

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, JUNE 28, 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 Orders 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 **Special Closed Session Agenda for Monday, June 28, 2004, scheduled to commence immediately following the conclusion of the regular open session meeting that day. This Special closed session may continue into Tuesday, June 29, 2004. In addition, there is a Special Closed Session Agenda for Wednesday, June 30, 2004, scheduled at 3:30 p.m.**

The Special Closed Session Agendas are 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: Adding Two Alternate Seats to the Sustainable Energy Advisory Board.  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 6/14/2004.
- ITEM-51: Amendment to Sublease and Maintenance Agreement with the San Diego Community Foundation Charitable Real Estate Fund. City Heights Community Area. (Dist. 3)  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 6/14/2004.
- ITEM-100: Two actions related to Inviting Bids for the Construction of Otay 2<sup>nd</sup> Pipeline Improvements – Alta View Replacement. Paradise Valley Community Area. (Dist. 4)  
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 5/12/2004, NR&C voted 3 to 0 to approve.
- ITEM-101: Two actions related to Inviting Bids for the Construction of Otay 2<sup>nd</sup> Pipeline Improvements – Cathodic Protection Phase. Skyline-Paradise Hills, Greater North Park, Encanto, and Otay Mesa Community Areas. (Dists. 3, 4, and 8.)  
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 3/17/2004, NR&C voted 4 to 0 to approve.
- ITEM-102: Inviting Bids for the Construction of General Requirements Contract for Water and Sewer Projects.  
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 6/9/2004, NR&C voted 4 to 0 to approve.
- ITEM-103: Establishment of New Rates, Fees, and Adjustments to Existing Rates and Fees for Inclusion in the Rate Book.  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

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

Adoption Agenda, Consent Items (Continued)

- ITEM-104: Participation Agreement with San Diego Revitalization Corporation for the Design and Construction of the Wastewater Mains 39<sup>th</sup> Street Village Sewer Project (Metro Career Center). City Heights Community Area. (Dist. 3)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.
- ITEM-105: FY 2004 National Endowment for the Arts Challenge America Access to the Arts Folk and Traditional Arts Website Project.  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-106: Grant Application for California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 Resources Bond Per Capita for Rancho Bernardo Community Park Dog Off-Leash Area (Project). Rancho Bernardo Community Area. (Dist. 5)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-107: Parcel Map Work Order No. 421075 Including Landscaping Easement and Building Restricted Easement Vacations. Torrey Hills Community Area. (Dist. 1)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-108: Excusing Councilmember Jim Madaffer from Attending the Regularly Scheduled Council and Rules Committee Meetings of July 19 to July 21, 2004.  
COUNCILMEMBER MADAFFER'S RECOMMENDATION: Adopt the resolution.
- ITEM-109: Venice Pizza House 50<sup>th</sup> Anniversary Day.  
DEPUTY MAYOR ATKINS' RECOMMENDATION: Adopt the resolution.
- ITEM-110: Sister Linda Lutz Day.  
DEPUTY MAYOR ATKINS' RECOMMENDATION: Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items (Continued)

ITEM-111: Creation of a Sister City Between San Diego, California and Jalalabad, Afghanistan.  
MAYOR MURPHY'S RECOMMENDATION: Adopt the resolution.

Special Hearings, Discussion

ITEM-200: **NOTE:** This item has been pulled.

Public Notices:

ITEM-250: Notice of Pending Final Map Approval – 4034 Florida Street.

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:**

Approval of Council Minutes for the meetings of:

05/31/2004

06/01/2004

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

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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:**

Items 50 and 51.

**RESOLUTIONS TO BE ADOPTED:**

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

ADOPTION AGENDA, CONSENT ITEMS

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

\* ITEM-50: Adding Two Alternate Seats to the Sustainable Energy Advisory Board.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 6/14/2004. (Council voted 9-0):

(O-2004-144)

Amending Chapter 2, Article 6, of the San Diego Municipal Code by amending Section 26.04(b), relating to the Sustainable Energy Advisory Board.

\* ITEM-51: Amendment to Sublease and Maintenance Agreement with the San Diego Community Foundation Charitable Real Estate Fund.

(City Heights Community Area. District-3.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 6/14/2004. (Council voted 9-0):

(O-2004-140)

Authorizing the City Manager to execute an amendment to the Sublease and Maintenance Agreement with the San Diego Community Foundation Charitable Real Estate Fund to allow monies granted to the City, pursuant to Section 6.2 of the Sublease, to be spent on library programs in City Heights in addition to park and recreation programs.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- \* ITEM-100: Two actions related to Inviting Bids for the Construction of Otay 2<sup>nd</sup> Pipeline Improvements – Alta View Replacement.

(See memorandum from Larry Gardner dated 5/5/2004. Paradise Valley Community Area. District-4.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2004-1391)

Approving the plans and specifications for the construction of Otay 2<sup>nd</sup> Pipeline Improvements – Alta View Replacement (Project) on Work Order No. 187841;

Authorizing the City Manager, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$1,400,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$1,759,000 from Water Revenue Fund 41500, CIP-73-286.0, Otay 2<sup>nd</sup> Pipeline Improvements, and \$80,000 from Water Revenue Fund 41500, CIP-73-331.0, Annual Allocation – Pooled Contingency, solely and exclusively, for the purpose of providing funds for the Project and related costs, contingent upon the passage of the Fiscal Year 2005 Capital Improvement Program Budget and Appropriation Ordinance, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Declaring that an amount not to exceed \$15,000 in easement/right-of-way costs is available in Water Fund 41500, CIP-73-286.0, Otay 2<sup>nd</sup> Pipeline Improvements;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K042178)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-100: (Continued)

Subitem-B: (R-2004-1392)

Stating for the record that the information contained in the final Environmental Impact Report (EIR), Project No. 5503 (EIR LDR No. 42-0955, SCH No. 2003011124), including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of Project;

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

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

On 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:**

The Otay 2<sup>nd</sup> Pipeline was originally constructed to convey water 19 miles from the Otay Water Treatment Plant to University Heights Reservoir in North Park. Built from 1928 to 1930, the pipeline continues to serve as a lifeline, moving up to 20 million gallons per day north and south between Alvarado and Otay service areas. The primary objective of the Otay 2<sup>nd</sup> Pipeline Improvements Project is to maintain a reliable source of potable water through maintenance, repair, or replacement of the existing pipeline. The Alta View Replacement Phase is one of the eight phases of the Otay 2<sup>nd</sup> Pipeline Improvements Project. This project is part of the Compliance Order mandated by the State of California, Department of Health Services.

This project consists of construction of approximately 1,305 linear feet of 48-inch steel pipe and installation of 1,015 linear feet of 12-inch PVC pipe. The existing 36-inch Otay 2<sup>nd</sup> Pipeline is located in a narrow easement between rows of houses along Alta View Drive. This location lacks adequate access and makes maintenance or repair nearly impossible due to the narrow easement and uneven terrain. It is imperative that pipeline be relocated in order to remove the risk of collateral damage in the event of pipeline failure. The new 48-inch steel pipe will be installed in the City right of way along Alta View Drive.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-100: (Continued)

**SUPPORTING INFORMATION:** (Continued)

The 12-inch PVC will be installed in the street parallel to the new 48-inch line. This pipeline will provide a more reliable water supply to approximately 30 houses along Bougainville Road by connecting these houses to a major distribution zone in the area.

The Water Department is seeking approval to advertise for bids on the Alta View Pipeline Phase of the project. The construction of this project will: 1. Eliminate potential danger of sudden pipe break and any risk to the community. 2. Eliminate potential repair cost. 3. Installation of pipes within the City Right of Way. 4. Extend the service life of the Otay 2<sup>nd</sup> Pipeline well into 21<sup>st</sup> Century. 5. Provide more reliable water supply to the community.

**FISCAL IMPACT:**

Total estimated cost of this project is \$1,839,000. The amount of \$1,759,000 is available in FY 2005, from the Water Fund 41500, CIP-73-286.0, Otay 2<sup>nd</sup> Pipeline Improvements and \$80,000 is available from the Water Fund 41500, CIP-73-331.0, Pooled Contingency.

Mendes/Gardner/ML

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-101: Two actions related to Inviting Bids for the Construction of Otay 2<sup>nd</sup> Pipeline Improvements – Cathodic Protection Phase.

(See memorandum from Larry Gardner dated 3/9/2004. Skyline-Paradise Hills, Greater North Park, Encanto, and Otay Mesa Community Areas. Districts-3, 4, and 8.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2004-1389)

Approving the plans and specifications for the construction of Otay 2<sup>nd</sup> Pipeline Improvements - Cathodic Protection Phase (Project) on Work Order No. 187001;

Authorizing the City Manager, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$1,060,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$1,744,318 from Water Fund 41500, CIP-73-286.3, Otay 2<sup>nd</sup> Pipeline Improvements - Cathodic Protection Phase, and \$53,000 from Water Fund 41500, CIP-73-331.0, Annual Allocation - Pooled Contingency, solely and exclusively, for the purpose of providing funds for the Project and related costs, contingent upon the passage of the Fiscal Year 2005 Capital Improvement Program Budget and Appropriation Ordinance, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Certifying that an amount not to exceed \$5,000 in easement/right-of-way costs is available in Water Fund 41500, CIP-73-286.3, Otay 2<sup>nd</sup> Pipeline Improvements – Cathodic Protection Phase;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K042196C)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-101: (Continued)

Subitem-B: (R-2004-1390 Cor. Copy)

Certifying that Environmental Impact Report (EIR), Project No. 5503 (EIR LDR No. 42-0955, SCH No. 2003011124), has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Project;

Adopting the findings made with respect to the project, pursuant to California Public Resources Code Section 21081 and California Code of Regulations Section 15091, with respect to the project;

Adopting the Mitigation Monitoring and Reporting Program;

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

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

On 3/17/2004, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

**SUPPORTING INFORMATION:**

The Otay 2<sup>nd</sup> Pipeline was originally constructed to convey water 19 miles from the Otay Water Treatment Plant to University Heights Reservoir in North Park. Built from 1928 to 1930, the pipeline continues to serve as a lifeline, moving up to 20 million gallons per day north and south between the Alvarado and Otay service areas. The primary objective of the Otay 2<sup>nd</sup> Pipeline improvements project is to maintain a reliable source of potable water through maintenance, repair, or replacement of the existing pipeline. The Cathodic Protection Phase is one of the eight phases of the Otay 2<sup>nd</sup> Pipeline Improvements Project. This project is part of the Compliance Order mandated by the State of California Department of Health Services.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-101: (Continued)

**SUPPORTING INFORMATION:** (Continued)

Cathodic protection of the pipeline is needed to prevent the steel from deteriorating (rusting). Through the use of a rectifier, a small electric current is impressed on the pipe to prevent further corrosion. The installation covers total of 58,000 linear feet of the existing pipeline between the Otay Water Treatment Plant and 54<sup>th</sup> Street. Facilities to update or install a new cathodic protection system include rectifier, test stations, electrical isolation of copper water services, and new coating for 28 exposed sections of the pipeline. Installation of a cathodic protection system will extend the life of existing pipeline and defer costly replacement of these sections.

The Water Department Capital Improvements Program identified the Cathodic Protection Phase as a funded project that will improve the reliability of the City's water system. A Programmatic Environmental Impact Report covering the eight phases of the Otay 2<sup>nd</sup> Pipeline Project has been prepared and this project is contingent upon Council's approval of the report.

**FISCAL IMPACT:**

The total estimated cost of this project is \$1,802,318. The amount of \$1,749,318 is available, in FY 2005, from the Water Fund 41500, CIP-73-286.3, Otay 2nd Pipeline Improvements - Cathodic Protection Phase and \$53,000 is available from the Water Fund 41500, CIP-73-331.0, Pooled Contingency.

Mendes/Gardner/ML



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-102: Inviting Bids for the Construction of General Requirements Contract for Water and Sewer Projects.

(See memorandums from Frank Belock, Jr. dated 5/26/2004 and 9/2/2003.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-1169 Cor. Copy)

Approving the plans and specifications for the construction of General Requirements Contract for Water and Sewer Projects (Project) on Work Order No. 002004A;

Authorizing the City Manager, after advertising for bids in accordance with law, to award the General Requirements Contract to the lowest responsible and reliable bidder in an amount not less than \$50,000 and not to exceed \$4,000,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$500,000 from Water Fund 41500 and \$3,500,000 from Sewer Fund 41506, solely and exclusively, for the purpose of funding the General Requirement Contract, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K042038C)

**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.)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-102: (Continued)

**SUPPORTING INFORMATION:**

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

**FISCAL IMPACT:**

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

Loveland/Belock/HR

WWF-04-661.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-103: Establishment of New Rates, Fees, and Adjustments to Existing Rates and Fees for Inclusion in the Rate Book.

