

**AGENDA FOR THE
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MONDAY, NOVEMBER 18, 2002 AT 2:00 P.M.
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These items do not require Council action and there is no public testimony

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**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, NOVEMBER 18, 2002 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

- ITEM-1: ROLL CALL.
- ITEM-10: INVOCATION.
- ITEM-20: PLEDGE OF ALLEGIANCE.

SPECIAL ORDERS OF BUSINESS

ITEM-30: Mr. Abdur-Rahim Hameed Day.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-582)

Commending Mr. Abdur-Rahim Hameed for his contributions and dedication to the City of San Diego;

Proclaiming November 18, 2002 to be "Mr. Abdur-Rahim Hameed Day" in San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-31: Girl's Summit Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-411)

Proclaiming November 22, 2002 to be "Girl's Summit Day" in San Diego.

SUPPORTING INFORMATION:

Various agencies, government officials and community leaders in San Diego have recognized the importance of issues faced by girls in our city from age 10-20. These leaders have formed a working committee to sponsor a conference to address these issues. The Girls' Issues Group believes the state of health and well-being among the 300,000 girls ages 10-20 in San Diego County are in need of attention. More than one in five high school girls report sexual or physical abuse. Self-confidence and health ratings decline in high school for girls. The local Youth Risk Behavior Survey conducted by the San Diego Unified School District revealed that in 2001, 14% of girls attempted suicide. The Girl's Issues Group is hosting the Girl's Summit 2002 on November 22, 2002 to raise awareness of girls' issues among service providers. The City of San Diego supports Girl's Summit 2002 through obtaining a 20% discount in the cost of the San Diego Community Concourse for the Summit.

Maienschein/Ekard

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50.

ORDINANCES TO BE INTRODUCED:

Items 51, 52, and 53.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130,

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ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-50: *Approval of Ordinance amending the San Diego Municipal Code related to FY 2003 Negotiated Retirement Benefit Enhancements.*

CITY COUNCIL'S RECOMMENDATION:

Adopt the ordinance which was introduced on 10/21/2002 (Council voted 9-0):

(O-2003-67 Cor. Copy)

Amending Chapter II, Article 4 of the San Diego Municipal Code by amending Division 2 by amending Section 24.0201; by amending Division 3 by amending Section 24.0301; by amending Division 4 by amending Section 24.0402; by amending Division 5 by amending Section 24.0501; by amending Division 8 by amending Section 24.0801, and by Renumbering Section 24.0803 as Section 24.0802; by amending Division 12 by amending Sections 24.1201, 24.1202, 24.1203 and 24.1204; by amending Division 15 by amending Section 24.1507; all relating to the San Diego City Employees' Retirement System.

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:

- * ITEM-51: *Approval of Ordinance amending San Diego Municipal Code related to FY 2003 Negotiated Retirement Benefits.*

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-74)

Introduction of an Ordinance amending the San Diego Municipal Code by amending Division 13 by amending Sections 24.1310 and 24.1312; by amending Division 14 by amending Sections 24.1402, 24.1403, and 24.1404; all relating to the San Diego City Employees' Retirement System.

CITY MANAGER SUPPORTING INFORMATION:

As a result of the recent contract negotiations with the Police Officers' Association, Fire Fighters Local 145, Municipal Employees Association, and AFSCME, Local 127, the City Management Team agreed to implement a number of revisions to the Retirement System. Ordinance O-2003-67 was introduced at the October 21, 2002 meeting of the City Council which amends the San Diego Municipal Code to reflect the majority of the revisions to the Retirement System negotiated during the FY 2003 Meet and Confer process.

However, Ordinance O-2003-67 did not include the revisions to the Retirement System (SDCERS) giving Members represented by Fire Fighters Local 145 the ability to convert Annual Leave accrued after July 1, 2002 to service credit in SDCERS or extend their participation in the System's Deferred Retirement Option Plan ("DROP").

Ordinance O-2003-67 did not include a revision to the Retirement System removing the current prohibition against counting a purchase of service credit made pursuant to the General Provision for Five Year Purchase of Creditable Service set forth in San Diego Municipal Code Section 24.1312 towards the ten year vesting requirement set forth in Section 141 of the San Diego City Charter. This action will remove the prohibition and allow the purchase of creditable service to apply towards the ten year vesting requirement.

Effective July 1, 2002, represented Members in the Local 145 bargaining unit who have not yet entered DROP will be allowed to convert the cash equivalent of their Annual Leave accrued after July 1, 2002 to service credit in SDCERS or extend their DROP participation period.

Represented Members in the Local 145 Bargaining Unit will no longer be able to exercise any cash out feature of Annual Leave accrued after July 1, 2002. Represented Members in the Local 145 bargaining unit who have balances of Annual Leave accrued after July 1, 2002, will be allowed to extend their DROP participation period beyond the five year maximum by that amount of post July 1, 2002 Annual Leave still available and not converted to service credit prior to entering DROP. A vote of the Retirement System Members to approve these changes in this ordinance affecting Member benefits will take place from November 2002 through December 2002.

FISCAL IMPACT:

The conversion of Annual Leave to service credit in the Retirement System or extension of the Member's DROP participation period may result in an increase to the Retirement System's unfunded liability and a corresponding increase to the City's contribution rate over and above the scheduled rates in the Manager's Proposal.

The amount of any increase to the System's unfunded liability and City's contribution rate will depend upon the usage of Annual Leave accrued after July 1, 2002 that is converted to service credit in the Retirement System or to extend the Member's DROP participation period. There is no fiscal impact associated with the provision allowing 5 year purchase of service.

Herring/Lexin/DK

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:

* ITEM-52: Office Space Sublease - Police Department Harbor Patrol Unit.

(Mission Bay Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-77)

Introduction of an Ordinance authorizing the City Manager to execute a Sublease agreement with WESCO Sales Corp., for the sublease of approximately 1,175 square feet, at a total monthly rental rate of \$1,685.95, for an initial term of five (5) years with the option of two (2) additional three (3) year extensions;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$15,173.55, plus applicable CAM charges, from Police Department Fund 100 for FY2003.

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

CITY MANAGER SUPPORTING INFORMATION:

The Police Department Harbor Patrol Unit provides policing enforcement for land and water at Mission Bay Park and has been located at Hospitality Point in Mission Bay Park since March 1986. During this period the Harbor Patrol Unit has occupied a temporary trailer facility for office space with portable restrooms. The Police Department has been in search of suitable office space that also provides convenient access to Mission Bay. As a result of the redevelopment at Dana Landing adequate office space has been located that also provides the desired water access. The sublease space will accommodate general office for law enforcement, related community activities and programs.

The Police Department is proposing to sublease the space under the following terms:

TERM-Five (5) years. Commencing October 1, 2002 or upon completion of tenant improvements, terminating September 30, 2007 or five (5) years from commencement date.
RENT-\$1.10 per square foot or \$1,292.50 per month base rent. Rental rate is less than similar

commercial space in the area. The base monthly rent will be adjusted upwards on the sublease anniversary date by two (2) percent. The monthly rent of \$1,292.50, plus \$393.45 that will be paid for tenant improvements amortized over the Sublessee's initial five-year lease term, total \$1,685.95 per month for the first year of the sublease agreement.

USE-General office for law enforcement, related community activities and programs.

SIZE-1,175 square feet.

OPTION TO EXTEND-The City has the option to extend the sublease for two additional three (3) year periods.

FISCAL IMPACT:

\$15,173.55 will be paid from Police Department Fund 100 for the FY2003.

Herring/Griffith/DCM

Aud. Cert. 2300503.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

* ITEM-53: Office Space Lease - Police Department.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-78)

Introduction of an Ordinance authorizing the City Manager to execute a lease agreement with CTF-I Mission, LLC, for the lease of approximately 3,828 square feet, at the initial monthly rental rate of \$5,742, for a term of five (5) years;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$57,420, from Police Department Fund 100 for FY2003.

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

CITY MANAGER SUPPORTING INFORMATION:

The Police Department has been leasing space at 3033 Fifth Avenue, Suite 205, since October 1998 as general office use by the Event Development and Management Unit (EDMU - formerly IACP). The lease terminates at their current location October 31, 2002. EDMU is seeking to co-locate with other units from the Special Services Division of the Police Department. A larger space at a more central location was found at 6151, Suite 205, and 6153, Suite 230, Fairmount Avenue in the Mission Gorge area. The lease space will accommodate general office administration for stadium event planning, special event planning, volunteer services, and critical

incident management.

The Police Department is proposing to lease the space under the following basic terms:

TERM-Five (5) years. Commencing September 1, 2002, terminating August 31, 2007.

RENT-\$1.50 per square foot or \$5,742 per month. Rental rate is less than similar commercial space in the area. The base monthly rent will be adjusted on the lease anniversary date upwards by \$0.05 per rentable square foot.

USE-General office administration for law enforcement.

SIZE-3,828 square feet.

FISCAL IMPACT:

\$57,420 will be paid from Police Department Fund 100 for FY2003.

Herring/Griffith/DCM

Aud. Cert. 2300504.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-100: Conflict of Interest Code for the Board of Building Appeals and Advisors.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-475)

Adopting a Conflict of Interest Code for the Board of Building Appeals and Advisors.

CITY MANAGER SUPPORTING INFORMATION:

The Board of Building Appeals and Advisors Conflict of Interest Code was last adopted by R-285015 on December 12, 1994. This revision is intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Resolution R-296693 adopted on June 18, 2002. The Board of Building Appeals and Advisors Conflict of Interest Code has been revised to reflect the revised name and scope of authority.

Ewell/Christiansen/AF

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-101: Conflict of Interest Code for the Centre City Development Corporation.

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-467)

Adopting the revised Conflict of Interest Code for Centre City Development Corporation.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-102: Conflict of Interest Code for Administration-General.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-393)

Adopting the Revised Conflict of Interest Code for the "City Administration-General".

SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87306.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-296693 adopted on June 18, 2002. The Administration-General code has been revised to: include new positions which had not been previously designated, remove positions previously designated but now more appropriately included in other City department's Conflict of Interest codes, and to update the required filing categories for each designated position.

Abdelnour/RR

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-103: Conflict of Interest Code for the Office of the City Attorney.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-389)

Adopting the Revised Conflict of Interest Code for the Office of the City Attorney.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-104: Conflict of Interest Code for the Civil Service Commission.

PERSONNEL DEPARTMENT'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-481)

Adopting the revised Conflict of Interest Code for the Civil Service Commission.

SUPPORTING INFORMATION:

The Civil Service Commission's Code has been revised to change paragraph 3 of the Appendix to read: All reportable income & all reportable gifts from any officer or employee of the City or any representative of a recognized bargaining organization.

Snapper/LJ

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-105: Conflict of Interest Code for the Community and Economic Development Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-394)

Adopting a Conflict of Interest Code for the Community and Economic Development Department.

CITY MANAGER SUPPORTING INFORMATION:

The Community and Economic Development Department's Conflict of Interest Code was last revised by R-294182 on November 20, 2000. This revision is intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest

codes as reflected in City Council Resolution R-296693 adopted on June 18, 2002. The Community and Economic Development Department's code has been revised to include new positions which had not been previously designated, to reflect changes in the Departmental organization, and to update the required filing categories for each position.

Loveland/Cunningham/DG

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-106: Conflict of Interest Code for Development Services Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-452)

Adopting a Conflict of Interest Code for the New Development Services Department.

CITY MANAGER SUPPORTING INFORMATION:

The Development Services Department's Conflict of Interest Code was last revised by R-294192 on November 20, 2000. This revision is intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Resolution R-296693 adopted on June 18, 2002. The Development Services Department's code has been revised to reflect organizational structure changes since the last revision, new positions which had not been previously designated and title changes.

Ewell/Christiansen/LM

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-107: Conflict of Interest Code for the Engineering & Capital Projects Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-408)

Adopting the Revised Conflict of Interest Code for the Engineering & Capital Projects Department.

CITY MANAGER SUPPORTING INFORMATION:

The Engineering & Capital Projects Department's Conflict of Interest Code was last revised by R-288133 on December 2, 1996. This revision is intended to conform with Government Code 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-296693 adopted June 18, 2002. The Engineering and Capital Projects Department's code has been revised to include new positions which had not been previously designated and to reflect changes in the Departmental Organization.

Loveland/Razak/AY

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-108: Conflict of Interest Code for the Environmental Services Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-449)

Adopting the revised Conflict of Interest Code for the Environmental Services Department.

CITY MANAGER SUPPORTING INFORMATION:

The Environmental Services Department's Conflict of Interest Code was last revised by R-294183 on November 20, 2000. This revision is intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution R-296693 adopted on June 18, 2002. The Environmental Services Department's code has been revised to include new positions which had not been previously designated, to reflect changes in the Department organization, and to update the required filing categories for each position.

Loveland/Epler/BW

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-109: Conflict of Interest Code for Financial and Management Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-409)

Adopting a Conflict of Interest Code for Financial and Management Services.

CITY MANAGER SUPPORTING INFORMATION:

The Conflict of Interest Code for Financial and Management Services is a revision from the previous code for the Financial, Organization Development and Management Services Business Center. This revision reflects organizational changes resulting from the removal of Purchasing, Central Stores, Print Shop, Mail Room, and Organization Effectiveness Program from the former Business Center. This revision is intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest codes.

Frazier/Irvine/KLM

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-110: Conflict of Interest Code for the General Services Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-415)

Adopting a Conflict of Interest Code for the General Services Department.

CITY MANAGER SUPPORTING INFORMATION:

The Department of General Services was created in January 2001. To comply with Government Code 87306.5, which requires biennial review and update of local conflict of interest codes as reflected in City Council Resolution R-296693 adopted June 18, 2002, the General Services Department has created their Conflict of Interest Code. The code was created to designate positions that will need to file and list the required filing categories for these positions.

Loveland/Anderson/LM

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-111: Conflict of Interest Code for the Governmental Relations Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-418)

Adopting a Conflict of Interest Code for the Governmental Relations Department.

CITY MANAGER'S SUPPORTING INFORMATION:

The Governmental Relations Department's Conflict of Interest Code was last revised by R-290853 on October 19, 1998. This revision is intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution R-296693 adopted on June 18, 2002.

The Governmental Relations Department's code has been revised to delete a position which had been previously designated, to reflect changes in the Departmental organization, and to update the required filing categories for each position.

Ewell/Poat/SF

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-112: Conflict of Interest Code for the Horton Plaza Theatres Foundation Board.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-468)

Adopting the Revised Conflict of Interest Code for the Horton Plaza Theatres Foundation.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-113: Conflict of Interest Code for the New Human Resources Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-451)

Adopting a Conflict of Interest Code for the New Human Resources Department.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-114: Conflict of Interest Code for the Library Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-480)

Adopting the revised Conflict of Interest Code for the Library Department.

CITY MANAGER SUPPORTING INFORMATION:

This revision is intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution R-296693 adopted on June 18, 2002. The Library Department's code has been revised to include a new position which had not been previously designated.

Loveland/Tatar/SN

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM 115: Conflict of Interest Code for the Office of the Mayor.

MAYOR DICK MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-541)

Adopting the Revised Conflict of Interest Code for the Office of the Mayor.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-116: Conflict of Interest Code for the Metropolitan Wastewater Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-450)

Adopting the revised Conflict of Interest Code for the Metropolitan Wastewater Department.

CITY MANAGER SUPPORTING INFORMATION:

The Metropolitan Wastewater Department's Conflict of Interest Code has not been revised since July 2000. This revision is intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution R-296693 adopted 6/18/2002. The Metropolitan Wastewater Department's code has been revised to include new positions which had not been previously designated, to delete designated positions which are no longer current, to reflect changes in the Departmental organization, and to update the required filing categories for each position.

Mendes/Tulloch/DM

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-117: Conflict of Interest Code for the Neighborhood Code Compliance Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-419)

Adopting the Revised Conflict of Interest Code for the Neighborhood Code Compliance Department.

CITY MANAGER SUPPORTING INFORMATION:

The Neighborhood Code Compliance Department's Conflict of Interest Code was last revised by R-294189 on November 20, 2000. This revision is intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-296693 adopted on June 18, 2002. The Neighborhood Code Compliance Department's code has been revised to include new positions which had not been previously designated, to reflect changes in the Departmental organization, and to update the required filing categories for each position.

Uberuaga/Samuels/PJ

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-118: Conflict of Interest Code for the Park and Recreation Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-454)

Adopting the revised Conflict of Interest Code for the Park and Recreation Department.

CITY MANAGER SUPPORTING INFORMATION:

The Park and Recreation Department's Conflict of Interest Code was last revised by R-290924 on November 10, 1998. This revision is intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest code as reflected in City Council Resolution R-296693 adopted June 18, 2002. The Park and Recreation Department's code has been revised to include new positions which must be designated, revised the titles of existing positions and updated the required filing categories.

FISCAL IMPACT:

None with this action.

Loveland/Oppenheim/PJ

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-119: Conflict of Interest Code for the Park and Recreation Board.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-471)

Adopting the revised Conflict of Interest Code for the Park and Recreation Board.

CITY MANAGER SUPPORTING INFORMATION:

Government Code Section 87306.5 of the Political Reform Act requires that the City Council, on or before July 1 of every even-numbered year, direct all city departments and agencies to review their conflict of interest codes and either amended the code or provide a written report to City Council indicating that no amendment is necessary. The amended code or report must be submitted no later than October 1. Additionally, San Diego Municipal Code Sections 26.0104, 26.0105, and 26.0106 set forth the requirements for review and adoption of conflict of interest codes for the City's boards and commissions. The Park and Recreation Board has reviewed its code and has revised the Disclosure Categories to be more definitive of the Board's scope and to reflect changes in the Departmental organization.

Herring/Oppenheim/JD

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-120: Conflict of Interest Code for the New Planning Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-476)

Adopting a Conflict of Interest Code for the New Planning Department

CITY MANAGER SUPPORTING INFORMATION:

The Planning Department has been in a restructuring phase for a few years. Council has established us an independent department and we are updating our Conflict of Interest Code to meet the requirement by the Political Reform Act (Government Code 81000 et seq.). The Planning Department Conflict of Interest Code has been revised to reflect updated designated positions required to disclose economic interests.

