

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, DECEMBER 7, 2004
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 Mayor Murphy at 10:07 a.m. Special recognition was given to Deputy Mayor Atkins for her service as Deputy Mayor for the past year. Mayor Murphy recessed the meeting at 11:25 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:30 a.m. with all Council Members present and District Four vacant. The meeting was recessed by Mayor Murphy at 11:59 a.m. for the noon break.

The meeting was reconvened by Mayor Murphy at 2:10 p.m. with all Council Members present and District 4 vacant. Mayor Murphy recessed the meeting at 2:50 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:09 p.m. with all Council Members present and District 4 vacant. Mayor Murphy recessed the meeting at 4:05 p.m. to convene the Housing Authority. Mayor Murphy reconvened the regular meeting at 4:15 p.m. with all Council Members present and District 4 vacant. Mayor Murphy recessed the meeting at 4:16 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:22 p.m. with all Council members present and District 4 vacant. Mayor Murphy recessed the meeting at 4:23 p.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 5:50 p.m. with all Council Members present and District 4 vacant. Mayor Murphy adjourned the meeting at 6:06 p.m. into Closed Session in the twelfth floor Committee Room to discuss existing and pending litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council District 4-vacant
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Abdelnour/Maland/Lane (er/ek)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

ITEM-10: INVOCATION

Invocation was given by City Clerk Chuck Abdelnour.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City Attorney Aguirre.

FILE LOCATION: MINUTES

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Andy Berg commented regarding the Water and Wastewater projects and the concerns of the contractors.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:31 a.m. – 10:34 a.m.)

PUBLIC COMMENT-2:

Al Strohlein commented on the Year 2005.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-3:

Noel Neudeck commented on enforcing ADA access laws.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:37 a.m. – 10:41 a.m.)

PUBLIC COMMENT-4: REFERRED TO THE CITY MANAGER

Gregory Smith commented on a public and private nuisance in his neighborhood and the way it was handled by Code Compliance.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:41 a.m. – 10:44 a.m.)

PUBLIC COMMENT-5:

Jarvis Ross commented on the City and Council's actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. – 10:47 a.m.)

PUBLIC COMMENT-6:

Mel Shapiro commented on the San Diego's Taxpayer's Association.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m. – 10:50 a.m.)

PUBLIC COMMENT-7:

Daniel Beeman commented on getting the job done.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. – 10:54 a.m.)

PUBLIC COMMENT-8:

Sandy Summers commented on domestic terrorism.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:54 a.m. – 10:58 a.m.)

PUBLIC COMMENT-9:

Phil Hart commented on the City's finances.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:01 a.m.)

PUBLIC COMMENT-10: REFERRED TO THE CITY MANAGER

Joyceline Tarr commented on the Mayor's race and the tree branches on Newport Avenue.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:01 a.m. – 11:03 a.m.)

PUBLIC COMMENT-11:

Ron Boshun commented on the Council's actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:03 a.m. – 11:07 a.m.)

PUBLIC COMMENT-12:

Don Stillwell commented on keys to good government.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:07 a.m. – 11:10 a.m.)

PUBLIC COMMENT-13:

Ian Trowbridge commented on ethics and open government.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-14:

Gary Hill commented on today's date, December 7, 2004, and the results of the election.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-15:

Cynthia Conger commented on conflict of interest problems and housing problems.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:14 a.m. – 11:17 a.m.)

PUBLIC COMMENT-16:

Adrian Kwiatkowski commented on moving forward with water and sewer projects.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:17 a.m. – 11:20 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins announced that Steve Russell, who has been with her office for four years, has decided to return to school. Miss Atkins wished to thank him for his hard work in such areas as Development Services, Small Business, City Heights, and that his departure will mean a huge loss to her staff. Miss Atkins wished him the best in all his endeavors. Council Member Atkins also mentioned that in addition to her three interns, she has eight paid staff members rather than eleven, as stated by Gary Hill in his Public Comment at yesterday's Council meeting.

FILE LOCATION: MINUTES

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

COUNCIL COMMENT-2: REFERRED TO THE CITY MANAGER

Council Member Frye directed that the City Manager look into the Spending Bill for the state's Clean Water State Revolving Fund Loans where there is an 18% cut in the allocation of monies from the federal government for the State of California. Miss Frye stated that approximately \$78 million is allocated for the entire state, whereas last year the amount was \$95 million. She requested that Staff try to determine how additional revenues can be obtained.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:18 p.m.)

COUNCIL COMMENT-3:

Council Member Peters expressed his appreciation for and agreement with City Attorney Michael Aguirre's productive and collaborative statement. Mr. Peters also announced he will not be present at tomorrow's City Council meeting due to his attendance at the Coastal Commission meeting. He also wished to congratulate Steve Russell.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:19 p.m.)

COUNCIL COMMENT-4:

Council Member Madaffer announced that this past Saturday he took part in cutting the ribbon on the Mission Trails East Fortuna Equestrian Staging Area at the Mission Trails Regional Park, which is located at Highway 52 and Mast Boulevard. This facility will enable people to ride horses through Mission Trails Park and in the future be able to rent horses to ride.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

City Attorney Michael Aguirre stated that he is honored to serve as the City Attorney for the City of San Diego. He drew attention to the duties and responsibilities of the City Attorney. Mr. Aguirre commented on Section 40 of the City Charter which requires the City Attorney's Office to provide opinions in written form. Mr. Aguirre also announced the creation of the Civil Advisory Department within the City Attorney's Office, where there will be a single person who will be accountable for reporting to the City Council regarding conflicts between the Municipal Code and the City Charter. All legal decisions rendered by the City Attorney's Office will be in writing. Mr. Aguirre stated that he welcomes any input or suggestions as to how the City Attorney can function more efficiently to better serve the needs of the City Council.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:15 p.m.)

ITEM-30: UCSD Birth Center Fifth Anniversary Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2005-640) ADOPTED AS RESOLUTION R-299925

Recognizing the UCSD Birth Center for their commitment to promote both a natural birth experience and immediate bonding between mother and child, and congratulating them on the occasion of their fifth anniversary;

Proclaiming December 7, 2004, to be "UCSD Birth Center Fifth Anniversary Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: This item has been moved to the Consent Agenda of Supplemental #1, under Item S502.

CLOSED SESSION:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *Valerie O'Sullivan v. City of San Diego*
San Diego Superior Court Case No. GIC 826918

REFERRED TO CLOSED SESSION OF TUESDAY, DECEMBER 7, 2004

DCA assigned: FitzGerald

This case involves a challenge to the City's use and maintenance of the area commonly known as the "Children's Pool" in La Jolla under the 1931 state tidelands trust that granted the property to the City. In closed session, the City Attorney will advise the mayor and City council of the status of the matter and seek appropriate direction.

Mayor Murphy closed the hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 5:51 p.m. – 5:51 p.m.)

CS-2 *United States of America v. City of San Diego*
U.S. District Court No. 03-CV-1349-K

State of California v. City of San Diego
U.S. District Court No. 03-CV-1381-J

San Diego BayKeeper / Surfrider Foundation v. City of San Diego
U.S. District Court No. 01-CV-0550-B

REFERRED TO CLOSED SESSION OF TUESDAY, DECEMBER 7, 2004

DCA assigned: Bromfield

Each of these lawsuits alleges violations of the federal Clean Water Act due to sewer system overflows experiences by the City from December 1996 to the present. For judicial economy, all cases have been consolidated and the parties have been exploring potential resolutions involving settlement documents that would resolve all of the actions.

The City Attorney will discuss the strengths and weaknesses of the City's position and seek direction on settlement options.

Mayor Murphy closed the hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 5:51 p.m. – 5:51 p.m.)

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-3 Agency negotiators: Lamont Ewell, Cathy Lexin, Mike McGhee

Employee organizations: Municipal Employees Association, Local
127 AFSCME, AFL-CIO, Local 145

REFERRED TO CLOSED SESSION OF TUESDAY, DECEMBER 7, 2004

International Association of Firefighters
AFL-CIO, San Diego Police Officers Association

HDCA assigned: Morris

In closed session, the City's negotiating team will review with the City Council the City's anticipated position with respect to the upcoming meet and confer process. Topics to be discussed include, but are not limited to: 1) salaries and wages, 2) health benefit plans, 3) retirement benefits, including the recommendations from the Pension Reform Committee, and 4) Presidential Leave and Presidential Benefit for union presidents. The City Manager and staff will request instructions from the City Council as to those matters.

SPECIAL CLOSED SESSION PUBLIC TESTIMONY:

SPECIAL CLOSED SESSION COMMENT-1:

Comment by Daniel Beeman regarding the need for negotiations on behalf of the citizens and taxpayers of the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 5:51 p.m. – 5:55 p.m.)

Mayor Murphy closed the hearing.

Public employment, pursuant to California Government Code section 54957(b)(1):

CS-4 Title: City Auditor and Comptroller

REFERRED TO CLOSED SESSION OF TUESDAY, DECEMBER 7, 2004

In closed session the City Council will consider its options with respect to the City Auditor and Comptroller position.

SPECIAL CLOSED SESSION PUBLIC TESTIMONY:

SPECIAL CLOSED SESSION COMMENT-1:

Daniel Beeman requested more information on the subject of this Closed Session item.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 5:51 p.m. – 5:55 p.m.)

Mayor Murphy closed the hearing.

* ITEM-50: Lease Agreement with YMCA of San Diego County for the Construction, Operation, and Maintenance of a YMCA in Scripps Ranch.

(Scripps Ranch Community Area. District 5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/22/2004, Item 57. (Council voted 7-0. Councilmember Madaffer not present. District 4-vacant):

(O-2005-66 Cor. Copy) ADOPTED AS ORDINANCE O-19340
(New Series)

Authorizing the City Manager to execute a 10-Year Lease Agreement with YMCA of San Diego County for the construction, operation, and maintenance of a YMCA facility in Scripps Ranch and authorizing the expenditure of \$425,000 for studies, design, and construction from certain developer fund accounts.

FILE LOCATION: LEAS – YMCA of San Diego County

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-51: Amending the San Diego Municipal Code on the Issuance of Use and Occupancy Permits.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/22/2004, Item 58. (Council voted 7-0. Councilmember Madaffer not present. District 4-vacant):

(O-2004-148) ADOPTED AS ORDINANCE O-19341 (New Series)

Amending Chapter 2, Article 2, Division 15, of the San Diego Municipal Code by amending Section 22.1502, relating to the authority of the Director of the Park and Recreation Department to issue Use and Occupancy Permits.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

- * ITEM-52: Amending the San Diego Municipal Code Relating to the City's Comprehensive Annual Financial Report.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/22/2004, Item 200. (Council voted 7-0. Councilmember Madaffer not present. District 4-vacant):

(O-2005-55) ADOPTED AS ORDINANCE O-19342 (New Series)

Amending Chapter 2, Article 2, Division 7 of the San Diego Municipal Code to add New Section 22.0710 pertaining to the City's Comprehensive Annual Financial Report.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

- * ITEM-53: Amending the San Diego Municipal Code Relating to Parking Meter Rates.

(Centre City Community Area. District 2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/22/2004, Subitem-A. (Council voted 7-0. Councilmember Madaffer not present. District 4-vacant):

(O-2005-64) ADOPTED AS ORDINANCE O-19343 (New Series)

Amending Chapter 8, Article 6, Division 11, of the San Diego Municipal Code by amending Section 86.11, relating to Parking Meter Rates.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

- * ITEM-54: Fifth Implementation Agreement to the Disposition and Development Agreement (DDA) and Related Documents – Las Americas Project.

(San Ysidro Community Area. District 8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/22/2004, Item S408, Subitem A. (Council voted 7-0. Councilmember Madaffer not present. District 4-vacant):

(O-2005-58) ADOPTED AS ORDINANCE O-19344 (New Series)

Authorizing the City Manager to execute the amended and restated Second Amendment to the Public Use Lease Agreement (Parcel A-1) with International Gateway Associates, LLC.

FILE LOCATION: LEAS - International Gateway Associates

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-55: Six actions related to Multiple School Joint Use Agreements for the Construction, Operation, Maintenance, and Lease of Turfed Fields and Recreation Facilities.

(See City Manager Report CMR-04-255. Pacific Beach, University, Scripps Miramar Ranch, Allied Gardens, Mid-City, and Clairemont Mesa Community Areas. Districts 1, 2, 5, 6, and 7.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinances:

Subitem-A: (O-2005-69) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 11, 2005

Introduction of an Ordinance authorizing the City Manager to execute an Agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of turf and lighted fields and recreational facilities at Lewis Middle School Site.

Subitem-B: (O-2005-70) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 11, 2005

Introduction of an Ordinance authorizing the City Manager to execute an Agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of turf and lighted fields and recreational facilities at Jerabek Elementary School Site and making funding provisions.

Subitem-C: (O-2005-72) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 11, 2005

Introduction of an Ordinance authorizing the City Manager to execute an Agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of turf and lighted fields and recreational facilities at Crown Point Elementary School Site.

Subitem-D: (O-2005-73) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 11, 2005

Introduction of an Ordinance authorizing the City Manager to execute an Agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of turf-ed fields and recreational facilities at Doyle Elementary School Site.

Subitem-E: (O-2005-74) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 11, 2005

Introduction of an Ordinance authorizing the City Manager to execute an Agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of turf-ed fields and recreational facilities at Mann Middle School Site.

Subitem-F: (O-2005-75) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 11, 2005

Introduction of an Ordinance authorizing the City Manager to execute an Agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of light-ed fields and recreational facilities at Marston Middle School Site.

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE THE ORDINANCES.

Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

Aud. Cert. 2500517.

- * ITEM-100: Inviting Bids for the Tree Root Damaged Sidewalk Replacement FY 2005 in Clairemont and Linda Vista, Group C-28.

(Various Community Areas. District 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-624) ADOPTED AS RESOLUTION R-299926

Approving as advertised by the Contract Administrator for bids, the plans and specifications for the "Tree Root Damaged Sidewalk Replacement Fiscal Year 2005 in Clairemont and Linda Vista, Group C-28" project (Project);

Authorizing the City Manager to execute a construction contract for the Project with the lowest responsible and reliable bidder in an amount not to exceed \$298,582, 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;

Amending the Fiscal Year 2005 Capital Improvements Program Budget in CIP-59-002.0, Sidewalks-Replacement and Reconstruction, by increasing the budget amount by \$330,164, with \$152,354 coming from Infrastructure Improvement Fund 10529, \$161,410 coming from TransNet Infrastructure Fund 30309 and \$16,400 coming from the Community Development Block Grant - District 6 Reserves Fund, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$313,764 from CIP-59-002.0, Sidewalks-Replacement and Reconstruction, with \$152,354 coming from Infrastructure Improvement Fund 10529 and \$161,410 coming from TransNet Infrastructure Fund 30309, for the purpose of funding the Project contract and related expenses, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are available;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$16,400 from CIP-59-002.0, Sidewalks-Replacement and Reconstruction, with the \$16,400 coming from the Community Development Block Grant - District 6 Reserves Fund 18540, for the purpose of funding the Project contract and related expenses, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

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

CITY MANAGER SUPPORTING INFORMATION:

This action will provide for the replacement of concrete sidewalks in Clairemont and Linda Vista which have been damaged by tree roots. Approximately 155 locations, all in Council District 6, will be completed by this project, funded entirely by Council District 6's TransNet, Infrastructure, and CDBG reserve funds. A list of locations will be provided, which may be revised prior to construction in order to coordinate with any construction conflicts that may arise. Construction is expected to begin in March of 2005, and be completed by June of 2005.

The Street Division maintains over 5,000 miles of sidewalks. Specific sidewalk and curb/gutter locations for this project were selected from the Street Division's concrete repair backlog for tree root damaged sites in Council District 6. Locations which need repair are reported by City personnel, and/or residents. Street Division uses the following factors to identify and prioritize repair locations for both contractual services and City force work: the severity of the damage, the age of the request, other repair projects occurring at the same location, and utility conflicts. While the severity of the damage and the age of the request are the highest priorities, if best management practices dictate grouping jobs in the same geographic area, that course of action will be considered regardless of the age of the request. Damage rating factors from 1 to 4, with "1" being extensive damage to the right-of-way, "2" moderate, "3" routine, and "4" minimal damage, are also applied and considered in the prioritization.

In addition to the amount of \$298,582 for the construction contract, additional City Forces costs include \$8,404 for Design and Project Management, and \$23,178 for Inspection, for a total project cost of \$330,164.

FISCAL IMPACT:

Funds for this project are available as follows: \$152,354 from Council District 6 Infrastructure Improvement Fund 10529, \$161,410 from Council District 6 TransNet Infrastructure Fund 30309, both from CIP-59-002.0 and \$16,400 from Community Development Block Grant District 6 Reserve Fund 18540.

Mendes/Gardner/MMW

Aud. Cert. 2500521.

FILE LOCATION: CONT – Tree Root Damaged Sidewalk Replacement
FY 2005

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-101: Applying for Modification to Program Supplement Agreement to the Local Agency-State Agreement, Accepting Funds, and Inviting Bids for the Construction of Morena Boulevard Bridge Barrier Rails over Tecolote Creek (Bridge No. 57C-422).

