

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, OCTOBER 10, 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 Deputy Mayor Atkins at 2:07 p.m.

Council Member Peters wished to thank all the firefighters from the Fire Rescue Department who worked so hard on Labor Day, September 5, 2005 to put out the fires in Rancho Penasquitos near Mt. Carmel High School. Council Member Peters stated that the collaborative efforts of the Fire Rescue Department and the fire departments from other jurisdictions were very impressive, where air equipment, the fire-fighting helicopter and the air-tanker pilots and air crews played a critical role in containing the fire.

Deputy Mayor Atkins recessed the meeting at 3:27 p.m. for the purpose of a break. Deputy Mayor Atkins reconvened the meeting at 3:39 p.m. with all Council Members present and District 2, District 8 and Mayor vacant. Deputy Mayor Atkins adjourned the meeting at 4:22 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor-vacant
- (1) Council Member Peters-present
- (2) Council District 2-vacant
- (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 District 8-vacant

Clerk-Maland (ek)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (M) Mayor-vacant
- (1) Council Member Peters-present
- (2) Council District 2-vacant
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-not present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council District 8-vacant

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Reverend Myron Wingfield of
St. Mark's United Methodist Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

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

FILE LOCATION: MINUTES

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

09/05/2005 – Adjourned
09/06/2005

FILE LOCATION: MINUTES

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

MOTION BY YOUNG TO APPROVE. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-31: Patrick McLarney Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-310) ADOPTED AS RESOLUTION R-300884

Commending Patrick McLarney for his dedication to public safety in the City of San Diego, on the occasion of his retirement, and wishing him best luck in all future endeavors;

Proclaiming October 10, 2005, to be "Patrick McLarney Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:21 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-32: Robert A. Hurt Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-311) ADOPTED AS RESOLUTION R-300885

Commending Robert A. Hurt for his dedication to public safety in the City of San Diego, on the occasion of his retirement, and wishing him best of luck in all of his future endeavors;

Proclaiming October 10, 2005, to be "Robert A. Hurt Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:22 p.m. – 2:24 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-33: Assistant Police Chief Rulette V. Armstead Day.

DEPUTY MAYOR ATKINS' AND COUNCILMEMBER YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-238) ADOPTED AS RESOLUTION R-300886

Recognizing Assistant Police Chief Rulette Armstead for her unselfish efforts to protect and serve the people of San Diego;

Proclaiming October 10, 2005, to be “Assistant Police Chief Rulette V. Armstead Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:25 p.m. – 2:30 p.m.)

MOTION BY YOUNG TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-34: Domestic Violence Awareness Month.

DEPUTY MAYOR ATKINS’, MAYOR PRO TEM MADAFFER’S AND COUNCILMEMBER FRYE’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-317) ADOPTED AS RESOLUTION R-300887

Recognizing the effect that domestic violence has on the men, women, and children of San Diego and across the nation; supporting and encouraging efforts to stop domestic violence in San Diego; and recognizing the need to eradicate domestic violence in San Diego in order to improve the lives of all San Diegans;

Proclaiming the month of October 2005 to be “Domestic Violence Awareness Month” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:31 p.m. – 2:40 p.m.)

MOTION BY FRYE TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-35: Arianna Afsar Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-259) ADOPTED AS RESOLUTION R-300883

Recognizing the exceptional achievements of Arianna Afsar;

Proclaiming October 10, 2005, to be "Arianna Afsar Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:43 p.m.)

MOTION BY PETERS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-36: White Cane Safety Day.

COUNCILMEMBER MAIENSCHIEIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-305) ADOPTED AS RESOLUTION R-300888

Proclaiming October 15, 2005, to be "White Cane Safety Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:44 p.m. – 2:54 p.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

CLOSED SESSION:

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

CS-1 Regional Water Quality Control Board

REFERRED TO CLOSE SESSION ON TUESDAY, OCTOBER 11, 2005

DCA assigned: T. Miller

This threat of litigation has named the City of San Diego as a responsible party in Regional Water Quality Control Board Tentative Cleanup and Abatement Order R9-2005-0126 for polluted conditions within San Diego Bay in the vicinity of the NASSCO shipyards. In closed session the City Attorney will update the Mayor and Council on the status of an administrative proceeding.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:22 p.m. –4:22 p.m.)

Deputy Mayor Atkins closed the hearing.

* ITEM-50: Repeal of Debt Incurrence Time Limit Mount Hope Redevelopment Project Area.

(See Southeastern Economic Development Corporation Report SEDC-05-012.
Southeastern San Diego Community Area. District 4.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/20/2005, Item 330. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-28) ADOPTED AS ORDINANCE O-19417 (New Series)

Eliminating the time limit for establishing loans, advances or indebtedness to carry out the Redevelopment Plan for the Mount Hope Redevelopment Project Area.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-51: Lease Agreement with San Diego Unified School District for Construction, Operation, Maintenance and Lease of Joint Use Facilities at Gaspar De Portola Middle School.

(Tierrasanta Community Area. District 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/26/2005, Item 52. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-32) ADOPTED AS ORDINANCE O-19418 (New Series)

Authorizing the City Manager to execute an agreement with the San Diego Unified School District for the Construction, Operation, Maintenance and Lease of Joint Use Facilities at Gaspar De Portola Middle School.

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

FILE LOCATION: LEAS-San Diego Unified School District-Gaspar De Portola Middle School

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

MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-52: Madera Rezone Located at 3093 Clairemont Drive.

(Clairemont Mesa Community Plan Area. District 6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/27/2005, Item 332, Subitem C. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-30) ADOPTED AS ORDINANCE O-19419 (New Series)

Changing 4.15 acres, located at 3093 Clairemont Drive, in the Clairemont Mesa Community Plan Area, in the City of San Diego, California, from the CC-1-3 Zone (previously referred to as the CA-S Zone) into the RM-3-7 Zone (previously referred to as the R-1000 Zone, as defined by San Diego Municipal Code Section 131.0406.

FILE LOCATION: LUP-Madera, 09/27/05 (65)

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-53: Construction and Demolition (C&D) Debris Diversion Deposit Ordinance.

(See City Manager Report CMR-05-071; and memorandums from Elmer L. Heap dated 9/6/2005 and 7/28/2005.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 9/19/2005, Item 150, Subitem B. (Council voted 6-0. District 2-vacant, District 8-vacant and Mayor-vacant.):

(O-2006-143 Rev.) ADOPTED AS ORDINANCE O-19420 (New Series)

Amending Chapter 6, Article 6 of the San Diego Municipal Code by adding Division 6, Sections 66.0601, 66.0602, 66.0603, 66.0604, 66.0605, 66.0606, 66.0607, 66.0608, 66.0609, and 66.0610, all relating to the Diversion of Construction and Demolition Debris from Landfill Disposal.

This ordinance would require applicants for building permits and demolition/removal permits to post a refundable deposit and submit a waste management plan demonstrating how construction and demolition waste generated from the project will be diverted from landfill disposal. After final project inspection and timely submittal of satisfactory evidence that the waste has been properly diverted, the applicant would be eligible for a refund of the deposit. Refunds will be in the same proportion to the deposit paid by the applicant as the diversion rate achieved for the project is to the applicable diversion rate set forth in the ordinance.

This Ordinance shall take effect and be in force on the 45th day after public notice that a certified recycling facility which accepts mixed construction and demolition waste is operating in the City at a 50% diversion rate.

This ordinance initially would require the applicant to achieve a 50% diversion rate in order to be eligible for a full refund of the deposit. That diversion rate would remain in effect for six months, after which time the diversion rate would increase to 75%, unless a certified recycling facility, which accepts mixed construction and demolition wastes, is not operating within the City at a 75% diversion rate at that time. In that case, the diversion rate increase will take place after public notice that such a facility is available.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote:

Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-54: Multiple Joint Use Agreements with the San Diego Unified School District for Construction, Operation, Maintenance, and Lease of Joint Use Facilities for a Period of Twenty-Five Years.

(Paradise Hills, Mira Mesa, Navajo, and Tierrasanta Community Areas. Districts 4, 5, and 7.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinances:

Subitem-A: (O-2006-11) INTRODUCED, TO BE ADOPTED ON
MONDAY, OCTOBER 24, 2005

Authorizing the City Manager to execute the Lease and Joint Use Agreement with San Diego Unified School District for the construction, operation, maintenance, and lease of joint use facilities at Dailard Elementary School, under the terms and conditions set forth in that agreement.

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

Subitem-B: (O-2006-12) INTRODUCED, TO BE ADOPTED ON
MONDAY, OCTOBER 24, 2005

Authorizing the City Manager to execute the Lease and Joint Use Agreement with San Diego Unified School District for the construction, operation, maintenance, and lease of joint use facilities at Ericson Elementary School, under the terms and conditions set forth in that agreement.

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

Subitem-C: (O-2006-13 Cor. Copy) INTRODUCED, TO BE ADOPTED ON
MONDAY, OCTOBER 24, 2005

Authorizing the City Manager to execute the Lease and Joint Use Agreement with San Diego Unified School District for the construction, operation, maintenance,

and lease of joint use facilities at Mason Elementary School, under the terms and conditions set forth in that agreement.

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

Subitem-D: (O-2006-14) INTRODUCED, TO BE ADOPTED ON
MONDAY, OCTOBER 24, 2005

Authorizing the City Manager to execute the Lease and Joint Use Agreement with San Diego Unified School District for the construction, operation, maintenance, and lease of joint use facilities at Penn Elementary School, under the terms and conditions set forth in that agreement.

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

Subitem-E: (O-2006-15) INTRODUCED, TO BE ADOPTED ON
MONDAY, OCTOBER 24, 2005

Authorizing the City Manager to execute the Lease and Joint Use Agreement with San Diego Unified School District for the construction, operation, maintenance, and lease of joint use facilities at Tierrasanta Elementary School, under the terms and conditions set forth in that agreement.

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

Subitem-F: (O-2006-16) INTRODUCED, TO BE ADOPTED ON
MONDAY, OCTOBER 24, 2005

Authorizing the City Manager to execute the Lease and Joint Use Agreement with San Diego Unified School District for the construction, operation, maintenance, and lease of joint use facilities at Walker Elementary School, under the terms and conditions set forth in that agreement.

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

Subitem-G: (O-2006-17) INTRODUCED, TO BE ADOPTED ON
MONDAY, OCTOBER 24, 2005

Authorizing the City Manager to execute the Lease and Joint Use Agreement with San Diego Unified School District for the construction, operation, maintenance,

and lease of joint use facilities at Serra High School, under the terms and conditions set forth in that agreement.

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

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

FILE LOCATION: NONE

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

MOTION BY MADAFFER TO INTRODUCE, TO BE ADOPTED ON OCTOBER 24, 2005. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-100: Inviting Bids for the Construction Contract for Asphalt Overlay of Various Streets City Wide Fiscal Year 2006 Group R-8.

