

THE CITY OF SAN DIEGO, CALIFORNIA
 MINUTES FOR REGULAR COUNCIL MEETING
 OF
 MONDAY, JUNE 7, 2004
 AT 2:00 P.M.
 IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING..... 5

ATTENDANCE DURING THE MEETING..... 5

ITEM-1: ROLL CALL..... 6

ITEM-10: INVOCATION..... 6

ITEM-20: PLEDGE OF ALLEGIANCE.....6

ITEM-30: Suzuki Rock ‘n’ Roll Marathon Day..... 6

ITEM-31: Explorer Elementary Charter School Day..... 7

ITEM-32: Stan Miller Day.....8

SPECIAL CLOSED SESSION ITEMS.....8

* ITEM-50: Equipment and Vehicle Financing Program 13

* ITEM-51: Three actions related to Proposed Rezonings to Remove Areas within the City of San Diego from the Transit Area and Residential Tandem Parking Overlay Zones
 15

* ITEM-52: Amending the San Diego Municipal Code to Ban Alcoholic Beverage Consumption in Fanuel Street Park..... 16

* ITEM-100: Two actions related to Inviting Bids for the Construction of a Grit Aeration System at the Point Loma Wastewater Treatment Plant..... 17

* ITEM-101: Inviting Bids for the Construction of Palm Avenue Accelerated Sewer..... 20

ITEM-102: Two actions related to Inviting Bids for the Construction of Mission Bay Boat Launching Facilities Project..... 22

Minutes of Monday, June 7, 2004
Table of Contents (Continued)

* ITEM-103:	<u>Awarding a Contract to Pierce Manufacturing Inc., for the Lease Purchase of Two 105 Foot Quint Aerial Ladder Apparatus.....</u>	25
* ITEM-104:	<u>La Jolla Cove Wall Replacement and Bluff Improvements – Funding of Additional Slope.....</u>	26
* ITEM-105:	<u>MTS Station Improvement Project – Preliminary Design Funding.....</u>	28
ITEM-106:	<u>Funding for Fox Canyon Park and Home Avenue Park from Mid-City Park Development Fund.....</u>	30
* ITEM-107:	<u>Funding for Legal Services of Paul, Plevin, Sullivan & Connaughton Regarding San Diego Police Officers Association (SDPOA) v. City of San Diego.....</u>	32
* ITEM-108:	<u>Relocation and Replacement of 12-inch Water Mains at Highland Valley Road and Duenda Road Bridges.....</u>	33
* ITEM-109:	<u>Agreement with HDR Engineering, Inc. for Environmental Planning and Design Services.....</u>	35
ITEM-110:	<u>Joint Use Area Agreement with San Diego Gas & Electric Company to Relocate Overhead Facilities to the Public Right-of-Way in the Vicinity of Scripps Lake Drive.....</u>	37
* ITEM-111:	<u>Agreement with Otay International Center for Improvements to Harvest Road... </u>	39
* ITEM-112:	<u>Three actions related to Approval of K Street Use Permits.....</u>	40
ITEM-113:	<u>Amending Cooperative Agreement with San Diego Association of Governments (SANDAG) and California Department of Transportation for Funding and Right-of-Way Acquisition for State Route 56 Project-Middle Segment.....</u>	41
* ITEM-114:	<u>Vacation of Unneeded Water Easement in Lot “D” Carmel Valley Neighborhood 10, Unit No. 4, Map No. 13896.....</u>	43
* ITEM-115:	<u>City Heights Enhanced Maintenance Assessment District.....</u>	44
* ITEM-116:	<u>Little Italy Enhanced Maintenance Assessment District.....</u>	46

* ITEM-117:	<u>Grant Application to the Department of Homeland Security – Federal Emergency Management Agency’s U.S. Fire Administration for Fire-Rescue Department...</u>	48
* ITEM-118:	<u>Grant Application to the State Water Resource Control Board, Proposition 13, Nonpoint Source Program for the San Diego Watersheds Common Ground: San Diego Bay Watershed Demonstration Project.....</u>	50
* ITEM-119:	<u>Grant Application for the Chollas Creek Water Quality Protection and Habitat Enhancement Project.....</u>	52
* ITEM-120:	<u>Biennial Review – Conflict of Interest Codes.....</u>	54
* ITEM-121:	<u>Appointments and Reappointments to the Board of Library Commissioners.....</u>	55
* ITEM-122:	<u>Temple Emanu-El 40th Anniversary Day.....</u>	56
* ITEM-123:	<u>Sharp Memorial Hospital Auxiliary Day.....</u>	57
* ITEM-124:	<u>Waterkeeper Alliance Day.....</u>	58
* ITEM-125:	<u>Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.....</u>	58
* ITEM-126:	<u>Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.....</u>	59
* ITEM-127:	<u>Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).....</u>	59
* ITEM-128:	<u>Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.....</u>	60
* ITEM-129:	<u>Amendment to Retention Agreement with Vinson & Elkins to Provide Representation before the Securities & Exchange Commission and to Prepare an Internal Report on Disclosure Practices.....</u>	61
ITEM-130:	<u>Consideration of an Unsolicited Proposal with Paragon Practice Park, LLC, for Development of a Baseball and Golf Learning Center at the South Chollas Landfill.....</u>	62

<u>* ITEM-131:</u>	<u>Joint Powers Agency Agreement between ARJIS and SANDAG.....</u>	64
<u>* ITEM-132:</u>	<u>Excusing Councilmember Zucchet from the City Council Meeting of.....</u>	66
<u>ITEM-200:</u>	<u>Fiscal Year 2005 Interim Financing Needs.....</u>	67
<u>ITEM-201:</u>	<u>Wastewater Interim Financing.....</u>	68
<u>ITEM-250:</u>	<u>Notice of Pending Final Map Approval – 3767 Grim Avenue Condominiums....</u>	68
<u>ITEM-251:</u>	<u>Notice of Pending Final Map Approval – 3745 Villa Terrace Condominiums....</u>	69
<u>ITEM-252:</u>	<u>Notice of Pending Final Map Approval – Park Villas of Talmadge.....</u>	70
<u>ITEM-253:</u>	<u>Notice of Pending Final Map Approval – Draper Villas.....</u>	71
<u>ITEM-254:</u>	<u>Notice of Pending Final Map Approval – 4153 Idaho Street.....</u>	72
<u>ITEM-255:</u>	<u>SUBMISSION OF BALLOT PROPOSALS.....</u>	72
<u>ITEM-S400:</u>	<u>Captain Robert V. Wear Day.....</u>	73
<u>ITEM-S401:</u>	<u>National Management Association Week.....</u>	74
<u>NON-DOCKET ITEMS.....</u>		75
<u>ADJOURNMENT.....</u>		75

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:15 p.m. Mayor Murphy recessed the meeting at 3:23 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:32 p.m. with Council Member Zucchet not present. Mayor Murphy recessed the meeting at 4:45 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:54 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 6:25 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 6:40 p.m. with Council Member Maienschein not present. Mayor Murphy adjourned the meeting at 7:28 p.m. into Closed Session at 9:00 a.m. on Tuesday, June 8, 2004, to discuss existing and anticipated litigation, and real property negotiation matters.

ATTENDANCE DURING THE MEETING:

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

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Imam Wali Fardan of Masjid Taqwa.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Atkins.

FILE LOCATION: MINUTES

ITEM-30: Suzuki Rock 'n' Roll Marathon Day.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1328) ADOPTED AS RESOLUTION R-299280

Recognizing the organizers, many volunteers, sponsors, and participants of the Suzuki Rock 'n' Roll Marathon for their dedication to promote an active, healthy lifestyle and to help support the dedicated work of The Leukemia & Lymphoma Society and the fight against cancer;

Proclaiming June 6, 2004 to be "Suzuki Rock 'n' Roll Marathon Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:32 p.m. – 2:49 p.m.)

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

ITEM-31: Explorer Elementary Charter School Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-1330) ADOPTED AS RESOLUTION R-299281

Commending Explorer Charter School for their dedication, commitment, perseverance, and success in providing a quality educational experience to the children of San Diego;

Proclaiming June 7, 2004 to be "Explorer Elementary Charter School Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:50 p.m. – 2:53 p.m.)

MOTION BY PETERS TO ADOPT. Second by Lewis. 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: Stan Miller Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1312) ADOPTED AS RESOLUTION R-299282

Commending Stan for his honesty, integrity, and commitment to all San Diegans;

Proclaiming June 7, 2004 to be "Stan Miller Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:54 p.m. – 3:03 p.m.)

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

SPECIAL CLOSED SESSION ITEMS

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

CS-1 State Route 56 Corridor:

City of San Diego v. D.R. Horton
San Diego Superior Court No. GIC 777603-1

City of San Diego v. Barratt American/Barczewski
San Diego Superior Court No. GIC 771613-1/GIC 794498

City of San Diego v. Apogee Investors
San Diego Superior Court No. GIC 777606-1

City of San Diego v. Barratt American/Lee Living Trust
San Diego Superior Court Case No. GIC 771344-1

City of San Diego v. Gondor
San Diego Superior Court Case No. GIC 777604-1

City of San Diego v. DMIG Fund 47
San Diego Superior Court Case No. GIC 777605-1

City of San Diego v. Gonsalves
San Diego Superior Court Case No. GIC 771345-1

City of San Diego v. Lin, Kasai, et al.
San Diego Superior Court No. GIC 771354-1

REFERRED TO CLOSED SESSION ON TUESDAY, JUNE 8, 2004

DCA assigned: Claudia Silva

These matters involve eminent domain cases for State Route 56. In closed session, the City Attorney will report on the status of the cases, and remaining issues relating to their resolution.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:20 p.m. – 3:22 p.m.)

Mayor Murphy closed the Hearing.

CS-2 *Chargers Football Company, LLC v. City of San Diego*
Los Angeles Superior Court Case No. BC 306758

REFERRED TO CLOSED SESSION ON TUESDAY, JUNE 8, 2004

ACA assigned: Les 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.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:20 p.m. – 3:22 p.m.)

Mayor Murphy closed the Hearing.

CS-3 *Gleason v. San Diego City Employees' Retirement System*
San Diego Superior Court Case No. GIC 803779

REFERRED TO CLOSED SESSION ON TUESDAY, JUNE 8, 2004

HDCA assigned: Chris 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.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:20 p.m. – 3:22 p.m.)

Mayor Murphy closed the Hearing.

CS-4 *Border Business Park v. City of San Diego*
Appellate Case No. D039225; SDSC Case No. GIC 692794

Otay Acquisitions v. City of San Diego
SDSC Case No. GIC 753247

National Enterprises, Inc. v. City of San Diego
SDSC Case Nos. GIC 791407; GIC 805465

REFERRED TO CLOSED SESSION ON TUESDAY, JUNE 8, 2004

ACA assigned: Les Girard

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego [City] regarding the Border Business Park in Otay Mesa. The Border Business Park case resulted in a jury verdict against the City which is now on appeal. The National Enterprises and Otay Acquisitions cases are currently awaiting trial in the Superior Court. In closed session, the City Attorney will report on the status of on-going settlement negotiations and request further direction regarding those negotiations.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:20 p.m. – 3:22 p.m.)

Mayor Murphy closed the Hearing.

CS-5 *San Diego Police Department vs. City of San Diego, et al.*
San Diego Superior Court No. GIC814284

REFERRED TO CLOSED SESSION ON TUESDAY, JUNE 8, 2004

HDCA assigned: Chris Morris

This case involves a claim from the San Diego Police Officer's Association regarding the Police Department's past promotional policies. The Council will be briefed on the litigation and the terms and conditions of a potential settlement.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:20 p.m. – 3:22 p.m.)

Mayor Murphy closed the Hearing.

Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9(c):

CS-6 *City of San Diego v. County of San Diego*

REFERRED TO CLOSED SESSION ON TUESDAY, JUNE 8, 2004

DCA assigned: Yolanda Gammill

This matter concerns a dispute between the City of San Diego [City] and the County of San Diego [County] over the County's failure to reimburse the City for laboratory fees and costs collected by the County in criminal court cases. In closed session, the City Attorney will advise the City Council about the dispute and seek direction as to what action, if any, the City should pursue in attempting to resolve it.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:20 p.m. – 3:22 p.m.)

Mayor Murphy closed the Hearing.

Conference with Legal Counsel - anticipated litigation - significant exposure to litigation, pursuant to California Government Code section 54956.9(b):

CS-7 *Michael Shames vs. City of San Diego*

REFERRED TO CLOSED SESSION ON TUESDAY, JUNE 8, 2004

HDCA assigned: Frank Devaney

Michael Shames filed a claim with Risk Management on April 30, 2004, alleging that the City has overcharged residential users of the sewer system for the past sixteen years and seeking refunds for all such overcharges paid during the last four years. The City Attorney will advise the City Council in closed session on the merits of the claim.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:20 p.m. – 3:22 p.m.)

Mayor Murphy closed the Hearing.

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

CS-8 Property: Qualcomm Stadium

City Negotiator: Councilmember Michael Zucchet, Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, Paul Jacobs, Esq., Robert Kheel, 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.

REFERRED TO CLOSED SESSION ON TUESDAY, JUNE 8, 2004

ACA assigned: Les Girard

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.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:20 p.m. – 3:22 p.m.)

Mayor Murphy closed the Hearing.

* ITEM-50: Equipment and Vehicle Financing Program.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/18/2004. (Council voted 9-0):

(O-2004-130) ADOPTED AS ORDINANCE O-19286 (New Series)

Authorizing a Master Lease Agreement for the purpose of financing and refinancing the acquisition of equipment through lease-purchase.

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

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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: Three actions related to Proposed Rezonings to Remove Areas within the City of San Diego from the Transit Area and Residential Tandem Parking Overlay Zones.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 5/18/2004 (Council voted 9-0):

Subitem-A: (O-2004-119 Cor. Copy3) ADOPTED AS ORDINANCE O-19287
(New Series)

Deleting property located in the City of San Diego from the Residential Tandem Parking Overlay Zone as defined in Chapter 13, Article 2, Division 9, of the San Diego Municipal Code and the Transit Area Overlay Zone as defined in Chapter 13, Article 2, Division 10 of the San Diego Municipal Code, and repealing Ordinance No. O-18911 (New Series), adopted January 9, 2001.

Subitem-B: (O-2004-118 Cor. Copy3) ADOPTED AS ORDINANCE O-19288
(New Series)

Amending Chapter 13, Article 2, Division 9, by amending Section 132.0902; and Chapter 13, Article 2, Division 10, by amending Section 132.1002, pertaining to the Residential Tandem Parking Overlay Zone and the Transit Area Overlay Zone, respectively.

Subitem-C: (O-2004-137) ADOPTED AS ORDINANCE O-19289
(New Series)

Amending Chapter 13, Article 2, Division 9, by amending Section 132.0902; and Chapter 13, Article 2, Division 10, by amending Section 132.1002, pertaining to the Residential Tandem Parking Overlay Zone and the Transit Area Overlay Zone, respectively.

FILE LOCATION: LUP-Proposed Rezoning to remove areas within the City of San Diego from the transit area and residential tandem parking overlay zones 3/30/04 (65)

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 p.m.)

CONSENT MOTION BY INZUNZA TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. 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: Amending the San Diego Municipal Code to Ban Alcoholic Beverage Consumption in Fanuel Street Park.

(Mission Bay Park Community Area. Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2004-59) INTRODUCED, TO BE ADOPTED ON MONDAY,
JUNE 21, 2004

Introduction of an Ordinance amending Chapter 5, Article 6, Division 0, of the San Diego Municipal Code by amending Section 56.54 by making formatting changes and enforcing a 24-hour ban on the consumption of alcoholic beverages in Fanuel Street Park; and by amending Sections 56.55 and 56.56 by making formatting changes only.

CITY MANAGER SUPPORTING INFORMATION:

Fanuel Street Park is a small 1.84 acre park located in the northwestern corner of Mission Bay Park's Sail Bay. Although this dedicated park is part of Mission Bay Park, it also serves as a community park for the residents of the many high-density condominium developments in the southern section of Pacific Beach.

At a public forum on October 16, 2003, hosted by the Sail Bay Association, a discussion was held about banning the consumption of alcoholic beverages on the beaches of Sail Bay on the 4th of July. Additionally, the subject of a year round ban, 24-hour, the consumption of alcoholic beverages in Fanuel Street Park was discussed. The general consensus of the public at this forum was to request a ban of the consumption of alcoholic beverages at the park.

On December 17, 2003 Councilmember Zucchet asked the City Manager to have the Mission Bay Park Committee discuss a complete prohibition of alcoholic beverage consumption in Fanuel Street Park. This request from the Councilmember was related to desires expressed by local residents, who have anecdotal evidence of an increase in intoxicated transients in the park proper. Police Officers in attendance at the public forum stated similar observations.

On April 6, 2004 the Mission Bay Park Committee heard the issue regarding the proposed "Alcohol Ban at Fanuel Street Park." The committee adopted the proposal (9-4-0) to amend Municipal Code §56.54 for "a complete ban of alcohol at Fanuel Street Park."

Currently, Municipal Code §56.54 allows the consumption of alcoholic beverages in Fanuel Street Park from 12:00 noon to 8:00 p.m. daily. The action requested is a complete, 24-hour ban on the consumption of alcoholic beverages in Fanuel Street Park.

Herring/Oppenheim/CD

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 p.m.)

CONSENT MOTION BY INZUNZA TO INTRODUCE. 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: Two actions related to Inviting Bids for the Construction of a Grit Aeration System at the Point Loma Wastewater Treatment Plant.

(See memorandum from Scott Tulloch dated 4/21/2004. Point Loma Community Area. District-2.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-1260) ADOPTED AS RESOLUTION R-299283

Approving the plans and specifications for the construction of a Grit Aeration System at the Point Loma Wastewater Treatment Plant (the Project), on Work Order No. 179844;

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases, to award a contract to, and to execute a contract with, the lowest responsible and reliable bidder for the Project in an amount not to exceed \$2,167,500, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the Project under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$2,167,500, of which \$2,100,000 is from Fund 41508, CIP-45-943.0, Point Loma – Grit Processing Improvements Project, for the purpose of providing funds for construction, construction management and related costs, and \$67,500 is from Fund 41508, CIP-46-501.0, Annual Allocation – Metro Pooled Contingency, for the purpose of providing funds for Project contingency, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the expenditure under established contract funding phases 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-K04110)

Subitem-B: (R-2004-1266) ADOPTED AS RESOLUTION R-299284

Stating for the record that the information contained in the Addendum, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of the construction of the Project;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

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

SUPPORTING INFORMATION:

Authorization is requested to fund, advertise and award a construction contract of the Grit Aeration System Project located at the Point Loma Wastewater Treatment Plant (PLWTP). In December 2000, the Council authorized an agreement with Lee & Ro, Inc. to provide design services for the Grit Processing Improvements Project (GIP) (CIP-45-943.0) at the PLWTP (Resolution No. R-294342). The GIP project design was completed in June 2003, and authorization was given to advertise and award a construction contract (Resolution No. R-298298). Prior to awarding the GIP, a one year pilot test of a secondary treatment technology at the PLWTP was approved. One of the conceptual layouts for the secondary treatment facility is in the same location where a majority of the GIP project was to be constructed. To ensure prudent use of funds, it was decided to complete the pilot testing of the selected secondary treatment technology before proceeding with the GIP.

The proposed GIP project included improvements which were to address some near-term maintenance needs at the PLWTP. With the delay of the GIP project, there is a need to upgrade the existing grit aeration systems at the plant. The designer, Lee & Ro, was directed to prepare a design and construction package for that work. The proposed Grit Aeration Systems (GAS) project will include new grit agitation air blowers enclosed in a sound dampening facility and associated air piping.

The funding requested for the GAS project includes \$1.35 million for construction, \$67,500 for construction contingency, and \$750,000 for related costs. The related costs include funding for future inspection, permitting and in-house management, and a reauthorization of \$440,000 to fund related activities which were previously initiated on the overall Grit Improvements Project including in-house consultant reviews during design, value engineering and in-house project management and administration.

FISCAL IMPACT:

The total estimated cost of this action is \$2,167,500 of which \$2,100,000 is from Fund 41508, CIP-45-943.0, Pt. Loma - Grit Processing Improvements Project, for construction, construction management and related costs; and \$67,500 is from Fund 41508, CIP-46-501.0, Annual Allocation - Metro Pooled Contingency for project contingency.

Mendes/Tulloch/JAW

FILE LOCATION: W. O. 179844

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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: Inviting Bids for the Construction of Palm Avenue Accelerated Sewer.

(See memorandum from Frank Belock, Jr. dated 4/20/2004. Otay Mesa-Nestor Community Area. District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1279) ADOPTED AS RESOLUTION R-299285

Approving the plans and specifications for the construction of Palm Avenue Accelerated Sewer (Project) on Work Order No. 177771;

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases, to award a contract to, and to execute a contract with, the lowest responsible and reliable bidder for the Project, contingent upon: (a) City Council approval of the expenditure of any additional Project funding that may become necessary as a result of the bid opening for the Project; (b) the City Auditor and Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer; and (c) the passage of the FY 2005 Capital Improvement Program Budget and the FY 2005 Appropriations Ordinance;

Authorizing the expenditure of an amount not to exceed \$1,895,000 from Sewer Fund 41506, CIP-46-206.0, Annual Allocation – Emergency Construction, solely and exclusively, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer, and contingent upon the passage of the FY 2005 Capital Improvement Program Budget and the FY 2005 Appropriations Ordinance;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K041894C)

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 project is located on Palm Avenue (Route 75) between Saturn Boulevard and Granger Street, in the Otay Mesa-Nestor community area.

The sewer mains are undersized and are in need of replacement. The project consists of replacing approximately 1,980 feet of 10-inch VC sewer main with 15-inch sewer main and installing 115 feet of new 18-inch sewer main. Construction on Palm Avenue from Saturn Boulevard to 18th Street will be from 9:00 p.m. to 5:00 a.m. Monday through Friday, per Caltrans' requirements. For the remaining work, the contractors work hours will be from 8:00 a.m. to 3:00 p.m. Monday through Friday.

During design, the Project Engineer presented the project to the community on October 9, 2002. In addition, a follow-up letter was sent to the Otay Mesa-Nestor community on March 18, 2004, to inform them of the status of the project. Prior to construction, all nearby residents and businesses will be notified by mail at least one (1) month before construction by the City's Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution. Traffic control plans were prepared by Katz, Okitsu & Associates and will be implemented during construction operations.

FISCAL IMPACT:

The total estimated cost of this project is \$1,903,000. Funding of \$8,000 was previously authorized by Council Resolution R-298365. Funds of \$1,895,000 are available in Sewer Fund 41506, CIP-46-206.0, Annual Allocation - Emergency Construction, for this purpose.

Loveland/Belock/HR

FILE LOCATION: W. O. 177771

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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: Two actions related to Inviting Bids for the Construction of Mission Bay Boat Launching Facilities Project.

(Mission Bay Park Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-1184) ADOPTED AS RESOLUTION R-299286

Approving the plans and specifications for the construction of Mission Bay Boat Launching Facilities Project (Project) on Work Order No. 229530;

Authorizing the City Manager, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$3,374,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$3,374,000 from CIP-22-953.0, Mission Bay Boat Launching Facilities in Fund No. 38085, California Department of Boating and Waterways (\$3,044,000) and Fund No. 630221, Park and Recreation Grant Match (\$330,000), 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.

Subitem-B: (R-2004-1294) ADOPTED AS RESOLUTION R-299287

Certifying that Mitigated Negative Declaration LDR No. 40-0165, 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 Mission Bay Boat Launching Facilities Project;

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.

CITY MANAGER SUPPORTING INFORMATION:

The Mission Bay Boat Launching Facilities project consists of four sites:

1 - Dana Basin: will include parking lot improvements, parking lot lighting, demolition of the existing comfort station and construction of a new comfort station that complies with ADA

requirements, replacement of the existing boat dock with a new boat dock and access ramp that complies with ADA requirements, and installation of signage in accordance with Mission Bay Master Plan requirements.

2 - De Anza Cove: will consist of parking lot improvements, demolition of the existing comfort station and construction of a new comfort station that complies with ADA requirements, and installation of signage in accordance with Mission Bay Master Plan requirements.

3 - Santa Clara: will include parking lot improvements, parking lot lighting, replacement of the existing boat dock with a new boat dock and access ramp that complies with ADA requirements, and construction of a cut off wall next to the existing boat launching ramp.

4 - Ski Beach: will include demolition of the existing comfort station and construction of a new comfort station that complies with ADA requirements, and installation of signage in accordance with Mission Bay Master Plan requirements.

Joseph Wong Design Associates (JWDA) was selected as the design consultant for planning study, preparation of the construction plans, specifications and cost estimate, and support services during bidding and construction, for a contract amount not to exceed \$323,642.50. The design of this project was presented to the Sub Committee for the Removal of Access Barriers (SCRAB) on February 7, 2003 and April 10, 2003, for their review which was recommended for approval unanimously.

FISCAL IMPACT:

The total project cost is estimated to be \$3,374,000. Funds are available in Mission Bay Boat Launching Facilities Project, CIP-22-953.0, Fund No. 30244. The improvements in this project are funded by a grant from the California Department of Boating and Waterways in the amount of \$3,044,000, and City Grant funds in the amount of \$330,000.

Herring/Oppenheim/AP

FILE LOCATION: CONT – Reyes Construction, Inc.; W. O. 229530

COUNCIL ACTION: (Time duration: 3:19 p.m. – 3:19 p.m.)

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

- * ITEM-103: Awarding a Contract to Pierce Manufacturing Inc., for the Lease Purchase of Two 105 Foot Quint Aerial Ladder Apparatus.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1321) ADOPTED AS RESOLUTION R-299288

Awarding a contract to Pierce Manufacturing Inc., Appleton, Wisconsin, per Public Agency Agreement, City of Rialto's Bid No. 04-005, for the lease purchase of two 105-foot Quint Aerial Ladder Apparatus, for an estimated cost of \$1,806,873.83 (including tax) terms net ten days;

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

Authorizing the estimated Fiscal Year 2005 expenditure of \$98,783.83 for providing funds for the said contract, pending approval of the Fiscal Year 2005 budget by the Mayor and City Council, and authorizing the City Auditor and Comptroller, upon advice by the administering Department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

City Council approval is required to award a contract for the lease purchase of two (2) 105-foot Quint Aerial Ladder Apparatus per Public Agency Agreement, City of Rialto Bid No. 04-003, using the City's Equipment and Vehicle Financing Program, for the estimated lease purchase cost of \$1,806,783.83, including tax, terms net ten (10) days. The City of San Diego contract number is 6854-04-Q.

The two (2) 105 foot Quint Ladder Apparatus will provide the Fire-Rescue Department with equipment offering multi-function flexibility not currently available to the City's fire fighters. These vehicles will be assigned in area fire stations presently equipped with Aerial Ladder and Pumper Apparatus. The Quint Apparatus features a 105-foot ladder, pump, water tank, hose, nozzles, and fittings along with standard equipment now inventoried separately on Aerial Ladder and Pumper Apparatus. The pump capability of this Apparatus maximizes firefighting capabilities and provides firefighters with the additional resources necessary to extinguish a wide variety of fires including commercial and residential fires.

The City of San Diego is exercising the City of Rialto's Public Agency provision, City of Rialto Bid No. 04-003, in accordance with Council Policy 100-01 which provides for the joint purchasing arrangements with other governmental agencies. The City of Rialto bid was competitively bid and awarded to Pierce Manufacturing, Inc., Appleton, WI. To expedite the procurement process for the acquisition of the two (2) 105ft Quint Aerial Ladder Apparatus, Purchasing contacted manufacturers who produce said apparatus and asked them to identify public agency contracts which allow for joint purchasing arrangements. After a thorough price analysis, the City of Rialto contract was chosen for acquiring the two (2) 105ft Quint Aerial Ladder Apparatus, since this contract provided for very competitive pricing. Additionally, steel pricing has experienced significant increases during the last months. A separate bid process would have extended the acquisition period and would have significantly impacted pricing due to the rising costs of steel.

The purchase price, including tax and terms, is \$1,373,413.83.

FISCAL IMPACT:

It is proposed that the acquisition be financed using the City's Equipment and Vehicle Financing Program. For Fiscal Year 2005, the estimated payment for sales tax is \$98,783.83 pending approval of the Fiscal Year 2005 Budget by the Mayor and City Council. For Fiscal Year 2006 through Fiscal Year 2012, the estimated lease payment is \$244,000. The total estimated lease purchase cost is \$1,806,783.83.

Loveland/Rossman/TY

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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: La Jolla Cove Wall Replacement and Bluff Improvements – Funding of Additional Slope.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1261) ADOPTED AS RESOLUTION R-299289

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$47,292 from Fund 102232, Transient Occupancy Tax Fund – Coastal Infrastructure, CIP-52-348.0, Coastal Infrastructure Improvements, to CIP-52-670.0, Coast Boulevard Bluff Stabilization;

Authorizing the appropriation and expenditure of an amount not to exceed \$47,292, Fund 102232, Transient Occupancy Tax Fund – Coastal Infrastructure, from CIP-52-670.0, Coast Boulevard Bluff Stabilization, for the purpose of construction management, 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.

CITY MANAGER SUPPORTING INFORMATION:

The City advertised a contract for the construction of the La Jolla Cove Wall Replacement and Bluff Improvements Project in November 2003. Due to the large scope of work and funding limitations, staff decided to include two bidding alternates for construction based on “construction priorities.” The priority and primary objective of the project was to remove and reconstruct the seawall at the Cove. The first construction alternate included the removal of the existing deteriorated sea wall at the La Jolla Cove, installation of a new, buried wall, and reconstruction of the bluff. The second construction alternate included the work described in the first alternate and additional construction work at four (4) other eroding locations along the coastline on Coast Boulevard.

This additional work included landscaping, and relocation of curbs and sidewalks away from the eroding bluffs. Six (6) bids were received on December 5, 2003. Because the low bid, including all of the work (second alternate), was below the engineer’s estimate, staff evaluated the bids and determined that it was in the City’s best interest to award the whole project, even though all the funding needed to complete the project was not available at the time of award. The \$47,292 is needed to finish construction at the other four (4) sites.

FISCAL IMPACT:

\$47,292 is available in Fund 102232, Transient Occupancy Tax Fund – Coastal Infrastructure, CIP-52-348.0, Coastal Infrastructure Improvements.

Loveland/Belock/PB

Aud. Cert. 2401095.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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: MTS Station Improvement Project – Preliminary Design Funding.

(Encanto Community Area. District-3.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1149) ADOPTED AS RESOLUTION R-299290

Amending the Fiscal Year 2004 Capital Improvement Program Budget by adding CIP-52-737.0, MTS Station Improvement Project;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2004 Capital Improvements Program Budget to reflect an increase of an amount not to exceed \$40,000 of MTS funds in CIP-52-737.0, MTS Station Improvement Project, contingent upon the authorization of the Metropolitan Transit System;

Authorizing the City Auditor and Comptroller to accept billboard revenue funds from the Metropolitan Transit System, in an amount not to exceed \$40,000, contingent upon the authorization of the Metropolitan Transit System;

Authorizing the City Auditor and Comptroller to establish a special fund, Fund 38984, for the MTS funds;

Authorizing the appropriation and expenditure of an amount not to exceed \$40,000 from Fund 38984, CIP-52-737.0, MTS Station Improvement Project, for the purpose of providing funds for preparing preliminary landscape concept plans, 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:

In the 1980's, during the course of the construction of the Blue Line Trolley Route, thirteen signs/billboards were removed from the railroad right-of-way located within the City of San Diego. Due to the conditions of the removal, a lawsuit was filed by the sign owners. A subsequent settlement was reached whereby MTDB then sought permission from the City of San Diego to install larger billboards at alternate locations along the railroad right-of-way. In 1987, the City of San Diego agreed to allow one sign to be placed in the right-of-way adjacent to Interstate 15 near Imperial Avenue. For this, MTS (formerly MTDB) created a billboard reserve fund for the City of San Diego and has been depositing the revenue generated from the lease with the billboard owner. According to MTS, this revenue may be used for purposes having a clear nexus to mass transit and be within the same area of the original billboards that were disturbed.

The Metropolitan Transit System (MTS) Station Improvement Project would make improvements to various trolley stations within this area of the City, including aesthetics and pedestrian access enhancements such as landscaping, irrigation, sidewalks, and related work. The trolley stations identified as potential sites are located at 47th Street, Euclid Avenue, and Encanto/62nd Street, with each location being implemented when sufficient funds become available from the MTS fund. MTS has also required that maintenance for all the proposed improvements be provided by the City. Potential sources for these maintenance costs are currently being investigated. The funding from this action will allow the City to prepare preliminary concept drawings necessary to establish the scope of work for the project and determine the associated maintenance costs required. The release of the remaining funds by MTS is contingent upon their approval of the concept plans and resolution of any maintenance issues involved.

FISCAL IMPACT:

All costs for this project will be reimbursed by Metropolitan Transit System from their billboard reserve account for the City of San Diego. The current value of this account is approximately \$206,250, which would allow for the improvements of at least one of these sites depending on the final scope of work for the project. At this time, MTS Board has approved the use of \$20,000 from this account for the preliminary design of this project. It is anticipated that an additional \$20,000 in design costs will be required prior to the completion of the preliminary design and will be requested from MTS, when required. Authorization of the remaining funds for the final design and construction of the project will be part of a future action, once the preliminary design is completed.

Loveland/Belock/PB

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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: Funding for Fox Canyon Park and Home Avenue Park from Mid-City Park Development Fund.

(Mid-City Community Area. Districts-4 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1151) CONTINUED TO MONDAY, JUNE 21, 2004

Amending the Fiscal Year 2004 Capital Improvements Program Budget by adding CIP-29-865.0, Home Avenue Park;

Amending the Fiscal Year 2004 Capital Improvements Program Budget for Fund No. 39094, Mid-City Special Park Fees, CIP-29-865.0, Home Avenue Park, by increasing the budget amount by \$600,000;

Authorizing the appropriation and expenditure of an amount not to exceed \$600,000 from Fund No. 39094, Mid-City Special Park Fees, CIP-29-865.0, Home Avenue Park, solely and exclusively, for the purpose of providing funds for design contracts and initial environmental studies of Home Avenue Park;

Amending the Fiscal Year 2004 Capital Improvements Program Budget by adding CIP-29-596.0, Fox Canyon Park – Acquisition and Development;

Amending the Fiscal Year 2004 Capital Improvements Program Budget for Fund No. 39094, Mid-City Special Park Fees, CIP-29-596.0, Fox Canyon Park – Acquisition and Development, by increasing the budget amount by \$900,000;

Authorizing the appropriation and expenditure of an amount not to exceed \$900,000 from Fund No. 39094, Mid-City Special Park Fees, CIP-29-596.0, Fox Canyon Park – Acquisition and Initial Studies, solely and exclusively, for the purpose of providing funds for the purposes of acquisition, design contracts, and environmental studies of Fox Canyon Park, 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 purpose of this request for Council Action is to provide initial funding for two new parks: Fox Canyon Park (\$900,000) and Home Avenue Park (\$600,000). The funding source is the Mid-City Park Development Fund (#39094).

Fox Canyon Park is located east of Euclid Avenue, west of Altadena Drive, and south of University Avenue, in the Fox Canyon Neighborhood. The proposed land is adjacent to Auburn Creek and will provide an approximately 2-acre passive use park. This community is park deficient and the proposed park will provide a highly needed recreational outlet.

Home Avenue Park is located on the east side of Home Avenue, near the intersection with 47th Street, in the Mid-City area. The proposed park is adjacent to Chollas Creek and the six-acre site will provide approximately two-acres of passive use parkland. The Mid-City Community is park deficient based on General Plan Standards and this project will provide much needed park land. It is envisioned that this site will serve communities in Council Districts 3, 4, and 7. Its design and construction will also enhance a portion of Chollas Creek.

FISCAL IMPACT:

Funds in the amount of \$600,000 are available for CIP-29-865.0, Home Avenue Park, from the Mid-City Park Development Fund, Fund No. 39094. Funds in the amount of \$900,000 are available for CIP-29-596.0, Fox Canyon Park - Acquisition and Development, from the Mid-City Park Development Fund, Fund No. 39094. The proposed new facilities will require funding for operation and maintenance when they are completed.

Herring/Penera/KR

Aud. Cert. 2401080.

FILE LOCATION: NONE

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

MOTION BY ATKINS TO CONTINUE THIS ITEM TO MONDAY, JUNE 21, 2004, FOR FURTHER REVIEW. Second by Lewis. 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: Funding for Legal Services of Paul, Plevin, Sullivan & Connaughton Regarding San Diego Police Officers Association (SDPOA) v. City of San Diego.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1166) ADOPTED AS RESOLUTION R-299291

Authorizing and directing the City Attorney to execute an amendment to the Fee Agreement with Paul, Plevin, Sullivan & Connaughton, for an additional amount not to exceed \$200,000, for additional services from the firm of Paul, Plevin, Sullivan & Connaughton in connection with the San Diego Police Officers Association (SDPOA) v. City of San Diego, San Diego Superior Court Case No. GIC 814284.

SUPPORTING INFORMATION:

Pursuant to a request from the City Manager the City has previously retained Rich Paul of Paul, Plevin, Sullivan & Connaughton for the provision of legal services related to the defense of San Diego Police Officers Association (SDPOA) v. City of San Diego. San Diego Superior Court Case No. GIC 814284, in an amount not to exceed \$100,000.

The initial retention was anticipated to be sufficient to resolve the case without extended discovery and trial. Additional expenditures are now necessary, however, as the case has proceeded to extensive discovery and trial preparation. The additional authorization will increase the total contract to an amount not to exceed \$300.

Morris

Aud. Cert. 2401097.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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: Relocation and Replacement of 12-inch Water Mains at Highland Valley Road and Duenda Road Bridges.

(See memorandum from Larry Gardner dated 5/5/2004. Rancho Bernardo Community Area. District-5.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1286) ADOPTED AS RESOLUTION R-299292

Authorizing the City Manager or duly designated representative to execute State of California Department of Transportation Amended Utility Agreement Nos. 31662 and 31663 (Utility Agreements);

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$567,842 from Water Fund 41500, CIP-73-230.0, Annual Allocation-Variouse Lakes and Docks, to Water Fund 41500, CIP-73-024.0, Annual Allocation-Freeway Relocations;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$600,140 from Water Fund 41500, CIP-73-024.0, Annual Allocation-Freeway Relocations, for the purpose of funding in-house engineering costs and the Utility Agreements;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/12/2004, NR&C voted 3 to 0 to approve the project. (Councilmembers Lewis, Frye, and Inzunza voted yea. Councilmembers Madaffer and Zucchet not present.)

SUPPORTING INFORMATION:

This request seeks approval to execute Utility Agreement Numbers 31662 and 31663 with the State of California and reimburse the State for the design and construction costs of \$517,550.

The City of San Diego owns and maintains 12-inch water mains on Highland Valley and Duenda Road which required relocation to accommodate the State's project. The City is responsible for paying the cost associated with the relocating and replacing the water mains under Section 673 of the Street and Highway Code which requires the owner of the facility to pay the relocating cost when the state holds prior rights to a right of way.

The State of California acting by and through the Department of Transportation (CALTRANS) proposes to demolish and completely replace Highland Valley Road (West Bernardo Drive) and Duenda Road Bridges to accommodate a four (4) lane High Occupancy Vehicle (HOV). The State's contractor will remove and replace the existing 12-inch water mains as part of the State's construction documents and City drawing number 32578-D and 32792-D for the total estimated amount of \$517,550.

Construction begins in July 2004 and ends in April 2005 for Highland Valley Road Bridge (West Bernardo Dr.) and for Duenda Road Bridge, construction begins in January 2006 and ends in July 2006.

FISCAL IMPACT:

The total cost of these projects are \$600,140. Funding of \$600,140 is available from Water Fund 41500, CIP-73-024.0, Annual Allocation-Freeway Relocations.

Mendes/Gardner/TV

Aud. Cert. 2401102.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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: Agreement with HDR Engineering, Inc. for Environmental Planning and Design Services.

(See memorandum from Frank Belock, Jr. dated 5/5/2004.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1240) ADOPTED AS RESOLUTION R-299293

Authorizing the City Manager to execute an agreement with HDR Engineering, 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 above referenced 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 5/12/2004, NR&C voted 3 to 0 to approve the project. (Councilmembers Lewis, Frye, and Inzunza voted yea. Councilmembers Zucchet and Madaffer not present.)

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 HDR Engineering 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. 2401071.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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: Joint Use Area Agreement with San Diego Gas & Electric Company to Relocate Overhead Facilities to the Public Right-of-Way in the Vicinity of Scripps Lake Drive.

(Scripps Miramar Ranch Community Area. District-5.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1154) CONTINUED TO MONDAY, JUNE 14, 2004

Authorizing the City Manager to negotiate and execute a Joint Use Agreement with SDG&E to relocate SDG&E facilities from private easements into the public right-of-way in the vicinity of Scripps Lake Drive, and for the shared use of said

portion of the public right-of-way, including reimbursement to SDG&E if City projects require the future protection or relocation of SDG&E facilities as consideration for vacation of SDG&E's easements.

CITY MANAGER SUPPORTING INFORMATION:

The City requested that San Diego Gas & Electric (SDG&E) convert existing overhead electrical facilities to underground and install said underground electric facilities in dedicated streets as described in Exhibit "A" of the proposed agreement. This area is in the vicinity of Scripps Lake Drive between Alderbrook Drive to Scripps Ranch Boulevard. SDG&E is owner of utility easements and does not intend to abandon all of its property rights in favor of the City. However, in this agreement, SDG&E will quitclaim the easements on City owned property or right of way and relocate its facilities to the approximate location mutually agreeable to the City and SDG&E.

Both parties will agree to use the Joint Use Area Agreement in such a manner as to not unreasonably interfere with the rights of the other, nor cause damage to each other's facilities by reason of the construction, reconstruction, or maintenance of said facilities or highway by the parties involved or their contractor's agents. If the City is constructing improvements, the City will protect SDG&E's facilities against any damage, or relocate SDG&E's facilities, at the City's expense. If SDG&E is working on its facilities, SDG&E will protect the City's facilities against any damage at SDG&E's expense.

FISCAL IMPACT:

None.

Loveland/Belock/AO

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:20 p.m.)

MOTION BY MAIENSCHIN TO CONTINUE THIS ITEM, AT THE REQUEST OF THE CITY MANAGER, TO MONDAY, JUNE 14, 2004, FOR FURTHER REVIEW. 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: Agreement with Otay International Center for Improvements to Harvest Road.

(Otay Mesa Community Area. District-8.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1239) ADOPTED AS RESOLUTION R-299294

Authorizing the City Manager to execute an agreement with Otay International Center, for improvements to Harvest Road (Project);

Authorizing the expenditure of an amount not to exceed \$240,000 from Otay Mesa FBA, CIP-52-682.0, for the purpose of providing funds for the above-referenced Project.

CITY MANAGER SUPPORTING INFORMATION:

As part of the Otay Mesa Truck Route Widening Project, the City plans to improve a section of Harvest Road from Airway Road to Siempre Viva Road. This improvement will divert unladen trucks from Siempre Viva Road and prevent queuing on SR-905.

The Otay International Center (OIC) development agreement also requires improvements to Harvest Road, adjacent to OIC. OIC has agreed to incorporate the City’s project into their improvements at a cost of \$240,000. Approval of this Cooperative Agreement will allow OIC to construct the City’s improvements.

FISCAL IMPACT:

\$240,000 from the Otay Mesa FBA.

Loveland/Belock/LVW

Aud. Cert. 2401086.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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: Three actions related to Approval of K Street Use Permits.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-1208) ADOPTED AS RESOLUTION R-299295

Authorizing the City Manager to execute a Use Permit Agreement with ICG Telecom Group, Inc., for maintaining their underground installations in accordance with the terms of the Agreement.

Subitem-B: (R-2004-1218) ADOPTED AS RESOLUTION R-299296

Authorizing the City Manager to execute a Use Permit Agreement with Time Warner Telecom of California, L.P., for maintaining their underground installations in accordance with the terms of the Agreement.

Subitem-C: (R-2004-1219) ADOPTED AS RESOLUTION R-299297

Authorizing the City Manager to execute a Use Permit Agreement with San Diego Gas & Electric Company, for maintaining underground installations in accordance with the terms of the Agreement.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego desires to vacate the public right-of-way area of K Street between 11th Avenue and 12th Avenue for the purpose of constructing a new public library. Currently the following companies maintain equipment within the proposed vacated area:

- ICG Telecom Group maintains four 2" poly-ducts and fiber-optic cable [Underground Facility]
- San Diego Gas & Electric Company maintains a 12kV underground transmission line [Underground Facility]
- Time Warner Telecom of California, LP maintains two 2" conduit and one 3" conduit with 3-1" inner ducts and fiber cable [Underground Facility]

The Underground Facilities of each of the aforementioned companies do not interfere with the construction of the new main library, and each company agrees to use its respective Underground Facility without any rights of access, subject to the terms and conditions set forward by their respective Permits.

FISCAL IMPACT:

None.

Loveland/Belock/AO

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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: Amending Cooperative Agreement with San Diego Association of Governments (SANDAG) and California Department of Transportation for Funding and Right-of-Way Acquisition for State Route 56 Project-Middle Segment.

(Carmel Valley, Pacific Highlands Ranch, Torrey Highlands, and Rancho Penasquitos Community Areas. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1200) TRAILED TO TUESDAY, JUNE 8, 2004

Authorizing the City Manager to amend the Cooperative Agreement with the San Diego Association of Governments and California Department of Transportation for funding and right-of-way acquisition for State Route 56 Project-Middle Segment (Carmel Country Road to Black Mountain Road);

Authorizing the City Manager to accept and appropriate \$22,507,000 from the San Diego Association of Governments, Fund 38961, for funding and right-of-way acquisition for CIP-52-463.0;

Authorizing the City Auditor and Comptroller to increase the FY 2004 Capital Improvement Budget by an amount not to exceed \$22,507,000 in CIP-52-463.0;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$22,507,000 from CIP-52-463.0, State Route 56 Project-Middle Segment (Carmel Country Road to Black Mountain Road) for the acquisition of property rights, attorney, labor appraisal, relocation, title, escrow, and miscellaneous costs, from Fund 38961, contingent upon certification by the City Auditor and Comptroller of funds being available;

Authorizing the City Manager to execute, for and on behalf of the City, an Amended Agreement with Meyers, Nave, Riback, Silver and Wilson for professional services in an amount not to exceed \$1,535,000 from Fund 38961 for legal services and costs for CIP-52-463.0, contingent upon certification by the City Auditor and Comptroller of funds being available.

CITY MANAGER SUPPORTING INFORMATION:

In July 2001, the City Council approved two amendments to the Cooperative Agreement with the San Diego Association of Governments and California Department of Transportation for funding of right-of-way activities for State Route 56-Carmel Country Road to Black Mountain Road.

On October 24, 2003, the San Diego Association of Governments approved an additional \$24,000,000 for right-of-way acquisition, support, relocation, mitigation, attorney/appraisal/trial costs, and other miscellaneous costs. In order to increase the budget for State Route 56 right-of-way activities and other related project costs, the Cooperative Agreement will need to be amended.

Concurrent with the Cooperative Agreement Amendment, the agreement for legal services with Meyers, Nave, Riback, Silver & Wilson will be amended, as authorized in closed session. On July 24, 2001 and December 9, 2003, Council authorized the expenditure of \$600,000 and \$750,000, respectively, in fees and costs. Between 2001 and 2003, legal fees and costs (including expert costs) have been paid in the amount of \$1,800,000. The legal fees and costs have been paid from project funds. Today's authorization request is for \$1,535,000, which includes the following: \$450,000 which was paid between 2001 and 2003; \$650,000 for currently due legal fees and costs; and \$435,000 for anticipated legal services. The current authorization for legal fees and costs will be paid from project funds via Transnet Funds, as agreed by SANDAG. As part of this middle segment, 19 parcels have been acquired, 16 separate actions filed, 4 cases have gone to trial, and 12 have settled. In addition, there are three pending appeals. Outside counsel has handled the entirety of this work.

FISCAL IMPACT:

The State Route 56 right-of-way budget approved by City Council by way of the original Cooperative Agreement and two Cooperative Agreement Amendments totaled \$49,350,000. In addition, on May 10, 2004 up to \$1,493,000 of SANDAG money was approved by City Council for SR-56 mitigation costs. With approval of the Amendment to Agreement, the new budget total will be \$73,350,000.

Loveland/Belock/PB

FILE LOCATION: NONE

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

* ITEM-114: Vacation of Unneeded Water Easement in Lot "D" Carmel Valley Neighborhood 10, Unit No. 4, Map No. 13896.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1216) ADOPTED AS RESOLUTION R-299298

Vacating the water easement located within Lot "D" Carmel Valley Neighborhood 10, Unit No. 4, Map No. 13896, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 19740-B, Marked as Exhibit "B."

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate an unneeded water easement in Lot "D" Carmel Valley Neighborhood 10, Unit No. 4, Map 13896 as shown on Engineering Drawing 19740-B. This property is located southerly of Carmel Mountain Road, easterly of Whispering Hills Lane in the Carmel Valley Community Plan Area in Council District 1.

The easement is in a parcel of City-owned land which is being shared by the Del Mar Union School District. A temporary water line was needed during the construction of Carmel Valley Neighborhood 10, Unit 3 and Unit 4 subdivision improvements. The easement is no longer necessary. There is no present or anticipated future use of the easement in its present location. The easement was granted at no cost to the City.

Staff recommends approval of this action.

FISCAL IMPACT:

None.

Loveland/Broughton/GRB

FILE LOCATION: DEED F-9747

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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: City Heights Enhanced Maintenance Assessment District.

(City Heights Community Area. Districts-3 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1289) ADOPTED AS RESOLUTION R-299299

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

CITY MANAGER SUPPORTING INFORMATION:

This action establishes City Heights Enhanced Maintenance Assessment District (District) and authorizes the Fiscal Year 2005 assessments. The District is located along both sides of University Avenue generally beginning at Interstate 805 on the west end and ending at 50th Street on the east end. The purpose of the District is to fund regular maintenance of landscaping, provide sidewalk and gutter sweeping, sidewalk washing, daily security patrol, trash removal in alleys, and graffiti removal.

**CITY HEIGHTS ENHANCED MAINTENANCE ASSESSMENT DISTRICT
Estimated Expenses, Revenues & Reserves**

<u>EXPENDITURES</u>	<u>FY 2005</u>	<u>Maximum Authorized</u>
Public Right of way and Sidewalk Operations	\$187,045	\$190,343
Special Projects	\$16,000	\$26,000
Administration	\$42,890	\$42,890
Contingency Reserve	<u>\$40,000</u>	<u>\$46,702</u>
TOTAL EXPENDITURES	\$285,935	\$305,935
 <u>REVENUES</u>		
Assessments-	\$285,935	\$285,935
City Contributions – Gas Tax *	\$0	\$0
City Contributions – Community Development	\$0	\$0
City Contributions – Other Sources	<u>\$0</u>	<u>\$20,000</u>
TOTAL REVENUES	\$285,935	\$305,935

*The Gas Tax Contribution is an 18.0-cent contribution on a landscaped median and a 1.3 cent contribution on a hard-scaped median. At this time, only a marginal amount of square footage of medians exists. If they are constructed, or increased to measurable sums, they will be incorporated into the Gas Tax transfer amount.

FISCAL IMPACT:

Approximately \$285,935 will be assessed and collected for the City Heights Enhanced Maintenance Assessment District in FY 2005. Total General Fund assessment is \$26,274.65. Upon formation of the District, and execution of the agreement, San Diego Revitalization Corporation will contribute \$20,000 per year for ten years to the City Heights Maintenance Assessment District.

Herring/Oppenheim/Kawar/BH

FILE LOCATION: STRT-M-500-05 (34)

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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-116: Little Italy Enhanced Maintenance Assessment District.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1282) ADOPTED AS RESOLUTION R-299300

Resolution of Intention to initiate proceedings for a ballot protest procedure for the Little Italy Enhanced Maintenance Assessment District and to levy and collect Fiscal Year 2005 Annual Assessment on Little Italy Enhanced Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

The current Little Italy Enhanced Maintenance Assessment District was formed in August 2000. This action establishes the Little Italy Enhanced Maintenance Assessment District (District), to replace the existing Little Italy Enhanced Maintenance Assessment District and authorizes a change in the apportioning methodology and an increase in the Fiscal Year 2005 assessments. The District is generally located south of Laurel Street, West of Interstate Five, North of Ash Street and east of Pacific Highway. The purpose of the District is to fund regular maintenance of landscaping, provide sidewalk and gutter sweeping, sidewalk washing, regular security patrol, trash and graffiti removal.

**LITTLE ITALY ENHANCED MAINTENANCE ASSESSMENT DISTRICT
Estimated Expenses, Revenues & Reserves**

<u>EXPENDITURES</u>	<u>FY 2005</u>	<u>Maximum Authorized</u>
Public Right of way and Sidewalk Operations	\$354,000	\$354,000
Special Projects	\$20,000	\$20,000
Administration	\$80,000	\$80,000
Contingency Reserve	<u>\$72,934</u>	<u>\$72,934</u>
TOTAL EXPENDITURES	\$526,934	\$526,934
<u>REVENUES</u>		
Assessments:	\$526,934	\$526,934
City Contributions – Gas Tax *	\$0	\$0
City Contributions – Community Development	\$0	\$0
City Contributions – Other Sources	<u>\$0</u>	<u>\$20,000</u>
TOTAL REVENUES	\$526,934	\$526,934

FISCAL IMPACT:

Approximately \$526,934 will be assessed and collected for the Little Italy Enhanced Maintenance Assessment District in FY 2005. Total General Fund assessment is \$2,964.00 and would increase under this proposed district by an additional \$1,490.00, for a total general fund assessment of \$4,454.00.

Herring/Oppenheim/Kawar/BH

FILE LOCATION: STRT-M-386-05 (34)

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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-117: Grant Application to the Department of Homeland Security – Federal Emergency Management Agency’s U.S. Fire Administration for Fire-Rescue Department.

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1264) ADOPTED AS RESOLUTION R-299301

Authorizing the City Manager to submit an application to the Department of Homeland Security – Federal Emergency Management Agency’s U.S. Fire Administration for grant funds of \$524,780 from the Assistance to Fire Fighters Grant Program for an Operations and Firefighter Safety Program for the Fire-Rescue Department;

Authorizing the City Manager to take all necessary actions to secure grant funding and enter into an agreement for this project;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend funds, if grant is secured;

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

Certifying that the City of San Diego has, or will have available, prior to commencement of any work on the project, the required grant match; provided that the City Auditor and Comptroller first issues a certificate certifying that the necessary funds will be on deposit with the City Treasurer;

Certifying that this Council has reviewed, understands, and agrees to the general provisions contained in the contract shown in the Assistance to Firefighters Grant Program Final Rule and Notice.

CITY MANAGER SUPPORTING INFORMATION:

The U.S. Fire Administration administers the Assistance to Firefighters Grant Program for the Department of Homeland Security, Federal Emergency Management Agency. The intent of this program is to provide grant funding to local fire departments to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards.

This action authorizes the City Manager to pursue grant funding through the Federal Emergency Management Agency's U.S. Fire Administration for the development of a Firefighter, Paramedic, EMT mobile specialized training simulator and Multi-Casualty Incident (MCI) equipment and supply cache, as well as a platform to simulate large scale multi-casualty emergencies.

The goal of this program is to develop mobile training and simulator trailers that will provide specialized hand-on training to first responders through realistic training scenarios and an environment that approximates conditions faced during an actual disaster. These training units will be taken to the emergency responder's district and provide on and off-duty live scenario based training under the conditions within that community. These mobile trailers would also be used at multi-casualty incidents. The trailer would be specially designed to maximize storage of multi-casualty equipment and supplies in a manner that allows rapid deployment at MCI scenes.

FISCAL IMPACT:

If the grant is secured, the City will receive \$524,780 from the Department of Homeland Security Federal Emergency Management Agency. The minimum required match for the grant is 30 percent of the total project cost equaling \$224,905. Total project costs for the Program are estimated to be \$749,685. Matching funds will be provided by the City of San Diego.

Ewell/Bowman/MLM

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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-118: Grant Application to the State Water Resource Control Board, Proposition 13, Nonpoint Source Program for the San Diego Watersheds Common Ground: San Diego Bay Watershed Demonstration Project.

(Peninsula, Midway, Uptown, Centre City, Greater North Park, Greater Golden Hill, Barrio Logan, Southeastern San Diego, City Heights, Kensington-Talmadge, Normal Heights, Eastern Area, College Area, Skyline-Paradise Hills, Otay Mesa-Nestor, and Otay Mesa Community Areas. Districts-2, 3, 4, 7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1273) ADOPTED AS RESOLUTION R-299302

Authorizing the City Manager, or his designee, to approve the grant application to the State Water Resource Control Board, Proposition 13, Nonpoint Source Program, for the San Diego Watersheds Common Grounds Project;

Authorizing the City Manager, or his designee, to take all necessary actions to secure funding for the aforementioned Project;

Authorizing the City Manager, or his designee, to conduct all negotiations and execute and submit all documents, including but not limited to applications, amendments, and payment requests, which may be necessary for the completion of the aforementioned Project;

Authorizing the City Manager, or his designee, to enter into Memorandum of Understanding (MOUs) with our project partners, upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend grant monies in an amount not to exceed \$900,000, contingent upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to establish a new special fund for this grant;

Authorizing the hiring of 1 limited staff position to perform duties associated with this grant, contingent upon approval of the grant agreement;

Authorizing the City Manager, or his designee, to expend match monies in the amount of \$177,145 from the Storm Water operating budget during Fiscal Years 2005 through 2007, contingent upon City Council approval of the Fiscal Years 2005 through 2007 appropriation ordinances and annual budgets.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego has been selected to receive State Costa-Machado Act of 2000 (Proposition 13) funding in the amount of \$900,000 to implement the San Diego Watersheds Common Ground: San Diego Bay Watershed Demonstration Project. This project is intended to enhance the region's capacity to understand the conditions of water resources and trends over time through several means including: (1) establishment of a Regional Water Monitoring and Resource Center; (2) monitoring activities in support of Total Maximum Daily Load (TMDL) development addressing benthic community degradation and sediment toxicity; (3) development of a Geographic Information System (GIS) database for water resources; and (4) creation of an interactive web-based outreach, education, and decision-making tool. The goal of the San Diego Watersheds Common Ground Project is not only to make the water quality data available to the public but also to present it in a manner so that it can be easily interpreted to facilitate decision-making and create better long-term understanding and stewardship of our local waters. The City's primary project partners are San Diego State University Department of Geography (GIS & cartographic expertise, server support) and San Diego BayKeeper (who will establish a Regional Water Monitoring and Resource Center at their offices). The project has broad local support including the San Diego Regional Water Quality Control Board, SANDAG, and the San Diego Regional Municipal Storm Water Co-permittees.

FISCAL IMPACT:

Upon approval of the State agreement, the City would receive \$900,000 from the State to fund this project. The City intends to meet the local match requirement (20% minimum) with the Storm Water Division's operating budget (\$177,145) plus contributions (in-kind services) from San Diego State University (\$75,000), San Diego BayKeeper (\$60,000), SANDAG (\$80,500), and Port of San Diego (\$70,000) over the duration of the 30-month project. The estimated project start is July 2004. The total project cost is \$1,362,645. The State funding would support the hiring of a limited Storm Water Environmental Specialist position in the Storm Water Division for 30-months to coordinate the activities of the project partners and participate in the system development.

Mendes/Tulloch/KH

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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-119: Grant Application for the Chollas Creek Water Quality Protection and Habitat Enhancement Project.

(Mid-City, Southeastern San Diego, and Barrio Logan Community Areas.
Districts-3, 4, 7, and 8.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1271 Cor.Copy) ADOPTED AS RESOLUTION R-299303

Approving the grant application to the State Water Resource Control Board, Proposition 13, Phase II, Nonpoint Source Program, for the Chollas Creek Water Quality Protection and Habitat Enhancement Project;

Authorizing the City Manager to take all necessary actions to secure the funding for the aforementioned project;

Authorizing the City Manager to conduct all negotiations, and execute and submit all documents, including but not limited to applications, amendments, payment requests, which may be necessary for the completion of the aforementioned project;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend grant monies in the amount of \$2,244,000, and to expend City match funding in the amount of \$443,317 from the Storm Water operating budget, contingent upon receipt of the fully executed agreement;

Adding CIP-32-054.0, Chollas Creek Water Quality Protection and Habitat Enhancement Project, in the amount of \$2,843,317 to the Fiscal Year 2004 CIP budget;

Authorizing the appropriation of \$2,244,000 in CIP-32-054.0 contingent upon receipt of the fully executed grant agreement;

Authorizing the City Manager to enter into an agreement with PBS&J for consultant services for the Chollas Creek Water Quality Protection and Habitat Enhancement Project, for an amount not to exceed \$330,000, contingent upon grant funding.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego and its project partners (the Port of San Diego, Environmental Health Coalition, San Diego BayKeeper, the Cities of La Mesa and Lemon Grove, and San Diego Unified School District) have been selected to receive a State Costa-Machado Act of 2000 (Proposition 13) grant in the amount of \$2,244,000 to implement portions of the Chollas Creek Enhancement Program, adopted by the San Diego City Council May 14th of 2002. Planned improvements as part of the grant project include (1) removal of concrete sections of the channel (up to 25,000 square feet); (2) widening of the floodplain (300 to 800 linear feet); and creation and restoration of wetland and transitional upland habitats (2 to 4 acres of habitat creation and restoration). Improvements will be designed to re-establish the natural structure, dynamics and hydrologic functions within applicable creek segments and restore affected beneficial uses. The project is supported by the Mayor's Clean Water Task Force and will support the Mayor's and City Council's goal number four, to clean up our beaches and bays.

In accordance with Council Policy 300-7, the consultant selection process was used to interview the most qualified consultants. Seven firms were interviewed and PBS&J was selected as the most qualified firm to provide the required professional services. Sub-consultants include: Chang Consultants (fluvial geomorphology, hydrology, and hydraulics), Estrada Land Planning (landscape architecture), REC Consultants (biological resources), Allied Geotechnical (geotechnical engineering), and Dye Surveying, Inc. (land surveying).

There will be 15.7% MBE and 0% WBE participation with this agreement.

FISCAL IMPACT:

When the grant contract is approved, \$2,244,000 would be received from the State. The City of San Diego will meet the grant's 20% funding match requirement from the Storm Water's operational budget for the Think Blue Program and other personnel and non-personnel services. The project partners will also contribute \$156,000 in matching funds. This action will also authorize a consultant contract with PBS&J that will be funded by the grant for an amount not to exceed \$330,000. The total project cost is \$2,843,317.

Mendes/Tulloch/DK

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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-120: Biennial Review – Conflict of Interest Codes.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1255) ADOPTED AS RESOLUTION R-299304

Directing all local agencies for which the City Council serves as code-reviewing body and for which Conflict of Interest Codes have been previously adopted, to review all existing Codes and determine whether their Codes should be amended;

Directing each City department, agency, board and commission subject to a Code to review its Code and provide to the City Clerk by August 13, 2004, either a written statement that no amendment is required, or an amended Code for the City Council's approval.

SUPPORTING INFORMATION:

Government Code Section 87306.5 states that, no later than July 1 of each even-numbered year, "code reviewing bodies" are required to direct each local agency, under their jurisdiction, which has previously adopted a Conflict of Interest Code (Code) to review that agency's Code. Under this law, the term "local agencies" includes not only City departments, but also City-owned corporations, certain City boards and commissions, and certain other local agencies (for example, the Housing Commission), for whom the City Council serves as code-reviewing body.

Government Code Section 87306.5 also requires local agencies to submit a biennial report identifying changes in their Code, or a statement that their Code is not in need of an amendment. The biennial reports are submitted to the applicable code-reviewing body.

Following receipt of either the biennial report identifying Code changes, or a statement that no amendment is needed, from each local agency, the Clerk will prepare a report summarizing the submittals. Revised Conflict of Interest Codes will then be submitted to the City Council for approval.

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FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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-121: Appointments and Reappointments to the Board of Library Commissioners.

(See memorandum from Mayor Murphy dated 5/26/2004, with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1325) ADOPTED AS RESOLUTION R-299305

Council confirmation of the following reappointments and appointments by the Mayor to serve as members of the Board of Library Commissioners, for terms ending March 1, 2006:

Reappointments

Melvin I. Katz

Susan Lew

Appointments

Matthew C. Hervey (replacing Laurie Black, whose term has expired)

Natalie R. Rencher (replacing Ernest H. Wright, whose term has expired)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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-122: Temple Emanu-El 40th Anniversary Day.

**DEPUTY MAYOR ATKINS' AND COUNCILMEMBER MADAFFER'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1278 Cor. Copy) ADOPTED AS RESOLUTION R-299306

Recognizing the 40th Anniversary of Temple Emanu-El and commending its members for their commitment and service to the Jewish community in San Diego;

Proclaiming May 22, 2004 to be “Temple Emanu-El 40th Anniversary Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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-123: Sharp Memorial Hospital Auxiliary Day.

COUNCILMEMBER FRYE’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1313) ADOPTED AS RESOLUTION R-299307

Commending Sharp Memorial Hospital for its 50 years of caring and proud service to the residents of San Diego;

Proclaiming June 16, 2004 to be “Sharp Memorial Hospital Auxiliary Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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-124: Waterkeeper Alliance Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1284) ADOPTED AS RESOLUTION R-299308

Commending and thanking all of the Waterkeeper programs for their dedication to restoring and protecting the world's waters;

Proclaiming June 2, 2004 to be "Waterkeeper Alliance Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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-125: 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-2004-1105) ADOPTED AS RESOLUTION R-299309

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: 2:21 p.m. – 2:28 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-126: 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-2004-1315) ADOPTED AS RESOLUTION R-299310

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: 2:21 p.m. – 2:28 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-127: 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-2004-1087) ADOPTED AS RESOLUTION R-299311

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: 2:21 p.m. – 2:28 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-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

* ITEM-128: 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-2004-930) ADOPTED AS RESOLUTION R-299312

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

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

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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-129: Amendment to Retention Agreement with Vinson & Elkins to Provide Representation before the Securities & Exchange Commission and to Prepare an Internal Report on Disclosure Practices.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1324) ADOPTED AS RESOLUTION R-299313

Authorizing the City Attorney to execute an amendment to the retention agreement with Vinson & Elkins for an additional amount not to exceed \$800,000, for a total contract amount not to exceed \$1.3 million.

SUPPORTING INFORMATION:

The City previously retained the law firm of Vinson & Elkins to prepare an internal report on the City's securities disclosure practices from 1996 through the present. The City Manager authorized the retention in an amount not to exceed \$150,000, and subsequently the City Council authorized an additional \$350,000 as a result of the initiation of an investigation into certain City financial matters by the Federal Securities & Exchange Commission (SEC). The current authorization is insufficient to complete the internal report and continue the City's representation before the SEC due to the complexity of the issues, the significant document production required to the SEC, and the scope of the report under preparation. An additional authorization is now

being requested in an amount not to exceed \$800,000, for a total contract amount not to exceed \$1.3 million. It is anticipated that the additional authorization will be sufficient to complete and present the report, and continue representation before the SEC for the next several months. Additional funding may be required if additional issues arise or the scope of services expands.

Girard

Aud. Cert. 2401131.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-130: Consideration of an Unsolicited Proposal with Paragon Practice Park, LLC, for Development of a Baseball and Golf Learning Center at the South Chollas Landfill.

(See City Manager Report CMR-04-088; July 31, 2002 Natural Resources and Culture Committee actions; and letter dated 4/27/2004 from Jerry Simpson and Daniele Laman. Oak Park and Chollas Lake Community Areas. Districts-4 and 7.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1243) ADOPTED AS RESOLUTION R-299314

Declaring that the Council waives Council Policy 700-10E, Disposition of City Owned Real Property – Marketing, and Council Policy 700-41, Use of the RFP Process for Lease of City Owned Land, for purposes of negotiating with Paragon Practice Park, LLC, in connection with the above proposal;

Authorizing the City Manager to negotiate an exclusive negotiating agreement with Paragon Practice Park, LLC, for a period of ninety days, for the development of a baseball and golf learning center at the South Chollas Landfill and based upon the "Conditions for Future Development" outlined in City Manager Report No. 04-088.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/28/2004, NR&C voted 5 to 0 to approve the City Manager's recommendation #1. Direct staff to enter into Exclusive Negotiation Agreement with Paragon for a period of 90 days if the City Council desires to consider the development of a baseball and learning center as proposed by Paragon. The Committee finds that Paragon is uniquely qualified to develop this project as described on page three, Items 1-5 of City Manager Report No. 04-088. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

The South Chollas Landfill was operated by the City of San Diego and received solid waste between 1951 and 1981. The land is owned by the City Water Department and General Fund Departments and is designated park land. The Environmental Services Department maintains the landfill site in compliance with State and local regulatory requirements.

Paragon Practice Park, LLC (Paragon) submitted an unsolicited proposal for recreational development on the South Chollas Landfill. After recent reconsideration of Paragon's Proposal by the Environmental Services Department, it was brought to the Natural Resources Committee on April 28, 2004 for their consideration (Managers Report 04-088). By a unanimous vote, committee recommended the City Manager to enter into an Exclusive Negotiation Agreement (ENA) with Paragon due to their unique qualifications and community support. One of the Paragon's partners, Ron Brookshire, is very experienced and knowledgeable in the challenges of developing on landfills. He has intimate knowledge of the South Chollas Landfill having been the Contractor that installed the current landfill gas control system at the site.

Paragon's proposal has strong community support and approval from the Oak Park Community Council and Chollas Lake Recreation Council. Paragon is responsible for obtaining approval from the City's Development Services Department, the Solid Waste Local Enforcement Agency, the Regional Water Quality Control Board, and from other applicable regulatory agencies. This agreement does not affect the right of any of these agencies, including the City, from denying or conditioning approvals.

Following the mutually agreed upon terms of an ENA between the City and Paragon, this action will be brought back to Council for consideration of terms to enter into a lease agreement. If terms of an ENA cannot be agreed upon within 90 days, negotiations will be terminated and Council will be informed.

FISCAL IMPACT:

Unknown at this time.

Mendes/Heap/SMC

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:13 p.m. – 3:16 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-131: Joint Powers Agency Agreement between ARJIS and SANDAG.

(See ARJIS information package.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1236) ADOPTED AS RESOLUTION R-299315

Authorizing the Mayor of the City of San Diego to execute a Joint Exercise of Powers Agreement to consolidate Automated Regional Justice Information System (ARJIS) and San Diego Association of Governments (SANDAG).

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

On 4/28/2004, PS&NS voted 5 to 0 to approve. (Councilmembers Zucchet, Atkins, Lewis, Maienschein, and Frye voted yea.)

SUPPORTING INFORMATION:

ARJIS is the Automated Regional Justice Information System. It is used to gather and provide information to law enforcement agencies to solve crimes, identify suspects, and enhance officer and public safety. There are about 50 federal, state, and local public safety agencies involved in ARJIS. SANDAG is the San Diego Association of Governments. SANDAG's criminal justice research division conducts analysis of crime trends, engages in outreach/community collaboration, is a resource for criminal justice information, and conducts program evaluations.

The City of San Diego and ARJIS would benefit by consolidating via the JPA Agreement with SANDAG in the following areas:

- **Seamless Regional Public Safety Policy** – the addition of a Public Safety Policy Advisory Committee would provide a uniform regional approach to public safety functions.
- **Broadened Regional Public Safety Role** – the synergy with the SANDAG Criminal Justice Research Division being both housed at SANDAG, and in a common area, will bring an enhanced and centralized view of public safety in the region.
- **Added Administrative Benefits** – the resources of SANDAG staff and professional resources will be able to assist ARJIS in the day-to-day operations.
- **Enhanced Legislative Outreach** – SANDAG's state and federal legislative services would be expanded to seek support and grants for all regional public safety activities.
- **Consistent ARJIS Identity** – no change would be made to the name, so the consolidation would be transparent to external parties.
- **Protected ARJIS Revenues** – the existing and any future ARJIS revenues will be “fire walled,” similar to what SANDAG does with its many specialized grants.
- **Increased Attention on Funding** – the combination of ARJIS and criminal justice functions will focus attention on opportunities for homeland security and public safety state and federal funding grants.
- **Regional Model Expands** – ARJIS and SANDAG have been recognized as leaders in their respective roles as regional entities...with the consolidation of the ARJIS within SANDAG, bringing with it the concomitant link with Criminal Justice Research activities, the result is wider attention across the spectrum of public safety functions in the region.

Efforts to consolidate, via a JPA Agreement, SANDAG and ARJIS began in April of 2003. There were several meetings regarding the proposed consolidation. The ARJIS board and the SANDAG board approved the proposed JPA Agreement. Other cities and agencies have already approved the proposed JPA Agreement.

Joint Powers Agency Agreement:

The proposed JPA Agreement SANDAG would administer and continue to develop ARJIS. As such, SANDAG would exercise all the powers of ARJIS through a Public Safety Advisory Committee (PSAC). The City of San Diego would have representation in that committee (PSAC). In addition, SANDAG would be depository of all funds and serve as the treasurer for ARJIS. SANDAG is required to prepare an accounting for each member agency of the funds expended and received. Each member agency is required to provide funds to operate ARJIS to SANDAG. The amounts required to be funded shall be based on population.

FISCAL IMPACT:

No additional costs are expected to be incurred in the formation of the JPA, as detailed in the agreement.

Ewell/Lansdowne/MM

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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-132: Excusing Councilmember Zucchet from the City Council Meeting of May 25, 2004.

COUNCILMEMBER ZUCCHET'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1333) ADOPTED AS RESOLUTION R-299316

Excusing Councilmember Michael Zucchet from attendance at the City Council meeting on May 25, 2004.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 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-200: Fiscal Year 2005 Interim Financing Needs.

(See City Manager Report CMR-04-117.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1319 Cor.Copy) ADOPTED AS RESOLUTION R-299317

Authorizing the City Manager and City Treasurer to execute a Note Purchase Agreement between the City of San Diego (“City”) and Bank of America, N.A. (“B of A”) for the interim financing of the City’s projected cash flow deficit (the “Interim Financing”), pursuant to which the City will sell a Fiscal Year 2005 Short-Term Tax and Revenue Anticipation Note (the “Note”) in an amount not to exceed \$150 million on a private placement basis to B of A, to authorize the City Treasurer to act as the paying agent for the Note, and to execute all agreements in connection therewith, including the Financial Advisory Services Agreement by and between the City and Public Resources Advisory Group (“PRAG”) to provide financial advisory services for the Fiscal Year 2005 Tax and Revenue Anticipation Notes for an amount not to exceed \$115,000.

FILE LOCATION: MEET

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

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

ITEM-201: Wastewater Interim Financing.

(See City Manager Report CMR-04-115.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1322) TRAILED TO TUESDAY, JUNE 8, 2004

Approving the form and authorizing the execution and delivery of a Subordinated Indenture, a Bond Purchase Agreement, and a Supplement to the Master Installment Purchase Agreement, and approving certain other agreements and actions in connection therewith.

FILE LOCATION: NONE

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

MOTION BY FRYE TO TRAIL THIS ITEM TO TUESDAY, JUNE 8, 2004, AFTER THE DISCUSSIONS OF INCREASED SEWER CAPACITY CHARGES AND NEW SEWER RATE STRUCTURE. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: **Notice** of Pending Final Map Approval – 3767 Grim Avenue Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “3767 Grim Avenue Condominiums” (T.M. Waiver No. 18025, PTS No. 17076), located southwesterly of North Park Way and Grim Avenue in the Greater North Park Community Planning Area in 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.

ITEM-251: Notice of Pending Final Map Approval – 3745 Villa Terrace Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “3745 Villa Terrace Condominiums” (T.M. No. 18033, PTS No. 15144), located northeasterly of Landis Street and Villa Terrace in the Greater North Park Community Planning Area in 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.

ITEM-252: Notice of Pending Final Map Approval – Park Villas of Talmadge.

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 “Park Villas of Talmadge” (T.M. No. 17946, PTS No. 21390), located northeasterly of El Cajon Boulevard and Estrella Avenue in the Mid-City (Kensington Talmadge) Community Planning Area in 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.

ITEM-253: Notice of Pending Final Map Approval – Draper Villas.

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 “Draper Villas” (T.M. No. 98-0835), located northwesterly of Draper Avenue and Pearl Street in the La Jolla Community Planning Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

ITEM-254: Notice of Pending Final Map Approval – 4153 Idaho Street.

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 “4153 Idaho Street” (T.M. No. 20383, Project No. 10009), located southeasterly of Howard Avenue and Idaho Street in the Greater North Park Community Planning Area in 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.

ITEM-255: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 2, 2004 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	5/28/2004	158	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee.
Wednesday	6/16/2004	139	Rules Committee review of ballot proposals.
Monday	6/21/2004	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee.
Monday	6/28/2004	127	Council adopts propositions for ballot; directs City Attorney to prepare ordinances.
Monday	7/19/2004	106	
Monday	7/26/2004	99	Council adopts ordinances prepared by City Attorney.
Friday	8/06/2004	88	Last day for City Clerk to file with Registrar of Voters all elections material.
Thursday	8/19/2004	75	Last day to file ballot arguments with City Clerk.

If you have questions, please contact the Office of the City Clerk at (619) 533-4025.

ITEM-S400: Captain Robert V. Wear Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1334) ADOPTED AS RESOLUTION R-299318

Proclaiming June 18, 2004 to be “Robert V. Wear Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:03 p.m. – 3:07 p.m.)

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

ITEM-S401: National Management Association Week.

DEPUTY MAYOR ATKINS’ RECOMMENDATION:

Adopt the following resolution:

(R-2004-1345) ADOPTED AS RESOLUTION R-299319

Recognizing that during the week of June 7-11, 2004, members of National Management Association (NMA) nationwide will join together to emphasize the role of leadership and management in our society and to encourage the promotion of the American free enterprise system;

Proclaiming June 7-11, 2004, to be “National Management Association Week” in the City of San Diego, and encouraging individuals, industries, businesses, and professional bodies to participate in its observance.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:07 p.m. – 3:12 p.m.)

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

