

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 2
FOR THE REGULAR MEETING OF
MONDAY, DECEMBER 8, 2003**

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED WITH RESOLUTION TO BE ADOPTED:

- * ITEM-S411: Three actions related to the Agreements relating to the Construction of Phase I - Pershing Middle School Joint Use Facility.

(See memorandum from April Penera dated 11/13/2003. Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinances in Subitems A and B, and adopt the resolution in Subitem C:

Subitem-A: (O-2004-74)

Introduction of an Ordinance authorizing the City Manager to execute a First Amendment to Joint Use Agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of turfed fields and recreational facilities at Pershing Middle School.

Subitem-B: (O-2004-75)

Introduction of an Ordinance authorizing the City Manager, contingent on San Diego Unified School District approval of the amended Joint Use Agreement, to execute an agreement with Superior Ready Mix, for the construction of Phase I of the Pershing Middle School Joint Use Facility (Project) on Work Order No. 295310;

Authorizing the expenditure of an amount not to exceed \$879,925 from CIP-29-531.0, Phase I of the Pershing Middle School Joint Use Facility, for the purpose of providing funds for the above-referenced Project, upon the execution of the amended Joint Use Agreement by both parties;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED WITH RESOLUTION TO BE ADOPTED:

(Continued)

* ITEM-S411: (Continued)

Subitem-B: (Continued)

Declaring that the City Council accepts and thanks Pershing Middle School Foundation Superior Ready Mix, and Forevergreen Athletic Fields of the West for their generous donations of time, materials and funds, acknowledging that without their involvement and commitment this project would not have come to fruition.

Subitem-C: (R-2004-630)

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2004 Capital Improvements Program Budget by \$50,000 in CIP-29-531.0, Phase I – Pershing Middle School Joint Use Facility, Fund No. 10365, Park and Recreation Donation Matching Funds;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$50,000 from CIP-29-531.0, Phase I – Pershing Middle School Joint Use Facility, Fund No. 10365, Park and Recreation Donation Matching Funds, contingent upon satisfactory completion and documentation of Superior Ready Mix Contracting and Paving, for the purpose of implementing the Project;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2004 Capital Improvements Program Budget by \$145,000 in CIP-29-531.0, Phase I – Pershing Middle School Joint Use Facility, Fund No. 79506, Navajo Development Impact Fees;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$145,000 from CIP-29-531.0, Phase I – Pershing Middle School Joint Use Facility, Fund No. 79506, Navajo Development Impact Fees, for the purpose of implementing the Project; however if \$45,000 or less of these funds are unused at the completion of the Project, they shall be returned to Fund No. 79506;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2004 Capital Improvements Program Budget by \$180,000 in CIP-29-531.0, Phase I – Pershing Middle School Joint Use Facility, Fund No. 63022, Private and Other Contributions – CIP;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED WITH RESOLUTION TO BE ADOPTED:

(Continued)

* ITEM-S411: (Continued)

Subitem-C: (Continued)

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$180,000 from CIP-29-531.0, Phase I – Pershing Middle School Joint Use Facility, Fund No. 63022, Private and Other Contributions – CIP, for the purpose of implementing the Project, contingent on a fully executed Joint Use Agreement with the San Diego School District.

CITY MANAGER SUPPORTING INFORMATION:

In 2001, the City entered into a Joint Use Agreement with the San Diego Unified School District for the development of Pershing Middle School Joint Use Facility. The joint use facility is approximately 10 (ten) acres with proposed sports fields, comfort station/snack bar, and multi-purpose courts. Total construction costs for the project had been estimated at over \$3 million. Due to funding constraints, the 10-acre project has been broken down into phases, with the first phase identified as construction of the artificial turf sports fields in the amount of 4.92 acres.

The City has also been working jointly with the Pershing Middle School Foundation (PMSF) for the development of this Facility. In 2001 the City entered into an agreement with PMSF which gave PMSF the role of the client and as such is the primary decision maker for the design features of the Project which are typically within the purview of the client;

- a. Construction of facilities and associated project elements
- b. Specific architectural features
- c. Building materials and specifications

Through the efforts of PMSF working with Superior Ready Mix (SRM), Koch-Armstrong Construction, and Forever Green Athletic Fields, SRM is prepared to construct the artificial turf at a significant savings to the City of San Diego. The estimated cost for completion of Phase I work in an open bid process would be approximately \$1,380,000. SRM has provided an estimate of \$879,925. This includes donations of the following elements:

- completing the demolition and rough grading work at cost, and donating 3,966 cubic yards of aggregate base, 195 cubic yards of ¾” rock, 52 cubic yards of concrete and 10 cubic yards of 1½” gravel rock including delivery for an approximate savings of \$110,000

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED WITH RESOLUTION TO BE ADOPTED:

(Continued)

* ITEM-S411: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

- providing the demolition and rough grading at cost for an approximate savings of \$90,208
- Forever Green providing the material and installation of artificial turf at a savings of \$299,867

SRM is prepared to do this work at prevailing wage and provide the City with the required bonds and insurances per the City's standard Contractual Agreements and that meets the City's construction standards for a savings of \$500,075.

The JUA agreement has been amended to reflect a lease of 10 years instead of the normal 25 years, because the life expectancy for artificial turf is approximated to be ten (10) years, and to increase the monetary contributions from the District from \$140,000 to \$180,000.

FISCAL IMPACT:

Total estimated cost for Phase I project completion is \$1,056,633.65. Funds in the amount of \$1,056,633.65 are available for Phase I as follows: \$145,000 from Navajo Development Impact Fees, Fund No. 79506; \$50,000 from Park and Recreation Matching Funds, Fund No. 10365; and \$180,000 from San Diego Unified School District contributions, Fund No. 63022 (contingent on a fully executed agreement with the San Diego Unified School District) and previously appropriated funding for Phase I includes \$335,000 from FY 2001 Proposition 12 (Park Bond), Fund No. 38160; \$200,000 from FY 2002 Navajo Development Impact Fees, Fund No. 79506; \$80,000 from Capital Outlay, Fund No. 30245, \$66,633.65 from Park and Recreation Matching Funds, Fund No. 10365.

Estimated annual maintenance costs pursuant to the Joint Use Agreement are approximately \$32,446. The funding for these costs will be requested as a new Park and Recreation Facility in the Fiscal Year budget process in which it will come on line.

Herring/Oppenheim/AP

Aud. Cert. 2400573.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-S412: 2004 Legislative Calendar.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-660)

Adopting the schedule of meetings for the City Council and Standing Committees of the City Council, Redevelopment Agency, and Housing Agency, for the period January 1, 2004 through December 31, 2004.

* ITEM-S413: Settlement of Claim CEQA Action by CalProp Corporation.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-661)

A Resolution approved by the City Council in Closed Session on Tuesday, October 14, 2003, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$250,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the litigation commenced by CalProp Corporation, challenging a mitigated negative declaration approved for Sycamore Landfill Systems, Inc., for Sycamore Landfill Systems, Inc. (Superior Court Case No. GIE 015747, CalProp Corporation v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to reallocate the sum of \$250,000 of the San Diego Landfill System, Inc. Facility Franchise Fee deposit from the Recycling Fund 41210 to the Public Liability Fund 81140;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-S413: (Continued)

Authorizing the City Auditor and Comptroller to enter into a contract to purchase 285.1 acres of land owned by CalProp in East Elliot for the total sum of \$250,000;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$250,000 made payable to Sycamore Landfill, Systems, Inc.;

Declaring that said funds are to be payable from Fund No. 81140.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of CEQA action by CalProp Corporation against the City of San Diego, its agents and employees.

In settlement of litigation commenced by CalProp Corporation, challenging a mitigated negative declaration approved for Sycamore Landfill Systems, Inc., the City will enter into a contract to purchase 285.1 acres of land owned by CalProp in East Elliot, and the City will pay Sycamore Landfill Systems a sum of \$250,000.

Lexin/Lopez/LH

Aud. Cert. 2400584.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM
COMMITTEE ON RULES, FINANCE, AND INTERGOVERNMENTAL RELATIONS,
RESOLUTION:

ITEM-S414: Appointment of the New Ethics Commission Executive Director.

(See letter from Dorothy L. W. Smith dated 11/24/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-658)

Confirming the appointment of Stacey Fulhorst to serve as the Ethics Commission's Executive Director, replacing Charles Walker.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:

On 12/3/2003, RULES voted 5 to 0 to approve the selection of Stacey Fulhorst as the new Ethics Commission Executive Director. (Councilmembers Peters, Atkins, Maienschein, Madaffer, and Mayor Murphy voted yea.)

ADOPTION AGENDA, DISCUSSION, HEARING
NOTICED HEARING:

ITEM-S415: ~~Three~~ Four actions related to Parcel Map Work Order No. 400628 – Ballpark Project.

(See Centre City Development Corporation Report CCDC-03-21/CCDC-03-31. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District-2.)

(Continued from the meeting of December 2, 2003, Item S502, at the request of the City Attorney, for further review.)

NOTE: An Additional Subitem D has been added.

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-637 Cor. Copy)

Stating for the record that the City has reviewed and considered information contained in the Master Environmental Impact Report for the Centre City Redevelopment Project and the Subsequent Environmental Impact Report to the Master Environmental Impact Report for the Centre City Redevelopment Project for the Proposed Ballpark and Ancillary Development Projects and Associated Plan Amendments with respect to Parcel Map Work Order No. 400628;

Directing the City Clerk to file a Notice of Determination regarding the project.

Subitem-B: (R-2004-636)

Authorizing the City Manager, or designee, to sign all documents necessary and appropriate, and to take all other actions necessary to purchase and/or accept, for and on behalf of the City of San Diego, the conveyance of certain real property acquired by the Agency either at no fee (for use as street rights of way or for the new Main Library site) or at a purchase price equal to the Agency's costs (for subsequent transfer by the City to JMIR – Downtown Acquisition, LLC at a purchase price equal to the City's purchase price) pursuant to the terms and conditions of the MOU and the Ballpark Cooperation Agreement; or otherwise in furtherance of the Ballpark and Redevelopment Project:

ADOPTION AGENDA, DISCUSSION, HEARING (Continued)

NOTICED HEARING: (Continued)

ITEM-S415: (Continued)

Subitem-B: (Continued)

Authorizing the City Manager, or designee, to sign all documents necessary and appropriate, and to take all actions necessary to convey certain real property to JMIR – Downtown Acquisition, LLC, for a purchase price of \$42,408, and that \$42,408 is hereby appropriated and expenditure of that amount is authorized for the purpose of acquiring the property from the Agency contingent upon the deposit of sale proceeds by JMIR – Downtown Acquisition, LLC.

Authorizing the City Manager, or designee to undertake all actions necessary and appropriate to implement the intent and purposes of this resolution.

Subitem-C: (R-2004-590)

Declaring that the City Council finds that certain map surveyed by D.K. Nasland Land Surveyor, titled “Parcel Map” (Map), being a lot consolidation and lot line adjustment of Lot 6, Parcel Map 18855 and Lots A through L in Blocks 128, Lots A, B, C, D, I, J, K, and L in Bloc 133 of Horton’s Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof mad by L.L. Lockling, together with those portions of 11th Avenue, 12th Avenue, and J Street, as dedicated to public use, is made in the manner and form prescribed by law and conforms to the surrounding surveys; and that the said Map and the subdivision of land shown therein is hereby approved and accepted as shown on said Map and subject to the conditions as set forth thereon;

Declaring that the City Council finds that portions of 11th Avenue and K Street dedicated to public use per Horton’s Addition, Deed Book 13, Page 522, recorded June 21, 1871, are not shown within this Map because they have been vacated pursuant to Section 66445(j) of the State Subdivision Map Act;

Authorizing and directing the City Clerk to endorse upon the Map, as and for the act of the Council, that the Council has approved the Map and that the streets are vacated as stated in this resolution;

Directing the City Clerk to transmit said Map to the County Recorder of the County of San Diego, California.

ADOPTION AGENDA, DISCUSSION, HEARING (Continued)
NOTICED HEARING: (Continued)

ITEM-S415: (Continued)

Subitem-D: (R-2004-655)

Authorizing the City Manager to execute the Easement Deed, to grant SDG&E an easement for the purpose of accessing and maintaining the 69kV line within the boundaries of the public right-of-way of K Street, between 11th Avenue and 12th Avenue (Property).

Aud. Cert. 2400560.

NOTE: See the Redevelopment Agency Agenda of December 8, 2003 for a companion item.