(Various Community Areas. Districts 1 - 8.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-253) ADOPTED AS RESOLUTION R-300889

Approving the plans and specifications for Asphalt Overlay of Various Streets City Wide Fiscal Year 2006 Group R-8, as advertised by the Contract Administrator for bids on Work Order No. 576510;

Authorizing the City Auditor and Comptroller a \$372,895, increase in the Fiscal Year 2006 Capital Improvement Program budget in CIP-59-001.0, Annual Allocation-Resurfacing City Streets, in Street Division Capital Improvement Fund No. 104402;

Authorizing the City Auditor and Comptroller to expend and appropriate an amount not to exceed \$372,895 from CIP-59-001.0, Fund No. 104402; \$1,000,000 from CIP-59-001.0, Fund No. 30300; \$547,018 from CIP-37-028.0, Fund No. 30101; \$31,500 from Fund No. 41506; and \$17,500 from Fund No. 41500;

Authorizing the City Auditor and Comptroller to transfer \$372,895 from Fund No. 10440 to Fund No. 104402, for the purpose of funding CIP-59-001.0, Annual Allocation-Resurfacing City Streets;

Authorizing the City Manager to execute a construction contract with the Lowest Responsible Bidder for an amount not to exceed \$1,826,018;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer any excess funds to the appropriate reserve;

Declaring that this activity is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, as the repair and maintenance of existing facilities. (BID-K0603081C)

CITY MANAGER SUPPORTING INFORMATION:

This asphalt overlay contract is part of the City's annual street maintenance program. It provides for the repair and resurfacing of approximately 4.5 miles of asphalt streets citywide. Locations for resurfacing are chosen through the city's pavement management system, using the following criteria: age, oxidation, cracking, amount of patching, amount of traffic, and avoiding conflict with planned underground utility work. Failed areas of the pavement will be removed and repaired prior to resurfacing. The contract continues to require that asphalt adjacent to curbs and gutters is ground down prior to resurfacing to maintain current curb height and proper drainage. In cooperation with the Engineering and Capital Projects Department, this contract will also provide approximately 2.5 miles of overlay for several underground utility conversion projects citywide. Approximately 2900 tons of asphalt will be removed and recycled for use in later street maintenance activities. This contract also includes the installation of curb ramps, which will be placed at affected locations in accordance with ADA requirements. A list of locations will be provided to the Mayor and Council Members, which may be revised prior to construction in order to coordinate with any construction conflicts that may arise. Construction for this project is expected to begin in February 2006, and take approximately 4 months to complete. In addition to the construction contract of \$1,826,018, the following costs will be funded by the Street Division Operating Fund: \$25,287 for Design; \$24,727 for Project Management; \$25,287 for Contract Inspection; \$34,650 for Materials Testing & Surveying; and \$32,944 for City Forces, for a total

project cost of \$1,968,913. This action does not include Proposition 42 funding which the City is waiting to receive from the State of California.

FISCAL IMPACT:

\$1,968,913, in funds for this project are available as follows: \$372,895 from Street Division Resurfacing Fund 104402, \$1,000,000 from CIP-59-001.0 Annual Allocation to be funded by TransNet Fund 30300, \$31,500 from Sewer Revenue Fund 41506, \$17,500 from Water Department Fund 41500, and \$547,018 from Underground Surcharge Fund 30101, CIP-37-028.0.

Mendes/Gardner/MMW

Aud. Cert. 2600212.

Staff: Mario Sierra – (619) 527-7504
Timothy J. Miller – Deputy City Attorney

FILE LOCATION: W.O. 576510 – Group R-8

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-101: Inviting Bids for the Replacement of Damaged Sidewalk, City Wide Fiscal Year 2006 Group C-30 Project.

(Various Community Areas. Districts 1 - 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-234) ADOPTED AS RESOLUTION R-300890

Approving the plans and specifications for Replacement of Damaged Sidewalk, Curb/Gutter City Wide Group C-30, as advertised by the Contract Administrator for bids, on Work Order No. 576510;

Authorizing the City Auditor and Comptroller to transfer \$417,500 from Street Division Operating Fund No. 10440 to Fund No. 104402 – Street Division Capital Improvement - for the purpose of funding CIP-59-002.0. Sidewalks - Replacement and Reconstruction;

Authorizing the City Auditor and Comptroller a \$417,500 increase in the appropriation for Fiscal Year 2006 Capital Improvement Program budget in CIP-59-002.0, Sidewalk - Replacement and Reconstruction, Fund No. 104402, Street Division Capital Improvement Fund;

Authorizing the City Auditor and Comptroller to expend \$667,500 from CIP-59-002.0, Sidewalks - Replacement and Reconstruction; \$250,000 from TransNet Fund No. 30300 and \$417,500 from Street Division Capital Improvement Fund No. 104402, for the purpose of funding this contract and related expenses, contingent upon the City Auditor and Comptroller first certifying that the funds are available;

Authorizing the City Manager to execute a construction contract with the lowest responsible bidder for an amount not to exceed \$600,000, contingent upon the City Auditor and Comptroller first certifying that 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 any excess funds to the appropriate reserve;

Declaring this activity is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, as the repair and maintenance of existing facilities.

CITY MANAGER SUPPORTING INFORMATION:

This action will provide for the replacement of damaged concrete hardscape surfaces in all Council Districts. The Street Division maintains over 5,000 miles of sidewalks. Specific sidewalk and curb/gutter locations for this project were selected from the Street Division's general concrete repair backlog for non-tree root damaged sites. Locations which need repair are reported by City personnel, and/or residents. Street Division uses the following factors to identify and prioritize repair locations for both contractual services and City force work: the

severity of the damage, the age of the request, other repair projects occurring at the same location, and utility conflicts. While the severity of the damage and the age of the request are the highest priorities, if best management practices dictate grouping jobs in the same geographic area, that course of action will be considered regardless of the age of the request. Damage rating factors from 1 to 4, with "1" being extensive damage to the right-of-way, "2" moderate, "3" routine, and "4" minimal damage, are also applied and considered in the prioritization.

It is projected that approximately 300 locations will be completed by this contract. Locations to be repaired include sidewalks, curbs/gutters, cross gutters, bus pads and curb ramps throughout the city. A list of locations will be provided to the Mayor and Council Members, which may be revised prior to construction in order to coordinate with any construction conflicts that may arise. Construction is expected to start in November 2005 and be completed by April 2006.

In addition to the construction contract of \$600,000, the following costs will be paid for by the Street Division Operating Fund: \$32,750 for Design and Project Management, and \$34,750 for Inspection, for a total of \$667,500.

FISCAL IMPACT:

\$667,500 in funding for this project is available as follows: \$250,000 from TransNet Fund 30300, and \$417,500 from Street Division Capital Improvement Fund 104402.

Mendes/Gardner/MMW

Aud. Cert. 2600175.

Staff: Mario Sierra – (619) 527-7504
Timothy J. Miller – Deputy City Attorney

FILE LOCATION: W.O. 576510 – Group C-30 Project

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-102: Inviting Bids for the Construction of Replacement of Tree Root Damaged Sidewalks, Citywide Fiscal Year 2006 Group C-31 Project.

(Various Community Areas. Districts 1 - 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-215) ADOPTED AS RESOLUTION R-300891

Authorizing the City Auditor and Comptroller to transfer \$865,500 from Fund No. 10440, Street Division Operating Fund, to Fund No. 104402, Street Division Capital Improvement Fund, for the purpose of funding CIP-59-002.0, Sidewalks - Replacement and Reconstruction, contingent upon the City Auditor and Comptroller first certifying that funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to increase in the Fiscal Year 2006 Capital Improvement Program budget in CIP-59-002.0, Sidewalks - Replacement and Reconstruction, in Street Division, Fund No. 104402, Street Division Capital Improvement Fund by \$865,500;

Authorizing the City Auditor and Comptroller to appropriate and expend \$865,500 from CIP-59-002.0, Sidewalks - Replacement and Reconstruction, Fund No. 104402, Street Division Capital Improvement Fund, for the purpose of funding a construction contract and related expenses, contingent upon the City Auditor and Comptroller first certifying that funds are, or will be, on deposit with the City Treasurer;

Approving the plans and specifications for Replacement of Tree Root Damaged Sidewalks Fiscal Year 2006 Citywide, Group C-31 as advertised by the Contract Administrator for bids, on Work Order No. 576510;

Authorizing the City Manager to execute a contract with the lowest responsible bidder in an amount not to exceed \$777,000, contingent upon the City Auditor and Comptroller first certifying that 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 any excess funds to the appropriate reserves;

Declaring the replacement or reconstruction of damaged sidewalks is categorically exempt from the California Environmental Quality Act pursuant to

Guidelines Section 15301 as the maintenance or repair of existing facilities.
(BID-K063004)

CITY MANAGER SUPPORTING INFORMATION:

This action will provide for the replacement of damaged concrete hardscape surfaces in all Council Districts which have been damaged by parkway trees. The Street Division maintains over 5,000 miles of sidewalks. Specific sidewalk and curb/gutter locations for this project were selected from the Street Division's concrete repair backlog for tree root damaged sites. Locations which need repair are reported by City personnel, and/or residents. Street Division uses the following factors to identify and prioritize repair locations for both contractual services and City force work: the severity of the damage, the age of the request, other repair projects occurring at the same location, and utility conflicts. While the severity of the damage and the age of the request are the highest priorities, if best management practices dictate grouping jobs in the same geographic area, that course of action will be considered regardless of the age of the request. Damage rating factors from 1 to 4, with "1" being extensive damage to the right-of-way, "2" moderate, "3" routine, and "4" minimal damage, are also applied and considered in the prioritization.

It is projected that approximately 388 locations will be completed by this contract. Locations to be repaired include sidewalks, curbs/gutters, and curb ramps throughout the city. A list of locations will be provided to the Mayor and Council Members which may be revised prior to construction in order to coordinate with any construction conflicts that may arise. Construction is expected to start in November 2005 and be completed in May 2006.

In addition to the construction contract of \$777,000, the following costs will be paid for by the Street Division Operating Fund: \$43,750 for Design and Project Management, and \$44,750 for Inspection, for a total of \$865,500.

FISCAL IMPACT:

Funds for this \$865,500 project are available in Street Division Operating Fund 10440.

Mendes/Gardner/MMW

Aud. Cert. 2600144.

Staff: Mario Sierra – (619) 527-7504
Timothy J. Miller – Deputy City Attorney

FILE LOCATION: W.O. 576510 – Group C-31 Project

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-103: Inviting Bids for the Contract for Slurry Sealing of Various Streets City Wide Fiscal Year 2006 Group S-10.

(Various Community Areas. Districts 1 - 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-233) ADOPTED AS RESOLUTION R-300892

Approving the plans and specifications for Slurry Sealing of Various Streets City Wide Fiscal Year 2006, Group S-10, as advertised by the Contract Administrator for bids on Work Order No. 005760;

Authorizing the City Auditor and Comptroller to expend \$1,216,430 for Slurry Sealing of Various Streets City Wide Fiscal Year 2006, Group S-10; \$770,000 from Street Division Operating Fund No. 10440, and \$446,430 from CIP-37-028.0, Underground Surcharge Fund No. 30101, for the purpose of funding this contract and related costs, contingent upon the City Auditor and Comptroller first certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to execute a construction contract with the Lowest Responsible Bidder in an amount not to exceed \$1,146,430, contingent upon the City Auditor and Comptroller first 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 any excess funds to the appropriate reserve; Declaring that this activity is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, as the repair and maintenance of existing facilities. (BID-K063003C)

CITY MANAGER SUPPORTING INFORMATION:

This Slurry Seal contract is part of the City's annual street maintenance program, and also includes some streets which have recently had overhead utilities placed underground. Slurry Seal is a pavement surface treatment applied as part of a comprehensive pavement maintenance program. It is used on streets which are in good condition to protect them from deterioration. The Street Division uses Rubberized Emulsion Aggregate Slurry (REAS).

