

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, DECEMBER 11, 2000
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:04 p.m. The meeting was recessed by Mayor Murphy at 3:45 p.m. for a short break. Mayor Murphy reconvened the meeting at 3:50 p.m. with all Council Members present. The meeting was adjourned by Mayor Murphy at 4:47 p.m. to Closed Session on Tuesday, December 12, 2000 at 9:00 a.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
 - (1) Council Member Peters-present
 - (2) Council Member Wear-present
 - (3) Council Member Atkins-present
 - (4) Council Member Stevens-present
 - (5) Council Member Maienschein-present
 - (6) Council Member Stallings-present
 - (7) Council Member Madaffer-present
 - (8) Council District 8- vacant
- Clerk-Abdelnour (er)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Stallings-present
- (7) Council Member Madaffer-present
- (8) Council District 8-vacant

ITEM-10: INVOCATION

Invocation was given by Pastor Ted Hambrick of the El Cajon Church of the Nazarene.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Wear.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding federal income tax.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A027-058.)

PUBLIC COMMENT-2

Comment by Steve McWilliams regarding the medical marijuana issue and the City Attorney's knowledge about an operation selling marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A060-094.)

PUBLIC COMMENT-3:

Comment by Barbara MacKenzie regarding medical marijuana issues that have not been resolved.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A095-126.)

PUBLIC COMMENT-4: REFERRED TO PS&NS COMMITTEE

De Vee Lang requested a total alcohol ban at city beaches.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A162-187.)

PUBLIC COMMENT-5: REFERRED TO PS&NS COMMITTEE

Bill Bradshaw requested an alcohol ban at city beaches and suggested that the issue be referred to committee.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A188-200.)

PUBLIC COMMENT-6:

Comment by Ernie Abbit regarding the De Anza Cove Community's concerns.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A220-272.)

PUBLIC COMMENT-7:

Comment by Al Strohlein regarding special advisory boards and the risk of implying exclusivity.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A273-311.)

PUBLIC COMMENT-8:

Comment by Eric Bowlby regarding the stormwater permit and sewer spill fine.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A314-369.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Stallings announced that Krispy Kreme Donuts will be opening in San Diego and invited everyone to join her for the opening on Saturday.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A372-385.)

COUNCIL COMMENT-2: REFERRED TO RULES COMMITTEE

Council Member Atkins commented regarding the electric rate issue. Ms. Atkins requested information regarding the ad hoc committee and urged having this issue docketed for further discussion.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A387-418.)

ITEM-50: Public Safety Ordinance.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/27/2000. (Council voted 8-0. District 3 not present):

(O-2001-102) RETURNED TO THE CITY MANAGER

Recognizing the City Charter Provision giving the highest priority in the funding of municipal services to police protection, recognizing the commitment to the addition of police officers set forth in Council Policy 500-01, and expressing direction to the City Manager that in the preparation of the Fiscal Year 2002 through Fiscal Year 2006 proposed budgets, the budget should include the following actions:

1. that for the next five years, public safety personnel be increased until certain performance based standards are met with a minimum goal of adding 10 new public safety personnel positions each year. These performance based standards are to be developed by the City Manager and approved by the City Council, with reference to the original Public Safety Ordinance by the Council;
2. that the City Manager includes data for specific performance based measurements for the Police Department and Fire and Life Safety Services as part of the mid-year budget report;

3. that the mid-year budget report includes a comparison of these specific performance based measures with other large cities in California and the ten most populous cities in the nation that do performance based measurements;
4. that as part of his annual budget proposal, the City Manager includes funding consistent with the goal of reaching performance based measurements as determined by the Council;
5. that the City Council adopt the goal of improving police and fire response times to citizen calls each year for the next five years for all categories of calls in order to achieve the performance goals designated, recognizing that the paramedic contract with Rural Metro already contains performance standards and these cannot be changed;
6. that the City Manager develops performance based standards for the City's lifeguards and report these along with the annual budget proposal.

Declaring that it is the intent of the City Council that there be no new taxes as a result of this proposal.

Declaring that this ordinance shall be of no further force and effect after June 30, 2007.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A577-B254.)

MOTION BY MADAFFER TO RETURN TO THE CITY MANAGER TO DOCKET AND DISCUSS AT A FUTURE BUDGET WORKSHOP. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

MOTION BY ATKINS TO REFER THIS ITEM TO THE PS&NS COMMITTEE, WORK WITH THE CITY MANAGER, DO AN ANALYSIS, AND COME FORWARD TO FULL COUNCIL WITH A RECOMMENDATION DURING THE BUDGET WORKSHOP. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-100: Easement Grant - San Diego Gas & Electric - Kearny Mesa Park.

(Kearny Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-910) TRAILED TO TUESDAY, DECEMBER 12, 2000

Authorizing the execution of a deed conveying to San Diego Gas & Electric Company an easement for the purpose of location of overhead electrical facilities on portions of Pueblo Lot 1204, according to plat thereof made by James Pascoe in 1870, and is known as County Miscellaneous Map No. 36.

CITY MANAGER SUPPORTING INFORMATION:

SDG&E has requested an overhead easement to supply new electric service to a Sprint PCS site on the Mesa College campus. SDG&E will install one new pole and extend the existing overhead lines across City land. The requested easement area is 12 feet in width, 350 feet in length, and totals 4,200 square feet. The easement, which burdens Kearny Mesa Park, has been reviewed and approved by the Park and Recreation Department. The nominal value of \$5,000 has been approved by City valuation staff.

FISCAL IMPACT:

\$5,000 will be deposited into City General Fund 100.

Loveland/Griffith/ACG

_____ FILE LOCATION: DEED F-7934

COUNCIL ACTION: (Tape location: B257-B275.)

Trailed to Tuesday, December 12, 2000 for further review by staff.

* ITEM-101: Flood Storage Easement Abandonment in Lot 3 of Map 12305.

(Otay Mesa Community Area. District-8.)

ASSISTANT CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-772) ADOPTED AS RESOLUTION R-294357

Vacating the flood storage easement in Lot 3 of Map 12305.

ASSISTANT CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to abandon a flood storage easement in Lot 3 of Brown Field Business Park Unit No. 2 in the Otay Mesa Community Planning area. The owner is requesting the abandonment to develop a new commercial building and a parking lot. The owner has granted a satisfactory replacement flood storage easement. The easement to be abandoned was acquired at no cost to the City. City staff recommends approval of the easement abandonment.

Loveland/Haase/AA

FILE LOCATION: DEED-F-7935

COUNCIL ACTION: (Tape location: A500-541.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

* ITEM-102: Access, Water & Drainage Easement Abandonment in Lot 1 of Map 13071.

(Otay Mesa-Nestor Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-773) ADOPTED AS RESOLUTION R-294358

Vacating the access, water, and drainage easement in Lot 1 of Map 13071 in the legal description marked as Exhibit "A" and on Drawing Nos. 19281-1-B and 19281-2-B.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to abandon an access, water, and drainage easement in Lot 1 of Map 13071, which is in the Otay Mesa-Nestor area within Council District 8. The easements were granted on the lot to serve the development of a big box general retail store. The lot has been subsequently sold and plans to build a Home Depot have been approved. The existing easements do not fit the configuration of the new design for the Home Depot. Other easements have been dedicated and recorded per Drawing Number 19283-B. The easement to be abandoned was acquired at no cost to the City.

City staff recommends approval of the easement abandonment.

Loveland/Haase/AA

FILE LOCATION: DEED-F-7936

COUNCIL ACTION: (Tape location: A500-541.)

CONSENT MOTION BY MAIENSCHHEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

* ITEM-103: Grant Application to Coastal Conservancy for Ladera Stairs Rehabilitation.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-907) ADOPTED AS RESOLUTION R-294359

Authorizing the City Manager or his representative to apply to the Conservancy for the Grant for repairing the beach access stairway located at Ladera Street and Sunset Cliffs Boulevard in Sunset Cliffs Park, which has been extensively damaged by years of use and exposure to the elements;

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

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

That the City agrees to the List of Assurances in Exhibit A;

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

Authorizing the City Auditor and Comptroller to appropriate and expend the Grant funds if the Grant is secured.

