of the unit prices in the unit price book. The Contractor with the lowest factor and a responsive, responsible bid is awarded the Contract. Specific construction projects have not been identified, but will be approved on a task order by the task order basis.

Benefits of implementing the Engineering and Capital Projects Department, Public Buildings and Parks Division GRC II and GRC III includes, but are not limited to, providing construction

support to rehabilitate/repair the City facilities such as Balboa Park, Community Parks, Mission Bay Park, and other non-park type projects quickly and cost effectively. The maximum work to be authorized for each GRC Task Order shall not exceed \$500,000 except in the case of an emergency affecting the health, safety, property, or when authorized by City Council.

The PB&P GRC II will be used for Park and Recreation Facilities for a contract amount not to exceed \$4,000,000; and PB&P GRC III will be used for non Park and Recreation Facilities for a contract amount not to exceed \$3,000,000. GRC I was authorized by City Council on August 7, 2000, RR-293649, and it has since been terminated. The proposed agreement with the Gordian Group will provide the professional services required to develop and implement a General Requirements Contract (GRC) System.

The proposed consultant was selected in accordance with Council Policy 300-7. The City advertised for consultant services in the San Diego Daily Transcript and three minority newspapers on Friday, January 18, 2002. Four consultants responded to the Request for Proposal for consultant services. One consultant declined the interview and the remaining three were interviewed by the Public Buildings and Parks Division.

The Gordian Group was selected based on evaluation of their cost proposal (lowest provided), their GRC system, and software program with a proven track record.

FISCAL IMPACT:

The total authorized expenditure is \$7,250,000. Funds for this purpose are available in Revolving Fund 30245. The funds will be encumbered from various CIP project funds and operation funds allocated for the work to be completed.

Loveland/Belock/AO

Aud. Cert. 2300220.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-106: City of San Diego Street Design Manual.

(See City Manager Report CMR-02-243.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-677 Cor.Copy)

Adopting the Street Design Manual filed in the Office of the City Clerk on October 18, 2002, for the purposes of establishing uniform policies and guidelines to carry out the City's street design functions, and to provide information and guidance to City staff and professionals in the private design sector who are responsible for the design of the City's streets.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/23/2002, LU&H voted 5 to 0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Stevens, Maienschein and Frye voted yea.)

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-107: Two actions related to Otay River Pump Station, Project Related Costs.

(See memorandum from Scott Tulloch dated 10/2/2002. Otay Mesa/Nestor Community Area. District-8.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-643)

Authorizing the expenditure of an amount not to exceed \$630,000 from Fund No. 41509, CIP-41-924.0, Otay River Pump Station, for project related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

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

Subitem-B: (R-2003-644)

Declaring that the information contained in the Final Mitigated Negative Declaration, LDR-40-0088, including any comments received during the public review process, has been reviewed and considered prior to approving the Otay River Pump Station;

Directing the City Clerk to file a Notice of Determination 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 10/9/2002, NR&C voted 5 to 0 to approve and direct staff to report back to the Natural Resources and Culture Committee within sixty days on the following issues:

- A. How many CIP contracts went above the City Engineer's estimate in the past year. Include dollar amount and CIP projects from the following City Departments: Water, Metropolitan Wastewater, and Engineering and Capital Projects.
- B. Comprehensive report of the CIP process. Include feasibility of increasing design-build contracts and other bid options to help address escalating costs.

(Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

On August 6, 2001, the City Council Resolution No. R-295363 authorized the City Manager to enter into an agreement with J.R. Filanc Construction for Design-Build Services related to design and construction of the Otay River Pump Station (OTRPS) and Conveyance System and authorized the expenditure of \$10,185,347 for construction by Filanc Construction.

The purpose of this project is to supply the South Bay Water Reclamation Plant with additional wastewater to produce reclaimed water for the South Bay area. The Otay River Pump Station and Conveyance System Project includes upgrading the existing Pump Station No. 9A (Otay River Pump Station) to pump up to 12 mgd of flow to the Grove Avenue Pump Station where an additional 6 mgd are added and pumped to the South Bay Water Reclamation Plant. Construction of a lift station, at the same site, is included to continue pumping Imperial Beach flows north to Point Loma for treatment, as these flows are not suitable for water reclamation.

The project includes the conveyance system, construction of diversion structures and a gravity pipeline to bring flows from two existing trunk sewers, the Salt Creek Trunk Sewer and the Otay Trunk Sewer, to the Otay River Pump Station. Also included is a conveyance pipeline from the Otay River Pump Station to the Grove Avenue Pump Station.

This action is to authorize the expenditure of an additional \$630,000 from the existing FY 03 approved CIP budget of which \$330,000 is for planned Construction Management services with HDR Engineering and \$300,000 is for in-house administration and other city force work. The additional authorization will bring the total funds available for Construction Management to \$740,000.

This additional expenditure was approved by the Metro Commission, September 27, 2002.

FISCAL IMPACT:

This request is for \$630,000 and is available in Sewer Fund 41509, CIP- 41-924.0, Otay River

Pump Station.

Mendes/Tulloch/MR

Aud. Cert. 2300494.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-108: Seismic Retrofit of the West Mission Bay Drive Bridge over Mission Bay Channel (Bridge No. 57C-426).

(Mission Bay Park Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-635)

Authorizing the City Manager, or his duly designated representative, to apply for, conduct all negotiations for, and execute and comply with all grant requirements in connection with Highway Bridge Rehabilitation and Replacement (HBRR) Funds;

Authorizing the City Manager, or his duly designated representative, to accept a total of \$1,397,013 HBRR Funds, of which \$1,117,610 is from Fund 38718 and \$279,403 is from Fund 38858;

Authorizing the City Auditor and Comptroller, in accordance with the Fiscal Year 2003 Appropriation Ordinance, to amend the Capital Improvements Program (CIP) Budget to increase CIP-53-055.0 - West Mission Bay Drive Bridge over Mission Bay Channel Seismic Retrofit, by the amount of \$1,397,013, of which \$1,117,610 is from Fund 38718 and \$279,403 is from Fund 38858, contingent upon receipt of an FNM-76 (Version E-76) Caltrans Funding Authorization;

Authorizing the City Auditor and Comptroller to appropriate and expend a total amount not to exceed \$1,397,013 of which \$1,117,610 is from Fund 38718 and \$279,403 is from Fund 38858, contingent upon receipt of an FNM-76 (Version E-76) Caltrans Funding Authorization;

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

CITY MANAGER SUPPORTING INFORMATION:

In August 2002, the City Council approved the plans, specifications, advertising, and funding for construction of the West Mission Bay Drive Bridge over Mission Bay Channel Seismic Retrofit Project. The bridge has been identified as a seismically deficient bridge by Caltrans, and is eligible for 80% Federal and 20% State funding to retrofit the bridge to current seismic standards. The bids were opened on September 12, 2002, with 3 bids submitted. The lowest bid was \$7,830,845.16, which exceeded the engineer's estimate of \$6.7 million by \$1,130,845.16 (16.9%). Caltrans has agreed to fund an additional \$1,397,013 for the project so that the construction can proceed and not be delayed. Higher costs from bidders appears to be attributed to the tight schedule for completing pile driving work due to construction restrictions during the breeding season of the California Least Tern.

FISCAL IMPACT:

Prior Council Action authorized \$8,000,000 for construction of this project under CIP-53-055.0. This current action will result in authorizing the additional amount needed for construction of West Mission Bay Drive Bridge over Mission Bay Channel Seismic Retrofit, in the amount of \$1,397,013, contingent upon receipt of Federal (80%) and State (20%) Highway Bridge Rehabilitation and Replacement (HBRR) Funds. Funds below are available and programmed for this work:

Total Project cost :	\$9,808,491
Total Preliminary Engineering Contribution through Federal and State Funds	\$ 411,478
Total Construction Contribution through Federal and State Funds	
Federally funded (80%)	\$7,517,610
State funded (20%)	\$1,879,403

Loveland/Belock/PB

Aud. Cert. 2300514.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-109: Cox-Com Inc. Technology Fund Expenditure.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-663)

Authorizing the City Manager to execute agreements for the purchase and/or installation of telecommunication capital improvements, equipment and services or to otherwise enable the City to meet the cable-related needs and interest of the City;

Authorizing the City Manager to make expenditures in an amount not to exceed \$1,500,000 from the CoxCom Technology Capital Grant Fund, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for such expenditure under established fund are on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

On May 14, 2002, the City Council approved Ordinance Number O-19058 extending the Cox Communications (CoxCom Inc.) cable television franchise an additional ten years through the year 2019.

Under terms of the Cox Communications franchise extension, the company is required to provide the City two payments of one-million five-hundred thousand dollars (\$1,500,000) on the first and second year of the adopted Ordinance to be utilized for “the purchase and installation of telecommunications capital improvements, equipment, and services” for government access technology, dedicated digital channel activation, and affiliated telecommunications equipment and services.

Cox Communications’ initial payment of \$1.5 million was received by the City on June 14, 2002 and has been placed in a special revenue Cox-Com Inc. Technology Fund (Fund 10263) for appropriation as indicated in the Cable Franchise Ordinance. The second \$1.5 million payment is due in June 2003. City Council Resolution is required for expenditures under this Fund.

The Department of Information Technology and Communications (IT&C) has established a priority capital equipment and installation necessity list for partial expenditure of the Cox-Com Inc. Technology Fund. This list includes significant upgrades to the City’s ability to provide “live” video coverage of City events held throughout the City as well as communications radio equipment upgrades and future new technology telecommunications equipment for City use. Council authorization is requested for the expenditure of funding under the Cox-Com Inc. Technology Fund and the authority of the City Manager to select the successful bidding vendors for the purchase and installation of the identified capital equipment needs. Under Section 5 of the Cox-Com Inc. Extension Ordinance, the Technology Funds may not be used in a manner that would cause the funds to be deemed “franchise fees” within the meaning of the Federal Cable Communications Policy Act (47 U.S.C.54g). Under this provision of federal law, acceptable grant funding is essentially limited to capital costs in support of public, educational, or government television channels and facilities.

The remaining funds and second installment of funding will be used for future telecommunications capital needs and for the activation of the dedicated digital cable television channel provided for under the franchise extension ordinance. The dedicated digital cable

television channel will be used for secure training for the Police and Fire and Life Safety Services Departments.

Arellano/Wilken/MJ

Aud. Cert. 2300509.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

*ITEM-110: Appointment of Mr. Joe Craver to the San Diego County Regional Authority.

(See memorandum from Mayor Murphy dated 11/14/2002.)

MAYOR DICK MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-691)

Council confirmation of the appointment by the Mayor of Joe Craver, to serve as a member of the Executive Committee of the San Diego County Regional Airport Authority, for a term ending December 16, 2006.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-111: Proposal to Amend Council Policy 000-09 to Increase City Manager's

