

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, AUGUST 8, 2005  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Deputy Mayor Atkins at 2:01 p.m. Deputy Mayor Atkins recessed the meeting at 2:49 p.m. for the purpose of a break. Deputy Mayor Atkins reconvened the meeting at 2:56 p.m. with all Council Members present and District 4, District 8 and the Mayor vacant. Deputy Mayor Atkins recessed the meeting at 4:21 p.m. for the purpose of a break. Deputy Mayor Atkins reconvened the meeting at 4:31 p.m. with all Council Members present and District 4, District 8 and the Mayor vacant. The meeting was adjourned by Deputy Mayor Atkins at 4:41 p.m. into Closed Session on Tuesday, August 9, 2005 at 9:00 a.m. to discuss pending and potential litigation and meet and confer matters.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor-vacant
- (1) Council Member Peters-present
- (2) Council District 2-vacant
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council District 8-vacant
- Clerk-Maland (er)

FILE LOCATION:                      MINUTES

ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (M) Mayor-vacant
- (1) Council Member Peters-present
- (2) Council District 2-vacant
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council District 8-vacant

FILE LOCATION: MINUTES



ITEM-10: INVOCATION

Invocation was given by Reverend Arthur Cribbs of the Christian Fellowship Congregational Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Frye.

FILE LOCATION: MINUTES



[ITEM-30:](#) Sonara Barber-Carter Day.

**COUNCILMEMBER YOUNG'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1400) ADOPTED AS RESOLUTION R-300751

Recognizing Sonara Barber-Carter for her unselfish efforts to improve the quality of life for many San Diegans;

Proclaiming August 8, 2005, to be "Sonara Barber-Carter Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:12 p.m.)

MOTION BY YOUNG TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



[ITEM-31:](#) The Reverend Dr. C. Dennis Williams Day.

**COUNCILMEMBER YOUNG'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-51) ADOPTED AS RESOLUTION R-300752

Proclaiming August 21, 2005, to be "The Reverend Dr. C. Dennis Williams Day" in the City of San Diego, in recognition of his 30<sup>th</sup> anniversary celebration and in appreciation of his efforts to serve and minister to the spiritual needs of many.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:12 p.m. – 2:18 p.m.)

MOTION BY YOUNG TO ADOPT. Second by Frye. Passed by the following vote:  
Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,  
Madaffer-yea, District 8-vacant, Mayor-vacant.



[ITEM-32:](#) Pam and Gary Glover Day.

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-29) ADOPTED AS RESOLUTION R-300753

Recognizing the exceptional contributions that Pam and Gary Glover have made  
to progress the business and social climate of the Mission Beach community and  
the San Diego region;

Proclaiming July 28, 2005, to be "Pam and Gary Glover Day" in the City of San  
Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:23 p.m.)

MOTION BY FRYE TO ADOPT. Second by Madaffer. Passed by the following vote:  
Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,  
Madaffer-yea, District 8-vacant, Mayor-vacant.



[ITEM-33:](#) Cami Mattson Day.

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-87) ADOPTED AS RESOLUTION R-300754

Recognizing the vital services that Cami Mattson has provided the citizens of San Diego;

Proclaiming August 8, 2005, to be “Cami Mattson Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:23 p.m. – 2:27 p.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

**CLOSED SESSION:**

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

**CS-1 *Brown Field Aviation Ventures v. City of San Diego, et al.***  
San Diego Superior Court Case No. GIC817232

REFERRED TO CLOSED SESSION OF TUESDAY, AUGUST 9, 2005

CDCA assigned: C. Gleeson

This action involves a lease dispute between the City of San Diego, as the owner of the real property at the Brown Field Airport, and two private parties with leasehold interests at the Airport. Plaintiffs’ allege that the City has breached the Master Lease by failing to allow Plaintiffs to use the property for non-aviation related uses. In closed session, the City Attorney will update the City Council on the status of the litigation and seek direction on possible settlement of the case.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:49 p.m. – 3:53 p.m.)

Deputy Mayor Atkins closed the hearing.

**CS-2 *In re 500 West Broadway, L.P., Debtor***

United States Bankruptcy Court Case No. 05-05433-LA-11

REFERRED TO CLOSED SESSION OF TUESDAY, AUGUST 9, 2005

DCA assigned: S. Cola

In November 2002, the Redevelopment Agency entered into a Rehabilitation Loan Agreement with 500 West Broadway, L.P. [Developer] for the purpose of renovating the YMCA building located at 500 West Broadway [Property]. On June 16, 2005, a petition for Chapter 11 involuntary bankruptcy against the Developer was filed. In closed session the City Attorney will advise the Council of recent events that may adversely affect the Redevelopment Agency's security interest in the Property.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:49 p.m. – 3:53 p.m.)

Deputy Mayor Atkins closed the hearing.

**CS-3 *De Anza Cove Homeowners Association, Inc. v. City of San Diego***

San Diego Superior Court Case No. GIC 821191

REFERRED TO CLOSED SESSION OF TUESDAY, AUGUST 9, 2005

DCA assigned: H. Wierman

This matter concerns the litigation filed by the De Anza Cove Homeowners Association against the City of San Diego seeking damages related to expiration of the prior lease and transition of the property from use as a mobile home park to park and recreational use. In closed session, the City Attorney will report on the status of the litigation, and other matters affecting the litigation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:49 p.m. – 3:53 p.m.)

Deputy Mayor Atkins closed the hearing.

**CS-4 *Valerie O' Sullivan v. City of San Diego, et al.***  
San Diego Superior Court Case No. GIC 826918

REFERRED TO CLOSED SESSION OF TUESDAY, AUGUST 9, 2005

DCA assigned: D. Smith and ACA Karen Heumann

This matter involves a challenge of the City's use maintenance of the Children's Pool in La Jolla under the 1931 state tidelands trust. The Children's Pool and nearby Seal Rock areas have been the subject of public controversy for approximately ten years due to the increasing presence of harbor seals. Plaintiff claims that the City has violated the terms of the state tidelands trust at the Children's Pool by failing to maintain the area as a "bathing pool for children." Plaintiff seeks injunctive and declaratory relief to compel the City to abide by the tidelands trust which, if successful, would involve removal of the seals. In closed session the City Attorney will report to Council regarding the current litigation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:49 p.m. – 3:53 p.m.)

Deputy Mayor Atkins closed the hearing.

**CS-5 *Michael Shames v. City of San Diego***  
San Diego Superior Court Case No. GIC 831539

REFERRED TO CLOSED SESSION OF TUESDAY, AUGUST 9, 2005

DCA assigned: J. Riley

This case involves a class action lawsuit brought by Michael Shames on behalf of single-family sewer customers seeking a refund based on a claim that the City of San Diego failed to properly calculate sewer bills. In closed session the City Attorney will advise the City Council regarding the status of current litigation and seek permission to participate in mediation.

Closed Session Comment 1:

Patrick Shipley commented on behalf of the California Restaurant Association. He wanted to point out an inaccuracy on the summary of the docket sheet for this matter. The docket sheet states that this is a class action lawsuit on behalf of single family sewer customers seeking a refund based on a claim that the City of San Diego failed to properly calculate sewer bills. Mr. Shipley stated that is inaccurate. The case was originally filed on behalf of the residents, but on September 22, 2004 it was amended and filed on proposed class of all rate-payers and user groups that contend they were over charged by the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:49 p.m. – 3:53 p.m.)

Deputy Mayor Atkins closed the hearing.

**CS-6 *San Diego City Employees' Retirement System v. San Diego City Attorney, et al.*  
and related Cross-Actions**  
San Diego Superior Court Case No. GIC841845

REFERRED TO CLOSED SESSION OF TUESDAY, AUGUST 9, 2005

ACA assigned: D. McGrath

This matter is an action filed by the retirement system covering a variety of issues. The matter was stayed pending activity of the City's Audit Committee, but the stay recently expired. The City Attorney filed (but did not serve) a cross-complaint raising a variety of issues and will brief the City Council on the status of the matter in closed session, and request appropriate direction. In addition, the City Council will consider a request from certain of the named cross-defendants that the City provide a defense and indemnification in the case.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:49 p.m. – 3:53 p.m.)

Deputy Mayor Atkins closed the hearing.

