

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JUNE 28, 2004
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:16 p.m. Mayor Murphy adjourned the meeting at 3:08 p.m. into Closed Session in the 12th floor Committee Room to discuss pending litigation and potential negotiations.

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 (ek)

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

The invocation was given by Deacon Harry Guess of Christ the King Catholic Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Donna Frye.

FILE LOCATION: MINUTES

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

05/31/2004

06/01/2004

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:18 p.m.)

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

CLOSED SESSION:

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

REFERRED TO CLOSED SESSION ON MONDAY, JUNE 28, 2004

CS-1 *Chargers Football Company, LLC v. City of San Diego*
Los Angeles Superior Court Case No. BC 306758

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.

Mayor Murphy closed the hearing.

FILE LOCATION: AGENDA

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

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

REFERRED TO CLOSED SESSION ON MONDAY, JUNE 28, 2004

CS-2 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

HDCA assigned: Chris Morris

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

Mayor Murphy closed the hearing.

FILE LOCATION: MEET

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

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

REFERRED TO CLOSED SESSION ON MONDAY, JUNE 28, 2004

CS-3 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.

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.

Mayor Murphy closed the hearing.

FILE LOCATION: AGENDA

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

CS-4 Employment, pursuant to California Government Code section 54957(b)(1):

a. Title: City Auditor & Comptroller

REFERRED TO CLOSED SESSION ON MONDAY, JUNE 28, 2004

This matter involves the selection process for the position of City Auditor & Comptroller. In closed session, the City Council will consider candidates for the position.

Mayor Murphy closed the hearing.

FILE LOCATION: AGENDA

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

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

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/14/2004. (Council voted 9-0):

(O-2004-144) ADOPTED AS ORDINANCE O-19295 (New Series)

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: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:33 p.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-51: Amendment to Sublease and Maintenance Agreement with the San Diego Community Foundation Charitable Real Estate Fund.

(City Heights Community Area. District-3.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/14/2004. (Council voted 9-0):

(O-2004-140) ADOPTED AS ORDINANCE O-19291 (New Series)

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.

FILE LOCATION: LEAS – The San Diego Community Foundation
Charitable Real Estate Fund

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:33 p.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-100: Two actions related to Inviting Bids for the Construction of Otay 2nd Pipeline Improvements – Alta View Replacement.

(See memorandum from Larry Gardner dated 5/5/2004. Paradise Valley Community Area. District-4.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-1391) ADOPTED AS RESOLUTION R-299377

Approving the plans and specifications for the construction of Otay 2nd Pipeline Improvements – Alta View Replacement (Project) on Work Order No. 187841;

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 \$1,400,000, 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 \$1,759,000 from Water Revenue Fund 41500, CIP-73-286.0, Otay 2nd Pipeline Improvements, and \$80,000 from Water Revenue Fund 41500, CIP-73-331.0, Annual Allocation – Pooled Contingency, solely and exclusively, for the purpose of providing funds for the Project and related costs, contingent upon the passage of the Fiscal Year 2005 Capital Improvement Program Budget and Appropriation Ordinance, 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;

Declaring that an amount not to exceed \$15,000 in easement/right-of-way costs is available in Water Fund 41500, CIP-73-286.0, Otay 2nd Pipeline Improvements;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K042178)

Subitem-B: (R-2004-1392) ADOPTED AS RESOLUTION R-299378

Stating for the record that the information contained in the final Environmental Impact Report (EIR), Project No. 5503 (EIR LDR No. 42-0955, SCH No. 2003011124), 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 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 above project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

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

SUPPORTING INFORMATION:

The Otay 2nd Pipeline was originally constructed to convey water 19 miles from the Otay Water Treatment Plant to University Heights Reservoir in North Park. Built from 1928 to 1930, the pipeline continues to serve as a lifeline, moving up to 20 million gallons per day north and south between Alvarado and Otay service areas. The primary objective of the Otay 2nd Pipeline Improvements Project is to maintain a reliable source of potable water through maintenance, repair, or replacement of the existing pipeline. The Alta View Replacement Phase is one of the eight phases of the Otay 2nd Pipeline Improvements Project. This project is part of the Compliance Order mandated by the State of California, Department of Health Services.

This project consists of construction of approximately 1,305 linear feet of 48-inch steel pipe and installation of 1,015 linear feet of 12-inch PVC pipe. The existing 36-inch Otay 2nd Pipeline is located in a narrow easement between rows of houses along Alta View Drive. This location lacks adequate access and makes maintenance or repair nearly impossible due to the narrow easement and uneven terrain. It is imperative that pipeline be relocated in order to remove the risk of collateral damage in the event of pipeline failure. The new 48-inch steel pipe will be installed in the City right of way along Alta View Drive.

The 12-inch PVC will be installed in the street parallel to the new 48-inch line. This pipeline will provide a more reliable water supply to approximately 30 houses along Bougainville Road by connecting these houses to a major distribution zone in the area.

The Water Department is seeking approval to advertise for bids on the Alta View Pipeline Phase of the project. The construction of this project will: 1. Eliminate potential danger of sudden pipe break and any risk to the community. 2. Eliminate potential repair cost. 3. Installation of pipes within the City Right of Way. 4. Extend the service life of the Otay 2nd Pipeline well into 21st Century. 5. Provide more reliable water supply to the community.

FISCAL IMPACT:

Total estimated cost of this project is \$1,839,000. The amount of \$1,759,000 is available in FY 2005, from the Water Fund 41500, CIP-73-286.0, Otay 2nd Pipeline Improvements and \$80,000 is available from the Water Fund 41500, CIP-73-331.0, Pooled Contingency.

Mendes/Gardner/ML

FILE LOCATION: CONT – TC Construction Co., Inc.; W.O. 187841

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:33 p.m.)

CONSENT MOTION BY ATKINS 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-101: Two actions related to Inviting Bids for the Construction of Otay 2nd Pipeline Improvements – Cathodic Protection Phase.