CITY MANAGER SUPPORTING INFORMATION:

The California State Coastal Conservancy considers public access to the shoreline one of its highest priorities. The Conservancy manages the Public Access Program which provides funding for projects carried out by local governments and non-profit organizations that increase the public's enjoyment of the coast. This grant program funds such projects as public accessways, trails and stairs to the beach and improvements to existing accessways that have been closed or damaged.

This action authorizes the Park and Recreation Department to submit a grant request to the Coastal Conservancy for repairs to the beach access stairs located at Ladera Street and Sunset Cliffs Boulevard within Sunset Cliffs Park. The stairway is extensively damaged by years of use and exposure to the elements. This project is recommended by the Sunset Cliffs Beach Access Feasibility Study (October 2000) and the draft Sunset Cliffs Natural Park Master Plan (April 2000). Furthermore, it has community support from the Sunset Cliffs Natural Park Recreation Council.

FISCAL IMPACT:

The total cost of this project will be \$156,500. If the grant is secured, the city will receive \$125,000 from the Coastal Conservancy and contribute \$31,500 from the Park and Recreation Grant Match Funding approved as part of the Fiscal Year 2000/2001 Appropriation Ordinance, Ordinance No. 18827, adopted on July 25, 2000.

Loveland/McLatchy/HL

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A500-541.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

* ITEM-104: Grant Request for \$15,000 California Certified Local Government Assistance Grant.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-899) ADOPTED AS RESOLUTION R-294360

Authorizing the application and execution of a California Certified Local Government Assistance Grant for the La Jolla Historical Survey.

CITY MANAGER SUPPORTING INFORMATION:

The La Jolla Historical Survey will update the 1977 historical inventory and identify additional potentially significant historical resources within the community. Since the time of the original inventory, over 23 years ago, a large number of properties have become 50 years old, thus warranting a survey. Using the San Diego Historic Designation Criteria and U.S. Secretary of Interior Standards, this study will undertake field work and archival research to identify stand-alone historic sites and potentially historic districts.

The \$15,000 California Certified Local Government Assistance Grant is accompanied by a \$50,000 Community Development Block Grant, which has already been allocated for the La Jolla Historical Survey.

FISCAL IMPACT:

The City will receive \$15,000 for La Jolla Historical Survey.

Christiansen/Loveland/LH

Aud. Cert. 2100588.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A500-541.)

CONSENT MOTION BY MAIENSCHHEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

* ITEM-105: Anti-Money Laundering Grant Application.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-791) ADOPTED AS RESOLUTION R-294361

Authorizing the Chief of Police to apply for, accept, manage and expend funds for the Anti-Money Laundering Grant application;

Declaring the authorization shall include all aspects of grant acceptance, operation, contracts, expenditures, and certifications, and that the City will comply with all applicable statutory and/or regulatory requirements related to this program;

Authorizing the Chief of Police to accept, expend and administer any amendments, extensions, renewals, or future funding of this program for a period of up to five years, provided funding is made available by the U.S. Department of Justice or the U.S. Department of the Treasury;

Authorizing the City to provide the required matching resources, if any, and ongoing costs of operation relating to this program, including any amendments thereof, under the program and funding terms and conditions of the U.S. Department of Justice and/or the U.S. Department of the Treasury;

Declaring that grant funds and/or resources received hereunder shall not be used to supplant expenditures controlled by this body;

Declaring that personnel positions funded hereunder are not subject to local hiring freezes.

CITY MANAGER SUPPORTING INFORMATION:

The U.S. Department of the Treasury (DOT) and the Bureau of Justice Assistance (BJA) have jointly solicited proposals for "Financial Crime-Free Communities Support Anti-Money Laundering Grant Program" projects to detect, investigate, prevent and suppress money laundering and similar financial crimes related to narcotics, fraud, gambling, charity schemes, boiler rooms, counterfeit software, smuggling, and other underlying offenses. SDPD proposes specifically to target large, organized criminal enterprises utilizing banks and other financial institutions, money changing businesses, "front" businesses such as restaurants and bars, and other high-volume cash operations, the major purpose of which is to conceal or disguise the origin of illicit cash transactions. Maximum funding is \$300,000 for 18 months, with selected grantees eligible to apply for future renewal funding. Our proposal requests funding for two full-time SDPD detectives to detect and investigate money laundering crimes; overtime,

vehicles, travel for training, travel for investigations, computer and other office equipment, and an independent program evaluator.

FISCAL IMPACT:

The proposal requests \$300,000 from the Department of the Treasury, via Bureau of Justice Assistance, for staff, equipment, travel and evaluation. There is no requirement for matching funds. However, the application has been strengthened by committing a voluntary match of \$137,861 in existing resources, which include supervision, clerical support, automation, and indirect costs. There is no commitment beyond the end of the grant; any functions which the City elects to sustain can be assumed by existing staff.

Uberuaga/Bejarano/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A500-541.)

CONSENT MOTION BY MAIENSCHIEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-106: Amending FY 2001 Capital Improvements Program Budget-Mesa Verde Neighborhood Park Tot Lot Improvements.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-918) TRAILED TO TUESDAY, DECEMBER 12, 2000

Authorizing the City Auditor and Comptroller to add CIP-29-414.0, Mesa Verde Neighborhood Park Tot Lot, to the Fiscal Year 2001 Capital Improvements Program Budget;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$177,000 (\$47,000 from Mira Mesa Town Council - Community Fund, Fund No. 10516; \$47,000 from Park and Recreation Department Matching Funds, Fund No. 10365; and \$83,000 from Mira Mesa Facilities Benefit Assessment Funds, Fund No. 10365; and \$83,000 from Mira Mesa Facilities Benefit Assessment funds, Fund No. 79006) for use on CIP-29-414.0, Mesa Verde Neighborhood Park Tot Lot.

CITY MANAGER SUPPORTING INFORMATION:

This project will provide for playground upgrades and handicap accessible parking at Mesa Verde Neighborhood Park, located between Gold Coast Drive and Flanders Drive east of Camino Ruiz, adjacent to Mason Elementary School in the Mira Mesa community.

The five-acre park was originally developed in 1971. Due to damage or non-compliance with current safety standards, a majority of the playground equipment has been removed from the park. The remaining playground equipment does not meet current Americans with Disabilities Act (ADA) guidelines or provide adequate play value for the community.

FISCAL IMPACT:

Funds are available in the amount of \$177,000 from the Mira Mesa Community Fund, Fund No. 10516 (\$47,000), Park and Recreation Department Matching Funds, Fund No. 10365 (\$47,000) and Mira Mesa Facilities Benefit Assessment Funds, Fund No. 79006 (\$83,000) for this purpose. The requested funding will be sufficient to cover project design, construction, and administrative costs. No additional maintenance costs are anticipated for future years.

Loveland/McLatchy/DVW

Aud. Cert. 2100606.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A485-495.)

Trailed to Tuesday, December 12, 2000 at the request of the City Manager due to technical difficulties.

* ITEM-107: California Highway Patrol “Traffic Stop Demographic Data Collection” Program Compensation.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-789 Cor. Copy) ADOPTED AS RESOLUTION R-294362

Authorizing the Chief of Police to apply for, accept, manage and expend funds for the Traffic Stop Demographic Data Collection program, including any extensions or amendments;

Declaring that the authorization shall include all aspects of fund acceptance, operation, expenditures, and certifications, and that the City will comply with all applicable statutory and/or regulatory requirements related to this program;

Authorizing the Chief of Police to accept, expend and administer any amendments, extensions, renewals, or future funding of this program for a period of up to five years, provided funding is made available by the State of California;

Authorizing the City to provide the ongoing costs of operation relating to this program, including any amendments, under the program and funding terms and conditions of the State of California.

CITY MANAGER SUPPORTING INFORMATION:

PROGRAM DESCRIPTION: The California Highway Patrol (CHP) is conducting a traffic stop demographic data collection program. In order to maximize the database, CHP is encouraging law enforcement agencies statewide to voluntarily participate in the program. CHP is also providing compensation to law enforcement agencies which participate. Minimum information which must be collected and submitted to CHP in order to be eligible for compensation is race, age, gender, result of traffic stop (e.g., citation, verbal warning, written warning or arrest, etc.), and whether or not a vehicle was searched. This data is currently being collected by SDPD in a self-initiated program. The CHP data collection program period is May 1, 2001 through April 30, 2003. Based on population, SDPD is eligible to receive \$75,000 for participating in the CHP data collection program. If fewer jurisdictions participate than expected, participating agencies may be eligible to receive additional funding. The two-page form is the entire application. CHP requires a Council Resolution containing specific statements, which are included in the Resolution.

