

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JULY 9, 2001
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 2:11 p.m. The meeting was adjourned by Mayor Murphy at 3:41 p.m. into Closed Session on Tuesday, July 10, 2001, at 9:00 a.m. in the twelfth floor conference room to discuss pending and potential litigation and Meet and Confer matters.

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 Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- 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 Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given by Badrinarayan Dasa.of the Hare Krishna Temple.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Atkins.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

05/01/2001 Special Joint Meeting
05/28/2001 Adjourned
05/29/2001

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A040-041.)

**MOTION BY WEAR TO APPROVE. Second by Stevens. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.**

ITEM-31: La Jolla Symphony Chamber Chorus and Orchestra Day.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-12) ADOPTED AS RESOLUTION R-295091

Proclaiming July 9, 2001 to be "La Jolla Symphony Chamber Chorus and Orchestra Day" in recognition of their role as cultural ambassadors for the City of San Diego and in appreciation to the organizers of this wonderful cultural exchange.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A043-134.)

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

ITEM-32: Ronald A. Reina Day.

(Continued from the meeting of 6/26/2001, Item 32, at the request of Councilmember Madaffer, to allow Mr. Reina to be present.)

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1650) CONTINUED TO MONDAY, JULY 23, 2001

Recognizing the many accomplishments and dedication of Ron Reina and proclaiming June 25, 2001 to be "Ronald A. Reina Day" in San Diego.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A136-142.)

MOTION BY MADAFFER TO CONTINUE TO MONDAY, JULY 23, 2001, TO ALLOW RONALD REINA TO BE PRESENT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1: REFERRED TO THE CITY ATTORNEY

Al Strohleim commented regarding the Redistricting Commission. Mr. Strohleim stated that he believes the Commission's maps and methods are flawed and probably sexist. Mr. Strohleim requested that his comments be forwarded to the City Attorney's office.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A506-565.)

PUBLIC COMMENT-2:

Julie Meier Wright thanked the City for its leadership and generosity in supporting the highly successful marketing and branding campaign San Diego Technology's Perfect Climate. It raises the region's identity as a technology center of excellence.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A575-683.)

PUBLIC COMMENT-3:

Don Stillwell commented regarding the financing of the ballpark through the City's investments rather than bonds.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B047-070.)

PUBLIC COMMENT-4:

Don Mullen commented regarding the future of Mission Bay Park and the impacts on the surrounding communities by the further development of public park land at Sea World. Mr. Mullen requested that the new Council Members remember how the past administration sold out to big corporate interests time and time again.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B073-109.)

PUBLIC COMMENT-5:

Nader Abuljebain thanked the Council and the City Manager's office for their support and action regarding the comments made by Roger Hedgecock on KOGO radio program.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B138-160.)

PUBLIC COMMENT-6:

Jarivs Ross commented that in the passed week we celebrated Independence Day, Independence from oppression from an unresponsive government. The colonist were out manned and out gunned by a well-trained and well-armed army. In a like manner the planning boards and villages of Pacific Beach, Mission Bay, Ocean Beach and the Peninsula along with the environmentalist and other concerned citizens have been out-maned by Anheiser Busch.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B213-229.)

PUBLIC COMMENT-7:

Robert Logan commented that he would like to submit a proposal to change the status of De Anza so that over 1,000 citizens be accorded the same consideration given to Sea World as follows: to redirect the Planning Commission to stop hotel development plans in De Anza and plan to improve our mobile home park; the City to notify the state representatives that the above action is necessary due to the housing shortage.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B236-275.)

PUBLIC COMMENT-8:

Leo Long commented regarding De Anza Cove Community and the third way plan.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B277-321.)

PUBLIC COMMENT-9:

Steve McWilliams commented regarding the police raid on Shelter from the Storm.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B322-366.)

PUBLIC COMMENT-10:

Glenn P. MacNary commented regarding the presidential campaign for 2004

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B370-393.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Madaffer thanked the Qualcomm Stadium Advisory Board for allowing people attending stadium events to bring their own water to the stadium. Council Member Madaffer commented on the wonderful fireworks display at Lake Murray. Council Member Madaffer acknowledge a letter he received complimenting George Loveland's work.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B395-435.)

COUNCIL COMMENT-2:

Council Member Atkins stated her concerns regarding Section 8 vouchers. After having worked very hard to obtained the vouchers, people are having difficulties finding a place that will accept them. Ms. Atkins requested that this issue be heard at the Land Use and Housing Committee meeting. Council Member Atkins also addressed the problem San Diego High School has encountered regarding fencing to protect the students from people camping near the campus.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B435-490.)

COUNCIL COMMENT-3:

Council Member Peters stated his concerns regarding material in the storm drain that was pumped into the ocean. The material was not tested before it was pumped out into the ocean. Council Member Peters thanked the Fire Department for rescuing his mother from an elevator.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B491-529.)

COUNCIL COMMENT-4:

Mayor Murphy announced that he attended the Counting Crows concert on Friday.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B529-545.)

* ITEM-50: East Clusters at Black Mountain Ranch Rezoning.

(RZ-99-1054. Black Mountain Ranch Subarea I Community Plan Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/19/2001. (Council voted 8-1. Councilmember Frye voted nay.):

(O-2001-165) ADOPTED AS ORDINANCE O-18958 (New Series)

Changing the East Clusters at Black Mountain Ranch property, located in the eastern portion of the Black Mountain Ranch Subarea, north and south of the proposed Carmel Valley Road, in the City of San Diego, California, from the AR-1-1 Zone to the RS-1-8 and RS-1-14 Zones.

FILE LOCATION: PERM-99-1054 (65)

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-51: West Clusters at Black Mountain Ranch Rezoning.

(RZ-40-0529. Black Mountain Ranch Subarea I Community Plan Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/19/2001. (Council voted 8-1. Councilmember Frye voted nay.):

(O-2001-166) ADOPTED AS ORDINANCE O-18959 (New Series)

Changing the West Clusters at Black Mountain Ranch property, located in the northwest portion of the Black Mountain Ranch Subarea, west of proposed Camino Ruiz, in the City of San Diego, California, from the AR-1-1 Zone to the RS-1-8 Zone.

FILE LOCATION: PERM-40-0529 (65)

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-52: Sale of Surplus Motive Equipment to the City of Tijuana.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/19/2001. (Council voted 9-0.):

(O-2001-167) ADOPTED AS ORDINANCE O-18960 (New Series)

Authorizing the sale of surplus motive equipment to the City of Tijuana (one 1994 Ford Crown Victoria and 10 1995 Ford Crown Patrol cars) for \$38,000.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-53: Second Update to the Land Development Code.

This action adopts an ordinance amending the effective date of the Second Update to the Land Development Code which was approved by the City Council on December 12, 2000 and certified by the California Coastal Commission on May 8, 2001.

(Citywide.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/26/2001. (Council voted 7-1. Councilmember Frye voted nay. Councilmember Inzunza not present.):

(O-2001-172) ADOPTED AS ORDINANCE O-18961 (New Series)

Amending the effective date of the previously approved Second Update to the Land Development Code.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-54: Amending the San Diego Municipal Code Section 24.1202 - Post Retirement Health Benefits.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2001-169 Cor. Copy) INTRODUCED, TO BE ADOPTED ON
MONDAY, JULY 23, 2001

Introduction of an Ordinance amending Chapter II, Article 4, Division 12, of the San Diego Municipal Code, by amending Section 24.1202, relating to the Retirement System.

CITY MANAGER SUPPORTING INFORMATION:

This action was approved by City Council in Closed Session, on May 1, 2001. The language codifies the Council's action and amends Municipal Code Section 24.1202 to reflect the following:

- 1) Non-Health Eligible Retirees will be reimbursed up to \$1,200 per year for health insurance expenses.
- 2) For Fiscal Years 2001 and 2002 only, a health eligible retiree enrolled in the health plan sponsored by the Police Officers Association (POA) will be paid or reimbursed up to the cost of the Medicare eligible or Non-Medicare eligible retiree-only premium for the POA sponsored plan.
- 2) For Fiscal Years 2001 and 2002 only, a health eligible retiree enrolled in the health plan sponsored by the Fireman's Relief Association (FRA) will be paid or reimbursed up to the cost of the Medicare eligible or Non-Medicare eligible retiree-only premium for the FRA sponsored plan.

