

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, FEBRUARY 3, 2009
AT 9:00 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 Hueso at 10:01 a.m. The meeting was recessed by Council President Hueso at 11:30 a.m. to convene into Closed Session; thereafter for the noon recess and thereafter reconvene the regular Council Meeting at 2:00 p.m.

The meeting was reconvened by Council President Hueso at 2:02 p.m. with Council President Pro Tem Faulconer not present. Council President Hueso recessed the meeting at 2:48 p.m. to convene for a special meeting as the Redevelopment Agency and, thereafter, reconvene the regular meeting with all Council Members present. Council President Hueso recessed the meeting at 2:51 p.m. to reconvene the Redevelopment Agency. Council President Hueso recessed the Redevelopment Agency at 2:58 p.m. to convene the Housing Authority. Council President Hueso reconvened the regular meeting at 3:34 p.m. with all Council Members present. The meeting was adjourned by Council President Hueso at 3:37 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Lightner-present
 - (2) Council Member Faulconer-present
 - (3) Council Member Gloria-present
 - (4) Council Member Young-present
 - (5) Council Member Demaio-present
 - (6) Council Member Frye-present
 - (7) Council Member Emerald-present
 - (8) Council Member Hueso-present
- Clerk-Maland (dlc/mz)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Lightner-present
- (2) Council Member Faulconer-present
- (3) Council Member Gloria-present
- (4) Council Member Young-present
- (5) Council Member DeMaio-present
- (6) Council Member Frye-present
- (7) Council Member Emerald-present
- (8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Alex Plishmetz commented on government regulations.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:18 a.m. – 10:19 a.m.)

PUBLIC COMMENT-2:

John La Raia commented on construction standstill.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-3:

Christina Vasquez commented on the government.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:21 a.m. - 10:22 a.m.)

PUBLIC COMMENT-4:

Tom Lewis commented on the fiscal crisis.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:23 a.m.)

PUBLIC COMMENT-5:

Steve Grimes commented on third-party inspections.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. - 10:24 a.m.)

PUBLIC COMMENT-6:

Don Stillwell commented on prayer and the flag salute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. - 10:27 a.m.)

PUBLIC COMMENT-7:

Hud Collins commented on City finances.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m. - 10:31 a.m.)

PUBLIC COMMENT-8:

Crickett Bradburn commented on finances.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-9:

Homer Barrs commented on a mobile home policy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:37 a.m.)

PUBLIC COMMENT-10:

Izean Rim Jr. commented on public safety.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:37 a.m. - 10:40 a.m.)

PUBLIC COMMENT-11:

Mignon Scherer commented on water and growth.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. - 10:43 a.m.)

PUBLIC COMMENT-12:

Phil Hart commented on fiduciary responsibility.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. - 10:44 a.m.)

PUBLIC COMMENT-13:

Robert McNamara commented on RSVP's patrols on foreclosed parcels.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. - 10:46 a.m.)

PUBLIC COMMENT-14:

Jarvis Ross commented on over population.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. - 10:48 a.m.)

PUBLIC COMMENT-15:

Cynthia Conger commented on cell phones.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. - 10:51 a.m.)

PUBLIC COMMENT-16:

Bill Bradshaw commented on budget priorities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:52 a.m. - 10:54 a.m.)

PUBLIC COMMENT-17:

Joy Sunyata commented on the budget.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:54 a.m. - 10:57 a.m.)

PUBLIC COMMENT-18:

J. Nathaniel Howard commented on a boycott on the San Diego Padres.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:58 a.m. - 11:00 a.m.)

PUBLIC COMMENT-19:

David Ross commented on the displaced in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:00 a.m. - 11:03 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Emerald announced the Community Care Information Fair will be held on Monday, February 9, 2009, at the Teen Challenge Center at 5450 Lea Street.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:25 a.m. - 11:25 a.m.)

COUNCIL COMMENT-2:

Council Member Young invited all to attend the first Community Budget Meeting Wednesday, February 4, 2009, at the Jacobs Center at 404 Euclid Avenue.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:25 a.m. - 11:26 a.m.)

COUNCIL COMMENT-3:

Council President Hueso announced he will be traveling to Sacramento to discuss the City budget.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:26 a.m. - 11:28 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



ITEM-30: University City First Responders Day.

COUNCILMEMBER LIGHTNER'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-788) ADOPTED AS RESOLUTION R-304625

Extending its admiration and gratitude for the courage and skill displayed by the police officers and firefighters who responded to the scene of a military plane crash in a residential neighborhood of University City on Monday, December 8, 2008, and declaring February 3, 2009, to be "University City First Responders Day" in the City of San Diego in honor of their contributions.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:04 a.m. – 10:07 a.m.)

MOTION BY LIGHTNER TO ADOPT. Second by Frye. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.



ITEM-31: Approval of Council Minutes.

TODAY'S ACTION IS:

APPROVED

Approval of Council Minutes for the meetings of:

12/8/2008

12/9/2008

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:03 a.m. – 10:03 a.m.)

MOTION BY EMERALD TO APPROVE. Second by Faulconer. Passed by the following vote: Lightner-not present, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-not present, Frye-not present, Emerald-yea, Hueso-yea.

