

THE CITY OF SAN DIEGO, CALIFORNIA  
 MINUTES FOR REGULAR COUNCIL MEETING  
 OF  
 MONDAY, JUNE 14, 2004  
 AT 2:00 P.M.  
 IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 2:14 p.m. Mayor Murphy recessed the meeting at 3:32 p.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 3:48 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 5:28 p.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 5:43 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 7:19 p.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 7:40 p.m. with Council Member Peters not present. Mayor Murphy adjourned the meeting at 8:46 p.m. into Closed Session at 9:00 a.m. on Tuesday, June 15, 2004, in the twelfth floor conference room to discuss existing and anticipated litigation.

**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 (pr)

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 Reverend Debra Feldman of First Spiritualist Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Lewis.

FILE LOCATION: MINUTES

ITEM-30: Philippine Independence Anniversary Week.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1157) ADOPTED AS RESOLUTION R-299323

Recognizing the 106<sup>th</sup> anniversary of Philippine independence from Spain and the ongoing efforts of the Council of Philippine American Organizations of San Diego County, Incorporated, the City of San Diego Filipino-American Employees

Association, and others, to raise awareness of Filipino culture and heritage within our community;

Proclaiming June 12-18, 2004 to be “Philippine Independence Anniversary Week” in the City of San Diego

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:31 p.m.)

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

ITEM-31: Approval of Council Minutes.

**TODAY’S ACTION IS: APPROVED**

Approval of Council Minutes for the meetings of:

05/10/2004

05/11/2004

05/17/2004

05/18/2004

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:23 p.m. – 2:24 p.m.)

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

CLOSED SESSION ITEMS:

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

CS-1 *Frank and Marilyn Wyatt v. City of San Diego*  
Claim No. LP03-7773-2167

**REFERRED TO CLOSED SESSION ON TUESDAY, JUNE 15, 2004**

HDCA assigned: Frank Devaney

This is a property damage claim regarding a sewer back-up which occurred on March 4, 2003. Risk Management requests that the Mayor and City Council consider a possible settlement of this claim in Closed Session.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:44 p.m. – 2:45 p.m.)

**Mayor Murphy closed the Hearing.**

CS-2 *City of San Diego v. Fax.com, et al.*  
San Diego Superior Court No. GIC 821878

**REFERRED TO CLOSED SESSION ON TUESDAY, JUNE 15, 2004**

DCA assigned: Yolanda Gammill

This matter concerns the sending of unsolicited faxes to the City of San Diego by Fax.com and its officers in violation of the federal Telephone Consumer Protection Act. In closed session, the City of San Diego will inform the City Council of the status of the case and seek authorization to negotiate and accept a settlement.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:44 p.m. – 2:45 p.m.)

**Mayor Murphy closed the Hearing.**

CS-3 *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 15, 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: 2:44 p.m. – 2:45 p.m.)

**Mayor Murphy closed the Hearing**

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

**REFERRED TO CLOSED SESSION ON TUESDAY, JUNE 15, 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: 2:44 p.m. – 2:45 p.m.)

**Mayor Murphy closed the Hearing.**

CS-5 *De Anza Cove Homeowners Association, Inc. v. City of San Diego*  
San Diego Superior Court Case No. GIC 821191

**REFERRED TO CLOSED SESSION ON TUESDAY, JUNE 15, 2004**

DCA assigned: Carrie Gleeson

This matter concerns the litigation filed by the De Anza Cove Homeowners Association [HOA] against the City of San Diego seeking damages related to expiration of the prior lease and transition of the property from use as a mobile home park to park and recreational use. In closed session, the City's outside litigation counsel and the City Attorney will report on the status of the litigation, other matters affecting the litigation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:44 p.m. – 2:45 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 15, 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: 2:44 p.m. – 2:45 p.m.)

**Mayor Murphy closed the Hearing.**



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

CS-7 Property: Qualcomm Stadium

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

Negotiating Parties: City of San Diego and the San Diego Chargers

Under Negotiation: Real Property Interests at the Qualcomm Stadium  
Site pursuant to the recommendations of the Citizens' Task Force  
on Chargers Issues, and pursuant to the terms of Paragraph 31 of  
the 1995 Agreement for the Partial Use and Occupancy of  
Qualcomm Stadium.

**REFERRED TO CLOSED SESSION ON TUESDAY, JUNE 15, 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: 2:44 p.m. – 2:45 p.m.)

**Mayor Murphy closed the Hearing.**

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

CS-8 Agency negotiators: Lamont Ewell, Cathy Lexin, Mike McGhee,  
Christopher Morris

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

**REFERRED TO CLOSED SESSION ON TUESDAY, JUNE 15, 2004**

HDCA assigned: Chris Morris

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

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:44 p.m. – 2:45 p.m.)

**Mayor Murphy closed the Hearing.**

\* ITEM-50: Adding Two Alternate Seats to the Sustainable Energy Advisory Board.

(See memorandum from Mayor Dick Murphy, Councilmember Michael Zucchet, and Councilmember Donna Frye dated 5/27/2004.)

**MAYOR MURPHY'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2004-144) INTRODUCED, TO BE ADOPTED ON MONDAY,  
JUNE 28, 2004

Introduction of an Ordinance amending Chapter 2, Article 6, of the San Diego Municipal Code by amending Section 26.04(b), relating to the Sustainable Energy Advisory Board.

FILE LOCATION: NONE

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

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

ITEM-51: Amendment to Sublease and Maintenance Agreement with the San Diego Community Foundation Charitable Real Estate Fund.

(City Heights Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2004-140) INTRODUCED, TO BE ADOPTED ON MONDAY,  
JUNE 28, 2004

Introduction of an Ordinance authorizing the City Manager to execute an amendment to the Sublease and Maintenance Agreement with the San Diego Community Foundation Charitable Real Estate Fund to allow monies granted to the City, pursuant to Section 6.2 of the Sublease, to be spent on library programs in City Heights in addition to park and recreation programs.

**CITY MANAGER SUPPORTING INFORMATION:**

On April 16, 1996, the City and the San Diego Community Foundation Charitable Real Estate Fund (Foundation) entered into a Sublease and Maintenance Agreement for the purposes of the City's operation and maintenance of the City Heights community center and library (City Clerk Document No. OO-18291).

Pursuant to the terms of this agreement, the Foundation makes an annual grant to the City Heights Town Council dependent on the Town Council raising \$150,000 in matching funds each of the ten years it is eligible to receive the annual grant. If in any given year the Town Council does not raise the matching funds, the monies that would have otherwise been allocated and granted to the Town Council shall be granted to the City to be spent on park and recreation programs in City Heights. The proposed amendment to the agreement provides for the monies to also be spent on library programs in City Heights.

**FISCAL IMPACT**

No cost to the City.

Herring/Griffith/GDJ

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:55 p.m. – 3:10 p.m.)

MOTION BY ATKINS TO INTRODUCE THIS ITEM WITH DIRECTIONS TO THE CITY MANAGER AS FOLLOWS:

1. THE LIBRARY IS FULLY EQUAL STATUS WITH PARK AND RECREATION DEPARTMENT AS A BENEFICIARY OF FUNDS WHICH ARE RECOMMENDED FOR DISTRIBUTION BY THE CITY MANAGER FOLLOWING THE DELIBERATIONS AND IDENTIFICATION OF PURPOSES BY THE CITY HEIGHTS FUND COMMITTEE.
2. FOR FISCAL YEAR 2004, THE DISTRIBUTION OF AVAILABLE FUNDS SHALL BE TO ENABLE THE OPERATION OF CITY HEIGHTS BRANCH LIBRARY FOR SUNDAY HOURS; AND TO THE EXTENT FUNDS ARE AVAILABLE, SUPPORT AS NEEDED FOR EXTENSION OF THE CITY HEIGHTS POOL DURING THE WINTER SEASON.
3. IN FUTURE YEARS, THE CITY HEIGHTS FUND COMMITTEE SHALL ADVISE THE CITY HEIGHTS RECREATION COUNCIL AND THE FRIENDS OF CITY HEIGHTS LIBRARY OF THE PURPOSE(S) IT INTENDS TO RECOMMEND FOR FUNDING IN ADVANCE OF SUBMITTING THIS (ESE) RECOMMENDATIONS(S) TO THE CITY MANAGER, AND INDICATE TO THESE ORGANIZATIONS MEANS FOR THEM TO COMMUNICATE THEIR VIEWS TO THE FUND COMMITTEE REGARDING THE RECOMMENDATION(S). UPON RECEIPT OF THE VIEWS OF THESE ORGANIZATIONS, THE CITY HEIGHTS FUND COMMITTEE WILL CONSIDER THEM AND, TO THE EXTENT NECESSARY, PREPARE UPDATED RECOMMENDATIONS(S) WHICH WILL BE SUBMITTED TO THE CITY MANAGER. AFTER CONSIDERATION BY THE CITY MANAGER, THE CITY MANAGER SHALL SUBMIT HIS RECOMMENDATIONS(S) TO CITY COUNCIL FOR ITS APPROVAL. UPON APPROVAL BY COUNCIL, THE CITY MANAGER, OR HIS DESIGNEE, SHALL SUBMIT THE RECOMMENDATION(S) TO SAN DIEGO FOUNDATION FOR APPROVAL AND DISTRIBUTION TO THE BENEFICIARIES. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-100: Fund Transfer for Maintaining and Repairing the City Owned Property at 4202-4212 National Avenue (Rental Unit Maintenance on 43<sup>rd</sup> and Logon N-I805).

(Southeastern San Diego Community Area. Districts-4 and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1329)            ADOPTED AS RESOLUTION R-299325

Authorizing the appropriation and expenditure of an amount not to exceed \$50,000 from Fund 30300, to Job Order 155522, for the purpose of maintaining and repairing the City-owned property located at 4202-4212 National Avenue (Rental Unit Maintenance on 43<sup>rd</sup> and Logon N-I805), solely and exclusively, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer.

**CITY MANAGER SUPPORTING INFORMATION:**

In 1998, the City acquired the commercial property located at 4202-4212 National Avenue as part of the National Avenue Street Realignment Project (CIP-52-409.0). This property is currently being rented out for commercial use until the project can be constructed. In order to keep the property fully leased, a budget is required for ongoing repairs. It is projected that the City will collect \$50,000 in rental income for Fiscal Year 2004 based on prior year rental income collected. The property site consists of 2 vacant lots containing a total of approximately 24,000 square feet, and a small, 3 tenant strip center, containing 3 stores, on approximately 21,000 square feet. The property needs interim maintenance and repairs that can no longer be deferred. These ongoing repairs are needed for maintenance, including trash and debris removal, graffiti removal, plumbing repairs and minor repairs to common areas of the property, such as the parking lot and sidewalk in front of the property. It is proposed that the rental revenue collected from this property be used to fund repairs by allocating 25% or \$13,000 to fund future repair and maintenance expenses this Fiscal Year. The \$37,000 deficit recovery represents unbudgeted expenses previously incurred in maintaining the aging neighborhood strip center up to an acceptable level to ensure that it is safe, clean, and habitable for rental. This deficit recovery included a new roof and major repairs to the electrical system. Future rental income will be collected to pay for future maintenance and repairs by request with the City's Financial Management Department on an annual basis via the Property Agent in Real Estate Assets Department.

**FISCAL IMPACT:**

Funding in the amount of \$50,000 is available from Fund 30300 this Fiscal Year.

Loveland/Belock/PB

Aud. Cert. 2401128.

FILE LOCATION: MEET

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

CONSENT MOTION BY INZUNZA 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.

ITEM-101: Fiscal Year 2005 Tax Appropriations Limit.

(See City Manager Report CMR-04-124.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1314) ADOPTED AS RESOLUTION R-299326

Establishing the following tax appropriations limit for the City of San Diego, pursuant to the authority of California Government Code, Division 9, Title 1 (Sections 7900 et seq.):

Established for Fiscal Year 2002	\$603,258,862
Established for Fiscal Year 2003	\$684,004,095
Established for Fiscal Year 2004	\$807,446,834
Established for Fiscal Year 2005	\$924,630,272

Declaring that, pursuant to the requirements of Section 7910 of the California Government Code, the documentation upon which the tax appropriations limit herein established has been determined, has been made available for public information and review at the Office of the City Clerk since June 1, 2004.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:11 p.m. – 3:32 p.m.)

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

\* ITEM-102: Agreement with Tran Consulting Engineers for Televising Sewer Mains Annual Contract – 2004.

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

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-1318) ADOPTED AS RESOLUTION R-299327

Authorizing the City Manager to execute an agreement with Tran Consulting Engineers for an amount not to exceed \$2,053,691, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$1,753,691, from Fund No. 41506, Department 773, Org. No. 820, Job Order 8206, for the purpose of providing funds for Phase I of the Project;

Authorizing the expenditure of \$300,000 from Fund No. 41506, CIP-46-169.0, East Mission Gorge Force Main Rehabilitation, for the purpose of funding Phase II of the Project, contingent upon City Council approval of this funding in the Originating Department's Capital Improvement Program budget for Fiscal Year 2005 and provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure for Phase II are, or will be, on deposit in the City Treasury;

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

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

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

**SUPPORTING INFORMATION:**

This request is to enter into a one year agreement with Tran Consulting Engineers for televising sewer mains to do condition assessment, in the amount of \$2,053,691. On February 12, 2004, the City held interviews with five (5) firms, and Tran consulting Engineers was selected as the best qualified firm to provide this service. Prime subcontractors on this project are Camp Dresser & McKee, Aguirre & Associates, Katz Okitsu & Associates, Acme Safety & Supply Company, Empire Cleaning and Equipment, Inc., Video Inspection Specialists, and United Storm Water, Inc.

The work to be performed under this agreement will consist of televising selected sewers, located in various parts of City of San Diego, and to assess their existing condition. A total of 90 miles of City gravity sewers ranging from 6 inches to 96 inches in diameter will be televised and assessed. Approximately 10 miles of these are located in remote areas (i.e. open space areas, canyons, and backyards) but most can be assessed via existing utility roads. Where there is no existing access road, the consultant will hand-carry equipment to the inspection site. Erosion control and restoration needs will be determined prior to impacts occurring, and then implemented as required. The work also includes the inspection and assessment of the East Mission Gorge force main, a 48 inch concrete cylinder pipe.

The consultant will also prepare inspection reports to document the observed condition of pipelines and any structural defects. This report will be instrumental in evaluating the condition of sewer mains and identifying locations where rehabilitation, replacement, or cleaning is required.

The inspection and report work will be completed within three hundred sixty five (365) days from the Notice to Proceed date. The agreement includes an option to extend the agreement for a period of up to two (2) additional years, in one (1) year increments. This contract is a continuation of the City's program to inspect and assess sewer pipe

**FISCAL IMPACT:**

The total cost of this action is \$2,053,691 of which \$1,753,691 is for Phase I in Fiscal Year 2004, and \$300,000 is for Phase II in Fiscal Year 2005.

Mendes/Tulloch/DG

Aud. Cert. 2401109.



FILE LOCATION: MEET

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

CONSENT MOTION BY INZUNZA 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.

\* ITEM-103: Three actions related to Grant Applications to Benefit Community Forest Initiative Programs.

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2004-1275) ADOPTED AS RESOLUTION R-299328

Authorizing the City Manager to apply to the Metropolitan Water District of Southern California (MWD) for the Grant, to provide for establishment-watering for 100 jacaranda trees on Morena Boulevard during May and June 2004 (Project);

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

Authorizing the City Manager to accept the Grant if they are secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund, Fund 10506-MWD Grant – Tree Establishment-Watering, for the \$2,000 Grant, for the Project;

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant agreement, to appropriate and expend an amount not to exceed \$2,000 from Fund 10506, MWD Grant – Tree Establishment – Water, for the Project.

Subitem-B: (R-2004-1276) ADOPTED AS RESOLUTION R-299329

Authorizing the City Manager to apply to the California Department of Forestry and Fire Protection’s “National Tree Trust/California ReLeaf 2004 Urban Forestry Grant Program” (NTT/CR) for the Grant, for the purpose of Spanish

translating into Spanish the Community Forest Initiative's urban forestry outreach/education materials (Project);

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

Authorizing the City Manager to accept the Grant if they are secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund, Fund 38290, National Tree Trust/CA ReLeaf Grant – Spanish Translation of Urban Forestry Education Materials, for the \$6,232 Grant, for the Project;

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant agreement, to appropriate and expend an amount not to exceed \$6,232 from Fund 38290, National Tree Trust/CA ReLeaf Grant – Spanish Translation of Urban Forestry Education Materials, for the Project.

Subitem-C: (R-2004-1277) ADOPTED AS RESOLUTION R-299330

Authorizing the City Manager to apply to National Tree Trust/California ReLeaf's Network Exchange Program (RNE), for the purpose of paying a speaker's fee to the nonprofit group, TreePeople, for making a presentation about its successful programs and methodologies to the City of San Diego's Community forest Advisory Board (Project);

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

Authorizing the City Manager to accept the Grant if they are secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund, Fund 38291, CA ReLeaf Grant – Network Exchange, for the \$1,000 Grant, for the Project;

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant agreement, to appropriate and expend an amount not to exceed \$1,000 from Fund 38291, CA ReLeaf Grant – Network Exchange, for the Project.

**CITY MANAGER SUPPORTING INFORMATION:**

Three grant applications to benefit programs of the Community Forest Initiative were erroneously submitted without prior City Council authorization. Today's action retroactively requests permission to apply for and accept the following three grants, and to expend the funds.

Grant #1: Metropolitan Water District (MWD) of Southern California's "Community Partnering Program 2003-04" offered grants of up to \$20,000 to support water conservation efforts. City of San Diego's Community Forest Advisory Board applied for \$20,000 to help provide contractual watering of street trees during the first three years after planting (the establishment period), where there are no adjacent property owners to water the trees. MWD awarded a grant of \$2,000. The best use of these funds is to fill a \$2,000 gap in existing funding for watering the 100 jacaranda trees planted in the public right-of-way of Morena Blvd. on February 28, 2003.

Grant #2: California Department of Forestry and Fire Protection's "National Tree Trust/California ReLeaf 2004 Urban Forestry Grant Program" offered grants of up to \$7,500 for urban forestry outreach/education projects. City of San Diego's Community Forest Advisory Board applied for a \$6,232 grant to translate into Spanish its outreach/education brochures for the Community Forest Initiative. Notification has been received that the project was selected for funding.

Grant #3: National Tree Trust/California ReLeaf's "Network Exchange" program offered grants of up to \$1,000 for members of the California ReLeaf network to obtain mentoring services from other members of the network. The City of San Diego's Community Forest Advisory Board is a member of the California ReLeaf network and applied for a grant to pay a speaker's fee to the Los Angeles nonprofit organization, TreePeople, to make a presentation about its successful programs and methodologies to the City of San Diego's Community Forest Advisory Board.

**FISCAL IMPACT:**

Accept a total of \$9,232 in grants from the three agencies. No City matching funds are required. Mendes/Sierra/TW

Aud. Cert. 2401122.

FILE LOCATION: SUBITEMS A, B, & D: MEET

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

CONSENT MOTION BY INZUNZA 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.

- \* ITEM-104: Grant Application to Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002 for Grantville Neighborhood Park-Play Area Upgrade.

(See memorandum from Councilmember Madaffer dated 4/26/2004. Navajo Community Area. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1320)            ADOPTED AS RESOLUTION R-299331

Authorizing the City Manager to apply to the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002 (SNP) for the Grant, for the Grantville Neighborhood Park-Play Area Upgrade Project;

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

Authorizing the City Manager to accept the Grant if it is secured;

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

Authorizing the City Auditor and Comptroller to increase by \$25,000 the Fiscal Year 2004 Capital Improvements Program Budget in CIP-29-555.0, Grantville Neighborhood Park-Play Area Upgrade, in Fund No. 11380, Park Service District Fees;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$25,000 from CIP-29-555.0, Grantville Neighborhood Park-Play Area Upgrade, in Fund No. 11380, Park Service District Fees, for the Project;

Authorizing the City Auditor and Comptroller to increase by \$128,536 the Fiscal Year 2004 Capital Improvements Program Budget in CIP-29-555.0, Grantville Neighborhood Park-Play Area Upgrade, in Fund No. 79506, Navajo Developer Impact Fees;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$128,536 from CIP-29-555.0, Grantville Neighborhood

Park-Play Area Upgrade, in Fund No. 79506, Navajo Developer Impact Fees, for the Project;

Authorizing, upon receipt of a fully executed grant agreement, the City Auditor and Comptroller to increase by \$128,536 the Fiscal Year 2004 Capital Improvements Program Budget in CIP-29-555.0, Grantville Neighborhood Park-Play Area Upgrade, in Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002 Resources Bond;

Authorizing, upon receipt of a fully executed grant agreement, the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$128,536 from CIP-29-555.0, Grantville Neighborhood Park-Play Area Upgrade, in Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002 Resources Bond, for the Project.

**CITY MANAGER SUPPORTING INFORMATION:**

In March 2002, California voters approved Proposition 40, the \$2.6 billion 2002 State Resources Bond "Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002" (bond). Based upon State Department of Finance population figures as of January 1, 2002, the City of San Diego is allocated a total of \$11,063,430 on a Per Capita basis from the bond. On December 8, 2003, the Mayor and City Council approved Resolution R-298699, which included a distribution of the Per Capita/RZH Per Capita funds to each council district, with a portion of the funding set aside for projects with citywide and regional impact. Effective February 20, 2004, the City of San Diego received a fully executed contract from the State Department of Parks and Recreation for the Per Capita/RZH Per Capita funds.

By State law, all public play areas must conform to the Consumer Product Safety Commission and American Society of Testing Materials Guidelines. Additionally, play areas are to be brought into compliance with Americans with Disabilities Act Guidelines. The equipment at the Grantville Neighborhood Park requires accessibility upgrades. This project will provide for a new play area that will be in full compliance with State and Federal safety and accessibility guidelines. This project was approved by the Allied Gardens Recreation Council and is located within the Navajo Community Planning Area.

**FISCAL IMPACT:**

Funding for this increase in the amount of \$282,072 is available from the following sources: Fund No. 11380 Park Services District Fees (\$25,000); Fund No. 79506, Navajo Development Impact Fees (\$128,536) and Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002 Bond (\$128,536).

Herring/Oppenheim/AP

Aud. Cert. 2401116.

FILE LOCATION: MEET

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

CONSENT MOTION BY INZUNZA 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.

\* ITEM-105: Additional State Grant Funding for Montgomery Field Perimeter Fencing and Access Control Improvements – Phase II.

(Kearny Mesa Community Area. District-6.)

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1244) ADOPTED AS RESOLUTION R-299332

Authorizing the City Manager to accept from the State Department of Transportation an increase in grant funding in the amount of \$45,833, for Phase II of the Perimeter Fencing and Access Control Project at Montgomery Field Airport;

Authorizing the City Auditor and Comptroller to deposit the funds received from the State Department of Transportation into Fund No. 30244, Department 30244 for CIP-31-339.0;

Authorizing the City Manager to expend the additional State grant funding in the amount of \$45,833 for the Project.

**CITY MANAGER SUPPORTING INFORMATION:**

The purpose of this action is to request authorization for the City Manager to apply for, accept, and expend additional State Grant funding in the amount of \$45,833, for Phase II of the Montgomery Field Airport Perimeter Fence and Access Control Project at Montgomery Field Airport.

On May 6, 2003, the Council adopted Resolution R-297919, which authorized funding for the Phase II project. Among other items related to the Phase II, this Resolution authorized the City to accept a Grant Offer from Federal Aviation Administration in the amount of \$750,000, and from the State of California in the amount of \$37,500. The City was recently notified that the

State had funding available to provide \$83,333, an increase of \$45,833 over what R-297919 previously authorized for Phase II. In order to accept the increase grant amount, a new resolution is required.

**FISCAL IMPACT:**

The request for the new resolution increases the total State grant funding of Phase II for the Airport Perimeter Fence and Access Control Project to \$83,333 and the total project cost to \$833,333.

Herring/Griffith/Means

FILE LOCATION: MEET

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

CONSENT MOTION BY INZUNZA 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.

ITEM-106: Establishment of a Two-Hour Unmetered Parking Zone on Morning Way.

(University Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1256) ADOPTED AS RESOLUTION R-299333

Establishing a parking time limit of two hours on both sides of Morning Way between its western terminus and Villa La Jolla Drive, effective between the hours of 8:00 a.m. and 4:00 p.m., Saturdays, Sundays, and certain holidays excepted, pursuant to authority conferred by and in accordance with the provisions of Section 86.04 of the San Diego Municipal Code;

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

**CITY MANAGER SUPPORTING INFORMATION:**

This action will authorize the City Manager to establish two-hour time limit unmetered parking on both sides of Morning Way between its western terminus and Villa La Jolla Drive. The two-hour time limit zone will be effective from 8:00 a.m. to 4:00 p.m. Monday through Friday, with Saturdays, Sundays, and certain holidays excepted. This action is in accordance with Municipal Code Section 86.04 and Council Policy 200-04, Installation or Removal of Time Limit Parking Zones and Parking Meter Zones.

Morning Way is a residential street fronted by condominium units. The residents expressed concern with long term parking on the street by UCSD students and requested time limit parking. They submitted a petition signed by more than 75% of the residents to initiate a parking study by the City. Staff has conducted a parking duration study, which showed a high level of occupancy and a low turnover of parking on this street. Therefore, time limit parking is recommended. In addition, the University Community Planning Group is in support of this proposal.

**FISCAL IMPACT:**

Fiscal Impact is \$1,800. Funds are not budgeted for this purpose. However, Street Division will reprioritize other maintenance needs in order to complete this project.

Mendes/Belock/VW

FILE LOCATION: MEET

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

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

\* ITEM-107: Commercial Vehicle Prohibition on Rockhurst Drive between College Avenue and Madra Avenue.

(Navajo Community Area. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1257) ADOPTED AS RESOLUTION R-299334



Prohibiting commercial vehicles with a gross vehicle weight rating of over 10,000 pounds from operating on Rockhurst Drive between College Avenue and Madra Avenue, pursuant to San Diego Municipal Code Section 85.04;

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

**CITY MANAGER SUPPORTING INFORMATION:**

This action prohibits commercial vehicles with a rated capacity of five tons or more from using Rockhurst Drive between College Avenue and Madra Avenue. By law, passenger buses, public utility vehicles, and commercial vehicles with an origin or destination on the affected street are exempt from this provision. Alternate routes for commercial vehicles include Navajo Road and Jackson Drive. Council approval is required according to Municipal Code Section 85.04.

The affected section of Rockhurst Drive is residential in nature, and for that reason, the subject restriction is appropriate and will have no adverse impacts to commercial uses. Eighty three percent of residents fronting Rockhurst Drive have petitioned for this action, and staff supports its approval.

**FISCAL IMPACT:**

\$300. Funds are not budgeted for this purpose. However, Street Division will reprioritize other maintenance needs in order to complete this project  
Mendes/Belock/VW

FILE LOCATION: MEET

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

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

**ITEM-250: 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 through	127 to	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 Larry Moratto Day.

**COUNCILMEMBERS PETERS', ZUCCHET'S, AND FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1348)            ADOPTED AS RESOLUTION R-299335

Commending Larry for his continued dedication to serving and protecting the residents of the City of San Diego;

Proclaiming June 14, 2004 to be "Captain Larry Moratto Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:31 p.m. – 2:38 p.m.)

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

- \* ITEM-S401: Additional Funding and Award of Contract for the Construction of La Jolla Village Drive – Torrey Pines Road to Villa La Jolla Drive Project. (La Jolla and University Community Areas. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1353 ) ADOPTED AS RESOLUTION R-299336

Awarding the contract to FCI Constructors, Inc. (FCI), for the construction of La Jolla Village Drive – Torrey Pines Road to Villa La Jolla Drive, CIP-52-452.0, in the amount of \$5,793,153, contingent upon FCI first providing a performance bond and insurance for the Project, in accordance with the bid specifications;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$700,000 from La Jolla Village Drive/Interstate 805 Interchange, CIP-52-485.0, Fund 79001, Facilities Benefit Assessment Fund to La Jolla Village Drive – Torrey Pines Road to Villa La Jolla Drive, CIP-52-452.0, Fund 79001, Facilities Benefit Assessment Fund;

Authorizing the appropriation and expenditure of \$700,000 for La Jolla Village Drive – Torrey Pines Road to Villa La Jolla Drive, CIP-52-452.0, Fund 79001, Facilities Benefit Assessment Fund, exclusively for the purpose of construction of the above Project;

Authorizing the City Manager to replenish the transferred funds of \$700,000 to CIP-52-485.0, La Jolla Village Drive/Interstate 805 Interchange, Fund 79001,

Facilities Benefit Assessment Fund, when the Fiscal Year 2005 North University City Facilities Financing Plan and Fiscal Year 2005 Capital Improvements Program budget are approved.

**CITY MANAGER SUPPORTING INFORMATION:**

The widening of La Jolla Village Drive Project will provide a six (6) traffic-lane prime arterial with sidewalks and bike lanes between North Torrey Pines Road and Gilman Drive and eight (8) traffic-lane prime arterial from Gilman Drive to Villa La Jolla Drive. It also includes a bridge widening and interchange improvements at La Jolla Village Drive/Gilman Drive overcrossing. This project is consistent with both the La Jolla and La Jolla Shores and University City Community Plans, and will improve capacity and safety in the area.

On January 26, 2004, the City Council approved the plans and specifications (R-298806), for the La Jolla Village Drive - Torrey Pines Road to Villa La Jolla Drive. It authorized the City Manager to establish funding and execute a contract for construction. The project was advertised on January 29, 2004, and six bids were received on the bid opening date of March 17, 2004. The lowest responsible bidder was FCI Constructors, Inc., but the amount of the bid was in excess of the construction estimate. Upon further review of the estimate and the bid, and considering recent increases in steel prices and fuel, staff does not believe that re-bidding the project would result in lower bids. Therefore, to award the project, additional funds in the amount of \$700,000 would be needed. Funds for this action are available in the Facilities Benefit Assessment Fund from another project.

**FISCAL IMPACT:**

Funds for this action are available in La Jolla Village Drive/Interstate 805 Interchange, CIP-52-485.0, Fund 79001, Facilities Benefit Assessment Fund. The La Jolla Village Drive/Interstate 805 Interchange, CIP-52-485.0, Fund 79001, Facilities Benefit Assessment Fund will be replenished when the Fiscal Year 2005 North University City Facilities Financing Plan and Fiscal Year 2005 Capital Improvements Plan Budget are approved.

Loveland/Belock/PB

Aud. Cert. 2401149.

FILE LOCATION: CONT-FCI Constructors, Inc.

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

CONSENT MOTION BY INZUNZA 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.

\* ITEM-S402: Ratifying the Bid to Goal Memorandum of Understanding.

(See memorandum from Larry Gardner dated 5/5/2004 and Bid to Goal pamphlet.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-1338)            ADOPTED AS RESOLUTION R-299337

Approving and ratifying the Bid to Goal Memorandum of Understanding (MOU) and authorizing the City Manager to execute the Bid to Goal MOU;

Authorizing the City Manager to accept and approve a responsible Bid submitted in accordance with the terms of the Bid to Goal MOU.

**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:**

As part of the Council action on the Water Rate Case in April 2002 the Water Department was directed to pursue a Bid to Goal effort. The Water Operations Bid to Goal effort was modeled after the highly successful MWWDD program. A consultant was hired to assist in program development. HDR Inc., an engineering consulting firm nationally recognized for assessing and optimizing municipal water systems. Employee-based Performance Improvement Teams worked to develop savings strategies in all functional areas. An employee-based Steering Committee developed the MOU and guided the entire process. Representatives of MEA and AFSCME Local 127 were voting members of the Steering Committee. This two-year effort has culminated in this presentation of the MOU for a five-year Bid to Goal Program.

The competitive assessment revealed that Water Operations is currently operating close to the competitive level identified by HDR. Past efforts within Water Operations have led to about \$50 million in actual cost savings since 1995. These optimization efforts included energy conservation, fleet reductions, the pump-back program, the seasonal storage program, and competition efforts. These past optimization efforts are continuing to pay off.

The Water Operations Bid focuses on cost containment, performance measurement and commits to no staffing increases over the five-year term. The Bid includes savings strategies developed by the performance Improvement Teams that will result in \$1.2 million of savings compared to

five-year budget projections. The MOU and Bid also provide for gainsharing as an incentive to employees to become more entrepreneurial and continue to develop new savings strategies.

A unique aspect of the Water Operations Bid to Goal Program is its link to ISO 14001. The San Diego Water Department will be the first water utility in the nation to link ISO 14001 to Bid to Goal and will be one of the first five water utilities to be ISO 14001 certified. ISO 14001 will establish more structure, more accountability, and better communications that will all assist in achieving Bid to Goal objectives. The Department's commitment to the Environment is expressed in the Bid by making ISO 14001 certification a prerequisite for any gainsharing distributions to employees. The Bid to Goal program supports the Department's mission and vision and approval is recommended.

**FISCAL IMPACT:**

Savings of \$1.2 million are projected over the term of the agreement.

Mendes/Gardner/MS

FILE LOCATION: MEET

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

CONSENT MOTION BY INZUNZA 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.

\* ITEM-S403: San Diego Women's Foundation Day.

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1347) ADOPTED AS RESOLUTION R-299338

Commending all the members of the San Diego Women's Foundation for their continued commitment to improving the quality of life for all San Diegans;

Proclaiming June 10, 2004 to be "The San Diego Women's Foundation Day" in the City of San Diego.

FILE LOCATION: AGENDA

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

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

\* ITEM-S404: Excusing Deputy Mayor Atkins from Attending the Regularly Scheduled Council and Committee Meetings of July 12 to July 28, 2004.

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1357)            ADOPTED AS RESOLUTION R-299339

Excusing Deputy Mayor Toni Atkins from attending the following regularly scheduled meetings, due to her attendance at the Senior Executives State and Local Government program at the Harvard School of Government for their three week intensive training:

1. Council meetings on July 12, 13, 19, 20, 26, and 27, 2004
2. Committee on Public Safety and Neighborhood Services (PS&NS) on July 14 and 28, 2004
3. Committee on Rules, Finance and Intergovernmental Relations (RULES) on July 21, 2004

FILE LOCATION:            AGENDA

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

CONSENT MOTION BY INZUNZA 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.

ITEM-S405: 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.

(Continued from the meeting of June 7, 2004, Item 110, at the request of the City Manager, for further review.)

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

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1154)          ADOPTED AS RESOLUTION R-299340

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:                  DEED F-9750

COUNCIL ACTION:                  (Time duration: 2:48 p.m. – 2:53 p.m.)



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

ITEM-S406: San Diego Data Processing Corporation.

(See City Manager Reports CMR-04-108 and CMR-04-090, memorandum from Rey Arellano dated 5/17/2004, letter from Andrea L. Johnson dated 5/7/2004, letter from Roger Talamantez dated 5/14/2004, memorandum from Ad Hoc Committee dated 5/5/2004, letter from Dr. Gloria Ma dated 5/5/2004, and letter from Al and Catherine Strohlein dated 5/19/2004.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-1339) CONTINUED TO TUESDAY, JUNE 22, 2004

Delegating the voting proxy of the City as the Member of the SDDPC to the City Manager, without limitation, over matters related to SDDPC;

Declaring that officers and employees of the City shall be eligible to serve as voting members of the SDDPC Board of Directors (Board);

Directing the City Manager to change the Board's composition to include three City staff as part of the seven-member Board: the City's Chief Information Officer (CIO) and two additional staff at the Deputy City Manager or Department Director level;

Directing the Board to confirm the CIO as Chair of the Board;

Directing the SDDPC, its Board, officers and employees, to fully and timely cooperate in all matters related to the City's efforts to develop an implementation plan.

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

On 5/19/2004, RULES voted 5 to 0 to:

A. Approve the following and forward to the full City Council:

1. Delegate the voting proxy of the City, as the sole member of the San Diego Data Processing Corporation (SDDPC), to the City Manager, without limitation, over matters related to SDDPC.
2. Direct that officers and employees of the City shall be eligible to serve as voting members of the SDDPC Board of Directors (Board).
3. Direct the City Manager to change the Board's composition to include three City staff as part of the seven-member Board: The City's Chief Information Officer (CIO) and two additional staff at the Deputy City Manager or Department Director level.
4. Direct the Board to confirm the CIO as Chair of the Board and direct the City Attorney to provide the City Council with a legal opinion on this issue.
5. Direct SDDPC, its Board, officers, and employees to fully and timely cooperate in all matters related to the City's efforts to develop an implementation plan.

B. Approve the following with direction to return to the Rules Committee as indicated:

1. Direct the City Manager to establish a Project Team to take full advantage of the expertise and knowledge of the City and SDDPC staff. This Project Team will include the City Manager's Office, the City Attorney, SDDPC's General Counsel and specialized outside counsel, and senior SDDPC staff.
2. This Project Team should define the problems and potential solutions, including identifying the necessary consultants and framing the Scope of Work for any objective analysis, and identifying cost savings that could be implemented immediately. This Project Team should provide an unbiased and objective review of all strategic options for Information Technology (IT) sourcing for the City's short and long-term IT needs.
3. The Project Team should focus on the four questions posed by the Mayor and be charged with returning comprehensive answers to those questions: What organizational structure will save the taxpayers the most money? What organizational structure will provide the best information technology service? What organizational structure will best prevent future abuse? What are the existing legal obligations and rights of both the City and SDDPC?
4. The City Manager will provide a progress report to the Rules Committee in 90 days and the final Project Team Report will be due back at the Rules Committee in 180 days.

(Mayor Murphy, Deputy Mayor Atkins, Councilmembers Peters, Maienschein, and Madaffer voted yea.)

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:46 p.m. – 2:47 p.m.)

MOTION BY ATKINS TO CONTINUE THIS ITEM TO TUESDAY, JUNE 22, 2004, AT THE REQUEST OF THE CITY MANAGER TO INVESTIGATE LEGAL ISSUES. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S407: Kensington/Normal Heights Branch Library 50<sup>th</sup> Birthday Day.

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1363) ADOPTED AS RESOLUTION R-299324

Commending the staff and volunteers of the Kensington/Normal Heights Branch Library for their outstanding commitment to serving the communities of Kensington and Normal Heights and congratulating the community upon the celebration of the library's 50<sup>th</sup> birthday;

Proclaiming June 14, 2004 to be "Kensington/Normal Heights Branch Library 50<sup>th</sup> Birthday Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:38 p.m. – 2:43 p.m.)

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

\* ITEM-S408: Appointments and Reappointments to the International Affairs Board.

(See memorandum from Mayor Murphy dated 6/7/2004, with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1369) ADOPTED AS RESOLUTION R-299341

Council confirmation of the following appointments and reappointments by the Mayor, to serve as members of the International Affairs Board, for terms expiring as indicated:

<b><u>Reappointments:</u></b>	<b><u>Term Ending</u></b>
Hugh Constant	March 1, 2006
Walter Lam	March 1, 2006
Scott M. Maloni	March 1, 2006
Enrique Morones Careaga	March 1, 2006
Rick Otis	March 1, 2006

<b><u>Appointments:</u></b>	
Edward M. Cramp (Replacing George E. Woodworth, whose term expired)	March 1, 2006
Young Kim (Replacing Ernest "Mike" Choi, who resigned)	March 1, 2005
Feraidoon (Fred) Raafat (Replacing Lance Abbott, who resigned)	March 1, 2005
Gwen K. Young (Replacing Brian B. Frasch, whose term expired)	March 1, 2004

FILE LOCATION: MEET

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

CONSENT MOTION BY INZUNZA TO APPROVE THE APPOINTMENTS AND REAPPOINTMENTS. 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.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 8:46 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 8:44 p.m. – 8:46 p.m.)