

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MAY 17, 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 2:16 p.m. Mayor Murphy recessed the meeting at 3:13 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:22 p.m. with all members present. Mayor Murphy adjourned the meeting at 3:30 p.m. to convene the Budget Review Committee and to meet in Closed Session on Tuesday, May 18, 2004 in the 12th floor committee room to discuss pending and potential litigation and Meet and Confer matters.

ATTENDANCE DURING THE MEETING:

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

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by City Clerk Chuck Abdelnour.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Peters.

FILE LOCATION: MINUTES

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

04/12/2004
04/13/2004

04/19/2004
04/20/2004
04/26/2004
04/27/2004

FILE LOCATION: MINUTES

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

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

ITEM-31: Emergency Services Week.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1158) ADOPTED AS RESOLUTION R-299216

Recognizing the dedicated men and women in emergency medical services whose selfless efforts help save and protect the lives of those living in our community;

Proclaiming May 16-22, 2004 to be "Emergency Medical Services Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:26 p.m.)

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

ITEM-32: Captain Harold L. Cox Day.

COUNCILMEMBER LEWIS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-1171) ADOPTED AS RESOLUTION R-299220

Commending Captain Harold L. Cox for the exceptional service and commitment he has given to all communities in San Diego;

Proclaiming May 17, 2004 to be "Captain Harold L. Cox Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:26 p.m. – 2:32 p.m.)

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

ITEM-33: Asthma Awareness Month.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1001) ADOPTED AS RESOLUTION R-299221

Proclaiming May 2004 to be "Asthma Awareness Month" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:32 p.m. – 2:35 p.m.)

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

CLOSED SESSION:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 18, 2004

CS-1 *Gleason v. San Diego City Employees' Retirement System*
San Diego Superior Court Case No. GIC 803779

HDCA Assigned: Christopher Morris

This matter involves litigation concerning the City's retirement system and the City's obligation to fund that system. A tentative settlement has been reached with the plaintiffs, the terms of which generally involve certain payments by the City to the system in each of Fiscal Years 2005, 2006, 2007 and 2008. In closed session, the City Attorney and the City's outside counsel will report to the City Council on the conduct of negotiations to finalize a settlement agreement, and the status of the court proceedings to implement the settlement.

Mayor Murphy closed the hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:10 p.m. – 3:10 p.m.)

CS-2 *Building Industry Association, Inc. v. City of San Diego*
San Diego Superior Court Case No. GIC 817074

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 18, 2004

DCA Assigned: John Mullen

This case involves a challenge to the City Council's decision on June 3, 2003, to adopt the

Inclusionary Housing Ordinance [the Ordinance], codified at Chapter 14, Article 2 of the San Diego Municipal Code [SDMC]. Plaintiff Building Industry Association challenges the validity of the Ordinance on several grounds, including claims that the Ordinance authorizes an illegal exaction, unlawfully delegates legislative power, and impairs the vested property rights of land owners. The case is set for trial on July 16, 2004. In closed session, the City Attorney will update the City Council on the status of the litigation and seek direction on Plaintiffs' most recent offer to settle the case.

Mayor Murphy closed the hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:10 p.m. – 3:11 p.m.)

CS-3 *Anna Hofmeister and Lisa M. Vargas v. City of San Diego*
San Diego Superior Court Case No. GIC 795907

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 18, 2004

DCA Assigned: Mark Stiffler

This is a personal injury case in which Plaintiffs contend that they were sexually harassed while employed as paramedics in the San Diego Fire Department. In closed session, the City Attorney will report to the City Council on settlement negotiations and the status of the case.

Mayor Murphy closed the hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:11 p.m. – 3:11 p.m.)

CS-4 *Chargers Football Company, LLC v. City of San Diego*
Los Angeles Superior Court Case No. BC 306758

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 18, 2004

ACA Assigned: Leslie J. Girard

This matter concerns the litigation filed by the San Diego Chargers [Chargers] against the City of San Diego [City], and the City's related cross complaint against the Chargers, over the validity of the "trigger" notice delivered to the City by the Chargers in March of 2003 pursuant to the 1995 agreement for the use of Qualcomm Stadium [1995 Agreement]. In closed session, the City's outside litigation counsel and the City Attorney will report on the status of the litigation and the status of any additional discussions with the Chargers concerning the term sheet authorized by the City Council on April 26, 2004, to be conveyed to the Chargers. The City Council may give further direction to its attorneys and consultants with regard to the matter.

Mayor Murphy closed the hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:11 p.m. – 3:11 p.m.)

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

CS-5 Property: Qualcomm Stadium

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 18, 2004

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

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.

This matter involves negotiations authorized by the City Council in March of

2003 between the City of San Diego [City] and San Diego Chargers [Chargers] regarding the Qualcomm Stadium site, pursuant to both the recommendations of the Citizens' Task Force on Chargers Issues and the "Trigger Notice" sent to the City by the Chargers in March of 2003.

In closed session, the City's negotiating team will report to the City Council on the status of any discussion with the Chargers concerning the term sheet authorized by the City Council on April 26, 2004, to be conveyed to the Chargers.