FISCAL IMPACT:

There is no requirement for matching funds. Compensation to SDPD is anticipated to be \$75,000; possibly more if fewer jurisdictions participate than anticipated. SDPD began voluntarily collecting this data on January 1, 2000, and intends to provide the data to CHP beginning September 2000.

Uberuaga/Bejarano/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A500-541.)

CONSENT MOTION BY MAIENSCHIEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

* ITEM-108: Agreement with Berryman and Henigar, Inc. for as-needed Civil Engineering Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-935) ADOPTED AS RESOLUTION R-294363

Authorizing the City Manager to enter into an agreement with Berryman and Henigar, Inc., for as-needed civil engineering services;

Authorizing the City Manager to expend \$80,000 from Water Revenue Fund 41500.

CITY MANAGER SUPPORTING INFORMATION:

This is an as needed civil engineering contract that will allow the Water Operations Division of the Water Department to bring in expertise to assist Water Department Staff in the preparation of a Watershed Sanitary Survey of all the City's nine (9) reservoirs. The survey is an update of the

1996 Watershed Sanitary Survey which is required to be prepared every 5 years by the Department of Health Services, State of California.

This survey is being done to comply with the State of California Surface Water Treatment Rule (SWTR) which requires all water suppliers to perform a sanitary survey of the watersheds which contribute surface water to their water supply systems. The survey identifies and assesses existing sources of water contamination, potential future sources of water contamination and makes recommendations for improvements to watershed control and management practices which will protect the quality of surface waters entering our reservoirs.

FISCAL IMPACT:

The total estimated cost for this consultant contract is \$80,000 and funding is available from Water Revenue Fund 41500.

Belock/Gardner/RJC

Aud. Cert. 2100620.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A500-541.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

* ITEM-109: Settlement of Personal Injury Claim of Keith O. Davis.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-912) ADOPTED AS RESOLUTION R-294364

A Resolution approved by the City Council in Closed Session on Tuesday, November 14, 2000, by the following vote: Mathis-yea; Wear-yea; Kehoe-not

present; Stevens-not present; Blair-yea; Stallings-yea; McCarty-yea; Vargas-not present; Mayor-not present;

Authorizing the City Manager to pay the total sum of \$150,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Keith Davis (Superior Court Case No. 735589, Keith Davis v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$150,000 made payable to Keith O. Davis and Douglas S. Gilliland, attorney of record in full settlement of the lawsuit and all claims;

Declaring that the funds are to be payable from Fund No. 81140, Public Liability Reserve Fund.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the personal injury claim of Keith O. Davis against the City of San Diego, its agents and employees, as a result of an incident which occurred on October 13, 1998.

Herring/Oliva/SF

Aud. Cert. 2100647.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A500-541.)

CONSENT MOTION BY MAIENSCHIEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-150: Emergency Medical Services (EMS) Program Paramedic System Status Report and Contract Amendments.

(See City Manager Report CMR-00-198.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-718) ADOPTED AS RESOLUTION R-294365

Authorizing and directing the City Manager to enter into the necessary amendments to the existing Agreements to: 1) Implement a Level 4 dispatch priority, with a 25-minute response time, as recommended by the City Medical Director, and 2) Adjust the CIP to the National All Urban Consumers (CPI-U) weighted Medical Care/Transportation.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:

On 10/4/2000, PS&NS voted 3 to 0 to accept the City Manager's recommendations. (Councilmembers Mathis, Stevens, and Stallings voted yea. Councilmembers Wear and Blair not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B287-352.)

MOTION BY STALLINGS TO ADOPT WITH THE FOLLOWING AMENDMENT: RETURN ITEM 1 (IMPLEMENT A LEVEL 4 DISPATCH PRIORITY WITH A 25-MINUTE RESPONSE TIME, AS RECOMMENDED BY THE CITY MEDICAL DIRECTOR) TO THE PS&NS COMMITTEE FOR FURTHER DISCUSSION AND EVALUATION. ADOPT ITEM 2 (ADJUST THE CPI TO THE NATIONAL ALL URBAN CONSUMERS (CPI-U) WEIGHTED MEDICAL CARE/TRANSPORTATION). Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-151: Amending Stormwater Management and Discharge Control Ordinance.

(See City Manager Report CMR-00-138.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2001-81) INTRODUCED, TO BE ADOPTED ON TUESDAY, JANUARY 9, 2001

Introduction of an Ordinance amending Chapter IV, Article 3, Division 3 of the San Diego Municipal Code by amending Section 43.0312, relating to Stormwater Management and Discharge Control, to eliminate the final administrative appeal before the Land Use and Housing Committee.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 7/19/2000, LU&H voted 5-0 to approve the City Manager's recommendation on consent. (Councilmembers Wear, Kehoe, Stevens, Warden, and McCarty voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego enacted the Storm Water Management and Discharge Control Ordinance, SDMC 43.0301 et seq, in 1993. The ordinance seeks to ensure the health, safety, and general welfare of San Diegans by prohibiting pollutants from entering the storm water conveyance system, thereby enhancing the water quality of the City's beaches, bays, and wetlands. Any person issued an administrative citation may file a notice of appeal within 10 calendar days of receiving the citation. The alleged violator will be afforded a public hearing before a neutral, third party hearing officer. At the hearing, the City bears the burden of proof to establish the existence of a violation by a preponderance of the evidence. Each party shall also have the opportunity to cross-examine witnesses and present evidence in support of his or her case. The hearing officer will then issue an "Administrative Enforcement Order" setting forth his or her decision on the matter. These orders are subject to judicial review. The proposed ordinance change will eliminate the right to a final administrative appeal hearing before the Land Use and Housing Committee for violations of the Stormwater Management and Discharge Control Ordinance. This requirement appears to be unnecessary. Judicial review is available once the hearing officer's "Administrative Enforcement Order" becomes final. In addition, the ordinance change would create consistency with the administrative enforcement hearing procedures followed by all other code enforcement departments (e.g. Neighborhood Code Compliance).

FISCAL IMPACT:

None.

Belock/Hays/KH

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B355-372.)

MOTION BY WEAR TO INTRODUCE. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-200: Qualcomm Stadium Fee Schedule.

(District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

(R-2001-756) ADOPTED AS RESOLUTION R-294366

Authorizing the revised rental fee at Qualcomm Stadium for non-profit or private event on field from \$7,500 to \$8,500/day.

(R-2001-000) ADOPTED AS RESOLUTION R-294403

Authorizing the revised rental fee at Qualcomm Stadium for Plaza Concourse from \$3,500 to \$4,000/day.

(R-2001-000) ADOPTED AS RESOLUTION R-294404

Authorizing the revised rental fee at Qualcomm Stadium for non-profit weekend event in parking lot from \$1,000 to \$1,250/day.

(R-2001-000) ADOPTED AS RESOLUTION R-294405

Authorizing the revised rental fee at Qualcomm Stadium for commercial weekend events in parking lot from \$3,000 to \$3,500/day.

(R-2001-000) ADOPTED AS RESOLUTION R-294406

Authorizing a new rental fee at Qualcomm Stadium for the practice field from \$150 to \$2,000/day.

(R-2001-000) ADOPTED AS RESOLUTION R-294407, AS AMENDED

Authorizing a new rental fee at Qualcomm Stadium for commercial filming \$2,500 - \$10,000/day

(R-2001-000) ADOPTED AS RESOLUTION R-294408

Authorizing a new special events parking fee at Qualcomm Stadium from \$6 - \$7 to \$8/vehicle.