This type of Slurry Seal coating lasts longer, resists damage better from water/rain, and stays black in color longer. Slurry sealing, when used in a timely manner can be very effective in reducing the need for later, more expensive pavement repairs. The Street Division's portion of this contract provides for the sealing of approximately 20 miles throughout the city. Locations for Slurry Seal coating are chosen through the use of annual surveys, and the City's Pavement Management System, using the following criteria: age, oxidation, cracking, and amount of traffic carried. In cooperation with the Engineering and Capital Projects Department, this contract will also provide approximately 10 miles of overlay for several underground utility conversion projects citywide.

A list of locations will be provided to the Mayor and Council Members, which may be revised prior to construction in order to coordinate with any construction conflicts that may arise. Construction is expected to begin in May of 2006, and will take approximately two months to complete.

FISCAL IMPACT:

Funds for this project are available as follows: \$446,430 in Undergrounding Surcharge Fund 30101, CIP-37-028.0, and \$770,000 in Street Division Operating Fund 10440, including \$10,012 for Design, \$6,675 for Project Management, \$3,764 for Inspection, and \$49,549 for additional work by City Forces.

This action does not include additional funding from Proposition 42 which the City is waiting to receive from the State of California.

Mendes/Gardner/MMW

Aud. Cert. 2600178.

Staff: Mario Sierra – (619) 527-7504
Timothy J. Miller – Deputy City Attorney

FILE LOCATION: W.O. 005760– Group S-10

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-104: Inviting Bids for the Construction of Balboa Avenue Streetscape Improvements.

(Clairemont Mesa Community Area. District 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-275 Cor. Copy) ADOPTED AS RESOLUTION R-300893

Approving the plans and specifications for the construction of the Balboa Avenue Streetscape Improvements (Project) as advertised by Contract Services;

Authorizing the City Manager after advertising for bids in accordance with law, to execute a construction contract with the lowest responsible and reliable bidder, contingent upon the City Auditor and Comptroller furnishing a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,070,855 within Fund 38978, State Cooperative Agreement Fund, from CIP-52-274.0, Balboa Avenue Corridor Improvements Project, to CIP-52-496.0, Balboa Avenue Streetscape Improvements;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$1,070,855 from Fund 38978, State Cooperative Agreement Fund, CIP-52-496.0, Balboa Avenue Streetscape Improvements, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, from CIP-52-496.0, Balboa Avenue Streetscape Improvements to CIP-52-274.0, Balboa Avenue Corridor Improvements Project, within Fund 38978, State Cooperative Agreement Fund;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing Fund for the purpose of performing maintenance of the median landscaping for the Balboa Avenue Streetscape Improvements Project;

Authorizing the City Auditor and Comptroller to decrease the Fiscal Year 2006 Capital Improvement Program Budget in CIP-52-274.0, Balboa Avenue Corridor Improvements Project, Fund 38978, by an amount not to exceed \$500,000;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$500,000 from CIP-52-274.0, Balboa Avenue Corridor Improvements Project, Fund 38978, State Cooperative Agreement Fund, to the special interest-bearing Fund.

CITY MANAGER SUPPORTING INFORMATION:

The Balboa Avenue Streetscape Improvements Project includes landscaping, irrigation, and related improvements along Balboa Avenue (previously State Route 274) from Interstate 805 to Interstate 5, within the Clairemont business district corridor. The work consists of approximately 3.3 miles of improvements to the existing medians as well as community identification signs, and other streetscape related improvements. The original estimated cost, based upon conceptual design, was \$1,240,000. This funding was provided by \$965,000 of combined TEA and State Matching Funds and a Council Action on a \$275,000 transfer from CIP-52-274.0, Balboa Ave. Corridor Improvements Project. The design of the project is now complete and the revised cost estimate for the project is \$2,310,855, which reflects the need for the additional funding. The increase in the project estimate includes \$350,000 of additional improvements which were requested by the Community as well as the construction escalation costs for the last two years which exceeds more than 40% for the cost of concrete alone.

The additional improvements, requested by the Community, include the extension of left turn pockets at three locations, replacement and modifications of existing crash cushions, and the installation of decorative items on the existing fence along the medians at Clairemont Drive. The decorative items and the installation will be provided by a separate contract. These are necessary to coordinate with the Balboa Ave. Corridor Study which is being conducted concurrently with this Project. The Balboa Ave. Citizens Advisory Committee (BACAC) has unanimously voted to support the transfer of \$1,070,855 from the Balboa Avenue Relinquishment Fund into this

project to cover the additional costs. In addition, due to the lack of support from the Community on the establishment of a MAD, as well as the lack of Gas Tax funding for the maintenance of this Project, the BACAC unanimously voted to support the transfer and allocation of \$500,000, into an interest-bearing fund which would provide funding for the maintenance of the project in perpetuity. The Park and Recreation Department will be using the earned interest from these funds to manage the maintenance contract after the completion of the project.

FISCAL IMPACT:

The total project cost is \$2,310,855. Of this amount, \$1,240,000 is available in CIP-52-496.0, Balboa Avenue Streetscape Improvements Project per R-298114 dated June 24, 2003, and \$1,070,855 is available in CIP-52-274.0, Balboa Avenue Corridor Improvements Project, Fund 38978, State Cooperative Agreement Fund. An additional \$500,000 from Fund 38978, CIP-52-274.0, Balboa Avenue Corridor Improvements Project is available for the establishment of a special interest-bearing Fund.

Mendes/Boekamp/DZ

Aud. Cert. 2600233.

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

FILE LOCATION: W.O. 522740

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-105: Change Order No. 1 to Contract with HPS Mechanical, Inc. for the Construction of Sorrento Valley Trunk Sewer and Sewer Pump Station 89 Project.

(Torrey Pines, Torrey Hills, and University City Community Areas. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-173 Cor. Copy) ADOPTED AS RESOLUTION R-300894

Approving Change Order No. 1, dated March 28, 2005, issued in connection with the contract between the City of San Diego and HPS Mechanical, Inc., for the construction of Sorrento Valley Trunk Sewer and Sewer Pump Station 89 (Project), said contract having been filed in the Office of the City Clerk as Document No. RR-298712, and the changes therein set forth, amounting to a net increase in the contract price of \$1,025,894.92;

Approving funding for Phase IV of the project contract with HPS Mechanical, Inc., in the amount of \$2,247,086;

Authorizing the additional expenditure of \$1,657,713 from Sewer Fund 41506, CIP-46-197.0, Sorrento Valley Trunk Sewer and Sewer Pump Station 89 (of which \$1,025,894.92 is for Contract Change Order No. 1 and \$631,818.08 is for contingencies), for construction of the Project, provided the City Auditor and Comptroller first furnishes a certificate certifying that funds necessary for 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.

CITY MANAGER SUPPORTING INFORMATION:

The Sorrento Valley Trunk Sewer and Pump Station 89 are located in the Torrey Hills, Torrey Pines, and University City community areas. This project is an EPA mandated project. The existing Sorrento Valley Trunk Sewer System is approximately 50 years old and has exceeded its service life. The purpose of this project is to divert and redirect all sewage flow from the deteriorated clay pipe trunk sewer located in the environmentally sensitive Penasquitos Lagoon in the Torrey Pines State Reserve to new sewer pipes in the street right-of-way. The project consists of construction of a new underground pump station, emergency storage tank, generator, and installation of approximately 7,857 feet of Gravity sewer, and 3,182 feet of force main.

During excavation of tunneling pits for Segment 1, it was discovered that the actual location and dimension of utilities were not as indicated on the official record drawings and would not accommodate the proposed design. The required changes include a revised alignment of the sewer and the re-assigning of construction methods within Segment 1 as required by site conditions. Work within Segment 2 was impacted by an abundance of cobble rock encountered

during the advance of tunneling equipment. The formation halted all progress. The corrective measure involves upsizing equipment such that it can accommodate the geotechnical conditions. The phase funding schedule has been amended to activate Phase IV for use in compensating the contractor for the advanced construction activity.

FISCAL IMPACT:

The total cost of this project is \$18,065,157.60. Funding of \$16,407,444.60 was previously authorized by Council Resolution Nos. R-289956, R-292031, R-296447, R-298712, R-299181, and R-300460. This request is authorizing additional expenditures of \$1,657,713 from Sewer Fund 41506, CIP-46-197.0, Sorrento Valley Trunk Sewer and Sewer Pump Station 89 for this purpose.

Mendes/Boekamp/HR

Aud. Cert. 2600136.

Staff: H. Razak – (619) 533-5100
Eric A. Swenson – Deputy City Attorney

FILE LOCATION: CONT-HPS Mechanical, Inc.

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-106: Change Order No. 2 to Contract with Orion Construction, Inc. for the Construction of Sewer Pump 27 Restoration Project.

(La Jolla Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-200 Cor. Copy) ADOPTED AS RESOLUTION R-300895

Approving Change Order No. 2, dated August 16, 2005, issued in connection with the contract between the City of San Diego and Orion Construction Inc., for the construction of Sewer Pump 27 Restoration (Project), said contract having been filed in the Office of the City Clerk as Document No. RR-296704; and the changes therein set forth, amounting to a net increase in the contract price of \$724,685.57;

Authorizing the additional expenditure of an amount not to exceed \$1,320,641.33 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station (of which \$724,685.57 is for Change Order No. 2; \$175,000 is for contingencies; and \$420,955.76 is for engineering and related costs), for the construction of the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the 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:

Sewer Pump Station 27 is an EPA mandated project and is located at 2211 Avenida de la Playa between El Paseo Grande and Paseo del Ocaso within the Coastal Zone and the La Jolla Community Planning Area. The project consists of a complete mechanical and electrical rehabilitation, and wet well rehabilitation of the existing pump station as well as construction of a new underground emergency storage tank and generator room.

Construction Change Order No.2 is a result of the following changes: Electrical design revision; new utility corridor between the existing motor room and new generator room; addition of a new odor control room; revisions to the exhaust air plenum floor slab; control panel modification; and various miscellaneous unforeseen items.

This change order covers expenses for the required design modifications, as well as the attendant costs attributable to their complexity.

Council action is required to approve Change Order No. 2 to the contract agreement with Orion Construction for an additional amount not to exceed \$724,685.57. Funds are also being requested to cover expenses related to additional public relations, and construction management efforts as well as replenishing contingency reserves to complete the project.

The Department is working with the City Attorney's Office in performing an assessment of the change orders to determine the feasibility of pursuing a claim for cost reimbursement from the project design consultant.

FISCAL IMPACT:

The total estimated cost of this project is \$5,938,277.28. Funding of \$4,617,635.95 was previously authorized by Council Resolutions R-296704, R-298810, R-289906, R-295497, and C-11129. This request is authorizing additional expenditures of \$1,320,641.33 from Fund 41506, CIP-46-106.0, Annual Allocation-Sewer Pump Station for this purpose.

Mendes/Boekamp/HR

Aud. Cert. 2600172.

Staff: H. Razak – (619) 533-5100
Eric A. Swenson – Deputy City Attorney

FILE LOCATION: CONT-Orion Construction, Inc.

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-107: Consolidation of Library Trust Funds.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-59) ADOPTED AS RESOLUTION R-300896

Authorizing the City Auditor and Comptroller to transfer the available balances in the following individual library trust funds to the appropriate corresponding revenue accounts within the Library Improvements Trust Fund: No. 10356, Trust Fund Nos. 67015, Anita Wells (Allied Gardens/Benjamin); 67020, Point Loma;

67024, Scripps Ranch; 67025, College Heights; 67026, Mission Hills; 67027, Pacific Beach/Taylor; 67029, Serra Mesa; 67031, San Carlos; 67032, Kensington/Normal Heights; 67033, Mission Valley; and 63045, Central/Main Library;

Authorizing the City Auditor and Comptroller to close the above referenced individual library trust funds after completing the transfer of the fund balances.