Please see the description on the closed session agenda under "pending litigation" — *Chargers Football Company, LLC v. City of San Diego* for a description of a related matter.

Mayor Murphy closed the hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:11 p.m. – 3:11 p.m.)

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-6 Agency negotiators: Lamont Ewell, Cathy Lexin, Mike McGhee,
Christopher Morris

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 18, 2004

Employee organizations: Municipal Employees Association, Local 127
AFSCME, AFL-CIO, Local 145 International
Association of Firefighters AFL-CIO, San Diego
Police Officers Association

HDCA assigned: Chris Morris

In closed session, the City Manager and the City's negotiators will review with the City Council the City's position with respect to the salary and fringe benefits of the represented employees, and request instructions from the City Council as to those matters.

Mayor Murphy closed the hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:11 p.m. – 3:12 p.m.)

* ITEM-50: Second Amendment to the Office Lease Agreement for the Family Justice Center at 707 Broadway.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/4/2004. (Council voted 8-0. Councilmember Peters not present):

(O-2004-131) ADOPTED AS ORDINANCE O-19278 (New Series)

Authorizing the City Manager to execute the Second Amendment to the Office Lease with 7th & Broadway Partners, LLC; 901 7th Avenue Partners, LLC; and 707 Weber, LLC; for space at 707 Broadway Tower;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$277,881.92 from the Office Space Program Budget, Fund No. 100, Dept. 601, for rent and utility charges from the FY 2005 Budget, contingent upon approval of the FY 2005 Budget by the Mayor and Council.

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

FILE LOCATION: LEAS – 7th & Broadway Partners, LLC; 901 7th Avenue Partners, LLC; and 707 Weber, LLC

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:20 p.m.)

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

- * ITEM-51: California Energy Commission Energy Efficiency Financing for General Fund Facility Improvements.

(Clairemont Mesa, North Park, Tierrasanta, Linda Vista, Kearny Mesa, Carmel Valley, Allied Gardens, City Heights, Navajo, Pacific Beach, Rancho Penasquitos, Oak Park, Skyline-Paradise Hills, Golden Hill, and Balboa Park Community Areas. Districts-1, 2, 3, 4, 6, 7, and 8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/4/2004 (Council voted 8-0. Councilmember Peters not present.):

(O-2004-134) ADOPTED AS ORDINANCE O-19279 (New Series)

Authorizing the City Manager, to apply for, enter into, conduct negotiations for, and execute and comply with all requirements for a fifteen-year loan agreement with the California Energy Commission in the amount of \$2,230,000 at a rate of 3.95% interest, to implement energy efficiency improvements, under the terms and conditions set forth in the Energy Conservation Assistance Account Loan Agreement No. 023-03-ECB;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the above loan and to expend funds as directed by the administering department;

Authorizing and directing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to amend the Fiscal Year 2004 Capital Improvement Program budget to add CIP-37-017.0, Annual Allocation-City Facility Energy Improvements;

Authorizing and directing the City Auditor and Comptroller to increase CIP-37-017.0, Annual Allocation-City Facility Energy Improvements, by the amount of \$2,230,000;

Authorizing the City Auditor and Comptroller, contingent upon receipt of a fully executed loan agreement, to appropriate and expend an amount not to exceed \$2,230,000 from CIP-37-017.0, Annual Allocation-City Facility Energy Improvements;

Authorizing the expenditure of an amount not to exceed \$300,000 from the

Capital Outlay Revolving Fund No. 30245, Department 3245, Organization Number 102, to provide an advance to reimbursable loan funds from the California Energy Commission for the Capital Improvement Program costs in connection with facility energy improvements.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:20 p.m.)

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

* ITEM-52: Public Art Master Plan.

NOTE: Public testimony portion of the hearing is closed. Testimony taken on April 27, 2004.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 5/4/2004. (Council voted 8-0. Councilmember Peters not present.)

(O-2004-124 Rev. 2) ADOPTED AS ORDINANCE O-19280 (New Series)

Amending Chapter 2, Article 6, Division 7, of the San Diego Municipal Code by amending Section 26.0701, by renumbering and amending Section 26.0702 to 26.0703, Section 26.0703 to 26.0704, and Section 26.0705 to 26.0702, by adding new Section 26.0705, by retitling and amending Sections 26.0706 and 26.0707, and by adding new Sections 26.0708, 26.0709, 26.0710, 26.0711, and 26.0712, all relating to the Commission for Arts and Culture and the development of cultural and artistic resources in the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:20 p.m.)

CONSENT MOTION BY INZUNZA TO DISPENSE WITH THE READING AND

ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote:
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-100: West Mission Bay Drive/Mission Boulevard Improvement.