(Clairemont Mesa Community Area. District 6.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-628) ADOPTED AS RESOLUTION R-299927

Authorizing the City Manager to apply for a modification to Program Supplement Agreement No. 154-M1 to the Local Agency-State Agreement No. 11-5004 (108) and accept a total of \$137,733 of Highway Bridge Rehabilitation and Replacement (HBRR) Funds for CIP-52-519.0, Bridge Rails - Citywide, Fund No. 38735;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2005 Capital Improvements Program (CIP) Budget for CIP-52-519.0, Bridge Rails - Citywide, solely and exclusively, for the purpose of providing funds for the construction of barrier rails on Morena Boulevard over Tecolote Creek (Bridge No. 57C-422) (Project), by \$137,733, contingent upon receipt of a fully executed modified Program Supplement and FNM - 76 (Version E-76) Caltrans Funding Authorization;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$137,733 from CIP-52-519.0, Bridge Rails - Citywide, solely and exclusively, for the purpose of providing fund for the construction of the Project, Fund No. 38735, HBRR, for construction costs, contingent upon receipt of a fully executed modified Program Supplement, and FNM-76 (Version E-76) Caltrans Funding Authorization;

Authorizing the City Manager to accept future modifications to the Program Supplement, if needed;

Authorizing the expenditure of an amount not to exceed \$54,075.80 from Fund No. 30300, Transnet, previously appropriated, solely and exclusively for construction costs for the Project;

Approving the plans and specifications for the construction of the Project;

Authorizing the City Manager, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$213,940.80, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing and directing the Contract Services Division of the City of San Diego to proceed to publish notice to contractors calling for bids for the Project, in accordance with the plans and specifications referred to in Paragraph 6;

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder for the construction of the Project, contingent upon the return of funds during the execution of construction Program Supplement;

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

CITY MANAGER SUPPORTING INFORMATION:

The existing steel railing on the Morena Boulevard Bridge over Tecolote Creek is substandard. This project will provide for replacement of the existing steel railing with current standard concrete barrier railings. This project is 75% funded by Caltrans and the remaining 25% is the City cost for match money. The total project cost is estimated at \$213,940.80. The project is at 100% complete design and ready to advertise for construction.

FISCAL IMPACT:

HBRR funds in the amount of \$22,132 were previously authorized for the design of the replacement of the barrier rails on Morena Boulevard Bridge over Tecolote Creek. This action will add \$137,733 in HBRR funds, Fund 38735, for the design, construction, and construction engineering of the project. Total Transnet funding in the amount of \$54,075.80 is available for this project. \$13,075.80 of this amount was previously authorized for expenditure.

Mendes/Boekamp/DZ

Aud. Cert. 2500528.

FILE LOCATION: W.O. 525232

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

- * ITEM-102: Applying for Modification to Program Supplement Agreement to the Local Agency-State Agreement, Accepting Funds, and Inviting Bids for the Construction of Barnett Avenue Bridge Barrier Rails over Pacific Highway (Bridge No. 57C-221).

(Midway-Pacific Highway Community Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-629) ADOPTED AS RESOLUTION R-299928

Authorizing the City Manager to apply for a modification to Program Supplement Agreement No. 020-M1 to the Local Agency-State Agreement No. 11-5004 (095), and accept a total of \$165,701 of Highway Bridge Rehabilitation and Replacement (HBRR) Funds for CIP-52-519.0, Bridge Rails - Citywide, Fund 38736;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2005 Capital Improvements Program (CIP) Budget for CIP-52-519.0, Bridge Rails - Citywide, for the construction of barrier rail on Barnett Avenue over Pacific Highway (Bridge No. 57C-221) (Project), by an amount not to exceed \$165,701, contingent upon receipt of a fully executed modified Program Supplement and FNM-76 (Version E-76) Caltrans Funding Authorization;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$165,701 from CIP-52-519.0, Bridge Rails - Citywide, solely and exclusively for the construction of the Project, Fund No. 38736, HBRR, for construction costs, contingent upon receipt of a fully executed modified Program Supplement, and FNM-76 (Version E-76) Caltrans Funding Authorization;

Authorizing the City Manager to accept future modifications to the Program Supplement, if needed;

Authorizing the expenditure of an amount not to exceed \$53,893.20 from Fund No. 30300, Transnet, previously appropriated, solely and exclusively for construction costs for the Project;

Approving the plans and specifications for the construction of the Project (Job Order No. 525231);

Authorizing the City Manager, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$255,006.20, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing and directing the Contract Services Division of the City of San Diego to proceed to publish notice to contractors calling for bids for the Project, in accordance with the plans and specifications referred to in Paragraph 6;

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder for the construction of the Project, contingent upon the return of funds during the execution of construction Program Supplement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves. (BID-M02050)

CITY MANAGER SUPPORTING INFORMATION:

The existing steel railing on the Barnett Avenue Bridge over Pacific Highway is substandard. This project will provide for replacement of the existing steel railing with current standard concrete barrier railings and design and construction of approaching guardrails. This project is 79% funded by Caltrans and the remaining 21 % is the City cost for match money. The total project cost is estimated at \$255,006.20. The project is at 100% complete design and ready to advertise for construction.

FISCAL IMPACT:

HBRR funds in the amount of \$35,412 were previously authorized for the design of the replacement of the barrier rails on Barnett Avenue Bridge over Pacific Highway. This action will add \$165,701 in HBRR funds, Fund 38736, for the construction, and construction engineering of the project. Total Transnet funding in the amount of \$53,893.20 is available for this project. \$4,588 of this amount was previously authorized for expenditure.

Mendes/Boekamp/DZ

Aud. Cert. 2500529.

FILE LOCATION: W.O. 525231

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-103: Two actions related to Otay River Watershed Management Plan (ORWMP).

(Otay Community Area. District 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-205) ADOPTED AS RESOLUTION R-299929

Authorizing the City Manager to execute the First Amendment to the Joint Exercise of Powers Agreement Among the County of San Diego and other agencies, for the Development of a Watershed Management Plan for the Otay River (First Amendment), under the terms and conditions set forth in the First Amendment, together with any modifications or amendments which do not increase the cost to the City and which the City Manager shall deem reasonably necessary from time to time in order to carry out the purposes and intent of the agreement;

Authorizing the City Auditor and Comptroller to transfer and expend an amount not to exceed \$75,000 in Fiscal Year 2005 from Water Revenue Fund 41500, for the purpose of providing funds for the First Amendment;

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

Subitem-B: (R-2005-206 Cor. Copy) ADOPTED AS RESOLUTION R-299930

Declaring that Councilmember Ralph Inzunza is appointed to represent the City of San Diego on the Policy Committee established under the Joint Exercise of Powers Agreement Among the County of San Diego, the Cities of San Diego, Chula Vista and Imperial Beach, and the San Diego Unified Port District for the development of a Watershed Management Plan for the Otay River, for a term not to exceed the Councilmember's current term in office.

CITY MANAGER SUPPORTING INFORMATION:

The County of San Diego, Port of San Diego, and the Cities of Chula Vista and Imperial Beach have entered into a Joint Exercise of Powers Agreement (JEPA) dated March 24, 2004, under the provisions of Government Code Title 1 Section 6500 et seq. to develop a watershed plan for the Otay River Watershed (ORWMP or the Plan).

The Plan will address, among other things, the protection of the beneficial uses of water resources, water quality standards, aquatic and upland resources, flood protection and public recreation. The Plan will allow the public agencies to clearly identify areas and practices that need to be targeted for pollution prevention and corrective actions. A portion of the Southern part of the City of San Diego lies within the Otay Watershed (District 8). The City of San Diego has water resources located in the watershed including the Upper and Lower Otay Reservoirs. The Lower Otay Reservoir serves the southern part of the City of San Diego and other water agencies in the South Bay. The City of San Diego should participate in the planning effort in order to protect its water resources.

The City's share for development of the Plan is \$75,000 and includes contingencies should additional funding be necessary to develop the Plan. The City's share is based on a formula agreed to by all parties to the agreement and includes consideration for population, land in the watershed under each agency's jurisdiction, plus a percentage of fixed costs for the Plan's development.

The JEPA provides for a policy committee made up of legislative members, a stake holder's committee appointed by the Legislative members and a project team of agency officials.

The City Manager's recommendation is to approve of the City's participation in the ORWMP (the Plan) effort by authorizing the City Manager to execute the First Amendment to the JEPA and the appointment of a Councilmember Ralph Inzunza to represent the City on the JEPA.

FISCAL IMPACT:

\$75,000.

Mendes/Belock/BC

Aud. Cert. 2500170.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-104: Approval for City Force Work Expenditures.

(See memorandum from Frank Belock Jr., dated 11/09/2004. Peninsula, Pacific Beach, Old San Diego, Uptown, City Heights, Balboa Park, College Area, Ocean Beach, Greater North Park, Kensington-Talmadge, and Los Penasquitos Canyon Preserve Community Areas. Districts 1, 2, 3, 4, 5, and 7.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-581) ADOPTED AS RESOLUTION R-299931

Authorizing the additional expenditure of an amount not to exceed \$1,581,000 for City Work Forces from CIP-73-083.0, Annual Allocation for the purpose of providing funds for the following:

1. \$70,000 for Sub CIP-73-836.1 Sewer & Water Group 601;
2. \$25,000 for Sub CIP-73-836.2 Water & Sewer Group 490;
3. \$45,000 for Sub CIP-73-837.0 Sewer & Water Group 079;
4. \$35,000 for Sub CIP-73-839.8 Water & Sewer Group 502;
5. \$75,000 for Sub CIP-73-840.3 Water & Sewer Group 517;
6. \$230,000 for Sub CIP-73-840.5 Water & Sewer Group 516;
7. \$30,000 for Sub CIP-73-842.1 Water Group 522;
8. \$220,000 for Sub CIP-73-842.7 Sewer & Water Group 620;
9. \$20,000 for Sub CIP-73-842.9 Sewer & Water Group 615;
10. \$285,000 for Sub CIP-73-845.8 Water Group 527 A;
11. \$85,000 for Sub CIP-73-847.8 Sewer & Water Group 637;
12. \$125,000 for Sub CIP-73-849.1 Sewer & Water Group 663;
13. \$110,000 for Sub CIP-73-850.1 Sewer & Water Group 669;
14. \$50,000 for Sub CIP-73-850.6 Sewer & Water Group 673;
15. \$76,000 for Sub CIP-73-852.6 Sewer & Water Group 686;
16. \$25,000 for Sub CIP-73-854.2 Sewer & Water Group 702;
17. \$75,000 for Sub CIP-73-850.3 Sewer & Water Group 670.

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/17/2004, NR&C voted 3 to 0 to approve the City Manager's recommendations. (Councilmembers Frye, Madaffer, and Inzunza voted yea. Councilmember Zucchet not present. District 4-vacant.)

SUPPORTING INFORMATION:

For many years the City has been executing water and sewer main replacement projects in an effort to renew our utility infrastructure and reduce the number of water and sewer main breaks. In a large part this effort has been successful. A necessary activity for all water and sewer main replacement work is the use of Water Department Operations staff for work associated with connections to our water system. City Forces are used for this work to ensure the safety, integrity and quality of the City's water system.

Since 1999, \$13,040,398.21 of City force work has been appropriated for 82 water and sewer main replacement projects. For 65 of the 82 projects the funds actually spent for City force work was \$7,581,730.96, while their total estimate was \$10,717,672.71 (an under expenditure of \$3,135,941.75). The other 17 projects were estimated at \$2,322,725.50, but their total expenditure was \$3,903,725.50 (an over-expenditure of \$1,581,000). While in the aggregate the cost of City force work was actually less than estimated and authorized by \$1,554,941.75; the City Council must authorize the \$1,581,000 as appropriations are on an individual project basis per San Diego Municipal Code Section 22.3105.

In respect to the reasons for City force work on a project being over expended, frequently it is because this work is occurring on busy streets or areas where it is often preferable to perform the work after hours on an overtime basis. For the applicable 16 projects, streets that were involved were those in central Old Town, within Balboa Park, as well as El Cajon Boulevard and Sunset Cliffs Boulevard.

FISCAL IMPACT:

The total estimated cost of this request is \$1,581,000. Funding of \$1,581,000 is available in Water Fund 41500, CIP-73-083.0, Annual Allocation -Water Main Replacement for this purpose. This action is to pay for the City Force Work in seventeen (17) Water projects.

Mendes/Belock/VB

Aud. Cert. 2500434.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

- * ITEM-105: Design Services Agreement with Pountney Psomas for the Rancho Bernardo Reservoir Rehabilitation Project.

(See memorandum from Frank Belock, Jr. dated 11/9/2004 and EOC Program Evaluation dated 11/2/2004. Rancho Bernardo Community Area. District 5.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-604) ADOPTED AS RESOLUTION R-299932

Authorizing the City Manager to execute an agreement in the amount of \$390,000 with Pountney Psomas, for design services for the Rancho Bernardo Reservoir Rehabilitation Project (Agreement), 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 Manager 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 \$624,000 from Water Fund 41500, CIP-73-328.0, Rancho Bernardo Reservoir Rehabilitation Project, for the purpose of providing funds for the above-referenced Agreement and related in-house engineering, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure 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.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/17/2004, NR&C voted 3 to 0 to approve the City Manager's recommendation. (Councilmembers Frye, Madaffer, and Inzunza voted yea. Councilmember Zucchet not present. District 4-vacant.)

SUPPORTING INFORMATION:

The Rancho Bernardo Reservoir is an existing earthen embankment potable water storage reservoir with an asphalt paved and butyl rubber lined bottom. It was originally constructed in 1964 with a capacity of 10 million of gallons. The reservoir is located at 16055 Big Springs Way in the Rancho Bernardo community of San Diego.

The Rancho Bernardo Reservoir is one of the storage facilities supporting the 793 Rancho Bernardo Pressure Zone which is located both to the north and south of the reservoir. All the required operational, fire flow and emergency storage capacity for this zone is located at this site.

The reservoir, due to its age and deterioration, was identified by the Water Department for rehabilitation. The reservoir interior and exterior surface are exhibiting deterioration and are in need of repair. In March of 2004, a final report performed by Simon Wong Engineering recommended improvements to the beam connections, repairs to the roof slab and columns and a seismic retrofitting to bring the reservoir up to code compliance and Water Department and State Department of Health Services standards. This project falls under the Department Of Health Services Compliance Order # 04-14-96CO-022.

The City's consultant selection process was used to interview the most qualified consultants. The Water Department request for Qualifications selection process was followed to obtain the services of a design engineering consultant. As part this process, the Water Department received a short-list of six qualified firms from Contract Services. On June 29, 2004, a Selection Panel convened and interviewed the short-listed firms. The firms were evaluated on the basis of qualifications including expertise, experience, understanding and approach to the scope of services, and the capability of personnel and subconsultants. Based upon the results of these interviews and subsequent reference checks, Pountney Psomas was selected as the most qualified team to provide engineering consulting services. The total design contract amount is \$ 390,000. The additional authorization of \$234,000 covers the planning effort, in house design support, city forces and other project support activities.

This project was presented to and approved by the Natural Resources and Cultural Committee at their meeting of November 17, 2004.

FISCAL IMPACT:

The total estimated cost of this project is \$624,000 for the design services agreement and related in-house costs. Funding of \$624,000 is available from the Water Fund 41500, CIP-73-328.0, Rancho Bernardo Reservoir Rehabilitation for this purpose. This project is part of the existing capital improvement program and it is not dependent on future financing proceeds.

Mendes/Belock/VB

Aud. Cert. 2500514.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-106: Agreement with Olivenhain Municipal Water District for the Purchase of Recycled Water from North City Water Reclamation Plant.

(Carmel Valley Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-605) ADOPTED AS RESOLUTION R-299933

Authorizing the City Manager to execute an agreement with Olivenhain Municipal Water District, for the purchase of reclaimed water from the North City Water Reclamation Plant, 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 Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement.

CITY MANAGER SUPPORTING INFORMATION:

This Agreement will allow the City of San Diego (City) to sell recycled water from the North City Water Reclamation Plant (NCWRP) to Olivenhain Municipal Water District (OMWD) at a delivery point on San Dieguito Road (Exhibit A of Agreement). The City will provide a capacity reservation of 400 acre-feet per year of recycled water to OMWD. OMWD will pay the City a \$400,000 capacity reservation charge, the Council adopted rate (\$350/Acre-Foot currently), a premium of \$25 per acre-foot as a Non-Participating Agency of the Metropolitan Sewerage System, and monthly meter charges.

The City currently has two sources of recycled water. The NCWRP began operation in 1997 and has a capacity to produce approximately 30 million gallons per day (mgd). Recycled water delivered in Fiscal Year 2004 was 4.2 mgd. The completion of new facilities will increase the delivery capacity to customers to 6 mgd by December 2004. The South Bay Water Reclamation Plant (SBWRP) construction was completed in the summer of 2002 and has a capacity to produce approximately 15 mgd. An agreement with Otay Water District for delivery of recycled water from the SBWRP was approved by the Council on October 20, 2003. The City also has an agreement with the City of Poway for delivery of recycled water from NCWRP.

