

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 24, 2006
AT 10:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:04 a.m. with Council Member Young not present. Council President Peters recessed the meeting at 11:01 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:08 a.m. with Council Member Frye not present. The meeting was adjourned by Council President Peters at 11:57 a.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
 - (2) Council Member Faulconer-present
 - (3) Council Member Atkins-present
 - (4) Council Member Young-present
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council Member Hueso-present
- Clerk-Maland (dlc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-not present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Al Strohleim commented on alcohol consumption in Pacific Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:09 a.m. – 10:11 a.m.)

PUBLIC COMMENT-2:

Linda Smith commented on the homeless.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:13 a.m. – 10:15 a.m.)

PUBLIC COMMENT-3:

Hud Collins commented on the financial crisis in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:16 a.m. – 10:18 a.m.)

PUBLIC COMMENT-4:

Susan Gloudeman commented on a gang injunction in Fox Canyon.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:21 a.m.)

PUBLIC COMMENT-5:

Garth Murphy commented on toll road at San Onofre State Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:24 a.m.)

PUBLIC COMMENT-6:

Don Stillwell commented on public transportation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. - 10:28 a.m.)

PUBLIC COMMENT-7:

Ron Boshun commented on the actions of council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:31 a.m.)

PUBLIC COMMENT-8:

Jarvis Ross commented on traffic development.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:32 a.m. – 10:34 a.m.)

PUBLIC COMMENT-9:

Rudy Reyes commented on medical marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. – 10:6 a.m.)

PUBLIC COMMENT-10:

Phil Hart commented on the financial report.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:36 a.m. – 10:39 a.m.)

PUBLIC COMMENT-11:

Ian Trowbridge commented on the Navy Broadway Complex and Blue Level Swimming Program.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:41 a.m.)

PUBLIC COMMENT-12:

Nick Moffitt commented on leadership visions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:42 a.m. – 10:44 a.m.)

PUBLIC COMMENT-13:

John Pilch commented on street sweeping.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:45 a.m. – 10:48 a.m.)

PUBLIC COMMENT-14:

Tim Clark commented on alternative transportation riders.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:49 a.m. – 10:51 a.m.)

PUBLIC COMMENT-15:

Katheryn Rhodes commented on the Navy Broadway Complex.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:52 a.m. – 10:55 a.m.)

COUNCIL COMMENT:

None.

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



ITEM-30: National Arts and Humanities Month.

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-378) ADOPTED AS RESOLUTION R-302011

Commending all organizations in the City of San Diego for their efforts and support of the arts and humanities;

Proclaiming the month of October 2006, to be "National Arts and Humanities Month" in the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:04 a.m. – 10:06 a.m.)

MOTION BY FRYE TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-50: Sale of Surplus Motive Equipment to the City of Ensenada, Baja California, Mexico.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/10/2006, Item 53. (Council voted 7-0. Councilmember Madaffer not present):

(O-2007-26) ADOPTED AS ORDINANCE O-19559

Authorizing the Mayor to sell to the City of Ensenada the motorcycles and spare parts described in Tables A and B for the prices indicated thereon, for a total of \$56,020;

Authorizing the Mayor, or his designee, to take all necessary actions and sign any documentation necessary to complete the sale of the motorcycles and spare parts to the City of Ensenada;

Declaring the \$56,020 from the sale of the motorcycles and spare parts described in Tables A and B shall be deposited in the Unlicensed Drivers Vehicle Impound Fees Fund, Fund Number 18684, Revenue Account 78348.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:09 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-51: Amendments to the Regulations of Peep Show Establishments in San Diego Municipal Code Division 33.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/10/2006, Item 54. (Council voted 7-0. Councilmember Madaffer not present.):

(O-2006-119 Cor. Copy) ADOPTED AS ORDINANCE O-19549

Amending Chapter 3, Article 3, Division 33, of the San Diego Municipal Code, by amending Sections 33.3310, 33.3311, 33.3324, and repealing Section 33.3326, relating to Peep Show Establishments.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:09 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-52: First Amendment to Consultant Agreement with Richard Brady & Associates and Expenditure of Funds for the Morena, Barrett, and Lower Otay Dam Outlet Tower Improvements Project.

(Unincorporated Area of San Diego County.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/10/2006, Item 60, Subitem A. (Council voted 7-0. Councilmember Madaffer not present.):

(O-2007-33) ADOPTED AS ORDINANCE O-19550

Authorizing the Mayor, or his designee, to execute the First Amendment to Agreement between the City of San Diego and Richard Brady & Associates, Inc., for consulting services for the Morena, Barrett, and Lower Otay Dam Outlet Tower Improvements Project, together with any reasonably necessary modifications or amendments thereto which do not increase agreement scope or cost and which the Mayor, or duly authorized City representative shall deem necessary from time to time in order to carry out the purposes and intent of the Agreement;

Declaring this activity is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302 as this activity is the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:09 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



[ITEM-53:](#) Tierrasanta Townhomes Rezone Located at 11445 Tierrasanta Boulevard.

(Tierrasanta Community Plan Area. District 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/10/2006, Item 334, Subitem-B. (Council voted 7-0. Council President Peters ineligible):

(O-2007-5) ADOPTED AS ORDINANCE O-19551

Changing 6.86 acres located at 11445 Tierrasanta Boulevard, in the Tierrasanta Community Plan Area, in the City of San Diego, California, from the RS-1-7 Zone into the RM-1-1 Zone, as defined by San Diego Municipal Code Section 131.0401.

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:57 a.m. – 11:01 a.m.)

Testimony in opposition by John Pilch.

MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-ineligible, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-100: FY 2007 CIP Budget Amendment and Inviting Bids for the General Requirements Contract GRC 07-001.

(See Independent Budget Analyst Report No. 06-9. Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-382) ADOPTED AS RESOLUTION R-302012

Amending the Fiscal Year 2007 Capital Improvement Program to add CIP-37-035.0, Roof Replacements;

Authorizing an increase in the amount of \$2,862,000 to the Fiscal Year 2007 budget in CIP-37-035.0, Roof Replacements;

Authorizing the City Auditor and Comptroller to transfer \$2,862,000 within Fund No. 100, General Fund between Department No. 601 and Fund No. 630221, Contributions from 100 Fund;

Authorizing the City Auditor and Comptroller to transfer \$2,862,000 from Fund No. 630221, Contributions from 100 Fund, to CIP-37-035.0, Roof Replacement, Fund No. 100, General Fund, for the purpose of replacing roofs on City owned properties;

Approving the General Requirements Contract 07-001 for roof repairs and replacement for City owned properties in an amount not-less-than \$50,000 and not-to-exceed \$2,800,000, and a contract duration not to exceed two years;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with the law, to award the Project contract to the lowest responsible and reliable bidder in an amount not-to-exceed \$2,800,000, and to award tasks pursuant to such contract, 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 to appropriate and expend \$2,862,000 from CIP-37-035.0, Roof Replacement, Fund No. 100, General Fund, for the purposes of replacing roofs on City owned properties;

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

Declaring this activity is not a "project" and is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(2) and that any future projects for which this activity covers would be subject to CEQA review upon the final design.

STAFF SUPPORTING INFORMATION:

The City has not been able to perform the maintenance of City assets for many years. To address the resulting impacts the City's FY07 budget included \$10,593,222 for deferred maintenance projects including a number of city building facilities that require roof replacements. These roofs are old, leaking, and rapidly deteriorating, raising concerns affecting health, safety, and property. The estimated cost for 5 roof replacement projects that will be performed is \$2,862,000 which is \$702,000 over the original cost estimate of \$2,160,000. The additional funding for the roof replacement work will come from a reallocation of funding included in the Deferred Maintenance CIP for street maintenance activities due to the City's receipt of additional Prop 42 State funds to perform the street maintenance work. These roofs are larger projects that cannot be completed by City staff within the timeframe needed.

A Roofing GRC allows for an efficient and effective method of repairing a number of different maintenance roofs and roof replacement projects in a timely and cost effective manner. A GRC is a competitively bid contract and includes a Unit Price Book which encompasses the typical work conducted by the construction contractor. The Contractor bids for price adjustment factors or multipliers which are applied to all of the unit prices in the unit price book. The Contractor with the lowest factor and a responsive bid is awarded the Contract.

