

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, DECEMBER 3, 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 2:15 p.m. Mayor Murphy recessed the meeting at 3:10 p.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 3:20 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 3:21 p.m. into Closed Session at 9:00 a.m. on Tuesday, December 4, 2001, in the twelfth floor conference room to discuss existing and anticipated litigation.

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 (pr)

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 Swami Ichtananda of the Vendata Society of Southern California.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Madaffer.

NON-AGENDA COMMENT

Non-agenda public comment is taken on Tuesday pursuant to Ordinance O-18939 adopted on September 24, 2001.

CITY COUNCIL COMMENT:

None.

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-30: Nobel Laureate Month.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-735) ADOPTED AS RESOLUTION R-295800

Proclaiming the Month of December 2001 to be "Nobel Laureate Month" in San Diego.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: A035-112.)

MOTION BY WEAR 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-31: Duke Sobek and Town and Country Hotel Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-679) ADOPTED AS RESOLUTION R-295801

Recognizing Duke Sobek and the Town and Country Hotel and thanking Mr. Sobek and his staff for their efforts on behalf of the region's businesses and

workforce, and their commitment to ensuring that San Diego County's economy remains strong and vibrant;

Proclaiming December 3, 2001 to be "Duke Sobek and Town and Country Hotel Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A113-202.)

MOTION BY ATKINS TO ADOPT. 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-50: Dedicating City-Owned Land as Open Space in Switzer Canyon.

(Greater North Park Community Area. District-3.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/19/2001. (Council voted 9-0):

(O-2002-59 Cor. Copy) ADOPTED AS ORDINANCE O-19015 (New Series)

Setting aside and dedicating City-owned land known as "Switzer Canyon" in the City of San Diego, California.

FILE LOCATION: DEED F-9113

COUNCIL ACTION: (Tape location: A256-297.)

CONSENT MOTION BY INZUNZA 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-51: First Amendment to the Agreement with the United States of America Adopting a Development Plan and Urban Design Guidelines for the Redevelopment of the Navy Broadway Complex.

(Marina and Columbia Sub Areas of the Centre City Redevelopment Project.
District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/20/2001. (Council voted 9-0):

(O-2002-52) ADOPTED AS ORDINANCE O-19016 (New Series)

Approving the First Amendment to the Agreement between the City of San Diego and the United States of America adopting a Development Plan and Urban Design Guidelines for the Redevelopment of the Navy Broadway Complex.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A256-297.)

CONSENT MOTION BY INZUNZA 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-52: Three actions related to Surety Substitution - Convention Center Expansion Lease Revenue Bonds, Series 1998A.

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolutions in Subitems B and C:

Subitem-A: (O-2002-66) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 8, 2002

Introduction of an Ordinance approving the form of and authorizing the execution and delivery of a Financial Guaranty Agreement relating to the Convention Center Expansion Financing Authority Lease Revenue Bonds, Series 1998A and actions in connection therewith.

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

Subitem-B: (R-2002-719) ADOPTED AS RESOLUTION R-295802

Authorizing the City Manager to execute an agreement with Orrick, Herrington and Sutcliffe for legal services;

Authorizing the expenditure of an amount not to exceed \$5,000 from Fund 630232.

Subitem-C: (R-2002-720) ADOPTED AS RESOLUTION R-295803

Authorizing the City Manager to execute an agreement with Kitahata and Company for financial advisory services;

Authorizing the expenditure of an amount not to exceed \$4,500 from Fund 630232.

CITY MANAGER SUPPORTING INFORMATION:

Typically, when bonds are issued to fund capital projects, there is a legal requirement that monies be set aside in a debt service reserve fund as security for the bondholders, in the event there are not sufficient funds to meet the debt service requirement in any given year. Per the Bond Indenture governing the Convention Center Expansion Lease Revenue Bonds, the amount required to be maintained in the Debt Service Reserve Fund is approximately \$6.9 million. As an alternative to cash funding the Debt Service Reserve Fund, the Bond Indenture permits the City to use a surety policy in place of the cash deposit. The provider of the surety policy would then agree to make debt service payments in the event of a deficiency in available revenues, in return for a premium payment. AMBAC Assurance Corporation, the bond insurance provider for the Convention Center Expansion bonds, has agreed to provide such a surety policy.

The proposed Ordinance would substitute the current cash amount in the Debt Service Reserve Fund with a surety policy of an equal amount, and authorize the City Manager to enter into a Guaranty Agreement with AMBAC Assurance Corporation to provide the required surety policy.

The proceeds from the surety substitution will be utilized to fund a portion of the City's cash contribution to the Ballpark and Redevelopment Project. The cost of the surety policy would be based on a surety premium of 3.25% of the Debt Service Reserve Fund, or \$222,600 (rounded). In order to obtain the surety policy, it will also be necessary for the City to retain the services of a qualified financial advisor and legal counsel. It is recommended that the City Council authorize expenditures of \$5,000 for legal advisory services to be provided by Orrick, Herrington & Sutcliffe LLP, and expenditures not to exceed \$4,500 for financial advisory services to be provided by Kitahata & Company. These costs will be reimbursed out of the accrued interest earnings of the Debt Service Reserve Fund, as of the most recent reporting period.

FISCAL IMPACT:

None. All costs related to the acquisition of the proposed surety policy, including the surety premium, legal and financial advisory services, will be reimbursed out of the accrued interest earnings of the Debt Service Reserve Fund, as of the most recent reporting period.

Frazier/Vattimo/LK

Aud. Cert. 2200581/2200582.

FILE LOCATION:

SUBITEM A: NONE
SUBITEM B & C: MEET (62)

COUNCIL ACTION:

(Tape location: A256-297.)

CONSENT MOTION BY INZUNZA TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTIONS. 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-100: Parcel Map TPM-90-0435 (Canyon Hills Commercial Center) and Easement Abandonments.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-659) ADOPTED AS RESOLUTION R-295804

Approving Parcel Map TPM-90-0435, including the abandonment of an unneeded building restricted easement and a portion of a slope easement.

CITY MANAGER SUPPORTING INFORMATION:

This 2-parcel map consists of a 2.557 acre site to be used for commercial development. It is located north of Mercy Road west of I-15 in the Mira Mesa Community Plan area. This map requires City Council approval because easements are being abandoned on the map. The existing building restricted easement granted to the City on Map 11833 and portion of slope easement granted by deed to the State of California and relinquished to the City of San Diego by document are no longer necessary because the development project has been redesigned. Staff has determined that the revised project is consistent with all previously approved permits. There are no new public improvements required for this parcel map. This project is expected to generate approximately 5,450 average daily trips (ADT) and 2,610 average cumulative trips. This project will add 783 ADT to I-15 north of Mercy Road which carries approximately 262,000 ADTs and operates at LOS F. Projects are planned by Caltrans to add a southbound auxiliary lane from Rancho Penasquitos Boulevard to Mercy Road, a northbound auxiliary lane from Scripps Poway Parkway to north of Poway Road, and a northbound lane from Carroll Canyon Road to Scripps Poway Parkway. This subdivision is located in the Mira Mesa Community Plan area which provides for the payment of a Facilities Benefits Assessment (FBA) at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of building permit issuance.

FISCAL IMPACT: None

Loveland/Haase/GRB

FILE LOCATION: SUBD-Parcel Map PM No. 90-0435 (40)

COUNCIL ACTION: (Tape location: A256-297.)

CONSENT MOTION BY INZUNZA 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: Easement Grant - San Diego Gas & Electric Company - Morena Boulevard 20A Conversion.

(Mission Bay Park Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-674) ADOPTED AS RESOLUTION R-295805

Authorizing the execution of a deed conveying to San Diego Gas & Electric Company an easement for the purpose of constructing, repairing, maintaining and using underground facilities and appurtenance for the transmission and distribution of electricity, and related purposes, affecting portions of Pueblo Lots 255, 1193 and 1208 on Miscellaneous Map 36, filed November 14, 1921.

CITY MANAGER SUPPORTING INFORMATION:

The City Manager has signed an agreement with San Diego Gas & Electric Company (SDG&E) which provides for the conversion of the existing overhead 69kv electric system along Morena Boulevard to an underground system along Mission Bay Drive. Due to the lack of remaining space for underground facilities in the SDG&E franchise right-of-way along Morena Boulevard, the underground system must be relocated to the west of Freeway 5, adjacent to Mission Bay Drive. The requested easement includes two sites adjacent to Mission Bay Drive, both within the boundaries of Mission Bay Park. The southerly site is 20 feet wide, 50 feet long, and contains 1,000 square feet. The northerly site is 20 feet wide, 460 feet long, and contains 9,200 square feet. The total easement area requested is 10,200 square feet. The balance of the underground system will be installed within the designated SDG&E franchise right-of-way, and the requested easement is necessary to provide system continuity. There will be no above-ground facilities on park land, and any disturbed park land will be restored by SDG&E to park standards. The Park and Recreation Department has approved the location of the easements. Since this is an authorized 20A Conversion, and is a City-initiated project, there will be no compensation requested for the easement.

FISCAL IMPACT: None.

Herring/Griffith/ACG

FILE LOCATION: DEED F-9114

COUNCIL ACTION: (Tape location: A256-297.)

CONSENT MOTION BY INZUNZA 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: Chollas Valley Trunk Sewer Phase II - Realignment of Easement on City-Owned Land.

(City Heights Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-675) ADOPTED AS RESOLUTION R-295806

Setting aside a public sewer easement in portions of City-owned Lots 12, 13 and 19 in Horton's Purchase of a Portion of the Ex-Mission Lands of San Diego, Map No. 283 as described in Exhibit "A" "Sewer Easement Set-Aside" and as depicted on City of San Diego Drawing No. 31196-1-D, required for the construction of the Chollas Valley Trunk Sewer Phase II project;

Authorizing the abandonment of portions of an existing public sewer easement lying within portions of City-owned Lots 12, 13, and 19 in Horton's Purchase of a Portion of the Ex-Mission Lands of San Diego, Map No. 283 as described in Exhibit "B" "Sewer Easement Abandonment" and as depicted on City of San Diego Drawing No. 31196-1-D, that are no longer required due to the realignment of the sewer as part of the Chollas Valley Trunk Sewer Phase II project;

Authorizing the abandonment of previous Sewer Easement Set-Asides depicted as Parcels 2H and 2I on City of San Diego Drawing No. 26063-2-D, lying within City-owned portions of Lot 13 in Horton's Purchase of a Portion of the Ex-Mission Lands of San Diego, Map No. 283 shown as abandoned on City of San Diego Drawing No. 31196-1-D, that are no longer required due to the realignment of the sewer as part of the Chollas Valley Trunk Sewer Phase II project.

CITY MANAGER SUPPORTING INFORMATION:

A portion of the City's Chollas Valley Trunk Sewer Project Phase II realigns, upgrades and replaces an existing trunk sewer that crosses City-owned open space land in the area of ChollasCreek and Chollas Parkway west of 47th Street. This action approves necessary documentation to set-aside new easements for the replacement and realignment of the sewer and abandons previous easements and set-asides no longer required because of the new alignment. The easements being set-aside and abandoned as part of the project are of comparable length and utility.

FISCAL IMPACT:

None.

Herring/Griffith/SAC

FILE LOCATION: DEED F-9115

COUNCIL ACTION: (Tape location: A256-297.)

CONSENT MOTION BY INZUNZA 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: Removal of Architectural Barriers at City Facilities.

(Districts-2, 3, 4, 5, 6, 7 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-561) ADOPTED AS RESOLUTION R-295807

Authorizing the City Manager to remove architectural barriers at the following City facilities for a cost not to exceed \$1,151,899:

Presidio Recreation Center, North Park Craft Club House, Art Museum/Balboa Park, Paradise Hills Recreation Center, Beckworth

Branch Library, Neighborhood House Mountain View, Kearny Mesa Recreation Center, Joslyn Recreation Center, San Carlos Recreation Center, Stockton Recreation Center;

Authorizing the City Manager to use City forces for removal of architectural barriers at Presidio Recreation Center, Paradise Hills Recreation Center, Kearny Mesa Recreation Center, Joslyn Recreation Center, San Carlos Recreation Center, and Stockton Recreation Center;

Authorizing the Engineering and Capital Projects to advertise bids and award contracts for removal of architectural barriers at North Park Craft Club House, Art Museum/Balboa Park, and Neighborhood House Mountain View.

CITY MANAGER SUPPORTING INFORMATION:

City Council policies establish an ADA compliance strategy and provide for an annual allocation of approximately \$1,400,000 (20% of the Citywide CDBG allocation) for barrier removal projects. In addition, individual Council members allocate portions of their District CDBG funds to assist with completion of these projects in a timely manner. This Barrier Removal Program includes the review and prioritization of projects by the City Manager appointed Citizen's Review Committee on ADA and Disability Issues based on the City's ADA Transition Plan. Projects primarily consist of sign, handrail, door hardware, faucets and ramp installation, restroom reconfiguration, door and partition widening, and counter top and sink lowering. To date, 68 facilities have been retrofitted.