This Agreement also authorizes OMWD to serve the Fairbanks Ranch Country Club golf course, a portion of which is located within the City in an area that does not receive recycled water service. The term of the Agreement is 20 years from December 1, 2004 or the date of execution, whichever is later.

OMWD will pay a \$25 per acre-foot premium for recycled water delivered outside of City boundaries. OMWD guarantees the purchase of an annual amount of recycled water (Exhibit B of Agreement).

Direct benefits to the City include: payment of the \$400,000 capacity reservation charge; delivery of 0.36 mgd of recycled water to OMWD from NCWRP assisting the City in meeting recycled goals; and providing recycled water service to Fairbanks Ranch Country Club located within the City. This Agreement is a product of City's active role in promoting the use of recycled water within the City and by other water agencies.

FISCAL IMPACT:

No cost to City. No expenditure will be authorized by this action. Under this Agreement OMWD pays City:

1. \$400,000 Capacity Reservation Charge (\$280,000 upon execution and \$120,000 on or before June 30, 2005).
2. Council Adopted Recycled Rate, currently \$350 Per Acre-Foot.
3. \$25 per acre-foot premium for recycled water delivered outside of City boundaries.
4. Prevailing Monthly Meter Charges.

Mendes/Belock/MAS

Aud. Cert. 2500434.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

- * ITEM-107: Lease Agreement with San Diego Medical Services Enterprise, LLC, for the Construction, Operation, and Maintenance of an Ambulance and Employee Parking Lot on 1.21 Acres of City-Owned Vacant Land Located at the Northwest Corner of Aero Drive and Interstate 15.

(See City Manager Report No. CMR-04-260. Kearny Mesa Community Area. District 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-634) ADOPTED AS RESOLUTION R-299934

Authorizing the City Manager to execute a lease agreement with San Diego Medical Services Enterprise, LLC, for the construction, operation, and maintenance of an ambulance and employee parking lot on 1.21 acres of City-owned vacant land located at the northwest corner of Aero Drive and Interstate 15 for a term of three and one-half years at no rent with the fair market rent of \$2,250 per month, adjusted annually, to be paid by the City from the General Fund to the Gas Tax Fund, all under the terms and conditions set forth in that lease agreement;

Authorizing the City Auditor and Comptroller to transfer the fair market rental value for the property (currently \$2,250 per month, to be adjusted annually) from the General Fund-EMS Program, Fund No. 100, to the Gas Tax Fund, Fund No. 302191, on a monthly basis during the pendency of the lease;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$200,000 from the General Fund-EMS Program, Fund No. 100, to be used solely and exclusively for necessary tenant improvements, pursuant to the terms and conditions set forth in that lease agreement.

FILE LOCATION: LEAS – San Diego Services Medical Enterprise, LLC

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-108: Forensic Medical Agreement for Minors with Children's Hospital and Health Center.

(See memorandum from Chief of Police William M. Lansdowne dated 8/4/2004.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-798) ADOPTED AS RESOLUTION R-299935

Authorizing the City Manager to execute this agreement with Children's Hospital-San Diego including any amendments, extensions, or renewals, for a period of up to five years;

Authorizing the Chief of Police to accept, expend and administer any amendments, extensions, or renewals, and to execute all aspects of program operation for a period of up to five years.

CITY MANAGER SUPPORTING INFORMATION:

Since 1979, the San Diego Police Department has utilized Children's Hospital and Health Center (Hospital) for the services of forensic physical and sexual abuse examinations and forensic interviews of minors and developmentally delayed adults. Children's Hospital and Health Center specializes in the treatment of minors and employs recognized experts in this field. This hospital has forensic evidence collection capabilities and this allows for increased efficiency for Child Abuse investigators when processing these cases. The examinations are required in order for the Police Department to be in compliance with the San Diego Regional Child Victim-Witness Protocol and are essential for the prosecution of offenders. The Police Department has been unable to generate interest from other logistically feasible local hospitals to provide this service at a competitive price. For these reasons, the City Manager has proposed a continued sole source agreement with Children's Hospital and Health Center for the forensic physical and sexual abuse examinations and forensic interviews of minors and developmentally delayed adults.

The term of this agreement is from December 1, 2003, through November 30, 2004, with four (4) one-year options to renew. Children's Hospital shall be compensated by the City at the rates set forth in the Agreement between the City of San Diego and Children's Hospital. At each subsequent December 1 during the term of the Agreement, rates paid to Hospital shall be adjusted by the annual change in the San Diego Consumer Price Index (CPI-U).

FISCAL IMPACT:

The fiscal impact for Fiscal Year 2004 was a net cost of approximately \$156,000 for the initial seven (7) months of the Agreement, December 1, 2003, through June 30, 2004. The Fiscal Year 2005 cost is not to exceed \$264,000. The Agreement includes an option to renew annually for four (4) additional one-year periods and shall be subject to a rate increase for each of the years based on the San Diego Consumer Price Index adjustment. With the annual cost adjustment, the expenditure is expected to not exceed \$264,000. All costs associated with this agreement will be funded from within the existing Police Department budget.

Ewell/Lansdowne/RMO/JCL

Aud. Cert. 2500398.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-109: Agreement with San Diego Sports Medicine and Family Health Center for San Diego Fire-Rescue Department's Wellness Program.

(See City Manager Report No. CMR-04-263.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-631) ADOPTED AS RESOLUTION R-299936

Authorizing the City Manager to execute an agreement with San Diego Sports Medicine, for the delivery of health services for the Fire-Rescue Wellness Program, for a period of two years, with the option of three one-year extensions, and as more particularly described in the Agreement;

Authorizing the City Manager and City Auditor and Comptroller to expend funds for the contractual services provided by San Diego Sports Medicine from the special interest-bearing fund set up for the FEMA grant and City matching funds;

Authorizing the City Auditor and Comptroller to establish a special revenue account for the deposit of donations and other revenue solely for the operating costs of the San Diego Fire-Rescue Wellness Program.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-110: Amendment No. 1 to Agreement with HDR Engineering, Inc. for Optimization/Engineering/Consulting Services.

(See memorandum from Richard Mendes dated 9/30/2004.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-603) ADOPTED AS RESOLUTION R-299937

Authorizing the City Manager to execute Amendment No. 1 to the Agreement with HDR Engineering, Inc. For Optimization, Professional Engineering, and Consultant Services under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$600,000 from Fund 41506 to provide funds for Amendment No. 1 to the Agreement with HDR Engineering, Inc. described above;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/06/2004, NR&C voted 4 to 0 to approve the City Manager's recommendation. (Councilmembers Zucchet, Frye, Madaffer, and Inzunza voted yea. District 4-vacant.)

SUPPORTING INFORMATION:

On December 8, 2003, the Council approved Resolution R-298723 approving the agreement with HDR Engineering, Inc. for Optimization, Professional Engineering, and Consultant Services. This request is to amend that Agreement with HDR Engineering, Inc., and to increase the Agreement by \$600,000. The revised agreement amount will be Not to Exceed \$1,899,589.

The amended scope for this project will include the following: 1) Support for Future EPA Progress Reporting including the upcoming Consent Decree, 2) Staff Extension services which may included GIS analysis and reporting, 3) Support for WWC Division Main Cleaning Regulatory Compliance, 4) Support for the CCTV Section Regulatory Compliance, 5) Support for Construction Section Regulatory Compliance, 6) Support for Food, Oil, and Grease (FOG) Inspection Program Regulatory Compliance, and 7) Project Management, Tracking, and Quality Assurance / Quality Control.

MBE/WBE/DBE UTILIZATION: In keeping with the City's Policy to voluntarily provide subcontracting opportunities to all interested qualified firms, including minorities and women, HDR has retained two MBE/WBE/DBE subconsultants as members of its consulting team in connection with this project.

FISCAL IMPACT:

The total cost for this action is \$600,000 and will be funded from Sewer Fund 41506. This project is part of the existing operation & maintenance program and is not dependent on future financing proceeds.

Mendes/Tulloch/EA

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

- * ITEM-111: Grant Application to the State of California for Parks and Recreation for Three Park Projects - La Miranda Elementary School Joint Use, North Chollas Community Park-Phase II Play Area, and Alice Birney Elementary School-Joint Use Improvements.

(Uptown, Southeastern San Diego, and San Ysidro Community Areas.
Districts 3, 4, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-567) ADOPTED AS RESOLUTION R-299938

Authorizing the City Manager to apply to the State of California Department of Parks and Recreation for grants under the Youth Soccer and Recreation Development and Urban Parks and Healthy Communities Programs under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 for the following projects:

- (a) La Miranda Elementary School Joint Use: a grant request of up to \$1,000,000 for completion of Phase II;
- (b) North Chollas Community Park-Phase II Play Area: a grant request of up to \$1,000,000 to upgrade a phase; and
- (c) Alice Birney Elementary School-Joint Use Improvements: a grant request of up to \$1,000,000 to complete the field;

Authorizing the Fiscal Year 2005 Capital Improvement Program Budget by adding CIP-29-873.0, Alice Birney Elementary School-Joint Use Improvements;

Authorizing increases in the Fiscal Year 2005 Capital Improvement Program Budget of \$1,000,000 in CIP-29-657.0, La Miranda Elementary School; \$1,000,000 in CIP-29-667.0, North Chollas Community Park; and \$1,000,000 in CIP-29-873.0, Alice Birney Elementary School-Joint Use Improvements, contingent upon receipt of fully executed agreements;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$1,000,000 from CIP-29-657.0, La Miranda Elementary School; \$1,000,000 in CIP-29-667.0, North Chollas Community Park; and \$1,000,000 in CIP-29-873.0, Alice Birney Elementary School-Joint Use Improvements, contingent upon receipt of fully executed agreements;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$80,000 from CIP-20-013.0, Grant Match Funding to CIP-29-667.0, North Chollas Community Park within Fund No. 630221;

Authorizing the City Manager to take all necessary actions to secure the Grants and to negotiate and execute all agreements necessary to comply with the State of California's grant requirements.

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds if the Grants are secured;

Authorizing the City Auditor and Comptroller to establish a special interest bearing fund for each Grant.

Certifying that the City Council has reviewed, understands, and agrees to the general provisions contained in the contracts shown in the State Urban Parks and Healthy Communities, and the Youth Soccer and Recreation Development Program procedural guides, including that the City has or will have sufficient funds to operate and maintain the project(s), and that the City has or will have available, prior to commencement of any work on the project, the matching funds.

Certifying that the projects conform to the recreation element of the City's General Plan.

CITY MANAGER SUPPORTING INFORMATION:

The State of California Department of Parks and Recreation administers the Youth Soccer and Recreation Development & the Urban Parks and Healthy Communities Programs under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002. The intent of these programs is to provide grant funding for capital projects including parks, park facilities, environmental enhancement projects, and youth centers that are within immediate proximity to neighborhoods with a critical lack of parks or deteriorated park facilities in areas with significant poverty and shortages of services for youth. Priority is given to projects that employ collaborative joint use agreements.

In March 2002, California voters approved Proposition 40, the \$2.6 billion 2002 State Resources Bond "Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002 (bond)". Based upon State Department of Finance population figures as of January 1, 2002, the City of San Diego will receive a total of \$11,063,430 on a Per Capita basis from the bond.

On December 8, 2003, the Mayor and City Council approved Resolution R-298699, which included a distribution of the Per Capita/RZH Per Capita funds to each council district, with a portion of the funding set aside for projects with citywide and regional impact. On February 20, 2004, the City entered into an umbrella contract with the State of California for the 2002 Resources Bond Act Per Capita/RZH Per Capita Grant Program.

This action authorizes the City Manager to submit three competitive grant proposals to the State of California Department of Parks and Recreation. The action also authorizes the City Manager to apply for \$200,000 from the Council District 3 portion of the City's 2002 Resources Bond RZH Per Capita funding. The funds will be used as a match for the Alice Birney Elementary School Joint Use Field Project. Three proposals being submitted are for 1) La Mirada Elementary School Joint Use: provides for construction of a multipurpose athletic field and associated ADA upgrades to the field which will be jointly used by the school and the community; 2) North Chollas Community Park: provides for design & development of multipurpose athletic fields; 3) Alice Birney Elementary School Joint Use Field: provides for turfing of approx. 1.65 acres of decomposed granite fields, and associated ADA upgrades to the field which will be jointly used. North Chollas Community Park, La Mirada Elementary School, and Alice Birney Elementary School are located in a densely populated, multi-cultural community with critical shortages of recreational facilities.

FISCAL IMPACT:

La Mirada Elementary School Joint Use: This grant will request up to \$1 million to complete Phase II of the La Mirada Elementary School Joint Use project. No local matching funds are required for this grant proposal; however, \$10,000 already appropriated to the CIP will be used for the Phase II project to enhance the grant proposal's competitive level. If received, the grant plus the identified matching funds will fully fund this project.

North Chollas Community Park: This grant will request up to \$1 million from the Urban Parks and Healthy Communities Program to complete a phase of the North Chollas Community Park. If received, the grant plus the required matching funds to be approved by this action will fully fund this phase of the project. The match consists of \$80,000 from the Park and Recreation Department Grant Match Funding, CIP-20-013.0, Fund 630221.

Alice Birney Elementary School Joint Use Field: This grant will request up to \$1 million from the Urban Parks and Healthy Communities Program to complete Alice Birney Elementary School Joint Use Field. If received, the grant plus the required matching funds to be approved by this action will fully fund this project. The match consists of \$200,000 the Council District 3 portion of the City's 2002 Resources Bond RZH Per Capita funding.

Herring/Oppenheim/AP

Aud. Cert. 2500518.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-112: Grant Application to the State of California Resources Agency for the Ocean Beach Bike Path and Mission Preserve Habitat Enhancement Projects

(Mission Valley Community Area. District 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-606) ADOPTED AS RESOLUTION R-299939

Authorizing the City Manager or his representative to apply to the State of California Resources Agency for grant funds in the amount of \$2,500,000 to complete the Ocean Beach Bike Path and Mission Preserve Habitat Enhancement projects;

Authorizing the City Manager or his representative to take all necessary actions to secure funding from the State of California;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds if the Grants are secured;

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

Amending the Fiscal Year 2005 Capital Improvements Program, by adding CIP-29-876.0, Mission Valley Preserve Habitat Enhancement;

Authorizing an increase in the Fiscal Year 2005 Capital Improvements Program Budget of \$500,000 in CIP-29-876.0, Mission Valley Preserve Habitat Enhancement; and \$2,000,000 in CIP-58-156.0, Ocean Beach Bike Path/Hotel Circle North Bikeway Project;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$500,000 for CIP-29-876.0, Mission Valley Preserve Habitat Enhancement; and \$2,000,000 in CIP-58-156.0, Ocean Beach Bike Path/Hotel Circle North Bikeway Project, contingent upon receipt of a fully executed grant agreement;

Certifying that the City Council understands the assurances and certification in the application form;

Certifying that the City Council has or will have sufficient funds to operate and maintain the project;

Certifying that the City Council has reviewed and understands the special and general provisions contained in the sample project agreement shown in the procedural guide.

CITY MANAGER SUPPORTING INFORMATION:

State of California Legislation in 2002 (AB 2156, Kehoe) created the San Diego River Conservancy to manage the public lands along the San Diego River. The new conservancy is the first in San Diego County and it will coordinate state funding for recreation, species restoration, scientific research, and educational and cultural activities along the river. A \$12 million allocation from the River Parkway fund was included in the State legislation to provide funding for acquisition and development of river parkways, pursuant to Section 78682.2 of the Water Code. The State Resources Agency has been designated as the lead agency for grant administration of this program. Procedures established by the State Resources Agency require a resolution certifying the approval of the application by the applicant's governing board before submission of the application to the State.

On September 10, 2004, the San Diego River Conservancy Board voted to recommend the use of \$2.5 million of the State allocation to fund the Ocean Beach Bike Path/Hotel Circle North Bikeway Project and the Mission Valley Preserve Habitat Enhancement Project. The City of San Diego will be the lead agency on the grant applications and completion of the projects.

The Ocean Beach/Hotel Circle North Bikeway project will extend the existing Ocean Beach bike path along the north side of Interstate 8 between Ocean Beach and Pacific Coast Highway to the western terminus of Hotel Circle Place (approximately 3,900 feet to the east). The bikeway would provide non-vehicular traffic with a travel route between the Ocean Beach and Old Town areas and the retail centers of the Mission Valley area, and will act as a habitat viewing area for the San Diego River.

The Mission Valley Preserve Habitat Enhancement Project will eradicate non-native vegetation and replant native vegetation within the Mission Valley Preserve and adjacent Transportation Department properties. These properties have been impacted by the encroachment of surrounding development and human population. The project area consists of the river corridor from the Southern Wildlife Preserve near Highway 5 on the west to the Mission Valley YMCA site to the east, and adjacent to the existing MTDB mitigation site. The Friends of Mission Valley Preserve have already been active in river restoration projects and this enhancement project will complete the restoration of the Mission Valley Preserve.

FISCAL IMPACT:

The grant application requests \$2,500,000 for projects on the San Diego River. The grant will fully fund the Ocean Beach Bike Path and Mission Valley Preserve Habitat Enhancement projects.

Herring/Oppenheim/AP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-113: 2002 California Resources Bond Per Capita Grants Requests for Park and Recreation Projects.