CITY MANAGER SUPPORTING INFORMATION:

On September 2, 2003, City Council approved Resolution Number R-298319 which established the Library Improvements Trust Fund to facilitate the receipt of donations and the expenditure of revenues to fund improvements to all facilities in the San Diego Public Library system.

Authorized improvements include site preparation, design, construction, landscaping, plus the purchase of furnishings, fixtures, equipment, supplies and library materials.

Separate revenue accounts and expenditure accounting has been established within the Library Improvements Trust Fund for every library facility, as well as a system-wide account, so that individual trust funds would no longer need to be set up to support fund raising activities related to the construction and improvement of library facilities. Additionally, the trust fund was created to allow for the consolidation of a number of existing trust funds in order to reduce the time and cost associated with monitoring numerous funds and producing separate financial reports.

This action will allow for the transfer of fund balances from eleven (11) trust funds into the corresponding revenue accounts within the Library Improvements Trust Fund, and to then close out the individual trust funds.

FISCAL IMPACT:

There will be some savings to the City due to the reduction of staff time required to complete year-end financial reports.

Herring/Tatar/CY

Staff: Carol Young – (619) 236-5889
Stephanie Rahlfs – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-108: Transfer of Funds for Funding Fontaine Street Storm Drain Repair Project.

(Navajo Community Area. District 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-216 Cor. Copy) ADOPTED AS RESOLUTION R-300897

Authorizing the City Auditor and Comptroller to transfer \$65,000 from General Services, Streets Division, Department 940, Street Division Operating Fund 10440 to Street Division Capital Improvement Fund 104402, for the purpose of funding CIP-13-005.0, Emergency Drainage Projects, Fontaine Street Storm Drain Repair (Job Order 002552);

Authorizing the City Manager to increase the Fiscal Year 2006 Capital Improvement Program Budget in CIP-13-005.0, Emergency Drainage Projects, Fontaine Street Storm Drain Repair (Job Order 002552), Street Division Capital Improvement Fund 104402, by \$65,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$65,000 from CIP-13-005.0, Emergency Drainage Projects, Fontaine Street Storm Drain Repair (Job Order 002552), Street Division Capital Improvement Fund 104402, for the purpose of repairing the Fontaine Street Storm Drain, contingent upon the City Auditor and Comptroller providing a certificate that the necessary funds are on deposit in the City Treasury;

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

CITY MANAGER SUPPORTING INFORMATION:

The storm drain system at Fontaine Street collects run off from two curb inlets on Hillsboro Street. The pipe in this system runs to the rear of a residence on the same street and through a storm drain easement between 5615 and 5625 Fontaine Street. Failures in this system have contributed to multiple flooding events at these residences. An investigation in 2004 revealed that a section of the 18" corrugated metal pipe (CMP) on the slope behind the two properties (southerly of Fontaine Street) was blocked by tree roots. Although the tree roots were removed, only a temporary repair to the pipe was made.

This section of the 18" CMP is in need of replacement because even a minimal rain event can cause water leakage flooding the homes below. Subsequent televising of the 24" CMP downstream of this same storm drain system (northerly of Fontaine Street) revealed point failures at some sections and general loss of pipe integrity in all of the CMP.

The work will consist of removal and replacement of a failed section of the 18" storm drain pipe (20'-30' long), point repairs, and in-situ linings to rehabilitate approximately 413 feet of existing 24" CMP.

FISCAL IMPACT:

Fontaine Street Storm Drain Repair was previously appropriated \$35,000. This action will increase the Emergency Drainage CIP-13-005.0 allocation by \$65,000 which is available in Street Division's Capital Improvement Fund 104402. Total estimated project cost is \$100,000.

Mendes/Boekamp/DZ

Aud. Cert. 2600171.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-109: Partial Payment of Attorney's Fees and Cost in San Diego Baykeeper et. al. v. City of San Diego.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-279) ADOPTED, RECONSIDERED, AND ADOPTED AS
RESOLUTION R-300898

Authorizing the City Manager to pay the sum of \$110,000 as a partial payment of the plaintiffs' attorney fees and costs in San Diego BayKeeper, et al, v. City of San Diego, U.S. District Court No. 01-CV-0550-B; and an amount not to exceed \$10,000 to the San Diego BayKeeper/Surfrider Foundation for oversight of the Partial Consent Decree entered in San Diego BayKeeper, et al, v. City of San Diego;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$110,000 made payable to San Diego BayKeeper as a partial payment of plaintiffs' attorney fees and costs in San Diego BayKeeper, et al, v. City of San Diego, U.S. District Court No. 01-CV-0550-B;

Authorizing the expenditure of an amount not to exceed \$10,000, solely and exclusively to provide funds for oversight of the Partial Consent Decree by San Diego Baykeeper/Surfrider Foundation in San Diego BayKeeper, et al, v. City of San Diego, U.S. District Court No. 01-CV-0550-B, upon receipt of properly documented invoices showing the nature of the oversight, time expended, and the charge per hour;

Declaring the above funds are payable from Sewer Revenue Fund No. 41506, and that any unexpended funds may be transferred to the appropriate reserves upon advice from the administering department.

CITY MANAGER SUPPORTING INFORMATION:

On March 29, 2001, San Diego Baykeeper and Surfrider Foundation filed Case No. 01-CV-0550-B against the City of San Diego in Federal Court alleging repeated violations of the Clean Water Act due to sewer system overflows. On July 3, 2003, the State of California (Regional Water Quality Control Board) filed a similar action against the City of San Diego in Case No. 03-CV-1381-B. The United States of America (Environmental Protection Agency) also

filed a similar action on July 9, 2003, in Case No. 03-CV-1349-K. The cases were consolidated into one proceeding on September 3, 2003.

On January 31, 2005, the Mayor and City Council approved a final settlement with the State of California in Resolution No. R-300023.

The lack of audited financial statements has stalled complete resolution of all claims asserted by San Diego Baykeeper/Surfrider Foundation and the United States Environmental Protection Agency. The Mayor and City Council directed City staff to pursue an interim agreement with plaintiffs that would continue increased levels of operation and maintenance while staying the remainder of the litigation until the availability of public financing is resolved. The scope and elements of a Partial Consent Decree were presented and approved in Closed Session on April 5, 2005. A partial payment of \$110,000 towards attorney's fees and costs of San Diego Baykeeper/Surfrider Foundation, and up to \$10,000 towards their costs of oversight of the settlement, was also approved contingent on Court approval of the Partial Consent Decree.

The Court approved the Partial Consent Decree on September 13, 2005. Because an Auditor's Certificate was not available at the Closed Session on April 5, this resolution is necessary to confirm the settlement terms and authorize the partial payment of attorney's fees and costs to San Diego Baykeeper/Surfrider Foundation in the amount of \$110,000 and up to an additional \$10,000 towards their costs of oversight of the Partial Consent Decree.

FISCAL IMPACT:

Funds in the amount of \$120,000 are available in Sewer Fund 41506.

Mendes/Tulloch/TZ

Aud. Cert. 2600244.

Staff: Scott Tulloch – (619) 292-6401
Thomas C. Zeleny – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.;
3:03 p.m. – 3:05 p.m.)

MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

MOTION BY PETERS FOR RECONSIDERATION OF ITEM 109. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-ineligible, Madaffer-yea, District 8-vacant, Mayor-vacant.

MOTION BY PETERS TO ADOPT THE RESOLUTION. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-ineligible, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-110: Transfer of Funds for the Construction of Point Loma Community Park Ballfield Viewing Terrace Project–Phase I.

(Peninsula Community Area. District 2.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-254 Cor. Copy) ADOPTED AS RESOLUTION R-300899

Authorizing the transfer of an amount not to exceed \$20,000 from CIP-29-495.0, La Jolla Cove Comfort Station Improvements to CIP-29-844.1, Point Loma Community Park Ballfield Viewing Terrace-Phase I, Fund No. 102232, Transient Occupancy Tax-Coastal Infrastructure;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$20,000 from CIP-29-844.1, Point Loma Community Park Ballfield Viewing Terrace-Phase I, Fund No. 102232, Transient Occupancy Tax-Coastal Infrastructure, for the purpose of providing additional funds for the construction of the Project;

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

CITY MANAGER SUPPORTING INFORMATION:

The project is located at the Point Loma Community Park at the corner of Catalina Boulevard and Varona Street in the Peninsula Community Area in Council District 2. Phase I of the project has just recently been completed and included the construction of a retaining wall, landscaping, and irrigation system along an unimproved slope area in the park. Phase II of the improvement will improve the area further by constructing a grass sitting/viewing terrace overlooking the multi-purpose field. The local little league, former Councilmembers Wear and Zucchet, and the local community members have overwhelmingly supported the viewing terrace project.

The project was processed through the Minor Construction Program. On September 28, 2004, Telliard Construction was awarded as the low bidder and commenced construction on October 14, 2004.

During construction of the project, unforeseen conditions, such as needing to elongate the retaining wall and unanticipated soil conditions were encountered that resulted in additional costs. This request will increase funds to supplement financing previously authorized to complete the project.

FISCAL IMPACT:

The total amount of funds needed to complete this project is \$198,120 of which \$178,120 has been previously authorized. The \$178,120 is comprised of the following: City Community Matching Funds (\$37,820), Private contributions from the local little league (\$81,300), Capital Outlay (\$59,000).

The additional funds, in the amount of \$20,000, are available in Fund No. 102232, Transient Occupancy Tax-Coastal Infrastructure, from the La Jolla Cove Comfort Station Improvements, CIP-29-495.0, this project has recently been completed and savings in the amount of \$20,000 have been realized. Staff asked Council District One if these TOT funds could be transferred to the subject project to complete the viewing terrace and they concurred.

Oppenheim/Medina/AP

Aud. Cert. 2600210.

Staff: April Penera – (619) 525-8223
Eric A. Swenson – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- * ITEM-111: Agreement with Dudek and Associates, Inc. for Sunset Cliffs Natural Park Drainage Study Project.

(Peninsula Community Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-180 Cor. Copy) ADOPTED AS RESOLUTION R-300900

Authorizing the City Manager to execute, for and on behalf of the City of San Diego, an agreement with Dudek & Associates in an amount not to exceed \$250,000 for engineering services for the Sunset Cliffs Natural Park - Drainage Study (the Project) under the terms and conditions set forth in the Agreement;

Authorizing a \$175,000 increase in the Fiscal Year 2006 Capital Improvement Program Budget in CIP-29-871.0, Sunset Cliffs Natural Park – Drainage Study, Fund No. 79508, Peninsula Development Impact Fees;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$175,000 from CIP-29-871.0, Sunset Cliffs Natural Park - Drainage Study, Fund No. 79508, Peninsula Development Impact Fees, solely and exclusively to provide funding for the Project and related costs;

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

CITY MANAGER SUPPORTING INFORMATION:

The Sunset Cliffs Natural Park site is located along the western shoreline of the Point Loma Peninsula, and is approximately two miles south of the I-8 Freeway (See vicinity map). The park

is composed of two areas of differing character, a hillside park and a linear park. The park encompasses 68 acres of land and spans approximately 1.5 miles of Pacific Ocean shoreline.

