

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 13, 2008
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 Peters at 10:09 a.m. The meeting was recessed by Council President Peters at 11:54 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:08 p.m. with all Council Members present. Council President Peters recessed the meeting at 3:03 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 3:14 p.m. with all Council Members present. Council President Peters reconvened the Redevelopment Agency at 3:15 p.m. Council President Peters reconvened the regular meeting at 3:27 p.m. with Council Member Maienschein not present. Council President Peters convened the Special Joint Public Hearing with the Redevelopment Agency and Council at 3:28 p.m. Council President Peters reconvened the regular meeting at 4:17 p.m. with Council Member Maienschein not present. Council President Peters recessed the meeting at 4:20 p.m. for the purpose of a break. Council President Peters reconvened the regular meeting at 4:25 p.m. with Council Member Maienschein not present. Council President Peters reconvened the Redevelopment Agency at 4:25 p.m. Council President Peters reconvened the regular meeting at 5:15 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 5:25 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Hueso-present

Clerk-Maland (dlc/mz)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on prayer and the flag salute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. – 10:45 a.m.)

PUBLIC COMMENT-2:

Sunshine Horton commented on her birthday bash.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-3:

Carol Jahnkow and Pedro Rios commented on the Blackwater permit.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. - 10:54 a.m.)

PUBLIC COMMENT-4:

Ted Patrick commented on a killing in San Diego.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-5:

Phil Hart commented on the budget.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:57 a.m. - 11:00 a.m.)

PUBLIC COMMENT-6:

Steve Bruce commented on a world summit for children.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:01 a.m. - 11:04 a.m.)

PUBLIC COMMENT-7:

Tom Candelles commented on blacklisting.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:04 a.m. - 11:07 a.m.)

PUBLIC COMMENT-8:

Nicholas Moffit commented on parking problems.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:08 a.m. - 11:11 a.m.)

PUBLIC COMMENT-9:

Izean Rim, Jr., commented on public safety.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:11 a.m. - 11:14 a.m.)

PUBLIC COMMENT-10:

Ray Lutz commented on citizens' oversight.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:14 a.m. - 11:16 a.m.)

PUBLIC COMMENT-11:

Elinor Rector commented on a Bible perspective.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:14 a.m. - 11:19 a.m.)

PUBLIC COMMENT-12:

David Ross commented on misplaced people in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:19 a.m. - 11:21 a.m.)

PUBLIC COMMENT-13:

Katheryn Rhodes commented on the City Attorney.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:22 a.m. - 11:25 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Frye announced a Community Cleanup Event to be held June 7, 2008, with members of the Tijuana River Valley sponsored by the Equestrian Club and REI.

Council Member Frye also announced the San Diego River Days Celebration with a River Cleanup to be held this Saturday, May 17, 2008, beginning at 12:00 p.m. at the Mission Valley Library. Another celebration honoring the San Diego River Days is a Ruffin Canyon Rock Painting Event this Saturday, May 17, 2008, to help the native plants with a closing event at the Mission Valley River.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:45 a.m. – 11:46 a.m.)

COUNCIL COMMENT-2:

Council Member Atkins announced the Friends of Normal Heights River Days also celebrating at Fenton Marketplace in Mission Valley, Saturday, May 17, 2008, which begins at 9:30 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:46 a.m. - 11:50 a.m.)

COUNCIL COMMENT-3:

Council President Pro Tem Madaffer invited all to attend the 23rd Annual Patriots Day Parade with a BBQ at 4:00 p.m. and fireworks at 8:30 p.m. This event will be held at the Tierrasanta Community Park.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:51 a.m. – 11:53 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



[ITEM-30:](#) Grand Jury Awareness Week.

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-972) ADOPTED AS RESOLUTION R-303668

Recognizing the San Diego County Grand Jury for their hard work and commitment to performing this critical role for our City, our collective justice system, and the citizens of San Diego;

Proclaiming May 11–17, 2008, to be “Grand Jury Awareness Week” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:12 a.m. – 10:17 a.m.)

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



[ITEM-31:](#) Tourism Week.

**COUNCIL PRESIDENT PETERS' AND COUNCILMEMBER FAULCONER'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2008-991) ADOPTED AS RESOLUTION R-303669

Proclaiming May 12-16, 2008, to be "Tourism Week" in the City of San Diego, in recognition of the importance of the visitor industry to San Diego's economy and quality of life.

FILE LOCATION: AGENDA

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

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



[ITEM-32:](#) Emergency Medical Services Week.

COUNCILMEMBER YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-983) ADOPTED AS RESOLUTION R-303670

Recognizing the value and the accomplishments of San Diego Medical Services Enterprise as the emergency medical services provider for the citizens of San Diego;

Proclaiming May 18-24, 2008, to be "Emergency Medical Services Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:17 a.m. – 10:23 a.m.)

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



* ITEM-50: Reclassifying and Changing the Number of Commissioners on the City of San Diego's Commission on Gang Prevention and Intervention.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/28/2008, Item 200. (Council voted 8-0):

(O-2008-76 Cor. Copy) ADOPTED AS ORDINANCE O-19748
(New Series)

Amending Chapter 2, Article 6, Division 19, of the San Diego Municipal Code by amending Sections 26.1902 and 26.1903, all related to the Commission on Gang Prevention and Intervention. The purpose of this ordinance is to amend Chapter 2, Article 6, Division 19 to add certain public officeholders to the Commission and to change meeting requirements. The additions are: the San Diego County District Attorney; the San Diego County Chief of Probation; the State of California Chief District Administrator, Department of Corrections, Division of Adult Parole Operations; the San Diego County Sheriff San Diego Unified School District, Superintendent; the Superintendent of the County Office of Education and the Chief of Police for the City of San Diego as a member.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

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

- * ITEM-51: Expansion of the Adams Avenue Business Improvement District to Include Kensington Business Core. (Normal Heights, Mid-City, and Kensington Community Plan Areas. District 3.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/29/2008, Item 338. (Council voted 6-0. Councilmember Maienschein and Council President Pro Tem Madaffer not present):

(O-2008-138 Cor. Copy) ADOPTED AS ORDINANCE O-19749
(New Series)

Amending Ordinance No. O-18087 to expand the Adams Avenue Business Improvement District to include the Kensington business core.

FILE LOCATION: STRT-L-29 (32)

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

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

 * [ITEM-52](#): Amending the San Diego Municipal Code Relating to Graffiti - Zero Tolerance to the Epidemic of Graffiti Vandalism.

(See City Attorney Report dated 9/7/2007.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2008-104) INTRODUCED; TO BE ADOPTED ON TUESDAY,
MAY 27, 2008

Introduction of an Ordinance amending Chapter 5, Article 4, Division 4, of the San Diego Municipal Code by amending Sections 54.0401, 54.0405 and 54.0414, and deleting 54.0412, all relating to Graffiti. This ordinance would update the Municipal Code by removing the crime of graffiti from the Municipal Code, requiring that graffiti vandals be charged under state anti-graffiti laws. This ordinance also expresses the City Council's intent that graffiti vandals be prosecuted to the fullest extent of the law.

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

On 9/12/2007, PS&NS voted 4 to 0 to approve the draft zero tolerance graffiti ordinance and forward to the full City Council. (Councilmembers Faulconer, Young, Maienschein, and Hueso voted yea.)

SUPPORTING INFORMATION:

The ordinance implements a zero tolerance approach to graffiti vandalism by updating the Municipal Code provisions dealing with graffiti, identifies graffiti as both a crime and a nuisance, and encourages prosecution of graffiti vandalism to the fullest extent of the law. It will preclude public access, without employee assistance, to certain equipment used to produce graffiti, and provide for increased committee oversight regarding program effectiveness.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The graffiti proposal was discussed at the PS&NS Committee meeting of March 28, 2007, and referred to the City Attorney to draft the ordinance. A report from the City Attorney regarding the Proposed Zero Tolerance of Graffiti Vandalism Ordinance and Draft Ordinance O-2007-156, were presented to the PS&NS Committee meeting at the meeting of September 12, 2007. The PS&NS Committee approved the draft ordinance and forwarded it to the City Council.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Some vendors were spoken with and presentations were made to District 5 and District 4 community groups. The ordinance was discussed on radio and announced on various television news programs.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

San Diego Police Department, Neighborhood Code Compliance, the City Attorney, retailers of graffiti tools, all City of San Diego communities, neighborhoods, and businesses that sell spray paint, etching products, or thick, indelible ink pens that are often used in graffiti crimes.

Rivera

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

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

 * [ITEM-53](#): Seventh Amendment to Agreement with Metropolitan Transit Development System (MTS) to Continue the Administration of Taxicabs and Other Private For-Hire Vehicles Regulations. (Citywide.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2008-144 Corr. Copy) INTRODUCED, TO BE ADOPTED ON
TUESDAY, MAY 27, 2008

Introduction of an Ordinance authorizing the Mayor, or his authorized designee, to execute a Seventh Amendment to Agreement with Metropolitan Transit System (MTS), to continue the administration of taxicabs and other private for-hire vehicles regulations, for a five-year period beginning July 1, 2008, under the terms and conditions set forth in the Seventh Amendment to Agreement (Agreement);

Authorizing MTS to continue to provide for the regulation of taxicabs and other private for-hire vehicles for services rendered wholly within the City's corporate limits as provided in the Agreement;

Declaring that this activity is exempt from California Environmental Quality Act (CEQA) Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

MTS has administered the regulations for taxicabs and other for-hire vehicles on the City's behalf since 1988 under a series of Agreements. The current Amendment expires June 30, 2008. This action extends the Agreement through June 30, 2013.

FISCAL CONSIDERATIONS:

MTS administers the program at no cost to the City. Their actual costs are recovered through fees charged to permittees.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Ordinance O-19195 authorizes the Sixth Amendment that extended the Agreement through June 30, 2008.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

MTS taxicab administration staff has notified the Taxicab Advisory Committee of its intention to seek a renewal of the Agreement.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The taxicab industry, including owners and drivers, are represented on the Taxicab Advisory Committee. Other stakeholders, also represented on the Committee, are organizations that represent taxicab customers such as the San Diego Convention Center, the Convention and Visitors Bureau, the Greater San Diego Hotel-Motel Association, the San Diego Travelers Aid Society, the Greater San Diego Chamber of Commerce, and the San Diego County Airport Authority.

Boekamp/Jarrell

Staff: Steve Celniker - (619) 699-6985
Michael P. Calabrese - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

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

- * ITEM-54: Contract Change Order No. 1 with RECON Environmental Inc. for the Lake Murray Mitigation Project.

(See Metropolitan Wastewater Department's 3/10/2007, Executive Summary Sheet.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2008-131) INTRODUCED, TO BE ADOPTED ON
TUESDAY, MAY 27, 2008

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, Change Order No. 1, issued in connection with the contract between the City and RECON Environmental, Inc., said contract being on file with the City Clerk as Document No. RR-299711;

Authorizing the expenditure of an amount not to exceed \$57,000 from Fund No. 41506, solely and exclusively, to provide funds for the above Change Order No. 1;

Declaring that this activity is not subject to the California Environmental Quality pursuant to CEQA Guidelines Section 15378(c) because the activity is a subsequent discretionary approval of a project which was adequately addressed in Environmental Impact Report PTS No. 6020, and there is no change in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15162.

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/23/2008, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

On September 10, 2004, the City Council authorized a not to exceed budget of \$550,000 for this project (R-299711). The lowest responsive bidder for this project was RECON Environmental, Inc., with a bid of \$250,400. The contract was approved and awarded by City Manager Action, C-13232 on April 4, 2005. The agreement, in the amount of \$250,400, included the design, construction support work, and 2 years of maintenance associated with the Lake Murray Mitigation Project. The project consists of the restoration of 5.0 acres of coastal sage scrub and the enhancement of 1.9 acres of wetland habitat on lands adjacent to the Lake Murray Reservoir in the Del Cerro Community on public lands within Mission Trails Regional Park. The area is being used as compensatory mitigation for past and future impacts to uplands and wetlands within the San Diego River Watershed.

Habitat mitigation projects involve construction, installation, and a mandatory 5 year maintenance and monitoring period. The Lake Murray Mitigation project was originally awarded with 2 years maintenance included in the contract. This was done to give MWWD flexibility in determining how to handle future maintenance needs. RECON Environmental, Inc. has performed satisfactorily in this task and MWWD wishes to extend their existing contract to continue with maintenance for the remaining three years. The existing contract and requested 1173 day extension with RECON will exceed five years and requires Council approval.

This request also includes additional costs to implement Optional Maintenance Years 3, 4, and 5 and field order allowances which total \$57,000. The current contract expires on April 30, 2008. This Change Order will enable RECON Environmental, Inc., to continue to provide maintenance services for the Lake Murray Mitigation Project as required by regulatory permits.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego

Goals: This is a Design Build Project: Subcontracting Outreach Program (SCOP) does not apply.

Other: Workforce Report Submitted. Contractor has submitted an updated workforce report dated February 13, 2008.

FISCAL CONSIDERATIONS:

This Change Order will increase the contract amount by \$57,000 to include funds for optional maintenance years 3, 4, & 5 and field order allowances. Funds are available in Sewer Reserve Account 41506.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

R-299711 Authorized funding in the amount of \$550,000.

C-13232 Approved contract for \$250,400 with RECON Environmental, Inc.

The Committee on Natural Resources and Culture on April 23, 2008, voted to approve 4-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

RECON Environmental, Inc.

Ferrier/Barrett

Aud. Cert. 2800645.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

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

- * ITEM-55: First Amendment to Agreement with Black & Veatch Corporation for Design and Construction Support Services for Otay II Pipeline Improvements Project – Cast Iron Replacement Phase. (Oak Park and Mid City Community Areas. Districts 4 and 7.)

(See Engineering and Capital Project Department's 4/16/2008, Executive Summary Sheet.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2008-136) INTRODUCED, TO BE ADOPTED ON
TUESDAY, MAY 27, 2008

Introduction of an Ordinance authorizing the Mayor to execute, for and on behalf of the City, a First Amendment to the Black & Veatch Corporation Agreement for design and construction support services for the Otay II Pipeline Improvement Project - Cast Iron Replacement Phase, in the amount of \$298,000, under the terms and conditions set forth in the agreement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess 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 Sections 15378(c) and 15060(c)(3). This activity is a subsequent discretionary approval covered under Otay II Pipeline Improvements Project Environmental Impact Report, Project No. 5503. The 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.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/23/2008, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

The Otay II Pipeline was originally constructed to convey water 19 miles from Otay Water Treatment Plant to University Heights Reservoir in North Park. Built from 1928 to 1930 the pipeline continues to serve today as a lifeline, moving up to 20 million gallons of water north and south between the Alvarado and Otay service areas. The primary objective of the Otay II

Pipeline Improvement Project is to maintain a reliable source of potable water through maintenance, repair, or replacement of the existing pipeline. The Cast Iron Replacement Phase (Project) is one of the eight phases of the Otay II Pipeline Improvements Project.

This Project is one of the mandated projects by the California Department of Public Health (DPH) Compliance Order (04-14-96CO-022). Located in Oak Park and Mid-City Communities it includes installation of 7,800 linear feet of new 42" welded steel transmission pipe and replacement of approximately 3,220 linear feet of existing cast iron pipe with 16" PVC distribution pipeline in 54th Street and abandonment of 1,200 linear feet of the Otay I and Otay II Pipelines east of Easy Street.

B&V, a major engineering consulting firm, was selected to provide design and construction support services for the Project. Their Agreement for \$1,444,100 was approved by City Council R-297241 on October 28, 2002. The original mandated dates were design completion of December 2004, followed by construction ending in December 2006. B&V met the original mandated design date and provided 100 percent design plans and specification. The mandated construction date was deferred by the Water Department due to budget constraints. On May 2006, B&V was directed to proceed to revisit and update the Project designed drawings and specification in accordance with the current codes and new design standards in order to award the construction contract.

The plans and specifications for the construction of the Project were approved on October 16, 2007 by City Council R-303080. The agreement with B&V has reached its five years term. The continued participation by B&V during the construction of the Project is essential to the overall Project success. The Engineering & Capital Projects Department is requesting to amend, via Ordinance, B&V's agreement to provide design and construction support services for the Project due to the following reasons:

1. B&V is the designer of record and is responsible to support the design during the construction.
2. It would cost more money and City staff time to educate a new consultant to provide professional services during the construction on the unique aspects of the existing design because of their unfamiliarity with the Project and with City's potable water system. This is going to cause confusion since the Project is presently awarding construction.
3. Legal and code related issues may arise by having a new consultant work on a project which was designed by another consultant. The City would possibly assume greater liability on the Project.

4. This Project is one of the eight phases of the Otay II Pipeline Improvements Project that is covered under a Programmatic Environmental Impact Report approved as of June 2004.
5. Any changes in design due to a new consultant on board will result in amending this report, which will cause delays to the schedules of the other phases.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City Of San Diego
Goals: 15% Voluntary (MBE/WBE/DBE/DVBE/OBE)
Subconsultant Participation: \$229,038.20 Certified Firms (13.15%) \$34,795 Other Firms (2%)
Other: Workforce Report Submitted-Equal Opportunity Plan required.
Staff will monitor plan and adherence to Nondiscrimination Ordinance.

FISCAL CONSIDERATIONS:

The additional cost for the first amendment to the agreement with B&V is \$298,000.00. Funding is available from the enterprise fund in CIP-73-286.0, Otay II Pipeline Improvements, Fund 41500, Water. These funds were previously authorized by R-303080. After executing this amendment, the new agreement amount will be \$1,742,100. No additional funding needs are anticipated for this project. Water Department revenue is dedicated for this project; 80% will be bond financed. The Auditor's Certificate is attached.

PREVIOUS COUNCIL COMMITTEE ACTION:

The First Amendment to the Agreement with Black & Veatch Consultant was approved 4-0 by the NR&C Committee on 04/23/08. Previous Council actions are the following:

- R-297241 approved by the City Council authorized a design agreement with Black & Veatch Corporation.
- R-303080 approved by the City Council authorizing the advertisement of the plans and specifications for construction.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Community presentation was provided to the Oak Park Community in February 2004 during the design of this project. Prior to construction, there will be presentations to the areas community groups and schools. As the construction of the project will progress, status information will be disseminated to the Mid-City and Oak Park area communities.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Key stakeholders are the Water rate payers, B&V (Design Consultant), El Cajon Grading (Construction Contractor) and the California Department of Public Health (DPH).

Boekamp/Jarrell

Aud. Cert. 2800725.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

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

* ITEM-56: Fifth Amendment to Agreement with URS Corporation for the Carmel Valley Road Enhancement Project. (Torrey Pines Community Area. District 1.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2008-148) INTRODUCED, TO BE ADOPTED ON
TUESDAY, MAY 27, 2008

Introduction of an Ordinance authorizing the Mayor to execute, for and on behalf of the City, an Agreement with URS Corporation, for additional construction support done during the construction for CIP-52-517.0, Carmel Valley Road Enhancement Project, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement;

Authorizing the expenditure of an amount not to exceed \$84,000 from Fund 30300, Transnet, CIP-52-517.0, Carmel Valley Road Enhancements Project, for the purpose of providing funds for the above referenced Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is covered under LDR No. 98-0718, Carmel Valley Road Enhancements. The 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. Because the prior environmental documents adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of CEQA review per CEQA Guidelines Sections 15060(c)(3) and 15378(c).

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

STAFF SUPPORTING INFORMATION:

On September 27, 2004 the City council approved the Plans, Specifications, advertising and funding of this project. Construction contract was awarded to the lowest responsible bidder, Scheidel Contracting and Engineering in the amount of \$4,604,681.50. Construction of Carmel Valley Road Enhancements Project began on July 18, 2006. This project enhanced the 0.9 mile stretch between Via Mar Valle and Portofino Drive. Improvements consisted of bike lanes, sidewalk on the north side, a pedestrian walkway on the south side, parking lanes, asphalt pavement repair, undergrounding of utilities, new street lights, and installation of curbs, gutters, pop-outs, storm drains and landscaping.

In 1997, the City entered into an Agreement with URS Corporation to provide preliminary design and environmental assessment for this project (R-288869). Subsequently in 1998 and 2000, the City executed the First and Second Amendments to the Agreement for preliminary design and environmental document preparation (R-290645 & R-293830). The Third Amendment to the Agreement was executed in 2002 to provide final design services and is on file in the Office of the City Clerk as Document No. R-296199. The Fourth Amendment to the Agreement was executed in September 2005 to provide construction support and to revise traffic control plans (O-19414). This Fifth Amendment to the Agreement is needed for additional construction support that was beyond URS's scope of work.

The following construction support tasks are covered under this Fifth Amendment: Additional environmental support was needed for field clarification of the wetland boundary shown on the plans and environmental document and required research efforts and several field visits. Revisions to the plans were necessary due to numerous underground utility conflicts that were not evident during design, including sewer force main belonging to City of Del Mar, telephone duct banks belonging to AT&T, and electric and gas lines belonging to SDG&E. These conflicts were primarily caused by undergrounding of utilities that occurred after the completion of design plans and prior to the start of construction. Other plan revisions arose from design changes requested by the community or City such as revised driveway profiles, special grates along the bike lanes, lowering of roadway profile, and relocation of various improvements. Additional project management efforts were required because construction duration was extended, during which time URS continued to provide support to the City.

FISCAL CONSIDERATIONS:

The total fee for providing services under this Amendment is \$84,000. Total Consultant Agreement will be \$1,370,360. Funds are available in Fund 30300, TransNet, CIP-52-517.0, Carmel Valley Road Enhancements Project.

PREVIOUS COUNCIL COMMITTEE ACTION:

The original contract with URS Corporation was executed in June 19, 1997 (R-288869). First Amendment was executed in September 8, 1998 (R-290645). Second Amendment was executed in September 18, 2000 (R-293830). Third Amendment was executed in March 18, 2002 (R-296199). Fourth Amendment was executed in September 26, 2005 (O-19414).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This project was coordinated with Torrey Pines Planning Group, California Department of Parks and Recreation and Carmel Valley Road Task Force.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

URS Corporation, California Department of Parks and Recreation.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego (TransNet)
Goals: 15% Voluntary (MBE/WBE/DBE/DVBE/OBE)
[Note: Per the previously approved agreement amount of \$1,286,360, the subcontractor participation was 19.41% (see EOCP evaluation for breakdown). With this current action, the subcontractor participation is 18.22%]
Subconsultant Participation: None for this action. Due to the nature of the work required for construction support services, subconsultant services were not utilized.
Other: Workforce Report Submitted - Equal Opportunity Plan was required. Staff has monitored plan and insured adherence to Nondiscrimination Ordinance.

Boekamp/Jarrell

Aud. Cert. 2800702.

Staff: Marnell Gibson - (619) 533-5213
Ryan Kohut - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

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



ITEM-60: Preparation of Salary Ordinance for FY 2008-2009.

