

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, NOVEMBER 25, 2002
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:04 p.m. Mayor Murphy welcomed some special guests from Yokohama, Japan. The meeting was recessed by Mayor Murphy at 3:43 p.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 4:00 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 5:28 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member 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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Reverend Brent Carey of St. David's Episcopal Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Wear.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

10/21/2002

10/22/2002

10/28/2002
10/29/2002
11/04/2002 Adjourned
11/05/2002 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:07 p.m. - 2:07 p.m.)

MOTION BY ATKINS 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: CLASS Day.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-701) ADOPTED AS RESOLUTION R-297365

Proclaiming November 25, 2002 to be "CLASS Day" in the City of San Diego in appreciation of the San Diego Regional Economic Development Corporation *Corporate Leaders Advocating Success Skills* (CLASS) program volunteers' efforts to help high school students in our city.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:07 p.m. - 2:15 p.m.)

MOTION BY WEAR 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-32: Two actions related to Pauline des Granges Day and Philip M. Klauber Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-589) ADOPTED AS RESOLUTION R-297366

Declaring that the Council of the City of San Diego is proud to honor Pauline des Granges for her longstanding commitment to the City of San Diego and Balboa Park, and saluting her on receiving the 2002 Millennium Award;

Proclaiming November 19, 2002 to be "Pauline des Granges Day" in the City of San Diego.

Subitem-B: (R-2003-590) ADOPTED AS RESOLUTION 297367

Declaring that the Council of the City of San Diego is proud to honor Philip Klauber for his longstanding commitment to the City of San Diego and Balboa Park, and saluting him on receiving the 2002 Millennium Award;

Proclaiming November 19, 2002 to be "Philip M. Klauber Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:15 p.m. - 2:21 p.m.)

MOTION BY ATKINS 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-33: Jim Bates Day.

DEPUTY MAYOR GEORGE STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-581) ADOPTED AS RESOLUTION R-297368

Commending Mr. Jim Bates for his contributions to the City of San Diego;

Proclaiming November 25, 2002 to be "Jim Bates Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:21 p.m. - 2:27 p.m.)

MOTION BY STEVENS TO ADOPT. Second by Inzunza. 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-34: God Bless America Week.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-630) ADOPT AS RESOLUTION R-297369

Proclaiming November 24 through 30, 2002 to be "God Bless America Week" in the City of San Diego, and encouraging all people to express their gratitude and appreciation for the freedoms that we enjoy as American citizens.

SUPPORTING INFORMATION:

"God Bless America Week" is dedicated to the rebirth of patriotism in America by providing and operating for the patriotic resurgence by Americans of all faiths and races and to create a magnitude of pride in each and every American for the bountiful blessings and God given principles for which this country stands. In order to manifest these principles to all Americans, the week of November 24-30, 2002 will be set aside and dedicated in order that all citizens may reflect upon the blessings which are ours as Americans. The City of San Diego, as American citizens, will observe November 24-30, 2002 as a day to demonstrate the love of principles of freedom, justice, and liberty, upon which the United States of America was founded. Citizens are encouraged to personally contribute to the spirit of patriotism by flying the American flag throughout the week as an expression of thanks for blessings we enjoy as Americans.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:27 p.m. - 2:36 p.m.)

MOTION BY MAIENSCHHEIN 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-50: Office Space Lease Amendment - Comerica Bank Building.

(Centre City Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/12/2002. (Council voted 9-0):

(O-2003-42) ADOPTED AS ORDINANCE O-19122 (New Series)

An ordinance authorizing the City Manager to execute a Fifth Amendment to Office Lease with 400 West Broadway, LLC., for the lease of approximately 2,280 square feet, for a total monthly rental rate of \$3,648, for a term of approximately 10 years;

Authorizing the City Auditor and Comptroller to expend an additional amount not to exceed \$59,264 for space and data infrastructure costs from Fund No. DE-2300032, Line 1, from the FY2002 Budget.

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

FILE LOCATION: LEAS - 400 West Broadway, LLC

COUNCIL ACTION: (Time duration: 2:36 p.m. - 2:43 p.m.)

CONSENT MOTION BY INZUNZA TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-51: Sunroad at San Diego Spectrum.

(Kearny Mesa Community Plan Area. District-6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 11/12/2002.
(Council voted 9-0):

Subitem-A: (O-2003-43) ADOPTED AS ORDINANCE O-19123 (New Series)

Authorizing the City Manager to execute an amendment to a development agreement with Sunroad Centrum Partners, L.P.

Subitem-B: (O-2003-35) ADOPTED AS ORDINANCE O-19124 (New Series)

Rezoning 8.2 acres of the San Diego Spectrum project site (formerly known as the Kearny Mesa General Dynamics property) located within the Kearny Mesa Community Plan area, in the City of San Diego, California, from the M-1B zone into the CA zone, as defined by San Diego Municipal Code section 101.0428; and repealing Ordinance No. 12342 (New Series), adopted May 31, 1978, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

FILE LOCATION: LAND - Progress Guide and General Plan/Kearny Mesa Community - Sunroad at San Diego Spectrum (09)

COUNCIL ACTION: (Time duration: 2:36 p.m. - 2:43 p.m.)

CONSENT MOTION BY INZUNZA TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. 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-100: Amendment No. 4 to the Agreement with Burns & McDonnell.

(See memorandum from Scott Tulloch dated 11/6/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-482) ADOPTED AS RESOLUTION R-297370

Authorizing the City Manager to execute Amendment No. 4 to the existing Agreement between the City of San Diego and Burns & McDonnell Waste Consultants, Inc., for Professional Consultant Services for an amount not to exceed \$76,764.80, Amendment No. 4;

Authorizing the expenditure of an amount not to exceed \$76,764.80 from Fund 102211, for the purpose of funding Amendment No. 4 to the existing Agreement, 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.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/13/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego has assumed responsibility from the San Diego Unified Port District for dewatering (removing ground water discharge) at the San Diego Convention Center. The Metropolitan Wastewater Department (MWW) is providing the monitoring and reporting required by NPDES Order No. 2000-90, governing this discharge.

Following approval of City Manager Action (Document No. C-09672) on November 4, 1999, a portion of this work involving sampling and analysis of the discharge and preparation of monitoring reports was outsourced to Burns and McDonnell, Waste Consultants, Inc. The original Agreement was for \$53,260 and services were rendered from November 4, 1999 through September 30, 2000. Amendment No. 1, dated July 28, 2000, added \$40,000 to the original Agreement and extended the expiration date to December 31, 2000. Amendment No. 2 added \$69,786.40 and extended the contract until Dec. 31, 2001. Amendment No. 3 added \$75,000 to the contract and extended the contract until Dec. 31, 2002.