A recent Sunset Cliffs Natural Park Master Plan was approved and recommended to initiate a drainage study for the entire park including demolishing of the Loma Land Properties. The drainage study will be a comprehensive study that will evaluate and provide recommendation to minimize runoff, surface and subsurface erosion, groundwater seepage and pollutant discharge using best management practices.

The City of San Diego Park and Recreation Department Requested from the City's Consultant Coordinator to solicit professional consulting firms to provide for a Comprehensive Drainage Study for the Sunset Cliffs Natural Park. The Statements of five qualified separate consulting firms were received, and all firms were interviewed by a panel of individuals representing the City and the Sunset Cliffs Recreation Council. The interview panel members scored the consultant teams based on how they felt questions were answered. The scores were then tabulated to determine the most qualified consultant team. Of the consultant teams interviewed, the interview panel unanimously selected the team of Dudek & Associates, Inc. as the most qualified to provide the Comprehensive Drainage Study for the Sunset Cliffs Natural Park. This action will also award a consultant agreement to Dudek & Associates, Inc. to provide for Professional Consulting Services for the drainage study and will transfer the necessary funds into the project.

FISCAL IMPACT:

Funds are available in CIP-29-871.0, Sunset Cliffs Natural Park Drainage Study, (\$130,000) as previously authorized by the City Council in the FY '05 CIP budget and in Peninsula DIF (\$175,000).

Herring/Medina/AP

Aud. Cert. 2600157.

Staff: Ali Darvishi – (619) 533-6526

Eric A. Swenson – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- * ITEM-112: Amendment to Retainer Agreement with Heller Ehrman, LLP for Legal Services Related to Litigation Against Outside Professionals and Consultants.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-257) ADOPTED AS RESOLUTION R-300901

Authorizing and directing the City Attorney to execute an amendment to the retention agreement with the firm of Heller Ehrman, LLP (Firm) for an additional amount not to exceed \$250,000, for a total contract amount not to exceed \$500,000;

Authorizing the expenditure of an amount not to exceed \$250,000 from Fund 81140, Dept. 82240, Object Account 4141, Job Order 082240, solely and exclusively, for the purpose of providing funds for the above project.

SUPPORTING INFORMATION:

On August 2, 2005, the City entered into a retainer agreement with Heller Ehrman, LLP, to provide analysis of various issues but including the prospects for successful litigation on behalf of the City against outside professionals and consultants who provided advice with respect to the retirement system. On that same date, the City Council authorized such litigation against two entities, Callan Associates and Gabriel, Roeder, Smith and Co. Other action may be authorized.

The City Attorney's Office is prepared to prosecute the litigation, but due to the complexity of the issues and expected nature of the litigation the continued services of outside counsel is requested. The City Attorney is requesting that the City Council approve the amendment to the existing retainer agreement with Heller Ehrman in an additional amount not to exceed \$250,000 for a total contract amount not to exceed \$500,000.

Ewell/Katz

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- * ITEM-113: Approval of Revised Otay Valley Regional Park (OVRP) Joint Exercise of Powers Agreement Among Cities of San Diego and Chula Vista and the County of San Diego.

(Otay Valley Community Area. District 8.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-223) ADOPTED AS RESOLUTION R-300902

Authorizing the City Manager to execute the revised Otay Valley Regional Park Joint Exercise of Powers Agreement (Agreement), under the terms and conditions set forth in the Agreement among Cities of San Diego and Chula Vista and the County of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

The concept of creating a regional park in the Otay Valley was first introduced to the Mayor and City Council in a memorandum dated April 6, 1998. Councilmember Filner recommended that the planning effort for the park be a cooperative one involving the Cities of San Diego and Chula Vista and the County of San Diego. A draft Joint Powers Agreement for Planning and Acquisition of the Otay Valley Regional Park was first prepared by the County of San Diego and forwarded to the City of San Diego for review on March 16, 1989. Subsequent review and revisions of the original draft Joint Powers Agreement resulted in the final document called the Joint Exercise of Powers Agreement (JEPA) and was approved by the City of San Diego on January 30, 1990. The JEPA was also approved by the City of Chula Vista and the County of San Diego.

The JEPA established the Policy Committee (PC) and the Citizens Advisory Committee (CAC) for the planning and design of the Otay Valley Regional Park. Since that time, the jurisdictions

have acquired parcels for the OVRP that require maintenance. The JEPAs needed to address maintenance and operations between the jurisdictions. The revised JEPAs, that rescind the existing JEPAs, address maintenance and operations, as well as minor changes that were recommended by the PC and CAC (see A-A - Reference to Proposed Changes).

The JEPAs were unanimously approved by the OVRP CAC (13-0) on March 18, 2005 and unanimously approved by the OVRP PC on May 12, 2005.

FISCAL IMPACT:

The fiscal impact of the maintenance and operations of the OVRP have been included in the City's yearly budget. The City of Chula Vista, through the JEPAs, will reimburse the City for the cost of maintaining their land.

Herring/Medina/AP

Staff: Ann Hix – (619) 685-1360
Shannon M. Thomas – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-114: Freeway Agreement with State of California Regarding Sections of State Route 905 and State Route 125
(Otay Mesa Community Area. District 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-264 Cor. Copy) ADOPTED AS RESOLUTION R-300903

Authorizing the City Manager to enter into a Freeway Agreement with the State of California regarding sections of State Route 905 and State Route 125, under the terms and conditions set forth in the Freeway Agreement.

CITY MANAGER SUPPORTING INFORMATION:

State Route 905 is a proposed freeway that would connect the Otay Mesa Port of Entry with Interstates 5 and 805, and which would primarily run parallel to and serve as a freeway alternative to Otay Mesa Road.

When this freeway was proposed, much of Otay Mesa was within the jurisdiction of the County of San Diego, and in 1969, the County entered into a Freeway Agreement with the State of California for the future construction of State Route 905. Subsequent to that Agreement, the City of San Diego annexed portions of Otay Mesa - including the areas proposed as alignment for the freeway - from the County. Because of this annexation, there is no Freeway Agreement for SR905 between the City and the State.

A Freeway Agreement between the City and the State is required for the State to proceed with right-of-way acquisition on construction of the freeway. The Freeway Agreement also includes a portion of State Route 125 from its junction with SR905 to Otay Mesa Road, as well as the construction of or improvements to several City streets in the vicinity of the freeways. These streets will be relinquished to the City upon completion of the freeway project(s). The City accepts responsibility for control and maintenance of the new or improved City streets.

FISCAL IMPACT:

Fiscal impact is minimal. Funds for routine roadway maintenance (sweeping, resurfacing) of overpasses will be budgeted within the General Services Dept. Street Division's operating funds upon completion of the freeway.

Mendes/Boekamp/LVW

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-115: First Amendment to Lease Agreement with San Diego Aerospace Museum, Inc. and the International Aerospace Hall of Fame, Inc.

(See memorandum from Councilmember Maienschein dated 7/29/2005. Balboa Park Community Area. District 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-109) RETURNED TO THE CITY MANAGER

Approving the form of the First Amendment to Restated Lease Agreement with San Diego Aerospace Museum, Inc., and the International Aerospace Hall of Fame, Inc.;

Authorizing the City Manager to execute a First Amendment to Restated Lease Agreement with the San Diego Aerospace Museum, Inc., and the International Aerospace Hall of Fame, Inc., under substantially the same terms and conditions as set forth in the form of that First Amendment to Restated Lease Agreement.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Aerospace Museum currently operates under a 25-year lease agreement with the City of San Diego for the Ford Building in Balboa Park that commenced May 1, 1986 and expires April 30, 2011. The current authorized use is an Aerospace Museum and related uses. The Lessee requests an additional use to add a full service kitchen and restaurant within the leased premises, to serve the general public, to hold private catered events and to obtain a Liquor License for sale and consumption of alcoholic beverages on the lease premises. All development costs associated with this use shall be the responsibility of the Lessee. The proposed additional use has been reviewed and approved by the Balboa Park Committee and Park and Recreation Board. No rent will be charged for this additional use. All other terms and conditions remain the same.

TERM - Twenty-Five years commencing May 1, 1986, terminating April 30, 2011.

USE - Aerospace museum, gift shop, full service kitchen, restaurant, on-site catering, sale and consumption of alcoholic beverages.

SIZE - Approximately 100,000 square feet.

RENT - The proposed amendment includes an annual Administration Fee with CPI adjustments, currently \$2,712.50. In a letter dated June 13, 2005, the Lessee requests the City forego an administrative fee. The City Manager recommends against the fee waiver and has included the fee in the proposed lease amendment as has been done with all recent non-profit leases.

IMPROVEMENTS - Lessee is responsible for all routine maintenance and to perform all repairs and replacements necessary to preserve the premises including all costs associated with the development of the additional use.

OPTION TO EXTEND - The existing lease retains the unilateral option provision to extend the lease for an additional 25-year period.

FISCAL IMPACT:

None.

Herring/Griffith/DCM

Staff: Dave Martens – (619) 236-6606
Elisa A. Cusato – Deputy City Attorney

FILE LOCATION: NONE

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

* ITEM-116: Agreement with Weston Solutions, Inc. for As-Needed Water Quality Monitoring Services.

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-235) ADOPTED AS RESOLUTION R-300905

Authorizing the City Manager to execute an agreement with Weston Solutions, Inc., for an amount not to exceed \$2,100,000, to provide professional services for as needed Storm Water monitoring for a period of one year;

Authorizing the City Manager to extend the duration of the contract for up to an additional four years, provided that the City Auditor and Comptroller first furnishes one or more certificates showing the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to expend funds not to exceed \$2,100,000 as follows;

- a. \$160,000 from the State Proposition 13 Coastal Non-Point Source Pollution Control Grant, Fund No. 38295.
- b. \$1,100,000 from Streets Division Fund No. 10440, Department 940, contingent upon City Council appropriating funds for this purpose and provided the City Auditor Comptroller first furnishes one or more certificates showing the funds necessary for expenditures are, or will be, on deposit with the City Treasurer.
- c. \$840,000 from General Fund No. 100, Department 533, contingent upon City Council approval of the Fiscal Year 2007, Storm Water operating budget and provided the City Auditor and Comptroller first furnishes one or more certificates showing the funds necessary for expenditures are, or will be, on deposit with the City Treasurer.

Declaring this activity is categorically exempt from the California Environmental Quality Act as data collection, research and resource evaluation activities that do not result in a serious or major disturbance to an environmental resource, pursuant to CEQA Guidelines Section 15306.

CITY MANAGER SUPPORTING INFORMATION:

The Storm Water Pollution Prevention Division requires professional services to perform water quality monitoring on an as needed basis to prepare sampling and analysis plans, quality assurance project plans, confined space entry plans, project assessment and evaluation plans to perform water and sediment physical, chemical and biological analyses and submit reports. This work is needed to comply with regulatory permit and State grant requirements.

In accordance with Council Policy 300-7, the City advertised for consultant services in the Daily Transcript, La Prensa, Integrated Marketing Systems and on the City Web Page on November 12, 2004. Three firms responded. The three firms were interviewed on January 25, 2005. Weston Solutions, Inc. was selected as the best qualified. Contract subconsultants include:

RBF Consulting (civil and environmental engineering) and C. Valdo Corporation (civil and environmental engineering).

The compensation limit in the agreement is \$2,100,000 per year. The agreement is for one year, with an option to extend for four additional years. Work will be authorized on a task order basis.