***CS-7 William J. McGuigan v. City of San Diego, et al.***  
San Diego Superior Court Case No. GIC849883

REFERRED TO CLOSED SESSION OF TUESDAY, AUGUST 9, 2005

ACA assigned: D. McGrath

This lawsuit was filed on behalf of a retired City employee against the City of San Diego requesting that the Court order the City to immediately pay all past unfunded pension liability to the retirement system. In closed session, the City Attorney will brief the City Council on the matter and request appropriate direction.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:49 p.m. – 3:53 p.m.)

Deputy Mayor Atkins closed the hearing.

***CS-8 San Diego City Employees Retirement System v. City of San Diego***  
San Diego Superior Court Case No. GIC 851286

REFERRED TO CLOSED SESSION OF TUESDAY, AUGUST 9, 2005

ACA assigned: D. McGrath

This matter is litigation recently filed by SDCERS regarding the legality of certain retirement benefits. In closed session, the City Attorney will brief the City Council on the litigation and request appropriate direction.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:49 p.m. – 3:53 p.m.)

Deputy Mayor Atkins closed the hearing.

**Conference with Legal Counsel - anticipated litigation – significant exposure to litigation,  
pursuant to California Government Code section 54956.9(b)(1):**

**CS-9 *Martinez, Lopez and Phan vs. City of San Diego***

Claim Numbers: LP05-0534-2056, LP05-0534-2057 and LP05-0534-2058

REFERRED TO CLOSED SESSION OF TUESDAY, AUGUST 9, 2005

DCA Claudia Silva

In closed session, the City Attorney and Risk Management will seek authorization of funds to settle the property damage claims resulting from the February rains.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:49 p.m. – 3:53 p.m.)

Deputy Mayor Atkins closed the hearing.

**Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to  
California Government Code section 54956.9(c):**

**CS-10 California State University Board of Trustees**

ACA assigned: K. Heumann and DCA C. Silva

REFERRED TO CLOSED SESSION OF TUESDAY, AUGUST 9, 2005

This matter involves the SDSU Campus Master Plan Environmental Impact Report [EIR]. The City of San Diego and the Redevelopment Agency of the City of San Diego City are both responsible agencies for purposes of CEQA. The Agencies reviewed the EIR and provided comments on the draft EIR which addressed deficiencies in the EIR. In closed session, the City Attorney will brief the Council on the status of the matter and seek direction from the City Council and Redevelopment Agency.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:49 p.m. – 3:53 p.m.)

Deputy Mayor Atkins closed the hearing.

**CS-11 CoxCom, Inc. Overbuild within Time Warner Cable's Franchise Area**

REFERRED TO CLOSED SESSION OF TUESDAY, AUGUST 9, 2005

DCA assigned: P. Edmonson

In closed session the City Attorney will advise the Council on the potential of the initiation of litigation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:49 p.m. – 3:53 p.m.)

Deputy Mayor Atkins closed the hearing.



ITEM-50: Amending the San Diego Municipal Code to Prohibit Write-In Candidates in City Run-Off Elections.

**CITY ATTORNEY'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2006-9) INTRODUCED, TO BE ADOPTED ON TUESDAY,  
SEPTEMBER 6, 2005

Introduction of an Ordinance amending Chapter 2, Article 7, Division 3 of the San Diego Municipal Code by amending Sections 27.0301, 27.0305, 27.0308, 27.0315, and 27.0323, and amending Chapter 2, Article 7, Division 6 of the San Diego Municipal Code by amending Section 27.0636, all relating to the City of San Diego Elections Code.

**SUPPORTING INFORMATION:**

At the Committee on Rules, Finance, and Intergovernmental Relations (Rules Committee) meeting on February 2, 2005, the Rules Committee considered a discrepancy between the City Charter and the San Diego Municipal Code (Municipal Code) concerning the permissibility of write-in candidates in City run-off elections. Following discussion, the Rules Committee directed the City Attorney to return with proposed revisions to the Municipal Code that would prohibit write-in candidates in municipal run-off elections. On February 26, 2005, the proposed revisions were approved 4-0 by the Rules Committee for forwarding to the full City Council. On April 4, 2005, the City Council considered the revisions and voted to return the item to the Rules Committee for reconsideration, including whether the public should consider a change to the City Charter to allow write-ins in a run-off election. This issue is also the subject of litigation in the case Shan L. McDonald, et. al. v. County of San Diego, et. al, United States District Court, Case No. 04-CV-2265. Due to the continuing discrepancy between the City Charter and Municipal Code it is recommended that the City Council, at this time, conform the Municipal Code to the City Charter. Staff will continue to assess appropriate changes to both the City Charter and Municipal Code regarding elections, and will make recommendations accordingly to the Rules Committee.

Aguirre/Girard

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:38 p.m. – 2:46 p.m.)

MOTION BY MADAFFER TO INTRODUCE WITH DIRECTION TO REFER THE MATTER TO RULES COMMITTEE. Second by Young. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- \* ITEM-100: Inviting Bids for Trench Restoration of Various Streets Citywide for Water and Metropolitan Wastewater Departments.

(See memorandum from Frank Belock dated 6/14/2005.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2006-94) ADOPTED AS RESOLUTION R-300755

Approving the specifications for "Trench Restoration of Various Streets City Wide – Water and Metropolitan Wastewater Departments" (Project) as advertised by the Contract Administrator for bids, on Work Order No. 053536;

Authorizing the City Manager, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder, provided that the City Auditor and Comptroller first certifies that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure in Fiscal Year 2006 of an amount not-to-exceed \$750,000 from Fund No. 41500, for the purpose of funding the Project contract and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are or will be on deposit with the City Treasurer;

Authorizing the expenditure in Fiscal Year 2006 of an amount not-to-exceed \$500,000 from Fund No. 41506, for the purpose of funding the Project contract and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are or will be on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K062673C)

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 6/22/2005, NR&C voted 4 to 0 to approve the City Manager's recommendation with direction to the City Manager to: 1) Issue quarterly reports on the progress of the program including financial analysis to be docketed at NR&C twice a year; and 2) Report back to NR&C within six (6) months with revised standards for trench restoration. (Councilmembers Young, Maienschein, Frye, and Madaffer voted yea.)

**SUPPORTING INFORMATION:**

Both the Water and Metropolitan Wastewater Departments have routine needs in respect to trench restoration, as both departments perform trench work as part of operating the water and wastewater systems. The General Services Department recently obtained approval to hire 40 limited full-time employees to provide the "baseline" trench and permanent street restoration and maintenance work. As there is still the need to perform any trench restoration over and above the "baseline" work performed by General Services Department, as well as to begin addressing the current backlog of trench restoration work, there is a need for outside contractor assistance through a General Requirements Contract (GRC).

Additionally, in September 2003, the City Council adopted Ordinance Number O-19215 amending Division 12, Article 2, Chapter 6 of the Municipal Code requiring that all trenches within City streets to be repaired more extensively within a specified time period. The trench restoration activities of both Water and Metropolitan Wastewater Departments must be completed in accordance with this section of the Municipal Code. As there will be a greater volume of work than existed in prior years, it is recommended that the additional backlog trench work be contracted to an outside contractor licensed to do this type of work.

The term of this GRC will be for a period of one year and may be renewed for additional one-year period.

**FISCAL IMPACT:**

Water Department Fund 41500 in the amount of \$750,000, Metropolitan Wastewater Department Fund 41506 in the amount of \$500,000 available both in Fiscal Year 2006.

Mendes/Bellock/Tulloch/SM

Staff: Said Mahdavi – (619) 527-7686  
John F. Kirk – Deputy City Attorney

FILE LOCATION: W.O.#053536

COUNCIL ACTION: (Time duration: 2:37 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- \* ITEM-101: Award of Contract to Dion International Trucks, LLC for Furnishing Drain Cleaning Trucks for Metropolitan Wastewater Department Collection Division.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-74) ADOPTED AS RESOLUTION R-300756

Authorizing the City Manager to award contract for furnishing Drain Cleaning Trucks for the Metropolitan Wastewater Department Wastewater Collection Division to Dion International Trucks, LLC, San Diego, California, based on Bid No. 6971-05-Z, with an initial purchase of three drain cleaning trucks, as may be required for a period of one year beginning from date of award with option to renew the contract for four additional one year periods, for an estimated annual purchase cost of \$1,328,519.76, including sales tax, terms Net thirty days; with price escalations not to exceed twenty percent of prices in effect at the end of each prior contract year;

Approving the estimated Fiscal Year 2006 expenditure of \$836,902.92 from Fund No. 500313, Department No. 8313, Org. No. 773, Object Account No. 6013, and Job Order Nos. 26001, 26002, and 26003, for the initial purchase of three drain cleaning trucks to replace the existing fleet, and is hereby authorized solely and exclusively for providing funds for said contract;

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

Declaring that this activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378(b)(2) because this activity constitutes ongoing administrative or maintenance activities.