As part of the City's strategy to meet ADA mandates, Disability Services established a MOU with Facilities Maintenance to perform work on facilities as needed. Municipal Code Section 22.3105 requires Council approval to use City forces on public work projects exceeding \$100,000. It is requested that Council authorize City forces to perform ADA barrier removal work. Projects to be funded through this action are:

Council District 2:	Presidio Recreation Center \$160,369**
Council District 3:	North Park Craft Club House \$144,140*** Art Museum/Balboa Park \$195,000***
Council District 4:	Paradise Hills Recreation Center \$112,000** Beckworth Branch Library \$96,000*** Neighborhood House/Mountain View \$100,300***
Council District 5:	Joslyn Recreation Center \$160,000**
Council District 6:	Kearny Mesa Recreation Center \$192,858**
Council District 7:	San Carlos Recreation Center \$102,200**
Council District 8:	Stockton Recreation Center \$108,532**

** Projects to be completed by Facilities Maintenance

*** Projects to be completed by Engineering and Capital Projects

The difference between total cost and appropriation and expenditure is due to the fact that three projects have already been appropriated and expended.

FISCAL IMPACT:

Funds are available from current and prior fiscal years CDBG city wide allocation for ADA and Council District allocations.

Herring/Cunningham/VW

Aud. Cert. 2200584.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A482-500.)

MOTION BY MADAFFER 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-104: Recognition of Clean Water Programs Oversight Committee.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-703) ADOPTED AS RESOLUTION R-295799

Extending sincere appreciation to the Clean Water Programs Oversight Committee for their dedication, innovation, and beneficial recommendations during the past nine years of unselfish service;

Extending to Chair Deborah L. Huffman, Vice Chair Barry I. Newman, Members Brian Cochran, David Gomez, Ralph B. Grahl, and Jack Shelver the heartfelt appreciation for all of their individual and collective efforts.

CITY MANAGER SUPPORTING INFORMATION:

On August 4, 1992, the City Council adopted Resolution R-93-158, establishing the Clean Water Program Oversight Committee (later the Clean Water Programs Oversight Committee), consisting of ten members. This committee, chaired by Deborah L. Huffman and vice-chaired by Barry I. Newman, included Linda Brannon, Rosalie Shanks-Bregante, Brian Cochran, David Gomez, Ralph B. Grahl, Frederick Marks, Dennis Russell, and the late Dr. Mia Tegner. Over the past nine years, several members have left the committee, and other members were appointed, including Jack Shelver. The members of the Committee have provided outstanding leadership and commitment to wastewater issues during their tenure. They have held 86 publicly-noticed meetings and donated over 3,000 volunteer hours of expert guidance and support in the course of their duties. Applying a diverse range of expertise and interests, the Committee made recommendations to the Metropolitan Wastewater Department and to the Mayor and Council in fourteen (14) resolutions on a broad range of issues affecting the San Diego region's sewer ratepayers. For their outstanding dedication to good government and the citizens of San Diego, the remaining members of the Clean Water Programs Oversight Committee are recognized after over nine (9) years of service. These members are Chair Deborah L. Huffman, Vice Chair Barry I. Newman, Brian Cochran, David Gomez, Ralph Grahl, and Jack Shelver.

FISCAL IMPACT: None with this action.

Mendes/Tulloch/SCH

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: A205-252.)

MOTION BY MAIENSCHIEN TO ADOPT. 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-105: Ordinary Miracles Week.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-721) ADOPTED AS RESOLUTION R-295798

Recognizing the fifth anniversary of Ordinary Miracles, and commending the board, volunteers and participating businesses, employees and citizens for their outstanding commitment and dedication to this successful fund-raising endeavor;

Proclaiming December 2 through 9, 2001 to be "Ordinary Miracles Week" in the City of San Diego.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: A256-297.)

CONSENT MOTION BY INZUNZA 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: Meeting Excusal.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-724) ADOPTED AS RESOLUTION R-295808

Excusing Councilmember Toni Atkins from attending the Committee on Rules, Finance and Intergovernmental Relations meeting of November 21, 2001, due to personal business.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: A256-297.)

MOTION BY INZUNZA 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-107: Authorization for Excess Liability Insurance Premiums for the Water CIP Owner Controlled Insurance Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-702) ADOPTED AS RESOLUTION R-295809

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$400,094 for insurance premium payments to be paid through Marsh Risk & Insurance Services, broker of record for the Water Department CIP Owner Controller Insurance Program, for continuation of excess liability insurance;

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:

In 1998 the City Council adopted Resolution R-290765 authorizing the Water Department to institute an Owner's Controlled Insurance Program (OCIP) for its capital improvements program (CIP). The OCIP provides a centralized insurance program for all capital projects rather than having each contractor provide their own insurance. The coverages provided include Workers Compensation, General Liability, Builders Risk and Excess Liability.

The current excess liability insurance policies for claims over \$25 million expired on November 1, 2001 with a 30- day period for renewal of the coverage. Our broker is working to extend this renewal period to mid-December with coverage provided back to November 1. This insurance protects the City and its contractors for claims over \$25 million and up to \$100 million. The insurance will be placed through the broker of record for the Water CIP, Marsh Risk & Insurance Services (Marsh). Marsh has solicited competitive bids from insurance carriers for excess liability policies and indicates that the current carriers (Zurich/Gurling) can provide the best price. The cost is \$400,094 for the insurance and related taxes for a period of three years. This price is significantly above the price of the insurance that was obtained in 1998 (\$146,250)

due to recent increases in all insurance costs as a result of the September 11, 2001 events. However, the Zurich/Gurling price proposal is the best one available, and this coverage is required by the existing agreements we have in place with construction contractors. The cost of the insurance is included in the individual CIP project budgets and will be charged to each project proportionately.

FISCAL IMPACT:

The \$400,094 cost of this action is budgeted in Water Fund 41500 CIP projects. The costs will be distributed to various projects proportionately.

Mendes/Gardner/MAS

Aud. Cert. 2200573.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A256-297.)

CONSENT MOTION BY INZUNZA 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: Amending the FY 2002 Capital Improvements Program Budget - Wangenheim Middle School - Sports Field Lighting.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-707) ADOPTED AS RESOLUTION R-295810

Authorizing amendment of the Fiscal Year 2002 Capital Improvements Program by adding CIP-29-508.0, Wangenheim Middle School - Sports Field Lighting, in the amount of \$258,000;

Authorizing the City Auditor and Comptroller to reprogram \$100,000 in Fund No. 79006 from CIP-29-404.0, Lopez Ridge Neighborhood Park - Development,

to CIP-29-508.0, Wangenheim Middle School - Sports Field Lighting;
Authorizing the City Auditor and Comptroller to expend \$258,000 for lighting the
turfed fields at Wangenheim Middle School (CIP-29-508.0) from the following
funds: \$100,000 from Fund No. 79006, Mira Mesa Facilities Benefits Assessment
(CIP-29-404.0, Lopez Ridge Neighborhood Park - Development); \$150,000 from
Fund No. 79006, Mira Mesa Facilities Benefits Assessment; and \$8,000 from
Fund No. 11220, Park Service District - Mira Mesa East - Major District.

CITY MANAGER SUPPORTING INFORMATION:

Wangenheim Middle School is located at 9230 Gold Coast Drive at the intersection of Black Mountain Road in the community of Mira Mesa. The City of San Diego and the San Diego Unified School District share a joint use facility at the middle school located on District property, which consists of approximately 7 acres of turfed multi-purpose ball fields and approximately 2 acres of parking. This project will add ten light poles with fixtures to light the ball fields for night play which will expand the community's recreational opportunities.