In addition, the Municipal Code Section 22.3104, Task Orders, sets the maximum work to be authorized for each GRC Task Order as not to exceed \$500,000 except in the case of an emergency affecting the health, safety, property, or when authorized by City Council.

The roofing GRC will be used solely for roof replacement projects, for a total contract amount not to exceed \$2,800,000; with a two year duration.

FISCAL CONSIDERATIONS:

CIP-37-035.0 will be established and \$2,862,000 in the Citywide Department Operating Budget will be transferred to CIP-37-035.0.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

City's FY07 approved budget includes \$10,593,222 for deferred maintenance projects.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The tenants of a number of city facilities have repeatedly requested that the City repair these roofs. For many years, the City has been unable to repair these roofs due to lack of funding. The City Council has authorized funding for these projects in General Services Department FY07 budget. The City staff will work with the tenants during the performance of these projects.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

This action will allow the City to perform upcoming roof replacement projects at various city facilities in a timely and cost effective manner.

Oskoui/Haas/Boekamp

Aud. Cert. 2700246.

Staff: Afshin Oskoui - (619) 533-3102
Christina L. Bellows - Deputy City Attorney

FILE LOCATION: W.O. 008500 CONT-Commercial & Industrial Roofing Co.

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:09 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-101: Bird Rock Coastal Traffic Improvements – Advertise and Additional Funding.

(La Jolla Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-406) ADOPTED AS RESOLUTION R-302013

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2007 Budget, CIP-52-717.0, Bird Rock Coastal Traffic Flow Improvements, in the amount of \$1,400,000 for Fund 79514;

Authorizing the City Auditor and Comptroller to appropriate and expend \$1,400,000 from CIP-52-717.0, Bird Rock Coastal Traffic Flow Improvement Project, Fund 79514, for the purpose of construction and related expenses;

Authorizing the Mayor, or his designee, to execute the First Amendment to the Agreement with Project Design Consultants in an amount not to exceed \$167,435 for professional services for Bird Rock Coastal Traffic Flow Improvements Project, CIP-52-717.0;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$167,435 from CIP-52-717.0, Fund 79514 for the purpose of executing the First Amendment to the Agreement with Project Design Consultants, contingent upon the City Auditor and Comptroller first certifying that funds are available;

Authorizing the Mayor, or his designee, to approve the Plans and Specifications for construction of Bird Rock Coastal Traffic Flow Improvement Project, Phase Two, CIP-52-717.0, as advertised by Contract Services;

Authorizing the Mayor, or his designee, to execute a construction contract for Phase Two of the Bird Rock Coastal Traffic Flow Improvement Project with the lowest responsible and reliable bidder, contingent upon the City Auditor and Comptroller certifying 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 budgeted funds, if any, to the appropriate reserves;

Declaring this activity is covered under Project No. 6225 (Negative Declaration dated 5/24/2005), adequately addressed therein, and there is no change in circumstances, additional information, or project changes to warrant additional environmental review.

STAFF SUPPORTING INFORMATION:

This project provides for the implementation of the improvements identified in the Bird Rock Area Traffic Management Plan that was approved on February 4, 2004, Manager's Report No. 04-028. The work includes roundabouts along La Jolla Boulevard from Camino de la Costa to Colima Street and other traffic calming improvements in the Bird Rock community, which supplement the two roundabouts previously constructed as part of Barratt American's Seahaus Development. For more efficient construction, the project has been separated into two phases with Phase One being the portion of the plan within the neighborhood and Phase Two being the remaining work on La Jolla Blvd. When the original engineering contract with Project Design Consultants (PDC) was executed, traffic control plan development and landscaping design was omitted, since it was anticipated that this work would be done as a separate contract. However, during the design development, it was shown that PDC could provide these services in a more efficient manner. The First Amendment to the Agreement with PDC includes these services which are needed to complete the design. With its innovative features, this project was selected to receive \$2,000,000 from the SANDAG Pilot Smart Growth Incentive Program. The allocation of these funds to the City has recently been approved by the California Transportation Commission (CTC), which permits the use of these funds for construction of Phase Two. The procurement of Phase One's construction contract is currently underway. The special maintenance needs of this project are covered by the Bird Rock Maintenance Assessment District.

FISCAL CONSIDERATIONS:

The First Amendment to the Agreement with Project Design Consultants is in the amount of \$167,435. The total estimated cost of this project is \$5,583,039. Of this amount, \$1,453,039 is from TransNet, \$80,000 is from CIP Contributions from Fund No. 100, \$1,650,000 is from La Jolla DIF, \$400,000 is from TDA Pedestrian Grant, and \$2,000,000 is from the SANDAG Pilot Smart Growth Incentive Program (TE).

A Maintenance Assessment District was established and approved by City Council (R-300744) for the purpose of maintaining the improvements proposed in both Phase One and Two.

PREVIOUS COUNCIL COMMITTEE ACTION:

February 9, 2004, (R-298883)-Authorized the execution of the Agreement with Project Design Consultant (PDC) for engineering services and approved the Traffic Management Plan concept. June 25, 2005, (R-300698)-Authorized to secure, accept, appropriate, and expend funds from SANDAG for the Pilot Smart Growth Incentive Program. February 28, 2005, the \$400,000 TDA Pedestrian Grant was approved by City Council (R-300152). The Bird Rock Maintenance Assessment District was approved by City Council pursuant to Resolution No. R-300744.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Bird Rock Traffic Task Force Committee, Bird Rock Beautification Committee, and the Bird Rock Community Council community groups are in full support of the project. The City has been working with these community groups throughout the planning and design development process.

KEY STAKEHOLDERS:

Although the project will improve the current traffic capacity, average travel speeds will be reduced in order to increase safety and pedestrian usage. This could be perceived as a negative effect by commuters using this area for through access. Even though the project is overwhelmingly supported by the community groups, some business owners have expressed concerns about the impact this might have to customers coming from outside the area. Project Design Consultants and Darnell & Associates are also key stakeholders.

Boekamp/Haas

Aud. Cert. 2700257.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:09 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-102: Inviting Bids for the Barrett Reservoir Outlet Tower Upgrade.

(See Water/Engineering and CIP Program Management Division's July 20, 2006, Executive Summary Sheet. Unincorporated Area of San Diego County.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-313) ADOPTED AS RESOLUTION R-302014

Approving the plans and specifications for the Barrett Reservoir Outlet Tower Upgrade (Project), on Work Order 186151;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$1,602,350, provided that the City Auditor and Comptroller first furnishes a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$1,602,350 from Water Fund 41500, CIP-73-317.0, Barrett Reservoir Outlet Tower Upgrade, solely and exclusively, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$118,547.56 from Water Fund 41500 Unallocated Reserve (Organization 1041, Object Account 4903) to Water Fund 41500, CIP-73-317.0, Barrett Reservoir Outlet Tower Upgrade and to increase the Fiscal Year 2007 Capital Improvements Program Budget in Water Fund 41500, CIP-73-317.0, Basset Reservoir Outlet Tower Upgrade by \$118,547.56;

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

Declaring this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302, as the repair and maintenance of existing facilities. (BID-K073390C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/26/2006, NR&C voted 4 to 0 to approve. (Councilmembers Faulconer, Atkins, Frye, and Hueso voted yea.)

SUPPORTING INFORMATION:

The City of San Diego Water Department has an active capital improvement program to design and construct water facilities in meeting the customer water demand. Due to lack of funding for upgrading all three outlet towers, the Water Department has chosen the most critical and essential facility, the Barrett Reservoir Outlet Tower, to be upgraded. The Barrett Reservoir Outlet Tower Upgrade is a redesign from the combined Barrett and Morena Reservoirs Outlet Tower existing design, which was approved by the California Department of Safety of Dams (DSOD) on July 8, 2003. The construction will address the essential elements of the outlet tower that affect operation and maintenance, personnel safety, and water supply reliability to downstream City facilities.