FISCAL IMPACT:

FY 2001 - \$129,400 for Health Eligible retiree (post 1980) POA & FRA rate reimbursement; paid from CERS 401(h) Trust; No General Fund expense (#2 & #3 above).

FY 2002 - \$322,000 for Non Health Eligible retiree (pre 1980) increase; paid from CERS 401(h) Trust; no General Fund expense (#1 above). \$74,000 for Health Eligible retiree (post 1980) POA PPO rate reimbursement; paid from CERS 401(h) Trust; No General Fund expense (#2 & #3 above).

Lexin/DK

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO INTRODUCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-100: Four actions related to Adams Avenue Maintenance Assessment District.

(#14 Mid-City/Normal Heights-Kensington Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1663) ADOPTED AS RESOLUTION R-295092

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2001-1664) ADOPTED AS RESOLUTION R-295093

Approving the City Engineer's report.

Subitem-C: (R-2001-1665) ADOPTED AS RESOLUTION R-295094

Authorizing the City Manager to execute an agreement with Adams Avenue Business Association, for self-administration of Contracts for Goods and Contracts for Service for the Adams Avenue Maintenance Agreement for a period of one year in accordance with San Diego Municipal Code Section 65.0212.

Subitem-D: (R-2001-1666) ADOPTED AS RESOLUTION R-295095

Approving the Fiscal Year 2002 Budget for the Adams Avenue Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for Adams Avenue Maintenance Assessment District (District) and authorizes the Adams Avenue Business Association to manage the District in FY 2002. The District was established as a self-managed entity in May 1994 to provide maintenance of street trees and shrubs, sweeping and litter removal along Adams Avenue between 33rd to 39th and between Terrace Drive to Vista Street.

The following proposed FY 2002 budget was provided by the Adams Avenue Business Association.

<u>DESCRIPTION</u>	Est. Year End <u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 4,498.00	\$ 7,792.00
REVENUE:		
Assessments	\$ 32,582.00	\$32,273.00
Business Improvement District		
Transfer	<u>4,000.00</u>	<u>4,000.00</u>
TOTAL REVENUE	\$ 36,582.00	\$36,273.00
EXPENSE:		
Contractual	24,822.00	24,037.00
Incidental	5,610.00	6,786.00
Utilities	<u>2,856.00</u>	<u>5,900.00</u>
TOTAL EXPENSE	\$33,288.00	\$36,723.00
ENDING BALANCE	\$ 7,792.00	\$ 7,342.00

<u>Zone</u>	<u>Assessment per Frontage Foot</u>	<u>Frontage Feet</u>
1	\$ 2.20	2,053.5
2	\$ 2.50	6,431.0
3	\$10.00	558.0
4	\$ 5.00	1,219.6

The differences in assessment amount by zone are based on differences in the quantity of landscaping and the frequency of services.

FISCAL IMPACT:

All costs are assessed to the District. There is no net fiscal impact.

Loveland/McLatchy/SY

FILE LOCATION: SUBITEMS A, B, C, & D: STRT-M-377-02 (34)

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: Three actions related to Eastgate Technology Park Maintenance Assessment District.

(#47 University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1670) ADOPTED AS RESOLUTION R-295096

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2001-1671) ADOPTED AS RESOLUTION R-295097

Approving the City Engineer's report.

Subitem-C: (R-2001-1672) ADOPTED AS RESOLUTION R-295098

Approving the Fiscal Year 2002 Budget for the Eastgate Technology Park Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for the Eastgate Technology Park Maintenance Assessment District (District). The District was established in August 1986 to provide maintenance for landscaped medians, rights-of-ways, pedestrian easement areas, slopes,

monument areas and a public mini-park located within the Eastgate Technology Park development. The District maintains 20,687 sq. ft. of landscaped medians. The District does not have an established oversight group. Staff will be working with the property owners to form an oversight group during FY2002. Environmental Growth Fund-eligible acreage has been reduced, therefore the City Contribution has been reduced.

The Fiscal Year 2002 proposed maintenance costs for the District are as follows:

<u>DESCRIPTION</u>	<u>Est. Year End</u>	
	<u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 164,005.00	\$ 155,336.00
 REVENUE:		
Assessments	\$ 122,465.00	\$ 121,777.00
Interest	7,355.00	7,355.00
City Contribution	<u>4,257.00</u>	<u>2,482.00</u>
TOTAL REVENUE	\$134,077.00	\$ 131,614.00
 EXPENSE:		
Personnel	\$ 28,853.00	\$ 33,919.00
Contractual	63,000.00	95,000.00
Incidental	28,184.00	30,190.00
Utilities	<u>22,709.00</u>	<u>31,525.00</u>
TOTAL EXPENSE	\$ 142,746.00	\$ 190,634.00
 ENDING BALANCE	 \$ 155,336.00	 \$ 96,316.00

The proposed assessment for Fiscal Year 2002 is \$1,169.50 per net acre in Zone 1, containing 108.18 net acres; \$82.58 per net acre in Zone 2, containing 3.5 net acres; and \$0.00 per net acre in Zone 3, containing 0.8 net acres. This assessment is much lower in Zone 2 than in Zone 1 because Zone 2 property owners chose to maintain the landscaping adjacent to their own parcels, rather than have maintenance performed by the District. Zone 3 is composed of unusable acreage. The assessment is the same as Fiscal Year 2001.

FISCAL IMPACT:

It is proposed that the City contribute a total of \$2,482 from the Gas Tax Fund for the maintenance of 20,687 ft. of medians (\$0.12/sq. ft). This represents the City's share of expenses incurred for maintenance of street medians comparable to similar areas throughout the City. All other costs are assessed to the District.

Loveland/McLatchy/SY

FILE LOCATION: SUBITEMS A, B, C: STRT-M-395-02 (34)

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-102: Three actions related to Gateway Center East Maintenance Assessment District.
(#41 Mt. Hope/Gateway Center East Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1673) ADOPTED AS RESOLUTION R-295099

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2001-1674) ADOPTED AS RESOLUTION R-295100

Approving the City Engineer's report.

Subitem-C: (R-2001-1675) ADOPTED AS RESOLUTION R-295101

Approving the Fiscal Year 2002 Budget for the Gateway Center East Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for Gateway Center East Maintenance Assessment District (District). The District was established in May 1987 to provide maintenance of landscaped open space easements as well as landscaping along the frontage of all lots and for landscaped medians on Market Street and Gateway Center Drive.

The following proposed budget for FY 2002 is based on current maintenance costs and was approved by the Gateway Center Oversight Committee on May 4, 2001:

<u>DESCRIPTION</u>	Est. Year End <u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 73,106.00	\$ 78,257.00
REVENUE:		
Assessments	\$148,161.00	147,884.00
Interest	2,218.00	2,218.00
City Contributions	<u>1,416.00</u>	<u>1,908.00</u>
TOTAL REVENUE	\$151,795.00	152,010.00
EXPENSE:		
Personnel	\$ 13,107.00	13,568.00
Contractual	80,043.00	85,000.00
Incidental	20,694.00	20,403.00
Utilities	<u>32,800.00</u>	<u>34,800.00</u>
TOTAL EXPENSE	\$146,644.00	\$153,771.00
ENDING BALANCE	\$ 78,257.00	\$ 76,496.00

The proposed assessment for Fiscal Year 2002 is unchanged from FY2001 at \$259.56 per Equivalent Benefitting Unit (EBU). The District contains a total of 569.75 EBU's.

FISCAL IMPACT:

It is proposed that the City contribute \$1,908 from the Gas Tax Fund for the maintenance of 15,900 sq. ft. of medians (0.12/sq. ft.). This represents the City's share of expenses incurred for maintenance of street medians comparable to similar areas throughout the City. All other costs are assessed to the District.

