

THE CITY OF SAN DIEGO, CALIFORNIA
 MINUTES FOR REGULAR COUNCIL MEETING
 OF
 MONDAY, DECEMBER 8, 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 2:12 p.m. Mayor Murphy recessed the meeting at 3:01 p.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 3:06 p.m. with all the Council Members present. Mayor Murphy recessed the meeting at 3:35 p.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 3:45 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 5:31 p.m. into Closed Session on Tuesday, December 9, 2003, at 9:00 a.m. in the 12th floor conference room to discuss anticipated and existing litigation 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/Lane (gs)

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-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Mark Dahle of La Jolla Lutheran Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Maienschein.

FILE LOCATION: MINUTES

ITEM-30: Kids Can Do Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-15) ADOPTED AS RESOLUTION R-298682

Commending Kids Can Do for providing children a voice in matters of government and policy.

Proclaiming December 8, 2003 to be "Kids Can Do Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:35 p.m. – 2:38 p.m.)

MOTION BY PETERS 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-not present, Mayor Murphy-yea.

* ITEM-50: Amending the Time Warner Cable Franchise Agreement.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/24/2003. (Council voted 9-0):

(O-2004-17) ADOPTED AS ORDINANCE O-19243 (New Series)

Amending the Franchise Granted in Ordinance O-15213 to American Television and Communications Corporation and subsequently transferred to Time Warner Cable.

NOTE: 6 votes required pursuant to Section 103 of the City Charter.

FILE LOCATION: Fran-Time Warner Cable (08)

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

CONSENT MOTION BY MADAFFER TO 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-not present, Mayor Murphy-yea.

- * ITEM-51: Exempting One of a Program Manager Position from the Classified Service at Qualcomm Stadium.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2004-63) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 13, 2004

Introduction of an Ordinance exempting a Program Manager position at Qualcomm Stadium from the classified service and declaring it to be in the unclassified service of the City of San Diego, pursuant to the San Diego Charter Section 117(a)17.

CITY MANAGER SUPPORTING INFORMATION:

On October 16, 2003, the Civil Service Commission reviewed a request from the Stadium to exempt a Program Manager Position from the Classified Service. The position will serve as the Marketing Manager for Qualcomm Stadium and will develop and implement a Marketing Plan for the Stadium for the post baseball era. Additionally, the position will be involved in all aspects of Stadium Management as Assistant to the Stadium Manager.

Charter Section 117 states that the Unclassified Service shall include "managerial employees having significant responsibilities for formulating and administering department policies and programs. Each such position shall be exempt from the Classified Service by ordinance, upon the initiation of the appropriate appointing authority and after receiving the advisory review and comment of the Civil Service Commission and approval of the City Council."

Upon review of the duties and responsibilities of this position, the Commission finds that it meets the intent of Charter Section 117.

FISCAL IMPACT:

The Program Manager position is currently budgeted in the Stadium Operations Fund and replaces the Assistant Stadium Manager Position so there is no increase in the budget.

Herring/Wilson/SMS

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

* ITEM-52: Dedicating City-Owned Land as Public Park – Home Avenue Park Site.

(Mid-City and City Heights Community Areas. District-4.)

CITY MANAGER’S RECOMMENDATION:

Introduce the following ordinance:

(O-2004-66) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 13, 2004

Introduction of an Ordinance setting aside and dedicating City-owned land, known as Home Avenue Park Site in the City of San Diego, California, for a public park.

CITY MANAGER SUPPORTING INFORMATION:

The City Progress Guide and General Plan population-based guidelines recommend that neighborhood and community park land be provided at the rate of approximately 2.8 acres per thousand (1,000) population. According to the SANDAG 2002 population estimates, the Mid-City Community has a park acreage deficiency of approximately 120 acres. On September 23, 2003, City Council authorized the acquisition of 5.76 acres, located in the 4600 block of Home Avenue in the community of City Heights, for park purposes.

City Charter Section 55 mandates protection of dedicated park, recreation and cemeteries against any other use other than for park, recreation, and cemetery purposes without a two-thirds (2/3) vote of the qualified electorate. Council Policy 700-17, Policy on dedication and designation of park lands, mandates that all land acquired for resource-based or population-based park and open space purposes shall be dedicated by ordinance, pursuant to Charter Section 55 of the Municipal Code. The Council Policy outlines the process for dedication or designation of park and open space lands, and the criteria by which land should be considered for dedication or designation. Specifically, the following affirmative conditions must exist prior to dedication of park land:

- 1) The Park Service District appears to contain no other alternative park site; and
- 2) The population has reached the population minimum stated in the City's Progress Guide and General Plan; and
- 3) The Park and Recreation Board, City Manager and/or City Council has determined that there are no unusual circumstances which indicate dedication consideration should be deferred.

In accordance with Charter Section 55 and Council Policy 700-17, on September 18, 2003, the Park and Recreation Board reviewed the subject park site to determine whether it meets the criteria for dedication. The Park and Recreation Board determined that the proposed park site meets these criteria and has recommended dedication by City Council.

This action does not name the park in order to permit flexibility in naming the park in the future. Therefore, this property is referred to as Home Avenue Park Site and Home Avenue APN: 476-581-02-00.

FISCAL IMPACT:

None. This action is concerned only with dedicating City park land.

Herring/Oppenheim/AP

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

* ITEM-53: Exempting One Program Manager Position from the Classified Service for the Water Department.

(See memorandums from Rich Snapper dated 10/23/2003 and 10/10/2003.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2004-62) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 13, 2004

Introduction of an Ordinance exempting the position of Program Manager from the classified service for the Water Department and declaring it to be in the unclassified service of the City of San Diego, pursuant to San Diego Charter Section 117(a)17.

CITY MANAGER SUPPORTING INFORMATION:

The City Council adopted the Water Department's budget for Fiscal Year 2004, the new budget included the addition of a Deputy Director position for coordination of the Community Forest Initiative and water conservation measures attributed to the planting of trees in the City of San Diego. On October 16, 2003, the Civil Service Commission reviewed a request to exempt a Program Manager position from the classified service and voted unanimously to support the exemption of the position.

FISCAL IMPACT:

The total estimated fiscal impact is \$145,613 as reflected in the Council approved Fiscal Year 2004 Water Department budget.

Mendes/Gardner/PM

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

* ITEM-54: Amending the San Diego Municipal Code Relating to Installation of Fire Sprinklers in High-Rise Buildings.

(See City Manager Report CMR-03-249. Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2004-78 Cor. Copy) INTRODUCED, TO BE ADOPTED ON
TUESDAY, JANUARY 13, 2004

Amending Chapter 5, Article 5, Division 10 of the San Diego Municipal Code by amending, Section 55.1003, pertaining to Fire Protection and Prevention.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE. Second by Peters. Passed by the following vote: Peters-yea, Zuchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-100: Approving the Plans and Specifications and Inviting Bids for the Construction of Otay Mesa/Nestor Branch Library.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-627) ADOPTED AS RESOLUTION R-298683

Approving the plans and specifications for the Construction of the Otay Mesa/Nestor Branch Library (Project) on Work Order No. 350870;

Authorizing the City Manager to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$2,600,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$995,000 from CDBG Fund No. 18538 to CIP-35-087.0, Otay Mesa/Nestor Branch Library;

Authorizing the City Auditor and Comptroller to transfer \$30,000 from Deferred Maintenance Fund 10523 to CIP-35-087.0, Otay Mesa/Nestor Branch Library;

Authorizing the expenditure of an amount not to exceed \$2,600,000 from CIP-35-087.0, Otay Mesa/Nestor Branch Library, Fund 30244 and Fund 18538, solely and exclusively, 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 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. (BID-K031538C)

CITY MANAGER SUPPORTING INFORMATION:

The existing Otay Nestor Branch Library located at 3003 Coronado Ave., was built in 1985. The Otay Mesa/East Branch Library will not be constructed until the population levels in the Community reaches approximately 18,000 persons. The expansion of the Otay Mesa/Nestor will minimize impacts on neighboring community facilities and provide initial service to the Otay Mesa community.

The project consists of renovation and repair of the existing 10,000 sq. ft. library and the design and construction of a 5,000 sq. ft. expansion that will accommodate the additional program requirements for the facility, and to provide more space to serve this growing community. The program will include a computer lab, expanded book stacks, a 150 seat multi-purpose meeting room, a seminar room, a new front desk/reception area, branch manager's office and expanded support facilities such as staff and public restrooms, and a new mechanical room. This project also provides additional parking for the new facility by reconfiguring the existing lot and expanding it where possible.

FISCAL IMPACT:

The total project cost is estimated at \$3,163,500, funds are available in CIP-35-087.0, Otay Mesa/Nestor Branch Library.

Loveland/Belock/AO

Aud. Cert. 2400534.

FILE LOCATION: CONT – Echo Pacific Construction; W. O. 350870

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

ITEM-101: Approving the Plans and Specifications and Inviting Bids for the Construction of Rubberized Emulsion Aggregate Slurry Coating of Various Streets City Wide, Group S-8.

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-611) RETURNED TO THE CITY MANAGER

Approving the plans and specifications for the construction of Rubberized Emulsion Aggregate Slurry Coating of Various Streets City Wide, Group S-8 (Project) on Work Order No. 576510;

Authorizing the City Manager, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$1,582,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of a total amount not to exceed \$1,680,875 from Street Division Operating Fund No. 10440, 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 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. (BID-K041662C)

CITY MANAGER SUPPORTING INFORMATION:

This Slurry Seal contract is part of the City's annual street maintenance program. Slurry Seal is a pavement surface treatment applied as part of a comprehensive pavement maintenance program. It is used on streets which are in good condition to protect them from deterioration. The Street Division uses Rubberized Emulsion Aggregate Slurry (REAS). This type of Slurry Seal coating lasts longer, resists damage better from water /rain, and stays black in color longer. Slurry Sealing, when used in a timely manner can be very effective in reducing the need for later more expensive pavement repairs.

The proposed contract provides for the sealing of approximately 55 miles throughout the city. Locations for Slurry Seal coating are chosen through the use of annual surveys, and the City's Pavement Management System, using the following criteria: age, oxidation, cracking, and amount of traffic carried. Based on these criteria, a preliminary list of locations has been identified. However, in an effort to coordinate with underground utility work, the list of locations for this project will not be finalized until just prior to the start of the contract. Construction is expected to begin in February of 2004, and will take approximately two months. The Mayor and Council will be provided with the final list of streets as soon as it is available.

In addition to the construction contract of \$1,582,000, the following costs will be funded by the Street Division Operating Fund: \$27,985 for Design, \$27,385 for Project Management, \$19,775 for Inspection, and \$23,730 for Work by City Forces.

FISCAL IMPACT:

Funds for this \$1,582,000 Construction Contract are available in the Street Division Operating Fund 10440. \$98,875 for city forces work associated with this contract is also budgeted in the Street Division Operating Fund 10440.

Loveland/Gonzales/MMW

Aud. Cert. 2400468.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:39 p.m. – 2:40 p.m.)

ITEM-102: Approving the Plans and Specifications and Inviting Bids for the Construction of Resurfacing Various Streets City Wide Group R-7.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-609) RETURNED TO THE CITY MANAGER

Approving the plans and specifications for the construction of Resurfacing Various Streets City Wide Group R-7 (Project) on Work Order No. 576510;

Authorizing the City Manager, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$2,578,760, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing an increase in the amount of \$1,821,938 in the Fiscal Year 2004 CIP budget in CIP-59-001.0, Resurfacing Various Streets, of which \$1,789,178 is in Street Division Resurfacing Fund No. 104402, \$21,216 is in Municipal Sewer Fund No. 41506, and \$11,544 is in Water Fund No. 41500;

Authorizing the City Auditor and Comptroller to appropriate and expend \$1,821,938 from CIP-59-001.0, Resurfacing of City Streets for the purpose of funding this contract and related expenses, of which \$1,789,178 is in Street Division Resurfacing Fund No. 104402, \$21,216 is in Municipal Sewer Fund No. 41506 and \$11,544 is in Water Fund No. 41500, contingent upon the City Auditor and Comptroller first certifying that the funds are available;

Authorizing the expenditure of a total amount not to exceed \$2,821,938, of which \$1,821,938 is from CIP-59-001.0, Resurfacing of Various Streets and \$1,000,000 is from TransNet Fund No. 30300, solely and exclusively, 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 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. (BID-K041827C)

CITY MANAGER SUPPORTING INFORMATION:

This resurfacing contract is part of the City's annual street maintenance program. It provides for the repair and resurfacing of approximately 13 miles of asphalt streets citywide. Locations for resurfacing are chosen through the city's pavement management system, using the following criteria: age, oxidation, cracking, amount of patching, amount of traffic, and avoiding conflict with planned underground utility work. Failed areas of the pavement will be removed and repaired prior to resurfacing. The contract continues to require that asphalt adjacent to curbs and gutters is ground down prior to resurfacing to maintain current curb height and proper drainage. Approximately 5,300 tons of asphalt will be removed and recycled for use in later street maintenance activities. Also, included in this contract is the installation of curb ramps. Curb ramps will be placed at affected locations in accordance with ADA requirements.

Based on the above criteria, a preliminary list of locations to be resurfaced has been identified. However, in an effort to coordinate with underground utility work the list of locations for this project will not be finalized until just prior to the start of the contract. The Mayor and Council will be provided with a final list of streets as soon as it is available. Construction for this project is expected to begin in February 2004, and take approximately 3 months to complete. In addition to the construction contract of \$2,578,760, the following costs will be funded by the Street Division Operating Fund: Design=\$44,811; Project Management=\$43,823; Contract Inspection=\$44,824; Materials Testing & Surveying=\$61,997; City Forces=\$47,723, and are not a part of the construction contract.

FISCAL IMPACT:

Funds for this \$2,578,760 construction contract are available as follows: 1,789,178 from the Street Division Resurfacing Fund 104402, \$1,000,000 from CIP-59-001.0 Annual Allocation to be funded by TransNet Fund 30300, \$21,216 from Sewer Revenue Fund 41506, and \$11,544 from Water Department Fund 41500.

Loveland/Gonzalez/MMW

Aud. Cert. 2400521.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:39 p.m. – 2:40 p.m.)

ITEM-103: Approving the Plans and Specifications and Inviting Bids for the Construction of Replacement of Damaged Sidewalk, Curb/Gutter City Wide Group C-24.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-608) RETURNED TO THE CITY MANAGER

Approving the plans and specifications for the construction of Replacement of Damaged Sidewalk, Curb/Gutter City Wide Group C-24 (Project) on Work Order No. 590020;

Authorizing the City Manager, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$247,823, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing an increase in the amount of \$56,007 in the Fiscal Year 2004 CIP budget in CIP-59-002.0, Sidewalks-Replacement and Reconstruction, in Street Division Resurfacing Fund No. 104402;

Authorizing the expenditure of a total amount not to exceed \$303,830 from CIP-59-002.0, Sidewalks-Replacement and Reconstruction, from TransNet Fund No. 30300 (\$247,823) and Street Division Resurfacing Fund No. 104402 (\$56,007), solely and exclusively, 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 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. (BID-K041778C)

CITY MANAGER SUPPORTING INFORMATION:

This action will provide for the replacement of damaged concrete hard scape surfaces in all Council Districts. The Street Division maintains over 5,000 miles of sidewalks. Specific sidewalk and curb/gutter locations for this project were selected from the Street Division's general concrete repair backlog for non-tree root damaged sites. Locations which need repair are reported by City personnel, and/or residents. Street Division uses the following factors to

identify and prioritize repair locations for both contractual services and City force work: the severity of the damage, the age of the request, other repair projects occurring at the same location, and utility conflicts. While the severity of the damage and the age of the request are the highest priorities, if best management practices dictate grouping jobs in the same geographic area, that course of action will be considered regardless of the age of the request. Damage rating factors from 1 to 4, with "1" being extensive damage to the right-of-way, "2" moderate, "3" routine, and "4" minimal damage, are also applied and considered in the prioritization.

It is projected that 121 locations will be completed by this contract. Locations to be repaired include sidewalks, curbs/gutters, cross gutters, bus pads and curb ramps throughout the city.

In addition to the amount of the construction contract, additional costs will be paid by the Street Division Operating Fund as follows: Design and Project Management=\$32,464, Inspection=\$23,543.

FISCAL IMPACT:

Funds for this \$247,823 Construction Contract are available in CIP-59-002.0 Sidewalks - Replacement and Reconstruction, in TransNet Fund 30300. \$56,007 for City Forces work associated with this contract is available in Street Division Resurfacing Fund 104402.

Loveland/Gonzalez/MMW

Aud. Cert. 2400520.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:39 p.m. – 2:40 p.m.)

ITEM-104: Approving the Plans and Specifications and Inviting Bids for the Construction of Replacement of Tree Root Damaged Sidewalk, Curb/Gutter City Wide Group C-25.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-607) RETURNED TO THE CITY MANAGER

Approving the plans and specifications for the construction of Replacement of Tree Root Damaged Sidewalk and Curb/Gutter City Wide Group C-25 (Project) on Work Order No. 576510;

Authorizing the City Manager, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$350,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing an increase of \$428,750 in the Fiscal Year 2004 Capital Improvements Program Budget in CIP-59-002.0, Sidewalks-Replacement and Reconstruction, in Street Division Resurfacing Fund No. 104402;

Authorizing the expenditure of a total amount not to exceed \$428,750 from CIP-59-002.0, Sidewalks-Replacement and Reconstruction, in Street Division Resurfacing Fund No. 104402, solely and exclusively, 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 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. (BID-K041664C)

CITY MANAGER SUPPORTING INFORMATION:

This action will provide for the replacement of damaged concrete hard scape surfaces in all Council Districts. These locations involve the repair of sidewalks which have been damaged by parkway trees. The Street Division maintains over 5,000 miles of sidewalks. Specific sidewalk and curb/gutter locations for this project were selected from the Street Division's concrete repair backlog for tree root damaged sites. Locations which need repair are reported by City personnel and/or residents. Street Division uses the following factors to identify and prioritize repair location for both contractual services and City force work: the severity of the damage, the age of the request, other repair projects occurring at the same location, and utility conflicts. While the severity of the damage and the age of request are the highest priorities, if best management practices dictate grouping jobs in the same geographic area, that course of action will be considered regardless of the age of the request. Damage rating factors from 1 to 4, with "1" being extensive damage to the right-of-way, "2" moderate, "3" routine, and "4" minimal damage, are applied and considered in the prioritization.

It is projected that 224 City-wide locations will be completed by this contract. These proposed locations are sites which involve sidewalk, curb repairs, and pedestrian ramp installations.

In addition to the amount of the construction contract, additional costs will be paid by the Street Division Operating fund as follows: Design and Project Management=\$49,000, Inspection=\$29,750.

FISCAL IMPACT:

Funds for this \$350,000 Construction Contract are available in Street Division Resurfacing Fund 104402. \$78,750 for City Forces work associated with this contract is available in Street Division Resurfacing Fund 104402.

Loveland/Gonzalez/MMW

Aud. Cert. 2400514.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:39 p.m. – 2:40 p.m.)

* ITEM-105: Approving the Plans and Specifications and Inviting Bids for the Construction of Replacement of Tree Root Damaged Sidewalk Group C-26.

(District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-610) ADOPTED AS RESOLUTION R-298684

Approving the plans and specifications for the construction of Replacement of Tree Root Damaged Sidewalk Group C-26 (Project) on Work Order No. 576510;

Authorizing the City Manager, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$412,500, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to reprogram funding within Section 108 Loan (Fund 18521) by reprogramming \$544,000 from CIP-52-336.0, District Three 75/25 Sidewalk Program, to Fund 18521, CIP-59-002.0, Sidewalks - Replacement and Reconstruction, for contract and administrative expenses related to "Replacement of Tree Root Damaged Sidewalk Group C-26";

Authorizing the expenditure of a total amount not to exceed \$544,000 from Fund No. 18521, CIP-59-002.0, Sidewalks - Replacement and Reconstruction, solely and exclusively, 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 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. (BID-K041944C)

CITY MANAGER SUPPORTING INFORMATION:

This action will provide for the replacement of concrete sidewalks in Council District 3 which have been damaged by parkway trees. Council District 3 applied for and received a HUD 108 loan in FY 2003 and has designated \$544,000 to fund this repair project. Locations for the project were selected from Street Division's concrete repair backlog, along with citizen requests and input from the Council Office. The repair sites meet eligibility requirements as established by the Federal Government for Community Development Block Grants. It is projected that 266 locations in Council District 3 will be completed by this contract.

\$544,000 is being reprogrammed from CIP-52-336.0, Council District 3 75/25 Sidewalk Program, for the purpose of funding this construction contract and the preparatory root pruning work which is required. In addition to the amount of the construction contract and preparatory root pruning work, project administration costs are as follows: Design and Project Management=\$38,000, Inspection=\$13,500.

FISCAL IMPACT:

Funds for this \$412,500 Construction Contract and \$131,500 for the preparatory root pruning work and project administration are available in Fund 18521, Section 108 Public Improvements. CIP-59-002.0, Sidewalks - Replacement and Reconstruction.

Loveland/Gonzalez/MMW

Aud. Cert. 2400528.

FILE LOCATION: CONT – Portillo Concrete, Inc.; W. O. 576510

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

ITEM-106: Awarding of Contract to KME Fire Apparatus for Lease Purchase of One (1) Heavy Rescue Apparatus, Four (4) Wildland Fire Engines, and One (1) Hazmat Apparatus per Bid 6268-04-Q, Sections 2, 3, and 4 on Behalf of Fire Rescue Department.

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-595) ADOPTED AS RESOLUTION R-298685

Awarding contracts to KME Fire Apparatus, Ontario, CA, for the lease purchase of one Heavy Rescue Apparatus and one Hazmat Apparatus per Bid No. 6268-04-Q, Sections 2 and 4, respectively, for an estimated cost of \$1,404,600 (including tax), terms net thirty days; accepting the low and responsive bid meeting specifications of Pierce Manufacturing, Inc. Appleton, WI, for the lease purchase of four Wildland Fire Engines per Bid No. 6268-04-Q, Section 3, for an estimated cost of \$1,464,400 (including tax), terms \$500 net twenty days;

Authorizing the City Manager to finance this acquisition under the Equipment and Vehicle Financing Program over a period of seven years;

Authorizing the estimated Fiscal Year 2005 expenditure of \$181,000 from Fund No. 100, Department No. 120, Organization No. 2252, Object Account No. 6029, and Job Order No. 5700, solely and exclusively, for cash payment of sales tax for said contracts, pending approval of the Fiscal Year 2005 Budget by the Mayor and City Council and the issuance of an Auditor’s Certificate;

Authorizing the estimated Fiscal Year 2005 expenditure of \$192,000 from Fund No. 100, Department No. 120, Organization No. 2252, Object Account No. 6019, and Job Order No. 5700, solely and exclusively, for the FY 2005 lease payments

under said contracts, subject to approval of the FY 2005 Budget by the Mayor and City Council and the issuance of an Auditor's Certificate;

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

CITY MANAGER SUPPORTING INFORMATION:

City Council approval is required to award a contract for the lease purchase of one (1) Heavy Rescue Apparatus, and one (1) Hazmat Apparatus per Bid No. 6268-04-Q, Sections 2 and 4, respectively, to the low, responsive and responsible Bidder meeting specifications, KME Fire Apparatus, Ontario, CA, for an estimated cost of \$1,404,600 (including tax), terms net thirty (30) days and four (4) Wildland Fire Engines per Bid No. 6268-04-Q, Section 3, to the low, responsive, and responsible bidder meeting specifications, Pierce Manufacturing, Inc., Appleton, WI, for an estimated cost of \$1,464,400 (including tax), terms \$500, net twenty (20) days, using the City's Equipment and Vehicle Financing Program, for a total estimated cost of \$2,869,000.

Heavy Rescue: This apparatus is the City's only special rescue vehicle. It carries tools not found on other Fire apparatus and is staffed by personnel with extensive training and experience in a wide variety of unique rescue scenarios. The apparatus is located in the downtown area and responds to city-wide rescue emergencies, from the border to the Del Mar and Escondido boundaries. It also responds to high rise structure fires in the downtown area. This apparatus will replace the current 1992 apparatus.

Wildland: These apparatus are especially designed for off-road operations. They carry a unique hose compliment that is designed for extended hose lays on wildland emergencies. They have the ability to pump water while they are moving. These apparatus routinely respond to wildland fires throughout San Diego and neighboring counties. They will provide for protected interior seating for the crew of four (4). They will replace four (4) apparatus that were constructed in 1978 and have unsafe external seating for two (2) crew members.

Hazmat: This apparatus is designed to provide the specialty needs for the City's Hazardous Materials team. This team supports the entire County of San Diego. The apparatus carries a library of references and research methods to abate various chemical, radiological, and biological emergencies. It has a small laboratory and storage space for the required personnel protective equipment. This apparatus replaces the City's current Hazmat 2, that was constructed in 1984.

Sixteen (16) potential bidders were contacted, nine (9) of which attended the mandatory pre-bid conference. Five (5) bids were received on September 5, 2003 per the tabulation. The recommendation is to award the contract to two (2) vendors: Sections 2 and 4 to KME Fire Apparatus, Ontario, CA, the low, responsive, and responsible bidder meeting specifications for a purchase price, including tax and terms, of \$1,230,548.10; and Section 3 to Pierce

Manufacturing, Inc., Appleton, WI, the low, responsive, and responsible bidder meeting specifications for a purchase price, including tax and terms, of \$1,282,798.19. The combined purchase price, including tax and terms, is \$2,513,346.29.

FISCAL IMPACT:

It is proposed that the acquisition be financed using the City's Equipment and Vehicle Financing Program. For Fiscal Year 2005, the estimated payment for sales tax is \$181,000 and the estimated lease payment is \$192,000 pending approval of the Fiscal Year 2005 Budget by the Mayor and City Council. For Fiscal Year 2006 through Fiscal Year 2011, the estimated lease payment is \$384,000, and for Fiscal Year 2012, the estimated lease payment is \$192,000. The total estimated lease purchase cost is \$2,869,000, including tax.

Loveland/Baldwin/WR

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Time duration: 5:05 p.m. – 5:10 p.m.)

MOTION BY MAIENSCHIN 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-not present, Mayor Murphy-yea.

* ITEM-107: Awarding a Contract to Southwest Traffic Signal Service, Inc. for the Construction of Traffic Signal Improvements at Various Locations.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-578) ADOPTED AS RESOLUTION R-298686

Awarding a contract to Southwest Traffic Signal Service, Inc. (Contractor), for the construction of Traffic Signal Improvements at Various Locations, for no less than \$50,000 and no more than \$1,000,000 annually, for the period between December 1, 2003, and November 30, 2004, renewable for one additional year thereafter;

Authorizing the City Auditor and Comptroller to expend an amount not less than \$50,000 and not greater than \$1,000,000 from TransNet Funds, through

CIP-62-002.0, Construction of Traffic Signal Improvements at Various Locations, solely and exclusively, for the purpose of construction of the Project Contract, 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-62-002.0, Construction of Traffic Signal Improvements at Various Locations.

CITY MANAGER SUPPORTING INFORMATION:

Traffic signal 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 traffic signal improvement projects are disadvantaged by the process that is suited for more complex improvement 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 traffic signal improvement project can be constructed within six to nine months of the initial site visit.

The City opened bids on November 6, 2003. The bid proposal consisted of 88 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 five weeks. 5 bid packages went out and 1 complete and acceptable bid package was received at bid opening. Southwest Traffic Signal, Inc. was low bidder.

FISCAL IMPACT:

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

Loveland/Belock/PB

Aud. Cert. 2400549.

FILE LOCATION: CONT-Southwest Traffic Signal Services, Inc.

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

* ITEM-108: Awarding a Contract to Southwest Traffic Signal Service, Inc., for the As-Needed Construction of Street Lighting at Various Locations.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-577) ADOPTED AS RESOLUTION R-298687

Awarding the General Requirements Contract for the construction of Street Lighting at Various Locations to Southwest Traffic Signal Service, Inc., (Contractor), for no less than \$50,000 and no more than \$1,000,000 annually, for the period between December 15, 2003, and December 14, 2004, renewable for one additional year thereafter;

Authorizing the City Auditor and Comptroller to expend an amount not less than \$50,000 and not more than \$1,000,000 from TransNet Funds, through CIP-52-293.0, installation of street lights at various locations, solely and exclusively, for the purpose of the Project Contract, provided that the City Auditor and Comptroller first furnishes a certificate certifying that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon the 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-52-293.0, installation of street lights at various locations.

CITY MANAGER SUPPORTING INFORMATION:

Street lighting 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 street light projects are disadvantaged by the process that is suited for more complex improvement 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 street lighting project can be constructed within six months of the initial site visit.

The City opened bids on November 4, 2003. The bid proposal consisted of 40 separate items of work, with 3 bids for each item depending on a whether labor rates were Federal prevailing wage, State of California prevailing wage, or non-prevailing wage. The project was advertised for four weeks. 8 bid packages went out and 4 complete and acceptable bid packages were received at bid opening. Southwest Traffic Signal Service, Inc. was low bidder followed by Tri-Group Construction and A.B. Hashmi.

FISCAL IMPACT:

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

Loveland/Belock/PB

Aud. Cert. 2400550.

FILE LOCATION: CONT-Southwest Traffic Signal Services, Inc.

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

* ITEM-109: Carmel Valley Linear Park – San Diego Gas & Electric Easement.

(Carmel Valley Community Area. District-1.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-587) ADOPTED AS RESOLUTION R-298688

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$66,000 from Fund 79002 "Carmel Valley North FBA" to CIP-29-843.0 "Carmel Valley Linear Park - SDG&E Easement;"

Authorizing the expenditure not to exceed \$502,000 from CIP-29-843.0 "Carmel Valley Linear Park - SDG&E Easement," Fund No. 79002 - Carmel Valley North FBA, solely and exclusively, to provide funds for preliminary engineering and design of the Carmel Valley Linear Park - SDG&E Easement;

Authorizing the City Manager to process either an amendment or an update to the Carmel Valley Public Facilities Financing Plan, reflecting an increase in project costs of \$66,000 in Fiscal Year 2004, for CIP-29-843.0 "Carmel Valley Linear Park - SDG&E Easement;"

Authorizing the City Manager to increase the Fiscal Year 2004 Capital Improvements Program budget by \$66,000 in CIP-29-843.0, "Carmel Valley Linear Park - SDG&E Easement;"

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

CITY MANAGER SUPPORTING INFORMATION:

This action will consist of consulting San Diego Gas & Electric in providing engineering design for converting approximately 1.3 miles of existing overhead transmission lines to underground along the existing San Diego Gas & Electric Easement through Carmel Valley as the first phase of the creation of the Carmel Valley Linear Park.

The Carmel Valley Linear Park project will create a pedestrian parkway and trail system in the existing San Diego Gas and Electric Easement from Torrey Highlands Park to State Route 56 which will include the removal of the overhead utility lines.

FISCAL IMPACT:

The funds for the engineering design for under-grounding existing transmission lines for Carmel Valley Linear Park-San Diego Gas & Electric Easement is available through CIP-29-843.0 "Carmel Valley Linear Park - SDG&E Easement" Fund No. 79002 "Carmel Valley North FBA".

Loveland/Belock/AO

Aud. Cert. 2400547.

FILE LOCATION: DEED F-9630

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

* ITEM-110: Appropriation of Funds in Underground Storage Tank (UST) – CIP-33-084.0.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-568) ADOPTED AS RESOLUTION R-298689

Authorizing and directing the City Auditor and Comptroller, in accordance with the 2004 Appropriation Ordinance, to amend the Capital Improvement Program budget for Fiscal Year 2004 to increase CIP-33-084.0, Underground Hazardous Materials Storage Tanks, by the amount of \$1,153,300;

Authorizing the City Auditor and Comptroller to transfer and appropriate the amount of \$1,153,300 as follows: \$53,300 from CIP Construction Fund No. 30244, CIP-32-021.0, Environmental Services Department Operations Yard Improvements; and \$1,100,000 from Water Utility Fund 41500, CIP-75-936.0, Aquifer Protection Program to CIP-33-084.0, Underground Hazardous Materials Storage Tanks, for the purpose of capturing all funds for the City's Underground Storage Tank Program in the appropriate CIP;

Authorizing the expenditure of an amount not to exceed \$1,153,300 from CIP Construction Fund No. 30244, CIP-33-084.0, Underground Hazardous Materials Storage Tanks, solely and exclusively, to provide funds for the City's Underground Storage Tank Program.

CITY MANAGER SUPPORTING INFORMATION:

In Fiscal Year 2003, the Underground Storage Tank Program received an allocation of \$1,100,000 from the Water Fund 41500, as part of companion CIP-75-936.0, Aquifer Protection Program (Program). The Program provides for the protection of the City's aquifer system through various improvements, including the removal, installation, closure, site assessment and mitigation, replacement, testing, and rehabilitation of existing underground storage tanks.

The proposed resolution will transfer \$1,100,000 from the Aquifer Protection Program CIP-75-936.0 and \$53,300 from the Environmental Services Department Operations Yard Improvements CIP-32-021.0 and into the Underground Hazardous Materials Storage Tank CIP-33-084.0, within Fund 30244, CIP Construction Fund. The purpose of this action is to capture all funds in the appropriate CIP-33-084.0.

FISCAL IMPACT:

This request is for \$1,153,300, which is available within the CIP Construction Fund, 30244, in CIP-33-084.0 (\$53,300) and Water Utility Fund 41500 in CIP-75-936.0. The funding will be used for Underground Storage Tank (UST) Projects involving the removal and upgrades of USTs and the installation of aboveground storage tanks.

Loveland/Hays/CH

Aud. Cert. 2400558.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

ITEM-111: Three actions related to Agreements for the Exclusive Use of the Qualcomm Stadium Parking Lot.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-582) ADOPTED WITH DIRECTION AS RESOLUTION
R-298690

Authorizing the City Manager to execute a three-year agreement with La Mesa RV Center, Inc., to conduct recreational vehicle sales in the Qualcomm Stadium Parking Lot.

Subitem-B: (R-2004-583) ADOPTED WITH DIRECTION AS RESOLUTION
R-298691

Authorizing the City Manager to execute a three-year agreement with Show Biz Productions, Inc., to conduct home and garden shows in the Qualcomm Stadium Parking Lot.

Subitem-C: (R-2004-584) ADOPTED WITH DIRECTION AS RESOLUTION
R-298692

Authorizing the City Manager to execute a three-year agreement with San Diego Auto Connection, to conduct used and new car sales in the Qualcomm Stadium Parking Lot.

CITY MANAGER SUPPORTING INFORMATION:

On August 8, 2003 a Request for Proposals (RFP) was issued to obtain proposals from organizations to conduct a wide variety of events in the Qualcomm Stadium Parking Lot. Exclusive rights would be given for a three year period (January 1, 2004 - Dec. 31, 2006) to those proposals that maximized the economic return to the Stadium. A total of 13 proposals were received in the following categories: 7 automobile sales; 1 recreational vehicles sales; 1 home show sale; 1 auto swap meet; 1 swap meet and farmers market; 1 auto racing; and 1 music and car show event. A committee consisting of Stadium management and members of the Qualcomm Stadium Advisory Board evaluated the proposals and conducted interviews with some of the proposers. Based on this evaluation, the committee recommended that exclusive rights be given in three categories: San Diego Auto Connection, for 5 used car and 2 new car auto sales; La Mesa RV Centers, Inc., for recreational vehicle sales and Show Biz Productions, Inc., for home and garden shows.

The selection of the car sale organization was the most difficult. Although, Tent Sales Management, Inc., the current organization for the last six years has done an outstanding job, their bid of \$170,000 per year, was the lowest bid received. San Diego Auto Connection's bid of \$391,000/year for 5 used car and 2 new car auto sales offers the greatest economic return for the number of events to be held. Although, there were higher bids from San Diego Auto Connection, the Selection Committee did not go with the higher bids because it would require scheduling additional car sales, which would reduce the flexibility to bring additional events inside the Stadium. San Diego Auto Connection has over 13 years of experience in conducting auto sales and has received good recommendations from other venues where they have conducted sales. La Mesa RV Center, Inc. has conducted RV sales for over 20 years at Qualcomm Stadium through a promoter and has put on good sales. Show Biz Productions, Inc. will bring two home and garden shows to the parking lot and this company has ideas for other events. It should be mentioned that organizations not selected in other categories (i. e. Auto Swap Meet and Flea Markets etc.), will still be given the opportunity to schedule events, but not on an exclusive basis. The Qualcomm Stadium Advisory Board at their October 2, 2003 meeting recommended approval of these three agreements.

FISCAL IMPACT:

The Stadium will receive total guaranteed annual revenues of \$508,000 from these three events. In addition, in accordance with the agreements, these organizations are required to pay all Stadium and City expenses associated with the events.

Herring/Wilson/SMS

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Time duration: 3:18 p.m. – 3:35 p.m.)

MOTION BY ZUCCHET TO ADOPT THE RESOLUTIONS WITH DIRECTION TO STAFF TO PROVIDE A REPORT AFTER ONE YEAR COMPARING THE RESULTS IN NUMBER OF SALES, TAX REVENUES, AND OTHER RELATED IMPACTS BETWEEN THE NEW AND PREVIOUS CONTRACTS. 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-112: Cooperative Agreement with Caltrans for Construction at the State Route 56/Camino Del Sur Interchange.

(Torrey Highlands Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-626) ADOPTED AS RESOLUTION R-298693

Authorizing the City Manager to execute a Cooperative Agreement with the California Department of Transportation, for construction of the westbound on ramp, auxiliary lanes, and eastbound off ramp at the State Route 56/Camino del Sur Interchange;

Authorizing a \$1,700,000 increase to CIP-52-463.0, from Fund 79015 in the FY 2004 Capital Improvement Program Budget;

Authorizing the City Auditor and Comptroller to reduce the appropriation from Fund 79015 for CIP-52-725.0 from \$9,715,000 to \$6,215,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$5,200,000 from Fund No. 79015, for construction of CIP-52-463.0.;

Authorizing the City Manager to process an amendment to the Torrey Highlands Public Facilities Financing Plan by adding funds to total \$5,200,000, for CIP-52-463.0 in Fiscal Year 2004.

CITY MANAGER SUPPORTING INFORMATION:

City of San Diego and Caltrans staff have been working towards completing the construction of the Camino Del Sur Interchange as part of the State Route 56 project. In December 2002 the City of San Diego and Caltrans entered into a Cooperative Agreement to authorize Caltrans to design the westbound on ramp and auxiliary lane from Camino Del Sur to State Route 56 and the auxiliary lane and eastbound off ramp from State Route 56 to Camino Del Sur.

A construction Cooperative Agreement is now required to authorize the expenditure of \$5,000,000 to Caltrans for the construction of the westbound on ramp, auxiliary lanes and eastbound off ramp. Caltrans has estimated that constructing the on and off ramps and auxiliary lanes with the current construction of State Route 56 will save approximately \$2,200,000.

FISCAL IMPACT:

The \$5,200,000 of Torrey Highlands Facilities Benefit Assessment Funds will be transferred to CIP-52-643.0, State Route 56 - Carmel Valley Road to Black Mountain Road. The Cooperative Agreement makes the City of San Diego responsible to fund 100% of all costs associated with construction of the on and off ramp and auxiliary lanes.

Loveland/Belock/PB

Aud. Cert. 2400539.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

* ITEM-113: Agreement with Emerson for the Continuing Maintenance Services on Hardware and Software for the COMNET System.

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-629) ADOPTED AS RESOLUTION R-298694

Authorizing the City Manager to enter into a Phase Funded Agreement with Process Management Power and Water Solution, Inc. (Emerson) for an amount not to exceed \$5,540,152, for the continuing maintenance services on the COMNET system;

Authorizing the expenditure of an amount not to exceed \$5,540,152, for the purpose of funding the above referenced agreement in the following manner:

Phase Funding	IOS Div - Metro Fund 41509 Dept 777	IOS Div – Muni Fund 41506 Dept 776	WWC Div – Muni Fund 41506 Dept 773	Proposed Grand Total Phase Funding
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Phase 1 (FY 2004)	525,000	225,000	50,192	800,192
Phase 2 (FY 2005)	1,190,000	510,000	100,384	1,800,384
Phase 3 (FY 2006)	1,273,000	546,000	100,384	1,919,384
Phase 4 (FY 2007)	679,000	291,000	50,192	1,020,192
Totals	\$3,667,000	\$1,572,000	\$301,152	\$5,540,152

Authorizing the City Auditor and Comptroller to fund Phase I of the Agreement in the amount of \$800,192 and that subsequent phases are contingent on the City Auditor and Comptroller first furnishing one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury and contingent upon City Council approval of the Metropolitan Wastewater Department's operating budget for the respective fiscal years;

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

MANAGER SUPPORTING INFORMATION:

On October 2, 2000, the City entered into an Agreement with Westinghouse Process Control Inc., a Fisher-Rosemount Company (Westinghouse) to provide continuing maintenance services on hardware and software previously developed by Westinghouse pursuant to the Wastewater Operations Management Network (COMNET) contract. The original document is on file in the office of the City Clerk as Document No. RR-293910. At the end of the three year agreement, City Council recommended a competitive bid process for a new three year Maintenance Service Agreement for the COMNET system. This would test the marketplace and review if any local firms were interested in bidding the contract.

Emerson Process Management Power and Water Solutions, Inc., previously known as Westinghouse, (Emerson) was the only firm to submit a bid. In their response to the request for proposal, Emerson demonstrated the technical expertise to maintain, troubleshoot, and reprogram the COMNET system for operational use and preventative maintenance. In addition, Emerson is the manufacturer of the Distributed Control System and has the knowledge to understand the existing custom system configurations and how any software or hardware changes affect each other. All maintenance, as well as As-needed Engineering Services, shall be managed and provided from Emerson's local maintenance service center located across the street from the Metro Operations Center (MOC II). This maintenance shall include hardware and software services, third-party equipment interface and maintenance, and as-needed engineering services for system modifications and fine-tuning to increase operating efficiency. The estimated total

cost for this three (3) year maintenance agreement is \$5,540,152 (FY 2004 [January 2004 - June 2004] - \$800,192; FY 2005 - \$1,800,384; FY 2006 - \$1,919,384; FY 2007 [July 2007 - December 2007] - \$1,020,192). \$4,269,000 will be funded from the Information and Organizational Support (IOS) budget on an annual basis; and \$970,000 will be funded from IOS from July 2007 to December 2007. \$250,960 will be funded from Wastewater Collection (WWCD) budget on an annual basis; and \$50,192 will be funded by WWCD between July 2007 to December 2007.

FISCAL IMPACT:

The total cost of this action is \$5,540,152. Funds are available in Sewer Fund 41509 (IOS) and Sewer Fund 41506 (WWCD), with future years allocations subject to annual appropriation by City Council.

Mendes/Tulloch/IJH

Aud. Cert. 2400553.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

* ITEM-114: Qualcomm Stadium Fee Schedule.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-585) ADOPTED AS RESOLUTION R-298695

Declaring by the City Council that the New Fees shall be revised as set forth in the Qualcomm Fee Schedule;

Authorizing the City Manager to partially waive or increase such New Fees for one-time events;

Directing the City Clerk to amend the City Ratebook to include the New Fees;

Declaring that the Fees will become effective January 1, 2004.

CITY MANAGER SUPPORTING INFORMATION:

The Qualcomm Stadium fees for renting the Stadium and special event parking were last revised on January 1, 2001. These fees are reviewed periodically to determine the appropriateness of the fees, generate additional revenues to cover increases in maintenance costs, and to keep them in line with other facilities in California. As part of the review a survey was conducted of other facilities in California. The survey indicated that Qualcomm Stadium fees are equal to, or lower to, the fees being charged by other facilities, even with the proposed increases. Of the twenty-two (22) fees on the schedule it is proposed that twelve (12) fees be increased. The following fee changes are proposed to be effective on January 1, 2004: non-profit or private event on field from \$8,500 to \$10,000/day; rental of Plaza Concourse from \$1,500 to \$2,000/day (non-profit) and \$4,000 to \$5,000/day (commercial); Parking Lot non-profit weekend from \$1,250 to \$1,500/day/quadrant; Commercial event not open to public from \$1,250 to \$1,500/day/quadrant (weekday) and \$1,500 to \$2,000/day/quadrant (weekend) and commercial open to the public \$1,500 to \$2,000/day/quadrant (weekday) \$3,500 to \$4,000/day/quadrant (weekend); no free set-up or move out days; special event parking fees inside stadium from \$7.00-\$8.00 to \$8.00-\$10.00/vehicle; parking lot event parking fees from \$3.00-\$6.00 to \$3.00-\$8.00/vehicle; and television fees for broadcasting events from \$800 to \$1,000 for the first day.

The proposed fee schedule was sent to all regular users of the Stadium and there was no opposition to the fees. At the November 6, 2003 Qualcomm Stadium Advisory Board Meeting, the Board recommended approval of the fee schedule.

FISCAL IMPACT:

The fee increases will result in approximately \$164,000 per year in additional revenues based on current use of the Stadium. It will be higher as usage increases.

Herring/Wilson/SMS

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

* ITEM-115: HUD Section 108 Loan for Camp Hope.

(See City Attorney's report dated 11/3/2003.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-612) ADOPTED AS RESOLUTION R-298696

Authorizing the City Manager, or his designee, to apply to HUD for a Section 108 loan not to exceed \$280,000, for supplies and materials related to the construction of Camp Hope and to set forth the legal authority and certifications necessary for such an application;

Authorizing the City Manager to accept such funds; to expend such funds contingent upon receipt of an Auditor's Certificate to do so; to conduct all negotiations related to the loan; and to execute and submit all documents related to the processing of such a loan;

Authorizing the City Manager to use Council Districts 1, 3, and 8 Community Development Block Grant (CDBG) annual allocations for 10 years as the source of repayment of the HUD Section 108 loan as follows: District 1, \$10,000 per year; District 3, \$10,000 per year; and District 8, \$15,000 per year beginning in FY 2005;

Authorizing the City Manager to amend the CDBG 2004 Action Plan to reflect the use of HUD Section 108 loan funds for the Camp Hope Project;

Authorizing the City Manager to pledge the City's annual CDBG entitlement grants as additional security for the repayment of the loan;

Authorizing the City Manager to pledge up to \$350,000 of the final year of CDBG funding as collateral for the HUD 108 loan, in the event of future elimination of the CDBG program by Congress; negotiate with HUD to substitute this pledge by encumbering the improvements planned for Camp Hope when such improvements have been completed, or with other suitable collateral as may be negotiated by the City Manager to satisfy the collateral requirements for the HUD 108 loan for the Camp Hope Project.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

ITEM-116: City of San Diego Assessment District No. 4096 (Piper Ranch).

(Otay Mesa Community Area. District-8.)

DEPUTY CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-622) ADOPTED AS RESOLUTION R-298697

Authorizing the issuance of not to exceed \$5,935,000 aggregate principal amount of City of San Diego Assessment District No. 4096 (Piper Ranch) Limited Obligation Improvement Bonds, approving the execution and delivery of an indenture, a Bond Purchase Agreement and a Continuing Disclosure Certificate and the preparation of an Official Statement and other matters related thereto.

DEPUTY CITY MANAGER SUPPORTING INFORMATION:

In March 24, 2003, the City Council adopted Resolution Number R-297755, which accepted a petition from Piper Ranch, LLC, to initiate special assessment proceedings for the purpose of establishing an assessment district on land located in Otay Mesa, and to Finance (through the issuance of special assessment bonds under the Improvement Bond Act of 1915) the acquisition of public improvements required in connection with development. Specifically, the assessment district, Assessment District No. 4096 (Piper Ranch)(the "Assessment District"), contemplates financing the acquisition of road (Piper Ranch Road, Air Wing Road, Aviator Road, Approach Road, and Dead Stick Road), sewer, and storm drain improvements, all of which will be owned by the City, and which will benefit property within the Assessment District. The resolution adopted on March 24, 2003 also approved the boundary map for the Assessment District, declared the intention to order the acquisition of public improvements in the Assessment District, designated NBS Government Finance Group as the Engineer of Work, and approved the Purchase and Finance Agreement between the City and Piper Ranch, LLC. On the same date, the City Council adopted Resolution Number R-297756, which approved the Preliminary

Assessment Engineer's Report, provided for the mailing of a Notice of Assessment and an Assessment Ballot to affected property owners, and set the time and place for a public hearing of protests on the proposed levy of assessments and matters set forth in the Preliminary Assessment Engineer's Report (See Report No. 03-044).

The City Council held a noticed public hearing on May 13, 2003. No protests were received by the City, or at the public hearing. The City Clerk certified that all ballot(s) cast were in favor of the levy of assessments. The City Council then adopted Resolution Number R-297952, which overruled any and all objections and protests to the assessments, approved the Assessment Engineer's Report, authorized the levy of assessments, ordered the acquisition of public improvements, and determined assessments remaining unpaid.

Today's action will: authorize the issuance of the City of San Diego Assessment District No. 4096 Limited Obligation Improvement Bonds in an aggregate principal amount not to exceed \$5,935,000; approve the form of a Bond Indenture ("Indenture"), Bond Purchase Agreement ("BPA"), Preliminary Official Statement ("POS"), Continuing Disclosure Certificate; and provide for the preparation of a final Official Statement. The Indenture is an agreement between the City and the trustee which pledges assessments to the repayment of the bonds, sets forth the terms of the bonds, and contains the responsibilities and duties of the trustee and the rights of the bondholders. The BPA is an agreement between the City and Stone & Youngberg LLC [Underwriter] for the initial purchase of the bonds. The POS is a document that describes the bond issuance to the marketplace, and the Continuing Disclosure Certificate requires the City to make secondary market disclosure on an annual basis to comply with federal securities regulations. Today's action would also authorize the Assistant City Manager, Deputy City Manager, City Treasurer, and their designees to execute and deliver the documents and take actions related to the proper sale and delivery of the bonds.

FISCAL IMPACT:

All costs related to Assessment District No. 4096 have been funded by Piper Ranch, LLC. The costs related to establishing and administering the Assessment District and financing the public facilities will ultimately be borne by owners of property within the Assessment District, through the collection of assessments, during the term that bonds remain outstanding.

Frazier/Vattimo/RLD

FILE LOCATION: STRT-D-2307 (31)

COUNCIL ACTION: (Time duration: 2:59 p.m. – 3:01 p.m.)

MOTION BY INZUNZA TO ADOPT. 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-117: Grant Application for Famosa Slough Culvert Extension Project.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-591) ADOPTED AS RESOLUTION R-298698

Authorizing the City Manager, or his representative, to apply to the California Coastal Conservancy (CCC), for the grants to provide for the completion of the Famosa Slough Culvert Extension Project, reactivating the tidal flow culvert between Famosa Slough and the Pacific Ocean beneath West Point Loma Boulevard (Project);

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

Authorizing the City Manager to accept the grants, if they are secured;

Authorizing the City Auditor and Comptroller to establish special interest-bearing funds for the grants;

Authorizing, upon receipt of fully executed grant agreements, an increase of \$219,500 to the Fiscal Year 2004 Capital Improvement Program Budget CIP-29-620.0, Famosa Slough Culvert Extension;

Authorizing the City Auditor and Comptroller, upon receipt of fully executed grant agreements, to appropriate and expend an amount not to exceed \$219,500 from CIP-29-620.0, Famosa Slough Culvert Extension, for the Project.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the Manager to secure and expend funding to complete the Famosa Slough Culvert Extension Project as identified in the Famosa Slough Enhancement Plan, November 1993.

The project reactivates the tidal flow culvert between Famosa Slough and the Pacific Ocean beneath West Point Loma Boulevard. Restoration of the culvert will allow tidal exchange to ensure sustainability of the wetland's fragile ecosystem.

In 1999, the Southern California Wetlands Recover Project (SCWRP) of the California Coastal Conservancy agreed to fund the Famosa Slough Culvert Extension and Retrofit project. City Council Resolution R-291777 adopted on June 21, 1999 authorized the Manager to apply for and accept grant funds for the project. The Coastal Conservancy has agreed to provide funding in phases for the project. This action will allow the Manager to apply for additional funding as each phase is completed as well as expend the funding to complete the current pre-construction phase of the project.

FISCAL IMPACT:

Phase 2 of the Famosa Slough Culvert Extension Project is funded with \$90,000 grant funding from the California Coastal Conservancy, of which \$70,500 was previously authorized and \$19,500 is added with this action. Funding for future phases of the project, including the \$200,000 for construction, will be requested from the Conservancy as each preceding phase is complete.

Herring/Oppenheim/AP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

* ITEM-118: Grant Applications for 2002 Resources Bond Per Capita and Roberti-Z'berg-Harris Block Grant Projects.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-621) ADOPTED AS RESOLUTION R-298699

Declaring that the City Council has reviewed, understands, and agrees with the General Provisions contained in the 2002 Resources Bond Per Capita Procedural Guide and the 2002 Resources Bond Roberti-Z'berg-Harris Block Grant contract shown in the Procedural Guide;

Declaring that the City Council certifies that projects completed with the 2002 Resources Bond Roberti-Z'berg-Harris Block Grant conform to the recreation element of the City's General Plan;

Approving the allocation of the City's portion of the 2002 Resources Bond Per Capita and Roberti Z'berg-Harris Block Grant based on the actual appropriation in the State of California Fiscal Year 2003 – 2004 budget;

Authorizing the City Auditor and Comptroller, upon receipt of fully executed grant agreement, to increase the FY 2004 Capital Improvement Program Budget of \$529,000 in CIP-29-516.0, Rancho Penasquitos Skate Park; \$280,000 in CIP-29-471.0, South Kellog Park Restroom Improvement; \$191,000 in CIP-29-585.0, Azalea Neighborhood Park – Tot Lot Upgrade; \$40,000 in CIP-29-488.0, Tecolote Nature Center – Expansion; and \$80,000 in CIP-29-589.0, Cabrillo Heights Neighborhood Park – Comfort Station;

Authorizing the City Auditor and Comptroller, upon receipt of fully executed grant agreement, to appropriate and expend \$529,000 in CIP-29-516.0, Rancho Penasquitos Skate Park; \$280,000 in CIP-29-471.0, South Kellog Park Restroom Improvement; \$191,000 in CIP-29-585.0, Azalea Neighborhood Park – Tot Lot Upgrade; \$40,000 in CIP-29-488.0, Tecolote Nature Center – Expansion; and \$80,000 in CIP-29-589.0, Cabrillo Heights Neighborhood Park – Comfort Station, for improvements.

CITY MANAGER SUPPORTING INFORMATION:

The State of California Department of Parks and Recreation administers the Per Capita and Roberti-Z'berg-Harris (RZH) Block Grant Programs under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002. The intent of the Per Capita Program is to maintain a high quality of life for California's growing population by providing a continuing investment in parks and recreational facilities through the acquisition and development of neighborhood, community, and regional parks and recreation lands and facilities in urban and rural areas. The RZH Grant Program is intended to meet the urgent need for safe, open, and accessible local park and recreational facilities for increased recreational opportunities that provide positive alternatives to social problems.

This action, in conjunction with Council Resolution R-298036 adopted on June 3, 2002, authorizes the City Manager to apply for \$11,063,430 in grant funds, appropriated by the State of California as the City of San Diego's population - based allocation from the 2002 Resources Bond. The funds can be used for acquisition of park land and capital improvements to parks. This action identifies some park sites to be improved with the funding, and future actions will request additional park sites for improvements.

FISCAL IMPACT:

The City will receive \$11,063,430 for capital improvements to parks. This action identifies \$1,420,000 in initial funding for specific projects. Future Requests for Council Action will identify additional park sites to be improved. No local matching funds are required for these grant proposals.

Herring/Oppenheim/AP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

- * ITEM-119: Grant Applications for Murray-Hayden Urban Parks and Youth Service Program (MHUPYS) – Paradise Hills Community Park Skate Park & Improvements and Bay Terraces Community Center & Joint-Use Facility.

(Skyline and Paradise Hills Community Areas. District-4.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-562) ADOPTED AS RESOLUTION R-298700

Authorizing the City Manager to apply to the State of California Murray-Hayden Urban Parks and Youth Service Program (MHUPYS) for the Grants for the Projects;

Authorizing the City Manager to take all necessary actions to secure the Grants and to negotiate and execute all agreements necessary to comply with the MHUPYS’s grant requirements;

Authorizing the City Manager to accept the Grants, if they are secured;

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

Authorizing an increase of \$1,260,000 to the Fiscal Year 2004 Capital Improvement Program Budget, CIP-29-432.0, Paradise Hills Community Park, upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$1,260,000 from CIP-29-432.0, Paradise Hills Community Park, for the aforementioned Project, upon receipt of a fully executed grant agreement;

Authorizing an increase of \$2,425,400 to the Fiscal Year 2004 Capital Improvement Program Budget, CIP-29-665.0, Bay Terraces Community Center and Joint-Use Facility, upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$2,425,400 from CIP-29-665.0, Bay Terraces Community

Center and Joint-Use Facility, for the aforementioned Project, upon receipt of a fully executed grant agreement;

Certifying that the City has, or will have, prior to commencement of work on these Projects, sufficient maintenance funds;

Declaring that City Council understands the assurances and certification in the application form;

Declaring that City Council has reviewed and understands the special and general provisions contained in the sample project agreement shown in the procedural guide.

CITY MANAGER SUPPORTING INFORMATION:

The State of California Department of Parks and Recreation administers the Murray-Hayden Urban Parks and Youth Service Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002. The intent of this program is to provide grant funding for capital projects including parks, park facilities, environmental enhancement projects, and youth centers that are within immediate proximity of neighborhoods with a critical lack of parks or deteriorated park facilities in areas with significant poverty and unemployment and shortages of services for youth. Priority is given to projects that employ neighborhood residents and at-risk youth.

This action authorizes the City Manager to submit two competitive grant proposals to the State of California Department of Parks and Recreation. Two proposals being submitted are for 1) Paradise Hills Community Park: the Development of a 10,000 square foot skate park, comfort station, office kiosk, accessible walkways, picnic tables, benches, parking lot improvements, and a 20-station exercise par course; 2) Bay Terraces Community Park: construct a 4,500 square foot community center, basketball courts, development of 2.7 acre joint-use facility with multi-purpose sports fields, and parking lot. Bay Terraces Community Park and Paradise Hills Community Park are located in a densely populated, multi-cultural community with critical shortages of recreational facilities.

FISCAL IMPACT:

Paradise Hills Community Park: Total project cost estimate is \$1,538,250. The grant request is \$1,260,000 from Murray-Hayden Urban Parks and Youth Services Program. The project currently has \$278,250 in State Grant funds allocated to the project, including FY 2001 State grant of \$246,250, Fund No. 38106, and FY 2001 State Murray-Hayden grant of \$32,000 Fund No. 38119.

Bay Terraces Community Park: Total project cost estimate is \$3,538,650. The grant request is \$2,425,400 from the Murray-Hayden Urban Parks and Youth Services Program. The project currently has \$1,113,250 in State Grant funds allocated to the project, including FY 2001 State grant of \$492,500, Fund No. 38105, FY 2002 State grant of \$147,750, Fund No. 38204; and FY 2001 State Murray Hayden grant of \$473,000, Fund No. 38107.

No local matching funds are required for these grant proposals.
Herring/Oppenheim/AP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

* ITEM-120: Urban Park Act of 2001 Competitive Grant Program Grant Applications for the 39th Street Park Development, Fox Canyon Park Acquisition and Development, and 252 Corridor Park Development Projects.

(Normal Heights, City Heights, and Southeastern San Diego Community Areas. Districts-3, 7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-620) ADOPTED AS RESOLUTION R-298701

Authorizing the City Manager, or his representative, to apply to the Urban Park Act of 2001 Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 (UPA), for the grants for 39th Street Park Development, Fox Canyon Park Acquisition and Development, and 252 Corridor Park Development (Project);

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

Authorizing the City Manager to accept the grants, if they are secured;

Authorizing the City Auditor and Comptroller to establish special interest-bearing funds for the grants;

Authorizing, upon receipt of fully executed grant agreements, an increase of \$3,000,000 to the Fiscal Year 2004 Capital Improvement Program Budget, CIP-29-702.0, Normal Heights Community Park – Development;

Authorizing the City Auditor and Comptroller, upon receipt of fully executed grant agreements, to appropriate and expend an amount not to exceed \$3,000,000 from CIP-29-702.0, Normal Heights Community Park – Development, for the Project;

Authorizing, upon receipt of fully executed grant agreements, an increase of \$3,000,000 to the Fiscal Year 2004 Capital Improvement Program Budget, CIP-29-596.0, Fox Canyon Park;

Authorizing the City Auditor and Comptroller, upon receipt of fully executed grant agreements, to appropriate and expend an amount not to exceed \$3,000,000 from CIP-29-596.0, Fox Canyon Park, for the Project;

Authorizing, upon receipt of fully executed grant agreements, an increase of \$3,000,000 to the Fiscal Year 2004 Capital Improvement Program Budget, CIP-29-458.0, 252 Corridor Park – North;

Authorizing the City Auditor and Comptroller, upon receipt of fully executed grant agreements, to appropriate and expend an amount not to exceed \$3,000,000 from CIP-29-458.0, 252 Corridor Park – North, for the Project;

Certifying that the City Council has, or will have, prior to commencement of work on these Projects, the proportional match and sufficient maintenance funds;

Declaring that the City Council has reviewed and understands the special and general provisions contained in the sample project agreement shown in the procedural guide;

Certifying that the Project conforms to the recreation element of the City's General Plan.

CITY MANAGER SUPPORTING INFORMATION:

The State of California Department of Parks and Recreation administers the Urban Park Act of 2001 Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002. The intent of this program is to provide grant funding for the acquisition and development of parks, recreation areas, and facilities in neighborhoods currently least served by park and recreation providers, to provide safe recreational opportunities for children, positive outlets for youth, the special recreational and social needs of senior citizens, and other urban population groups.

This action authorizes the City Manager to submit three competitive grant proposals to the State of California department of Parks and Recreation, for 1) Normal Heights Community Park - Development: construct a community center in the park and increase park acreage by vacation of a portion of 40th Street; 2) Fox Canyon Park: acquire property, design and construct neighborhood park; and 3) 252 Corridor Park: design and construct neighborhood park. Each of these park sites is in a park deficient neighborhood.

FISCAL IMPACT:

If the grants are secured, the City could receive up to \$9,000,000 to complete three park projects. The funding request along with funds currently appropriated to each project will completely construct proposed improvements. No additional City funds are required for these grant proposals. Matching funds proportional to each grant proposal are already appropriated to each Capital Improvement Project.

Herring/Oppenheim/AP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

* ITEM-121: Five actions related to Amendments to the Formation Procedures for the Crossroads, Barrio Logan, and North Park Project Area Committees (PACs) and Other Related Actions.

(See City Manager Report CMR-03-244. Barrio Logan Harbor 101, College Area, Mid-City, and North Park Community Areas. Districts-3, 4, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-505) ADOPTED AS RESOLUTION R-298702

Approving the proposed amendments to the Formation Procedures for the Crossroads Redevelopment Project Area Committee (PAC).

Subitem-B: (R-2004-506) ADOPTED AS RESOLUTION R-298703

Approving the proposed amendments to the Formation Procedures for the North Park Redevelopment Project Area Committee (PAC).

Subitem-C: (R-2004-504) ADOPTED AS RESOLUTION R-298704

Approving the proposed amendments to the Formation Procedures for the Barrio Logan Redevelopment Project Area Committee (PAC).

Subitem-D: (R-2004-507) ADOPTED AS RESOLUTION R-298705

Authorizing a one-year extension of the North Park Redevelopment Project Area Committee (PAC), and directing that the Redevelopment Agency Staff notice and conduct election for the Project Area Committee.

Subitem-E: (R-2004-508) ADOPTED AS RESOLUTION R-298706

Authorizing a one-year extension of the Barrio Logan Redevelopment Project Area Committee (PAC), and directing that the Redevelopment Agency Staff notice and conduct election for the Project Area Committee.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

- * ITEM-122: 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-2004-32) ADOPTED AS RESOLUTION R-298707

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

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

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

- * ITEM-123: 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-2004-519) ADOPTED AS RESOLUTION R-298708

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

FILE LOCATION: GEN'L-State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

* ITEM-124: 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-2004-523) ADOPTED AS RESOLUTION R-298709

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

CITY MANAGER'S SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

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

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

* ITEM-125: 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-2004-320) ADOPTED AS RESOLUTION R-298710

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

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

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

ITEM-126: Declaring a Continued Local Emergency Due to the October 2003 Wildfires.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-548) ADOPTED AS RESOLUTION R-298711

Declaring a Continued Local Emergency due to the October 2003 Wildfires.

FILE LOCATION: GEN'L-Local Emergency due to the October 2003 Wildfires

COUNCIL ACTION: (Time duration: 4:59 p.m. – 5:03 p.m.)

MOTION BY MAIENSCHIN 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-not present, Mayor Murphy-yea.

ITEM-150: Two actions related to Approving the Plans and Specifications and Inviting Bids for the Construction of the Sorrento Valley Trunk Sewer and Pump Station 89 and Prevailing Wage Findings.

(See memorandum from Frank Belock Jr. dated 9/15/2003. Torrey Pines, Torrey Hills, and University City Community Areas. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-150) ADOPTED AS RESOLUTION R-298712

Declaring that the City Council finds and determines that requiring the payment of prevailing wages on the Sorrento Valley Trunk Sewer & Pump Station 89 Project (Project) will provide an economic benefit as follows:

- a. Stimulate advantageous marketplace competition by providing both union and non-union contractors equal opportunity to compete for the contract;
- b. Provide a cost benefit to the public by ensuring that the project will be adequately built by a skilled labor force and minimize the occurrence of costly delays that could result from the use of an unskilled labor force; and
- c. The public benefits described above will outweigh any potential increase in costs;

Approving the plans and specifications for the construction of the Project, including the prevailing wage specification, on Work Order No. 173771;

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 in an amount not to exceed \$11,885,973, 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 \$377,054 from Sewer Fund 41506, CIP-40-928.0, South Pacific Highway Trunk Sewer – Phase II, to Sewer Fund 41506, CIP-46-197.0, Sorrento Valley Trunk Sewer and Pump Station 89, for the Project;

Authorizing the City Auditor and Comptroller to expend, solely and exclusively, an amount not to exceed \$13,756,413 from Sewer Fund 41506, of which \$12,740,518 is from CIP-46-197.0, Sorrento Valley Trunk Sewer and Pump Station 89, for construction and Project related costs, and \$1,015,895 is from Sewer Fund 41506, Annual Allocation – Pooled Contingency, for Project contingency costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K04604C)

Subitem-B: (R-2004-151) ADOPTED AS RESOLUTION R-298713

Stating for the record that the information contained in the final Mitigated Negative Declaration LDR-41-0183, including any comments received during the public review process, has been previously reviewed and considered by the Hearing Officer of the City of San Diego, and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of the construction of the Project;

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 regarding the Project.

NATURAL RESOURCES AND CULTURE COMMITTEE’S RECOMMENDATION:

On 9/24/2003, NR&C voted 3 to 0 to approve. (Councilmembers Frye, Madaffer, and Inzunza voted yea. Councilmembers Zucchet and Lewis not present.)

SUPPORTING INFORMATION:

The Sorrento Valley Trunk Sewer & Pump Station 89 are located in the Torrey Hills, Torrey Pines, and University City community areas. The existing Sorrento Valley Trunk Sewer System is approximately 50 years old and has exceeded its service life. The purpose of this project is to divert and redirect all sewage flow from the deteriorated clay pipe trunk sewer located in the

environmentally sensitive Peñasquitos Lagoon in the Torrey Pines State Reserve to new sewer pipes in the street right-of-way. The project consists of construction of a new underground pump station, emergency storage tank, generator, and installation of approximately 7,857 feet of gravity sewer, and 3,182 feet of force main. This new system will eliminate the need for the old Trunk Sewer and provide improved sewer service to the community.

During design, the Project Manager and Project Engineer presented the project to three different community groups for approval (University City on July 9, 2002, Torrey Pines on July 16, 2002) and information (Sorrento Hills on October 9, 2000, and July 17, 2001, as well as Torrey Pines on June 14, 2001, and June 14, 2002). Nearby residents will be notified by mail at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution.

Pursuant to Council Resolution R-298185, this project will be awarded subject to Prevailing Wage Rates if the City Council determines that requiring the payment of prevailing wages on this project would provide an economic benefit to the City. Based on the scope of this project, which includes a new underground pump station, emergency storage tank, and generator, the City Manager recommends the following findings of economic benefit resulting from a prevailing wage requirement: stimulating advantageous marketplace competition by providing both union and non-union contractors equal opportunity to compete for the contract; providing a cost benefit to the public by ensuring that the project will be adequately built by a skilled labor force and by minimizing the occurrence of costly delays that could result from the use of an unskilled labor force; and that the public benefits described above would outweigh any potential increase in costs.

FISCAL IMPACT:

The total estimated cost of this project is \$14,464,380. Funding of \$707,967 was previously authorized by Council Resolutions R-289956/292031/296447. Funding of \$13,756,413 is available in Sewer Fund 41506, CIP-46-197.0, Sorrento Valley Trunk Sewer and Pump Station 89 for this purpose. This project is scheduled to be phase-funded over FY 2004 - FY 2006.

Loveland/Belock/HR

Aud. Cert. 2400324.

WWF-04-663.

FILE LOCATION: CONT – HPS Mechanical, Inc.; W. O. 173771

COUNCIL ACTION: (Time duration: 3:13 p.m. – 3:15 p.m.)

MOTION BY PETERS 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-200: Accepting the Initial 30-day “Cedar Fire After Action Overview Report”.

(See memorandum from Mayor Murphy dated 10/28/2003.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-642) ADOPTED WITH DIRECTION AS RESOLUTION
R-298714

Accepting the City Manager Report CMR-03-242, regarding the Initial 30-day
“Cedar Fire After Action Overview Report”.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:51 p.m. – 4:59 p.m.)

MOTION BY MADAFFER TO ADOPT THE RESOLUTION AND DIRECT THE CITY MANAGER TO RESPOND TO THOSE ISSUES NOT ALREADY MENTIONED IN THE CITY MANAGER REPORT NO. 03-242, ISSUED ON DECEMBER 3, 2003: 1) REQUIRE CLASS A ROOFS ON ALL NEW CONSTRUCTION; 2) REQUIRE ALL SHAKE SHINGLE ROOFS BE REPLACED WITH CLASS A ROOFS WITHIN 25 YEARS FROM THE DATE OF ADOPTION OF THE NEW ORDINANCE; 3) REQUIRE THE REPLACEMENT OF SHAKE SHINGLE ROOFS WHEN REPAIRS ARE OVER 25 PERCENT ON ANY BUILDING STRUCTURE OR A STRUCTURE’S WOOD EXTERIOR WALL COVERING; 4) WAIVE ANY BUILDING FEES WHEN SHAKE SHINGLE ROOFS ARE REPLACED; 5) PROHIBIT WOOD OR COMBUSTIBLE SIDINGS ON NEW CONSTRUCTION ADJACENT TO HIGH FIRE HAZARD AREAS; 6) PROHIBIT WOOD FENCES AND OTHER COMBUSTIBLE STRUCTURES ALONG AREAS ADJACENT TO FIRE PRONE AREAS; 7) INCREASE BRUSH CLEARING TO A MINIMUM OF 100 FEET FOR DEFENSIBLE SPACE CITYWIDE; 8) ALLOW RESIDENTS TO MAINTAIN A CLEAR AREA OF DEFENSIBLE SPACE FROM THEIR PROPERTIES; 9) ENHANCE BRUSH MANAGEMENT STAFF; 10) PURSUE LEGISLATION FROM THE STATE TO ENCOURAGE INCENTIVES FOR HOMEOWNERS TO REPLACE SHAKE SHINGLE ROOFS; 11) CHANGE

ORDINANCES RETROACTIVELY FOR ALL BUILDING PERMITS; 12) EXAMINE ALTERNATIVE OPTIONS FOR THE MONTH-TO-MONTH LEASING OF THE HELICOPTER; 13) DRAFT A BRUSH MANAGEMENT BROCHURE THAT ELIMINATES INCONSISTENCIES AND IS EASY TO FOLLOW; 14) REFER TO THE FIRE DEPARTMENT WHEN THERE IS A DISPUTE REGARDING BRUSH MANAGEMENT; AND 15) EXAMINE FUNDING OPTIONS FOR THE POLICE ACADEMY. 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-201: Continuation of Contract with Kachina Aviation to Provide Helicopter Services for the San Diego Regional Fire and Rescue Helicopter Program.

(See City Manager Report CMR-03-121.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-594) ADOPTED AS RESOLUTION R-298715

Authorizing the expenditure of an amount not to exceed \$456,890 from Fund No. 102241, exclusively to provide funds for two months of helicopter services under the existing contract with Kachina Aviation;

Authorizing the City Manager to acquire additional helicopter services under the above contract for the Regional Fire and Rescue Helicopter Program, with total funding for Fiscal Year 2004 not to exceed \$1,886,051, and provided that the City Auditor and Comptroller furnishes one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

In June 11, 2003, the Mayor and City Council approved City Manager's Report Number 03-121. This report authorized the following; 1) Establishment of a countywide seasonal Fire and Rescue Helicopter Program (Helicopter Program) with helicopter service provided by a private vendor under the direction of San Diego Fire and Rescue Department. 2) Approval of agreements with the Service Authority for Freeway Emergencies (SAFE) and the County of San Diego to accept and disperse funding from these sources for the Helicopter Program. 3) Execution of a contract

with Kachina Aviation to provide helicopter services needed to operate the regional Helicopter Program. Under the contract, Kachina Aviation provided a Bell 212HP twin turbine helicopter, equipped with a 375 gallon water dropping tank, rescue hoist and searchlight. Additionally, the company provided the pilots, maintenance engineers, maintenance, fuel, fuel servicing vehicle, fuel servicing vehicle driver, required equipment and insurance.

The Helicopter Program officially started on June 25, 2003 and operated for one hundred and twenty days. The purpose of the Helicopter Program was to provide multi-mission emergency services to the City and County of San Diego during the height of the wildfire season. During this operational period the helicopter, designated as Copter 1, responded to over one hundred and thirty-five emergencies including wildland firefighting, vehicle accident response, water rescue, technical air rescue, medical incidents and animal rescue. Copter 1 and crew were available for use, at no cost, to all public safety agencies in San Diego County. Fire agencies that are signatory to the San Diego County Fire Mutual Aid Agreement also had full access to the helicopter and crew at no cost during the first operational period.

The cost of the one hundred and twenty day Helicopter Program was approximately \$808,870 and was directly funded by SAFE private donors, corporate sponsors and the County of San Diego. The City of San Diego provided approximately \$100,000 in in-kind operational support for the Helicopter Program by utilizing existing staff and resources.

The contract with Kachina Aviation officially expired at midnight on October 22, 2003 and Copter 1 was scheduled to return to Idaho on Friday, October 24. Due to existing wildfires in Southern California and forecasted weather conditions, the California Department of Forestry (CDF) entered into a "call when needed " emergency contract with Kachina Aviation to put Copter 1 into service under CDF's jurisdiction. The helicopter was assigned to the fires in San Bernardino County. On October 26, the City requested Copter 1 return to San Diego and took over the contract with Kachina Aviation. On October 27, CDF released Copter 1 and it returned to San Diego to help fight the Paradise and Cedar Fires and coordinate air resources within the City.

Given the devastation caused by recent wildfires in San Dirgo County, the Mayor and City Manager have requested that the Helicopter Program and contract with Kachina Aviation be extended until a permanent, countywide fire and rescue helicopter program is established and funded in San Diego County. The existing contract with Kachina Aviation is for a minimum of 120-days beginning on June 25, 2003 through June 24, 2004 with an option to renew the contract for an additional four (4) one (1) year periods.

FISCAL IMPACT:

The estimated monthly cost of the Helicopter Program is \$230,945 for a 9-hour day, 7-day a week operation with a call back provision for hours outside the 9-hour day. This cost includes the full-service month to month contract with Kachina Aviation, the monthly lease at Montgomery Field, an aerial needs assessment for the region and Fire-Rescue Department personnel. Funding to be encumbered at this time is \$456,890 for the additional two months to be funded from the Major Events Revolving Fund as a temporary placeholder until a more permanent funding source can be identified. Funding for FY04 shall not exceed \$1,886,051. Staff will continue to seek contributions from other public agencies, sponsors and donors to offset the City's cost for the Helicopter Program.

Herring/Bowman/MB

Aud. Cert. 2400548.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:10 p.m. – 5:30 p.m.)

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

ITEM-202: Awarding a Contract to Lease Purchase Two (2) Pieces of Light and Air Supply Apparatus on behalf of Fire-Rescue Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-576) ADOPTED AS RESOLUTION R-298716

Awarding a contract to Pierce Manufacturing, Inc., Appleton, WI, for the lease purchase of two Light and Air Fire Apparatus with full maintenance, total estimated cost of \$1,135,800, including tax and terms;

Authorizing the City Manager to finance this acquisition under the Equipment and Vehicle Lease Program over a period of seven years;

Authorizing the Fiscal Year 2005 expenditure of an amount not to exceed \$71,800, from Fund No. 100, Department No. 120, Organization No. 2252, Object Account No. 6029, Job Order No. 5700, for cash payment of sales tax for said contract, subject to approval of the FY 2005 Budget by the Mayor and City Council and the issuance of an Auditor's Certificate;

Authorizing the Fiscal Year 2005 expenditure of an amount not to exceed \$76,000, from Fund No. 100, Department No. 120, Organization No. 2252, Object Account No. 6019, Job Order No. 5700, for the FY 2005 lease payment under said contract, subject to approval of the FY 2005 Budget by the Mayor and City Council and the issuance of an Auditor's Certificate;

Authorizing the City Auditor and Comptroller upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-6268-04-Q)

CITY MANAGER SUPPORTING INFORMATION:

City Council approval is required to award a contract for the lease purchase of two (2) Light & Air Fire Apparatus, Bid No. 6268-04-Q, Section I, using the City's Equipment and Vehicle Financing Program, for an estimated cost of \$1,135,800, including tax, terms \$500 net twenty (20) days. The Light and Air Apparatus provides illumination and fills self-contained breathing apparatus and bottles at an emergency scene. With the Light and Air Apparatus, fire fighters have an independent source of oxygen and will not suffer from smoke inhalation. The Light and Air Apparatus is used by the Fire and Rescue as well as the Police Department at critical night incidents.

Sixteen (16) potential bidders were contacted, nine (9) of which attended the mandatory pre-bid conference. Five (5) bids were received on September 5, 2003 per attached tabulation. The recommendation is to award the contract to Pierce Manufacturing, Inc., Appleton, WI, the low responsive and responsible bidder meeting specifications. The purchase price, including tax and terms, is \$996,631.

FISCAL IMPACT:

It is proposed that the acquisition be financed using the City's Equipment and Vehicle Financing Program. For Fiscal Year 2005, the estimated payment for sales tax is \$71,800 and the estimated lease payment is \$76,000 pending approval of the Fiscal Year 2005 Budget by the Mayor and City Council. For Fiscal Year 2006 through Fiscal Year 2011, the estimated lease payment is \$152,000 and for Fiscal Year 2012, the estimated lease payment is \$76,000. The total estimated lease purchase cost is \$1,135,800 including tax.

Loveland/Baldwin/WR

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Time duration: 5:03 p.m. – 5:10 p.m.)

MOTION BY MAIENSCHIN 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-not present, Mayor Murphy-yea.

ITEM-203: **HEARING HELD; REFERRED TO CLOSED SESSION ON TUESDAY, DECEMBER 9, 2003**

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

Property: Qualcomm Stadium.

Agency Negotiator: Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, Paul Jacobs, Esq., Daniel S. Barrett, and Robert 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 City Council discussion in Closed Session and 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 City 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 City Council on this item should speak “in favor” or “in opposition” to the subject.

Mayor Murphy closed the Hearing.

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Time duration: 3:15 p.m. – 3:18 p.m.)

ITEM-250: **Notice** of Pending Final Map Approval – Savannah Terrace Sabre Springs Areas 15, 16, 17, and 18.

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 “Savannah Terrace Sabre Springs Areas 15, 16, 17, and 18” (T.M. No. 40-0644), a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Sabre Springs Community Plan Area, northeasterly of Poway Road and Sabre Springs Parkway in Council District 5. 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-251: ARGUMENTS SUPPORTING OR OPPOSING PROPOSITIONS

For propositions approved by the City Council for submittal to the qualified voters of the City of San Diego at a Special Municipal Election to be held on Tuesday, March 2, 2004, the City Clerk has fixed 5:00 p.m. on Thursday, December 18, 2003, as a reasonable date prior to such election after which no arguments for or against City propositions may be submitted to the Clerk.

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

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

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

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

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

ITEM-252: 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 DAY (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	120	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 questions, please contact the Office of the City Clerk, (619) 533-4025.

ITEM-S400: American Indian Heritage Month.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-470 Cor. Copy) ADOPTED AS RESOLUTION R-298717

Recognizing and appreciating the countless contributions that American Indians continue to make to our city and our country;

Proclaiming December 2003 to be “American Indian Heritage Month” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:34 p.m.)

MOTION BY INZUNZA 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-S401: Business Improvement District Council Day.

COUNCILMEMBER ZUCCHET’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-580 Cor.Copy) ADOPTED AS RESOLUTION R-298718

Recognizing the exceptional contributions that the San Diego Business Improvement District Council has made to progress the business and social climate in the San Diego region;

Proclaiming December 8, 2003 to be “San Diego Business Improvement District Council Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:24 p.m.)

MOTION BY ZUCCHET 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-S402: United Food and Commercial Workers Day.

COUNCILMEMBER INZUNZA'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-588) ADOPTED AS RESOLUTION R-298719

Proclaiming December 8, 2003 to be "United Food and Commercial Workers Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:14 p.m. – 2:18 p.m.)

MOTION BY INZUNZA 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-S403: Lease Agreement with Neighborhood House Association, Inc. for the Construction, Operation, and Maintenance of a Child Care Center.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1491) ADOPTED AS RESOLUTION R-298720

Authorizing the City Manager to execute a 20-year lease agreement with Neighborhood House Association, Inc., a California nonprofit corporation, to construct, operate, and maintain a child care center on 0.56 acre of City-owned vacant land on Polk Avenue, between Central Avenue and 41st Street, at a rental of \$1 per year plus an annual administrative fee beginning at \$2,562 and adjusted annually.

CITY MANAGER SUPPORTING INFORMATION:

The City Council previously authorized exclusive negotiations with Neighborhood House Association for the lease of 0.56-acre of vacant City-owned land at Polk and Central Avenues for the construction and operation of a child care center in the City Heights area. The land was acquired by the City in 1987 for park purposes, and the child care center is a component of the "Children's Mall" planned for the area, which will link Central Elementary School and Terra Alta Park. The proposed child care center has been approved by the Park & Recreation Department and the City Heights Area Planning Committee.

Neighborhood House will construct the \$1.2 million, two-story, 10,000-square-foot child care center with private financing at no cost to the City. The center will serve a minimum of 100 low-income and special-needs preschool children. The center will operate as a Head Start Program utilizing operating funds from the Health and Human Services Department at no cost to the enrollees.

The proposed lease has a 20-year term at \$1 rent plus an annual administrative fee starting at \$2,562. The lessee will be responsible for all maintenance of the building and grounds. The value of the 0.56 acre of land is estimated by City staff to be \$450,000.

FISCAL IMPACT:

A yearly administrative fee, initially \$2,562, will be deposited into the General Fund 100.

Herring/Griffith/PTC

FILE LOCATION: LEAS-Neighborhood House Association, Inc.

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

* ITEM-S404: Vehicle Donation to San Diego Fire-Rescue Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-638) ADOPTED AS RESOLUTION R-298721

Accepting the gracious donation by the Community Disaster Assistance Corporation of a "Light Search and Rescue Trailer," to the San Diego Fire-Rescue Department, for use by San Diego Fire-Rescue 4 Unit and/or Fire Station 41, to aid in light rescue victim extrication.

CITY MANAGER SUPPORTING INFORMATION:

Community Disaster Assistance Corporation seeks to donate a Light Search and Rescue Trailer with all attachments, to the San Diego Fire-Rescue Department at no cost. The corporation located at 3327 Mt. Carol Drive in San Diego had purchased this vehicle and no longer has a need for it. The trailer does not require any immediate repair or outfitting. The trailer will be used solely by San Diego Fire-Rescue 4 Unit and/or Fire Station 41. It will provide timely transport of support equipment used in light rescue victim extrication. Currently cutting team equipment is cached in storage boxes at the fire station and is not readily available for immediate response to incidents.

FISCAL IMPACT:

No additional funding is required for the placement of this vehicle into service by San Diego Fire-Rescue Department.

Ewell/Bowman/LH

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

* ITEM-S405: Appointments to the Sustainable Energy Advisory Board.

(See memorandum from Mayor Murphy dated 12/1/2003, with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-651) ADOPTED AS RESOLUTION R-298722

Council confirmation of the following appointments by the Mayor, to serve as members of the re-established Sustainable Energy Advisory Board, formerly the Energy Advisory Board, for terms ending as indicated:

<u>APPOINTMENT</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Cecilia E. Aguillon	Undesignated	March 1, 2004
James C. Callaghan, Jr. (Vice Chair)	Chamber of Commerce	March 1, 2005
Dan Perkins	Environmentalist	March 1, 2005
Robert J. Resley	San Diego Gas & Electric	March 1, 2004
Vic A. Ryder	Undesignated	March 1, 2005
Irene M. Stillings	San Diego Regional Energy Office	March 1, 2004
Michael E. Turk (Chair)	Building Industry	March 1, 2005
James M. Westfall	Labor Organization	March 1, 2004
Scott B. Whitley	Solar System Manufacture/Installer	March 1, 2005

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

- * ITEM-S406: Agreement with HDR Engineering, Inc. for Optimization of Support Functions and Professional Engineering and Consulting Services for Metropolitan Wastewater Department.

(See memorandum from Scott Tulloch dated 10/21/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-643) ADOPTED AS RESOLUTION R-298723

Authorizing the City Manager to enter into an agreement with HDR Engineering, Inc. for an amount not to exceed \$1,299,543, for the optimization of support functions and for the professional engineering and consulting services to the Metropolitan Wastewater Department;

Authorizing the expenditure of an amount not to exceed \$499,559 from Fund No. 41509 and \$799,984 from Fund No. 41506, solely and exclusively, for the purpose of funding the above referenced agreement;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/19/2003, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Frye, Madaffer, and Inzunza voted yea. Councilmember Lewis not present.)

SUPPORTING INFORMATION:

TASK A - As a phased follow-up to the 1997 Zero-Based Management Review (ZBMR), formal optimization projects were sequentially pursued by the San Diego Metropolitan Wastewater Department (MWWD) to identify and implement best management practices (BMPs) in MWWD's three operating Divisions: Operations & Maintenance (O&M); Environmental Monitoring and Technical Services (EMTS); and Wastewater Collection (WWC). This project, under Task A, would continue this effort by executing optimization studies to address (1) support functions/processes (such as engineering, accounting, and training) centered in the Services and Contracts (S&C); Engineering and Program Management (EPM); and Information and Organizational Support (IOS) Divisions; and (2) the overall organizational structure of the entire Department.

TASK B - The WWC Division has a need for professional engineering and consulting services to support the continued implementation of BMPs for the operation and maintenance of the City's 3,000-mile municipal wastewater collection system. The majority of these BMPs support MWWD's response to a 2002 USEPA Administrative Order.

MWWD advertised for professional engineering and consulting services on July 10, 2003. Four (4) proposals were received, and a selection committee was convened in compliance with City standards. Three (3) companies gave presentations to the committee on September 11, 2003, and HDR Engineering, Inc. (HDR) was selected as the most qualified firm. The agreement with HDR to perform work under Task A is for a period of twenty-four months; the agreement to perform work under Task B is for a period of twelve months.

MBE/WBE/DBE UTILIZATION: In keeping with the City's policy to voluntarily provide subcontracting opportunities to all interested qualified firms, including minorities and women, HDR has retained two MBE/WBE/DBE sub consultants as members of its consulting team in connection with this project.

FISCAL IMPACT:

The total authorized expenditure is not to exceed \$1,299,543, with \$499,559 drawn from Fund 41509 and \$799,984 drawn from Fund 41506.

Mendes/Tulloch/AAM

Aud. Cert. 2400562.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

* ITEM-S407: San Diego Performing Arts League 20th Anniversary Day.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-650) ADOPTED AS RESOLUTION R-298681

Recognizing and congratulating the San Diego Performing Arts League on the occasion of its 20th anniversary of service to arts and culture in our community;

Proclaiming December 8, 2003, to be “San Diego Performing Arts League 20th Anniversary Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

* ITEM-S408: South Metro Career Center Day.

COUNCILMEMBER LEWIS’ RECOMMENDATION:

Adopt the following resolution:

(R-2004-657) ADOPTED AS RESOLUTION R-298724

Commending South Metro Career Center for providing a one-stop collaborative environment for customers to achieve self-sufficiency through meaningful and productive employment and workforce development opportunities for businesses in the Fourth Council District of the City of San Diego;

Proclaiming December 11, 2003 to be “South Metro Career Center Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

* ITEM-S409: Excusing Councilmember Charles L. Lewis from the City Council Meeting of Tuesday, December 2, 2003.

COUNCILMEMBER LEWIS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-656) ADOPTED AS RESOLUTION R-298725

Excusing Councilmember Charles L. Lewis from attending the regularly scheduled City Council Meeting of Tuesday, December 2, 2003, due to medical reasons.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

* ITEM-S410: Excusing Councilmember Charles L. Lewis from the Land Use and Housing Committee Meeting of Wednesday, December 3, 2003.

COUNCILMEMBER LEWIS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-649) ADOPTED AS RESOLUTION R-298726

Excusing Councilmember Charles L. Lewis from attending the regularly scheduled Land Use and Housing Committee Meeting of Wednesday, December 3, 2003, due to medical reasons.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

* ITEM-S411: Three actions related to the Agreements relating to the Construction of Phase I - Pershing Middle School Joint Use Facility.

(See memorandum from April Penera dated 11/13/2003. Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinances in Subitems A and B, and adopt the resolution in Subitem C:

Subitem-A: (O-2004-74) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 13, 2004

Introduction of an Ordinance authorizing the City Manager to execute a First Amendment to Joint Use Agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of turfed fields and recreational facilities at Pershing Middle School.

Subitem-B: (O-2004-75) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 13, 2004

Introduction of an Ordinance authorizing the City Manager, contingent on San Diego Unified School District approval of the amended Joint Use Agreement, to execute an agreement with Superior Ready Mix, for the construction of Phase I of the Pershing Middle School Joint Use Facility (Project) on Work Order No. 295310;

Authorizing the expenditure of an amount not to exceed \$879,925 from CIP-29-531.0, Phase I of the Pershing Middle School Joint Use Facility, for the purpose of providing funds for the above-referenced Project, upon the execution of the amended Joint Use Agreement by both parties;

Declaring that the City Council accepts and thanks Pershing Middle School Foundation Superior Ready Mix, and Forevergreen Athletic Fields of the West for their generous donations of time, materials and funds, acknowledging that without their involvement and commitment this project would not have come to fruition.

Subitem-C: (R-2004-630) ADOPTED AS RESOLUTION R-298727

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2004 Capital Improvements Program Budget by \$50,000 in CIP-29-531.0, Phase I – Pershing Middle School Joint Use Facility, Fund No. 10365, Park and Recreation Donation Matching Funds;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$50,000 from CIP-29-531.0, Phase I – Pershing Middle School Joint Use Facility, Fund No. 10365, Park and Recreation Donation Matching Funds, contingent upon satisfactory completion and documentation of Superior Ready Mix Contracting and Paving, for the purpose of implementing the Project;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2004 Capital Improvements Program Budget by \$145,000 in CIP-29-531.0, Phase I – Pershing Middle School Joint Use Facility, Fund No. 79506, Navajo Development Impact Fees;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$145,000 from CIP-29-531.0, Phase I – Pershing Middle School Joint Use Facility, Fund No. 79506, Navajo Development Impact Fees, for the purpose of implementing the Project; however if \$45,000 or less of these funds are unused at the completion of the Project, they shall be returned to Fund No. 79506;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2004 Capital Improvements Program Budget by \$180,000 in CIP-29-531.0, Phase I – Pershing Middle School Joint Use Facility, Fund No. 63022, Private and Other Contributions – CIP;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$180,000 from CIP-29-531.0, Phase I – Pershing Middle School Joint Use Facility, Fund No. 63022, Private and Other Contributions – CIP, for the purpose of implementing the Project, contingent on a fully executed Joint Use Agreement with the San Diego School District.

CITY MANAGER SUPPORTING INFORMATION:

In 2001, the City entered into a Joint Use Agreement with the San Diego Unified School District for the development of Pershing Middle School Joint Use Facility. The joint use facility is approximately 10 (ten) acres with proposed sports fields, comfort station/snack bar, and multi-purpose courts. Total construction costs for the project had been estimated at over \$3 million. Due to funding constraints, the 10-acre project has been broken down into phases, with the first phase identified as construction of the artificial turf sports fields in the amount of 4.92 acres.

The City has also been working jointly with the Pershing Middle School Foundation (PMSF) for the development of this Facility. In 2001 the City entered into an agreement with PMSF which gave PMSF the role of the client and as such is the primary decision maker for the design features of the Project which are typically within the purview of the client;

- a. Construction of facilities and associated project elements
- b. Specific architectural features
- c. Building materials and specifications

Through the efforts of PMSF working with Superior Ready Mix (SRM), Koch-Armstrong Construction, and Forever Green Athletic Fields, SRM is prepared to construct the artificial turf at a significant savings to the City of San Diego. The estimated cost for completion of Phase I work in an open bid process would be approximately \$1,380,000. SRM has provided an estimate of \$879,925. This includes donations of the following elements:

- completing the demolition and rough grading work at cost, and donating 3,966 cubic yards of aggregate base, 195 cubic yards of ¾" rock, 52 cubic yards of concrete and 10 cubic yards of 1½" gravel rock including delivery for an approximate savings of \$110,000
- providing the demolition and rough grading at cost for an approximate savings of \$90,208
- Forever Green providing the material and installation of artificial turf at a savings of \$299,867

SRM is prepared to do this work at prevailing wage and provide the City with the required bonds and insurances per the City's standard Contractual Agreements and that meets the City's construction standards for a savings of \$500,075.

The JUA agreement has been amended to reflect a lease of 10 years instead of the normal 25 years, because the life expectancy for artificial turf is approximated to be ten (10) years, and to increase the monetary contributions from the District from \$140,000 to \$180,000.

FISCAL IMPACT:

Total estimated cost for Phase I project completion is \$1,056,633.65. Funds in the amount of \$1,056,633.65 are available for Phase I as follows: \$145,000 from Navajo Development Impact Fees, Fund No. 79506; \$50,000 from Park and Recreation Matching Funds, Fund No. 10365; and \$180,000 from San Diego Unified School District contributions, Fund No. 63022 (contingent on a fully executed agreement with the San Diego Unified School District) and previously appropriated funding for Phase I includes \$335,000 from FY 2001 Proposition 12 (Park Bond), Fund No. 38160; \$200,000 from FY 2002 Navajo Development Impact Fees, Fund No. 79506; \$80,000 from Capital Outlay, Fund No. 30245, \$66,633.65 from Park and Recreation Matching Funds, Fund No. 10365.

Estimated annual maintenance costs pursuant to the Joint Use Agreement are approximately \$32,446. The funding for these costs will be requested as a new Park and Recreation Facility in the Fiscal Year budget process in which it will come on line.

Herring/Oppenheim/AP

Aud. Cert. 2400573.

FILE LOCATION: SUBITEMS A & B: NONE
SUBITEM C: MEET

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE THE ORDINANCES IN SUBITEMS A AND B, AND ADOPT THE RESOLUTION IN SUBITEM C. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-S412: 2004 Legislative Calendar.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-660) ADOPTED AS RESOLUTION R-298728

Adopting the schedule of meetings for the City Council and Standing Committees of the City Council, Redevelopment Agency, and Housing Agency, for the period January 1, 2004 through December 31, 2004.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

* ITEM-S413: Settlement of Claim CEQA Action by CalProp Corporation.

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-661 Cor.Copy) ADOPTED AS RESOLUTION R-298729

A Resolution approved by the City Council in Closed Session on Tuesday, October 14, 2003, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$250,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the litigation commenced by CalProp Corporation, challenging a mitigated negative declaration approved for Sycamore Landfill Systems, Inc., for Sycamore Landfill Systems, Inc. (Superior Court Case No. GIE 015747, CalProp Corporation v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to reallocate the sum of \$250,000 of the San Diego Landfill System, Inc. Facility Franchise Fee deposit from the Recycling Fund 41210 to the Public Liability Fund 81140;

Authorizing the City Auditor and Comptroller to enter into a contract to purchase 285.1 acres of land owned by CalProp in East Elliot for the total sum of \$250,000;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$250,000 made payable to Sycamore Landfill, Systems, Inc.;

Declaring that said funds are to be payable from Fund No. 81140.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of CEQA action by CalProp Corporation against the City of San Diego, its agents and employees.

In settlement of litigation commenced by CalProp Corporation, challenging a mitigated negative declaration approved for Sycamore Landfill Systems, Inc., the City will enter into a contract to purchase 285.1 acres of land owned by CalProp in East Elliot, and the City will pay Sycamore Landfill Systems a sum of \$250,000.

Lexin/Lopez/LH

Aud. Cert. 2400584.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 p.m.)

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

ITEM-S414: Appointment of the New Ethics Commission Executive Director.

(See letter from Dorothy L. W. Smith dated 11/24/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-658) ADOPTED AS RESOLUTION R-298730

Confirming the appointment of Stacey Fulhorst to serve as the Ethics Commission's Executive Director, replacing Charles Walker.

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

On 12/3/2003, RULES voted 5 to 0 to approve the selection of Stacey Fulhorst as the new Ethics Commission Executive Director. (Councilmembers Peters, Atkins, Maienschein, Madaffer, and Mayor Murphy voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:07 p.m. – 3:13 p.m.)

MOTION BY MAIENSCHIN 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-S415: ~~Three~~ Four actions related to Parcel Map Work Order No. 400628 – Ballpark Project.

(See Centre City Development Corporation Report CCDC-03-21/CCDC-03-31. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District-2.)

(Continued from the meeting of December 2, 2003, Item S502, at the request of the City Attorney, for further review.)

NOTE: An Additional Subitem D has been added.

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-637 Cor. Copy) ADOPTED AS RESOLUTION R-298731

Stating for the record that the City has reviewed and considered information contained in the Master Environmental Impact Report for the Centre City Redevelopment Project and the Subsequent Environmental Impact Report to the Master Environmental Impact Report for the Centre City Redevelopment Project for the Proposed Ballpark and Ancillary Development Projects and Associated Plan Amendments with respect to Parcel Map Work Order No. 400628;

Directing the City Clerk to file a Notice of Determination regarding the project.

Subitem-B: (R-2004-636) ADOPTED AS RESOLUTION R-298732

Authorizing the City Manager, or designee, to sign all documents necessary and appropriate, and to take all other actions necessary to purchase and/or accept, for and on behalf of the City of San Diego, the conveyance of certain real property acquired by the Agency either at no fee (for use as street rights of way or for the new Main Library site) or at a purchase price equal to the Agency's costs (for subsequent transfer by the City to JMIR – Downtown Acquisition, LLC at a purchase price equal to the City's purchase price) pursuant to the terms and conditions of the MOU and the Ballpark Cooperation Agreement; or otherwise in furtherance of the Ballpark and Redevelopment Project:

Authorizing the City Manager, or designee, to sign all documents necessary and appropriate, and to take all actions necessary to convey certain real property to JMIR – Downtown Acquisition, LLC, for a purchase price of \$42,408, and that \$42,408 is hereby appropriated and expenditure of that amount is authorized for the purpose of acquiring the property from the Agency contingent upon the deposit of sale proceeds by JMIR – Downtown Acquisition, LLC.

Authorizing the City Manager, or designee to undertake all actions necessary and appropriate to implement the intent and purposes of this resolution.

Subitem-C: (R-2004-590) ADOPTED AS RESOLUTION R-298733

Declaring that the City Council finds that certain map surveyed by D.K. Nasland Land Surveyor, titled "Parcel Map" (Map), being a lot consolidation and lot line adjustment of Lot 6, Parcel Map 18855 and Lots A through L in Blocks 128, Lots A, B, C, D, I, J, K, and L in Bloc 133 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof mad by L.L. Lockling, together with those portions of 11th Avenue, 12th Avenue, and J Street, as dedicated to public use, is made in the manner and form prescribed by law and conforms to the surrounding surveys; and that the said Map and the subdivision of land shown therein is hereby approved and accepted as shown on said Map and subject to the conditions as set forth thereon;

Declaring that the City Council finds that portions of 11th Avenue and K Street dedicated to public use per Horton's Addition, Deed Book 13, Page 522, recorded June 21, 1871, are not shown within this Map because they have been vacated pursuant to Section 66445(j) of the State Subdivision Map Act;

Authorizing and directing the City Clerk to endorse upon the Map, as and for the act of the Council, that the Council has approved the Map and that the streets are vacated as stated in this resolution;

Directing the City Clerk to transmit said Map to the County Recorder of the County of San Diego, California.

Subitem-D: (R-2004-655) ADOPTED AS RESOLUTION R-298734

Authorizing the City Manager to execute the Easement Deed, to grant SDG&E an easement for the purpose of accessing and maintaining the 69kV line within the boundaries of the public right-of-way of K Street, between 11th Avenue and 12th Avenue (Property).
Aud. Cert. 2400560.

NOTE: See the Redevelopment Agency Agenda of December 8, 2003 for a companion item.

FILE LOCATION: SUBITEMS A, B, & C: MEET (64)
SUBITEM D: DEED F-9632

COUNCIL ACTION: (Time duration: 3:06 p.m. – 3:07 p.m.)

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

NON-DOCKET ITEMS:

None.

