

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, AUGUST 4, 2003
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:11 p.m. The meeting was recessed by Mayor Murphy at 2:25 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 2:34 p.m. with Council Member Zucchet not present. Mayor Murphy recessed the meeting at 3:53 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:06 p.m. with Council Member Zucchet not present. Mayor Murphy recessed the meeting at 4:32 p.m. into Closed Session immediately thereafter, in the twelfth floor conference room, to discuss pending and potential litigation and Meet and Confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour/Maland (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 Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-not present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor John Rose of the Rancho Vista Covenant Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Zucchet.

FILE LOCATION: MINUTES

ITEM-30: City Fest 20th Anniversary Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-187) ADOPTED AS RESOLUTION R-298272

Commending CityFest for its contribution to civic improvement and pride, and congratulates the organizers on the 20th anniversary of this event;

Proclaiming August 10, 2003 to be "Cityfest 20th Anniversary Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:35 p.m. - 2:40 p.m.)

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

ITEM-31: Youth At Work Day.

COUNCILMEMBER LEWIS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-167) ADOPTED AS RESOLUTION R-298274

Proclaiming August 4, 2003 to be "Youth at Work Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:40 p.m. - 2:49 p.m.)

MOTION BY LEWIS TO ADOPT. Second by Atkins. Passed by the following vote:
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-32: Rabbi Aaron Gottesman Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-62) ADOPTED AS RESOLUTION R-298275

Declaring August 4, 2003 to be "Rabbi Aaron Gottesman Day" in the City of San Diego, in honor of Rabbi Aaron Gottesman and all he has given to the people of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:49 p.m. - 3:00 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-33: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

7/15/2003 Special Joint Meeting
7/21/2003

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:34 p.m. - 2:35 p.m.)

MOTION BY ATKINS TO APPROVE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-50: Refunding of the 2002 Lease Revenue Bonds (Ballpark Project).

(Centre City East Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/21/2003. (Council voted 9-0):

(O-2004-9 Cor. Copy) ADOPTED AS ORDINANCE O-19204 (New Series)

Approving the form of and authorizing the execution and delivery of a Site Lease and an amended and restated Ballpark Facility Lease, and approving and authorizing the execution, delivery and performance of an Assignment Agreement and an Indenture by the Public Facilities Financing Authority (Authority) of the City of San Diego and approving and authorizing the issuance and sale of the Authority's Refunding Lease Revenue Bonds, Series 2003 (Ballpark Project) and approving certain other documents and actions in connection therewith, pursuant to Section 99 of the Charter of the City of San Diego.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:12 p.m.)

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

- * ITEM-51: Two actions related to Amending the San Diego Municipal Code regarding Special Events and the Use of Public Parks and Beaches.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 7/21/2003. (Council voted 9-0):

Subitem-A: (O-2004-6) ADOPTED AS ORDINANCE O-19205

Amending Chapter 2, Article 2, Division 40, of the San Diego Municipal Code by amending Sections 22.4006 and 22.4022, relating to Special Events.

Subitem-B: (O-2004-7) ADOPTED AS ORDINANCE O-19206

Amending Chapter 6, Article 3, Division 1, of the San Diego Municipal Code by amending Section 63.0102, relating to the Use of Public Parks and Beaches.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:12 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- ITEM-60: Two actions related to Animal Control Services.

(See City Manager Report CMR-03-160.)

CITY MANAGER'S RECOMMENDATION:

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

Subitem-A: (O-2004-12) INTRODUCED, TO BE ADOPTED ON TUESDAY,
SEPTEMBER 2, 2003

Introduction of an Ordinance amending Chapter 4, Article 4, Division 3, of the San Diego Municipal Code by repealing Section 44.0300, relating to Dog Licence Fees.

Subitem-B: (R-2004-139) ADOPTED AS RESOLUTION R-298276

Authorizing the City Manager to execute a contract extension and an amendment (an option to contribute to the Spay/Neuter Trust Fund in Fiscal Year 2003-2004) with the County for animal control services for the period of July 1, 2003 to June 30, 2008;

Authorizing the City Manager to expend \$4,756,911 from the General Fund Citywide Program - Animal Regulation Services for Fiscal Year 2003-2004, to be adjusted at year-end but not to exceed fixed gross cost of \$6,282,711 less actual revenues (estimated at \$1,525,800) in Fiscal Year 2004;

Repealing Municipal Code Section 44.0322, "Dog License Fees," and adopting by reference in Section 44.0300, "San Diego County Animal Control Ordinance - Adoption by Reference," all animal services fee levels established by the County Board of Supervisors in County Code Section 62.603.

FILE LOCATION: SUBITEM A: NONE
SUBITEM B: MEET

COUNCIL ACTION: (Time duration: 3:29 p.m. - 3:46 p.m.)

MOTION BY ATKINS TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTION WITH THE FOLLOWING DIRECTIONS: PROVIDE A WRITTEN REPORT TO THE MAYOR AND COUNCIL ON HOW THE COUNTY PLANS TO INCREASE DOG LICENSE COMPLIANCE NUMBERS. SUSPENSION OF THE CITY'S CONTRIBUTION TO THE SPAY-NEUTER PROGRAM WILL BE A ONE-TIME-ONLY SUSPENSION. THE CONTRIBUTION SHALL CONTINUE NEXT YEAR. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-100: Two actions related to Inviting Bids and Award of Contract for Sewer and Water Group Job 683.

(See memorandum from Frank Belock, Jr. dated 5/21/2003. City Heights Community Area. District-3.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-19) ADOPTED AS RESOLUTION R-298277

Approving the plans and specifications for the construction of Sewer and Water Group Job 683 (Project) on Work Order No. 174701/184151;

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases and to award the Project contract to the lowest responsible and reliable bidder for the Project, contingent upon: a) City Council approval of the expenditure of any additional Project funding that may become necessary as a result of the bid opening for the Project; b) the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer; and c) the passage of the Fiscal Year 2004 Capital Improvements Program and Appropriation Ordinance Budget;

Authorizing the expenditure of an amount not to exceed \$4,723,200 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement; and an amount not to exceed \$687,183 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Approving the use of City Forces on the Project for the purpose of additional construction related to this project for a cost not to exceed \$136,372 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement; and for a cost not to exceed \$106,500 from Water Fund 41500, CIP-73-803.0, Annual Allocation - Water Main Replacement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K04493C)

Subitem-B: (R-2004-20)

ADOPTED AS RESOLUTION R-298278

Certifying that Mitigated Negative Declaration LDR-42-0350 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of the construction of Sewer and Water Group Job 683;

Approving Mitigated Negative Declaration;

Adopting the Mitigated Monitoring and Reporting Program;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/28/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)

SUPPORTING INFORMATION:

Sewer and Water Group Job 683 is part of the City of San Diego's continuing Annual Sewer and Water Main Replacement Program. This project is in the City Heights Community Area and consists of replacing approximately 12,561 feet (2.38 miles) of 8-inch sewer main, and 1,899 feet (0.36 miles) of 12-inch water main. Also, this project includes the construction of 32 pedestrian ramps and slurry sealing and resurfacing of the impacted streets. The streets within this project which will be affected by construction operations are: Orange Avenue, Polk Avenue, University Avenue, Wightman Avenue, Landis Street, 35th Street, Lincoln Avenue, Felton Street, Wabash Avenue, Swift Avenue, La Verne Place, and numerous alleys in this vicinity. During the 30% design phase, the project manager and project engineer presented the project to the community on May 6, 2002. The project manager and project engineer sent a follow-up letter to the community

group on May 15, 2003, to provide the community updated information regarding the project and offer to present the project to and solicit any additional issues from the community. The project manager and project engineer will attend one or more additional community meetings as requested by the community.

The contract will be required to provide Traffic Control Plans for the entire project area to the City of San Diego's Traffic Signal Design and Traffic Control Section for approval.

FISCAL IMPACT:

The total cost of this project is \$5,410,383. Authorizing the expenditure of \$4,723,200 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and \$687,183 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement. This project is scheduled to be phase funded over FY 2004 and FY 2005.

Loveland/Belock/HR

WWF-03-628.

FILE LOCATION: CONT - Orion Construction Corp.; W.O. 174701/184151

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:12 p.m.)

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

* ITEM-101: Inviting Bids and Award of Contract for Black Mountain Reclaimed Water Storage Tank.

(See memorandum from Larry Gardner dated 7/8/2003. Rancho Peñasquitos Community Area. District-1.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-21) ADOPTED AS RESOLUTION R-298279

Approving the plans and specifications for the construction of Black Mountain Reclaimed Water Storage Tank (Project) on Work Order No. 186801;

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases and to award the Project contract to the lowest responsible and reliable bidder, contingent upon: (a) City Council approval of the expenditure of any additional Project funding that may become necessary as a result of the bid opening for the Project; (b) the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer; and (c) the passage of the Fiscal Year 2004 Capital Improvement Program and Appropriation Ordinance Budget;

Authorizing the expenditure of an amount not to exceed \$3,078,400 from Water Fund 41500, CIP-70-954.0, North City Reclamation System (Black Mountain Reclaimed Water Storage Tank), and an amount not to exceed \$100,000 from Water Fund 41500, CIP-70-942.0, Pooled Contingency - Reclaimed Water Distribution, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be on deposit with the City Treasurer, contingent upon the passage of the Fiscal Year 2004 Capital Improvement Program and Appropriation Ordinance Budget;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K041339C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/16/2003, NR&C voted 3 to 0 to approve. (Councilmembers Zucchet, Frye, and Madaffer voted yea. Councilmembers Lewis and Inzunza not present.)