(Mission Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1172) ADOPTED AS RESOLUTION R-299222

Amending the Fiscal Year 2004 Capital Improvements Program Budget for West Mission Bay Drive/Mission Boulevard Improvements by increasing the budget amount by \$45,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$45,000 from Fund 10532, for CIP-52-707.0, West Mission Bay Drive/Mission Boulevard Improvements, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

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

CITY MANAGER SUPPORTING INFORMATION:

The action will provide the \$45,000 of additional Belmont Park Traffic Amelioration funds needed for the construction of two fully designed projects in the Mission Beach Community Area; West Mission Bay Drive/Mission Boulevard Improvements. The two projects, described below, will be constructed simultaneously for a total construction cost of \$132,000. Both projects have been approved by the Mission Beach Town Council and the Mission Beach Precise Planning Board.

The West Mission Bay Drive Improvements will provide for a raised center median and mid-block crosswalk along West Mission Bay Drive between Gleason Road and Mission Boulevard.

This work will include the installation of advance warning signs and solar powered flashing pedestrian beacons. The construction cost for these improvements is \$82,000. The Mission Boulevard Improvements will provide for a right turn lane on Mission Boulevard into the Belmont Park parking lot by narrowing the center median, re-striping the lanes, and redesigning the traffic signal loops to facilitate traffic flow. The construction cost for these improvements is \$50,000.

FISCAL IMPACT:

Funds in the amount of \$45,000 are available in Fund 10532, Belmont Park Traffic Amelioration Fund. \$150,000 in Belmont Park Traffic Amelioration funds was previously authorized.

Loveland/Belock/PB

Aud. Cert. 2401051.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:20 p.m.)

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

* ITEM-101: Applying to HUD for a Section 108 Loan for the San Diego Food Bank.

(See City Manager Report CMR-04-024. Mira Mesa Community Area. The Food Bank Facility is in District-5 and Districts-1, 3, 7, and 8 are involved in repayment.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-817) ADOPTED AS RESOLUTION R-299223

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: 2:17 p.m. – 2:20 p.m.)

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

* ITEM-102: Additional Funding for Reo Drive Improvements.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1179) ADOPTED AS RESOLUTION R-299224
Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$70,000 in TransNet, from CIP-52-654.0, Lisbon Street Widening to CIP-39-233.0, Reo Drive Improvements, Fund No. 30306;

Authorizing the City Manager to replenish the transferred funds in an amount not

to exceed \$70,000 into CIP-52-654.0, Lisbon Street Widening, when the annual commercial paper reallocation is authorized for Fiscal Year 2005;

Approving the expenditure of an amount not to exceed \$70,000 from TransNet Funds, for the purpose of construction, from CIP-39-233.0, Reo Drive Improvements, provided that the City Auditor and Comptroller first furnishes a certificate of funds being available;

Authorizing the City Auditor and Comptroller, upon the direction of the City Manager, to reallocated the funding sources between TransNet and Commercial Paper funded projects as may appropriate to maximize the use of TransNet cash and reduce the use of Commercial Paper funding for CIP-39-233.0, Reo Drive Improvements;

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

CITY MANAGER SUPPORTING INFORMATION:

The Reo Drive Improvements, also known as the Paradise Hills Revitalization Project, provides a simple vision and implementation strategy for the rehabilitation of an older commercial strip development in the heart of the Paradise Hills neighborhood. The 3.34 acre site includes the east and west sides of Reo Drive between Cumberland and Abemarle Streets. The City received a State Parks Grant funding in an amount of \$279,740 towards this project, however, the total estimated cost of \$800,000 far exceeded the grant funding. Therefore the project was divided into two phases in order to meet the grant expenditure deadline of May 2004. Phase I consists of hardscape improvements with added crosswalks, installation of curb pop-outs, and planting of trees along sidewalks; Phase II will provide for an approximate 20 foot road widening with new curbs, diagonal parking along the street, extended crosswalks, and sidewalks along storefronts.

In addition to the State grant, there is \$55,375 in Transnet funding currently appropriated for the project. The bid opening for Phase I took place on February 12, 2004 with five bids submitted. The lowest bidder was deemed non-responsive due to the City's prime Contractor requirement to perform 50% of the work. In order to award the project the second low bidder, the project needed additional \$70,000. Reo Drive Phase II is scheduled to receive Transnet funds in the amount of \$550,000 in Fiscal Year 2005. Funds are available in the amount of \$70,000 from Lisbon Street Widening, which can be transferred into the Reo Drive Improvements to avoid the loss of State grant funding, and then the \$70,000 will be returned to Lisbon Street Widening in FY 2005.

FISCAL IMPACT:

Funds for this action are available in CIP-52-654.0, Lisbon Street Widening, Fund 30300. The Lisbon project funds will be replenished when the annual commercial paper reallocation is authorized for Fiscal Year 2005. No expenditures are anticipated to be incurred against commercial paper at this time. In an effort to defer the issuance of commercial paper, \$70,000 will be identified through our cash management process.

Loveland/Belock/PB

Aud. Cert. 2401063.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:20 p.m.)

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

* ITEM-103: Authorizing Designated City Officials to Obtain Certain Financial Assistance on City's Behalf.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1156) ADOPTED AS RESOLUTION R-299225

Authorizing the City Manager, Assistant City Manager, Deputy City Manager and CIO, and Director of the Office of Homeland Security, to execute and file in the State Office of Emergency Services applications and documents for the purpose of obtaining federal financial assistance under Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, or state financial assistance under the California Disaster Assistance Act;

Rescinding the Resolution No. R-290115, adopted on May 18, 1998.

CITY MANAGER SUPPORTING INFORMATION:

This resolution updates and replaces Resolution R-290115, adopted on May 18, 1998, which quoted outdated public law. The California Governor's Office of Emergency Services has requested a reauthorization resolution designating City officials who are authorized to execute, for and on behalf of the City, applications and documents for the purpose of obtaining certain financial assistance.

Arellano/Lee/DF

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:20 p.m.)

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

* ITEM-104: Annual Review of the Fiscal Year 2002-2003 North City West School Facilities Master Plan for the Carmel Valley Community.

(See City Manager Report CMR-04-096. Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1159) ADOPTED AS RESOLUTION R-299226

Accepting the Fiscal Year 2002-2003 North City West School Facilities Master Plan for the Carmel Valley Community.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:20 p.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the

following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea

* ITEM-105: Fifth Amended Unified San Diego County Emergency Services Agreement.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1161) ADOPTED AS RESOLUTION R-299227

Authorizing the City Manager, Director of the Office of Homeland Security, or their respective designee, to execute the Fifth Amended Unified San Diego County Emergency Services Agreement.

CITY MANAGER SUPPORTING INFORMATION:

Membership in the Unified San Diego County Emergency Services Organization (ESO) includes each of the eighteen incorporated cities and the County of San Diego. The primary purposes of the Organization are to coordinate and facilitate regional emergency plans and programs which are intended to preserve the life and safety of people and property and to make provisions for the execution of plans, programs, and for mutual assistance in the event of multi-jurisdictional emergencies or disasters.

The City of San Diego is a participatory signatory to the Fourth Amended Unified San Diego County Emergency Services Agreement. This Fifth Amended Unified San Diego County Emergency Services Agreement continues to serve the above purposes while also making changes to the voting system (similar to the SANDAG model), creating a joint powers agreement, naming the County Treasurer as the depository and custodian of all the money of the ESO, and describing the responsibilities of the County Treasurer.

FISCAL IMPACT:

There is no direct fiscal impact.

Arellano/Lee/DF

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:20 p.m.)

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

* ITEM-106: Easement Grant for Utility Purpose to San Diego Gas and Electric Company in the Scripps Ranch Area.

(Scripps Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-996) ADOPTED AS RESOLUTION R-299228

Authorizing the City Manager to convey for a payment of \$1,000 an easement and right of way for utility purposes to the San Diego Gas and Electric Company for the purpose of maintaining, constructing, repairing and using underground facilities and appurtenances for the transmission and distribution of electricity in, upon, over, under, and across a portion of Lot 90 of McMillin Scripps Two, Unit No. 1, according to Map 9305 filed in the Office of the San Diego County Recorder;

Authorizing the City Manager to execute the Easement in favor of the San Diego Gas and Electric Company.

CITY MANAGER SUPPORTING INFORMATION:

SDG&E has submitted a request for an electrical easement and right of way in, upon, over, under, and across the land located west of Mesa Madera Drive and north of Red Cedar Drive in Scripps Ranch. The proposed easement and right of way area is a portion of a larger parcel used as part of an open space system in the Scripps Ranch community. The larger parcel (APN: 319-030-52) totals 13.83 acres and the proposed easement and right of way is approximately 147 square feet or .003 acres of this parcel and located at the edge of the sidewalk on Mesa Madera Drive.

The larger parcel was dedicated by Ordinance O-16901 on July 12, 1987. At that time, the City of San Diego specifically reserved the right to establish underground public service easements through and across the dedicated property so long as the construction and maintenance of the subject easements do not substantially negatively impact the availability of the property for park and recreational purposes. The proposed easement and right of way does not affect the open space area walking trail system. The trail used in this area is north of the easement. The above-ground portion of the facility will be landscaped in a manner that will conceal it from public view. SDG&E intends to install a pad mounted electrical (“PME”) switch on the proposed easement and right of way that will allow SDG&E to automatically switch to a new circuit whenever circuit overload occurs in the electrical system in the Scripps Ranch community. This will alleviate the necessity to send a work crew to the area. The structural nature of the PME switch requires that a portion of it will be installed above ground to a height of only four feet. Due to the recent wild fires and upcoming warm weather, SDG&E believes it is imperative to install the equipment as soon as possible for the benefit of Scripps Ranch residents.

Based on a fair market appraisal conducted by an appraiser selected by the City, the compensation to the City of San Diego is a one time payment of \$1,000.

FISCAL IMPACT:

A one time payment of \$1,000 will be deposited into General Fund 100.

Herring/Griffith/CLY

FILE LOCATION: DEED F-9729

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:20 p.m.)

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

yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea

* ITEM-107: Angle Parking on Girard Avenue.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1109) ADOPTED AS RESOLUTION R-299229

Approving angle parking on the east side of Girard Avenue in front of La Jolla Elementary School, pursuant to San Diego Municipal Code Section 86.03;

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 authorize the City Manager to install angle parking on the east side of Girard Avenue in front of La Jolla Elementary School.

Currently, parallel parking exists on the east side of Girard Avenue in front of La Jolla Elementary School with a school bus zone in effect on school days from 7:00 a.m. to 4:00 p.m. The installation of angle parking at this location will provide approximately 6 additional parking spaces and the existing school bus zone will remain in effect during the times indicated above.

The San Diego City Schools and La Jolla Community Planning Association are in support of this action.

FISCAL IMPACT:

\$600. Funds are not budgeted for this purpose, however, Street Division will reprioritize other maintenance needs in order to complete this project.

Loveland/Belock/VW

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:20 p.m.)

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

- * ITEM-108: Amendment to the Retainer Agreement with Luce, Forward, Hamilton & Scripps, LLP, for Certain Legal Services related to the Department of Industrial Relations Determination of Prevailing Wage Issues Involving Ballpark Infrastructure Construction Contracts.

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

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1124) ADOPTED AS RESOLUTION R-299230

Authorizing and Directing the City Attorney to execute an amendment to the retention agreement with Luce, Forward, Hamilton & Scripps, LLP (Firm) for an additional amount not to exceed \$100,000 for a total contract amount not to exceed \$125,000;

Authorizing the expenditure of an amount not to exceed \$100,000 from Fund 81140, Dept. 81140, Org. No. 3501, Object Account 4141, Job Order 81150, for the purpose of providing funds for additional services relating to filing an appeal of the Department of Industrial Relations determination of prevailing wage issues involving Ballpark Infrastructure construction contracts.

SUPPORTING INFORMATION:

The California Department of Industrial Relations has issued a Determination which concludes that the construction of the City's Ballpark Project, including all related infrastructure work, is subject to the payment of prevailing wages. The City believes this Determination is, for the most part, erroneous and that appeal and review by the Superior Court may result in overturning the Determination. An initial agreement in an amount not to exceed \$25,000 was authorized with

Mr. Charles Bird, Esq. to work with the City Attorney's Office in representing the City in this matter. Additional services are now required to file this appeal and take all necessary legal actions. An additional \$100,000 is required to fund the necessary services. The total contract will be in an amount not to exceed \$125,000.

Katz/Herring

Aud. Cert. 2401016.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:20 p.m.)

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

* ITEM-109: Change Order No. 3 to Contract with Arrieta Construction, Inc. for Jamacha Road Improvement.

(See memorandum from Frank Belock, Jr. dated 4/20/2004. Skyline/Paradise Hills Community Areas. District-4)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1032) ADOPTED AS RESOLUTION R-299231

Approving Change Order No. 3 dated February 23, 2004, issued in connection with the contract with Arrieta Construction, Inc., for the construction of Jamacha Road Improvement (Project), and the changes therein set forth, amounting to a net increase in the contract price of \$29,869.15;

Authorizing an additional expenditure of an amount not to exceed \$145,000 from Water Fund 41500, CIP-73-083.0, Annual Allocation – Water Main Replacement, for construction and related costs for the Project;

Approving the additional use of City Force Work in an amount not to exceed

\$50,000 from Water Fund 41500, CIP-73-083.0, Annual Allocation – Water Main Replacement, Sub CIP-73-859.9, for the construction of the Project.

NATURAL RESOURCES AND CULTURE COMMITTEE’S RECOMMENDATION:

On 4/28/2004, NR&C voted 5 to 0 to approve the project. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

This action is to obtain approval to fund Change Order No. 3 in the amount of \$29,869.15 for the Jamacha Road Improvement Project and to cover related costs for water operations and engineering. This project has been awarded to Arrieta Construction and consists of widening Jamacha Road from Meadowbrook to Cardiff Street, and upgrading the water main within these boundaries. Currently, the construction of this project is 95% complete.

The water main is being replaced because of its deteriorated state and several failures that have occurred in the past. Replacement of the water main along Jamacha Road between Meadowbrook and Cardiff Street has allowed the City to prevent water main breaks and avoid future excavation in the street for water main repairs. The work under Change Order No. 3 includes additional asphalt cement pavement as patching for extensive trench repairs, additional curb, gutter, and sidewalk replacement, as well as additional traffic detector loop replacement associated with the water main replacement work.

FISCAL IMPACT:

The total cost of this request is \$145,000 for a total of \$1,005,273. Of this additional funding, \$35,000 is for contingencies, \$50,000 is for City Force Work, and \$60,000 is for engineering related costs. Funding is available from Water Fund 41500, CIP-73-083.0, Annual Allocation – Water Main Replacement. This project is scheduled to be constructed in FY 2004.

Loveland/Belock/HR

Aud. Cert. 2400971.

FILE LOCATION: CONT – Arrieta Construction, Inc.

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:20 p.m.)

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

yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea

- * ITEM-110: Change Order No. 1 to Contract with Filmex Inc., Doing Business as Metropolitan Construction, for Water Group 656.

(See memorandum from Frank Belock, Jr. dated 4/20/2004. Ocean Beach and College Community Areas. Districts-2 and 7.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1111) ADOPTED AS RESOLUTION R-299232

Approving Change Order No. 1, dated March 18, 2004, issued in connection with the contract between the City of San Diego and Filmex Inc., doing business as Metropolitan Construction, and the changes therein set forth, amounting to a net increase in the contract price not to exceed \$349,202.78, and an extension of time of 40 working days;

Approving an additional expenditure of an amount not to exceed \$463,149.97 from Water Fund 41500, CIP-73-083.0, Annual Allocation – Water Main Replacement, for construction and related costs for the Project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/28/2004, NR&C voted 5 to 0 to approve the project. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

Water Group 656 is part of the City of San Diego's continuing Annual Water Main Replacement Program. This project is located in the Ocean and College areas. It includes the replacement of approximately 11,710 linear feet of eight-inch and twelve-inch old and deteriorated cast iron water mains, water services, fire services, and fire hydrants. It includes re-paving and slurry sealing the streets affected by construction. The streets affected by construction operations within this project are: Adams Avenue, Santa Barbara Street, Alice Street, Ashby Street, Coronado Avenue, and Orchard Avenue as shown on the location map. The Change Order is to compensate the contractor for providing equipment, materials, and labor for the removal and

disposal of the thick asphalt and concrete paving encountered along the alignment during construction, removal, and replacement of additional existing heavily damaged pavement and for installing additional water services.

FISCAL IMPACT:

The total cost of this project is \$2,497,656.92. Funding of \$2,034,507 was previously authorized by R-295933 on January 14, 2002. This request is authorizing additional expenditures of \$463,149.97 from Water Fund 41500, CIP-73-083.0, Annual Allocation – Water Main Replacement.

Loveland/Belock/HR

Aud. Cert. 2401008.

FILE LOCATION: CONT – Filmex Inc., dba Metro Construction;
W.O. 183261

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:20 p.m.)

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

* ITEM-111: First Amendment to the Design Agreement with CGvL Engineers for Pump Station Upgrades.

(See memorandum from Scott Tulloch dated 4/21/2004.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1173) ADOPTED AS RESOLUTION R-299233

Authorizing the City Manager to negotiate and execute a First Amendment to the Design Agreement with CGvL Engineers for Pump Station Upgrades for an amount not to exceed \$915,539;

Authorizing the City Auditor and Comptroller to transfer \$613,503 to CIP-41-929.0, Pump Station Upgrades, of which \$461,415 is from CIP-46-197.6, USIU Trunk Sewer, and \$152,088 is from CIP-46-195.8, Miramar Road Trunk Sewer, all with Fund 41506;

Authorizing the City Manager to revise contract phase funding with CGvL Engineers as follows:

<u>FUNDING PHASE</u>	<u>AMOUNT</u>	<u>FY</u>	
Phase 1	\$606,673	2003	Previously Funded
Phase 2	\$1,117,797	2004	Previously Funded \$669,774 of this phase.
Phase 3	\$622,404	2005	Previously Funded \$154,888 of this phase.
TOTAL	\$2,343,874		

Authorizing the expenditure of an additional amount not to exceed \$915,539 from Fund 41506, CIP-41-929.0, Pump Station Upgrades, for the purpose of funding the agreement and amendment with CGvL Engineers as follows:

<u>FY</u>	<u>AMOUNT</u>	
2004	\$448,023	
2005	\$467,516	(contingent upon Council approval of this funding in the FY 2005 budget)

provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure under said contract are, or will be, on deposit in the City Treasury;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/28/2004, NR&C voted 5 to 0 to approve the project. (Councilmembers Madaffer, Zucchet, Lewis, Frye, and Inzunza voted yea.)

SUPPORTING INFORMATION:

The original approved agreement (R-297744) with CGvL Engineers includes pre-design, design

and construction support work associated with the upgrade of 23 City-wide pump stations, including the installation of dual force mains and underground storage tanks. During the design review stage, several items not identified in the original scope of work but needed to complete the design were identified. These include:

1. Potholing for unknown utilities along the alignment of the 13 force mains associated with these pump stations due to inadequate as-built drawings. The number of potholes required is 125. This will prevent potential change orders during construction and minimize redesign costs due to unknown utilities and/or erroneous sub-surface materials.
2. Capacity upgrades for pump stations 43, 51, 60A, 71 and 73 due to recent hydraulic analysis performed on them and identified during the 30% Design Submittal as not meeting capacity.
3. Design and installation of odor control equipment, pump station operation safety components and modifications to ensure system uniformity on instrumentation and electrical components.
4. Preparation of a Pre-Design Report on the abandonment of Pump Station 62 (not part of the original 23 pump stations), and expansion of Pump Station 84 to accommodate the additional flows from Pump Station 62 and the necessary new pipelines and appurtenances associated with this work.

This additional work provides for safer and more efficient operation and maintenance of all of these pump stations and force mains, and further provides the reliability needed per the City Sewer Design Guide. This Amendment is for a total of \$915,539. The original contract with CGvL is for \$1,428,335, for a total contract of \$2,343,874.

FISCAL IMPACT:

The total cost of this phase funded agreement is \$2,343,874, of which \$1,428,335 has been previously authorized by Resolution R-297744 on March 24, 2003. This request is for \$915,539. Funds are available in Sewer Fund No. 41506, CIP-41-929.0, Pump Station Upgrades, including \$448,023 in FY 2004 to fund the previously unfunded portion of Phase 2.

Mendes/Tulloch/AS

Aud. Cert. 2401039.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:20 p.m.)

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

* ITEM-112: Agreement with RECON Environmental, Inc., for Environmental Services.

(See memorandum from Frank Belock, Jr. dated 4/20/2004.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1081) ADOPTED AS RESOLUTION R-299234

Authorizing the City Manager to execute an agreement with RECON Environmental, Inc., for environmental planning and design services;

Authorizing the expenditure of an amount not to exceed \$25,000 from Water Fund 41500 and an amount not to exceed \$775,000 from Sewer Fund 41506 for a total amount not to exceed \$800,000, for the purpose of providing funds for the project and agreement;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/28/2004, NR&C voted 5 to 0 to approve the project. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

The effort to support the increased rate of replacement of the City's aging sewer and water lines and the increased effort allocated to canyon sewer issues has created an increased demand for environmental services. On October 4, 2003, the City's Consultant Services Coordinator advertised for Environmental Services to provide environmental services and canyon sewer access planning support for sewer and water pipeline projects. The advertisement had been placed in the San Diego Daily Transcript, Asian Journal, Integrated Marketing Systems, and the City of San Diego Web Page/Public Notice. Seventeen (17) firms responded on October 24, 2003, and the Consultant Nominating Committee nominated the nine (9) most qualified firms to participate in the selection process. In conformance with Council Policy 300-7, these firms were interviewed, and RECON Environmental was selected as one of the best qualified firms to provide the Environmental Services. The agreement provides for environmental services by task order on an hourly basis not to exceed \$100,000 per task. These services include, but are not limited to, performing canyon sewer access planning; biological resource evaluations including field surveys, wetland delineations, biology and wetland reports, mitigation, and mapping services, and construction monitoring; revegetation design with "D" sheet drawings to accompany the design; water quality analysis; resource agency permitting; archaeological resources evaluations/monitoring services; paleontological resources evaluation/monitoring services; and preliminary hazardous waste analysis. These services are required in order to meet the anticipated planning and design needs for the current sewer main and water replacement program. The total contract with this firm shall not exceed \$800,000 for a period of two (2) years from the date of execution by the City.

FISCAL IMPACT:

The total estimated cost of this agreement will be \$800,000. Funding of \$25,000 is available in Water Fund 41500 and \$775,000 is available in Sewer Fund 41506.

Loveland/Belock/HR

Aud. Cert. 2400987.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:20 p.m.)

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

- * ITEM-113: Nominations to the Centre City Development Corporation (CCDC) Board of Directors.

(See memorandum from Mayor Murphy dated 5/6/2004, with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1199) ADOPTED AS RESOLUTION R-299235

Nominating for re-election to the Centre City Development Corporation (CCDC) Board of Directors, for terms ending May 1, 2007, as follows:

<u>NOMINEE</u>	<u>CATEGORY</u>	<u>NOMINATED BY</u>
Wayne Rafflesberger	General Business	Mayor Dick Murphy
Harold G. Sadler	Architect	Mayor Dick Murphy

Declaring that Wayne Rafflesberger and Harold G. Sadler are hereby re-elected to the Centre City Development Corporation Board of Directors, for terms ending May 1, 2007.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:20 p.m.)

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

- * ITEM-114: White Sands of La Jolla Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-1182) ADOPTED AS RESOLUTION R-299236

Commending White Sands of La Jolla for its industry leadership, community citizenship, and success in providing housing and services for seniors;

Proclaiming May 10, 2004 to be “White Sands of La Jolla Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:20 p.m.)

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

* ITEM-115: Maria Galleta Day.

DEPUTY MAYOR ATKINS’ RECOMMENDATION:

Adopt the following resolution:

(R-2004-1183) ADOPTED AS RESOLUTION R-299237

Recognizing the outstanding volunteer efforts of Maria Galleta in the area of HIV/AIDS assistance, and commending her for more than a decade of community service;

Proclaiming May 9, 2004 to be “Maria Galleta Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:20 p.m.)

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

ITEM-260: Collection Services Re-Routing/Greenery Expansion Project.

(See City Manager Report CMR-04-083.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1207) TRAILED TO TUESDAY, MAY 18, 2004

Accepting the City Manager's report on the planned re-routing of refuse collection services and the expansion of greenery collection services.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

Informational report only. No action taken.

ITEM-S400: San Diego River Day.

MAYOR MURPHY'S AND COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1228) ADOPTED AS RESOLUTION R-299217

Recognizing the outstanding efforts of the San Diego River Coalition and the San Diego River Park Foundation to organize the inaugural "San Diego River Day," and for their continued commitment to restore and enhance the historic San Diego River;

Proclaiming May 22, 2004 to be "San Diego River Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:35 p.m. – 2:49 p.m.)

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

ITEM-S401: National Public Works Week.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-1223) ADOPTED AS RESOLUTION R-299238

Recognizing the public works professionals for their service and contribution to our great City;

Proclaiming May 16-22, 2004 to be "National Public Works Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:49 p.m. – 2:54 p.m.)

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

ITEM-S402: Two actions related to San Diego High School Cavers Girls Basketball Team Day; and Charde Houston Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-1220) ADOPTED AS RESOLUTION R-299218

Recognizing the tremendous accomplishments of the 2004 San Diego High School Cavers girls basketball team;

Proclaiming May 17, 2004 to be "San Diego High School Cavers Girls Basketball Team Day" in the City of San Diego.

Subitem-B: (R-2004-1221) ADOPTED AS RESOLUTION R-299219

Joining with Charde's family, friends, and teammates in recognizing the amazing athletic accomplishments of Charde Houston as a member of the San Diego High School girls basketball team;

Proclaiming May 17, 2004 to be "Charde Houston Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:54 p.m. – 3:06 p.m.)

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

ITEM-S403: Motorcycle Awareness Month.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1195) ADOPTED AS RESOLUTION R-299239

Proclaiming May 2004 to be "Motorcycle Awareness Month" in the City of San Diego, and commending the organizers and volunteers for their leadership, vision, and dedication to the safety of all street and highway users in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:07 p.m. – 3:10 p.m.)

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

* ITEM-S404: San Diego Capital Collaborative Day.

COUNCILMEMBER LEWIS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-1206 Cor. Copy) ADOPTED AS RESOLUTION R-299240

Commending San Diego City/County Reinvestment Task Force for devising the San Diego Capital Collaborative (SDCC);

Proclaiming May 17, 2004 to be "San Diego Capital Collaborative Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:20 p.m.)

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

* ITEM-S405: Appointment to the Board of Directors for the San Diego Model School Development Agency.

(See City Manager Report CMR-04-105. District-3.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1227) ADOPTED AS RESOLUTION R-299241

Appointing Ellen Oppenheim, Director of Parks and Recreation Department, to serve as a member of the Board of Directors of the San Diego Model School Development Agency.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:20 p.m.)

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

ITEM-S406: Grant Application to the Federal Department of Homeland Security (DHS), through the Office of Domestic Preparedness (ODP) for San Diego Regional Terrorist Threat Assessment and Training Center (RTAC).

(See City Manager Report CMR-04-100.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1238) ADOPTED AS RESOLUTION R-299242

Authorizing the Chief of Police to apply for, accept, manage, and expend these grants, including any amendments, extensions, or renewals, for a period of up to five years, provided funding is made available by the State of California, for the purpose of establishing and operating the San Diego RTAC and to act as the single fiscal agent;

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

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

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

On 5/12/2004, PS&NS voted 5 to 0 to approve the City Manager's recommendation. (Councilmembers Zucchet, Atkins, Lewis, Maienschein, and Frye voted yea.)

SUPPORTING INFORMATION:

The Federal Department of Homeland Security (DHS), through the Office of Domestic Preparedness (ODP), is providing funding to the State of California for emergency prevention, preparedness and response personnel to prevent, deter, respond to and recover from threats and incidents of terrorism. The Fiscal Year 2004 Homeland Security Grant Program (FY04 HSGP) will support three separate programs: the State Homeland Security Program, the Law Enforcement Terrorism Prevention Program (LETPP), and the Citizen Corps Program.

The State of California Office of Homeland Security is providing \$2,000,000 from the LETPP to each of the four area RTAC's in California (San Diego/Imperial Counties, Los Angeles, San Francisco Bay, and Sacramento Valley).

Under this program, the City of San Diego receives the grant for the San Diego RTAC and acts as the single fiscal agent for the award. This grant is administered by the San Diego Police Department, which coordinates all fiscal matters between the State of California Office of Homeland Security and the San Diego RTAC. The City is compensated for the Police Department's special efforts by receiving up to 3% of the funding expended. These segregated funds are to be used to compensate both the City Auditor and the Police Department for efforts on behalf of the San Diego RTAC.

It is requested that the City Manager be authorized to accept and expend funds received from the LETPP award in support of the San Diego RTAC and to execute all aspects of grant operation for a period of five years. In addition, it is requested that the Chief of Police be authorized to approve expenditures to establish and operate the San Diego RTAC.

FISCAL IMPACT:

The grant provides funds to compensate the City for serving as fiscal agent. There are no requirements for ongoing programs or expenses after the end of the grant.

Ewell/Lansdowne/JCL

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:23 p.m. – 3:30 p.m.)

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

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:30 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 3:30 p.m.)