FISCAL IMPACT:

None.

Loveland/Goldberg/YL

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-121: Conflict of Interest Code for the Public Facilities Financing Authority.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-472)

Adopting the revised Conflict of Interest Code for the Public Facilities Financing Authority.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-122: Conflict of Interest Code for the Real Estate Assets Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-456)

Adopting the Revised Conflict of Interest Code for the Real Estate Assets Department.

CITY MANAGER SUPPORTING INFORMATION:

The Real Estate Assets Department's Conflict of Interest Code was last revised by R-294193 on November 20, 2000. This revision is intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-296693 adopted June 18, 2002. The Real Estate Assets Department's code has been revised to include a new position which had not been previously designated, to reflect changes in the Department organization, and to update the required filing categories.

Loveland/Griffith/AS

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-123: Conflict of Interest Code for the San Diego City Employees' Retirement System.

RETIREMENT BOARD'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-477)

Adopting the revised Conflict of Interest Code for the San Diego City Employees' Retirement System.

SUPPORTING INFORMATION:

San Diego City Employees' Retirement System's Conflict of Interest Code was last revised by RR-294194 on November 20, 2000. It now needs to be revised to add the positions of Supervising Management Analyst and Public Information Officer.

Grissom/LEC

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-124: Conflict of Interest Code for the San Diego Convention Center Corporation.

SAN DIEGO CONVENTION CENTER CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-469)

Adopting the revised Conflict of Interest Code for the San Diego Convention Center Corporation.

SUPPORTING INFORMATION:

The San Diego Convention Center Corporation's Conflict of Interest Code was last revised on November 20, 2000 by R-294195. This revision is to conform to the biennial review and update requirements of Government Code §87306.5 and City Council Resolution R-296693. The San Diego Convention Center Corporation's code has been revised to include new positions not previously designed and changes in titles, and to delete an eliminated position. An additional disclosure category was added to Appendix A.

Wallace/BK

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-125: Conflict of Interest Code for the San Diego Housing Commission.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-474)

Adopting the revised Conflict of Interest Code for the San Diego Housing Commission.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-126: Conflict of Interest Code for the San Diego Police Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-540)

Adopting the revised Conflict of Interest Code for the San Diego Police Department.

CITY MANAGER SUPPORTING INFORMATION:

The Police Department's Conflict of Interest Code was last revised by Resolution R-294197 on November 20, 2000. This revision is intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution R-296693 adopted on June 18, 2002. The Police Department's code has been revised to include new positions which had not been previously listed and to clarify the language of the required reporting categories.

Uberuaga/Bejarano/JW

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-127: Conflict of Interest Code for the Salary Setting Commission.

PERSONNEL DEPARTMENT'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-473)

Adopting the revised Conflict of Interest Code for the Salary Setting Commission.

SUPPORTING INFORMATION:

The Salary Setting Commission's Code has been revised to change Appendix B, 3. to read: All reportable income & all reportable gifts from any person, business entity, or non-profit organization that:

- (a) Supplies goods or services to the City of San Diego,
- (b) is a tenant of the City of San Diego,
- (c) is granted authority by the City of San Diego to use City facilities,
- (d) does business in the City of San Diego,
- (e) is regulated or licensed by the City of San Diego,
- (f) currently receives City funding,
- (g) has in the past received City funding, or
- (h) may reasonably foreseeably apply for City funding in the future.

Snapper/LJ

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-128: Conflict of Interest Code for the Southeastern Economic Development

Corporation.

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

Adopt the following resolution:

(R-2003-470)

Adopting the Revised Conflict of Interest Code for the Southeastern Economic Development Corporation.

SUPPORTING INFORMATION:

The Southeastern Economic Development Corporation's Conflict of Interest Code was last revised by R-290858 on October 19, 1998. This revision is intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest codes as reflected by City Council Resolution R-296693 adopted on June 18, 2002. Appendix A has been revised to reflect changes, additions and/or deletions in the position titles.

Smith/KK

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-129: Conflict of Interest Code for the Special Projects Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-431)

Adopting a Conflict of Interest Code for the Special Projects Department.

CITY MANAGER SUPPORTING INFORMATION:

The Special Projects Department's Conflict of Interest Code was last revised by R-294181 on November 20, 2000. This revision is intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution R-296693 adopted on June 18, 2002. The Special Projects Department's code has been revised to reflect changes in the Departmental organization.

Herring/Dunchak/JGD

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-130: Conflict of Interest Code for Technology Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-479)

Adopting the Revised Conflict of Interest Code for Technology Services.

CITY MANAGER SUPPORTING INFORMATION:

Technology Services is comprised of the Information Technology and Communications Department. The Conflict of Interest for Technology Services was last revised through Resolution R-294198 adopted on November 20, 2000.

Arellano/Wilken

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-131: Conflict of Interest Code for the Transportation Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-455)

Adopting the Revised Conflict of Interest Code for the Transportation Department.

CITY MANAGER SUPPORTING INFORMATION:

This revision is intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-296693 adopted on June 18, 2002. The Transportation Department Code has been revised to delete

positions that have been transferred to another City Department and to reflect reorganization changes.

Loveland/Gonzalez/MEM

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-132: Conflict of Interest Code for the Water Department, Amendment No. 11.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-478)

Adopting the revised Conflict of Interest Code for the Water Department.

CITY MANAGER SUPPORTING INFORMATION:

The Political Reform Act of 1974 (Government Code Section 87300, et. seq.) requires all agencies to prepare and submit for approval a Conflict of Interest Code to the City Council. On April 27, 1977, Council approved the Conflict of Interest Code for the Water Department.

The Conflict of Interest Code has been amended eleven times to reflect organizational changes. This amendment again updates Appendix A of the Code. This appendix lists the duties and categories of those designated positions, the incumbents of which are required to submit Conflict of Interest Statements. Several organizational changes render Appendix A obsolete. This amendment changes Appendix A of the Code. However, there are no needed changes to Appendix B.

This revision is intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest codes. Employees filling new positions designated as having potential conflicts of interest were afforded the opportunity to review and comment on this amendment.

FISCAL IMPACT:

None with this action.