SUPPORTING INFORMATION:

The Water Department Capital Improvements Program is proposing to construct a 3 million gallon above ground circular steel reclaimed water storage tank. The proposed storage tank would be located southeast of Black Mountain Road/Carmel Valley Road intersection. This tank

will provide reclaimed water storage for the City's proposed 825 Pressure Zone, and will be supplied by Canyonside Reclaimed Water Pump Station. When complete, this new reclaimed water storage tank system will satisfy the EPA Beneficial Reuse Goals established under the North City Water Reclamation Plant EPA grant.

The CIP Program has met with the Rancho Peñasquitos Community Planning Group, and other community advisory groups who reviewed and approved this project.

The City of San Diego as Lead Agency under CEQA reviewed and considered an Environmental Impact Report (EIR) (LDR-41-0629, SCH-2001121083), dated October 11, 2002, covering this activity. The EIR was certified by the City Council on November 12, 2002, by Resolution R-297262.

This project has received preliminary approval for State Water Resources Control Board funding and we are awaiting the Federal Bureau of Reclamation grant funding approval. The State grant will cover 25 percent of the construction cost, and Federal grant will cover 20 percent of the total project cost. As a condition for State grant funding, this project is advertising as a prevailing wage contract.

FISCAL IMPACT:

Funding in the amount of \$3,178,400 is available from the Water Fund 41500, CIP-79-954.0, North City Reclamation System (Black Mountain Reclaimed Water Storage Tank), and CIP-70-942.0, Pooled Contingency - Reclaimed Water Distribution System. This will be phase funded over two fiscal years.

Mendes/Gardner/VB

FILE LOCATION: CONT - Orion Construction Corp.; W.O. 186801

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:12 p.m.)

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

- * ITEM-102: Inviting Bids and Award of Contract for the La Jolla/Pacific Beach Water Main Replacement Accelerated Project.

(See memorandum from Larry Gardner dated 5/21/2003. La Jolla and Pacific Beach Community Areas. Districts-1 and 2.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-22) ADOPTED AS RESOLUTION R-298280

Approving the plans and specifications for the construction of La Jolla/Pacific Beach Water Main Replacement Accelerated Project (Project) on Work Order No. 186371;

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases and to award the Project contract to the lowest responsible and reliable bidder, contingent upon: (a) City Council approval of the expenditure of any additional Project funding that may become necessary as a result of the bid opening for the Project; (b) the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer; and (c) the passage of the Fiscal Year 2004 Capital Improvement Program and Appropriation Ordinance Budget;

Authorizing the expenditure of an amount not to exceed \$1,503,800 from Water Fund 41500, CIP-70-953.0, Torrey Pines Road/La Jolla Boulevard Water Main Replacement (La Jolla/Pacific Beach Accelerated Projects); and an amount not to exceed \$60,000 from Water Fund 41500, CIP-73-331.0, Annual Allocation - Water Pooled Contingency, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer, contingent upon the passage of the Fiscal Year 2004 Capital Improvement Program and Appropriation Ordinance Budget;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K041477)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/28/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

On January 28, 2002, the City Council approved (R-296014) Design Services for the Torrey Pines Road/La Jolla Boulevard Water Main Replacement Project. This project will replace approximately 31,900 linear feet of the existing 16-inch cast iron water main within the La Jolla and Pacific Beach communities. The pipeline was installed in the early 1920's with an intended service life of about 50 years. Although most of the pipeline has lasted much longer it is now deteriorating due to use, age and corrosive soils and therefore needs replacement. Recently, several pipeline breaks have been attributed to the corrosion of the cast iron pipeline which has caused water and fire service reliability issues, public inconvenience, property damage, and costly repairs.

As part of the Capital Improvements Program's (CIP) coordination efforts, it was discovered that the Engineering & Capital Projects Department had a concurrent sewer project on La Jolla Boulevard between Tourmaline Street and Forward Street. Due to the delay in funding of the second phase of the Capital Improvements Program, and in an effort to better serve the community and minimize unnecessary inconvenience, the CIP Division is accelerating and will coordinate the conflicting portion of our project to insure seamless construction between multiple contractors along La Jolla Blvd. As part of the community outreach efforts, the CIP Division has obtained feedback by performing numerous presentations and several open houses to the La Jolla Town Council, Promote La Jolla, and the La Jolla Planning Group.

The accelerated portion of this pipeline will replace approximately 4,050 linear feet along La Jolla Boulevard from Tourmaline Street to Forward Street. Construction is anticipated to begin in the Fall of 2003 and be completed in Spring 2004.

This project is exempt from CEQA pursuant to State Guidelines Section 15282L.

This project was presented to, and approved by the Natural Resources and Culture Committee at the meeting of May 28, 2003.

FISCAL IMPACT:

Funding of \$1,563,800 will be available in the Water Fund 41500, CIP-70-953.0, Torrey Pines Road/ La Jolla Blvd Water Main Replacements (La Jolla /Pacific Beach Accelerated Project) in FY 2004.

Mendes/Gardner/VB

FILE LOCATION: CONT - TC Construction Co.; W.O. 186371

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:12 p.m.)

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

* ITEM-103: Award of Contract to Purchase Ferric Chloride for Wastewater Treatment.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-177) ADOPTED AS RESOLUTION R-298281

Accepting the low bid meeting specifications of Kemiron North America Corp., Lawrence, KS; and authorizing the City Manager to execute a contract to purchase ferric chloride for wastewater treatment as may be required for a period of one year beginning November 1, 2003 through October 31, 2004 for an annual estimated cost of \$4,405,121.70 (including tax), terms NET thirty days with options to renew the contract for four additional one year period, with price increase not to exceed 50% in effect at the end of each prior contract year;

Authorizing the City Manager, in the event the Contractor fails to perform in accordance with the contract specifications, to award the contract to the next low bidder meeting specifications;

Authorizing the expenditure of an amount not to exceed \$2,936,747.80 (\$88,102.44 from Fund No. 41508, Department No. 771, Organization No. 262, Account No. 3221, Job order No. 2262; \$234,939.82 from Fund No. 41508, Department No. 771, Organization No. 312, Account No. 3221, Job Order No. 2312; \$2,584,338.06 from Fund No. 41508, Department No. 771, Organization No. 412, Account No. 3221, Job Order No. 2412; and \$29,367.48 from Fund No. 41508, Department No. 771, Organization No. 665, Account No. 3221, Job Order No. 2663) for the purpose of providing funds for said contract;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-6071-03-B)

CITY MANAGER SUPPORTING INFORMATION:

City Council approval is required to award a contract to Kemiron North America, Corp. For the purchase of Ferric Chloride, Bid No. 6071-03-B for a period of one (1) year beginning November 1, 2003 through October 31, 2004, for an annual estimated cost of \$4,405,121.70 (including tax); terms net 30 days; with options to renew the contract for four (4) additional one (1) year periods; with price increases not to exceed 50% of pricing in effect at the end of each prior contract year. The estimated cost for Fiscal Year 2004, including tax, is \$2,936,747.80.

This contract will replace an existing contract which has one optional contract year remaining, However, due to the exorbitant price of the existing contract, Purchasing opted to rebid the contract. By rebidding the contract, MWWD will save approximately \$1.1 million in the first contract year.

The East Mission Gorge Pump Station, Metro Biosolids Center, North City Reclamation Plant, Point Loma Treatment Plant, Pump Station 1, Pump Station 2, and South Bay Reclamation Plant have used Ferric Chloride as a primary coagulant in the treatment of wastewater for the past thirty (30) years. It works effectively as a coagulant and flocculent of particles.

Twenty eight (28) potential bidders were contacted and four (4) bids from three (3) bidders were received. Award is recommended to the low bidder meeting specifications, Kemiron North America Corp., Lawrence, KS.

In the event the vendor fails to perform in accordance with contract specifications, the City Council is requested to authorize the City Manager to award the contract to the next low bidder meeting specifications.

FISCAL IMPACT:

FY 2004 Estimated Cost (November 1, 2003 - June 30, 2004): \$2,936,747.80
Annual Estimated Cost (November 1, 2003 - October 31, 2004): \$4,405,121.70

Belock/Baldwin/WR

Aud. Cert. 2400098.

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:12 p.m.)

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

* ITEM-104: Award of Contract and Additional Funding for Sewer Pump Stations 34 & 5.

(See memorandum from Frank Belock, Jr. dated 7/8/2003. Centre City Community Area. District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-23) ADOPTED AS RESOLUTION R-298282

Authorizing the City Manager to establish contract funding phases and to award the phase-funded Project contract to T.C. Construction, Inc., in an amount not to exceed \$2,337,929, contingent upon the passage of the FY 2004 Capital Improvement Program and Appropriation Ordinance budgets, and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Approving Fiscal Year 2004 Phase I in the amount of \$1,740,727, for the construction of Sewer Pump Stations 34 and 5;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$2,729,819 from Sewer Fund 41506, of which \$1,077,974 is from CIP-44-001.0, Annual Allocation - Sewer Replacements, \$866,542 is from CIP-46-195.0, Belt Street Trunk Sewer, and \$785,303 is from CIP-46-206.0, Annual Allocation - Emergency Construction, to CIP-46-106.0, Annual Allocation - Pump Station Restorations, contingent upon the passage of the FY 2004 Capital Improvement Program and Appropriation Ordinance budgets;

Authorizing the expenditure of an amount not to exceed \$975,929 from Sewer Fund 41506, CIP-64-106.0, Annual Allocation - Sewer Pump Station Restoration, for the purpose of providing funds for the Project and related costs, contingent upon the passage of the FY 2004 Capital Improvement Program and Appropriation Ordinance budgets, and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds 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 7/16/2003, NR&C voted 3 to 0 to approve. (Councilmembers Zucchet, Frye, and Madaffer voted yea. Councilmembers Lewis and Inzunza not present.)

SUPPORTING INFORMATION:

Sewer Pump Station 34 and Sewer Pump Station 5 are located within the Centre City Community area near the intersection of Harbor Drive and Crosby Street. The existing ventilation, electrical, and control equipment for SPS 34 were installed in 1948 and are worn and obsolete. The project's goal is to eliminate SPS 34 and divert the flow to, and upgrade SPS 5.

The advertising of this project was approved by the City Council on March 17, 2003. Bids were opened on April 30, 2003. There were thirty-two (32) packages issued and four (4) packages received. T. C. Construction, Inc is the lowest bidder, with a bidding amount of \$2,337,929 which is higher than the engineer's estimate. During the advertising period, the scope of the

project was changed, therefore our staff believes the contractor's estimate is acceptable and re-advertising will not result in lower bids.

Although the expenditure of \$2,110,663 was previously approved for this project, the money must be transferred into the Pump Station Annual Allocation budget. A transfer of \$2,729,819 is being requested to fund this project, \$356,773 is already appropriated. Funds are available in FY 2004 from CIP-44-001.0, Annual Allocation - Sewer Replacements, CIP-46-195.0, Belt Street Trunk Sewer, and CIP-46-206.0, Annual Allocation - Emergency Construction.

FISCAL IMPACT:

The total cost of this project is \$3,086,592. Funding of \$2,110,663 was previously authorized by Council, Resolutions R-297716 and R-294112. Authorizing an additional expenditure of \$975,929 from Sewer Fund 41506, CIP-46-106.0, Pump Station Annual Allocation. This project is scheduled to be phase funded during FY 2004. Funding for Phase I (FY 2004) will come from Sewer Fund 41506, CIP-46-106.0, Pump Station Annual Allocation, in the amount of \$1,740,727 for this purpose. Total funds of \$2,729,819 for this project are available in Sewer Fund 41506 for the transfer of \$1,077,974 from CIP-44-001.0, Annual Allocation - Sewer Replacement, \$866,542 from CIP-46-195.0, Belt Street Trunk Sewer, and \$785,303 from CIP-46-206.0, Annual Allocations - Emergency Construction. The Belt Street Trunk Sewer project has been delayed until FY 2005, therefore funds in FY 2004 are available to be transferred to this project. In addition, after identifying the anticipated needs for all other Emergency Construction projects for FY 2004, extra funds are available for use in the Sewer Pump Stations 34 & 5 Project.

Loveland/Belock/HR

Aud. Certs. 2400077 and 2400078.

FILE LOCATION: CONT - TC Construction, Inc., W.O. 176031

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:12 p.m.)

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

* ITEM-105: Construction Change Order 4 - Alvarado Water Treatment Plant - Earl Thomas Reservoir.

(See memorandum from Larry Gardner dated 7/8/2003. Navajo Community Area. District-7.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-176) ADOPTED AS RESOLUTION R-298283

Approving Change Order No. 4, dated June 18, 2003, issued in connection with the contract between the City of San Diego and C.E. Wylie Construction Company, and the changes therein set forth amounting to a net increase in the contract price of \$272,967.

Authorizing the expenditure of an amount not to exceed \$272,967 from Fund 41500, for the purpose of funding this Change Order.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/16/2003, NR&C voted 3 to 0 to approve. (Councilmembers Zucchet, Frye, and Madaffer voted yea. Councilmembers Lewis and Inzunza not present.)

Aud. Cert. 2400097.

FILE LOCATION: CONT - CE Wylie Construction Company

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:12 p.m.)

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

- * ITEM-106: Consultant Agreement for Ocean Beach Bike Path/Hotel Circle North Bikeway Design.

(Mission Valley and Ocean Beach Community Areas. Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-76) ADOPTED AS RESOLUTION R-298284

Authorizing the City Manager to execute a phase funded agreement for consultant services between the City San Diego and Kimley-Horn and Associates, Inc. for an amount not to exceed \$396,387 for a two fiscal year period;

Declaring that funding for the two phases be allocated as follows: Phase I (FY 2003) = \$267,387; and Phase II (FY 2004) = \$129,000 with the execution of each Phase by the City Manager contingent upon City Council approval of the originating department's operating budget;

Authorizing the expenditure of an amount not to exceed \$267,387 for Phase I, from CIP-58-156.0, Ocean Beach Bike Path/Hotel Circle North Bikeway project, of which \$117,387 is from Fund 390065, Local Transportation Facility (LTF) and \$150,000 is from Fund 30219, Gas Tax, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$129,000 for Phase II, for the remaining scope of work, contingent upon the receipt of the additional funds from SANDAG, provided that City Auditor and Comptroller first furnishes one or more certificates certifying that the funds 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.

CITY MANAGER SUPPORTING INFORMATION:

The Ocean Beach Bike Path/Hotel Circle North Bikeway design, CIP-58-156.0, will extend the existing Ocean Beach bike path along the north side of Interstate 8 between Ocean Beach and Pacific Highway to the western terminus of Hotel Circle Place (approximately 3,900 to the east). The bikeway would provide non-vehicular traffic with a travel route between the Ocean Beach and Old Town areas and the retail centers of the Mission Valley area. A feasibility study was conducted for this project and the bikeway alignment was determined in the study.

The Consultant Services Coordinator provided four consultants from the General Civil Engineering Consultant Rotation list. The four civil engineering firms accepted the invitation to the interview. These four firms were interviewed in accordance with Council Policy 300-7 and Administration Regulation 25.60. Kimley-Horn and Associates, Inc. was selected as the consultant to provide the design services.

The proposed consultant agreement with Kimley-Horn and Associates, Inc. is based on completing the project engineering design up to 70% and all the environmental scope of services for the project. The remaining 30% of the engineering design will be added to the scope of work by a first amendment to this agreement when additional funding becomes available. The additional funding for the first amendment will come from SANDAG.

FISCAL IMPACT:

The total fee for providing professional services under this agreement is \$267,387. Funds are available in CIP-58-156.0, Ocean Beach Bike Path/Hotel Circle North Bikeway Design, LTF (Local Transportation Facility) Fund 390065 and Gas Tax Fund 30219. A subsequent Council Action will be processed upon receipt of the additional funds from SANDAG.

Loveland/Belock/PB

Aud. Cert. 2301304.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:12 p.m.)

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

* ITEM-107: San Diego Main Library - Amendment to Consultant Design Agreement.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-181) ADOPTED AS RESOLUTION R-298285

Authorizing the City Manager to execute a Fourth Amendment to the Agreement with a Joint Venture between Rob Wellington Quigley Architects, Inc., and Tucker Sadler Nobel Castro Architects, Inc. for the design of CIP-35-082.0, San Diego Main Library, in the amount of \$1,500,000;

Authorizing the City Auditor and Comptroller to expend \$1,500,000 from CIP-35-082.0, San Diego Main Library, Fund 102216, Main Library Fund, for the purpose of executing this agreement.

CITY MANAGER SUPPORTING INFORMATION:

In August 1996, after a rigorous selection process was conducted, the Mayor and Council approved the selection of a team of architects and engineers led by Rob Wellington Quigley, FAIA to design the proposed New Main Library on the Kettner site. In June 2000, the Mayor and Council reviewed several alternative sites and selected the Bay to Park site for the proposed New Main Library. The selection was conditioned on future CEQA review and studies of the site. The Bay to Park site is adjacent to the main intersection of the Park to Bay link, between 11th and 12th and J and K Streets in downtown San Diego.

To complete these studies and the environmental documentation, the City Manager entered into an agreement with Rob Wellington Quigley, FAIA for \$175,000 in September 2000 which was followed by a Council approved First Amendment to Agreement for \$510,000 in October 2000.

These contracts developed a portion of the schematic plans and validated the budget and the ability to implement the Library's program at the Bay to Park site. In July of 2001 Council approved an additional \$1,000,000 for the Second Amendment to Agreement that assigned the contract to a Joint Venture between Rob Wellington Quigley Architects, Inc., and Tucker Sadler Noble Castro Architects, Inc. The Third Amendment to Agreement was approved in November

2002 and added \$1,500,000 to the contract so that the Joint Venture could continue developing the Design Development phase of the design. The Fourth Amendment will complete the design development phase. This project will return to Council to request authorization of future amendments to complete the design by Fall 2004.

Herring/Belock/AO

Aud. Cert. 2400106.

FILE LOCATION: MEET (63)

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:12 p.m.)

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

* ITEM-108: Agreement for Professional Services - San Diego River Park Master Plan.

(Mission Valley, Ocean Beach, Tierrasanta, Mission Bay Park, Navajo, Mission Trails Regional Park, and East Elliot Community Areas. Districts-2, 6, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-175) ADOPTED AS RESOLUTION R-298286

Authorizing the City Manager to execute an agreement with CIVITAS, Inc., for planning services for the San Diego River Park Master Plan;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$450,000 from CIP-29-666.0, San Diego River Park Master Plan, Fund No. 41500, Water Department Fund, for the purpose of providing funds for the above project.

CITY MANAGER SUPPORTING INFORMATION:

Throughout the history of the San Diego region, the San Diego River has played an integral part in human habitation. In recent history when our dependence on the River as a source of water ended, the River's importance diminished, resulting in a river that has been channelized for flood control and impacted by surrounding development.

In the summer of 2001, the Mayor, with support of Councilmembers Frye and Madaffer, whose districts include the River, invited elected officials from the local jurisdictions (County of San Diego and City of Santee), the state and the federal government, to be members of the San Diego River Alliance.

The Alliance, in concert with the San Diego River Park Foundation 501 (c)(3) and the San Diego River Coalition (non-governmental organization) are working toward creating a San Diego River Park that would extend from the ocean to its headwaters in the Cuyamaca Mountains. In addition, recognizing the importance of the San Diego River as a resource for wildlife habitat and recreation, in 2002, the State of California passed Assembly Bill 2156 establishing the San Diego River Park Conservancy.

Utilizing the San Diego River Park Conceptual Plan (2002) as a foundation, local jurisdictions will pursue individual San Diego River planning efforts. This plan was prepared by the San Diego River Foundation, sponsored by the California Coastal Conservancy, and the Select Committee on Park & River Restoration chaired by Assemblymember Christine Kehoe.

The City's San Diego River Master Plan efforts will encompass the San Diego River and its surrounding area of up to one-half mile on each side, extending from the mouth of the River to our border with the City of Santee. The Master Plan will address recreational opportunities, wildlife habitat conservation and restoration, and improvement. The Master Plan will also compliment current efforts to further develop San Diego River and Groundwater beneficial use opportunities.

The consultant selection process commenced with an advertisement of a Request for Qualifications. Fifteen Statements of Qualifications were received. Eight design teams were interviewed by a seven member panel representing the Park & Recreation, Water, and Planning Departments, the Stormwater Pollution Program, the Equal Opportunity Program, the San Diego River Conservancy, and representation from the San Diego River Coalition (Non-governmental Organization). As a result of this process, CIVITAS, INC., was selected to prepare the San Diego River Park Master Plan for \$450,000.

FISCAL IMPACT:

Funding for this Agreement is available from CIP-29-666.0, San Diego River Park Master Plan, from Fund number 41500, Water Department Fund.

Herring/Oppenheim/JH

Aud. Cert. 2400100.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:12 p.m.)

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

* ITEM-109: Joint Community Facilities Agreement with the Poway Unified School District, Sycamore Estates LLC, and Sycamore Estates II, LLC.

(Rancho Encantada Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-174) TRAILED TO TUESDAY, AUGUST 5, 2003

Authorizing the City Manager to execute the Joint Community Facilities Agreement by and among Poway Unified School District, City of San Diego, Sycamore Estates LLC, and Sycamore Estates II, LLC.

CITY MANAGER SUPPORTING INFORMATION:

Pursuant to the application of the Owners of certain properties located within the City commonly known as Sycamore and Montecito (Rancho Encantada), the Board of Education of the Poway Unified School District (PUSD) has initiated proceedings to: 1) establish a community facilities district (CFD) to finance certain City facilities in addition to school facilities, and 2) authorize the levy of special taxes;

The Mello-Roos Community Facilities Act of 1982 provides that the CFD may finance the City facilities only pursuant to a Joint Community Facilities Agreement between the parties, pursuant to Government Code Section 53316.2;

The City is willing to enter into such agreement provided the owners agree to indemnify the City as provided for in the agreement and to warranty the construction of any City facility;

The PUSD and the City have determined that entering into a joint community facilities agreement to enable the CFD to finance the construction of certain City facilities will be beneficial to the residents of each entity;

Many of these facilities are included in the Rancho Encantada FBA financing plan approved on October 2, 2001 (R-295531). Separate reimbursement agreements will be entered into for the FBA reimbursement of the applicable facilities.

FISCAL IMPACT:

None. This measure will expedite the construction of the public facilities needed for development of the community before FBA funds become available.

Ewell/Goldberg/JET

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:12 p.m.)

* ITEM-110: Environmental Conservation Foundation Grant Program.

(Carmel Valley and Del Mar Mesa Community Areas. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-123) ADOPTED AS RESOLUTION R-298287

Authorizing the City Manager to apply to the Environmental Conservation Foundation for the Grant for the Carmel Mountain and Del Mar Mesa Preserve Management Plan (Project);

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

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

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

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

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego is requesting consideration of the following proposal under the Environmental Conservation Foundation grant program. The Environmental Conservation Foundation is made up of representatives from the Friends of Penasquitos Canyon, Audubon Society, and Pardee Construction Company. The grants are intended for open space monitoring and management projects that affect the Carmel Mountain and Pacific Highlands Ranch open space areas. This grant would allow the City to obtain funding to complete the Carmel Mountain and Del Mar Mesa Preserve Management Plan.

The grant proposal is as follows:

Carmel Mountain and Del Mar Mesa Preserve Management Plan: A draft management plan for the Carmel Mountain and Del Mar Mesa Preserve Management Plan was developed in 2001 utilizing a \$41,000 grant from the California Department of Fish and Game. Representatives from a variety of community representatives, environmental groups, wildlife agencies, and City staff have reviewed the draft management plan and provided valuable comments. Additional funding is required in order to incorporate all the comments received, conduct environmental analysis under the California Environmental Quality Act (CEQA), and submit the document for adoption by City Council.

The public review process for the Carmel Mountain and Del Mar Mesa Preserve Management Plan identified extensive revisions to the draft management plan, revisions to figures in the document and development of a fire management plan. The City of San Diego is requesting grant funding in the amount of \$92,049.40 in order to finalize the Carmel Mountain and Del Mar Mesa Preserve Management Plan. This will provide funding for consultant services in order to complete the plan and fund the necessary oversight by City of San Diego staff.

FISCAL IMPACT:

No Fiscal Impact in FY 2004. If approved, the City would receive \$92,049.40 in grant funding from the Environmental Conservation Foundation. City matching funds of \$41,000 have been provided by a previous FY 2000 State grant which was expended in FY 2001.

Ewell/Goldberg/HEC

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:12 p.m.)

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

* ITEM-111: Grant Hill Neighborhood Park Tot Lot Upgrade - Grant Application.

(Southcrest Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-165) ADOPTED AS RESOLUTION R-298288

Authorizing the City Manager to apply to the California Integrated Waste Management Board (CIWMB) for the Grant for the tot lot upgrade at Grant Hill Neighborhood Park by installing on the playground resilient surfacing material made from recycled tires (Project);

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

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

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

Authorizing an increase of \$25,000 to the FY 2004 Capital Improvement Program Budget, CIP-29-562.0, Grant Hill Neighborhood Park Tot Lot upgrade, upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend \$25,000 from CIP-29-562.0, Grant Hill Neighborhood Park Tot Lot Upgrade.

CITY MANAGER SUPPORTING INFORMATION:

The Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (Park Bond) authorized funding for the California Integrated Waste Management Board (CIWMB) to administer a grant program to upgrade park playgrounds using recycled-content materials and to assist park districts in meeting state and federal accessibility standards. The CIWMB has allocated \$800,000 for the Waste Tire Playground Cover Grant Program for the 2003-2004 fiscal year. Grant awards shall not exceed \$25,000 for any one playground. This action authorizes the City Manager to apply for CIWMB funds to complete a tot lot upgrade in Council District 8.

The Park and Recreation Department received a grant from the Federal Land and Water Conservation Fund (LWCF) to upgrade the children's tot lot at Grant Hill Neighborhood Park, and the CIWMB grant application will fund accessibility components. The current playground surfacing is sand, so the area is not accessible to mobility-impaired children and adults. The LWCF project upgrade includes wood chip fiber surfacing, which is accessible to the mobility impaired, but not the first choice of the community. If the grant is received, this project will install resilient surfacing material made from recycled tires. The new playground will meet state and federal requirements for safety and accessibility, per the Americans with Disabilities Act (ADA), and will provide a fun, attractive, and accessible playground for children of all physical abilities.

FISCAL IMPACT:

If the grant is secured, the City will receive \$25,000 from the CIWMB, to augment the current \$245,616 project by including resilient surfacing in the tot lot upgrade.

Herring/Oppenheim/AP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:12 p.m.)

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

* ITEM-112: FY 2004 National Endowment for the Arts Design Arts Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-173) ADOPTED AS RESOLUTION R-298289

Authorizing the City Manager to apply for and accept the NEA Design Arts Program grant funding in the amount of \$65,000 for implementation and support of the San Diego Neighborhood Design Arts Program (Program);

Authorizing the City Manager to expend the NEA grant and its Matching Funds in a total amount not to exceed \$130,000 solely and exclusively for the Program, contingent upon the City Auditor and Comptroller first issuing one or more certificates certifying that funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to conduct all negotiations, execute and submit all documents, including but not limited to amendments and payment requests, and administer the grant funds as necessary for the Program.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego Commission for Arts and Culture (Commission) has applied for and received a grant in the amount of \$65,000 from the National Endowment for the Arts (NEA) Design Arts Program to support the San Diego Neighborhood Design Arts Program (NDAP), a collaborative effort of the Commission and Partners for Livable Places. Funding from the NEA will be used to support the implementation of the NDAP for two years July 1, 2003 through June 30, 2005.

The goal of the NDAP is to help San Diego neighborhoods integrate quality public art and design into community development plans and implement projects that create public spaces which evoke a stronger sense of place and community character. This goal will be achieved by: 1) educating the community about the positive impact of public art and design on community livability; 2) producing a source of funding to neighborhood groups for public art and design demonstration projects; 3) facilitating the city permit approval process; and 4) providing technical assistance services to enable the completion of high quality public art and design projects.

A \$65,000 cash match is required. The match will be taken from the Commission's Public Art Fund and Neighborhood Arts Program at a rate of \$32,500 per year (\$16,250 per funding source) for two years.

The contract is effective from July 1, 2003 through June 30, 2005.

FISCAL IMPACT:

Matching funds are contingent on the City's budget process each year. In the event that the Commission is unable to meet the entire matching funds requirement, the project's budget will be scaled back accordingly.

Herring/Hamilton/VS

Aud. Cert. 2400081.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:12 p.m.)

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

* ITEM-113: Angle Parking on Beech Street.

(Greater Golden Hill Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-65) ADOPTED AS RESOLUTION R-298290

Approving angle parking on the south side of Beech Street between 30th Street and Dale Street, pursuant to San Diego Municipal Code Section 86.03;

Authorizing the installation of the necessary signs and markings on said streets, and the regulations hereinabove imposed shall become effective upon the installation of such signs.

CITY MANAGER SUPPORTING INFORMATION:

This action will authorize the City Manager to install angle parking on the south side of Beech Street between 30th Street and Dale Street.

Currently, parallel parking exists on both sides of this section of Beech Street. The installation of angle parking on the south side of the street will provide additional parking spaces. A petition representing more than 75% of the affected property owners was submitted in support of this action, and there is sufficient street width to safely accommodate angle parking on the south side and retain parallel parking on the north side. Furthermore, the Greater Golden Hill Community Planning Committee supports this action.

The proposed angle parking on Beech Street is consistent with the new angle parking Council Policy which is under development. The proposed Policy describes the factors to be considered in approving the installation of angle parking including street geometry, and community support. The proposed Policy has been reviewed and approved by both the Citizen's Review Committee (CRC) and the Subcommittee for the Removal of Architectural Barriers (SCRAB) subject to a number of recommendations which have been incorporated.

FISCAL IMPACT:

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

Belock/Boekamp/VW

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:12 p.m.)

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

ITEM-114: Congestion Management Program (CMP) Self Certification.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-83) RETURNED TO THE CITY MANAGER

Certifying the City's conformance with California's Congestion Management Program (CMP):

- A) It is in conformance with all applicable requirements of the 2002 (CMP);
- B) It has conducted, and intends to conduct, by December 31 of each odd-numbered year, annual traffic counts, and has calculated levels of service for selected arterial intersections, consistent with the requirements identified in the CMP System Performance Evaluation chapter;
- C) It has adopted and implemented a local land use analysis program, consistent with the minimum requirements identified in the CMP Land Use Analysis Program chapter; and
- D) It will participate, if applicable, in the preparation and adoption of deficiency plans in accordance with the requirements identified in the CMP Deficiency Plan chapter.

CITY MANAGER SUPPORTING INFORMATION:

The Congestion Management Program (CMP) roadway system is that part of the regional road network, under the City's jurisdiction, that together with the CMP freeways, state highways, and arterials in other jurisdictions provides for a significant amount of mobility throughout the San Diego region. A CMP roadway network, which includes many arterials within the City, had been recommended by the City and adopted by SANDAG since 1991. Preparation and regular updating of a CMP in urban areas of the state is required as part of State Proposition 111, passed by voters in 1990. The purpose of the CMP is to monitor the region's transportation system performance, and to develop mitigation programs to address both short and long-term traffic congestion.

The CMP requirements include monitoring of the CMP system every two years against the CMP Level of Service (LOS) standards. The standard cannot be below LOS E or the LOS in place when the CMP system was originally designated, whichever is the lower standard. Whenever the LOS standards are not met for a given roadway segment, then a Deficiency Plan needs to be prepared. For CMP freeways and conventional highways, Caltrans is responsible for calculating LOS. For the CMP arterials within the City's jurisdiction the City is responsible. As part of the

2002 CMP update, adopted by SANDAG in January of 2003, local agencies are required to certify their conformance with the provisions of the CMP to maintain the CMP portion of their gas tax allocation. The City is required to:

- 1) On a biennial basis, collect annual traffic data for CMP arterials within their jurisdiction.
- 2) Implement a land use analysis program evaluating the impacts of new projects on the CMP system.
- 3) Where applicable, participate in the preparation and adoption of Deficiency Plans.

Traffic Engineering collects the required traffic data on a biennial basis. The requirement of a land use analysis program is met by the City's requirement for a traffic impact evaluation of new projects to be prepared by the developers under Development Services direction. SANDAG will take the lead on the preparation of Deficiency Plans for deficient local street segments with assistance from Planning Department staff.

With this action, Council certifies that the City is in compliance with the CMP provisions.

FISCAL IMPACT:

The costs for traffic data collection and Deficiency Plan preparation are respectively included in Traffic Engineering Division and Planning Department's current budgets. The costs for project traffic impact evaluation and review are borne by developers.

Ewell/Goldberg/SHP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:26 p.m. - 3:29 p.m.)

MOTION BY FRYE TO RETURN TO THE CITY MANAGER FOR FURTHER REVIEW BY THE TRAFFIC CONGESTION STRIKE TEAM. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-115: Parcel Map W.O. 420953 and Easement Vacations.

(Black Mountain Ranch Community Plan Area. District-1.)

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

- * ITEM-116: Proposed Amendment to Council Policy 800-8 Relating to Establishing City-Wide Criteria for Acceptance of Surety Bonds.

(See City Attorney's Report dated 6/26/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-189) ADOPTED AS RESOLUTION R-298292

Amending Council Policy No. 800-8 entitled "Construction Contract Bonds";

Declaring that the City Clerk is instructed to add the aforesaid revised Council Policy to the Council Policy Manual.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 7/23/2003, RULES voted 5 to 0 to approve the City Attorney's recommendation. (Councilmembers Peters, Maienschein, Madaffer, Inzunza, and Mayor Murphy voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:12 p.m.)

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

* ITEM-117: Statewide Primary Election - Senate Bill (SB) 430 and Assembly Bill (AB) 1531).

(See memorandum from Andrew Poat dated 7/11/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-193) ADOPTED AS RESOLUTION R-298293

Approving the Governmental Relations Department's recommendations opposing the State of California Senate Bill (SB) 430 and Assembly Bill (AB) 1531, which propose changes to the date of statewide primary elections, as outlined in the memo to the Honorable Mayor and Members of the Committee on Rules, Finance and Intergovernmental Relations, dated July 11, 2003;

Approving, if SB 430 and AB 1531 are passed by the State Legislature, the Governmental Relations Department's recommendation to seek to amend the legislation to give the City the flexibility to pick either the March or June date for the City's own municipal election.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 7/23/2003, RULES voted 5 to 0 to approve Governmental Relations Department's recommendation with the fall back to be (if legislation can't be stopped) to seek to amend the legislation to give the City the flexibility to pick either the March or June date for the City's own municipal election. (Councilmembers Peters, Maienschein, Madaffer, Inzunza, and Mayor Murphy voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:12 p.m.)

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

* ITEM-118: Auntie Helen's 15th Anniversary Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-186) ADOPTED AS RESOLUTION R-298273

Recognizing the 15th anniversary of Auntie Helen's and commending them for their outstanding laundry medical equipment and clothing delivery service and thrift store which have greatly benefitted the HIV/AIDS community in the greater San Diego/Tijuana region.

Proclaiming July 25, 2003 to be "Auntie Helen's 15th Anniversary Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:12 p.m.)

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

* ITEM-119: 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-2003-1432) ADOPTED AS RESOLUTION R-298294

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: 3:03 p.m. - 3:12 p.m.)

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

- * ITEM-120: 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-2003-811) ADOPTED AS RESOLUTION R-298295

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: 3:03 p.m. - 3:12 p.m.)

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

- * ITEM-121: 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-2003-1219) ADOPTED AS RESOLUTION R-298296

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: 3:03 p.m. - 3:12 p.m.)

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

* ITEM-122: 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-2003-1426) ADOPTED AS RESOLUTION R-298297

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: 3:03 p.m. - 3:12 p.m.)

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

ITEM-150: Two actions related to Inviting Bids and Award of Contract for the Grit Processing Improvements Project.

(See memorandum from Scott Tulloch dated 7/7/2003. Point Loma Community Area. District-2.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-63) ADOPTED AS RESOLUTION R-298298

Approving the plans and specifications for the Point Loma - Grit Processing Improvements Project (Project) on Work Order Nos. 176024 and 176020;

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases, to award a contract to, and to execute a contract with, the lowest responsible and reliable bidder for the Project in an amount not to exceed \$26,780,496;

Declaring that the execution of each phase of the contract by the City Manager shall be contingent upon City Council approval of the originating department's operating budget for the respective fiscal year, and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,362,626 from Fund 41508, CIP-45-942.0, Metropolitan Operations Center Expansion, Phase II, to Fund 41508, CIP-45-943.0, Point Loma - Grit Processing Improvements Project, contingent upon the passage of the Fiscal Year 2004 Capital Improvement Program and Appropriation Ordinance budget;

Authorizing the City Auditor and Comptroller to transfer \$826,912 from Fund 41509, CIP-42-910.6, South Bay Water Reclamation and Secondary Plants to Fund 41508, CIP-45-943.0, Point Loma - Grit Processing Improvements Project;

Authorizing the expenditure of an amount not to exceed \$26,780,496, of which \$25,650,494 is from Fund 41508, CIP-45-943.0, Point Loma - Grit Processing Improvements Project, for the purpose of providing funds for construction, construction management and related costs and \$1,130,002 is from Fund 41508, CIP-46-501.0, Annual Allocations - Metro Pooled Contingency, for the purpose of providing funds for project contingency and for providing funds for the Project and related costs in the following manner:

- | | |
|---------|--|
| Phase 1 | From FY 2004 appropriations, contingent upon approval of FY 2004 operating budget; |
| Phase 2 | From FY 2005 appropriations, contingent upon approval of FY 2005 operating budget; |
| Phase 3 | From FY 2006 appropriations, contingent upon approval of FY 2006 operating budget; |
| Phase 4 | From FY 2007 appropriations, contingent upon approval of FY 2007 operating budget; |

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K03108)

Subitem-B: (R-2004-77)

ADOPTED AS RESOLUTION R-298299

Certifying that the Addendum to an Environmental Impact Report (EIR), LDR-94-0510 (Addendum to EIR-42-0358), has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of the Point Loma Grit Processing Improvements Project;

Adopting the Mitigation Monitoring and Reporting Program;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/16/2003, NR&C voted 3 to 0 to approve. (Councilmembers Zucchet, Frye and Madaffer voted yea. Councilmembers Lewis and Inzunza not present.)

SUPPORTING INFORMATION:

The Point Loma Wastewater Treatment Plant (PLWTP) has six aerated grit basins, divided into south, central and north pairs of tanks. The south tanks and the grit processing headworks building were constructed as part of the original treatment plant in 1962. As the central and north tanks were added and flows changed, treatment efficiencies changed. In 1992, removal of grit was found to be more efficient when the south tanks were not used and they were taken out of service.

The adequacy of the grit removal system is a major issue because grit causes wear and tear on downstream equipment and reduces treatment capacity. Sediment (primarily medium to fine sand and silt) has settled out downstream of the grit tanks into the west influent tunnel, primary sedimentation basins, and digesters. It is estimated that the City spends nearly \$1 million per year to remove grit from within its digesters at the PLWTP. Grit in the digested biosolids pumped to the Metro Biosolids Center for further processing also affects the operations, maintenance and performance at that facility.

All six grit tanks are needed during wet weather flows to improve grit removal rates. The plant's treatment performance is reduced when it has been necessary to take one of the four operating tanks out of service for maintenance. This will become a greater issue over time as the region's wastewater flows increase. This project is needed to restore operation of the south tanks and to upgrade process equipment. This request is for approval of the construction funding and authority to advertise, bid and award the construction contract.

The project includes construction of interim grit processing facilities, reconstruction of the south grit tanks and its adjacent pump gallery, and replacement of the headworks building with a new drive through facility which will include new grit processing equipment, grit agitation air blowers and piping. Prior to demolition of the existing headworks building, an interim grit processing facility must be built to maintain grit removal. This "interim" facility will be used for at least two years while the existing facility is demolished and the permanent facility is constructed. This project is a candidate for a State Revolving Fund Loan and will be subject to prevailing wages.

FISCAL IMPACT:

The total estimated cost of this action is \$26,780,496, of which \$25,650,494 is from Fund 41508, CIP-45-943.0, Point Loma - Grit Processing Improvements Project for construction, construction management and related costs and \$1,130,002 is from Fund 41508, CIP-46-501.0, Annual Allocation - Metro Pooled Contingency for project contingency. This contract will be phase funded over four fiscal years (FY 2004 - FY 2007). Funds will be available in FY 2004 - FY 2007 contingent upon the passage of the Capital Improvement Program and Appropriation Ordinance budget for each year.

Mendes/Tulloch/JAW

Aud. Certs. 2301297 and 2400030.

FILE LOCATION: W.O. 176024/176020

COUNCIL ACTION: (Time duration: 3:48 p.m. - 3:48 p.m.)

MOTION BY FRYE TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-151: Library Internet Policy.

(See City Manager Report CMR-03-147.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-134) ADOPTED AS RESOLUTION R-298300

Directing the City Manager to have filtering software installed on all public Internet terminals in all City of San Diego Library facilities;

Authorizing the City Manager to designate administrators, supervisors, or others, including the City of San Diego Public Library staff, to disable filtered Internet terminals for adult patrons (17 and older) upon request.

Aud. Cert. 2400068.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/16/2003, NR&C voted 4 to 0 to approve the City Manager's recommendation. (Councilmembers Zucchet, Lewis Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:52 p.m. - 3:52 p.m.)

MOTION BY FRYE TO ADOPT. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Tax Rate Ordinance for Fiscal Year 2004.

(See City Manager Report CMR-03-165.)

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-2004-10) INTRODUCED AND ADOPTED AS ORDINANCE
O-19207 (New Series)

Introduction and adoption of an Ordinance Fixing the Tax Rates and Levying Taxes for the Fiscal Year 2003-2004.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:48 p.m. - 3:48 p.m.)

MOTION BY MADAFFER TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-201: Refunding of the 2002 Lease Revenue Bonds (Ballpark Project).

(Centre City East Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-180)

ADOPTED AS RESOLUTION R-298301

Authorizing the execution and delivery of the Official Statement (in Preliminary and Final Form) and the Continuing Disclosure Certificate, each relating to the Public Facilities Financing Authority of the City of San Diego Refunding Lease Revenue Bonds, Series 2003 (Ballpark Project), and approving other documents and actions in connection therewith.

CITY MANAGER SUPPORTING INFORMATION:

On July 21, 2003, the City Council approved the first reading of an ordinance associated with this action:

The ordinance authorized the issuance of not to exceed \$195,000,000 of Lease Revenue Bonds by the Public Facilities Financing Authority of the City of San Diego (the "Ballpark Refunding Bonds") to refund the previously issued \$169,685,000 Public Facilities Financing Authority of the City of San Diego Lease Revenue Bonds, Series 2002 (Ballpark Project) (the "Original Ballpark Bonds"). Additionally, the ordinance authorized a Site Lease between the City and the Public Facilities Financing Authority (the "Authority"), an Amended and Restated Ballpark Facility Lease between the City and the Authority, an Assignment Agreement between the Authority and the Trustee for the project, an Indenture between the Authority and the Trustee, and an Escrow Agreement between the City and an Escrow Bank.

The documents that the City Council would approve through the action requested today include the form, execution, and delivery of a Preliminary Official Statement ("POS") (and would provide for the preparation of a Final Official Statement), a City Continuing Disclosure Certificate, a Notice of Intention to Sell Bonds, and a Notice Inviting Bids. The POS is a document that describes the refunding issue to the marketplace, and the Notice of Intention to Sell Bonds and the Notice Inviting Bids provide necessary information to underwriters who may be interested in competitively bidding for the initial purchase of the bonds. The City Continuing Disclosure Certificate requires the City to make secondary market disclosure on an annual basis to comply with federal securities regulations. The requested action would also authorize the City Manager, the Deputy City Manager, or their designees to take certain actions necessary to execute and deliver documents and take such other actions that may be required to accomplish the issuance, sale, and delivery of the refunding bonds.

If the City Council approves the actions requested, it is anticipated that the Refunding Ballpark Bonds would be issued in October 2003.

FISCAL IMPACT:

Based on current market conditions, the average annual lease payment for the Refunding Ballpark Bonds is estimated to be \$12.1 million, which is approximately \$2.9 million lower than the average annual lease payment for the Original Ballpark Bonds. The actual annual lease payment amounts will be determined at the time of the bond sale, which is anticipated to occur in October of 2003. These savings will be offset by lower interest earnings generated within the project of approximately \$200,000 per year. This results in net project savings of approximately \$2.7 million per year. It is recommended that the net project savings of approximately \$2.7 million per year be reserved as a solution for the State budget issue.

All related costs of issuance, including, but not limited to, financial advisor, underwriting, bond counsel, trustee fees, and costs to prepare the official statement would be reimbursed from bond proceeds.

Frazier/Vattimo/ELK

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Time duration: 3:47 p.m. - 3:48 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-202: Arena Pharmaceuticals - City Council Override.

In accordance with Land Development Code Section 132.0310 and Section 4.1 of the adopted NAS Miramar Comprehensive Land Use Plan (CLUP), the applicants have filed a petition requesting City Council to override City Staff's determination of noncompliance with the land use recommendations of the adopted NAS Miramar CLUP, which shows research and development and laboratory uses as incompatible uses located within the 70-75 db Community Noise Equivalent Level, for their application to amend the existing Planned Industrial Permit (PID) No. 93-0525. The site is located at 6154 Nancy Ridge Drive in the IL-2-1/AR-1-1 zone and Airport Environs Overlay Zone, in the Mira Mesa Community Plan Area.

(See City Manager Report CMR-03-159. PTS No. 4932. Mira Mesa Community Plan area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-172 Cor. Copy) ADOPTED AS RESOLUTION R-298302

Adopting the following findings with respect to the Project:

1. The proposed development will not be detrimental to the public health, safety, and welfare.
2. The proposed development will minimize the public's exposure to excessive noise and safety hazards to the extent feasible.
3. The proposed development will meet the purpose and intent of the California Public Utilities Code section 21670.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

That the City Council overrides the decision of the City Manager and determines that the proposed use meets the intent of the CLUP.

NOTE: 6 votes required.

OTHER RECOMMENDATIONS:

A recommendation from the Planning Commission is not part of this process per Land Development Code Section 132.0310.

The Mira Mesa Community Planning Group met on December 16, 2002 and voted to approve the proposed use and overall project by a 12-0-1 vote, with the provision that appropriate mitigation is provided to reduce interior noise levels below a level of significance.

The Marine Corps (MCAS Miramar) opposes the override. In addition, the San Diego Regional Airport Authority (SDRAA) met on April 3, 2003 in an advisory public compatibility determination hearing and voted 7-2, determining that this project is not a compatible use, based on the adopted NAS Miramar CLUP.

CITY MANAGER SUPPORTING INFORMATION:

Background

In accordance with Land Development Code Section 132.0310 and Section 4.1 of the 1990 NAS Miramar CLUP, the applicants have filed a petition dated February 6, 2003 for City Council to override the City Manager's determination of noncompliance with the land use recommendations of the adopted NAS Miramar's Comprehensive Land Use Plan, for the site located at 6154 Nancy Ridge Drive.

The existing 2-story, 48,054 square foot office/light industrial/warehouse building is located on a 5.89 acre site south of Carroll Canyon Road and west of Carroll Road at 6154 Nancy Ridge Drive, in the IL-2-1/AR-1-1 Zone and the Airport Environs Overlay Zone, within the Mira Mesa designated Industrial Community Plan Area. The existing building was approved under Planned Industrial Development Permit (PID) No. 93-0525 (Attachment No. 13), allowed for office /light industrial/and warehouse use. The applicants are in the process of amending the existing PID (Process 3) to allow for the addition of more square footage than what was previously allowed under PID 93-0525, for Research and Development Office and Laboratory use. The further processing and decision of the proposed amendment (Process 3) is pending this override action by City Council.

The site is located within the 70-75 db CNEL as identified in the adopted 1990 NAS Miramar CLUP, which is the current CLUP followed by the Marines, and the Community Plan's Noise Matrix. The 1990 NAS Miramar CLUP identifies and specifically groups "Research and Development and Laboratory" uses into "office" uses, which are shown as incompatible uses within the 70-75 db CNEL matrix. During staff review of the proposed PID amendment, acting on behalf of the City Manager, staff determined that the specific use for Research and Development and Laboratories, are incompatible with the NAS Miramar CLUP and incompatible with the NAS Miramar CLUP noise matrix within the Mira Mesa Community Plan. In addition, MCAS Miramar and the San Diego Regional Airport Authority determined that the specific uses for Research and Development and Laboratories, are incompatible uses with the NAS Miramar CLUP noise matrix.

Arena Pharmaceuticals is an industrial business engaged in the discovery, development and manufacturing of proprietary drug compounds to be used to treat a variety of human diseases and afflictions. Their existing facilities are located at adjacent lots at 6138 and 6166 Nancy Ridge Drive in the 65-70 db CNEL. In addition, they also have existing facilities located at 6124 Nancy Ridge Drive where approximately 1/3 of the site is located in the 70-75 db CNEL, and the remaining portion of this site is located in the 65-70 db CNEL.

On July 9, 2002, a Preliminary Review Meeting was held with the applicants where City Staff identified and informed the applicants that research and development, offices, and laboratories are incompatible land uses within the 70-75 CNEL contour, as indicated in the Miramar CLUP and the Mira Mesa Community Plan land use noise matrixes (Attachment No. 6). In addition, MCAS Miramar's response letters dated July 25, 2002, and October 29, 2002, also indicated to the applicant that research and development, offices, and laboratories were incompatible uses within the 70-75 CNEL contour of the CLUP. Given this information, the applicants continues pursuit of their project.

FISCAL IMPACT: None.

Ewell/Christiansen/CM

NOTE: This activity is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(1) (the activity is not a project as defined in Section 15378).

FILE LOCATION: LUP - Arena Pharmaceuticals City Council Override,
08/04/03 (65)

COUNCIL ACTION: (Time duration: 4:06 p.m. - 4:32 p.m.)

Testimony in opposition by Ted Anasis and Colonel Park Hurst.

Testimony in favor by Jack Lief, John Mountzouris, and April Bailey.

MOTION BY MAIENSCHIEN TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

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

Property: Qualcomm Stadium

City Negotiators: Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, Paul Jacobs, Esq., Daniel S. Barrett, and Robert J. Kheel.

Negotiating Parties: City of San Diego and the San Diego Chargers

Under Negotiation: Real Property Interests at the Qualcomm Stadium site pursuant to the recommendations of the Citizens Task Force on Chargers Issues, and pursuant to the terms of Paragraph 31 of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

Prior to Council discussion in Special Closed Session scheduled for August 4, 2003 and regular Closed Session scheduled for August 5, 2003, in compliance with the Brown Act, (California Government Code Section 54956.8) this item 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.

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

The public hearing was closed by Mayor Murphy and the item was referred to Closed Session.

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Time duration: 3:46 p.m. - 3:47 p.m.; 3:48 p.m. - 3:52 p.m.)

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

Property: Parcels 1, 2, 3, 4 and 5 of Parcel Map 18855.

City Negotiators: Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, and Peter Hall, President, CCDC.

Negotiating Parties: City of San Diego, the San Diego Padres and JMI Realty, Inc.

Under Negotiation: Price and terms pursuant to the Memorandum of Understanding for the Ballpark and Redevelopment Project and its subsidiary agreements.

Prior to Council discussion in Special Closed Session scheduled for August 4, 2003 and regular Closed Session scheduled for August 5, 2003, in compliance with the Brown Act, (California Government Code Section 54956.8) this item 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.

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

The public hearing was closed by Mayor Murphy and the item was referred to Closed Session.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Time duration: 3:47 p.m. - 3:47 p.m.)

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

Torrey Surf

Siempra Viva Business Park - East Phase

COMMUNITY AREA

Carmel Valley

Otay Mesa Enterprise Zone

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing

of this notice, such person should communicate the objection on or before that date to the Director of Development Services or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-251: Notice of Pending Final Map Approval - Hilltop Condominiums.

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 "Hilltop Condominiums," located southwesterly of 44th Street and "C" Street in the Southeastern San Diego Community Plan Area in Council District 4, 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 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-252: Settlement of the Property Damage Claim of Patricia Mesa.

(R-2004-125)

Adopted as Resolution R-298204.

A Resolution approved by the City Council in Closed Session on Tuesday, July 15, 2003, by the following vote: Peters-yea; Zucchet-yea; Atkins-not present; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-not present; Mayor-yea.

Authorizing the City Manager to pay the sum of \$347,467.77 in complete settlement of each and every claim against the City, its agents and employees, resulting from the property damage claim of Patricia Mesa, et al. on September 12, 2002 (Claim File No. LP03-0705-0649);

Authorizing the City Auditor and Comptroller to issue various checks in the amount of but not exceeding \$298,721.73 made payable to various claims in full settlement of all claims.

Aud. Cert. 2301310.

ITEM-253: 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 shall then 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 2, 2004 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/26/2003	158	LAST DATE (10:00 a.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Rules Committee

Wednesday	10/1/2003	153	Rules Committee review
Monday	10/27/2003	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	11/3/2003 through	120 to	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	11/17/2003	106	
Monday	11/24/2003	99	Council adopts ordinances prepared by City Attorney
Friday	12/5/2003	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	12/18/2003	75	Last day to file ballot arguments with City Clerk

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

ITEM-S400: In the Matter of: SWORN IN

Swearing in William M. Lansdowne as Chief of Police.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:13 p.m. - 2:25 p.m.)

ITEM-S401: Howard-Sneed Architecture and Design Day.

COUNCILMEMBER ZUCCHET'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-202)

ADOPTED AS RESOLUTION R-298303

Recognizing the exceptional contributions that Janice Howard McElroy and Anne R. Sneed have made to progress the business and social climate in the San Diego region;

Proclaiming August 4, 2003 to be "Howard-Sneed Architecture and Design Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:00 p.m. - 3:03 p.m.)

MOTION BY ZUCCHET TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S402: Proposed Mission Bay Park Committee Reorganization.

(See memorandum from Councilmembers Frye and Zucchet dated 6/17/2003.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2004-3) INTRODUCED, TO BE ADOPTED ON TUESDAY,
SEPTEMBER 2, 2003

Introduction of an Ordinance amending the San Diego Municipal Code by amending Chapter 2, Article 6, Division 0, by amending Section 26.30(d), and by adding new Section 26.30(g), all relating to Mission Bay Park Committee.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 7/23/2003, RULES voted 3 to 0 to approve the proposed Mission Bay Park Committee reorganization. (Councilmembers Peters, Maienschein, and Mayor Murphy voted yea. Councilmembers Madaffer and Inzunza not present.)

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:12 p.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE THE ORDINANCE. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S403: Lease Approval - McGraw-Hill Broadcasting Company at Cowles Mountain.

(Mission Trails Regional Park Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1490) ADOPTED AS RESOLUTION R-298304

Authorizing the City Manager to execute a five-year lease agreement with two five-year options to extend with McGraw-Hill Broadcasting Company for a telecommunications facility at the Cowles Mountain Communication Center, at an initial annual rent of \$14,184.

CITY MANAGER SUPPORTING INFORMATION:

McGraw-Hill Broadcasting Company, KGTV-TV Channel 10, is requesting a lease for the operation and maintenance of a communications facility at the City/County Cowles Mountain Communications Center. It consists of two (2) full rack spaces, one (1) 4' dish and one (1) omni whip antenna on the top, along with one (1) 6' dish on the side of the two story "County" building at the communications center. The recent discovery of more accurate drawings and a physical inspection of the site revealed more existing equipment than was originally documented and thus presented to the MTRP Advisory Committee and Task Force last year. A new appraisal was subsequently prepared to reflect the correct layout. No new equipment was actually added. McGraw-Hill requires use of this site to relay their signal from their studios to the main broadcasting facility. They have had a rental agreement with the City since January 1995 and have proved to be a reliable tenant.

BASIC TERMS of the agreement are as follows:

USE - Installation, maintenance, and operation of a communications facility.

TERM - Five (5) years, with two 5-year options to extend.

RENT - Rent is \$14,184 annually (\$1,182 per month) with annual 5% rent increases and

reappraisal every five years. This value is based on a pricing matrix for this particular site determined by an independent fee appraisal dated January 27, 2003. The established rent per rack space is $\$520 \times 2 = \$1,040$ plus \$57 for the 4' dish and \$85 for the 6' dish producing a total monthly rent of \$1,182. The omni whip is included in the rack fee.

PRIOR APPROVALS:

Mission Trails Regional Park Citizen's Advisory Committee
Mission Trails Regional Park Task Force
Park and Recreation Department
Information Technology and Communications Department
Development Services Department
San Diego County Board of Supervisors

FISCAL IMPACT:

The City will receive \$14,184 in the first year of the lease with 5% annual rent increases thereafter. Rental Proceeds generated will be credited to the Mission Trails Regional Park Fund 10580.

Herring/Griffith/JPA

FILE LOCATION: LEAS - McGraw-Hill Broadcasting Company

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:12 p.m.)

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

ITEM-S404: Three actions related to Authorization to Notice and Conduct Project Area Committee Elections for 2003 for Three Redevelopment Project Areas.

(See City Manager Report CMR-03-170. City Heights, College Area, Uptown, Old Town, Mission Valley, Linda Vista, Peninsula, Midway/Pacific Highway Corridor and Clairemont Mesa Community Areas. Districts-2, 3, 4, 6, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-116 Cor. Copy) ADOPTED AS RESOLUTION R-298305

Authorizing a one-year extension of the Project Area Committee (PAC) and directing the Redevelopment Agency staff to notice and conduct a PAC election for the City Heights PAC in 2003.

Subitem-B: (R-2004-117 Cor. Copy) ADOPTED AS RESOLUTION R-298306

Authorizing a one-year extension of the Project Area Committee (PAC) and directing the Redevelopment Agency staff to notice and conduct a PAC election for the College Community PAC in 2003.

Subitem-C: (R-2004-118 Cor. Copy) ADOPTED AS RESOLUTION R-298307

Directing the Redevelopment Agency staff to notice and conduct a PAC election for the North Bay PAC in 2003.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:23 p.m. - 3:26 p.m.)

MOTION BY ATKINS TO ADOPT WITH DIRECTION TO THE CITY ATTORNEY TO REVIEW THE PROJECT AREA COMMITTEE (PAC) BY-LAWS TO ENSURE THAT PEOPLE OF COLOR ARE NOT BEING DISCOURAGED TO RUN IN THE PAC ELECTIONS. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchett-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S405: Reinvestment Task Force - Lender Performance Report.

(See San Diego Housing Commission Report HCR03-046. Districts-1, 4, 6 and 8.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-194)

TRAILED TO TUESDAY, AUGUST 5, 2003

Accepting the City-County Reinvestment Task Force's Lender Performance Report, as described in Housing Commission Report HCR03-046, pursuant to the City's Reinvestment Master Plan (Council Policy No. 900-9).

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:12 p.m. - 3:23 p.m.)

ITEM-S406: General Requirements Contract for the Construction of Minor Street Improvements at Various Locations.

(Continued from the meeting of July 28, 2003, Item 101, at the request of Councilmember Lewis, for further review of EEO issues.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1411) ADOPTED AS RESOLUTION R-298308

Authorizing the City Manager to accept the bid from Scheidel Contracting and Engineering, Inc. (Contractor), and to award the Project contract for the construction of Minor Street improvements at various locations to the contractor for no less than \$50,000 and no more than \$1,000,000 annually, for the period between May 1, 2003 and May 1, 2004, renewable for one additional year thereafter;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$50,000 from TransNet Funds, through CIP-61-001.0, Mission Village Drive Left Turn, provided that the City Auditor and Comptroller first furnishes a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon direction of the City Manager, to reallocate the funding sources for TransNet Funds between TransNet Cash and Commercial Paper funded projects as may be appropriate to maximize the use of TransNet Cash and reduce the use of Commercial Paper funding for CIP-61-001.0, Mission Village Drive Left Turn. (BID-K03850)

CITY MANAGER SUPPORTING INFORMATION:

Minor street improvement projects can take two to three years from inception to completion when following the design-bid-build method for public works contracts. Many of the smaller maintenance, and repair and improvement projects in the right-of-way, such as safety all-weather walkways, are disadvantaged by the process that is suited for complex construction projects. The General Requirements Construction Contract will reduce the time between when a smaller project is identified and when it is completed. The contractor bids unit prices on various items of work which are non-project specific. These prices remain in effect for the one year term of the contract. After a project is identified, a site visit is scheduled where scope, specifics, and price are discussed by the City and contractor. Once there is agreement, the City processes a Task Authorization, and issues a Notice to Proceed to the contractor. We estimate a typical safety all-weather walkway can be constructed within four months from the initial site visit.

The City opened bids on February 26, 2003. The bid proposal consisted of 24 separate items of work, with 3 bids for each item depending on whether labor rates were Federal prevailing wage, State of California prevailing wage, or non prevailing wage. The project was advertised for four weeks. 13 bid packages went out and 3 complete and acceptable bid packages were received at bid opening. Scheidel Contracting and Engineering, Inc. was low bidder followed by Portillo Concrete, Inc. and Heffler Company, Inc.

FISCAL IMPACT:

Total authorized expenditure per contract year, contingent on Council approving appropriations, not to exceed \$1,000,000.

Loveland/Belock/PB

FILE LOCATION: CONT - Scheidel Contracting and Engineering, Inc.

COUNCIL ACTION: (Time duration: 3:52 p.m. - 3:53 p.m.)

MOTION BY LEWIS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S407: **Notice** of Pending Final Map Approval - Mesa Grande - Unit 1.

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 "Mesa Grande - Unit 1" (T.M. 98-0445), a copy of which is available for public viewing at the Office of the San Diego City Clerk. Said project is located in the northwesterly of Shaw Ridge Road and Del Vino Court in the Del Mar Mesa North Community Plan Area in Council District 1. 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 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-S408: Agreement with GEOtivity, Inc. for Sewer Flow Monitoring and Event Notification.

(See memorandum from Scott Tulloch dated 7/23/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-68) ADOPTED AS RESOLUTION R-298309

Authorizing the City Manager to execute an agreement with GEOtivity, Inc., for sewer flow monitoring and event notification equipment, software, and service for an amount not to exceed \$2,280,000;

Authorizing the expenditure of an amount not to exceed \$1,143,408 from Fund 41506 and \$362,600 from Fund 41508, and \$773,992 from Fund 41509, contingent upon the approval of the Fiscal Year 2004 Operating Budget for Metro Waste and Water Department.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/30/2003, NR&C voted 4 to 0 to approve. (Councilmembers Madaffer, Zucchet, Lewis and Frye voted yea. Councilmember Inzunza not present.)

SUPPORTING INFORMATION:

The Metropolitan Wastewater Department (MWWD) currently monitors sewage flows at 132 permanent metered sites for Metro Sewerage System billing, sewer modeling, and event notification as a method for preventing or minimizing sewer spills. The current five-year agreement with ADS Environmental Services, Inc. for providing sewage flow monitoring equipment, maintenance and repair services, and an event notification system ends June 30, 2003. In October 2002, MWWD issued a Request for Letters of Interest for Sewer Flow Monitoring and Event Notification. A Request for Statements of Qualifications was issued in January 2003, and Request for Proposals were sent to four (4) short-listed firms in March 2003. Following receipt of the technical proposals and sealed price proposals, the four firms were invited to an interview and demonstration of their equipment and software on May 12, 2003. Based upon the project's technical evaluation criteria and application of the prices proposed, the panel, consisting of representatives from the Participating Agencies and City staff, recommended the selection of GEOTivity, Inc. for providing flow monitoring and event notification services.

GEOTivity, Inc. will provide sewer flow monitors, installation, repair and maintenance services and event notification alarming based on detection of anomalies in sewer flows which indicate potential sewer back-ups or overflows. GEOTivity will immediately open a local office in San Diego for maintenance crews and support of the project. To provide for continuity of service, the agreement will run for two years and allow for a three year extension at the discretion of the City.

FISCAL IMPACT:

Funds for Fiscal Year 2004 are contingent upon approval of the FY 2004 Operating Budget for MWWD.

Mendes/Tulloch/MXS

Aud. Cert. 2400051.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:12 p.m.)

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

* ITEM-S409: Appointments and Reappointments to the Human Relations Commission.

(See memorandum from Mayor Murphy dated 7/30/2003, with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-203) ADOPTED AS RESOLUTION R-298310

Council confirmation of the following appointments and reappointments by the Mayor to serve as members of the Human Relations Commission, for terms ending July 22, 2007:

Reappointments:

Karen L. Marshall

Keith M. Turnham

Appointments:

Lorraine R. Johnson - District 4 Representative
(replacing Tommy T. Hightower, who has resigned)

Nicole Murray Ramirez
(replacing Thomas Galey, who has resigned)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-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 4:32 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 4:32 p.m.)