

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, JUNE 21, 2004 AT 2:00 P.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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

**=== LEGISLATIVE SCHEDULE ===**

Special Order of Business

- ITEM-30: Approval of Council Minutes.

**NON-AGENDA PUBLIC COMMENT**

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

**CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT**

In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meeting, adopted on March 29, 2004, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda scheduled for 9 a.m. on Tuesday, June 22, 2004. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

**NOTE:** Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

**Information Item - No Action Required - The City Council shall:**

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

**REQUESTS FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items

- ITEM-50: Amending the San Diego Municipal Code to Ban Alcoholic Beverage Consumption in Fanuel Street Park. Mission Bay Park Community Area. (Dists. 2 and 6)  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 6/7/2004.
- ITEM-51: Transfer of Non-Exclusive Solid Waste Collection Franchise Agreement.  
CITY MANAGER'S RECOMMENDATION: Introduce the ordinance.
- ITEM-100: Downtown Banner Program. Downtown Community Area. (Dist. 2)  
COUNCILMEMBER ZUCCHET'S RECOMMENDATION: Adopt the resolution.
- ITEM-101: Otay Mesa Banner Program. Otay Mesa Community Area. (Dist. 8)  
COUNCILMEMBER INZUNZA'S RECOMMENDATION: Adopt the resolution.
- ITEM-102: De-Appropriation of TransNet Commercial Paper.  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-103: Renewal of Lease Agreement with Ocean Beach Child Care Project. Peninsula Community Area. (Dist. 2)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-104: Fifteen-Year Lease Agreement with San Diego Family Care, d.b.a. Mid-City Community Clinic. City Heights Community Area. (Dist. 3)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-105: Approval of Settlement Agreement in San Diego Police Officers Association v. City of San Diego.  
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution.
- ITEM-106: First Amendment to the Agreement with Brown & Caldwell for Utilities Asset Management System.  
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 5/12/2004, NR&C voted 3 to 0 to approve.
- ITEM-107: First Amendment to Agreement with EMA, Inc., for Implementation of Water Department Strategic Business Plan.  
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 5/12/2004, NR&C voted 3 to 0 to approve.
- ITEM-108: Agreement with Infrastructure Engineering Corporation for Engineering Design Consulting Services. Carmel Valley Community Area. (Dist. 1)  
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 6/9/2004, NR&C voted 4 to 0 to approve.
- ITEM-109: Establishment of a Two-Hour Unmetered Parking Zone on the 2400 Block of 6<sup>th</sup> Avenue. Uptown Community Area. (Dist. 2)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-110: Appointments and Reappointment to the Relocation Appeals Board.  
MAYOR MURPHY'S RECOMMENDATION: Adopt the resolution.
- ITEM-111: Linda Burleson Day.  
COUNCILMEMBER MADAFFER'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-112:            Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (Dist. 8)  
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-113:            Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region. (Dist. 8)  
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-114:            Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).  
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-115:            Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.  
TODAY'S ACTION IS: Adopt the resolution.

Adoption Agenda, Discussion, Other Legislative Item

- ITEM-200:            Funding for Fox Canyon Park and Home Avenue Park from Mid-City Park Development Fund. Mid-City Community Area. (Dists. 3, 4, and 7) (Cont. from 6/7/2004, Item 106)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued) ===

Public Notices

ITEM-250: Notice of Pending Final Map Approval – Torrey Highlands Employment Center.

ITEM-251: Submission of Ballot Proposals.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

**=== EXPANDED CITY COUNCIL AGENDA ===**

SPECIAL ORDER OF BUSINESS

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS:** Tb( CACTION Tb)

Approval of Council Minutes for the meetings of:

05/24/2004

05/25/2004



**CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT**

In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meeting, adopted on March 29, 2004, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda scheduled for 9 a.m. on Tuesday, June 22, 2004. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

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**Information Item - No Action Required - The City Council shall:**

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

**REQUEST 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:**

Item 50.

**ORDINANCES TO BE INTRODUCED:**

Item 51.

**RESOLUTIONS TO BE ADOPTED:**

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

ADOPTION AGENDA, CONSENT ITEMS

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

\* ITEM-50: Amending the San Diego Municipal Code to Ban Alcoholic Beverage Consumption in Fanuel Street Park.

(Mission Bay Park Community Area. Districts-2 and 6.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 6/7/2004 (Council voted 9-0):

(O-2004-59)

Amending Chapter 5, Article 6, Division 0, of the San Diego Municipal Code by amending Section 56.54 by making formatting changes and enforcing a 24-hour ban on the consumption of alcoholic beverages in Fanuel Street Park; and by amending Sections 56.55 and 56.56 by making formatting changes only.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCE TO BE INTRODUCED:

\* ITEM-51: Transfer of Non-Exclusive Solid Waste Collection Franchise Agreement.

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2004-141)

Introduction of an Ordinance approving the transfer of a non-exclusive solid waste collection franchise from Webco Sanitation to EDCO Disposal Corporation and authorizing the execution of a Class II Non-Exclusive Solid Waste Collection Franchise Agreement with EDCO Disposal Corporation (dba Webco Sanitation).

**NOTE:** 6 votes required pursuant to Section 103 of the City Charter.

**CITY MANAGER SUPPORTING INFORMATION:**

On December 13, 1996, the City Council enacted Ordinance No. 0-18353, which amended the San Diego Municipal Code to establish Non-Exclusive Solid Waste Collection Franchises for solid waste haulers and authorized the City Manager to execute Non-Exclusive Solid Waste Franchise Agreements with the City's seventeen existing licensed solid waste haulers. Under City Charter Section 103, these franchises can be transferred by an ordinance of the City Council. Charter Section 103 states the following: "For purposes of this section, a Council approved transfer shall be required when there is any change in the legal structure of the entity which holds the franchise, which change alters the ownership or control of the entity. Such changes include, but are not necessarily limited to, sale, lease, assignment..." It further states that "Absent Council approval, the franchise shall not be deemed to have been transferred to the new entity."

Edco Disposal Corporation is one of 13 existing companies that have franchise agreements with the City of San Diego. Edco Disposal Corporation previously purchased Webco Sanitation and is now requesting the transfer of the existing franchise agreement. Including the Webco Sanitation franchise agreement, the City of San Diego currently has 21 franchise agreements in place, since some companies have affiliated franchises. An application containing current business license, business plan, proof of insurance, performance bond, and vehicle information data has been submitted and reviewed.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCE TO BE INTRODUCED: (Continued)

\* ITEM-51: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

Staff has determined that Edco Disposal Corporation's application meets all the technical and financial criteria for transfer of a Non-Exclusive Solid Waste Collection Franchise within the City of San Diego. Approval of this transfer will not increase Edco Disposal Corporation's market share of the commercial solid waste collection services sector since Webco Sanitation currently has no active accounts. As an affiliate of Edco Disposal Corporation, it will have the same access to the marketplace as any of the other existing franchisees.

Mendes/Heap/SAM

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

\* ITEM-100: Downtown Banner Program.

(Downtown Community Area. District-2.)

**COUNCILMEMEBER ZUCCHET'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1371)

Declaring that, in accordance with San Diego Municipal Code Section 142.1210, banners may be installed on the following streets: Market Street from India Street to 17th Street; F Street from 10th Avenue to 17th Street; J Street from 6th Avenue to 17th Street; Harbor Drive from 5<sup>th</sup> Avenue to Park Boulevard; Imperial Avenue from Park Boulevard to 17th Street; Park Boulevard from Market Street to Harbor Drive; 6th Avenue from Market Street to L Street; 7<sup>th</sup> Avenue from Market Street to Tony Gwinn Drive; Tony Gwinn Drive from 7th Avenue to Park Boulevard; 8th Avenue from Market Street to J Street; 9th Avenue from Market Street to J Street; 10th Avenue from F Street to Park Boulevard; 11th Avenue from Market Street to Park Boulevard; Russ Boulevard from Park Boulevard to 16th Street; B Street from Park Boulevard to 16th Street; C Street from Park Boulevard to 16th Street; 16th Street from Russ Boulevard to C Street; and Park Boulevard from Russ Boulevard to C Street;