Mendes/Gardner/WKM

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-133: Two actions related to Approval of Agreements on SDCERS Board Indemnification & City SDCERS Employer Contributions.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-390)

Declaring that the City of San Diego agrees to defend, indemnify and hold harmless the members of the Board of Administration for the San Diego City Employees' Retirement System in the performance of their duties.

Subitem-B: (R-2003-661)

Authorizing the City to enter into an agreement with the San Diego City Employees' Retirement System regarding employer contributions.

CITY MANAGER SUPPORTING INFORMATION:

Board Indemnification: Section 141 of the San Diego City Charter created the San Diego City Employees' Retirement System (SDCERS). Section 144 provides that SDCERS be administered by a thirteen (13) member governing board known as the Board of Administration (Board), which includes three members elected by the General Members of SDCERS, one member elected by the retirees of SDCERS, two members elected by the Safety Members of SDCERS, one Police, one Fire, respectively, three ex-officio members: City Manager, City Auditor, and City Treasurer, and four citizen members, one of which must be an officer of a local bank, are appointed by the Council and serve without compensation. Charter Section 144 grants the Board the sole authority to determine the rights and benefits eligibility from SDCERS, administer SDCERS, and invest the SDCERS trust fund; SDCERS Board Members may, from time to time, be subjected to claims and suits for actions taken in their capacity as such.

Due to the need to protect and encourage individuals who volunteer their time and their talent to serve in the public interest, approval of the resolution provides that the City shall defend, indemnify and hold harmless all past, present and future members of the Retirement Board against all expenses, judgments, settlements, liability and other amounts actually and reasonably incurred by them in connection with any claim or lawsuit arising from any act or omission in the scope of the performance of their duties as Board Members under the Charter.

Employer Contributions: On June 7, 1996, the City proposed and the SDCERS Board of Administration ("Board") agreed to the City Manager's Retirement Proposal, as modified, ("Manager's Proposal") dated July 21, 1996. The Manager's Proposal sets out agreements between the City and SDCERS with respect to contributions to be made by the City to SDCERS starting in Fiscal Year 1996. As a result of the recently concluded meet and confer process, the City and the Board recognize that under the current method of determining City contributions to SDCERS, the annual level of contributions has the potential to become volatile and SDCERS' funding ratio has decreased in recent years. The City and the Board also recognize that, under current fiscal circumstances, undue hardship would be imposed on the City if the Board were to

require that the City immediately increase its contributions to the full projected unit credit rate calculated by SDCERS' actuary. In response to those concerns, on June 18, 2002, the City requested the Board agree to an amended Manager's Proposal. On July 11, 2002, the Board approved modifications to the Manager's Proposal. This Agreement is entered into in order to provide a transition period for City contributions to be brought, by Fiscal Year 2009, to the full contribution rates that would be applied if the projected unit credit funding method were used, to provide accelerated contributions by the City if SDCERS' funding ratio goes below 82.3% before the end of the term of this Agreement, and to terminate all transition arrangements regarding contributions with the City at the end of Fiscal Year 2009. The attached agreement describes the current and proposed contribution arrangements.

Herring/Kelley

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-134: Consultant Selection - City of San Diego Annual Independent Auditor.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-642)

Authorizing the City Manager to execute an agreement with Calderon, Jaham, and Osborn, for the purpose of conducting the City's annual independent audit for Fiscal Year 2002-2003 and granting four, one-year extensions under the agreement.

CITY MANAGER SUPPORTING INFORMATION:

A Request for Proposal (RFP) was issued on August 6, 2002 for Independent Auditor Services to the City of San Diego and its related entities for Fiscal Years 2002 - 03 through 2006 - 07. In accordance with Council Policy 300-7, the RFP was advertised in the San Diego Daily Transcript, La Prensa San Diego, and Voice and Viewpoint for the period of August 8, 2002 through August 15, 2002. In addition, the RFP was sent directly to 25 local and regional California accounting firms, posted on the City's website, and posted at several other locations such as the Asian Business Association and the San Diego Hispanic Chamber of Commerce.

A diverse selection committee consisting of seven members including representatives from the City, Data Processing Corporation, Centre City Development Corporation, Convention Center Corporation, and the County of San Diego reviewed four proposals and interviewed two finalists (Calderon, Jaham, and Osborn and Moss, Levy and Hartzheim). The committee recommends that Calderon, Jaham, and Osborn be retained to provide independent audit services to City and its related entities. Calderon, Jaham, and Osborn has been the City's independent auditor for the contract period Fiscal Year 1992-1993 through Fiscal Year 2001-2002. The firm has provided excellent service to the City and its related entities during these past ten years and was

determined by the committee to be the most qualified to continue providing these services.

FISCAL IMPACT:

Total cost will not exceed \$304,946 for the first year of the contract and will be paid from the Annual, Audit program in Citywide Expenditures (\$102,972), Water Fund (\$17,346), Sewer Fund (\$36,684), Retirement Fund (\$1,785), Stadium Operating Fund (\$387), Public Facilities Financing Authority Expense Fund (\$190), Ballpark Facility (\$1,011), Open Space Facilities District 1 (\$3,298), Facilities and Equipment Leasing Corporation (\$3,298), Metropolitan Transit District Board (\$3,298), Automated Regional Justice Information Fund (\$3,900), San Diego Geographic Information Source (SanGIS) (\$5,900), San Diego Medical Services Enterprise, LLC (\$13,000), Convention Center Corporation (\$24,074), Housing Commission (\$39,303), Data Processing Corporation (\$18,000), Redevelopment Agency (\$15,000), Centre City Development Corporation (\$5,000), Southeastern Economic Development Corporation (\$4,000), and Abandoned Vehicle Abatement Authority (\$6,500).

Frazier/Villa/LO

Aud. Cert. 2300511.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-135: Easements for Miramar Filtration Plant Early Start Improvements.

(Scripps Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-621)

Authorizing the City Manager to expend an amount not to exceed \$6,000 from Fund 41500, CIP-73-284.1, for the acquisition of required water and electrical easements, and for the appraisal, title, escrow, labor and miscellaneous costs associated with the acquisition of the property rights required for the Miramar Filtration Plant Early Start Improvements Project, Phase I.