Additional regulatory compliance monitoring has been requested by the Regional Water Quality Control Board to enable the City to acquire an individual NPDES Permit for this facility, during this calendar year, and additional money (\$76,764.80) is needed for this required compliance monitoring for the remainder of the calendar year. Due to the high degree of regulatory scrutiny and the need to ensure continuity in the performance of the monitoring and reporting program, it is recommended that Amendment No. 4 to the Agreement between the City and Burns and McDonnell be approved.

Consideration has been given to bringing this work in-house, but due to the fact that special clean water sampling and analysis techniques must be used and the amount of samples to be analyzed is minimal, it is more cost-effective to have an outside laboratory perform this work. While Burns and McDonnell has been very cost-effective, MWWD is still intending to begin the process to re-bid this work next year.

FISCAL IMPACT:

The cost of the amended Professional Services Agreement is not to exceed \$76,764.80. Funds are available in Fund 102211.

Mendes/Tulloch/LSW

Aud. Cert. 2300340.

_____ FILE LOCATION: MEET

_____ COUNCIL ACTION: (Time duration: 2:36 p.m. - 2:43 p.m.)

CONSENT MOTION BY INZUNZA 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-101: First Amendment to Consultant Agreement for Underground Storage Tank Management Program Engineering and Design.

(See memorandum from Richard L. Hays' dated 11/12/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-602) ADOPTED AS RESOLUTION R-297371

Authorizing the City Manager to execute First Amendment to the Sole Source Consultant Agreement for Underground Storage Tank Management Program Engineering and Design with Gary Engineering, Inc. [Contract], for design engineering services for underground storage tank system removal, installation, and upgrade at various City sites;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2003 Capital Improvement Program [CIP] budget for CIP-33-084.0, Underground Hazardous Materials Storage Tanks, by \$287,000;

Authorizing the City Auditor and Comptroller to transfer funds in an amount not to exceed \$270,000 from the Equipment Fund 50030 to Special Fund No. 10503 and to transfer funds in an amount not to exceed \$7,000 from the Golf Course Fund 41400 to Special Fund 10506;

Authorizing the City Auditor and Comptroller to appropriate and expend a total amount not to exceed \$287,000 (\$270,000 from Special Fund 10503, \$7,000 from Special Fund 10506, and \$10,000 from Fund 10330) into CIP-33-084.0;

Authorizing the City Auditor and Comptroller to expend funds in an amount not to exceed \$5,363 from Water Fund 41500, CIP-79-284.0, Miramar Water Treatment Plant Upgrade and Expansion (Early Start Phase 2), for the purpose of design engineering services for underground storage tank removal, provided that the City Auditor and Comptroller first certifies that the funds are available;

Authorizing the City Auditor and Comptroller to expend an amount to exceed \$137,000 from CIP-33-084.0, Underground Hazardous Material Storage Tanks, for the purpose and design engineering services for underground storage tank system removal, installation, and upgrade of various City sites;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$250,000 from CIP-33-084.0, Underground Hazardous Materials Storage Tanks, for the purpose of construction of fueling system upgrades at Chollas Operations Yard and related in-house and environmental consulting engineering;

Authorizing the City Manager, or his designee, to accept an additional \$950,000 of reimbursement funds from the State Water Resources Control Board/CalEPA for deposit to the Underground Hazardous Materials Storage Tanks Fund 38059;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2003 Capital Improvements Program Budget in CIP-33-084.0, Fund 38059, by \$950,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an additional amount not to exceed \$950,000 within CIP-33-840.0, Underground Hazardous Materials Storage Tank, Fund 38059, for the purpose of providing funds for the City's underground storage tank program;

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 11/13/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The proposed First Amendment to the Agreement with Gary Engineering, Inc. will provide design engineering services for underground storage tank (UST) system removal, installation, and upgrade at various City sites including Fire Stations, Police Divisions, and Operations yards. Gary Engineering, Inc. is the Design Engineering Consultant under the existing Engineering Agreement R-289964 adopted April 20, 1998. Based on an initial assessment of the marketplace, a sole source agreement was entered into with Gary Engineering because of their expertise with underground tanks. The proposed First Amendment to the Agreement with Gary Engineering, Inc. will expedite design development and reduce costs. Their acquired knowledge of the City's design requirements, the location and layout of the City's fueling facilities, and State and local regulatory requirements is necessary to ensure that the state mandated upgrades to

underground storage tank systems that require under dispenser containment and piping and sump upgrades are completed by the December 31, 2003 deadline. In addition, they have consistently produced high quality designs and plans. No extensions to this deadline will be authorized. Under State Law, fuel cannot be delivered after January 1, 2004 to any Underground Storage Tank that is not certified as complying with the new regulations.

Whereas Gary Engineering, Inc. has been very cost effective in carrying out the work to date, the Environmental Services Department plans to utilize their services through the December 31, 2003 deadline.

FISCAL IMPACT:

This request is for \$392,363 of which \$5,363 is available from Water Fund, 41500, CIP-73-284.0; \$270,000 from Equipment Fund 50030; \$100,000 from Underground Hazardous Materials Storage Tanks, CIP-33-084.0, sublet 33-842.2; \$10,000 from Stadium Fund, 10330; and \$7,000 from Golf Course Enterprise Fund-Balboa Park, 41400. \$137,000 is for the First Amendment to the Agreement and the remaining balance of \$255,363 is for construction of fueling system upgrades at Chollas Operations Yard.

The Seventh resolution to amend the FY 2003 CIP Budget, CIP-33-084.0, Underground Hazardous Materials Storage Tank Management Program is to increase the current authorized amount of \$850,000 that may be deposited to and expended from Special Fund 38059 by an additional \$950,000, bringing the total amount to \$1,800,000. This increase is necessary because the current authorized limit of \$850,000 will soon be reached. Additional funds of up to \$950,000 will be deposited into Special Fund 38059, which was set up and authorized by resolution R-288765, dated June 9, 1997, as cleanup reimbursements become available from the State Water Resources Control Board's Underground Storage Tank Cleanup Fund.

Loveland/Hays/TWO

Aud. Cert. 2300420.

_____ FILE LOCATION: MEET

_____ COUNCIL ACTION: (Time duration: 2:36 p.m. - 2:43 p.m.)

CONSENT MOTION BY INZUNZA 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.