(See memorandum from the City Attorney dated 4/18/2008.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the ordinance in Subitem A, which was introduced as amended on 4/21/2008, Item S400. (Council voted 6-2. Councilmembers Young and Frye voted nay.) [Councilmembers Peters, Faulconer, and Maienschein voted nay on the portion relating to the car allowance]. Adopt the resolutions in Subitems B, C, and D:

Subitem-A: (O-2008-134 Rev. 3) CONTINUED TO TUESDAY, MAY 20, 2008

Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2008-2009.

Subitem-B: (R-2008-851) CONTINUED TO TUESDAY, MAY 20, 2008

Approving in accordance with the terms and conditions the classifications of personnel in the classified service of the City of San Diego eligible for premium or regular rate overtime as set forth in Attachment "A", effective from July 1, 2008 through June 30, 2009, pursuant to the authority of Section 9 of the Annual Salary Ordinance.

Subitem-C: (R-2008-852) CONTINUED TO TUESDAY, MAY 20, 2008

Amending the classifications previously designated by the Council as appropriately assigned to employee representation units, to reflect additions of new classes, removal of deleted classes, and changes to titles, such amendments to be as contained in the listing of job classifications and appropriate units, as set forth in Attachment "A".

Subitem-D: (R-2008-853) CONTINUED TO TUESDAY, MAY 20, 2008

Establishing and adopting a Cafeteria Benefits Plan (Plan) for all designated eligible employees for Fiscal Year 2009 (Attachment "B"), providing therein dollar sums certain for each eligible employee, to be allocated to benefits as are designated in the Plan, pursuant to Section 16 of the Annual Salary Ordinance No. O-____, and upon the recommendation of the Mayor;

Authorizing the Mayor to execute agreements with the appropriate organizations providing the benefits designated in the Plan;

Declaring the funds appropriated for this Plan shall be as set forth in the annual appropriation ordinance.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:30 a.m. – 11:44 a.m.)

MOTION BY ATKINS TO CONTINUE TO TUESDAY, MAY 20, 2008, FOR FURTHER REVIEW. Second by Maienschein. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-100: Inviting Bids for the Construction of Crown Point Trunk Sewer Project. (Mission Bay Park and Pacific Beach Community Areas. District 2.)

(See Engineering and Capital Project Department's 3/19/2008, Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-924) ADOPTED AS RESOLUTION R-303671

Approving the plans and specifications for the construction of the Crown Point Trunk Sewer Project (Project) as advertised by Purchasing and Contracting Department, on Job Order No. 177051;

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

Authorizing the expenditure of an amount not to exceed \$4,814,072 from Sewer Fund No. 41506, CIP-46-194.0, Annual Allocation - Trunk Sewer Rehabilitation, solely for the construction, contingency, and Project related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15282(k) as the replacement of existing pipelines less than one mile in length. (BID-K083817C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 3/26/2008, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

Crown Point Trunk Sewer Project is part of the City of San Diego's Sewer Main Replacement Program as mandated by the Environmental Protection Agency (EPA). The existing mains were installed from 1951 to 1987 and the replacement of these deteriorated trunk sewer and sewer mains will provide the community with a safe and reliable wastewater collection system.

This project is located in the Mission Bay Park and Pacific Beach community areas, as shown on the project location map. It includes the installation of 2,275 feet of 18-inch trunk sewer using a new alignment and 445 feet of 12-inch and 8-inch sewer mains (total 2,720 feet) to include trenchless and open trench operations, and the rehabilitation of 1,532 feet of 12-inch and 15-inch sewer mains. This will permit the abandonment of 1,336 feet of existing 6-inch, 8-inch, 12-inch and 15-inch sewer mains. A portion of the abandonment of 12-inch is currently located on private property and sensitive habitat (Marsh Reserve). Impacted streets will be resurfaced and new curb ramps will be installed.

EQUAL OPPORTUNITY CONTRACTING:

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

Goals: 13% Mandatory Subcontractor Participation Goal, 4% Advisory Participation Goal Disadvantaged Business Enterprise (DBE), 1% Advisory Participation Goal Disabled Veteran Business Enterprise (DVBE), 8% 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, Orange County Register, 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 e-mail.

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$4,814,072. Funding is available in CIP-46-194.0, Annual Allocation - Trunk Sewer Rehabilitations, Fund 41506, Sewer, for this purpose. The project costs may be bond reimbursed approximately 80% by current or future debt financing. The project is scheduled to be funded in FY08. 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 March 26, 2008, consent motion by Council President Peters, second by Councilmember Faulconer. Vote to approve 4-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

During design, the Project Manager and Project Engineer presented the project to the community on January 15, 2004. On January 28, 2008, the City of San Diego sent out a letter to the Pacific Beach Community Planning Chair offering an additional presentation for an update on the status and schedule of the project. Once financing is approved, the community will be updated on the project. In addition, residents and businesses will be notified by mail at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution of the notices. Traffic control plans have been prepared for this project and will be implemented by the contractor during construction.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Residents will experience minor impacts during construction. After completion, residents will experience improved sewer collection systems reliability.

Boekamp/Jarrell

FILE LOCATION: CONT-TC Construction Co. Inc.

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

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

- * ITEM-101: Two actions related to Inviting Bids for the Construction of Water Group 541 Project. (La Jolla Community Area. District 1.)

(See Engineering and Capital Project Department's 3/19/2008, Executive Summary Sheet.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2008-909) ADOPTED AS RESOLUTION R-303672

Approving the plans and specifications for the construction of the Water Group 541 Project (Project) as advertised by Purchasing and Contracting Department, on Job Order 185161;

Authorizing the Mayor, or his designee, to establish contract funding phases and execute a contract with the lowest responsible and reliable bidder, provided the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$3,850,000 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, solely for construction, contingency, and Project related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the use of City Forces in Water Fund 41500, CIP-73-083.0 Annual Allocation - Water Main Replacement, solely for the construction of Water Group 541, Sub-CIP-73-855.2 in an amount not to exceed \$400,000;

Authorizing the City Auditor and Comptroller upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.
(BID-K084077C)

Subitem-B: (R-2008-910) ADOPTED AS RESOLUTION R-303673

Declaring that the Addendum to a Mitigated Negative Declaration, Project No. 146571, dated January 30, 2008, (Addendum) for Water Group 541 (the Project) on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.);

Declaring that the Addendum reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Project;

Finding that revisions to the Project now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Project 146571 Addendum, a copy of which is on file in the Office of the City Clerk and incorporated herein by this reference, is approved;

Adopting the Mitigation, Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this body in order to mitigate or avoid significant effects on the environment, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above Project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 3/26/2008, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

Water Group 541 is part of the City of San Diego's Cast Iron (CI) Water Main Replacement Program as mandated by Department of Health Services Compliance Order No. 04-14-96-022.

This project is located within the community of La Jolla. This project consists of replacing approximately 7,787 linear feet (1.50 miles) of water main. It also includes installing curb ramps and street resurfacing. The streets affected by construction operations within this project are: Fay Avenue, Silverado Street, and Ludington Place, Ludington Lane, Hillside Drive, Soledad Avenue, Lookout Drive, Boulevard Place, Puente Drive, Draper Street, Romero Court, and Remley Place as shown on the location map.

As indicated in the engineer's project cost estimate for the use of City Force Work to perform highlining, cut and plug, and reconnecting the water mains, it is estimated to be more economical than if done by contract. In addition, the Department of Health Services (DHS), under the California Safe Drinking Water Act, requires certified operators to perform this type of work (on live water mains) to ensure the integrity of the water systems.

EOUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego - Prevailing wages do not apply to this contract.
Goals: 16% Mandatory Subcontractor Participation Goal, 5% Advisory Participation Goal Disadvantaged Business Enterprise (DBE), 1% Advisory Participation Goal Disabled Veteran Business Enterprise (DVBE), 10% 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, Orange County Register, 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 e-mail.

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$3,850,000. Funding of \$3,850,000 is available from the enterprise fund in CIP-73-083.0, Annual Allocation - Water Main Replacements, Fund 41500, Water, for this purpose. Water Department revenue is dedicated for this project; 80% will be bond financed. This project will be funded in FY08 and FY09. No future funding is anticipated. The Auditor's Certificate(s) will be provided prior to contract award.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS:

The Committee on Natural Resources and Culture on March 26, 2008, consent motion by Council President Peters, second by Councilmember Faulconer. Vote to approve 4-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

During design, Water Group 541 was presented once to the La Jolla Community. In addition, residents and businesses will be notified by mail by the City's Engineering and Capital Projects Department at least one (1) month before construction begins and again ten (10) days before construction begins by the Contractor through hand distribution of notices.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Residents in this area will encounter inconveniences during construction. After completion, residents will experience improved reliability of the water distribution system.

Boekamp/Jarrell

FILE LOCATION: CONT-Basile Construction

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

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

* ITEM-102: As-Needed Agreement with LG2WB Engineering for Traffic Control Design Services. (Citywide.)

(See Engineering and Capital Project Department's 4/16/2008, Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-871) ADOPTED AS RESOLUTION R-303674

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with LG2WB Engineering, under the terms and conditions set forth in the Agreement, for as-needed engineering services related to traffic control design plans in an amount not to exceed \$1,000,000;

Authorizing the expenditure of an amount not to exceed \$1,000 from Water Fund 41500, CIP-73-083.0 Annual Allocation - Water Main Replacement, solely and exclusively, for the purpose of providing funds for the above Agreement and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is not a "project" and is therefore not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15060(c)(3) and 15378(b)(5).

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/23/2008, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

The City currently does not have the capacity to prepare the traffic control plans for various projects. A qualified and licensed consultant is being retained to provide this service. The City advertised the Contract and issued the Request for Proposal for As-Needed Traffic Control Design Services agreement on September 9, 2007, in the San Diego Daily Transcript and in the City's website for bid and contract opportunities. Eight (8) engineering consultants submitted proposals on October 10, 2007. Five (5) firms were short-listed to be interviewed by the selection panel based on their proposal and evaluation criteria in the request for proposal. On October 30-31, 2007, the short-listed firms were interviewed by the selection panel. Attached is a copy of the evaluation criteria used during the interviews and a list of the selection panel.

LG2WB Engineers was selected as the most qualified firm following a competitive selection and procurement process completed in accordance with the policies, procedures and guidelines in the City Council Policy 300-7, Consultant Services Selection, and the City's Administrative Regulation 25.60, Selection of Consultants for Work Requiring Licensed Architect and Engineering Skills and Other Related Professional Services. The City will utilize the expertise of LG2WB Engineers to prepare the traffic control plans and procure related traffic control permits and approval from various agencies in a timely and efficient manner. LG2WB Engineers has the expertise, experience and personnel necessary to provide the professional services on an as-needed, hourly fee basis. The City will pay LG2WB Engineers for performance of all Professional Services rendered in accordance with the Agreement in an amount not to exceed \$1,000,000. LG2WB Engineers will not employ sub-consultants because they have the capacity to perform the as-needed services.

FISCAL CONSIDERATIONS:

The City will pay LG2WB Engineers for performance of all Professional Services rendered in accordance with this Agreement, in an amount not to exceed \$1,000,000. The City agrees to issue at least one task order with a minimum aggregate value of \$1,000 to LG2WB Engineers.

Funding for the first task order will come from the Enterprise Fund in CIP-73-083.0, Annual Allocation - Water Main Replacement, Fund 41500, Water, for this purpose. The project cost for the Water portion of \$1,000 may be reimbursed up to 80% by current or future debt financing. Future tasks will be funded from various City Department's budgets.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS:

The Committee on Natural Resources and Culture on April 23, 2008, voted to approve 4-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The City staff will work with the community during the design of traffic control plans.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Upon approval of the agreement, LG2WB Engineers could receive up to \$1,000,000.

EOUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego

Other: Workforce Report Submitted - Equal Opportunity Plan not required. Staff will monitor adherence to Nondiscrimination Ordinance.

Boekamp/Jarrell

Aud. Cert. 2800662.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

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

- * ITEM-103: Two actions related to Awarding Design-Build 554 Water Project – Water Groups 901CI and 902CI to Ortiz Corporation. (Clairemont Mesa Community Area. District 3.)

(See Engineering and Capital Project Department, Executive Summary Sheet dated 4/16/2008.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2008-939 Cor. Copy) ADOPTED AS RESOLUTION R-303675

Authorizing the Mayor, or his designee, to award a contract to Ortiz Corporation for the design and construction of the Project in an amount not to exceed \$6,965,664, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure estimated in an amount not to exceed \$9,446,755.12 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, of which \$4,316,590.31 is for Water Group 901CI, and \$5,130,164.81 is for Water Group 902CI, solely for design, construction, contingency, and Project related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for the expenditure under the establish contract funding phases are, or will be, on deposit with the City Treasurer, as follows:

Phase I, \$1,974,070.12, FY 08, Water Funds for execution of Design Build 554, as follows:

- Water Group 901CI: \$989,664.32
- Water Group 902CI: \$984,405.80

Authorizing the use of City Forces in Water Fund 41500, CIP-73-083.0 Annual Allocation - Water Main Replacement for construction of the Project within Water Group 901CI in an amount not to exceed \$90,000, and within Water Group 902CI in an amount not to exceed \$130,000 for the total amount not to exceed \$220,000;

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

Subitem-B: (R-2008-940) ADOPTED AS RESOLUTION R-303676

Declaring that the Addendum to a Mitigated Negative Declaration, Project No. 132158, dated September 24, 2007 (Addendum) for Design Build Water Project - Water Groups 901CI and 902CI (the Project), on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Sections 15000 et seq.);

Declaring that the Addendum reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Project;

Declaring that the Council finds that revisions to the Project now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Project 132158 Addendum, a copy of which is on file in the Office of the City Clerk and incorporated herein by this reference, is approved;

Adopting the Addendum to a Mitigated Negative Declaration, No. 132158;

Declaring that pursuant to California Public Resources Code Section 21081.6, the Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this body in order to mitigate or avoid significant effects on the environment;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above Project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/23/2008, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

Design Build 554 Water Project is part of the City of San Diego's continuing Annual Capital Improvements Water Main Replacement Program. Water Groups 901CI and 902CI are being combined into one project as Design-Build 554 Water Project. The Design-Build firm will prepare the final design plans showing the water mains to be replaced in place and the new alignment to provide adequate clearance from existing sewer mains pursuant to the City's standards. The Design-Build project delivery method proposed for this project will utilize a qualified team of both designer and constructor, working together in partnership, to ensure this project is delivered in a manner that meets all the City's requirements. This method was utilized to assist the City in meeting California Department of Public Health mandates for Fiscal Year 2008.

Request for Qualifications (RFQ) for the project was advertised in San Diego Daily Transcript on October 24, 2007. The City's Design- Build Nominating Committee reviewed eight Statement of Qualification (SOQ) packages and short-listed four Design-Build firms based on the SOQ evaluation criteria. In response to City's Request for Proposal (RFP), all four short listed firms submitted both technical and price proposals for the project. The selection panel reviewed the technical proposals and interviewed the firms on January 22 and 23, 2008. The price proposals were then opened on January 31, 2008. The final selection using the weighted criteria included in the RFP (RFP Evaluation Criteria) was completed, and Ortiz Corporation was selected as the apparent successful design-build firm for the project.

The project is located in the Community of Clairemont Mesa San Diego. Water Group 901CI includes the replacement of 7,424 linear feet of existing 8-inch, 12-inch, and 16-inch old and deteriorated Cast Iron (CI) water mains originally installed in 1950. Water Group 902I includes the replacement of 11,361 linear feet of existing 12-inch and 16-inch old and deteriorated CI water mains originally installed in 1950.

The project also includes installing curb ramps and street slurry seal. The streets affected by construction operations are: Merrimac Avenue, Clairemont Mesa Boulevard, and Clairemont Drive as shown on the location maps. Ortiz Corporation will prepare traffic control plans for all streets and will implement them during construction, after review and approval by the City.

EQUAL OPPORTUNITY CONTRACTING:

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

Goals: All City Design-Build projects, valued at \$25,000 or more, have a voluntary Subcontractors/Subconsultant participation goal of 15% (MBE, DBE, DVBE or Other), which was included in the RFQ. Ortiz Corporation's Subcontractors/Subconsultant participation level exceeds this 15% goal as shown on their subcontractors/Subconsultants list: Allied Geotechnical Engineers Inc./Asian Pacific Male, Statewide Stripes Inc./Hispanic Male - DBE (3%); G. Scott Asphalt Inc., Katz & Associate - DVBE (7%); Tierra Environmental Services - MBE (1%); Koch & Armstrong, Southwest Signal, NRC Environmental Services, RBF Consulting - Other (14.5%).

Other: A Work Force Report was also submitted. Ortiz Corporation has fewer than 15 administrative employees as shown in the Work Force Analysis Report and, therefore, these are exempt from the employment category goals. However, Ortiz Corporation has 26 construction work force employees and the Construction Trade Analysis Report shows no discrepancies and no under representation. Although not required, Ortiz Corporation also submitted an Equal Employment Opportunity (EEO) Policy Statement and Plan for implementing this policy. Staff will monitor the Plan and adherence to the Nondiscrimination Ordinance.

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$9,472,685. Funding of 25,929.88 was previously authorized by Mayor, Action (PA-700). Funding for Phase I - FY 08 is available from enterprise fund in CIP-73-083.0, Annual Allocation - Water Main Replacement, Fund 41500, Water, for this purpose. The project cost may be reimbursed approximately 80% by current or future debt financing. This project will be phased funded FY08 - FY10. The Auditor's Certificate will be provided prior to the award of Phase I - FY 08. No future funding is anticipated.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS:

The Committee on Natural Resources and Culture on April 23, 2008, consent motion by Council President Peters, second by Councilmember Atkins. Vote to approve 4-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Design-Build firm will employ a Subconsultant, Katz & Associates, to conduct community outreach during design and construction as part of the contract scope of work. During the design phase, Design-Build 554 Water Project - Water Groups 901CI and 902CI will be presented to the Community of Clairemont Mesa San Diego. Residents and businesses will also be notified at least one (1) month before construction begins, and again ten (10) days before construction begins by the Contractor through hand distribution of notices.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Residents in the area will encounter minor inconveniences during construction. A community outreach program will be implemented during design and construction. After completion, residents will experience improved reliability of the water distribution system. No new fees or regulations are proposed.

Boekamp/Jarrell

Aud. Cert. 2800727.

Staff: Marnell Gibson - (619) 533-5213.
Pedro De Lara, Jr. - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

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

ITEM-104: First Amendment to the Consultant Agreement with KTU+A, Inc. for Additional Professional Design Services for Mission Bay – Fiesta Island General Development Plan. (Mission Bay Park Community Area. District 6.)

(Continued from the meetings of March 4, 2008, Item 104, and March 25, 2008, Item 107; last continued at the request of Councilmember Frye, for further review.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-600) RETURNED TO MAYOR

Approving the transfer of funds from CIP-22-960.0, Fiesta Island Infrastructure Improvements, to CIP-22-959.0, Mission Bay - Fiesta Island General Development Plan within Fund Number 10507, Sludge Mitigation Fund, in the amount of \$175,000;

Authorizing the City Auditor and Comptroller to appropriate and expend \$175,000 from CIP-22-959.0, Mission Bay-Fiesta Island General Development Plan, for the purpose of executing the First Amendment to Consultant Agreement with KTU+A;

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a First Amendment to the Consultant Agreement with KTU+A, Inc. for additional professional design services for CIP-22-959.0, Mission Bay- Fiesta Island General Development Plan, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this Project and Agreement;

Declaring that this activity is not a project and therefore exempt from California Environmental Quality Act (CEQA) pursuant to State Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The original agreement with KTU+A for professional consulting services for Mission Bay - Fiesta Island General Development Plan was approved by Council on October, 31, 2005.

As part of the calculation of the fees, the consultant incorrectly added the various subtotals for the sub consultants on the project. As a result, the compensation amount for the Scope of Services, Exhibit B-1, was incorrectly totaled, resulting in an error of \$41,794 less than the actual total of the various elements. The mistaken total was not discovered until after the project work had started and work was in progress.

Additionally, as work on the project has progressed; additional scopes of work items have been identified that are required to complete the project. Additional scope requirements include additional presentations to the Mission Bay Park Committee and community groups, additional detailed biological surveys, application and processing of Site Development and Coastal Development permits, increased complexity of site design requirements based on

accommodating numerous competing land uses, increased labor costs associated with processing greater than anticipated public input questionnaires, emails, meetings and phone calls, and web site hosting and maintenance. A complete detailed listing of the items of work associated with the increased scope is contained on "Exhibit A-1 Additional Scope of Services" attached to the First Amendment to Consultant Agreement. The total amount requested for these additional services is \$118,017. Staff is also requesting an additional \$5,000 be allocated to cover unforeseen professional design services as the project begins the approval process. The total requested increase to the Consultant's contract is \$164,811.

The remaining \$10,189 will fund additional City staff time required to manage the project through the approval process.

FISCAL CONSIDERATIONS:

Funds in the amount of \$175,000 are available in CIP-22-960.0, Fiesta Island Infrastructure Improvements Fund No. 01507, which provides for infrastructure improvements to support future recreational facilities on Fiesta Island in Mission Bay Park.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Original Agreement with KTU+A, Incorporated in the amount of \$290,000 was approved by City Council on October 31, 2005, RR-300993.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Two public workshops have been conducted where public input has been solicited via questionnaires, and workshop station notes, monthly updates dating back for more than a year with the Mission Bay Park Committee, a project website with feedback and questionnaire opportunities, and information presentations to:

- Clairemont Mesa Town Council (April 5),
- Clairemont Mesa Planning Committee (May 15),
- Linda Vista Community Planning Committee (April 23),
- Pacific Beach Community Planning Committee (April 25),
- Pacific Beach Town Council (May 16),
- Mission Beach Precise Planning Board (May 15),
- Mission Beach Town Council (June 13),
- Ocean Beach Planning Board (June 6)
- Peninsula Community Planning Board (May 17).

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego
Goals: 15% Voluntary (MBE/WBE/DBE/DVBE/OBE)
Subconsultant Participation: \$940,000 Certified Firms (11.5%)
\$3,155,000 Other Firms (37.9%)
Other: Workforce Report Submitted - Equal Opportunity Plan required.
Staff will monitor plan and adherence to Nondiscrimination
Ordinance.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

KTU+A Incorporated, Mission Bay Park and park users.

LoMedico/Goldstone

Aud. Cert. 2800493.

Staff: Paul Jacob - (619) 235-5242
Shannon Thomas - Deputy City Attorney

FILE LOCATION: MEET

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

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

- * ITEM-105: Second Amendment to Agreement with Weston Solutions for Storm Water Pollution Prevention Program and Exercise Option Year 2 for an Amount Not-To-Exceed \$2,532,500. (Citywide.)