**CITY MANAGER SUPPORTING INFORMATION:**

City Council approval is requested to award a contract for the purchase of Drain Cleaning Trucks for the Metropolitan Wastewater Department Wastewater Collection Division based on Bid No. 6971-05-Z, with an initial purchase of three (3) drain cleaning trucks, as may be required for a period of one (1) year beginning from date of award, with options to renew the contract for four (4) additional one (1) year periods, for an estimated annual purchase cost of \$1,328,519.76, including sales tax, terms Net thirty (30) days; with price escalations not to exceed twenty percent (20%) of prices in effect at the end of each prior contract year. All units are replacement units for similar pieces of equipment that have reached their useful life of approximately five (5) years.

Drain cleaning trucks are equipped with a vacuum system and debris tank, and are used throughout the City of San Diego to prevent sewer spills by removing build-up such as sand, stones, grease and other debris from various drains, sewer lines, sump pumps, manholes, and grit chambers, using the flushing action of high velocity water.

Forty-one (41) potential bidders were contacted, and six (6) bids and one (1) alternate bid were received per the tabulation attached. American Hydro-Vac Equipment Company, Municipal Maintenance Equipment, Inc., Western Truck Exchange, Alt. 1-Dion International Trucks, LLC and Plumbers Depot, Inc. were all rejected based on failure to meet the specifications. Award is recommended to the low responsive and responsible bidder meeting specifications, Dion International Trucks LLC, San Diego, CA.

**FISCAL IMPACT:**

FY 2006 Estimated Cost: \$836,902.92.  
Annual Estimated Cost: \$1,328,519.76.

Irvine/Yoke

Aud. Cert. 2600056.

Staff: Tammy Rimes - (619) 236-7131  
Tim Miller - Deputy City Attorney

FILE LOCATION: CONT – DION INTERNATIONAL TRUCKS, LLC

COUNCIL ACTION: (Time duration: 2:37 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

\* ITEM-102: Traffic Signal Interconnect on Del Mar Heights Road and Navajo Road.

(Carmel Valley, Navajo, and Torrey Pines Community Areas. Districts 1 and 7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-88) ADOPTED AS RESOLUTION R-300757

Authorizing the City Manager to accept \$235,500 in Federal Congestion Mitigation and Air Quality Program (CMAQ) funds for the design and installation of traffic signal interconnects \$184,500 for Del Mar Heights Road and \$51,000 for Navajo Road;

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

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

Amending the Fiscal Year 2006 Capital Improvements Program Budget by adding CIP-62-328.0, Del Mar Heights Road Traffic Signal Interconnect, CMAQ Fund and CIP-62-329.0, Navajo Road Traffic Signal Interconnect, CMAQ Fund;

Amending the Fiscal Year 2006 Capital Improvements Program Budget for CIP-62-328.0, Del Mar Heights Road Traffic Signal Interconnect CMAQ Fund, by increasing the budget amount by \$184,500 and CIP-62-329.0, Navajo Road Traffic Signal Interconnect CMAQ Fund by increasing \$51,000;

Authorizing the City Auditor and Comptroller to expend and appropriate \$184,500 in CIP-62-328.0, Del Mar Heights Road Traffic Signal Interconnect, CMAQ Fund, and \$51,000 in CIP-62-329.0, Navajo Road Traffic Signal Interconnect, CMAQ Fund, contingent upon receipt of a fully executed grant agreement;

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

Declaring this project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301 as the minor alteration of an existing facility.

**CITY MANAGER SUPPORTING INFORMATION:**

The Del Mar Heights Road Traffic Signal Interconnect project will install signal interconnect and provide central communication to 16 traffic signals. This project will install traffic signal interconnect in the Carmel Valley and Torrey Pines communities on the following streets:

- 1) Del Mar Heights Road from Mango Drive to Carmel Canyon Road
- 2) El Camino Real from Half Mile Drive to High Bluffs Drive
- 3) Carmel Country Road from Del Mar Heights Road to Townsgate Drive

In addition, this project will provide traffic signal communication between 7 traffic signals in the Navajo area on Navajo Road from Park Ridge Boulevard to Lake Murray Boulevard. City staff will use wireless interconnect systems in order to avoid trenching on City streets. Wireless interconnect systems have been used successfully at several signalized intersections throughout the City to provide communication between traffic signals.

**FISCAL IMPACT:**

The estimated total cost of these projects is \$235,500, which is reimbursable by a Federal (CMAQ) grant.

Mendes/Boekamp/DVW

Staff: Van Wanseele – (619) 263-3012  
Tim Miller – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:37 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

\* ITEM-103: Montgomery Field Heliport and Access Road Construction.

(Kearny Mesa Community Area. District 6.)

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-93) ADOPTED AS RESOLUTION R-300758

Authorizing the City Manager to execute all necessary applications, contracts, agreements and amendments thereto for the purposes of securing the FAA grant funds and carrying out the purposes specified in the grant application to the FAA and, if awarded, conduct all negotiations, execute and submit all documents, including but not limited to applications, grant agreements, amendments, payment requests, which may be necessary to carry out and administer the City's obligations, responsibilities, and duties under the terms of the grant, including expending the grant funds. If awarded, the FAA grant funds received are to be placed into Fund 30244/CIP-31-313.0 Montgomery Field Heliport and Access Road Construction Project;

Authorizing the City Manager to execute all necessary applications, contracts, agreements and amendments thereto for the purposes of securing the State DOT matching grant funds and carrying out the purposes specified in the grant application to the DOT and, if awarded, conduct all negotiations, execute and submit all documents, including but not limited to applications, grant agreements, amendments, payment requests, which may be necessary to carry out and administer the City's obligations, responsibilities, and duties under the terms of the grant, including expending the grant funds. If awarded, the State DOT matching grant funds received are to be placed into Fund 30244/CIP-31-313.0 Montgomery Field Heliport and Access Road Construction Project;

Authorizing the expenditure and transfer of \$52,560 from Fund 41100 to CIP-31-313.0, to match the anticipated State DOT grant;

Authorizing an increase of \$1,103,760 to CIP-31-313.0 Montgomery Field Heliport and Access Road Construction Project, contingent upon receipt of grant funds from the FAA and State DOT;

Approving the plans and specifications for the Montgomery Field Heliport and Access Road Construction Project, filed in the Office of the City Clerk of the City of San Diego, California;

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 Montgomery Field Heliport and Access Road Construction Project, in accordance with the approved plans and specifications. And, further, authorizing the City Manager to execute a contract with the lowest responsible bidder for the Montgomery Field Heliport and Access Road Construction Project.

**CITY MANAGER SUPPORTING INFORMATION:**

The purpose of this action is to request authorization for the City Manager to apply for, and if received, accept Federal and State grant funds to construct a heliport and access road at Montgomery Field Airport.

In a letter dated February 24, 2005, the Federal Aviation Administration advised the City of San Diego that the FAA has allocated \$1,051,200 under its current Airport Improvement Program (AIP), to construct a heliport and access road at Montgomery Field Airport. This allocation is the first step leading to the issuance of a grant offer from the FAA. The California Department of Transportation is authorized to follow with a State matching grant of up to 5% of the Federal grant. It is anticipated that the State will follow with a grant offer in the amount of \$52,560.

The design of this project, CIP-31-313.0, is 95% complete. It is anticipated that this project should be ready for construction within the next several months.

**FISCAL IMPACT:**

If the grants are accepted, total cost is estimated at \$1,103,760, which will be paid for by grants from the FAA (\$1,051,200) and State of California (\$52,560) and City Match of (\$52,560). None if the grants are not accepted.

Mendes/Gardner/Means

Aud. Cert. 2600048.

Staff: Tracy L. Means – (858) 573-1430  
Debra J. Bevier – Deputy City Attorney

FILE LOCATION: W.O. #310010

COUNCIL ACTION: (Time duration: 2:37 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

\* ITEM-104: Additional State Funding for Fire Communications Center Upgrade.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-81) ADOPTED AS RESOLUTION R-300759

Authorizing the City Manager to accept additional 911 upgrade funding from the State of California 911 Emergency Communications Office in the sum of \$106,000, for calendar year 2005 and authorizing proposed upgrade expenditures (including items paid directly by the State and those initially paid by the City of San Diego to later be reimbursed by the State).