(University, Carmel Mountain Ranch, Tierrasanta, and Linda Vista Community Areas. Districts 1, 5, 6, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-627) ADOPTED AS RESOLUTION R-299940

Authorizing the City Manager to apply to the State of California's Clean Air, Safe Parks, and Coastal Protection Acts of 2000 and 2002 Per Capita and Roberti-Z'berg-Harris Grant Programs for the following projects (Projects):

- (a) University Gardens Children's Play Area: a grant request for \$10,000, CIP-29-513.0 for additional accessibility elements.
- (b) DePortola Joint-Use Comfort Station: a grant request for \$518,005, CIP-29-615.0 to complete funding design and construction of a comfort station, concession stand, and storage structure.
- (c) Carson Elementary Joint-Use Field: a grant request for \$634,662, CIP-29-514.0 for design and construction of a joint-use facility.
- (d) Highlands Ranch Comfort Station: a grant request for \$47,000, CIP-29-858.0 for accessibility requirements.

Authorizing the City Manager to take all necessary actions to secure funding from the Clean Air, Safe Parks, and Coastal Protection Acts of 2000 and 2002, Per Capita Grant Programs and the 2002 Roberti-Z'berg-Harris Per Capita Block Grant Program for the Projects;

Authorizing the City Manager to accept, appropriate, and expend the grant funds, pending the receipt of fully executed agreements;

Authorizing the City Auditor and Comptroller to establish special interest-bearing funds for each Grant;

Amending the Fiscal Year 2005 Capital Improvements Program Budget by increasing CIP-29-513.0, University Gardens Children's Play Area in an amount not to exceed \$10,000; increasing CIP-29-858.0, Highlands Ranch Comfort Station in an amount not to exceed \$47,000; increasing CIP-29-615.0, DePortola Joint Use Comfort Station in an amount not to exceed \$518,005; and by increasing CIP-29-514.0 for Carson Elementary Joint Use Field by an amount not to exceed \$634,662;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$10,000 for the University Gardens Children's Play Area, CIP-29-513.0; \$47,000 for the Highlands Ranch Comfort Station, CIP-29-858.0; \$518,005 for the DePortola Joint Use Comfort Station, CIP-29-615.0; and \$634,662 for the Carson Elementary Joint Use Field, CIP-29-514.0, pending the receipt of a fully executed agreements.

CITY MANAGER SUPPORTING INFORMATION:

Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Act of 2000

On October 4, 2001, the City entered into a contract with the State of California for the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Act of 2000, Roberti-Z'berg-Harris Per Capita Block Grant Program. The City's Roberti-Z'berg-Harris Per Capita Block Grant Program allocation was \$5,936,697.

This action authorizes the City Manager to apply for the following Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Act of 2000, Roberti-Z'berg-Harris Per Capita Block Grant Program from the Council District 5 allocation:

- **Highlands Ranch Comfort Station, CIP-29-858.0** - \$47,000 to fund the accessibility upgrades to the new comfort station.

2002 Resources Bond Act

In March 2002, California voters approved Proposition 40, the \$2.6 billion 2002 State Resources Bond "Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002 (bond)". Based upon State Department of Finance population figures as of January 1, 2002, the City of San Diego will receive a total of \$11,063,430 on a Per Capita basis from the bond. On December 8, 2003, the Mayor and City Council approved Resolution R-298699, which included a distribution of the Per Capita/RZH Per Capita funds to each council district, with a portion of the funding set aside for projects with citywide and regional impact. On February 20, 2004, the City entered into an umbrella contract with the State of California for the 2002 Resources Bond Act Per Capita/RZH Per Capita Grant Program.

This action authorizes the City Manager to apply for the following 2002 Resources Bond Act Per Capita and Roberti-Z'berg-Harris Grant Program projects.

University Gardens Children's Play Area, CIP-29-513.0 - \$10,000 of 2002 Resources Bond Act Per Capita from Council District 1's allocation for additional play equipment enhancements. This project upgrades an existing play area by replacing aging play equipment that no longer meets the current accessibility and safety standards.

DePortola Joint-Use Comfort Station, CIP-29-615.0 - \$518,005 of 2002 Resources Bond Act Per Capita from Council District 7's allocation to construct a comfort station, concession stand, and storage structure. This Tierrasanta community project is located at a middle school with four joint-use ball fields.

Carson Elementary Joint-Use Field - \$634,662 of 2002 Resources Bond Act Per Capita Roberti-Z'berg-Harris from Council District 6's allocation to construct approximately 1.5 acres of joint-use fields.

FISCAL IMPACT:

This action amends the Fiscal Year 2005 Capital Improvements Program Budget by increasing CIP-29-513.0 University Gardens Children's Play Area by \$10,000; CIP-29-858.0 Highlands Ranch Comfort Station by \$47,000; CIP-29-615.0 DePortola Joint Use Comfort Station by \$518,005; and CIP-29-514.0 Carson Elementary Joint Use Field by \$634,662.

Herring/Oppenheim/AP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

- * ITEM-114: Grant Application to the State of California Parks and Recreation Department for Mission Trails Regional Park Cedar Fire Riparian Restoration Project.

(Mission Trails Regional Park Community Area. District 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-568) ADOPTED AS RESOLUTION R-299941

Authorizing the City Manager to apply to the Habitat Conservation Fund (HCF), Grant Program administered by the State of California Parks and Recreation Department for grant funds in the amount of \$60,000 for Mission Trails Regional Park Cedar Fire Riparian Restoration Project (Project);

Authorizing the City Manager to take all necessary actions to secure funding from the State of California for the Project;

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

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

Amending the Fiscal Year 2006 CIP Budget, by adding CIP-29-875.0, Mission Trails Regional Park Cedar Fire Riparian Restoration Project, and increasing the Fiscal Year 2006 CIP Budget by \$60,000;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$45,000 from CIP-20-013.0, Grant Match Funding, to CIP-29-875.0, Mission Trails Regional Park Cedar Fire Riparian Restoration Project, within Fund No. 630221, Grant Match Funding, contingent upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$105,000 from CIP-29-875.0, Mission Trails Regional Park Cedar Fire Riparian Restoration Project, contingent upon receipt of a fully executed grant agreement;

Declaring that the City Council certifies it understands the assurances and certification in the Habitat Conservation Fund grant application form, will have sufficient funds to operate and maintain the project; and will have available prior to commencement of any work on the project the required match.

CITY MANAGER SUPPORTING INFORMATION:

The State of California enacted the California Wildlife Protection Act of 1990 which provides funds for grants to local agencies to acquire and/or develop facilities for public recreational and fish and wildlife habitat protection purposes through the Habitat Conservation Fund (HCF) Grant Program. The State of California Parks and Recreation Department is responsible for program administration.

This action will authorize the City Manager to apply to the State HCF Grant Program for a grant to replace fencing and trees burned in Mission Trails Regional Park during the Cedar Fire in October, 2003. The Mission Trails Regional Park Riparian Restoration project will replace 1,500 linear feet of fencing and 150 riparian trees in sensitive habitat within the City's Multiple Species Conservation Program (MSCP) area.

FISCAL IMPACT:

If the grant is received, the total project cost of \$135,000 will be met by \$60,000 from the State Habitat Conservation Fund, \$45,000 from the Park and Recreation Department grant match funding, and \$30,000 in kind services consisting of budgeted Mission Trails Regional Park staff time and time donated by volunteers.

Herring/Oppenheim/AP

Aud. Cert. 2500519.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-115: Bravo San Diego Day.

COUNCILMEMBER ZUCCHET’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-566) ADOPTED AS RESOLUTION R-299942

Issuing a hearty Bravo! for the exceptional contribution to the Arts that Bravo San Diego has provided;

Proclaiming November 20, 2004, to be “Bravo San Diego Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-116: Lao Hmong Family Association Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-600) ADOPTED AS RESOLUTION R-299943

Recognizing the Association for its continuing success and contributions to improving the quality of life for all San Diegans;

Proclaiming December 6, 2004, to be "Lao Hmong Family Association Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-117: Operation FitKids Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-630) ADOPTED AS RESOLUTION R-299944

Commending Operation FitKids for its commitment to improving the quality of life for thousands of children throughout the City;

Proclaiming November 30, 2004, to be "Operation FitKids Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-118: Excusing Councilmember Madaffer from Attending the City Council Meetings of November 22-23, 2004 and Closed Session Meeting of November 23, 2004.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-639) ADOPTED AS RESOLUTION R-299945

Excusing Councilmember Jim Madaffer from attending the following regularly scheduled meetings:

1. City Council meetings of Monday, November 22, 2004, and Tuesday, November 23, 2004.
2. Closed Session meeting of Tuesday, November 23, 2004.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-119: Two actions related to Conflict of Interest Codes for the City Manager and City Administration-General.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-523) ADOPTED AS RESOLUTION R-299946

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

Subitem-B: (R-2005-522) ADOPTED AS RESOLUTION R-300017

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

CITY MANAGER SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87306.5 requiring a biennial review and update of local Conflict of Interest Codes as reflected in City Council Resolution No. R-299304, adopted on June 7, 2004. The City Manager's Code has been revised to update the required filing categories for each designated position. The Administration-General's Code has been revised to remove positions previously designated that are no longer appropriate and to update the required filing categories for each designated position.

Ewell/JS

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-120: Conflict of Interest Code for the City Auditor and Comptroller's Office.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-598) ADOPTED AS RESOLUTION R-299947

Adopting the revised Conflict of Interest Code for the Office of the City Auditor and Comptroller.

CITY MANAGER SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87306.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-299304 adopted on June 7, 2004. The Code has been revised to change the reference from "Form 721, or its successor" in the Conflict of Interest Code of the City Auditor and Comptroller's Office to "Form 700, or its successor."

Webster/DMT

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-121: Conflict of Interest Code for Community and Economic Development.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-521) ADOPTED AS RESOLUTION R-299948

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

CITY MANAGER SUPPORTING INFORMATION:

The Conflict of Interest Code for Community and Economic Development was last revised by Resolution No. R-297307 on November 18, 2002. This revision is intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R299304 adopted on June 7, 2004. Community and Economic Development Department's code has been revised to include new positions which had not been previously designated to eliminate positions no longer in the department, to reflect changes in the Departmental organization and to update required filing categories for each position.

Herring/Faulk/DG

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-122: Conflict of Interest Codes for the Development Services Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-517) ADOPTED AS RESOLUTION R-299949

Adopting the Revised Conflict of Interest Code for the Development Services
Department.

CITY MANAGER SUPPORTING INFORMATION:

The Development Services Department Conflict of Interest Code was last revised by R-297308 on November 18, 2002. This revision is intended to conform to Government Code 87306.5 requiring a biennial review and update of local Conflict of Interest Codes as reflected in City Council Resolution No. R-299304, adopted on June 7, 2004. The Development Services Department Conflict of Interest Code had been revised to reflect new positions which had not been previously designated, remove positions previously designated, and to update the required filing categories for each designated position.

Halbert

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-123: Conflict of Interest Code for Engineering and Capital Projects.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-518) ADOPTED AS RESOLUTION R-299950

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

CITY MANAGER SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-299304 adopted on June 7, 2004. The Engineering and Capital Projects code has been revised to remove positions previously designated but removed from the Department.

Mendes/Boekamp/MC

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-124: Adopting a Conflict of Interest Code for the Environmental Services Department.

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-519) ADOPTED AS RESOLUTION R-299951

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

CITY MANAGER SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-299304 adopted on June 7, 2004. The Environmental Services Department’s last time changed on November 18, 2002 by Resolution No. R-297310. The Environmental Services code has been revised to include a new position which had not been previously designated, consolidate certain positions and to update the required filing categories for each designated position.

Mendes/Heap/KAC

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-125: Adopting a Conflict of Interest Code for the Financial and Management Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-309) ADOPTED AS RESOLUTION R-299952

Adopting the Revised Conflict of Interest Code for the Financial and Management Services.

CITY MANAGER SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-299304 adopted on June 7, 2004. The Financial and Management Services code has been revised to include new positions which had not been previously designated, remove positions previously designated but are now more appropriately included in other City departments' Conflict of Interest codes, and to update the required filing categories for each designated position.

Ewell/Frazier/SM

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-126: Conflict of Interest Code Update for the San Diego Fire-Rescue Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-315) ADOPTED AS RESOLUTION R-299953

Adopting a Conflict of Interest Code for the San Diego Fire-Rescue Department.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Fire-Rescue Department's Conflict of Interest Code was last revised by R-290852 on October 19, 1998. The San Diego Fire-Rescue Department's code has been revised to include new positions which had not been previously designated, to reflect changes in the Departmental organization, and to update the required filing categories for each position.

Ewell/Bowman/MW

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-127: Conflict of Interest Code for General Services Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-520) ADOPTED AS RESOLUTION R-299954

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

CITY MANAGER SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-299304 adopted on June 7, 2004. General Services code has been revised to include new positions which had not been designated, remove positions previously designated but now more appropriately included in other City department's Conflict of Interest codes, and to update the required filing categories for each designated position.

Mendes/Gardner/EL

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-128: Conflict of Interest Codes for the Governmental Relations Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-310) ADOPTED AS RESOLUTION R-299955

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

CITY MANAGER SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87306.5 requiring a biennial review and update of local Conflict of Interest Codes as reflected in City Council Resolution No. R-299304, adopted on June 7, 2004. The Governmental Relations code has been revised to: include new positions which had not been previously designated, remove positions previously designated but now more appropriately included in other City department's Conflict of Interest codes, and to update the required filing categories for each designated position.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-129: Conflict of Interest Code for Human Resources Department.

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-312) ADOPTED AS RESOLUTION R-299956

Adopting the Revised Conflict of Interest Code for the Human Resources Department.

CITY MANAGER SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-299304 adopted on June 7, 2004. The Human Resources Department code has been revised to include new positions which were previously designated in other City department’s Conflict of Interest codes, remove positions previously designated, and to update the required filing categories for each designated position.

Loveland/Lexin/RD

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-130: Adopting a Conflict of Interest Code for the Metropolitan Wastewater Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-314) ADOPTED AS RESOLUTION R-299957

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

CITY MANAGER SUPPORTING INFORMATION:

The Metropolitan Wastewater Department's Conflict of Interest Code has not been revised since August of 2002. This revision is intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-299304 adopted June 7, 2004. The Metropolitan Wastewater Department's code has been revised to include new positions which had not been previously designated, to delete designated positions which are no longer current, to reflect changes in the Departmental organization, and to update the required filing categories for each position.

Tulloch/MRB

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-131: Conflict of Interest Code for the Park and Recreation Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-178) ADOPTED AS RESOLUTION R-299958

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

CITY MANAGER SUPPORTING INFORMATION:

The Park and Recreation Department's Conflict of Interest Code was last revised by R-297320 on November 18, 2002. This revision is intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest code as reflected in City Council Resolution R-299304 adopted June 7, 2004. The Park and Recreation Department's code has been revised to include new positions, which must be designated, revised the titles of existing positions and removed positions to conform to departmental reorganizations.

Herring/Oppenheim/PJ

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-132: Conflict of Interest Code for the Planning Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-311) ADOPTED AS RESOLUTION R-299959

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

CITY MANAGER SUPPORTING INFORMATION:

The Planning Department is updating our Conflict of Interest Code to meet the requirement by the Political Reform Act (Government Code 81000 et seq.). The Planning Department Conflict of Interest Code has been revised to reflect updated designated positions required to disclose economic interests.

Loveland/Goldberg/YL

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-133: Conflict of Interest Code for the San Diego Police Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-528 Cor. Copy) ADOPTED AS RESOLUTION R-299960

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

CITY MANAGER SUPPORTING INFORMATION:

The Police Department's Conflict of Interest Code was last revised by Resolution R-297328 on November 18, 2002. This revision is intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest code as reflected in City Council Resolution No. R-299304 adopted on June 7, 2004. The Police Department's code has been revised to delete position which have been eliminated and to revise position titles to reflect the current organization of the Department.

Ewell/Lansdowne

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-134: Conflict of Interest Code for the San Diego City Employees' Retirement System.

RETIREMENT BOARD'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-307) ADOPTED AS RESOLUTION R-299961

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

SUPPORTING INFORMATION:

Pursuant to San Diego City Council Resolution R-299304, adopted June 7, 2004, the San Diego City Employees' Retirement System is required to update its Conflict of Interest Code. San Diego City Employees' Retirement System's Conflict of Interest Code was last revised by R-297325 on November 18, 2002. It now needs to be revised to add the position of Program Coordinator and to delete the positions of Benefits Manager, Supervising Management Analyst, Public Information Officer, Associate Management Analyst, Investment Accountant, and Retirement Financial Specialist (Investments/Auditor).

Grissom

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-135: Conflict of Interest Code for the Risk Management Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-529) ADOPTED AS RESOLUTION R-299962

Adopting the revised Conflict of Interest Code for the Risk Management Department.

CITY MANAGER SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-299304 adopted on June 7, 2004. The Risk Management Department code has been revised to include new positions which had not been previously designated, remove positions previously designated but now more appropriately included in other City department's Conflict of Interest codes, and to update the required filing categories for each designated position.

Lexin/Lopez/PY

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-136: Conflict of Interest Code for the Special Projects Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-530) ADOPTED AS RESOLUTION R-299963

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

CITY MANAGER SUPPORTING INFORMATION:

The Special Projects Department's Conflict of Interest Code was last revised by City Council Resolution Number R-297331 on November 18, 2002. This revision is intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R299304 adopted on June 7, 2004. The Special Projects Department's code has been revised to reflect changes in the Department organization.

Herring/JN

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-137: Conflict of Interest Code for the Technology Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-316) ADOPTED AS RESOLUTION R-299964

Adopting the Revised Conflict of Interest Code for the Technology Services.

CITY MANAGER SUPPORTING INFORMATION:

Technology Services is comprised of the Information Technology and Communications Department. The Conflict of Interest for Technology Services was last revised through Resolution R-297332 adopted on November 18, 2002.

Arellano/MM

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-138: Conflict of Interest Code Update for the Water Department.

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-317) ADOPTED AS RESOLUTION R-299965

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

CITY MANAGER SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87306.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-299304 adopted on June 7, 2004. The Water Department code has been revised to include new positions which had not been previously designated, remove positions previously designated but now more appropriately included in other City department’s Conflict of Interest codes, and to revise the titles of positions that have been abolished.

Belock/EB

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-139: Conflict of Interest Code for the Civil Service Commission.

PERSONNEL DIRECTOR'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-531) ADOPTED AS RESOLUTION R-299966

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

SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87306.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-299304 adopted on June 7, 2004. The Civil Service Commission code has been revised to include new positions which had not been previously designated, and to update the required filing categories for each designated position.

Snapper

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-140: Conflict of Interest Code for the Convention Center Expansion Financing Authority.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-532) ADOPTED AS RESOLUTION R-299967

Adopting the revised Conflict of Interest Code for the Convention Center
Expansion Financing Authority.

SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87306.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-299304 adopted on June 7, 2004. The Convention Center Expansion Financing Authority Code has been revised to update the disclosure categories and the list of positions that are required to submit annual Statements of Economic Interest.

Gwinn/Salt

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-141: Conflict of Interest Code for the Ethics Commission.

ETHICS COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-306) ADOPTED AS RESOLUTION R-299968

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

SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87306.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-299304 adopted on June 7, 2004. The Ethics Commission Code has been revised to include new positions which had not been previously designated.

Fulhorst

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-142: Conflict of Interest Code for the San Diego Facilities Equipment Leasing Corporation.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-562) ADOPTED AS RESOLUTION R-299970

Adopting the revised Conflict of Interest Code for the San Diego Facilities Equipment Leasing Corporation.

SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87306.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-299304 adopted on June 7, 2004. The San Diego Facilities Equipment Leasing Corporation Code has been revised to update the disclosure categories and the titles of the existing positions subject to the Conflict of Interest Code.

Gwinn/Salt

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-143: Conflict of Interest Code for the Public Facilities Financing Authority of the City of San Diego.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-533) ADOPTED AS RESOLUTION R-299971

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

SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87306.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-299304 adopted on June 7, 2004. The Public Facilities Financing Authority of the City of San Diego Code has been revised to update the disclosure categories and the titles of the positions subject to the Conflict of Interest Code.

Gwinn/Salt

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-144: Conflict of Interest Code for Qualcomm Stadium Advisory Board.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-571) ADOPTED AS RESOLUTION R-299972

Adopting the revised Conflict of Interest Code for the Qualcomm Stadium
Advisory Board.

SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87306.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-299304 adopted on June 7, 2004. The Qualcomm Stadium Advisory Board Code has been revised to update the disclosure categories and the positions subject to the Conflict of Interest Code.

Gwinn/Salt

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-145: Conflict of Interest Code for the Redevelopment Agency Project Area Committee (PAC).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-611) ADOPTED AS RESOLUTION R-299973

Adopting the revised Conflict of Interest Code for the Redevelopment Agency
Project Area Committees (PAC).

CITY MANAGER'S SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87306.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-299304 adopted on June 7, 2004. The Project Area Committee Conflict of Interest Code has been revised to include new positions (consultants, see Appendix A) which had not been previously designated and update the filing categories for each designated position (refer to Appendix B).

Cunningham/MO

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-146: Conflict of Interest Code for the Salary Setting Commission.

SALARY SETTING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-572) ADOPTED AS RESOLUTION R-299974

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

SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87306.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-299304 adopted on June 7, 2004. The Salary Setting Commission code has been revised to include new positions which had not been previously designated, and to update the required filing categories for each designated position.

Snapper/LJ

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-147: Conflict of Interest Code for the San Diego Convention Center Corporation.

SAN DIEGO CONVENTION CENTER CORPORATION BOARD OF DIRECTOR'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-573) ADOPTED AS RESOLUTION R-299975

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

SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87306.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-299304 adopted on June 7, 2004. The San Diego Convention Center Corporation code has been revised to include new positions which had not been previously designated, revise the titles of existing positions, delete the titles of positions that have been abolished, revise disclose categories, and to add jurisdictional information.

Lane

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-148: Conflict of Interest Code for the San Diego Housing Commission.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-308) ADOPTED AS RESOLUTION R-299976

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-149: Conflict of Interest Code for the San Diego Regional Revolving Loan Fund Board.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-610) ADOPTED AS RESOLUTION R-299977

Adopting a Conflict of Interest Code for the San Diego Regional Revolving Loan Fund Board.

CITY MANAGER SUPPORTING INFORMATION:

On July 8, 2002, the City Council adopted Resolution No. 296757, establishing the San Diego Regional Revolving Loan Fund (SDRRLF). That resolution also authorized the City Manager to establish a Loan Committee to review SDRRLF loan applications. Because the Loan Committee will not be solely advisory, the City Attorney and City Manager are recommending that a conflict of interest code be adopted for the Loan Committee. The conflict of interest code consists of standard terms from California Code of Regulations, Title 2, Section 18730, Appendix A, showing designated positions and their duties, and Appendix B, showing disclosure categories for the designated positions.

Cunningham/JK

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-150: Conflict of Interest Code for the San Diego Technology Fund, Formerly Known as the EmTek Fund.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-609) ADOPTED AS RESOLUTION R-299978

Adopting the revised Conflict of Interest Code for the San Diego Technology Fund (SDTF) Committee.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-151: Conflict of Interest Code for the Southeastern Economic Development Corporation.

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

Adopt the following resolution:

(R-2005-574) ADOPTED AS RESOLUTION R-299979

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

CITY MANAGER SUPPORTING INFORMATION:

This revision is intended to conform with Government Code Section 87306.5 requiring a biennial review and update of local Conflict of Interest codes as reflected in City Council Resolution No. R-299304 adopted on June 7, 2004. Southeastern Economic Development Corporation code has been revised to remove positions previously designated and update the required filing categories for each designated position.

Smith/KK

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

- * ITEM-152: Two actions related to the Pacific Highlands Ranch Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2005.

(See City Manager Report CMR-04-231; Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2005 Draft. Pacific Highlands Ranch Community Area. District 1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2005-474) ADOPTED AS RESOLUTION R-299980

Approving the document entitled "Pacific Highlands Ranch Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2005".

Subitem-B: (R-2005-475) ADOPTED AS RESOLUTION R-299981

Resolution of Intention to designate an area of benefit in Pacific Highlands Ranch and setting the time and place for holding a public hearing thereon.

FILE LOCATION: STRT FB-20 (33)

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

- * ITEM-153: 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-2005-405) ADOPTED AS RESOLUTION R-299982

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: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-154: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-641) ADOPTED AS RESOLUTION R-299983

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

FILE LOCATION: GEN'L - State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-155: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-278) ADOPTED AS RESOLUTION R-299984

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

FILE LOCATION: GEN'L - Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)

COUNCIL ACTION: (Time duration: 11:24 a.m. – 11:25 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-not present, Mayor Murphy-nay.

* ITEM-156: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-189) ADOPTED AS RESOLUTION R-299985

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

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

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-200: Cost Recovery Fee for Determination of Public Convenience or Necessity.

(See City Manager Report CMR-04-225.)

(Continued from the meetings of November 15, 2004, Item 103, and November 22, 2004, Item S410, last continued at the request of Deputy Mayor Atkins, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-363 Cor. Copy) RETURNED TO THE CITY MANAGER

Adopting the fee schedule for the purpose of recovering the cost of the San Diego Police Department's "public convenience or necessity" determinations;

Declaring that the fee for this service shall be Two Hundred and Twenty Dollars (\$220), and shall be effective thirty days from and after the passage of this resolution;

Declaring that the San Diego Police Department may, in the exercise of its discretion, forgo or excuse the service fee when deemed appropriate;

Authorizing the City Manager to review and adjust the fee annually or as costs of services increase.

FILE LOCATION: NONE

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

ITEM-201: Amendment to the Memorandum of Understanding with the County of San Diego to Extend the Administration, Management, and Operation of the County-Funded Contract Helicopter (Copter 2); and Execute Memorandum of Understanding with the Service Authority for Freeway Emergencies (SAFE).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-632) ADOPTED AS RESOLUTION R-299986

Authorizing the City Manager to amend the current Memorandum of Understanding with the County of San Diego, to extend the administration, management, and operation of the County-funded contract helicopter (Copter 2) on a month to month basis for up to six months beginning January 1, 2005, with the County reimbursing the City on a monthly basis for the full cost of operation which is anticipated to be approximately \$255,900 per month;

Authorizing the City Manager to accept and expend the funds made available by the County not to exceed \$1,609,812, solely and exclusively, for the contract helicopter services of Copter 2 under the current City of San Diego contract with Kachina-Helijet Aviation;

Authorizing the City Manager to execute a Memorandum of Understanding with the Service Authority for Freeway Emergencies (SAFE) for the continuation of a countywide fire and rescue program for Fiscal Year 2005, under the terms and conditions set forth in the Memorandum of Understanding;

Authorizing the City Manager to accept and expend \$250,000 from SAFE to operate, manage, and administer the fire and rescue helicopter program for Fiscal Year 2005.

CITY MANAGER SUPPORTING INFORMATION:

On August 2, 2004, the Mayor and City Council approved the negotiation and execution of a Memorandum of Understanding (MOU) with the County of San Diego for a County-funded contract fire and rescue helicopter using the City of San Diego's contract with Kachina-Helijet Aviation for 180 days. This second helicopter known as Copter 2, is managed and operated by San Diego Fire-Rescue Department under the auspices of the San Diego Regional Fire and Rescue Helicopter Program and is fully funded by the County through January 1, 2005.

It was anticipated that the County would take delivery of their procured helicopter at the end of the MOU. The current estimate is that the County's helicopter will be delivered closer to June 2005. In order to continue to provide for the safety of county residents, an extension of the current MOU for up to six months is recommended. On October 26, 2004, the County Board of Supervisors authorized an additional \$1.6 million be made available to extend the operation of Copter 2 on a month-to-month basis for up to six months. This extension could be discontinued if the County helicopter is delivered and operational before June 2005.

The Fire-Rescue Department will continue to administer, manage, and operate Copter 2 under the auspices of the San Diego Regional Fire and Rescue Helicopter Program. Approval is requested for the City to extend the current MOU with the County on a month-to-month basis for up to six months ending June 30, 2005. If approved, the City would accept and expend the funds made available by the County solely and exclusively for the helicopter services of Copter 2. The County will reimburse the City on a monthly basis for the full cost of operation which is anticipated to be approximately \$255,900 per month.

SAFE has been a long-term financial supporter of the Helicopter Program. In FY 2003, SAFE provided \$230,000 to fund the first 90-day pilot Helicopter Program. In FY 2004, SAFE provided \$400,000 to fund the 120-day Seasonal Helicopter Program. Following last October's devastating wildfires, SAFE voted to contribute additional funding to help continue the Helicopter Program in FY 2004 through monthly contributions of \$34,642 for a four and one-half month period.

On May 13, 2004, the SAFE Board of Directors approved additional funding for the continuation of the Helicopter Program for the period of June 25, 2004 through June 20, 2005. Executing the Memorandum of Understanding between the City of San Diego and SAFE will authorize the City Manager to accept and expend funds in support of the Helicopter Program.

Currently, the City of San Diego is under contract with Kachina-Helijet Aviation to provide helicopter services for the helicopter program. Under the existing contract, Kachina-Helijet Aviation provides a Bell 212HP twin-turbine helicopter equipped with a 375-gallon water dropping tank, rescue hoist, searchlight, pilots, maintenance engineers, maintenance, fuel, fuel servicing vehicle, fuel servicing driver, required equipment and insurance.

FISCAL IMPACT:

No fiscal impact to the City. The County of San Diego will make available \$1.6 million to the City of San Diego for the administration, management, and operation of Copter 2. The City will invoice the County monthly in the approximate amount of \$255,900.

SAFE has agreed to continue to help fund the Helicopter Program in FY2005. SAFE will contribute \$250,000 which is included in the \$800,000 projected revenue for the Helicopter Program for FY2005.

Ewell/Bowman/BF

Aud. Cert. 2500549.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:20 a.m. – 11:21 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-202: Award of Design-Build Contract for the Northwestern Area Police Station.

(Carmel Valley Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-623) ADOPTED AS RESOLUTION R-299987

Authorizing the City Manager to enter into a phase funded agreement with T. B. Penick & Sons, Inc., in an amount not to exceed \$13,968,483 (Phase I - \$12,798,729, Phase II - \$1,169,754) for design-build construction services for the Northwestern Area Police Station, 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 Manager 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 \$6,097,691 from CIP-36-059.0, Northwestern Area Police Station, Fund No. 79002, Carmel Valley North FBA; and an amount not to exceed \$2,098,257 from CIP-36-059.0, Northwestern Area Police Station, Fund No. 79008, Carmel Valley South FBA; and an amount not to exceed \$554,109 from CIP-36-059.0, Northwestern Area Police Station, Fund No. 79010, Del Mar Mesa FBA; and an amount not to exceed \$4,048,672 from CIP-36-059.0, Northwestern Area Police Station, Fund No. 79011, Pacific Highlands Ranch FBA, for the purpose of providing funds for Phase I of the above referenced Project;

Authorizing the expenditure of an amount not to exceed \$1,169,754 from CIP-36-059.0, Northwestern Area Police Station, Fund No. 39063, Torrey Hills Development Agreement, for the purpose of providing funds for Phase II (Construction) of the Design Build Agreement contingent upon the City Auditor and Comptroller first certifying that the necessary funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to amend the Fiscal Year 2004 Carmel Valley Public Facilities Financial Plan to include an appropriation of \$613,390 in FY 2005 from Carmel Valley North, Fund No. 79002, and an appropriation of \$24,257 in FY 2005 Carmel Valley South, Fund No. 79008 for CIP-36-059.0, Northwestern Area Police Station;

Authorizing the City Manager to amend the January 1997 Sorrento Hills (now known as Torrey Hills) Public Facilities Financial Plan to include an appropriation of \$1,150,524 in FY 2005 from Torrey Hills, Fund No. 39063 for CIP-36-059.0, Northwestern Area Police Station;

Authorizing the transfer of \$348,477.11 from CIP-29-687.0, Sage Canyon Neighborhood Park, Fund 79008, Carmel Valley South FBA and \$749,809.89 from CIP-52-424.0, Carmel Mountain Road/I-15 Interchange 79008 Carmel Valley South FBA to CIP-36-059.0, Northwestern Area Police Station, Fund 79008;

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

Subitem-B: (R-2005-625 Cor. Copy) ADOPTED AS RESOLUTION R-299988

Certifying that Mitigated Negative Declaration LDR No. 11891, 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.), that the declaration 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 Northwestern Area Police Station (Project).

Approving the Mitigated Negative Declaration.

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.

CITY MANAGER SUPPORTING INFORMATION:

The proposed facility is in the community of Carmel Valley, located on a four-acre lot on the west side of El Camino Real, at the intersection of Elijah Court. Two buildings are proposed for this site, a Police Substation (approximately 21,760 sq. ft.) and a vehicle maintenance facility (approximately 5,335 sq. ft.). This project also includes a vehicle wash facility, fueling station, traffic signal, driveway realignment, creation of a left turn lane into the facility, and median work. Due to rapid growth of the area and to ensure appropriate police coverage, this facility will serve the Northwest area of the City in the Carmel Valley and adjacent Community Plan Area.

The community plan recommended that a precise plan be adopted for this area accompanied by specific criteria for the Industrial-office park. Subsequently, the Carmel Valley (North City West) Employment Center Precise Plan was adopted in 1981 for the development of an industrial park which would allow industrial and office and minor commercial uses. The proposed project is consistent with the description for a government office, a use category permitted within the Carmel Valley PDO EC zone. The maintenance facility is permitted as an accessory use since it conforms to the development standards of the EC zone and occupies no more than 25 percent the total gross floor area on the premises.

The Northwestern Area Police Station is a Design Build project. In accordance with Article 2, Division 33 of The Municipal Code, T. B. Penick Construction was selected as the successful Design Build Team. The proposed agreement with T. B. Penick Construction will provide the professional services required to prepare construction drawings and construct Northwestern Area Police Station.

FISCAL MPACT:

The total project cost is estimated at \$19,123,988 of which \$13,968,483 is for the project cost for the Design-Build contract, \$3,000,000 is Land Acquisition, and \$2,155,505 is for engineering and related costs. This project will be phase funded. Funds for this action are available in CIP-36-059.0, Northwestern Area Police Station. The cost allocation to each Community Plan Area is based on a Fair Share criteria.

This project also included the design of a Community Service Center (CSC). However based on the escalating cost of construction and the community's desires to control cost, the CSC was eliminated as part of the value engineering for this project.

Mendes/Boekamp/AO

Aud. Cert. 2500520.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:21 a.m. – 11:22 a.m.)

MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-203: Marketing Partnership Agreement with McCune Chrysler Jeep.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-637 Cor. Copy) ADOPTED AS RESOLUTION R-299989

Authorizing the City Manager to execute an agreement with McCune Chrysler Jeep, for the use of vehicles for the lifeguard services fleet and general City purposes, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$33,503 from Fund 100, Dept. 601, Org. 3305, Acct. 4151, JO 003305, for the purpose of providing funds for the above referenced Project;

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

CITY MANAGER SUPPORTING INFORMATION:

On June 8, 1999, the City Council unanimously approved a strategic marketing plan for corporate partnerships with the City of San Diego called the Municipal Marketing Partnership Program (MMPP). The MMPP, now called the Corporate Partnership Program (CPP,) seeks opportunities for the City to generate resources from partnerships with the corporate community in order to enhance municipal services and facilities in the City. To date, the CPP has secured approximately \$14 million in new resources for the City through partnerships with companies such as Pepsi, Verizon Wireless, Cardiac Science, General Motors (GM) and Scripps Health.

On November 12, 2002, the City entered into a two-year marketing partnership with GM through the work of the CPP. Under this Agreement, GM provided the City with 34 vehicles at no cost, 29 of those vehicles represent the City's Lifeguard Fleet. The partnership saved the City approximately \$680,000 in lease payments. GM had the option to renew this partnership for an additional two years, however, due to new policies in the company, GM did not renew. GM agreed to extend the Agreement until April 1, 2005.

In June 2004, the City started an initiative to replace GM as a corporate partner. A Request for Sponsorship was sent to the San Diego County dealers for Ford, Chrysler/Plymouth/Jeep, Toyota, Honda and Nissan. Each company was afforded the opportunity to notify the City within a specified time frame of its interest in the CPP. Two companies responded with interest in a partnership. After initial discussions, only McCune Chrysler Jeep (McCune) remained interested in a comprehensive marketing partnership with the City.

Included, as an Attachment, is the negotiated Marketing Partnership Agreement between the City and McCune. The Agreement is based upon a three-year term. The benefits to the City under this Agreement are as follows:

1. McCune will donate sixteen (16) 2005 model year, factory-equipped vehicles for use by the City during the three-year term. The models include eleven (11) Jeep Wranglers and five (5) Jeep Grand Cherokees. These sixteen vehicles represent the Lifeguard beach patrol fleet that is in the most need of replacement.
2. McCune will develop a special employee promotional program for City of San Diego employees, retirees and families with the opportunity for the City to receive additional donated vehicles in years 2 and 3 of the Agreement.

McCune will be the automobile dealership sponsor of the CPP and will be afforded specific marketing benefits by the City. The agreement ensures that the City has the right to approve all logos and promotional activities that represent McCune's efforts to publicize the rights and benefits. The specific marketing rights and benefits afforded McCune are similar to two benefits awarded GM under that Agreement:

1. Recognition as the "Official Automobile Dealership of the City of San Diego" and the right to promote the designation.
2. Right to feature its marks and partnership designation through decals on vehicles donated for use by the City. Decals will be similar in size and placement to those approved under the GM Agreement.

FISCAL IMPACT:

The donation of 16 vehicles will save the City approximately \$418,787 over 3 years. The Agreement with McCune allows for additional donated lifeguard vehicles in years 2 and 3 if certain marketing goals are achieved through the employee purchase program. The City is planning to purchase the remaining 13 GM vehicles in the Lifeguard fleet at a reduced rate. The Equipment Division will endeavor to use existing fittings of the 16 GM vehicles on the donated McCune vehicles as an additional savings. The City's consultant, the Pathfinder Group, will be paid \$33,503 as a transaction fee for negotiating the partnership. This fee represents a 10% commission on the 3 years' savings discounted by 20%.

Herring/Braunwarth

Aud. Cert. 2500553.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:22 a.m. – 11:23 a.m.)

MOTION BY FRYE TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zuchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: **Notice of Pending Final Map Approval – Morena Vista Mixed Use Site.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Morena Vista Mixed Use Site” (T.M. No. 10197 PTS No. 49567), located northeasterly of Friars Road and Morena Boulevard in the Linda Vista Community Plan Area in Council District 6, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

ITEM-330: Two actions related to Mira Mesa FY 2005 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report CMR-04-230; "Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2005," October 2004 DRAFT. Mira Mesa Community Plan Area. District 5.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2005-402) ADOPTED AS RESOLUTION R-299990

Designating an area of benefit in Mira Mesa and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and the methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of one Facilities Benefit Assessment Area

Subitem-B: (R-2005-403) ADOPTED AS RESOLUTION R-299991

Approving the Development Impact Fee [DIF] schedule for properties within Mira Mesa.

FILE LOCATION: STRT FB-12 (33)

COUNCIL ACTION: (Time duration: 11:23 a.m. – 11:24 a.m.)

MOTION BY PETERS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Amendment to the Undergrounding of Utilities – 2003 Calendar Year Annual Allocation.

(University City Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-430) ADOPTED AS RESOLUTION R-299992

Authorizing to modify the 2003 Calendar Annual Year Allocation for Undergrounding of Utilities (San Diego Gas & Electric Company Allocation) by removing the project known as “Sorrento Valley Road” (from Carmel Valley to Oleander Street), in the amount of \$741,000, and replacing it with the project known as “North Torrey Pines Road” (from Genesee Avenue to John Jay Hopkins Drive and Genesee Avenue from North Torrey Pines Road to 290 feet South of Campus Point Drive), in the amount of \$741,000.

Subitem-B: (R-2005-483) ADOPTED AS RESOLUTION R-299993

A Resolution establishing an Underground Utility Districts financed through the City of San Diego Undergrounding Surcharge Fund.

CITY MANAGER SUPPORTING INFORMATION:

The proposed action to amend the 2003 annual allocation is made at the request of Council District 1 and is in accordance with Council Policy 600-08. The formation of North Torrey Pines Road from Genesee Avenue to John Jay Hopkins Drive and Genesee Avenue from North Torrey Pines Road to 290 South of Campus Point Drive Underground Utility District will prohibit overhead utilities in accordance with San Diego Municipal Code Chapter 6, Article 1, Division 5; *Underground Utilities Procedural Ordinance*. In connection with the foregoing, SDG&E intends to install a new underground 69kV transmission lined from North Torrey Pines Road from Genesee Avenue to John Jay Hopkins Drive and Genesee Avenue from North Torrey Pines Road to 290 South of Campus Point Drive at a cost of \$6 million.

There have been five outages to the nearby Torrey Pines substation over the past twelve years due to overlapping transmission outages. The installation of this new 69kV transmission line will improve reliability and will avoid any future outages. The new 69kV transmission line will eliminate load shedding associated with the loss of the two existing lines on the same corridor feeding the Torrey Pines substation. A small portion will go overhead temporarily spanning Interstate 5, which is included as part of this project and is expected to be in-service by June, 2005. This section will be relocated underground and through the new expanded Genesee bridge which has an anticipated completion date in 2008. San Diego Gas and Electric has worked closely with the City's engineering staff to avoid future conflicts along the route with City of San Diego CIP projects.

FISCAL IMPACT:

The amount of \$741,000 was previously authorized for the project known as Sorrento Valley Road from Carmel Valley Road to Oleander Street as part of the FY03 Annual Allocation, Resolution R-298586. This action would replace the Sorrento Valley Road Project with a project known as the North Torrey Pines from Genesee Avenue to John Jay Hopkins Drive and Genesee Avenue from North Torrey Pines Road to 290 South of Campus Point Drive. The construction cost of \$6,000,000, plus any cost overruns, will be paid by SDG&E less the \$741,000 contribution by the City.

Mendes/Boekamp/AO

FILE LOCATION: STRT K-323 (38)

COUNCIL ACTION: (Time duration: 11:24 a.m. – 11:24 a.m.)

MOTION BY PETERS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Bankers Hill Town Homes.

Matter of approving, conditionally approving, modifying or denying Community Plan Amendment, Rezone, Site Development Permit and Tentative Map to demolish existing buildings and construct a 19-unit residential units as condominiums (5-stories above underground parking) on a 0.46-acre site in the NP-3 Zone (proposed NP-1) of the Mid-City Communities Planned District within the Uptown Community Planning Area located at 2561 First Avenue. Approval of this project requires an affirmative two-thirds vote by the City Council to override the Airport Land Use Commission (ALUC) determination that the height of the proposed structure is not consistent with the San Diego International Airport Comprehensive Land Use Plan and the City of San Diego Municipal Code Airport Approach Overlay Zone.

(Uptown Community Plan Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in subitems A, B and D; introduce the ordinance in subitem C; and adopt the resolution in subitem E to grant the map; and adopt the resolution in subitem F to grant the permit:

Subitem-A: (R-2005-564) CONTINUED TO TUESDAY, JANUARY 25, 2005

Adoption of a Resolution certifying that Mitigated Negative Declaration LDR No. 5606, 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.), that the declaration 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 a site development permit, tentative map, rezone, and community plan amendment of the Banker's Hill Townhomes project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resources Code section 21081.6, the City 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;

That the City Clerk is directed 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.

Subitem-B: (R-2005-563) CONTINUED TO TUESDAY, JANUARY 25, 2005

Adoption of a Resolution amending the Uptown Community Plan, a copy of which is on file in the office of the City Clerk;

That the Council adopts the amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

Subitem-C: (O-2005-71) CONTINUED TO TUESDAY, JANUARY 25, 2005

Introduction of an Ordinance changing the zoning designation for a property located at 2561 First Avenue, in the Uptown Community Plan Area, in the City of San Diego, California, from the NP-3 Zone into the NP-1 Zone, as defined by San Diego Municipal Code Section 103.1510, and repealing Ordinance No. O-18487 (New Series), adopted April 7, 1998, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-D: (R-2005-565) CONTINUED TO TUESDAY, JANUARY 25, 2005

Adoption of a Resolution pursuant to California Public Utilities Code section 21676(b) the Council adopts the following findings by a two-thirds vote with respect to said override;

That the City Council overrules the decision of the Airport Land Use Commission and determines that the proposed 60 foot, 5-story multi-family development project is consistent with the purposes stated in California Public Utilities Code section 21670.

Subitem-E: (R-2005-) CONTINUED TO TUESDAY, JANUARY 25, 2005

Adoption of a Resolution granting or denying Tentative Map No. 10144, with appropriate findings to support Council action.

Subitem-F: (R-2005-) CONTINUED TO TUESDAY, JANUARY 25, 2005

Adoption of a Resolution granting or denying Site Development Permit No. 10143, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on April 8, 2004, voted 7-0 to approve; was opposition.

Ayes: Garcia, Chase, Lettieri, Schultz, Ontai, Steele, Otsuji

The Uptown Planners Community Planning Group had recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

The 0.46-acre project site is located at 2561 First Avenue between Laurel Street and Maple Street within the Uptown Community Plan Area. The property is currently designated for office and medium density residential development. The site is in the Mid-City Communities Planned District and is currently zoned NP-3. The application is requesting a General and Community Plan Amendment, Rezone, Site Development Permit and Tentative Map in order to develop the site with a five-story, 19-unit residential project. The project is deviating from the 40-foot height limit of the Airport Approach Overlay Zone. On July 8, 2004, the Airport Land Use Commission determined the project is “not consistent” with the Airport Land Use Plan.

On July 20, 2004 the Federal Aviation Administration (FAA) conducted an aeronautical study that concluded the project would not be a “Hazard to air navigation” and further determined that no additional lighting or marking was required. The Airport Authority determined not to appeal the FAA determination of no hazard to air navigation to the FAA National Headquarters Air Traffic Administrator. On August 12, 2004, the Planning Commission unanimously approved a motion recommending the City Council approve the proposed project including the encroachment into the airport approach buffer. Development Services has provided the City Council with findings that required a two-thirds vote to override the Airport Land Use Commission determination and approve the project. Staff has concluded that the proposed 60-foot tall structure complies with the height limit in the underlying zone and is consistent with existing development in the immediate proximity. Several existing buildings ranging between 5 and 12-stories are located in the vicinity many of which are closer to the airport approach path. In general, the override findings conclude that the proposed development complies with the purpose and intent of all the applicable land use plans, policies and regulations for development in this location and meets the purpose and intent of the California Public Utilities Code Section 21670, in that the proposed development would not impact the orderly development of the San Diego International Airport, nor would the proposed development constitute any hazard to the airport operations, the public using the airport facilities or the area in the vicinity of the airport where the development would be located. Therefore, staff believes the findings to override the Airport Land Use Commission and approve the project can be affirmed.

FISCAL IMPACT:

All of the costs associated with processing this application are paid for by the applicant.

Loveland/Halbert/JPH

LEGAL DESCRIPTION:

The project site is located at 2561 First Avenue in the Uptown Community Planning Area and is more particularly described as Lots A, B, C, and D in Block 287 of Horton’s Addition.

FILE LOCATION: LUP Banker Hill Town Homes 12/07/04 (65)

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

MOTION BY PETERS TO CONTINUE TO TUESDAY, JANUARY 25, 2005 FOR FURTHER REVIEW. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-333: Issuance of Multifamily Revenue Bonds for Hillside Garden Apartments.

(See San Diego Housing Commission Report HCR04-94. Darnall Community Area. District 7.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-616) ADOPTED AS RESOLUTION R-300008

Approving the issuance of bonds by the Housing Authority of the City of San Diego, to refinance the acquisition of Hillside Gardens Apartments, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

SUPPORTING INFORMATION:

The San Diego Housing Commission recommends that the City Council adopt a resolution approving the Housing Authority's official intent to issue multifamily housing revenue bonds for up to \$12 million for the Hillside Gardens Apartments. The Housing Commission also requests that the City Council hold a noticed, public hearing, in accordance with Section 147(f) of the Internal Revenue Code of 1986. These actions are required by the Internal Revenue Code in order for the interest on the bonds to be tax-exempt.

Prior Actions

On November 14, 2003, the Housing Commission approved the selection of bond counsel and a financial advisor to work on the project. In addition, the Housing Commission recommended that the Housing Authority and City Council take the initial steps to issue bonds for the project. On November 18, 2003, the Housing Authority adopted a resolution setting forth the official intent to issue bonds for the project. On July 27, the City Council approved a held public hearing and passed a resolution approving the issuance of up to \$27 million in multifamily housing revenue bonds for the project. On November 19, 2004 the Housing Commission recommended that the Housing Authority approve a loan of \$5 million and authorize the issuance of up to \$39 million in bonds for the project.

Summary

The Housing Commission is seeking approval from the Housing Authority to issue up to \$39 million in housing revenue bonds for the Hillside Gardens Apartments. Approximately \$27 million will represent new bonds for the project and approximately \$12 million will refund bonds that are currently outstanding. One of the requirements for interest on the bonds to be tax-exempt

is that the City Council hold a public hearing and pass a resolution approving the issuance of bonds by the Housing Authority. On July 27, 2004 the City Council held the public hearing and approved the issuance of bonds by the Housing Authority for the \$27 million new money bonds. The City Council must also hold a public hearing and pass a resolution for the \$12 million refunding bonds.

ECM/CF/PGA

NOTE: See the Redevelopment Agency Agenda of December 7, 2004, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:15 p.m. – 4:15 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-334: Sunset Cliffs Natural Park Master Plan.

Matter of approving, conditionally approving, or denying the Sunset Cliffs Natural Park Master Plan and amendment to the Local Coastal Program located at Sunset Cliffs Boulevard between Adair Street and Naval Base Point Loma. The Executive Summary is available at <http://www.sandiego.gov/park-and-recreation/parks/sunset1.shtml>.

The Sunset Cliffs Natural Park is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, **the final decision on this Sunset Cliffs Natural Park Master Plan will be with the California Coastal Commission.** The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment.

If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the Park and Recreation Department, Attention: JoEllen Jacoby, Project Manager, 202 C Street, MS 35, San Diego, CA 92101 before the close of the City Council public hearing. If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing.

(See City Manager Report CMR-04-256. MEIR LDR No. 91-0644/MMRP/Sunset Cliffs Natural Park Master Plan/LCP Amendment. Peninsula Community Plan Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A and B:

Subitem-A: (R-2005-497) ADOPTED AS RESOLUTION R-300009

Adoption of a Resolution certifying that Master Environmental Impact Report No. 91-0644 (SCH 97101071), 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 Administrative Code section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency, and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City Council;

That pursuant to California Public Resources Code section 21081.6, the City Council hereby 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;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Office of the County Recorder for the County of San Diego regarding the above project.

Subitem-B: (R-2005-504) ADOPTED AS RESOLUTION R-300010

Adoption of a Resolution adopting the Sunset Cliffs Natural Park Master Plan;

That this resolution shall not become effective until such time as the California Coastal Commission effectively certifies these actions as Local Coastal Program amendments as to the areas of the City within the Sunset Cliffs National Park.

OTHER RECOMMENDATIONS:

Planning Commission on September 30, 2004, voted 4 - 0 to approve staff's recommendations; no opposition.

Ayes: Otsuji, Steele, Lettieri, Ontai
Not present: Schultz, Garcia, Chase

The Peninsula Community Planning Group has been notified of this project and has not submitted a recommendation.

CITY MANAGER SUPPORTING INFORMATION:

Background

Dedicated in 1983, Sunset Cliffs Natural Park is a 68-acre resource-based regional park stretching along the Pacific Ocean bordering the western edge of Point Loma. A 50 acre portion of the park is a designated Multi-Habitat Planning Area, and links the 640-acre Point Loma Ecological Reserve beginning at the Navy property to the south.

The planning process for this park began in the early 1980s. The Coastal Area Committee appointed the Sunset Cliffs Natural Park (SCNP) Advisory Committee in 1987. The committee was formalized as the SCNP Recreation Council in 1988. The first Draft Master Plan was prepared in 1991 with subsequent attempts following in 1997 and 2001. Unfortunately, there has never been an adopted Master Plan for the park.

The current Master Plan, dated June 2004 addresses long-term needs to fulfill the goal of returning the area to a natural park. Implementation of improvements would occur in multiple phases based on funding availability. Additional environmental review and permits may be required for implementation of individual projects identified in the Master Plan. Approval of this Master Plan is an implementing action that constitutes an amendment to the Local Coastal Program.

The Draft Master Environmental Impact Report was prepared and submitted for a 45-day public review period from October 1, 2003 through November 14, 2003 in accordance with the State CEQA Guidelines 15087. At the request of the Sunset Cliffs Natural Park Recreation Council, the public comment period was extended 14 days to conclude on Tuesday, December 2, 2003 allowing additional time for the Recreation Council and community to meet and finalize their comments. The document was finalized on May 18, 2004.

Project Description

Sunset Cliffs Natural Park is located approximately five miles west of downtown San Diego along the western shoreline of the Point Loma Peninsula. The Park is bordered to the north by the Adair Street/Sunset Cliffs Boulevard intersection. The site is bordered to the west by the Pacific Ocean and to the east by Sunset Cliffs Boulevard, single-family residential uses, and the Point Loma Nazarene University (PLNU). The site is bordered to the south by the Naval Base Point Loma (historically known as Fort Rosecrans Military Reservation).

The Master Plan is divided into two sections, the Linear Park and the Hillside Park. The 18-acre Linear Park section includes the natural cliff and street parking areas that extend approximately 1.25 miles south to the Sunset Cliffs Boulevard/Ladera Street intersection.

The 50-acre Hillside Park includes the natural cliff and hillside area that extends from the Sunset Cliffs Boulevard/Ladera Street intersection approximately 0.5 miles south to the northern border of the military reservation. The location is illustrated on the Aerial Photo.

Current elements within the Linear Park consist of parking areas and pedestrian trails with recreational uses generally consisting of jogging, surfing, fishing, tide pooling, and bicycling. The Hillside Park currently consists of upper and lower parking lots, informal trails, an athletic field, and seven structures. The Hillside Park is primarily used for passive recreation such as surfing, hiking, and jogging. However, the 1.4 acre athletic field, in Hillside Park, is used for active recreation such as softball practice, intramural sports, and unorganized neighborhood Park use.

FISCAL IMPACT: None with this action.

Herring/Oppenheim/Penera/JEJ

LEGAL DESCRIPTION:

Sunset Cliffs Natural Park, along the western shoreline of the Point Loma Peninsula bordered to the north by Adair Street, bordered to the west by the Pacific Ocean, bordered to the south by Naval Base Point Loma, and bordered to the east by Sunset Cliffs Boulevard.

FILE LOCATION: LUP-Sunset Cliffs Natural Park Master Plan 12/07/04 (65)

COUNCIL ACTION: (Time duration: 11:31 a.m. – 11:58 a.m.; 2:22 p.m. – 3:43 p.m.)

Testimony in opposition by Julie Valle and Daniel Coffey.

Testimony in favor by Camillia Ingraham, Gordon Goldstein, Brian Katz, Sandy Purden, Joe Watkins, Craig Barilotti, Taylor Baughn, Debra Blum, David Kimball, Katie Klumpp, Eric Swanson, Ann Swanson, Nancy Sue McCleary, Dedi Ridenour, Cynthia Conger and Debra Greene.

MOTION BY ZUCCHET TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-nay, Mayor Murphy-yea.

ITEM-335: Three actions related to Centre City Public Facilities Financing Plan Fiscal Year 2005 & Proposed City/Agency Reimbursement Agreement.

(See Centre City Development Corporation Report No. CCDC-04-46/ CCDC-04-27 and Centre City Public Facilities Financing Plan Draft dated 11/07/2004. Centre City Redevelopment Project Community Area. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-614) ADOPTED AS RESOLUTION R-300011,
WITH DIRECTION

Approving the document titled "Centre City Public Facilities Financing Plan, Fiscal Year 2005";

Subitem-B: (R-2005-615 REV.) ADOPTED AS RESOLUTION R-300012,
WITH DIRECTION

Rescinding the existing Development Impact Fees (DIF) for the Centre City Community;

Declaring that the DIF fee schedule contained in the Centre City Public Facilities Financing Plan, Fiscal Year 2005, to be an appropriate and applicable DIF for all properties within the Centre City Community;

Declaring that the Docket Supporting Information (Centre City Development Corporation's Report No. CCDC-04-46, CCDC-04-27), including all exhibits and attachments thereto, and the text contained in the Centre City Public Facilities Financing Plan, are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code Sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

Declaring that the Development Impact Fees established shall be effective no sooner than sixty days following this final action on the adoption of the fee, pursuant to Government Code Section 66017, on a date certain to be set by Council at this hearing;

Declaring that projects in the "Pipeline", those that are subject to San Diego Redevelopment Agency Agreements, which have been approved and executed by the San Diego Redevelopment Agency on or before January 30, 2005, shall not be subject to the Development Impact Fees adopted by the Centre City Public Facility Financing Plan, Fiscal Year 2005, provided that their fair share costs of the Public Facilities financed are not imposed on other development.

Subitem-C: (R-2005-617) ADOPTED AS RESOLUTION R-300013,
WITH DIRECTION

Approving the proposed Reimbursement Agreement, to facilitate the San Diego Redevelopment Agency advance funding of projects and provided that Centre City DIF's collected by the City be transferred to the Centre City Development Corporation on behalf of the Agency to reimburse Centre City PFFP project and financing expenditures.

NOTE: See the Redevelopment Agency Agenda of 12/07/2004 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:22 p.m. – 5:50 p.m.)

Testimony in opposition by Steven Barklis, Wilmer Cooks, Lee Gibbs and Tom Mallany.

Testimony in favor by Keith Hernandez, John Cunningham, Bud Fischer, Kip Howard, Tod Ruth, Tom Scott, Joyce Summer, Gordon Summer, Leslie Wade, Barbara Warden, Jason Wood and Daniel Beeman.

MOTION BY ZUCCHET TO ADOPT WITH DIRECTION THAT OF THE SEVEN PROJECTS THAT HAVE DDA'S AND OPA'S IN PLACE AT PRESENT WILL BE EXEMPTED AND THAT APRIL 1, 2005 WILL BE THE CUTOFF DATE FOR HAVING A COMPLETED BUILDING PERMIT IN HAND, IN ADDITION TO ADOPTING THE ADDITIONAL CCDC BOARD RECOMMENDATIONS TO CREATE AND IMPLEMENT REVENUE BONDS. ACCEPT COUNCIL MEMBER ATKINS' RECOMMENDATION THAT THE REDEVELOPMENT DIRECTOR AND THE CITY MANAGER CONSIDER HOW THIS PROGRAM COULD BE IMPLEMENTED IN THE NORTH PARK AND CITY HEIGHTS AREAS, AND THE FEASIBILITY OF ADOPTING FACILITIES FINANCING IN THESE COMMUNITIES. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S500: Stephen Shushan Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-647) ADOPTED AS RESOLUTION R-299994

Commending and thanking Stephen Shushan for his contributions to the City of San Diego;

Proclaiming December 7, 2004, to be "Stephen Shushan Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. – 10:31 a.m.)

MOTION BY FRYE TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S501: Communications Site Lease Agreement with the County of San Diego for the Lake San Marcos Peak Communications Site.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2005-67) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 11, 2005

Introduction of an Ordinance authorizing the City Manager to execute a 10-year Communications Site Lease with the County of San Diego for the installation, operation, and maintenance of a new paging transmitter on a portion of Lake San Marcos Peak located in the County of San Diego at a monthly rent of \$500 with an annual increase, under the terms and conditions set forth in the Communications Site Lease Agreement.

CITY MANAGER SUPPORTING INFORMATION:

The City's Information Technology & Communications Department (IT&C), requires installation of a new paging transmitter to better cover City Employees who reside in the north county areas. The communications site located at the top of Lake San Marcos Peak, owned by the County of San Diego is suitable for this purpose.

IT&C will install a new transmitter within a portion of the County's existing building as well as two antenna mounts on the adjacent communications tower. In order for the transmitter to be housed at the building, installation of racks and shelving, painting and modification of the room are required. Rent credits will be granted to the City in the amount of \$5,000 for the work performed to improve the Premises. The improvements are scheduled to be completed no later than six months after commencement of the lease. Upon completion the County will verify the improvements were completed and apply the credit at the monthly rental rate of \$5000 plus any COLA adjustment until the credit is exhausted.

City valuation staff determined the fair market rental value of the property to be \$6,000 per year.

USE - IT&C paging system for the north county area

TERM - Ten years

RENT - Five hundred dollars (\$500) per month with 3% annual increase.

CAPITAL IMPROVEMENTS - Estimated to be \$5,000 and will be rent credited by the County.

FISCAL IMPACT:

Annual Rental payment of Six Thousand Dollars (\$6,000) plus annual adjusted increases will be deducted from special fund 50064, Dept. 539.

Herring/Griffith/CRG

Aud. Cert. 2500542.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-S502: April Boling Day.

COUNCILMEMBER MAIENSCHIEIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-577) RETURNED TO COUNCIL DISTRICT 5

Recognizing the vital services that April Boling has provided the citizens of San Diego;

Proclaiming December 8, 2004, to be "April Boling Day" in the City of San Diego.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:43 p.m. – 3:43 p.m.)

* ITEM-S503: Marvin Miles Day.

COUNCILMEMBER MAIENSCHIEIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-584) ADOPTED AS RESOLUTION R-299996

Recognizing Marvin Miles for his outstanding service and contributions to the people of San Diego;

Proclaiming December 15, 2004, to be "Marvin Miles Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-S504: Conflict of Interest Code for the City Treasurer.

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-643) ADOPTED AS RESOLUTION R-299997

Adopting a Conflict of Interest Code for the new City Treasurer’s Department.

CITY MANAGER SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87306.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-299304 adopted on June 7, 2004. This new City Treasurer’s code has been revised to include new positions which had not been previously designated, remove positions previously designated but now more appropriately included in other department’s Conflict of Interest codes, and to update the required filing categories for each designated position.

Frazier/Vattimo

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-S505: Sewer and Drainage Easement Vacation for Parcels 1 and 2 of Parcel Map No. 18812.

(Encanto Neighborhoods and Southeastern Community Areas. District 4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-547) ADOPTED AS RESOLUTION R-299998

Vacating the sewer and drainage easements located across a portion of Parcels 1 and 2 of Parcel Map No. 18812 to unencumber this property and facilitate development of the site, under the procedure for the summary vacation of public service easements, San Diego Municipal Code Section 125.1001, et seq.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate unneeded sewer and drainage easements in a portion of Parcels 1 and 2 of Parcel Map No. 18812 as shown on Engineering Drawing 00019-3-C. This property is located southwesterly of Euclid Avenue and Market Street in the Encanto Neighborhood, Southeastern Community Planning Area in Council District 4.

The sewer and drainage easements being vacated are on private property. Development of the property requires relocation of the utilities, making the existing easements unnecessary. The applicant has granted easements of approximately equal value as shown on Engineering Drawing No. 00019-1-C to accommodate the public improvements as shown on Engineering Drawing No. 30086-D. There is no present or anticipated future use for the easements in their present locations. Staff has reviewed the request and recommends approval of the vacations. These easements were acquired at no cost to the City.

FISCAL IMPACT:

None.

Loveland/Broughton/GRB

FILE LOCATION: DEED – F-9854

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

- * ITEM-S506: Two actions related to Approving Final Maps of Carmel Valley Neighborhood 10 Unit 6 West and Carmel Valley Neighborhood 10 Unit 7 West Including Access Rights Vacation and Water and Sewer Easement Vacations.

(Carmel Valley Community Area. District 1.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-648) ADOPTED AS RESOLUTION R-299999

Approving final map of Carmel Valley Neighborhood 10 Unit 6 West.

Subitem-B: (R-2005-649) ADOPTED AS RESOLUTION R-300000

Approving final map of Carmel Valley Neighborhood 10 Unit 7 West.

CITY MANAGER SUPPORTING INFORMATION:

These maps propose the subdivision of 34.9214 acres into 137 lots. Unit 6 West includes 49 numbered lots for residential development, plus 5 lettered lots. 3 of the 5 lettered lots are building restricted lots. One 3.464 acre lot is an H.O.A. open space easement, and one 0.099 acre lot is to be deeded to the City for open space. Unit 7 consists of 73 lots for residential development, plus 10 building restricted easement lots. These subdivisions are located in the Carmel Valley Community Plan area, northwesterly of Carmel Mountain Road and Carmel Country Road in Council District 1.

These maps require City Council approval because access rights and water and sewer easements are being vacated on the maps. The easements being vacated were granted at no cost to the City and the City has no fee interest. The public improvements required in connection with these maps are shown on Engineering Drawing Nos. 32718-1-24-D and 32929-1-32-D, for which bonds in the amounts of \$1,435,907 and \$2,256,192 have been posted and agreements entered into to assure completion.

Subdivider has given assurance to the City that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development."

Staff has determined that these maps are consistent with all previously approved permits, and the City Engineer has approved the maps.

Loveland/Broughton/GRB

FISCAL IMPACT:

None.

FILE LOCATION: LUP – Carmel Valley Neighborhood 10 Unit 6 West and Carmel Valley Neighborhood 10 Unit 7 West including Access Rights Vacations and Water and Sewer Easement Vacations 12/07/04 (65)

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-S507: Appointment of Management Team for Meeting and Conferring with the City's Employee Organizations.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-135) ADOPTED AS RESOLUTION R-300001

Designating the following persons as members of the Management Team for purposes of meeting and conferring with the City's recognized employee organizations, pursuant to the "Meyers-Milias-Brown Act" (MMBA) and Council Policy 300-06:

P. Lamont Ewell, City Manager

Cathy Lexin, Human Resources Director

Michael McGhee, Labor Relations Manager

Scott Chadwick, Labor Relations Officer

Christopher Morris, Head Deputy City Attorney

Michael Rivo, Deputy City Attorney

Joseph Sanchez, Deputy City Attorney

Marcella Ordorica, Deputy City Attorney

Bill Kay, Kay & Stevens

Appointing the Personnel Director and the Retirement Administrator as members of the Management Team for all purposes except for meeting and conferring with the City's employee organizations.

CITY MANAGER SUPPORTING INFORMATION:

In accordance with the provisions of California Government Code Section 3500, et. seq., commonly referred to as the Meyers-Milias-Brown Act (MMBA), the City Council has adopted Council Policy 300-6 which provides the rules and regulations governing employee-employer relations. Contained in MMBA and Council Policy 300-6 is the authority for the City Council to designate a Management Team as its representative to carry out the meet and confer process.

As a result of recent changes in personnel, it is recommended that the Resolution be adopted which designates the following persons as the Management Team for purposes of meeting and conferring with the recognized employee organizations: P. Lamont Ewell, City Manager; Cathy Lexin, Human Resources Director; Mike McGhee, Labor Relations Manager; Scott Chadwick, Labor Relations Officer; Chris Morris, Head Deputy City Attorney; Michael Rivo, Deputy City Attorney; Joseph Sanchez, Deputy City Attorney; Marcella Ordorica, Deputy City Attorney; Bill Kay, Labor Negotiator/Advisor - Kay & Stevens; and that the Personnel Director and Retirement Administrator be appointed as members of the Management Team, pursuant to Council Policy 300-6 for all purposes except meeting and conferring with employee organizations.

FISCAL IMPACT:

None.

Lexin/McGhee

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-S508: Excusing Councilmember Brian Maienschein from Attending the Council Meeting of November 23, 2004.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-646) ADOPTED AS RESOLUTION R-300002

Excusing Councilmember Brian Maienschein from attending the regularly scheduled City Council Meeting of November 23, 2004, due to the birth of his daughter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-S509: Agreements with Sharp Rees-Stealy Medical Group and U.S. Healthworks Medical Group to Provide Industrial Medical Services to City Employees.

(See City Manager Report No. CMR-04-266.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-650) ADOPTED AS RESOLUTION R-300003

Authorizing the City Manager to execute an agreement with the Sharp Rees-Stealy Medical Group and an agreement with U.S. Healthworks Medical Group, to provide industrial medical services to City employees for a period of two years with an option to renew for three additional one-year periods, under the terms and conditions set forth in the respective Agreements ;

Authorizing the expenditure of an amount not to exceed \$10,000,000 per year from Workers' Compensation Fund Number 60029, contingent upon the City Council approving the Fiscal Year 2006 and 2007 budgets, solely and exclusively for the purpose of providing funds for the execution of the above agreements.

Aud. Cert. 2500532.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-S510: **Notice** of Settlement of Personal Injury Claims of Flora Kuritsky and Morris Kuritsky.

Adopted as Resolution R-299882 on November 22, 2004.

A Resolution approved by the City Council in Closed Session on Tuesday, November 22, 2004, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; District 4-vacant; Maienschein-not present; Frye-yea; Madaffer-not present; Inzunza-not present; Mayor-yea;

Authorizing the City Manager to pay the sum of \$60,000 to Flora Kuritsky and Morris Kuritsky and their attorney, in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from the Personal Injury Claims of Flora Kuritsky and Morris Kuritsky;

Authorizing the City Auditor and Comptroller to issue a check, made payable to Flora Kuritsky and Morris Kuritsky and to their attorneys of record Denise M. Kelleher, in the amount of \$60,000. This constitutes the complete and final settlement of the Personal Injury Claims of Flora Kuritsky and Morris Kuritsky against the City of San Diego, its agents and employees.

Aud. Cert. 2500505.

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

ITEM-S511: **Notice** of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a “Notice of Completion and Acceptance of Subdivision Improvement Agreement” indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

COMMUNITY AREA

Robinhood Ridge Unit No. 4

Otay Mesa

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director of Development Services or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

* ITEM-S512: Casey Gwinn Day.

MAYOR MURPHY’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-660) ADOPTED AS RESOLUTION R-299924

Recognizing Casey Gwinn for his eight years of dedicated service to the City of San Diego and for his exemplary commitment to the citizens of San Diego;

Proclaiming December 3, 2004, to be “Casey Gwinn Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-S513: Results of November 16, 2004 Special Election in Council District 4.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-613) ADOPTED AS RESOLUTION R-300004

Declaring that the Council finds and determines, pursuant to the provisions of Section 27.0411 of the San Diego Municipal Code, as follows:

The whole number of votes cast in District No. 4 was 13,459.

The total vote received by each candidate at the special election is as follows:

For Council District No. 4 (term ending December 4, 2006)

George Stevens	4,615
Tony Young	3,102
Dwayne Crenshaw	2,898
Marissa Acierto	1,210
Bruce Williams	917
Jim Galley	260
Gloria Tyler-Mallery	252
Patrick Deshields	205

Declaring George Stevens and Tony Young are hereby to be the candidates for the office of Councilmember, District No. 4, in the Special Run-Off Election to be held in District No. 4 of the City of San Diego on January 4, 2005, pursuant to the provisions of Ordinance No. O-19316 (New Series) adopted September 7, 2004;

Declaring the number of votes cast in each precinct for and against the proposition is recorded in the Election Returns Book, which book is a part of the records of this Council;

Declaring the City Clerk shall make public the results of the canvass of the special election by publication of a copy of this resolution.

SUPPORTING INFORMATION:

A Special Election was held November 16, 2004 for the purpose of submitting candidates for the office of Councilmember for District Four (4) to the voters of that Council District. The results of that election have been certified by the City Clerk, and are now being certified to the City Council.

Abdelnour

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-S514: Approval of the 2005 Legislative Calendar.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-661) ADOPTED AS RESOLUTION R-300005

Adopting the schedule of meetings for the City Council and Standing Committees of the City Council for the period of January 1, 2005, through December 31, 2005.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-S515: Four actions related to Year 2005 Committee Assignments.

(See memorandum from Mayor Murphy dated 12/2/2004.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-654) ADOPTED AS RESOLUTION R-300014

Appointing the following Councilmembers to serve as chairpersons and members of the four standing Council committees for terms commencing December 7, 2004, through December 31, 2005, pursuant to Section 22.0101, as amended, of the Municipal Code of the City of San Diego:

**COMMITTEE ON RULES, FINANCE, AND
INTERGOVERNMENTAL RELATIONS**

Mayor Dick Murphy (Chair)
Councilmember Michael Zucchet (Vice Chair)
Councilmember Jim Madaffer
Councilmember Brian Maienschein
Councilmember Scott Peters

**COMMITTEE ON PUBLIC SAFETY AND
NEIGHBORHOOD SERVICES**

Councilmember Jim Madaffer (Chair)
Councilmember District 4 (Vice Chair)
Councilmember Toni Atkins
Councilmember Ralph Inzunza
Councilmember Michael Zucchet

COMMITTEE ON NATURAL RESOURCES AND CULTURE

Councilmember Brian Maienschein (Chair)
Councilmember Toni Atkins (Vice Chair)
Councilmember Donna Frye
Councilmember Jim Madaffer
Councilmember District 4

COMMITTEE ON LAND USE AND HOUSING

Councilmember Scott Peters (Chair)
Councilmember Ralph Inzunza (Vice Chair)
Councilmember Toni Atkins
Councilmember Donna Frye
Councilmember District 4

Declaring that Rule 13 of the Permanent Rules of Council is hereby temporarily suspended pursuant to Rule 32 to permit the City Council to appoint the members of the four standing committees rather than the Rules Committee.

Subitem-B: (R-2005-656) ADOPTED AS RESOLUTION R-300018

Appointing the following Councilmembers to serve as chairpersons of the four standing Council committees for terms commencing December 7, 2004, and ending December 31, 2005, pursuant to Section 22.0101, as amended, of the Municipal Code of the City of San Diego:

COMMITTEE

CHAIRPERSON

**COMMITTEE ON RULES, FINANCE, AND
INTERGOVERNMENTAL RELATIONS**

Mayor Dick Murphy

**COMMITTEE ON PUBLIC SAFETY AND
NEIGHBORHOOD SERVICES**

Councilmember Jim Madaffer

**COMMITTEE ON NATURAL RESOURCES
AND CULTURE**

Councilmember
Brian Maienschein

**COMMITTEE ON LAND USE AND
HOUSING**

Councilmember Scott Peters

Subitem-C: (R-2005-657) ADOPTED AS RESOLUTION R-300019

Selecting Councilmember Michael Zucchet as Deputy Mayor of the City of San Diego for the period commencing December 7, 2004, and ending December 31, 2005, pursuant to Section 25 of the Charter of the City of San Diego and after full discussion and deliberation by the City Council.

Subitem-D: (R-2005-658 REV.) ADOPTED AS AMENDED AS
RESOLUTION R-300020

Establishing a Temporary Rule of the Council to create a committee known as the Committee on Government Efficiency and Openness consisting of the following Committee members and such advisors as they shall appoint, pursuant to the San Diego Municipal Code Section 22.0101, Rule 31, entitled "Temporary Rules":

Councilmember Donna Frye (Chair)
Councilmember Toni Atkins
Councilmember Brian Maienschein

Declaring that this Temporary Rule supersedes the Permanent Rules of the Council established by Section 22.0101 of the San Diego Municipal Code and shall be effective until December 31, 2005, unless made permanent by enactment of an ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:47 p.m. – 4:04 p.m.)

MOTION BY ATKINS TO ADOPT THE RESOLUTIONS IN SUBITEMS A, B, AND C; ADOPT AS AMENDED THE RESOLUTION IN SUBITEM D, WITH DIRECTION BY COUNCIL MEMBER FRYE THAT THE CITY ATTORNEY DRAFT AN ORDINANCE TO AMEND THE PERMANENT RULES OF COUNCIL TO INCLUDE THE RIGHT TO KNOW COMMITTEE AS A PERMANENT STANDING COMMITTEE, WHICH WOULD FALL UNDER RULE 10, AND TO INCLUDE THAT THE RIGHT TO KNOW COMMITTEE SHALL BE SUBJECT TO AND WILL ABIDE BY THE BROWN ACT WITHOUT IT BEING EXEMPT AS AN AD HOC COMMITTEE. DIRECT THAT THE CITY MANAGER PREPARE A BUDGET FOR THIS COMMITTEE, SIMILAR TO OTHER STANDING COMMITTEES, IN ORDER TO OFFSET THE COSTS OF THE COMMITTEE'S OPERATION. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S516: Year 2005 Council Appointments to Outside Organizations.

(See memorandum from Mayor Murphy dated 12/2/2004.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-655) ADOPTED AS RESOLUTION R-300015

Appointing the following named persons to serve as Council representatives and Council liaison and their alternates to organizations listed below for the period commencing December 7, 2004, through December 31, 2005, pursuant to Section 22.0101, as amended, of the San Diego Municipal Code:

1. **ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY:**

Donna Frye - representative

District 4 Councilmember - representative

2. **CITY-COUNTY JOINT HOMELESS TASK FORCE:**

Toni Atkins - representative

Michael Zucchet - representative

3. **CRIMINAL JUSTICE COUNCIL:**

District 4 Councilmember - representative

4. **LEAGUE OF CITIES, SAN DIEGO COUNTY DIVISION:**

Jim Madaffer - representative

5. **LOCAL AGENCY FORMATION COMMISSION:**

Donna Frye - representative

6. **LOS PENASQUITOS CANYON PRESERVE TASK FORCE:**

Brian Maienschein - representative

Scott Peters - representative

7. **METROPOLITAN TRANSIT SYSTEM BOARD:**

Toni Atkins - representative, Executive Comm.

Brian Maienschein - representative, Taxi Cab Comm., alt. Exec Comm

Michael Zucchet - representative

District 4 Councilmember - representative

8. **MISSION TRAILS REGIONAL PARK TASK FORCE:**

Jim Madaffer - representative

Mayor Dick Murphy - representative

9. **NORTH EMBARCADERO ALLIANCE:**

Michael Zucchet - representative

10. **OTAY RIVER VALLEY REGIONAL PARK POLICY COMMITTEE:**

Ralph Inzunza - representative

11. **PORT COMMISSION LIAISON:**

Michael Zucchet - representative

12. **REINVESTMENT TASK FORCE:**

District 4 Councilmember - representative

13. SANDAG BOARD OF DIRECTORS:

Jim Madaffer - representative

Scott Peters - representative

Mayor Dick Murphy - alt.

14. SANDAG BAYSHORE BIKEWAY COMMITTEE:

Michael Zucchet - representative

15. SANDAG BORDERS COMMITTEE:

Ralph Inzunza - representative

Brian Maienschein - alt.

16. SANDAG HIGH SPEED RAIL TASK FORCE:

Brian Maienschein - representative

17. SANDAG EXECUTIVE COMMITTEE:

Jim Madaffer - representative

Scott Peters - alt.

18. SANDAG PUBLIC SAFETY COMMITTEE:

District 4 Councilmember - representative

19. SANDAG REGIONAL ENERGY WORKING GROUP:

Donna Frye - representative

20. SANDAG REGIONAL HOUSING TASK FORCE:

Toni Atkins - representative

21. SANDAG REGIONAL PLANNING COMMITTEE:

Scott Peters - representative

Jim Madaffer - alt.

22. SANDAG SHORELINE PRESERVATION COMMITTEE:

Scott Peters - representative

23. SANDAG TRANSPORTATION COMMITTEE:

Jim Madaffer - representative

Scott Peters - alt.

Mayor Dick Murphy- alt.

24. SANDAG WALKABLE COMMUNITIES COMMITTEE:

Donna Frye – representative

25. SAN DIEGO WORKFORCE PARTNERSHIP:

Toni Atkins – representative

District 4 Councilmember – representative

26. SAN DIEGO REGIONAL AIRPORT AUTHORITY:

Ralph Inzunza - representative

27. SAN DIEGO RIVER CONSERVANCY:

Mayor Dick Murphy - representative

Donna Frye - representative

28. **SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE
PARK JOINT POWERS AUTHORITY:**

Brian Maienschein – representative

Scott Peters - representative

29. **SERVICE AUTHORITY FOR FREEWAY EMERGENCIES
(SAFE):**

Donna Frye – representative

District 4 Councilmember - representative

30. **SOUTHEASTERN ECONOMIC DEVELOPMENT
CORPORATION LIAISON:**

District 4 Councilmember - representative

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:44 p.m. – 3:46 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-S517: Agreement with San Diego Second Chance Project for CDBG Funding of a Commercial Office Building at 6145 Imperial Avenue.

(Encanto Community Area. District 4.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-597) ADOPTED AS RESOLUTION R-300006

Authorizing the City Manager to execute an agreement with San Diego Second Chance Program (Second Chance), a non-profit corporation, for the receipt of an amount not to exceed \$220,000 in Community Development Block Grant (CDBG) funds to assist in funding the purchase price of a commercial office building at 6145 Imperial Avenue (the Property) recently acquired by Second Chance for space to provide its services and administrative functions, such CDBG funds to be provided under the terms and conditions set forth in the agreement, and subject to the recordation of a Promissory Note and Deed of Trust executed by Second Chance in favor of City and secured by the Property;

Authorizing the City Manager to expend an amount not to exceed \$220,000 from CDBG funds as follows, all subject to the terms and conditions of the agreement referenced above: \$50,000 from Fund No. 18535, \$30,000 from Fund No. 18536, \$60,000 from Fund No. 18537, \$25,000 from Fund No. 18539, \$55,000 from Fund No. 18540.

CITY MANAGER SUPPORTING INFORMATION:

The City is making available through a loan of \$220,000 in Community Development Block Grant funds to the Second Chance Program, a non-profit social services provider, to purchase property located at 6145 Imperial Avenue to provide a facility that would offer large meeting space for basic job skills training, multiple specialized classrooms, computer labs, and space for administrative functions. Second Chance will provide the balance of the purchase price from other sources.

The City's loan will be secured by a Note and Deed of Trust recorded on the property purchased by Second Chance.

FISCAL IMPACT:

\$220,000 is available in Community Block Grant Fund Numbers 18535, 18536, 18537, 18539 & 18540.

Herring/Griffith/LM

Aud. Cert. 2500555.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-S518: South Fortuna Mountain Acquisition.

(Mission Trails Regional Park Community Area. District 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-652) ADOPTED AS RESOLUTION R-300007

Authorizing the City Manager to exchange the City's property for property and funds to be received as part of Escrow No. 3204575-JH at Commonwealth Land Title Company between the City, SDSU, and SDG&E, as follows:

1. Authorizing the City Manager as part of the property exchange, to accept a deed from SDSU for the South Fortuna Property being 91 acres of property located within the northern boundary of Mission Trails Regional Park as identified on Plat "A";
2. Authorizing the City Manager as part of the property exchange, to accept an endowment of \$270,000 from SDSU for the management and maintenance of the South Fortuna Property;
3. Authorizing the City Manager as part of the property exchange, to grant to SDG&E a 200-foot wide easement and right-of-way traversing Mission Trails Regional Park from approximately Tierrasanta Boulevard to Highway 52 for the construction and maintenance of aboveground and underground equipment and facilities for the transmission and distribution of electricity, all as set forth in that certain Easement;

4. Authorizing City Auditor and Comptroller to deposit the endowment of \$270,000 in the Fortuna Mountain Fund, Fund No. 67070.

CITY MANAGER SUPPORTING INFORMATION:

The proposal is the acceptance of fee title to approximately 90 acres of land located on South Fortuna Mountain adjacent to Mission Trails Regional Park, for the Park and Recreation Department. San Diego Gas and Electric is funding the purchase of this land in exchange for the renewal of an existing overhead electrical easement that runs diagonally through Mission Trails Regional Park.

In the 1950s, SDG&E obtained an easement from the Department of Navy over property, which today includes portions of Miramar, East Elliott, Mission Trails Park and Tierrasanta. The easement will expire in 2005, and SDG&E needs to re-establish its easement rights in this area. SDG&E has proposed to enter into a three party escrow agreement with San Diego State University (SDSU) and the City of San Diego (City). Conditions of the escrow are that SDG&E will fund the acquisition of approximately 90 acres of land on South Fortuna Mountain from SDSU (see plat "A"); SDSU will deed directly to the City said 90 acres and will provide an endowment of approximately \$270,000 to the Park and Recreation Department for management of the property; the City will renew the electrical easement SDG&E currently has across a portion of Mission Trails Park that is due to expire (see plat "B").

The endowment of \$270,000 will be deposited into Fortuna Mountain Fund 67070 that was established in February of 2003 when the City acquired 265 acres of South Fortuna Mountain in a similar transaction involving the San Diego Zoological Society. The interest from said endowment will to maintenance Fund 10708, Fortuna Mountain.

FISCAL IMPACT:

The San Diego State University will provide the City with an endowment of approximately \$270,000 to fund continual management of the property.

Herring/Griffith/BLM

FILE LOCATION: DEED F-9855

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 6:06 p.m. in honor of the memory of:

Jae Pil Shim as requested by Council Member Scott Peters;
Wayne William Buss as requested by Council Member Toni Atkins;
Charles Robert McDonald as requested by Council Member Toni Atkins; and
Honorable Paul Overton as requested by Mayor Murphy.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 5:56 p.m. – 6:06 p.m.)