- * ITEM-50: First Amendment to Agreement with Boyle Engineering Corporation for Otay Second Pipeline Improvements - North Encanto Replacement Project. (North Encanto Community Area. District 4.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2009-85) INTRODUCED; TO BE ADOPTED ON
TUESDAY, FEBRUARY 17, 2009

Introduction of an Ordinance authorizing the Mayor to execute, for and on behalf of the City, a First Amendment to the Agreement with Boyle Engineering Corporation for construction support services of Otay Second Pipeline Improvements - North Encanto Replacement Project, under the terms and conditions set forth in the Agreement;

Declaring that this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Section 15378(c). This activity is subsequent discretionary approval covered under the Otay II Pipeline Improvements Project LDR No. 42-0955, Environmental Impact Report (EIR). This activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15177.

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

STAFF SUPPORTING INFORMATION:

The City's financial issues in recent years caused a 2 to 3-year delay in the construction of many projects including this one. While the Consultant Agreement for Design and Construction Services was for five years, the time has now expired. A one-year time extension and continued use of the original design consultant is the most cost effective way to complete the remaining months of construction and prepare record drawings.

The Otay II Pipeline constructed in 1929, conveys water 19 miles between the Otay Water Treatment Plant and University Heights Reservoir. One Environmental Impact Report (EIR) covered the 19-mile long, 36-inch diameter water transmission pipeline. The EIR identified eight projects to complete a variety of deficiencies found in the 79-year old pipeline.

The North Encanto Replacement Project is one of the eight projects and will realign one mile of the existing 36-inch pipe. The new 42-inch welded steel pipe is being constructed in the public street right-of-way.

The Otay II Pipeline is a critical backbone for the water transmission system and has the capacity to convey 20 million gallons of water per day north or south between the Alvarado and Otay Water Treatment Plants service areas. This project also includes installation of curb ramps, and asphalt pavement overlay or slurry seal of Brooklyn, Otay, and 60th Streets. The continued participation by Boyle Engineering Corporation during the remainder of the construction phase is essential to the overall project success.

FISCAL CONSIDERATIONS:

The total cost of \$520,935 for construction consultant services with Boyle Engineering Corporation will not increase with this amendment.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City Council Resolution R-298463, dated September 29, 2003, approved the Consultant Agreement with Boyle Engineering Corporation.

Council Resolution R-303310, dated January 18, 2008, provided authorization for the projects advertisement, bid and award. T. C. Construction Inc., located in Lakeside is the responsive and responsible low bid contractor.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Community outreach occurred during the design and start of construction phases. The CIP hotline is regularly maintained to answer any questions and provide information to the public. Door hangers, fact sheets, and updates to the City of San Diego Website are also included in the plan for community outreach.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key stakeholders are rate payers who receive water from the Otay II Pipeline, design consultant Boyle Engineering, and construction contractor T.C. Construction Company.

Boekamp/Jarrell

Staff: Darren Greenhalgh - (619) 533-6600
Mark M. Mercer - Deputy City Attorney

FILE LOCATION: NONE

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

CONSENT MOTION BY DEMAIO TO INTRODUCE. Second by Faulconer. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

- * ITEM-51: Third Amendment to the Agreement with MWH Americas, Inc., for the Miramar Water Treatment Plant Upgrade and Expansion Project. (Scripps Miramar Ranch and Miramar Ranch North Community Areas. District 5.)

(See Engineering and Capital Projects Department's 11/26/2008, Executive Summary Sheet.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2009-86) INTRODUCED; TO BE ADOPTED ON TUESDAY,
FEBRUARY 17, 2009

Introduction of an Ordinance authorizing the Mayor to execute the Third Amendment to the Agreement with MWH Americas, Inc., for construction management services in the amount not to exceed \$3,500,000, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of \$3,500,000 from the Enterprise Fund CIP-73-284.0, Miramar Water Treatment Plant Upgrade and Expansion, Fund 41500, Water, for the construction management services for Miramar Water Treatment Plant, of which \$2,025,000 is for Contract B, \$1,225,000 is for Contract C and \$250,000 is for Contract D, for the purpose of executing this Agreement, contingent upon the City Auditor and Comptroller furnishing one or more certificates certifying that funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer and upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Declaring that this activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378(c). This activity is a subsequent discretionary approval covered under LDR No. 99-0704, Miramar Water Treatment Plant Upgrade and Expansion EIR. The activity is adequately addressed in the environmental document and there is no change in circumstances, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15177.

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 12/3/08, NR&C voted 3 to 0 to approve. (Councilmembers Peters, Faulconer, and Frye voted yea. Councilmember Atkins not present.)

SUPPORTING INFORMATION:

The City entered into Agreement R-294630 with MWH Americas, Inc., on March 5, 2001, in the amount of \$10,386,078 to provide construction management services for the Miramar Water Treatment Plant Upgrade and Expansion Project (MWTP). On August 2, 2004, the Agreement was amended (First Amendment) C-12956 to update the insurance coverage requirements and reflect the corporate name change of Consultant. On January 17, 2006, the Agreement was amended (Second Amendment) O-19455 to extend the expiration date of the Agreement from December 31, 2005, to December 31, 2008.