(See memorandum from Larry Gardner dated 3/9/2004. Skyline-Paradise Hills, Greater North Park, Encanto, and Otay Mesa Community Areas. Districts-3, 4, and 8.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-1389) ADOPTED AS RESOLUTION R-299379

Approving the plans and specifications for the construction of Otay 2nd Pipeline Improvements - Cathodic Protection Phase (Project) on Work Order No. 187001;

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 \$1,060,000, 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 \$1,744,318 from Water Fund 41500, CIP-73-286.3, Otay 2nd Pipeline Improvements - Cathodic Protection Phase, and \$53,000 from Water Fund 41500, CIP-73-331.0, Annual Allocation - Pooled Contingency, solely and exclusively, for the purpose of providing funds for the Project and related costs, contingent upon the passage of the Fiscal Year 2005 Capital Improvement Program Budget and Appropriation Ordinance, 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;

Certifying that an amount not to exceed \$5,000 in easement/right-of-way costs is available in Water Fund 41500, CIP-73-286.3, Otay 2nd Pipeline Improvements – Cathodic Protection Phase;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K042196C)

Subitem-B: (R-2004-1390 Cor. Copy) ADOPTED AS RESOLUTION R-299380

Certifying that Environmental Impact Report (EIR), Project No. 5503 (EIR LDR No. 42-0955, SCH No. 2003011124), 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 report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Project;

Adopting the findings made with respect to the project, pursuant to California Public Resources Code Section 21081 and California Code of Regulations Section 15091, with respect to the project;

Adopting the Mitigation Monitoring and Reporting Program;

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.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 3/17/2004, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

SUPPORTING INFORMATION:

The Otay 2nd Pipeline was originally constructed to convey water 19 miles from the Otay Water Treatment Plant to University Heights Reservoir in North Park. Built from 1928 to 1930, the pipeline continues to serve as a lifeline, moving up to 20 million gallons per day north and south between the Alvarado and Otay service areas. The primary objective of the Otay 2nd Pipeline improvements project is to maintain a reliable source of potable water through maintenance, repair, or replacement of the existing pipeline. The Cathodic Protection Phase is one of the eight phases of the Otay 2nd Pipeline Improvements Project. This project is part of the Compliance Order mandated by the State of California Department of Health Services.

Cathodic protection of the pipeline is needed to prevent the steel from deteriorating (rusting). Through the use of a rectifier, a small electric current is impressed on the pipe to prevent further corrosion. The installation covers total of 58,000 linear feet of the existing pipeline between the Otay Water Treatment Plant and 54th Street. Facilities to update or install a new cathodic protection system include rectifier, test stations, electrical isolation of copper water services, and new coating for 28 exposed sections of the pipeline. Installation of a cathodic protection system will extend the life of existing pipeline and defer costly replacement of these sections.

The Water Department Capital Improvements Program identified the Cathodic Protection Phase as a funded project that will improve the reliability of the City's water system. A Programmatic Environmental Impact Report covering the eight phases of the Otay 2nd Pipeline Project has been prepared and this project is contingent upon Council's approval of the report.

FISCAL IMPACT:

The total estimated cost of this project is \$1,802,318. The amount of \$1,749,318 is available, in FY 2005, from the Water Fund 41500, CIP-73-286.3, Otay 2nd Pipeline Improvements - Cathodic Protection Phase and \$53,000 is available from the Water Fund 41500, CIP-73-331.0, Pooled Contingency.

Mendes/Gardner/ML

FILE LOCATION: CONT – American Const. and Supply, Inc.; W.O. 187001

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:33 p.m.)

CONSENT MOTION BY ATKINS 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: Inviting Bids for the Construction of General Requirements Contract for Water and Sewer Projects.

(See memorandums from Frank Belock, Jr. dated 5/26/2004 and 9/2/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1169 Cor. Copy) ADOPTED AS RESOLUTION R-299381

Approving the plans and specifications for the construction of General Requirements Contract for Water and Sewer Projects (Project) on Work Order No. 002004A;

Authorizing the City Manager, after advertising for bids in accordance with law, to award the General Requirements Contract to the lowest responsible and reliable bidder in an amount less than \$50,000 and not to exceed \$4,000,000, 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 \$500,000 from Water Fund 41500 and \$3,500,000 from Sewer Fund 41506, solely and exclusively, for the purpose of funding the General Requirement Contract, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K042038C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/9/2004, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

SUPPORTING INFORMATION:

The Water and Wastewater Facilities Division has a continuing need for as-needed construction contracts for small accelerated CIP construction projects such as repairs needed for existing sewer manholes, sewer and water main replacements and/or rehabilitations. This General Requirement Contract will enable the Division to achieve its objective of rapidly engaging contractors in critical and necessary work, requested by the operating divisions, while lowering costs. Each GRC is competitively procured using a request for bids and has a pre-established maximum dollar amount not to exceed \$4,000,000. When work is ordered by task order, the contractor and the City representative meet to scope the work and prepare a task order with unit prices in accordance with the contract. Work is accomplished by the issuance of individual task orders to the contract. The City is under no obligation to guarantee and give work to the contractor, therefore, the contractor will have an incentive to deliver quality work in a timely fashion in order to get additional work.

FISCAL IMPACT:

The total estimated construction contract cost is \$4,000,000, of which \$500,000 is available in Water Fund 41500, and \$3,500,000 is available in Sewer Fund 41506, for this purpose.

Loveland/Belock/HR

WWF-04-661.

FILE LOCATION: CONT – KTA Construction, Inc.; W.O. 002004A

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:33 p.m.)

CONSENT MOTION BY ATKINS 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-103: Establishment of New Rates, Fees, and Adjustments to Existing Rates and Fees for Inclusion in the Rate Book.

(See City Manager Report CMR-04-107.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1384 Cor. Copy) ADOPTED AS RESOLUTION R-299382

Approving the establishments of new rates, fees, and adjustments to existing rates and fees for inclusion in the Rate Book of City fees and charges maintained in the Office of the City Clerk.

CITY MANAGER SUPPORTING INFORMATION:

As part of the FY05 budget process and consistent with the City's policy on budgetary cost recovery principles, the City Manager directed staff to conduct a full evaluation of the costs and revenues associated with providing City services. This effort is in accordance with the California Constitution, as well as the State Government Code which authorize local jurisdictions to impose fees, charges, and rates in order to recover costs associated with providing services and the use of facilities.

On May 25 and June 14, 2004, public hearings were held by the Council of the City of San Diego to consider the establishment of new rates and fees and adjustments to existing rates and fees. The Mayor and City Council approved a number of new and revised fees, some of which require a resolution to be approved in order to transfer the references to the standardized Rate Book maintained by the City Clerk, pursuant to Administrative Regulation 95.25. The Resolution includes the following rates and fees: Fire Company Inspection Program Fees, Special Survey Fees, Curb Installation, Disabled Parking Violation Fine, Disabled Parking Violation Processing Fee, Sidewalk Disabled Access Ramp Parking Violation Fine, Trailer Parking Violation Fine, NSF Processing Fee, Business Tax Processing Fee, Ground Use Fees, Instructional Camp Fees, and Police/Traffic Control Rates for Commercial Events and Other Activities.

Herring/Murray/Wormser

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:33 p.m.)

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

- * ITEM-104: Participation Agreement with San Diego Revitalization Corporation for the Design and Construction of the Wastewater Mains 39th Street Village Sewer Project (Metro Career Center).

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-705) ADOPTED AS RESOLUTION R-299383

Authorizing the City Manager to enter into a Participation Agreement with San Diego Revitalization Corporation, for reimbursement of costs associated with the design and construction of approximately 2,800 linear feet of 8" sewer main at the Metro Career Center for an amount not to exceed \$287,661;

Authorizing the expenditure of an amount not to exceed \$318,661 from Sewer Revenue Fund No. 41506, CIP-44-001.0, Annual Allocation Sewer Main Replacement, solely and exclusively, for the purpose of funding the Participation Agreement, in-house engineering, and related costs.

Subitem-B: (R-2004-706) ADOPTED AS RESOLUTION R-299384

Declaring that the information contained in Mitigated Negative Declaration, LDR File No. 41-1089, including any comments received during the public review process, has been reviewed and considered by this Council in connection with the sewer main replacement at the Metro Career Center;

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

CITY MANAGER SUPPORTING INFORMATION:

As a condition of the development of Metro Career Center (Metro Villas), described in the site plan ("Development"), San Diego Revitalization Corporation (the Developer) was required to make improvements to the public wastewater system at 39th Street Village Sewer Project (Metro Career Center) in San Diego.

The improvements have been completed to the satisfaction of the City Engineer. Said public wastewater system improvements include the installation of approximately 2,800 linear feet of 8" PVC sewer main, and abandonment of an existing 6" sewer main. These public wastewater system improvements were necessary and are for the benefit of City as a whole. The City urgently needs to expedite additional public wastewater improvements adjacent to and downstream of the Development because the existing sewer main has completely deteriorated and cannot accommodate additional flow.

Because the project conformed with Council Policy 400-6, and the sewer work needed to be done as a first item of work, the Developer moved forward with the construction at his own risk, without an agreement for reimbursement, considering the substantial mutual benefit between the agencies. The City is under no obligation to approve the subject Participation Agreement. The Developer understood the risk of proceeding prior to the City Council authorization.

Staff recommends reimbursement of one hundred percent (100%) of the construction of the offsite wastewater improvements. The Developer has replaced and paid for 100% of the sewer improvements in the frontage of their project. All sewer work is completed to the satisfaction of the City Engineer and the Metropolitan Wastewater Department, except that reimbursement cost shall not in any case exceed \$287,661.

FISCAL IMPACT:

The total estimated cost of this project is \$318,661. Funding is available for this project in Fund 41506, CIP-44-001.0, Annual Allocation Sewer Main Replacement for the purpose of construction of the 39th Street Village Sewer Project (Metro Career Center).

Ewell/Christiansen/HRB

Aud. Cert. 2400656.

FILE LOCATION: CONT-San Diego Revitalization Corporation

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:33 p.m.)

CONSENT MOTION BY ATKINS 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-105: FY 2004 National Endowment for the Arts Challenge America Access to the Arts Folk and Traditional Arts Website Project.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1383) ADOPTED AS RESOLUTION R-299385

Authorizing the City Manager to apply for and accept the NEA Challenge America: Access to the Arts Program grant funds (the NEA Grant Funds) in the amount of \$15,000 for the Folk and Traditional Arts Program Website Project (Project) in Fiscal Year 2004 to implement the Project and related activities;

Authorizing the City Manager to expend the NEA Grant Funds in an amount not to exceed \$15,000 and matching funds in an amount not to exceed \$15,000, for a total amount not to exceed \$30,000, solely and exclusively, for the Project and related activities, contingent upon the City Auditor and Comptroller first issuing one or more certificates certifying that funds necessary for expenditures are, or will be, on deposit with the City Treasurer.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego Commission for Arts and Culture (Commission) has received a grant in the amount of \$15,000 (Fifteen Thousand Dollars) from the National Endowment for the Arts (NEA) Challenge America: Access to the Arts Program to support the Folk and Traditional Arts Program Website Project (Project.) The Project will expand the Commission's existing web pages on the City's website to promote and build public awareness of folk and traditional arts in the San Diego region by providing a directory of local folk and traditional artists and resources.

It is part of the Commission's efforts to expand the services it provides the local arts community and increase public access to folk and traditional arts and culture.

Grant and matching funds will be used to hire a project coordinator and a web design consultant in addition to any costs incurred interdepartmentally (IT&C) for website development.

FISCAL IMPACT:

A 1:1 cash match is required. The matching funds in their entirety are available in the Commission's FY04 administrative budget.