CITY MANAGER SUPPORTING INFORMATION:

The Qualcomm Stadium fees for renting the Stadium and special event parking were last revised in July 1, 1995 and January 1, 1996, respectively. These fees are reviewed periodically to determine the appropriateness of the fees, generate additional revenues to cover increases in maintenance costs, and to keep them inline with other facilities in California. As part of the review a survey was conducted of other facilities in California. The survey indicated that Qualcomm Stadium fees are equal to or lower to the fees being charged by other facilities, even with the proposed fee increases. Some of the facilities that participated in the survey indicated that they are currently reviewing their fees and will be increasing them. The following fee changes are being proposed to be effective on January 1, 2001: non-profit or private event on field from \$7,500 to \$8,500/day; rental of Plaza Concourse from \$3,500 to \$4,000/day; non-profit weekend event in parking lot from \$ 1,000 to \$1,250/day; commercial weekend events in parking lot from \$3,000 to \$3,500/day; a new rental fee for the practice field from \$150 to \$2,000/day; commercial filming from \$2,500 - \$7,500 to \$5,000 - \$10,000/day; and special events (Holiday Bowl, Soccer, etc.) parking fee from \$6 to \$7 to \$8/vehicle. The proposed fee schedule was sent to all regular users of the Stadium and there was no major opposition to the fees. At the November 2, 2000 Qualcomm Stadium Advisory Board Meeting, the Board will be

reviewing the fee schedule and their recommendation will be transmitted to the Mayor and City Council prior to the meeting.

FISCAL IMPACT:

The fee increases will result in approximately \$125,000 per year in additional revenues.

Herring/Wilson/SMS

FILE LOCATION: GEN'L - Fees & Charges Qaulcomm Stadium

COUNCIL ACTION: (Tape location: B382-C200.)

Hearing began at 3:14 p.m. and halted at 3:45 p.m.

Testimony in opposition by Cathy Anderson.

MOTION BY ATKINS TO VOTE ON EACH FEE SEPARATELY. Second by Wear. Passed by the following vote: Peters-nay, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

MOTION BY STEVENS TO CHANGE THE FEE FOR NON-PROFIT OR PRIVATE EVENT ON FIELD FROM \$7,500 TO \$8,500/DAY. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

MOTION BY STEVENS TO CHANGE THE FEE FOR RENTAL OF PLAZA CONCOURSE FROM \$3,500 TO \$4,000/DAY. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

MOTION BY WEAR TO CHANGE THE FEE FOR NON-PROFIT WEEKEND EVENT IN PARKING LOT FROM \$1,000 TO \$1,250/DAY. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-nay, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer, District 8-vacant, Mayor Murphy-yea.

MOTION BY STEVENS TO CHANGE THE FEE FOR COMMERCIAL WEEKEND EVENTS IN PARKING LOT FROM \$3,000 TO \$3,500/DAY. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-nay, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer, District 8-vacant, Mayor Murphy-yea.

MOTION BY STEVENS TO CHARGE A RENTAL FEE FOR THE PRACTICE FIELD OF \$150 - \$2,000/DAY. Second by Stallings. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

MOTION BY WEAR TO CHANGE THE FEE FOR COMMERCIAL FILMING FROM \$2,500 - \$7,500 TO \$2,500 - \$10,000/DAY. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

MOTION BY PETERS TO CHANGE THE SPECIAL EVENTS PARKING FEE FROM \$6 - \$7 TO \$8/VEHICLE. Second by Stallings. Passed by the following vote: Peters-yea, Wear-yea, Atkins-nay, Stevens-yea, Maienschein-nay, Stallings-yea, Madaffer-nay, District 8-vacant, Mayor Murphy-yea.

ITEM-201: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

REFERRED TO CLOSED SESSION ON TUESDAY, DECEMBER 12, 2000

Property: City-wide gas and electric franchises

Agency Negotiator: City Manager; George Loveland, Assistant City Manager; Pat Frazier, Deputy City Manager; City Attorney; Deborah Berger, Deputy City Attorney

Negotiating Parties: City of San Diego and San Diego Gas and Electric Co.

Under Negotiation: Franchise fee as set forth in the reopener clause of the gas and electric franchises.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on December 12, 2000.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C243-294.)

MOTION BY STALLINGS TO REFER THE MATTER TO CLOSED SESSION.
Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-202: Award of Contract to Villa Ford for Furnishing Light Duty Vehicles.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-675) ADOPTED AS RESOLUTION R-294367, WITH DIRECTION

Awarding a contract to Villa Ford (Orange, CA) for furnishing light duty vehicles, as may be required for the period of November 27, 2000 through November 19, 2001 at an estimated cost of \$1,841,914 including sales tax; terms 10% 20 days; with options to renew the contract for four (4) additional one (1) year periods, with option period increases not to exceed 9.875% of prices on file with the Purchasing Division at the end of the previous contract period;

Authorizing the expenditure of an estimated \$14,808.31 from Fund No. 500339, Department No. 8339, Organization No. 70254, Object Account No. 6013, Job Order No. 008339, an estimated \$25,620.54 from Fund No. 500315, Department No. 8315, Organization No. 752, Object Account No. 6013, Job Order No. 008315, an estimated \$48,140.28 from Fund No. 500312, Department No. 8312,

Organization No. 765, Object Account No. 6013, Job Order No. 008312, an estimated \$19,275.29 from Fund No. 500314, Department No. 8314, Organization No. 772, Object Account No. 6013, Job Order No. 008314, an estimated \$14,402.58 from Fund No. 500314, Department No. 8314, Organization No. 777, Object Account No. 6013, Job Order No. 008314, an estimated \$44,424.93 from Fund No. 500318, Department No. 8318, Organization No. 940, Object Account No. 6013, Job Order No. 008318, an estimated \$19,275.29 from Fund No. 500309, Department No. 8309, Organization No. 815, Object Account No. 6013, Job Order No. 008309, an estimated \$57,610.30 from Fund No. 50033, Department No. 8033, Organization No. 820, Object Account No. 6013, Job Order No. 008033, an estimated \$37,327.82 from Fund No. 500330, Department No. 8330, Organization No. 820, Object Account No. 6013, Job Order No. 008330, and an estimated \$192,228.66 from Fund No. 50031, Department No. 8031, Organization No. 820, Object Account No. 6013, Job Order No. 008031 for out right purchase of vehicles and of an estimated \$1,700 from Fund No. 500311, Department No. 8311, Organization No. 75, Object Account No. 6029, Job Order No. 008311, an estimated \$31,300 from Fund No. 500311, Department No. 8311, Organization No. 442, Object Account No. 6029, Job Order No. 008311, an estimated \$35,000 from Fund No. 500311, Department No. 8311, Organization No. 443, Object Account No. 6029, Job Order No. 008311, an estimated \$3,600 from Fund No. 500311, Department No. 8311, Organization No. 444, Object Account No. 6029, Job Order No. 008311, an estimated \$5,700 from Fund No. 500311, Department No. 8311, Organization No. 532, Object Account No. 6029, Job Order No. 008311, an estimated \$4,400 from Fund No. 500311, Department No. 8311, Organization No. 537, Object Account No. 6029, Job Order No. 008311, and an estimated \$1,900 from Fund No. 500311, Department No. 8311, Organization No. 549, Object Account No. 6029, Job Order No. 008311 for cash payment of sales tax;

Authorizing the City Manager to finance part of the acquisition under the Master Lease Program over a period of six (6) years. (BID-L3356/01)

CITY MANAGER SUPPORTING INFORMATION:

The proposed contract is for the purchase of Light Duty Vehicles for the Equipment Division. For FY 2001, the Equipment Division and its customer Departments are pursuing the purchase of 94 light duty vehicles (14 Sedans and 80 Pick-ups representing 5 different types). The competitive bid process provides for award of contract "by lot" (awarding all vehicles to 1 vendor) or "by item" (awarding each type of vehicle to the low, responsive bidder). The cost

"by lot" is \$1,331,991 for all 94 vehicles from 1 manufacturer (Ford). The cost "by item" is \$1,305,853 with 1 vendor providing 71 Fords and another providing 23 Chevrolets. The difference in cost is \$26,138 if purchased "by item". However, an award "by item" does not take into account additional costs associated with multiple manufacturers such as: (1) training requirements for fleet technicians and drivers, (2) specialized tools and complex electronic diagnostic equipment, (3) procurement and inventory of repair parts for several vehicle makes, and (4) time and resources needed to administer multiple vehicle acquisitions and contracting processes. The cost of non-standardization in this case is estimated to be \$38,766 per year. The fleet standardization issue has been addressed by both Zero-Based Management Review and the Competition Program since 1995. Both have consistently prompted the Equipment Division to improve service and reduce overall costs by standardizing vehicle manufacturers, similar to the County of San Diego and other large agencies. The Division for the past 5 years, has used 2 approaches to augment standardization: awarding a contract to furnish vehicles as required for 1 year with 4 additional 1 year option renewal periods, and awarding all items to 1 vendor. In order to realize the cost savings associated with standardization of the fleet, it is recommended that this contract be awarded as "a lot" to Villa Ford, the low bidder meeting specifications. 38 potential bidders were contacted, 10 bids were received per tabulation.