Loveland/McLatchy/SY

FILE LOCATION: SUBITEMS A, B, C: STRT-M-380-02 (34)

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-103: Three actions related to Mission Boulevard Maintenance Assessment District.

(#20 Mission Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1676) ADOPTED AS RESOLUTION R-295102

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2001-1677) ADOPTED AS RESOLUTION R-295103

Approving the City Engineer's report.

Subitem-C: (R-2001-1678) ADOPTED AS RESOLUTION R-295104

Approving the Fiscal Year 2002 Budget for the Mission Boulevard Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for Mission Boulevard Maintenance Assessment District (District). The District was established on June 30, 1981 to provide maintenance for approximately 200 trees and planter boxes along Mission Boulevard from San Diego Place to Pacific Beach Drive. The following Fiscal Year 2002 proposed budget is based on current maintenance costs. The high cost for the maintenance of the trees is because the trees are watered individually by water truck and the District experiences a high rate of tree replacement due to vandalism.

The large Ending Balance (Reserve) is needed to cover a phased program to replace 20 year old Melaleuca trees that are approaching the end of their life cycle. The Reserve also covers a 5-month Operating Reserve.

<u>DESCRIPTION</u>	Est. Year End <u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 72,505.00	\$ 71,859.00
REVENUE:		
Assessments	\$ 46,555.00	\$ 45,190.00
Interest	<u>2,680.00</u>	<u>2,680.00</u>
TOTAL REVENUE	\$ 49,235.00	\$ 47,870.00
EXPENSE:		
Personnel	\$ 5,902.00	\$ 3,392.00
Contractual	33,749.00	42,000.00
Incidental	<u>10,230.00</u>	<u>9,477.00</u>
TOTAL EXPENSE	\$49,881.00	\$ 54,869.00
ENDING BALANCE	\$71,859.00	\$ 64,860.00

The proposed assessment for Fiscal Year 2002 is \$14.68 per Equivalent Benefitting Unit (EBU). This is the same as Fiscal Year 2001. The District contains 3,077.74 EBU's.

FISCAL IMPACT:

All costs are assessed to the District. There is no net fiscal impact.

Loveland/McLatchy/SY

FILE LOCATION: SUBITEMS A, B, C: STRT-M-398-02 (34)

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-104: Three actions related to Park Village Maintenance Assessment District.

(Rancho Penasquitos Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1620) ADOPTED AS RESOLUTION R-295105

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2001-1621) ADOPTED AS RESOLUTION R-295106

Approving the City Engineer's report.

Subitem-C: (R-2001-1622) ADOPTED AS RESOLUTION R-295107

Adopting the Fiscal Year 2002 Budget for the Park Village Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for the Park Village Maintenance Assessment District (District). The District was established in 1987 to provide maintenance for 764,310 square feet of right of way including 89,750 square feet of landscaped medians and 21 acres of open space.

The following FY 2002 proposed budget has been approved by the Park Village Maintenance landscape advisory Committee on March 28, 2001.

<u>DESCRIPTION</u>	<u>Est. Year End</u> <u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 215,662.00	\$201,779.00
REVENUE:		
District Assessments:		
Assessments:	\$ 146,062.00	\$145,996.00
Interest	11,896.00	11,896.00

City Contribution	<u>11,295.00</u>	<u>11,295.00</u>
TOTAL REVENUE	\$ 169,253.00	\$169,187.00
EXPENSE:		
Personnel	\$ 16,147.00	\$ 27,126.00
Contractual	104,000.00	112,000.00
Incidental	32,839.00	34,384.00
Utilities	<u>30,150.00</u>	<u>41,050.00</u>
TOTAL EXPENSE	\$ 183,136.00	\$ 214,560.00
ENDING BALANCE	\$ 201,779.00	\$156,406.00

The proposed assessment for Fiscal Year 2002 for Overlay Zone is \$9.48 per Equivalent Dwelling Unit (EDU) assessed to all parcels in the District. In addition, Zone 2 which is located west of Black Mountain Road will be assessed \$47.42 per EDU for landscaped medians and adjacent landscaped slopes along Park Village Road. The District contains 3,165.26 EDU's in the Overlay Zone and 2,446.00 EDU's in Zone 2.

FISCAL IMPACT:

It is proposed that the City contribute a total of \$11,295. Consisting of \$10,770 from the Gas Tax Fund for the maintenance of 89,750 square feet of landscaped medians and \$525 from the Environmental Growth Fund for 21 acres of open space. All other costs are assessed to the District.

Loveland/McLatchy/SY

FILE LOCATION: SUBITEMS A, B, C: STRT-M-384-02 (34)

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-105: Three actions related to Sabre Springs Maintenance Assessment District.

(#32 Sabre Springs Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1734) ADOPTED AS RESOLUTION R-295108

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2001-1735) ADOPTED AS RESOLUTION R-295109

Approving the City Engineer's report.

Subitem-C: (R-2001-1736) ADOPTED AS RESOLUTION R-295110

Approving the Fiscal Year 2002 Budget for the Sabre Springs Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for the Sabre Springs Maintenance Assessment District (District). The District was established in 1982 to provide maintenance for landscaped medians, streetscapes, improved open space and natural open space. The District maintains 2.89 acres of landscaped medians, 1.65 acres of paved medians, 1.8 acres of landscape right-of-way, 23.2 acres of landscaped areas, 505 acres of open space, 1.1 acres of landscape crib walls and ornamental street lighting along two bridges. The following FY 2002 proposed budget was approved by the Sabre Springs Planning Group Landscape Maintenance District Advisory Board on May 16, 2001.

<u>DESCRIPTION</u>	<u>Est. Year End</u>	
	<u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 59,708.00	\$45,574.00
REVENUE:		
Assessments	\$ 69,971.00	79,157.00
Interest	3,943.00	3,943.00
City Contributions	<u>42,992.00</u>	<u>42,992.00</u>
TOTAL REVENUE	\$116,906.00	\$126,092.00

EXPENSE:

Personnel	\$ 28,245.00	\$ 33,919.00
Contractual	46,000.00	56,000.00
Incidental	24,824.00	24,779.00
Utilities	<u>31,971.00</u>	<u>32,175.00</u>
TOTAL EXPENSE	\$131,040.00	\$146,873.00

ENDING BALANCE \$ 45,574.00 \$ 24,793.00

The proposed assessment for Fiscal Year 2002 is \$17.58 per Equivalent Benefit Unit (EBU). The District contains 4,501.7 EBU's. The assessment is an increase of \$2.02 (a 12.9% increase) per EBU from the Fiscal Year 2001 assessment of \$15.56 per EBU. The Advisory Board exercised its option to use the accumulated CPI-U rate of 12.9% since the base year 1998. The increase is necessary to cover anticipated FY 2002 costs.

FISCAL IMPACT:

It is proposed that the City contribute a total of \$42,992. This consists of \$30,367 (\$0.12/sq. ft.) from the Gas Tax Fund for the maintenance of 253,058 sq. ft. of medians and \$12,625 (\$25/acre) from the Environmental Growth Fund for 505 acres of open space. This represents the City's share of expenses incurred for maintenance of street medians and open space comparable to similar areas throughout the City. All other costs are assessed to the District.

Loveland/McLatchy/SY

FILE LOCATION: SUBITEMS A, B, C: STRT-M-401-02 (34)

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-106: FY2002 Health Insurance Agreements - Kaiser and PacifiCare.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1711) CONTINUED TO TUESDAY, JULY 24, 2001

Authorizing the City Manager to execute all required written documents to finalize the FY2002 Health Insurance Agreements;

Declaring that Kaiser and PacifiCare Health Insurance Agreements are effective for a one-year period, and terms of the agreements, including benefit level and rate changes for FY2002 were negotiated with the carriers and subsequently discussed and approved during the May 1, 2001 City Council Closed Session;

Declaring that Council approval of the FY2002 Health Agreements authorizes the City Manager to execute the written documents between the City of San Diego and the health insurance carriers, Kaiser and PacifiCare, to be effective August 1, 2001 through July 31, 2002.

CITY MANAGER SUPPORTING INFORMATION:

The Kaiser and PacifiCare health insurance agreements are effective for a one year period. The terms of the agreement, including benefit level and rate changes, for FY2002 were negotiated with the carriers and subsequently, discussed and approved during the May 1, 2001 City Council Closed Session. This formalizes the Council's approval of the FY2002 Health Insurance Agreements and authorizes the City Manager to execute the written documents between the City of San Diego and the health insurance carriers, Kaiser and PacifiCare, to be effective August 1, 2001 through July 31, 2002.

FISCAL IMPACT:

The estimated annual cost to the City for FY 2002 active employee coverage is \$7,052,500 for Kaiser and \$4,412,425 for PacifiCare. This amount is based on the total number of active employees currently enrolled in the respective plans. Monies have been budgeted in FY2002 for this purpose in all departments through the Flexible Benefits Plan. Additional costs for dependent coverage are borne by the employees through payroll deduction and/or monies available through the employees' Flexible Benefits Plan allotment.

Lexin/Oliva/VV

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A297-333.)

MOTION BY PETERS TO CONTINUE TO TUESDAY, JULY 24, 2001 AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-107: American Family Life Assurance Company of Columbus (AFLAC).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-688) ADOPTED AS RESOLUTION R-295111

Authorizing the City Manager to execute an agreement with American Family Life Assurance Company of Columbus (AFLAC) for a three-year period, beginning August 1, 2000 to July 31, 2003, as follows:

		<u>MONTHLY</u>	<u>ANNUAL</u>
Cancer Protection Plan	Employee	\$19.30	\$232.00
	One Parent Family	\$25.00	\$300.00
	Two Parent Family	\$32.30	\$388.00
Intensive Care Plan	Employee	\$ 9.10	\$110.00
	Family	\$17.50	\$210.00

Authorizing the expenditure of an amount not to exceed \$546,978 from Fund 60076, Object Account No. 9544.

CITY MANAGER SUPPORTING INFORMATION:

American Family Life Assurance Company of Columbus (AFLAC) provides optional protection coverage for cancer and other selected dread diseases, and intensive care hospitalization to benefitted employees and eligible dependents. As this coverage has been in force for many

years and the level of coverage available has significantly changed since inception of the City's current coverage, Towers Perrin, the City's benefits consultant, was directed to solicit proposals for enhanced coverage. Proposals were solicited from four vendors. AFLAC was selected based on their offering a high level of coverage at a competitive cost. The cost for the Cancer Protection and Intensive Care coverage for the period August 1, 2000 through July 31, 2003 is as follows:

		<u>MONTHLY</u>	<u>ANNUAL</u>
Cancer Protection Plan	Employee	\$19.30	\$232.00
	One Parent Family	\$25.00	\$300.00
	Two Parent Family	\$32.30	\$388.00
Intensive Care Plan	Employee	\$ 9.10	\$110.00
	Family	\$17.50	\$210.00

FISCAL IMPACT:

The total estimated cost to the City is \$546,978, based on the total number of employees enrolled during the open enrollment period. Monies are budgeted in FY 2001 for this purpose in all departments through the Flexible Benefits Plan.

Herring/Oliva/VV

Aud. Cert. 2100462.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-108: PPO Dental Insurance Group Agreement - Delta Dental.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-573) ADOPTED AS RESOLUTION R-295112

Authorizing a three-year agreement with Delta Dental, a PPO dental program, for the period beginning August 1, 2000 to July 31, 2003, and to authorize a premium rate as follows:

	<u>FY2000</u>	<u>FY2001</u>	<u>Increase</u>
Employee Only	\$417	\$445	6%
One Dependent	\$833	\$889	6%
Two or More Dependents	\$1,327	\$1,333	5%

Authorizing the expenditure of an amount not to exceed \$455,205 from Fund 60085, Account No. 9544.

CITY MANAGER SUPPORTING INFORMATION:

Dental insurance is an optional benefit in the City's Flexible Benefits Plan. In accordance with the City's Memorandums of Understanding with the labor organizations employees in classifications represented by the Police Officers' Association and IAFF Local 145, select AFSCME Local 127, and unrepresented are eligible for the City's dental plans. Towers Perrin, the City's benefits consultant, issued a Request for Proposal on behalf of the City soliciting proposals from eleven carriers to offer prepaid and preferred provider option (PPO) dental programs to eligible active benefitted employees. Three carriers submitted proposals for consideration. Delta Dental was selected based on their ability to administer the dental coverage most effectively and at a competitive cost. The term of the agreement is August 1, 2000 through July 31, 2003 with guaranteed rates for the three year period. The overall PPO Dental premiums increased by 3% over FY 2000 as follows:

	<u>FY2000</u>	<u>FY2001</u>	<u>Increase</u>
Employee Only	\$ 417	\$ 445	6%
One Dependent	\$ 833	\$ 889	6%
Two or More Dependents	\$1,327	\$1,333	5%

The cost of the dental plan is paid through the Flexible Benefits Plan (FBP).

FISCAL IMPACT:

The total estimated cost to the City is \$455,205, based on the total number of employees enrolled during the open enrollment period. Monies are budgeted in FY2001 for this purpose in all departments through the Flexible Benefits Plan.

Herring/Oliva/VV

Aud. Cert. 2100390.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-109: Kaiser Foundation Health Plan - Group Health Agreement.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-755) ADOPTED AS RESOLUTION R-295113

Authorizing the City Manager to enter into a group health insurance agreement with Kaiser Foundation Health Plans, Inc. for the one year period, August 1, 2000 through July 31, 2001;

Authorizing the expenditure of an amount not to exceed \$10,720,948 from Fund 60022, for the execution of the agreement, whose annual rates are as follows:

	<u>FROM</u>	<u>TO</u>	
	<u>FY2000</u>	<u>FY2001</u>	<u>Increase</u>
Employee Only	\$1,866	\$1,906	2%
One Dependent	\$1,866	\$1,906	2%
Two or More Dependents	\$3,695	\$3,811	3%

CITY MANAGER SUPPORTING INFORMATION:

The City provides Kaiser Health Plan, a health maintenance organization (HMO), to active and retired employees and their dependents. The City offers Kaiser Traditional Plan and Kaiser Senior Advantage Plan. The health coverage will remain unchanged for the 2000-2001 contract year. The annual rates are as follows:

	<u>FROM</u>	<u>TO</u>	
	<u>FY2000</u>	<u>FY2001</u>	<u>Increase</u>
Employee Only	\$1,866	\$1,906	2%
One Dependent	\$1,866	\$1,906	2%
Two or More Dependents	\$3,695	\$3,811	3%

The cost of coverage for active employees is paid through the Flexible Benefits Plan (FBP). Employees may cover their dependents through payroll deduction and/or remainder FBP monies.

FISCAL IMPACT:

The estimated cost to the City is \$10,720,948. This amount is based on the total number of employees enrolled during the open enrollment period and represents the cost of coverage for the employee only (\$6,531,862) and monies designated by employees to offset the cost of their dependents (\$4,189,086). Monies have been budgeted in FY 2001 for this purpose in all departments through the Flexible Benefits Plan.

Herring/Oliva/VV

Aud. Cert. 2100378.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-110: PacifiCare Behavioral Health Agreement.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1712) CONTINUED TO TUESDAY, JULY 24, 2001

Authorizing the City Manager to enter into an agreement with PacifiCare Behavioral Health, to provide group health insurance for the period of August 1, 2000 through July 31, 2002; declaring that the monthly cost for the mental health and chemical dependency treatment services provided by PacifiCare Behavioral Health are as follows:

Employee Only	\$ 8.23
Employee & One Dependent	\$16.49
Employee & Two Plus Dependents	\$33.57

Authorizing the expenditure of an amount not to exceed \$347,000 from Fund 600201.