The project scope of work includes, but is not limited to: construct ventilation system; replace internal 30-inch gate valves; provide automated controls for all internal valves; replace interior ladders; replace internal platforms; replace electrical distribution system; and replace lighting.

The construction of this project will increase reliability of using local raw water runoff and reduce raw water importation from San Diego County Water Authority.

FISCAL CONSIDERATIONS:

The funds needed for construction are \$1,602,350. \$1,483,802.44 is available in Water Fund 41500, CIP-73-317.0, Barrett Reservoir Outlet Tower Upgrade and \$118,547.56 is available in Water Fund 41500, Unallocated Reserve.

PREVIOUS COUNCIL COMMITTEE ACTION:

This item was approved on July 26, 2006, at the Natural Resources and Culture Committee.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Community outreach is limited to lake area and users. Information will be disseminated to lake users prior to construction. This project will be advertised through the local contractor's association and newspaper.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The key stakeholders are the City of San Diego Water Department customers, the contractor to be selected and California Department of Safety of Dams. Failure to rehabilitate the Barrett Reservoir Outlet Tower will put constraint on the use of local raw water and continue to import water from San Diego Water Authority.

Barrett/Haas

Aud. Cert. 2700271.

FILE LOCATION: W.O. 186151

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:09 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-103: Awarding a Bid Contract to Kemiron Industries, Inc. for Furnishing Ferric Chloride for Water Treatment.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-423) ADOPTED AS RESOLUTION R-302015

Authorizing the Mayor, and his Chief Acquisition Officer, to accept the low and responsible proposal meeting specifications of Kemiron Industries, Inc., and authorizing the Chief Acquisition Officer to execute a contract for furnishing Ferric Chloride based on Bid No. 8258-06-T, as may be required for a period of one (1) year beginning from date of award with options to renew the contract for four (4) additional one (1) year periods, for an estimated annual purchase cost of \$1,159,312, including sales tax, terms net thirty (30) days; with price escalations not to exceed 25% of prices in effect at the end of each prior contract year;

Authorizing the estimated expenditure for the bid contract for Ferric Chloride from the Water Fund 41500, Department 760, in an amount estimated to be \$1,159,312 in the first year; and potentially escalated in four option years, if the

Water Department accepts the option years within the maximum 25% per year escalation, solely and exclusively, for providing funds for said contract;

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

Declaring this activity is not a project subject to CEQA pursuant to CEQA Guidelines Sections 15378(b)(2)(c), and 15060(c)(2)(3).

STAFF SUPPORTING INFORMATION:

Water Department requires ferric chloride for its water treatment process at the City's three water treatment plants; Miramar, Alvarado, and Otay. This chemical is used to increase the coagulation and separation of solids from the water being treated.

Specifically, this contract will furnish the City of San Diego Water Department with ferric chloride with a specified concentration, to be delivered to the above facilities, as ordered by the City, for a total one-year estimated tonnage of 3,080 dry tons, with options to renew for four (4) additional one-year periods of similar tonnage.

The delivered product must also meet all purity standards specified in the bid contract. Kemiron Industries was the lowest cost of two responsive and responsible bidders.

FISCAL CONSIDERATIONS:

FY 2007 estimated cost: \$1,159,312, funded by the FY 2007 budget in Fund 41500, Department 760 of the Water Department/Operations Division, an enterprise funded by regional water ratepayers.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None for this bid.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Bids were solicited to five (5) vendors on May 17, 2006; bids closed on June 2, 2006. Letter of intent to award was issued on September 14, 2006; no protests were received by Purchasing to date.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Bid awarded to Kemiron Industries, Inc. of Lawrence, KS. Over 1.5 million regional users of water treatment have a stake in the system's safe and reliable treatment of water, and full

compliance to all County, State and Federal regulations, in part made possible by the correct application of treatment chemicals, including ferric chloride.

Barret/Haas

Aud. Cert. 2700277.

Staff: Kent Floro - (619) 527-7460
Raymond C. Palmucci - Deputy City Attorney

FILE LOCATION: CONT –KEMIRON INDUSTRIES, INC.

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:09 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-104: Contract Change Order No. 1 with SRM Contracting and Paving for Asphalt Overlay of Various Streets Citywide Group R-8.

(Rancho Bernardo and Mission Bay Park Community Areas. Districts 5 and 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-403) ADOPTED AS RESOLUTION R-302016

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, Contract Change Order No. 1, dated August 18, 2006, issued in connection with the paving contract for Asphalt Overlay of Various Streets City Wide Group R-8 by SRM Contracting and Paving, amounting to a net increase in the contract price of \$301,755.12;

Authorizing the City Auditor and Comptroller to transfer and expend an additional amount not to exceed \$226,755.12 from City Wide Deferred Maintenance Fund 100 to Fund 630221, for the purpose of funding CIP-59-001.0, Annual Allocation-Resurfacing City Streets;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2007 Capital Improvement Program budget by \$226,755.12 in CIP-59-001.0, Annual Allocation Resurfacing City Streets, in Street Division Capital Improvement Fund 630221;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$226,755.12 from CIP-59-001.0, Fund No. 630221, and \$75,000 from CIP-22-964.0, Fund No. 30300, solely and exclusively, for Contract Change Order No. 1;

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

STAFF SUPPORTING INFORMATION:

On October 10, 2005, the City Council authorized the advertising and award of "Asphalt Overlay of Various Streets City Wide, Group R-8". The contract was awarded on June 30, 2006 to SRM Contracting and Paving, in the amount of \$ 1,826,006.02.

Contract work, which included the resurfacing of West Bernardo Drive, is proceeding. Due to unanticipated conditions, however, additional funding is required to complete the prep work and paving of West Bernardo Drive. In addition, the Park and Recreation Department has requested that portions of Fiesta Island Rd. be added to the contract scope to receive asphalt overlay in order to avoid further deterioration during the next rainy season. Park and Recreation Department is providing the funding for this additional work.

FISCAL CONSIDERATIONS:

\$301,755.12 is available as follows: \$226,755.12 in Street Division CIP Fund 630221 for the West Bernardo Drive expenditures, and \$75,000 in Park and Recreation CIP Fund 30306 for the costs associated with Fiesta Island Road.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution R-300889, adopted on October 10, 2005, authorized the advertising and award of this contract.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Residents are notified prior to construction.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The prime contractor who will receive the additional funds from this change order is SRM Contracting and Paving, and the sub-contractors are Pavement Recycling Systems, Inc., and HMS Construction Inc.

Sierra/Haas

Aud. Cert. 2700256.

Staff: Mary Wolford - (619) 527-7515
Mary Wright-Travis - Deputy City Attorney

FILE LOCATION: CONT-SRM CONTRACTING & PAVING

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:09 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-105: Skyline Library Acquisition.

(Skyline Community Area. District 4.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-303) ADOPTED AS RESOLUTION R-302010

Authorizing the City Auditor and Comptroller to transfer Five Hundred Forty-Five Thousand Dollars (\$545,000) from Skyline/Paradise Hills DIF 79509 to CIP-35-107.0, Skyline Hills Library Project, to supplement funds previously authorized by Resolution R-298611, dated November 18, 2003, for the Skyline Library Project;

Authorizing the City Auditor and Comptroller to transfer Five Hundred Fifty-Five Thousand Dollars (\$555,000) from Fund 102216, Library Systems Improvement

Program to CIP-35-107.0, Skyline Hills Library Project, to supplement funds previously authorized by Resolution R-298611, dated November 18, 2003, for the Skyline Library Project;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed One Million One Hundred Thousand Dollars (\$1,100,000) from CIP-35-107.0, Skyline Hills Library Project, at the direction of the City Attorney, to settle the condemnation proceedings entitled City of San Diego v. Pacific Southwest Land Company to acquire the new Skyline Library site, and authorizing the City Auditor and Comptroller to transfer any excess funds remaining after the close of the transaction back into the fund or funds deemed appropriate by the City Auditor and Comptroller.