The grant period is between June 1, 2004 and May 31, 2006.

Herring/Hamilton/VS

Aud. Cert. 2401157.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:33 p.m.)

CONSENT MOTION BY ATKINS 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-106: Grant Application for California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 Resources Bond Per Capita for Rancho Bernardo Community Park Dog Off-Leash Area (Project).

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1241) ADOPTED AS RESOLUTION R-299386

Authorizing the City Manager to apply to the State of California (SOC) for the Grant for the 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 SOC's grant requirements;

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

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

Authorizing upon receipt of a fully executed grant agreement, an increase of \$473,500 to the Fiscal Year 2004 Capital Improvement Program Budget, CIP-29-598.0, Rancho Bernardo Community Park Dog Off-Leash Area;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$473,500 from CIP-29-598.0, Rancho Bernardo Community Park Dog Off-Leash Area, for construction of the Rancho Bernardo Community Park Dog Off-Leash Area, upon receipt of a fully executed grant agreement.

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 will receive 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.

On February 20, 2004, the City entered into a contract with the State of California for the 2002 Resources Bond Act Per Capita Grant Program. The City's allocation is intended for acquisition and development of neighborhood, community and regional parks and recreation lands and facilities.

This action authorizes the City Manager to apply for \$473,500 in grant funds, appropriated by the State of California as a portion of the City of San Diego's population-based allocation from the 2002 Resources Per Capita Bond. The funds will be used for the design and construction of Rancho Bernardo Community Park Dog Off-Leash Area, located at the southeast corner of Rancho Bernardo Community Park, see location map. Project costs include the purchase of the

and, professional design services, site development permit and environmental document, and the construction of the Dog Off-Leash area. Amenities include disabled access, additional parking, new concrete walk to the three new dog pens, fencing, lighting, benches, and landscaping.

FISCAL IMPACT:

The estimated total cost of the project is \$760,000. The City will receive \$473,500 from Prop 40, \$285,000 from Prop 12 Park Bond (previously authorized) and \$1,500 from Council District Infrastructure fund (previously authorized), for capital improvements to Rancho Bernardo Community Park Dog Off-Leash Area, CIP-29-598.0. No local matching funds are required for this grant proposal.

Herring/Oppenheim/AP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:33 p.m.)

CONSENT MOTION BY ATKINS 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-107: Parcel Map Work Order No. 421075 Including Landscaping Easement and Building Restricted Easement Vacations.

(Torrey Hills Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1380) ADOPTED AS RESOLUTION R-299387

Approving Parcel Map W.O. No. 421075, being a lot line adjustment of Parcels 1 and 2 of Parcel Map No. 18946;

Declaring that the landscaping easement granted to the City of San Diego per Parcel Map No. 18946 recorded April 19, 2002 over all of Parcel 2 of said map and the building restricted easement granted per Parcel Map No. 18045 over

Parcel 2 of Parcel Map No. 18946 are not shown within the Parcel Map because they are vacated, pursuant to Subdivision Map Act Section 66445(j).

CITY MANAGER SUPPORTING INFORMATION:

This 14.638-acre map proposes a lot line adjustment between two parcels. This parcel map is located in the Torrey Hills Community Plan area, southeasterly of Carmel Mountain Road and Vista Sorrento Road in Council District 1. This map requires City Council approval because a landscaping easement and a building restricted easement are being vacated on the map.

The landscaping easement being vacated was granted on Parcel Map No. 18946 and the building restricted easement was granted per Parcel Map 18045. Both easements were shown on Parcel Map 18946, which was intended to provide one parcel for a school site and one for slopes. The purpose of this parcel map is to adjust the lot lines so that they coincide with the grading plans for the school on Parcel 1. New landscaping and building restricted easements are being granted on the map, placing all the slopes within Parcel 2, which the Master Home Owners Association in Torrey Hills will maintain. Staff has determined that the revised map is consistent with all previously approved permits. This lot line adjustment map does not create any new lots or allow for greater development density. Therefore, there is no expected traffic impact. There are no park fees due in connection with this project.

FISCAL IMPACT:

None.

Loveland/Broughton/GRB

FILE LOCATION: DEED F-9759

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:33 p.m.)

CONSENT MOTION BY ATKINS 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-108: Excusing Councilmember Jim Madaffer from Attending the Regularly Scheduled Council and Rules Committee Meetings of July 19 to July 21, 2004.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1382) ADOPTED AS RESOLUTION R-299388

Excusing Councilmember Jim Madaffer from attending the following regularly scheduled meetings:

1. Closed and Open Session of the City Council meetings on July 19 and 20, 2004.
2. Committee on Rules, Finance and Intergovernmental Relations meeting on July 21, 2004.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:33 p.m.)

CONSENT MOTION BY ATKINS 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-109: Venice Pizza House 50th Anniversary Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-1385) ADOPTED AS RESOLUTION 299389

Congratulating Venice Pizza House on 50 years of providing outstanding food and service;

Proclaiming June 12, 2004 to be "Venice Pizza House 50th Anniversary Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:33 p.m.)

CONSENT MOTION BY ATKINS 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-110: Sister Linda Lutz Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-1395) ADOPTED AS RESOLUTION R-299390

Commending Sister Linda for her outstanding commitment to serving the community of San Diego and congratulating her upon her retirement as principal of Our Lady of the Sacred Heart School;

Proclaiming June 10, 2004 to be "Sister Linda Lutz Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:33 p.m.)

CONSENT MOTION BY ATKINS 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-111: Creation of a Sister City Between San Diego, California and Jalalabad, Afghanistan.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1346) ADOPTED AS RESOLUTION R-299391

Declaring that the Council of the City of San Diego expresses its desire to be a Sister City to Jalalabad, Afghanistan, and accepts the mutual desire of the Mayor of the City of Jalalabad, the Honorable Abdul Razzaq Arsalai, to seek Sister City partnership affiliation together.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:33 p.m.)

CONSENT MOTION BY ATKINS 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-200: **NOTE:** This item has been pulled.

ITEM-250: Notice of Pending Final Map Approval – 4034 Florida 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 “4034 Florida Street” (T.M. Waiver No. 10093), a copy of which is available for public viewing at the Office of the San Diego City Clerk. Said project is located northwesterly of Lincoln Avenue and Florida Street in the Greater North Park Community Plan Area in Council District 3. 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: 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: San Diego Surf Cup Days.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-1420) ADOPTED AS RESOLUTION R-299376

Proclaiming July 24-26, July 31, August 2, and November 26-28, 2004 to be "San Diego Surf Cup Days" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:34 p.m. – 2:38 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.

ITEM-S401: Harold K. Brown Day.

COUNCILMEMBER LEWIS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-1411) CONTINUED TO MONDAY, JULY 12, 2004

Commending Harold K. Brown as Founder of the San Diego State University Center for Community Economic Development (CED) and for his years of leadership and excellent community economic development work throughout the City of San Diego and the surrounding region;

Proclaiming June 28, 2004 to be “Harold K. Brown Day” in the City of San Diego.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:39 p.m. – 2:39 p.m.)

MOTION BY LEWIS TO CONTINUE TO MONDAY, JULY 12, 2004 TO ALLOW MR. BROWN TO BE PRESENT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S402: Appointments and Reappointments to the Wetlands Advisory Board.

(See memorandum from Mayor Murphy dated 6/18/2004, with resumes attached.)

MAYOR MURPHY’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1399) ADOPTED AS RESOLUTION R-299392

Council confirmation of the following appointments and reappointments by the Mayor of the City of San Diego, to serve as members of the Wetlands Advisory Board, for terms ending as indicated, and representing categories as indicated:

<u>NAME</u>	<u>TERM ENDING</u>	<u>CATEGORY</u>
Michel A. Boudrias (reappointment)	July 1, 2006	Vernal Pools Expert
Eric Bowlby (reappointment)	July 1, 2006	Environmental Organization

H. Lawrence Serra July 1, 2006 Land Use Expert
(replacing Diana Saucedo,
who resigned)

Judith A. St. Leger July 1, 2006 Wetlands Scientist
(replacing Paul K. Dayton,
who resigned)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:33 p.m.)

CONSENT MOTION BY ATKINS 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-S403: Third Amendment to the Service Maintenance Agreement with Cybertech Systems Inc., for Street Division's Work Management System "Project Synergy."

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1287) ADOPTED AS RESOLUTION R-299393

Authorizing the City Manager to execute a Third Amendment to the Service Maintenance Agreement with CyberTech Systems, Inc., for enhancing Street Division's Work Management System known as "Project Synergy" to allow tracking of estimated crew hours for each project and compare these to actual hours performed, which would provide reports which will be used to benchmark activities with both private and public agencies, as well as measure crew efficiency (Project), under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$120,000 from Street Operating Fund, Fund No. 10440, for the purpose of providing funds for the above referenced Project.

CITY MANAGER SUPPORTING INFORMATION:

The City entered into an agreement with CyberTech Systems Inc. (CyberTech) on November 25, 2002 for professional services to examine system configurations, business operations, recommend solutions for improvement and assist in the implementation of the solutions for Street Division's Inventory & Work Management System known as Project Synergy.

On July 17, 2003, the First Amendment to the Agreement with CyberTech was authorized for professional service required to continue the implementation of configuration changes, business process changes and minor system modifications needed to increase the efficiency of Project Synergy.

On September 19, 2003, the Second Amendment to the Agreement with CyberTech was authorized for professional services required to develop Intranet and Internet applications, a GPS Street Sweeping Application which tracks street sweeping work, a mobile application, and continuing configuration and business process changes.

The Third Amendment to the Agreement with CyberTech will provide the professional services required to implement one of the recommendations made by the Zero Based Management Review Committee (ZBMR). Street Division concurs with ZBMR's recommendation to enhance Project Synergy to allow tracking of estimated crew hours for each project and compare these to actual hours performed. This functionality would provide reports which will be used to benchmark activities with both private and public agencies, as well as measure crew efficiency. Additionally, CyberTech will continue to provide regular maintenance and support to Project Synergy to obtain optimal performance of the system.

FISCAL IMPACT:

The Third Amendment will increase the fee from \$342,000 to \$462,000. Funds for this purpose are available in the FY 2004 Street Division Operating Fund 10440.

Sierra/Mendes

Aud. Cert. 2401093.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:33 p.m.)

CONSENT MOTION BY ATKINS 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-S404: Second Amendment to the Memorandum of Understanding (MOU) with San Diego Unified School District for the City of San Diego's "6 to 6" Extended School Day Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1506) ADOPTED AS RESOLUTION R-299394

Approving the Second Amendment to the City's Memorandum of Understanding (MOU) with the District extending the term date for two additional months (July 1, 2004 through August 31, 2004) to continue offering San Diego's "6 to 6" Extended School Day programs at year-round schools and summer school sites, and increasing the pass through grant funds by \$660,091;

Authorizing the City Manager to accept additional State of California Department of Education grant funds (After School Education and Safety Program (ASESP) state grant funds) awarded to San Diego's "6 to 6" Extended School Day Program and to enter into agreements to expend these funds beginning July 1, 2004 through August 31, 2004, for an amount not to exceed \$660,091.

Authorizing the City Manager to amend the 2004 Memorandum of Understanding (MOU) with the District to reflect the additional grant funds;

Declaring that the additional funding for the City of San Diego's "6 to 6" program is contingent upon execution of the District's MOU.

Authorizing the City Manager to expend \$114,903 from the City's General Fund to match grant monies to support program activities at sites, which are not grant eligible.

