

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, APRIL 11, 2005
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 2:10 p.m. Mayor Murphy recessed the meeting at 3:25 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:41 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 5:46 p.m. into Closed Session immediately thereafter to discuss pending and potential litigation and meet and confer matters.

ATTENDANCE DURING THE MEETING:

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

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Young-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 Pastor Paul Compton of Christ Lutheran Church.

FILE LOCATION: MINUTES



ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Inzunza.

FILE LOCATION: MINUTES



ITEM-30: The San Diego Union-Tribune Day and San Diego Chargers Day.

MAYOR MURPHY'S AND COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-1029) ADOPTED AS RESOLUTION R-300301

Commending the San Diego Union-Tribune for their ongoing commitment to community service and recognizing their instrumental role in helping to save December Nights;

Proclaiming April 11, 2005, to be "The San Diego Union-Tribune Day" in the City of San Diego.

Subitem-B: (R-2005-1028) ADOPTED AS RESOLUTION R-300302

Commending the San Diego Chargers for their ongoing commitment to community service and recognizing their instrumental role in helping to save December Nights;

Proclaiming April 11, 2005, to be "San Diego Chargers Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:26 p.m.)

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



ITEM-31: Jewish Family Service of San Diego Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-979) ADOPTED AS RESOLUTION R-300303

Recognizing the vital services this organization has provided the citizens of San Diego;

Proclaiming April 11, 2005, to be "Jewish Family Service of San Diego Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:29 p.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschin-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 *Clark v. City*
San Diego Superior Court No. GIC 834061

REFERRED TO CLOSED SESSION ON MONDAY, APRIL 11, 2005

ACA assigned Katz

This case involves a claim filed by an employee of the City of San Diego. In closed session, the City Attorney will brief the Mayor and City Council on the matter and discuss a settlement demand.

FILE LOCATION: AGENDA

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

Mayor Murphy closed the hearing.

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

CS-2 Agency negotiators: Lamont Ewell, Bruce Herring, Mike McGhee

REFERRED TO CLOSED SESSION ON MONDAY, APRIL 11, 2005

Employee organizations: Municipal Employees Association, Local 127
AFSME, AFL-CIO, Local 145 International Association of
Firefighters AFL-CIO, San Diego Police Officers
Association, The Deputy City Attorneys Association of San
Diego

FILE LOCATION: AGENDA

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

Mayor Murphy closed the hearing.

Public employment, pursuant to California Government Code section 54957(b)(1):

CS-3 Title: City Manager

REFERRED TO CLOSED SESSION ON MONDAY, APRIL 11, 2005

FILE LOCATION: AGENDA

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

Mayor Murphy closed the hearing.

CS-4 Conference with Real Property Negotiator, pursuant to California Government Code section 54956.8:

Property:	City-owned property located at 3889 Midway Drive consisting of approximately 8.36 acres and improved under a 55-year ground lease with a 255-unit apartment complex known as Stonewood Garden Apartments (APN 760-102-67)
Agency Negotiator:	William T. Griffith, Real Estate Assets Director
Negotiating Parties:	Lessee, MG Stonewood Garden Apartments, L.P.
Under Negotiation:	Seeking direction pertaining to an unsolicited proposal from MG Apartments for the purchase of the fee property and a condominium conversion of the existing apartment units.

REFERRED TO CLOSED SESSION ON MONDAY, APRIL 11, 2005

DCA assigned: Cusato

This matter involves an unsolicited proposal from MG Apartments to buy out the City's interest in the property. City staff will be seeking direction on whether to negotiate a purchase agreement and, if so, on what terms. If authorized to proceed, and negotiations are successful, City staff will submit the proposed purchase agreement for Council approval.

FILE LOCATION: AGENDA

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

Mayor Murphy closed the hearing.

- * ITEM-100: Maintenance Administrative Fund Expenditure Authorization for the Adams Avenue Maintenance Assessment District and College Heights Maintenance Assessment District.

(College Heights and North Park Community Areas. Districts 3 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-918) ADOPTED AS RESOLUTION R-300304

Authorizing the City Auditor and Comptroller to transfer \$3,500 in Fiscal Year 2005 from Fund No. 70247 (Adams Avenue MAD) to Fund No. 70267 for administrative fees incurred by the City of San Diego in connection with the administration of the Adams Avenue Maintenance Assessment District;

Authorizing the City Auditor and Comptroller to transfer \$10,622 in Fiscal Year 2005 from Fund No. 70266 (College Heights MAD) to Fund No. 70267 for administrative fees incurred by the City in connection with the administration of the College Heights Maintenance Assessment District;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$14,122 in Fiscal Year 2005 from Fund No. 70267 for the administration of the Adams Avenue Maintenance Assessment District and the College Heights Maintenance Assessment District by the City, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available.