CITY MANAGER SUPPORTING INFORMATION:

The Miramar Water Treatment Plant Early Start Improvements Phase I represents initial improvement components outside Miramar Water Treatment Plant perimeter necessary to achieve the expansion of the plant from 140 million gallon per day (MGD) to 215 MGD. The project entails the installation of various water distribution system pipelines to provide redundancy and increased capacity to the existing distribution system. The subject water easement is required to allow for connection to be made to an existing water main, which lies

within an existing easement area. Additionally, the electrical easement is required to accommodate the installation of a cathodic protection system, to protect the line from corrosion.

In order to avoid costly construction delays, on the merits of an Encroachment Removal Agreement granted by the property owner, San Diego City Schools, the pipe installation and electrical connection work was completed in the Spring of 2002. On September 24, 2002, the School board passed a Resolution of Intention, to approve the granting of the easement rights in perpetuity.

Approval of the requested action will allow for the acquisition of the required water and electrical easements.

FISCAL IMPACT:

Funds in the amount of \$6,000 are available in Fund 41500, Miramar Filtration Plant Upgrade and Expansion - Early Start, CIP-73-284.1.

Herring/Griffith/SLG

Aud. Cert. 2300459.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-136: Vacation of a Sight Visibility Easement in Map 13760.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-583)

Vacation of a sight visibility easement in Map 13760 to unencumber this property under the procedure for the summary vacation of public service easements, Section 8330 et seq. of the California Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a sight visibility easement in Map-13760. This property is located in the Otay Mesa Planning area within Council District 8. The sight visibility easement was granted to the City in 1999 based on a traffic study for a portion of Dennery Road. A revised traffic plan was submitted to the City and a new sight visibility easement

was granted, making the old easement unnecessary. The Traffic Section of the Development Services Department has reviewed the vacation request and recommends approval. This easement was acquired at no cost to the City.

City staff recommends approval of the easement abandonment.

FISCAL IMPACT:

None, all costs have been paid by the applicant.

Ewell/Broughton/AEA

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-137: Sandburg Neighborhood Park Tot Lot Improvements.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-638)

Authorizing amendment of the Fiscal Year 2003 Capital Improvements Budget by increasing CIP-29-410.0, Sandburg Neighborhood Park Tot Lot Improvements, in the amount of \$82,722 from Fund No. 79006, Mira Mesa Public Facilities Benefit Fund;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$82,722 from CIP-29-410.0, Sandburg Neighborhood Park Tot Lot Improvements, from Fund No. 79006, Mira Mesa Public Facilities Benefit Fund, in the amount of \$82,722, for the purpose of park improvements.

CITY MANAGER SUPPORTING INFORMATION:

This project will provide for playground improvements at Sandburg Neighborhood Park, located in the community of Mira Mesa.

The five acre park was originally developed in 1984. Since that time, due to damage or non-compliance with current safety standards, all playground equipment has been removed from the park. By State law, all public play areas must conform to the Consumer Product Safety

Commission and American Society of Testing Materials Guidelines. Additionally, play areas are to be made disabled accessible in compliance with Americans with Disabilities Act Guidelines and the State of California's Title 24.

During the past several years, neighborhood residents worked with City staff to revise the General Development Plan (GDP) for the park, which provides for upgraded facilities. The GDP was approved by the Park and Recreation Board on March 16, 2000. The proposed upgrades will implement a portion of the revised GDP, and are required to bring the tot lot into full compliance with State and Federal safety and accessibility guidelines.

On August 7, 2002, bids were received for construction for the tot lot improvements. The low bid was \$273,518, 39% over the consultant's estimate of probable cost of \$196,842. Appropriation of \$82,722 to the project will enable the award of a construction contract to the low bidder and construction to commence most expeditiously.

FISCAL IMPACT:

Funds in the amount of \$82,722 are available in the Mira Mesa Public Facilities Benefit Fund, Fund No. 79006, for this purpose. Currently, funds in the amount of \$265,389 have been appropriated to CIP-29-410.0, Sandburg Neighborhood Park Tot Lot Improvements by previous Council action. Appropriation of the requested \$82,722 will increase the total project cost to fully fund the project.

Herring/Oppenheim/DS

Aud. Cert. 2300484.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-138: Peñasquitos Creek Neighborhood Park Tot Lot Upgrade Project.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-616)

Authorizing and directing the City Auditor and Comptroller to transfer \$30,000 from the Black Mountain Ranch Development Agreement funds, Fund No. 392190 to CIP-29-416.0, Peñasquitos Creek Neighborhood Park, to upgrade the existing Tot Lot to comply with current safety and maintenance standards as well as meeting the American with Disabilities Act (ADA) requirements;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed

\$30,000 from CIP-29-416.0, Peñasquitos Creek Neighborhood Park, for the purpose of constructing the Peñasquitos Creek Neighborhood Park Tot Lot Upgrade project to augment previously authorized expenditures;

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

CITY MANAGER SUPPORTING INFORMATION:

The scope of this project is to upgrade the existing Tot Lot to comply with current safety and maintenance standards as well as American with Disabilities Act (ADA) requirements. The funding authorized by this Council Action will supplement funding previously authorized to construct the project. The design of the project is 100% complete. Currently the project is out to bid.

The additional funds will be used to meet increased costs for playground equipment, to complete “path of travel” construction work (including upgrading the ramp and parking stalls) to meet the current Americans with Disabilities Act (ADA) requirements, and to administer and close out the project.

FISCAL IMPACT:

The estimated total project cost is \$180,000; of this amount, \$150,000 has been previously authorized. The additional \$30,000 is available from the Black Mountain Ranch Development Agreement fund, Fund No. 392190.

Loveland/Belock/AO

Aud. Cert. 2300448.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-139: Pipeline Rehabilitation in the ROW Phase A - Change Order #1.