FISCAL IMPACT:

It is proposed that part of the acquisition be cash financed at an estimated cost of \$473,114 for FY 2001, and that the balance be financed using the City's Equipment and Vehicle Financing Program. For FY 2001, the estimated payment for sales tax is \$83,600 (rounded), for FY 2002 through FY 2007, the estimated Lease payments are \$214,200 per year, and is contingent upon the approval of the future years' budget. Total estimated expenditure is \$1,841,914.

Frazier/Baldwin/PK

Aud. Cert. 2100605.

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Tape location: C327-343.)

MOTION BY WEAR TO ADOPT WITH THE FOLLOWING DIRECTION TO THE CITY MANAGER: TAKE ACTION TO REDUCE THE OVERALL FLEET SIZE, INCLUDING NEW PURCHASES, BY A MINIMUM OF 250 TO 300 VEHICLES, CONSISTENT WITH THE POLICY DIRECTION OF THE ZERO BASED MANAGEMENT REVIEW TEAM. Second by Maienschein. Passed by the following

vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-203: Approving the Plans and Specifications and Inviting Bids for As-Needed Minor Construction, Repairs and Emergency Work under Water Department Job Order Contract 1.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-262) ADOPTED AS RESOLUTION R-294368

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for as-needed minor construction, repairs and emergency work under Job Order Contract 001;

Authorizing the City Manager to execute a contract with the lowest responsible bidder for an amount not less than \$50,000 and an amount not to exceed \$10,000,000, and a contract duration not to exceed 2 years;

Authorizing the expenditure of an amount not to exceed \$10,200,000 from Water Revenue Fund No. 41500, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01037C)

CITY MANAGER SUPPORTING INFORMATION:

The objectives of this Job Order Contract (JOC) include executing maintenance, repair, and emergency type of construction work on water facilities in an expeditious and cost effective manner. During the past five years JOC contracts have been successfully implemented by the Metropolitan Wastewater and Engineering & Capital Projects Departments. Benefits of implementing the Water Department JOC contract include, but are not limited to: providing

construction support to repair water main breaks when City forces are fully committed; decreasing the time to implement small repair/rehabilitation projects at pump stations and water storage facilities that require specialty construction work; and reducing the cost of obtaining specialty expertise associated with the construction of the Water CIP Program infrastructure by decreasing the time to solicit work thereby maintaining the project schedule. The Water Department plans to use the JOC contractor to backfill, compact, and pave existing water main trenches across the city, raise and relocate underground water meters to above ground, replace existing deteriorated bridges at Sutherland and Lower Otay Reservoirs, and relocate underground air valves to above ground. The maximum work to be authorized for each JOC task order shall not exceed \$500,000 except in the case of emergency affecting the health, safety, or property, or when authorized by City Council.

FISCAL IMPACT:

The total authorized to expend is \$10,200,000. Funds for this purpose are available in the Fiscal Year 2001 Budget.

Belock/Gardner/NK

FILE LOCATION: CONT - FH Paschen SN Nielsen, Inc./Anderson Piping
Contrs. Inc.; W.O. 031765

COUNCIL ACTION: (Tape location: C344-429.)

MOTION BY PETERS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-204: Two actions related to Approving the Plans and Specifications and Inviting Bids for the Construction of Mountain View Community Center.

(Mountain View Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-429) ADOPTED AS RESOLUTION R-294369

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Mountain View Community Center on Work Order No. 298330;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the City Auditor and Comptroller to transfer \$2,931,250 from Southeastern Economic Development Corporation, Fund Number 18514 to CIP-29-833.0, Mountain View Community Center;

Authorizing the expenditure of not to exceed \$3,307,750 from CIP-29-833.0, Mountain View Community Center, Fund No. 30244 for providing funds for the project and related costs, in addition to all funds previously authorized for expenditure on the project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01034C)

Subitem-B: (R-2001-430) ADOPTED AS RESOLUTION R-294370

Certifying that the information contained in Mitigated Negative Declaration DEP-99-0421, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said Declaration reflects the independent judgement of the City as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of Mountain View Community Center;

Declaring that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving said Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

The proposed Mountain View Community Center site is located along the east side of Boundary Street between T Street and Ocean View Boulevard. The approximately three (3) acre site will support a 18,000 square foot community center which includes gymnasium, dance studio, activity rooms, and computer facility. Southeastern Economic Development Corporation (SEDC) secured a Section 108 loan from the United States Department of Housing (HUD) for the purpose of constructing the project. In August 1998 Council Resolution No. 290947 authorized the initial installment of \$500,000 to be transferred from HUD Section 108 to the CIP-29-833.0. This action will authorize the remaining HUD Section 108 funds to be transferred to CIP-29-833.0 for the purposes of advertising and constructing the community center. This action also authorizes the City Manager to execute an agreement with the lowest responsible bidder for its construction. Subsequent construction phases will be implemented along with the Boundary Street Vacation as additional funding sources are identified. This project is consistent with the Southeast San Diego Community Plan and the City's General Plan Guidelines.

FISCAL IMPACT:

The estimated total project cost is \$4,560,417. This phase is estimated to cost \$3,571,250 of which \$263,500 has been previously authorized by City Council Resolution No. R-290947 and \$140,000 from Fund 79511. The balance of \$2,931,250 is available from Fund 18514 (HUD Section 108). Subsequent construction phases will be advertised as additional funding is identified.

Belock/Boekamp/AO

Aud. Cert. 2100509.

FILE LOCATION: SUBITEMS A, B: W.O. 298330

COUNCIL ACTION: (Tape location: C435-444.)

MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-205: Approving the Plans and Specifications and Inviting Bids for the Resurfacing of Various Streets City Wide, Group R-4.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-804) ADOPTED AS RESOLUTION R-294371

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Resurfacing of Various Streets City Wide, Group R-4;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$6,000,000: \$1,246,043 from Street Division Operating Fund 10440; \$1,000,000 from TransNet/CIP Fund 30300; and \$3,753,957 from Fund 30306/CIP-59-001.0, Annual Allocation Resurfacing City Streets, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Manager to request advance funding from SANDAG through the TransNet commercial paper program in an amount not to exceed \$3,753,957 and to execute any necessary documents relating to the receipt of the funds, with principal amount of \$3,753,957 to be repaid before the end of Fiscal Year 2007;

Declaring that the City is responsible for paying its share of interest and administrative costs for the TransNet commercial paper program, and that these costs will be deducted from normal TransNet payments, and setting repayment of these funds on schedule as the first priority use of future TransNet revenues;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01007-C)

CITY MANAGER SUPPORTING INFORMATION:

This contract is part of the City's annual street maintenance program. It provides for the repair and resurfacing of approximately 60 miles of asphalt streets citywide. This action also allows the City of San Diego to request an amount in advance, up to \$3,753,957 from SANDAG through the TransNet Commercial Paper program as needed. Locations for resurfacing are chosen through use of annual surveys and the city's pavement management system, using the following criteria: age, oxidation, cracking, amount of patching, amount of traffic carried, and avoiding conflict with planned underground utility work. Failed areas of pavement will be removed and repaired prior to resurfacing. The contract continues to require that asphalt adjacent to curbs and gutters is ground down prior to resurfacing to maintain current curb height and proper drainage. Approximately 25,000 tons of asphalt will be removed and recycled for use in later street maintenance activities. The large amount of utility trenching now occurring citywide has forced us to postpone our utility clearances and our final selection of streets to be resurfaced until just prior to the start of work. The Mayor and Council will be provided a final list of streets and any subsequent changes as soon as they are available. Construction for this project is expected to commence in the winter of 2000, running through to early summer of 2001.