**CITY MANAGER SUPPORTING INFORMATION:**

Resolution Number R-299827 was adopted on November 15, 2004. This provided authorization for the City Manager to accept: 1) State of California 911 surtax monies for PSAP system upgrades in the sum of \$636,000; and 2) additional 911 systems upgrade funds should additional funds become available. The Resolution also authorized Verizon of California to perform the 911 system upgrades for \$636,000.

The cost of system upgrades performed by Verizon and approved by the State of California were \$496,127.84. Residual upgrade funds in the sum of \$139,872.16 remain. An additional sum of \$106,000 was released by the State for use by the City of San Diego for calendar year 2005. Therefore, the total amount of residual funds available for additional upgrade expenses is \$245,872.16.

The State of California has identified specific PSAP upgrades that can be purchased utilizing residual funds. This is outlined in the State of California 9-1-1 Operations Manual, Chapter III - Funding. Some of these additional expenditures must be initially paid by the City, later to be fully reimbursed by the State of California, for a net cost of zero dollars. The equipment listed below falls within the parameters of State funding/reimbursement categories:

Workplace Services Inc.: Static-resistant floor covering, \$11,339 (est.) (State paid, no reimbursement needed.)

Wright-line LLC: Workstations and equipment racks, \$144,440.37 (\$80,659 paid by the State with no reimbursement needed; \$63,781.37 needs reimbursement.)

**Full Reimbursement Needed:**

Priority Dispatch Corp: ProQA and AQUA triaging software and Extended Software Protection, \$16,513 (est.)

Arenson Office Furniture: Ergonomic task chairs \$13,580 (est.)

Phone Supplements Inc.: Dispatcher headsets, \$4,576.78

Additional costs to be incurred include:  
Dispatch/radio console equipment, \$12,755 (est.)

800 MHz Motorola Smartzone control and digital remote radio desk set \$4,950 (est.)

Synchronizing network clock, \$16,125 (est.)

Computer Aided Dispatch (CAD) CPUs \$16,000 (est.)

Residual funds not specifically allocated above will be utilized to upgrade the Fire-Rescue Department dispatch systems as approved by the State of California.

**REQUESTED ACTION:** San Diego Fire-Rescue requests the City Manager be authorized to accept the additional 911 upgrades and funding, and approve additional expenditures as outlined above which will be fully reimbursed by the State.

**FISCAL IMPACT:**

As the City of San Diego will be fully reimbursed by the State of California for qualified expenditures as indicated, the net fiscal impact to the City will be zero.

Ewell/Bowman/SI

Aud. Cert. 2600033.

Staff: Susan Infantino – (858) 573-1301  
Joseph R. Sanchez – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:37 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- \* ITEM-105: Fiscal Year 2006 Agreements with Self-Managed Maintenance Assessment Districts for Administration of Enhanced Maintenance Services and Maintenance Administrative Fund Expenditure Authorization.

(Centre City, City Heights, College Heights, Ocean Beach, North Park, and Southeastern Community Areas. Districts 2, 3, 7, and 8)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-50) ADOPTED AS RESOLUTION R-300760

Authorizing the City Manager to execute a Maintenance Agreement (Maintenance Agreement) with the Adams Avenue Business Association for administration of Contracts for Goods and Contracts for Services for the Adams Avenue Maintenance Assessment District for a one-year period beginning July 1, 2005 through June 30, 2006 in accordance with the San Diego Municipal Code Section 65.0212. A copy of the Maintenance Agreement for the Adams Avenue Maintenance Assessment District is on file in the Office of the City Clerk;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$7,530 from Fund No. 70247 for administrative costs incurred by the Adams Avenue Business Association in the course of providing services under the Maintenance Agreement for the Adams Avenue Maintenance Assessment District, 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 transfer an amount not to exceed \$3,500 from Fund No. 70247 to Fund No. 70267 for administrative costs incurred by the City of San Diego (City) in the course of providing administrative services to the Adams Avenue Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

Authorizing the City Manager to execute a Maintenance Agreement with the Central Commercial District Revitalization Corporation for administration of Contracts for Goods and Contracts for Services for the Central Commercial Maintenance Assessment District for a one-year period beginning July 1, 2005 through June 30, 2006 in accordance with the San Diego Municipal Code Section 65.0212. A copy of the Maintenance Agreement for the Central Commercial Maintenance Assessment District is on file in the Office of the City Clerk;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$32,776 from Fund No. 70260 for administrative costs incurred by the Central Commercial District Revitalization Corporation in the course of providing services under the Maintenance Agreement for the Central Commercial Maintenance Assessment District, 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 transfer an amount not to exceed \$8,740 from Fund No. 70260 to Fund No. 70267 for administrative costs incurred by the City in the course of providing administrative services to the Central Commercial Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

Authorizing the City Manager to execute a Maintenance Agreement with the City Heights Business Association for administration of Contracts for Goods and Contracts for Services for the City Heights Maintenance Assessment District for a one-year period beginning July 1, 2005 through June 30, 2006 in accordance with the San Diego Municipal Code Section 65.0212. A copy of the Maintenance Agreement for the City Heights Maintenance Assessment District is on file in the Office of the City Clerk;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$45,314 from Fund No. 70268 for administrative costs incurred by the City Heights Business Association in the course of providing services under the Maintenance Agreement for the City Heights Maintenance Assessment District, 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 transfer an amount not to exceed \$12,084 from Fund No. 70268 to Fund No. 70267 for administrative costs incurred by the City in the course of providing administrative services to the City Heights Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

Authorizing the City Manager to execute a Maintenance Agreement with the College Area Economic Development Corporation for administration of Contracts for Goods and Contracts for Services for the College Heights Maintenance Assessment District for a one-year period beginning July 1, 2005 through June 30, 2006 in accordance with the San Diego Municipal Code Section 65.0212.

A copy of the Maintenance Agreement for the College Heights Maintenance Assessment District is on file in the Office of the City Clerk;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$41,118 from Fund No. 70266 for administrative costs incurred by the College Area Economic Development Corporation in the course of providing services under the Maintenance Agreement for the College Heights Maintenance Assessment District, 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 transfer an amount not to exceed \$10,965 from Fund No. 70266 to Fund No. 70267 for administrative costs incurred by the City in the course of providing administrative services to the College Heights Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

Authorizing the City Manager to execute a Maintenance Agreement with the Little Italy Association for administration of Contracts for Goods and Contracts for Services for the Little Italy Maintenance Assessment District for a one-year period beginning July 1, 2005 through June 30, 2006 in accordance with the San Diego Municipal Code Section 65.0212. A copy of the Maintenance Agreement for the Little Italy Maintenance Assessment District is on file in the Office of the City Clerk;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$91,749 from Fund No. 70261 for administrative costs incurred by the Little Italy Association in the course of providing services under the Maintenance Agreement for the Little Italy Maintenance Assessment District, 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 transfer an amount not to exceed \$24,466 from Fund No. 70261 to Fund No. 70267 for administrative costs incurred by the City in the course of providing administrative services to the Little Italy Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

Authorizing the City Manager to execute a Maintenance Agreement with the Ocean Beach Mainstreet Association for administration of Contracts for Goods and Contracts for Services for the Newport Maintenance Assessment District for a one-year period beginning July 1, 2005 through June 30, 2006 in accordance with the San Diego Municipal Code Section 65.0212. A copy of the Maintenance Agreement for the Newport Maintenance Assessment District is on file in the Office of the City Clerk;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$7,813 from Fund No. 70241 for administrative costs incurred by the Ocean Beach Mainstreet Association in the course of providing services under the Maintenance Agreement for the Newport Maintenance Assessment District, 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 transfer an amount not to exceed \$3,500 from Fund No. 70241 to Fund No. 70267 for administrative costs incurred by the City in the course of providing administrative services to the Newport Maintenance Assessment District, 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 transfer an amount not to exceed \$130,000 from Fund No. 70401 to Fund No. 70267 for administrative costs incurred by the City in the course of providing administrative services to the Downtown Property and Business Improvement District, 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 \$193,255 from Fund No. 70267 for administrative costs included by the City in the administration of the Adams Avenue, Central Commercial, City Heights, College Heights, Little Italy, and Newport Avenue Maintenance Assessment Districts and Downtown Property and Business Improvement for Fiscal Year 2006, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available.