When the City entered into the original Agreement with MWH on March 5, 2001, it was anticipated the original contract amount of \$10,386,078 would be used for the first two phases of the Project (Early Start Improvements Phases I & II) and a portion of the third phase of MWTP. As stated in the consultant's Scope of Work, it was contemplated the completion of construction

for the Project would be beyond the contract expiration date of the Agreement and that additional time and money would be necessary. This is due to the magnitude and complexity of upgrading and expanding a major water treatment plant which is scheduled to take over ten years to complete. Because of the need to insure water reliability both locally and regionally, the third phase was broken up into subprojects titled Contract A, B, C, and D (Construction Cost, ESIP I - \$8,700,000; ESIP II - \$17,300,000; Contract A - \$83,600,000; Contract B - \$50,600,000; Contract C - \$16,900,000; Contract D - \$3,000,000 estimated). Currently ESIP I, ESIP II and Contract A have been completed and Contract B and C are 70 and 15 percent complete, respectively. In addition, as a result of funding issues with the CIP Program due to prior year's inaccessibility to the bond market, the project was delayed several years which prompted staff to reevaluate and decrease the consultants staffing plan on the project to ensure adequate and efficient resources were being used. With over three years remaining for completion of the MWTP facilities, it is being requested an additional \$3.5 million be approved and a time extension of five years be granted for completing the remainders of Contracts B, C, and D. This will complete all of the current planned work at the Miramar Water Treatment Plant site.

MWH has supervised over 75% of the construction and during that time has gained specialized experience managing the construction including knowledge of the plants design, operational and site requirements. Having a new consultant on board at this stage will increase costs by delaying construction due to their unfamiliarity with the current design and operational needs of the Project.

The requested action is to execute a third amendment to the agreement with MWH Americas, Inc., for construction management services for the construction of the Miramar Water Treatment Plant Contracts B, C, and D, to extend the contract time for five years and to authorize the expenditure of \$3,500,000.

EQUAL OPPORTUNITY CONTRACTING:

MWH Americas, Inc.

Funding Agency:	City of San Diego
Goals:	15% Voluntary (MBE/WBE/DBE/DVBE/OBE)
Subconsultant Participation:	\$1,040,000 (29.71%); \$900,000 Certified Firms (25.71%); \$140,000 OBE (4.00%)
Prevailing Wage:	Prevailing wages apply.
Other:	Work Force report submitted. Staff will monitor plan and adherence to Non Discrimination Ordinance.

FISCAL CONSIDERATIONS:

The total cost for construction management services with MWH Americas, Inc., is \$13,886,078. Funding of \$10,386,078 was previously authorized. Additional funding of \$3,500,000 for the Third Amendment to the Agreement with MWH Americas, Inc., is available from the enterprise fund in CIP-73-284.0, Miramar Water Treatment Plant Upgrade, Fund 41500, Water, for this purpose. No future funding is anticipated for this Agreement.

The total cost for construction management services of \$13,886,078 may be reimbursed approximately 80% by current or future debt financing.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Original Agreement approved by City Council on March 5, 2001, RR-294630 in the amount of \$10,386,078. Second Amendment approved by Council via Ordinance O-19455 on January 17, 2006 for three-year time extension.

The Committee on Natural Resources and Culture on December 3, 2008, consent motion by Councilmember Faulconer, second by Council President Peters. Vote 3-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The City of San Diego has partnered with the community since the start of the MWTP. In 1999, the Water Department worked with community members to form the Miramar Water Treatment Plant Community Advisory Group (CAG), which is comprised of area residents living and working in the area to help mitigate project impacts which meet on a quarterly basis. Door hangers, fact sheets, MWTP Water Works newsletters, and updates on the City of San Diego Web site and community newsletters also add to the outreach efforts on behalf of the project.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Citywide Water Customers, Water Department, MWH Americas, Inc. (Construction Manager), CDM Inc. (Designer), Archer Western Constructors, Western Summit Constructors, Inc., Scripps Ranch Community Advisory Group, San Diego County Water Authority and California Department of Health Services.

Boekamp/Jarrell

Aud. Cert. 2900468.

FILE LOCATION: NONE

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

CONSENT MOTION BY DEMAIIO TO INTRODUCE. Second by Faulconer. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

* ITEM-100: Inviting Bids for the Construction of Sewer Group 725 Project. (College Area Community Area. District 7.)

(See Engineering and Capital Projects Department's November 26, 2008, Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-781) ADOPTED AS RESOLUTION R-304626

Approving the plans and specifications for the construction of the Sewer Group 725 (Project) as advertised by the Purchasing and Contracting Department, on Work Order No. 175321;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to execute a construction contract with the lowest responsible and reliable bidder, provided that the City Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$2,773,858 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacements, solely for construction, contingency and Project related costs, provided that the City Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15282(k) as the repair and replacement of an existing pipeline less than one mile in length. (BID-K094299C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 12/3/2008, NR&C voted 3 to 0 to approve. (Councilmembers Peters, Faulconer, and Frye voted yea. Councilmember Atkins not present.)

SUPPORTING INFORMATION:

Sewer Group 725 project is part of the City of San Diego's continuing Annual Sewer Main Replacement Program. This project is located in the College Area community. This project includes the replacement of approximately 4,040 linear feet of existing 6- to 8-inch old deteriorated sewer mains with new 8-inch sewer mains and the rehabilitation of 581 linear feet of 8-inch sewer mains. The streets affected by construction operations within this project are: College Avenue, Cresita Drive, Mesita Drive, Montezuma Road, Rockford Drive, and Pontiac Street, as shown on the location map.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego - Prevailing wages do not apply to this contract.