CITY MANAGER SUPPORTING INFORMATION:

In an effort to provide an enhanced level of coverage for mental health and chemical dependency treatment programs, the City carves this coverage out of the PacifiCare health plans. As part of the bigger health insurance vendor search conducted in January 2000, the City's benefits consultant, Towers Perrin, issued a Request for Proposal on behalf of the City soliciting proposals from five carriers to offer behavioral health coverage to active employees covered by the PacifiCare health plans. PacifiCare Behavioral Health was chosen as the best option to provide mental health and chemical dependency treatments for participants enrolled in the City's PacifiCare HMO and \$250 deductible plans based on service capabilities, administrative efficiency and cost. The monthly cost for the mental health and chemical dependency treatment services provided by PacifiCare Behavioral Health for the period of August 1, 2000 through July 31, 2002 is as follows:

Employee Only	\$ 8.23
Employee & One Dependent	\$16.49
Employee & Two Plus Dependents	\$33.57

FISCAL IMPACT:

The estimated annual cost to the City is, \$347,000. This amount is based on the total number of active employees enrolled in PacifiCare HMO and PPO plans as of 8/1/2001. Monies have been budgeted in FY 2001 and FY 2002 for this purpose through the PacifiCare rates.

Lexin/Oliva/VV

Aud. Cert. 2200006.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A297-333.)

MOTION BY PETERS TO CONTINUE TO TUESDAY, JULY 24, 2001, AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-111: Group Health Agreement - PacifiCare.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1302) CONTINUED TO TUESDAY, JULY 24, 2001

Authorizing an agreement with PacificCare, to provide group health insurance, for a one year period beginning August 1, 2000 through July 31, 2001, and to authorize a premium rate as follows:

	<u>PacifiCare HMO</u>	<u>\$250 Deductible</u>
Employee Only	\$2,116	\$2,819
One Dependent	\$2,480	\$2,820
Two or More Dependents	\$4,504	\$5,720

Authorizing the expenditure of an amount not to exceed \$4,966,320 from Fund 600201, Account No. 9544.

CITY MANAGER SUPPORTING INFORMATION:

The City's benefits consultant, Towers Perrin, issued a Request for Proposal on behalf of the City soliciting proposals from nine carriers to offer both a fully insured Health Maintenance Organization (HMO) and Preferred Provider Organization (PPO) health insurance plan to active and retired employees and their dependents. Three proposals were received which included the incumbent Blue Cross of California. After extensive review of the responses PacifiCare of California was chosen to replace Blue Cross of California. This decision was based on PacifiCare's ability to replace Blue Cross with little to no provider disruption to City employees, retirees and their dependents while providing some enhanced benefits and at a lower cost than Blue Cross's renewal. The term of the agreement is August 1, 2000 through July 31, 2001. The annual rates for FY2001 for ACTIVE employees are as follows:

	<u>PacificCare HMO</u>	<u>\$250 Deductible</u>
Employee Only	\$2,116	\$2,819
One Dependent	\$2,480	\$2,820
Two or More Dependents	\$4,504	\$5,720

The cost of active employee coverage is paid through the Flexible Benefits Plan (FBP). Employees may cover their dependents through payroll deduction and/or remainder FBP monies.

FISCAL IMPACT:

The estimated cost to the City for active employees is \$4,966,320. This amount is based on the total number of active employees enrolled during the open enrollment period and represents the cost of coverage for the employee only (\$3,759,086) and monies designated by employees to offset the cost of their dependent (\$1,207,234). Monies have been budgeted in FY2001 for this purpose in all departments through the Flexible Benefits Plan.

Lexin/Oliva/VV

Aud. Cert.2101018.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A297-333.)

MOTION BY PETERS TO CONTINUE TO TUESDAY, JULY 24, 2001 AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-112: Private Medical-Care, Inc. - Prepaid Dental Insurance Group Agreement.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-572) ADOPTED AS RESOLUTION R-295114

Authorizing the City Manager to enter into a three-year agreement with Private Medical-Care, Inc. for a prepaid dental plan for the period beginning August 1, 2000 to July 31, 2003 and to authorize a premium rate as follows:

	<u>FY 2000</u>	<u>FY 2001</u>	<u>Increase</u>
Employee Only	\$ 135	\$ 158	17%
One Dependent	\$ 250	\$ 316	26%
Two or More Dependents	\$ 318	\$ 473	49%

Authorizing the expenditure of an amount not to exceed \$367,678 from Fund 60042, Account No. 9544.

CITY MANAGER SUPPORTING INFORMATION:

Dental insurance is an optional benefit in the City's Flexible Benefits Plan. In accordance with the City's Memorandums of Understanding with the labor organizations, employees in classifications represented by the Police Officers' Association and IAFF Local 145, select AFSCME Local 127, and unrepresented are eligible for the City's dental plans.

Due to the poor service received from the City's current dental plans, Towers Perrin, the City's benefits consultant, issued a Request for Proposal on behalf of the City soliciting proposals from eleven carriers to offer prepaid and preferred provider option (PPO) dental programs to eligible active benefitted employees. Three carriers submitted proposals for consideration. Private Medical-Care, Inc., known as PMI/DeltaCare was selected based on their ability to administer the dental coverage most effectively and at a competitive cost. The term of the agreement is August 1, 2000 through July 31, 2003 with guaranteed rates for the three year period. The overall prepaid dental premiums increased by 37.5% over FY 2000 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>	<u>Increase</u>
Employee Only	\$ 135	\$ 158	17%
One Dependent	\$ 250	\$ 316	26%
Two or More Dependents	\$ 318	\$ 473	49%

The cost of the dental plan is paid through the Flexible Benefits Plan (FBP).

FISCAL IMPACT:

The total estimated cost to the City is \$367,678 based on the total number of employees enrolled during the open enrollment period. Monies are budgeted in FY 2001 for this purpose in all departments through the Flexible Benefits Plan.

Herring/Oliva/VV

Aud. Cert. 2100389.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-113: Vision Insurance Group Agreement - Private Medical-Care, Inc.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-574) ADOPTED AS RESOLUTION R-295115

Authorizing the City Manager to enter into a three-year agreement with Private Medical-Care, Inc. - Vision Insurance Group, for a vision care plan for the period beginning August 1, 2000 to July 31, 2003, and to authorize a premium rate as follows:

	<u>FY2000</u>	<u>FY2001</u>	<u>Increase</u>
Employee Only	\$75	\$84	12%
One Dependent	\$134	\$145	8%
Two or More Dependents	\$186	\$214	15%

Authorizing the expenditure of an amount not to exceed \$80,271 from Fund 60043, Account No. 9544.

CITY MANAGER SUPPORTING INFORMATION:

Vision insurance is an optional benefit in the City's Flexible Benefits Plan. In accordance with the City's Memorandums of Understanding with the labor organizations, employees in classifications represented by Police Officers' Association IAFF Local 145, AFSCME Local 127, and unrepresented are eligible for the City's vision plan.

Due to the poor service received from the City's current vision provider, Towers Perrin, the City's benefits consultant, issued a Request for Proposal on behalf of the City soliciting proposals from sixteen carriers to offer a vision care program to eligible active benefitted employees. Eight carriers submitted proposals for consideration. Based on plan design, cost and administrative capabilities, Delta Dental was selected. The term of the agreement is August 1, 2000 through July 31, 2003 with guaranteed rates for the three year period. The overall vision plan premiums increased by 12% over FY 2000 as follows:

	<u>FY2000</u>	<u>FY2001</u>	<u>Increase</u>
Employee Only	\$ 75	\$84	12%
One Dependent	\$134	\$145	8%
Two or More Dependents	\$186	\$214	15%

The cost of the vision plan is paid through the Flexible Benefits Plan (FBP).

FISCAL IMPACT:

The total estimated cost to the City is \$80,271 based on the total number of employees enrolled during the open enrollment period. Monies are budgeted in FY2001 for this purpose in all departments through the Flexible Benefits Plan.

Herring/Oliva/VV

Aud. Cert. 2100388.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-114: Group Life Insurance Agreement - Reliastar Life Insurance Company.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1033) ADOPTED AS RESOLUTION R-295116

Authorizing the City Manager to enter into a five-year agreement for group life and accidental and dismemberment insurance with Reliastar Life Insurance Company, effective July 1, 2000 through June 30, 2005;

Authorizing the expenditure of an amount not to exceed \$642,423 from Fund 60026, Object Account No. 9544.

CITY MANAGER SUPPORTING INFORMATION:

Reliastar Life Insurance Company has provided life insurance benefits to benefitted City employees since July 1, 1995. In accordance with City policy, the City's benefits consultant, Towers Perrin, conducted a due diligence marketing of the life insurance plans seeking a continuation of the array of life insurance benefits currently offered by the City at the most favorable arrangement. Fourteen carriers received a Request for Proposal. Six proposals were received. The coverage sought included Basic term insurance which pays a death benefit to an employee's beneficiary(ies) for all causes of death. In addition to the Basic coverage offered through the Flexible Benefits Plan, Portable term insurance and Universal life insurance are available through payroll deduction for employee and dependent coverage. Term coverage for select upper management, known as Executive life insurance, is also included. The Basic and Executive term insurance ends upon termination of employment. The Portable and Universal coverage can be continued after termination at the City's group rates. The coverage also includes accelerated benefits for terminally ill employees and Accidental Death and Dismemberment (AD&D) coverage. AD&D insurance pays benefits for loss of life, limb, sight, speech or hearing due to an accident. Upon review of the bid submittals, Reliastar Life Insurance was selected based on their ability to offer and administer the requested life insurance coverages at the most competitive cost. The monthly rate for the group term insurance decreased from \$0.16 per thousand to \$0.125 per thousand. The rates are guaranteed for the five year period commencing July 1, 2000. The Portable term rates are age-based but also decreased at a comparable amount.

FISCAL IMPACT:

The total estimated cost to the City for Basic term coverage is \$642,423, based on the total number of employees enrolled during the open enrollment period. Monies are budgeted in FY 2001 for this purpose in all departments through the Flexible Benefits Plan.

Herring/Oliva/VV

Aud. Cert. 2100748.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-115: Joint Community Facilities Agreement with the Poway Unified School District.

(Torrey Highlands Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1753) ADOPTED AS RESOLUTION R-295117

Authorizing the City Manager to execute a Joint Community Facilities Agreement by and between Poway Unified School District and the City of San Diego for forming a community facilities district in the Torrey Highlands Community Plan area.

CITY MANAGER SUPPORTING INFORMATION:

The Poway Unified School District is in the process of forming a community facilities district (CFD). The purpose of this district is to finance a number of required public facilities through a bonding process, including some that are included in the Torrey Highlands Facilities Benefit Assessment (FBA) and will be owned and maintained by the City of San Diego. These City projects are: Camino Ruiz from "A" Street to Carmel Valley Road and the "B" Street overcrossing. Because the school district is participating in the funding of City facilities, the proposed agreement is required. The CFD funding mechanism will allow for accelerated construction of the facilities before there is sufficient funding available in the Torrey Highlands FBA. Once such funding becomes available in the FBA, the cost of the facilities will be reimbursed through a reimbursement agreement. Request for Council approval of this agreement will be forthcoming.

FISCAL IMPACT:

None at this time. This measure will expedite the provision of public facilities needed for development of the community before there is sufficient FBA funds available for their construction.

Ewell/Goldberg/GH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-116: Office Space Lease Amendment - Business Improvement District Council.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1765) ADOPTED AS RESOLUTION R-295118

Authorizing the City Manager to execute a First Amendment to Lease with the Business Improvement District Council, for Suites 204 and 205 in the World Trade Center Building, a leasehold area of 350 square feet, at the base rent of \$576.80 per month;

Declaring that the total annual rent paid to the City of San Diego for the first year of the First Amendment to Lease, in the amount of \$6,921.60, shall be deposited into the General Fund 100.

CITY MANAGER SUPPORTING INFORMATION:

The Business Improvement District Council has been leasing space from the City in the World Trade Center Building, located at 1250 Sixth Avenue, Suites 204 and 205, since June 1, 1996. The space leased consists of approximately 350 rentable square feet.

The tenant will be leasing the space under the following basic lease terms:

TERM - For one (1) year commencing June 1, 2001 and terminating May 31, 2002. The tenant has the option to extend the lease for four (4) additional one (1) year periods providing the tenant is not in default.

RENT - \$576.80 per month or approximately \$1.65 per square foot. The rental rate is at market value compared to similar space in the downtown area. The base rent shall be adjusted annually by a fixed 4% increase.

USE - General office usage.

SIZE - 350 square feet.

FISCAL IMPACT:

\$6,921.60 will be deposited into the General Fund 100 for the first year of this lease.

Herring/Griffith/DCM

FILE LOCATION: LEAS - Business Improvement District Council

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-117: Sewer Pump Station 42 - Consultant Agreement.

(See Memorandum from Frank Belock, Jr. dated 5/24/2001 and Frequently Asked Questions About Group Jobs. La Jolla Community Area. District-1.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1763) ADOPTED AS RESOLUTION R-295119

Authorizing the City Manager to execute an agreement with Boyle Engineering Corporation, for engineering consultant services for the design of Sewer Pump Station #42 upgrades for a cost not to exceed \$234,900;

Authorizing the expenditure of an amount not to exceed \$234,900 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Stations;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/30/2001, NR&C voted 3 to 1 to move all projects forward for approval by the City Council. (Councilmembers Peters, Madaffer, Inzunza voted yea. Councilmember Wear not present.)

CITY MANAGER SUPPORTING INFORMATION:

The existing Sewer Pump Station 42 is a pump station that was placed in operation in 1956, and is located in La Jolla along the east side of Calumet Avenue between Colima Court and San Colla Street. As part of the City's sewage pump stations conditions assessment program conducted in 1997, several modifications were identified in order to upsize the capacity of the pump station, enhance reliability, improve operation and maintenance, and upgrade equipment to meet City standards. A list of 15 design consultants was provided by the City's Consultant Services Coordinator. In conformance with Council Policy 300-7, eleven (11) consultants were interviewed. Boyle Engineering Corporation was selected as the best qualified firm to provide the design consultant services for Sewer Pump Station 42. The sub-consultants are Ninyo & Moore geotechnical investigation at 4.4%; Moraes/Pham & Associates - electrical, controls and instrumentation at 12.3% and Willdan & Associates - traffic control at 1.9%.

FISCAL IMPACT:

The estimated cost is \$234,900 for this request, which includes \$222,900 for design services and \$12,000 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 \$1,622,586.

Loveland/Belock/HR

Aud. Cert. 2101183.

WWF-01-512.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A413-477.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

*ITEM-118: Approving the Plans and Specifications and Inviting Bids for the Construction of Penasquitos Reservoir Rehabilitation.

(See Larry Gardner's memorandum dated 5/11/2001. Penasquitos East Community Area. District-1.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1723) ADOPTED AS RESOLUTION R-295120

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 Penasquitos Reservoir Rehabilitation on Work Order No. 182981;

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

Authorizing the expenditure of an amount not to exceed \$1,677,927 from CIP-73-277.0, Annual Allocation FY02 - Standpipe and Reservoir Restorations, Water Fund 41500, for providing funds for the project and related costs, 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.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/16/2001, NR&C voted 3 to 1 to approve with the condition that the Equal Opportunity Contracting Program information will be included in all future projects. (Councilmembers Peters, Wear and Madaffer voted yea. Councilmember Inzunza voted nay.)

CITY MANAGER SUPPORTING INFORMATION:

The Penasquitos Reservoir is an existing 5.0 million-gallon, above ground, circular prestressed concrete potable water reservoir located in the eastern slopes of Black Mountain in the Penasquitos Community of San Diego. The reservoir, built in 1966, serves the 920-foot hydraulic grade line pressure zone, and is approximately 160 feet in diameter and 34 feet high. This project is part of a Compliance Order No. 04-14-96-022 by the State of California Department of Health Services (DHS). The rehabilitation of this reservoir will improve the water system quality and reliability, increase its service life, upgrade the structure to conform with the latest seismic and building codes, and bring this project into compliance with the DHS Order.