STAFF SUPPORTING INFORMATION:

This project will provide a 19,400 square foot facility utilizing the current 4,400 sq. ft. Skyline Hills Branch Library, at the corner of Meadowbrook and Paradise Valley Roads, as part of the design. The proposed project will include renovation of the existing building for a large community room for library and civic related gatherings. In addition, the new facility would house a new children's area, study areas, computer lab and work stations. The adjacent property site was purchased by the City in 2006 for the purpose of the library expansion.

Actions 1, 2, and 3:

This action will supplement the original \$2,000,000 approved in 2003 for the real estate acquisitions. On March 7, 2006, City Council, in closed session approved a proposed settlement for the remaining parcel to be acquired for the project. The remaining principle owed, including interest is \$1,070,000.

Action 4:

In conformance with Council Policy No 300-7, ten (10) architectural firms were interviewed for the design services of the proposed Skyline Hills Branch Library. Manuel Oncina Architects, Inc. were selected and approved as the project architects. The total amount of this contract was \$249,476 to assist the City in preparing Proposition 14 State Library Bond Grant Application documentation for the proposed remodeling of the existing library, library addition, as well as bridging documents and additional services involving technical studies.

This proposed First Amendment to Agreement will provide the additional services required to prepare schematic drawings and bridging documents for the Skyline Hills Branch Library.

FISCAL CONSIDERATIONS:

Funds totaling \$1,100,000 are available in Skyline/Paradise Hills DIF 79509 (\$545,000) and Fund 102216, the Library Systems Improvement Program (\$555,000).

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolutions R-298608 & R-298611 dated November 18, 2003, authorized eminent domain and initial funding to acquire a three acre site for the new Skyline Library.

In closed session March 7, 2006, City Council approved a settlement of \$2,400,000, plus interest, for the acquisition of the library site.

Manager's Action C-12118 dated July 21, 2003, approved the original Agreement with Manuel Oncina Architects, Inc. for professional design services for the Skyline Hills Branch Library.

Agreement RR-299708 with the First Five Commission of San Diego for the amount of \$1 million for Skyline Hills Branch Library was filed with the City Clerk's Office on October 4, 2004 to construct a Preschooler's Door to Learning Center.

This project is part of the 21st Library System Program and included in Library Department Facility Improvements System Manager's Reports providing project status and financing information as follows:

- No. 01-234 dated 10/26/2001
- No. 01-275 dated 12/07/2001
- No. 02-159 dated 07/10/2001
- No. 02-264 dated 11/08/2002
- No. 05-022 dated 01/26/2005

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

- On August 12, 2003, three alternatives site placements were presented. The Skyline-Paradise Hills Planning Committee voted unanimously to approve one alternative. The City identified a donor willing to add area to library by renovating existing facility.
- A Community meeting held on October 14, 2003, for the library site option including the renovation of the existing facility and the project preliminary design presented by Manuel Oncina Architects, Inc. was approved 7-1 in favor of the concept proposal by the Skyline-Paradise Hills Planning Committee.
- The Mitigated Negative Declaration (MND) was completed in November 2003.
- On November 5, 2003, a theming workshop was held at the Skyline Hills Library and the group approved the agricultural tradition of the community as the theme.

-
- On April 12, 2004, a community workshop was held to address additional community input and issues. The resulting design was recommended for approval at a subsequent Planning Committee meeting.
- On October 12, 2004, a new configuration was presented to the Skyline-Paradise Hills Planning Committee.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Skyline Hills community members will benefit from the expansion of their branch library. Funding has been set aside in CIP-35-107.0 for this purpose. Manuel Oncina Architects, Inc. and sub-consultants listed in Agreement Attachment BB are stakeholders as the project consultants.

Barwick/Waring

Aud. Cert. 2700266.

Staff: David Sandoval - (619) 236-5548
Brock Ladewig – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:09 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-106: Foreign Trade Zone No. 153 – Accept Transfer of Subzone Status from Long Beach Foreign Trade Zone No. 50.

(Barrio Logan Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-416) ADOPTED AS RESOLUTION R-302018

Declaring the Mayor submit a request to the Board for reissuance of the Grant of Authority for a Foreign-Trade Zone Subzone (Subzone) from the City of Long Beach Foreign-Trade Zone No. 50 to the City of San Diego Foreign-Trade Zone No. 153 permitting General Dynamics NASSCO (NASSCO) to continue to operate and maintain said Subzone at its facilities located at 2798 E. Harbor Drive, San Diego, California, in accordance with all applicable laws and regulations including the Foreign-Trade Zones Act of June 18, 1934, as amended (Pub.L. 397, 73rd Congress, 48 Stat. 998-1003 (currently 19 U.S.C. 81a-81u), and the regulations of the Foreign-Trade Zones Board (currently 15 C.F.R. 400.1-400.53);

Declaring notwithstanding any grant by the Board, NASSCO's use and operation of the Subzone shall be subject to the terms set forth by the City, and shall be conditioned upon Qualcomm's execution of the City's Foreign-Trade Subzone Agreement;

Authorizing the Mayor, or his designated representative, to take such actions and execute such documents as may be necessary to complete the Board's authorization process.

STAFF SUPPORTING INFORMATION:

In 1988, the U.S. Department of Commerce (Dept. of Commerce), Foreign Trade Zone Board authorized the City of San Diego (City) to establish a General Purpose Foreign Trade Zone (FTZ) in Otay Mesa. The City is the grantee for FTZ No. 153. FTZ's are designated areas outside of the United States Department of Homeland Security, Customs and Border Protection sphere of influence. Within these designated areas, companies are permitted to import and export merchandise and components duty free. Duties are only assessed on merchandise and components upon leaving an activated FTZ facility and brought into the United States commerce. FTZ companies are able to eliminate, reduce or defer duties on exported merchandise and components.

Companies are also eligible to file Customs and Border Protection (Customs) documents using the "weekly entry" program rather than making daily entries, saving companies thousands of dollars annually. The FTZ General Purpose Zone allows companies the flexibility to repackage, re-label and assemble products but does not permit companies to manufacture unless a special permit is granted by the FTZ Board. Manufacturing companies located outside of the General Purpose Zone's designated area and within 60 miles of the U.S. Port of Entry may request a resolution and letter of transmittal from the grantee in order to apply for special-purpose foreign trade zone subzone. A subzone is a status granted to individual manufacturers located outside of

the general purpose zone. The City, as grantee, has the obligation to review all such requests for subzone status for all San Diego County manufacturing companies involved in international trade and seeking FTZ status prior to requesting subzone designation from the FTZ Board.

NASSCO was established as Subzone 50B in San Diego under sponsorship by FTZ No. 50 in Long Beach, California since August 10, 1984, prior to the Dept. of Commerce awarding San Diego a FTZ Grant of Authority in 1988. NASSCO explored the possibility of transferring its grant of authority from Long Beach to San Diego but for various reasons the transfer never occurred. Due to the geographical distance between Long Beach's FTZ administrative offices and NASSCO's subzone, approximately 116 miles, NASSCO works with three different U.S. Customs and Border Protection (Customs) ports in order to operate the various aspects of Subzone 50B. Customs Long Beach handles all administrative issues, Customs San Diego conducts all spot checks, audits, inspections and approval of some Customs documents and Customs Otay Mesa handles the approval of the various Customs transaction forms used daily. Administratively the current situation has become difficult for both NASSCO and Customs. Therefore, NASSCO is seeking to consolidate these efforts by transferring its Grant of Authority from FTZ No. 50 (Long Beach) to FTZ No. 153 (San Diego). Upon approval of this transfer request by the U.S. Department of Commerce, FTZ Board, NASSCO will work directly with City staff to administer the subzone and work solely with San Diego and Otay Mesa Customs offices.

In addition to being a major contractor with the U.S. Navy to construct and repair military ships, NASSCO also is a major player in the commercial shipbuilding industry of double-hulled oil tankers. In April 2006, NASSCO and Daewoo Ship Engineering Company (DSEC), based in Busan, Korea, announced a formal teaming agreement to build ships for the U.S. market under the Jones Act. The Jones Act, among its many provisions, requires ships that carry cargo between U.S. ports to be built in the United States. Under the agreement, DSEC will provide the detail designs, support services and some of the material necessary for ship productions. NASSCO will procure material and will provide the labor and facilities to construct the ships in San Diego.