CITY MANAGER SUPPORTING INFORMATION:

In an effort to allow property owners to self-manage and procure enhanced services within commercial areas, the Economic Development Division (EDD) of the Community and Economic Development Department assumed responsibility for administering self-managed maintenance assessment districts (MADs) in February of 2004.

The Adams Avenue and College Heights MADs have executed service agreements which have been approved by the City Council and provide for the payment of an administrative fee to EDD (from collected assessment revenue) to fund engineering, auditing, payment processing, budgeting and other services related to the administration of each district. Administrative fees in self-managed maintenance assessment districts range from a minimum of \$3,500 to a maximum of 4% of total assessments.

This action authorizes: 1) the transfer of \$14,122 in administrative funds, in accordance with the executed service agreements, into MAD Administrative Fund 70267 for EDD and 2) EDD expenditure of all funds (\$85,267) in MAD Administrative Fund 70267.

District	Revenue FY 2005 Annual Assessments	City Administration Fee
Adams Avenue	\$50,168	\$3,500
College Heights	265,551	\$10,622
Total	\$315,719	\$14,122

Expenses FY2005		Expense
	CED Administration	\$14,122
	Total	\$14,122

On January 11, 2005, \$71,135 was authorized to be transferred into Fund 70267 to cover City administrative costs for 5 other self-managed MADs administered by EDD. By authorizing the transfer of an additional \$14,122 to Fund 70267, this action authorizes EDD to expend a total of \$85,267 from Fund 70267 in Fiscal Year 2005 for the administration of 7 self-managed maintenance assessment districts.

FISCAL IMPACT:

No fiscal impact to the General Fund.

Frazier/Cunningham/Kawar/LO

Staff: Luis Ojeda – (619) 533-4246
Sharon Matthews

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:19 p.m.)

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

ITEM-101: Regional Public Safety Training Institute Acceptance of Funds.

(Peninsula Community Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-279 Cor. Copy) RETURNED TO THE CITY MANAGER

Authorizing the City Manager to accept \$110,000 from Metropolitan Wastewater-Sewer Fund 41509, to be deposited into Fund 63022, Private and Other Contributions;

Authorizing the City Auditor and Comptroller to appropriate \$110,000 from Fund 63022 into CIP-36-064.0, Police Department, Police and Fire Training Facility-Regional Public Safety Training Institute;

Authorizing the increase of \$110,000 in Fiscal Year 2005 CIP-36-064.0.

CITY MANAGER SUPPORTING INFORMATION:

In October 1998, the City Council approved the Naval Training Center (NTC) Reuse Plan which included a 24-acre parcel for relocating the San Diego Regional Public Safety Training Institute (PSTI) from Miramar College to the site. The PSTI is a Joint Powers Authority (JPA) consisting of the City of San Diego, County of San Diego, and San Diego Community College District. The PSTI provides basic and advanced training for law enforcement, fire, lifeguard, emergency medical, and other public safety personnel. The PSTI also offers private-sector classes in Fire Technology and Administration of Justice through the San Diego Community College District.

On September 2, 2003, the City and the PSTI entered into a lease-option agreement for the City to lease the 24-acre site to the PSTI.

During the planning and construction of Metropolitan Wastewater's (MWWD) Environmental Monitoring and Technical Services Laboratory and the San Diego State University (SDSU) Foundation Laboratory on the adjacent parcel of NTC, it was determined that the existing steam vaults paralleling Spruance Road would require relocation or removal from service. These steam lines provided domestic hot water and heating for the PSTI facilities. Staff from the PSTI, SDSU, and MWWD determined that the most cost effective way to proceed was to demolish the existing vaults and remove them from service.

Both the SDSU and MWWD construction projects benefited by the cost savings that resulted from this decision. To compensate the PSTI for the inconvenience and loss of service, it was agreed that MWWD and SDSU would reimburse the PSTI for a portion of these savings in the amount of \$110,000 (\$55,000 each).

The construction of the Environmental Monitoring Laboratory is complete and SDSU is prepared to begin construction. MWWD has received payment from SDSU as a condition of their development permit and has deposited the funds in a holding account. To reconcile MWWD's construction budget, the need exists to transfer the \$110,000 from their accounts to the PSTI. These funds should be placed into CIP-36-064.0 (Police Department: Police and Fire Training Facility - Regional Public Safety Training Institute), which has been established for funding PSTI's planning and development process.

Planning and permitting for the PSTI is currently underway and expected to be complete within the next year. The final approved site layout will identify buildings to be retained or demolished. As part of the final plan, natural gas or steam will be required within the facilities. These funds will be used to offset costs for planning, permitting, and reestablishing utility services to the facility in the future.

FISCAL IMPACT:

Transfer \$110,000 from MWWD, Fund 41509, to CIP-36-064.0.

Ewell/Lansdowne/JT

Aud. Cert. 2500786.

Staff: John Trent – (619) 533-5729
Mary T. Nuesca

FILE LOCATION: NONE

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

* ITEM-102: Change Order No. 1 with Jenal Engineering Inc. for Chollas Operations Station Fuel System Upgrades Phase III.

(Oak Park Community Area. District 4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1003) ADOPTED AS RESOLUTION R-300305

Approving Change Order No. 1, dated December 17, 2004, with Jenal Engineering, Inc., issued in connection with the contract for Phase III of fuel system upgrades at Chollas Operations Station and Miramar Landfill Operations Station, said contract on file in the office of the City Clerk as Documents Nos. RR-297371 and RR-298849, together with the change therein set forth, amounting to a net increase in the contract price of \$46,766;

Authorizing and directing the City Auditor and Comptroller, in accordance with the Fiscal Year 2005 Annual Appropriation Ordinance, to amend the Fiscal Year 2005 Capital Improvement Program budget by increasing CIP-33-084.0, Underground Hazardous Materials Storage Tanks, by the amount of \$106,286;

Authorizing the City Auditor and Comptroller to transfer the amount of \$106,286 consisting of \$103,931 from Fund No. 50030, Equipment Division, and \$2,355 from Fund No. 41200, Waste Management Enterprise, to Fund No. 30244, CIP-33-084.0, Underground Hazardous Materials Storage Tanks;

Authorizing the expenditure of an amount not to exceed \$106,286 from Fund No. 30244, CIP-33-084.0, Underground Hazardous Materials Storage Tanks, solely and exclusively to provide funds for the above Change Order No. 1 and Phase III of Chollas Operations Station Fuel System Upgrades.

CITY MANAGER SUPPORTING INFORMATION:

Senate Bill 989 (effective January 1, 2000) requires all underground storage tanks (UST) to be tested and certified to meet environmental requirements. The fueling system at Chollas Operations Station must be upgraded and repaired to meet these requirements.

A phase funded contract was awarded to the low bidder, Jenal Engineering via Managers approval in December 2003. This project was advertised as bid package #K041770 in accordance with Council Policy. Phase funding was necessary to expedite the award of the contract and begin the construction of the fuel system upgrades. At that time, only a portion of the total funding was available in CIP-33-084.0 Fund 30244, Underground Hazardous Materials Storage Tank Account.

This action will provide for the approval of the Change Order and also for the transfer of funds from Equipment Division Fund 50030 and Waste Management Enterprise Fund 41200 to the CIP Fund to complete the Chollas Operations Station fuel system upgrades - Phase III portion and upgrades at the Miramar Landfill Operations Station.

FISCAL IMPACT:

Funds are to be transferred in the amount of \$103,931 from Equipment Division Fund 50030 and \$2,355 from Waste Management Enterprise Fund to CIP-33-084.0 Underground Hazardous Materials Storage Tank Fund 30244. Funds will then be expended from CIP-33-0840 in an amount not to exceed \$106,286.

Mendes/Heap/CH

Aud. Cert. 2500793.

Staff: Curtis Huffpower – (858) 573-1266
Grace C. Lowenberg

FILE LOCATION: CONT – Jenal Engineering Inc.

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:19 p.m.)

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

- * ITEM-103: Service Agreement with College Area Economic Development Corporation for Administration of Enhanced Maintenance Services for the College Heights Maintenance Assessment District.

(College Heights Planning Area. District 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-920) ADOPTED AS RESOLUTION R-300306

Authorizing the City Manager, or designee, to execute a Service Agreement (Service Agreement) with the College Area Economic Development Corporation for administration of Contracts for Goods and Contracts for Services for the College Heights Maintenance Assessment District for a one-year period beginning July 1, 2004 in accordance with the San Diego Municipal Code Section 65.0212;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$39,832 from Fund No. 70266 (College Heights MAD) for administrative fees incurred by the College Area Economic Development Corporation in the course of providing services under the Service Agreement, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available.

CITY MANAGER SUPPORTING INFORMATION:

The Maintenance Assessment District Ordinance, San Diego Municipal Code Section 65.0212 paragraph (b)(2), authorizes the City Council to approve a one-year Agreement with non-profit corporations to administer the Contracts for Goods and Contracts for Services in Maintenance Assessment Districts, if the required percentage of property owners have requested it. On April 27, 2004, the majority property owners in the College Heights Maintenance Assessment District (District) requested that their contracts be administered by the "College Area Economic Development Corporation" (Corporation). The Corporation wishes to enter into this Agreement with the City of San Diego from July 1, 2004 to June 30, 2005.

This action will authorize the City Manager to sign and execute the Agreement between the City and the Corporation for a period of one year beginning on July 1, 2004, and ending on June 30, 2005.

1. The Corporation will administer Contracts for Goods and Contracts for Service and prepare financial statements for the District as provided for in the Maintenance Assessment District Ordinance, Landscape and Lighting Act of 1972, and as set forth in the Assessment Engineer's Report dated December 2003 for the College Heights Maintenance Assessment District.
2. The Corporation will perform all duties as set forth in the Agreement under Article I, section B, referred to as Specific Requirements. The Corporation will be reimbursed for these services within fifteen (15) working days from receipt of properly prepared reimbursement requests.
3. The Corporation will be compensated for administration in an amount not to exceed 15% of the Approved FY05 assessments (\$39,832).

FISCAL IMPACT:

Funds are available in the College Heights Maintenance Assessment District (Fund 70266) to reimburse the Corporation for maintenance services. The total approved annual assessments for College Heights MAD in FY 2005 is \$265,551. Under the terms of the agreement, the City will be reimbursed \$10,662 for administrative services from Fund 70266.

Frazier/Cunningham/Kawar/LO

Aud. Cert. 2500863.

Staff: Luis Ojeda – (619) 533-4246
Sharon Matthews

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:19 p.m.)

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

- * ITEM-104: Maintenance Agreement with Adams Avenue Business Association for Administration of Enhanced Maintenance Services for the Adams Avenue Assessment District.

(North Park Community Area. District 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-919) ADOPTED AS RESOLUTION R-300307

Authorizing the City Manager, or designee, to execute a Maintenance Agreement (Maintenance Agreement) with the Adams Avenue Business Association for administration of Contracts for Goods and Contracts for Services for the Adams Avenue Maintenance Assessment District for a one year period beginning July 1, 2004 in accordance with the San Diego Municipal Code Section 65.0212;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$7,525 from Fund No. 70247 (Adams Avenue MAD) for administrative fees incurred by the Adams Avenue Business Association in the course of providing services under the Maintenance Agreement, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available.

CITY MANAGER SUPPORTING INFORMATION:

The Maintenance Assessment District Ordinance, San Diego Municipal Code Section 65.0212 paragraph (b)(2), authorizes the City Council to approve a one year Agreement with non-profit corporations to administer the Contracts for Goods and Contracts for Services in Maintenance Assessment Districts, if the required percentage of property owners have requested it. In May of 1994, the property owners in the Adams Avenue Maintenance Assessment District (District) requested their contracts to be administered by the "Adams Avenue Business Association" (Association). The Association has managed the contracts satisfactorily since the initial Agreement and wishes to continue the current Agreement with the City of San Diego from July 1, 2004 through June 30, 2005.

This action will authorize the City Manager to sign and continue the Agreement between the City and the Association for a period of one year beginning on July 1, 2004 and ending on June 30, 2005.

1. The Association will administer Contracts for Goods and Contracts for Services and prepare financial statements for the District as provided for in the Maintenance Assessment District Ordinance, Landscape and Lighting Act of 1972, and as set forth in the Assessment Engineer's Report for the Adams Avenue Maintenance Assessment District.
2. The Association will perform all duties as set forth in the Agreement under Article I, Section B, referred to as Specific Requirements. The Association will be reimbursed for these services within fifteen (15) working days from receipt of properly prepared reimbursement requests.
3. The Association will be compensated for administration in an amount not to exceed 15% (7,525) of the total approved assessments for FY05. Projected annual assessments for FY05 are \$50,168.

FISCAL IMPACT:

Funds are available in the Adams Avenue MAD (Fund 70247). The approved assessment total for Adams Avenue in FY05 is \$50,168. Under the terms of the agreement, the City will be reimbursed \$3,500 for administrative services from Fund 70247.

Frazier/Cunningham/Kawar/LO

Aud. Cert. 2500862.

Staff: Luis Ojeda – (619) 533-4246
Sharon Matthews

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:19 p.m.)

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

* ITEM-105: Joint Use Agreement Between the City of San Diego and Helix Water District at the Alvarado Water Treatment Plant.

(Navajo Community Area. District 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-999) ADOPTED AS RESOLUTION R-300308

Authorizing the City Manager to execute, a Joint Use Agreement with the Helix Water District, for a 48-inch diameter storm drain, a 36-inch diameter water main, an 8-inch diameter sanitary sewer, and a 4-inch diameter vault drain within the Helix Water District easement under the terms and conditions set forth in the Agreement.

CITY MANAGER SUPPORTING INFORMATION:

It was discovered during construction activities associated with the Alvarado Water Treatment Plant Upgrade and Expansion projects, a number of City of San Diego facilities crossed an easement Helix Water District has on City of San Diego property at Alvarado. Those facilities are: a 48-inch diameter storm drain, a 36-inch diameter water main, an 8-inch diameter sanitary sewer, and a 4-inch diameter vault drain. The Joint Use Agreement will allow both the City of San Diego and the Helix Water District to access their respective facilities for repair and maintenance.

Mendes/Belock/GC

Staff: Vic Bienes – (619) 533-6600
John F. Kirk

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:19 p.m.)

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

- * ITEM-106: Agreement with Montgomery Watson Harza for As Needed Professional Engineering Services for the Metropolitan Wastewater Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-967 Cor. Copy) ADOPTED AS RESOLUTION R-300309

Authorizing the City Manager to execute, for and on behalf of the City, an agreement with Montgomery Watson Harza, for as needed professional engineering services, for the Metropolitan Wastewater Department, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$3,000,000 from Sewer Funds 41506, 41508, 41509, for the purpose of providing funds for the above referenced Agreement;

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

CITY MANAGER SUPPORTING INFORMATION:

The Engineering and Program Management Division of the Metropolitan Wastewater Department (MWWD) provides engineering services for operation upgrades and improvements at our treatment facilities and pump stations and for capital improvement projects. These engineering services are generally provided by City staff. However, from time to time it has been necessary to hire outside consultant staff. The main reasons MWWD has historically utilized as-needed consultants are to access highly specialized expertise which is only needed for infrequent types of projects and to accommodate work load fluctuations and emergencies, where additional staff may only be needed on a short-term basis. MWWD uses professional engineering consultants to provide specialized technical services in the areas of odor control, corrosion, instrumentation and control, mechanical, and electrical engineering. Given the City's current fiscal constraints, it is the intent of MWWD to maximize the use of in house City engineering staff both within MWWD and the City. However, on those occasions when specialized expertise is required, MWWD is recommending the use of an as-needed professional engineering consultant.

In October 2004, MWWD advertised for Professional Engineering Services. Thirteen proposals were received and a selection committee, in compliance with City Council Policy 300-7 was convened. Five companies were short listed and interviewed. Montgomery Watson Harza was selected as the most qualified firm. The proposed contract is for \$3,000,000 over three years. All work will be authorized as-needed, on a task order basis. If no work is authorized, the City is under no obligation to pay the consultant. This contract will provide MWWD with the flexibility to implement work in a timely manner.

FISCAL IMPACT:

The total contract is not to exceed \$3,000,000 for Fiscal Years FY2005-2008. Funds are available in Sewer Revenue Funds 41506, 41508, 41509.

Mendes/Tulloch/PZW

Aud. Cert. 2500818.

Staff: Ann Sasaki – (858) 292-6469
James W. Lancaster

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:19 p.m.)

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

* ITEM-107: Sixth Amendment to the Sewage Disposal Agreement with Lakeside/Alpine and Accepting Funds Under the Agreement.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1014) ADOPTED AS RESOLUTION R-300310

Authorizing the City Manager to execute the Sixth Amendment to the Sewage Disposal Agreement with Lakeside/Alpine (the Sixth Amendment);

Authorizing the City Manager to accept \$3,298,685.34 on behalf of the City under the terms of the Sixth Amendment and deposit the funds in the appropriate sewer fund and revenue account.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego Municipal System provides transportation through our municipal lines to allow other agencies' sewage to reach the Metro System for sewage treatment. Individual agencies' flow is transported through various lines, depending on their geographical location. For this service, the agencies pay transport charges for operation and maintenance of the system and contribute their fair share of Capital Improvement Project costs for the specific lines they use. Their charges are based on their percentage of the flow in relation to the capacity of the lines used for transportation.

One such agency, Lakeside and Alpine Districts, administered by the County of San Diego (County), utilizes the Mission Gorge Trunk Sewer and the North Mission Valley Interceptor, Phase I and Phase II.

The County contacted the City of San Diego (City) regarding the dismantling of a flow equalization facility used by the County for sewer transportation. Under the terms of the Agreement with the City, the County could only dismantle the flow equalization facility once the County had reimbursed the City for the Capital Improvement Projects previously committed to.

Therefore, the City and the County entered into negotiations for the Sixth Amendment to allow for the dismantling of the flow equalization facility and cost sharing for Capital Improvement Projects. The City and County came to agreement on the terms of the Sixth Amendment and have continued to move forward to execute the Agreement.

The Lakeside and Alpine Sanitation Districts are paying their fair share of costs associated with their use of the Mission Gorge Trunk Sewer Rehabilitation and North Mission Valley Interceptor Phase I and Phase II. Their share of costs is as follows:

Mission Gorge Trunk Sewer:	\$1,782,329.30
North Mission Valley Interceptor Phase I:	\$ 760,975.00
North Mission Valley Interceptor Phase II:	\$ 755,381.04
TOTAL REIMBURSEMENT OF:	\$3,298,685.34

Mendes/Tulloch/HRG

Staff: Hedy Griffiths (858) 292-6321
James W. Lancaster

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:19 p.m.)

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



* ITEM-108: Grant Funds from U.S. Department of Justice for San Diego Police Department Interoperable Communications COPS 2004 Technology Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-939) ADOPTED AS RESOLUTION R-300311

Authorizing the Chief of Police to submit an application, accept, expend, and manage the grant funds and program, to enhance interoperability and capacity of emergency agency communications for more effective response to critical incidents;

Declaring that this authority includes the execution of all aspects of fund and program operation, including any amendments, extension, or renewals of this grant; and to certify that the City will comply with all applicable statutory or regulatory requirements;

Declaring that this authorization shall be valid for a period of up to five years, provided funding for this purpose is made available by the Federal government;

Declaring that any resources received hereunder shall not be used to supplant expenditures controlled by this body, and that personnel positions funded under this grant are not subject to a hiring freeze.

CITY MANAGER SUPPORTING INFORMATION:

The Office of Community Oriented Policing Services has selected SDPD to apply for and administer the 2004 Technology program. The \$6 million grant will be used in development of a far-southwest region interoperable Command and Control Communications system (3CS). Other key participants are the City of San Diego Fire Department, IT&C and participating agencies; and the San Diego Sheriff's Department, representing the County Regional Communication System and participating county agencies. Project goals are to:

- Improve agency interoperability by linking and adding capacity to area emergency communications with an integrated system of microwave networks which allow public safety agencies to reliably, securely and rapidly transport high speed and high capacity voice and data as needed in critical incidents.
- Free up the voice capacity on City and regional communication system networks by diverting some current voice communications to the 3CS data network.
- Serve as a cornerstone of California's state interoperability plan by providing a secure digital network for sharing information between dispatch and emergency operations centers, and providing a protocol for additional regional, state and federal agencies to participate in the linkage.
- Demonstrate the ability to connect to the 3CS and transmit high speed digital information in a variety of metropolitan and remote locations using commercial off-the-shelf software and equipment

FISCAL IMPACT:

The San Diego Metropolitan Statistical Area was authorized to apply for \$6 million, with a mandatory minimum match of \$2 million. The City and County committed a match of \$2,242,210 to make our proposal more competitive. The City's share will be met primarily through grant and special funds.

- San Diego Police Department (089921): \$463,025
- San Diego Fire Department (007200): \$100,700
- IT&C (Video 010265 and C&E 030244): \$557,380

San Diego County has agreed to contribute matching funds of \$1,121,105. All operating costs to the City of San Diego will be absorbed within the operating budget of each organization. There is no requirement to continue grant-funded activities or expenditures after grant funds are depleted or terminated. Federal law requires that these funds supplement and not supplant funds otherwise available to law enforcement, and that grant-funded positions are not subject to local hiring freezes.

Ewell/Lansdowne/DJW

Staff: Donna Warlick – (619) 531-2221
Simon Silva

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:19 p.m.)

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

* ITEM-109: Property Exchange Between San Diego County Water Authority and City of San Diego for the Realignment of San Vicente Reservoir Pipeline.

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1013) ADOPTED AS RESOLUTION R-300312

Authorizing the City Manager, or designee, to execute a grant deed, conveying to the San Diego County Water Authority an 8.913-acre parcel, which is in a portion of parcel numbers APN 326-061-03 and APN 326-061-05, located at the southwest corner of the San Vicente Reservoir;

Authorizing the City Manager, or designee, to make non-material changes to the grant deed, if necessary;

Authorizing the City Manager to accept a grant deed, executed by the San Diego County Water Authority conveying to the City of San Diego an 8.913-acre parcel, which is in parcel number APN 326-061-10, located at the southwest corner of the San Vicente Reservoir.

CITY MANAGER SUPPORTING INFORMATION:

The City entered into an Agreement on May 26, 1998 with CWA for their Emergency Storage Project at the Water Department's San Vicente Reservoir, Document No. 00-18521-1. The purpose of the Emergency Storage Project is to expand the San Diego Region's water storage capacity to meet the emergency water needs of the Region in the event of a catastrophic or prolonged interruption of imported water.

Pursuant to the Agreement, the City conveyed a 52.132 acre parcel ("Property"), 8.913 acres ("Tunnel Parcel") of which was for the purpose of a pipeline, to CWA on January 17, 2002, and the remainder was for CWA's San Vicente Pump Station and San Vicente Reservoir interconnect pipeline.

At the time of the acquisition, CWA's planned pipeline alignment included a portion of the Marine Corps Air Station (MCAS). CWA was recently informed that MCAS will not allow their pipeline to be built under MCAS property. Consequently, to avoid MCAS, CWA must change the alignment of the current 8.913 acre Tunnel Parcel as shown on exhibit A, making acquisition of a new parcel ("Proposed Tunnel Parcel") necessary.

CWA will grant their existing 8.913 acre Tunnel Parcel in fee to the City and the City will grant in fee to CWA the Proposed Tunnel Parcel, an 8.913 acre parcel which is a portion of APN 326-060-03 and APN 326-060-05. Both parcels are shown on Exhibit A and both parcels are at the southwest corner of the City's San Vicente Dam. The environmental impacts and litigation associated with CWA's San Vicente Pipeline Project are addressed in a Subsequent EIR certified by CWA on January 15, 2004, State Clearing House No. 1993011028.

The Valuations Division of the Real Estate Assets Department has concluded that the two 8.913 acre parcels being exchanged are of equal value, making this transaction an even exchange with no other compensation required.

FISCAL IMPACT:

None. This transaction is an even exchange of CWA's 8.913 acre parcel for the City's 8.913 acre parcel, with both parcels being at the southwest corner of the City's San Vicente Reservoir.

Herring/Griffith/JAB

Staff: James Braun – (619) 533-6517
Elisa A. Cusato

FILE LOCATION: DEED F-9907

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:19 p.m.)

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

* ITEM-110: Sewer Easement Vacation in Lot 6 of Eastern Addition to New San Diego Map No. 295.

(Greater North Park Community Area. District 3.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-991) ADOPTED AS RESOLUTION R-300313

Vacating the sewer easement located within Lot 6 of Eastern Addition to New San Diego Map No. 295, to unencumber his property and facilitate development of the site under the procedure for the summary vacation of public service easements, California Streets and Highways Code Section 8330 et seq. and San Diego Municipal Code Section 125.1001 et seq.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate an unneeded sewer easement in Lot 6 of Eastern Addition to New San Diego Map No. 295 as shown on Engineering Drawing No. 20217-B. This site is located in the Greater North Park Community Plan area, southeasterly of Felton Street and Laurel Street in Council District 3.

The sewer easement being vacated was acquired in 1937 at no cost to the City, and the City has no fee interest. The easement has never been used, and there is no future or anticipated use for the easement in its current location. The lot has never been built upon and the owner wants to unencumber the lot and construct a single family residence on the property.

Staff has reviewed and recommends approval of this action.

FISCAL IMPACT:

None.

Frazier/Halbert/GRB

Staff: Gerri Bollenbach – (619) 446-5417
John C. Hemmerling

FILE LOCATION: DEED F-9908

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:19 p.m.)

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



[ITEM-111:](#) Shannon Region Ireland Sister City.

MAYOR MURPHY’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-940) ADOPTED AS RESOLUTION R-300314

Expressing the City Council desire to be a Sister City to the Shannon Region of Ireland and accepting the shared desire of Shannon Development to seek Sister City partnership with San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:47 p.m. – 3:25 p.m.)

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

 * [ITEM-112](#): Reappointments to the Board of Library Commissioners.

(See memorandum from Mayor Murphy dated 4/6/2005 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1030) ADOPTED AS RESOLUTION R-300315

Council confirmation of the following reappointments by the Mayor of the City of San Diego to serve as members of the Board of Library Commissioners, for terms ending March 1, 2007:

REAPPOINTMENTS

Mary Anne Baca Pintar, La Jolla – Council District 1

Katie Sullivan, Scripps Ranch – Council District 5

Judy McCarty, San Carlos – Council District 7

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:19 p.m.)

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

 * [ITEM-113](#): Reappointments to the Mission Bay Park Committee.

(See memorandums from Mayor Murphy dated 4/1/2005, Deputy Mayor Zucchet dated 3/28/2005, and Councilmember Frye dated 4/7/2005 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1031) ADOPTED AS RESOLUTION R-300316

Council confirmation of the following reappointments by the Mayor of the City of San Diego to serve as members of the Mission Bay Park Committee, for terms ending March 1, 2007:

<u>NAME</u>	<u>CATEGORY</u>
Rick Bussell, Bay Park – District 6	Council District 6 Representative
Kevin Faulconer, Pt. Loma – District 2	Park & Recreation Board Member
Karl Jaedtke, Pacific Beach – District 2	Council District 2 Representative
Ryan Levinson, Ocean Beach – District 6	Council District 6 Representative
Robert Otilie, Tierrasanta – District 7	At Large
Mike Pallamary, Clairemont – District 6	At Large
Judith Swink, Ocean Beach – District 2	Council District 2 Representative

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:19 p.m.)

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

ITEM-200: In the Matter of:

DISCUSSED

The Strong Mayor – Council Government Transition, Specifically Related to discussion of the Independent Budget Analyst. The Dewey Square Group, Consultants for the City will be Presenting Information on Research Conducted in Other Cities with Independent Budget Functions.

(See City Manager Report No. CMR-05-085. See memorandum from Councilmember Maienschein dated 1/19/2005.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:41 p.m. – 5:44 p.m.)

MOTION BY YOUNG TO ACCEPT THE CITY MANAGER'S AND THE CONSULTANT'S REPORTS. ESTABLISH AN OFFICE OF INDEPENDENT BUDGET ANALYST, WHICH INCLUDES AT LEAST FIVE POSITIONS WITH THE FOLLOWING RESPONSIBILITIES: REVIEW, COMMENT, AND PROVIDE FISCAL RECOMMENDATIONS ON THE CITY'S ANNUAL BUDGET; ANALYZE, COMMENT, AND PROVIDE FISCAL RECOMMENDATIONS ON PROPOSED LEGISLATION AND POLICY PRESENTED BY THE MAYOR AND/OR COUNCIL FOR SUPPORT AND/OR ADOPTION; PROVIDE THE COUNCIL MONTHLY BUDGET REPORTS WHICH INCLUDE REVENUES, EXPENDITURES, AND STATUS OF VARIOUS CITY SERVICES AS REQUESTED BY THE COUNCIL; HOLD QUARTERLY PUBLIC MEETINGS THAT SUMMARIZE ISSUES AND PROVIDE A COMPREHENSIVE STATUS REPORT. DIRECT COUNCIL STAFF TO CONVENE AS THEIR OWN WORKING GROUP AND PROVIDE ON-GOING DIALOG AND ADVICE TO THE CITIZEN'S COMMITTEE AND CONSULTANTS. DIRECT THE CITY MANAGER AND CITY ATTORNEY TO RETURN TO COUNCIL WITHIN THIRTY DAYS WITH A DRAFT ORDINANCE/RESOLUTION AND MUNICIPAL CODE LANGUAGE TO ESTABLISH AN OFFICE OF INDEPENDENT BUDGET ANALYST. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: **Notice** of Pending Final Map Approval – 3565 Highland Avenue.

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 "3565 Highland Avenue" (T.M. No. 45875/PTS No. 59008), located northwesterly of Myrtle Avenue and Highland Avenue in the Mid-City/City Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:



[ITEM-S401](#): Library Week.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1042) ADOPTED AS RESOLUTION R-300317

Recognizing the City of San Diego's librarians for making information accessible to visitors who use our local libraries and encouraging all San Diegans to discover and take advantage of our wonderful library resources;

Proclaiming April 10-16, 2005 to be "Library Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:29 p.m. – 2:37 p.m.)

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



[ITEM-S402](#): In the Matter of 2004 Resident Satisfaction Awards.

PRESENTED

(Continued from the meeting of April 5, 2005, Item 310, at the request of the City Council, due to lack of time.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:37 p.m. – 2:46 p.m.)