FISCAL IMPACT:

Funds for this project are available as follows: \$1,246,043 from Street Division Operating Fund 10440, \$1,000,000 from TransNet Fund 30300, \$3,753,957 from Fund 30306 CIP-59-001.0, Annual Allocation Resurfacing City Streets, for a total of \$6,000,000.

Belock/Gonzalez/RCL

FILE LOCATION: CONT - Nicholas Grant Corp.; W.O. 590018/005765
(Resurfacing of Various Streets City Wide, Group R-4)

COUNCIL ACTION: (Tape location: C445-593.)

MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-206: Inviting Bids for the Job Order Contracting System 2001.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-879) ADOPTED AS RESOLUTION R-294372

Authorizing the City Manager to proceed to publish in accordance with law, notice to contractors calling for bids under the job order contract system for as-needed construction services for the Metropolitan Wastewater Department, such job order contract services not to exceed two years in duration at a minimum value of \$50,000 and not to exceed the value of \$8,000,000;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$8,000,000 from Fund No. 41506, Fund No. 41508, and Fund No. 41509 to provide funds for the job order contract.

CITY MANAGER SUPPORTING INFORMATION:

For the last six years the City has successfully entered into a Job Order Contract (JOC) with various contractors. The first JOC contract was in 1995. The present JOC contract is with JSA Engineering, Inc., for an amount of \$8,000,000. The main objective of the contract is to execute maintenance, repair, and repetitive work, and small, straightforward construction projects. Each JOC contract is competitively procured. The contractor bids a factor or multiplier which is applied to all of the unit prices in the unit price book, which is part of the contract documents. The contractor with the lowest factor and a responsive, responsible bid is awarded the contract. When work is ordered by task order, the contractor and the City's representative meet to scope the work and prepare a task order. Appropriate unit priced items are selected from the contract document, the number of units are identified, and the contractor's factor is applied to the costs pulled from the contract documents. The City is under no obligation to pay the contractor any more than the \$50,000 minimum contract obligation, and therefore the contractor has an incentive to deliver quality work in a timely fashion in order to get additional work. The exact projects to be executed under this contract have not been identified. In accordance with the California "Subletting and Subcontracting Fair Practices Act" (Public Contract Code Section 4100 et seq.), the successful Bidder shall list, at the time a Proposal is submitted for each Project, the name and business location of each subcontractor who will perform work, labor, or

render service on the work in excess of one-half (1/2) of one percent (1 percent) of the total proposal amount of each work order proposal submitted. Under this JOC system, a contractor that conducts or participates in bid shopping or bid peddling after the award of this contract shall not receive any additional Job Orders under this contract and such conduct shall be grounds for default by the City. The present JOC contract with JSA is reaching the budget limit of \$8,000,000. The continuation of the Job Order Contracting System will enable the Metropolitan Wastewater Department to achieve its objective of rapidly engaging contractors in critical and necessary work while lowering costs.

FISCAL IMPACT:

The total authorized to expend is \$8,000,000. Funds for this purpose are available in the Fiscal Year 2001 Budget.

Belock/Schlesinger/LS

Aud. Cert. 2100579.

FILE LOCATION: CONT - Phillips National, Inc.; W.O. 461190

COUNCIL ACTION: (Tape location: C601-605.)

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-207: Rose and Tecolote Creeks Water Quality Improvements.

(University City, Clairemont Mesa, Linda Vista and Pacific Beach Community Areas. Districts-1, 5, 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-890) ADOPTED AS RESOLUTION R-294373, WITH DIRECTIONS

Authorizing the City Manager to submit a formal request to the State Water Resources Control Board (SWRCB) for the \$2 million allocation to the City of San Diego from the Fiscal Year 2000-2001 State budget appropriation to construct water quality improvements within Rose and Tecolote Creeks watersheds;

Acknowledging that the City of San Diego is obligated to use those funds in a manner consistent with legislative intent expressed in the Budget Act;

Authorizing the City Manager to execute the SWRCB Letter of Commitment;

Authorizing the City Manager to accept, appropriate and expend funds upon receipt of disbursement;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the State funds;

Adding CIP-32-050.0 "Rose and Tecolote Creeks' Water Quality Improvements" to the FY2001 Capital Improvements Program (CIP) budget.

CITY MANAGER SUPPORTING INFORMATION:

In accordance with the State budget appropriation enacted for Fiscal Year 2000-2001, the City of San Diego has been allocated \$2,000,000 for water quality improvements within the Rose and Tecolote Creeks watersheds. The State Legislature, by way of the chaptered Budget Act, directed the State Water Resources Control Board (SWRCB) to disperse those funds as expeditiously as possible. The City of San Diego needs to submit a formal request to the SWRCB for disbursement of the funds which includes an adopted resolution authorizing the formal request to the SWRCB for the funds and a project plan for the water quality project identified in the Budget Act. The project described in the State Budget appropriation is as follows: With existing storm water monitoring data, Best Management Practices (BMP's) or structural controls (e.g. vegetated swales & strips, infiltration basins, wet ponds, constructed wetlands, filtration systems) will be developed to address pollutants of concern within the Rose and Tecolote Creeks watersheds. Initially, the entire watersheds will be evaluated to identify potential areas for water quality enhancement. The areas will then be prioritized and a few locations selected for implementation of structural controls. Baseline and Postconstruction water quality monitoring are included in the project to assess BMP effectiveness.

FISCAL IMPACT:

The project will be implemented with the \$2 million received from the State.

Belock/Hays/KH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C606-D300.)

MOTION BY STALLINGS TO ADOPT WITH THE FOLLOWING DIRECTIONS: MAKE CERTAIN THE COMMUNITY IS CONTACTED, AS WELL AS, GROUPS SUCH AS TECOLOTE CANYON CAC AND MARIAN BEAR NATURAL PARK COUNCIL, AS SPECIFICS OF THE PROGRAM ARE DEVELOPED. ONCE THE PROJECT IS UNDERWAY, COME BEFORE THE NR&C COMMITTEE PERIODICALLY WITH A STATUS REPORT ON HOW THE MONEY IS BEING USED TO ENSURE IT IS CONSISTENT WITH THE WISHES OF THE COMMUNITY. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-208: FY2000/2001 Local Law Enforcement Block Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-954) ADOPTED AS RESOLUTION R-294374

Authorizing the Chief of Police to apply for, accept, manage and expend the FY2000/2001 Local Law Enforcement Block Grant;

Authorizing the Chief of Police to transfer \$900,000 from this grant to the County of San Diego to assist in funding the Drug Court program.

CITY MANAGER SUPPORTING INFORMATION:

The Local Law Enforcement Block Grant (LLEBG) is appropriated from funding authorized by the Crime Control and Law Enforcement Act of 1994, and is administered by the U.S. Department of Justice, Bureau of Justice Assistance. Grant amounts are determined based on jurisdiction population and crime index. There is no application other than the two page form, which is submitted electronically. The grant does not require a specific program, timeline, evaluation or detailed budget. SDPD has agreed to a County of San Diego request to transfer \$900,000 of these grant funds to the County to assist in funding the Drug Court program. The balance of funds will be used for police automation, vehicle, safety, laboratory, training, and miscellaneous equipment, maintenance and resources as needs are identified. Expenditures will contribute to the safety and efficiency of law enforcement and crime prevention services throughout San Diego.

FISCAL IMPACT:

Funded by the Crime Act of 1994, and administered by the U.S. Department of Justice, Bureau of Justice Assistance, the grant provides federal funds of \$2,388,398, and requires a cash match of 10% of the total amount (which BJA calculates as 1/9th of the federal amount), or \$265,378. There are no requirements for ongoing programs or expenses after the end of the grant. Matching funds will come from the Police Department's FY 2001 Budget.

Uberuaga/Bejarano/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D302-306.)