NASSCO's request to the City is for transfer of a special-purpose foreign-trade subzone consisting of two sites located at 2798 E. Harbor Drive and 1202 Sigsbee Street, San Diego, CA 92113. The subzone currently consists of approximately 5.7 million square feet of indoor and outdoor space on approximately 130 acres. Having subzone status will enable NASSCO to take advantage of the "inverted tariff benefit" at its San Diego facility on imported components received at a higher customs duty rate than the finish products which, in many cases, are at a lower Customs duty rate. FTZ status also enables NASSCO to comply with the requirements of the Jones Act and remain competitive with foreign production operations. The financial savings due to foreign-trade subzone procedures is projected to range from \$400,000 to \$600,000 per ship.

NASSCO is a major contributor of San Diego's job growth and stability, both in the creation and retention of existing jobs, supporting an employee base of approximately 4,300 people at the only major ship construction yard on the West Coast. NASSCO's parent company, General Dynamics, employs over 72,700 employees worldwide. Locally, NASSCO generated an annual payroll of approximately \$199 million in 2005 and made a capital investment of more than \$32 million in the last four years. The proposed subzone will support continued efforts by the company to utilize and expand this domestic manufacturing facility and is a significant benefit to the local economy. Such benefits could include an increase in local economic earnings in the form of salaries paid to employees, retention of existing jobs, the creation of additional jobs, and future expansion of its local facilities.

FISCAL CONSIDERATIONS:

There is no fiscal impact in FY07. Program will be implemented using existing staff. The applicant will incur all expenses related to this request as well as incur an annual operating fee payable to the City of San Diego as stipulated in FTZ No. 153's Tariff Schedule upon approval of an operating agreement.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

NASSCO is a key stakeholder. The proposed subzone will support continued efforts by the company to utilize its San Diego domestic shipbuilding facility and is a significant benefit to the local economy.

Kessler/Waring

Staff: Lydia Moreno - (619) 533-7512
Jana L. Garmo - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:09 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-107: Contribution to Fund San Diego Fire-Rescue Department's Air Operations Division.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-293) CONTINUED TO NOVEMBER 14, 2006

Authorizing the Mayor to accept, on behalf of the City of San Diego, a contribution in the amount of \$121,900 from Scripps Health to fund the San Diego Fire-Rescue Department's Air Operations Division;

Authorizing the City Auditor and Comptroller to deposit the \$121,900 contribution from Scripps Health in Fund 10264, Account 78901;

Authorizing the City Auditor and Comptroller to appropriate and expend the monies in Fund 10264, Account 78901 for the San Diego Fire-Rescue Department's Air Operations Division.

STAFF SUPPORTING INFORMATION:

Scripps Health, Sunroad Enterprises and numerous other local and regional business leaders have played an essential role in generating revenue to help fund the San Diego Fire-Rescue Department's Air Operations Division.

In 2003, the first celebrity golf tournament was planned and executed to kick-off a campaign to raise awareness and support for a permanent fire and rescue helicopter program. This inaugural celebrity golf tournament was a great success and Sunroad Enterprises teamed-up with Scripps Health to host the event at Maderas Golf Club. The event generated \$60,000 in net proceeds. In 2004, the second annual celebrity golf tournament generated \$110,000 in net proceeds. In 2005, the third annual celebrity golf tournament generated \$121,900 in net proceeds.

FISCAL CONSIDERATIONS:

The contribution will be deposited into Fund 10264 to supplement the General Fund allocation associated with the San Diego Fire-Rescue Department Air Operations activities.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

All.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

None.

Wolff/Goldstone

Staff: Jenny Wolff - (619) 236-7002
William Gersten - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:08 a.m.)

MOTION BY ATKINS TO CONTINUE TO NOVEMBER 14, 2006. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-108: Second Amendment to Consultant Agreement with DeLorenzo, Incorporated for Carroll School Parksite/Mira Mesa Community Park Re-development.

(Mira Mesa Community Area. District 5.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-407) ADOPTED AS RESOLUTION R-302019

Authorizing the Mayor, or his designee, for and on behalf of the City of San Diego, a Second Amendment to Agreement with DeLorenzo, Incorporated for professional services needed for CIP-29-757.0, Carroll School Parksite Development Project Mira Mesa Community Park Re-development (Project); Authorizing the Mayor, or his designee, to execute an agreement with DeLorenzo, Incorporated, for professional services for the Project;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$125,000 from CIP-29-757.0, Carroll School Parksite Development Project Mira Mesa Community Park Re-development for the purpose of executing this Second Amendment to Agreement with DeLorenzo, Incorporated for professional services needed for CIP-29-757.0, for the Project;

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

Declaring this activity is not a “project” and is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The eleven acre former Carroll School site was acquired from San Diego Unified School District for the purpose of actively programmed park. It is directly to the north of the existing Mira Mesa Community Park, across New Salem Street and would serve as an expansion to the existing community park.

Park Planning and Development staff hired Landscape Architect, DeLorenzo, Incorporated as the design consultant. Under the original agreement, DeLorenzo facilitated the community workshop and developed the General Development Plan which was approved by the Park and Recreation Board in June 2005.

The construction documents were prepared under the First Amendment to Agreement. Due to the uncertainty of the availability of funding in the Mira Mesa Facilities Benefit Assessment, it is necessary to split the two scopes of work into two separate bid documents. Phase I will include the Carroll School site improvements which consist mainly of ball fields and traffic calming along New Salem Street. Phase II will be the aquatic complex within the existing Mira Mesa Community Park. Dividing the project into two phases will allow for advertising for bids when the funds are available for each phase without putting the entire project on hold until all funding is present. The additional consultant fees associated with this Second Amendment to Agreement provide for a separate set of construction documents and construction administration services for the additional phase of work. These additional consultant services are covered under this Second Amendment to Agreement.

FISCAL CONSIDERATIONS:

Funds in the amount of \$125,000 are available in CIP-29-757.0, Carroll School Parksite - Park Development, Mira Mesa Facilities Benefit Assessment, Fund No. 79006.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Original Agreement with DeLorenzo, Incorporated in the amount of \$280,000 was approved by City Council, filed with the City Clerk September 27, 2004, RR-299685. First Amendment to Agreement with DeLorenzo, Incorporated in the amount of \$710,000 was approved by City Council, filed with City Clerk on December 5, 2005, RR-301124.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

DeLorenzo, Incorporated, Mira Mesa Recreation Council and park users. The key stakeholders are: DeLorenzo, Incorporated, Burkett & Wong, Arch Pac Inc., and Power Plus.

Penera/Martinez Jr.

Aud. Cert. 2700263.

Staff: Sheila Bose - (619) 533-3054
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:09 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-109: Third Amendment to Agreement with Boyle Engineering Corporation for La Jolla Village Drive/I-805 Interchange.

(University Community Area. Districts 1, 5, and 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-392) ADOPTED AS RESOLUTION R-302020

Authorizing the Mayor, or his representative, to execute, for and on behalf of the City of San Diego, the Third Amendment to the Agreement with Boyle Engineering Corporation, for professional engineering services for La Jolla Village Drive/I-805 Interchange under the terms and conditions set forth in the Agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$675,360 from CIP-52-485.0, Facilities Benefit Assessment Fund 79001, for the purpose of executing the Third Amendment to Agreement, contingent upon the City Auditor and Comptroller first certifying that the funds are available 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;

Declaring this activity is exempt from California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

STAFF SUPPORTING INFORMATION:

The subject project consists of the reconstruction of La Jolla Village Drive/I-805 Interchange from full clover leaf to partial clover leaf and widening of Miramar Road from easterly I-805 to Eastgate Mall. Project features include but not limited to widening of La Jolla Village Dr. bridge overcrossing, new signalized intersections at the on and off ramps, and class 2 bike lanes.

On March 29, 2002, per RR-296192, the City Council approved a consultant agreement with Boyle Corporation for the preparation of plans and specifications for the subject project.

On January 28, 2003, per RR-297559, the City Council approved a first amendment to agreement to design the original project as two separate construction projects. This amendment expedited the widening of Miramar Rd. which is now in construction.

On May 10, 2004, per RR-299189, the City Council approved a second amendment to agreement for additional scope of work to address additional traffic staging designs, geometric alterations at ramp intersections and ADA compliance.

The Third Amendment to Agreement is for additional work due to following changes in scope:

- Project design changes from ornamental landscaping to sustainable landscaping and associated irrigation modifications within the State right-of-way. This change was required by Caltrans to minimize the use of water for irrigation and increase the likelihood of plant and tree survival.
- Substantial grading and drainage modifications are required to accommodate new Caltrans stormwater pollution prevention standards.
- A new policy by the Division of State Architect (DSA) requires additional submittals of the project plans to DSA for review and approval of items that were previously approved locally by Caltrans District 11 staff.
- Additional technical studies, environmental documentation, and associated reviews and approvals are now required.
- Additional non-standard design features have been identified during the design process that were not known when the project was originally scoped, requiring preparation of three additional design exceptions by the consultant and associated reviews and approvals by Caltrans.
- A Record of Survey is required for the project for portions of right-of-way that were not previously identified.
- Additional construction support services and plan reviews due to the increased project scope.

FISCAL CONSIDERATIONS:

City of San Diego Council previously authorized \$2,262,004 for that project. Funding for the third amendment in the amount of \$675,360 is available from CIP-52-485.0, Facilities Benefit Assessment Fund 79001.

PREVIOUS COUNCIL COMMITTEE ACTION:

Consultant Agreement, RR-296192 dated March 29, 2002; First Amendment, RR-297559 dated January 28, 2003; Second Amendment, RR-299189 dated May 10, 2004.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

University City Planning Group Community Meetings on October 14, 2003 and November 9, 2004; were given an informational presentation on the scope, design of the project.

KEY STAKEHOLDERS:

City of San Diego, Caltrans, University City Planning Group, Boyle Engineering. The subconsultants are Urban Systems Associates, Inc., EDAW, Inc., Ninyo and Moore, TY Lin International, and Kawasaki Theilacker and Ueno & Associates.

Boekamp/Haas

Aud. Cert. 2700258.

Staff: Kris Shackelford - (619) 533-3781
Jeremy A. Jung - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:09 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-110: Lease Agreement With San Diego Unified School District for Use and Rental of City of San Diego Swimming Pools.

(Allied Gardens, City Heights, Clairemont, Colina Del Sol, Kearny Mesa, Logan Heights, Mira Mesa, North Park, Tierrasanta, and Valencia Park Community Areas. Districts 1, 3, 4, 5, 6, 7, and 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-125) RETURNED TO MAYOR

Authorizing the Mayor, or his representative, to execute, for and on behalf of the City, a five year lease agreement with the San Diego Unified School District for the use and rental of the following City owned swimming pools: Allied Gardens, City Heights, Clairemont, Colina Del Sol, Bud Kearns, Kearny Mesa, Martin

Luther King Jr., Memorial, Ned Baumer, Swanson and Tierrasanta Community Pool, under the terms and conditions set forth in the lease agreement;

Declaring this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(B)(3), as defined by the State CEQA Guidelines.

STAFF SUPPORTING INFORMATION:

As far back as 1975, there has been an agreement between the City of San Diego and the San Diego Unified School District for the use of City of San Diego swimming pools in order to assist the District in providing both swimming and water polo programs. This has been mutually beneficial in that we provide the facilities for their programs and many of the students who train at our sites often become City of San Diego Pool Guards. The Board of Education approved this agreement at its regularly scheduled meeting on May 9, 2006.

FISCAL CONSIDERATIONS:

Per agreement the District will pay the City of San Diego a monthly rental fee (listed in Exhibit 1) for the use of the facilities. This revenue will be deposited into the General Fund 100. In fiscal year 2005 the total revenue received was \$81,267.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Stakeholders: CD-1, CD-3, CD-4, CD-5, CD-6, CD-7 and CD-8 constituents.

Impact: San Diego Unified School District will be able to offer instructional swimming programs.

Medina/Martinez

Staff: Isabel Vargas - (619) 685-1308
Alex W. Sachs - Deputy City Attorney

FILE LOCATION: MEET

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

MOTION BY COMMON CONSENT TO RETURN TO THE MAYOR. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-111: City of San Diego Bridge Preventive Maintenance Assessment Program.

(Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-363) ADOPTED AS RESOLUTION R-302021

Authorizing the Mayor, or his designee, for and on behalf of the City of San Diego, to apply for and accept Program Supplement No. 113 Rev. 1 to Local Agency - State Agreement for Federal Aid Project No. BPMPL-5004(169) in the amount of \$223,095 for the City of San Diego Bridge Preventative Maintenance Assessment Program;

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;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2007 Capital Improvements Program Budget by adding CIP-53-062.0, City of San Diego Bridge Preventative Maintenance Assessment Program;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2007 Capital Improvements Program Budget in CIP-53-062.0, City of San Diego Bridge Preventative Maintenance Assessment Program, Bridge Preventative Maintenance Program Grant Funds in the amount of \$223,095;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$223,095 from Bridge Preventative Maintenance Program Grant, CIP-53-062.0, City of San Diego Bridge Preventative Maintenance

Assessment Program, for the purpose of developing and executing bridge preventative maintenance measures for longer service life, contingent upon receipt of a fully executed grant agreement and upon the City Auditor and Comptroller certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer \$28,905, Fund 30245, Capital Outlay, from CIP-58-007.0, Overhead/Other City Costs for Streets Projects, to CIP-53-062.0, as the local match to the grant;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$28,905 from CIP-53-062.0, City of San Diego Bridge Preventative Maintenance Assessment Program, Fund 30245 for the purpose of developing and executing bridge preventative maintenance measures for longer service life, provided that the City Auditor and Comptroller certifies 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 funds, if any, to the appropriate reserves;

Declaring this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

On May 3, 2006, the State of California (State) presented a new grant program to assist local agencies in the development of bridge preventive maintenance assessments. The program seeks to identify effective preventive maintenance measures and the development of a preventive maintenance routine for all vehicular bridges that are locally maintained.

The intent of the City of San Diego Bridge Preventive Maintenance Assessment Program is to provide an evaluation of 318 existing vehicular bridges, analyze current industry practices of preventive maintenance, and determine the cost benefits of program implementation.

The content of the program outline will include:

- Development of a Bridge Candidate list
- Analyze/Evaluate Preventive Maintenance needs
- Develop Bridge Preventive Maintenance Plan

An engineering consultant will be hired to provide expertise in the evaluation and development of the assessment plan. The advertisement and award of the engineering consultant will follow the guidelines detailed in the City of San Diego A.R. 25.70 and the State of California Local Assistance Program Guidelines.

Ultimately, bridges identified in this assessment will be considered for participation in a future preventive maintenance construction contract. This future contract will be part of a preventive maintenance construction program by Federal Highway Administration (FHWA) and the State.

FISCAL CONSIDERATIONS:

\$252,000 is needed to fund the initial phase of the assessment of the project. This funding is available in part (88.53%) through a participatory grant by the FHWA and the State. The remainder of the cost (11.47%) will be funded locally.

PREVIOUS COUNCIL COMMITTEE ACTION:

No previous council actions have taken place.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

No community contact has been conducted due to the early nature of the project. To date, no support or opposition group listings have been formed.

KEY STAKEHOLDERS:

City of San Diego, FHWA, and the State of California

Boekamp/Haas

Aud. Cert. 2700193.

Staff: Kris Shackelford - (619) 533-3781
Jeremy A. Jung - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:09 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-112: Mobile Law Enforcement Technology – COPS 2006.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-300) ADOPTED AS RESOLUTION R-302022

Authorizing the Mayor (or his designee), for and on behalf of the City of San Diego, to apply for, accept and expend these grant funds from the U.S. Department of Justice;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend \$98,723 in grant funds, when the grant is officially authorized by the U.S. Department of Justice, Community Policing Services;

Authorizing the Mayor (or his designee) to execute all aspects of program operation, including any amendments, extensions, or renewals, for a period of up to five years, provided funding is made available by the State of California, and to certify that the City will comply with all applicable statutory or regulatory requirements related to said program;

Authorizing the Chief of Police to administer and operate this program; and that this authorization shall include all purchases and acquisitions necessary to the successful implementation of the grant project;

Declaring that any resources received hereunder shall be used to supplement, and not to supplant expenditures controlled by this body.