CONSENT MOTION BY INZUNZA 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-103: Lease Amendment - Mission Bay Yacht Club.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-673) ADOPTED AS RESOLUTION R-297373

Authorizing the City Manager to execute a Fourth Amendment to Lease with Mission Bay Yacht Club for modification of the legal description of the leasehold boundary, at an estimated rent of \$139,449 per annum.

CITY MANAGER SUPPORTING INFORMATION:

A land boundary survey of Mission Bay Park completed on March 9, 2001, which included surveys of all existing leaseholds, indicated that portions of the Mission Bay Yacht Club's dock areas were outside the leasehold boundary. In order to modify the leasehold boundary to conform to the survey, the second paragraph of Section A of the Lease, amended by the Second Amendment to Lease Agreement, which contains the legal description is to be deleted in its entirety and substituted with the legal description described in Exhibit A to this Fourth Amendment to Lease. All other terms and conditions of the original lease agreement remain unchanged. This modification will not result in a net gain or loss of land or water acreage to the leasehold area.

STATEMENT OF VALUE: This action was initiated by the City for corrective purposes only. No additional considerations is involved, since no net gain or loss of leasehold area is realized by this action. Per Council Policy 700-08, Mission Bay Park Policies, rent for this non-profit leasehold is calculated by multiplying the lease area square footage by one-third of the average rent per square foot for commercial leases in Mission Bay Park. Current rent is \$139,449.44 per year. The current estimated value of the 6.14 acres of land and 5.7 acres of water area included in this leasehold is approximately \$2,500,000.

FISCAL IMPACT:

None with this action.

Herring/Griffith/JPA

FILE LOCATION: LEAS - Mission Bay Yacht Club

COUNCIL ACTION: (Time duration: 2:36 p.m. - 2:43 p.m.)

CONSENT MOTION BY INZUNZA 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-104: Ventura Place Entryway Project.

(Mission Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-656) ADOPTED AS RESOLUTION R-297374

Authorizing the City Auditor and Comptroller to amend the Capital Improvements Program (CIP) Budget to increase CIP-52-687.0 - the Ventura Place Entryway Improvement Project, by the amount of \$43,000, in accordance with the Fiscal Year 2003 Appropriation Ordinance;

Authorizing the City Auditor and Comptroller to appropriate and expend a total amount not to exceed \$43,000 from Fund 10532 - Belmont Traffic Amelioration Fund in CIP-52-687.0 - the Ventura Place Entryway;

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:

The Ventura Place Entryway Improvement Project, CIP-52-687.0, is located in the Mission Beach community area. The City awarded the construction contract on 12/18/01 to Heffler Company, Incorporated. The project provides for the construction of a modified 70' diameter turnaround at the west end of Ventura Place. Other improvements include landscaping, concrete benches, bike racks, bollards, irrigation, patterned sidewalk, artwork, and replacing the existing curb, gutter and sidewalk on the north side of Ventura Place with patterned concrete, street lights, and pop-outs. The construction of this project is complete.

Additional funds in the amount of \$43,000 are required to close out the project. The additional funding will cover final construction change order and quantity adjustments, an added plaque explaining true vs. magnetic north, modification of steel plates at the trash enclosures, painting of tree grates, as-built plans and staff time associated with additional items.

FISCAL IMPACT:

Funding of \$43,000 has been identified in the Belmont Traffic Amelioration Fund (Fund number 10532). With this action, the total project cost will be \$759,345

Loveland/Belock/PB

Aud. Cert. 2300508.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:36 p.m. - 2:43 p.m.)

CONSENT MOTION BY INZUNZA 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: General Requirements Contracts II and III for the Engineering and Capital Projects Department Background.

(See memorandum from Frank Belock, Jr. dated 10/31/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-243)

ADOPTED AS RESOLUTION R-297375

Authorizing the City Manager to execute the as-needed consultant agreement with the Gordian Group in an amount not to exceed \$250,000, contingent upon the Auditor and Comptroller certifying that the funds are available for professional services needed to support the administration of General Requirements Contracts (GRC) II and III;

Approving the contract documents and technical specifications pertaining to GRC II for as needed construction, repairs and emergency work to Park and Recreation Facilities;

Authorizing the City Manager to execute the GRC II contract with the lowest responsible and reliable bidder, which contract has been previously advertized (BID K-02235C, Volume 2) in an amount not to exceed \$4,000,000, contingent upon certification by the City Auditor and Comptroller that the funds are available in CIP-21-834.0 and which contract has a duration not to exceed two years;

Approving the contract documents and technical specifications pertaining to GRC III for as needed construction, repairs and emergency work to non-Park and Recreation Facilities;

Authorizing the City Manager to execute the GRC III contract with the lowest responsible and reliable bidder, which contract has been previously advertized (BID K-O2235C, Volume 1), in an amount not to exceed \$3,000,000, contingent upon certification by the City Auditor and Comptroller that the funds are available in CIP-21-834.0, and which contract has a duration not to exceed two years;

Authorizing the expenditure not to exceed \$7,250,000 from CIP-21-834.0 for the purpose of providing funds for said projects and related costs, 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 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 11/13/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

A GRC is a competitively bid contract and includes a Unit Price Book which encompasses the typical work conducted by the construction contractor. The Contractor bids for price adjustment factors or multipliers which are applied to all of the unit prices in the unit price book. The Contractor with the lowest factor and a responsive, responsible bid is awarded the Contract. Specific construction projects have not been identified, but will be approved on a task order by the task order basis.

Benefits of implementing the Engineering and Capital Projects Department, Public Buildings and Parks Division GRC II and GRC III includes, but are not limited to, providing construction support to rehabilitate/repair the City facilities such as Balboa Park, Community Parks, Mission Bay Park, and other non-park type projects quickly and cost effectively. The maximum work to be authorized for each GRC Task Order shall not exceed \$500,000 except in the case of an emergency affecting the health, safety, property, or when authorized by City Council.

The PB&P GRC II will be used for Park and Recreation Facilities for a contract amount not to exceed \$4,000,000; and PB&P GRC III will be used for non Park and Recreation Facilities for a contract amount not to exceed \$3,000,000. GRC I was authorized by City Council on August 7, 2000, RR-293649, and it has since been terminated. The proposed agreement with the Gordian Group will provide the professional services required to develop and implement a General Requirements Contract (GRC) System.

The proposed consultant was selected in accordance with Council Policy 300-7. The City advertised for consultant services in the San Diego Daily Transcript and three minority newspapers on Friday, January 18, 2002. Four consultants responded to the Request for Proposal for consultant services. One consultant declined the interview and the remaining three were interviewed by the Public Buildings and Parks Division.

The Gordian Group was selected based on evaluation of their cost proposal (lowest provided), their GRC system, and software program with a proven track record.

FISCAL IMPACT:

The total authorized expenditure is \$7,250,000. Funds for this purpose are available in Revolving Fund 30245. The funds will be encumbered from various CIP project funds and operation funds allocated for the work to be completed.

Loveland/Belock/AO

Aud. Cert. 2300220.

FILE LOCATION: W.O. 218445

COUNCIL ACTION: (Time duration: 2:36 p.m. - 2:43 p.m.)

CONSENT MOTION BY INZUNZA 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-106: City of San Diego Street Design Manual.

(See City Manager Report CMR-02-243.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-677 Cor.Copy) ADOPTED AS RESOLUTION R-297376

Adopting the Street Design Manual filed in the Office of the City Clerk on October 18, 2002, for the purposes of establishing uniform policies and guidelines to carry out the City's street design functions, and to provide information and guidance to City staff and professionals in the private design sector who are responsible for the design of the City's streets.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/23/2002, LU&H voted 5 to 0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Stevens, Maienschein and Frye voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:00 p.m. - 4:02 p.m.)

MOTION BY FRYE TO ADOPT WITH DIRECTION THAT THE LANGUAGE FROM GAIL GOLDBERG'S MEMO PERTAINING TO THE USE OF PUBLIC ART AND AMENITIES BE ADDED TO THE STREET DESIGN MANUAL ON PAGE 76. 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-107: Two actions related to Otay River Pump Station, Project Related Costs.

(See memorandum from Scott Tulloch dated 10/2/2002. Otay Mesa/Nestor Community Area. District-8.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-643) ADOPTED AS RESOLUTION R-297377

Authorizing the expenditure of an amount not to exceed \$630,000 from Fund No. 41509, CIP-41-924.0, Otay River Pump Station, for project related costs, provided that the City Auditor and Comptroller first furnishes one ore more certificates demonstrating that the funds necessary for expenditure under established contract funding phases 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.

Subitem-B: (R-2003-644) ADOPTED AS RESOLUTION R-297378

Declaring that the information contained in the Final Mitigated Negative Declaration, LDR-40-0088, including any comments received during the public review process, has been reviewed and considered prior to approving the Otay River Pump Station;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/9/2002, NR&C voted 5 to 0 to approve and direct staff to report back to the Natural Resources and Culture Committee within sixty days on the following issues:

- A. How many CIP contracts went above the City Engineer's estimate in the past year. Include dollar amount and CIP projects from the following City Departments: Water, Metropolitan Wastewater, and Engineering and Capital Projects.
- B. Comprehensive report of the CIP process. Include feasibility of increasing design-build contracts and other bid options to help address escalating costs.

(Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

On August 6, 2001, the City Council Resolution No. R-295363 authorized the City Manager to enter into an agreement with J.R. Filanc Construction for Design-Build Services related to design and construction of the Otay River Pump Station (OTRPS) and Conveyance System and authorized the expenditure of \$10,185,347 for construction by Filanc Construction.

The purpose of this project is to supply the South Bay Water Reclamation Plant with additional wastewater to produce reclaimed water for the South Bay area. The Otay River Pump Station and Conveyance System Project includes upgrading the existing Pump Station No. 9A (Otay River Pump Station) to pump up to 12 mgd of flow to the Grove Avenue Pump Station where an additional 6 mgd are added and pumped to the South Bay Water Reclamation Plant.

Construction of a lift station, at the same site, is included to continue pumping Imperial Beach flows north to Point Loma for treatment, as these flows are not suitable for water reclamation.

The project includes the conveyance system, construction of diversion structures and a gravity pipeline to bring flows from two existing trunk sewers, the Salt Creek Trunk Sewer and the Otay Trunk Sewer, to the Otay River Pump Station. Also included is a conveyance pipeline from the Otay River Pump Station to the Grove Avenue Pump Station.

This action is to authorize the expenditure of an additional \$630,000 from the existing FY 03 approved CIP budget of which \$330,000 is for planned Construction Management services with HDR Engineering and \$300,000 is for in-house administration and other city force work. The additional authorization will bring the total funds available for Construction Management to \$740,000.

This additional expenditure was approved by the Metro Commission, September 27, 2002.

FISCAL IMPACT:

This request is for \$630,000 and is available in Sewer Fund 41509, CIP- 41-924.0, Otay River Pump Station.

Mendes/Tulloch/MR

Aud. Cert. 2300494.

FILE LOCATION: CONT - J.R. Filanc Construction

COUNCIL ACTION: (Time duration: 2:36 p.m. - 2:43 p.m.)

CONSENT MOTION BY INZUNZA 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-108: Seismic Retrofit of the West Mission Bay Drive Bridge over Mission Bay Channel (Bridge No. 57C-426).

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-635) ADOPTED AS RESOLUTION R-297379

Authorizing the City Manager, or his duly designated representative, to apply for, conduct all negotiations for, and execute and comply with all grant requirements in connection with Highway Bridge Rehabilitation and Replacement (HBRR) Funds;

Authorizing the City Manager, or his duly designated representative, to accept a total of \$1,397,013 HBRR Funds, of which \$1,117,610 is from Fund 38718 and \$279,403 is from Fund 38858;

Authorizing the City Auditor and Comptroller, in accordance with the Fiscal Year 2003 Appropriation Ordinance, to amend the Capital Improvements Program (CIP) Budget to increase CIP-53-055.0 - West Mission Bay Drive Bridge over Mission Bay Channel Seismic Retrofit, by the amount of \$1,397,013, of which \$1,117,610 is from Fund 38718 and \$279,403 is from Fund 38858, contingent upon receipt of an FNM-76 (Version E-76) Caltrans Funding Authorization;

Authorizing the City Auditor and Comptroller to appropriate and expend a total amount not to exceed \$1,397,013 of which \$1,117,610 is from Fund 38718 and \$279,403 is from Fund 38858, contingent upon receipt of an FNM-76 (Version E-76) Caltrans Funding Authorization;

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

CITY MANAGER SUPPORTING INFORMATION:

In August 2002, the City Council approved the plans, specifications, advertising, and funding for construction of the West Mission Bay Drive Bridge over Mission Bay Channel Seismic Retrofit Project. The bridge has been identified as a seismically deficient bridge by Caltrans, and is eligible for 80% Federal and 20% State funding to retrofit the bridge to current seismic standards. The bids were opened on September 12, 2002, with 3 bids submitted. The lowest bid was \$7,830,845.16, which exceeded the engineer's estimate of \$6.7 million by \$1,130,845.16 (16.9%). Caltrans has agreed to fund an additional \$1,397,013 for the project so that the construction can proceed and not be delayed. Higher costs from bidders appears to be attributed to the tight schedule for completing pile driving work due to construction restrictions during the breeding season of the California Least Tern.

FISCAL IMPACT:

Prior Council Action authorized \$8,000,000 for construction of this project under CIP-53-055.0. This current action will result in authorizing the additional amount needed for construction of West Mission Bay Drive Bridge over Mission Bay Channel Seismic Retrofit, in the amount of \$1,397,013, contingent upon receipt of Federal (80%) and State (20%) Highway Bridge Rehabilitation and Replacement (HBRR) Funds. Funds below are available and programmed for this work:

Total Project cost :	\$9,808,491
Total Preliminary Engineering Contribution through Federal and State Funds	\$ 411,478
Total Construction Contribution through Federal and State Funds	
Federally funded (80%)	\$7,517,610
State funded (20%)	\$1,879,403

Loveland/Belock/PB

Aud. Cert. 2300514.

_____ FILE LOCATION: MEET

_____ COUNCIL ACTION: (Time duration: 2:36 p.m. - 2:43 p.m.)

CONSENT MOTION BY INZUNZA 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-109: Cox-Com Inc. Technology Fund Expenditure.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-663) ADOPTED AS RESOLUTION R-297380

Authorizing the City Manager to execute agreements for the purchase and/or installation of telecommunication capital improvements, equipment and services or to otherwise enable the City to meet the cable-related needs and interest of the City;

Authorizing the City Manager to make expenditures in an amount not to exceed \$1,500,000 from the CoxCom Technology Capital Grant Fund, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for such expenditure under established fund are on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

On May 14, 2002, the City Council approved Ordinance Number O-19058 extending the Cox Communications (Cox Com Inc.) cable television franchise an additional ten years through the year 2019.

Under terms of the Cox Communications franchise extension, the company is required to provide the City two payments of one-million five-hundred thousand dollars (\$1,500,000) on the first and second year of the adopted Ordinance to be utilized for “the purchase and installation of telecommunications capital improvements, equipment, and services” for government access technology, dedicated digital channel activation, and affiliated telecommunications equipment and services.

Cox Communications’ initial payment of \$1.5 million was received by the City on June 14, 2002 and has been placed in a special revenue Cox-Com Inc. Technology Fund (Fund 10263) for appropriation as indicated in the Cable Franchise Ordinance. The second \$1.5 million payment is due in June 2003. City Council Resolution is required for expenditures under this Fund.

The Department of Information Technology and Communications (IT&C) has established a priority capital equipment and installation necessity list for partial expenditure of the Cox-Com Inc. Technology Fund. This list includes significant upgrades to the City’s ability to provide “live” video coverage of City events held throughout the City as well as communications radio equipment upgrades and future new technology telecommunications equipment for City use. Council authorization is requested for the expenditure of funding under the Cox-Com Inc. Technology Fund and the authority of the City Manager to select the successful bidding vendors for the purchase and installation of the identified capital equipment needs. Under Section 5 of the Cox-Com Inc. Extension Ordinance, the Technology Funds may not be used in a manner that would cause the funds to be deemed “franchise fees” within the meaning of the Federal Cable Communications Policy Act (47 U.S.C.54g). Under this provision of federal law, acceptable grant funding is essentially limited to capital costs in support of public, educational, or government television channels and facilities.

The remaining funds and second installment of funding will be used for future telecommunications capital needs and for the activation of the dedicated digital cable television channel provided for under the franchise extension ordinance. The dedicated digital cable television channel will be used for secure training for the Police and Fire and Life Safety Services Departments.

Arellano/Wilken/MJ

Aud. Cert. 2300509.

FILE LOCATION: FRAN - Cox Cable (08)

COUNCIL ACTION: (Time duration: 2:36 p.m. - 2:43 p.m.)

CONSENT MOTION BY INZUNZA 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-110: Appointment of Mr. Joe Craver to the San Diego County Regional Authority.

(See memorandum from Mayor Murphy dated 11/14/2002.)

MAYOR DICK MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-691) ADOPTED AS RESOLUTION R-297381

Council confirmation of the appointment by the Mayor of Joe Craver, to serve as a member of the Executive Committee of the San Diego County Regional Airport Authority, for a term ending December 16, 2006.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:44 p.m. - 2:48 p.m.)

MOTION BY WEAR 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-111: Proposal to Amend Council Policy 000-09 to Increase City Manager's Litigation Settlement Authority.

(See City Attorney Report dated 9/19/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-567) ADOPTED AS RESOLUTION R-297382

Amending Council Policy No. 000-09, entitled "Claims Against the City".

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 10/16/2002, RULES voted 5 to 0 to approve the City Attorney's recommendations with the requirement that the City Attorney report to City Council quarterly on settled cases; and to increase the settlement authority for the Risk Management Department to \$25,000 in all cases. (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

_____ FILE LOCATION: MEET

_____ COUNCIL ACTION: (Time duration: 2:36 p.m. - 2:43 p.m.)

CONSENT MOTION BY INZUNZA 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-112: Robert Vallera, Jr. Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-697) ADOPTED AS RESOLUTION R-297383

Recognizing the achievements and dedication of Robert Vallera;

Proclaiming November 15, 2002 to be "Richard Vallera, Jr. Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:36 p.m. - 2:43 p.m.)

CONSENT MOTION BY INZUNZA 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-113: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-528) ADOPTED AS RESOLUTION R-297384

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: (Time duration: 2:36 p.m. - 2:43 p.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Stevens. 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-114: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-9) ADOPTED AS RESOLUTION R-297385

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

FILE LOCATION: GEN'L - State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region

COUNCIL ACTION: (Time duration: 2:36 p.m. - 2:43 p.m.)

CONSENT MOTION BY INZUNZA 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-115: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-600) ADOPTED AS RESOLUTION R-297386

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER'S SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The

Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

FILE LOCATION: GEN'L - Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

COUNCIL ACTION: (Time duration: 2:36 p.m. - 2:43 p.m.)

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

* ITEM-116: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-577) ADOPTED AS RESOLUTION R-297387

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L - State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego

COUNCIL ACTION: (Time duration: 2:36 p.m. - 2:43 p.m.)

CONSENT MOTION BY INZUNZA 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-150: Two actions related to Monthly Water/Sewer Billing.

(See City Manager Report CMR-02-250.)

TODAY'S ACTIONS ARE:

Adopt the resolution in Subitem A and introduce the ordinance in Subitem B:

Subitem-A: (R-2003-707) ADOPTED AS RESOLUTION R-297388

Authorizing the City Manager to adopt the preferred alternative for monthly water/sewer billing, including the two deferred payment options for the initial monthly bill described in City Manager Report CMR-02-250;

Authorizing the City Manager to pay for the FY03 portion of the initial development costs from the FY03 budget authorization of the Water and Sewer funds.

Subitem-B: (O-2003-68) INTRODUCED TO BE ADOPTED ON MONDAY, DECEMBER 9, 2002

Introduction of an Ordinance amending Chapter 6, Article 7, Division 2, of the San Diego Municipal Code by amending Section 67.0222 relating to Regulation of Water System - Estimation of Water Bills.

Aud. Cert. 2300575.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 10/30/2002, RULES voted 5 to 0 to approve the City Manager's recommendations contained in CMR-02-250 (i.e., to: 1-Adopt the Preferred Alternative; 2-Limit the expenditure of advance revenue to the costs of monthly billing; and 3-Modify Municipal Code Section 67.0222). (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

FILE LOCATION: SUBITEM A: MEET
SUBITEM B: NONE

COUNCIL ACTION: (Time duration: 4:02 p.m. - 4:40 p.m.)

MOTION BY ATKINS TO ADOPT THE RESOLUTION AND INTRODUCE THE ORDINANCE. Second by Stevens. Passed by the following vote: Peters-nay, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-nay, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-151: Brownfields Restoration Program.

(See City Manager Report CMR-02-154.)

TODAY'S ACTIONS ARE:

Introduce the ordinance in Subitem A, and adopt the resolution in Subitem B:

Subitem-A: (O-2003-46) INTRODUCED, TO BE ADOPTED ON MONDAY, DECEMBER 9, 2002

Introduction of an Ordinance amending Chapter 5, Article 4 of the Municipal Code by adding Division 7, Sections 54.0701, 54.0702, 54.0703, 54.0704, 54.0705, 54.0706, 54.0707, 54.0708, 54.0709, 54.0710, 54.0711, and 54.0712, relating to the investigation and cleanup of contaminated property; and authorizing the City Manager to implement and enforce the California Land Environmental Restoration and Reuse Act, California Health and Safety Code Sections 25401-25402.3 and 57008-57010.

Subitem-B: (R-2003-645) ADOPTED AS RESOLUTION R-297389

Directing City staff to develop a citywide Brownfields Restoration Program as identified in City Manager's Report CMR-02-154, and to return to the Public Safety & Neighborhood Services Committee with a comprehensive implementation plan concurrent with the Fiscal Year 2004 budget process.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:

On 7/10/2002, PS&NS voted 4 to 0.

- A. Direct City staff to develop a Citywide Brownfields Restoration Program and return to the Public Safety and Neighborhood Services Committee with a comprehensive implementation plan and associated costs for future consideration.
- B. Adopt an ordinance to implement the Program.
- C. Direct City staff to find willing owners of eligible properties to voluntarily work with the California Environmental Protection Agency to participate in the pilot program and to further direct staff to work with the Environmental Health Coalition and other community groups to identify up to three additional eligible properties.

(Councilmembers Stevens, Maienschein, Frye, and Inzunza voted yea. Councilmember Atkins not present.)

CITY MANAGER SUPPORTING INFORMATION:

Senate Bill No. 32 (Escutia, Chapter 764, Statutes of 2001) established the California Land Environmental Restoration and Reuse Program. SB 32 is a powerful new tool for the City of San Diego to facilitate and expedite the process of cleaning up and restoring abandoned or underutilized contaminated properties for productive new uses.

SB 32 prescribes a process by which the City may determine whether certain properties are impaired by hazardous material contamination and, if they are contaminated, procedures to address that contamination through the implementation of the Brownfields Restoration Program (Program). The program gives the City the authority to either order, or directly undertake the investigation and cleanup of abandoned, underutilized Brownfield properties that are below the regulatory “radar screen” of federal, state, and local environmental oversight agencies.

These sites are likely to be found in commercial and urban areas, where they have been abandoned or ignored because of real or perceived contamination by hazardous materials. It is estimated there may be as many as 50,000 to 100,000 such sites in California. Many of these sites are in low-income neighborhoods where they contribute to blight, poor environmental health, and crime. Children may also use these abandoned sites as playgrounds, and they may also provide a site for illegal dumping of trash and hazardous wastes.

There are three major elements that make up SB 32: 1) Program implementation including identification of eligible properties, investigation, cleanup authority, and immunity; 2) statewide scientific and public evaluation of numerical screening levels; and 3) the Southern California Pilot Project and development of a “plain language” implementation guide. Each of these elements will be part of the comprehensive implementation plan for the Brownfields Restoration Program.

FISCAL IMPACT:

There is no fiscal impact directly associated with adoption of this ordinance. Funding to implement this program has not been identified, however, State and Federal grant opportunities to support this Program will be evaluated. Annual costs for the program could potentially be as much as \$675,000 per year depending on the number, complexity, and degree of cooperation on each project. Funds from the Refuse Disposal Enterprise Fund cannot be used to fund this program because there is no nexus between these properties and the City’s solid waste system. Consideration of the use of the General Fund as a revenue source for this program would require reconsideration of General Fund priorities. SB 32 provides local agencies with express statutory authority to recover reasonable and necessary costs incurred in implementing SB 32 requirements from persons who either caused or contributed to pollution conditions.

Loveland/Hays/TWO

FILE LOCATION: SUBITEM A: NONE
SUBITEM B: MEET

COUNCIL ACTION: (Time duration: 5:12 p.m. - 5:12 p.m.)

MOTION BY INZUNZA TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTION. Second by Frye. 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-152: Adding La Jolla/Pacific Beach Trunk Sewer - Chelsea Street to FY2003 CIP Budget.

(See memorandum from Frank Belock, Jr. dated 9/11/2002; letter from Thomas A. Gade dated 9/18/2002. La Jolla Community Area. District-1.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-248) ADOPTED AS RESOLUTION R-297390

Authorizing the addition of CIP-46-194.2, La Jolla/Pacific Beach Trunk Sewer - Chelsea Street to the FY 2003 Capital Improvement Program Budget;

Authorizing the transfer of an amount not to exceed \$3,574,232 from Sewer Fund 41506, CIP-40-930.0, Otay Mesa Trunk Sewer, to Sewer Fund 41506, CIP-46-194.2, La Jolla/Pacific Beach Trunk Sewer - Chelsea Street;

Approving the FY 2003 - Phase I funding for La Jolla/Pacific Beach Trunk Sewer - Chelsea Street in an amount not to exceed \$1,626,325;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02082C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

No action taken on 9/18/2002. (Councilmembers Wear, Frye and Madaffer present.)

CITY MANAGER SUPPORTING INFORMATION:

This La Jolla/Pacific Beach Trunk Sewer - Chelsea Street Relocation Project will construct approximately 3,846 feet of 21-inch trunk sewer in order to abandon in place approximately 3,016 feet of existing 21-inch trunk sewer, construct approximately 28 feet of 12-inch sewer main, 140 feet of 10-inch sewer main, 297 feet of 6-inch force main, and approximately 4,922 feet of 8-inch sewer main, and replumb approximately 65 laterals to eliminate the existing odor and capacity problems.

The Project is located within the La Jolla Community Area. The proposed trunk sewer and sewer mains are located in La Jolla Boulevard, Chelsea Street, Wrelton Drive, Crystal Drive, and Sea Ridge Drive. Installation of the new trunk sewer will provide the community with a safe reliable sewer infrastructure. Traffic control plans were produced to ensure safety in the area. The City has met with the La Jolla Community Planning Group, the Bird Rock Community, and several residents in the immediate project area, throughout the design of the project. Residents will also be notified by mail at least one month before construction begins by the City's Engineering and Capital Projects Department and again 10 days before construction begins by the Contractor through hand distribution.

By its Resolution R-296154, adopted March 18, 2002, Council previously authorized the City Manager to execute a contract with the lowest responsible and reliable bidder for this Project. At bid opening, Don Kelly Construction, Inc., was determined to be the Apparent Low Bidder, but their bid was later deemed non-responsive for not meeting SCOP requirements, and was therefore rejected. The next lowest bidder, TC Construction, was determined to be the lowest responsible and reliable bidder. Don Kelly Construction, Inc., subsequently protested. At the September 18, 2002, meeting of the NR&C, the City Manager was directed to grant a bid protest hearing, which was held on October 9, 2002. The Bid Protest Board determined on October 17, 2002, that the bid submitted by Don Kelly Construction, Inc., was non-responsive and properly rejected. Council action is required because this Project is not currently a part of the FY 2003 Capital Improvement Program Budget.

FISCAL IMPACT:

Authorizing the addition of CIP-46-194.2, La Jolla/Pacific Beach Trunk Sewer - Chelsea Street, to the Fiscal Year 2003 budget in the amount of \$3,574,232. The total estimated cost of this project is \$8,952,943. This project is scheduled to be phase funded over FY 2003 to FY 2004. Funding for Phase I (FY 2003) is available in Sewer Fund 41506, CIP-46-194.2, La Jolla/Pacific Beach Trunk Sewer - Chelsea Street, in the amount of \$1,626,325.

Loveland/Belock/HR

Aud. Cert. 2300384.

WWF-03-626.

FILE LOCATION: CONT - TC Construction; W.O. 174301

COUNCIL ACTION: (Time duration: 5:13 p.m. - 5:24 p.m.)

MOTION BY FRYE TO ADOPT. 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-200: Two actions related to Red Light Photo Enforcement Contract with Affiliated Computer Services.

(See City Manager Report CMR-02-282 203.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in Subitem A and hold the first public hearing of the ordinance in Subitem B:

Subitem-A: (R-2003-687) ADOPTED AS RESOLUTION R-297391

Authorizing the City Manager to execute the agreement, reflecting changes listed in City Manager Report CMR-02-203, with ACS, in an amount not to exceed \$650,000 for FY2003.

Aud. Cert. 2300557.

Subitem-B: (O-2003-84) HEARING HELD, TO BE INTRODUCED AND ADOPTED ON TUESDAY, NOVEMBER 26, 2002

First public hearing of an Ordinance amending Ordinance O-19083 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2002-2003 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year" by amending Document No. 00-19083, as amended and adopted therein, by amending the Non-Personnel Appropriation in City Wide Program Expenditures, Department (601), in General Fund 100, for the purpose of funding vendor payments for the Red Light Photo Enforcement Program from unbudgeted Red Light Photo Enforcement Program revenues.

NOTE: Today's action is the first public hearing. See Item 332 on the docket of Tuesday, November 26, 2002 for the second public hearing and introduction and adoption of the Ordinance.

FILE LOCATION:

SUBITEM A: MEET
SUBITEM B: NONE

COUNCIL ACTION:

(Time duration: 2:50 p.m. - 3:43 p.m.)

MOTION BY MADAFFER TO ADOPT THE RESOLUTION IN SUBITEM A WITH THE FOLLOWING DIRECTIONS AND HOLD THE FIRST PUBLIC HEARING OF THE ORDINANCE IN SUBITEM B:

INVESTIGATE INSTALLING A WARNING FLASHING GREEN TRAFFIC LIGHT BEFORE IT CHANGES TO YELLOW.

CONTACT OTHER CITIES THAT ARE USING SUCH A DEVICE AND REPORT TO THE PS&NS COMMITTEE WITHIN SIX MONTHS AND NO LATER THAN A YEAR FROM TODAY'S DATE.

MAKE UP AN INFORMATION BROCHURE ON PHOTO ENFORCEMENT.

WHEN THE 15 SITES ARE SELECTED, NOTIFY THE AFFECTED COMMUNITY PLANNING GROUPS.

PROVIDE DATA ON REAR-END COLLISIONS WHEN THIS ITEM GOES TO PS&NS COMMITTEE.

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

Property: An approximate 10.3 acre area of Headquarters Point Research Park located west of Wateridge Circle and east of Lunk Boulevard (APN 340-090-55)

Agency Negotiator: Real Estate Assets Director

Negotiating Parties: Nexus/Phase 3 Properties, Inc., Cisterra Partners, LLC and Lowe Enterprises, Inc.

Under Negotiation: Results of the Request for Proposals and direction on ground lease or joint venture negotiations.

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

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

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on November 26, 2002.

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: (Time duration: 4:41 p.m. - 4:43 p.m.)

PUBLIC HEARING WAS HELD AND CLOSED AND THE MATTER WAS REFERRED TO CLOSED SESSION.

ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

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

SUBDIVISION
Stonecrest Village Unit No. 2

COMMUNITY AREA
Kearny Mesa/Serra Mesa

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

ITEM-S400: Five-Year Plan to Finance Conversion of Street Lighting from Low Pressure Sodium Vapor to High Pressure Sodium Vapor.

(See City Manager Report CMR-02-286.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-684 Rev.) ADOPTED AS RESOLUTION R-297392

Approving the City Manager's proposed five-year plan to convert existing Low Pressure Sodium (LPS) Lights to High Pressure Sodium (HPS) Lights;

Directing the City Manager to propose in his annual budget funding for the replacement with high pressure sodium lamps of every low pressure sodium lamp that burns out during Fiscal Year 2004 through Fiscal Year 2007, and every remaining low pressure sodium lamp during Fiscal Year 2008;

Authorizing the City Manager to send a letter to other government agencies informing them of the City's actions on this subject and encouraging their cooperation.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 11/20/2002, RULES voted 4 to 0 to: 1) Direct the City Manager to propose in his annual budget, funding for the replacement with high pressure sodium lamps of every low pressure sodium lamp that burns out during Fiscal Year 2004 through Fiscal Year 2007 and every remaining low pressure sodium lamp during Fiscal Year 2008; 2) Directing the City Manager to send a letter to other government agencies informing them of the City's actions on this subject

and encouraging their cooperation. (Councilmembers Wear, Stevens, Madaffer and Mayor Murphy voted yea. Councilmember Atkins not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:43 p.m. - 5:02 p.m.)

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

*ITEM-S401: Authorization to Transfer Funds and Enter into or Amend Agreements.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-734) ADOPTED AS RESOLUTION R-297393

Authorizing the City Manager to enter into or amend agreements in accordance with Council Policy 100-03, with the San Diego Maritime Museum in the amount of \$25,000 for planning and design activities to locate the Museum within the North Embarcadero Plan project area, San Diego Navy Historical Association in the amount of \$35,000 for siting and design studies for a naval museum at NTC (aka Liberty Station), Old Town Chamber of Commerce in the amount of \$2,000 to provide lighting for the Old Town Entryway monument at Taylor & Juan Street, North Bay Association in the amount of \$3,000 for the "Help Just One" event for disadvantaged children, and the Philippine Library & Museum in the amount of \$10,000 for equipment;

Authorizing the City Manager to incorporate into these agreements that there will be no on-going fiscal impact to the City for maintenance or improvements of the non-City facilities or programs;

Authorizing the City Auditor and Comptroller to reprogram an amount not to exceed \$89,000 in Council District 2 FY1998, FY2001, and FY2003 CDBG Funds: \$25,510 from Fund 18533, \$12,745 from Fund 18536, \$242 from Fund 18537, and \$50,503 from Fund 18538 to CIP-29-532.0, Capehart Open Space Park - Improvements;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$80,000 from CIP-29-532.0-Capehart Open Space Park - Improvements, Capital Outlay Sales Tax Fund 30245 to the General Fund to be used as follows: \$5,000 to Dept. 120, City of San Diego Fire and Life Safety Services Department for the placement of a call box at Ladera Street; and \$75,000 to be re-allocated to the TOT Fund 10220 to be expended for agreements with the San Diego Maritime Museum, San Diego Navy Historical Association, Old Town Chamber of Commerce, North Bay Association, and the Philippine Library and Museum for the projects listed above;

Authorizing the Auditor and Comptroller to transfer \$9,000 from CIP-29-532.0-Capehart Open Space Park - Improvements, Capital Outlay Fund 30245, to CIP-29-844, City of San Diego Park & Recreation Department for Point Loma Community Park - Improvements.

CITY MANAGER SUPPORTING INFORMATION:

\$89,000 of District 2 FY98, FY01 and FY03 CDBG funds have been identified to be allocated to the Capehart Open Space Park Project, CIP-29-532.0. As a result of this action, \$89,000 is available for reallocation. This action would allocate funds in the following manner: \$25,000 to the San Diego Maritime Museum for planning and design activities to locate the Museum within the North Embarcadero Plan project area, \$35,000 to the San Diego Navy Historical Association for siting and design studies for a naval museum at NTC (aka Liberty Station), \$2,000 to the Old Town Chamber of Commerce to provide lighting for the Old Town Entryway monument at Taylor and Juan Streets, \$3,000 to the North Bay Association's "Help Just One" event for disadvantaged children, \$5,000 to the City of San Diego Fire & Life Safety Services Department for the placement of emergency callbox at Ladera Street, \$10,000 to the Philippine Library & Museum for equipment, and \$9,000 to the City of San Diego Park & Recreation Department for Point Loma Park Viewing Terrace project (CIP-29-844.0).

FISCAL IMPACT:

\$89,000 will be reallocated from CDBG Funds 18533, 18536, 18537, and 18538 to CIP-29-532.0, and \$80,000 will be transferred from CIP-29-532.0, Capital Outlay Fund 30245 to the General Fund and \$9,000 will be transferred from CIP-29-532.0, Capital Outlay Fund 30245 to CIP-29-844.0.

Wear/JVD

Aud. Cert. 2300594.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:36 p.m. - 2:43 p.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Stevens. 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-S402: Two-Way Operation on South 45th Street.

(Southeastern San Diego Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-703) ADOPTED AS RESOLUTION R-297394

Converting 45th Street from a one-way northbound operation to a two-way operation between Boston Avenue and Logan Avenue;

Authorizing the installation of the necessary signs and markings; declaring that the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action converts South 45th Street from one-way northbound operation to a two-way operation between Boston Avenue and Logan Avenue. In 1987, the City Council adopted a resolution to convert the street from two-way operation to one-way northbound operation. Conversion back to two-way operation requires Council approval, according to San Diego Municipal Code section 82.19. Either one-way operation or two-way operation are acceptable for traffic purposes; accordingly, Traffic Engineering Division does not oppose either alternative. A petition signed by 13 of 19 affected properties (representing 76% of the abutting property) was submitted supporting this action. A subsequent petition signed by 6 of 19 affected properties (representing 19% of abutting property) was submitted in opposition to this action. The Southeastern San Diego Development Committee does not support this action.

FISCAL IMPACT:

Fiscal Impact is minimal. Funds are budgeted within the Transportation Department, Street Division's, operating fund for this purpose

Loveland/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:02 p.m. - 5:12 p.m.)

MOTION BY STEVENS 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.

NON-DOCKET ITEMS:

None.