MOTION BY PETERS TO ADOPT. Second by Stallings. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-209: Conversion of Incandescent Traffic Signal Lamps to Light Emitting Diodes (LED).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-943) ADOPTED AS RESOLUTION R-294375

Authorizing the Purchasing Agent to advertise, and the City Manager to enter into a contract, with the lowest responsible bidder for Light Emitting Diodes (LED) traffic signals and to finance the acquisition under the City's Equipment and Vehicle Finance Program;

Authorizing the City Manager to enter into an agreement with San Diego Gas and Electric (SDG&E) to provide for an estimated rebate of \$800,000;

Authorizing the City Manager to enter into an agreement with California Energy Commission to provide a grant in the amount of \$1,436,580 contingent upon Council approval by December 14, 2000;

Authorizing the use of City Forces to install the equipment;

Authorizing the expenditure of not to exceed \$3,303,239 (including sales tax and labor) from the Street Division Operating Fund 10440 contingent upon adoption of the FY 2002-2006 budgets for the purpose of providing funds for the project and related costs.

CITY MANAGER SUPPORTING INFORMATION:

In Fiscal Year 1998, the Transportation Department's Street Division replaced approximately 13,700 red incandescent traffic signal lamps with light-emitting diodes (LED's). These LED's are eight times more energy efficient than incandescent lamps, and have a useful life of ten years, compared to the 20-month life of the incandescent lamps. The red LED's have saved the City approximately \$800,000 over the last two and one-half years. In 1998, the price of the green LED's made it cost prohibitive to retrofit the green signals. Several factors now make retrofitting the green signals with LED's an attractive option. First of all, the price of the units has fallen significantly in the last few years. Second, the LED's could save an estimated 6.8 million kilowatt hours annually, which with today's volatile energy rates, could equal \$452,256 or more in energy savings per year. Finally, there is the incentive program currently being offered by SDG&E, which could mean as much as \$800,000 in rebates to the City. It is also possible the City will be eligible for a grant from the California Energy Commission for

\$1,436,580 in lieu of the SDG&E rebate. With the energy savings, maintenance savings, and rebate, it is estimated the total cost of the conversion will be recouped five years or less. In addition to the green LED's, there is a need to purchase an additional 504 red LED's to retrofit the signals that have been installed in the City since 1998. The purchase price (excluding tax) of 15,567 green LED's and 504 red LED's is estimated at \$2,500,000. Because of the large up-front cost, we are asking to finance the purchase through the Equipment and Vehicle Financing Program. Assuming a five-year term, the annual lease payments will be \$580,000, starting in Fiscal Year 2002. First year costs for Fiscal Year 2001 will include sales tax of \$195,000, and City labor costs of \$208,239, which is needed to get all the LED's installed by June 1, 2001, the deadline to qualify for the rebate. The lease payments for Fiscal Years 2002-2006 will be paid with a combination of energy and maintenance savings totaling \$508,215 per year. The difference will be made up with Street Division operating funds.

FISCAL IMPACT:

The total estimated cost of the project over five years is \$3,303,239, which includes lease payments of \$2,900,000, sales tax of \$195,000, and City labor of \$208,239. First year costs for sales tax and City labor totaling \$403,239 are budgeted in Street Division's FY 2001 operating budget, Fund 10440, Department 940. Subsequent lease payments will be budgeted in Street Division's FY 2002-FY 2006 operating budgets.

Belock/Gonzalez/MXS

Aud. Cert. 2100622.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D307-346.)

MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-210: Southern California Coastal Water Research Project.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-878) ADOPTED AS RESOLUTION R-294376

Authorizing the City Manager to execute a fifth amendment to the Southern California Coastal Water Research Agreement of July 1, 1994 with the City of Los Angeles, Orange County Sanitation District, and County Sanitation District No. 2 of Los Angeles County;

Authorizing the expenditure of an amount not to exceed \$1,122,300 from Fund No. 41509, Metropolitan Wastewater Department Operating Budget to provide funds for the amended agreement, to be expended as follows: \$284,000 in Fiscal Year 2002; \$298,000 in Fiscal Year 2003, \$313,000 in Fiscal Year 2004; and \$328,000 in Fiscal Year 2005; contingent on City Council's approval of funding for this purpose in each fiscal year's operating budget, and provided the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

The Southern California Coastal Water Research Project (SCCWRP) is a joint project authority which was created in 1969 to study the interrelationships of treated wastewater discharge and the ocean ecology for the purpose of ensuring protection and conservation of marine resources. The study area extends from the US/Mexico border to the Santa Barbara County line. There are four principal members which provide the funding for this joint project authority: (1) City of Los Angeles; (2) Orange County Sanitation District; (3) City of San Diego; and (4) County Sanitation District No. 2 of Los Angeles County. Also participating are the US Environmental Protection Agency, State Water Resources Control Board, and the three Regional Water Quality Control Boards representing the San Diego, Los Angeles, and Orange County Regions. The term of this agreement is for four years, beginning with Fiscal Year 2002. Execution of this agreement obligates the City for the first year of the four-year term. Withdrawal provisions are included within the agreement for years two, three, and four. Fiscal impact to the City of San Diego over the four years of the agreement would be as follows: (1) FY 2002, \$284,000; (2) FY 2003, \$298,000; (3) FY 2004, \$313,000; (4) FY 2004, \$328,000.

FISCAL IMPACT:

The first-year cost of executing the Fifth Amended Joint Powers Agreement for the Southern California Coastal Water Research Project Authority is \$284,000 in FY 2002, contingent upon Council approval of the FY 2002 Operating Budget.

Belock/Schlesinger/AL

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D350-409.)

MOTION BY STALLINGS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-211: Lease Approval - Airtouch Cellular at Scripps Ranch Reservoir.

(Scripps Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-587) ADOPTED AS RESOLUTION R-294377

Authorizing the City Manager to execute a ten-year lease agreement with Airtouch at the initial rental rate of \$14,400 per year, the fair market rate as determined by City evaluation staff, to construct, maintain, repair, alter and operate a wireless telecommunications facility.

CITY MANAGER SUPPORTING INFORMATION:

The existing Airtouch Cellular facility consists of a cellular antenna system (up to 15 Directional Cellular Antennas, 5 omni directional whips, and 2 Digital Radio Dish antennas) mounted on 2 wooden utility poles, a 12' x 20' equipment shelter, and an 8' x 12' analog equipment cabinet

with connecting cables located adjacent to a hilltop water standpipe (tank) in Scripps Ranch. The facility has been in operation since November, 1995 via a Right of Entry Permit. Airtouch has been a good tenant during that period of time.

Basic terms of the agreement are as follows:

USE - To construct, maintain, repair, alter and operate a wireless telecommunications facility consisting of antennas, power and radio communications equipment, and cabling.

TERM - Ten (10) years with options for up to three (3) additional five (5)-year periods.

RENT - Minimum rent is One Thousand Two Hundred Dollars (\$1,200) per month with annual CPI adjustments, and reappraisal each 5 years. This value is consistent with a recent outside appraisal.

PRIOR APPROVALS:

Scripps Ranch Planning Group
Water Department
Planning and Development Review

FISCAL IMPACT:

The City will receive \$14,400 in the first year of the lease with annual CPI Index adjustments thereafter. Rental proceeds generated will be deposited in the Water Department's 41500 Fund.

Loveland/Griffith/JPA

FILE LOCATION: LEASE - Airtouch Cellular at Scripps Ranch Reservoir

COUNCIL ACTION: (Tape location: D410-419.)

MOTION BY MAIENSCHHEIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-212: Consultant Agreement for the Design of Sewer Pump Station 79.