(See General Services Department's 6/8/2007, Executive Summary Sheet and 6/20/2007, PowerPoint.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-908) ADOPTED AS RESOLUTION R-303677

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Second Amendment to the Agreement with Weston Solutions Inc., for as-needed services in connection with storm water monitoring, under the terms and conditions set forth in the Second Amendment;

Declaring that the total maximum additional compensation to Weston Solutions pursuant to said Second Amendment shall not exceed \$2,532,500;

Authorizing the expenditure of the maximum amount not to exceed \$2,532,500 from General Services Department, Storm Water Pollution Prevention Division (Dept. 533, Fiscal Year Operating Budget, Fund No. 100, solely and exclusively, to provide funds for Weston Solutions' services in Fiscal Year 2008;

Declaring that the above activity is not a project and is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15060(c)(2) and 15306 as data collection, research, and resource evaluation that do not result in serious or major disturbance to the environmental resource.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/20/2007, NR&C voted 4 to 0 to approve the second option year to extend the agreement with Weston Solutions Inc., for an annual amount not to exceed \$2,532,500, and direct staff to come back to the Committee every six months for an update. (Councilmembers Faulconer, Maienschein, Frye, and Hueso voted yea.)

SUPPORTING INFORMATION:

On October 5, 2005, City Council authorized the original Agreement for As-Needed Storm Water Monitoring Professional Services with Weston for \$2,100,000 (R-300905). The agreement provided the SWPPD with sample collection and monitoring, data analysis and reporting to support the City's activities. This Agreement included four annual renewal options, executable by the Mayor.

The summary of the Agreement is as follows: Original Agreement FY06 \$2,100,000, FY07 First Amendment \$3,140,000, FY08 Second Amendment (current action) \$2,532,500 with a total value of the Agreement not to exceed \$7,772,500.

On October 5, 2005, Council authorized the original Agreement. Work completed during the first Agreement year (FY 2006) included assistance in preparing an Area of Special Biological Significance Exception, Chollas Creek Dissolved Metals TMDL Implementation Reports, Dry Weather Monitoring including a Dry Weather Aerial Deposition Study, and installation, monitoring, and analysis of Mass Loading Station data.

On May 8, 2007, the Council authorized the First Amendment to the Agreement to increase the First (FY07) Option Year to \$3,140,000, referred the increase for subsequent years to the Natural Resources and Culture Committee, and requested information on the future use of consultants. Work initiated or completed during the First Option Year (FY 2007) included six water quality monitoring studies, effectiveness assessment studies, pollutant source identification studies, and other professional services associated with program implementation.

On June 20, 2007, the Natural Resources and Culture Committee recommended that the City Council approve the execution of the Second Amendment to the Agreement, exercise the second year option, and increase the annual not-to-exceed amount of the second year option. This Second Amendment will include water quality monitoring, source identification studies, BMP effectiveness monitoring, aerial deposition study and assistance with TMDL review and assessment, as needed.

EQUAL OPPORTUNITY CONTRACTING (EOC):

Funding Agency: City of San Diego - prevailing wages do not apply.

Goals: This contract is not subject to the Subcontracting Outreach Program (SCOPE).

Other: All consultants and professional service providers doing business with the City, and their subconsultants must comply with requirements of the City's Nondiscrimination in contracting Ordinance, San Diego Municipal Code Sections 22.3501 through 22.3517. Consultants shall submit a Work Force Report or an Equal Employment Opportunity (EEO) Plan to the Program Manager of the City of San Diego Equal Opportunity Contracting Program (EOCP) for approval. EOC staff requested this consultant submit an Equal Opportunity Plan.

Projects valued at \$25,000 or more have a voluntary Subconsultant Participation Level of 15%. Goals are achieved by contracting with any combination of Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Disadvantage Business Enterprise (DBE), Disabled Veteran Business Enterprise (DVBE) or Other Business Enterprise (OBE) level.

Weston Solutions has exceeded the goal.

Subconsultant Participation: CValdo Corp. (Male Hispanic/DBE) \$126,625 5.00%

Total Certified Participation	\$126,625	5.00%
Total Other Participation	\$582,475	23.00%
Total Participation	\$709,100	28.00%

FISCAL CONSIDERATIONS:

- Original Agreement: Initial 1 year term plus four, one year options not to exceed \$2,100,000 each (Total Value not to exceed \$2,100,000)
- First Amendment: Increased option year 1 not to exceed value to \$3,140,000 (Total Value not to exceed \$5,240,000)
- Second Amendment (Current Action): Increase Option Year 2 not to exceed value to \$2,532,500 (Total Value not to exceed \$7,772,500). The Option Year 2 funding is included in the Storm Water Pollution Prevention Division's FY08 General Fund Budget.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On October 5, 2005, the Council authorized the original Agreement for \$2,100,000, Resolution (R-300905). On May 8, 2007, the City Council authorized the First Amendment to the Agreement to increase the First (FY07) Option Year to \$3,140,000, Resolution ~~R-2007-975 Rev. R-302600~~, and referred the increase for subsequent years to the Natural Resources and Culture Committee. On June 20, 2007, the Natural Resources and Culture Committee recommended that the City Council approve the execution of the Second Amendment to the Agreement to exercise the second year option and increase the annual not-to-exceed amount of the Second Year Option from \$2,100,000 to \$2,532,500.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None for this action. The original Agreement was publicly advertised and awarded.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Weston Solutions, Inc. and no projected impacts anticipated with this action.

Sierra/Jarrell

Aud. Cert. 2800700.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

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

- * ITEM-106: California Arts Council State/Local Partnership Program Grant Funds.
(Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2008-915) ADOPTED AS RESOLUTION R-303678

Authorizing the Mayor, or his designee, to apply to the California Arts Council (CAC) for an additional \$9,375 in State/Local Partnership Program (SLPP) grant funds for Fiscal Year 2008;

Authorizing the Mayor, or his designee, to submit all documents, negotiate and execute all agreements necessary, including any amendments, to comply with the grant requirements, and to carry out and administer all obligations, responsibilities and duties under the grant;

Authorizing the City Auditor and Comptroller, upon receipt of fully-executed grant agreement, to accept, appropriate, and expend an additional \$9,375 in SLPP grant funds for Fiscal Year 2008 to support the Commission's programs, services, and administration;

Declaring that the Commission will match the \$9,375 grant augmentation out of the Commission's Fiscal Year 2008 administrative and program budget;

Authorizing the City Auditor and Comptroller to establish a fund for the purpose of handling the accounting to facilitate the process of tracking revenue and expenditures for this program;

Declaring that the above activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3) because the purchase is a continuing administrative or maintenance activity, and therefore not a project pursuant to Guidelines Section 15378(b)(2).

Subitem-B: (R-2008-1002) ADOPTED AS RESOLUTION R-303679

Authorizing the Mayor, or his designee, to apply to the California Arts Council (CAC) for \$15,000 in SLPP grant funds for Fiscal Year 2009;

Authorizing the Mayor, or his designee, to submit all documents, negotiate and execute all agreements necessary, including any amendments, to comply with the grant requirements, and to carry out and administer all obligations, responsibilities and duties under the grant;

Authorizing the City Auditor and Comptroller, upon receipt of fully-executed grant agreement, to accept, appropriate, and expend \$15,000 in SLPP grant funds for Fiscal Year 2009 to support the Commission's programs, services, and administration;

Declaring that the Commission will match the \$15,000 grant out of the Commission's Fiscal Year 2009 administrative and program budget contingent upon approval of the City's Fiscal Year 2009 budget;

Authorizing the City Auditor and Comptroller to establish a fund for the purpose of handling the accounting to facilitate the process of tracking revenue and expenditures for this program;

Declaring that the above activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3) because the purchase is a continuing administrative or maintenance activity, and therefore not a project pursuant to Guidelines Section 15378(b)(2).

STAFF SUPPORTING INFORMATION:

The State Legislation established and funded the State/Local Partnership Program (SLPP) under the CAC to foster cultural development on the local level through a partnership between the California Arts Council and the state's local arts agencies. The nature of this partnership includes, funding, information exchange, cooperative activities, and leadership to enable individuals, organizations and communities to create, present, and preserve the art of all cultures to enrich the quality of life for all Californians.

The goals of the SLPP are to increase public awareness of, and participation in the arts of all cultures; to advocate for the arts at all levels; to encourage and promote arts in education; to encourage local communities to foster the growth of arts resources to meet local needs; to encourage local and regional partnership development promoting the health of the arts; to provide access to high quality artistic experiences for all Californians and to promote cooperation and collaboration in planning, programming and policy development.

The CAC previously granted \$20,000 in SLPP grant funds to the City of San Diego for Fiscal Year 2008 programs, which the City matched on a one-to-one basis. CAC projects that it will augment SLPP grant funds by \$9,375 for Fiscal Year 2008, and grant \$15,000 in SLPP grant funds for Fiscal Year 2009 subject to availability of funds in the State budget.

FISCAL CONSIDERATIONS:

CAC projects that it will augment SLPP grant funds by \$9,375 for Fiscal Year 2008, and grant \$15,000 in SLPP grant funds for Fiscal Year 2009 subject to availability of funds in the State budget. Receipt of SLPP grant funds is conditioned on the City providing a one-to-one funding match. The Commission's will match the \$9,375 grant augmentation for Fiscal Year 2008 out of the Commission Fiscal Year 2008 administrative and programs budget. The Commission will match the \$15,000 grant for Fiscal Year 2009 out of the Commission's Fiscal Year 2009 administrative and programs budget contingent upon approval of the City's Fiscal Year 2009 budget.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution No. R-302572, dated May 7, 2007, approving application, acceptance, and expenditure \$20,000 in SLPP grant funds for Fiscal Year 2008.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Hamilton/Mitchell

Staff: Victoria Hamilton - (619) 236-6778
Sanna R. Singer - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

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

* ITEM-107: Americans for the Arts, After-The-Fires Grant Funds. (Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-917) ADOPTED AS RESOLUTION R-303680

Authorizing the Mayor, or his designee, to apply for \$20,000 in Americans for the Arts (AFTA) After-the-Fires grant funds;

Authorizing the Mayor, or his designee, to submit all documents, negotiate and execute all agreements necessary, including any amendments, to comply with the grant requirements, and to carry out and administer all obligations, responsibilities and duties under the grant;

Authorizing the City Auditor and Comptroller, upon receipt of a fully-executed grant agreement, to accept \$15,000 in AFTA After-the-Fires grant funds into Agency Fund 63096 for later pass-through to the San Diego Foundation for distribution to individual artists;

Authorizing the City Auditor and Comptroller, upon receipt of a fully-executed grant agreement, to accept, appropriate, and expend \$5,000 in AFTA After-the-Fires grant funds to support the Commission's administration of AFTA disaster relief efforts and re-granting to the San Diego Foundation;

Authorizing the City Auditor and Comptroller to establish a fund for the purpose of handling the accounting to facilitate the process of tracking revenue and expenditures for this program;

Declaring that the above activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3) because the purchase is a continuing administrative or maintenance activity, and therefore not a project pursuant to Guidelines Section 15378(b)(2).

STAFF SUPPORTING INFORMATION:

The San Diego Foundation (Foundation), the region's largest foundation, has completed a region-wide assessment of the impact of the fires to San Diego which addresses the needs and priorities of important segments of the community including arts and culture.

With the preliminary assessment complete, the Foundation's Arts and Culture Working Group in collaboration with the City of Diego Commission for Arts and Culture (the Commission) are taking a leadership role in the development of a strategy which will provide a fair and equitable process for the re-granting of After-the-Fires funding to individual artists who lost studios, equipment, artistic works and contracts and/or nonprofit arts and culture organizations that lost revenue as a result of the fires. By combining funding and by working collaboratively, the Foundation and Commission believe that they are providing the community with the broadest and most robust philanthropic response effort possible.