Goals: 22% Mandatory Subcontractor Participation Goal, 7% Advisory Participation Goal Disadvantaged Business Enterprise (DBE), 1% Advisory Participation Goal Disabled Veteran Business Enterprise (DVBE), 14% Advisory Participation Goal Other Business Enterprise (OBE)

Other: Prior to award, a workforce report, and if necessary, an Equal Opportunity Plan shall be submitted. Staff will monitor the Plan and adherence to the Nondiscrimination Ordinance. EOC staff will evaluate the bidder's compliance with SCOPE. Failure to comply with SCOPE will lead to the bid being declared non-responsive. This contract will be advertised for bids in the San Diego Daily Transcript, the City of San Diego's website, and the E-Bid Board. In addition, once implemented, the Bidder Registration Program will notify registered participants of bid opportunities.

Prior to implementation of the Bidder Registration Program, the City will notify trade associations and eligible firms via fax and/or email.

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$2,773,858. Enterprise funding of \$2,773,858 will be available in CIP-44-001.0, Annual Allocation - Sewer Main Replacements, Fund 41506, Sewer, for this purpose. The total sewer project costs of \$2,773,858 may be reimbursed approximately 80% by current or future debt financing. The project is scheduled to use FY10 funding. No future funding is anticipated. The Auditor's Certificate will be provided prior to contract award.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTIONS:

The Committee on Natural Resources and Culture on December 3, 2008, consent motion by Councilmember Faulconer, second by Council President Peters. Vote to approve 3-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

In January 2002, and on February 4, 2004, Sewer Group 725 project was presented to the College Area Community Planning Committee. A letter was also sent on October 8, 2008, at the 90% design phase. Residents and businesses will be notified one month before construction begins by the City's Engineering Department and again, ten (10) days before construction begins by the contractor through hand distribution of notices.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

Residents and businesses in the area will encounter minor impacts during construction. After completion, residents will experience improved reliability of the sewer collection system.

Boekamp/Jarrell

FILE LOCATION: WO - 175321

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

CONSENT MOTION BY DEMAIO TO ADOPT. Second by Faulconer. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

* ITEM-101: Agreement with Orion Construction Corporation for the Design and Construction of Old Rose Canyon Trunk Sewer Relocation Project. (University City Community Area, District 6.)

(See Engineering and Capital Projects Department's November 26, 2008, Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-725) ADOPTED AS RESOLUTION R-304627

Authorizing the Mayor, or his designee, to award a contract to Orion Construction Corporation for the design and construction of Old Rose Canyon Trunk Sewer Relocation Project (Project) in an amount not to exceed \$5,283,600, under the terms and conditions set forth in the contract;

Authorizing the City Comptroller to transfer an amount not to exceed \$711,717 from Sewer Fund 41506, CIP-46-194.0, Annual Allocation - Trunk Sewer Rehabilitation to Sewer Fund 41506, CIP-40-933.0, Annual Allocation - MWWD Trunk Sewer;

Authorizing the expenditure of an amount not to exceed \$6,335,820 from Sewer Fund 41506, CIP-40-933.0, Annual Allocation - MWWD Trunk Sewer, solely and exclusively, for the purpose of providing funds for the Project's design, construction and related costs, provided that the City Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3), as defined by State CEQA Guidelines Section 15378. This determination is predicated on Section 15004 of the State CEQA Guidelines, which provides direction to lead agencies on the appropriate timing for environmental review.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 12/3/2008, NR&C voted 3 to 0 to approve. (Councilmembers Peters, Faulconer, and Frye voted yea. Councilmember Atkins not present.)

SUPPORTING INFORMATION:

The Old Rose Canyon Trunk Sewer (ORCTS) was built in 1957 and used to carry flow from the northern basins, pump station 64 and Miramar Naval Air Station. In 1969, the Rose Canyon Parallel Trunk Sewer was built to relieve some capacity of the ORCTS. In 1992, the New Rose Canyon Trunk Sewer was built to replace most of ORCTS. Currently, ORCTS serves flow from San Clemente Trunk Sewer and flows generated by approximately 7,000 residents and 5,000 employees along the trunk sewer. ORCTS is approximately 2.8 miles long. The size of the pipe varies from 21 to 36 inches in diameter.

The ORCTS condition is fair, however a 312-foot long segment of pipe (24-inch VC) collapsed due to rising water in Rose Creek in 2005 and has since been repaired. The objective of this Design-Build project is to redirect approximately 3,090 feet of the remaining trunk sewer (exposed within the Rose Creek area) out of the canyon area.

Design-Build company will provide complete design and construction of approximately 3,090 feet of trunk sewer to be relocated from the canyon area to the Santa Fe Street right-of-way.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego - Prevailing wages do not apply to this contract.
Goals: 20% Subconsultant/Subcontractor voluntary participation goal
14.4% Certified participation
27.5% Non-Certified participation
41.90% Total participation
Other: Orion Construction Corporation submitted a work force report on May 15, 2008. The Work Force Report Analysis reflects no under representation.