Declaring the Downtown San Diego Partnership will manage the banners;

Declaring the banners shall be installed in accordance with the following:

- a. The banners shall not be used for commercial or political advertising, except that logos and trademarks of sponsoring organizations shall be permitted.
- b. The total area of logos and trademarks shall be limited to five percent of the banner length.
- c. The banners shall be displayed no more than 30 calendar days, with one 30-calendar-day extension.
- d. The banners shall be installed only on light standards that have been equipped by the City with mounting hardware.
- e. The banners have received all necessary permits to locate in the public right-of-way.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-101: Otay Mesa Banner Program.

(Otay Mesa Community Area. District-8.)

**COUNCILMEMBER INZUNZA'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1349)

Declaring that, in accordance with San Diego Municipal Code Section 142.1210, banners may be installed on the following streets: Otay Mesa Road from Caliente Avenue to Piper Ranch Road; Siempre Viva Road from La Media Road to Enrico Fermi Drive, Airway Road from Britannia Boulevard to Enrico Fermi Drive, Britannia Boulevard from Siempre Viva Road to Otay Mesa Road, La Media Road from Siempre Viva Road to Otay Mesa Road, and Heritage Road from Camino Maquiladora to Otay Mesa Road;

Declaring the Otay Mesa Chamber of Commerce or if a business improvement district (BID) is created, will sponsor and manage the banners;

Declaring the banners shall be installed in accordance with the following:

- a. The banners shall not be used for commercial or political advertising except that logos and trademarks of sponsoring organizations shall be permitted.
- b. The total area of logos and trademarks shall be limited to five percent of the banner length.
- c. The banners shall be displayed no more than 30 calendar days, with one 30-calendar-day extension.
- d. The banners shall be installed only on light standards that have been equipped by the City with mounting hardware.
- e. The banners have received all necessary permits to locate in the public right-of-way.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-102: De-Appropriation of TransNet Commercial Paper.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1355)

Authorizing the City Auditor and Comptroller to de-appropriate TransNet Commercial Paper, Fund 30306, in the amount of \$23,295,661, for approximately 118 projects that have been identified by the City Manager for de-appropriation.

**CITY MANAGER SUPPORTING INFORMATION:**

As part of the Fiscal Year 2004 Final Capital Improvements Program Budget, the Mayor and City Council approved approximately \$58.8 million in capital improvement projects funded by the TransNet Program. Of this total amount, approximately \$29.1 million is from TransNet Sales Tax, interest and reimbursements, and approximately \$29.7 million is from TransNet Commercial Paper programmed from prior years and carried over as a result of our cash management process. With this process, any commercial paper not issued during the current fiscal year must be de-appropriated and reprogrammed in the new fiscal year. This action is merely a deferral process and by itself does not constitute a reduction in the overall commercial paper funding. Although the issuance of commercial paper is deferred, the individual project needs remain the same, which necessitates the sustenance of the programmed funding. Of the \$29.7 million programmed in commercial paper, it is recommended that \$23.2 million be de-appropriated this fiscal year for approximately 118 projects. The remaining \$6.4 million in commercial paper will not be de-appropriated as it was issued this fiscal year.

**FISCAL IMPACT:**

There will be no impact to any of the projects, as the commercial paper will be reprogrammed in Fiscal Year 2005 Final Budget if the project has not been completed by the end of the fiscal year.

Loveland/Belock/SMC



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-103: Renewal of Lease Agreement with Ocean Beach Child Care Project.

(Peninsula Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1013)

Authorizing the City Manager to execute a 5-year lease agreement with Ocean Beach Child Care Project, for low cost childcare services located at 2031 and 2041 Chatsworth Boulevard, at an initial yearly rent of \$1, plus an annual administrative fee of \$2,621 with annual CPI adjustments.

**CITY MANAGER SUPPORTING INFORMATION:**

The City owns an approximately 14,600 square foot parcel with two buildings together totaling 2,827 square feet located at 2031 and 2041 Chatsworth Boulevard. This property was acquired in 1986 with CDBG funds for low cost child care services in Council District 2. The property has been leased to the Ocean Beach Child Care Project, a non-profit corporation, since 1990. Ocean Beach Child Care Project, Inc., utilizes the building for low income families with infants, toddlers and/or pre-schoolers that need care and educational enrichment during the day.

The existing lease expired on September 30, 2000 and is on holdover. Ocean Beach Child Care Project has requested a five year renewal of the lease with two five year options. They have a need for a long term lease in order to secure grant funding for capital improvements. Rent will be \$1 per year, plus an annual administrative fee of \$2,621 with annual CPI adjustments.

City valuation staff determined the fair market rental value of the property to be \$99,600 per year.

The basic terms and conditions of the proposed lease are as follows:

USE            Operation of a child care facility; care and educational enrichment to infants, toddlers and/or pre-schoolers from low income families.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-103: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

TERM Five (5) years with two (2) five (5) year options.

RENT One Dollar (\$1) per Lease Year with an Administrative Fee of Two Thousand Six Hundred Twenty-One Dollars (\$2,621) per Lease Year with annual CPI adjustments.

MAINTENANCE Lessee is responsible for the maintenance of the premises for the term of the lease.

**FISCAL IMPACT:**

Amount of \$2,621, subject to annual CPI adjustments, will be deposited into the general fund revenue account #77444.

Herring/Griffith/CRG

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-104: Fifteen-Year Lease Agreement with San Diego Family Care, d.b.a. Mid-City Community Clinic.

(City Heights Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1331)

Authorizing the City Manager to execute a lease agreement with San Diego Family Care, d.b.a. Mid-City Community Clinic, for the management and operation of a health care clinic for low-income patients and to provide related non-profit social services at 4290 Polk Avenue for an initial term of fifteen years and a conditional right to extend for an additional ten years, at no rent plus administrative cost recovery, under the terms and conditions as substantially set forth in that lease agreement.

**CITY MANAGER SUPPORTING INFORMATION:**

Mid-City Community Clinic (MCCC) has leased the majority of the property since September 5, 1979. The premises consist of two buildings (15,000 sq. ft.) and a small parking lot, located on a .48 acre parcel. The premises are used by MCCC for its clinic and staff offices. The Salvation Army previously leased a portion of the clinic basement, which it vacated last year. MCCC now wishes to lease the entire premise to alleviate its crowded conditions.

MCCC recently merged with Linda Vista Clinic, creating San Diego Family Care d.b.a. Mid-City Community Clinic. MCCC provides quality, low or no cost medical services and medications to the low-income persons in the community. MCCC's fees are on a sliding scale, according to the patient's income and dependants. It also provides health educational programs and counseling in several languages common within this diverse community.

MCCC's primary consideration to the City for the lease is the medical service it provides for the community. As additional consideration, MCCC will initially invest an estimated \$54,491 to remove mold in the basement and to repair foundation leaks. MCCC maintains the premises at an estimated annual cost of \$80,000. For an additional lease term of ten years, MCCC will invest an estimated additional \$200,000 with a combination of grants and its funds to remodel the basement for its record storage and staff offices.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-104: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

City staff estimates the current annual market rent for the premises to be in the range of \$181,800 to \$198,000, according to its rent survey of comparable properties. Based on the new proposed Nonprofit Policy, the MCCC will be charged an annual administration fee of \$2,621, plus annual CPI adjustments.

**FISCAL IMPACT:**

An annual minimum of \$2,621 will be deposited into the City's 100 Fund.