FISCAL CONSIDERATIONS:

The Americans for the Arts will provide \$20,000 in After-The-Fires grant funding to the Commission in Fiscal Year 2008. Of the \$20,000, \$15,000 will be re-granted to the San Diego Foundation, which will provide matching funds for distribution to individual artists. The remaining \$5,000 will support the Commission's administration of AFTA disaster relief efforts and re-granting to the San Diego Foundation.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Foundation and Commission have identified several actions that form the basis for the disaster relief strategy:

- Form a joint task force of Foundation and Commission volunteers to review the Foundation's preliminary assessment report for short and long-term implications and begin an arts and culture disaster relief planning process;
- Contract additional administrative support to staff the disaster response effort;
- Develop a secondary assessment process that may include surveys, phone interviews or small group meetings to gather additional information from individual artists, nonprofit arts and culture organizations and the stewards of cultural properties affected by the fires;
- Based on the findings from the secondary assessment, develop a set of guidelines and instructions that will allow the community to apply for support;
- Develop a timeline that will allow the allocation of all funds within the next 18-24 months, depending upon the amount of funds available and the need.
- The secondary assessment process and surveys will be completed by the first quarter of 2008.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Hamilton/Mitchell

Staff: Victoria Hamilton - (619) 236-6778
Sanna R. Singer - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

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



ITEM-108: Fiscal Year 2007/2008 Proposition 1B – Local Streets and Roads Improvement, Congestion Relief, and Traffic Safety.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1005) CONTINUED TO MONDAY, MAY 19, 2008

Authorizing the Mayor, or his designee, for and on behalf of the City, to make an application to the California Department of Finance for \$21,180,426 in Proposition 1B funds for the local streets and roads improvements;

Authorizing the Mayor, or his designee, to take all necessary actions to secure funds from the California Department of Finance for the local streets and road improvements;

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

Declaring that this activity is not a “project” and is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 150606(c)(2). Any construction activities related to this approval will be subject to environmental review.

STAFF SUPPORTING INFORMATION:

In May, Governor Arnold Schwarzenegger signed Senate Bill 1266 (Perata), placing before voters during the November 7, 2006 statewide general election the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006. Known as Proposition 1B, this measure authorized the sale of \$19.925 billion of state general obligation bonds for specified purposes, including local street and road improvement, congestion relief, and traffic safety. The funds were equally divided between cities and counties, and were allocated by formula to local jurisdictions.

The City of San Diego's FY2007/2008 allocation of Prop 1B funding is \$21,180,426. Projects were selected for Prop 1B funding by considering the factors in Council Policy 800-14, Prioritizing Transportation & Drainage CIP projects: Health & Safety; Capacity and Service; Project Readiness (for construction); Grant Funding Opportunities; and Reducing Maintenance Needs.

The following is the list of proposed Prop 1B projects that have been included in the FY 2009 Proposed Budget:

- 43rd Street and Logan/National Avenue Intersection (Council District 4)
- First Avenue Bridge over Maple Canyon - Rehabilitation (Council District 3)
- Guardrails (Citywide)
- Normal Street Median (Council District 3)
- Street Lights (Citywide)
- Traffic Control/Calming Measures (Citywide)
- Willow Elementary School (Council District 8)
- Resurfacing City Streets with Asphalt Overlay (Citywide)
- Ransom/Darwin Storm Drain (Council District 8)
- 6th Avenue Storm Drain (Council District 3)
- Ingulf Place Storm Drain (Council District 6)
- Resurfacing City Streets with Slurry Sealing (Citywide)

The list provides detailed information on the project description, location, schedule of completion, and useful life of the capital improvement.

FISCAL CONSIDERATIONS:

This action accepts funding by the California Department of Finance under the three-year use it or lose it provision that states all Proposition 1B Local Streets and Roads monies allocated in FY 2007-2008 must be expended by June 30, 2011.

PREVIOUS COUNCIL COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable): N/A

Boekamp/Jarrell

Staff: Patti Boekamp - (619) 236-6274
Ryan Kohut - Deputy City Attorney

FILE LOCATION: NONE

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

MOTION BY MADAFFER TO CONTINUE TO MONDAY, MAY 19, 2008, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-109: Sewer Easement Vacation in Pueblo Lands of San Diego M.M. 36 P.L. 1164. (Barrio Logan Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-987) ADOPTED AS RESOLUTION R-303701

Declaring that the public service sewer easement located within Pueblo Lands of San Diego M.M. 36, Por. P.L. 1164, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20660-B, marked as Exhibit "B," is ordered summarily abandoned to unencumber this property, under the procedure for the summary abandonment or vacation of public service easements, California Streets and Highways Code Section 8330 et seq. (and specifically Sections 8333 and 8335) and San Diego Municipal Code Section 125.1010(c);

Declaring that the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder. From and after the date of recordation of this Resolution, the abandoned public service easement shall no longer constitute a public service easement. Upon such recordation, the abandonment is complete;

Finding that this action is exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

This project is located in the Barrio Logan Community Plan area in Council District 8, on the northwest corner of Sampson Street and Harbor Drive. This project consists of vacating a sewer easement that was granted at no cost to the City by separate document recorded April 7, 1993 as Document No. 1993-0213888 of Official Records. As part of the development of the new Silvergate Electrical Substation, SDG & E will demolish an existing building and the sewer to serve the new building will be connected into the street per Engineering Drawing No. 34430-D, for which Engineering Permit No. 416563 has been issued. The easement being vacated contains no other public facilities, and there is no present or prospective public use of the existing easement in its present location.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):
SDG&E.

Broughton/Anderson

Staff: Geraldine Bollenbach - (619) 446-5417
Shirley R. Edwards – Chief Deputy City Attorney

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

FILE LOCATION: F-10251

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

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



* **ITEM-110:** Appointment and Reappointment to the Planning Commission.

(See memorandum from Mayor Sanders dated 4/17/2008, with resumes attached.)

MAYOR SANDERS’ RECOMMENDATION:

Adopt the following resolution:

(R-2008-976) ADOPTED AS RESOLUTION R-303681

Council confirmation of the following appointment and reappointment by the Mayor of the City of San Diego, to serve as members of the Planning Commission, for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Tim Golba (La Jolla, District 1) (Replacing Kathleen Garcia, who is termed out)	January 28, 2012

Dennis Otsuji
(Scripps Ranch, District 5)
(Reappointment)

January 28, 2012

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

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



* ITEM-111: Appointment to the Public Facilities Financing Authority Board of Commissioners.

(See memorandum from Mayor Sanders dated 4/8/2008, with resume attached.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-905) ADOPTED AS RESOLUTION R-303682

Council confirmation of the following appointment by the Mayor of the City of San Diego, to serve as a member of the Public Facilities Financing Authority Board of Commissioners:

NAME

Henry Roy
(Carmel Valley, District 1)
(Replacing L. Renee Comeau,
who has resigned)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

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



* ITEM-112: San Diego County Office of Education Innovative Video in Education (iVIE) Awards Day.

COUNCILMEMBER YOUNG’S RECOMMENDATION:

Adopt the following resolution:

(R-2008-982) ADOPTED AS RESOLUTION R-303683

Proclaiming May 13, 2008, to be “San Diego County Office of Education Innovative Video in Education (iVIE) Awareness Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

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

* ITEM-113: Declaring a Continued State of Emergency Regarding the Wildfires.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-700) ADOPTED AS RESOLUTION R-303684

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: 10:39 a.m. – 10:40 a.m.)

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

ITEM-114: 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-2008-814) ADOPTED AS RESOLUTION R-303685

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

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

COUNCIL ACTION: (Time duration: 11:26 a.m. – 11:29 a.m.)

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

* ITEM-115: 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-2008-753) ADOPTED AS RESOLUTION R-303686

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

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

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

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

* ITEM-116: State of Local Emergency Declaration Regarding the Landslide on Mount Soledad.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-862) ADOPTED AS RESOLUTION R-303687

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: 10:39 a.m. – 10:40 a.m.)

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



ITEM-330: In the Matter of Whether to Provide for the Defense of Defendants in Securities and Exchange Commission v. Michael T. Uberuaga, et al.

(See memorandum from Mayor Sanders dated 5/2/2008 and City Attorney Report dated 4/8/2008.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the resolution in **either** Option A **or** Option B:

Option A:

(R-2008-882) NOTED AND FILED

Finding that the complaint entitled Securities and Exchange Commission v. Michael T. Uberuaga, Edward P. Ryan, Patricia Frazier, Teresa A. Webster, and Mary E. Vattimo, (U.S.D.C. Case No. CV 0621 DMS LSP) contains allegations of fraud against the defendants who are former City employees, and that such allegations are corroborated by the Report of the Audit Committee of the City of San Diego (Kroll Report) and, therefore, declining to provide a defense to the former employees under the exceptions provided in California Government Code Section 995.2.

or

Option B:

(R-2008-882 Rev.) ADOPTED AS AMENDED AS RESOLUTION R-303689

Finding that the complaint entitled Securities and Exchange Commission v. Michael T. Uberuaga, Edward P. Ryan, Patricia Frazier, Teresa A. Webster, and Mary E. Vattimo, (U.S.D.C. Case No. CV 0621 DMS LSP) contains allegations of fraud against the defendants who are former City employees, and that such allegations are corroborated by the Report of the Audit Committee of the City of San Diego (Kroll Report) and, therefore, declining to provide a defense to former City employees _____ under the exceptions provided in California Government Code Section 995.2;

Authorizing the payment of attorney's fees and costs related to the provision of a defense of former City employees _____ in the action entitled Securities and Exchange Commission v. Michael T. Uberuaga, Edward P. Ryan, Patricia Frazier, Teresa A. Webster, and Mary E. Vattimo, (U.S.D.C. Case No. CV 0621 DMS LSP), provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Declaring that the City Council, pursuant to Government Code Section 825.6(a)(2), reserves its right to recover any settlement or judgment if: (1) the former employee(s) fails to establish that the act or omission on which the claim or judgment is based occurred within the scope of employment, or (2) the City establishes that the employee(s) acted or failed to act because of actual fraud, corruption or actual malice, or (3) or that the former employee failed or refused to reasonably cooperate in good faith in the defense conducted by the City.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 3:02 p.m.)

MOTION BY YOUNG TO ADOPT THE RESOLUTION IN OPTION B AS AMENDED 1) NOT TO INDEMNIFY EDWARD P. RYAN, PATRICIA FRAZIER, TERESA A. WEBSTER, AND MARY E. VATTIMO; 2) TO ALLOW A MONTH FOR THE CITY ATTORNEY TO RESEARCH THE CASE AGAINST MICHAEL T. UBERUAGA AND TO MAKE A RECOMMENDATION FOR FUTURE ACTION; 3) THAT THE CITY ATTORNEY SHALL NOTIFY MR. UBERUAGA WITHIN 20 DAYS REGARDING THE INVESTIGATION. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-recused, Young-yea, Maienschein-yea, Frye-recused, Madaffer-yea, Hueso-yea.



ITEM-331: Settlement of Attorney Fees in the Matter of Zucchet, Murphy, and Inzunza vs. City of San Diego.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-873) ADOPTED AS RESOLUTION R-303688

A Resolution approved by the City Council in Closed Session on Tuesday, February 4, 2008, by the following vote: Council President Peters-yea; Faulconer-yea; Atkins-yea; Young-yea; Maienschein-yea; Frye-yea; Council President Pro Tem Madaffer-nay; Hueso-not present.

Authorizing the Mayor to pay the total sum of \$88,893.95 in the settlement of each and every claim against the City of San Diego, its agents and employees, regarding attorney fees arising from the lawsuit of Michael Zucchet, Richard Murphy, and Ralph Inzunza vs. City of San Diego, et al., San Diego Superior Court Case No. GIC 857389;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$88,893.95, made payable to Coughlan, Semmer & Lipman, LLP Trust Account, in full settlement;

Declaring that said funds are to be payable from Fund No. 81140, Public Liability Reserve Fund.

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all attorney fees arising from the lawsuits of Michael Zucchet, Richard Murphy, & Ralph Inzunza vs. The City of San Diego.

FISCAL CONSIDERATIONS:

Settlement will be paid from the Public Liability Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This item was considered in Closed Session on February 4, 2008, the City Council approved the settlement amount of \$88,893.95. City Council voted 6 to 1 to approve. The motion was made by Councilmember Faulconer with a second by Councilmember Frye. Council President Pro Tem Madaffer voted nay and Councilmember Hueso was absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Cordileone/Lewis

Aud. Cert. 2800683.

Staff: Janice Ellis - (619) 236-7705
Joe B. Cordileone – Senior Deputy City Attorney

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:53 a.m. – 11:54 a.m.)

MOTION BY HUESO TO ADOPT. Second by Atkins. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-332: Five actions related to Approving Final Project Specifications/Plans; Approving Project Budget Amendment and Encumbrances; Awarding Construction Contract; and Other Related Actions; for the Park Boulevard at Harbor Drive Pedestrian Bridge Project. (District 2.)

(See Centre City Development Corporation Report CCDC-08-15/CCDC-08-07.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions in Subitems A to D and introduce the ordinance in Subitem E:

Subitem-A: (R-2008-963) ADOPTED AS RESOLUTION R-303690

Approving Bid No. K084022CA from Reyes Construction and the final project specifications/plans No. 4022a for the Park Boulevard at Harbor Drive Pedestrian Bridge Project.

Subitem-B: (R-2008-964) ADOPTED AS RESOLUTION R-303691

Accepting the future conveyance of Redevelopment Agency-owned property and all bridge project improvements upon completion of the Park Boulevard at Harbor Drive Pedestrian Bridge Project, and authorizing the execution of all documents necessary to effectuate such transfer.

Subitem-C: (R-2008-965) ADOPTED AS RESOLUTION R-303692

Authorizing the Mayor, or his representative, to make application to the California Transportation Commission for \$8.4 million in Prop 1B grade separation grant funds for Project construction;

Authorizing the Mayor, or his representative, to take all necessary actions to secure funding from the California Transportation Commission for construction of the Project;

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

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

Authorizing the City Auditor and Comptroller to appropriate and expend \$8.4 million from a City fund, contingent upon receipt of a fully executed grant agreement;

Authorizing the acceptance of state/federal grade separation grant funds of approximately \$8.4 million, and if the grant application is approved, transfer of said funds to the Agency to be expended on construction costs for the Project.

Subitem-D: (R-2008-966) ADOPTED AS RESOLUTION R-303693

Stating for the record that the information contained in the Final Mitigated Negative Declaration (MND), including any comments received during the public review process, has been previously reviewed and considered by the Council and it is determined that no substantial changes or new information of substantial importance within the meaning of National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) would warrant any additional environmental review in connection with approval of construction of the Park Boulevard at Harbor Drive Pedestrian Bridge Project.

Subitem-E: (O-2008-147) INTRODUCED, TO BE ADOPTED
TUESDAY, MAY 27, 2008

Declaring that the City shall participate in and approve the final inspection of the Project prior to final acceptance. The City has previously approved the project design and bid specifications;

Declaring that the City shall operate and maintain the Pedestrian Bridge, as well as the related improvements, including the elevator and adjacent plazas, once completed;

Authorizing an annual expenditure of an amount not to exceed \$40,000 (with CPI adjustments annually), solely and exclusively, to provide funds for the maintenance and operation of the Project, as long as the Project exists;

Certifying the Final Subsequent Environmental Impact Report to the MEIR for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments (referred to herein as the "SEIR") through Resolution No. R-292363, and the Project is a redevelopment implementation activity whose environmental impacts were assessed in the MEIR/SEIR. The Corporation, acting on behalf of the Agency, prepared a Mitigated Negative Declaration (MND) in accordance with and pursuant to the California Environmental Quality Act of 1970 (CEQA) and state and local regulations and guidelines adopted pursuant thereto, which assessed the environmental impacts of the development of the Project. The Council considered the environmental effects of the Project as shown in the MEIR/SEIR and the MND, and the Council previously certified the MND through Resolution No. R-300121.

NOTE: See the Redevelopment Agency Agenda of May 13, 2008, for a companion item.

FILE LOCATION: SUBITEMS A, B, C, & D: MEET
SUBITEM E: NONE

COUNCIL ACTION: (Time duration: 5:15 p.m. – 5:16 p.m.)

MOTION BY FAULCONER TO ADOPT THE RESOLUTIONS IN SUBITEMS A, B, C, AND D; AND TO INTRODUCE THE ORDINANCE IN SUBITEM E. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-333: Five Points Neighborhood Pedestrian Improvements Project. (Midway Pacific Highway Corridor and Uptown Community Areas. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-762) ADOPTED AS RESOLUTION R-303694

Finding and determining that the Five Points Neighborhood Pedestrian Improvements Project (Project) is of benefit to the North Bay Redevelopment Project Area that no other reasonable means for financing is available to the community; that the Project will assist in eliminating one or more blighting conditions in the Project Area; and that the Project is consistent with the Implementation Plan adopted for the Project by the Agency on July 29, 2003, on file as Document No. 03664 in the office of the Secretary to the Agency, pursuant to California Health and Safety Code Section 33490;

Authorizing the addition of Capital Improvement Program Budget No. 64-005.0 to Fiscal Year 2008 Capital Improvement Program (CIP);

Authorizing the City Auditor and Comptroller to accept an amount not to exceed \$150,000 from the North Bay Redevelopment Project Area into Fund No. 10252, North Bay Redevelopment CIP Contributions;

Authorizing an increase in the Fiscal Year 2008 CIP budget in CIP Budget No. 64-005.0 to include the \$150,000 in Agency contributions;

Authorizing the City Auditor and Comptroller to appropriate and expend the funds from the Agency in the amount not to exceed \$150,000 from Fund No. 10252 for implementation of the Project;

Authorizing the City Auditor and Comptroller, upon the advice of the administering department, to transfer excess funds, if any, to Fund 10252, North Bay Redevelopment CIP Contributions;

Declaring this activity is exempt from CEQA pursuant to state CEQA Guidelines Section 15301(c).

STAFF SUPPORTING INFORMATION:

Uptown Partnership, Inc. (UPI) and the City's Engineering and Capital Projects Department jointly conducted a study of the commercial and residential areas in the Five Points Neighborhood to identify improvements that could address public concerns including parking shortages and circulation problems. The study identified several capital projects that can improve parking and circulation for the Five Points commercial district, within the North Bay Project Area (Project). The proposed Five Points public improvements include two pedestrian curb ramps, two curb extensions, and one countdown pedestrian crossing signal. Total project costs are estimated at \$150,000 and are proposed to be funded by tax increment from the North Bay Project Area. There are no ongoing maintenance requirements associated with the subject improvements.

The Five Points area has deficient and/or defective infrastructure, blight conditions that have existed since the adoption of the North Bay Redevelopment Plan in 1998. The proposed pedestrian improvements and count-down pedestrian crossing signal will create a safer, more walk able environment for residents, visitors, and merchants between the Five Points Commercial Corridor and the Washington Street Trolley line. In addition, these improvements could serve to stimulate economic activity for the commercial area.

Finally, pursuant to California Redevelopment Law Section 33445, the Agency is legally authorized to pay for the design and installation of public improvements in the Project Area if certain findings can be made by the Agency.

FISCAL CONSIDERATIONS:

Total project costs are estimated at \$150,000. Funding is available from North Bay Redevelopment Project Area tax increment.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The North Bay PAC voted 10-0, to recommend funding for the Five Points Pedestrian Improvements at its March 5, 2008 meeting.

The Midway Pacific Highway Corridor Community Planning Group, Uptown Planners, Uptown Partnership and the Mission Hills BID support the project.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Business and property owners in the Five Points Neighborhood, Mission Hills Business Improvement District, and the Uptown Partnership, Inc.

Weinrick/Anderson

Staff: Lydia Goularte-Ruiz - (619) 236-6539
Carol A. Leone - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of May 13, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:15 p.m. – 3:15 p.m.)

MOTION BY FAULCONER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-334: Cedar Gateway Affordable Housing Project and Rehabilitation of Bradley-Woolman Saint Cecilia Chapel - Design Review and Approval of Disposition and Development Agreement and Ground Lease. (Cortez Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)

(See Centre City Development Corporations Report No. CCDC-08-06/
CCDC-08-08.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2008-980) ADOPTED AS RESOLUTION R-303695

Recognizing that the City Council has received and heard all oral and written objections to the proposed Disposition and Development Agreement, Ground Lease and other matters pertaining to this transaction, and that all such oral and written objections are hereby overruled;

Finding and determining that the development of the Site will assist in the elimination of blight in the Centre City Redevelopment Project Area, and is consistent with the Implementation Plan;

Approving the Disposition and Development Agreement, which establishes the terms and conditions for the development of the real property;

Approving the terms and conditions of the proposed Ground Lease between Agency and Cedar Gateway, L.P.;

Acknowledging that the Executive Director of the Agency, or his designee, is hereby authorized to execute the Disposition and Development Agreement on behalf of the City. A copy of the Agreement, when executed, shall be placed on file in the Office of the Secretary of the Agency;

Acknowledging that the Executive Director of the Agency, or his designee, is hereby authorized to execute the Ground Lease on behalf of the City. A copy of the Agreement, when executed, shall be placed on file in the Office of the Secretary of the Agency;

Acknowledging that the Executive Director of the Agency, or his designee, is hereby authorized, on behalf of the City to sign all documents necessary and appropriate to carry out and implement the Disposition and Development Agreement and Ground Lease and to administer the Agency's obligations, responsibilities and duties to be performed under said Agreement and Ground Lease.

Subitem-B: (R-2008-981) ADOPTED AS RESOLUTION R-303696

Declaring that the Council has previously reviewed and considered information contained in the EIR for the San Diego Downtown Community Plan, Centre City Planned District Ordinance and Tenth Amendment to the Plan, as well as the Environmental Secondary Study relating to the development of the Cedar Gateway Project and hereby finds that there are no changes to the Project that would have any additional or significant effect on the environment, except those previously identified and considered in the EIR and accounted for in the Mitigation Monitoring and Reporting Program for the Project;

Declaring that a Notice of Determination shall be filed with the Clerk of the Board of Supervisors for the County of San Diego regarding the development contemplated by the Disposition and Development Agreement and Ground Lease and related activities.

SUPPORTING INFORMATION:

Squier Properties, LLC and ROEM Corporation have joined to propose a 65-unit affordable rental housing development in the Cortez Redevelopment District ("Project"). All of the 65 units would be restricted to very low- and extremely low-income households. Twenty three (23) of the 65 affordable units will be set aside as supportive housing units for the special needs population. The project site contains a vacant historic chapel that was constructed in 1928. The Agency would acquire the entire project site from the Developer, rehabilitate the historic structure and lease or sell it to a commercial tenant to recover the Agency's investment. On the housing portion of the land, the Agency would enter into a ground lease with the Developer for a minimum of 65 years. A DDA will be executed between the Agency and Developer for the development of the affordable housing project. An Agency subsidy in the amount not to exceed \$8,926,000 will be provided for the affordable housing project from its Low and Moderate Income Housing Funds.

The costs associated with the acquisition and rehabilitation of the historic structure (\$3,803,000) would be financed by the Agency's Tax Increment funds (80% funds) and potential revenues from the Transfer of Development Rights.

FISCAL CONSIDERATIONS:

Authorize the expenditure of funds in the total amount not to exceed \$12,729,000 for the new construction of the Cedar Gateway affordable housing project and acquisition and rehabilitation of the historic Bradley-Woolman Saint Cecelia Chapel and its related parking. Of the total amount, \$8,926,000 is available in the FY 2008 Low and Moderate Income Housing Fund to be

used for the acquisition and development of the new affordable housing project, and \$3,803,000 is available in the Cortez Neighborhood line item of the FY 2008 Centre City Redevelopment Project Area budget to be used for the acquisition and rehabilitation of the historic chapel and its parking with the proposed budget amendments.

CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:

The Centre City Development Corporation (“Corporation”) is scheduled to review the item on April 30, 2008. Staff will orally present the Corporation’s recommendation.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On April 16th, the Centre City Advisory Committee (“CCAC”) voted 19 in favor, 3 opposed; and the Project Area Committee (PAC) voted 17 in favor, 3 opposed, approving the staff recommendation.

The project was presented to the Cortez Hill community on January 29, 2008 and April 8, 2008 at the Mills @ Cortez Hill, a condominium project located across from the proposed project site. The Developer incorporated some of the suggestions provided by the community.

Kameyama/Graham/Kalbag

NOTE: This is a Joint Public Hearing with the Redevelopment Agency. See the Redevelopment Agency Agenda of May 13, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:17 p.m. – 4:21 p.m.)

MOTION BY FAULCONER TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-335: 1944 Plum Street Right-of-Way Vacation. Right-of-Way Vacation for the portion of Plum Street fronting property at 1944 Plum Street and alongside the property at Lot #12, Zone RS-1-7, Coastal Height, (not Coastal Overlay Zone), Airport Approach and Environs Overlay zones, and Earthquake Fault Buffer. (Peninsula Community Plan Area. District 2.)

Matter of approving, conditionally approving, modifying, or denying an application for a Right-of-Way Vacation for the portion of Plum Street fronting property at 1944 Plum Street and alongside the property at Lot #12, Zone RS-1-7, Coastal Height, (not Coastal Overlay Zone), Airport Approach and Environs Overlay Zones, Earthquake Fault Buffer, and Council District 2.

(R-O-W Vacation No. 338940. Project No. 102778.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-824) ADOPTED AS RESOLUTION R-303697

Adoption of a Resolution approving public Right-of-Way Vacation No. 338940 for an unimproved portion of Plum Street, located in Council District Two, Peninsula Community Plan Area adjacent to 1944 Plum Street.

OTHER RECOMMENDATIONS:

This project is a Summary vacation and as such does not require a Planning Commission recommendation.

The Peninsula Community Planning Board has recommended denial of the project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Should the City Council approve or deny Public Right-of-Way Vacation No. 338940 for an unimproved portion of Plum Street located in Council District 2, Peninsula Community Plan area, adjacent to 1944 Plum Street.

STAFF RECOMMENDATION:

Approve Public Right-of-Way Vacation No. 338940.

EXECUTIVE SUMMARY:

Project Description: The project proposes the vacation of an unimproved portion of the Plum Street right-of-way, within the Peninsula Community Plan Area. This Public Right-of-Way Vacation is being requested by the adjacent property owners at 1944 Plum Street.

The proposed vacation includes a 50-foot wide by 200-foot deep portion of unimproved right-of-way of Plum Street, from Quimby Street southerly to match a previously vacated segment of Plum Street. Approximately 10,000 square feet of right-of-way would be vacated including portions of a storm drain and drainage ditch that would become private utilities and maintained by the property owner.

Staff has concluded that the purpose and intent for which the public right-of-way was originally dedicated has not been met. The area to be vacated has never been utilized as a street or other public use and would not provide a logical connection to any other street due to the steep topography (approximately 40% slope). The extreme topography would make it unfeasible to improve the right-of-way for vehicular use and would also preclude safe pedestrian access. Additionally, portions of the street have been previously vacated by Council actions and there is no connectivity with other rights-of-ways.

The proposed vacation meets all of the criteria that would allow a decision maker to affirm the required findings. The portion of the street proposed to be vacated does not provide access to any of the abutting properties and the adjacent hillside makes it unlikely that the street would be improved in the future to a degree that would facilitate vehicular access. The City would benefit by relinquishing the maintenance and liability associated with the easement and the abutting property owners would benefit from the closure by regaining the vacated portion of the right-of-way for which they own the underlying fee title. The proposed vacation would not adversely affect the Peninsula Community Plan and the proposed vacation would not affect existing access to neighborhood properties.

Regulatory Framework: The Land Development Code establishes a process for approving applications to vacate public rights-of-way and includes the applicable findings that a decision maker must make to approve the requested vacation (Attachment 6). The findings generally establish that there is no present or prospective use for the right-of-way, either for the use for which it was intended, or a public use of a similar nature; that the public will benefit from the vacation by the improved use of the land; that the vacation will not adversely affect the applicable land use plan; and that the public facility for which the right-of-way was originally acquired will not be detrimentally affected by the vacation.

As described in Sections 125.0910(b) and 125.0940(c) of the Municipal Code, this section of right-of-way is eligible to be summarily vacated; therefore, a recommendation by the Planning Commission is not required.

Community Plan: The subject site is designated for single-family development in the Peninsula Community Plan. The site is not within a designated public view corridor, and is not a designated pedestrian path. Staff has determined that the unimproved right-of-way cannot be used for the purposes listed above and has no views into designated Open Space. Therefore, the request for the street vacation at this site would not adversely affect the plan.

PLANNING COMMISSION RECOMMENDATION:

This project qualifies as a Summary Street Vacation and therefore does not require a Planning Commission recommendation.

FISCAL CONSIDERATIONS:

There is no fiscal impact. Processing costs are paid for by the applicant.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On May 17, 2007, a motion carried by the Peninsula Community Planning Board to recommend denial of the proposed right-of-way vacation by a vote 5-4-0. The board considers the street easement to be open space and generally opposes vacation actions.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Stakeholders – Anders and Wendy Hansson, Applicants

Anderson/Broughton

LEGAL DESCRIPTION:

Adjacent to 1944 Plum Street, Peninsula Community Plan Area.

NOTE: This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301; Existing Facilities.

Staff: Patrick Hooper – (619) 557-7992
Marianne Greene – Deputy City Attorney

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

FILE LOCATION: STRT-J-2983 (39)

COUNCIL ACTION: (Time duration: 5:16 p.m. – 5:19 p.m.)

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

ITEM-336: Second Amendment to Agreement for the NTC Park Improvements Project.
(Peninsula Community Area. District 2.)

(See Redevelopment Agency Report No. RTC 08-051/RA 08-11.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-900) ADOPTED AS RESOLUTION R-303698

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Second Amendment to the Agreement for the NTC Park Improvements (Project), under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this Project and Agreement;

Declaring that the expenditure of funds and adoption of Findings for the Project are approved and are of benefit to the Project Area;

Declaring that the funding obligation of \$466,726 toward a future NTC Park Aquatic Center from the Community Facilities District No. 3 be removed from the Community Facilities District No. 3;

Declaring that this activity is covered under LDR No. 42-0574 NTC Park General Development Plan Mitigated Negative Declaration. That this activity is adequately addressed in the environmental document and that there is no change in circumstance, additional information, or project changes to warrant additional review. Because of the prior environmental documents adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of California Environmental Quality Act (CEQA) per CEQA Guidelines Sections 15060(c)(3) and 15378(c).

STAFF SUPPORTING INFORMATION:

The NTC Park Improvement Agreement (the Agreement) among the City of San Diego (the City), the Redevelopment Agency of the City of San Diego (the Agency), and McMillin NTC, LLC (the Master Developer) dated July 10, 2000, and the First Amendment to the Agreement dated May 24, 2005 (Resolution No. R-300481) provide the terms for construction of the NTC Park. Pursuant to the Agreement the estimated cost for design and construction of the Park was \$14,779,800. The Agreement identified this amount as being “based on preliminary cost estimates, and not the result of competitive bids, and is subject to change.” Based on the actual costs of Phase 1 of NTC Park, and current construction costs, Park and Recreation Department staff revised the Estimated Design and Construction Cost to \$16,979,800, an increase of \$2,200,000. This represents an increase of approximately 15%. The Agreement lists actual bids exceeding the Estimated Budget, higher standards and specifications of construction as some of the anticipated reasons the estimated budget may be exceeded.

Pursuant to the Agreement, the Agency is responsible for up to 10% (\$1,477,980) of the increased costs above the original amount of \$14,779,800. The Agreement specifies that if additional costs “cause the Estimated Budget to exceed \$14,779,800 by more than 10%, then City must undertake, with its own separate funds, to finance and construct other portions of the Project which may be added to the Estimated Budget.” Due to City budget constraints the Park and Recreation Department has requested that the Agency provide the remaining \$722,020.

The original Estimated Design and Construction Cost of \$14,779,800 for the development of NTC Park included a water feature near the historic Preble Field portion of the Park. On May 6, 2003 the City Council directed staff to eliminate the water feature from the Park and direct the cost savings of \$466,726 toward the design and development of a future aquatic center within the Park. The design and construction of an aquatic center is not the responsibility of the Master Developer. When the Community Facilities District (CFD) #3 budget was created it was assumed that the \$466K would be provided from levies paid by the District members. Because this would reduce the amount of CFD funds available for the construction of Phase 2 of the Park, it has been requested that the Agency also provide this funding for the proposed aquatic center.

By moving this funding responsibility to the NTC Redevelopment Project, the \$466,726 accounted for in CFD #3 will now be used for physical improvements within Phase 2 of NTC Park. Upon the City identifying and allocating sufficient funding for the construction of an aquatic center, the City may request that the Agency, provide the \$466,726 for the aquatic center.

FISCAL CONSIDERATIONS:

The NTC Line Of Credit (LOC) funds are available in the amount of \$2,200,000 to assist with the completion of the NTC Park Phase II construction. Future funding for the proposed aquatic center in the amount of \$466,726 will be paid from NTC Project area funds.

PREVIOUS COUNCIL and/or COMMITTEE ACTIONS:

First Amendment to the NTC Park Improvement Agreement, May 24, 2005 (Resolution No. R-300481)

COMMUNITY PARTICIPATION & PUBLIC OUTREACH EFFORTS:

On March 20, 2008, the Peninsula Community Planning Board heard an information item regarding these actions.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Stakeholders include the Peninsula community and the Park and Recreation Department. Future impacts include increased Park amenities.

Weinrick/Anderson/LoMedico

Staff: Jim Winter - (619) 235-5257
Shannon Thomas - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of May 13, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:27 p.m. – 3:27 p.m.)

MOTION BY FAULCONER TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 5:25 p.m. in honor of the memory of:

Eleanor Herzman as requested by Council Member Atkins;
Danielle Barrett as requested by Council Member Atkins; and
Nancy Ward as requested by Council President Peters.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 5:20 p.m. – 5:25 p.m.)