The City has an agreement with the State to receive Costa-Machado Act of 2000 (Proposition 13) grant funds in the amount of \$900,000 to implement the San Diego Watersheds Common Ground: San Diego Bay Watershed Demonstration project. This project is intended to enhance the region's capacity to understand the conditions of the water sources and trends over time by showing the water quality data spatially using Geographic Information System (GIS) and making this information available on an internet website. This project began in July 2004 and will last 30 months. Weston Solutions, Inc. will assist in completing the required water quality activities in order to insure that the City remains compliant with the conditions under which the grant funds were received.

FISCAL IMPACT:

This request is for \$160,000 and is available from the State Proposition 13 Coastal Non-Point Source Pollution Control Grant, Fund 38295.

Mendes/Tulloch/RK

Aud. Cert. 2600154.

Staff: Chris Zirkle – (619) 525-8644
Timothy J. Miller – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-117: Participation Agreement with Pardee Homes for the Design and Construction of Pacific Highlands Ranch Reclaimed Water Pipelines.

(Pacific Highlands Ranch Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-177 Cor. Copy) ADOPTED AS RESOLUTION R-300906

Authorizing the City Manager, or duly authorized designee, to execute a Participation Agreement for Design and Construction of the Pacific Highlands Ranch Reclaimed Water Pipeline with Pardee Homes, a California Corporation, in an amount not to exceed \$1,448,345, (Agreement) together with any reasonably necessary modifications or amendments thereto which do not increase Agreement scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of the Agreement;

Authorizing the expenditure of \$1,600,000 from Water Fund 41500, CIP-70-954.0, North City Reclamation System (Pacific Highlands Ranch Reclaimed Water Lines), for the purpose of funding the Agreement and related in-house engineering costs;

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

CITY MANAGER SUPPORTING INFORMATION:

In December 2000, the City approved the Updated Water Reclamation Plan (Beneficial Reuse Study) which provides a strategic approach for constructing key reclaimed water facilities in the North City Future Urbanizing Area. Installation of these facilities expands the existing system and enables the City to obtain its beneficial reuse goals established by the Environmental Protection Agency (EPA) construction grant for the North City Reclamation Water Plant. The Beneficial Reuse Study recommends reclaimed water facilities be constructed concurrent with road construction to decrease costs and reduce impacts to the community.

The Pacific Highlands Ranch Reclaimed Water Lines are part of the SR-56/Carmel Valley Alignment identified in the Beneficial Reuse Study. Pardee Homes, the developer of Pacific Highlands Ranch, will construct the 12,000 linear feet of 16-inch and 12-inch reclaimed water transmission pipelines within Carmel Valley Road from the City's connection point at SR-56 near Rancho Santa Fe Farms Road to the intersection of SR-56 and Camino De Santa Fe Road. As the developer of this area, Pardee has been conditioned to build an 8-inch reclaimed water line to serve its recycling needs in its new community, at its expense. Under this Participation

Agreement, Pardee shall construct the 16-inch and 12-inch transmission mains, and the City shall reimburse Pardee the incremental difference between the cost of the 8-inch line and the transmission mains. The pipeline will serve a portion of Subarea IV (Torrey Highlands), Subarea III (Pacific Highlands Ranch), Caltrans SR-56, and the existing Meadows at Del Mar Golf Course. The City is paying to upsize the pipes in order to provide reclaimed water to the aforementioned customers. This Agreement also includes an 800 foot segment of 16-inch reclaimed waterline along the SR-56 right-of-way that will be installed at Pardee's cost. The overall cost-estimate to construct the pipeline is \$3,813,696. City share is \$1,448,345/Pardee's share is \$2,365,350.

Projected water demands for the area are approximately 208 acre feet per year.

FISCAL IMPACT:

City project costs of \$1,600,000, are available in Water Fund 41500, CIP-70-954.0, North City Reclamation System (Pacific Highlands Ranch Reclaimed Water Lines).

Mendes/Belock/MKS

Aud. Cert. 2600167.

Staff: Marsi Steirer – (619) 533-4112
Lori W. Girard – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-118: 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-2005-1246) ADOPTED AS RESOLUTION R-300907

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: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- * ITEM-119: Grant Application to the State of California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 for Construction of Montgomery - Waller Community Park Improvements (Project).

(Otay Mesa/Nestor Community Area. District 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-126) ADOPTED AS RESOLUTION R-300908

Authorizing the City Manager, or his representative, for and on behalf of the City, to make an application to the State of California for \$500,000 in (Roberti-Z'berg-Harris Per Capita or Per Capita) funds under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, for construction of Montgomery - Waller Community Park Improvements (Project); Authorizing the City Manager to take all necessary actions to secure funding from the State of California for Montgomery - Waller Community Park Improvements;

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

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

Amending the Fiscal Year 2006 Capital Improvements Program Budget in CIP-29-866.0, Montgomery - Waller Community Park Improvements, 2002 Resources Bond per Capita funding by increasing the budget amount by \$500,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$500,000 from CIP-29-866.0, Montgomery - Waller Community Park Improvements, 2002 Resources Bond per Capita funding for the construction of the Project, contingent upon receipt of a fully executed grant agreement.

CITY MANAGER SUPPORTING INFORMATION:

In March 2002, California voters approved Proposition 40, the \$2.6 billion 2002 State Resources Bond "Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002 (bond)". On December 8, 2003, the Mayor and City Council approved Resolution R-298699, which included a distribution of the \$11,063,430 Per Capita/RZH Per Capita funds to each council district, with a portion of the funding set aside for projects with citywide and regional impact. On February 20, 2004 the City entered into an umbrella contract with the State of California for the 2002 Resources Bond Act Per Capita/RZH Per Capita Grant Program.

This action authorizes the City Manager to apply for \$500,000, a portion of the 2002 Resources Bond (Per Capita OR RZH Per Capita) funding allocated to Council District 8. The funds will be used for design and construction of an additional parking lot at an existing multi-use sports field at Montgomery - Waller Community Park.

Total estimated cost is \$500,000 to fund design and construction of an additional parking lot as requested by the community and as shown on the General Development Plan for the park. Currently, funds in the amount of \$300,000 have been appropriated to CIP-29-866.0, Montgomery - Waller Community Park by previous Council action to fund the design and construction of lighting for an existing turfed multi-use sports field. The lighting project is currently under construction. Appropriation of this request of \$500,000 will increase the total project cost to \$800,000.

FISCAL IMPACT:

Funding in the amount of \$500,000 is available from the 2002 Resources Bond (Per Capita OR RZH Per Capita) to fund design and construction of the new parking lot. The new parking lot will have minimal impact to the FY 2007 annual operating budget for the park.

Herring/Medina/AP

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-120: Grant Application to State of California Department of Housing and Community Development (HCD) Workforce Housing Grant Program.

(Uptown, North Park, San Ysidro, and Encanto Community Areas. Districts 2, 3, 4, and 8.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-263) ADOPTED AS RESOLUTION R-300909

Authorizing the City Manager, or designee, to submit an application for a grant under the Workforce Housing Grant Program, and take all actions to secure funding;

Authorizing the City Manager, or designee, to execute all documents, including contracts, subcontracts, agreements, extensions, renewals, and/or amendments required by the State of California Department of Housing and Community Development (HCD), which may be necessary to carry out and administer all obligations, responsibilities and duties under this grant upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to establish a separate interest bearing grant fund account as needed for the approved grant application, contingent upon receipt of approved program supplements;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend up to \$616,686 in HCD Workforce Housing Grant funds upon receipt of fully executed grant agreement;

Authorizing the City Auditor and Comptroller to establish CIP-54-758.0, 29th Street Plaza Improvements, and CIP-63-054.0, Mi Pueblo Pilot Village Traffic Calming Infrastructure Project, contingent upon a fully executed grant agreement;

Authorizing the City Manager, or his representative, to increase the FY06 Capital Improvement Program Budget, contingent on the receipt of a fully executed grant agreement, in an amount not to exceed \$616,686, in the following manner:

<u>CIP#</u>	<u>Title</u>	<u>Amount</u>
52-758.0	29 th Street Plaza Improvements	\$149,686
39-216.0	Washington Street Improvements, Phase II	\$144,000
63-054.0	Mi Pueblo Pilot Village Traffic Calming Infrastructure	\$179,000
37-446.0	Chollas Creek Enhancement Program Segments 2A and 8	\$144,000
TOTAL		\$618,686

CITY MANAGER SUPPORTING INFORMATION:

Staff prepared and submitted a grant application in May 2005, that includes the following four projects for financial assistance under the Workforce Housing Grant Program (WHG) through the State of California Department of Housing and Community Development. City staff recently received notification that the four applications were eligible for \$616,686 in funding under the WHG program. The projects are more specifically described below:

Mi Pueblo Pilot Village Traffic Calming (Council District 8): The project proposes a roundabout at the reconfigured intersection of San Ysidro Boulevard and Via de San Ysidro. This innovative traffic-calming device, accompanied with enhanced streetscape, would significantly re/duce traffic flow issues and encourage walking and/or biking. The project also envisions shade-producing street trees, sidewalk treatment, and pedestrian-oriented lighting and benches to enhance the pedestrian experience.

Chollas Creek Segment 2A Improvements (Council District 4): The project would involve the construction of a pedestrian trail, amphitheater/educational center area and associated landscaping along a segment of Chollas Creek. This segment is located near the northwest corner of Market Street and Euclid Avenue in the Encanto Neighborhoods Planning Area. Construction

drawings were prepared in 2003, but the project was not built due to lack of enough funding to cover all associated construction costs.

29th Street Right-of-Way (Council District 3): Improvements to the 29th Street right-of-way between University Avenue and North Park Way are proposed to complement the renovation of the historic North Park Theater and link the residential district south of North Park Way with the University Avenue Business District and Metropolitan Transit. This promenade would serve as a prominent civic 'place' in the heart of North Park's pilot "Urban Village". A mix of hardscape and landscape in a pedestrian-dominated space would encourage community members to gather throughout the day and theatre patrons to arrive early and linger after performances.

Washington Street Median Improvements between Falcon and Dove (District 2): This project would complete median improvements between Albatross on the east and Hawk on the west, improving the visual image and enhancing this urban commercial corridor. Improvements would include street trees, shrubs, colorful ground covers, automatic irrigation and enhanced paving.

FISCAL IMPACT:

The City could receive up to \$616,686 in State HCD funds. No matching funds are required.

Oppenheim/Goldberg/LG

Staff: Lara Gates – (619) 533-6404
David Miller – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-121: Grant Application to the State Office of Emergency Services for Gang Violence Suppression.

(Southeastern, Central and Mid-City Divisions Community Areas. Districts 4, 7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-258) ADOPTED AS RESOLUTION R-300910

Authorizing the City Manager to apply for, accept, and expend money from the Gang Violence Suppression Grant;

Authorizing the City Manager to execute any document or other instruments necessary or proper to apply for, accept, administer, audit, or otherwise further the goals of the Grant, including but not limited to amendments, extensions, and renewals, for a period of up to five years;

Authorizing the City Manager to certify that the City of San Diego will comply with all statutory and regulatory obligations required to obtain, maintain, extend, or renew the Grant;

Declaring as mandated by the terms of the Grant, funding awarded by the Grant may be used to supplement, and not to supplant, expenditures currently authorized by the City Council;

Declaring as required by the Grant, any positions funded by the Grant may not be subject to any hiring freeze imposed by the City of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

The five mandatory partner components (Law Enforcement, District Attorney, Probation, Community Agency, and Schools) have developed a comprehensive plan targeting youth who are seriously gang-involved, or at serious risk of gang involvement. The target area includes SDPD's Southeastern, Central and Mid-City Divisions.

If selected for funding, the grant will fund a POII Detective and overtime to coordinate enhanced enforcement activities; a Deputy District Attorney to conduct vertical prosecution, pursue enhancements, and recommend stringent sentences and rigorous conditions of probation; a Project Administrative Coordinator and mentors; gang violence suppression training; and gang violence prevention education for youth and adults. These four partners selected San Diego Youth and Community Services as the community agency. SDYCS will use funds to provide a menu of counseling, mentoring, mediation, and related youth and family services.

The project goals are joint and collaborative activities and intelligence leading to:

- Increased enforcement efforts against gang activity in the target area.
- Enhanced vertical prosecutions, including enhancements, maximizing sentencing, and imposing stringent probation conditions.
- Intensive probation supervision and maximized enforcement against violations, supported by a reduced case load for the grant funded Probation Officer.
- Treatment of offenders and assistance to families through counseling and other support services.
- Education of youth, families and other community members aimed at averting potential gang involvement.

FISCAL IMPACT:

The City will serve as Fiscal Agent. This will result in minor administrative costs. Our application requests the maximum Indirect Cost and Audit funding of \$17,399. The requirement for 10% in-kind matching funds has been committed by the District Attorney. There is no requirement to continue grant-funded activities, expenditures or programs after grant funds are depleted or terminated.

Federal law requires that these funds supplement and not supplant funds otherwise available to law enforcement. Grant funded positions may not be subject to local hiring freezes.

Ewell/Lansdowne/DJW

Staff: Donna J. Warlick – (619) 531-2221

David M. Stotland – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- * ITEM-122: Grant Application to United States Environmental Protection Agency (EPA) for Study of Water Budget and Rate Structures – Innovative Management Tools Research Project.

(See memorandum from Frank Belock dated 8/30/2005.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2006-147 Cor. Copy 2) ADOPTED AS RESOLUTION R-300911

Authorizing the City Manager, or designee, to make an application to the EPA for grant funding for the Federal Assistance for the Water Budgets and Rate Structures – Innovative Management Tools Research Project (Project);

Authorizing the City Manager, or designee, to take all necessary actions to secure funds from the EPA for the Project;

Authorizing the City Manager, or designee, to accept grant funds, in the amount of \$70,000 for Fund 41500 for the purpose of funding the Project;

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

Authorizing the expenditure of an amount not to exceed \$70,000, from Fund 41500, for the purpose of providing funds for the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to execute a Cooperative Agreement with the United States Environmental Protection Agency, under the terms and conditions set forth in the Agreement;

Authorizing the City Manager to execute a Cofunding Agreement with the American Water Works Association Research Foundation, for the purpose of providing funds for the Project and acting as a sponsoring agent, under the terms and conditions set forth in the Agreement;

Authorizing the City Manager to execute a consultant agreement with Aquacraft Inc., with a not to exceed value of \$70,000, to perform research and analysis, under the terms and conditions set forth in the Agreement;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/07/2005, NR&C voted 4 to 0 to accept the United States Environmental Protection Agency (USEPA) grant funds of \$70,000, to provide funding for the project and enter into agreements with American Water Works Association Research Foundation (AwwaRF) and the consultant to conduct the study. (Councilmembers Young, Maienschein, Frye, and Madaffer voted yea.)

SUPPORTING INFORMATION:

The Water Department has submitted an application to the United States Environmental Protection Agency (EPA) for a research project entitled "Federal Assistance for the Water Budgets and Rate Structures - Innovative Management Tools Research Project". This collaborative research project seeks to thoroughly examine water budgets (volumetric allotments of water to customers based on conservative resource standards - as an innovative means of improving water use efficiency) and their potential value to North American water utilities. It will develop practical applications of the water budget concept that can be adapted to different conditions and lay the foundation for future advances in water billing procedures and technology that utilities and utility customers will insist upon as water resources become scarce and during times of drought. The study will identify different practical approaches to water budget rate structures, the benefits and challenges of these approaches, the potential uses of water budgets during drought, and will explain issues involved in implementation. The results of the study will be published to benefit utility policy makers, and will open the door for examination of water budget approaches to a wide range of other typical utility charges such as tap fees, wastewater, and flood control.

The EPA has approved the project and will provide grant funds in the amount of \$70,000 for the project. Funding for the project will also be provided by the American Water Works Association Research Foundation (AwwaRF), as well as from other water utility agencies throughout California, Arizona, and Nevada that will provide cash contributions and in-kind services.

AwwaRF is a member-supported non-profit organization that sponsors research to enable water utilities, public health agencies, and other professionals to provide safe and affordable drinking

water to consumers. AwwaRF coordinates multiple research programs to collectively address issues of subscribers and the drinking-water community as a whole. The Water Department is a member of AwwaRF and will act as the sponsoring utility for this Tailored Collaboration Project. This type of research project enables utility subscribers that are interested in research of a specialized or regional nature to leverage their funding with AwwaRF funding. In this case, the EPA will be providing the City contribution to the project.

The City will enter into three agreements as follows: 1) Cofunding Agreement with AwwaRF to provide funding for the project and act as a sponsoring agent; 2) Agreement with Aquacraft, Inc. to perform research and analysis; 3) Cooperative Agreement with EPA to accept grant funds and comply with EPA requirements.

This action will allow the City to accept the grant funds from the EPA and make payment of these funds to Aquacraft, Inc. upon completion of tasks identified in contract. Payment of services will be no greater than \$70,000 over the duration of the study, which is scheduled to be completed in eighteen months.

FISCAL IMPACT:

\$70,000 in grant funding will be deposited into the Fund 41500 and disbursed to consultant for services rendered upon reimbursement by EPA.

Mendes/Belock/MS

Aud. Cert. 2600219.

Staff: Marsi Steirer – (619) 533-4112
Kelly J. Salt – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-123: Appointments and Reappointments to the Human Relations Commission.

(See memorandum from Deputy Mayor Atkins dated 9/22/2005, with resumes attached.)

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-312) ADOPTED AS RESOLUTION R-300912

Council confirmation of the following appointments and reappointments by the Mayor to serve as members of the Human Relations Commission, for terms ending as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Les Williamson (Serra Mesa, District 6) (Replacing Grover Diemert, whose term expired)	District 6 Nominee	July 22, 2009
Bruce M. Abrams (Downtown San Diego, District 2) (Replacing Robert L. Blumberg, whose term expired)	At Large Member	July 22, 2009
Joyce Singer Abrams (La Jolla, District 1) (Reappointment)	District 1 Nominee	July 22, 2009
Michael J. Perez (Jamul) (Reappointment)	At Large Member	July 22, 2009

Stating that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that Michael J. Perez is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Commission, therefore, a conscious exception to Council Policy 000-13 is hereby declared.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-124: Marisa Ugarte Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-249) ADOPTED AS RESOLUTION R-300913

Recognizing Marisa Ugarte and commending her for her dedication to exploited men, women, and children;

Proclaiming September 24, 2005, to be “Marisa Ugarte Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-125: Carl Poirot Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-247) ADOPTED AS RESOLUTION R-300877

Recognizing Carl Poirot and commending him for his dedication to the Volunteer Lawyer Program in the City of San Diego;

Proclaiming September 28, 2005, to be “Carl Poirot Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-126: Augustine Gallego Day.

DEPUTY MAYOR ATKINS’ RECOMMENDATION:

Adopt the following resolution:

(R-2006-250) ADOPTED AS RESOLUTION R-300914

Recognizing Augustine Gallego and commending him for his dedication to education;

Proclaiming September 24, 2005, to be “Augustine Gallego Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-127: Sam Duran Day.

DEPUTY MAYOR ATKINS’ RECOMMENDATION:

Adopt the following resolution:

(R-2006-248) ADOPTED AS RESOLUTION R-300915

Recognizing Sam Duran and commending him for his dedication to inner city youth;

Proclaiming September 24, 2005, to be “Sam Duran Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-128: Timken Museum of Art Day.

DEPUTY MAYOR ATKINS’ RECOMMENDATION:

Adopt the following resolution:

(R-2006-309) ADOPTED AS RESOLUTION R-300916

Commending all those involved in reaching the 40th anniversary celebration of the Timken Museum of Art;

Proclaiming October 1, 2005, to be “Timken Museum of Art Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-129: Stephen and Mary Birch North Park Theatre Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-308) ADOPTED AS RESOLUTION R-300917

Joining with the North Park community to celebrate the grand reopening of the newly restored Stephen and Mary Birch North Park Theatre and commending all who were involved in bringing about the revitalization of this community treasure;

Proclaiming September 30, 2005, to be "Stephen and Mary Birch North Park Theatre Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-130: AIDS Walk San Diego 2005 Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-295) ADOPTED AS RESOLUTION R-300918

Commending the staff, board members, volunteers, sponsors, and participants of AIDS Walk San Diego 2005 for their outstanding service, leadership,

commitment, and generosity to those living with HIV/AIDS, and encouraging all San Diegans to participate in AIDS Walk San Diego by volunteering, walking, running, or making a donation;

Proclaiming October 2, 2005, to be “AIDS Walk San Diego 2005 Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-131: California Arts Day.

DEPUTY MAYOR ATKINS’ RECOMMENDATION:

Adopt the following resolution:

(R-2006-294) ADOPTED AS RESOLUTION R-300919

Recognizing and supporting the mission of the California Arts Council to advance California through the Arts and creativity;

Proclaiming October 7, 2005, to be “California Arts Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-132: National Family Justice Center Alliance.

**DEPUTY MAYOR ATKINS', MAYOR PRO TEM MADAFFER'S AND
COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-319) ADOPTED AS RESOLUTION R-300920

Acknowledging the San Diego Family Justice Center Department will develop an exchange program between the San Diego and Tacoma-Pierce County Family Justice Center;

Declaring that this body recognizes and is extremely proud to announce the first National Family Justice Center Alliance with Tacoma-Pierce County in Washington, USA.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-133: Lance Armstrong Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-260) ADOPTED AS RESOLUTION R-300921

Declaring that the Council of the City of San Diego, for and on behalf of the people of San Diego, does hereby offer its most sincere appreciation to Lance Armstrong for his selfless dedication to the advancement of cancer awareness and research, and recognizing his exceptional athletic achievements;

Proclaiming September 29, 2005, to be "Lance Armstrong Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-134: Biosite Day.

COUNCILMEMBER MAIENSCHIEIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-306) ADOPTED AS RESOLUTION R-300922

Recognizing Biosite for its contributions to the biotechnology industry, to the healthcare system, and to the communities in which its employees live;

Proclaiming October 14, 2005, to be "Biosite Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-135: Ataxia Day.

MAYOR PRO TEM MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-261) ADOPTED AS RESOLUTION R-300923

Urging all citizens to honor and support those individuals with ataxia and their caregivers, in the hope that a cure will soon be found;

Proclaiming September 25, 2005, to be “International Ataxia Awareness Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-136: Business Continuity Day.

MAYOR PRO TEM MADAFFER’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-262) ADOPTED AS RESOLUTION R-300924

Encouraging Symposium attendees to experience the hospitality and attractions for which San Diego is known and wishing attendees a most productive meeting and pleasant stay in our fine City;

Proclaiming September 19, 2005, to be “Business Continuity Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-137: Pathfinders of San Diego Day.