**CITY MANAGER SUPPORTING INFORMATION:**

The Maintenance Assessment District Ordinance, San Diego Municipal Code Section 65.0212 paragraph (b)(2), authorizes the City Council to approve a one year Agreement with non-profit corporations to administer the Contracts for Goods and Contracts for Services in Maintenance Assessment Districts ("MADs"). The property owner selected non-profit corporations ("Associations") have satisfactorily managed their annual Agreements since the inception of each MAD and wish to continue their contract with the City from July 1, 2005 through June 30, 2006.

This action will authorize the City Manager to execute Agreements between the City and the Associations for a period of one-year beginning on July 1, 2005 and ending on June 30, 2006. The Agreements provide the following:

1. The Associations will administer Contracts for Goods and Contracts for Services and prepare financial statements for their respective Districts as provided for in the Maintenance Assessment District Ordinance, Landscape and Lighting Act of 1972, and as set forth in the Assessment Engineer's Report for the Adams Avenue, Central Commercial, City Heights, College Heights, Little Italy and Newport Maintenance Assessment Districts.
2. The Associations will perform all duties as set forth in each of their respective Agreements under Article I, section B, referred to as Specific Requirements.
3. The Associations will be compensated for administration in an amount not to exceed 15% of the total approved assessments for FY06. Projected total annual assessments for the following Maintenance Assessment Districts in FY06 are \$1,508,670.

This action will also authorize the transfer of \$193,255 to Fund 70267 to fund City administration (by the Economic Development Division of the Community and Economic Development Department) of the Adams Avenue, Central Commercial, City Heights, College Heights, Little Italy and Newport Avenue self-managed MADs as well as the Downtown Property & Business Improvement District (PBID) for Fiscal Year 2006. Additionally, this action authorizes the expenditure of funds, in an amount not to exceed \$193,255 in Fiscal Year 2006, from Fund 70267 for the administration of the above referenced self-managed MADs and PBID by the Economic Development Division. City administrative fees in self-managed maintenance assessment districts range from a minimum of \$3,500 to a maximum of 4% of total assessments and will be used to fund engineering, auditing, payment processing, budgeting and other services related to the administration of each district.

<b>District</b>	<b>Assessment Amount</b>	<b>Non-Profit Administration Fee</b>	<b>City Administration Fee</b>
Adams Avenue MAD	\$ 50,198	\$ 7,530	\$ 3,500
Central Commercial MAD	\$ 218,505	\$ 32,776	\$ 8,740
City Heights MAD	\$ 302,095	\$ 45,314	\$ 12,084
College Heights MAD	\$ 274,122	\$ 41,118	\$ 10,965
Little Italy MAD	\$ 611,661	\$ 91,749	\$ 24,466
Newport MAD	\$ 52,089	\$ 7,813	\$ 3,500
Downtown PBID	\$5,803,550	N/A	\$130,000
<b>Total</b>	<b>\$7,312,220</b>		<b>\$193,255</b>

**FISCAL IMPACT:**

The City owns property in the MADs and the impact of this action is \$34,292.20 and it is budgeted for Fiscal Year 2006. Under the terms of the agreement, the City will be reimbursed \$193,255 for administrative services.

Oppenheim/Fischle-Faulk/LO

Aud. Certs. 2600041/2600042.

Staff: Luis Ojeda – (619) 533-4246  
Hilda Ramires-Mendoza – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:37 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

\* ITEM-106: FY 2006 Memorandum of Understanding (MOU) Between the San Diego Unified School District and the City of San Diego for Operation of San Diego's "6 to 6" Extended School Day Program.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-91) ADOPTED AS RESOLUTION R-300761

Authorizing the City Manager to enter into Agreement between the San Diego Unified School District and the City of San Diego (also referred to as the Memorandum of Understanding) pertaining to the operation of San Diego's "6 to 6" Extended School Day Program at District schools for the period of September 1, 2005 through June 30, 2006, which when executed, shall be placed on file in the office of the City Clerk;

Authorizing the City Auditor and Comptroller to accept the \$11,464,324 of After School Education and Safety Program (ASESP) grant funds awarded to the "6 to 6" Program;

Authorizing the City Auditor and Comptroller to accept the \$2,300,338 of 21<sup>st</sup> Century Community Learning Center (CCLC) grant funds awarded to the "6 to 6" Program;

Authorizing the City Manager to enter into agreements with "6 to 6" providers to expend the grant funds for operation of the "6 to 6" Program at District schools for the period of September 1, 2005 through June 30, 2006, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to appropriate and expend the grant funds.

**CITY MANAGER SUPPORTING INFORMATION:**

On June 3, 2003, the City Council adopted R-298024 to accept State of California Department of Education grant funds for fiscal years 2003-2007.

State and Federal grant funds are passed to the City of San Diego via Memorandum of Understanding (MOU) with the San Diego Unified School District. The current MOU expires August 31, 2005. The new MOU would cover the period of September 1, 2005 - June 30, 2006 and would reflect \$13,764,662 in pass-through grants based on the latest state allocations, and minor administration changes which have been agreed to between the District and City staff for improved program coordination.

Therefore, it is requested that the City Council accept these grant funds for Fiscal Year 2006, approve the MOU with the San Diego Unified School District, and authorize the City Manager to enter into agreements with San Diego's "6 to 6" Providers to expend these funds beginning in FY 2006.

The execution of the MOU is contingent upon the approval of the San Diego City School Board, which is scheduled to vote on this action on August 9, 2005.

Summary of Grant Funds Awards

After School Education and Safety Program (ASESP) Grant: \$11,464,324

21<sup>st</sup> Century Community Learning Center (CCLC) Grant: \$ 2,300,338

Oppenheim/Fischle-Faulk/JHD

Staff: June Dudas - (619) 236-6312  
Michael D. Neumeyer – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:37 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

\* ITEM-107: Fourth Amendment to the Agreement with the San Diego Unified School District for the Operation of the “6 to 6” Program.

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-77 Cor. Copy) ADOPTED AS RESOLUTION R-300762

Authorizing the City Manager, or his designee, to enter into the Fourth Amendment to the Agreement between the San Diego Unified School District and the City of San Diego to increase the amount of 21<sup>st</sup> CCLC grant funds to be transferred to the City by \$95,151 for the operation of the "6 to 6" Program through August 31, 2005;

Authorizing the City Auditor and Comptroller to accept the \$95,151 of additional 21<sup>st</sup> CCLC grant funds awarded to the "6 to 6" Program;

Authorizing the City Manager, or his designee, to enter into amendments to the Fiscal Year 2005 agreements with existing "6 to 6" providers to expend the grant funds for operation of the "6 to 6" Program through August 31, 2005, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to appropriate and expend the grant funds.

**CITY MANAGER SUPPORTING INFORMATION:**

Each year, State and Federal grant funds for San Diego's "6 to 6" Extended School Day Program are passed on to the City of San Diego via an Agreement with the San Diego Unified School District (SDUSD) for the City to administer and provide "6 to 6" Programs at SDUSD elementary and middle schools.

San Diego's "6 to 6" Program operates at a total of 178 schools in the 2004/2005 school year, which includes schools serving low-income communities: Primary funding for these "6 to 6" sites comes from federal 21<sup>st</sup> Century Community Learning Center (CCLC) grant funds that are administered by the State of California Department of Education. SDUSD was notified that a one-time competitive grant opportunity was available for Fiscal 2005.

Staff was recently notified that SDUSD had been awarded a total of \$95,151 for allowable one-time expenses (e.g., trainings and acquisition of standards-aligned material) that are directly related to the 21<sup>st</sup> CCLC program, to operate a Summer School program, and to increase core grant caps for those programs that are at, or above, the maximum amount.

The Board of Education is scheduled to take action on this Fourth Amendment on August 9, 2005. This Fourth Amendment increases the amount of 21<sup>st</sup> CCLC federal grant funds to be transferred to the City by \$95,151 for the operation of San Diego's "6 to 6" Program through August 31, 2005. The present Council action is contingent upon approval of the Fourth Amendment by the Board of Education.

The Fourth Amendment will complete the 2004-2005 school year for San Diego's "6 to 6" Program. The total additional grant funds transferred to the City for the term of July 1, 2005 through August 31, 2005, would be increased by \$95,151, bringing the total amount of the 2004-2005 school year funding transfer to \$17,680,264.

**FISCAL IMPACT:**

This action increases the amount of federal pass-through funding from SDUSD for San Diego's "6 to 6" program in accordance with grants awarded to the City.

Oppenheim/Fischle-Faulk/JHD

Staff: June Dudas – (619) 236-6312  
Michael D. Neumeyer – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:37 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

\* ITEM-108: One-Time 21<sup>st</sup> Century Community Learning Center (CCLC) Nutrition Grant to San Diego's "6 to 6" Program.

(Loma Portal, North Park, City Heights, Chollas View, Mira Mesa, Southcrest, and Sherman Heights Community Areas. Districts 2, 3, 4, 5, and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-8) ADOPTED AS RESOLUTION R-300763

Authorizing the City Auditor and Comptroller to accept the one-time 21<sup>st</sup> CCLC Nutrition Grant funds awarded to San Diego's "6 to 6" Program, beginning July 1, 2005 through September 15, 2005;

Authorizing the City Manager, or his designee, to enter into agreements to expend the grant funds;

Authorizing the City Auditor and Comptroller to appropriate and expend the grant funds.

**CITY MANAGER SUPPORTING INFORMATION:**

There are currently 151 “6 to 6” Program sites operating in five school districts within the City limits, which include eight grant-funded schools serving low-income communities: Barnard Elementary (CD2), Central Elementary (CD3), Jefferson Elementary (CD3), Our Lady of the Sacred Heart (CD3), Chollas Elementary (CD4), Mason Elementary (CD5), Emerson Elementary (CD8), and Our Lady of Angels (CD8). Primary funding for these “6 to 6” sites comes from 21<sup>st</sup> Century Community Learning Center (21<sup>st</sup> CCLC) Federal grant funds that are administered by the State of California Department of Education.

Recently, staff was notified that the “6 to 6” Program was awarded a one-time nutrition grant of \$4,995 for these eight schools, to be used to encourage fitness and nutrition for at-risk children through various hands-on activities.

All funds must be expended by September 15, 2005. An expenditure analysis is due to the San Diego Nutrition Network by September 30, 2005. There is no match requirement.

Oppenheim/Fischle-Faulk/JHD

Staff: June Dudas – (619) 236-6312  
Michael D. Neumeyer – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:37 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- \* ITEM-109: One-Time Program Enhancement Grant to San Diego's "6 to 6" Program for Program Enrichment.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-10) ADOPTED AS RESOLUTION R-300764

Authorizing the City Auditor and Comptroller to accept the one-time U. S. Department of Education Appropriation Act of 2005 grant funds awarded to San Diego's "6 to 6" Program;

Authorizing the City Manager, or his designee, to enter into agreements to expend the grant funds;

Authorizing the City Auditor and Comptroller to appropriate and expend the grant funds.

**CITY MANAGER SUPPORTING INFORMATION:**

There are currently 151 "6 to 6" Program sites operating in five school districts within the City limits. Recently, staff was notified that the "6 to 6" Program was awarded a one-time Program Enrichment Grant from the U. S. Department of Education Appropriations Act of 2005 in the amount of \$99,200 to be used for curriculum, training, and technology enhancements.

With input from the "6 to 6" Program providers, staff is targeting the funds to be spent on such site-specific needs as the following: 1) books, arts and crafts, and other programming supplies; 2) special speakers on topics related to gang awareness, drug and alcohol abuse, as well as nutrition and exercise; and 3) site staff development. Because this is a one-time grant allocation, the funds cannot be spent on continuing expenses.

The grant funds will be distributed proportionately among the council districts. There is no match requirement.

Oppenheim/Fischle-Faulk/JHD

Staff: June Dudas – (619) 236-6312  
Michael D. Neumeyer – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:37 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- \* ITEM-110: Excusing Councilmember Madaffer from Attending the April 6, 2005 and July 27, 2005 Rules, Finance, and Intergovernmental Relations Committee Meetings.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-99) ADOPTED AS RESOLUTION R-300765

Excusing Councilmember Jim Madaffer from attending the regularly scheduled Rules, Finance, and Intergovernmental Relations Committee meetings of April 6, 2005 and July 27, 2005.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:37 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- \* ITEM-111: Renewal and Continued Participation in the California State Association of Counties-Excess Insurance Authority/California Public Entity Insurance Authority (CSAC-EIA/CPEIA), Joint Power Authorities.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-80) ADOPTED AS RESOLUTION R-300766

Authorizing the City Manager to continue the City's membership and participation in the California State Association of Counties-Excess Insurance Authority/California Public Entity Insurance Authority (CSAC-EIA/CPEIA), for the period beginning July 1, 2005 through July 1, 2010 (FY 2011);

Authorizing the payment for renewal of the City's Property Insurance policies, for the period of March 31, 2005 through March 31, 2006, in the amount of \$3,919,471, and authorizing payment for renewal of the City's Excess Liability insurance policies (excess \$2 million dollar self-insured retention) up to \$50 million dollars in the total amount of \$3,541,053;

Authorizing the payment of additional premiums as needed for increased property values, liability limits, specialty policies/endorsements and subsequent renewals as needed for the duration of the five year term beginning July 1, 2005 through July 1, 2010 (FY 2011).

**CITY MANAGER SUPPORTING INFORMATION:**

The City has been a member of the California State Association of Counties-Excess Insurance Authority/California Public Entity Insurance Authority (CSAC-EIA/CPEIA), a joint powers authority, since 1995 and this membership facilitates the joint purchase of Property/Earthquake and Excess Liability insurance coverage with the combined purchasing power of 54 California counties and 136 non-county public entities.

Because of its continuing membership in CSAC-EIA/CPEIA, the City has been able to purchase comprehensive property and excess liability insurance at favorable market rates, as well as other specialty lines of coverage including airports, aircraft, pollution liability, crime bond/employee dishonesty and paramedic professional liability. In addition, the City's membership in CSAC-EIA/CPEIA enables it to access risk management resources and services at reduced or no cost. For FY06, the property rate is .0247 cents per \$100 total insured value; the earthquake rate is .1891 cents per \$100 of insured value. This translates to a significant rate reduction of approximately 20% for both property and earthquake rates. The City's total insured value (TIV) is estimated at \$2 billion dollars and the estimated total Property insurance premium for FY06 is \$3,919,471.

For FY06, the City's premiums for its Excess Liability insurance coverage, in excess of a \$2 million dollar self-insured retention up to its \$50 million dollar liability limits, total \$3,541,053. Given the number of insurers which are declining to write public liability insurance risks and the City's own pending large loss exposures, it is advantageous for the City to remain a member of CSAC-EIA/CPEIA in order to obtain the best value for its premium dollars and maintain its \$50 million dollar liability limits.

Ewell/Lopez/AKF

Aud. Cert. 2600062.

Staff: Ashley K. Fenton – (619) 236-6784  
William J. Gersten – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:37 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- \* ITEM-112: Approving Final Map of Carmel Valley Neighborhood 10 Unit 12 South, Including Easement Vacations.

(Carmel Valley Community Area. District 1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-64) ADOPTED AS RESOLUTION R-300767

Approving the Final Map of Carmel Valley Neighborhood 10 Unit 12 South.

**CITY MANAGER SUPPORTING INFORMATION:**

This 34.896-acre map proposes 55 lots for residential development plus Lot "A", "C", "E" and "G". Lots "C", "E" and "G" are being designated as building restricted easements; Lot "A" is being granted in fee to the City for open space purposes. This map is located in the Carmel Valley Community Plan area, southeasterly of I-5 and SR-56 in Council District 1.

This map requires City Council approval because a water easement and access rights are being vacated on the map. The access rights being vacated were granted in 1895 as described in New Survey 65 and were used as an old County road which is no longer required for access to the subdivision. The water easement being vacated was granted to the City by separate document dated June 18, 1971 as File No. 129034 at no cost to the City. There is no present or prospective public use for the easements either for the facility or purposes for which they were originally acquired or for any other public use of a like nature that can be anticipated. The water easement is over 5 years old and has never been used. A water easement of approximately equal value is being granted on the map. The public improvements required for the project are shown on Engineering Drawing No. 33030-1-15-D, for which an agreement has been entered into and a bond posted in the amount of \$2,722,764 to assure the work.

Staff recommends approval.

Oppenheim/Broughton/GRB

Staff: Gerri Bollenbach – (619) 446-5417  
David Miller – Deputy City Attorney

FILE LOCATION: LUP – Carmel Valley Neighborhood 10 Unit 12 South,  
08/08/05 (65)

COUNCIL ACTION: (Time duration: 2:37 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

\* ITEM-113: 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-2006-14) ADOPTED AS RESOLUTION R-300768

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: 2:37 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- \* ITEM-114: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-1243) ADOPTED AS RESOLUTION R-300769

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: 2:37 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



**ITEM-200:** Exempting One Program Manager Position from the Classified Service for the San Diego Fire-Rescue Department.

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2006-18) INTRODUCED, TO BE ADOPTED ON TUESDAY,  
SEPTEMBER 6, 2005

Introduction of an Ordinance exempting a Program Manager position from the classified service for the San Diego Fire-Rescue Department.

**CITY MANAGER SUPPORTING INFORMATION:**

On July 7, 2005, the Civil Service Commission reviewed the duties and responsibilities of the following position and found that it meet the intent of Charter Section 117. Charter Section 117 states that the Unclassified Service shall include "managerial employees having significant responsibilities for formulating and administering department policies and programs. Each such position shall be exempt from the Classified Service by ordinance, upon the initiation of the appropriate appointing authority and after receiving the advisory review and comment of the Civil Service Commission and approval of the City Council".

The Program Manager (working title of Media Services Manager) will be responsible for managing, developing, coordinating and managing multi-agency programs, multimedia development of training videos, conferences presentation materials and news releases for the department. The Program Manager will also be responsible for responding to large emergency incidents to handle media interviews and requests.

**FISCAL IMPACT:**

Funding for this position is included in the overall Fire-Rescue Department budget and spending plan. This is a reclassification of a Supervising Public Information Officer position, and funding for the salary, fringe, overtime, and benefits are budgeted currently. There will be no fiscal impact.

Ewell/Bowman

Aud. Cert. 2600050.

Staff: Patricia Nunez – (619) 533-4413  
Joseph Sanchez – Deputy City Attorney

**FILE LOCATION:** NONE

**COUNCIL ACTION:** (Time duration: 4:32 p.m. – 4:32 p.m.)

**MOTION BY MAIENSCHIN TO INTRODUCE.** Second by Madaffer. Passed by the following vote: Peters-not present, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-201: Reorganization of the City Auditor and Comptroller's Department.

(See memorandum from John Torell dated 6/14/2005.)

**CITY AUDITOR AND COMPTROLLER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-60) ADOPTED AS RESOLUTION R-300770

Accepting the reorganization plan for the City Auditor and Comptroller's Department.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:56 p.m. – 3:49 p.m.)

MOTION BY MADAFFER TO ADOPT THE RESOLUTION ACCEPTING THE REPORT. Second by Maienschein. Passed by the following vote: Peters-not present, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-202: Six actions related to Approval of Leases for the Convention and Performing Arts Center.

(See City Manager Report CMR-05-153. Center City Community Area. District 2.)

(Continued from the meetings of July 18, 2005, Item 202, and July 25, 2005, Item S404, last continued at the request of City Attorney Aguirre, for further review.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2005-1366) CONTINUED TO TUESDAY, SEPTEMBER 6, 2005

Authorizing the City Manager to execute, for and on behalf of the City of San Diego, a lease agreement between the City and Neighborhood Involvement Association, for the use of Golden Hall, meeting and conference rooms, and other specified portions of the San Diego Community Concourse for a period of five years with the option for five one-year extensions for the management, marketing, and operation of the Lease Premises at the Concourse as a public assembly venue for entertainment, sporting events, educational, community, convention performing arts, corporate, and civic activities at the base rental rate of \$130,000 per year (with the base rent for the first five years (\$650,000) paid in advance) plus percentage rent of five percent of gross income paid on a monthly basis, and on such other terms and conditions as are set forth in the proposed Lease Agreement.

Subitem-B: (R-2005-1367 Cor. Copy)                      CONTINUED TO TUESDAY,  
SEPTMBER 6, 2005

Authorizing the City Manager to rename the Municipal Parking Garage Operations Fund (Fund 10322) as the "Concourse and Parking Garages Operating Fund," and to reprogram the Fund for operation of the Concourse, the Evan P. Jones Parkade, and the parking garage for the World Trade Center building;

Authorizing the City Manager to redirect and deposit rent revenues from the CAB Deli and Downtown Johnny Brown's leases, currently deposited into Revenue Account No. 75602, to Fund 10322;

Authorizing the City Manager to establish a reserve for Fund 10322 in an amount up to \$550,000 for Fiscal Year 2006, and to determine the appropriate reserve amount for future fiscal years.

Subitem-C: (R-2005-1368) CONTINUED TO TUESDAY, SEPTEMBER 6, 2005

Authorizing the City Manager to expend an amount not to exceed \$500,000 from Fund 10322 for tenant improvements to Plaza Hall required to relocate the City's General Services Department, Print Shop operations to Plaza Hall, contingent upon the City Auditor and Comptroller certifying the availability of funds;

Declaring the City Manager shall direct repayment of this amount by the General Services Department, Print Shop to Fund 10322 in payments amortized over seven years.

Subitem-D: (R-2005-1369 Cor. Copy) CONTINUED TO TUESDAY  
SEPTEMBER 6, 2005

Authorizing the City Manager to execute, for and on behalf of the City, a lease agreement between the City and San Diego Civic Opera for use of the Copper Room located within the San Diego Community Concourse for a period of one year with the option for four one-year extensions and upon such other terms and conditions as are substantially set forth in the form of agreement attached to City Manager Report No. 05-153, dated July 13 2005.

Subitem-E: (R-2005-1371 Cor. Copy) CONTINUED TO TUESDAY,  
SEPTEMBER 6, 2005

Authorizing the City Manager to execute, for and on behalf of the City, a lease agreement between the City and Vince and Claudia Paradise doing business as Paradise Cafe III, for the operation of a deli for a term of three years with the option of two one-year extensions at the rental rate of the greater of \$870 per month or 7% of gross revenue, and on such other terms and conditions as are substantially set forth in the form of lease agreement attached to City Manager Report No. 05-153, dated July 13, 2005.

Subitem-F: (R-2005-1370 Cor. Copy) CONTINUED TO TUESDAY,  
SEPTEMBER 6, 2005

Authorizing the City Manager to execute, for and on behalf of the City, a concession agreement between the City and Vince and Claudia Paradise doing business as Paradise Cafe II for the coffee cart concession in the outdoor plaza areas at the Civic Center Complex for a term of one year with the option of four one-year extensions at the rental rate of the greater of \$1,500 per month or 15 % of gross revenue, and on such other terms and conditions as are substantially set forth in the form of agreement attached to City Manager Report No. 05-153, dated July 13, 2005.

Staff: Chris Hargett – (619) 236-6766  
Carrie L. Gleason – Chief Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:53 p.m. – 4:21 p.m.)

MOTION BY MADAFFER TO CONTINUE TO TUESDAY, SEPTEMBER 6, 2005 AT THE REQUEST OF THE CITY ATTORNEY FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-not present, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-203: Agreement with Macias, Gini & Company LLP to Provide Audit Services to the City of San Diego for Fiscal Year 2005 Financial Statements.

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-110) ADOPTED AS RESOLUTION R-300771

Authorizing the City Manager to execute, for and on behalf of City, a sole source agreement in an amount not to exceed \$844,997, with Macias, Gini & Company, LLP, (Agreement) for audit services for the City of San Diego fiscal year 2005 financial statements;

Authorizing the expenditure of an amount not to exceed \$844,977 from the accounting information provided (Attachment A) for distribution of funds, for the purpose of providing audit services for the City of San Diego fiscal year 2005 financial statement;

Authorizing and directing the City Manager, in consultation with the City Attorney, to negotiate the terms of an agreement with Macias, Gini & Company, LLP, to provide audit services for fiscal year 2005 financial statements for the City of San Diego.

**CITY MANAGER SUPPORTING INFORMATION:**

Given the importance of the timely and accurate review of the Fiscal Year 2005 financial statements, the City Manager is recommending a sole source contract with Macias, Gini & Company, LLP (Macias Gini). Macias Gini was established in 1987 and is a full service accounting and consulting firm which specializes in government accounting. The engagement team proposed by Macias Gini appears to have the professional and industry experience to provide quality accounting/auditing services to the City of San Diego. Macias, Gini & Company provided audit services to the City of San Diego for the Fiscal Year 2004 financial statements. Other large California government entities that have been audited by Macias Gini include: City of Los Angeles, City of San Jose, City of Oakland, City/County of San Francisco, County of San Diego, Santa Clara County, Sacramento County and San Mateo County. Several of these municipalities have reported positive experiences with the firm. The sole source contract is allowed under San Diego Municipal Code Section 22.3212(d). Given the already late timing in initiating the review of the Fiscal Year 2005 audited financial statements, a sole source is the preferred solution since a procurement process could add 6 - 8 weeks to an already delayed timeframe. The Audit Committee concurs with this recommendation.

The scope of work for the Fiscal Year 2005 financial statement audit along with the draft agreement with Macias, Gini & Company, LLP is attached (Attachment A & B).

Irvine/Villa

Aud. Cert. 2600095.

Staff: Angela Means (619) 236-6375

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:32 p.m. – 4:34 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Frye. Passed by the following vote: Peters-not present, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-204: **NOTE:** This item has been moved to Tuesday, August 9, 2005, as Item 337.

ITEM-250: **Notice** of Pending Final Map Approval – Samuel Fox Lofts.

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 “Samuel Fox Lofts” (T.M. No. 103972/PTS No. 57823), located northeasterly of Fifth Avenue and E Street in the Centre City Community Plan Area in Council District 2, 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-251: **Notice** of Pending Final Map Approval – La Perlita.

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 “La Perlita” (T.M. No. 60496/PTS No. 58133), located northeasterly of 37<sup>th</sup> Street and National Avenue in the Southeastern Community Plan Area in Council District 3, 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-252: **Notice of Pending Final Map Approval – 4737 34<sup>th</sup> Street Condominiums.**

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 “4737 34<sup>th</sup> Street Condominiums” (T.M. No. 132485/PTS No. 67889), located northeasterly of 34<sup>th</sup> Street and Adams Avenue in the Greater North Park Community Plan Area in Council District 3, 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-253: **Notice** of Pending Final Map Approval – 2138 Garnet Avenue.

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 “2138 Garnet Avenue” (T.M. No. 117492/PTS No. 67323), located northeasterly of Garnet Avenue and Noyes Street in the Pacific Beach Community Plan Area in Council District 2, 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-254: **Notice** of Pending Final Map Approval – 4625 Texas Street.

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 “4625 Texas Street” (T.M. No. 109175/PTS No. 56111), located northeasterly of Texas Street and Madison Avenue in the Greater North Park Community Plan Area in Council District 3, 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-255: Notice of Pending Final Map Approval – West Dunlop Street.**

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 “West Dunlop Street” (T.M. No. 46157/PTS No. 67564), located at the intersection of West Dunlop Street and Garston Street 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-256: Notice of Pending Final Map Approval – 1401 Reed Avenue.**

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 “1401 Reed Avenue” (T.M. No. 136871/PTS No. 66779), located southeasterly of Reed Avenue and Gresham Street in the Pacific Beach Community Plan Area in Council District 2, 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-257: **Notice** of Pending Final Maps Approval - "Black Mountain Ranch North Village Unit No. 1A," "Black Mountain Ranch North Village Unit No. 1D," "Black Mountain Ranch North Village Unit No. 2A," "Black Mountain Ranch North Village Unit No. 2B," "Black Mountain Ranch North Village Unit No. 2C," "Black Mountain Ranch North Village Unit No. 2D," "Black Mountain Ranch North Village Unit No. 2E," "Black Mountain Ranch North Village Unit No. 3," "Black Mountain Ranch North Village Unit No. 4," "Black Mountain Ranch North Village Unit No. 5," "Black Mountain Ranch North Village Unit No. 9A," "Black Mountain Ranch North Village Unit No. 9B" and "Black Mountain Ranch North Village Unit No. 9C."

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 maps entitled "Black Mountain Ranch North Village Unit No. 1A," "Black Mountain Ranch North Village Unit No. 1D," "Black Mountain Ranch North Village Unit No. 2A," "Black Mountain Ranch North Village Unit No. 2B," "Black Mountain Ranch North Village Unit No. 2C," "Black Mountain Ranch North Village Unit No. 2D," "Black Mountain Ranch North Village Unit No. 2E," "Black Mountain Ranch North Village Unit No. 3," "Black Mountain Ranch North Village Unit No. 4," "Black Mountain Ranch North Village Unit No. 5," "Black Mountain Ranch North Village Unit No. 9A," "Black Mountain Ranch North Village Unit No. 9B" and "Black Mountain Ranch North Village Unit No. 9C." (T.M. No. 40-0528) located southwesterly of Camino Del Sur and Paseo Del Sur in the Black Mountain Ranch Community Plan Area in Council District 1, copies of which are available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the maps to be examined and has made the following findings:

(1) The maps substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The maps comply with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The maps are technically correct.

Said maps 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 maps or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-258: Notice of Pending Final Map Approval – Carroll Canyon Business Park.**

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 “Carroll Canyon Business Park” (T.M. No. 98-0978/PTS No. 3155), located easterly of Camino Ruiz adjacent to Carroll Canyon Road in the Mira Mesa Community Plan Area in Council District 5, 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-S400: B. B. King Day.

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-108)                      ADOPTED AS RESOLUTION R-300772

Recognizing B. B. King for his many contributions to the fight against youth homelessness;

Proclaiming August 3, 2005, to be "B. B. King Day" in the City of San Diego.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Time duration: 2:37 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-S401: Sublease Agreement with San Diego Data Processing Corporation for Office Space Located on the 14<sup>th</sup> Floor of Civic Center Plaza Building.

(See City Manager Report CMR-05-170. Centre City Community Area.  
District 2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-107)                      ADOPTED AS RESOLUTION R-300773

Authorizing the City Manager to execute, for and on behalf of the City of San Diego, a Sublease Agreement with San Diego Data Processing Corporation, in which the City Development Services Department will sublease from San Diego Data Processing Corporation approximately 14,696 square feet of office space on the Fourteenth Floor of the Civic Center Plaza Building, commencing on October 1, 2005 and terminating on July 31, 2007, at an initial monthly rate of \$20,547.40, and at an estimated monthly operating expense of \$1,910.48, plus a one-time payment of \$293,920 to prepare the space for occupancy under the terms and conditions set forth in this Sublease Agreement;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$563,738.56 from Fund No. 41300, Department 1313.

Aud. Cert. 2600086.

Staff: Craig Gibson – (619) 236-6727  
Elisa A. Cusato – Deputy City Attorney

FILE LOCATION:                      LEAS – San Diego Data Processing Corporation

COUNCIL ACTION:                      (Time duration: 4:34 p.m. – 4:36 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Young. Passed by the following vote: Peters-not present, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

\* ITEM-S402: Sharon Payne Day.

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-116) ADOPTED AS RESOLUTION R-300774

Recognizing Sharon Payne for her outstanding service, leadership, and commitment to the residents of the City of San Diego;

Proclaiming August 3, 2005, to be “Sharon Payne Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:37 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

\* ITEM-S403: Todd Gutschow Day.

**COUNCILMEMBER FRYE’S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-115) ADOPTED AS RESOLUTION R-300775

Recognizing Todd Gutschow for his outstanding service, leadership, and commitment to the residents of the City of San Diego;

Proclaiming August 3, 2005, to be “Todd Gutschow Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:37 p.m. – 2:38 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



[ITEM-S404](#): Appointment of Councilmember Tony Young to the San Diego County Regional Airport Authority Board of Directors.

(See memorandum from Deputy Mayor Atkins dated 8/2/2005.)

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-117)            ADOPTED AS RESOLUTION R-300776

Appointing Councilmember Tony Young to the San Diego County Regional Airport Authority Board of Directors as the designated alternate to the City of San Diego Mayor, pursuant to the Authority's governing policy.

FILE LOCATION:            MEET

COUNCIL ACTION:            (Time duration: 2:46 p.m. – 2:49 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



[ITEM-S405](#): Ted Bromfield Day.

**COUNCILMEMBER PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-123)            ADOPTED AS RESOLUTION R-300750

Honoring Ted Bromfield's thirty-four years of exemplary service to the City Attorney's Office and the citizens of San Diego, by recognizing and commending him by declaring August 8, 2005, to be "Ted Bromfield Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:37 p.m.)

MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Atkins at 4:41 p.m. in honor of the memory of:

Chaleta Atina Robertson at the request of Council Member Young.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:36 p.m. – 4:41 p.m.)