The joint use agreement was adopted by Council on November 14, 1980 and is scheduled for renewal on this date in 2005. The existing joint use agreement will be amended by letter to include sport field lighting for the multi-purpose ball fields.

FISCAL IMPACT:

Funding for this project is available from Mira Mesa Facilities Benefits Assessments, \$250,000 (Fund No. 79006) and Park Service District Fees - Mira Mesa East - Major District, \$8,000 (Fund No. 11220).

Loveland/McLatchy/DVW

Aud. Cert. 2200539.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A256-297.)

CONSENT MOTION BY INZUNZA 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: Amending the Fiscal Year 2002 Capital Improvement Program Budget - J Street Mini Park, City Heights Mini Park and Standley Community Park Playground Upgrades.

(Barrio Logan, Mid-City, and University City Community Areas. Districts-1, 3, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-380) ADOPTED AS RESOLUTION R-295811

Authorizing the Auditor and Comptroller to amend the Capital Improvement Program Budget to add: CIP-29-551.0 for the "J" Street Mini-Park Playground Upgrade in the amount of \$109,700; CIP-29-552.0 for the City Heights Mini-Park Playground Upgrade in the amount of \$120,000; and CIP-29-533.0 for the Standley Community Park Playground Upgrade in the amount of \$174,000;

Accepting the generous donation of \$50,000 from an anonymous donor to be used (along with other funds to be donated) as matching funds (Fund No. 10365) toward the J Street Mini-Park Playground Upgrade (CIP-29-551.0) and City Heights Mini-Park Playground Upgrade (CIP-29-552.0);

Appropriating and authorizing the City Manager to expend \$109,700 for CIP-29-551.0 for the J Street Mini-Park Playground Upgrade from the following funds: \$50,000 from Park and Recreation Department Matching Funds, Fund No. 10365 (contingent upon receipt of donated funds); \$50,000 from CIP-29-013.0, Fund No. 630221; and \$9,700 from Park Service District Fees, Fund No. 11650;

Appropriating and authorizing the City Manager to expend \$120,000 for CIP-29-552.0 for the City Heights Mini-Park Playground Upgrade from the following funds: \$30,000 from Park and Recreation Department Matching Funds, Fund No. 10365 (contingent upon receipt of donated funds); and \$90,000 from Mid-City Special Park Fees, Fund No. 39094; and

Appropriating and authorizing the City Manager to expend \$174,700 for CIP-29-553.0 for the Standley Community Park Playground Upgrade from the following funds: \$11,000 from Park Service District Fees, Fund No. 11470; \$14,000 from Park and Recreation Department Matching Funds, Fund No. 10365 (contingent

upon receipt of donated funds); \$10,000 from CIP-29-013.0, Fund No. 630221; and \$139,000 from State Park Bond Funds, Fund No. 38122.

CITY MANAGER SUPPORTING INFORMATION:

In the Park & Recreation Department's continuing effort to upgrade children's playgrounds city-wide, this action creates three (3) new Capital Improvement Program Projects and allocates funds to complete the required upgrades as described below:

"J" Street Mini-Park Playground Upgrade

This project will upgrade an existing children's play area with installation of new equipment and accessible resilient surfacing.

City Heights Mini-Park Playground Upgrade

This project will upgrade an existing children's play area with installation of new equipment and accessible resilient surfacing.

Standley Community Park Playground Upgrade

This project will upgrade two existing children's play areas with installation of new equipment and accessible resilient surfacing.

By law, all public playgrounds must conform to the Consumer Product Safety Commission and American Society of Testing Materials Guidelines. Additionally, playgrounds must be brought into compliance with Americans with Disabilities Act Guidelines. These projects would bring the playgrounds into full compliance with State and Federal safety and accessibility guidelines. No maintenance costs are generated by this action.

FISCAL IMPACT:

Funds in the amount of \$403,700 are available for this purpose as follows: \$109,700 for CIP-29-551.0, "J" Street Mini Park Playground Upgrade, \$120,000 for CIP-29-552.0, City Heights Mini Park Playground Upgrade, and \$174,000 for CIP-29-553.0, Standley Community Park Playground Upgrade.

Loveland/McLatchy/SL

Aud. Cert. 2200546.

FILE LOCATION:

MEET

COUNCIL ACTION:

(Tape location: A256-297.)

CONSENT MOTION BY INZUNZA 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: Authorizing Suggestion Awards to City Employees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-691) ADOPTED AS RESOLUTION R-295812

Authorizing a suggestion award to the following employee:

Dino L. Resler - Transportation/Parking Management - \$2,137.36.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A256-297.)

CONSENT MOTION BY INZUNZA 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-111: Ratify City Heights Redevelopment Project Area Committee Election of November 19, 2001.

(See City Manager Report CMR-01-262. City Heights Community Area. Districts-3, 4, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-694) ADOPTED AS RESOLUTION R-295813

Ratifying the election results of November 19, 2001 for the City Heights Redevelopment Project, Project Area Committee.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A256-297.)

CONSENT MOTION BY INZUNZA 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-112: Ratify College Community Redevelopment Project - Project Area Committee Election of October 2, 2001.

(See City Manager Report CMR-01-261. College Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-699) ADOPTED AS RESOLUTION R-295814

Ratifying the election results of October 2, 2001 for the College Community Redevelopment Project - Project Area Committee.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A256-297.)

CONSENT MOTION BY INZUNZA 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: Ratify the North Bay Redevelopment Project - Project Area Committee Election of October 24, 2001.

(See City Manager Report CMR-01-260. Linda Vista, Clairemont Mesa, Midway/Pacific Highway, Old Town, Uptown, Peninsula and Mission Valley Community Areas. Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-700) ADOPTED AS RESOLUTION R-295815

Ratifying the election results of October 24, 2001 for the North Bay
Redevelopment Project - Project Area Committee.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A256-297.)

CONSENT MOTION BY INZUNZA 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: Otay Mesa Trunk Sewer Phase II, Participation Agreement.

(See City Manager Report CMR-01-259, Scott Tulloch's 9/13/2001 memo, and
Equal Opportunity Contracting Program Evaluation. Otay Mesa Community
Area. District-8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-282) ADOPTED AS RESOLUTION R-295816

Authorizing the City Manager to execute an agreement with Pardee Construction
Company for planning and design of the Otay Mesa Trunk Sewer;

Authorizing the expenditure of an amount not to exceed \$6,357,940 from Sewer
Fund No. 41506, CIP-40-930.0, Otay Mesa Trunk Sewer as follows: \$2,058,990
for Fiscal Year 2002 and \$4,298,950 for Fiscal Year 2003, provided that the City
Auditor and Comptroller first furnishes one or more certificates demonstrating
that the funds necessary for expenditure are, or will be, on deposit in the City
Treasury;

Authorizing the City Manager to establish additional contract funding phases with Pardee Construction Company for future phases of the Otay Mesa Trunk Sewer project, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/19/2001, NR&C voted 4-1 to approve. (Councilmembers Peters, Wear, Madaffer and Inzunza voted yea. Councilmember Frye voted nay.)