FISCAL CONSIDERATIONS:

The total cost of this project is \$6,335,820. \$6,335,820 will be available in CIP-40-933.0, Annual Allocation - MWWWD Trunk Sewer, Fund 41506, Sewer, of which \$711,717 will be transferred from CIP-46-194.0 Annual Allocation - Trunk Sewer Rehabilitations, Fund 41506, Sewer, for this purpose. The project cost may be reimbursed approximately 80% by current and future debt financing. No future funding is anticipated for this project.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The Committee on Natural Resources and Culture on December 3, 2008, consent motion by Councilmember Faulconer, second by Council President Peters. Vote to approve 3-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Notification letters will be sent to the impacted businesses prior to construction phase.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

The key stakeholders are the City of San Diego Metropolitan Wastewater Department, Engineering and Capital Projects Department and Orion Construction Corporation.

Boekamp/Jarrell

Aud. Cert. 2900421.

FILE LOCATION: MEET

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

CONSENT MOTION BY DEMAIIO TO ADOPT. Second by Faulconer. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

* ITEM-102: Excusing Councilmember Tony Young from Attending the Regularly Scheduled City Council Meeting of January 13, 2009.

COUNCILMEMBER YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-782) ADOPTED AS RESOLUTION R-304628

Excusing Councilmember Tony Young from attending the regularly scheduled City Council Meeting of January 13, 2009, due to illness.

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

FILE LOCATION: AGENDA

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

CONSENT MOTION BY DEMAIO TO ADOPT. Second by Faulconer. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

* ITEM-103: Declaring a Continued State of Emergency Regarding the Wildfires.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-734) ADOPTED AS RESOLUTION R-304629

Declaring a continued state of emergency to exist in the City of San Diego due to the wildfires which began on October 21, 2007, pursuant to California Government Code Section 8630;

Declaring that the measures previously taken by the City Council in Resolution No. R-303098 shall continue to have full force and effect.

FILE LOCATION: GEN'L – State of Emergency Regarding the Wildfires

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

CONSENT MOTION BY DEMAIO TO ADOPT. Second by Faulconer. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

* ITEM-104: State of Local Emergency Declaration Regarding the Landslide on Mount Soledad.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-608) ADOPTED AS RESOLUTION R-304630

Declaring a continued state of emergency to persist relative to the landslide on Mount Soledad, pursuant to California Government Code Section 8630;

Declaring that the measures previously authorized by the City Council in Resolution No. R-303041 shall continue to have full force and effect.

FILE LOCATION: GEN'L – State of Emergency Regarding the Landslide on Mount Soledad

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

CONSENT MOTION BY DEMAIO TO ADOPT. Second by Faulconer. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

- * ITEM-105: 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-2009-584) ADOPTED AS RESOLUTION R-304631

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 or Raw Sewage from Tijuana, Mexico

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

CONSENT MOTION BY DEMMAIO TO ADOPT. Second by Faulconer. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.



[ITEM-106:](#) 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-2009-616) ADOPTED AS RESOLUTION R-304632

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

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:24 a.m.)

MOTION BY GLORIA TO ADOPT. Second by Emerald. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.



[ITEM-330:](#) Grant Applications to the San Diego Association of Governments (SANDAG) for the TransNet Smart Growth Incentive Program (SGIP) for Five Capital Improvement Projects. (Downtown, Uptown, and Mission Beach Community Areas. Districts 2 and 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-794) ADOPTED AS RESOLUTION R-304633

Authorizing the Mayor, or his representative, for and on behalf of the City, to make a grant application to the San Diego Association of Governments (SANDAG) for a total of \$2,928,000 in TransNet Smart Growth Incentive Program (SGIP) funding for five (5) Capital Improvement Projects (Project);

Authorizing the Mayor, or his representative, to take all necessary actions to secure funds from SANDAG for the Project;

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

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

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

Declaring that this activity is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3).

STAFF SUPPORTING INFORMATION:

SANDAG has established the Smart Growth Incentive Program (SGIP) to provide TransNet funding for a competitive grant program to fund transportation-related infrastructure improvements and planning activities that will help better coordinate transportation and land use in the San Diego region. The SGIP funds transportation and transportation-related infrastructure improvements and planning efforts that support smart growth development. For the current grant cycle, the SGIP has \$10 million total, which is split into two grant types: capital projects (\$8 million) and planning projects (\$2 million). Individual grant applications are limited to \$2 million for capital projects and \$400,000 for planning projects.

The goal of the SGIP is to fund public infrastructure projects and planning activities that will support compact, mixed-use development focused around public transit, and increase housing and transportation choices. To be eligible for funding, SANDAG requires that the proposed project be located in a smart growth area as identified on the SANDAG Smart Growth Concept Map. Only cities and the county are eligible to submit SGIP grant applications to SANDAG. The SGIP applications are due to SANDAG by February 6, 2009 and the grants will be awarded in May 2009.

The Engineering & Capital Projects (E&CP) Department has prepared draft grant applications for five capital improvement project applications requesting a total of \$2,928,000 in TransNet SGIP funding. The E&CP staff evaluated many Capital Improvement Program (CIP) Projects that are in various stages of planning/design/funding throughout the city. Projects that best met SANDAG's SGIP criteria were selected for submittal. The capital improvement projects will

focus on enhancing mobility and safety for pedestrians, bicycles, and access to transit in smart growth areas served by existing or planned trolley and bus rapid transit and high frequency local bus service. Applications with a higher percent of matching funding will be more competitive in the SGIP selection process. Therefore, the grant applications have identified matching funds for the projects.

A summary of the five SGIP capital improvement project grant applications is attached. The table lists the SGIP capital improvement project grant applications by location, description, community planning area, total project cost, requested grant funds and matching fund amounts.

The City Planning & Community Investment Department has prepared grant applications for planning project applications. Southeastern Economic Development Corporation (SEDC) is also submitting planning and infrastructure projects for Council approval through the Redevelopment Agency. Refer to the separate Report to Council for information concerning the SGIP planning project grant applications.

FISCAL CONSIDERATIONS:

The City could receive up to a total of \$2,928,000 in TransNet SGIP grant funding for capital improvement projects. Funding, totaling \$839,000 will be used as matching funds to the grants and will be identified when the grants returns to Council for acceptance & appropriation.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

None regarding the SGIP grant funding.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The community planning groups in the three communities have been contacted and have indicated their support for these projects.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

Vehicle drivers, pedestrians, bicycle users and transit users who live and work in the vicinity of the projects as well as visitors to these locations.

Boekamp/Jarrell

Staff: Deborah Van Wanseele – (619) 533-3012
Ryan Kohut – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:50 p.m.)

MOTION BY FAULCONER TO ADOPT. Second by Gloria. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.



ITEM-331: Grant Applications to the San Diego Association of Governments (SANDAG) for the TransNet Smart Growth Implementation Program (SGIP) Funding for Six Planning Projects. (Linda Vista, Clairemont Mesa, Pacific Beach, City Heights, Normal Heights, Kensington-Talmadge, Eastern Area, Southeastern San Diego, Encanto Neighborhoods, and San Ysidro Community Areas. Districts 2, 3, 4, 6, 7, and 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-791) ADOPTED AS RESOLUTION R-304634

Authorizing the Mayor, or his designee, to make applications to the San Diego Association of Governments (SANDAG) for a total of \$2,000,000 in TransNet Smart Growth Implementation Program (SGIP) grant funding for six planning projects;

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

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

Authorizing the Mayor, or his representative, to take all necessary actions to secure funding from SANDAG for these planning projects;

Authorizing the City Comptroller to establish a special interest-bearing fund for the grants;

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

STAFF SUPPORTING INFORMATION:

SANDAG has established the Smart Growth Incentive Program (SGIP) to provide TransNet funding for a competitive grant program to fund transportation-related infrastructure improvements and planning activities that will help better coordinate transportation and land use that support smart growth development in the region. For the current grant cycle, the SGIP has \$10 million total, which is split into two grant types: capital projects (\$8 million) and planning projects (\$2 million). The City Planning & Community Investment Department has prepared draft grant applications for six planning project applications requesting a total of \$2 million in TransNet SGIP funding. Applications with a higher percent of matching funds will be more competitive in the SGIP selection process. The attachment summarizes six proposed SGIP planning project grant applications.

The Engineering & Capital Projects Department and the Southeastern Economic Development Corporation have prepared draft grant applications for capital projects to be submitted under the SGIP capital funding program. Refer to the separate Reports to Council for information concerning the SGIP capital improvement project grant applications.

FISCAL CONSIDERATIONS:

For the City: The \$320,000 of in-kind total staff time identified as matching funds is currently budgeted staff time that is part of the City Planning & Community Investment Department's work program.

For the Agency: If all SGIP applications are awarded grant funds, \$805,000 of Agency funds will be utilized as matching funds. Of this total, the proposed action would authorize the use of \$605,000 of Redevelopment Agency funding as matching funds for three of the SGIP planning project grant applications. Specifically, the following are the three target project areas and the respective matching fund amounts to be transferred to the City upon award of SGIP grant funds: 1) City Heights - \$180,000 for the CenterLine Project; 2) Crossroads - \$225,000 for the Chollas Triangle Project; and 3) North Bay - \$200,000 for the Mid-Coast Station Project. These Agency funds would be transferred to the City when and if SGIP grant funds are awarded. For the San Ysidro planning project, \$200,000 of previously approved Redevelopment Agency funding would be used as matching funds.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

None regarding the SGIP grant funding.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

City staff has received feedback from most of the community planning groups and redevelopment project area committees regarding the proposed SGIP planning projects in their communities. As part of the planning project effort, City staff will conduct further outreach efforts and seek community participation.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable): None.

Anderson/Weinrick

Staff: Tait Galloway - (619) 533-4550
Shannon Thomas - Deputy City Attorney

NOTE: See the Special Redevelopment Agency Agenda of February 3, 2009, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:47 p.m.)

MOTION BY FAULCONER TO ADOPT. Second by Young. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.



ITEM-332: Grant Applications to the San Diego Association of Governments (SANDAG) for the TransNet Smart Growth Incentive Program (SGIP) for Six Redevelopment Agency Capital Projects in Mount Hope and Central Imperial Redevelopment Project Areas. (Southeastern San Diego and Encanto Neighborhoods Community Areas. District 4.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2009-797) ADOPTED AS RESOLUTION R-304635

Authorizing the Mayor, or his representative, to make applications to the San Diego Association of Governments (SANDAG) for a total of \$4,773,565 in TransNet Smart Growth Incentive Program (SGIP) grant funding for six (6) Redevelopment Agency Capital Projects in the Mount Hope and Central Imperial Redevelopment Project Areas;

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

Authorizing the Mayor, or his representative, to take all necessary actions to secure funding up to \$4,773,565 from SANDAG for these Redevelopment Agency Capital Projects;

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

Declaring that this activity is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3).

SUPPORTING INFORMATION:

SANDAG has established the Smart Growth Implementation Program (SGIP) to provide TransNet funding for a competitive grant program to fund transportation-related infrastructure improvements and planning activities that will help better coordinate transportation and land use in the San Diego region. The SGIP funds transportation-related infrastructure improvements that support smart growth development. For the current grant cycle, the SGIP has \$10 million total, which is split into two grant types: capital projects (\$8 million) and planning projects (\$2 million). Individual grant applications are limited to \$2 million for capital projects and \$400,000 for planning projects.

The goal of the SGIP is to fund public infrastructure projects and planning activities that will support compact, mixed-use development focused around public transit, and increase housing and transportation choices. To be eligible for funding, SANDAG requires that the proposed project be located in a smart growth area as identified on the SANDAG Smart Growth Concept Map. Only cities and the county are eligible to submit SGIP grant applications to SANDAG. The SGIP applications are due to SANDAG by February 6, 2009 and the grants will be awarded in May 2009.

SEDC is preparing draft grant applications for six capital improvement projects requesting a total of \$4,773,565 in TransNet SGIP funding. In general, the capital improvement projects will focus on enhancing mobility and safety for pedestrians and access to transit in smart growth areas served by existing or planned trolley and bus rapid transit and high frequency local bus service. Five projects in the Southeastern San Diego and Encanto areas are improvements that will alleviate current and projected increased daily traffic associated with the Pilot Village Center at Euclid and Market development, as well as the SEDC Imperial Avenue Corridor Master Plan area. Both areas are proposed for smart growth implementation near the transit and trolley stations and corridors, including development of mixed use residential, commercial and public civic uses.

Two of the SEDC grant applications have identified previously allocated funding for the projects as the matching funds and \$100,000 of in-kind services would be used as matching funds. A summary of the six SGIP capital improvement project grant applications is attached to this report as Attachment 1. The table below lists the six SGIP capital improvement project grant applications.

<u>SEDC Capital Project</u>	<u>Council District</u>	<u>Community Planning Area</u>	<u>Funding Request</u>	<u>Funding Match</u>	<u>In-Kind Match</u>
1 Market St. from 47 th to 54 th St.	4	Southeastern San Diego-Encanto	\$1,325,000	\$0	\$15,000
2 Euclid Ave. from SR94 to Imperial Ave.	4	Southeastern San Diego-Encanto	\$1,219,100	\$0	\$15,000
3 Imperial Ave. from San Jacinto to 54 th St.	4	Southeastern San Diego-Encanto	\$333,400	\$0	\$15,000

4 Imperial Ave. and 62 nd St. Trolley Line	4	Southeastern San Diego-Encanto	\$252,000	\$0	\$15,000
5 Imperial Ave. from 45 th to Euclid Ave.	4	Southeastern San Diego-Encanto	\$1,321,465	\$622,000	\$20,000
6 Mt. Hope Market St. from Boundary St. to 41 st St.	4	Southeastern San Diego	\$322,600	\$ 75,000	\$20,000
TOTAL			\$4,773,565	\$697,000	\$100,000

Refer to the separate Report to Council for information concerning the other SGIP capital improvement project grant applications prepared for the City Engineering & Capital Projects Department's five City capital improvement projects requesting a total of \$2,928,000 in TransNet SGIP funding.

FISCAL CONSIDERATIONS:

The Agency could receive up to a total of \$4,773,565 in TransNet SGIP grant funding for capital improvement projects. Previously allocated funding, totaling \$697,000 would be used as matching funds. Additional matching funding is anticipated to be obtained from either development agreements and/or tax increment from the area.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

None regarding the SGIP grant funding.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

As part of the project design effort, SEDC staff will seek community input and participation.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

Community residents, business owners, stakeholders, future residents of the Pilot Village Center will benefit from street and streetscape improvements, enhanced pedestrian safety improvements, and installation of bus shelters, near two trolley stations and along the trolley and transit lines.

Trotier/Weinrick

NOTE: See the Special Redevelopment Agency Agenda of February 3, 2009, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:48 p.m.)

MOTION BY YOUNG TO ADOPT. Second by Gloria. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.



ITEM-333: Amending the Fiscal Year 2009 Appropriations Ordinance to Reinstate the Fire Pit Program, including Two Employee Positions, and Three Employee Painter Positions.

