

THE CITY OF SAN DIEGO, CALIFORNIA  
 MINUTES FOR REGULAR COUNCIL MEETING  
 OF  
 MONDAY, FEBRUARY 9, 2004  
 AT 2:00 P.M.  
 IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING..... 6

ATTENDANCE DURING THE MEETING ..... 6

ITEM-1: ROLL CALL..... 7

ITEM-10: INVOCATION ..... 7

ITEM-30: Medal of Honor Recipients Day ..... 7

ITEM-31: Recognition and Presentation of Attorney of the Year 2003 Award to James M. Chapin, Deputy City Attorney ..... 8

ITEM-32: Approval of Council Minutes ..... 9

\* ITEM-50: First Amendment to Pacific Beach Elementary School Joint Use Agreement... 9

ITEM-51: Three actions related to PETCO Park Ordinances..... 10

\* ITEM-52: Two actions related to Ballpark Event Residential Permit Parking..... 11

\* ITEM-100: Inviting Bids for the Construction and Replacement of Damaged Sidewalk, Curb/Gutter City Wide Group C-24 ..... 12

\* ITEM-101: Inviting Bids for the Construction of Lisbon Street from Imperial Avenue to 217 Feet E/O 71st. Street and Additional Funding..... 14

\* ITEM-102: Contract Change Order No. 6 – Resurfacing Various Streets Citywide Group R-617

\* ITEM-103: Grand Avenue Median Improvements Budget Adjustment..... 18

\* ITEM-104: Chollas Operations Station Fuel System Upgrades Phase II ..... 20

\* ITEM-105: Saber Springs Pump Station Installation of Above Ground Storage Tank..... 21

\* ITEM-106: Additional Funding for Metropolitan Transit Development Board (MTDB) and San Ysidro Sewer Main Participation Agreement ..... 23

\* ITEM-107: Cooperative Agreement for Pedestrian/Bicycle Facilities and Landscaping in the I-15 Mid-City Corridor ..... 25

\* ITEM-108: Agreement with RBF Consulting for Transportation Planning Services for the North Park Transit Village Project ..... 27

ITEM-109: Genesee Avenue – Widen I-5 Overcrossing Consultant Agreement with Kimley-Horn & Associates (Phase 2)..... 28

\* ITEM-110: HUD Section 108 Loan for the San Diego Food Bank..... 30

\* ITEM-111: Solid Waste Local Enforcement Agency (LEA) Waste Tire Enforcement Grant ..... 31

\* ITEM-112: Angle Parking on Capps Street Between 30<sup>th</sup> Street and Ray Street. .... 33

\* ITEM-113: Angle Parking on India Street Between Beech Street and Cedar Street..... 34

\* ITEM-114: Angle Parking on National Avenue and Newton Avenue ..... 35

\* ITEM-115: Angle Parking on Kearny Mesa Road ..... 36

\* ITEM-116: Establishing a Two-Hour Un-Metered Parking on World Trade Drive ..... 37

\* ITEM-117: Commercial Vehicle Prohibition on Evans Street ..... 38

\* ITEM-118: Reappointments to the San Diego County Water Authority..... 40

\* ITEM-119: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico..... 40

\* ITEM-120: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region..... 41

\* ITEM-121: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) ..... 42

* ITEM-122:	Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.....	42
* ITEM-123:	Declaring a Continued Local Emergency Due to the October 2003 Wildfires	43
* ITEM-124:	Two actions related to Inviting Bids for the Construction of Sewer and Water Group 733 .....	44
* ITEM-125:	Two actions related to Construction Change Order No. 1 – La Jolla/Pacific Beach Water Main Replacement Accelerated .....	47
* ITEM-126:	Agreement with Foss Environmental Services for Emergency Water Main Breaks .....	50
* ITEM-127:	Agreement with Pountney Psomas for Engineering Consulting Services for the Los Penasquitos Reclaimed Water Pipeline .....	52
* ITEM-128:	Amendment to the Agreement with Camp Dresser and McKee, Inc. (CDM) for Consultant Services for the Miramar Water Treatment Plant Upgrade and Expansion Project .....	54
ITEM-150:	Two actions related to Pacific Highlands Ranch – FY2004 Public Facilities Financing Plan and Facilities Benefit Assessment .....	56
ITEM-200:	Awarding a Construction Contract to EMS Construction, Inc. for the Construction of College/Rolando Branch Library .....	57
ITEM-201:	Ordering Foreclosure Actions Against Delinquent Parcels of Land .....	59
ITEM-202:	San Diego Open Space Park Facilities District No. 1 General Obligation Bonds Refunding Series 2004.....	61
ITEM-203:	Refunding of the 2002 Lease Revenue Bonds (Ballpark Project) .....	63
ITEM-204:	This item has been pulled at the request of the City Manager.....	65
ITEM-205:	Consideration of the Operations Plan for Tailgate Park .....	65
ITEM-206:	Two actions related to the College Heights Enhanced Maintenance Assessment District.....	65

ITEM-207:	Two actions related to the Torrey Highlands Maintenance Assessment District .....	67
ITEM-208:	Two actions related to the Black Mountain Ranch South Maintenance Assessment District.....	69
ITEM-209:	Three actions related to La Jolla Public Facilities Financing Plan Amendment and Conceptual Approval for Bird Rock Traffic Management Plan .....	72
ITEM-210:	Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8 .....	73
ITEM-250:	Settlement of Meilani Agcaoili, et. al. v. City of San Diego .....	74
ITEM-251:	Notice of Completion and Acceptance of Subdivision Improvement Agreement .....	74
ITEM-252:	<b>Notice</b> of Pending Final Map Approval – Pacific Highlands Ranch Unit No. 5 .....	75
ITEM-253:	<b>Notice</b> of Pending Final Map Approval – Prospect Oceanview Homes .....	76
ITEM-S400:	Honoring the City Auditor and Comptroller, Ed Ryan, on his retirement.....	77
ITEM-S401:	Montford Point Marine Association, Inc. Day.....	77
* ITEM-S402:	Live and Let Live Alano Club 20 <sup>th</sup> Anniversary Day.....	77
* ITEM-S403:	San Diego Fire-Rescue Department Day .....	78
* ITEM-S404:	San Diego Police Department Day .....	78
* ITEM-S405:	Amendment to Agreement with Procopio, Cory, Hargreaves, & Savitch, LLP Regarding the Renegotiation Provisions of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium Between the City and the San Diego Chargers .....	79
* ITEM-S406:	Authorizing Payment of Funds Held in Trust by the City of San Diego Family Justice Center Foundation.....	80

* ITEM-S407:	Shaw Valley Hiking/Equestrian Trail – Additional Funding .....	81
* ITEM-S408:	Grant Application and Transfer Funds – Balboa Park Aerospace Museum Roof Repair .....	83
* ITEM-S409:	Award of Construction Contract with Echo Pacific Construction for the Construction of the Otay Mesa/Nestor Branch Library; and HUD 108 Loan Application.....	85
ITEM-S410:	Update on City Response to Military Base Realignment and Closure (BRAC)	87
* ITEM-S411:	Two actions related to Inviting Bids for the Construction of Fire Station 29 and South Pacific Beach Lifeguard Tower .....	88
ITEM-S412:	City Council Taking Positions on March 2004 State Ballot Measures and San Diego County Ballot Measure, Proposition A .....	90
NON-DOCKET ITEMS	.....	91
ADJOURNMENT	.....	92

**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 2:12 p.m. Mayor Murphy recessed the meeting at 3:29 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:40 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 5:09 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 5:16 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 6:38 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 6:52 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 7:28 p.m. into Closed Session on Tuesday, February 10, 2004, at 9:00 a.m. in the 12<sup>th</sup> floor conference room to discuss pending and potential litigation and Meet and Confer matters.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour/Lane (er)

FILE LOCATION:                      MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by City Clerk Charles Abdelnour.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Peters.

FILE LOCATION: MINUTES

ITEM-30: Medal of Honor Recipients Day.

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-769) ADOPTED AS RESOLUTION R-298843

Recognizing Sando M. Vargas, Jr., Colonel, United States Marine Corps, who received his Medal of Honor for heroic action at Dai Do, Republic of Vietnam, during the period of April 30, 1968 to May 2, 1968;

Proclaiming February 9, 2004 to be "Medal of Honor Recipients Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:29 p.m. – 2:45 p.m.)

MOTION BY FRYE 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-yea, Mayor Murphy-yea.

ITEM-31: Recognition and Presentation of Attorney of the Year 2003 Award to James M. Chapin, Deputy City Attorney.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-834) ADOPTED AS RESOLUTION R-298844

Recognition and Presentation of Attorney of the Year 2003 Award to James M. Chapin, Deputy City Attorney.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:59 p.m. – 3:14 p.m.)

MOTION BY ATKINS 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-yea, Mayor Murphy-yea.

ITEM-32: Approval of Council Minutes.

**TODAY'S ACTION IS: APPROVED**

Approval of Council Minutes for the meetings of:

01/12/2004

01/20/2004

**FILE LOCATION: MINUTES**

**COUNCIL ACTION: (Time duration: 2:15 p.m. – 2:15 p.m.)**

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

\* ITEM-50: First Amendment to Pacific Beach Elementary School Joint Use Agreement.

(Pacific Beach Community Area. District-2.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 1/26/2004 (Council voted 9-0):

(O-2004-84) ADOPTED AS ORDINANCE O-19259 (New Series)

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 Pacific Beach Elementary School.

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

**FILE LOCATION: MEET**

**COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)**

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-51: Three actions related to PETCO Park Ordinances.

(Centre City Community Area. Districts-2 and 8.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances which were introduced on 1/26/2004. (Council voted 6-2. Councilmembers Atkins and Frye voted nay. Councilmember Madaffer not present):

Subitem-A: (O-2004-29) ADOPTED AS ORDINANCE O-19260 (New Series)

Amending Chapter 2, Article 2, Division 40, of the San Diego Municipal Code by amending Section 22.4009, titled "Time for Filing Application for Special Event Permit; Time for Notifying City Manager of Demonstration."

Subitem-B: (O-2004-36) ADOPTED AS ORDINANCE O-19261 (New Series)

Amending Chapter 3, Article 3, Division 14, of the San Diego Municipal Code by amending Section 33.1406, titled "Soliciting, Peddling Prohibited in Certain Areas."

Subitem-C: (O-2004-37) ADOPTED AS ORDINANCE O-19262 (New Series)

Amending Chapter 5, Article 9, Division 1, of the San Diego Municipal Code by amending the title of Article 9, Division 1; by amending Sections 59.0101 and 59.0102; and by repealing Sections 59.0103 and 59.0104; by adding Division 2, titled "Prohibited Activities within City Sports Facilities," Sections 59.0201 and 59.0202; by adding Division 3, titled "Ballpark District," Sections 59.0301, 59.0302, 59.0303, and 59.0304; by adding Division 4, titled "Outfield Park," Section 59.0401; and by adding Division 5, titled "Prohibited Activities in Qualcomm Stadium Parking Facility," Sections 59.0501, 59.0502, and 59.0503, all relating to City Sports Facilities.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Time duration: 5:20 p.m. – 5:20 p.m.)

MOTION BY MAIENSCHIN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea (nay on Subitem A), Lewis-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-52: Two actions related to Ballpark Event Residential Permit Parking.

(Barrio Logan, Southeastern San Diego - Sherman Heights, Golden Hill, and Uptown Community Areas. Districts-3 and 8.)

**CITY COUNCIL’S RECOMMENDATION:**

Adopt the following ordinances which were introduced on 1/26/2004 (Council voted 7-2. Councilmembers Peters and Frye voted nay.):

Subitem-A: (O-2004-86) ADOPTED AS ORDINANCE O-19263 (New Series)

Amending Chapter 8, Article 6, of the San Diego Municipal Code by adding new Division 21, titled “Ballpark Event Residential Permit Parking,” and by adding New Sections 86.2101, 86.2102, 86.2103, 86.2104, 86.2105, 86.2106, 86.2107, 86.2108, 86.2109, 86.2110, 86.2111, and 86.2112, all relating to Ballpark Event Parking.

Subitem-B: (O-2004-89 REV.) ADOPTED AS ORDINANCE O-19264 (New Series)

Amending Chapter 8, Article 6, of the San Diego Municipal Code by amending Section 86.06, relating to Ballpark Event Parking.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

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

- \* ITEM-100: Inviting Bids for the Construction and Replacement of Damaged Sidewalk, Curb/Gutter City Wide Group C-24.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-608) ADOPTED AS RESOLUTION R-298845

Approving the plans and specifications for the Construction and 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.

This item was originally on the docket of December 8, 2003, but was pulled due to uncertain availability of State funding. The City Auditor and Comptroller has verified that funding for this project is available, and this action is ready to be considered by Council.

Loveland/Gonzalez/MMW

Aud. Cert. 2400520.

FILE LOCATION: CONT – Portillo Concrete, Inc.; W.O. 590020

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

\* ITEM-101: Inviting Bids for the Construction of Lisbon Street from Imperial Avenue to 217 Feet E/O 71st. Street and Additional Funding.

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

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-831) ADOPTED AS RESOLUTION R-298846

Approving the plans and specifications for the Construction of Lisbon Street from Imperial Avenue to 217 feet E/O 71<sup>st</sup> Street (Project);

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 \$1,513,901 for all phases of the work with \$319,300 being from TransNet Funds for Phase One of the contract, \$932,298 being from Underground Surcharge Funds for Phase One of the contract, and \$262,303 being from TransNet Funds for Phase Two of the contract, provided that the City Auditor and Comptroller first furnishes one of 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 expenditure of an amount not to exceed \$1,075,598 from CIP-37-028.0, Undergrounding of City Utilities, Fund 30101, 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 in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$746,300 from CIP-52-654.0, Lisbon-Imperial Avenue to 217 feet E/O 71st Street (\$683,300 from TransNet funds and \$63,000 from Fund 79509, Skyline/Paradise Hills Development Impact Fees), for the purpose of providing \$110,000 for acquisition of property rights, including related City staff labor charges and miscellaneous acquisition costs, and \$636,300 for the purpose of design, inspection, Phase One of 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.

Amending the Fiscal Year 2004 Capital Improvement Program (CIP) Budget for CIP-52-347.0, Division Street from I-5 to 43rd Street, by increasing the budget amount by \$350,000 for Fund 30306;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$350,000 from CIP-52-347.0, Division Street from I-5 to 43rd Street, Fund 30306, to CIP-52-654.0, Lisbon-Imperial Avenue to 217 feet E/O 71st Street;

Authorizing the appropriation and expenditure of an amount not to exceed \$350,000 from CIP-52-654.0, Lisbon-Imperial Avenue to 217 feet E/O 71st Street, TransNet Funds, for the purpose of providing funds for inspection, Phase Two 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 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 minimize the use of Commercial Paper funding for CIP-52-654.0, Lisbon-Imperial Avenue to 217 feet E/O 71st Street;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, from CIP-52-509.0, Jamacha Road Improvements, to CIP-52-654.0, Lisbon-Imperial Avenue to 217 feet E/O 71st Street;

Declaring that if sufficient funds for the remainder of the Project costs are not authorized by subsequent action and upon direction of the City Manager, the City Auditor and Comptroller is authorized to transfer, appropriate, and expend an amount not to exceed \$50,000 from CIP-52-409.0, 43rd Street Widening, to CIP-52-654.0, Lisbon-Imperial Avenue to 217 feet E/O 71st Street, TransNet

Funds, 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.

**CITY MANAGER SUPPORTING INFORMATION:**

The Lisbon-Imperial Avenue to 217 feet E/O 71st Street project includes widening Lisbon Street from Imperial Ave to 71st Street to a modified 3 lane collector. The project includes improvements to drainage and traffic safety as well as providing sidewalk, curb, gutter, residential driveways, bus access, retaining walls, and curb ramps for pedestrians. This work will complete the planned Jamacha Road-Lisbon Street corridor improvements from Imperial Ave to Cardiff Road. In conjunction with the roadway improvements, this action will provide undergrounding of "dry" utilities in the area of the project. The utility work will consist of undergrounding the overhead utility facilities, street restoration, street light replacement, street tree installation, and other related work in the project area. This utility work has been included in this project to minimize future disturbance of the new roadway pavement. The utility undergrounding work is part of the surcharge fee agreement in accordance with California Public Utilities Commission Rules.

**FISCAL IMPACT:**

The total project cost for the Lisbon-Imperial Avenue to 217 feet E/O 71st Street project, including Undergrounding, is \$2,221,898. Of this amount, \$1,075,598 is available from Underground surcharge funds, CIP-37-028.0, Undergrounding of City Utilities, for the utility portion of the project. For the roadway portion of the project, \$746,300 is currently available from TransNet funds for Phase 1 of the project. In an effort to defer the issuance of commercial paper, available cash in the amount of \$350,000 for Phase 2 of the project will be identified through our cash management Process. No expenditures are anticipated to be incurred against commercial paper. The remaining \$50,000 of roadway related costs are currently unfunded but are anticipated to be part of the Fiscal Year 2005 Budget process. However, if sufficient funds do not become available prior to Phase 2 of the project, then TransNet funding in the amount of \$50,000, would be available CIP-52-409.0, 43rd Street Widening project to fund the remainder of the project needs.

Loveland/Belock/PB

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

\* ITEM-102: Contract Change Order No. 6 – Resurfacing Various Streets Citywide Group R-6.

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-836) ADOPTED AS RESOLUTION R-298847

Approving Change Order No. 6 dated January 27, 2004, and the changes therein set forth, in connection with the contract between The City of San Diego and Superior Ready Mix Concrete, dba SRM Contracting and Paving, amounting to a net increase in the contract price of \$245,051.50;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$160,000 from Fund 41506, CIP-46-215.0, Annual Allocation – Infrastructure Upgrade and Replacement to Fund 41506, CIP-40-927.0, Centre City Sewer Improvements, solely and exclusively, for the purpose of funding this Change Order;

Authorizing the expenditure of an amount not to exceed \$169,799.50 from Fund 41506, CIP-40-927.0, Centre City Sewer Improvements; and an amount not to exceed \$75,252 from Fund 41500, CIP-73-083.0, Centre City Group Job 539, for the purpose of funding this Change Order.

**CITY MANAGER SUPPORTING INFORMATION:**

On October 21, 2002, the City Council authorized the City Manager to execute a contract extension option with Superior Ready Mix, dba SRM Contracting and Paving for the Resurfacing of Various Streets City Wide Group R-6 in the amount of \$4,273,750.

On February 18, 2003, Contract Change Order No. 1 added \$62,352.93 for the resurfacing of Tenth Avenue following the completion of Sewer Group 464 C. On March 4, 2003, Contract Change Order No. 3 added \$25,000 for additional material required for the resurfacing of Sherman Street. On May 20, 2003, the City Council approved Contract Change Order No. 2 which reduced the contract by \$1,000,000 due to reallocation of AB 2928 funds from the State of

California. On June 17, 2003, the City Council approved Contract Change Order No. 4 which increased the amount of the contract by \$222,273.72 for resurfacing of streets in cooperation with the Engineering and Capital Projects Department's Utility Undergrounding Program. Contract Change Order No. 5 added \$194,417 for the replacement of damaged sidewalk at 62 additional locations. Contract Change Order No. 6 for \$245,051.50, of which \$169,799.50 is from Sewer and \$75,252 is from Water, will provide for the final paving of certain streets in the East Village District, between 6th Avenue and 16th Avenue, Island Street and Imperial, involved in the construction and project related costs of Water and Sewer Group 539. This action will increase the contract by \$245,051.50 from \$3,777,793.65 to \$4,022,845.15.

**FISCAL IMPACT:**

Funding of \$169,799.50 for Contract Change Order No. 6 is available in Sewer Fund 41506, CIP-40-927.0, Centre City Sewer Improvement. Funding of \$75,252 is available in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for this change order and these funds were previously authorized by Council Resolution R-297822, R-296223, and R-294985.

Loveland/Belock/AO

Aud. Cert. 2400749.

FILE LOCATION: CONT – Superior Ready Mix Concrete, dba SRM Contracting & Paving W.O. 005765

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

\* ITEM-103: Grand Avenue Median Improvements Budget Adjustment.

(Pacific Beach Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-745) ADOPTED AS RESOLUTION R-298848

Authorizing the City Manager to accept \$50,000 in Community Development Block Grant (CDBG) funds for overage due to the provision of necessary ADA improvements in the Grand Avenue Median Improvements Project;

Authorizing the increase of \$50,000 to the FY 2004 CIP Budget for CIP-39-224.0, Pacific Beach Streetscape; Grand Avenue Median Improvements;

Authorizing the City Auditor and Comptroller to appropriate and expend an additional \$50,000 in CIP-39-224.0, for the purpose of completing construction of the Grand Avenue Median Improvements Project ADA requirements.

**CITY MANAGER SUPPORTING INFORMATION:**

The Grand Avenue Median Improvement Project is the current phase of the Pacific Beach Streetscape Improvements, CIP-39-224.0 and construction is nearly complete. The improvement plan called for a pedestrian activated traffic signal to be installed at Grand and Figueroa Boulevard to provide for a safe crossing of Grand Avenue which would meet ADA requirements. There has been \$50,000 in unanticipated costs related to installation of this traffic signal. The final Change Order for this project calls for an amount of \$32,342 in excess of funds available. There are also charges outstanding of \$12,054 in City administration costs and \$5,604 in SDG&E costs to bring electrical service to the sight. The total amount that is needed for completion of the project is \$50,000, which is being made available by Council District 2 in their FY04 CDBG Funding dedicated to making ADA improvements and by the Community and Economic Development Department's Disability Services. The project will be completed and the pedestrian activated traffic signal energized as soon as this action is approved.

**FISCAL IMPACT:**

Action would accept \$50,000 in additional funding for the project, increase the FY04 CIP Budget for CIP-39-224.0, Pacific Beach Streetscape (Grand Avenue Median Improvements) by \$50,000 and authorize appropriation and expenditure of these funds for completion of construction of the Grand Avenue Median Improvements.

Herring/Cunningham/SHM

Aud. Cert. 2400733.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

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

\* ITEM-104: Chollas Operations Station Fuel System Upgrades Phase II.

(Oak Park Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-742) ADOPTED AS RESOLUTION R-298849

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2004 Capital Improvement Program budget to increase CIP-33-084.0, Underground Hazardous Materials Storage Tanks, by the amount of \$224,000, in accordance with the Annual Appropriation Ordinance;

Authorizing the City Auditor and Comptroller to transfer the amount of \$224,000 from Fund No. 50030, Equipment Division Fund, to Fund No. 30244, CIP-33-084.0, Underground Hazardous Materials Storage Tanks;

Authorizing the expenditure of an amount not to exceed \$224,000 from Fund No. 30244, CIP-33-084.0, Underground Hazardous Materials Storage Tanks, to provide funds for Phase II of fuel system upgrades at Chollas Operations Station.

**CITY MANAGER SUPPORTING INFORMATION:**

Senate Bill 989 (effective January 1, 2000) requires all underground storage tanks (UST) to be tested and certified to meet environmental requirements. The fueling system at Chollas Operations Station must be upgraded and repaired to meet these requirements.

The fueling systems at Chollas will be taken out of service during construction which is estimated to take approximately 8 weeks. City vehicles are prepared to go to alternative fueling facilities during this time.

A phase funded contract was awarded to the low bidder, Jenal Engineering via Managers approval in December 2003. This project was advertised as bid package K041770 in accordance with Council Policy. Phase funding was necessary to expedite the award of the contract and begin the construction of the fuel system upgrades. At that time, only a portion of the total funding was available in CIP-33-084.0 Underground Hazardous Materials Storage Tank Account.

This action provides for the transfer of funds from Equipment Division Fund 50030 to the CIP Fund to complete the Chollas Operations Station Fuel System Upgrades - Phase II portion.

**FISCAL IMPACT:**

Funds are to be transferred in the amount of \$224,000 from Equipment Division Fund 50030 to CIP-33-084.0, Underground Hazardous Materials Storage Fund 30244. Funds will then be expended from CIP-33-084.0 in an amount not to exceed \$224,000.

Loveland/Heap/SMC

Aud. Cert. 2400704.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

\* ITEM-105: Saber Springs Pump Station Installation of Above Ground Storage Tank.

(Saber Springs Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-809 Cor. Copy) ADOPTED AS RESOLUTION R-298850

Authorizing the City Auditor and Comptroller to transfer the amount of \$20,750 from Water Department Fund No. 41500 to Special Fund No. 10524, Water Contributions to Other Improvement Projects;

Authorizing the City Auditor and Comptroller, in accordance with the Fiscal Year 2004 Annual Appropriation Ordinance, to amend the Capital Improvement Program budget to increase CIP-33-084.0, Underground Hazardous Materials Storage Tanks, by the amount of \$20,750 in Special Fund No. 10524, Water Contributions to Other Improvement Projects;

Authorizing the City Auditor and Comptroller, to appropriate the amount of \$20,750 from Special Fund No. 10524, Water Contributions to Other Improvement Projects, into CIP-33-084.0, Underground Hazardous Materials Storage Tanks;

Approving Change Order No. 1, issued in connection with the contract between the City and Miller Brooks Environmental, for the installation of aboveground storage tank at Saber Springs Pump Station, amounting to a net increase in the contract price of \$20,750;

Authorizing the expenditure of an amount not to exceed \$20,750, from Special Fund No. 10524, Water Contributions to Other Improvement Projects, CIP-33-084.0, Underground Hazardous Materials Storage Tanks, to provide funds for the above Change Order No. 1.

**CITY MANAGER SUPPORTING INFORMATION:**

Senate Bill 989 (effective January 1, 2000) requires all Underground Storage Tanks (UST) to be tested and certified to meet environmental requirements. An evaluation of the conditions of the UST at Saber Springs Pump Station determined that it would be more cost effective and result in less maintenance to remove the UST and replace it with an aboveground tank (AGT). The UST has been removed and a temporary fueling tank will be used in the interim.

On November 3, 2003 Council authorized contracting with Miller Brooks Environmental to remove UST's at six (6) City facilities, including Saber Springs (Resolution No. 298549).

Miller Brooks Environmental is currently contracted for the removal of the old UST and has submitted a reasonable cost estimate for the installation of the AST. In order to minimize the time a temporary fueling tank is at the site, and in order to reduce overall costs associated with the use of temporary fueling and tank replacement, it is recommended that a Change Order be approved.

This action will provide for the approval of the Change Order for the installation of the AST and also the transfer of Funds from Water Department's Operations Fund to the UST CIP-33-084.0 for this work.

**FISCAL IMPACT:**

Funds are to be transferred in the amount of \$20,750 from Water Department Fund 41500 to CIP-33-084.0, Underground Hazardous Materials Storage Fund 30244. Funds will then be expended from CIP-33-084.0 in an amount not to exceed \$20,750.

Loveland/Heap/SC

Aud. Cert. 2400735.

FILE LOCATION: CONT – Miller Brooks Environmental

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

\* ITEM-106: Additional Funding for Metropolitan Transit Development Board (MTDB) and San Ysidro Sewer Main Participation Agreement.

(San Ysidro Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-747) ADOPTED AS RESOLUTION R-298851

Authorizing the expenditure of an amount not to exceed \$342,274.85 from Sewer Fund No. 41506, CIP-44-001.0, Annual Allocation Sewer Main Replacement, sublet CIP-44-219.7, San Ysidro/MTDB Sewer Main Relocation Project, solely and exclusively, for Project construction, contingencies, and related costs;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

The City Manager, on behalf of the City, entered into a participation Agreement with the Metropolitan Transit District for the relocation of sewer facilities in San Ysidro Boulevard and border Village Drive per City Council Resolution R-297018 dated September 3, 2002 in the amount of \$903,890.

During construction, unforeseen conflicting underground facilities have been discovered. Revisions and extra construction work have been necessary for continuation of the project such as including potholing, geotechnical testing, extra piping, tunneling, and additional traffic control. Part of this extra work has been finalized and is included in Change Order 1. Contingencies will accommodate the rest of the extra work. The extra work has also resulted in an increase in the costs for the City Forces work, and the City staff for review of revisions, Construction Management and related work.

This action provides for authorization of additional expenditures not to exceed \$342,274.85, consisting of \$103,000 for Change Order 1, contingencies of \$114,000, City Forces of \$65,000 and Construction Management and related costs of \$60,274.85.

**FISCAL IMPACT:**

The total estimated cost for this action is \$342,274.85. Funds of \$342,274.85 are available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation Sewer Main Replacement for this purpose.

Ewell/Christiansen/LK

Aud. Cert. 2400700.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

- \* ITEM-107: Cooperative Agreement for Pedestrian/Bicycle Facilities and Landscaping in the I-15 Mid-City Corridor.

(Mid-City/City Heights Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-771 Cor. Copy) ADOPTED AS RESOLUTION R-298852

Authorizing the City Manager to take all necessary action to secure the funds on behalf of said City through an agreement with the California Department of Transportation, for construction of improvements at Teralta Neighborhood Park and Park de la Cruz;

Authorizing the City Auditor and Comptroller to accept \$1,150,000 in Federal TEA-21 Funds from the California Department of Transportation;

Authorizing a \$630,750 increase in the Fiscal Year 2004 Capital Improvements Program Budget in CIP-29-685.0, Teralta Neighborhood Park – Development, and a \$519,250 increase in CIP-29-684.0, Park de la Cruz, pending receipt of a fully executed cooperative agreement;

Authorizing the City Auditor and Comptroller, pending receipt of a fully executed cooperative agreement, to appropriate and expend an amount not to exceed \$1,150,000 as needed from CIP-29-685.0, Teralta Neighborhood Park – Development, and from CIP-29-684.0, Park de la Cruz;

Authorizing the City Auditor and Comptroller to establish a special interest bearing grant fund for the Federal TEA-21 Funds.

**CITY MANAGER SUPPORTING INFORMATION:**

This action authorizes the City Manager to enter into a cooperative agreement with the California Department of Transportation (Caltrans) to construct improvements to two Mid-City parks.

It is anticipated that this project will design and construct amenities to Mid-City's Park de la Cruz and Teralta Neighborhood Park, including portions of "History Lane" that parallels Interstate 15 from University Avenue to Teralta Park above the freeway between Orange Avenue and Polk Avenue. Project Amenities include pedestrian/bicycle paths, interpretive nodes, restrooms and landscaping at each location. The projects are consistent with the general development plan for each park, developed through many years of community planning to create parks along the Interstate 15 corridor through Mid-City.

Funding of \$1,200,000 was approved for the project based on a request from Caltrans to the Federal TEA-21, State Highway Operation and Protection Program (SHOPP). The State will retain \$50,000 for project oversight and review, and the City will receive \$1,150,000 to design and construct the projects. The City is providing matching funds in the amount of \$156,000 from capital outlay funds already appropriated to the capital improvement projects.

Approval of this cooperative agreement will authorize the City Manager to accept the TEA-21 funds and to design and construct the project.

**FISCAL IMPACT:**

Capital Outlay Funds of \$156,000 already appropriated to the CIP projects is the City's required match for the \$1,150,000 in Federal TEA-21 grant funds.

Herring/Oppenheim/AP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

- \* ITEM-108: Agreement with RBF Consulting for Transportation Planning Services for the North Park Transit Village Project.

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

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-800) ADOPTED AS RESOLUTION R-298853

Authorizing the City Manager to execute an agreement with RBF Consulting, in an amount not to exceed \$268,000, for transportation planning services for pedestrian improvements along University Avenue from Interstate 805 to Park Boulevard (Project), contingent upon the City Auditor and Comptroller first certifying that Funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$268,000 from Job Order No. 296034, Fund No. 38340, for the purpose of providing funds for the agreement with RBF Consulting for the Project.

**CITY MANAGER SUPPORTING INFORMATION:**

On February 5, 2002, the City Council authorized submittal of an application to the California Department of Transportation (Caltrans) for a grant of \$300,000 for the North Park Transit Village project under their Community Based Transportation Planning grant program (Resolution R-296034). In May 2002, the City was notified that this application was awarded.

The North Park Transit Village project would provide a corridor analysis for transit, vehicular, bicycle and pedestrian improvements along University Avenue from Interstate 805 to Park Boulevard in the North Park community. The project would be for the purpose of making this corridor more pedestrian and transit friendly and reducing conflicts between alternative modes of travel. It would be providing follow-up transportation planning services to a conceptual traffic calming study completed in 2002 under a "Walkable Communities" grant from SANDAG which laid out a preliminary design concept for the corridor. Working with a consultant team of urban designers and transportation engineers, this study will design an integrated system of public spaces for transit, vehicular, bicycle and pedestrian mobility. A final report will provide design recommendations for all elements of the project.

The contract is for \$268,000. A separate contract for \$20,000, not a part of this 1472 action, will be with SANDAG to provide transit specific planning associated with the project. Finally, \$12,000 has been set aside for administrative expenses associated with the project.

**FISCAL IMPACT:**

None with this action. Caltrans has provided \$300,000 to the City of San Diego for the North Park Transit Village project.

Ewell/Goldberg/MP

Aud. Cert. 2400736.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

ITEM-109: Genesee Avenue – Widen I-5 Overcrossing Consultant Agreement with Kimley-Horn & Associates (Phase 2).

(University Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-840) ADOPTED AS RESOLUTION R-298854

Authorizing the City Manager to execute an agreement with Kimley-Horn & Associates for Engineering Services for the Genesee Avenue Widening (Agreement);

Authorizing the expenditure of an amount not to exceed \$3,194,899 from CIP-52-372.0, Genesee Avenue – Widen I-5 Overcrossing, Fund No. 79001, for the purpose of providing funds for the Agreement and related in-house costs;

Authorizing the City Manager to execute a Cooperative Agreement with the California Department Transportation for the purposes of providing the preliminary design and environmental document for the Genesee Avenue – Widen I-5 Overcrossing project, CIP-52-372.0.

**CITY MANAGER SUPPORTING INFORMATION:**

In 1998, interviews were conducted for a multi-phase design of the Interstate-5/Genesee Avenue Interchange project. As a result, a contract was entered into with Kimley-Horn for a Feasibility Study, which was Phase I of the design. After this feasibility study and comments from various agencies, a separate process was entered into by the City, SANDAG, and Caltrans for a study of the entire I-5 Corridor from La Jolla Village Drive to Sorrento Valley to ensure that the improvements envisioned for the Genesee Interchange were compatible with future freeway needs and design. URS Corporation was selected to do the Corridor Project Study Report (PSR), a process which is just now finishing, which will allow the next phase of the design (Phase 2) to begin. Subsequently, City and Caltrans staffs have held cooperative discussions on a process to allow the interchange design and replacement project to proceed in conjunction with future freeway corridor improvement designs. The result of these discussions is the proposed Co-operative Agreement between the City and Caltrans.

Under the proposed Co-operative Agreement, the City would undertake the design of the interchange and obtain environmental clearance for both the interchange and future auxiliary freeway lanes planned for Interstate 5 between La Jolla Village Drive and Sorrento Valley. The agreement with Kimley-Horn & Associates will provide the consultant services necessary for next phase of the design including the Environmental Impact Report, preliminary engineering, and permitting for the project. The remaining final interchange design and construction documents will be prepared as the last phase of the design which has an estimated cost of \$1,700,000. The cost shares for the remainder of the project will be determined after the environmental document is completed.

**FISCAL IMPACT:**

Funding necessary for this action in the amount of \$3,194,899 is available in CIP-52-372.0, Genesee Avenue – Widen I-5 Overcrossing, Fund 79001.

Loveland/Belock/PB

Aud. Cert. 2400734.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:17 p.m. – 5:20 p.m.)

MOTION BY PETERS TO ADOPT THE RESOLUTION, APPROVING THE CONSULTANT AGREEMENT BUT REQUIRING THAT THE COOPERATIVE AGREEMENT WITH CALTRANS NOT BE EXECUTED UNTIL THE INTERIM TRAFFIC IMPROVEMENTS, THAT THE CITY STAFF HAS PROPOSED, AT I-5 AND GENESEE, ARE APPROVED BY CALTRANS. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-110: HUD Section 108 Loan for the San Diego Food Bank.

(See City Manager Report CMR-04-024. Mira Mesa Community Area. Districts-1, 3, 7, and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-817) CONTINUED TO MONDAY, MARCH 8, 2004

Authorizing the City Manager to apply to HUD for a Section 108 loan not to exceed \$245,000 for improvements to be made to the San Diego Food Bank 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 future Community Development Block Grant (CDBG) entitlement grants as the source of repayment of the HUD Section 108 loan for 10 years as follows; District 1, up to \$5,000 per year; District 3, up to \$10,000 per year; District 7, up to \$5,000 per year; and District 8, up to \$10,000 per year beginning no sooner than FY 2005;

Authorizing the City Manager to amend the 2004 CDBG Action Plan to include the use of HUD Section 108 loan funds for the San Diego Food Project;

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT MOTION BY MADAFFER TO CONTINUE TO MONDAY, MARCH 8, 2004, AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW.

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-111: Solid Waste Local Enforcement Agency (LEA) Waste Tire Enforcement Grant.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-784) ADOPTED AS RESOLUTION R-298855

Authorizing the City Manager to execute all necessary applications, contracts, agreements and amendments thereto for the purposes of securing grant funds for the period from July 1, 2004, until June 30, 2005, and carrying out the purposes specified in the grant application to the Board for a Local Government Waste Tire Cleanup Grant;

Authorizing the City Manager, if the grant is awarded, to conduct all negotiations, execute and submit all documents, including but not limited to applications, grant agreements, amendments, and payment requests, which may be necessary to carry out and administer the City's obligations, responsibilities, and duties under the terms of the grant;

Directing the City Auditor and Comptroller to create a separate fund of the City for the grant monies.

**CITY MANAGER SUPPORTING INFORMATION:**

The California Integrated Waste Management Board (CIWMB) is offering waste tire enforcement grant monies to local agencies to implement a statewide program. The Solid Waste Local Enforcement Agency (LEA) has been the recipient of four prior waste tire enforcement grants. Up to \$300,000 of non-competitive grant funds will be available for inspection, surveillance, enforcement activities and other projects designed to prevent illicit tire disposal and achieve a high level of compliance with State laws and regulations among stakeholders. The LEA is also proposing to: 1) continue its waste tire enforcement training module to assist the CIWMB in training new grantees; 2) prepare and distribute Spanish language educational materials in the border region to inform the public waste tire issues; 3) research the regional movement of waste and used tires through international trade portals in the San Diego region. The CIWMB has also committed to continue to make funds available through June 30, 2009, with annual submittal of an application and budget by the LEA.

The LEA is requesting grant funds to continue implementing an effective waste tire enforcement and surveillance program to provide regulatory guidance to waste tire businesses and, when necessary, take enforcement action to remedy threats to public health and safety and the environment. Additionally, the LEA will develop waste tire training, educational programs and research projects to prevent waste tires from becoming environmental and public health threats to the community. During previous grant cycles the LEA has discovered illegal operating procedures in tire shops, franchised haulers and brought violators into compliance. In order to maintain this high level of compliance the LEA needs to continue its inspection and surveillance activities or else illegal used and waste tire handling and disposal would continue unchecked. Authorization to submit this grant application by the City Council and approval by the CIWMB would continue to fund the City's Waste Tire Enforcement Program. The LEA has provided a model inspection, enforcement and public outreach program that has been sought after and duplicated throughout the state. Also, this grant has been a springboard for obtaining other grant monies for cleaning up waste tires and trash in the Tijuana River Valley and for coordinating broader environmental issues with federal, state and local agencies in the United States and Mexico.

Ewell/Christiansen/WP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

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

\* ITEM-112: Angle Parking on Capps Street Between 30<sup>th</sup> Street and Ray Street.

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

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-801) ADOPTED AS RESOLUTION R-298856

Establishing angle parking on the north side of Capps Street Between 30<sup>th</sup> Street and Ray Street, pursuant to authority conferred by and in accordance with the provisions of Section 86.03 of the San Diego Municipal Code;

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

**CITY MANAGER SUPPORTING INFORMATION:**

This action will authorize the installation of angle parking on the north side of Capps Street between 30th Street and Ray Street. Currently, parallel parking exists on both sides of this section of Capps Street. The installation of angle parking on the north side of the street will provide two additional parking spaces. A petition representing 100% of the affected property owners was submitted in support of this action, and there is sufficient street width to safely accommodate angle parking on the north side and retain parallel parking on the south side. Furthermore, the Greater North Park Planning Committee supports this action. Council action is required for the installation of angle parking according to Municipal Code Section 86.03

**FISCAL IMPACT:**

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

Loveland/Belock/DVW

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

\* ITEM-113: Angle Parking on India Street Between Beech Street and Cedar Street.

(Centre City Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-802) ADOPTED AS RESOLUTION R-298857

Establishing angle parking on the east side of India Street between Beech Street and Cedar Street, pursuant to authority conferred by and in accordance with the provisions of Section 86.03 of the San Diego Municipal Code;

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

**CITY MANAGER SUPPORTING INFORMATION:**

This action permits angle parking on the east side of India Street between Beech Street and Cedar Street. A petition representing 100% of the affected property owners was submitted in support of this request. This action increases the available parking from 8 spaces to 12 spaces. Council approval is required according to Municipal Code Section 86.03.

This action is supported by the Little Italy Association and the Centre City Development Corporation.

**FISCAL IMPACT:**

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

Loveland/Belock/VW

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

\* ITEM-114: Angle Parking on National Avenue and Newton Avenue.

(Barrio Logan Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-811) ADOPTED AS RESOLUTION R-298858

Establishing angle parking at the following locations, pursuant to authority conferred by and in accordance with the provisions of Section 86.03 of the San Diego Municipal Code:

South side of National Avenue between Beardsley Street and Cesar Chavez Parkway;

North side of Newton Avenue between Beardsley Street and 225 feet east of Beardsley Street.

Authorizing the installation of the necessary signs and markings to be made on said streets; the regulations imposed shall become effective upon the installation of the signs.

**CITY MANAGER SUPPORTING INFORMATION:**

This action will authorize the City Manager to install angle parking on:

- a) South side of National Avenue between Beardsley Street and Cesar Chavez Parkway.
- b) North side of Newton Avenue between Beardsley Street and 225 feet east of Beardsley Street.

The proposed angle parking will provide eleven (11) additional parking spaces for the residential and business community. A petition from a majority (75%) of the affected abutting frontage was submitted in support of this action. The Barrio Logan Project Action Committee supports this action.

**FISCAL IMPACT:**

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

Belock/Boekamp/VW

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

\* ITEM-115: Angle Parking on Kearny Mesa Road.

(Kearny Mesa Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-823) ADOPTED AS RESOLUTION R-298859

Establishing angle parking on the west side of Kearny Mesa Road between Buckhorn Street and the 5202 Kearny Mesa Road property, pursuant to authority conferred by and in accordance with the provisions of Section 86.03 of the San Diego Municipal Code;

Authorizing the installation of the necessary signs and markings be made on said streets; the regulations imposed shall become effective upon the installation of the signs.

**CITY MANAGER SUPPORTING INFORMATION:**

This action will allow the installation of angle parking on the west side of Kearny Mesa Road between Buckhorn Street and the 5202 Kearny Mesa Road property. On street parking will increase from 30 spaces to 90 spaces (an increase of 60 spaces). Council approval is required according to San Diego Municipal Code Section 86.03. A majority of the fronting facility managers (88%) have signed a petition in support of the installation. The Kearny Mesa Planning Group is also in support of this proposed action.

**FISCAL IMPACT:**

Funds are budgeted within the Transportation Department, Street Division's Operating fund for this purpose.

Loveland/Belock/DVW

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

\* ITEM-116: Establishing a Two-Hour Un-Metered Parking on World Trade Drive.

(Carmel Mountain Ranch Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-813) ADOPTED AS RESOLUTION R-298860

Establishing a two-hour un-metered time limit parking zone, twenty four hours a day, seven days a week, on both sides of World Trade Drive between Highland Ranch Road and Camino Del Norte, pursuant to authority conferred by and in accordance with the provisions of Section 86.04 of the San Diego Municipal Code;

Authorizing the installation of the necessary signs and markings to be made on said street; the regulations imposed shall become effective upon the installation of the signs.

**CITY MANAGER SUPPORTING INFORMATION:**

This action establishes two (2) hour un-metered parking 24 hours a day, seven days a week on both sides of World Trade Drive between Highland Ranch Road and Camino Del Norte. The property owners representing 76% of the affected area have signed a petition for this action. This area is adjacent to the Carmel Mountain Ranch business area. Increasing the turnover of parking would benefit the area as a whole. This action is in accordance with Municipal Code Section 86.04.

The Carmel Mountain Ranch Community Council is in favor of this action. Staff recommends approval of this action

**FISCAL IMPACT:**

Funds are budgeted within the Transportation Department, Street Division's Operating fund for this purpose.

Loveland/Belock/VW

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

\* ITEM-117: Commercial Vehicle Prohibition on Evans Street.

(Barrio Logan Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-812) ADOPTED AS RESOLUTION R-298861

Prohibiting commercial vehicles with a rated capacity of five tons or more from operating on Evans Street between Logan Avenue and Main Street, pursuant to authority conferred by and in accordance with the provisions of the San Diego Municipal Code Section 85.04;

Authorizing the installation of the necessary signs and markings to be made on said street; the regulations imposed shall become effective upon the installation of the signs.

**CITY MANAGER SUPPORTING INFORMATION:**

This action prohibits commercial vehicles with a rated capacity of five tons or more from using Evans Street from Logan Avenue to Main Street. This action is authorized under California Vehicle Code (CVC) Section 35701 which states "Any city, or county for a residence district, may, by ordinance, prohibit the use of a street by any commercial vehicle or by any vehicle exceeding a maximum gross weight limit". By law, passenger buses, public utility vehicles, and commercial vehicles with an origin or destination on the affected street are exempt from this provision. A petition from a majority of the affected abutting frontage was submitted in support of this action. The Barrio Logan Project Action Committee supports this action.

**FISCAL IMPACT:**

Fiscal impact is minimal. Funds are budgeted within the Transportation Department, Street Division's operating fund for this purpose. This action will require the posting of six signs.

Belock/Boekamp/VW

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

\* ITEM-118: Reappointments to the San Diego County Water Authority.

(See memorandum from Mayor Murphy dated 1/27/2004, with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-832) ADOPTED AS RESOLUTION R-298862

Council confirmation of the following reappointments by the Mayor to serve as members of the San Diego County Water Authority Board of Directors for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
John W. Johnson	January 2, 2010
Bernie Rhinerson	March 7, 2010
Joseph Parker	March 7, 2010

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

\* ITEM-119: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-512) ADOPTED AS RESOLUTION R-298863

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: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

\* ITEM-120: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-750) ADOPTED AS RESOLUTION R-298864

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: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

- \* ITEM-121: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-526) ADOPTED AS RESOLUTION R-298865

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 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: 2:45 p.m. – 2:59 p.m.)

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

- \* ITEM-122: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-540) ADOPTED AS RESOLUTION R-298866

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: 2:45 p.m. – 2:59 p.m.)

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

\* ITEM-123: Declaring a Continued Local Emergency Due to the October 2003 Wildfires.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-759) ADOPTED AS RESOLUTION R-298867

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: 2:45 p.m. – 2:59 p.m.)

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

- \* ITEM-124: Two actions related to Inviting Bids for the Construction of Sewer and Water Group 733.

(See memorandum from Frank Belock Jr. dated 11/21/2003. Peninsula and Fleetridge Community Areas. District-2.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2004-152) ADOPTED AS RESOLUTION R-298868

Approving the plans and specifications for the construction of Sewer and Water Group 733 (Project), on work Order No.1 176561/186611;

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 \$2,137,857.80, 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 expenditure of an amount not to exceed \$2,114,929 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement, and an amount not to exceed \$1,124,022.55 from Water Fund 41500, CIP-73-083.0, Annual Allocation-Water Main Replacement, 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;

Approving the use of City Forces on the Project for the purpose of additional construction related to the Project for an amount not to exceed \$150,000 from Water Fund 41500, CIP-73-083.0, Annual Allocation-Water Replacement, and for an amount not to exceed \$20,000 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K04394C)

Subitem-B: (R-2004-153) ADOPTED AS RESOLUTION R-298869

Certifying that Mitigated Negative Declaration LDR No. 42-0714 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Sewer and Water Group 733;

Approving finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, pursuant to California Public Resources Code section 21081.6;

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 above project. (Bid No. K04394C)

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 12/10/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.

**SUPPORTING INFORMATION:**

Sewer & Water Group 733 is part of the City of San Diego's continuing Annual Sewer Main Replacement Program. The sewer mains being replaced in this project were constructed as early as 1956 and are approaching the end of their useful service life. This project is located in the Peninsula Community and consists of replacing old sewer and water mains and installation of new sewer mains, sewer manholes, sewer laterals, water mains, and water services. This project also includes street resurfacing, installation of curb ramps, historical sidewalk stamp relocation, implementation of a traffic control plan, Best Management Practices (BMP's), and related improvements. The project area includes public right-of-way within the area bounded by Rosecrans Street to the southeast, Chatsworth Boulevard to the northwest, Browning Street to the

southwest, and Elliot Street to the northeast. The project would upgrade approximately 4,900 linear feet of sewer pipes and 3,100 linear feet of water pipes. In coordination with the NTC redevelopment, a participation agreement has been executed between the City of San Diego and McMillin Corporation for construction of approximately 224 feet of sewer main across Rosecrans Street at Dumas Street via trenchless technology to minimize community impacts. This project has been presented to the Peninsula Community by the Engineering and Capital Projects Department. 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 of notices. The contractor will be required to provide traffic control plans for the entire project area to the City of San Diego Traffic Signal Design and Traffic Control Section for approval.

**FISCAL IMPACT:**

The total estimated cost of this project is \$3,238,951.55. Of this amount, \$955,554 is for engineering and related services, \$2,182,758.75 is for construction, and \$100,638.80 is for contingencies. Funding of \$2,114,929 is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement, and \$1,124,022.55 in Water Fund 41500 CIP-73-083.0, Annual Allocation-Water Main Replacement, for this purpose. City Force Work not to exceed \$150,000 in Water Funding and \$20,000 in Sewer Funding for a total of \$170,000. This project will be phase-funded in FY 2004 and FY 2005.

Loveland/Belock/HR

FILE LOCATION: CONT – Ortiz Corporation; W.O. 176561/186611

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

\* ITEM-125: Two actions related to Construction Change Order No. 1 – La Jolla/Pacific Beach Water Main Replacement Accelerated.

(See memorandum from Larry Gardner dated 1/7/2004; and Work Force Analysis Report. La Jolla Community Area. District-1.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2004-815) ADOPTED AS RESOLUTION R-298870

Authorizing the City Manager to execute a Construction Change Order No. 1 with TC Construction Company, in the amount of \$634,552.51 in Water Fund 41500, CIP-70-953.0, Torrey Pines/La Jolla Boulevard Water Main Replacement Project (La Jolla/Pacific Beach Water Main Replacement Accelerated Project);

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$836,839.51 from Water Fund 41500 (\$409,247.95 from CIP-73-236.0, Bayview Reservoir Replacement; \$82,266.98 from CIP-73-268.0, Deerfield Street Water Pump Station; \$7,110.18 from CIP-70-951.0, Town View Lane Pipeline; \$104,905.87 from CIP-70-945.0, Miramar Road Pipeline; \$184,695.53 from CIP-73-327.0, Waring Road Pipeline; \$48,613 from CIP-70-910.1, Sorrento Valley Water Main Replacement), to Water Fund 41500, CIP-70-953.0, Torrey Pines Road/La Jolla Boulevard Water Main Replacement (La Jolla/Pacific Beach Water Main Replacement Accelerated Project);

Authorizing the expenditure of an amount not to exceed \$894,553.51 from Water Fund 41500, CIP-70-953.0, Torrey Pines Road/La Jolla Boulevard Water Main Replacement Project (La Jolla/Pacific Beach Water Main Replacement Accelerated Project) and an amount not to exceed \$31,728 from Water Fund 41500, CIP-73-331.0, Annual Allocation – Water Pooled Contingency, provided that the City Auditor and Comptroller furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the city work force in an amount not to exceed \$280,000 from CIP-70-953.5 to insure existing service to the commercial and residential areas after construction of the replacement pipelines along La Jolla Boulevard;

Authorizing the additional city work force in an amount not to exceed \$30,000 from CIP-70-953.1 to insure services to the commercial and residential areas after construction of the replacement pipelines to bring the city force total to \$771,000 for this phase;

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

Subitem-B: (R-2004-819) ADOPTED AS RESOLUTION R-298871

Certifying that the Mitigated Negative Declaration, LDR No. 11847 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Construction Change Order No. 1, La Jolla/Pacific Beach Water Main Replacement – Accelerated Project;

Declaring that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, pursuant to California Public Resources Code Section 21081.6;

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 above project.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 1/14/2004, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

**SUPPORTING INFORMATION:**

On January 28, 2002, the City Council approved (R-296014) design services for the Torrey Pines Road/La Jolla Blvd. Water Main Replacement Phase 2 Project which will replace approximately 22,000 linear feet of corroded and deteriorated 16-inch cast iron pipe. Subsequent to beginning the design effort, it was discovered that the Engineering & Capital Projects Department (E&CP) had a concurrent sewer project on La Jolla Blvd. between Tourmaline Street and Forward Street. In an effort to minimize impacts to the community and to coordinate the conflicting segment, a portion of the water main is being accelerated (approximately 4,000 feet) to coincide with E&CP's sewer project. Council approved (R-298280) the project on August 4, 2003 and the project was awarded to T. C. Construction on November 26, 2003.

There are currently four (4) sewer improvement projects in construction on or around La Jolla Boulevard north of Forward Street. Because these sewer mains cross or run adjacent to the old cast iron water main, the City was concerned that a disruption of service or pipeline break may occur as a result of their construction. This segment which runs from Forward Street to Camino De La Costa on La Jolla Blvd was scheduled to be replaced as part of the overall water main replacement project in spring of 2005. Additionally, due to all of the construction taking place in the Bird Rock Community, it was discussed with the La Jolla Community Planning Association (LJCPA) and the La Jolla Town Council (LJTC) to construct the additional 1,500 linear feet of pipeline (from Forward Street to Camino De La Costa) at this time in an effort to complete the remaining water main work in the Bird Rock Community. The LJTC voted on this additional segment and was approved unanimously. By constructing this additional segment as part of the accelerated project, the City will insure reliable water supply and a minimized public inconvenience. This Construction Change Order (CCO) will modify the existing contract with TC Construction Company to add the additional water pipeline and appurtenances. In addition to the above CCO, additional city force work in an amount not to exceed \$280,000 will be needed in order to maintain service and facilitate construction.

This activity was analyzed as a component of a larger project in Mitigated Negative Declaration (Project No. 11847) dated November 21, 2003. This accelerated project was presented to and approved by the Natural Resources and Culture Committee at the meeting of January 14, 2003.

**FISCAL IMPACT:**

The total cost for the La Jolla /Pacific Beach Water Main Replacement Accelerated Project is \$2,490,081.51 of which \$1,563,800 was previously approved. Funding for the additional work will be authorized in FY2004, and includes transfers in the amount of \$894,553.51 from Bayview Reservoir Replacement (CIP-73-236.0), Deerfield Street Pump Station (CIP-73-268.0), Town View Lane Pipeline (CIP-70-951.0), Miramar Road Pipeline (CIP-70-945.0), Waring

Road Pump Station (CIP-73-327.0) and Sorrento Valley Water Main Replacement (CIP-70-910.1).

Mendes/Gardner/VB

Aud. Cert. 2400728.

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

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

\* ITEM-126: Agreement with Foss Environmental Services for Emergency Water Main Breaks.

(See memorandum from Larry Gardner dated 1/22/2004.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-833) ADOPTED AS RESOLUTION R-298872

Authorizing the City Manager to negotiate and execute invoices for the completed emergency water main break services provided by Foss Environmental Services;

Authorizing the expenditure of an amount not to exceed \$225,000 from Sewer Fund 41506, Department 776, Job Order 776420, Org. 455, Object Account 4118, for the purpose of providing funds for payment of the remaining invoices with Foss Environmental Services.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 1/28/2004, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

**SUPPORTING INFORMATION:**

In March of 2003, a 30-inch water main break occurred along Pacific Coast Highway during construction work on a nearby sewer line. Based on the initial assessments conducted at the time of the main break, the services provided by Foss Environmental Services (Foss Environmental) were deemed to be of an urgent nature due to the potential impact on the health and safety of the public. As such, the contract for services from Foss Environmental was not competitively bid and services were immediately rendered to address the emergency.

The services of Foss Environmental included assistance with the containment of the spill, repair of the water main, and disposal of contaminated soil. Foss Environmental has completed the work on the water main break and we are seeking authorization for payment to Foss Environmental for the emergency services provided. At this time, the City is pursuing full recovery of all expenses incurred as a result of this water main break, and a second break which occurred in June, from the contractor and its insurance carrier.

On March 12, 2003, a 30-inch water main break occurred between Beech and Ash on Pacific Highway. The break occurred during sewer line work by Cal Southwest Construction on the South Pacific Highway Trunk Sewer/Water Group 535 Project (Project). This break resulted in the release of millions of gallons of water, sediment and petroleum hydrocarbon contaminated soil within the streets, storm drains, and ultimately San Diego Bay. Foss Environmental was retained to assist the City of San Diego, Port District and Coast Guard in cleaning up and repairing the 30-inch water main.

On June 23, 2003, another break occurred along the same 30-inch water main just south of West "A" Street on Pacific Coast Highway. At the time, Cal Southwest was again working on the Project. Foss Environmental was contacted to provide testing services. Repair of this main break was handled by City forces. Additionally, on March 4, 2003, a 16-inch water main break occurred at Cesar Chavez and Harbor Drive. After a thorough investigation of the site, it was determined the area contained contaminated soil. Foss Environmental was contacted to make repairs and to dispose of the contaminated soil.

**FISCAL IMPACT**

Foss Environmental has completed the work on all three main breaks at a total cost of approximately \$1,170,000. To date, the Water Department has paid approximately \$945,000. An amount not to exceed \$225,000 has been identified by the Metropolitan Wastewater Department to cover the remaining balance due to Foss Environmental.

Mendes/Gardner/EB

Aud. Cert. 2400751.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

\* ITEM-127: Agreement with Pountney Psomas for Engineering Consulting Services for the Los Penasquitos Reclaimed Water Pipeline.

(See memorandum from Larry Gardner dated 1/7/2004. Penasquitos East Community Area. District-1.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-820) ADOPTED AS RESOLUTION R-298873

Authorizing the City Manager to execute an agreement with Pountney Psomas, for consultant services for the Los Penasquitos Reclaimed Water Pipeline (Agreement);

Authorizing an expenditure of an amount not to exceed \$646,805 from Water Fund No. 41500, CIP-70-954.0, North City Reclamation System (Los Penasquitos Canyon Recycled Water Pipeline), solely and exclusively, for the purpose of providing funds for the agreement and related in-house costs;

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

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 1/14/2004, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

**SUPPORTING INFORMATION:**

The North City Water Reclamation Plant serves the northern reclaimed water distribution system. The City of San Diego (City) is planning to expand the distribution system to meet the U. S. Environmental Protection Agency (EPA) goal and to maximize the utilization of reclaimed water produced at the North City Water Reclamation Plant. In December 2000, the Updated Water Reclamation Master Plan (Master Plan) was completed to establish a plan for meeting these goals. The Master Plan is divided into three phases: Phase I is currently under construction, portions of Phase II have been and are planned to be constructed simultaneously with ongoing and future development while Phase III remains conceptual in nature.

The proposed Los Penasquitos Canyon Recycled Water Pipeline is part of the Phase II of the Master Plan intended to achieve the 2010 EPA reuse goal of beneficially reusing 10 million gallons of reclaimed water a day. This 9,000 linear feet section of 24-inch diameter pipeline will provide up to 1.8 million gallons per day (mgd) of recycled water from the 640 Zone in Black Mountain Road to customers in the 500 Zone in Carmel Valley.

The Water Department Request for Qualifications selection process was followed to obtain the services of a design engineering consultant. As part of this process, the Water Department received a short-list of qualified firms from Contract Services. A Selection Panel was convened and interviewed the short-listed firms. The firms were evaluated on the basis of qualifications including expertise, experience, understanding and approach to the scope of services, and the capability of personnel and subcontractors. Based upon the results of these interviews and subsequent reference checks, Pountney Psomas was selected as the most qualified to provide engineering consulting services.

**FISCAL IMPACT:**

Funding is available from the Water Department Fund 41500, CIP-70-954.0, North City Water Reclamation System, in the amount of \$646,805.

Mendes/Gardner/FA

Aud. Cert. 2400732.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

- \* ITEM-128: Amendment to the Agreement with Camp Dresser and McKee, Inc. (CDM) for Consultant Services for the Miramar Water Treatment Plant Upgrade and Expansion Project.

(See memorandum from Larry Gardner dated 12/4/2003.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-775) ADOPTED AS RESOLUTION R-298874

Authorizing the City Manager to execute an amendment to the agreement with Camp Dresser and McKee, Inc. (CDM), for consultant services for the Miramar Water Treatment Plant Upgrade and Expansion Project (Agreement);

Authorizing the expenditure of an amount not to exceed \$8,427,788 from Water Fund No. 41500, CIP-73-284.0, Miramar Water Treatment Plant – Upgrade & Expansion Project, for the purpose of providing funds for the amendment, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to execute funding Phase 2 of the Agreement in the amount of \$1,370,000 as authorized in the Fiscal Year 2004 Budget Document;

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

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 12/10/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

**SUPPORTING INFORMATION:**

This amended agreement will provide engineering support services during construction and instrumentation control implementation coordination for the Miramar Water Treatment Plant (MWTP) Upgrade and Expansion – Contract A.

The MWTP is 40 years old and is in need of expansion and upgrade to meet the future potable water needs to the northern parts of the city. This project will improve the operation and maintenance and meet the new drinking water standards set by the U.S. Environmental Protection Agency per California Department of Health Services Compliance Order No. SDHS CO 87 and 88. This project is part of the water system Capital Improvements Program approved by the City Council in August 1997, as part of the Strategic Plan for Water Supply.

The City has executed two agreements with CDM to date, in the amount \$21,033,874 for the design and construction engineering services for the expansion and upgrade of the MWTP and Early Start Improvements Project Phase I & II. The scope of services will upgrade the MWTP from current production capacity of 140 million gallons per day (mgd) to 215 mgd.

The continued participation by CDM during the construction phase of Miramar Contract A is essential for the overall project success. The total estimated cost of the amended agreement is \$8,427,788 of which \$6,204,262 is for construction engineering support; and \$2,223,526 is for Instrumentation & Controls. This amendment will cover services for four years for the construction duration. This activity is not a “project” and therefore exempt from CEQA pursuant to State CEQA Guidelines.

**FISCAL IMPACT:**

The total cost for the project is \$125,369,993, of which \$116,942,205 was previously authorized. Funding for this Amendment to the Agreement will be budgeted in FY05 through FY07, in Water Fund 41500, CIP-73-284.0, Miramar Water Treatment Plant – Upgrade & Expansion Project.

Mendes/Gardner/ES

Aud. Cert. 2400713.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

ITEM-150: Two actions related to Pacific Highlands Ranch – FY2004 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report CMR-03-243; Fiscal Year 2004 Draft PFFP/FBA; letter from Thomas F. Steinke dated 12/03/2003. Pacific Highlands Ranch Community Area. District-1.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2004-666) ADOPTED AS RESOLUTION R-298875

Approving the document titled “Pacific Highlands Ranch Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2004.”

Subitem-B: (R-2004-667) ADOPTED AS RESOLUTION R-298876

Resolution of Intention to designate an area of benefit in Pacific Highlands Ranch and setting the time and place for holding a public hearing.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 12/03/2003, LU&H voted 4-0 to approve the Fiscal Year 2004 Pacific Highlands Ranch Public Facilities Benefit Assessment (PFFP/FBA) and to direct the City Attorney to provide an analysis of the legal issues regarding consistency of the proposed amendments with the Subarea III Development Agreement prior to the City Council hearing. (Councilmembers Peters, Zucchet, Frye and Inzunza voted yea. Councilmember Lewis not present.)

**FISCAL IMPACT:**

Minimal.

FILE LOCATION: STRT-FB-18-04(33)

COUNCIL ACTION: (Time duration: 3:20 p.m. – 3:20 p.m.)

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

ITEM-200: Awarding a Construction Contract to EMS Construction, Inc. for the Construction of College/Rolando Branch Library.

(College Community Area. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-814) ADOPTED AS RESOLUTION R-298877

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 \$6,104,411, 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 \$500,000 from CIP-35-104.0, North Park Branch Library, Interim Fund No. 102216, Main Library Fund, and \$1,500,000 from CIP-35-106.0, Paradise Hills Branch Library, Interim Fund No. 102216, Main Library Fund, to CIP-35-107.0, College/Rolando Branch Library, for the purpose of funding construction of the Project;

Authorizing the City Manager to replenish the funds transferred by this Resolution to CIP-35-107.0 from CIP-35-104.0, North Park Branch Library, and CIP-35-106.0, Paradise Hills Branch Library, when the first library bond issuance occurs;

Authorizing the expenditure of an additional \$2,000,000 from CIP-35-071.0, College Heights/Rolando Branch Library, 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;

Directing the City Manager to bring back to Council, within thirty (30) days, a revised Agreement with the Church that reflects the reduction of additional parking spaces from thirty-one to twenty-nine.

**CITY MANAGER SUPPORTING INFORMATION:**

The existing College/Rolando Library located at 4710 College Avenue was opened in 1955 and currently serves the College/Rolando neighborhood. It is inadequate by today's standards for neighborhood libraries. Since 1966, CDBG funding has been allocated for this project. These funds have been used to purchase a site at Montezuma and El Cajon Boulevard; and for the original design and working drawings. When completed, the library will have almost 15,000 square feet of space and will include an expanded children's area, enhanced study and reading space, a community meeting room, up-to-date computer facilities and significantly increased shelving and parking.

On October 2, 2003, seven bids were received and opened for the construction of the College/Rolando Branch Library. The apparent lowest bid was withdrawn due to an error. The lowest responsible bidder is EMS Construction, Inc., with a bid amount of \$6,104,411 which was higher than the engineer's estimate.

In recent months the City has been observing significant construction cost escalations due to the higher material and labor costs, and a tight local construction market. Due to these factors, it is not anticipated that re-advertisement will result in any savings to the City and may in fact cost more to build this project. Therefore, staff recommends that this project be awarded to the apparent low bid contractor, EMS Construction, Inc. for the amount of \$6,104,411.

Additionally, Council approved a shared parking agreement with adjoining property owner per Ordinance No. 19041 dated March 18, 2002. Subsequently, based on community and property owner desires, the final plans approved by Council (R-298397 on September 22, 2003), depicted a revised parking layout and access from the original agreement. Due to this change an amended shared parking agreement will be forthcoming in the next few weeks for Council approval.

**FISCAL IMPACT:**

The total cost of this project is \$8,508,693, of which \$4,719,000 has been previously authorized. \$2,000,000 is available and will be transferred, \$500,000 from North Park Branch Library, CIP-35-104.0, and \$1,500,000 from Paradise Hills Branch Library, CIP-35-106.0, for Phase I construction. These funds will be replenished when the first library bond issuance occurs.

Loveland/Belock/AO

Aud. Cert. 2400748

FILE LOCATION: CONT – EMS Construction, Inc.

COUNCIL ACTION: (Time duration: 3:22 p.m. – 3:25 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Mayor Murphy. 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: Ordering Foreclosure Actions Against Delinquent Parcels of Land.

(Mission Valley and Otay Mesa Community Areas. Districts-6 and 8.)

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-808) ADOPTED AS RESOLUTION R-298878

Ordering judicial foreclosure of parcels with delinquent special assessments, pursuant to the Improvement Bond Act of 1915 and the Refunding Act of 1984

for 1915 Improvement Act Bonds, and ordering that the Tax Collector be credited with those installments.

**CITY MANAGER SUPPORTING INFORMATION:**

Certain property owners have become delinquent with respect to the payment of special assessments associated with Assessment District No. 4011 (De La Fuente Business Park-PH 1), Assessment District No. 4021 (De La Fuente Business Park-PH 2), and Reassessment District No. 1999-1. (Assessment District Nos. 4011 and 4021 were subsequently combined with a third district to form Reassessment District No. 2003-1 as part of a bond refunding process that occurred in September 2003). The City is required, pursuant to resolutions adopted in connection with the associated improvement district bond issues, to commence, diligently pursue, and prosecute to completion, an action in the Superior Court to foreclose the delinquent assessment liens.

This action would authorize the City, in conjunction with outside foreclosure counsel, to file the appropriate judicial foreclosure lawsuits and take such other associated actions necessary to collect the delinquent special assessment installments.

The delinquent parcels subject to this action are as follows:

<u>District/Property Owner</u>	<u>Assessor's Parcel No.</u>	<u>Tax Year</u>	<u>Delinquent Installment</u>	<u>Delinquent Assessment Amount (a)</u>
<u>De La Fuente Business Park-Phase 1 (b)</u>				
Delgadillo Abel & Maria	646-210-31-00	2001/2002	4/10/2002	\$ 868.00
539 Port Harwick		2002/2003	12/10/2002	\$ 824.50
Chula Vista, CA 91913		2002/2003	4/10/2003	<u>\$ 824.50</u>
			Total	\$ 2,517.00
<u>De La Fuente Business Park-Phase 2 (b)</u>				
Delgadillo Abel & Maria	646-210-31-00	2001/2002	4/10/2002	\$ 4,978.00
539 Port Harwick		2002/2003	12/10/2002	\$ 4,810.50
Chula Vista, CA 91913		2002/2003	4/10/2003	<u>\$ 4,810.50</u>
			Total	\$ 14,599.00
<u>Reassessment District 1999-1</u>				
Troy CMBS Property, LLC	438-360-01-00	2001/2002	4/10/2002	\$ 19,023.00
PO Box 560907				
Dallas, TX 75356				

- (a) Exclusive of Delinquent and Redemption Penalties
- (b) The bonds associated with De La Fuente Business Park-Phases 1 & 2 were refunded in September, 2003, as part of the issuance of the Reassessment District 2003-1 Limited Obligation Refunding Bonds.

**FISCAL IMPACT:**

None; there will be no fiscal impact to the City as a result of this action. All costs related to the foreclosure action would be reimbursed as part of the delinquency recovery. Certain costs may be interim funded by the City's Special Assessment District Delinquency Fund, and would be subsequently reimbursed upon resolution of the delinquency.

Frazier/Vattimo/CW

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:20 p.m. – 3:21 p.m.)

MOTION BY FRYE 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-202: San Diego Open Space Park Facilities District No. 1 General Obligation Bonds Refunding Series 2004.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-741) RETURNED TO THE CITY MANAGER

Approving Form of Preliminary and Final Official Statement for the issuance and sale of authorized San Diego Open Space Park Facilities District No. 1 General Obligations Bonds Refunding Series 2004 not to exceed \$36,000,000 in principal amount; and authorizing execution of necessary certificates.

**CITY MANAGER SUPPORTING INFORMATION:**

On September 15, 2003, the City Council approved a resolution and the first reading of an ordinance associated with this action.

The resolution authorized the issuance and sale of the 2004 Refunding Bonds in an amount not to exceed \$36 million, and approved forms of Continuing Disclosure Agreement, Escrow Agreement, and other related financing documents. The ordinance authorized pledging certain amounts paid into the Environmental Growth Fund to debt service on 2004 Refunding Bonds and authorized a form of Paying Agent Agreement and appointment of a Paying Agent.

The document that the City Council would approve through this Request for Council Action includes the form, execution, and delivery of the Preliminary and Final Official Statement in relation to the issuance of the 2004 Refunding Bonds. The Preliminary and Final Official Statement is the bond offering document which describes proposed bond refunding transaction and provides disclosure pertinent to the 2004 Refunding Bonds.

If the City Council approves the action requested, it is anticipated that the 2004 Refunding Bonds would be issued in February/March 2004.

**FISCAL IMPACT:**

Based on current market conditions, refunding the 1994 Refunding Bonds is expected to generate total savings of approximately \$2.6 million over a 5-year period through Fiscal Year 2009. The average annual debt service for the 2004 Refunding Bonds is estimated to be \$6.9 million in Fiscal Years 2005 – 2009, approximately \$510,000 lower than the annual average debt payments for the 1994 Refunding Bonds. The disposition of these savings will be made in accordance with the Environmental Growth Fund utilization provisions under City Charter Section 103.1a and Municipal Code Section 63.30.

All related costs of issuance, including, but not limited to, financial advisor, underwriting, bond counsel, verification, escrow, and paying agent fees, and costs to prepare the official statement would be reimbursed from the 2004 Refunding Bond proceeds.

Frazier/Vattimo/LK

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

ITEM-203: Refunding of the 2002 Lease Revenue Bonds (Ballpark Project).

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

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-803)                      RETURNED TO THE CITY MANAGER

Authorizing the execution and delivery of the Official Statement (in preliminary and final form) relating to the Public Facilities Financing Authority of the City of San Diego refunding Lease Revenue Bonds, Series 2004 (Ballpark Project), and approving other actions in connection therewith.

**CITY MANAGER SUPPORTING INFORMATION:**

This matter is associated with the proposed sale of refunding bonds for PETCO Park. Previously, on August 4, 2003, the City Council approved an ordinance (1) authorizing the issuance of not to exceed \$195,000,000 of Lease Revenue Bonds by the Public Facilities Financing Authority of the City of San Diego (the "Ballpark Refunding Bonds") to refund the previously issued \$169,685,000 Public Facilities Financing Authority of the City of San Diego Lease Revenue Bonds, Series 2002 (Ballpark Project) (the "Original Ballpark Bonds"); and (2) authorizing a Site Lease between the City and the Public Facilities Financing Authority (the "Authority"), an Amended and Restated Ballpark Facility Lease between the City and the Authority, an Assignment Agreement between the Authority and the Trustee for the project, an Indenture between the Authority and the Trustee, and an Escrow Agreement between the City and an Escrow Bank, all in connection with the proposed sale.

Also on August 4, 2003, the City Council approved a resolution authorizing the form, execution, and delivery of a Preliminary Official Statement ("POS") and providing for the preparation of a Final Official Statement), a City Continuing Disclosure Certificate, a Notice of Intention to Sell Bonds, and a Notice Inviting Bids. The resolution also authorized the City Manager, the Deputy City Manager, or their designees to take certain actions necessary to execute and deliver documents and take such other actions that may be required to accomplish the issuance, sale, and delivery of the refunding bonds.

Subsequent to the approval of the prior resolution, it was necessary to make certain changes to the POS. The City Attorney's Office and the bond counsel for the Ballpark Refunding Bonds have opined that, as a result of such revisions, the City Council must re-approve the POS. The

action requested today would approve the form, execution, and delivery of a revised POS (and would provide for the preparation of a Final Official Statement).

If the City Council approves the requested action, it is anticipated that the Authority would sell the Ballpark Refunding Bonds by competitive sale in February 2004, and bond closing (receipt of bond proceeds) would occur in March 2004.

**FISCAL IMPACT:**

Based on current market conditions, the average annual lease payment for the Ballpark Refunding Bonds is estimated to be \$11.7 million, which is approximately \$3.4 million lower than the average annual lease payment for the Original Ballpark Bonds. The actual annual lease payment amounts will be determined at the time of the bond sale, which is anticipated to occur in February 2004. These savings will be offset by lower interest earnings generated within the project of approximately \$200,000 per year through Fiscal Year 2009. This results in net project savings of approximately \$3.2 million per year through Fiscal Year 2009 and \$3.4 million beginning in Fiscal Year 2010. It is also recommended that a portion of the net project savings be utilized through Fiscal Year 2009 to offset annual recurring City operating costs related to PETCO Park. These estimated costs include Police Department costs (\$900,000 in Fiscal Year 2005), street sweeping and drainage system cleaning costs (\$93,000 in Fiscal Year 2005), litter collection and landscape maintenance costs (\$157,000 in Fiscal Year 2005), and Ballpark City Administrator expenses (\$130,000 in Fiscal Year 2005); these City operating costs are expected to be partially off-set by special event revenue in the early years of PETCO park's operation, and fully off-set thereafter.

Special event revenue is estimated to total \$240,000 in Fiscal Year 2005 and increase to \$1,200,000 per year by Fiscal Year 2009. In addition, it is anticipated that Police Department costs would be partially off-set through reimbursements from Padres L.P. (\$140,000 in Fiscal Year 2005). The impact of these operational costs would reduce the net savings to \$2.9 million annually in Fiscal Year 2005 through Fiscal Year 2009. It is recommended that the balance of the savings (\$2.9 million per year through Fiscal Year 2009, and \$3.4 million per year beginning in Fiscal Year 2010) be reserved as a solution for the State budget issue. All related costs of issuance, including, but not limited to, financial advisor, underwriting, bond counsel, trustee fees, and costs to prepare the official statement would be reimbursed from bond proceeds.

Frazier/Vattimo/ELK

FILE LOCATION: MEET(64)

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

ITEM-204: This item has been pulled at the request of the City Manager.

ITEM-205: Consideration of the Operations Plan for Tailgate Park.

(See Centre City Development Corporation Report CCDC-04-04. Centre City Community Area. District-2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-821) ADOPTED AS RESOLUTION R-298879

Approving the Operations Plan dated January 22, 2004, for the Tailgate Park surface parking lot.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Time duration: 4:21 p.m. – 5:09 p.m.)

MOTION BY ZUCCHET TO ADOPT WITH THE FOLLOWING CONDITIONS ADDED TO THE PLAN: KEGS, GLASS CONTAINERS, COALS, AND CHARCOAL GRILLS SHALL NOT BE ALLOWED; ALCOHOL SHALL BE LIMITED TO PETCO PARK BALL GAMES AND ANY OTHER EVENT WILL NEED A SPECIAL PERMIT; SIGNAGE SHALL BE CLEAR AND PLENTIFUL; MORE SECURITY PERSONNEL SHALL BE PROVIDED FOR THE INITIAL OPENING OF THE PARK. Second by Mayor Murphy. 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-206: Two actions related to the College Heights Enhanced Maintenance Assessment District.

(College Community Plan Area. District-7).

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2004-824 Cor.Copy) ADOPTED AS RESOLUTION R-298880

Resolution of Intention to form the College Heights Enhanced Maintenance Assessment District and to levy and collect Fiscal Year 2005 Annual Assessments on College Heights Enhanced Maintenance Assessment District.

Subitem-B: (R-2004-828) NOTED AND FILED

Authorizing the City Auditor and Comptroller to establish the College Heights Enhanced Maintenance District Fund.

**CITY MANAGER SUPPORTING INFORMATION:**

This action establishes the College Heights Enhanced Maintenance Assessment District (District) and authorized Fiscal Year 2005 assessments. The District is located along both sides of El Cajon Boulevard beginning at eastside of 54<sup>th</sup> Street, east to the City limit line, adjacent to the City of La Mesa. The purpose of the District is to fund regular maintenance of landscaped and hardscaped medians, landscaped right-of-way, adjacent slopes, sidewalks, gutters and brow ditches, and provide promotional activities within the District.

**College Heights Enhanced Maintenance Assessment District  
Estimated Expenditure, Revenues & Reserves**

	<b>FY 2005</b>	<b>Maximum Authorized</b>
<b>EXPENDITURES</b>		
Public Right of Way and Sidewalk Operations	\$170,953.00	\$186,343.00
Special Projects	\$ 36,000.00	\$ 36,000.00
Administration	\$ 33,000.00	\$ 33,000.00
Contingency Reserve	<u>\$ 41,661.00</u>	<u>\$ 41,661.00</u>
<b>TOTAL EXPENDITURES</b>	<b>\$281,614.00</b>	<b>\$297,004.00</b>
<b>REVENUES</b>		
Assessments – Zone 1	\$145,233.00	\$145,233.00
Assessments – Zone 2	\$121,381.00	\$121,381.00
City Contribution – Gas Tax*	\$ 0.00	\$ 15,390.00

City Contributions – Community Block Grants	<u>\$ 15,000.00</u>	<u>\$ 15,000.00</u>
<b>TOTAL REVENUES</b>	<b>\$281,614.00</b>	<b>\$297,004.00</b>

\*The Gas Tax Contribution assumes a 18.0-cent contribution on a proposed landscaped median along approximately 17,100 linear feet of El Cajon Boulevard. If the median averages five feet in width, the square footage would be 85,500, thus resulting in a total contribution of \$15,390 from Gas Tax. At this time, these medians are not constructed. Once they are constructed, accurate square footages will become available to calculate the appropriate Gas Tax transfer amount.

**FISCAL IMPACT:**

Approximately \$266,614 will be assessed and collected for the College Heights Enhanced Maintenance Assessment District in FY 2005. Total General Fund assessment is \$5,445.

Herring/Cunningham/RG

FILE LOCATION: STRT-M-498-05 (34)

COUNCIL ACTION: (Time duration: 3:21 p.m. – 3:21 p.m.)

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

ITEM-207: Two actions related to the Torrey Highlands Maintenance Assessment District.  
(Torrey Highlands Community Area. District-1).

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2004-791Cor.Copy 2/9/04) ADOPTED AS RESOLUTION R-298881

Resolution of Intention to form the Torrey Highlands Maintenance Assessment District and to levy and collect Fiscal Year 2005 Annual Assessments on Torrey Highlands Maintenance Assessment District.

Subitem-B: (R-2004-794) NOTED AND FILED

Authorizing the City Auditor and Comptroller to establish the Torrey Highlands Maintenance Assessment District Fund.

**CITY MANAGER SUPPORTING INFORMATION:**

This action establishes Torrey Highlands Maintenance Assessment District (District) and authorizes the Fiscal year 2005 assessment. The District, also referred to as “Subarea 4” of the North City Future Urbanizing Area, encompasses roughly 1,520 acres, and is generally located north of Los Penasquitos Reserve and east of Rancho Penasquitos. The purpose of the District is to fund maintenance of specified landscaped and hardscaped medians, landscaped rights-of-way, adjacent slopes, sidewalks, gutters, and brow ditches within the District.

**TORREY HIGHLANDS MAINTENANCE ASSESSMENT DISTRICT  
 Estimated Expenses, Revenues & Reserves**

<b>EXPENSES</b>	<b>FY 2005<sup>(1)</sup></b>	<b>Maximum Authorized<sup>(2)</sup></b>
Personnel	\$ 0	\$ 67,803
Contract	\$ 0	\$389,301
Incidentals	\$80,000	\$ 92,546
Energy and Utilities	<u>\$ 0</u>	<u>\$ 56,741</u>
<b>TOTAL EXPENSES</b>	<b><u>\$80,000</u></b>	<b><u>\$615,391</u></b>
 <b>REVENUES</b>		
Assessments—Zone 1	\$ 35,327	\$165,865
Assessments—Zone 2	\$ 84,685	\$397,745
Assessments—Zone 3	\$ 0	\$101,870
City Contributions—Gas Tax	<u>\$ 0</u>	<u>\$ 24,154</u>
<b>TOTAL REVENUES</b>	<b><u>\$120,012</u></b>	<b><u>\$689,634</u></b>
 <b>RESERVES</b>	 <b>\$ 40,012</b>	 <b>\$ 74,243</b>

- (1) FY 2005 is the City’s Fiscal Year 2005, which begins July 1, 2004 and ends June 20, 2005.
- (2) Maximum authorized annual assessment subject to cost-indexing provisions contained in Assessment Engineer’s Report.
- (3) Include cost of formation, assessment enrollment, oversight, and development of reserve fund.

Proposed annual assessments have been calculated by an independent assessment engineer for the parcels within Torrey Highlands MAD based on each parcels equivalent benefit unit (EBU). For benefit apportionment purposes, Torrey Highlands MAD has been divided into three zones. The zone locations and unit assessment rates are as follows:

- Zone 1 – Consists of all parcels in the District, except those in Zones 2 & 3;  
FY 2005 (proposed): \$24.91 per EBU; Maximum (proposed): \$116.98 per EBU
- Zone 2 – Consists of those parcels that receive access via Torrey Meadows Drive and Torrey Santa Fe Road;  
FY 2005 (proposed): \$43.33 per EBU; Maximum (proposed) \$203.52 per EBU
- Zone 3 – Camino Del Sur to the South, portions of Rhodes Crossing development and other non-residential land uses;  
FY 2005 (proposed): \$0.00; Maximum (proposed): \$116.98 per EBU.

**FISCAL IMPACT:**

Approximately \$120,012 will be assessed and collected in Torrey Highlands Maintenance Assessment District in FY 2005. Total General Fund assessment for parkland in FY 2005 is \$86.10.

Herring/Oppenheim/AWF

FILE LOCATION: STRT-M-497-05 (34)

COUNCIL ACTION: (Time duration: 3:21 p.m. – 3:21 p.m.)

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

ITEM-208: Two actions related to the Black Mountain Ranch South Maintenance Assessment District.

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

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2004-783) ADOPTED AS RESOLUTION R-298882

Resolution of Intention to form the Black Mountain Ranch South Maintenance Assessment District and to levy and collect Fiscal Year 2005 annual assessments on Black Mountain Ranch South Maintenance Assessment District.

Subitem-B: (R-204-787) NOTED AND FILED

Authorizing the City Auditor and Comptroller to establish the Black Mountain Ranch South Maintenance Assessment District Fund.

**CITY MANAGER SUPPORTING INFORMATION:**

This action establishes Black Mountain Ranch-South Maintenance Assessment District (District) and authorizes the Fiscal Year 2005 assessment. The District, also referred to as "Subarea 1" of the North City Future Urbanizing Area is located east of Fairbanks Ranch and north of the Torrey Highlands. The purpose of the District is to fund annual maintenance of specified landscaped and hardscaped medians, landscaped rights-of-way, adjacent slopes, sidewalks, gutters and brow ditches within the District.

**BLACK MOUNTAIN RANCH-SOUTH MAINTENANCE ASSESMENT DISTRICT  
Estimated Expenses, Revenues & Reserves**

<b>EXPENSES</b>	<b>FY 2005 (1)</b>	<b>MAXIMUM AUTHORIZED(2)</b>
Personnel	\$0	\$ 84,016
Contract	\$0	\$583,973
Incidentals(3)	\$79,995	\$114,430
Energy and Utilities	<u>\$0</u>	<u>\$ 87,047</u>
<b>TOTAL EXPENSES</b>	<b>\$79,995</b>	<b>\$869,467</b>

**REVENUES**

Assessments-Zone 1	\$119,995	\$879,470
City Contributions-EGF <sup>(4)</sup>	\$0	\$ 967
City Contributions-Gas Tax	<u>\$0</u>	<u>\$ 96,663</u>
<b>TOTAL REVENUES</b>	<b>\$119,995</b>	<b>\$977,100</b>

<b>RESERVES</b>	<b>\$40,000</b>	<b>\$107,634</b>
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- 1) FY 2005 is the City's Fiscal Year 2005, which begins July 1, 2004 and ends June 30, 2005.
- 2) Maximum authorized annual assessment subject to cost-indexing provisions contained in Assessment Engineer's Report.
- 3) Include cost of formation, assessment enrollment, oversight, and development of reserve fund.
- 4) Environmental Growth Fund.

Proposed annual assessments have been calculated by an independent assessment engineer for the parcels within the Black Mountain Ranch MAD based on each parcel's equivalent benefit unit (EBU). The Black Mountain Ranch MAD will consist of 1,395 parcels and 2,040.73 EBUs. The assessments for this District are as follows: FY 05 (proposed): \$58.80 per EBU; Maximum (proposed): \$430.96 per EBU.

**FISCAL IMPACT:**

Approximately \$119,995 will be assessed and collected Black Mountain Ranch-South Maintenance Assessment District in FY 2005. Total General Fund assessment for City owned parcels in FY 2005 is \$4,841.80. Total assessment in FY 2005 for the Metropolitan Wastewater Department is \$744.70.

Herring/Oppenheim/AWF

FILE LOCATION: STRT-M-499-05 (34)

COUNCIL ACTION: (Time duration: 3:21 p.m. – 3:21 p.m.)

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

ITEM-209: Three actions related to La Jolla Public Facilities Financing Plan Amendment and Conceptual Approval for Bird Rock Traffic Management Plan.

(See City Manager Report CMR-04-028. La Jolla Community Area. Districts-1 and 2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2004-795) ADOPTED AS RESOLUTION R-298883

Approving in concept the Traffic Management Plan;

Authorizing the City Manager to negotiate, draft, and execute a sole source agreement with Project Design Consultants, in an amount not to exceed \$249,940, for the purpose of providing engineering services for Bird Rock Coastal Traffic Flow Improvements Project, CIP-52-717.0 (Project), contingent upon the City Auditor and Comptroller first certifying that funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to increase by \$250,000 the FY 2004 Capital Improvements Program Budget CIP-52-717.0, Bird Rock Coastal Traffic Flow Improvements, in Fund 79514, La Jolla DIF;

Authorizing the expenditure of an amount not to exceed \$250,000 from CIP-52-717, for the purpose of providing funds for project design for the above-referenced Project.

Subitem-B: (R-2004-796) ADOPTED AS RESOLUTION R-298884

Approving the amended "La Jolla Public Facilities Financing Plan Fiscal Year 2002," dated June 2002, as amended on February 2004, which amendment adds Project T13, the Bird Rock Traffic Management Plan, at an estimated cost of \$3,792,000.

Subitem-C: (R-2004-797) ADOPTED AS RESOLUTION R-298885

Rescinding the existing Development Impact Fee (DIF) schedule and establishing a new Development Impact Fee Schedule for all properties within the La Jolla Community.

Aud. Cert. 2400755.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:41 p.m. – 4:21 p.m.)

Testimony in opposition by Jeff Elden.

Testimony in favor by Mark Landgreth.

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

ITEM-210: 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.

**FILE LOCATION:** MEET (61)

**COUNCIL ACTION:** (Time duration: 3:22 p.m. – 3:22 p.m.)

**Mayor Murphy closed the hearing and referred the matter to Closed Session.**

ITEM-250: Settlement of Meilani Agcaoili, et. al. v. City of San Diego.

(R-2004-772) Adopted as Resolution R-298824.

A Resolution approved by the City Council in Closed Session on Tuesday, January 27, 2004, 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 sum of \$35,750 in the settlement of each and every claim against the City, its agents and employees, in Superior Court Case No. GIC811968, Meilani Agcaoili, et. al. v. City of San Diego, et al., resulting from personal injury/property damage;

Authorizing the City Auditor and Comptroller to issue three checks, one in the amount of \$13,000, made payable to Meilani Lyn Agcaoili and Charles A. Bleiler, her attorney of record; one in the amount of \$13,250, made payable to Jacob Harvey and Charles A. Bleiler, his attorney of record; and one in the amount of \$9,500, made payable to Thomas Blanc and Charles A. Bleiler, his attorney of record, in full settlement of all claims.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-251: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

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

SUBDIVISION

COMMUNITY AREA

Monarch Estates Unit No. 4  
Monarch Estates Unit No. 8  
Scripps Ranch North Unit No. 20

Mira Mesa Community  
Mira Mesa Community  
Miramar Ranch North

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

**ITEM-252: Notice of Pending Final Map Approval – Pacific Highlands Ranch Unit No. 5.**

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 "Pacific Highlands Ranch Unit No. 5" (TM No. 41-0185), a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal

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

**ITEM-253: Notice of Pending Final Map Approval – Prospect Oceanview Homes.**

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 “Prospect Oceanview Homes” (T.M. No. 40-0856), located northeasterly of Eads Avenue and Prospect Street in the La Jolla Community Plan Area in Council District 1, a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

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

ITEM-S400: Honoring the City Auditor and Comptroller, Ed Ryan, on his retirement.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:15 p.m. – 2:29 p.m.)

ITEM-S401: Montford Point Marine Association, Inc. Day.

**COUNCILMEMBER LEWIS' RECOMMENDATION:**

Adopt the following resolution:

(R-2004-848 Cor. Copy) ADOPTED AS RESOLUTION R-298886

Recognizing Montford Point Marine Association, Inc., San Diego Chapter 12 in honor of Black History Month;

Proclaiming February 9, 2004, to be "Montford Point Marine Association, Inc. Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:14 p.m. – 3:20 p.m.)

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

\* ITEM-S402: Live and Let Live Alano Club 20<sup>th</sup> Anniversary Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2004-843) ADOPTED AS RESOLUTION R-298887

Recognizing the 20<sup>th</sup> anniversary of the Live and Let Live Alano Club, and commending them for their outstanding work in support and on behalf of San Diego's lesbian, gay, bisexual, and transgender (LGBT) recovery community;

Proclaiming January 31, 2004, to be "Live and Let Live Alano Club 20<sup>th</sup> Anniversary Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

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

\* ITEM-S403: San Diego Fire-Rescue Department Day.

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-853) ADOPTED AS RESOLUTION R-298888

Declaring February 11, 2004 to be "San Diego Fire-Rescue Department Day" in recognition of their outstanding service to the Scripps Ranch community and the people of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

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

\* ITEM-S404: San Diego Police Department Day.

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-852) ADOPTED AS RESOLUTION R-298889

Declaring February 12, 2004 to be "San Diego Police Department Day" in recognition of their outstanding service to the Scripps Ranch community and the people of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

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

\* ITEM-S405: Amendment to Agreement with Procopio, Cory, Hargreaves, & Savitch, LLP Regarding the Renegotiation Provisions of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium Between the City and the San Diego Chargers.

(Mission Valley Community Area. District-6.)

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-788) ADOPTED AS RESOLUTION R-298890

Authorizing the City Attorney to execute an amendment to the retention agreement with Procopio, Cory, Hargreaves, & Savitch, LLP the (Firm) for an additional amount not to exceed \$500,000, for a total contract amount not to exceed \$1.3 million;

Authorizing the expenditure of an amount not to exceed \$500,000 from Fund 81140, Dept. 81140, Org. No. 3502, Object Account 4141, Job Order 811401 for the purpose of providing funds for the above project.

**SUPPORTING INFORMATION:**

This action will amend the existing agreement between the City of San Diego and Procopio, Cory, Hargreaves, & Savitch for legal services related to the renegotiation provisions of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium between the City and the San Diego Chargers (Agreement). An initial contract amount, not to exceed \$100,000, was authorized by the City Manager in March 2003, and additional amounts, not to exceed a total of \$700,000, were authorized by the City Council. Additional services are now required due to the filing of litigation regarding the matter (Chargers v. City of San Diego), and an additional amount not to exceed \$500,000 is now necessary and appropriate to continue providing the necessary legal services relating to the Agreement. The proposed amendment will bring the total contract to an amount not to exceed \$1.3 million.

Uberuaga/Gwinn/LG

Aud. Cert. 2400740.

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

\* ITEM-S406: Authorizing Payment of Funds Held in Trust by the City of San Diego Family Justice Center Foundation.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-854) ADOPTED AS RESOLUTION R-298891

Authorizing the City Auditor and Comptroller to make payment in an amount not to exceed \$127,639.69 from Fund No. 10153, Dept. No. 10153, Org. No. 2003, Acct. No. 4279, and Job Order No. 010153, to the San Diego Family Justice Center Foundation.

**SUPPORTING INFORMATION:**

The City Attorney is requesting Council authorization to transfer monies currently being held in trust by the City of San Diego to the San Diego Family Justice Center Foundation. The San Diego Family Justice Center is a public/private partnership which houses the City Attorney's Domestic Violence Unit, the San Diego Police Department's Domestic Violence Unit and 24 public and private non-profit agencies providing services to victims of family violence and their children. In October, 2002, the City of San Diego served as the non-profit entity to receive funds for a future capital and development campaign for the San Diego Family Justice Center. The Center, at the time, had not non-profit status and their Foundation was in the planning stages. Now, the Center has created a nonprofit 501 (c)(3) corporation to oversee the capital and development campaign for the future development of a permanent home for the Family Justice Center.

The City has been holding monies of approximately \$127,639.69 in trust for the Justice Center since October, 2002 while awaiting creation of the Foundation. The Foundation is now fully operational and raising funds and capital for Camp Hope and the San Diego Family Justice Center.

Duvernay

Aud. Cert. 2400771.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

\* ITEM-S407: Shaw Valley Hiking/Equestrian Trail – Additional Funding.

(Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-855) ADOPTED AS RESOLUTION R-298892

Authorizing the City Manager to transfer \$60,000 from Fund No. 79008, Carmel Valley FBA, to CIP-52-659.0, Shaw Valley Hiking/Equestrian Trail;

Authorizing the City Manager to increase the Fiscal Year 2004 Capital Improvements Program budget by appropriating \$60,000 into CIP-52-659.0, Shaw Valley Hiking/Equestrian Trail;

Authorizing the City Auditor and Comptroller to expend \$60,000 from Fund No. 79008, Carmel Valley FBA, CIP-52-659.0, Shaw Valley Hiking/Equestrian Trail, for the purpose of construction, and related administrative costs, contingent upon the City Auditor and Comptroller certifying that funds are available;

Authorizing the City Auditor and Comptroller to return excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

The Shaw Valley Hiking/Equestrian Trail Project was first envisioned by the Carmel Valley community back in 1975, along with several other trails, to provide a pleasant, inviting and permanent trail system throughout Los Penasquitos Canyon. This project abandoned and restored the existing substandard trail to a more suitable location further down the slope located approximately 0.6 miles south of SR-56 just east of Carmel County Road. The new trail meets City design standards to ensure a pleasant experience for the many horse riders within the community.

The Shaw Valley Trail now connects the Carmel Valley Creek Restoration and Enhancement Project (CVREP) trail and the Neighborhood 8 trail with a trail being planned by Pardee in the eastern portion of Neighborhood 10. It will also provide a connection to the trails in Los Penasquitos Canyon via another bridge undercrossing at Carmel Mountain Road.

The project was publicly bid and awarded to Kirk Paving, Inc. in 2003 for \$200,026. The additional requested money of \$60,000 is needed to fund construction work of unforeseen site conditions as well as community requests not originally budgeted, such as turnarounds, landscaping, and trail tread. Construction work is near completion.

**FISCAL IMPACT:**

Funding for this action of \$60,000 is available in Fund 79008, Carmel Valley FBA.

Loveland/Belock/PB

Aud. Cert. 2400768.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

\* ITEM-S408: Grant Application and Transfer Funds – Balboa Park Aerospace Museum Roof Repair.

(Balboa Park Community Area. District-3.)

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-395) ADOPTED AS RESOLUTION R-298893

Authorizing the City Manager to apply to the California State Park Bond 2000 Per Capita Grant (CSPB) for the Balboa Park Aerospace Museum Roof Repair (Project);

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

Authorizing the City Auditor and Comptroller to accept, appropriate and expend the Grant if it is secured;

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

Authorizing, upon receipt of a fully executed grant agreement, an increase of \$120,000 to the FY 04 Capital Improvement Program Budget, CIP-21-862.0, Balboa Park Aerospace Museum Roof Repair;

Authorizing the City Auditor and Comptroller to transfer \$30,000 from CIP-21-863.0, Balboa Park Improvements and Matching Funds, No. 102341, to CIP-21-862.0, Balboa Park Aerospace Museum Roof Repair;

Authorizing the City Auditor and Comptroller to appropriate and expend \$150,000 from CIP-21-862.0, Balboa Park Aerospace Museum Roof Repair, upon receipt of a fully executed grant agreement.

**CITY MANAGER SUPPORTING INFORMATION:**

The California voters approved the 2000 Park Bond in March 2000, allocating Per Capita funding to the City of San Diego. The City entered into Contract #C2003401 with the State of California for Per Capita Grant Funding under the California Safe Neighborhood Parks, Clean Water, Clean Air, and coastal Protection Act of 2000. This action authorizes the City Manager to secure Park Bond Per Capita funding and transfer Balboa Park Improvements & Matching Funds to the Balboa Park Aerospace Museum Roof Repair Capital Improvement Project.

The mission of the San Diego Aerospace Museum, a non-profit institution, is to provide a public, educational, scientific and cultural institution devoted to the history of aviation and space flight. The San Diego Aerospace Museum was the first aviation museum to be accredited by the American Association of Museums, and continues to be one of the top five aviation and space museums in the nation. Currently, the museum's roof is severely worn and allows the percolation of rain water to the building's interior, causing unappealing water damage to walls and ceilings and posing threats to museum exhibits and library archives.

**FISCAL IMPACT:**

The estimated project cost of the Aerospace Museum is \$340,000, of which \$190,000 has been previously approved. The balance of the project funding, \$30,000 from Balboa Park Improvements and Matching Funds and \$120,000 from the 2000 Park Bond Per Capita funding, will be added to the CIP with this action.

Herring/Oppenheim/AP

Aud. Cert. 2400679.

**FILE LOCATION:** MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

- \* ITEM-S409: Award of Construction Contract with Echo Pacific Construction for the Construction of the Otay Mesa/Nestor Branch Library; and HUD 108 Loan Application.

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

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-826) ADOPTED AS RESOLUTION R-298894

Authorizing the City Manager to execute a construction contract with the lowest responsible and reliable bidder for an amount not to exceed \$3,600,351, for the construction of the Otay Mesa/Nestor Branch Library, CIP-35-087.0 (Project);

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,000,000 from CIP-35-100.0, Ocean Beach Branch Library, Interim Fund No. 102216, Main Library Funds, and \$500,000 from CIP-35-088.0, San Carlos Branch Library, to CIP-35-087.0, Otay Mesa/Nestor Branch Library;

Authorizing the additional expenditure of an amount not to exceed \$1,500,000 from CIP-35-087.0, Otay Mesa/Nestor Branch Library, for the purpose of providing funds for the above referenced Project, 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 Manager to replenish the transferred funds: \$750,000 into CIP-35-100.0, Ocean Beach Branch Library, when the HUD 108 loan is received; and \$250,000 into CIP-35-100.0, Ocean Beach Branch Library and \$500,000 into CIP-35-088.0, San Carlos Branch Library, when the first library bond issuance occurs;

Authorizing the City Manager to apply to the Department of Housing and Urban Development for a HUD Section 108 loan for \$750,000 for the Otay Mesa/Nestor Branch Library and set forth the legal authority and certifications necessary for such an application;

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

Authorizing the City Manager to use District Eighth's future CDBG entitlement grants to make loan repayments over 20 years;

Authorizing the City Manager to amend the 2004 CDBG Action Plan to include the use of HUD 108 funds, for the Otay Mesa/Nestor Branch Library Project;

Authorizing the City Manager to pledge the City's future annual CDBG entitlement grants as additional security and the Otay Mesa/Nestor Branch Library as collateral for the HUD loan;

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

**CITY MANAGER SUPPORTING INFORMATION:**

The existing Otay Nestor Branch Library located at 3003 Coronado Avenue, was built in 1985. 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 the required space to serve this growing community. On January 14, 2004, two bids were received and opened for the project construction. The lowest responsible bidder is Echo Pacific Construction, with a bid of \$3,600,351, which is higher than the engineer's estimate of \$2,600,000.

In recent months the City has encountered significant construction cost escalations due to higher material and labor costs and a tight local market. Due to these factors, it is not anticipated that re-advertisement will result in any savings to the City and may in fact cost more to build this project. Therefore, staff recommends that this project be awarded to the apparent low bidder, Echo Pacific Construction, for the amount of \$3,600,351.

**FISCAL IMPACT:**

The total project cost is estimated at \$4,663,500, of which \$3,163,500 has been previously authorized. \$1,500,000 is available and will be transferred from Ocean Beach Branch Library, \$1,000,000, CIP-35-1 00.0 and from San Carlos Branch Library, \$500,000, CIP-35-088.0. These funds will be replenished with receipts of HUD Loan proceeds and when the first library bond issuance occurs. Although the exact interest rate on the HUD loan will not be known until the date of the public offering, it can be estimated that for a \$750,000 loan, the repayment of principal and interest over 20 years would be about \$1.2 million dollars, requiring an annual payment of approximately \$60,000. Council District 8 has indicated a willingness to repay this loan with future CDBG entitlement allocations, starting in FY 2005 even with this loan the City will be within the borrowing limit established by the City Council. Our portfolio includes approved loans totaling about \$14.1 million which may be drawn down over the next several years and there are three loans, totaling about \$2.5 million in process. If all the pending loans, including this proposed loan for the Otay Mesa/Nestor Branch Library were to be funded this year, the City's debt would be approximately \$50.3 million.

Loveland/Belock/AO

Aud. Cert. 2400758.

FILE LOCATION: CONT – Echo Pacific Construction

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:59 p.m.)

CONSENT 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-yea, Mayor Murphy-yea.

ITEM-S410: Update on City Response to Military Base Realignment and Closure (BRAC).

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-850) ADOPTED AS RESOLUTION R-298895

Accepting the Governmental Relations Department's Status Report on Military Base Realignment and Closure (BRAC) dated January 30, 2004.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 7:05 p.m. – 7:28 p.m.)

MOTION BY PETERS 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-S411: Two actions related to Inviting Bids for the Construction of Fire Station 29 and South Pacific Beach Lifeguard Tower .

(See City Manager Report CMR-04-033. San Ysidro and Pacific Beach Community Areas. Districts-2 and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2004-838) ADOPTED AS RESOLUTION R-298896

Authorizing the City Manager to execute a construction contract with the lowest responsible and reliable bidder for the Construction of Fire Station 29, CIP-33-103.0, in an amount not to exceed \$3,034,280;

Authorizing the City Manager to transfer \$794,214 from CIP-33-091.0, Paradise Hills Fire Station No. 54, and \$689,315 from CIP-33-104.0, Hillcrest Fire Station No. 5, and \$911,006 from CIP-33-509.0, Old Mission Beach Lifeguard Tower, to CIP-33-103.0, Fire Station 29;

Authorizing the City Auditor and Comptroller, to expend \$2,394,535 from CIP-33-103.0, Fire Station 29, Fund No. 92110, Fire and Life Safety Construction Fund, for the construction of Fire Station 29, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to replenish the funds transferred by this Resolution to CIP-33-103.0 and CIP-29-473.0 when the second Fire and Life Safety Bond issuance occurs.

Subitem-B: (R-2004-857)

ADOPTED AS RESOLUTION R-298897

Authorizing the City Manager to execute a construction contract with the lowest responsible and reliable bidder, for the construction of the South Pacific Beach Lifeguard Tower and Comfort Station, CIP-29-473.0, in an amount not to exceed \$3,231,944;

Authorizing the City Manager to transfer \$81,814 from CIP-33-509.0, Old Mission Beach Lifeguard Tower, \$2,200,000 from CIP-33-508.0, Mission Bay Park Headquarters Relocation, \$68,103 from CIP-33-506.0, Ocean Beach Lifeguard Station, and \$244,538 from CIP-29-494.0, Children's Pool Lifeguard Tower, to CIP-29-473.0, South Pacific Beach Lifeguard Tower and Comfort Station;

Authorizing the City Auditor and Comptroller to expend \$2,594,455 from CIP-29-473.0, South Pacific Beach Lifeguard Tower and Comfort Station, Fund No. 92110, Fire and Life Safety Construction Fund, for the construction of South Pacific Beach Lifeguard Tower and Comfort Station, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to replenish the funds transferred by this Resolution to CIP-33-103.0 and CIP-29-473.0 when the second Fire and Life Safety Bond issuance occurs.

Aud. Cert. 2400760.

FILE LOCATION:

Subitem A: CONT – Echo Pacific Construction; W.O. 331030; Subitem B: CONT – EMS Construction, Inc.; W.O. 294730

COUNCIL ACTION:

(Time duration: 3:26 p.m. – 3:29 p.m.)

MOTION BY ZUCCHET TO ADOPT WITH DIRECTION THAT THE BIDS FOR STATION 31 AND 12 BE CONSIDERED BY THE COUNCIL BEFORE THOSE EXISTING BIDS RUN OUT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S412: City Council Taking Positions on March 2004 State Ballot Measures and San Diego County Ballot Measure, Proposition A.

(See Governmental Relations Department Reports on Proposition 55, Proposition 56, Proposition 57, Proposition 58, and Proposition A.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-856)            ADOPTED AS RESOLUTION R-298898

Declaring that the following positions are taken by the City concerning the March 2004 State Ballot Measures:

- a. The City supports Proposition 55: The Education Facilities – Kindergarten – University Public Education Facilities Bond Act of 2004.
- b. The City supports Proposition 56: State Budget, Related Taxes, and Reserve. Voting Requirements. Penalties.
- c. The City supports Proposition 57: The Economic Recovery Bond Act.
- d. The City supports Proposition 58: California Balanced Budget Act.

Declaring that the City takes no position to support or oppose Proposition A: Rural Lands Initiative, which will appear on the March 2004 San Diego County Wide Ballot.

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

On 2/4/2004, RULES voted 5 to 0 to forward Governmental Relations Department's recommendations to the full City Council without recommendation. (Councilmembers Peters, Atkins, Maienschein, Madaffer, and Mayor Murphy voted yea.)

**SUPPORTING INFORMATION:**

Proposition 55: Education Facilities: Kindergarten – University public Education Facilities Bond Act of 2004.  
Manager's Recommendation: Support.

- Proposition 56: State Budget, Related Taxes, and Reserve. Voting Requirements. Penalties.  
Manager's Recommendation: Support.
- Proposition 57: Economic Recovery Bond Act.  
Manager's Recommendation: Support.
- Proposition 58: California Balanced Budget Act.  
Manager's Recommendation: Support.
- Proposition A: Rural Lands Initiative.  
Manager's Recommendation: No. Position.

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FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:20 p.m. – 7:05 p.m.)

MOTION BY ATKINS TO SUPPORT PROPOSITION 55. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-yea.

MOTION BY FRYE TO SUPPORT PROPOSITION 56. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

MOTION BY ATKINS TO SUPPORT PROPOSITION 57. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY ATKINS TO SUPPORT PROPOSITION 58. Second by Mayor Murphy. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

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

NON-DOCKET ITEMS:

None.

**ADJOURNMENT:**

The meeting was adjourned by Mayor Murphy at 7:28 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 7:28 p.m.)