

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
SUPPLEMENTAL DOCKET NUMBER 1  
FOR THE REGULAR MEETING OF  
TUESDAY, DECEMBER 7, 2004 AT 10:00 A.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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SPECIAL ORDERS OF BUSINESS

ITEM-S500: Stephen Shushan Day.

**COUNCILMEMBER FRYE’S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-647)

Commending and thanking Stephen Shushan for his contributions to the City of San Diego;

Proclaiming December 7, 2004, to be “Stephen Shushan Day” in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:

- \* ITEM-S501: Communications Site Lease Agreement with the County of San Diego for the Lake San Marcos Peak Communications Site.

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2005-67)

Introduction of an Ordinance authorizing the City Manager to execute a 10-year Communications Site Lease with the County of San Diego for the installation, operation, and maintenance of a new paging transmitter on a portion of Lake San Marcos Peak located in the County of San Diego at a monthly rent of \$500 with an annual increase, under the terms and conditions set forth in the Communications Site Lease Agreement.

**CITY MANAGER SUPPORTING INFORMATION:**

The City's Information Technology & Communications Department (IT&C), requires installation of a new paging transmitter to better cover City Employees who reside in the north county areas. The communications site located at the top of Lake San Marcos Peak, owned by the County of San Diego is suitable for this purpose.

IT&C will install a new transmitter within a portion of the County's existing building as well as two antenna mounts on the adjacent communications tower. In order for the transmitter to be housed at the building, installation of racks and shelving, painting and modification of the room are required. Rent credits will be granted to the City in the amount of \$5,000 for the work performed to improve the Premises. The improvements are scheduled to be completed no later than six months after commencement of the lease. Upon completion the County will verify the improvements were completed and apply the credit at the monthly rental rate of \$5000 plus any COLA adjustment until the credit is exhausted.

City valuation staff determined the fair market rental value of the property to be \$6,000 per year.

USE - IT&C paging system for the north county area

TERM - Ten years

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS: (Continued)

\* ITEM-S501: (Continued)

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

RENT - Five hundred dollars (\$500) per month with 3% annual increase.

CAPITAL IMPROVEMENTS - Estimated to be \$5,000 and will be rent credited by the County.

**FISCAL IMPACT:**

Annual Rental payment of Six Thousand Dollars (\$6,000) plus annual adjusted increases will be deducted from special fund 50064, Dept. 539.

Herring/Griffith/CRG

Aud. Cert. 2500542.

ITEM-S502: April Boling Day.

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-577)

Recognizing the vital services that April Boling has provided the citizens of San Diego;

Proclaiming December 8, 2004, to be "April Boling Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS: (Continued)

\* ITEM-S503: Marvin Miles Day.

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-584)

Recognizing Marvin Miles for his outstanding service and contributions to the people of San Diego;

Proclaiming December 15, 2004, to be "Marvin Miles Day" in the City of San Diego.

\* ITEM-S504: Conflict of Interest Code for the City Treasurer.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-643)

Adopting a Conflict of Interest Code for the new City Treasurer's Department.

**CITY MANAGER SUPPORTING INFORMATION:**

This revision is intended to conform to Government Code Section 87306.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-299304 adopted on June 7, 2004. This new City Treasurer's code has been revised to include new positions which had not been previously designated, remove positions previously designated but now more appropriately included in other department's Conflict of Interest codes, and to update the required filing categories for each designated position.

Frazier/Vattimo

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS: (Continued)

\* ITEM-S505: Sewer and Drainage Easement Vacation for Parcels 1 and 2 of Parcel Map No. 18812.

(Encanto Neighborhoods and Southeastern Community Areas. District 4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-547)

Vacating the sewer and drainage easements located across a portion of Parcels 1 and 2 of Parcel Map No. 18812 to unencumber this property and facilitate development of the site, under the procedure for the summary vacation of public service easements, San Diego Municipal Code Section 125.1001, et seq.

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to vacate unneeded sewer and drainage easements in a portion of Parcels 1 and 2 of Parcel Map No. 18812 as shown on Engineering Drawing 00019-3-C. This property is located southwesterly of Euclid Avenue and Market Street in the Encanto Neighborhood, Southeastern Community Planning Area in Council District 4.

The sewer and drainage easements being vacated are on private property. Development of the property requires relocation of the utilities, making the existing easements unnecessary. The applicant has granted easements of approximately equal value as shown on Engineering Drawing No. 00019-1-C to accommodate the public improvements as shown on Engineering Drawing No. 30086-D. There is no present or anticipated future use for the easements in their present locations. Staff has reviewed the request and recommends approval of the vacations. These easements were acquired at no cost to the City.

**FISCAL IMPACT:**

None.

Loveland/Broughton/GRB

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS: (Continued)

- \* ITEM-S506: Two actions related to Approving Final Maps of Carmel Valley Neighborhood 10 Unit 6 West and Carmel Valley Neighborhood 10 Unit 7 West Including Access Rights Vacation and Water and Sewer Easement Vacations.

(Carmel Valley Community Area. District 1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2005-648)

Approving final map of Carmel Valley Neighborhood 10 Unit 6 West.

Subitem-B: (R-2005-649)

Approving final map of Carmel Valley Neighborhood 10 Unit 7 West.

**CITY MANAGER SUPPORTING INFORMATION:**

These maps propose the subdivision of 34.9214 acres into 137 lots. Unit 6 West includes 49 numbered lots for residential development, plus 5 lettered lots. 3 of the 5 lettered lots are building restricted lots. One 3.464 acre lot is an H.O.A. open space easement, and one 0.099 acre lot is to be deeded to the City for open space. Unit 7 consists of 73 lots for residential development, plus 10 building restricted easement lots. These subdivisions are located in the Carmel Valley Community Plan area, northwesterly of Carmel Mountain Road and Carmel Country Road in Council District 1.

These maps require City Council approval because access rights and water and sewer easements are being vacated on the maps. The easements being vacated were granted at no cost to the City and the City has no fee interest. The public improvements required in connection with these maps are shown on Engineering Drawing Nos. 32718-1-24-D and 32929-1-32-D, for which bonds in the amounts of \$1,435,907 and \$2,256,192 have been posted and agreements entered into to assure completion.

Subdivider has given assurance to the City that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego building Industry Association and U.S. Department of Housing and Urban Development."

Staff has determined that these maps are consistent with all previously approved permits, and the City Engineer has approved the maps.

Loveland/Broughton/GRB

**FISCAL IMPACT:**

None.

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS: (Continued)

\* ITEM-S507: Appointment of Management Team for Meeting and Conferring with the City's Employee Organizations.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-135)

Designating the following persons as members of the Management Team for purposes of meeting and conferring with the City's recognized employee organizations, pursuant to the "Meyers-Milias-Brown Act" (MMBA) and Council Policy 300-06:

P. Lamont Ewell, City Manager

Cathy Lexin, Human Resources Director

Michael McGhee, Labor Relations Manager

Scott Chadwick, Labor Relations Officer

Christopher Morris, Head Deputy City Attorney

Michael Rivo, Deputy City Attorney

Joseph Sanchez, Deputy City Attorney

Marcella Ordorica, Deputy City Attorney

Bill Kay, Kay & Stevens

Appointing the Personnel Director and the Retirement Administrator as members of the Management Team for all purposes except for meeting and conferring with the City's employee organizations.

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS: (Continued)

\* ITEM-S507: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:**

In accordance with the provisions of California Government Code Section 3500, et. seq., commonly referred to as the Meyers-Milias-Brown Act (MMBA), the City Council has adopted Council Policy 300-6 which provides the rules and regulations governing employee-employer relations. Contained in MMBA and Council Policy 300-6 is the authority for the City Council to designate a Management Team as its representative to carry out the meet and confer process.

As a result of recent changes in personnel, it is recommended that the Resolution be adopted which designates the following persons as the Management Team for purposes of meeting and conferring with the recognized employee organizations: P. Lamont Ewell, City Manager; Cathy Lexin, Human Resources Director; Mike McGhee, Labor Relations Manager; Scott Chadwick, Labor Relations Officer; Chris Morris, Head Deputy City Attorney; Michael Rivo, Deputy City Attorney; Joseph Sanchez, Deputy City Attorney; Marcella Ordorica, Deputy City Attorney; Bill Kay, Labor Negotiator/Advisor - Kay & Stevens; and that the Personnel Director and Retirement Administrator be appointed as members of the Management Team, pursuant to Council Policy 300-6 for all purposes except meeting and conferring with employee organizations.

**FISCAL IMPACT:**

None.

Lexin/McGhee



ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS: (Continued)

\* ITEM-S508: Excusing Councilmember Brian Maienschein from Attending the Council Meeting of November 23, 2004.

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-646)

Excusing Councilmember Brian Maienschein from attending the regularly scheduled City Council Meeting of November 23, 2004, due to the birth of his daughter.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTIONS:

ITEM-S509: Agreements with Sharp Rees-Stealy Medical Group and U.S. Healthworks Medical Group to Provide Industrial Medical Services to City Employees.

(See City Manager Report No. CMR-04-266.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-650)

Authorizing the City Manager to execute an agreement with the Sharp Rees-Stealy Medical Group and an agreement with U.S. Healthworks Medical Group, to provide industrial medical services to City employees for a period of two years with an option to renew for three additional one-year periods, under the terms and conditions set forth in the respective Agreements ;

Authorizing the expenditure of an amount not to exceed \$10,000,000 per year from Workers' Compensation Fund Number 60029, contingent upon the City Council approving the Fiscal Year 2006 and 2007 budgets, solely and exclusively for the purpose of providing funds for the execution of the above agreements.

Aud. Cert. 2500532.

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-S510: **Notice** of Settlement of Personal Injury Claims of Flora Kuritsky and Morris Kuritsky.

(R-2005-582)

Adopted as Resolution R-299882 on November 22, 2004.

A Resolution approved by the City Council in Closed Session on Tuesday, November 22, 2004, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; District 4-vacant; Maienschein-not present; Frye-yea; Madaffer-not present; Inzunza-not present; Mayor-yea;

Authorizing the City Manager to pay the sum of \$60,000 to Flora Kuritsky and Morris Kuritsky and their attorney, in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from the Personal Injury Claims of Flora Kuritsky and Morris Kuritsky;

Authorizing the City Auditor and Comptroller to issue a check, made payable to Flora Kuritsky and Morris Kuritsky and to their attorneys of record Denise M. Kelleher, in the amount of \$60,000. This constitutes the complete and final settlement of the Personal Injury Claims of Flora Kuritsky and Morris Kuritsky against the City of San Diego, its agents and employees.

Aud. Cert. 2500505.

**NOTE:** This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

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-S511: **Notice** of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

COMMUNITY AREA

Robinhood Ridge Unit No. 4

Otay Mesa

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director of Development Services or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.