(Fairbanks Country Club Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-730) ADOPTED AS RESOLUTION R-294378

Authorizing the City Manager to execute an agreement with Brown and Caldwell for consultant services for the design of Sewer Pump Station 79;

Authorizing the expenditure of an amount not to exceed \$921,239 from Sewer Fund No. 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration, for design consultant services;

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:

This project is part of the City of San Diego's continuing Annual Sewer Pump Station Restoration Program. Sewer Pump Station 79 is an improvement project located in the Fairbanks Country Club Community. This sewer pump station is located along San Dieguito Road. A recent inspection revealed that Sewer Pump Station 79 does not meet current standards to eliminate the possibility of overflows. The extent of the required upgrade includes: construct a new below ground dry well complete with new pumps, piping, valves, sump pumps, and HVAC, a new above ground building to house pump motors, panels, and electrical and instrumentation equipment, construct a new 12-inch force main approximately 7,000 linear feet, and install a permanent standby generator. A list of seven (7) design consultants was provided by the City's Consultant Services Coordinator. In conformance with Council Policy 300-7, the firms were interviewed. Brown & Caldwell was selected as the best qualified firm to provide the design consultant services for Sewer Pump Station 79. The Sub-Consultants are Simon Wong - structural design at 10%, Platt/Whitelaw Architects, Inc. - architectural design at 7.4%, Ninyo & Moore Geotechnical Consultants - geotechnical investigation at 2.4%, O'Rourke Engineering - traffic control design at 3.8%, Tran Engineering - HVAC and odor control design at 3.6%, and Affinis - environmental assessment at 0.5%.

FISCAL IMPACT:

The estimated cost of this action is \$921,239, which includes \$876,239 for design services and \$45,000 for additional services as required. Funding is available in Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration, for this purpose. The total estimated cost for this project is \$9,319,500.

Belock/Boekamp/HR

Aud. Cert. 2100593.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D420-427.)

MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-213: As-Needed Sewer and Water Group Job Planning and Design Agreement with Winzler & Kelly Consulting Engineers.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-558 Cor. Copy) ADOPTED AS RESOLUTION R-294379

Authorizing the City Manager to execute an agreement with Winzler & Kelly Consulting Engineers, for As-Needed Sewer and Water Group Job services for the Engineering and Capital Projects Department;

Authorizing the expenditure of an amount not to exceed \$400,000 from Water Fund No. 41500 and \$1,100,000 from Sewer Fund No. 41506 for providing funds for the project;

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

CITY MANAGER SUPPORTING INFORMATION:

A shortlist of six "As-Needed" consulting firms was requested on February 23, 2000, from the Consultant Selection Coordinator. The consulting engineering firms will provide Planning and Design of Sewer and Water Group Job services. The Consultant Nominating Committee nominated the most qualified six consulting engineering firms to participate in the selection process. In conformance with Council Policy 300-7, these firms were interviewed on June 29, 2000, and the firm of Winzler & Kelly, Consulting Engineers was selected as one of the two best qualified firms to provide the "As-needed" two years consultant services. The negotiated agreement with the second consultant will be presented with a separate Council action. The services will include all associated work to prepare complete planning and design packages for water and sewer group jobs. The sub-consultants on this project are Advanced Infrastructure System, LLC; Villalobos & Associates Consulting Engineers, Inc., Professional Consulting Group; Ninyo & Moore; Katz, Okitsu & Associates; and Tierra Environmental Services. The agreement provides for planning and design of sewer and water group jobs by task on an hourly basis not to exceed \$200,000 per task. The total contract cost shall not exceed \$1,500,000 for a period of two (2) years from the date of execution by the City.

FISCAL IMPACT:

The total estimated cost of this agreement is \$1,500,000. Funding of \$400,000 is available in Water Fund 41500 and \$1,100,000 in Sewer Fund 41506 for this purpose.

Belock/Boekamp/HR

Aud. Cert. 2100570.

WWF-01-480.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D428-430.)

MOTION BY WEAR TO ADOPT. Second by Stallings. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-214: Fluoridation, Engineering Design Consultant Services Amendments and Agreement.

(Scripps Miramar Ranch, Navajo, Otay Mesa Community Areas. Districts-5, 7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-764) RETURNED TO THE CITY MANAGER

Authorizing the City Manager to proceed with the Fluoride Implementation Plan with the addition of CIP-72-924.0, Fluoridation Design and Construction, to the Capital Improvement Program, provided that the Auditor and Comptroller first certifies that sufficient funds have been deposited in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$889,783 from California Dental Association Grant Fund to Water Revenue Fund 41500, CIP-72-924.0, Fluoridation, provided that the Auditor and Comptroller first certifies that sufficient funds have been deposited in the City Treasury;

Authorizing the City Manager to execute a first amendment to the Agreement with Malcolm Pirnie, Inc. for Consultant Services, (“Malcolm-Pirnie Agreement”), to provide the design of, and support services related to, the construction of a fluoridation facility at Alvarado Water Treatment Plant, in an amount not to exceed \$159,120, provided that the Auditor and Comptroller first certifies that sufficient funds have been deposited in the City Treasury;

Authorizing the City Manager to execute a second amendment to the Agreement with Camp Dresser & McKee, Inc., for Miramar Water Filtration Plan Upgrade and Expansion (“Camp Dresser Agreement”), to provide the design of, and support services related to, the construction of a fluoridation facility at Miramar Water Treatment Plant in an amount not to exceed \$251,768, provided that the Auditor and Comptroller first certifies that sufficient funds have been deposited in the City Treasury;

Authorizing the City Manager to execute an Agreement with Montgomery Watson (“Montgomery Watson Agreement”), to provide the design of, and

support services related to, the construction of a fluoridation facility at Otay Water Treatment Plant in an amount not to exceed \$209,395, provided that the Auditor and Comptroller first certifies that sufficient funds have been deposited in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$889,783 from Water Revenue Fund 41500, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that funds for such expenditure have been deposited in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

In 1996, Assembly Bill 733 became effective conditionally mandating fluoridation in the State of California for systems with: (1) at least 10,000 service connections, and (2) sufficient funds available to pay the capital costs and associated costs. The funds must come from a source other than system's ratepayers, shareholders, local taxpayers, bondholders, or any other fees or charges levied by the water system. The San Diego City Council adopted Resolution Number R-292983 on April 11, 2000 which authorizes the City Auditor and Comptroller to accept grant funds from the California Fluoridation Workgroup 2000 for the purpose of funding fluoridation of the City's water system. To provide fluoridation for the City's water system, the Water Department is submitting an implementation plan to construct fluoridation facilities at the Alvarado Water Treatment Plant (WTP), Miramar WTP, Otay WTP. The Alvarado and Miramar Water Treatment Plants are currently under design for upgrade and expansion. The design agreements for these two Water Treatment Plants are being amended to include the design of, and the provision of engineering services during construction of the fluoride facilities. The amendment to the Alvarado WTP design agreement with Malcolm Pirnie, Inc. has been negotiated for \$159,120. The amendment to the Miramar WTP design agreement with Camp Dresser & McKee, Inc. has been negotiated for \$251,768. An agreement to design, and provide engineering services during construction for, the Otay WTP Upgrade has been negotiated with Montgomery Watson (MW). A separate agreement to design, and provide engineering services during construction for the Otay WTP Fluoridation Facility has been negotiated for \$209,395. The total cost of the services of these three consultant firms and in-house management is \$889,783.

FISCAL IMPACT:

Funding for the total amount of this request, \$889,783 is available from the Water Revenue Fund 41500, CIP-72-924.0, Fluoridation.

Belock/Gardner/GC

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A424-482.)

MOTION BY STALLINGS TO RETURN TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

PUBLIC NOTICES:

Item is listed under Public Notice as a matter of public record only. This item does not require Council action.

ITEM-250: 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

Mesa Del Sol Unit No. 1

AREA

Mira Mesa Community

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 or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

* ITEM-S400: Technology Training Foundation of America Computer and Electronics Recycle Day.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-965) ADOPTED AS RESOLUTION R-294380

Commending the City of San Diego Environmental Services Department and the Technology Training Foundation of America for their commitment and services to the City of San Diego;

Proclaiming January 6, 2001 to be "Technology Training Foundation of America Computer and Electronics Recycle Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A500-541.)

CONSENT MOTION BY MAIENSCHIEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

* ITEM-S401: Claudia Unhold Day.

COUNCILMEMBER MAIENSCHIEIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-966) ADOPTED AS RESOLUTION R-294381

Recognizing and commending Claudia Unhold for her leadership and dedication to the quality of life in Scripps Ranch and congratulating her on receiving the Scripps Ranch Volunteer of the Year Award for 2000;

Proclaiming Tuesday, December 12, 2000 to be "Claudia Unhold Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A500-541.)

CONSENT MOTION BY MAIENSCHHEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

NON-DOCKET:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 4:47 p.m. in memory of Congressman Julian Dixon at the request of Council Member Stevens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D440-468).