Herring/Griffith/DLD

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-105: Approval of Settlement Agreement in San Diego Police Officers Association v. City of San Diego.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1274)

Authorizing the City Manager to execute the settlement agreement (Agreement), in complete settlement of each and every claim against the City of San Diego, its agents and employees, in San Diego Police Officers Association v. City of San Diego, San Diego Superior Court Case No. GIC 814284;

Authorizing the City Manager and City Attorney to take such and further actions as may be necessary or appropriate to implement the intent and purposes of this resolution and the Agreement.

**SUPPORTING INFORMATION:**

This constitutes the complete and final settlement of the claims asserted against the City of San Diego, its agents and employees, as alleged in the complaint filed in the San Diego Police Officers Association v. City of San Diego, San Diego Superior Court Case No. GIC 814284.

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ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-106: First Amendment to the Agreement with Brown & Caldwell for Utilities Asset Management System.

(See memorandum from Larry Gardner dated 5/5/04.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-1361)

Authorizing the City Manager to execute, a First Amendment to Agreement with Brown & Caldwell for Consulting Services (First Amendment) for the development of a Capital Asset Management System;

Authorizing the expenditure of an amount not to exceed \$460,000 for the purpose of providing funds for the First Amendment, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

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

On 5/12/2004, NR&C voted 3 to 0 to approve. (Councilmembers Lewis, Frye, and Inzunza voted yea. Councilmembers Zucchet and Madaffer not present.)

**SUPPORTING INFORMATION:**

On June 4<sup>th</sup> of 2002, the City Council approved the Utilities Asset Management System Consulting Agreement with Brown & Caldwell (R-296591). These consulting services are being used by the Water Department and the Metropolitan Wastewater Department (MWW) for the development of a Utilities Asset Management System. The Water Department is requesting authorization to add \$460,000 to the agreement for additional services increasing the Agreement to a not to exceed total of \$1,172,379 for the development of a Capital Asset Management System (CAMS).

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-106: (Continued)

**SUPPORTING INFORMATION:** (Continued)

The CAMS program will be a computerized tool to forecast capital water infrastructure replacement and refurbishment (R&R) requirements over multi-year periods and support the department's financing plan, and long-range capital planning efforts. CAMS will include the ability to analyze and compare multiple scenarios regarding both future R&R needs and funding requirements. Therefore, developing and implementing CAMS is anticipated to result in improved water system reliability through use of better asset data and reducing costs by constructing and scheduling projects identified using asset management business processes. Furthermore, the CAMS program will demonstrate to consumers and financing entities the long-term view the Department is taking of its infrastructure.

The following are the tasks to be completed over the next 18 months:

- Asset data including useful lives, pricing formulae or tables, and characteristic refurbishment programs
- Requirements/Design/Development of CAMS computerized program
- Definition of database formats.
- Simulation and R&R reporting
- Funding Analysis and Planning
- Documentation for CAMS
- Testing/Training/Deployment

Once completed, CAMS will be updated by the Water Department, and will be integrated with the proposed Computerized Maintenance Management System (CMMS) that is a component of the Bid-to-Goal program.

**FISCAL IMPACT:**

Total cost of the First Amendment is \$460,000, which will be phase funded in FY 2004 and FY 2005. Funding is available in Fund 41500.

Mendes/Gardner/GJA

Aud. Cert. 2401134.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-107: First Amendment to Agreement with EMA, Inc., for Implementation of Water Department Strategic Business Plan.

(See memorandum from Larry Gardner dated 5/5/2004.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-1362)

Authorizing the City Manager to execute a First Amendment to Agreement with EMA, Inc., for Consulting Services (First Amendment) for implementation of the Water Department Strategic Business Plan;

Authorizing the expenditure of an amount not to exceed \$249,864 from Water Fund 41500, for the purpose of providing funds for the First Amendment;

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

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

On 5/12/2004, NR&C voted 3 to 0 to approve. (Councilmembers Lewis, Frye, and Inzunza voted yea. Councilmembers Zucchet and Madaffer not present.)