(See City Manager Report CMR-04-107.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1384)

Approving the establishments of new rates, fees, and adjustments to existing rates and fees for inclusion in the Rate Book of City fees and charges maintained in the Office of the City Clerk.

**CITY MANAGER SUPPORTING INFORMATION:**

As part of the FY05 budget process and consistent with the City's policy on budgetary cost recovery principles, the City Manager directed staff to conduct a full evaluation of the costs and revenues associated with providing City services. This effort is in accordance with the California Constitution, as well as the State Government Code which authorize local jurisdictions to impose fees, charges, and rates in order to recover costs associated with providing services and the use of facilities.

On May 25 and June 14, 2004, public hearings were held by the Council of the City of San Diego to consider the establishment of new rates and fees and adjustments to existing rates and fees. The Mayor and City Council approved a number of new and revised fees, some of which require a resolution to be approved in order to transfer the references to the standardized Rate Book maintained by the City Clerk, pursuant to Administrative Regulation 95.25. The Resolution includes the following rates and fees: Fire Company Inspection Program Fees, Special Survey Fees, Curb Installation, Disabled Parking Violation Fine, Disabled Parking Violation Processing Fee, Sidewalk Disabled Access Ramp Parking Violation Fine, Trailer Parking Violation Fine, NSF Processing Fee, Business Tax Processing Fee, Ground Use Fees, Instructional Camp Fees, and Police/Traffic Control Rates for Commercial Events and Other Activities.

Herring/Murray/Wormser

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-104: Participation Agreement with San Diego Revitalization Corporation for the Design and Construction of the Wastewater Mains 39<sup>th</sup> Street Village Sewer Project (Metro Career Center).

(City Heights Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2004-705)

Authorizing the City Manager to enter into a Participation Agreement with San Diego Revitalization Corporation, for reimbursement of costs associated with the design and construction of approximately 2,800 linear feet of 8" sewer main at the Metro Career Center for an amount not to exceed \$287,661;

Authorizing the expenditure of an amount not to exceed \$318,661 from Sewer Revenue Fund No. 41506, CIP-44-001.0, Annual Allocation Sewer Main Replacement, solely and exclusively, for the purpose of funding the Participation Agreement, in-house engineering, and related costs.

Subitem-B: (R-2004-706)

Declaring that the information contained in Mitigated Negative Declaration, LDR File No. 41-1089, including any comments received during the public review process, has been reviewed and considered by this Council in connection with the sewer main replacement at the Metro Career Center;

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

**CITY MANAGER SUPPORTING INFORMATION:**

As a condition of the development of Metro Career Center (Metro Villas), described in the site plan ("Development"), San Diego Revitalization Corporation (the Developer) was required to make improvements to the public wastewater system at 39<sup>th</sup> Street Village Sewer Project (Metro Career Center) in San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-104: (Continued)

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

The improvements have been completed to the satisfaction of the City Engineer. Said public wastewater system improvements include the installation of approximately 2,800 linear feet of 8" PVC sewer main, and abandonment of an existing 6" sewer main. These public wastewater system improvements were necessary and are for the benefit of City as a whole. The City urgently needs to expedite additional public wastewater improvements adjacent to and downstream of the Development because the existing sewer main has completely deteriorated and cannot accommodate additional flow.

Because the project conformed with Council Policy 400-6, and the sewer work needed to be done as a first item of work, the Developer moved forward with the construction at his own risk, without an agreement for reimbursement, considering the substantial mutual benefit between the agencies. The City is under no obligation to approve the subject Participation Agreement. The Developer understood the risk of proceeding prior to the City Council authorization.

Staff recommends reimbursement of one hundred percent (100%) of the construction of the offsite wastewater improvements. The Developer has replaced and paid for 100% of the sewer improvements in the frontage of their project. All sewer work is completed to the satisfaction of the City Engineer and the Metropolitan Wastewater Department, except that reimbursement cost shall not in any case exceed \$287,661.

**FISCAL IMPACT:**

The total estimated cost of this project is \$318,661. Funding is available for this project in Fund 41506, CIP-44-001.0, Annual Allocation Sewer Main Replacement for the purpose of construction of the 39<sup>th</sup> Street Village Sewer Project (Metro Career Center).

Ewell/Christiansen/HRB

Aud. Cert. 2400656.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-105: FY 2004 National Endowment for the Arts Challenge America Access to the Arts Folk and Traditional Arts Website Project.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1383)

Authorizing the City Manager to apply for and accept the NEA Challenge America: Access to the Arts Program grant funds (the NEA Grant Funds) in the amount of \$15,000 for the Folk and Traditional Arts Program Website Project (Project) in Fiscal Year 2004 to implement the Project and related activities;

Authorizing the City Manager to expend the NEA Grant Funds in an amount not to exceed \$15,000 and matching funds in an amount not to exceed \$15,000, for a total amount not to exceed \$30,000, solely and exclusively, for the Project and related activities, contingent upon the City Auditor and Comptroller first issuing one or more certificates certifying that funds necessary for expenditures are, or will be, on deposit with the City Treasurer.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego Commission for Arts and Culture (Commission) has received a grant in the amount of \$15,000 (Fifteen Thousand Dollars) from the National Endowment for the Arts (NEA) Challenge America: Access to the Arts Program to support the Folk and Traditional Arts Program Website Project (Project.) The Project will expand the Commission's existing web pages on the City's website to promote and build public awareness of folk and traditional arts in the San Diego region by providing a directory of local folk and traditional artists and resources. It is part of the Commission's efforts to expand the services it provides the local arts community and increase public access to folk and traditional arts and culture.

Grant and matching funds will be used to hire a project coordinator and a web design consultant in addition to any costs incurred interdepartmentally (IT&C) for website development.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-105: (Continued)

**FISCAL IMPACT:**

A 1:1 cash match is required. The matching funds in their entirety are available in the Commission's FY04 administrative budget.

The grant period is between June 1, 2004 and May 31, 2006.

Herring/Hamilton/VS

Aud. Cert. 2401157.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-106: Grant Application for California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 Resources Bond Per Capita for Rancho Bernardo Community Park Dog Off-Leash Area (Project).

(Rancho Bernardo Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1241)

Authorizing the City Manager to apply to the State of California (SOC) for the Grant for the Project;

Authorizing the City Manager to take all necessary actions to secure the Grant and to negotiate and execute all agreements necessary to comply with the SOC's grant requirements;

Authorizing the City Manager to accept the Grant if it is secured;

Authorizing the City Auditor and Comptroller to establish special interest-bearing fund for the Grant;

Authorizing upon receipt of a fully executed grant agreement, an increase of \$473,500 to the Fiscal Year 2004 Capital Improvement Program Budget, CIP-29-598.0, Rancho Bernardo Community Park Dog Off-Leash Area;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$473,500 from CIP-29-598.0, Rancho Bernardo Community Park Dog Off-Leash Area, for construction of the Rancho Bernardo Community Park Dog Off-Leash Area, upon receipt of a fully executed grant agreement.

**CITY MANAGER SUPPORTING INFORMATION:**

In March 2002, California voters approved Proposition 40, the \$2.6 billion 2002 State Resources Bond "Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002 (bond)". Based upon State Department of Finance population figures as of January 1, 2002, the City of San Diego will receive a total of \$11,063,430 on a Per Capita basis from the bond.



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-106: (Continued)

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

On December 8, 2003, the Mayor and City Council approved Resolution R-298699, which included a distribution of the Per Capita/RZH Per Capita funds to each council district, with a portion of the funding set aside for projects with citywide and regional impact.

On February 20, 2004, the City entered into a contract with the State of California for the 2002 Resources Bond Act Per Capita Grant Program. The City's allocation is intended for acquisition and development of neighborhood, community and regional parks and recreation lands and facilities.

This action authorizes the City Manager to apply for \$473,500 in grant funds, appropriated by the State of California as a portion of the City of San Diego's population-based allocation from the 2002 Resources Per Capita Bond. The funds will be used for the design and construction of Rancho Bernardo Community Park Dog Off-Leash Area, located at the southeast corner of Rancho Bernardo Community Park, see location map. Project costs include the purchase of the land, professional design services, site development permit and environmental document, and the construction of the Dog Off-Leash area. Amenities include disabled access, additional parking, new concrete walk to the three new dog pens, fencing, lighting, benches, and landscaping.

**FISCAL IMPACT:**

The estimated total cost of the project is \$760,000. The City will receive \$473,500 from Prop 40, \$285,000 from Prop 12 Park Bond (previously authorized) and \$1,500 from Council District Infrastructure fund (previously authorized), for capital improvements to Rancho Bernardo Community Park Dog Off-Leash Area, CIP-29-598.0. No local matching funds are required for this grant proposal.

Herring/Oppenheim/AP

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-107: Parcel Map Work Order No. 421075 Including Landscaping Easement and Building Restricted Easement Vacations.

(Torrey Hills Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1380)

Approving Parcel Map W.O. No. 421075, being a lot line adjustment of Parcels 1 and 2 of Parcel Map No. 18946;

Declaring that the landscaping easement granted to the City of San Diego per Parcel Map No. 18946 recorded April 19, 2002 over all of Parcel 2 of said map and the building restricted easement granted per Parcel Map No. 18045 over Parcel 2 of Parcel Map No. 18946 are not shown within the Parcel Map because they are vacated, pursuant to Subdivision Map Act Section 66445(j).

**CITY MANAGER SUPPORTING INFORMATION:**

This 14.638-acre map proposes a lot line adjustment between two parcels. This parcel map is located in the Torrey Hills Community Plan area, southeasterly of Carmel Mountain Road and Vista Sorrento Road in Council District 1. This map requires City Council approval because a landscaping easement and a building restricted easement are being vacated on the map.

The landscaping easement being vacated was granted on Parcel Map No. 18946 and the building restricted easement was granted per Parcel Map 18045. Both easements were shown on Parcel Map 18946, which was intended to provide one parcel for a school site and one for slopes. The purpose of this parcel map is to adjust the lot lines so that they coincide with the grading plans for the school on Parcel 1. New landscaping and building restricted easements are being granted on the map, placing all the slopes within Parcel 2, which the Master Home Owners Association in Torrey Hills will maintain. Staff has determined that the revised map is consistent with all previously approved permits. This lot line adjustment map does not create any new lots or allow for greater development density. Therefore, there is no expected traffic impact. There are no park fees due in connection with this project.

**FISCAL IMPACT:**

None.

Loveland/Broughton/GRB

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-108: Excusing Councilmember Jim Madaffer from Attending the Regularly Scheduled Council and Rules Committee Meetings of July 19 to July 21, 2004.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1382)

Excusing Councilmember Jim Madaffer from attending the following regularly scheduled meetings:

1. Closed and Open Session of the City Council meetings on July 19 and 20, 2004.
2. Committee on Rules, Finance and Intergovernmental Relations meeting on July 21, 2004.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-109: Venice Pizza House 50<sup>th</sup> Anniversary Day.

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1385)

Congratulating Venice Pizza House on 50 years of providing outstanding food and service;

Proclaiming June 12, 2004 to be "Venice Pizza House 50<sup>th</sup> Anniversary Day" in the City of San Diego.

\* ITEM-110: Sister Linda Lutz Day.

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1395)

Commending Sister Linda for her outstanding commitment to serving the community of San Diego and congratulating her upon her retirement as principal of Our Lady of the Sacred Heart School;

Proclaiming June 10, 2004 to be "Sister Linda Lutz Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-111: Creation of a Sister City Between San Diego, California and Jalalabad, Afghanistan.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1346)

Declaring that the Council of the City of San Diego expresses its desire to be a Sister City to Jalalabad, Afghanistan, and accepts the mutual desire of the Mayor of the City of Jalalabad, the Honorable Abdul Razzaq Arsalai, to seek Sister City partnership affiliation together.

ADOPTION AGENDA, DISCUSSION, HEARINGS

SPECIAL HEARING:

ITEM-200:           **NOTE:** This item has been pulled.

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 – 4034 Florida Street.

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 “4034 Florida Street” (T.M. Waiver No. 10093), a copy of which is available for public viewing at the Office of the San Diego City Clerk. Said project is located northwesterly of Lincoln Avenue and Florida Street in the Greater North Park Community Plan Area in Council District 3. 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