STAFF SUPPORTING INFORMATION:

The U.S. Department of Justice, via the Bureau of Justice Assistance, has invited the San Diego Police Department to submit a proposal for the COPS 2006 Law Enforcement Technology grant program. The proposal requests \$98,723 in federal funds to acquire and install EvDO connections to enhance the speed and efficiency of Automated Field Reporting (AFR). EvDO ("Evolution, Data Optimized") is a standard for high-speed wireless broadband as defined by the Telecommunication Industry Association, and is a major Third Generation wireless standard.

The greatest obstacle to implementing high-speed wireless networks is the lack of bandwidth, or range of usable frequencies; the available bandwidth accommodates a limited amount of transmitted data.

EvDO is an advanced CDMA (Code Division Multiple Access) technology developed to provide high-speed mobile voice and data transmission by transcending this limitation by means of the cellular approach.

EvDO provides wireless data connections that are up to ten times faster than a regular modem. The connections will provide multi-media functionality, which means that we will be able to transmit large files such as photographs and voice recordings to and from the field. Such large transmissions currently take up to three to five minutes. This discourages officers from using these important capabilities. EvDO will allow these transmissions in as little as 15 seconds. This new capability will eliminate a tremendous amount of officer inconvenience and wasted time, and will greatly enhance officer resources, efficiency and safety.

FISCAL CONSIDERATIONS:

Grant funds in the amount of \$98,723 will be used to offset the total project cost of \$257,893, leaving an SDPD obligation of \$159,170 will be met from SDPD's general fund budget. However, there is no direct requirement for matching funds. No additional funds will be required for this project.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Sprint (EvDO Provider) selected in compliance with City and USDOJ/COPS procurement regulations.

Lansdowne/Olen

Staff: Donna J. Warlick - (619) 531-2221
John C. Hemmerling - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:09 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-113: State Route 56 – Funding of D. R. Horton Right of Way Settlement.

(Torrey Highlands Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-351) ADOPTED AS RESOLUTION R-302023

Authorizing the City Auditor and Comptroller, for and on behalf of the City of San Diego, to accept and appropriate \$4,270,000 from the San Diego Association of Governments Fund 38961 for the funding of right of way acquisition costs for CIP-52-463.0;

Authorizing the City Auditor and Comptroller to accept and appropriate \$3,430,000 of Transportation Congestion Relief Program Funds, Fund 38977 for the funding of right of way acquisition costs for CIP-52-463.0;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$7,700,000 from CIP-52-463.0, of which \$4,270,000 is from Fund 38961 and \$3,430,000 is from Fund 38977 for the purpose of funding right of way acquisition costs, contingent upon certification by the City Auditor and Comptroller that funds are available;

Authorizing the City Auditor and Comptroller to deappropriate \$10,410,800 of General Fund Unappropriated Reserves, Fund 100, which were used to satisfy a court ordered payment in the State Route 56 eminent domain case, City of San Diego v. D.R. Horton, et al., San Diego Superior Court Case No. GIC 7776031;

Authorizing the City Auditor and Comptroller to transfer \$10,410,800 from Fund 630221 to Fund 100, General Fund Unappropriated Reserves upon reimbursement;

Declaring this activity is covered under and adequately addressed in Environmental Impact Report No. 95-0099 (State Route 56), and there is no change in circumstance, additional information or project changes to warrant additional environmental review.

STAFF SUPPORTING INFORMATION:

On July 11, 2006, Council approved in Closed Session the settlement of the D.R. Horton eminent domain case; D.R. Horton will be paid \$7,683,678. Previously (on May 11, 2006) Council approved the payment of \$10,410,800 to the State Treasury Condemnation Fund to satisfy a court ordered deposit in the State Route 56 eminent domain case City of San Diego v. D.R. Horton et al. Based on that settlement, a payment of \$3,841,839 was made utilizing the funds on deposit with the State Treasury Condemnation Fund, the remainder of funds which were on deposit have been returned to the City of San Diego.

A total of \$7,700,000 of non City funds have now been approved for the right of way settlement. On July 20, 2006, the California Transportation Committee approved the use of \$3,430,000 of Transportation Congestion Relief Program Funds and on August 4, 2006, and the San Diego Association of Governments approved the use of \$4,270,000 for SR-56 right of way acquisition costs. These funds will reimburse the City of San Diego for the \$3,841,839 payment already made to D.R. Horton and were used by SANDAG when they made the second payment of \$3,841,839 which was owed to D.R. Horton.

FISCAL CONSIDERATIONS:

The \$10,410,800 of General Fund Unappropriated Reserves which were used for the court ordered payment will be deappropriated and transferred to the appropriate reserves upon reimbursement from the Transportation Congestion Relief Program and SANDAG Funds. Upon reimbursement, the General Fund Unappropriated Reserves will increase from \$38,383,138 to \$48,793,938.

The State Route 56 right of way budget previously approved by City Council totaled \$73,350,000. With the addition of \$3,430,000 of Transportation Congestion Relief Program Funds and \$4,270,000 of SANDAG Fund, the new budget total will be \$81,050,000.

PREVIOUS COUNCIL COMMITTEE ACTION:

Council approved the use of General Fund Unappropriated Reserves to make the court ordered payment on May 11, 2006. Council approved the settlement with D.R. Horton in Closed Session on July 11, 2006.

KEY STAKEHOLDERS:

D.R. Horton

Boekamp/Haas

Aud. Cert. 2700245.

Staff: Brad Johnson - (619) 533-3770
Jeremy A. Jung - Deputy City Attorney

FILE LOCATION: DEED – F10021

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:09 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-114: General Utility and Access Easement Vacation in Lot 37 of Carmel Valley Neighborhood 10, Unit 12 South, Map No. 15067.

(Carmel Valley Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-376) ADOPTED AS RESOLUTION R-302024

Vacating that portion of the general utility and access easement located in Lot 37 of Carmel Valley Neighborhood 10, Unit 12 South, Map No. 15067, as more particularly described in the legal description marked as Exhibit "A", and as shown on Engineering Drawing No. 20508-B, marked as Exhibit "B", was acquired less than five years ago and more than one year ago, to unencumber this property under the summary vacation of public service easements, California Streets and Highways Code Section 8333(b) and San Diego Municipal Code Section 125.1010(c)(2);

Declaring the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder.

STAFF SUPPORTING INFORMATION:

The general utility and access easement to be vacated is located in the Carmel Valley Community Plan area, located in the cul-de-sac of Mustang Ridge Point shown on Engineering Drawing No. 20508-B. This project consists of vacating a general utility and access easement that was granted to the City in August of 2005 at no cost to the City on the final map of Carmel Valley Neighborhood 10, Unit 12 South, Map No. 15067. The sidewalk design is being changed from meandering to contiguous. With a 5-foot sidewalk contiguous with the back of the curb, the City does not require an additional 5-foot general utility and access easement within the lot. The easement has never been used for the purpose for which it was intended.

There is no present or prospective public use of the existing easement in its present location.

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Community Planning Group has no objection to this easement vacation.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Pardee Homes

Broughton/Waring

Staff: G. Bollenback - (619) 446-5417
David E. Miller - Deputy City Attorney

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:09 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-115: Kiwanis of Torrey Pines Day.

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-381) ADOPTED AS RESOLUTION R-302025

Commending Torrey Pines Kiwanis Club for being the 2006 recipient of the Catalyst of the Year Award. Congratulating Torrey Pines Kiwanis Club for 24 years of charity, assistance, and service dedicated to not only disabled communities, but all of San Diego's inhabitants;

Proclaiming October 12, 2006, to be "Kiwanis of Torrey Pines Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:09 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-116: St. Therese Parish Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-390) ADOPTED AS RESOLUTION R-302026

Recognizing and saluting the St. Therese Parish and its dedicated parishioners for being a valuable church in the community;

Proclaiming the 1st of October 2006, to be “St. Therese Parish Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:09 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-117: 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-2007-45) ADOPTED AS RESOLUTION R-302027

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

FILE LOCATION: GEN’L

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:09 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* 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-2007-74) ADOPTED AS RESOLUTION R-302028

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

FILE LOCATION: GEN'L

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:09 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-330: Support for Propositions 1A through 1E, the Infrastructure Bond Package on the November 2006 Statewide Ballot.