**SUPPORTING INFORMATION:**

During the FY 2002 budget review the City Council directed a management review of the Water Department. That review was completed by the consulting firm of Black and Veatch which included in its recommendations that the Water Department develop a Strategic Business Plan. On February 18, 2003, the City Council authorized the Water Department to enter into a contract with EMA, Inc., for the sum of \$349,631 to develop a Strategic Business Plan.

The Department has reviewed and analyzed industry trends, obtained input from significant stakeholders and peers in the water industry, conducted a detailed self-assessment process to identify organizational strengths and weaknesses, developed statements of its vision, goals and objectives, and identified strategies and tactics to improve the efficiency and effectiveness of the organization.



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-107: (Continued)

**SUPPORTING INFORMATION:** (Continued)

The Strategic Business Plan (Plan) document is now undergoing its final review and is expected to be approved by the Public Utilities Advisory Commission on June 21, 2004. The Plan will be presented to the Mayor and City Council following its approval by the PUAC. This action is presented now, in anticipation of PUAC approval, in order to have the necessary resources in place to begin immediately implementing the plan at the beginning of Fiscal Year 2005.

Additional work is required to fully implement the strategic planning process into the daily activities of the department. In particular, we need to develop a systematic method of measuring how well we are doing in attaining our goals and objectives. The standard for such measurement is called a Balanced Scorecard which links specific performance measures to identified goals and objectives. This amendment will utilize EMA's familiarity with the department and its nationally recognized expertise in this field to assist the department in development of such a scorecard. EMA, Inc., would also follow up on issues identified in the self-assessment process and assist the department to optimize specific business processes such as customer support, human resources, and financial services to improve their overall efficiency, and assist in development of a departmental communications plan.

This amendment extends the duration of the agreement with EMA, Inc., by two years and adds \$249,864 to the previously authorized amount of \$349,631.

**FISCAL IMPACT:**

There is \$249,864 available in the FY 2004 Water Department budget (Water Fund 41500) for this amendment.

Mendes/Gardner/MS

Aud. Cert. 2401142.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-108: Agreement with Infrastructure Engineering Corporation for Engineering Design Consulting Services.

(See memorandum from Larry Gardner dated 6/1/2004. Carmel Valley Community Area. District-1.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-1332)

Authorizing the City Manager to execute an agreement with Infrastructure Engineering Corporation (Agreement), for engineering design consulting services on the Carmel Valley Reclaimed Water Pipeline;

Authorizing the expenditure of an amount not to exceed \$548,221.61 from Water Fund 41500, CIP-70-954.0, North City Reclamation System (Carmel Valley Recycled Water Pipeline), for the purpose of providing funds for the Agreement and related in-house costs;

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

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

On 6/9/2004, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

**SUPPORTING INFORMATION:**

In December 2000, the City of San Diego developed the Water Reclamation Master Plan which evaluated area demands for reclaimed water and established the basis for planning of capital improvements. The Master Plan identified specific infrastructure needed for distribution of reclaimed water from the North City Water Reclamation Plant. The distribution network was planned to transmit water to rapidly growing areas to the north, in three phases: Phase I is currently under construction, portions of Phase II have been and are planned to be constructed simultaneously with ongoing and future development while Phase III remains conceptual in nature.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-108: (Continued)

**SUPPORTING INFORMATION:** (Continued)

The proposed Carmel Valley Recycled Water Pipeline is part of the Phase II of the Master Plan intended to achieve the 2010 EPA goal. This pipeline includes approximately 10,000 linear feet of 8-inch to 12-inch diameter pipeline to provide a vital extension to serve recycled water to the Meadows Del Mar golf course, Palacio Del Mar Home Owners Association and future customers in the 500 Zone in the western portion of Carmel Valley. It is anticipated that Meadows Del Mar would use approximately 303 acre-feet per year (AFY) of recycled water for golf course irrigation and 109 AFY for Palacio Del Mar Home Owners Association. This proposed Carmel Valley RWP is an integral part of the City's reclaimed distribution network. Once in operation, the North City Reclamation System will reduce the City's dependence on imported water, thereby easing the demands on the existing potable water infrastructure.