Aud. Cert. 2200065.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A256-297.)

CONSENT MOTION BY INZUNZA 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: Agreement with Brown & Caldwell for Engineering Services for the Upgrade of Pomerado Park Reservoir.

(See Larry Gardner's 10/9/2001 memo. Rancho Bernardo Community Area. District-5.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-715) ADOPTED AS RESOLUTION R-295817

Authorizing the City Manager to execute an agreement with Brown & Caldwell for engineering consultant services for the Pomerado Park Reservoir Upgrade;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$314,174 from Water Fund 41500, CIP-73-277.0, Annual Allocation - Standpipes

and Reservoirs Restorations, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure will be on deposit with the City Treasurer.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/17/2001, NR&C voted 4-0 to approve. (Councilmembers Peters, Frye, Madaffer and Inzunza voted yea. Councilmember Wear not present.)

CITY MANAGER SUPPORTING INFORMATION:

The Pomerado Park Reservoir is an existing aboveground, steel, potable water storage tank, built in 1968 with a capacity of 5.2 million gallons and a diameter of 164 feet and a height of 31 feet.

The reservoir is located on Caminito de Linda in the City of San Diego community of Rancho Bernardo and serves to stabilize pressure and provide emergency storage in the Pomerado Park (920) Pressure Zone that benefits the Rancho Bernardo, Penasquitos and Carmel Mountain Ranch areas.

The reservoir interior and exterior surface are exhibiting significant corrosion and are in need of repair. In addition, various improvements are warranted to bring the facility up to Water Department and State Department of Health Services standards.

The City's consultant selection process was used to interview the most qualified consultants. Five firms were identified and interviewed on June 25, 2001 in conformance with Council Policy 300-7. Brown & Caldwell was selected as the most qualified firm to provide the professional engineering consultant services. The contract is for an amount not to exceed \$181,622. Subconsultants in the project are: Lindvet, McColl & Associates (2.95% WBE), Simon Wong Engineering (6.25% DBE), Corrpro Companies (8.25% OBE), Harper and Associates (3.32% OBE) and Estrada Land Planning (4.42% DBE).

This project was presented to the Natural Resources & Culture Committee on October 17, 2001 and was approved on consent.

By entering into this agreement, Brown & Caldwell will provide engineering and design services for the upgrading of the Pomerado Park Reservoir including specialized services such as investigation of the seismic, structural, corrosion, environmental and geotechnical issues associated with the project.

This action is to authorize the execution of the agreement and provide the appropriate funding for the action and in-house support.

FISCAL IMPACT:

The total design cost is \$314,174. Funding is available from the Water Fund 41500, CIP-73-277.0, Annual Allocation - Standpipes and Reservoir Rehabilitations.

Mendes/Gardner/NK

Aud. Cert. 2200568.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A256-297.)

CONSENT MOTION BY INZUNZA 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: Deerfield Pump Station Closeout.

(See Memorandum from Larry Gardner dated 10/9/2001. Navajo Community Area. District-7.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-705) ADOPTED AS RESOLUTION R-295818

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$195,022.85 from Water Fund 41500, CIP-73-263.0, Annual Allocation - Water Pump Station Restorations to Water Fund 41500, CIP-73-268.0, Deerfield Water Pump Station, for the additional construction management, related land acquisition and safety costs of the Deerfield Water Pump Station;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$420,680.85 from Water Fund 41500, CIP-73-268.0, Deerfield Water Pump Station, for additional construction management, City staff time, related land acquisition and safety costs, provided that the City Auditor first furnishes one or

more certificates certifying that funds necessary for expenditure will be on deposit with the City Treasurer;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/17/2001, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Frye, Madaffer and Inzunza voted yea. Councilmember Wear not present.)

CITY MANAGER SUPPORTING INFORMATION:

In 1988, the Water Department entered into an Agreement with John Powell and Associates for planning and design for the replacement of the Hillandale Drive Water Pump Station. The design was completed in 1990 but was abandoned due to public opposition to the location of the pump station located at the intersection of Waring and Navajo Road. In 1992, a public advisory committee was formed which recommended a new site at its current location, Deerfield Street and Mission Gorge Road. John Powell & Associates redesigned the pump station project a second time and advertised for bids in 1995 for construction.

However, due to budget constraints, the advertisement was pulled and the project was placed on hold. After the formation of the Capital Improvements Program in 1998, the project was reactivated and redesigned for a third time upon recommendation from value engineering to provide a more cost effective and efficient pump station. The engineering cost component of this project reflects three complete design costs for the project. The Water Department Capital Improvements Program began construction of the Deerfield Water Pump Station in June 1999 to replace the antiquated and inefficient Hillandale Water Pump Station.

In May 2001, construction was completed and the pump station was put into service, adding better functional efficiency and redundancy in water service to the San Carlos and Navajo communities. This project is part of the State of California Department of Health Services Compliance Order # 04-14-96-022, Amendment #7; and has met all its compliance milestone dates. During construction, unanticipated changes occurred that increased the cost of the project, including utility conflicts, additional SDG&E work to provide permanent power to the station, tie-ins with existing pipelines, especially the existing 36-inch El Capitan Pipeline built in 1926, and cosmetic changes to the site entrance. To expedite the completion of construction, funding was reallocated from the construction management budget to cover these additional costs. The changes to the project caused a proportionate increase in City staff time, safety, and construction management costs. Additional funds of \$2,000 are requested for land acquisition due to an

overrun in the land acquisition cost.

This project was approved on Consent at the Natural Resources and Culture Committee Meeting of October 17, 2001.

Construction of the Deerfield Water Pump Station was completed on May 30, 2001 bringing the total construction cost to \$5,079,222.44. The additional costs incurred for construction management, City staff time, safety, and related land acquisition to closeout the project is \$420,680.85.

FISCAL IMPACT:

Funding of \$420,680.85 for the additional construction management, related land acquisition and safety cost is available from the Water Fund 41500, CIP-73-268.0, Deerfield Water Pump Station.

Mendes/Gardner/NK

Aud. Cert. 2200572.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A256-297.)

CONSENT MOTION BY INZUNZA 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 & Water Group Job 662 - Contract Change Order No. 3.

(See Frank Belock Jr.'s 9/12/2001 memo. Uptown Community Area. District-2.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-577) ADOPTED AS RESOLUTION R-295819

Authorizing Contract Change Order No. 3 with Pacific Southwest Construction for the construction of Sewer & Water Group Job 662, amounting to a net increase in the contract price of \$45,636.48;

Authorizing the City Manager to use City Forces for cut and plugging, highlining, and reconnecting to live mains, all related to the project, in an amount not to exceed \$109,500;

Authorizing the additional expenditure of an amount not to exceed \$84,985.62 from Water Fund No. 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for providing funds for Contract Change Order No. 3 and for additional City Force Work for the project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/19/2001, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

Sewer and Water Group 662 is part of the City of San Diego's ongoing Concrete Sewer and Cast Iron Water Main Replacement Programs. This project involves the installation of approximately 9,025 feet of eight-inch (8") sewer main and approximately 1,735 feet of eight-inch (8") water main. On June 22, 2000, this project was awarded to Pacific Southwest, Inc. Currently, the construction phase of this project is at 95% completion. During construction of the new sewer main in Pine Street, 438 linear feet of cast iron water main was discovered between Fort Stockton Drive and Witherby Street. This water main was found in deteriorated condition and records indicated that the water main was installed during the 1920's.

Excavating adjacent to the old water main to install the new sewer main would have created an unacceptable risk to the safety of the construction personnel and the community. So, the decision was made to remove and replace the old cast iron water main during the installation of the new sewer main. As a result, the contractor incurred an additional cost of \$45,637 for the extra work. Moreover, additional City Force Work was needed for the replacement of the old cast iron water main in Pine Street. Combined with the additional work that City Force Work performed throughout the project, funds for City Force Work have been over expended by \$45,000. Therefore, additional funds are needed for City Force Work.

FISCAL IMPACT:

Funding of \$84,985.62 is available in Water Fund No. 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for this request.

Loveland/Belock/HR

Aud. Cert. 2200418.

FILE LOCATION: CONT-Pacific Southwest Construction

COUNCIL ACTION: (Tape location: A356-474.)

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-150: Extension of Emergency Medical Services (EMS) Agreements.

(See City Manager Reports CMR-01-224 and CMR-01-225.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-682) ADOPTED AS RESOLUTION R-295820

Authorizing the City Manager to execute the Second Amended and Restated Operating Agreement of San Diego Medical Services Enterprise, LLC, thereby extending the existence of SDMSE until June 30, 2005, unless extended or sooner terminated pursuant to the provisions of the agreement;

Authorizing the City Manager to execute the Second Amended and Restated Emergency Medical Services Agreement between SDMSE and the City, thereby extending the Agreement until June 30, 2005, unless extended or sooner terminated pursuant to the provisions of the agreement;

Authorizing the City Manager to execute the Second Amended and Restated Agreement between SDMSE and the City, thereby extending the Agreement until

June 30, 2005, unless extended or sooner terminated pursuant to the provisions of the agreement;

Authorizing the City Manager to execute the Second Amended and Restated Agreement between SDMSE and Rural/Metro of San Diego, Inc., thereby extending the Agreement until June 30, 2005, unless extended or sooner terminated pursuant to the provisions of the agreement;

Declaring that the City shall transfer to SDMSE \$650,000 per year for each year of the extension to subsidize the cost of emergency medical and medical transportation services;

Declaring that the City shall transfer to SDMSE an amount per year each year of the extension to subsidize the cost of emergency medical and medical transportation services as a direct result of the Federal Government's Medicare Fee Reimbursement Reduction in an amount estimated at \$120,000 during the first year (Fiscal Year 2003-2004), with the amounts for subsequent years to be submitted with the annual budget request for the EMS Program.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 10/24/2001, PS&NS voted 5-0 (Councilmembers Atkins, Stevens, Maienschein, Frye and Inzunza voted yea) to:

- A. Approve the amendment to the City and Rural/Metro Agreements to modify response times for Unscheduled, Non-Emergency Priority 4 calls from 15 to 25 minutes 90% of the time for designated types of 9-1-1 calls as determined by the City EMS Director.
- B. Accept the recommendations in City Manager's Report CMR-01-225:
 1. Approve the continuation of San Diego Medical Services Enterprise, Limited Liability Company (SDMSE) with Rural/Metro Corporation of San Diego, Inc. by extending the current agreement.
 1. Approve the extension of the agreement between SDMSE and the City to provide Emergency Medical and Medical Transportation Services from July 1, 2002 to June 30, 2005.
 2. Approve the extension of the agreements between SDMSE and the City (Fire and Life Safety Services) and SDMSE

and Rural/Metro Corporation of San Diego, Inc. to finance and manage SDMSE.

3. Approve the transfer of \$650,000 to SDMSE annually for the three years of the
- 4.

5. contract extension to subsidize the cost of emergency medical and medical transportation services.
6. Approve the concept of a fund transfer to SDMSE annually for the three years of the contract extension to additionally subsidize the cost of emergency medical and medical transportation services as a direct result of the Federal Government's Medicare Fee Reimbursement Reduction.

CITY MANAGER SUPPORTING INFORMATION:

1. Approve the recommendations of City Manager Report CMR-01-224.
 - A. Direct the City Manager to amend necessary agreements to change response times for Unscheduled, Non-Emergency Priority 4 calls from 15 to 25 minutes 90% of the time for specific 9-1-1 call types identified by the EMS Medical Director.
2. Approve the recommendations of City Manager Report CMR-01-225.
 - A. Approve the continuation of San Diego Medical Services Enterprise, Limited Liability Company (SDMSE) with Rural/Metro Corporation of San Diego, Inc. by extending the current agreement.
 - B. Approve the extension of the agreement between SDMSE and the City to provide Emergency Medical and Medical Transportation Services from July 1, 2002 to June 30, 2005.
 - C. Approve the extension of the agreements between SDMSE and the City (Fire and Life Safety Services) and SDMSE and Rural/Metro Corporation of San Diego, Inc. to finance and manage SDMSE.
 - D. Approve the transfer of \$650,000 to SDMSE annually for the three years of the contract extension to subsidize the cost of emergency medical and medical transportation services.
 - E. Approve the concept of a fund transfer to SDMSE annually for the three years of the contract extension to

additionally subsidize the cost of emergency medical and medical transportation services as a direct result of the Federal Government's Medicare Fee Reimbursement Reduction.

Two additional clarifications were made to the agreements subsequent to the PS&NS hearing to document existing procedures which include 1) addition of a specific date by which SDMSE must provide the EMS Program Manager the fuel usage reports by the 20th of the following month (§ 5.3 of the City Agreement), and 2) Addition of § 8.4 to the EMS Agreement stating that paramedic and EMT employees of each entity are employees of that entity only and not of the other entity.

Tables of contents were also added to the EMS, City and Rural Agreements for ease in reference.

Frazier/Nunez

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B145-167.)

MOTION BY WEAR 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-200: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: 811 25th Street (APN-534-404-17)

Agency Negotiator: Real Estate Assets Director

Negotiating Parties: Greater Golden Hill Community
Development Corporation

Under Negotiation: Terms of disposition of the
property

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 ON TUESDAY, DECEMBER 4, 2001

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 4, 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: B102-142.)

Mayor Murphy closed the hearing.

ITEM-201: Findings for Construction of Certain Improvements at Market Street/Fifth Avenue Intersection.

(See memorandum from CCDC dated 10/26/2001. Gaslamp Sub Area of the Centre City Redevelopment Project. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-658) CONTINUED TO TUESDAY, JANUARY 8, 2002

Making certain findings with respect to public improvements at the Market Street/Fifth Avenue Intersection in the Gaslamp Quarter Sub Area in the Centre City Redevelopment Project Area.

NOTE: See the Redevelopment Agency Agenda of December 3, 2001 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B090-099.)

MOTION BY WEAR TO CONTINUE THIS ITEM TO TUESDAY, JANUARY 8, 2002, AT THE REQUEST OF THE CITY MANAGER TO ADDRESS ISSUES REGARDING COORDINATING THE TRAFFIC LIGHTS AND POP-OUTS. Second by Peters. 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: Application to Economic Development Administration for San Diego Regional Revolving Loan Fund.

(See City Manager Report CMR-01-263.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-706) **RETURNED TO THE CITY MANAGER**

Authorizing the City Manager to apply for and accept funds in the amount of \$1.5 million from the Economic Development Administration for the purposes of establishing a San Diego Regional Revolving Loan Fund;

Accepting loan repayments from various project areas within the Redevelopment Agency not to exceed \$1.5 million to provide City matching funds for the San Diego Regional Revolving Loan Fund;

Authorizing the appropriation and expenditure of up to \$3.0 million in City matching funds and grant funds, as needed, for the San Diego Regional Revolving Loan Fund, provided that the City Auditor first furnishes a certificate that funds are, or will be, on deposit in the City Treasury;

Authorizing the City Manager to establish and administer a San Diego Regional Revolving Loan Fund Program, appoint a loan committee, and negotiate and execute agreements with the proposed partner cities of Chula Vista, Imperial Beach and National City.

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Aud. Cert. 2200571.

NOTE: See the Redevelopment Agency Agenda of December 3, 2001 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A256-297.)

CONSENT MOTION BY INZUNZA TO RETURN THIS ITEM TO THE CITY MANAGER FOR FURTHER DISCUSSIONS. 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.

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: SUBMISSION OF BALLOT PROPOSALS

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

Therefore, the City Clerk's Office has established the following administrative guidelines for the March 5, 2002 election:

<u>DAY</u>	DAYS BEFORE	<u>DATE</u> <u>EVENT</u>	<u>ELECTION</u>
Friday		9/14/2001 LAST DATE (10:00 a.m.) for public to submit ballot proposals to City Clerk for	127

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review by Rules Committee

Wednesday

9/26/2001

160

Rules Committee Review

Tuesday	10/23/2001	133	LAST DATE for City Manager, department or other public agency to submit ballot proposals to City Clerk for placement on Council Docket
Monday	10/29/2001	127	Council Docket (PUBLIC NOTICE) lists proposals from members of the public referred by Rules Committee
Monday	11/05/2001	120	Council adopts propositions for ballot; to directs City Attorney to prepare
Tuesday	11/20/2001	105	ordinances
Monday	11/26/2001	99	Council adopts ordinances prepared by City Attorney
Friday	12/07/2001	88	Last day for City Clerk to file with Registrar of Voters all election material
Thursday	12/20/2001	75	Last day to file ballot arguments with City Clerk

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

ITEM-251: ARGUMENTS SUPPORTING OR OPPOSING PROPOSITIONS

For propositions approved by the City Council for
submittal to the qualified voters of the City of San
Diego at the Municipal Primary Election to be held on

Tuesday, March 5, 2002 the City Clerk has fixed 5:00 p.m. on Thursday, December 20, 2001, as a reasonable date prior to such election after which no arguments for or against City propositions may be submitted to the Clerk.

Any argument for or against any City proposition shall not exceed 300 words in length and may be filed by the Council, or any member or members of the Council authorized by the Council, or the bona fide sponsors or proponents of the measure, or any bona fide association of citizens or an individual voter, or any combination of voters and associations.

All arguments must be accompanied by a statement signed by each author that the argument is true and correct to the best of his/her knowledge and belief. (Forms for this Statement are available in the Office of the City Clerk.)

An argument shall not be accepted unless accompanied by the name or names of the person or persons submitting it, or if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers. No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

Arguments may be changed or withdrawn by their proponents until and including the date fixed by the City Clerk.

Arguments shall be submitted to the City Clerk at the Office of the City Clerk, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, California, 92101.

ITEM-252: **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 that certain final map entitled "Parkloft Condominiums," located in the Centre City Community Plan Area, in Council District 2, a copy of which is 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 finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must

be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-S400: The Schedule of Meetings for the City Council, Council Committees, Redevelopment Agency, and Housing Authority for the 2002 Legislative Year.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-756) CONTINUED TO MONDAY, DECEMBER 10, 2001

Adopting the schedule of meetings for the City Council and Standing Committees of the City Council, Redevelopment Agency and Housing Authority, for the period of January 1, 2002 through December 31, 2002.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A513-B081.)

MOTION BY MADAFFER TO CONTINUE THIS ITEM TO MONDAY, DECEMBER 10, 2001 TO ALLOW THE TIME NECESSARY FOR COUNCIL MEMBERS TO MEET WITH THE RULES COMMITTEE CONSULTANT REGARDING THE LEGISLATIVE RECESS SCHEDULE. 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-S401: Two actions related to Selection of Deputy Mayor, Chairpersons and Members of the Standing Committees for the period of December 3, 2001 through December 2, 2002.

(See memorandum from Mayor Murphy dated 11/26/2001.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-773) ADOPTED AS RESOLUTION R-295821

Selecting Councilmember George Stevens as Deputy Mayor for the period commencing December 3, 2001 and ending December 2, 2002, pursuant to Section 25 of the City Charter and after full deliberation by the City Council.

Subitem-B: (R-2002-774) ADOPTED AS RESOLUTION R-295822

Declaring that pursuant to the San Diego Municipal Code, Section 22.0101, as amended, the following Councilmembers are appointed to serve as chairpersons and members of the four standing Council committees for terms commencing December 3, 2001 and ending December 2, 2002:

COMMITTEE ON RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS

Mayor Dick Murphy (Chair)
Deputy Mayor George Stevens (Vice Chair)
Councilmember Toni Atkins
Councilmember Jim Madaffer
Councilmember Byron Wear

COMMITTEE ON PUBLIC SAFETY AND NEIGHBORHOOD SERVICES

Councilmember Toni Atkins (Chair)
Councilmember Brian Maienschein (Vice Chair)
Councilmember Donna Frye
Councilmember Ralph Inzunza
Deputy Mayor George Stevens

COMMITTEE ON NATURAL RESOURCES AND CULTURE

Councilmember Jim Madaffer (Chair)
Councilmember Donna Frye (Vice Chair)
Councilmember Ralph Inzunza
Councilmember Scott Peters
Councilmember Byron Wear

COMMITTEE ON LAND USE AND HOUSING

Councilmember Byron Wear (Chair)
Councilmember Scott Peters (Vice Chair)
Councilmember Donna Frye
Councilmember Brian Maienschein
Deputy Mayor George Stevens

Declaring that Rule 13 of the Permanent Rules of the City Council is temporarily suspended, pursuant to Rule 32, to permit the City Council to appoint the members of the four standing committees rather than the Rules Committee.

NOTE: 6 votes required for Subitem B.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A256-297.)

CONSENT MOTION BY INZUNZA TO CONFIRM THE SELECTIONS. 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: Appointment of Councilmembers to Various Outside Organizations.

(See memorandum from Mayor Murphy dated 11/27/2001.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-772) ADOPTED AS RESOLUTION R-295823

Declaring that pursuant to the San Diego Municipal Code, Section 22.0101, as amended, the following named persons are appointed to serve as Council representatives and Council liaison and their alternates to organizations listed below for the period commencing December 3, 2001 and ending December 2,

2002 :

7. **ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY:**
Toni Atkins - representative
Donna Frye - representative
8. ADAPT BOARD OF DIRECTORS:
Donna Frye - representative
9. ARJIS BOARD OF DIRECTORS:
Jim Madaffer - representative
10. CITIES ADVISORY COMMITTEE TO LAFCO:
Donna Frye - representative
5. **CITY-COUNTY JOINT HOMELESS TASK FORCE:**
Byron Wear - representative
6. **CRIMINAL JUSTICE COUNCIL:**
Brian Maienschein - representative
7. **LEAGUE OF CITIES, SAN DIEGO COUNTY DIVISION:**
Jim Madaffer - representative
1. LOCAL AGENCY FORMATION COMMISSION:
Byron Wear - representative
Donna Frye - alternate
2. LOS PENASQUITOS CANYON PRESERVE TASK FORCE:
Brian Maienschein - representative
Scott Peters - representative
3. METROPOLITAN TRANSIT DEVELOPMENT BOARD:
Byron Wear - representative, Ex. Bd / Donna Frye
- alternate
Scott Peters - representative; Alt. Ex. Bd/ Jim
Madaffer - alternate
Brian Maienschein - representative / Toni Atkins -
alternate
Mayor Dick Murphy - representative / George
Stevens - alternate
4. MISSION TRAILS REGIONAL PARK TASK FORCE:
Jim Madaffer - representative
Mayor Dick Murphy - representative

12. **OTAY RIVER VALLEY REGIONAL PARK POLICY COMMITTEE:**
Ralph Inzunza - representative
1. **PORT COMMISSION LIAISON:**
Byron Wear - representative
14. **REINVESTMENT TASK FORCE:**
George Stevens - representative
15. **SANDAG BOARD OF DIRECTORS/EXECUTIVE COMMITTEE:**
Mayor Dick Murphy - representative
Jim Madaffer - alternate
16. **SANDAG BAYSHORE BIKEWAY COMMITTEE:**
Ralph Inzunza - representative
1. **SANDAG BORDERS COMMITTEE:**
Ralph Inzunza - representative
18. **SANDAG HIGH SPEED RAIL TASK FORCE:**
Brian Maienschein - representative
19. **SANDAG JOINT AIRPORT ADVISORY COMMITTEE:**
Byron Wear - representative
20. **SANDAG LAND USE COMMITTEE**
Scott Peters - representative
21. **SANDAG REGIONAL GOVERNMENT COMMITTEE:**
Byron Wear - representative
22. **SANDAG REGIONAL HOUSING TASK FORCE:**
Toni Atkins - representative
1. **SANDAG ROUTES 67/125 CORRIDOR STUDY COMMITTEE**
Jim Madaffer - representative

24. **SANDAG SHORELINE EROSION COMMITTEE:**
Scott Peters - representative
25. **SANDAG TRANSPORTATION COMMITTEE:**
Mayor Dick Murphy - representative
Brian Maienschein - alternate
26. **SANDAG WALKABLE COMMUNITIES COMMITTEE**
Donna Frye - representative
27. **SAN DIEGO WORKFORCE:**
Toni Atkins - representative
George Stevens - representative
Ralph Inzunza - alternate
1. **SAN DIEGO DATA PROCESSING CORPORATION BOARD OF DIRECTORS
LIAISON:**
Jim Madaffer - representative
29. **SAN DIEGO TROLLEY ADVISORY BOARD:**
Toni Atkins - representative
Jim Madaffer - representative
George Stevens - representative
Donna Frye - representative
1. **SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT
POWERS AUTHORITY:**
Brian Maienschein - representative
Scott Peters - representative
31. **SERVICE AUTHORITY FOR FREEWAY EMERGENCIES
(SAFE) :**
Toni Atkins - representative
Donna Frye - representative
32. **SOUTHEASTERN ECONOMIC DEVELOPMENT
CORPORATION LIAISON:**
George Stevens - representative

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A256-297.)

CONSENT MOTION BY INZUNZA TO CONFIRM THE APPOINTMENTS.
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: Selection of the Park & Recreation Department and
Police Department for Year- round Budget
Review Workgroups.

(See memorandum from Mayor Murphy.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-764 Cor. Copy) ADOPTED AS RESOLUTION R-295824

Declaring that the Budget Workgroup assignments for
Fiscal Year 2001-2002 are as follows:

Park and Recreation Department

Scott Peters, Chair
Jim Madaffer
Toni Atkins

Police Department

Brian Maienschein, Chair
Byron Wear
Donna Frye

Declaring that the Committees have the option to add
public members to their Committee, and directing the
Committees to present their report to the Rules
Committee in April 2002.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A256-297.)

CONSENT MOTION BY INZUNZA TO CONFIRM THE SELECTIONS. 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-S404: Reappointments to the Relocation Appeals Board.

(See memorandum from Mayor Murphy dated 11/28/2001.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-770) ADOPTED AS RESOLUTION R-295825

Confirming the following reappointments by the Mayor to serve as members of the Relocation Appeals Board, with terms expiring as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Kurt A. Chilcott	October 1, 2003
Gregory Thorpe	October 1, 2003
Gale B. Johnson	October 1, 2003
Eva Sanchez Pesqueira	October 1, 2002
Charles R. Dyer	October 1, 2002

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A256-297; A303-320.)

CONSENT MOTION BY INZUNZA TO CONFIRM THE REAPPOINTMENTS. 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-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:21 p.m. in honor of the memories of:

Abraham Sonabend as requested by Mayor Murphy; James Hull as requested by Council Member Wear; and Norman E. Heft as requested by Council Member Wear.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B295-342.)