(See Report to the City Council No. 06-146. Citywide.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-426) ADOPTED AS RESOLUTION R-302029

Supporting Proposition 1A - Transportation Funding Protection; Proposition IB - Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006; Proposition 1C - Housing and Emergency Shelter Trust Fund Act of 2006; Proposition 1D - Kindergarten-University Public Education Facilities Bond Act of 2006; and Proposition 1E - Disaster Preparedness and Flood Prevention Bond Act of 2006;

Declaring that no public funds shall be used in the campaign for the above Propositions.

RULES, OPEN GOVERNMENT, AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 10/11/2006, RULES voted 4 to 0 to refer Propositions 1A through 1E to the City Council with direction to the Independent Budget Analyst and the Mayor's Office to provide the appropriate reports prior to discussion. (Council President Pro Tem Young, Councilmembers Maienschein, Frye, and Madaffer voted yea. Council President Peters not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:35 a.m. – 11:39 a.m.)

Testimony in favor by Tom Scott.

MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-331: Two actions related to Water Cost of Service Study and Wastewater Cost of Service Study.

(See memorandums from Jim Barrett dated 9/25/2006 and Scott Tulloch dated 9/5/2006; and letters from Richard Haas and Anthony Boles dated 9/25/2006 and 9/6/2006.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2007-411) ADOPTED AS RESOLUTION R-302030

Authorizing the Mayor, or his designee, to execute an agreement with Raftelis Financial Consultants, Inc., for a Water Cost of Service Study in the amount of \$144,000;

Authorizing the expenditure of an amount not to exceed \$144,000 from Water Fund 41500, Department 760, Org. 880, for the purpose of providing funds for the above referenced agreement;

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

Subitem-B: (R-2007-412 Cor. Copy) ADOPTED AS RESOLUTION R-302031

Authorizing the Mayor, or his designee, to execute an agreement with Raftelis Financial Consultants, Inc., for a Wastewater Cost of Service Study in the amount of \$200,000;

Authorizing the expenditure of an amount not to exceed \$200,000 from Wastewater Fund 41509, Department 777, Org. 445, for the purpose of providing funds for the above referenced agreement;

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

STAFF SUPPORTING INFORMATION:

In October 2003, a Water Cost of Service Study was prepared by Black & Veatch, Inc. for City Council's consideration in reviewing water rates. It is now time to update that study in conjunction with possible future water rate adjustments. The consultant who performed the study in 2003 has since changed firms and now is a member of Raftelis Financial Consultants, Inc. and would be able to update the study in a more timely fashion and at a lower price than would be possible with a different consultant. Therefore, it is proposed that the City enter into a sole source agreement with Raftelis for this purpose.

In October 2003, a Wastewater Cost of Service Study was also prepared by Black & Veatch, Inc. for City Council's consideration in reviewing adjustments to wastewater rates. It is now time to update that study in conjunction with possible future wastewater rate adjustments. The consultant who performed the study in 2003 has since changed firms and now is a member of Raftelis Financial Consultants, Inc. and would be able to update the study in a more timely fashion and at a lower price than would be possible with a different consultant. Therefore, it is proposed that the City enter into a sole source agreement with Raftelis for this purpose.

FISCAL CONSIDERATIONS:

There is \$144,000 available in the Water Department Operating Budget, Water Fund 41500, for this purpose, and \$200,000 is available in the Metropolitan Wastewater Department Operating Budget, Sewer Fund 41509, for this purpose.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None related to this action. However, there will be a series of public outreach efforts including presentations to community groups and "town hall" style meetings to discuss future water and wastewater rates.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key stakeholders include all water rate payers and wastewater rate payers. Projected impacts will depend on the outcome of the studies.

Barrett/Haas/Tulloch

Aud. Certs. 2700269 and 2700272.

Staff: Marsi Steirer - (619) 533-4112 (Water)
Darlene Morrow-Truver – (858) 292-6384 (MWWD)
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:09 a.m. – 11:35 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote:
Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Hueso-yea.



ITEM-332: Confirmation of City Treasurer.

(See memorandum from Mayor Sanders dated 10/6/2006, with resume attached;
Independent Budget Analyst memorandum No. 06-25 dated 10/12/2006.)

(Continued from the meeting of October 16, 2006, Item 604, at the request of
Councilmember Frye, to allow time to address the questions raised by Council.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-384) ADOPTED WITH DIRECTION AS RESOLUTION
R-302032

Confirming the appointment by Mayor Jerry Sanders of Gail R. Granewich to be
City Treasurer of the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:39 a.m. – 11:55 a.m.)
MOTION BY ATKINS TO ADOPT WITH DIRECTION, THAT COUNCIL
PRESIDENT WILL MEET WITH THE MAYOR TO INCLUDE THE CITY COUNCIL
IN THE SELECTION OF APPOINTMENTS. Second by Madaaffer. Passed by the
following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-
yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-S500: Reprogramming of Community Development Block Grant Funds for Districts 1,
3, 4, 5, 6, 7, 8, and Citywide.

(Districts 1, 3, 4, 5, 6, 7, 8 and Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-424) ADOPTED AS RESOLUTION R-302033

Approving the reprogramming of CDBG funds for Council Districts 1, 3, 4, 5, 6,
7, 8, and Citywide, contingent upon certification of funds availability by the City
Auditor and Comptroller;

Authorizing the Mayor, or his designee, to negotiate and execute agreements with
those CDBG-Funded Projects approved for funding, contingent upon certification
of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to appropriate and expend the CDBG funds for the CDBG-Funded Projects approved for funding.

STAFF SUPPORTING INFORMATION:

This action will reprogram CDBG funds for Council Districts 1, 3, 4, 5, 6, 7, 8 and Citywide. All Council District CDBG transfers listed in Attachment A, are reprogrammed at the request of the respective Councilmember from each district.

Some of the changes are the result of cancelled projects, project savings, projects that are not yet ready for funding, or a change of priorities.

FISCAL CONSIDERATIONS:

There is no impact to the General Fund from this action. Funds are available from the Community Development Block Grant Program.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The reprogramming of CDBG funds was noticed in the San Diego Union Tribune newspaper and the list of projects was posted on the City's website, under CDBG for 30 days.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Residents of low and moderate income communities, community-based organizations, community planning groups, and other community development organizations.

Linares/Martinez

Staff: Ernie Linares - (619) 236-6719
Michael D. Neumeier - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:09 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-S501: Settlement of Property Damage Claim of Canyon Ridge Baptist Church, Inc. Risk Management File #: LP06-0443-1221.

(District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-254) ADOPTED AS RESOLUTION R-302034
Authorizing the sum of \$110,000 to be paid from the Public Liability Fund (81140) in settlement of each and every claim against the City, its agents and employees, arising from the Litigation;
Authorizing the City Auditor and Comptroller to issue a check in the amount of \$52,000 payable to Canyon Ridge Baptist Church, Inc.;

Authorizing the City Auditor and Comptroller to issue an additional check in the amount of \$58,000 payable to Alliance Defense Fund.

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all claims brought by the Canyon Ridge Baptist Church arising from Park and Recreation Department's application of its fee schedule for use of the Kearny Mesa Recreation Center.

FISCAL CONSIDERATIONS:

Settlement will be paid from the Public Liability Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This settlement has been heard and approved in closed session.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A.

Bych/Reynolds

Aud. Cert. 2700192.

Staff: Leroy Hostetler - (619) 236-6619

Glenn Spitzer - Deputy City Attorney

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:09 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 11:57 a.m. in honor of the memory of:

Eva-Lean “Bucky” Buchanan as requested by Council Member Frye; and
Ellen Diehl as requested by Council President Peters.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:55 a.m. – 11:57 a.m.)