The Water Department Request for Qualifications selection process was followed to obtain the services of a design engineering consultant. As part of this process, the Water Department receives a short-list of qualified firms from Contract Services. A Selection Panel was convened and interviewed the short-listed firms. The firms were evaluated on the basis of qualifications including expertise, experience, understanding and approach to the scope of services, and the capability of personnel and subcontractors. Based upon the results of these interviews and subsequent reference checks, Infrastructure Engineering Corporation was selected as the most qualified to provide engineering consulting services.

**FISCAL IMPACT:**

Funding is available from the Water Department Fund 41500, CIP-70-954.0, North City Water Reclamation System in the amount of \$548,221.61.

Mendes/Gardner/FA

Aud. Cert. 2401125.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-109: Establishment of a Two-Hour Unmetered Parking Zone on the 2400 Block of 6<sup>th</sup> Avenue.

(Uptown Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1342)

Establishing a two-hour unmetered time limit parking zone, effective between the hours of 8:00 a.m. and 6:00 p.m., Sunday and certain holidays excepted, on the west side of the 2400 block of 6<sup>th</sup> Avenue;

Authorizing the installation of the necessary signs and markings to be made on said street, and the regulations hereinabove imposed shall become effective upon the installation of such signs.

**CITY MANAGER SUPPORTING INFORMATION:**

This action will establish a two-hour unmetered time limit parking zone effective between 8:00 a.m. and 6:00 p.m. and Sundays and certain holidays excepted, on the westside of the 2400 block of 6<sup>th</sup> Avenue. Council approval is required according to Municipal Code Section 86.04.

The fronting property owner at the subject location has submitted a petition requesting the establishment of a two-hour unmetered parking zone. This location has met the criteria established in Council Policy 200-04 for the installation of two-hour unmetered parking. In addition, a parking duration study was performed and it showed the two-hour unmetered parking suitable for this location. The Uptown Partnership, Inc., is in favor of this action.

The proposed parking configuration is consistent with other parking zones in the rest of the Uptown community. The proposed parking insures that more parking spaces will be available to serve fronting property.

**FISCAL IMPACT:**

\$400. Funds are not budgeted for this purpose. However, Street Division will reprioritize other maintenance needs in order to complete this project.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

Mendes/Belock/VW

\* ITEM-110: Appointments and Reappointment to the Relocation Appeals Board.

(See memorandum from Mayor Murphy dated 6/9/2004, with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1378 Cor. Copy)

Council confirmation of the following appointments and reappointment by the Mayor to serve as members of the Relocation Appeals Board with terms expiring as indicated:

**Reappointment:**

**Term Ending**

Kurt A. Chilcott

October 1, 2005

**Appointments:**

Karen E. Bucey  
(Replacing Gale B. Johnson, who resigned)

October 1, 2005

Dennis Stryker  
(Replacing Gregory Thorpe, whose term expired)

October 1, 2005

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-111: Linda Burleson Day.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1356)

Recognizing Linda Burleson for her personal qualities of courage, determination and fairness, and her dedication in applying those virtues to the welfare of the citizens of San Diego and Imperial Counties;

Proclaiming June 23, 2004 to be "Linda Burleson Day" in the City of San Diego.

\* ITEM-112: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-1106)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-113: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-1316)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

- \* ITEM-114: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-1088)

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

**CITY MANAGER SUPPORTING INFORMATION:**

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-115: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-1230)

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.



ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTION:

ITEM-200: Funding for Fox Canyon Park and Home Avenue Park from Mid-City Park Development Fund.

(Continued from the meeting of June 7, 2004, Item 106, at the request of Deputy Mayor Atkins, for further review.)

(Mid-City Community Area. Districts-3, 4, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1151)

Amending the Fiscal Year 2004 Capital Improvements Program Budget by adding CIP-29-865.0, Home Avenue Park;

Amending the Fiscal Year 2004 Capital Improvements Program Budget for Fund No. 39094, Mid-City Special Park Fees, CIP-29-865.0, Home Avenue Park, by increasing the budget amount by \$600,000;

Authorizing the appropriation and expenditure of an amount not to exceed \$600,000 from Fund No. 39094, Mid-City Special Park Fees, CIP-29-865.0, Home Avenue Park, solely and exclusively, for the purpose of providing funds for design contracts and initial environmental studies of Home Avenue Park;

Amending the Fiscal Year 2004 Capital Improvements Program Budget by adding CIP-29-596.0, Fox Canyon Park – Acquisition and Development;

Amending the Fiscal Year 2004 Capital Improvements Program Budget for Fund No. 39094, Mid-City Special Park Fees, CIP-29-596.0, Fox Canyon Park – Acquisition and Development, by increasing the budget amount by \$900,000;

Authorizing the appropriation and expenditure of an amount not to exceed \$900,000 from Fund No. 39094, Mid-City Special Park Fees, CIP-29-596.0, Fox Canyon Park – Acquisition and Initial Studies, solely and exclusively, for the purpose of providing funds for the purposes of acquisition, design contracts, and environmental studies of Fox Canyon Park, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-200: (Continued)

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 purpose of this request for Council Action is to provide initial funding for two new parks: Fox Canyon Park (\$900,000) and Home Avenue Park (\$600,000). The funding source is the Mid-City Park Development Fund (#39094).

Fox Canyon Park is located east of Euclid Avenue, west of Altadena Drive, and south of University Avenue, in the Fox Canyon Neighborhood. The proposed land is adjacent to Auburn Creek and will provide an approximately 2-acre passive use park. This community is park deficient and the proposed park will provide a highly needed recreational outlet.

Home Avenue Park is located on the east side of Home Avenue, near the intersection with 47<sup>th</sup> Street, in the Mid-City area. The proposed park is adjacent to Chollas Creek and the six-acre site will provide approximately two-acres of passive use parkland. The Mid-City Community is park deficient based on General Plan Standards and this project will provide much needed park land. It is envisioned that this site will serve communities in Council Districts 3, 4, and 7. Its design and construction will also enhance a portion of Chollas Creek.

**FISCAL IMPACT:**

Funds in the amount of \$600,000 are available for CIP-29-865.0, Home Avenue Park, from the Mid-City Park Development Fund, Fund No. 39094. Funds in the amount of \$900,000 are available for CIP-29-596.0, Fox Canyon Park - Acquisition and Development, from the Mid-City Park Development Fund, Fund No. 39094. The proposed new facilities will require funding for operation and maintenance when they are completed.

Herring/Penera/KR

Aud. Cert. 2401080.

PUBLIC NOTICES:

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

ITEM-250: **Notice** of Pending Final Map Approval – Torrey Highlands Employment Center.

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 “Torrey Highlands Employment Center” (T.M. No. 40-0315), a copy of which is available for public viewing at the Office of the San Diego City Clerk. Said project is located southwesterly of proposed SR 56 and Camino Del Sur in the Torrey Highlands Community Plan Area in Council District 1. 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.

PUBLIC NOTICES: (Continued)

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

## ITEM-251: SUBMISSION OF BALLOT PROPOSALS

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

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 2, 2004 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	5/28/2004	158	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee.
Wednesday	6/16/2004	139	Rules Committee review of ballot proposals.
Monday	6/21/2004	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee.
Monday	6/28/2004	127	Council adopts propositions for ballot; directs City Attorney to prepare ordinances.
Monday	7/19/2004	106	
Monday	7/26/2004	99	Council adopts ordinances prepared by City Attorney.
Friday	8/06/2004	88	Last day for City Clerk to file with Registrar of Voters all elections material.
Thursday	8/19/2004	75	Last day to file ballot arguments with City Clerk.

If you have questions, please contact the Office of the City Clerk at (619) 533-4025.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT