

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MARCH 8, 2004
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:11 p.m. Mayor Murphy recessed the meeting at 2:59 p.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 3:15 p.m. with Council Member Madaffer not present. Mayor Murphy adjourned the meeting at 3:27 p.m. into Closed Session on Tuesday, March 9, 2004, at 9:00 a.m. in the 12th floor conference room to discuss anticipated and existing litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
 - (1) Council Member Peters-present
 - (2) Council Member Zucchet-present
 - (3) Council Member Atkins-present
 - (4) Council Member Lewis-present
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-(Excused by R-298972 adopted on
03/15/04, due to representing the City as SANDAG Representative
at Annual Legislative Conference (APTA) in Washington D.C.)
 - (8) Council Member Inzunza-present
- Clerk-Abdelnour/Maland (gs)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Rob Richards of Horizon Christian Fellowship.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Zucchet.

FILE LOCATION: MINUTES

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

1/19/2004 - Adjourned

1/26/2004

1/27/2004

2/02/2004

2/03/2004

FILE LOCATION: MINUTES

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

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

ITEM-31: University Heights Community Association 20th Anniversary Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-912) ADOPTED AS RESOLUTION R-298916

Commending the University Heights Community Association for their outstanding commitment to community service and congratulating them upon the celebration of their 20th anniversary;

Proclaiming March 8, 2004, to be "University Heights Community Association 20th Anniversary Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:14 p.m. – 2:19 p.m.)

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

* ITEM-50: North Clusters at Black Mountain Ranch Rezoning.

(Rezone/Vesting Tentative Map No. 4796. Black Mountain Ranch Community Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/10/2004. (Council voted 8-0. Councilmember Inzunza not present.):

(O-2004-90) ADOPTED AS ORDINANCE O-19265 (New Series)

Rezoning 37.05 acres, located north of Camino Del Sur, in the Black Mountain Ranch Subarea I plan area, in the City of San Diego, California, from the AR-1-1 zone into the RS-1-11 zone, as defined by San Diego Municipal Code Section 131.0403.

FILE LOCATION: LUP - North Clusters at Black Mountain Ranch (65)

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-51: Two actions related to Proposed Changes to Condominium Conversion Regulations.

CITY COUNCIL'S RECOMMENDATION:

Adopt the ordinance in Subitem-A which was introduced as amended on 2/3/2004. (Council voted 8-1. Councilmember Madaffer voted nay); adopt the ordinance in Subitem-B which was as introduced as amended on 2/3/2004. (Council voted 6-3. Councilmembers Maienschein, Madaffer, and Mayor Murphy voted nay):

Subitem-A: (O-2004-58 Rev) ADOPTED AS ORDINANCE O-19266
(New Series)

Amending Chapter 12, Article 5, Division 4, of the San Diego Municipal Code by amending Sections 125.0430, 125.0431, and 125.0444, amending Chapter 12, Article 5, Division 6, by amending Section 125.0640, and amending Chapter 14, Article 4, by adding Division 5 Titled "Condominium Conversion Regulations," and by adding Sections 144.0501, 144.0502, 144.0503, and 144.0504, all relating to Condominium Conversions.

Subitem-B: (O-2004-94 Cor. Copy 2) ADOPTED AS ORDINANCE O-19267
(New Series)

Amending Chapter 14, Article 2, Division 13, of the San Diego Municipal Code by amending Sections 142.1303 and 142.1306, all relating to Inclusionary Affordable Housing Regulations.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:23 p.m. – 2:40 p.m.)

MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE IN SUBITEM A. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE IN SUBITEM B. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-nay.

* ITEM-52: Dedicating City-Owned Land, Black Mountain Park, for a Public Park.

(Rancho Penasquitos Community Area. District-1.)

CITY MANAGER’S RECOMMENDATION:

Introduce the following ordinance:

(O-2004-41) INTRODUCED, TO BE ADOPTED ON MONDAY,
MARCH 22, 2004

Introduction of an Ordinance setting aside and dedicating City-owned land, known as Black Mountain Park in the City of San Diego, California, for a public park;

Declaring that the City of San Diego specifically reserves the right to establish underground public service easements under, through and across the dedicated property so long as the construction and maintenance of the subject easement do

not substantially negatively impact the availability of the property for use for park and recreational purposes.

CITY MANAGER SUPPORTING INFORMATION:

City Charter Section 55 mandates protection of dedicated park, recreation and cemeteries against any use other than for park, recreation and cemetery purposes without a two-thirds vote of the qualified electorate.

Council Policy 700-17, "Policy on Dedication and Designation of Park Lands", mandates that all land acquired for resource-based, population-based park and open space purposes shall be dedicated by ordinance pursuant to Charter Section 55 of the Municipal Code. The Council Policy outlines the process for dedication or designation of park and open space lands, and the criteria by which land should be considered for dedication or designation. Specifically, the following affirmative conditions must exist prior to dedication of open space land:

- 1) The land fits the criteria of a resource-based park; is a complete open space system or sub-system; or a sub-system sufficient to stand on its own.
- 2) The land does not contain areas which are undesirable for park purposes, would be more suitable for other purposes or which could be traded or sold to obtain more desirable park land or to fund park improvements.
- 3) The deed to the property is free of restrictions which might preclude dedication as park land.

In the event of any discrepancy between the property identified in the legal description and any record of any other agency, the legal description shall control for purposes of determining the area dedicated.

In accordance with Charter Section 55 and Council Policy 700-17, the Park and Recreation Board has reviewed the City's inventory of open space to determine which open space parcels meet the requirements for dedication. The subject parcels meet these requirements and have been recommended by the Park and Recreation Board for dedication. These 21 parcels totaling approximately 1,101.76 acres will be added to the 200 acres previously dedicated for this open space park.

FISCAL IMPACT:

None. This action is concerned only with dedicating City open space.

Herring/Oppenheim/DS

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-100: Two actions related to Inviting Bids for the Construction of Sewer Group 700.

(See memorandum from Frank Belock dated 1/20/2004. Uptown Community Area. District-2.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-155) ADOPTED AS RESOLUTION R-298917

Approving the plans and specifications for the Construction of Sewer Group 700 (Project) on Work Order No. 175361;

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 \$1,695,506.98, 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 the amount not to exceed \$2,203,756.98 from Sewer Fund 41506, CIP-44-001.0, Sewer Group 700, 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-K041281C)

Subitem-B: (R-2004-156) ADOPTED AS RESOLUTION R-298918

Certifying that Mitigated Negative Declaration LDR-5557 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 of Sewer Group 700;

Approving 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 project.

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:

Sewer Group 700 is part of the City of San Diego's Continuing Annual Sewer Main Replacement Program. The sewer mains being replaced by this project were constructed in the early 1900's and are approaching the end of their useful service. This project is located in the Uptown Community and consists of replacing approximately 6,233 feet (1.18 miles) of 6-inch sewer main which contains 3,437 feet (0.65 miles) of concrete sewer pipe and 2,796 feet (0.53 miles) of vitrified clay sewer pipe. Also this project includes the construction of fourteen (14) pedestrian ramps and resurfacing of impacted streets. The streets affected by construction operations within this project are: First Avenue, Second Avenue, Curlew Street, Dove Street, Eagle Street, West Palm Street, Quince Street, and Redwood Street. This project was presented to the Uptown Community in December 2002, during the design phase by the Engineering and Capital Projects Department. Residents will be notified by mail at least one (1) month before construction begins through hand distribution of notices by the contractor.

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

FISCAL IMPACT:

The total estimated cost of this project is \$2,203,756.98. Funds are available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation – Sewer Main Replacement, which is scheduled to be phase funded over FY 2004 and FY 2005.

Loveland/Belock/HR

FILE LOCATION: CONT – Scheidel Contracting and Engr.; W. O. 175361

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-101: Inviting Bids for the Construction of Breen Park Site.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-906) ADOPTED AS RESOLUTION R-298919

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation, and other expense necessary or incidental and inviting bids for the Construction of Breen Park Site – Development (Project) on Work Order No. 297390;

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder;

Authorizing the City Auditor and Comptroller, upon advice from the Park and Recreation Department, to return excess budgeted funds to the contributing funds. (BID-K41776)

CITY MANAGER SUPPORTING INFORMATION:

This project provides for the development of an approximate ten-acre site located southeast of the intersection of Capricorn Way and Polaris Drive in the community of Mira Mesa. The site was formerly an elementary school site and, after being redeveloped as a park, will satisfy the need in this area for a neighborhood park as identified in the City's Progress Guide and General Plan Standards. The project design is complete. Upon award of the construction contract to the lowest responsible bidder, construction operations will begin approximately in April 2004.

FISCAL IMPACT:

The total project cost is estimated at \$3,440,000. Funds are available in CIP-29-739.0, Breen Park Site Development.

Herring/Oppenheim/AP

FILE LOCATION: CONT – 3D Enterprises, Inc.; W. O. 297390

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-102: Awarding Contract to US Filter Davis Process to provide Bioxide for Chemical Odor Control.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-862) ADOPTED AS RESOLUTION R-298920

Awarding a contract to the low responsive and responsible Bidder meeting specifications, US Filter Davis Process, Sarasota, FL, to provide Bioxide for Chemical Odor Control, as may be required for a period of one year from date of award for an estimated annual cost of \$1,399,656.07 (including tax), terms NET thirty days; with options to renew the contract for four additional one-year periods; with no price escalations;

Authorizing the estimated Fiscal Year 2004 expenditure of \$185,419.09 from Fund No. 41506, Department No. 775, Organization No. 975, Object Account No. 3221, Job Order No. 002970, and \$282,732.93 from Fund No. 41506, Department No. 773, Organization No. 760, Object Account No. 3221, Job Order No. 007612. (BID-6095-03-B)

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

CITY MANAGER SUPPORTING INFORMATION:

City Council approval is required to award a contract to provide Bioxide for Chemical Odor Control, per Bid No. 6095-03-B for an estimated annual cost of \$1,399,656.07 (including tax), terms net thirty (30) days, as may be required for a period of one (1) year beginning from date of award, with options to renew for four (4) additional one (1) year periods with no price escalations.

Bioxide is a non-hazardous product used by the Metropolitan Wastewater Department to control odor at sewer pump stations throughout the City of San Diego. Bioxide has been used by the City for odor control for a number of years. In December 2001, a Request for Information was issued to allow Vendors to submit samples of hazardous and non-hazardous products for extensive field testing. Based upon the responses received, four (4) products were selected for field testing. The results of this testing clearly indicated that Bioxide was the most effective product in controlling odor.

Nineteen (19) potential Bidders were contacted and two (2) bids were received per the bid tabulation. The low bid submitted by Altivia was rejected as it was determined during field testing that the product offered, Nitrazyme, was not an equal to Bioxide in controlling odor. Therefore, the recommendation is to award the contract to US FILTER DAVIS PROCESS, Sarasota, FL, the only responsive and responsible Bidder meeting specifications at an estimated annual cost of \$1,399,656.07.

FISCAL IMPACT:

FY04 Estimated Cost (March 1, 2004 through June 30, 2004): \$468,152.02, including sales tax. Estimated annual cost is \$1,399,656.07 including sales tax.

Loveland/Anderson/WR

Aud. Cert. 2400770.

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-103: Awarding Contracts to Provide Library Books, Audio Visual Material, and Processing Services on Behalf of the Library.

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-893) ADOPTED AS RESOLUTION R-298921

Awarding contracts to the low, responsive, and responsible Bidders as follows whose bids are considered most advantageous to the City, for the purchase of Library Books, Audio Visual Material, and Processing Services, by the Purchasing Agent, on behalf of the City Manager. (BID-6021-04-L)

1. to Ingram Library Services, Inc., La Vergne, TN; Section 1 of said Bid, Items 1-10, Section 2 of said Bid, Items 1-3, 6-8, and 10, and Section 3 of said Bid, Processing Services, for the items awarded to said bidder in Sections 1 and 2;
2. to Audio Book Services, Inc., Fort Collins, CO; Section 1 of said Bid, Items 11-15, Section 2 of said Bid, Items 11 and 12, and Section 3 of said Bid, Processing Services, for the items awarded to said bidder in Sections 1 and 2;
3. to Baker & Taylor, Inc., Charlotte, NC; Section 1 of said Bid, Items 16-18, Section 2 of said Bid, Items 9 and 13-15, and Section 3 of said Bid, Processing Services, for the items awarded to said bidder in Sections 1 and 2;

4. to Unique Books, Inc., St. Louis, MO; Section 1 of said Bid, Item 19, Section 2 of said Bid, Items 4 and 16, and Section 3 of said Bid, Processing Services, for the items awarded to said bidder in Sections 1 and 2;
5. to The Book House, Inc., Jonesville, MI; Section 2 of said Bid, Item 5 and Section 3 of said Bid, Processing Services, for the item awarded to said bidder in Section 2;

Declaring that said contracts are awarded for such goods and services as may be required for a period of one year beginning from the date of award, for a total estimated annual cost of \$1,443,689 (including tax), terms NET 30 days, with options to renew said contracts for four additional one-year periods, with fixed price discounts for Sections 1 and 2, and with price escalations for Section 3, not to exceed the Consumer Price Index for prices in effect at the end of each prior contract year;

Authorizing the City Manager that in the event any Contractor fails to perform in accordance with the contract specifications, to award the contract to the next responsive and responsible Bidder whose bid is considered most advantageous to the City;

Authorizing that the expenditure of Funds from various Funds is solely for the purpose of said contracts contingent on the verification of Fund availability by the City Auditor and Comptroller;

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

CITY MANAGER SUPPORTING INFORMATION:

City Council approval is required to award the contract to provide Library Books, Audio Visual Material, and Processing Services for public use per Bid No. 6021-04-L, as may be required for a period of one (1) year beginning from the date of award, for an estimated annual cost of \$1,443,689 (including tax), to Ingram Library Services, Inc., Audio Book Services, Inc., Baker & Taylor, Inc., Unique Books, Inc., and the Book House, Inc., terms NET 30 days, with options to renew the contract for four (4) additional one (1) year periods, with fixed price discounts for Sections 1 and 2, and with price escalations for Section 3, not to exceed the Consumer Price Index (CPI), for prices in effect at the end of each prior contract year.

Books and audio visual materials are purchased by the Library to maintain up-to-date and comprehensive circulating and reference collections for use by the public. Processing services are purchased by the Library to prepare the books and audio visual materials for use by the public. For Fiscal Year 2004, the Library expects to purchase books with donated funds from various sources.

Seventeen (17) potential Bidders were contacted. Eleven (11) bids were received by the bid opening date of August 15, 2003. All bids submitted were evaluated to determine the responsive and responsible Bidder whose bid was considered most advantageous to the City; price and other factors considered, from which the award recommendation was made to Ingram Library Services, Inc.; Audio Book Services, Inc.; Baker & Taylor, Inc.; Unique Books, Inc.; and the Book House, Inc. per bid tabulation.

FISCAL IMPACT:

Estimated Annual Cost, including tax, (March 1, 2004 through February 28, 2005): \$1,443,689. This contract does not obligate the City to procure goods and services. Purchase Orders will be issued as needed.

Herring/Anderson/WR

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-104: Two actions related to Awarding Contract of Sewer Group 744 Design-Build Pilot Project.

(See memorandum from Frank Belock, Jr. dated 1/20/2004. Barrio Logan Community Area. District-8.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-863 Cor. Copy) ADOPTED AS RESOLUTION
R-298922

Authorizing the City Manager to establish contract funding phases and to award a contract for the design and construction of the Sewer Group 744 Design-Build Pilot Project (Project) to Arrieta Construction, Inc., in the amount of \$3,582,155, 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 \$4,691,346 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation-Sewer 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 FY 04 – Phase I of the Project, in the amount of \$604,760;

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

Subitem-B: (R-2004-864) ADOPTED AS RESOLUTION R-298923

Certifying that Mitigated Negative Declaration, PTS No. 6645, 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 Sewer Group 744 Design-Build Pilot Project;

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

SUPPORTING INFORMATION:

Sewer Group 744 Design-Build Pilot Project (Project) is part of the City of San Diego's continuing annual Capital Improvements Program to replace aged and deteriorated sewer mains. The Design-Build delivery method is proposed that will utilize a qualified team of both designer and constructor working together in partnership to ensure this project is delivered in a manner that meets all the City's requirements. At the completion of this pilot project, staff will evaluate the success of using Design-Build as a feasible project delivery method for future underground infrastructure e.g., sewer main replacement projects. Request for Qualifications (RFQ) for Project was advertised on 08/15/03, in the San Diego Daily Transcript and several other local circulations. The City's Design-Builder (D/B) Nominating Committee (Committee) reviewed seven Statement of Qualification (SOQ) packages from pre-qualified D/Bs and short-listed them to four D/B firms. In response to City's Request for Proposal (RFP), all four short-listed firms submitted both technical and price proposals for Project. The Committee reviewed all proposals, interviewed the short-listed D/Bs, and selected Arrieta Construction, Inc., as the apparent successful D/B. The proposed EOC participation on this pilot project is 37% (12.3% Engineering plus 24.7% Construction) of MBE/WBE/DBE.

This pilot project is located in the Barrio Logan community area and includes design and construction of approximately 14,803 feet of sewer pipes. Other Project elements are: environmental monitoring and mitigation measures, coordination with local resource agencies, final design specifications and construction drawings, geotechnical investigation, implementation of quality, control and safety programs, and preparation of as-built drawings. Furthermore, Project includes the slurry sealing or resurfacing of all the impacted streets and/or alleys.

The streets affected by construction operation within Project are: Marcy Avenue, S 29th Street, National Avenue, Logan Avenue, Alley between Newton Avenue and National Avenue, Alley between Main Street and Boston Avenue, Alley between National Avenue and Logan Avenue. Business owners and residents in the area will be notified by mail at least one month before construction begins by the City's Engineering and Capital Projects Department and again 10 days before construction begins by the Contractor through hand distribution. Replacing and/or

upgrading these aging sewer pipes with modern materials and improved hydraulics will help ensure safe and reliable sewage infrastructure.

FISCAL IMPACT:

The total estimated cost of this pilot project is \$4,691,346. Funding of \$4,691,346 is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement, for this purpose. City forces work is included for the purpose of shutting down and isolating water mains in the vicinity of the Pilot Project which can be done more economically than if let by contract. This pilot project is scheduled to be phased-funded over FY 04 to FY 05.

Loveland/Belock/HR

Aud. Cert. 2400769.

FILE LOCATION: CONT – Arrieta Construction, Inc.

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-105: Two actions related to Mira Mesa Community Park – Senior Citizen's Center Parking Lot Expansion.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-858) ADOPTED AS RESOLUTION R-298924

Accepting the generous donation of \$82,000, in the form of donated material and labor, as coordinated by business community member, Hanson Construction, for the Mira Mesa Community Park-Senior Citizen's Parking Lot Expansion (Project);

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2004 Capital Improvements Program in CIP-29-425.0, Mira Mesa Community Park-Senior Citizen's Center Parking Lot Expansion, in the amount of \$205,000 in: Fund No. 10516, Mira Mesa Community Fund (\$103,000), Fund No. 18537, Council District 5 Community Development Block Grant Fiscal Year 2002 Reserves (\$20,000), and donation from Hanson Construction (\$82,000) for the Project;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$198,000 from CIP-29-425.0, Mira Mesa Community Park-Senior Citizen's Center Parking Lot Expansion in: Fund No. 10516, Mira Mesa Community Fund (\$103,000), Fund No. 18537, Council District 5 Community Development Block Grant Fiscal Year 2002 Reserves (\$20,000), and Fund No. 18538, Council District 5 Community Development Grant Fiscal Year 2003 Reserves (\$75,000) for the Project;

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

Subitem-B: (R-2004-859) ADOPTED AS RESOLUTION R-298925

Certifying that Mitigated Negative Declaration LDR No. 5298, 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 Senior Citizen's Center Parking Lot Expansion located at Mira Mesa Community Park;

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.

CITY MANAGER SUPPORTING INFORMATION:

The existing Mira Mesa Neighborhood Park is located at 8460 Mira Mesa Boulevard in the community of Mira Mesa. The proposed parking lot expansion will provide Senior Citizen's Center users with 36 additional parking spaces needed during Center events. This request will transfer funds into the project to supplement financing previously authorized to construct the project and to cover additional project costs due to an increase in scope of work. The overall scope of work now includes: demolition and replacement of the majority of existing parking lot, additional asphalt area added to parking lot, reconfiguration of parking lot to increase efficiency and safety and the addition of landscape islands and lighting as required.

FISCAL IMPACT:

The estimated project cost is \$520,000 of which \$240,000 has been previously approved. An additional \$82,000 of donated materials and labor will be provided to the construction phase of the project as coordinated by business community member, Hanson Construction. The remaining funds are available in (\$103,000) Mira Mesa Community Fund, Fund No. 10516, Object Account No. 9544, (\$20,000) Council District 5 CDBG FY02 Reserves, Fund No. 18537, Dept. No. 4273 Org. No. 7304 and (\$75,000) CDBG FY03, Fund No. 18538, Dept. No. 4253, Org. No. 5307.

Herring/Oppenheim/AP

Aud. Cert. 2400762.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-106: San Carlos Tot Lot Upgrade.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-844 Cor.Copy)

ADOPTED AS RESOLUTION R-298926

Authorizing a \$41,000 increase in the Fiscal Year 2004 Capital Improvements Program Budget in CIP-29-561.0, San Carlos Tot Lot Upgrade, in Fund No. 38178, Proposition 12 Per Capita Bond;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$41,000 from CIP-29-561.0, San Carlos Tot Lot, in Fund No. 38178, Proposition 12 Per Capita Bond, for the Project;

Authorizing a \$11,000 increase in the Fiscal Year 2004 Capital Improvements Program Budget in CIP-29-561.0, San Carlos Tot Lot Upgrade, in Fund No. 11360, San Carlos Park Service District;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$11,000 from CIP-29-561.0, San Carlos Tot Lot, in Fund No. 11360, San Carlos Park Service District, for the Project;

Authorizing a \$16,000 increase in the Fiscal Year 2004 Capital Improvements Program Budget in CIP-29-561.0, San Carlos Tot Lot Upgrade, in Fund No. 14000, Building Permit Fees;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$16,000 from CIP-29-561.0, San Carlos Tot Lot, in Fund No. 14000, Building Permit Fees, for the Project;

Authorizing the City Auditor and Comptroller, upon advice from the Park and Recreation Department, to transfer excess funds, if any, to appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

San Carlos Neighborhood Park is located at 6445 Lake Badin Avenue, in the Navajo Community. This project is a renovation of an existing Tot Lot. Much of the existing equipment dates back to the original construction in 1969. A Design Provide Install contract is being used to renovate the Tot Lot including new resilient surfacing and sand, new play equipment, signs and benches. In addition, site improvements will be made to meet ADA requirements.

FISCAL IMPACT:

Funds in the amount of \$41,000 are available in the 2000 Park Bond, Fund No. 38178 for this purpose. Funds in the amount of \$11,000 are available in the San Carlos Park Service District Fees, Fund No. 11360 for this purpose. Funds in the amount of \$16,000 are available in the Building Permit Fees Fund No. 14000 for this purpose. Currently funds in the amount of \$180,000 have been appropriated to CIP-29-561.0. Appropriation of the requested \$68,000 will fully fund and complete the project.

The Operation and Maintenance Fiscal Impact will be added to the new facilities list for FY 2005.

Herring/Oppenheim/AP

Aud. Cert. 2400792.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-107: Montgomery-Waller Community Park Sports Field Lighting.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-717) ADOPTED AS RESOLUTION R-298927

Authorizing the City Auditor and Comptroller to add CIP-29-866.0, Montgomery-Waller Community Park Sports Field Lighting, to the Fiscal Year 2004 Capital Improvements Program;
Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2004 Capital Improvements Program budget by \$10,000 in CIP-29-866.0, Montgomery-Waller Community Park Sports Field Lighting, Fund No. 18539, Community Development Block Grant Fund;

Authorizing the City Auditor and Comptroller to transfer \$10,000 from Fund No. 18539, Community Development Block Grant Fund to CIP-29-866.0, Montgomery-Waller Community Park Sports Field Lighting, for the purpose of park planning services;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$10,000 from CIP-29-866.0, Montgomery-Waller Community Park Sports Field Lighting, for the purpose of initiating planning and preliminary design.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the City Auditor and Comptroller to transfer \$10,000 from Community Development Block Grant Fund 18539 to CIP-29-866.0, Montgomery-Waller Community Park Sports Field Lighting. Montgomery-Waller Community Park is in the Otay Mesa/Nestor Community, and is located at 3020 Coronado Avenue. This initial transfer of funds will allow for initial services required for the project planning. Community outreach will be completed prior to installation of the proposed sports field lighting provided the project is community supported. This activity does not include improvements or construction on the property.

FISCAL IMPACT:

Total estimated project cost is \$257,600. This initial funding of \$10,000 will help to fund Park and Recreation Department, Park Planning and Development Division services for the initial project planning and preliminary design.

Herring/Oppenheim/AP

Aud. Cert. 2400761.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-108: HUD Section 108 Loan for the San Diego LGBT Community Center.

(See City Manager Report CMR-04-040. Uptown Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-901) ADOPTED AS RESOLUTION R-298928

Authorizing the City Manager to apply to the Department of Housing and Urban Development (HUD) for a Section 108 loan not to exceed \$159,000 for renovations to the San Diego LGBT Community Center and to set forth the legal authority and certifications necessary for such an application;

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

Authorizing the City Manager to use Council District 3's future Community Development Block Grant (CDBG) entitlement funds as the source of repayment of the HUD Section 108 loan at an estimated cost of \$20,000 per year for 10 years beginning no sooner than FY 2005 as stated in Manager's Report No. 04-040;

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: MEET

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

- * ITEM-109: Transfer of Developer Contribution Funds to CIP-68-010.0, Traffic Signals – Citywide, and Return of Transnet Funds from CIP-68-010.0 to District 5 Transnet Infrastructure Funds.

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-894) ADOPTED AS RESOLUTION R-298929

Authorizing the City Auditor and Comptroller to appropriate and expend \$35,000 from Fund 63022, Private and Other Contributions – CIP, into CIP-68-010.0, Traffic Signals – Citywide, for the project Traffic Signal at West Bernardo Court at West Bernardo Drive, Job Order Number 681069;

Authorizing the City Auditor and Comptroller to return \$35,000 from CIP-68-010.0 to Fund 30309, Job Order Number 5000, District 5 Transnet Infrastructure Fund balance.

CITY MANAGER SUPPORTING INFORMATION:

As part of the Tentative Map 890420 requirements, M.B.A. Rancho Bernardo contributed \$35,000 towards the construction of a new traffic signal at West Bernardo Court at West Bernardo Drive. This amount is available in Fund 63022, Private & Other Contributions – CIP, Job Order Number 148341, for this project. When the traffic signal project was authorized as part of the Fiscal Year 2004 Capital Improvement Program, the full estimated cost of the project, \$150,000 was received from the District 5 Transnet Infrastructure Fund. This action transfers the developer contribution into the project and returns a like portion to the District 5 Transnet Infrastructure Fund.

FISCAL IMPACT:

There is no fiscal impact to the traffic signal project. The estimated cost remains \$150,000. The transfer of funds allows the increase of \$35,000 in the District 5 Transnet Infrastructure Fund.

Loveland/Belock/PKB

Aud. Cert. 2400820.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-110: Authorizing Funds for the Fairmount Avenue and 38th Street Sidewalks.

(Mid City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-899) ADOPTED AS RESOLUTION R-298930

Authorizing the City Manager to add CIP-52-735.0, Fairmount Avenue and 38th Street Sidewalks, to the Fiscal Year 2004 Capital Improvements budget;

Authorizing the City Manager to transfer \$206,000 from CIP-52-336.0, District Three 75/25 Sidewalk Program, Fund 18521, HUD 108, to CIP-52-735.0, Fairmount Avenue and 38th Street Sidewalks;

Authorizing the City Auditor and Comptroller to appropriate and expend \$206,000, Fund 18521, HUD 108, from CIP-52-735.0, Fairmount Avenue and 38th Street Sidewalks, for the design and construction of the sidewalks;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds to the appropriate reserve, upon completion of projects, and advice from the administering department, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that funds necessary for such actions are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

This action will provide for the design and construction of sidewalks on Fairmount Avenue between Home Avenue and Maple Street, and on 38th Street from Dwight Street to a point approximately 500 feet north of Dwight Street. Council District 3 applied for and received a

HUD 108 loan in Fiscal Year 2003 and has designated \$206,000 to fund this work. The Council office selected these sites based on citizen requests and input from the Transportation Department. These sites meet eligibility requirements established by the Federal Government for Community Development Block Grants.

\$206,000 is being transferred from CIP-52-336.0, District Three 75/25 Sidewalk Program, for the purpose of funding the design and construction of this project.

FISCAL IMPACT:

Funds in the amount of \$206,000 are available in Fund 18521, HUD 108.

Loveland/Belock/PB

Aud. Cert. 2400831.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-111: Mesa Viking Neighborhood Park – Play Area Upgrade/Sandburg Neighborhood Park Tot Lot Improvements.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-903) ADOPTED AS RESOLUTION R-298931

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$102,000 from CIP-29-436.0, S. Christa McAuliffe (Winterwood Lane) Community Park – Rec. Center, to Fund No. 79006, Mira Mesa Facilities Benefit Assessment Fund (\$92,000 to CIP-29-633.0, Mesa Viking Neighborhood Park – Play Area Upgrade and \$10,000 to CIP-29-410.0, Sandburg Neighborhood Park Tot Lot Improvements);

Authorizing the appropriation and expenditure of an amount not to exceed \$92,000 from CIP-29-633.0, Mesa Viking Upgrade, and an amount not to exceed \$10,000 from CIP-29-410.0, Sandburg Neighborhood Park Tot Lot Improvements, within Fund No. 79006, Mira Mesa Facilities Benefit Assessment Fund, for the purpose of providing funds for the Mesa Viking Neighborhood Park – Play Area Upgrade/Sandburg Neighborhood Park Tot Lot Improvements;

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

CITY MANAGER SUPPORTING INFORMATION:

Mesa Viking Neighborhood Park is located at 11170 Westonhill Drive, in the community of Mira Mesa. Playground improvements are provided for in CIP-29-633.0. The six-acre park was originally opened in 1975. Since that time, due to damage or non-compliance with current safety standards, most playground equipment has been removed. Additionally, many of the existing walks must be replaced to provide compliant paths of travel. The proposed improvements bring the play area into full compliance with State and Federal safety and accessibility guidelines.

Sandburg Neighborhood Park is located at 11170 Avenida Del Gato, in the community of Mira Mesa. Playground improvements are provided for in CIP-29-410.0. The five-acre park is a turn-key park, developer built, and originally opened in 1984. Since that time, due to damage or non-compliance with current safety standards, all playground equipment was removed.

The proposed improvements replace playground equipment and bring the tot lot into full compliance with State and Federal safety and accessibility guidelines. During the course of construction of Sandburg Park, which began in March 2003, there were unforeseen geotechnical conditions such as encountering extremely hard and rocky soil. The additional funding will compensate the contractor for the additional work due to the unforeseen geotechnical conditions.

FISCAL IMPACT:

Funds in the amount of \$102,000 are available in CIP-29-436.0, S. Christa McAuliffe (Winterwood Lane) Community Park - Rec. Center. This project has been rescheduled until FY 2007. Currently funds in the amount of \$468,000 have been appropriated to CIP-29-633.0, Mesa Viking Neighborhood Park Play Area Upgrade by previous Council Action. Appropriation of the requested \$92,000 will fund the project through construction. Currently funds in the amount of \$358,111 have been appropriated to CIP-29-410.0, Sandburg Neighborhood Park Tot Lot Improvements by previous Council Action. Appropriation of the requested \$10,000 will fully fund and complete the project.

Herring/Oppenheim/AP

Aud. Cert. 2400834.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-112: Washington/Goldfinch Intersection Improvements.

(Mission Hills Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-881) ADOPTED AS RESOLUTION R-298932

Authorizing the City Auditor and Comptroller to accept \$25,000 from the County of San Diego under the terms and conditions set forth in the Grant Agreement and a \$20,000 donation from the Mission Hills Garden Club, for the purpose of the Washington/Goldfinch Intersection Improvements, CIP-39-216.0, to be deposited into Fund No. 63022, Private and Other Contributions-CIP;

Authorizing the City Auditor and Comptroller to appropriate an amount not to exceed \$168,000 from the Parking Meter District-Uptown Fund, Fund No. 70303 into CIP-39-216.0, Washington/Goldfinch Intersection Improvements;

Authorizing the City Auditor and Comptroller to appropriate an amount not to exceed \$16,000 from Council District 2 Community Development Block Grant (CDBG) Funds into CIP-39-216.0, Washington/Goldfinch Intersection Improvements;

Authorizing a \$229,000 increase in the Fiscal Year 2004 Capital Improvements Program Budget in CIP-39-216.0, Washington/Goldfinch Intersection Improvements, Fund No. 30244, Capital Improvements Fund;

Authorizing the City Auditor and Comptroller to expend an additional amount not to exceed \$229,000 in CIP-39-216.0, Washington/Goldfinch Intersection Improvements, Phase 2, for the purpose of constructing the Washington/Goldfinch Intersection Improvements, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

The Washington/Goldfinch Intersection Improvement Project is the next segment of the Washington Street Improvements, Phase 2, CIP-39-216.0, to be constructed. Through the advocacy efforts of the Mission Hills community, a number of donations and grants have been secured to make this project a reality.

The Mission Hills Garden Club has contributed \$20,000, the County of San Diego \$25,000, the Uptown Partnership \$168,000 from Parking Meter Revenues and Council District Two allocated \$16,000 from their Community Development Block Grant reserve account, for a total increase to the project budget of \$229,000.

This Council Action would accept funds from the various sources, increase the Washington Street Improvements, Phase 2 CIP-39-216.0 FY04 Budget by \$229,000, and authorize the appropriation and expenditure of these funds for the Washington/Goldfinch Intersection Improvements, the current segment of the Washington Street Improvement Project, Phase 2. \$250,000 in TransNet funding was previously authorized by the Council for this Project. With the \$229,000 increase, the Total Project Cost comes to \$479,000.

FISCAL IMPACT:

Action would accept \$229,000 in additional funding for the project, increase the FY04 CIP Budget for CIP-39-216.0, Washington Street Improvements, Phase 2 (Washington/Goldfinch Intersection Improvements) by \$229,000 and authorize appropriation and expenditure of these funds for construction of the Washington/Goldfinch Intersection Improvements.

Herring/Cunningham/SHM

Aud. Cert. 2400799.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-113: Sewer Pump Stations 77A and 77B Rehabilitation – Contract Amendments.

(See memorandum from Scott Tulloch dated 1/22/2004 and Equal Opportunity Contracting Evaluation. Rancho Bernardo, San Pasqual, and Lake Hodges Community Areas. District-5.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-895) ADOPTED AS RESOLUTION R-298933

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$655,597 from Sewer Fund 41506, CIP-46-191.0, Brine Diversion Systems, an amount not to exceed \$71,400 from Fund 41506, CIP-46-120.0, Penasquitos Truck Sewer Relieve, and an amount not to exceed \$408,216 from Fund 41506, CIP-46-122.0, Carmel Valley Truck Sewer Replacement for a total of \$1,135,213 to Fund 41506, CIP-46-601.0, Annual Allocation Pump Station Restorations, to fund the costs of the Sewer Pump Stations 77A and 77B Rehabilitation Project (Project);

Authorizing the City Manager to execute Amendment No. 2 to the Agreement with HDR Engineering, Inc., for Construction Manager/Program Manager Services for the Project;

Authorizing the expenditure of an amount not to exceed \$466,635 from Fund 41506, CIP-46-106.0, Annual Allocation – Pump Station Restoration, to provide funds for Amendment No. 2 to the Agreement with HDR Engineering, Inc.;

Authorizing the City Manager to execute Amendment No. 5 to the Agreement with Brown and Caldwell, Inc. for engineering services for the Project;

Authorizing the expenditure of an amount not to exceed \$142,176 from Fund 41506, CIP-46-106.0, Annual Allocation – Pump Station Restoration, to provide funds for Amendment No. 5 to the Agreement with Brown and Caldwell, Inc.;

Authorizing the expenditure of \$526,402 from Fund 41506, CIP-46-106.0, Annual Allocation – Pump Station Restoration, for the purpose of providing funds for Project construction contingency and related Project costs;

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

NATURAL RESOURCES AND CULTURE COMMITTEE’S RECOMMENDATION:

On 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:

This project will upgrade existing Sewer Pump Stations 77A and 77B (SPS 77 A & B), which have experienced mechanical failures due to electrical malfunctions and mechanical wear. These pump stations work in tandem and are required to remain in operation during construction. The critical nature of the two pump stations is such that a shutdown of PS77A for more than a few minutes necessitates diverting sewage into an open pond which has a capacity of only 24 hours, all in close proximity to Lake Hodges, a potable water supply. Major mechanical, electrical, and process control upgrades to an operating facility are much more complex to perform than constructing a new facility. These constraints required assumptions in the contract documents concerning equipment, controls, and sequencing of the work. Construction began in December 2002.

During the construction phase it was determined that temporary control strategies had to be developed to maintain operation of PS 77A and B while portions of the pump stations were shut down for upgrade. Also, as changed conditions were discovered during construction, changes had to be made to the permanent instrumentation and control (I&C) system design.

MWWD is requesting additional funds in the amount of \$1,135,213: \$142,176 for engineering services during construction and start-up, \$466,635 for construction management services, \$380,000 for construction contingency, and \$146,402 for related costs. These costs are attributed to the need to develop and install the temporary I&C components, changes to the permanent I&C system, system modifications required to accommodate a recent request by SDG&E to remove an existing transformer, and delays related to making these changes. MWWD also requests the approval of Amendment #2 to the existing Construction Management contract with HDR Engineering, Inc, in the amount of \$466,635, to provide continuing construction management support to this project and approval of Amendment #5 to the Brown and Caldwell contract, in the amount of \$142,175, for continued engineering services.

FISCAL IMPACT:

The total project cost is \$7,372,863, of which \$6,237,650 was previously authorized by the City Council on December 9, 2002. The total of this request is \$1,135,213. Funds in the amount of \$655,597 will be transferred from Sewer Fund 41506, CIP-46-191.0, Brine Diversion System. These funds are available due to the placement of this project on indefinite hold due to a decrease in Rancho Bernardo industrial brine flows. The remaining \$479,616 will be transferred from Sewer Fund 41506, CIP-46-120.0, Penasquitos Trunk Sewer Relief, and CIP-46-122.0, Carmel Valley Trunk Sewer Replacement. Both of these projects have been completed.

Mendes/Tulloch/AKS

Aud. Cert. 2400823.

FILE LOCATION: CONT – Orion Construction Corp.; W. O. 173912

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

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

- * ITEM-115: Amendment to Agreement for Consultant Services with Barrett Sports Group Related to the Renegotiation Provisions of the 1995 Chargers Agreement.

(Mission Valley Community Area. District-6.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-780) ADOPTED AS RESOLUTION R-298935

Authorizing the City Attorney to execute an amendment to the retention agreement with Barrett Sports Group for an additional amount not to exceed \$75,000, for a total contract amount not to exceed \$325,000;

Authorizing the expenditure of an amount not to exceed \$75,000 from Fund 81140, Dept. 81140, Org. No. 3502, Object Account 4151, Job Order 811401, for the purpose of providing funds for the above project.

SUPPORTING INFORMATION:

The City of San Diego required outside consulting services relating to the Renegotiation provisions of the 1995 Chargers agreement (as amended). In particular, the City designated a negotiating team to negotiate with the Chargers pursuant to the terms of the agreement. An initial contract was authorized with Mr. Dan Barrett, in an amount not to exceed \$100,000. Additional services were previously authorized in an amount not to exceed \$150,000, for a total contract amount not to exceed \$250,000. Additional services are now required related to negotiations and to the conduct of litigation, and an additional amount not to exceed \$75,000 is required to fund the necessary services. The total contract will be in an amount not exceed \$325,000.

Uberuaga/Gwinn/LG

Aud. Cert. 2400742.

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

- * ITEM-116: Amendment to Agreement for Consultant Services with Jacobs, Chase, Frick, Kleinkopf, & Kelley Related to the Renegotiation Provisions of the 1995 Chargers Agreement.

(Mission Valley Community Area. District-6.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-779) ADOPTED AS RESOLUTION R-298936

Authorizing the City Attorney to execute an amendment to the retention agreement with Jacobs, Chase, Frick, Kleinkopf, & Kelley for an additional amount not to exceed \$50,000, for a total contract amount not to exceed \$275,000;

Authorizing the expenditure of an amount not to exceed \$50,000 for 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:

The City of San Diego requires outside consulting services relating to the Renegotiation provisions of the 1995 Chargers agreement (as amended). In particular, the City designated a negotiating team to negotiate with the Chargers pursuant to the terms of the agreement. An initial contract was authorized with the Chargers pursuant to the terms of the agreement. An initial contract was authorized with Mr. Paul Jacobs, Esq., in an amount not to exceed \$75,000. Additional services were previously authorized in an amount not to exceed \$150,000. Additional services are now required related to negotiations and to the conduct of litigation, and an additional amount not to exceed \$50,000 is required to fund the necessary services. The total contract will be in an amount not to exceed \$275,000.

Uberuaga/Gwinn/LG

Aud. Cert. 2400741.

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-117: Amendment to Agreement with Luce, Forward, Hamilton and Scripps, LLP, for Litigation Services Related to the Ballpark and Redevelopment Project.

(East Village Community Area. Districts-2 and 8.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-776) ADOPTED AS RESOLUTION R-298937

Authorizing the City Attorney to execute an amendment to the retention agreement with Luce, Forward, Hamilton and Scripps, LLP, for an additional amount not to exceed \$10,000, for a total contract amount not to exceed \$535,000;

Authorizing the expenditure of an amount not to exceed \$10,000 from Fund 102214, Dept. 102214, Org. No. 300, Object Account 4141, Job Order 00214, for the purpose of providing funds for the above project.

SUPPORTING INFORMATION:

The City of San Diego previously entered into an agreement with the law firm of Luce, Forward, Hamilton and Scripps, LLP, for certain litigation services related to the Ballpark and Redevelopment Project. The original authorization was for \$75,000, which was subsequently increased to a total not to exceed \$525,000. One litigation matter remains to be concluded (Skane v. City of San Diego) and additional services are necessary for that purpose. The amendment will bring the total contract to an amount not to exceed \$535,000.

Uberuaga/Gwinn/LG

Aud. Cert. 2400743.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-118: Point Loma Fourth Sludge Pump – Design Contract Amendment.

(See memorandum from Scott Tulloch dated 2/4/2004. Point Loma Community Area. District-2.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-896) ADOPTED AS RESOLUTION R-298938

Authorizing the City Manager to execute Amendment No. 3 to the Agreement with Metcalf & Eddy, Inc., for additional design services in connection with the Point Loma – Fourth Sludge Pump Project (Project);

Authorizing the expenditure of an amount not to exceed \$80,320 from Fund 41509, CIP-41-925.0, Point Loma – Fourth Sludge Pump and Other Modifications Project, to provide funds for Amendment No. 3 to the Agreement with Metcalf & Eddy, Inc.;

Authorizing the expenditure of an amount not to exceed \$110,000 from Fund 41509, CIP-41-925.0, Point Loma – Fourth Sludge Pump and Other Modifications, for the purpose of providing additional funds for the Project related costs;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/11/2004, NR&C voted 3 to 0 to approve. (Councilmembers Lewis, Madaffer, and Inzunza voted yea. Councilmembers Zucchet and Frye not present.)

Aud. Cert. 2400803.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

ITEM-119: Miramar Recycling Center Service Contract/Real Property Lease Agreement Extension.

(District-7)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-702) RETURNED TO THE CITY MANAGER

Authorizing the City Manager to execute, a one-year contract extension to the Miramar Recycling Center Service Contract/Real Property Lease Agreement with Allan Company for the operation of the Miramar Recycling Center under the terms and conditions, set forth in the First Extension to Miramar Recycling Center Service Contract/Real Property Lease;

Authorizing the City Auditor and Comptroller to deposit revenues received under the First Extension to the Agreement in Fund No. 41210-Recycling Fund.

CITY MANAGER SUPPORTING INFORMATION:

In 2001, the San Diego City Council authorized the City Manager to execute a new agreement with Allan Company (Contractor) for the operation of the Miramar Recycling Center (Center), located at the entrance of the City's Miramar Landfill (RR-295859). The new agreement

provided the City with increased revenue, services, and capital improvements, in exchange for a five-year base-term with a three-year evergreen extension clause. The Contractor is nearing the end of the second year of the agreement, and exercising the clause will result in one year being added to the agreement. If the clause is not exercised, it would serve as the three-year notice for the termination of the agreement.

Extending the current agreement will allow Contractor to continue providing City residents with high quality services in support of the City's efforts to meet State mandated solid waste diversion goals. In the first two years of the current agreement, Contractor has spent a total of \$223,200 in permanent site improvements; increased customer usage by 25 percent; and has expanded services to residents by accepting, at the City's request, special handling items such as appliances containing chlorofluorocarbons (CFC) (refrigerators, freezers and air conditioners), other appliances, and cathode ray tube (CRT) devices such as computer monitors and TVs. Other services offered at the Recycling Center at the request of the City are free shredding and recycling of tax documents during April, cooking oil recycling, and sale of bagged Miramar Greenery compost.

FISCAL IMPACT:

Revenues from this agreement are estimated at \$41,400 for FY 2004, \$53,400 for FY 2005, \$65,400 for FY 2006 and increasing to \$77,400 per year thereafter.

Loveland/Hays/KP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:20 p.m.)

* ITEM-120: Four actions related to Parking Meter Districts.

(See City Manager Report CMR-03-213 and memorandum from Michele St. Bernard dated 1/5/2004. Downtown/Centre City, Uptown, and Mid-City Community Areas. Districts-2, 3, 4, 7, and 8.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-885) ADOPTED AS RESOLUTION R-298939

Authorizing the City Manager to negotiate and execute agreements with private non-profit organizations for the expenditure of Parking Meter District 2 (Uptown) and Parking Meter District 3 (Mid-City) funds;

Authorizing the City Auditor and Comptroller to transfer Parking Meter revenues from Citywide Department No. 601 to Parking Meter District Funds as follows: \$113,844 to Fund No. 70301; \$1,476,280 to Fund No. 70302; \$595,487 to Fund No. 70303; and \$91,281 to Fund No. 70304;

Authorizing the City Auditor and Comptroller allocation and expenditures of Parking Meter District No. 1, \$1,476,280; Parking Meter District No. 2, \$595,487; Parking Meter District No. 3, \$91,281; and \$113,844 for administrative costs; plus the expenditure of any carryover amounts not fully expended under previously approved budgets for Parking Meter District No. 1, under prior contracts for Parking Meter Districts Nos. 2 and 3, and not fully expended for administrative costs.

Subitem-B: (R-2004-886) ADOPTED AS RESOLUTION R-298940

Authorizing the City Manager to negotiate and execute agreements with Centre City Development Corporation for the expenditure of Parking Meter District 1 (Downtown) Funds, consistent with the provisions of Council Policy 100-18, the Parking Meter Revenue Allocation and Expenditure Policy; allocating funds for associated administrative costs; and directing the City Manager to administer the contracts with every possible effort undertaken to ensure strict financial oversight.

Subitem-C: (R-2004-887) ADOPTED AS RESOLUTION R-298941

Authorizing the City Manager to negotiate and execute agreements with private non-profit organizations for the expenditure of Parking Meter District 2 (Uptown) funds, consistent with the provisions of Council Policy 100-18, the Parking Meter Revenue Allocation and Expenditure Policy; allocating funds for associated administrative costs; and directing the City Manager to administer the contracts with every possible effort undertaken to ensure strict financial oversight.

Subitem-D: (R-2004-888) ADOPTED AS RESOLUTION R-298942

Authorizing the City Manager to negotiate and execute agreements with private non-profit organizations for the expenditure of Parking Meter District 3 (Mid-City) funds, consistent with the provisions of Council Policy 100-18, the Parking Meter Revenue Allocation and Expenditure Policy; allocating funds for

associated administrative costs; and directing the City Manager to administer the contracts with every possible effort undertaken to ensure strict financial oversight.

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

On 1/14/2004, PS&NS reviewed and recommended to accept the report. (No votes taken. Councilmembers Zucchet, Atkins, Lewis, Maienschein, and Frye present.)

Aud. Cert. 2400815.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-121: Crime Laboratory Staff Training Grant Funding.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-874) ADOPTED AS RESOLUTION R-298943

Authorizing the Chief of Police to apply for, accept, manage and expend a grant from the California Office of Criminal Justice Planning, for funds to provide training to Crime Laboratory staff, including any amendments, extensions, or renewals, for a period of up to five years, provided funding is made available by the State of California;

Authorizing the Chief of Police to execute all aspects of program operation, including any matching funds, amendments, extensions, or renewals, and to certify that the City will comply with all applicable statutory or regulatory requirements related to this program;

Declaring that any resources received hereunder shall not be used to supplant expenditures controlled by this body.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Police Department has prepared a grant application for submission to the California Office of Criminal Justice Planning.

The application requests \$24,327 in funds to provide advanced training for 36 San Diego Police Department Forensic Scientists in 15 training/education programs, including DNA, Fingerprint, Crime Scene Technology, Toxicology, Firearms and Toolmarks.

Grant funds will cover the majority of costs for registration, travel expenses, per diem and lodging. Any costs not covered by grant funds will be paid by the individuals receiving the training.

This advanced training will be of tremendous benefit in Crime Laboratory productivity, accuracy and speed, and will enhance criminal investigations and prosecutions.

FISCAL IMPACT:

Submission and acceptance of this grant will result in no City expenditures whatsoever. There is no requirement for matching funds, and no requirement to continue grant funded activities or expenditures after grant funds are exhausted or terminated. State law requires that these funds *supplement* and not *supplant* funds otherwise available to law enforcement.

Uberuaga/Lansdowne/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

- * ITEM-122: Grant Application for the University Gardens Neighborhood Park Comfort Station and Play Area Upgrades and Improvements; and the University Village Park Play Area Upgrade and Improvements.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-830) ADOPTED AS RESOLUTION R-298944

Authorizing the City Manager to apply to the Per Capita Program; under the California Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2000 (PCP) awards grants to local public agencies for upgrades and improvements to parks (Grant Program); for the Grants to provide for the University Gardens Neighborhood Park comfort station, the University Gardens Neighborhood Park play area upgrades and improvements (Projects), in the amount of \$281,450;

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

Authorizing the City Auditor and Comptroller to accept, appropriate and expend the Grants for the University Village Park Play Area Upgrade and Improvements, CIP-29-859.0, if they are secured;

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

Authorizing the addition of CIP-29-842.0, University Gardens Neighborhood Park Comfort Station, Fund No. 38133, to the Fiscal Year 2004 Capital Improvements Program Budget, upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to transfer \$221,000 from CIP-29-859.0, University Village Play Area Upgrade and Improvements, to CIP-29-842.0, University Gardens Neighborhood Park Comfort Station, Fund No. 38133, for the purpose of funding a new comfort station within University Gardens Neighborhood Park;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$221,000 from CIP-29-842.0, University Gardens Neighborhood Park Comfort Station, Fund No. 38133, for the purpose of designing and constructing a new comfort station within University Gardens Neighborhood Park, upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to transfer \$40,000 from CIP-29-859.0, University Village Play Area Upgrade and Improvements, to CIP-29-513.0, University Gardens Neighborhood Park Play Area Upgrade, Fund No. 38169, upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$247,100 from CIP-29-513.0 (\$207,100 currently exists in CIP-29-513.0), University Gardens Neighborhood Park Play Area Upgrade, Fund No. 38169, for upgrades to the University Gardens Neighborhood Park Play Area, upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller, upon advice from the Department of Park and Recreation, to transfer excess budgeted funds, if any, from CIP-29-842.0, University Gardens Neighborhood Park Comfort Station, Fund No. 38133, and CIP-29-513.0, University Gardens Neighborhood Park Play Area Upgrade, Fund No. 38169, to CIP-29-859.0, University Village Play Area Upgrade and Improvements.

CITY MANAGER SUPPORTING INFORMATION:

In July 2000 and July 2001 respectively, legislative action authorized the California Department of Parks and Recreation to release the Per Capita and RZH Per Capita portions of the 2000 Park Bond (Prop 12). San Diego's allocation of \$14,152,697 is under contract with the State, and based upon Mayoral and City Council approval, 51 park projects are in varying stages of development. This action authorizes the following projects to be funded with Prop 12 Per Capita dollars allocated to Council District 1.

Three projects are the subject of this action:

1. University Gardens Neighborhood Park Comfort Station, CIP-29-842.0
2. University Gardens Neighborhood Park Play Area Upgrade, CIP-29-513.0
3. University Village Neighborhood Park Play Area Upgrade and Improvements, CIP-29-859.0

The Standley Community Park Recreation Council prioritized these projects and requested funds be allocated to complete #1 and #2 with the understanding that #3 will not be fully funded at this time. The transfer, appropriation and expenditure of these funds accomplish the community's desires.

FISCAL IMPACT:

These actions will result in the following fund allocations:

- | | |
|---|-----------|
| 1. University Gardens Neighborhood Park Comfort Station, CIP-29-842.0 | \$221,000 |
| 2. University Gardens Neighborhood Park Play Area Upgrade, CIP-29-513.0
(Previously appropriated funding for CIP-29-513.0, University Gardens
Neighborhood Park Play Area Upgrade, includes \$207,100 allocated to
Council District 1 from the Per Capita program under the California Safe
Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act
of 2000.) | \$247,100 |
| 3. University Village Neighborhood Park Play Area Upgrade and
Improvements, CIP-29-859.0. | \$ 20,450 |

Herring/Oppenheim/AP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-123: Updating the City's List of Real Estate Appraisers.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-884) ADOPTED AS RESOLUTION R-298945

Approving the list of Real Estate Appraisers dated January 15, 2004, and the list of Furniture, Equipment, and Intangibles Appraisers, dated January 15, 2004, and authorizing the City Manager, when necessary, to employ such expert appraisers;

Rescinding Resolution R-286472, adopted October 30, 1995, now obsolete.

CITY MANAGER SUPPORTING INFORMATION:

The City has need of the services of qualified appraisers for the purpose of appraising real property, fixtures, equipment and/or intangible assets in connection with the acquisition, sale, exchange or lease of real property.

A two-tiered list was developed in an effort to encourage Real Estate Appraisers with varying experience. Tier I consists of appraisers with a minimum of a State Certified General License, 5 years creditable experience and no condemnation or little court experience and to provide services for non-litigation assignments. Tier II are the most experienced appraisers, particularly in Condemnation Litigation. They will possess the State Certified General License in addition to creditable experience in preparing appraisals for Condemnation and court purposes. These appraisers normally have at least 10 years experience and some as much as 35 years.

In compliance with Council Policy 300-7, Hiring of Consultants, ads for professional appraisers with experience in providing appraisal services as they relate to public acquisition and, particularly, litigation were placed in local newspapers including minority publications. In addition, an ad was placed in the Appraisal Institute professional appraisal organization newsletter. As a result of these ads and of staff inquiries, 52 appraisers have qualified to be included on the City approved list. These appraisers have submitted resumes indicating education, background, qualifications and experience in the appraisal of real property and/or personalty and intangible assets.

These materials have been reviewed, and those listed have been deemed to meet the City's requirements. In addition, all appraisers have submitted work force analysis forms to the Equal Opportunity Contracting Program for their review and approval. The new list will contain 40 real estate appraisers (17 within Tier I and 23 are on Tier II) and 12 appraisers of personalty and intangibles. The attached list of 52 appraisers is presented for your approval.

FISCAL IMPACT:

None.

Herring/Griffith/CAC

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-124: Establishing a Two-Hour Time Limit Parking on 7th Avenue, 10th Avenue, 11th Avenue, "J" Street, Imperial Avenue, and Park Boulevard.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-902) ADOPTED AS RESOLUTION R-298946

Establishing a two-hour unmetered time limit parking zone, effective between the hours of 8:00 a.m. and 6:00 p.m., Sunday and certain holidays excepted, pursuant to authority conferred by and in accordance with the provisions of Section 86.04 of the San Diego Municipal Code:

7th Avenue: East side, for approximately 150 feet south of "J" Street
 West side, for approximately 60 feet south of "J" Street

10th Avenue: East side, between Park Boulevard and "K" Street
 West side, between Park Boulevard and "J" Street

11th Avenue: East side, between "K" Street and "J" Street
 South side, between 7th Avenue and 10th Avenue

"J" Street: South side, between 7th Avenue and 10th Avenue

Imperial Avenue: North side, for approximately 120 feet east of 11th Avenue
 South side, for approximately 120 feet east of 11th Avenue

Park Boulevard: South side, between Tony Gwynn Way and Imperial Avenue
 North side, between Imperial Avenue and 11th Avenue

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

CITY MANAGER SUPPORTING INFORMATION:

This action will install two-hour time limit parking on the following Streets:

7th Avenue:

- East side, for approximately 150 feet south of "J" Street
- West side, for approximately 60 feet south of "J" Street

10th Avenue:

- East side, between Park Boulevard and "K" Street
- West side, between Park Boulevard and "J" Street

11th Avenue

- East side, between "K" Street and "J" Street

"J" Street

- South side, between 7th Avenue and 10th Avenue

Imperial Avenue:

- North side, for approximately 120 feet east of 11th Avenue
- South side, for approximately 120 feet east of 11th Avenue

Park Boulevard:

- South side, between Tony Gwynn Way and Imperial Avenue
- North side, between Imperial Avenue and 11th Avenue

Council action is required for the installation of time limit parking according to Municipal Code Section 86.04. The proposed time limit parking zone is consistent with Council Policy 200-04, and it will provide the needed parking turnover to adequately serve the needs of the adjacent business.

Staff supports approval of the requested time limit parking zones.

FISCAL IMPACT:

Fiscal Impact is minimal. 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: 2:20 p.m. – 2:21 p.m.)

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

- * ITEM-125: New Traffic Signals at Qualcomm Way and Friars Road Eastbound Ramps and Qualcomm Way and Friars Road Westbound Ramps.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-892) ADOPTED AS RESOLUTION R-298947

Authorizing the City Auditor and Comptroller to transfer \$334,000 from Fund 63022, Private and Developer Contributions CIP, Job Order No. 960544, to CIP-68-010.0, Traffic Signals-Citywide;

Authorizing the City Auditor and Comptroller to transfer \$1,568.88 from Fund 63022, Private and Developer Contributions CIP, Job Order 841282, to CIP-68-010.0, Traffic Signals-Citywide;

Authorizing the City Manager to increase the Fiscal Year 2004 Budget in CIP-68-010.0, Traffic Signals-Citywide, Fund 63022, Private and Developer Contributions CIP in the amount of \$335,968.88;

Authorizing the City Auditor and Comptroller to appropriate and expend \$335,968.88 from Fund 63022, Private and Developer Contributions CIP, CIP-68-010.0, Traffic Signals-Citywide, for the design and construction of new traffic signals at Qualcomm Way and Friars Road Eastbound Ramps and Qualcomm Way and Friars Road Westbound Ramps;

Authorizing the City Auditor and Comptroller, upon advice of the administering department, to return excess budgeted funds, if any, to Fund 63022, Private and Developer Contributions CIP, Job Order No. 960544.

CITY MANAGER SUPPORTING INFORMATION:

This project will install two new traffic signals at the intersection of Qualcomm Way and Friars Road Eastbound Ramps and Qualcomm Way and Friars Road Westbound Ramps. Both locations have been evaluated and meet the requirements for signalization as described in Council Policy 200-6. The estimated cost for this project is \$335,968.88.

Funding for these signals is available from Developer Contributions from H.G. Fenton for Stadium Way/Friars Road Improvements (TM-960544 and PCD-84-0128).

FISCAL IMPACT:

Funds are available for this action in Fund 63022, Private and Developer Contributions CIP, Job Order 960544 and Job Order 841282.

Loveland/Belock/PKB

Aud. Cert. 2400813.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-126: Street Name Change – Portion of 7th Avenue to Tony Gwynn Drive.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-900) ADOPTED AS RESOLUTION R-298948

Changing the name of Seventh Avenue, the portion between K Street and Park Boulevard and runs adjacent to the new downtown Ballpark, to Tony Gwynn Drive.

CITY MANAGER SUPPORTING INFORMATION:

The applicants, the San Diego Padres, have requested to change the name of a portion of 7th Avenue in honor of their former right fielder, Tony Gwynn. The portion of 7th Avenue requested for name change lies between K Street and Park Boulevard and runs adjacent to the new downtown Ballpark.

Also requested by the San Diego Padres, to make official the address number 19 for the player parking garage, in honor of Mr. Gwynn's player number. This garage lies within the Ballpark and sits below the 100 block of 7th Avenue. This address has been approved by the Fire Department.

A petition seeking support of the street name change was approved by 100% of the affected property owners. The street name change will not affect any existing mailing addresses.

The Centre City Development Corporation as well as the Centre City Action Committee has recommended approval of the street name change.

FISCAL IMPACT:

None, the cost of the new sign has already been budgeted in the Ballpark infrastructure project.

DEVELOPMENT SERVICES RECOMMENDATION:

Approval of this request.

Ewell/Christiansen/PRL

FILE LOCATION: DEED F-9642

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

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

* ITEM-128: Reappointment to the Old Town Planned District Design Review Board.

(See memorandum from Mayor Murphy dated 2/2/2004, with resume attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-866) ADOPTED AS RESOLUTION R-298949

Council confirmation of the reappointment by the Mayor of Norman Starr (Property Owner, Old Town), to serve as a member of the Old Town Planned District Design Review Board, for a term ending March 1, 2008.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-129: Taiwanese Chamber of Commerce of San Diego Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-880) ADOPTED AS RESOLUTION R-298950

Proclaiming February 21, 2004 to be "Taiwanese Chamber of Commerce of San Diego Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-130: Recognizing The Deputy Sheriffs' Association of San Diego County.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-748) ADOPTED AS RESOLUTION R-298951

Honoring and recognizing The Deputy Sheriffs' Association of San Diego County, for their promotion of professionalism in law enforcement.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-131: 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-2004-513) ADOPTED AS RESOLUTION R-298952

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: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-132: 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-2004-752) ADOPTED AS RESOLUTION R-298953

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: 2:20 p.m. – 2:21 p.m.)

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

ITEM-133: 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-2004-755) ADOPTED AS RESOLUTION R-298954

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: 2:40 p.m. – 2:54 p.m.)

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

* ITEM-134: 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-2004-541) ADOPTED AS RESOLUTION R-298955

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 the Severe Shortage of Affordable Housing in the City of San Diego

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

* ITEM-135: Declaring an End to the Continued Local Emergency Due to the October 2003 Wildfires.

(Scripps Ranch and Tierrasanta Community Areas. District-5 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-910) ADOPTED AS RESOLUTION R-298956

Declaring that the conditions which necessitated the declaration of a Local Emergency due to the October 2003 Wildfires have been sufficiently abated such that the Local Emergency can be terminated, pursuant to California Government Code Section 8630 (d).

CITY MANAGER SUPPORTING INFORMATION:

California Government Code 8630 (d) provides that when local government has declared a Local Emergency pursuant to the Emergency Services Act, the governing body "shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant." It has been determined that the conditions which necessitated the declaration of the local emergency due to the October 2003 Wildfires, including threats to public health and safety due to burned structures, fallen trees and threats due to erosion, have been sufficiently abated to warrant the termination of the local emergency.

FISCAL IMPACT:

None.

Ewell/Plank

FILE LOCATION: GEN'L – Local Emergency Due to the October 2003
Wildfires

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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

ITEM-200: Two actions related to Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2004.

(See City Manager Report CMR-04-018; Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2004 Draft. Carmel Valley Community Area. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-441 Cor. Copy) ADOPTED AS RESOLUTION R-298957

Approving the document entitled “Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2004, January 2004,” as revised. (Rev.)

Subitem-B: (R-2004-442 Cor. Copy) ADOPTED AS RESOLUTION R-298958

Resolution of Intention to designate two areas of benefit in Carmel Valley and setting the time and place for holding a public hearing thereon.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 1/21/2004, LU&H voted 4-0 to approve the City Manager's recommendation.
(Councilmembers Peters, Zucchet, Lewis, Frye voted yea. Councilmember Inzunza not present.)

SUPPORTING INFORMATION:

The FY 2004 Draft Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment (January 2004) was approved by the Land Use and Housing Committee on January 21, 2004. Subsequent to this approval, a need was identified for an additional appropriation in Project 21-47, Linear Park – SDG&E Easement. This project currently provides \$502,000 to fund the design of a linear park in the SDG&E easement in the northern portion of Carmel Valley. An additional \$60,000 will provide \$50,000 for a park design consultant to work in collaboration with SDG&E in the planning process and \$10,000 will fund project administration. It is anticipated that this design effort will provide a complete project cost estimate for the eventual undergrounding of power lines within the easement as well as development of a linear park on the site.

The revisions to the draft are attached.

- On Table 4 (Cash Flow), net balances for each year beyond FY 2004 are revised as a result of the additional appropriation of \$60,000 in Project 21-47;
- On Table 7 (Project Summary), Project 21-47 (page 21), the cost estimate has been revised from \$502,000 to \$562,000. Total Park & Recreation costs and the Grand Total have been increased by \$60,000;
- The project appropriation on page 120 has been revised from \$502,000 to \$562,000. There is no change on page 121.

FISCAL IMPACT:

As Carmel Valley North is a well-funded FBA, the proposed change will have no adverse impact on other projects.

Ewell/Goldberg/GH

FILE LOCATION: STRT-FB-08-04 (33)

COUNCIL ACTION: (Time duration: 2:55 p.m. – 2:59 p.m.)

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

ITEM-201: 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.)

(Continued from the meeting of 2/9/2004, Item 110, at the request of the City Manager, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-817) RETURNED TO THE CITY MANAGER

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: MEET

COUNCIL ACTION: (Time duration: 3:15 p.m. – 3:20 p.m.)

MOTION BY ATKINS TO RETURN THIS ITEM TO THE CITY MANAGER UNTIL THE RESULTS OF THE AUDIT HAVE BEEN FINALIZED. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-nay, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-202: **REFERRED TO CLOSED SESSION ON TUESDAY, MARCH 9, 2004**

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.

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

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Time duration: 3:21 p.m. – 3:24 p.m.)

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

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

<u>SUBDIVISION</u>	<u>COMMUNITY AREA</u>
Otay International Center	Otay Mesa Community
Sunroad Otay Park Unit 1	Otay Mesa Community
Monarch Estates Unit No. 3	Mira Mesa Community
South Creek Parcels 35-48 Unit No. 9	Sabre Springs Community

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

ITEM-251: Notice of Pending Final Map Approval – Arizona Park.

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 "Arizona Park" (T.M. Waiver No. 18023), located in the Greater North Park Community Plan Area, on the west side of Arizona Street, North of University Avenue in the City Council District 3, 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.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:27 p.m. in honor of the memory of:

Hosea Lucian Hall, as requested by Council Member Lewis; and
Harry Earl Lockwood, as requested by Council Member Frye.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 3:24 p.m. – 3:27 p.m.)