CITY MANAGER SUPPORTING INFORMATION:

San Diego's "6 to 6" Extended School Day Program receives grant funds from the California Department of Education via Memorandum of Understanding (MOU) with San Diego Unified

School District (District). Our current year (FY 2004) MOU expires on June 30, 2004. In order to provide uninterrupted service at year round calendar schools, and to operate summer program at traditional calendar schools, the District has agreed to extend the term of our MOU to August 31, 2004. This extension includes a prorated amount of grant funds totaling \$660,091 to cover operating expenses in July and August 2004. City General Funds of \$114,903 will match the grant monies to support program activities at sites, which are not grant eligible. Matching funds will be expended from within the approved "6 to 6" Program Budget.

Therefore, it is requested that City Council accept these additional grant funds, approve the amendment to our MOU with San Diego Unified School District, and authorize the City Manager to enter into contracts to expend these funds.

This request is contingent upon the Mayor and City Council approval of the Fiscal Year 2005 Annual Budget.

Note: A new FY 2005 MOU will be entered into once final decisions are known about the City's budget and additional State grant funds currently pending with the California Department of Education.

Herring/Cunningham/DFP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:33 p.m.)

CONSENT MOTION BY ATKINS 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-S405: Rescheduling a Rules, Finance, and Intergovernmental Relations Committee Meeting and a Natural Resources and Culture Committee Meeting.

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

Adopt the following resolution:

(R-2004-1412) ADOPTED AS RESOLUTION R-299395

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period January 1, 2004 through December 31, 2004 as follows:

1. That the Natural Resources and Culture Committee meeting of July 14, 2004, is rescheduled to Wednesday, August 4, 2004 at 9:00 a.m.
2. That the Rules, Finance, and Intergovernmental Relations Committee meeting of August 4, 2004, is rescheduled to Wednesday, July 14, 2004 at 9:00 a.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:33 p.m.)

CONSENT MOTION BY ATKINS 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-S406: Adjustment of the City Treasurer's Department Fines and Penalties.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2004-147) INTRODUCED, TO BE ADOPTED MONDAY, JULY 12, 2004

Introduction of an Ordinance amending the San Diego Municipal Code by amending Chapter 3, Article 1, Division 1, by amending Section 31.0131 and by amending Chapter 3, Article 1, Division 3, Section 31.0301, all relating to business regulations, business taxes, permits and licenses.

CITY MANAGER SUPPORTING INFORMATION:

At its May 25, 2004 City Council Meeting, the City Council approved the recommended adjustment of the City Treasurer's Department fines and penalties. Delinquent business and rental unit penalties were increased from \$10 or 10% of the payment due, whichever is greater, to \$25 or 10% of the payment due, whichever is greater. The penalty for operating a business

without registration was increased from \$50 to \$68 for businesses with fewer than thirteen employees and from \$50 to \$250 for businesses with thirteen employees or more.

FISCAL IMPACT:

It is estimated that the increased penalties will produce approximately \$80,000 in new revenues in Fiscal 2005.

Frazier/Vattimo/CEM

FILE LOCATION: NONE

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

MOTION BY ATKINS TO INTRODUCE. 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-S407: Initiate a Community Plan Amendment Process to Facilitate the Model School Project in the City Heights Community.

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

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-1406) ADOPTED AS RESOLUTION R-299396

Initiating the plan amendment process to change the following land use designations:

1. The 6.3-acre Florence Griffith-Joyner Elementary School site, generally bounded by Myrtle Avenue on the north, the alley east of 42nd Street, Thorn Street to the south, and 43rd Street on the east from residential 6-10 du/ac to Elementary School.
2. The 7.93-acre site located at the southeast corner of 42nd Street and Thorn Street from residential 6-10 du/ac to 11-15 du/ac.

3. The 0.60-acre site located at the northeast corner of Redwood Street and Fairmount Avenue and a 0.39-acre site located at the southeastern corner of Redwood Street and Fairmount Avenue from commercial and mixed-use 9 du/ac to commercial and mixed-use 29 du/ac (43 du/ac as a mixed-use bonus).

SUPPORTING INFORMATION:

For several years, a number of community based organizations, governmental agencies, residents and stakeholders of the City Heights community have been working to redevelop the community and improve the quality of life in this portion of San Diego, California. In 1998, the voters passed Proposition MM, which approved the San Diego Unified School District's ("District") largest bond issue ever for the modernization of existing schools and the construction of new schools in areas of need. The City Heights community has suffered from overcrowded school facilities and thus four new schools are currently being developed in City Heights. Since City Heights is a highly developed and relatively dense urban area, the development of the four new elementary schools has required the District to remove over 700 housing units, most of them "affordable". Many residents and entities active in City Heights' revitalization have identified the removal of so much affordable housing and displacement of City Heights residents as a critical problem that needs to be addressed in a comprehensive and innovative way. To address these concerns, the San Diego Model School Development Project is envisioned as a revitalization of a portion of the City Heights Community by developing a new neighborhood center which has a new elementary school as the focus of the neighborhood. The elementary school would serve as the neighborhood focal point and gathering place, by providing community amenities that would foster livability within the neighborhood as well as utilize smart growth principles of concentrating growth in areas where existing infrastructure is available.

The San Diego Model School Development Agency ("SDMSDA") is a Joint Powers Authority, which was created by its members in 2002, for the purpose of developing the Model School Project in the City Heights community. The SDMSDA members are the City of San Diego, the Redevelopment Agency of the City of San Diego, the Housing Authority of the City of San Diego, and the San Diego Unified School District. A community representative is also on the Board of Directors.

The project team assembled by the Program Manager, together with the SDMSDA member agencies collaborated with community members and City Heights residents to explore developing a true community school where a wide range of community oriented services are integrated with an elementary school. From August 2003 through March 2004, an extensive community outreach program included 24 public meetings and various workshops. On April 1,

2004, the SDMSDA voted unanimously to select the Florence Griffith-Joyner elementary school study area as the preferred location for the potential City Heights Model School Project.

The proposed resolution, submitted by the City of San Diego Redevelopment Agency on behalf of the SDMSDA, would initiate the process to amend the Mid-City Communities Plan in order to consider the necessary land use modifications to the existing Community Plan which would allow for the potential development of the Model School Project in the City Heights community. Specifically, the draft resolution proposes the following actions relevant to the Council initiating the CPA for the Model School Project:

1. Amend the Mid-Cities Communities plan to create the Model School Project around the Florence Griffith-Joyner Elementary School;
2. Amend existing zoning to be consistent with the land uses contemplated by the Model School Project;
3. Amend the City Heights Redevelopment Project Area Plan to accommodate the Model School Project;
4. Make other appropriate updates and changes needed to make the Mid City Communities Plan up-to-date and consistent with the relevant community and redevelopment goals of the Model School Project.

Deputy Mayor Atkins has requested initiation of this CPA in order to be expeditious in response to concerns that the proposed Model School project keep pace with the development of the SDUSD Florence-Griffith Joyner Elementary School project, which is at the heart of this proposed redevelopment project.

The Agency acknowledges that this requested action does not constitute an approval of the CPA application (nor the project) but merely initiates the analysis process, authorizing staff to proceed with public outreach, extensive community review, and environmental analysis.

Atkins

FILE LOCATION: LAND-Mid-City Communities Area, Initiate a Community Plan Amendment Process to Facilitate the Model School Project (10)

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:52 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: All-Inclusive Agreement with San Diego County Water Authority for Conveyance of Real Property Interests for the Construction of the Rancho Penasquitos Pressure Control and Hydroelectric Facility and the San Vicente Pipeline.

(Mira Mesa Community Planning Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1410) ADOPTED AS RESOLUTION R-299397

Authorizing the City Manager to execute an All-Inclusive Agreement and to take all actions necessary to complete the Exchange of property and the purchase and sale of Real Property Rights with the San Diego County Water Authority, for construction of the Rancho Penasquitos Pressure Control and Hydroelectric Facility and the San Vicente Pipeline, on the terms and conditions set forth in the All-Inclusive Agreement;

Authorizing the City Manager to execute a three-year License Agreement with the San Diego County Water Authority for a temporary construction staging area on approximately 1.8 acres at an annual rent of \$1,000 (which rent amount is part of and not in addition to the \$400,000 payment to be made by CWA under the terms of the All-Inclusive Agreement), and on such other terms and conditions as are substantially set forth in the form of License Agreement;

Authorizing and directing the City Auditor and Comptroller, upon receipt of the \$400,000 payment from CWA, to deposit \$397,000 to Facilities Benefit Assessment Fund No. 79006 and \$3,000 of pre-paid rent on the License Agreement to General Fund 100.

CITY MANAGER SUPPORTING INFORMATION:

In 1989 the City acquired the 60 acre parcel that is now known as Canyon Hills Park from Barrett American, Inc., a residential developer for \$13,975,000 using funds from the Mira Mesa and Miramar Ranch Facilities Benefit Assessment Funds ("FBA") and \$500,000 from the City's General Fund Capital Outlay Fund which was ultimately reimbursed by the FBA. The land is currently designated open space.

On May 26, 1998, the City Council approved the Agreement between the San Diego County Water Authority (CWA) and the City of San Diego for the San Vicente Reservoir expansion phase of the Emergency Storage Project (ESP) (Document No. 00-18521-1). In compliance with the Agreement, CWA requires an approximately 4.59 acre portion of the above referenced 60 acre City owned Canyon Hills Open Space Park to construct the Rancho Penasquitos Pressure Control and Hydroelectric Facility (RPPCHF). The approximate 4.59 acres consists of: (a) 2.31 acres in fee, (b) 2.282 acres in permanent easement. Additionally, 2.56 acres will be required for short term use: (a) .76 acre temporary construction easement for a three (3) year term, and (b) a temporary three (3) year Right of Entry Permit is required for an approximate 1.8 acre site. The purpose of the ESP is to expand the San Diego region's water storage capacity to meet the emergency needs of the region.

All Inclusive Agreement Summary

The terms of this transaction are set forth in an All-Inclusive Agreement and are as follows: (1) City will exchange approximately 2.31 acres of open space for approximately 2.34 acres of CWA owned open space in fee which is surrounded by City owned property which is contiguous to Canyon Hills Park. CWA will be reserving an underground pipe easement on their 2.34 acres parcel being conveyed to the City, (2) CWA will compensate the City \$397,000 for the balance of the approximate 3.042 acres which is required for both the permanent and temporary easements. In addition to the monetary compensation, the All-Inclusive Agreement requires that the CWA provide certain non-monetary improvements: (a) CWA will improve Alemania Rd. as a trail, (b) install picnic benches at the top of the trail, (c) construct shared parking, and (d) install a monument sign. CWA will compensate the City an additional \$3,000 for the temporary Right of Entry permit on the 1.8 acre portion of the property.

Herring/Griffith/JAB

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:39 p.m. – 2:40 p.m.)

MOTION BY MAIENSCHHEIN 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-S409: Four actions related to Submitting to the Voters a Ballot Proposition Amending San Diego City Charter Adding Section 216.1, "Access to Government Information."

(See City Clerk's Office Report No. 04-02, memorandum from Lisa Foster dated 5/13/2004, and letter from Terry Francke dated 6/8/2004.)

TODAY'S ACTIONS ARE:

Introduce and adopt the following ordinance in Subitem A, and consider Subitems B, C, and D:

Subitem-A: (O-2004-152) INTRODUCED AND ADOPTED AS
ORDINANCE O-19292 (New Series)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide General Election to be held on November 2, 2004, one proposition amending the City Charter by adding Section 216.1, entitled "Access to Government Information".

NOTE: 6 votes required pursuant to Section 17 of the City Charter.

Subitem-B: DIRECTION GIVEN

In the matter of Council direction regarding the City Attorney's impartial analysis of the ballot measure.

Subitem-C: DIRECTION GIVEN

In the matter of Council direction regarding the City Manager's fiscal analysis of the ballot measure.

Subitem-D: DIRECTION GIVEN

In the matter of Council direction regarding authorship of the ballot argument.

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

On 6/16/2004, Rules voted 5 to 0 to refer this item to the City Council without comment.
(Councilmembers Peters, Atkins, Maienschein, Madaffer, and Mayor Murphy voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:57 p.m. – 3:06 p.m.)

MOTION BY FRYE TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCE IN SUBITEM A WITH DIRECTION BY COUNCIL MEMBER FRYE THAT ON SUBITEM D, SHE BE GRANTED AUTHORITY BY THE CITY COUNCIL TO WORK ON THE BALLOT ARGUMENT WITH MEMBERS OF THE RIGHT TO KNOW COMMITTEE. REQUEST THAT A FINANCIAL ANALYSIS BE INCLUDED IN THE BALLOT BOOK AND THAT THE CITY ATTORNEY PROVIDE AN IMPARTIAL ANALYSIS OF THE BALLOT MEASURE. 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-S410: Youth Opportunity Act Grant Funds for "Youth Work Experience Program."

(Barrio Logan, Centre City East, Chollas View, City Heights, Golden Hill, Grant Hill, Logan Heights, Memorial, Mountain View, Mt. Hope, Oak Park, Sherman Heights, Stockton, and Webster Community Areas. Districts-2, 3, 4, 7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1403) ADOPTED AS RESOLUTION R-299398

Authorizing the City Manager to accept and expend \$128,199 in Youth Opportunity Act grant funds to pay the salaries of the 132 "Youth Work Experience Program" participants to be placed into temporary City jobs;

Authorizing the City Manager to enter into agreements with each of the participating community-based organizations: Episcopal Community Services

(\$38,848), Home-Start (\$11,655), and Metro United Methodist Urban Ministry (\$77,696).

CITY MANAGER SUPPORTING INFORMATION:

For the past twenty-four years, many City departments have provided summer employment opportunities through Hire-A-Youth, student internship and other youth employment programs. These programs have offered valuable training, work experience, and a source of income to thousands of youth. As well, City departments have been able to supplement their workforce, develop potential future permanent employees, and even begin the process of growing our community's future leaders. Generally, participants work 20-30 hours per week for six to eight weeks during the summer months.

Youth employment programs have received broad support from City departments. Last summer Councilmembers Atkins and Lewis sponsored a City Council Resolution designating August 4, 2003 "Youth at Work Day" in the City of San Diego, an action taken in association with the 2003 Student Work Experience Program. In May, 2004, the City received an "Outstanding Contribution to San Diego's Youth" employer award from the San Diego Workforce Partnership at it's annual awards luncheon.

The City will receive grant funding for 132 youth employment slots which is significantly more than the 23 slots allotted last summer. The Federal Youth Opportunity Act grant funds are provided through a collaborative that includes the San Diego Workforce Partnership, and three non-profit community-based organizations: Episcopal Community Services, Home-Start, and Metro United Methodist Urban Ministry.

FISCAL IMPACT:

No fiscal impact to the City. The full cost of salaries will be provided by Youth Opportunity Act Grant Funding.

Herring/Cunningham/JH

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:33 p.m.)

CONSENT MOTION BY ATKINS 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-S411: Policy Regarding Payment of Sewer Capacity Charges.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1413) ADOPTED AS RESOLUTION R-299399

Declaring that notwithstanding the adoption of the Capacity Charges pursuant to Resolution No. R-299321, applications for Construction Permits that are Deemed Complete on or before June 30, 2004 shall be subject to the 2004 Rate for only one year from the date such applications for Construction Permits are Deemed Complete.

CITY MANAGER SUPPORTING INFORMATION:

In the past, when new water or sewer capacity charges have been implemented by Council Resolution, it has been the practice of the Development Services Department to toll the fees on the date of application. This practice means that as new capacity fees go into effect on a specific date, for example June 30, all applications deemed complete by the Development Services Department and in process prior to that date, pay from the previous capacity charge fee schedule. All new applications received after June 30 will pay from the new capacity charge fee schedule. Council approval of this action will codify this practice and authorize its application for implementation of revised sewer capacity charges approved by the City Council through Resolution No. R-299321 dated June 8, 2004.

FISCAL IMPACT:

Approval of this action and the codification of past Development Services Department practice will result in a reduction from \$7 million to \$6 million in the projected FY2005 revenue associated with the Capacity Charge increase approved on June 8, 2004.

Mendes/Tulloch/CCB

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:56 p.m. – 2:56 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-S412: Reallocation of Council District One Office Budget Funds.

(La Jolla Community Area. District-1)

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-1414) ADOPTED AS RESOLUTION R-299400

Authorizing the City Auditor and Comptroller to transfer funds in an amount not to exceed \$20,000 from Council District One's Fiscal Year 2004 Annual Budget (Department 021, Fund 100) to the Allocated Reserve Fund (10001) for the La Jolla Shores Lifeguard Enforcement Program;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$80,000 from Council District One's Fiscal Year 2004 Annual Budget (Department 021, Fund 100) to Fund No. 630221, CIP Contributions from Fund No. 100;

Authorizing the appropriation increase of \$80,000 to the Fiscal Year 2004 CIP Budget for Bird Rock Coastal Improvements (CIP-52-717.0);

Authorizing the City Auditor and Comptroller to expend the \$80,000 from Bird Rock Coastal Improvements (CIP-52-717.0) Fund No. 630221, CIP Contributions from Fund No. 100;

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

SUPPORTING INFORMATION:

City Council District One is allocating \$20,000 from its office budget (Dept. 021) to the Fire and Lifeguard Services Beach Ambassador program at La Jolla Shores and \$80,000 from the same fund to the Bird Rock Coastal Improvement Project (CIP-52-717.0).

Ewell/Williams

Aud. Cert. 2401197

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:33 p.m.)

CONSENT MOTION BY ATKINS 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.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:08 p.m. in honor of the memory of:

Arnold Beckman as requested by Council Member Peters.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 3:08 p.m. – 3:10 p.m.)