STAFF'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-2009-94) INTRODUCED AND ADOPTED AS
ORDINANCE O-19832 (New Series)

Introduction and adoption of an Ordinance authorizing the City Comptroller to appropriate, transfer, and expend \$86,525 in the Park and Recreation Department (Department 443), General Fund (Fund 100) from revenues transferred from Fund 10329, to reinstate and fund the fire pit program including two FTE employee positions from January through June in Fiscal Year 2009;

Authorizing the City Comptroller to appropriate, transfer, and expend \$120,600 in the General Services Department, Facilities Division (Department 532), from General Fund (Fund 100) revenues, which includes \$25,000 transferred from Fund 63094, to reinstate and fund three FTE painter positions (JC 1635) in Fiscal Year 2009;

Authorizing the City Comptroller to appropriate, transfer and expend \$95,600 of unused TOT distributions in the Library System Improvement Fund (Fund 102216) to return to the TOT Fund (Fund 10220); and to appropriate and expend \$95,600 in the TOT Fund (Fund 10220) to support General Fund promotional activities; and to budget \$95,600 as revenue in the General Fund (Fund 100);

Authorizing the City Comptroller to make all reimbursements, transfers, and adjustments necessary to reinstate the three FTE painter positions in the General Services Department, Facilities Division, and the two FTE positions in the Park and Recreation Department to maintain the City fire pit program.

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

NOTE: Today's action is the second public hearing and introduction and adoption of the Ordinance. See Item 330 on the docket of Tuesday, January 27, 2009, for related actions and the first public hearing on the Ordinance. The following Staff Supporting Information was provided for Item 330 on the January 27, 2009 agenda and is repeated here to provide background information.

STAFF SUPPORTING INFORMATION:

On December 9, 2008, the City Council adopted an ordinance to amend the Fiscal Year 2009 Annual Budget Appropriation Ordinance. Ordinance O-01922 provided the necessary adjustments for City Council to close the \$43 million Fiscal Year 2009 budget gap. Among the budget reductions were the elimination of 3.00 FTE Painters (JC 1635) from General Services Department/Facilities Division and the elimination of support for fire rings from the Park and Recreation Department.

On December 15, 2008, a donor had pledged \$259,500 to fund the City's 186 fire pits for an 18-month period, from January 2009 to June 2010. The donation was administered by the San Diego Foundation to support every child knowing the joys of bonfire on the beach. The fire pit program was eliminated as part of the Mayor's proposal, as approved by City Council, to close a \$43 million budget gap in December 2008. The annual cost to the City's Park and Recreation

Department to support the fire pits - which are located in Mission Bay and on the other beaches of La Jolla, Mission Beach, Pacific Beach and Ocean Beach - is \$173,000.

The City began removing the fire pits on Wednesday, December 10, 2008; however, this was stopped soon after the donor pledge was secured. This action requests Council's authority to accept the donor funds and reinstate support for the fire pits.

In addition, this action requests to reinstate the 3.00 FTE Painters in the General Services Department for the remainder of Fiscal Year 2009 based on identified funding from the Library Systems Improvement Fund and Pepsi Citywide Beverage Vending Machine Program Funds. Through the Beverage Agreement with Pepsi Bottling Group, the City receives an annual marketing rights fee in the amount of \$250,000. Currently, \$125,000 is deposited into the

General Fund and \$125,000 is distributed among departments associated with employee groups and recreation councils. It is requested that City Council amend Resolution R-292403 to eliminate the program that provides Beverage Vending Machine Program funding to employee groups as set forth in Sections 3 and 5 of said resolution. The \$25,000 previously received by employee groups would be deposited into General Fund. In addition, \$95,600 is available in the Library System Improvement Fund to offset the remaining cost of the painters.

FISCAL CONSIDERATIONS:

Fiscal impact for 18-month Fire Pit Program of \$259,500 was provided by a private donation and is currently on deposit with City Treasurer per DCRs 2009-0010959 and 2009-011097.

Fiscal impact for the 3.00 FTE Painters (JC1635) of \$120,600 is available within existing City funds of 102216 (Library Systems Improvement Fund) and 63094 (Beverage Vending Machine Program).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Discontinued provisions of Resolution R-292403 requiring use of Beverage Vending Machine Program and Agreement fund for employee morale and recognition (R-304619 adopted on 01-27-2009).

Accepted the donation to maintain the Fire Pits (R-304618 adopted on 01-27-2009).

Amendment to original Ordinance adopting the Annual Budget for the Fiscal Year 2009 (O-19822 final passage on 12-09-2008).

Beverage Vending Machine Program and Agreement (R-292403 adopted on 11-02-1999).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable): None.

Tirandazi/Lewis

Aud. Cert. 2900511.

Staff: Angela Colton - (619) 236-5988

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:10 p.m.)

MOTION BY DEMAIO TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE, EXCLUDING THE PORTION RELATING TO THE THREE EMPLOYEE PAINTER POSITIONS. Second by Lightner. Passed by the following vote: Lightner-yea, Faulconer-not present, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

MOTION BY FRYE TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE PORTION OF THE ORDINANCE TO REINSTATE THREE EMPLOYEE PAINTER POSITIONS. Second by Hueso. Passed by the following vote: Lightner-yea, Faulconer-not present, Gloria-yea, Young-yea, DeMaio-nay, Frye-yea, Emerald-yea, Hueso-yea.

REPORT OUT OF CLOSED SESSION:

To view the list of all available City Council Closed Session Meetings Reports refer to the link below:

<http://www.sandiego.gov/city-clerk/closedsess.shtml>

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 3:35 p.m. – 3:36 p.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Hueso at 3:37 p.m. in honor of the memory of:

Mrs. Donna Erickson as requested by Council Member Frye.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 3:36 p.m. – 3:37 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego