

THE CITY OF SAN DIEGO, CALIFORNIA  
 MINUTES FOR REGULAR COUNCIL MEETING  
 OF  
 MONDAY, APRIL 18, 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 2:11 p.m. Mayor Murphy recessed the meeting at 3:41 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:56 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 5:08 p.m. for the purpose of the break. Mayor Murphy reconvened the meeting at 5:16 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 7:14 p.m. into Closed Session in the twelfth floor Committee Meeting to discuss existing and pending litigation 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-Maland (ek)

FILE LOCATION:                      MINUTES

ITEM-1: ROLL CALL

Clerk Maland 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 Aaron Keil of  
Horizon Christian Fellowship.

FILE LOCATION: MINUTES



ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Michael Zucchet.

FILE LOCATION: MINUTES



ITEM-30: San Diego Art Institute/Museum of the Living Artist Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1060) ADOPTED AS RESOLUTION R-300318

Commending the San Diego Art Institute/Museum of the Living Artist for their commitment to support and sustain visual artists and the visual arts in the San Diego region, and congratulating them on the occasion of the 48<sup>th</sup> International Awards Exhibition;

Proclaiming April 30, 2005, to be "San Diego Art Institute/Museum of the Living Artist Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:14 p.m. – 2:20 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Frye. 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: Jerry Coleman Day.

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-960) ADOPTED AS RESOLUTION R-300319

Recognizing the vital services that Jerry Coleman has provided the citizens of San Diego;

Proclaiming April 18, 2005, to be "Jerry Coleman Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:25 p.m.)

MOTION BY MAIENSCHIN 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.

**CLOSED SESSION:**

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

**CS-1 Urban Storm Water Runoff**

REFERRED TO CLOSED SESSION OF TUESDAY, APRIL 19, 2005

DCA assigned: Miller

This matter involves urban storm water runoff currently allowed by the City to discharge into the waters off La Jolla. The State Water Resources Control Board prohibits certain discharge into Areas of Special Biological Significance. In closed session, the City Attorney will advise the Mayor and City Council on the status of the dispute and the legal options available to attempt to resolve it.

FILE LOCATION: AGENDA

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

Mayor Murphy closed the hearing.

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

**CS-2 Conference with Real Property Negotiator, pursuant to California Government Code section 54956.8:**

REFERRED TO CLOSED SESSION OF TUESDAY, APRIL 19, 2005

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.

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: 2:44 p.m. – 2:44 p.m.)

Mayor Murphy closed the hearing.

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

**CS-3 Agency negotiators: Lamont Ewell, Bruce Herring, Mike McGhee**

REFERRED TO CLOSED SESSION OF TUESDAY, APRIL 19, 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: 2:44 p.m. – 2:44 p.m.)

Mayor Murphy closed the hearing.

- \* ITEM-50: Exempting a Fire Shift Commander Position from the Classified Service in the Fire/Rescue Department.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 4/4/2005, Item 55. (Council voted 9-0):

(O-2005-110) ADOPTED AS ORDINANCE O-19367 (New Series)

Exempting a Fire Shift Commander Position from the Classified Service in the Fire/Rescue Department.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:26 p.m. – 2:31 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-51: Amending the San Diego Municipal Code to Amend the Start Date for the Financial Reporting Oversight Board to be No Later Than December 31, 2005.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 4/5/2005, Item 335. (Council voted 9-0):

(O-2005-112) ADOPTED AS ORDINANCE O-19377 (New Series)

Amending Chapter 2, Article 6, Division 17, of the San Diego Municipal Code by amending Section 26.1701 to read as follows:

“The City Council recognizes that selecting the members of the Financial Reporting Oversight Board is likely to require some time, and it is the intent of the City Council that, if possible, the Financial Reporting Oversight Board shall be fully constituted and prepared to assume its duties as soon as possible but no later than December 31, 2005.”

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:26 p.m. – 2:31 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-52: Five actions related to Multiple School Joint Use Agreements Renewal with San Diego Unified School District.

(See City Manager Report CMR-05-088. La Jolla, Clairemont Mesa, Linda Vista, and College Community Areas. Districts 2, 6, and 7.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinances:

Subitem-A: (O-2005-89) INTRODUCED, TO BE ADOPTED  
MONDAY, MAY 2, 2005

Authorizing the City Manager to execute an agreement renewal with the San Diego Unified School District for turfed fields and recreational facilities at the Bird Rock Elementary School site, under the terms and conditions set forth in that agreement.

**Subitem-B: (O-2005-90) INTRODUCED, TO BE ADOPTED  
MONDAY, MAY 2, 2005**

Authorizing the City Manager to execute an agreement renewal with the San Diego Unified School District for turfed fields and recreational facilities at the Clay Elementary School site, under the terms and conditions set forth in that agreement.

**Subitem-C: (O-2005-91) INTRODUCED, TO BE ADOPTED  
MONDAY, MAY 2, 2005**

Authorizing the City Manager to execute an agreement renewal with the San Diego Unified School District for lighted fields and recreational facilities at the Field Elementary School site, under the terms and conditions set forth in that agreement.

**Subitem-D: (O-2005-92) INTRODUCED, TO BE ADOPTED  
MONDAY, MAY 2, 2005**

Authorizing the City Manager to execute an agreement renewal with the San Diego Unified School District for turfed fields, recreational facilities and parking lot at the Fletcher Elementary School site, under the terms and conditions set forth in that agreement.

**Subitem-E: (O-2005-93) INTRODUCED, TO BE ADOPTED  
MONDAY, MAY 2, 2005**

Authorizing the City Manager to execute an agreement renewal with the San Diego Unified School District for turfed fields and recreational facilities at the Hardy Elementary School site, under the terms and conditions set forth in that agreement.

**Staff: Deborah Sharpe – (619) 525-8261  
Shannon M. Thomas – Deputy City Attorney**

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:26 p.m. – 2:31 p.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE THE ORDINANCES.  
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-100: Inviting Bids for the General Requirements Contract C-27, Landscape and Habitat Maintenance.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-921) RETURNED TO THE CITY MANAGER

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental for General Requirements Contract C-27, Landscape and Habitat Maintenance, on Work Order No. 002008;

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder for as needed landscape and habitat maintenance services for a minimum of \$50,000 and not to exceed \$1,000,000 for one year;

Authorizing the expenditure of an amount not to exceed \$1,000,000 in total from Fund 41506, solely and exclusively, for the purpose of funding the General Requirements Contract C-27, Landscape and Habitat Maintenance, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure 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-K05110)

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego has been entering into General Requirements Contracts (GRC) for almost 10 years. The GRC contracts were formerly referred to as Job Order Contracts or "JOC" Contracts. The primary objective for having GRC Contracts, is to provide quick turnaround and to execute emergency maintenance, repair, and general construction activities. MWWD has historically issued four types of GRCs: General Engineering, Building Modifications, Electrical Systems, and Mechanical Systems. MWWD would like to issue a new contract under the GRC Contract format/process, which would include Landscape and Habitat Maintenance activities as a result of our extensive, ongoing canyon maintenance program.

This contract will provide landscape maintenance, construction, repairs, installation, irrigation, and erosion control; collect native seeds as needed; procure and apply appropriate herbicides and pesticides as necessary; repair or restore native habitat and assume maintenance activities of existing City projects. This work may require grading, excavation, weeding, disposal or recycling of greenery, refuse removal and disposal, hydro-seeding, various forms of fencing, signage, and other miscellaneous tasks. This work will be assigned based on the type of work, location, and necessity. This action is for the approval to advertise and award General Requirements Contract C-27 Landscape/Habitat Maintenance, in an amount not to exceed \$1,000,000.

Each GRC is competitively procured. The contractor bids a factor or a multiplier which applies to all prices in a predetermined unit price book which is part of the contract documents. The contractor with the lowest factor and responsible bid is awarded the contract. The City is under no obligation to pay the contractor for more than a \$50,000 minimum contract obligation. Therefore, the contractor has an incentive to deliver quality work in a timely manner in order to get additional work and task orders. The specific tasks to be executed under this contract have not yet been identified. All task orders are issued as needed and are executed in accordance with the California "Subletting and Subcontracting Fair Practices Act" (Public Contract Code Section 4100 et seq). Under this contracting system, a contractor that conducts or participates in bid shopping or bid peddling shall not receive any additional task orders under this contract, and such conduct shall be grounds for default by the City. The continuation of the GRC will enable MWWD to achieve its objective of rapidly engaging contractors in critical and necessary work while lowering cost and meeting on-going regulatory requirements.

**FISCAL IMPACT:**

Funds in the amount of \$1,000,000 for this contract are available from Fund No. 41506 in Fiscal Year 2005.

Mendes/Tulloch/BW

**NOTE:** See Item 104 of today's docket for a companion item.

Staff: Ann Sasaki – (858) 292-6469  
Thomas C. Zeleny – Deputy City Attorney

**FILE LOCATION:** MEET

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

ITEM-101: Inviting Bids for the Trench Restoration of Various Streets Citywide – Water Department Project.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1002) RETURNED TO THE CITY MANAGER

Approving the specifications for "Trench Restoration of Various Streets Citywide–Water Department" (Project) as advertised by the Contract Administrator for bids, on Work Order No. 053536;

Authorizing the City Manager, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder, provided that the City Auditor and Comptroller first certifies that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of the following not-to-exceed amounts from Fund No. 41500, for the purposes of funding the Project contract and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer: \$250,000 in Fiscal Year 2005; \$4,000,000 in Fiscal Year 2006; and \$4,000,000 in Fiscal Year 2007;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K052673C)

**CITY MANAGER SUPPORTING INFORMATION:**

In September 2003, the City Council adopted Ordinance Number O-19215 amending Division 12, Article 2, Chapter 6 of the Municipal Code requiring that all trenches within City streets to be repaired more extensively within a specified time period. The activities of the Water Department, Water Operations Division results in more than 1,900 trenches per year that must be completed in accordance with this section of the Municipal Code. As there will be a greater volume of work than existed in prior years, existing staff levels are not adequate to accomplish the work. Therefore, it is recommended that the trench work be contracted to a private contractor licensed to do this type of work. The term of this general requirements contract will be for a period of one year and may be renewed for one additional one-year period.

**FISCAL IMPACT:**

\$250,000 in funds for this project is available in Fiscal Year 2005 from Water Department Fund 41500. Funds up to an amount not to exceed \$4,000,000 will be available in Fiscal Year 2006 and in Fiscal Year 2007 from Water Department Fund 41500.

Mendes/Belock/SM

Aud. Cert. 2500812.

Staff: Said Mahdavi – (619) 527-7686  
Lori W. Girard – Deputy City Attorney

FILE LOCATION: MEET

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



\* [ITEM-102:](#) Inviting Bids for the Construction of Genesee Avenue Widening –  
Interstate 5 to Campus Point Drive Project.

(University City Community Area. District 1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-984) ADOPTED AS RESOLUTION R-300320, WITH DIRECTION

Approving the plans and specifications for the construction of the Genesee Avenue Widening – Interstate 5 to Campus Point Drive Project (Project), on Work Order No. 119617;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$2,088,309 from the North University City Facilities Benefit Assessment, Fund 79001, to the Genesee Avenue Widening, I-5 to Campus Point, CIP-52-373.0, for the purposes of construction, engineering and related costs;

Authorizing the City Manager to include additional funding in an amount not to exceed \$2,088,309 for the Genesee Avenue Interstate 5 to Regents Road project in the subsequent North University City Public Facilities Financing Plan update;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2005 Capital Improvements Budget for CIP-52-373.0, Genesee Avenue Interstate 5 to Campus Point Drive, by \$2,088,309, Fund 79001;

Authorizing the City Manager to enter into a construction contract with the lowest responsible and reliable bidder, in an amount not to exceed \$4,900,000, provided that the City Auditor and Comptroller first furnishes a certificate that demonstrates that said funds are on deposit in the City Treasury;

Authorizing the City Manager to accept quitclaim deeds and easement deeds, as necessary, to complete the acquisition of property rights as depicted on City Engineer Drawing No. 00047-C, required for the widening and improvement of Genesee Avenue from I-5 to Campus Point, CIP-52-373.0;

Authorizing the City Manager to negotiate and execute a consultant agreement for the above-referenced public relations services in an amount not to exceed \$100,000 for the Project, provided that the City Auditor and Comptroller first furnishes a certificate that demonstrates that said funds are on deposit in the City Treasury;

Declaring the City Manager, upon completion of the CIP, is to return excess funds to the North University City Facilities Benefit Assessment, Fund 79001;

Authorizing the City Manager to execute a reimbursement agreement with Scripps Memorial Hospital, for an amount not to exceed \$150,000, for the

purpose of improving the entrance to Scripps Hospital concurrently with the adjacent city improvements;

Authorizing the City Manager to accept an amount not to exceed \$150,000 from Scripps Memorial Hospital pursuant to the Reimbursement Agreement, into Fund 63022, CIP-52-373.0, Genesee Avenue Widening, and authorizing the City Auditor and Comptroller to approve and expend that amount, provided that the City Auditor and Comptroller first certifies that said funds are on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to return any unexpended funds received from Scripps Memorial Hospital, in an amount not to exceed \$150,000, to Fund 79001;

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

**CITY MANAGER SUPPORTING INFORMATION:**

The project provides for widening of Genesee Avenue to 6 lanes from Interstate 5 to Campus Point Drive, the interim traffic improvements to existing Genesee Avenue freeway interchange, improvements to the entrance for Scripps Hospital, and various other related traffic improvements needed in the project area. The work includes new curbs, sidewalks, pavement, medians, stamped concrete, traffic signal modifications, striping, fencing, landscaping, water quality improvements, and related work.

This project will reduce traffic congestion in the area by providing both additional lanes to accommodate the freeway on-ramp traffic volumes and additional capacity to the local traffic crossing through the area. The widening of Genesee Avenue east of I-5 will provide the ultimate width of the roadway needed and be compatible with the final interchange configuration. Under a permit from Caltrans, the improvements to the freeway interchange will provide interim congestion relief, until the ultimate interchange project is completed in 2010 or later. The improvements to the entrance for Scripps Hospital would be performed under a reimbursement agreement with Scripps and are necessary to improve access by emergency vehicles. This work would complete the remaining portion of the Public Facilities Financing Plan project, Genesee Avenue east of Campus Point to Regents Road, which has previously been widened from 4 lanes to 6 lanes east of Campus Point Drive under a joint project with UCSD.

After extensive discussions with the property owners, agreements on all the property acquisition needs (at no cost to the City) have been reached. However, due to high traffic volumes, a

majority of the construction work on Genesee Avenue and the I-5 overpass must be performed at night, which was not originally anticipated. With this, the addition of the interim improvements at the interchange, and the recent increases in construction costs, additional funds are required to complete the project. In addition, it is recommended that a public relations firm be utilized to interact with the affected community, due to the night work, complex traffic control, and high traffic volumes.

**FISCAL IMPACT:**

The total project cost is now \$5,971,113, of which \$3,882,804 has been previously budgeted. The additional funds necessary in the amount of \$2,088,309 are available from the North University City Facilities Benefit Assessment, Fund 79001. Upon completion and acceptance, the costs for the Scripps Hospital entrance improvements will be fully reimbursed by Scripps to the North University City FBA, Fund 79001.

Mendes/Boekamp/Gaines

Aud. Cert. 2500845.

Staff: Richard Leja – (619) 533-3764  
Jeremy A. Jung – Deputy City Attorney

FILE LOCATION: CONT-WEST COAST GENERAL CORP.

COUNCIL ACTION: (Time duration: 2:26 p.m. – 2:31 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT, WITH DIRECTION FROM COUNCIL MEMBER PETERS THAT LANDSCAPING BE ADDED TO THE END OF THE MEDIAN NEAR THE SCRIPPS HOSPITAL DRIVEWAY, AND PURSUE MAINTENANCE THROUGH ONE OF THREE OPTIONS: 1) EXPLORE THE POSSIBILITY OF AN AGREEMENT WITH SCRIPPS HOSPITAL TO MAINTAIN THE LANDSCAPING IN FRONT OF THE HOSPITAL'S PROPERTY; 2) EXPLORE THE POSSIBILITY OF MAINTAINING THE LANDSCAPING THROUGH THE EXISTING CAMPUS POINT DRIVE MAINTENANCE ASSESSMENT DISTRICT; OR, 3) EXPLORE THE POSSIBILITY OF MAINTAINING THE LANDSCAPING THROUGH THE PLANNED NORTH TORREY PINES MAINTENANCE ASSESSMENT DISTRICT. 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: Awarding of Contract to A&S BMW Motorcycles for the Purchase of Motorcycles for the San Diego Police Department.

(See City Manager Reports CMR-04-250 and CMR-05-053.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-953) ADOPTED AS RESOLUTION R-300321

Authorizing the City Manager's award of the contract for furnishing Motorcycles for the San Diego Police Department to A&S BMW Motorcycles, Roseville, CA, based on Request for Proposal No. 6757-04-Z-RFP, with an initial purchase of fifty-five motorcycles, as may be required for a period of one year beginning from date of award with option to renew the contract for four additional one-year periods, with price escalations not to exceed 50 percent of prices in effect at the end of each prior contract year;

Authorizing solely and exclusively for providing funds for said contract, the estimated expenditure of \$1,114,561.69 from Fund No. 18684, Department No. 18684, Object Account No. 6013, and Job Order No. 018684, approved for the initial purchase of fifty-five motorcycles to replace the existing Fleet;

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

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

On 3/16/2005, PS&NS voted 4 to 0 to approve the City Manager's recommendations. (Councilmembers Zucchet, Atkins, Young, and Madaffer voted yea. Councilmember Inzunza not present.)

**SUPPORTING INFORMATION:**

City Council approval is requested to authorize the City Manager to award the contract for furnishing Motorcycles for the San Diego Police Department to A&S BMW Motorcycles, Roseville, CA, based on the Request for Proposal No. 6757, with an initial purchase of fifty-five

(55) motorcycles, as may be required for a period of one (1) year beginning with the date of award with option to renew for four (4) additional one (1) year periods, with price escalations not to exceed fifty percent (50%) in effect at the end of the each prior contract year.

The recommendation on the Manager's Report authorizes the City Manager to purchase up to 65 motorcycles as funds become available. The resolution authorizes the expenditure of funds for the initial purchase of fifty-five (55) motorcycles and authorizes the City Manager to award a contract for up to five years.

**FISCAL IMPACT:**

FY 2005 Estimated Cost: \$1,114,561.69.

Irvine/Rossman

Aud. Cert. 2500849.

Staff: Walter Rossman – (619) 236-5921  
Deborah L. Berger – Assistant City Attorney

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Time duration: 2:26 p.m. – 2:31 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: Approving the General Requirements Contract 003.

(See City Manager Report CMR-05-083 and memorandum from Frank Belock, Jr. dated 1/19/2005.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-1011) RETURNED TO THE CITY MANAGER

Approving the General Requirements Contract 003 for repairs and emergency work for water related facilities in an amount not less than \$25,000 and not to exceed \$5,000,000, and a contract duration not to exceed two years as advertised by Contract Services, on Work Order No. 021003;

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 \$5,000,000 and to award tasks pursuant to such contract, provided that that 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 \$5,000,000 from Water Fund 41500, solely and exclusively, for the purpose of providing funds for the General Requirements Contract 003 and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

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

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

On 1/26/2005, NR&C voted 5 to 0 to:

- 1) Move the General Requirements Contract 003 forward to Council with direction to the City Manager to provide a simple breakdown of the jobs that were done as part of the 2003 General Requirements Contract and their costs;
- 2) Ask Local 127 to comment on their ability or inability to perform the work included in the General Requirements Contract;
- 3) Request an analysis from the previous contractor on the breakdown of minorities in their workforce;
- 4) Direct the Water Department to report back quarterly on the progress of the General Requirements Contract subject to Chair Maienschein's discretion.

(Councilmembers Atkins, Young, Maienschein, Frye, and Madaffer voted yea.)

Aud. Cert. 2500682.

**NOTE:** See Item 100 of today's docket for a companion item.

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

**FILE LOCATION:** MEET

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

\* ITEM-105: West Mission Bay Drive and Mission Boulevard Improvement.

(Mission Beach Community Area. District 2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1050) ADOPTED AS RESOLUTION R-300322

Authorizing the City Manager to increase by \$50,000 the Fiscal Year 2005 Capital Improvements Program Budget in CIP-52-707.0, West Mission Bay Drive/Mission Blvd. Improvement, in Fund 10532, Belmont Park Traffic Amelioration Fund;

Authorizing the City Auditor and Comptroller to appropriate and expend \$50,000 from CIP-52-707.0, West Mission Bay Drive/Mission Blvd. Improvement, Fund 10532, Belmont Park Traffic Amelioration Fund, for the purpose of construction of street improvements along West Mission Bay Drive and Mission Boulevard, contingent upon the City Auditor and Comptroller certifying that said funds are on deposit in the City Treasury;

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

**CITY MANAGER SUPPORTING INFORMATION:**

The West Mission Bay Drive/Mission Boulevard Improvement project (CIP-52-707.0) addresses street improvements at West Mission Bay Drive and Mission Boulevard.

The improvements on West Mission Bay Drive will provide for a raised center median and mid-block crosswalk along West Mission Bay Drive between Gleason Road and Mission Boulevard. This work will include the installation of advanced warning signs and flashing pedestrian beacons.

The improvements on Mission Boulevard will provide for a right turn lane on Mission Boulevard into the Belmont Park parking lot by narrowing the center median, re-stripping the lanes, and redesigning the traffic signal loops to facilitate traffic flow.

This action will provide \$50,000, from the Belmont Park Traffic Amelioration Fund, to cover increased material costs and design modifications for enhanced safety features, such as truncated domes, and continual electrical crosswalk flashing beacons.

Construction on both projects is scheduled to be completed by May 27, 2005, prior to the start of the summer construction moratorium.

**FISCAL IMPACT:**

Funds in the amount of \$50,000 are available in Fund 10532, Belmont Park Traffic Amelioration Fund. Total project cost will be increased to \$245,000.

Mendes/Boekamp/DZ

Aud. Cert. 2500887.

Staff: Dave Zoumaras – (619) 533-3138  
Jeremy AS. Jung – Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:26 p.m. – 2:31 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: Second Amendment to Agreement with Schmidt Design Group, Inc. for Additional Professional Design Services.

(Carmel Valley Community Area. District 1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-926) ADOPTED AS RESOLUTION R-300323

Authorizing the City Manager to execute, for and on behalf of the City of San Diego, a Second Amendment to Agreement with Schmidt Design Group, Inc., for additional professional design services in CIP-29-407.0, Carmel Valley Community Park South Recreation Building, in the amount of \$465,175, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$465,175 from CIP-29-407.0, Carmel Valley Community Park South Recreation Building, for the purpose of executing this Second Amendment to Agreement.

**CITY MANAGER SUPPORTING INFORMATION:**

Schmidt Design Group, Inc. was selected as the consultant for this project in August 2002 through a process in which 5 consultant firms were interviewed by Park Planning and Development staff with assistance from a Carmel Valley community member. Schmidt Design Group, Inc. was identified as the most qualified to provide the professional design services demanded by this project.

The original Agreement between the City and Schmidt Design Group, Inc. for professional design services provided for the development of the General Development Plan (GDP) and Recreation Building preliminary design for CIP-29-764.0, Carmel Valley Community Park South and was approved by the City Council on December 3, 2002, (Resolution No. R-297406). The First Amendment to Agreement was approved by the City Council on November 22, 2004, (Resolution No. R-299857). The First Amendment to Agreement increased the original scope of services for the production of Contract Documents to secure public bids for the development of the park improvements, CIP-29-764.0, excluding the Recreation Building. Shortly after the First Amendment to Agreement was approved, funding became available in CIP-29-407.0, Carmel Valley Community Park South Recreation Building, Fund No. 39063, Torrey Hills Development

Impact Fees, for the production of Contract Documents for the Recreation Building to be located within the park.

This Second Amendment to Agreement will increase the scope of services to be provided by Schmidt Design Group, Inc. to provide for the production of Contract Documents to secure public bids and assist the City through the public bidding and construction phases of the Carmel Valley Community Park South Recreation Building.

**FISCAL IMPACT:**

The Second Amendment to Agreement will revise the scope of services and increase the consulting fees by \$465,175 for a total amount of \$897,524. This design contract represents 6.2% of the total project cost of \$14,435,000 for the park improvements and recreation center. The additional consulting fees (\$465,175) shall be funded by the Torrey Hills Development Impact Fees, Fund No. 39063 for the purpose of preparing Contract Documents for the Carmel Valley Community Park South Recreation Building.

Herring/Oppenheim/Penera

Aud. Cert. 2500869.

Staff: April Penera – (619) 525-8223  
Shannon M. Thomas – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:26 p.m. – 2:31 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: Six-Year Lease Agreement with Irmgard B. Valenta to Provide Parking Facility for the United States Post Office Located at 720 Silver Street, La Jolla.

(La Jolla Community Area. District 1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1019) ADOPTED AS RESOLUTION R-300324, WITH DIRECTION

Authorizing the City Manager to execute a 6-year agreement with Irmgard B. Valenta, for City-owned property located at 720 Silver Street in La Jolla for the purposes of providing a parking facility for the United States Post Office, for \$7,000 per year with annual rent adjustments of \$250 per year, on the terms and conditions set forth in the Lease Agreement;

Waiving Council Policy 700-41 regarding the use of the RFP process for the lease of City-owned land.

**CITY MANAGER SUPPORTING INFORMATION:**

This City-owned property is a triangular-shaped parcel consisting of approximately 3,375 square feet adjacent to the La Jolla Recreation Center public tennis courts on Draper Avenue. The parcel cannot be independently marketed or developed because of its substandard size, location and shape. Joining this property to the City tennis courts would not be a feasible alternative due to configuration and topography.

The City originally issued a land use permit for the property on April 20, 1977, which was assigned from the original Permittee to Irmgard B. Valenta on November 21, 1983. In 1987, the permit was converted to a lease. The lessee's adjacent property is developed and leased for use as the delivery unit for the La Jolla branch of the U.S. Post Office. The City-owned parcel is used as a portion of the parking lot and provides parking for up to 11 postal vehicles. Prior to the leasing of the property, maintenance had been an ongoing problem due to litter and poor drainage.

The terms of the proposed lease are as follows:

**TERM:** 6 years.  
**RENT:** Initial rent of \$7,000 per year with \$250 annual increases.  
**USE:** Parking area for the adjacent United States Post Office.

The proposed lease renewal term runs concurrently with the Post Office's lease on the adjacent property. Market value for the property was determined by City staff as of March 1, 2005, to be \$118,200. Due to limited use and access, the parties have agreed to initial rent of \$7,000 annually.

**FISCAL IMPACT:**

Initial annual rent of \$7,000 will be deposited into the General Fund.

Herring/Griffith/CLY

Staff: Carol Young – (619) 263-6985  
Elisa A. Cusato – Deputy City Attorney

**FILE LOCATION:** LEAS-Irmgard B. Valenta

**COUNCIL ACTION:** (Time duration: 2:38 p.m. – 2:44 p.m.)

MOTION BY PETERS TO ADOPT, WITH DIRECTION THAT THE CITY MANAGER EXPLORE THE POSSIBILITY OF SELLING THIS PORTION OF LAND AT THE END OF THE SIX-YEAR LEASE. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-nay, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



\* **ITEM-108:** Assignment, Assumption and Consent Agreement Assigning Remainder of FY 2005 Transient Occupancy Tax (TOT) Contract with San Diego Regional Technology Alliance (RTA) to San Diego Workforce Partnership (SDWP).

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1001) ADOPTED AS RESOLUTION R-300325

Authorizing the City Manager, or designee, to execute an Assignment, Assumption and Consent Agreement, by and among the RTA, the SDWP and the City of San Diego for the purpose of assigning the remaining obligations and interests of the RTA under the Program Agreement to the SDWP.

**CITY MANAGER SUPPORTING INFORMATION:**

In FY 05, the City Council authorized \$48,026 of Transient Occupancy Tax (TOT) funding for the San Diego Regional Technology Alliance (RTA) for workforce development activities.

Specifically, the RTA was to: 1) compile a comprehensive resource guide that could be utilized by Community Technology Center (CTC) directors to help their constituents identify workforce resources and 2) provide employment resource consulting to 10 of the City's CTCs enabling each CTC to teach community residents how to effectively use the Internet to find education and training providers, research occupations appropriate to their interests and skill levels, search for jobs online, build resumes and conduct research on prospective employers. The RTA has completed the CTC resource guide.

The RTA, supported in large part through a contract with the State of California, has successfully provided programs in entrepreneurship education, technology research and community economic development for several years. Unfortunately, the State eliminated funding for the RTA beginning in 2004, which forced the RTA to consider other organizational options. In February 2005, the RTA reorganized as the RTA@CONNECT with a focus on continuing their excellent entrepreneurship programs.

Given this change, the RTA is unable to complete the second phase of the above referenced scope of work. The RTA has suggested that the City assign their contract to the San Diego Workforce Partnership (SDWP), an organization that is ideally suited to complete this scope of work. The SDWP, the major workforce development organization for the San Diego region, has already consented to the proposed assignment. Additionally, the programs that the RTA was developing for the CTCs drew heavily upon the programs of the SDWP.

This action would authorize the City Manager or his designee to execute an Assignment, Assumption and Consent Agreement for the purpose of assigning the remainder (\$22,883) of the FY 05 TOT Contract with the RTA to the SDWP.

**FISCAL IMPACT:**

None with this action.

Frazier/Cunningham/JK

Aud. Cert. 2500867.

Staff: Jeff Kavar – (619) 533-4221  
Michael Neumeyer – Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:26 p.m. – 2:31 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: California Integrated Waste Management Board (CIWMB) Household Hazardous Waste (HHW) Used Oil Recycling Grants and Agreement for FY 06 – FY 08.

(See City Manager Report CMR-05-087.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1027) ADOPTED AS RESOLUTION R-300326

Authorizing the City Manager to apply for and accept one-to-three year California Integrated Waste Management Board (CIWMB) household hazardous waste/used oil recycling grants, other CIWMB oil grants, and augmented awards for Fiscal Years 2006-2008;

Designating the Environmental Services Department Deputy Director as the person authorized to apply for, accept, and sign all CIWMB household hazardous waste/used oil recycling grant documents and agreements on behalf of the City;

Authorizing, contingent upon approval of the Fiscal Year 2006-2010 budgets and upon award of grant funding for the corresponding fiscal years, the continued staffing to implement and administer CIWMB-approved grant activities and agreements.

Staff: Donna Skinner – (858) 492-5006  
Grace C. Lowenberg – Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:26 p.m. – 2:31 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: Reappointment of Olivia Puentes-Reynolds to the Park and Recreation Board.

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

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1054) ADOPTED AS RESOLUTION R-300327

Council confirmation of the following reappointment by the Mayor of the City of San Diego of Olivia Puentes-Reynolds (San Carlos resident in District 7), to serve as a member of the Park and Recreation Board, for a term ending March 1, 2007.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:26 p.m. – 2:31 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: Reappointment of Douglas Livingstone to the Old Town San Diego Planned District Design Review Board.

(See memorandum from Mayor Murphy dated 4/7/2005, with resume attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1055) ADOPTED AS RESOLUTION R-300328

Council confirmation of the appointment by the Mayor of the City of San Diego of Douglas E. Livingstone (Del Cerro resident in District 7), to serve as a member of the Old Town San Diego Planned District Design Review Board in the Landscape Architect category, for a term ending March 1, 2009.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:26 p.m. – 2:31 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-112: Excusing Councilmember Atkins from the Natural Resources and Culture Committee Meeting of March 2, 2005.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2005-964) ADOPTED AS RESOLUTION R-300329

Excusing Councilmember Toni Atkins from attending the regularly scheduled Natural Resources and Culture Committee Meeting of March 2, 2005.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:26 p.m. – 2:31 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: Terminating the State of Emergency Due to Economic Circumstances in the San Diego – Tijuana Border Region.

(San Ysidro, Otay Mesa, and Otay Mesa/Nestor Community Areas. District 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-985) ADOPTED AS RESOLUTION R-300330

Terminating the state of emergency in connection with the economic circumstances at the San Diego-Tijuana border, pursuant to Government Code Section 8630.

**CITY MANAGER SUPPORTING INFORMATION:**

On December 10, 2001, the City Council adopted a resolution declaring a State of Emergency due to the economic circumstances in the San Diego-Tijuana border area following the tragic events of September 11, 2001. The tragedy resulted in increased inspection times at the border and a significant reduction in cross-border traffic. These circumstances adversely impacted businesses in the border region that were largely dependent on border crossing visitors and prompted the declaration of a State of Emergency in accordance with California Government Code Section 8630.

Cross-border traffic levels have increased and border inspection times have been significantly reduced allowing the surrounding border business communities to recover. As the adverse economic circumstances have dissipated and noting the desire of border business associations to rescind the State of Emergency, staff is recommending that a resolution terminating the State of Emergency be adopted.

This action would approve a resolution proclaiming that the conditions, which prompted the declaration of a State of Emergency due to economic circumstances in the San Diego-Tijuana border region, have sufficiently abated such that the state of emergency can be terminated.

**FISCAL IMPACT:**

None with this action.

Frazier/Cunningham/Kawar

Staff: Jeff Kawar – (619) 533-4221  
Michael Neumeyer – Deputy City Attorney

**FILE LOCATION:** GEN'L-State of Emergency Due to Economic  
Circumstances in the San Diego-Tijuana Border Region

**COUNCIL ACTION:** (Time duration: 2:26 p.m. – 2:31 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-114: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-805) ADOPTED AS RESOLUTION R-300331

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L-State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 2:26 p.m. – 2:31 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-115: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-836) ADOPTED AS RESOLUTION R-300332

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

**CITY MANAGER SUPPORTING INFORMATION:**

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

FILE LOCATION: GEN'L-Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency (HIV)

COUNCIL ACTION: (Time duration: 2:26 p.m. – 2:31 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-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

\* ITEM-116: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-592) ADOPTED AS RESOLUTION R-300333

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

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

COUNCIL ACTION: (Time duration: 2:26 p.m. – 2:31 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-150: Proposed Changes to Ethics Commission Audit Manual.

(See memorandums from Stacey Fulhorst dated 3/21/2005 and 4/7/2005 (not available at Committee); and Ethics Commission Power Point dated 4/6/2005.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-1049) ADOPTED AS RESOLUTION R-300334

Approving the newly revised City of San Diego Ethics Commission Audit Manual, for use by the Ethics Commission.

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

On 4/6/2005, Rules voted 4 to 0 to (1) approve the Ethics Commission recommended changes (as set forth in its 3/21/05 memo and draft manual and its 4/6/05 Power Point presentation) to the Ethics Commission Audit Manual; and (2) to direct the Governmental Relations Department to work with the Ethics Commission to change state law regarding separate campaign accounts for local elected officials' legal defense funds. (Councilmembers Peters, Zucchet, Maienschein, and Mayor Murphy voted yea. Councilmember Madaffer not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 3:19 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-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-200: Five actions related to Multi-Year Financial Forecast and Request for Waivers for the Fiscal Year 2006 Proposed Budget.

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2005-883 Cor. Copy) ADOPTED AS RESOLUTION R-300335,  
WITH DIRECTION

Accepting entitled “City Manager’s Multi-Year Financial Forecast Report”;

Subitem-B: (R-2005-884) ADOPTED AS RESOLUTION R-300336

Requesting the City Council temporarily suspend compliance with San Diego Municipal Code Section 22.0228(d) for Fiscal Year 2006;

Determining to temporarily suspend compliance with San Diego Municipal Code Section 22.0228 for Fiscal Year 2006.

Subitem-C: (R-2005-885) RETURNED TO THE CITY MANAGER

Requesting the City Council temporarily suspend San Diego Municipal Code Section 22.0229 for Fiscal Year 2006;

Determining to temporarily suspend compliance with San Diego Municipal Code Section 22.0229 for Fiscal Year 2006;

Authorizing the City Manager to propose the use of these monies to fund priorities such as public safety in the Fiscal Year 2006 proposed budget.

Subitem-D: (R-2005-886) ADOPTED AS RESOLUTION R-300337

Requesting the City Council temporarily suspend compliance with San Diego Municipal Code Section 63.30 for Fiscal Year 2006;

Determining to temporarily suspend compliance with San Diego Municipal Code Section 63.30 for Fiscal Year 2006.

Subitem-E: (R-2005-1004) RETURNED TO THE CITY MANAGER

Suspending City Council Policy 100-18 Section B in Fiscal Year 2006 to allow the City Manager to propose the use of Community Parking District Moneys to fund other City Priorities.

**CITY MANAGER SUPPORTING INFORMATION:**

Due to the insufficient availability of revenues anticipated for the coming fiscal year, the City Manager is contemplating significant reductions in the General Fund in order to continue to fund priorities such as public safety. In order to maintain these priorities, the City Manager requests a temporary suspension of compliance with Sections 22.0228 (Library Ordinance), 22.0229 (Mission Bay Ordinance), 63.30 (Environmental Growth Ordinance), and the waiver of City Council Policy 100-18 Community Parking District Policy (Section B) except funding required for debt service payments.

On Monday, February 14, 2005, the Mayor and Council approved Resolution R-300123, "Participation in Vehicle License Fee Gap Receivables Financing Program." This resolution allowed for several approved actions, two of which influence the recommendation to temporarily suspend compliance with Municipal Code 63.30, Environmental Growth Ordinance. First, Resolution 300123 approved the City to sell its General Fund Motor Vehicle License Fee (VLF) receivables to the California Statewide Communities Development Authority (CSCDA) for a minimum sale price equal to \$20.0 million. Second, Resolution R-300123 allows the City to use the VLF receivables proceeds to pay down a majority of the outstanding principal and accrued interest on the Open Space General Obligation (G.O.) Refunding Bonds, Series 1994. Use of the VLF receivables proceeds, in addition to surplus monies in the Environmental Growth Fund designated for the payment of debt service on the Open Space General Obligation (G.O.) Refunding Bonds, Series 1994 would pay down approximately 90% of the outstanding principal and accrued interest on the Open Space General Obligation (G.O.) Refunding Bonds, Series 1994. Preliminary analysis shows that the new debt service schedules may result in savings of \$6.6-6.8 million per year from Fiscal Year 2006 through Fiscal Year 2010. Thus, over \$6 million in SDG&E franchise revenue deposited into the Environmental Growth Two-Thirds Fund will not be needed for debt service in the coming years and is proposed to be used to fund priorities that preserve and enhance the environment within the General Fund.

Pursuant to Municipal Code 63.30(d), "if the City Manager determines that anticipated revenues in any fiscal year will be insufficient to maintain existing City services necessary for preserving and enhancing the environment, the City Manager may ask the City Council to temporarily suspend compliance with this Section in order to allow Environmental Growth Funds to be allocated consistent with San Diego Charter Section 103.1a. A majority vote of the City Council can temporarily suspend compliance with this Section for that fiscal year. Creating a mechanism for the suspension of this Section is necessary to prevent the abrogation of duties, obligations,

and prerogatives of the City Council in the preparation and passage of the Annual Appropriation Ordinance pursuant to San Diego Charter Section 71."

**FISCAL IMPACT:**

Suspension of Municipal Code Sections 22.0228 (Library Ordinance), 22.0229 (Mission Bay Ordinance), 63.30 (Environmental Growth Ordinance), and City Council Policy 100-18 Community Parking District Policy (Section B) is critical to the development of a balanced Fiscal Year 2006 Proposed Budget to be presented to the Mayor and City Council on May 2, 2005.

Ewell/Vattimo/JS

Staff: Jeff Sturak – (619) 235-5713  
Kelly Salt – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:20 p.m. – 5:38 p.m.)

MOTION BY MADAFFER TO RETURN SUBITEMS C AND E TO THE CITY MANAGER AND TO ADOPT SUBITEM A, THE GENERAL FUND FINANCIAL MODEL IN CONCEPT, SUBJECT TO FURTHER REVISIONS BY DISCLOSURE PRACTICES WORKING GROUP, WHICH REVISIONS WILL BE COMPLETE ON OR BEFORE THE EARLY PART OF MAY 2005. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY PETERS TO ADOPT SUBITEMS B AND D, WITH DIRECTION THAT: 1) STAFF RUN A SCENARIO THAT SHOWS THE NUMBERS REGARDING REFINANCING OF THE DEBT ASSUMPTIONS AS A PLANNING TOOL WITH THE GOAL OF SAVING DEBT-SERVICE PAYMENTS; 2) IN TERMS OF STARTING A DISCUSSION ABOUT FUTURE REVENUES, STAFF PROVIDE SOME QUANTIFICATION OF THE UNFUNDED NEEDS OF THE CITY; 3) STAFF PROVIDE A SCENARIO SHOWING ASSUMPTIONS FOR A FIVE-YEAR PLAN ADDRESSING STREET-SURFACING AND REPAVING, WITH TWO YEARS OF INITIAL EXPENDITURES AT ABOUT \$60 MILLION, INCLUDING THE KINDS OF EXPENDITURES TO BE MADE TO PREVENT STREET DETERIORATION; AND, 4) STAFF TO INCLUDE IN THE FIVE-YEAR PLAN, A PLAN TO REPAIR AND MAINTAIN STREETS THROUGHOUT ALL COMMUNITIES, ESPECIALLY THROUGHOUT THE OLDER SECTIONS OF THE CITY.

ACCEPT COUNCIL MEMBER FRYE'S RECOMMENDATION THAT STAFF PROVIDE: 1) THE FULL AMOUNT ASSUMED FOR OVERTIME SALARIES AND WAGES; 2) THE AMOUNT OF THE TOT REVENUES THAT WERE GUARANTEED IF ALL HOTELS WERE NOT BUILT BEFORE PETCO PARK WAS OPENED, PARTICULARLY TOT REVENUES FROM SALES TAXES ON RETAIL SPACES AND FOR THE OMNI HOTEL; AND, 3) A BREAKDOWN OF THE \$27 MILLION LISTED UNDER "OTHER TRANSFERS" ON PAGE 7 OF THE FINANCIAL FORECAST.

ACCEPT COUNCIL MEMBER ATKINS' RECOMMENDATION THAT THERE BE MORE DISCUSSION IN A GOING-FORWARD FASHION REGARDING HOW THE TOBACCO FUNDS WILL BE USED IN FUTURE YEARS.

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

**ITEM-250: Notice of Pending Final Map Approval – 4675 Ohio 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 "4675 Ohio Street" (T.M. No. 27562/PTS No. 57091), located southeasterly of Adams Avenue and Ohio Street in the Greater North Park 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:

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

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the

date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-251: **Notice** of Settlement of Property Damage Claim of Joyce Sanders and Terry Mills.

(R-2005-1017)

Adopted as Resolution R-300300 on April 4, 2005.

A Resolution approved by the City Council in Closed Session on Monday, April 4, 2005 by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Young-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-not present; Mayor-yea.

Authorizing the City Manager to pay the sum of \$110,414.81 in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from property damage claim of Joyce Sanders and Terry Mills;

Authorizing the City Auditor and Comptroller to issue a check in the amount of \$74,605.81 made payable to Luth and Turley, Inc.

Aud. Cert. 2500865.

**NOTE:** This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.



**ITEM-S400:** Accepting Gift from the Jane Cameron Estate.

(La Jolla Community Area. District 1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1061) ADOPTED AS RESOLUTION R-300338

Accepting the generous donation from the estate of Jane Cameron on behalf of the La Jolla/Riford Branch Library in an amount anticipated to be \$3.2 million;

Directing the City Auditor and Comptroller to establish a “Jane Cameron La Jolla Library Fund ” as a trust fund to be used solely for the La Jolla/Riford Branch Library;

Authorizing the City’s Real Estate Assets Department to sell real estate assets which are part of the donation, including the former residence of Jane Cameron in La Jolla, and interests in two limited partnerships, with proceeds to be placed, net of costs related to the sale of the assets, in the Jane Cameron La Jolla Library Fund.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego (City) is the designated beneficiary of a generous charitable donation in the estate of Jane Cameron, deceased. The estate donation has been valued by the Probate Court at approximately \$3,200,000.

Ms. Cameron, a life time resident of La Jolla and an individual who often used the La Jolla/Riford Branch Library (La Jolla Branch), wished the considerable assets of her estate to enable the City to provide for the current and future well-being of this facility. Ms. Cameron's estate stipulation in this regard indicates:

I give the residue of my estate to the CITY OF SAN DIEGO, for the exclusive use of the La Jolla Branch of the SAN DIEGO PUBLIC LIBRARY. This bequest may be used for the expansion of the La Jolla branch of the SAN DIEGO PUBLIC LIBRARY, for the improvement of the existing library building, or for the improvement or maintenance of the collection at the La Jolla branch.

The estate assets donated to the City are: 1) cash, 2) Ms. Cameron's residence in La Jolla, and 3) Ms. Cameron's investment interests in two limited partnerships.

City staff agrees that:

1. The prudent and best course for the City regarding the non-cash assets in the estate is to take advantage of the expertise of the Real Estate Assets Department to liquidate these assets and, in turn, invest the net proceeds of these sales to the benefit of the La Jolla Branch.

2. Updated appraisals of the non-cash assets in the estate should be obtained by the Real Estate Assets Department prior to the liquidation of these assets.
3. Appropriate recognition of the thoughtfulness and community spirit inherent in Ms. Cameron's wonderful philanthropic commitment should be expressed by the establishment of a named fund to be known as the Jane Cameron La Jolla Library Fund; and by City Council declaring the date of the Council's acceptance of the estate donation as Jane Cameron Day in the City of San Diego.

**FISCAL IMPACT:**

None.

Herring/Tatar/CY

Staff: Carol Young – (619) 236-5893  
Deborah Berger – Assistant City Attorney

FILE LOCATION: MEET

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

MOTION BY PETERS 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-S401: Two actions related to Grant Application to the State of California Governor's Office of Emergency Services (OES) for the Open Space Brush Management Program.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2005-822) ADOPTED AS RESOLUTION R-300339

Authorizing the City Manager, or his representative, to apply to the State of California Governor's Office of Emergency Services (OES), for the purpose of obtaining certain federal financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance (Stafford Act), 42 C.S.C. 5133, as amended by

the Disaster Mitigation Act of 2000 (DMA) for the Open Space Brush Management Program;

Authorizing the City Manager, or his representative, to take all necessary actions to secure grant funding from OES for the Open Space Brush Management Program, which includes providing OES all matters pertaining to such disaster assistance as the grant assurances and agreements require;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$856,097, encumbered via Auditors Certificate No. 2400926 by City Council Resolution No. R-299064, adopted April 12, 2004, to whichever of the Hazard Mitigation Grant Program DR-1498 or FY 2005 Pre-Disaster Mitigation Grant Program Open Space Brush Management Grants is received first, upon receipt of a fully executed grant agreement;

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

Authorizing the City Auditor and Comptroller to established a special interest-bearing fund for the grant.

**Subitem-B: (R-2005-842) ADOPTED AS RESOLUTION R-300340**

Certifying that Findings to Master Environmental Impact Report LDR No. 96-0333, on file in the office of the City Clerk, 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 Application for Federal Grant Supporting Open Space Brush Management 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 regarding the above project.

**CITY MANAGER SUPPORTING INFORMATION:**

This action authorizes the City Manager, or his representative, to apply for funding for program costs to implement proposed 100 foot brush management area in the City's open space for defense against impending fire. Of the 22,600 acres of open space land the City owns, an estimated 1,180 acres interface with structures. To manage the open space brush effectively, an estimated 590 of these urban wildland interface acres should be thinned each year. At the City's current budget levels only 70 acres of brush is thinned each year. The City cannot keep up with the current program requirements, and thinning additional acres to meet the proposed 100-foot from structure open space brush management requirement recommended by the Fire Chief will place an impossible demand on the budget.

The California Office of Emergency Services (OES) invited all eligible sub-applicants to apply for FY 2005 Pre-Disaster Mitigation Program Grants (PDM 05) for projects that meet program eligibility requirements. The City is an eligible sub-applicant in accordance with Section 2.3.2 of the PDM 05 Grant Guidance and the open space brush management program meets program eligibility requirements. Award notifications are expected in Summer 2005.

The brush thinning projects were previously submitted for Federal grant funds as a result of the Cedar fire. That application is still pending and may be rejected. Application for grant funding under two different programs is the reason for resolution 3. Resolution 3 allows the City match funding to be applied to either grant, whichever is approved first. On approval of either application, the remaining application will immediately be withdrawn.

**FISCAL IMPACT:**

FEMA Pre-Disaster Mitigation (PDM) grants are provided on a cost-share basis of 75 percent federal share and 25 percent non-federal share. The City will provide a 25 percent match as follows: \$856,097 currently encumbered via AC 2400926 pursuant to Council Resolution R-299064 approved April 12, 2004, and \$143,903 Park and Recreation Department's annual allocation for open space brush management (FY 06).

Arellano/Ghio/WFN

Staff: Bill Norris – (619) 533-4802  
Shannon M. Thomas – Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:26 p.m. – 2:31 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-S402: Public Hearing: Various Surcharge Funded Underground Utility Districts.

(Various Community Plan Areas. Districts 1, 4, 6, and 7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1025) ADOPTED AS RESOLUTION R-300341

Calling for a public hearing to determine whether the public health, safety, or general welfare requires the formation of Underground Utility Districts financed through the City of San Diego Undergrounding Surcharge Fund.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed district are identified in CIP-37-028.0 "Annual Allocation - Underground of City Utilities", and will underground the overhead utility facilities within the designated districts.

The formation of this districts will require the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary. The expense of the underground installation and removal of overhead electric facilities within the right-of-way will be financed through City of San Diego Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from San Diego Gas & Electric. The expense of the underground installation and removal of overhead facilities within the right-of-way for all other utilities will be the responsibility of the utility companies in accordance with California Public Utilities Commission Rules.

It is the responsibility of the individual property owner(s) for the trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service. However, San Diego Gas & Electric will offer to property owner(s) within the Underground Utility District, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities, at no cost to the property owner(s). In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form (PTE). The City will also

provide and plant a new tree for any property owners who are willing to take responsibility for the watering and caring of the tree until it becomes established.

**FISCAL IMPACT:**

The construction cost and the other indirect costs such as administration, street light replacement, street improvement, minor City forces and other related work is estimated at \$15,679,594. Funds will be available in Fund 30100, Undergrounding Surcharge Fund, contingent upon receipt of funds from San Diego Gas & Electric.

Mendes/Boekamp/AO

Staff: Nathan Bruner - (619) 533-3777

FILE LOCATION: STRT-K-308 (38)

COUNCIL ACTION: (Time duration: 2:26 p.m. – 2:31 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-S403: Public Hearing: Various Underground Utility Districts with Mitigation Monitoring Reporting Program.

(Various Community Plan Areas. Districts 2, 3, 6, 7, & 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2005-1039) ADOPTED AS RESOLUTION R-300342

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of Underground Utility Districts financed through the City of San Diego Undergrounding Surcharge Fund.

Subitem-B: (R-2005-1041 Cor. Copy) CONTINUED TO TUESDAY, MAY 24, 2005

Certifying that Mitigated Negative Declaration Project No. 63220, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the following underground utility districts:

- District 2 Block 2-J, as described in Exhibit A, to this resolution and more particularly shown on Drawing No. 33492-1-D, and;
- District 3 Block 3-EE, as described in Exhibit B, to this resolution and more particularly shown on Drawing No. 33493-1-D and;
- District 7 Block 7-CC, as described in Exhibit C, to this resolution and more particularly shown on Drawing No. 33496-1-D, and;
- District 8 Block 8-G, as described in Exhibit D, to this resolution and more particularly shown on Drawing 33497-1-D and;
- Hotel Circle North from Circle South to Hotel Circle Place, as described in Exhibit E, to this resolution and more particularly shown on Drawing No. 33555-1-D.

That pursuant to California Public Resource Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding this project.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed districts are identified in CIP 37-028.0, “Annual Allocation – Underground of City Utilities,” and will underground the overhead utility facilities within the designated districts.

The formation of these districts will require the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary. The expense of the underground installation and removal of overhead electric facilities within the right-of-way will be financed through City of San Diego Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from San Diego Gas & Electric. The expense of the underground installation and removal of overhead facilities within the right-of-way for all other utilities will be the responsibility of the utility companies in accordance with California Public Utilities Commission Rules.

It is the responsibility of the individual property owner(s), for the trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service. However, San Diego Gas & Electric will offer to property owner(s), within the Underground Utility District, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities at no cost to the property owner(s).

In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form (PTE). The City will also provide and plant new trees for any property owner(s) who are willing to take responsibility for the watering and caring of the tree until it becomes established.

**FISCAL IMPACT:**

The construction cost and other indirect costs such as administration, archaeological monitoring, street light replacement, street improvement, minor City forces, and other related work, estimated at \$16,181,792. Funds will be available in Fund 30100, Undergrounding Surcharge Fund, contingent upon receipt of funds from San Diego Gas & Electric.

Mendes/Boekamp/AO

Staff: Nathan Bruner – (619) 533-3777

FILE LOCATION: STRT-K-307 (38)

COUNCIL ACTION: (Time duration: 2:36 p.m. – 2:38 p.m.)

MOTION BY ATKINS TO ADOPT THE RESOLUTION IN SUBITEM A AND CONTINUE SUBITEM B TO MAY 24, 2005 AT THE REQUEST OF THE CITY MANAGER IN ORDER TO CONSOLIDATE THE ACTION WITH THE PUBLIC HEARING ON MAY 24, 2005.

Second by Madaffer. 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-S404](#): Residential Housing Agreement Related to Workers Compensation Obligations.

(Del Cerro Community Area. District 7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1063) ADOPTED AS RESOLUTION R-300343

Authorizing the City Manager to execute a Housing Agreement with Daniel Walters for the occupancy of City-owned residential property located at 5680 Genoa Drive in San Diego, under the terms and conditions set forth in the Housing Agreement.

**CITY MANAGER SUPPORTING INFORMATION:**

In 1995, the City acquired the property at 5680 Genoa Drive in Del Cerro as a result of a break in a street storm drain that caused a failure of the hillside to the rear of the property. The City has repaired the drain, stabilized the hillside and has been monitoring earth movement since May 2003. The City and engineering contractor employed by the City deemed the slope stable, and released the house for occupancy in July 2004. In 2003, a City Police Officer sustained catastrophic injuries while on duty. As a result of that injury, the City's Risk Management Workers Compensation Division is obligated to provide special needs living accommodations, and proposes to offer the house to the employee for the remainder of his life at no rent in lieu of other more costly options. The City could place the employee in a full care facility at an estimated monthly cost of \$21,900 or use the City property and modify the structure for the special needs accommodations for a one-time payment of \$156,480 and monthly cost between \$4,638 and \$8,358 over the life of the claim for nursing and housekeeping. Based on the officer's estimated life span of 22 years, the Risk Management Department proposes to save between \$3,418,608 and \$4,400,688 by modifying the City property to accommodate the officer's needs. The special needs include but are not limited to special equipment for mobility and daily living, modifications for home safety and ADA compliance. The terms of the proposed agreement are as follows:

LOCATION: 5680 Genoa Drive, San Diego, California 92120

TERM: For the life of the employee, with option to purchase by employee at fair market value, or until termination by either party.

IMPROVEMENT MAINTENANCE: Employee shall be responsible for all interior non-structural maintenance including minor electrical and plumbing repairs, damages beyond normal wear and tear and all exterior landscape maintenance. The City shall maintain the structural components, major electrical and plumbing service.

RENT: The consideration for this agreement is the partial satisfaction of a claim under Workers' Compensation law between the employee and the City. Current monthly market rent is estimated between \$1,800 and \$2,200. The officer will not be charged rent.

**FISCAL IMPACT:**

There is no cost associated with the Housing Agreement itself, renovations to the home and ongoing medical expenses will be funded from the Workers' Compensation Fund in accordance with Workers' Compensation laws.

Herring/Griffith/DCM

Staff: Dave Martens – (619) 236-6066  
Elisa A. Cusato – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:26 p.m. – 2:31 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-S405:](#) In the Matter of the Transition to Mayor-Council Form of Government.

(R-2005-1113) ADOPTED AS RESOLUTION R-300364

Discussion items will include:

- 1 - Scheduling future meetings
- 2 - Office of Independent Budget Analyst
- 3 - Office of Independent Legislative Analyst
- 4 - The Council Committee structure
- 5 - Constituent Services
- 6 - Selection of the First San Diego City Council Presiding Officer, and
- 7 - Inviting further Council discussion and input on any issues related to the Transition.

(See memorandum from Deputy Mayor Zucchet and Councilmember Madaffer dated 4/13/2005; and memorandum from Beth Murray dated 4/7/2005; and Independent Budget Analyst Report from Dewey Square Group dated 4/5/2005; Office of Legislative Analysis Report from Dewey Square Group dated 4/6/2005; and Committee Structure Preliminary Report from Dewey Square Group dated 4/12/2005.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:39 p.m. – 7:11 p.m.)

MOTION BY COUNCIL MEMBER MADAFFER TO ADOPT A RESOLUTION, PURSUANT TO THE AUTHORITY THAT THE CITY COUNCIL HAS TO IMPLEMENT PROPOSITION F, THAT THE COUNCIL ESTABLISH BY RESOLUTION A TRANSITION COMMITTEE WHICH SHALL BE CONSTITUTED OF ALL COUNCIL MEMBERS, MINUS THE MAYOR, THAT AFTER A TRANSITION COMMITTEE IS CREATED, THE TRANSITION COMMITTEE WILL THEN DESIGNATE A CHAIR PERSON TO ORGANIZE AND SCHEDULE THE FIRST MEETING; THAT THE INTERIM CHAIR OF THE TRANSITION COMMITTEE BE SELECTED FOR THE SOLE PURPOSE OF ORGANIZING THE FIRST MEETING, WHERE THE COMMITTEE WOULD SELECT A CHAIR AND SELECT AND DECIDE ITS OWN RULES AS TO HOW LONG IT IS GOING TO OPERATE. THE TRANSITION COMMITTEE CAN DELIBERATE BUT CANNOT TAKE ACTION, BUT WILL MAKE RECOMMENDATIONS TO THE FULL COUNCIL WITH RESPECT TO MATTERS GOVERNING ITS TRANSITION, AND WITH RESPECT TO ALL LEGISLATIVE DECISIONS ON BEHALF OF THE CITY, SUCH AS AMENDING THE PERMANENT RULES, AMENDING THE MUNICIPAL CODE AND TAKING OTHER ACTIONS. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY MADAFFER, RECOMMENDING THAT COUNCIL MEMBER SCOTT PETERS BE APPOINTED TO SERVE AS THE CHAIRMAN OF THE TRANSITION

COMMITTEE. ACCEPT COUNCIL MEMBER FRYE'S RECOMMENDATION THAT THE ISSUE OF THE OFFICE OF INDEPENDENT LEGISLATIVE ANALYST BE REFERRED TO THE CITY ATTORNEY. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-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 7:14 p.m. in honor of the memory of:

Evelyn Carter as requested by Council Member Toni Atkins; and  
Jane Cameron as requested by Council Member Scott Peters

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 7:12 p.m. – 7:14 p.m.)