The proposed rehabilitation will correct known deficiencies in the roof structure by replacing the entire roof system, improve seismic reliability by installing a wall shear-key around the interior perimeter, repair concrete cracks or spalling, apply an elastomeric coating to improve water retention, replace deteriorated piping systems in the Reservoir plus reconfigure the inlet-outlet piping system, make safety improvements with new ladders, hatches, safety cages and associated appurtenances, upgrade the telemetry and electrical systems, install water quality sampling, components, and make general landscape improvements.

FISCAL IMPACT:

The total cost for the rehabilitation of the Penasquitos reservoir is \$2,088,860 of which \$410,933 was previously authorized. Funding in the amount of \$1,677,927 is available in Water Fund 41500, CIP-73-277.0, Annual Allocations FY02 - Standpipe and Reservoir Restorations.

Loveland/Gardner/NK

FILE LOCATION: CONT - SCW Contracting Corp.; W.O. 182981

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

*ITEM-119: Approving the Plans and Specifications and Inviting Bids for the Construction of Adobe Falls Water Pump Plant.

(See Larry Gardner's memorandum dated 5/11/2001. Navajo Community Area. District-7.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1724) ADOPTED AS RESOLUTION R-295121

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 Adobe Falls Water Pump Plant on Work Order No. 184521;

Authorizing the City Manager to establish contract funding phases and to execute a contract with the lowest responsible bidder for the Adobe Falls Water Pump Plant;

Authorizing the City Manager to execute an Amendment to Agreement with Hirsch & Company Consulting Engineers in the amount of \$27,703 to provide additional design and construction support services;

Authorizing the expenditure of not to exceed \$3,094,797 from Water Fund 41500, CIP-73-327.0, Adobe Falls Water Pump Plant, and authorizing the expenditure of \$130,000 from Water Fund 41500, CIP-73-331.0, Annual Allocation for Pool Contingency, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for such expenditure are or will be on deposit in the City Treasury;

Authorizing the expenditure of not to exceed \$20,000 for property-related cost from Water Fund 41500, CIP-73-327.0, Adobe Falls Water Pump Plant;

Authorizing the use of City forces to shutdown existing pipeline and install valves, tees, and piping for connection work for a cost not to exceed \$233,000;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01078C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/16/2001, NR&C voted 3 to 1 to approve with the condition that the Equal Opportunity Contracting Program Information will be included in all future projects. (Councilmembers Peters, Wear and Madaffer voted yea. Councilmember Inzunza voted nay.)

CITY MANAGER SUPPORTING INFORMATION:

The Adobe Falls Water Pump Plant (formerly called the Alvarado Pump Plant) is located on the northwest corner of Waring Road and Interstate 8 and was constructed in 1965. The pump plant originally consisted of five large horizontal pumps with 150 horsepower motors. Presently, four pumps are in operation with one out of service. The pump plant receives its water from the Alvarado Water Treatment Plant and pumps up to a maximum of 14,000 gallons per minute to the Clairemont - Kearny Mesa area. The successful operation of the pump plant allows the City to utilize a portion of its local water storage. Construction of this new pump plant facility will provide a more reliable and efficient facility and will save in electrical and maintenance costs. Currently, due to 35 year old design standards, the pump plant is operating at a low efficiency and is regularly experiencing necessary repairs. The existing wood pump house building is deteriorating resulting in structural deficiencies and is in need of replacement. The electrical and

telemetry equipment is antiquated and outdated. The new pump plant will consist of five (5) energy efficient pumps and motors, new state of the art electrical and telemetry equipment, and site piping which include the installation of a new 36-inch transmission main with gate valves and appurtenances, and replacement of various segments of the existing 36-inch pipe within the pump plant. In addition, a savings will be realized during construction by utilizing City forces for necessary pipeline connection work, large value replacement and any emergency work needed due to their familiarity with the existing water system. Also included is an architecturally designed building consistent with the aesthetic preferences of the surrounding community. The CIP Program has performed a community outreach program by meeting with the Allied Garden Community Council and Navajo Community Planners. Construction of this new pump plant facility will provide a more reliable and efficient facility and will save in electrical and maintenance costs. This project was mandated by the State of California Department of Health and Services as part of Compliance Order No. 04-14-96-022 (Amendment # 6), Item No. 51 dated August 7, 2000.

FISCAL IMPACT:

Funding in the amount of \$3,094,797 for the construction is available from the Water Fund 41500, CIP-73-327.0, Adobe Falls Water Pump Plant and \$130,000 is available from Water Fund 41500, CIP-73-331.0, Annual Allocation for Pooled Contingency.

Loveland/Gardner/OAK

Aud. Cert. 2101216.

FILE LOCATION: CONT - TC Construction; W.O. 184521

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-120: Two actions related to Authorizing Suggestion Awards to City Employees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1) ADOPTED AS RESOLUTION R-295122

Yildiz Chambers - MWWD - \$500.

Subitem-B: (R-2002-2) ADOPTED AS RESOLUTION R-295123

James Zinn - Equipment Division - \$100.

David Picone - Fire and Life Safety Services - \$334.35

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-121: The Burnham Institute.

COUNCILMEMBER PETERS'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-13) ADOPTED AS RESOLUTION R-295124

Recognizing the Burnham Institute as a valued member of the San Diego biomedical research community, contributing not only to mankind's knowledge about the causes of disease, but also to the prevention of future suffering through preventive medicine and the advancement of science, upon the twenty-fifth anniversary of The Burnham Institute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-122: Front Runners San Diego Day.

COUNCILMEMBER ATKINS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1701) ADOPTED AS RESOLUTION R-295125

Recognizing the 20th Anniversary of Front Runners San Diego, and commending them for their outstanding contribution to San Diego's gay and lesbian sports community;

Proclaiming July 7, 2001 to be "Front Runners San Diego Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-123: Appointments to the Funds Commission.

(See memorandum from Mayor Murphy dated June 15, 2001.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-27) ADOPTED AS RESOLUTION R-295126

Council confirmation of the following appointments by the Mayor to serve as members of the Funds Commission, for terms expiring as indicated:

<u>NAME</u>	<u>TERM EXPIRES</u>
Hilbert Chu (Replacing Cecilia I. Doty, whose term has expired)	January 28, 2005
Conny Jamison (Bank Official) (Replacing M. Faye Wilson, whose term has expired)	January 28, 2004

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-124: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-21) ADOPTED AS RESOLUTION R-295127

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

FILE LOCATION: GEN'L - State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Two actions related to the City of San Diego/Len-Greystone Torrey Highlands, LLC, Vernal Pool Preserve.

(Torrey Highlands Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Introduce the Ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2001-168 Cor. Copy) INTRODUCED, TO BE ADOPTED ON
MONDAY, JULY 23, 2001

Introduction of an Ordinance authorizing the City Manager to execute an Agreement for the Acquisition and Establishment of a Joint Vernal Pool Preserve (Agreement) with Len-Greystone Torrey Highlands, LLC, (Greystone), for the joint vernal pool preserve (Project);

Accepting \$107,083 from Greystone for the Project and authorizing the City Auditor and Comptroller to establish a separate interest bearing account (Fund 39226);

Authorizing the City Auditor and Comptroller to amend the Capital Improvement Program (CIP) budget by increasing appropriations in the amount of \$107,083 to the Fiscal Year 2001 CIP to be utilized for the Project, CIP-52-463.0;

Authorizing the expenditure of an amount not to exceed \$145,653 from Fund 10515, for the acquisition of property rights, labor, title escrow, and miscellaneous costs related to the Project, CIP-52-463.0;

Authorizing the City Manager to execute an Agreement with EDAW, Inc., for Consulting Services for providing professional consulting services to the City for the Project;

Authorizing the expenditure of an amount not to exceed \$167,796 from Fund 10515 for the purpose of providing funds for the professional consulting services agreement for the Project, CIP-52-463.0;

Authorizing the City Manager to execute, on behalf of the City of San Diego, a Conservation Easement Deed to the United States of America, in favor of the U.S. Army Corps of Engineers, or agent approved by the U.S. Army Corps of Engineers, describing the property reserved for the Vernal Pool Preserve, if necessary;

Authorizing the expenditure of an amount not to exceed \$107,083 from Fund 39226 for the purpose of providing funds for the Project, CIP-52-463.0, upon certification by the Auditor and Comptroller of funds being available.

NOTE: **6** votes required for Subitem A pursuant to Section 99 of the City Charter.

Subitem-B: (R-2001-1732) ADOPTED AS RESOLUTION R-295128

Certifying that the information contained in the final document (Mitigated Negative Declaration LDR-98-0392 and Environmental Impact Report LRD-95-0099), including any comments received during the public review process, has been reviewed and considered by the Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of acquisition and establishment of the City of San Diego/Len-Greystone Torrey Highlands, LLC, Joint Vernal Pool Preserve;

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

CITY MANAGER SUPPORTING INFORMATION:

As part of the State Route 56 Project, the City of San Diego is required to mitigate for vernal pool impacts. Len-Greystone Torrey Highlands, LLC, is also required to mitigate for vernal pool impacts resulting from their development in the vicinity of State Route 56 and the Camino Ruiz Interchange. Based on the recommendations of the U.S. Fish and Wildlife Service and U.S. Army Corps of Engineers, the City of San Diego and Len-Greystone Torrey Highlands, LLC, will create a joint vernal pool preserve.

The creation and restoration of vernal pool requires specialized experience which is necessary to help ensure that the vernal pool preserve will be successful. D&D Landscaping, who has completed successful vernal pool projects, will be responsible for the construction of the vernal

Authorizing the deappropriation of CIP funds from the Fiscal Year 2001 budget for Fund Nos. 41506, 41508, and 41509 in the total amount of \$44,505,887 for the projects in the amounts set forth in the schedules attached into the Resolution.

CITY MANAGER SUPPORTING INFORMATION:

The deappropriations requested by this action are a result of \$25,800,343 in savings from thirty-five (35) projects on bids received below estimated costs. They also result in deappropriations of \$18,705,544 due to schedule changes in thirteen (13) projects which will be rescheduled and rebudgeted in future years (see below). Reschedules include \$3,521,886 for construction delays.

This action has been coordinated with the Auditor and Comptroller's Office and reflects the Metropolitan Wastewater Department's continuing effort, in cooperation with the Auditor's Office, to efficiently manage the cash resources of the Sewer Revenue Fund.

FISCAL IMPACT:

Previously approved appropriations will be reduced by \$27,889,234 in Fund 41506, \$2,547,206 in Fund 41508, and \$14,069,447 in Fund 41509 for a total reduction of \$44,505,887. Of the thirteen rescheduled projects, seven are rebudgeted in FY 2002, four are rebudgeted in FY 2003, and two are rebudgeted in FY 2004 based on revisions requested by the project engineer.

Loveland/Tulloch/CCB

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A347-400.)

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

ITEM-202: This item was returned to the originating department.

ITEM-203: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

In the matter of directing the City Manager to enter into a new lease with the YMCA at Torrey Hills Neighborhood Park (APN-307-451-57) and to extend the existing La Jolla (APN-346-711-07) and Peninsula (APN-449-110-09) YMCA leases.

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:

REFERRED TO CLOSED SESSION

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 July 10, 2001.

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: C038-042.)

Mayor Murphy Closed the hearing.

ITEM-204: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: An approximate 4.92 acre portion of the 38 acre San Diego Sports Arena site (APN-441-590-04).

Agency Negotiator: Real Estate Assets Director.

Negotiating Parties: Arena Group 2000 as operator of the San Diego Sports Arena.

Under Negotiation: Terms of New Ground Lease Agreement for three (3) pad sites to be used by retail subtenants.

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:

REFERRED TO CLOSED SESSION

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 July 10, 2001.

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: C043-046.)

Mayor Murphy closed the hearing.

ITEM-205: This item was returned to the originating department.

PUBLIC NOTICES:

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

ITEM-250: Settlement of the Personal Injuries Claim of Diane Vallas.

(R-2001-1547)

Adopted as Resolution R-294901.

A Resolution approved by the City Council in Closed Session on Tuesday, May 22, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; District-6 vacant; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the sum of \$31,000 in the settlement of each and every claim against the City, its agents and employees, resulting from personal injuries to Diane Vallas, et al;

Authorizing the City Auditor and Comptroller to issue three checks, one made payable to Kaiser Permanente in the amount of \$1,000; one payable to Diane Vallas in the amount of \$20,000; and one made payable to Marita Leon and her attorney of record, David Wayman, in the amount \$10,000, in full settlement of all claims, as a result of an incident which occurred on August 14, 2000.

Aud. Cert. 2101140.

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.

ITEM-251: Settlement of the Personal Injury Claim of Rosemarie Baker.

(R-2001-1592)

Adopted as Resolution R-294902.

A Resolution approved by the City Council in Closed Session on Tuesday, May 22, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; District-6 vacant; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$35,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Rosemarie Baker (Superior Court Case No. GIC753387, Rosemarie Baker v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$35,000 made payable to Rosemarie Baker and her attorney of record, Philip C. Aman, Esq., in full settlement of the lawsuit and all claims.

Aud. Cert. 2101178.

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.

ITEM-252: Settlement of Property Damage Claim of Ralph Duarte, et al.

(R-2001-1759)

Adopted as Resolution R-295005.

A Resolution approved by the City Council in Closed Session on Tuesday, June 12, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-not present; Maienschein-yea; District 6-vacant; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$24,854.41 in the settlement of each and every claim against the City, its agents and employees, resulting from the property damage to Ralph Duarte, et al.;

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$24,854.41 made payable to Luth & Turley, Inc., as a result of an incident which occurred on March 25, 1999.

Aud. Cert. 2101187.

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.

ITEM-253: **Notice** of Pending Final Map Approval.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on those certain final maps entitled "Torrey Santa Fe Units 2 & 3" and "Torrey Santa Fe Unit 4," copies of which are available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be deemed approved and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 5:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-S400: Joan L. Forbes Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-22) ADOPTED AS RESOLUTION R-295130

Commending Joan L. Forbes for her outstanding leadership and commitment to the City of San Diego, and in honor of her significant contributions, proclaiming July 9, 2001 to be "Joan L. Forbes Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A144-223.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S401: Settlement of Personal Injury Claims of Jorge Garcia DeLeon et al.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-47) ADOPTED AS RESOLUTION R-295131

A Resolution approved by the City Council in Closed Session on Tuesday, April 3, 2001 and May 8, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; District 6-vacant; Madaffer-yea; District 8-vacant; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$800,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury claims of Jorge Garcia DeLeon, Tomas Aguilar Morales and Teclé M. Gebremedhin, as a result of an incident which occurred on June 13, 1998. (Superior Court Case No. 729695, Jorge Garcia DeLeon, et al. v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$500,000, made payable to Gabriela Posada Bosain and attorneys of record, Girardi and Keese Law Firm;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$150,000, made payable to Tomas Aguilar Morales and attorneys of record, John T. Richards;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$150,000, made payable to Teclé M. Gebremedhin and attorneys of record, Michael F. Armstrong;

Declaring that said 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 Claims of Jorge DeLeon et al. against the City of San Diego, its agents and employees, as a result of an incident which occurred on June 13, 1998.

Herring/Oliva/MG

Aud. Cert. 2200020.

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: A347-400.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S402: Greater Golden Hill Community Development Corporation Day.

COUNCILMEMBER ATKINS'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-57) ADOPTED AS RESOLUTION R-295132

Recognizing the 10th anniversary of the Greater Golden Hill Community Development Corporation, and commending their board, staff and volunteers for their commitment to improve the quality of life for the residents of Golden Hill and all San Diegans;

Proclaiming June 30, 2001 to be "Greater Golden Hill Community Development Corporation Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A347-400.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S403: Barbara Birchim Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-54) ADOPTED AS RESOLUTION R-295133

Commending Barbara Birchim for her outstanding service and commitment to people and places in need;

Proclaiming Monday, July 9, 2001 to be "Barbara Birchim Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A225-294.)

MOTION BY MAIENSCHIEIN TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:41 p.m. in honor of the memory of Dr. David Freeman as requested by Council Member Atkins.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C048-066).