MAYOR PRO TEM MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-296) ADOPTED AS RESOLUTION R-300925

Proclaiming October 8, 2005, to be "Pathfinders of San Diego Day" in the City of San Diego in honor of their outstanding service, leadership, and commitment.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-138: 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-2006-17) ADOPTED AS RESOLUTION R-300926

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: 2:10 p.m. – 2:16 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-200: Attorney's Fees for City of San Diego Current and Former Employees Relating to the Financial Disclosures and Pension Investigation.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-205) TRAILED TO TUESDAY, OCTOBER 11, 2005

Authorizing the City Attorney to continue executing agreements with one or more lawyers or law firms to provide representation to the past or present individual City employees related to their participation in interviews or proceedings, including compliance with subpoenas served on them, related to the investigation by the Securities and Exchange Commission, the United States Attorney's Office, the Federal Bureau of Investigation, the District Attorney and the City, provided that no one person retains more than one law firm to represent them at a given time;

Authorizing the expenditure of an initial amount not to exceed \$500,000, for the above-described purpose, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Suspending the authorization for the above attorney's fees if criminal charges are brought against any past or present City employee, and that the City shall reserve its right to terminate the payment of fees and seek reimbursement of fees paid in

the event that criminal charges are brought against any past or present employee, or if a conviction is obtained.

SUPPORTING INFORMATION:

In February of 2004, the SEC and USAO informed the City that they were undertaking investigations into certain financial disclosure practices by the City. Additionally, the District Attorney's Office has initiated its own investigation into the propriety of acts relating to the granting of pension benefits. The City is also conducting its own internal investigations, and through retained counsel, has interviewed current and former City employees as part of its internal investigations. Those interviews were then made available to the Federal and State investigating agencies.

These investigations are ongoing, with each agency, requesting and/or issuing subpoenas requiring City employees appear for interview and/or testimony. In order to facilitate the conduct of necessary interviews and testimony, and yet provide necessary advice to affected City employees, the City Council, acting pursuant to the discretion provided by Government Code Section 995.8, has determined that it is in the best interests of the City to provide independent representation to employees. The cost allotted for the representation thus far was apportioned among a number of represented individuals, and appropriated as a result of four requests: \$250,000 (AC 2401177) on June 17, 2004; \$150,000 (AC 2500688) on January 25, 2005; \$75,000 (AC 2500664) on November 14, 2005; \$200,000 (AC 2500802) on March 7, 2005, and \$350,000 (AC 2501122) on June 28, 2005. Over 40 current and former City employees have requested and/or retained outside legal counsel and will submit or have submitted bills to be reviewed and processed by the City Attorney's Office. These totals do not include elected officials, the Mayor, Council, and their staff.

It is recommended that the City Attorney continue to execute and monitor the contracts on behalf of the City for the representation of individual current and former City employees. It is also recommended that each employee be permitted to retain only one law firm to represent them. To pay present invoices, and to obtain funds to continue to pay invoices for those represented, it is requested that an additional \$500,000 be appropriated.

Ewell/Katz/MS

Aud. Cert. 2600236.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:42 p.m.)

MOTION BY PETERS TO TRAIL TO TUESDAY, OCTOBER 11, 2005. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-201: Appointment of Mr. George A. Murray to the San Diego City Employees' Retirement System Board of Administration.

(See memorandum from Deputy Mayor Atkins dated 9/14/2005, with resume attached.)

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-293) ADOPTED AS RESOLUTION R-300927

Council confirmation of the following appointment by the Deputy Mayor of the City of San Diego to serve as a member of the San Diego City Employees' Retirement System Board of Administration:

<u>NAME</u>	<u>TERM ENDING</u>
George A. Murray (La Jolla, District 1) (Replacing Susan H. Snow, who resigned)	March 31, 2007

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:10 p.m. – 3:16 p.m.)

MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-202: Fiscal Year 2006 Financial Status and Budgetary Update Report.

(See City Manager Report CMR-05-202.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-213) ADOPTED AS RESOLUTION 300928, WITH DIRECTION

Accepting the Fiscal Year 2006 Financial Status and Budgetary Update Report.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:42 p.m. – 4:22 p.m.)

MOTION BY YOUNG TO ADOPT WITH DIRECTION TO NOT DO ANYTHING WITH THE NEEDS THAT ARE NOT YET IMMEDIATE, AND THAT NOT TOO MANY BUDGETARY DECISIONS BE MADE UNTIL THE AUDIT IS COMPLETED AND A NEW MAYOR IS SEATED, WHO WILL THEN HAVE CHARGE OF THE BUDGET. DIRECT THAT THE COUNCIL WAIT UNTIL NOVEMBER BEFORE MAKING FINAL DECISIONS ON ACCEPTING THE BUDGET REPORT IN ITS ENTIRETY. DEFER THE NON-IMMEDIATE NEEDS UNTIL JANUARY 2006.

ACCEPT DEPUTY MAYOR ATKINS' RECOMMENDATION THAT DURING THE BUDGET WORKSHOP IN NOVEMBER AND ON APPROXIMATELY DECEMBER 5 OR DECEMBER 6, 2005, FINANCIAL MANAGEMENT WILL PROVIDE ANOTHER UPDATE ON THE STATUS OF THE BUDGET.

AS TO THE \$10.1 MILLION IN CUTS IN THE BUDGET, ACCEPT COUNCIL MEMBER FRYE'S RECOMMENDATION THAT IMPOUNDS BE SET UP FOR THOSE FUNDS IN ORDER TO ASSURE THAT THERE IS ADEQUATE FUNDING FOR SERVICES, WHICH WILL BE IDENTIFIED IN A REPORT FOR THE COUNCIL, AND, SPECIFICALLY, THAT PRIOR TO THOSE CUTS TAKING PLACE:

1. THE CITY MANAGER IS TO DETERMINE WHAT SERVICES NEED TO BE CUT;
2. THE CITY MANAGER IS TO COME BACK TO THE CITY COUNCIL WITH A LIST OF THOSE CUTS IN SERVICES;

3. THE CITY MANAGER IS TO DETERMINE THE IMPACT THAT THOSE CUTS WILL HAVE ON SERVICES WHICH ARE PROVIDED TO THE PUBLIC AND THEIR IMPACT ON THE VARIOUS COUNCIL DISTRICTS; AND
4. IN THE MEANTIME, THE CITY MANAGER WILL SET ASIDE THE APPROXIMATELY \$10.1 MILLION.

Second by Frye. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-203: Policy Direction Regarding Provision of Defense for Defendants in Case No. GIC 854373 City of San Diego vs. Murphy, Zucchet, Inzunza, et al.

CITY MANAGER'S RECOMMENDATION:

Consider the request for provision of a defense, and provide direction regarding **either** Subitem A or Subitem B, as follows:

Subitem-A: (R-2006-) CONTINUED TO MONDAY, OCTOBER 17, 2005

Declaring that the City of San Diego shall provide for the defense of the individuals named in the Civil Action, City of San Diego v. Murphy, et al.; including Richard Murphy, Michael Zucchet, and Ralph Inzunza (Case No. GIC 854373);

Directing the City Attorney to prepare the appropriate Resolution associated with the Council direction.

Or

Subitem-B: (R-2006-) CONTINUED TO MONDAY, OCTOBER 17, 2005

Directing the City Attorney to dismiss the Civil Action, City of San Diego v. Murphy, Zucchet, Inzunza, et al; and authorizing the City Manager to pay the Attorney's fees incurred to date by the defendants;

Directing the City Attorney to prepare the appropriate Resolution associated with the Council direction.

CITY MANAGER SUPPORTING INFORMATION:

On September 23, 2005, the San Diego City Attorney filed a Civil Action in the Superior Court of California entitled City of San Diego v. Murphy, Inzunza, Zucchet, et al., Case No. GIC 854373. Former Mayor Murphy and Councilmembers Inzunza and Zucchet are named as defendants in the action which alleges that these individuals, in their capacities as Mayor and City Councilmen, participated in City Council votes related to payment of pension benefits via the Legislative Officers'/Elected Officers Retirement Plan that were not in compliance with the City Charter and that certain votes violated the Liability Limit Laws (Article XVI Section 18 of the California Constitution and San Diego Charter Section 99). The Complaint also alleges that certain votes violated the conflict of interest provisions of Government Code Section 1090 and the Political Reform Act (PRA).

A request has been tendered, on behalf of the defendants named in this action, for the City of San Diego to provide for their legal representation consistent with the provisions of Government Code Section 995 which provides for defense of any civil action on account of an act or omission in the scope of his or her-employment as an employee of the City. Government Code Section 995.2.b specifies that upon receiving a written request, the public entity shall, within 20 days, inform the employee whether a defense will be provided.

A court ruling on Friday, September 30, 2005, in the case of People v. Grissom, et. al., found that voting on pension-related issues cannot, as a matter of law, support a conflict of interest claim under the PRA. Based on this court ruling, the City Council could consider directing the City Attorney to dismiss the Civil Action - City of San Diego v. Murphy, Zucchet, Inzunza, et. al., which will cease the accrual of any defense costs for which the City may be obligated. The City Manager is requesting Council direction with respect to the request made on behalf of the named defendants. If the Council declares the intent to provide a defense, the City Manager will retain and oversee outside Counsel up to his authorization limit of \$250,000.

Irvine/Plank

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:07 p.m. – 3:10 p.m.)

MOTION BY PETERS TO CONTINUE TO OCTOBER 17, 2005 AT THE REQUEST OF THE CITY ATTORNEY FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-250: Notice of Pending Final Map Approval – City Heights Park.

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 “City Heights Park” (T.M. No. 128996/PTS No. 66327), located northeasterly of 38th Street and Polk 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:

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

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

ITEM-251: Notice of Pending Final Map Approval - Cityscape.

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 “Cityscape” (T.M. No. 62785/PTS No. 62566), located northeasterly of Meade Avenue and 35th 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-252: Notice of Pending Final Map Approval – Cabrillo Knolls.

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 “Cabrillo Knolls” (T.M. No. 19269/PTS No. 63421), located northeasterly of 34th Street and Howard 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:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal

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

ITEM-253: Notice of Pending Final Map Approval – 4520 51st 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 “4520 51st Street” (T.M. No. 56856/PTS No. 73518), located northwesterly of 51st Street and Monroe Avenue in the Mid-City: Kensington-Talmadge 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-254: Notice of Pending Final Map Approval – 4471 44th 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 “4471 44th Street” (T.M. No. 99020/PTS No. 75411), located southeasterly of 44th Street and Monroe Avenue in the Mid-City: Kensington-Talmadge 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-255: Notice of Pending Final Map Approval – 4680 Edgware.

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 “4680 Edgware” (T.M. No. 40475/PTS No. 72542), located southwesterly of Adams Avenue and Edgware Road in the Mid-City: Kensington-Talmadge 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-256: Notice of Pending Final Map Approval – Legacy Walk.

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 “Legacy Walk” (T.M. No. 98-180/PTS No. 54211), located northeasterly of Newton Avenue and 43rd Street in the Southeastern San Diego, Southeastern Community Plan Area in Council District 4, 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-257: Notice of Pending Final Map Approval – Felspar St. Townhomes.

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 “Felspar St. Townhomes” (T.M. Waiver No. 62142/PTS No. 73682), located northwesterly of Felspar Street and Bayard Street in the Pacific Beach Community Plan Area in Council District 2, 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.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Atkins at 4:22 p.m..

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 4:22 p.m.)