(See memorandum from Scott Tulloch dated 10/2/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-632)

Approving Change Order No. 1, with Insituform Technologies, Inc. to rehabilitate an additional 680 feet of trunk sewer;

Authorizing the expenditure of an amount not to exceed \$433,000 from Fund 41506, provided that the City Auditor first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, 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.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/9/2002, NR&C voted 5 to 0 to approve and direct staff to report back to the Natural Resources and Culture Committee within sixty days on the following issues: A) How many CIP Contracts went above the City Engineer's estimate in the past year. Include dollar amount and CIP projects from the following City Departments: Water, Metropolitan Wastewater, and Engineering and Capital Projects. B) Comprehensive report of the CIP process. Include feasibility of increasing design-build contracts and other bid options to help address escalating costs. (Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The Pipeline Rehabilitation in the ROW and Easements, Phase "A" Contract is in the process of rehabilitating 26 miles of sewer mains. On October 10, 2001 the City Council authorized Resolution Number R-295526 to execute a construction contract with the lowest responsible bidder and the contract was awarded to Insituform Technologies, Inc for \$11,965,336.

This request is for Change Order #1 to rehabilitate an additional trunk sewer. The developers of the La Jolla Crossroads and La Jolla Commons projects exposed an existing 48" RCP trunk sewer. MWWD was notified that the interior lining of the pipe had separated from the host pipe. MWWD inspected the pipe and determined that 680 LF of new liner is required to maintain the integrity of the trunk sewer. This trunk sewer will be located 40 feet below the proposed La Jolla Crossroads Hotel. It is requested that this work be added to the scope of the Phase "A" contract, so rehabilitation work can be completed without interruption to the La Jolla Commons and Crossroads development projects and the continued integrity and reliability of the trunk sewer is maintained.

MBE/WBE Utilization: The Phase "A" Contract includes \$1,881,770 (15.73%) of the work to be performed by Black IPO, DBE. Change Order No. 1 allocates no additional work to DBE or DVBE firms.

FISCAL IMPACT:

This request is for \$433,000 and is available in Sewer Fund 41506, CIP-46-506.0, Pipeline Rehabilitation in the ROW & Easements - Phase A.

Mendes/Tulloch/MPL

Aud. Cert. 2300482.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-140: Transfer of Funds from North Park Defensible Space to Pershing Portal and Hillcrest Streetscape Improvements.

(Greater North Park/Hillcrest Community Areas. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-439)

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$54,129.32 in TransNet Livable Community/Economic Fund 30304, which is the remaining balance in CIP-39-221.0, North Park Defensible Space, to the following two CIP projects in the same geographical area of North Park: (1) \$40,000 to CIP-39-226.0, Pershing Portal, and (2) \$14,129.32 to CIP-39-213.0, Hillcrest Streetscape Improvement;

Authorizing the cancellation of North Park Defensible Space, CIP-39-221.0.

CITY MANAGER SUPPORTING INFORMATION:

This action would transfer \$54,129.32 of TransNet funds remaining in CIP-39-221.0 (North Park Defensible Space Project). The North Park Defensible Space project was part of the Livable Neighborhoods Program and was completed in coordination with other neighborhood projects. \$40,000 of the \$54,129.32 would be transferred to CIP-39-226.0 (Pershing Portal Project) to complete the permanent closure of Pershing Drive on the north side of the intersection of Upas Street. In order to increase neighborhood safety and security, lighted bollards, enhanced paving and landscaping improvements will be installed. The remaining amount of \$14,129.32 would be transferred to CIP-39-213.0 (Hillcrest Streetscape Improvement Project) as an additional funding needed for phase 2, which includes: sidewalk, curb, gutter, 2 new pop-outs, diagonal parking and street trees on University Avenue between Herbert Street and Normal Street.

FISCAL IMPACT:

Through this action, \$40,000 would be transferred to CIP-39-226.0 (Pershing Portal Project). Once this transfer has occurred, this project will be fully funded with a total project cost of \$210,000. The remaining \$14,129.32 would be transferred to CIP-39-213.0 (Hillcrest Streetscape Improvement Project), within Fund 30304, TransNet Livable Communities/Economic Needs Fund from CIP-39-221.0 (North Park Defensible Space Project), which would then be closed out.

Herring/Cunningham/JVK

Aud. Cert. 2300474.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-141: Funding for Mission Valley Branch Library.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-634)

Authorizing the City Auditor and Comptroller, in accordance with the Fiscal Year 2003 Appropriation Ordinance, to amend the CIP Budget to increase CIP-35-092.0, Mission Valley Library DIF Fund No. 79529, by the amount of \$175,000;

Authorizing the City Auditor and Comptroller to transfer funds in an amount not to exceed \$175,000 from DIF Fund 79529, Mission Urban Community to CIP-35-092.0, for the construction of the Mission Valley Branch Library;

Authorizing the City Auditor and Comptroller to appropriate and expend a total amount not to exceed \$175,000 from CIP-35-092.0, for the construction of the Mission Valley Library;

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

CITY MANAGER SUPPORTING INFORMATION:

The Mission Valley Branch Library is a new 19,760 sq. ft. branch library located at 2123 Fenton Parkway. The library consists of main reading rooms, community meeting rooms, a computer laboratory, a children's library, a staff section, and an audiovisual aids area.

On January 30, 2001, the City Council approved awarding a construction contract to Kvas Construction. The new Library is substantially completed and was opened on July 20, 2002. Funding is being requested now for construction change order work to enhance project accessibility, safety and security including pedestrian ramps, safety railings over glass panels, handrails, mechanical modifications and perimeter fencing.

FISCAL IMPACT:

The amount of \$175,000 is available in Developer Impact Fee (DIF) Fund No. 79529, Mission Urban Community for this purpose.

Loveland/Belock/AO

Aud. Cert. 2300479.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-142: Authorizing Suggestion Awards to City Employees.

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-606)

David Picone - Fire and Life Safety Services Department - \$ 334.35

Subitem-B: (R-2003-607)

Douglas Murphy - Fire and Life Safety Services Department - \$152.40

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-143: Mr. Jim Bliesner Day.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-580)

Commending Mr. Jim Bliesner for his service and dedication to the City of San Diego;

Proclaiming November 21, 2002 to be "Mr. Jim Bliesner Day" in San Diego.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-144: Hacemos Day.

COUNCILMEMBER INZUNZA'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-628)

Recognizing and appreciating the assistance of Hacemos for its outstanding contributions to the community, and proclaiming November 8, 2002 as "Hacemos Day" in the City of San Diego.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-145: Andrew Lee Day.

COUNCILMEMBER INZUNZA'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-629)

Recognizing and appreciating the outstanding commitment of Andrew Lee to San Diego communities;

Proclaiming November 21, 2002 to be "Andrew Lee Day" in the City of San Diego.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-146: International Toastmasters' Day.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-521)

Proclaiming November 22, 2002 to be "International Toastmasters' Day" in San Diego.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:**

ITEM-200: Two actions related to San Diego New Main Library.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-648)

Authorizing the City Manager to execute the Third Amendment to the Agreement with Rob Wellington Quigley Architects, Inc., and Tucker Sadler Noble Castro Architects, Inc., for design services for the proposed New Main Library for an amount not to exceed \$1,500,000 from CIP-35-082.0, San Diego Main Library;

Authorizing the City Auditor and Comptroller to appropriate an amount not to exceed \$2,000,000 from the New Main Library Major Facility Fund, Fund No. 102216, to CIP-35-082.0, San Diego Main Library, to be reimbursed from the first phase of the bond financing;

Authorizing the expenditure of an amount not to exceed \$1,500,000 from CIP-35-082.0, San Diego Main Library, solely and exclusively for the purpose of providing funds for the above project;

Authorizing the City Auditor and Comptroller to expend from CIP-35-082.0 an amount not to exceed \$285,000 for the chilled water line to the Main Library, and an amount not to exceed \$215,000 for engineering costs including City staff charges.

Subitem-B: (R-2003-649)

Declaring that the information contained in the final document, Mitigated Negative Declaration LDR-41-0980, including any comments received during the public review process, has been reviewed and considered by this Council and it is

determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with the approval of the Third Amendment to Agreement Between the City of San Diego and a Joint Venture Between Rob Wellington Quigley Architects, Inc. and Tucker Sadler Noble Castro Architects, for design services associated with the San Diego New Main Library;

Directing the City Clerk to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above action.

CITY MANAGER SUPPORTING INFORMATION:

In August 1996, after a rigorous selection process was conducted, the Mayor and Council approved the selection of a team of architects and engineers led by Rob Wellington Quigley, FAIA to design the proposed New Main Library on the Kettner site. In June 2000, the Mayor and Council reviewed several alternative sites and selected the Bay to Park site for the proposed New Main Library. The selection was conditioned on future CEQA review and studies of the site. The Bay to Park site is adjacent to the main intersection of the Park to Bay link, between 11th and 12th and J and K Streets in downtown San Diego. To complete these studies and the environmental documentation, the City Manager entered into an agreement with Rob Wellington Quigley, FAIA for \$175,000 in September 2000 which was followed by a Council approved First Amendment to Agreement for \$510,000 in October 2000. These contracts developed a portion of the schematic plans and validated the budget and the ability to implement the Library's program at the Bay to Park site.

In July of 2001 Council approved an additional \$1,000,000 for the Second Amendment to Agreement that assigned the contract to a Joint Venture between Rob Wellington Quigley Architects, Inc. and Tucker Sadler Noble Castro Architects, Inc. and will complete the schematic design of the library. The Third Amendment to Agreement will add \$1,500,000 to the contract so that the Joint Venture can continue the design through May 2003. This portion of the work will complete approximately half of the design

development phase. This project will return to Council to request authorization for a future amendment, which will facilitate completion of design by Spring 2004.

FISCAL IMPACT:

The Third Amendment to Agreement increases the contract from \$1,685,000 to \$3,185,000. Funds for this purpose, \$1,500,000, are available in CIP-35-082.0, San Diego New Main Library. Additional \$285,000 is made available for the chilled water line to the Main Library, and an amount not to exceed \$215,000 is made available for engineering costs and City staff charges. The \$2 million appropriated is part of the \$16.9 million discussed under the Library System Improvements Program and the \$2 million will be reimbursed with the first bond issuance.

Herring/Belock/AO

Aud. Cert. 2300510.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:**

ITEM-201: Three actions related to the Library System Improvements Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-639)

Approving the Conceptual Financing Plan for the financing of the Library System Improvements Program;

Directing the City Manager, the City Auditor and Comptroller, and the City Attorney to proceed with the preparation of the necessary documents to authorize a lease revenue financing to fund a portion of the Library System Improvements Program, as set forth in the Conceptual Financing Plan;

Directing the City Manager, the City Auditor and Comptroller, and the City Attorney to expend an amount not to exceed \$16,904,138 from Fund 102216 for interim expenses related to the Library System Improvements Program, to be reimbursed from the first phase of the bond financing;

Authorizing the City Auditor and Comptroller to establish the New and Expanded Library Operation Fund (Fund No. 10180), for the purpose of funding the operation and maintenance expenses related to library system facilities constructed or expanded after December 2002;

Declaring that further implementation of the Library System Improvements Program which has not yet been the subject of necessary environmental review is potentially conditioned upon appropriate compliance with CEQA.

Subitem-B: (R-2003-640)

Amending Council Policy No. 100-19 regarding the Annual Appropriation for Library Maintenance.

Subitem-C: (R-2003-641)

Declaring the Intent of the Council of the City of San Diego to reimburse itself for expenditures in connection with the Library System Improvements Program.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Settlement of the Property Damage Claim of William Anders and Richard Harrison.

(R-2003-584)

Adopted as Resolution R-297256.

A Resolution approved by the City Council in Closed Session on Tuesday, October 29, 2002, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$276,713.78 in the settlement of each and every claim against the City, its agents and employees, as a result of a sewer main stoppage which occurred on August 16, 2001, resulting from the property claim of William Anders and Richard Harrison. The City of San Diego paid a sum of \$50,000 from damages arising from this incident;

Authorizing the City Auditor and Comptroller to issue two checks, one in the amount of \$27,431.75 made payable to Major General Anders and one in the amount of \$199,282.03 made payable to Luth & Turley, Inc., in settlement of all claims.

Aud. Certs. 2300438 and 2300444.

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

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: **Notice** of Pending Final Map Approval - “Costa Del Sol West.”

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Costa Del Sol West,” located in the Pacific Highlands Ranch Community Plan Area, southwesterly of Hwy. 56 and Caminito Mendiola in Council District 1, a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT