

THE CITY OF SAN DIEGO, CALIFORNIA  
 MINUTES FOR REGULAR COUNCIL MEETING  
 OF  
 MONDAY, SEPTEMBER 12, 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 2:07 p.m. Deputy Mayor Atkins welcomed and announced the winners of the Soap Box Derby. The meeting was recessed by Deputy Mayor Atkins at 4:06 p.m. for the purpose of a break. Deputy Mayor Atkins reconvened the meeting at 4:13 p.m. with Council Districts 2, 3, and the Mayor vacant. Deputy Mayor Atkins adjourned the meeting at 5:54 p.m. into Closed Session on Tuesday at 9:00 a.m. to discuss potential and pending 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 Pastor David Fenska of Covenant Presbyterian Church.

FILE LOCATION: MINUTES

ITEM-20 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Frye.

FILE LOCATION: MINUTES

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS:** APPROVED

Approval of Council Minutes for the meetings of:

07/25/2005  
07/26/2005 – Adjourned  
08/01/2005  
08/02/2005  
08/08/2005  
08/09/2005  
08/15/2005 – Adjourned

**FILE LOCATION:** MINUTES

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

MOTION BY MADDAFER TO APPROVE. 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 31: San Diego Heat Day.

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-192) ADOPTED AS RESOLUTION R-300801

Recognizing the San Diego Heat Hockey Team for its contributions to youth sports organizations and its outstanding representation of the City of San Diego at the California Firefighter Olympics;

Proclaiming September 12, 2005 to be “San Diego Heat Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:19 p.m.)

MOTION BY FRYE TO ADOPT. 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-32: National Preparedness Month.

**COUNCILMEMBER MADAFFER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-149) ADOPTED AS RESOLUTION R-300802  
Urging all persons to participate in the countywide Duck, Cover, and Hold Drill on Thursday, September 15, at 10:30 a.m., by taking protective actions as if an earthquake had actually occurred; and encouraging all persons to increase their knowledge and awareness of proper safety measures to follow during any emergency or disaster;

Proclaiming the month of September 2005 to be “National Preparedness Month” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:23 p.m.)

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.

**CLOSED SESSION:**

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

**CS-1 *George Isbell, Jr. v. City of San Diego***  
United States District Court Case No. 98cv0688

REFERRED TO CLOSED SESSION OF TUESDAY, SEPTEMBER 13, 2005

DCA assigned: C. Lassman Rhamy

This matter is an action filed by George Isbella Jr. and G&B Emporia Inc., challenging the City's zoning ordinance for the location of Plaintiffs' adult entertainment business. The City Attorney will brief the City Council on the status of the matter in closed session and request appropriate action including seeking direction on Plaintiffs' most recent offer to settle the case.

Closed Session Comment 1:

David Clark expressed his opposition to a settlement of the G&B case that would allow the store to remain in operation at its present location.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:34 p.m. – 2:38 p.m.)

Deputy Mayor Atkins closed the hearing.

**CS-2 *Save Our Heritage Organisation v. City of San Diego, et al.***  
*(Coronado Belt Line Railway)*  
San Diego Superior Court Case No. GIC837743

REFERRED TO CLOSED SESSION OF TUESDAY, SEPTEMBER 13, 2005

DCA assigned: J. Booth

This matter involves a lawsuit brought on behalf of Save Our Heritage Organization against the City of San Diego and City Council for abuse of discretion regarding the historical designation of the Coronado Belt Line Railway [Railway]. In December 2003, the Historical Resources Board [HRB] listed the Railway on the local Historical Register. Metropolitan Transit Development Board [MTDB] timely appealed the HRB's decision to City Council. After hearing and reviewing evidence presented at the September 7, 2004, council meeting, the City Council granted MTDB's appeal and overturned the Railway's historical designation. The City Attorney will be briefing City Council on the current status of the litigation and seeking direction from the Council on this timely matter.

FILE LOCATION: AGENDA

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

Deputy Mayor Atkins closed the hearing.

**CS-3 *Valerie O' Sullivan v. City of San Diego, et al.***  
San Diego Superior Court Case No. GIC 826918

REFERRED TO CLOSED SESSION OF TUESDAY, SEPTEMBER 13, 2005

DCA assigned: D. Smith

Plaintiff challenges 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 claimed 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." The Court filed its Final Statement of Decision on August 26, 2005, in which it found the City to be in breach of the 1931 state tidelands trust and its obligations as trustee under the trust. We seek to confer with Council regarding the current litigation.

Closed Session Comment 1:

Joanne Pearson on behalf of the Sierra Club requested that this item not be heard in closed session but rather be heard in open session where the public can have an opportunity to comment.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:38 p.m. – 2:40 p.m.)

Deputy Mayor Atkins closed the hearing

**CS-4 *Sierra Club v. California Coastal Commission and City of San Diego*  
San Diego Superior Court Case No. GIC844081**

REFERRED TO CLOSED SESSION OF TUESDAY, SEPTEMBER 13, 2005

DCA assigned: D. Smith

This case involves a writ of mandate challenging the California Coastal Commission's January 12, 2005, approval of the City's application for a vested rights determination for the designation of a swim-only area and the placement of buoys in the ocean adjacent to the kayak boat launch and La Jolla Beach and Tennis Club at La Jolla Shores Beach. In closed session, the City Attorney will update the City Council on the status of the litigation and seek direction on Petitioner's most recent offer to settle the case.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:40 p.m. – 2:40 p.m.)

Deputy Mayor Atkins closed the hearing.

**CS-5 In Re: SEC Investigation into City Bond and Disclosure Practices**

REFERRED TO CLOSED SESSION OF TUESDAY, SEPTEMBER 13, 2005

ACA assigned: D. McGrath

In closed session the City Attorney will discuss the SEC ongoing investigation into the City's bond and disclosure practices and a tentative draft consent decree.

Closed Session Comment 1:

Jarvis Ross commented on the waiver of the Council's attorney-client privilege.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:40 p.m. – 2:47 p.m.)

Deputy Mayor Atkins closed the hearing.

**CS-6 In re: United States Securities and Exchange Commission Investigation and United States Attorney investigation into City's Finances.**

REFERRED TO CLOSED SESSION OF TUESDAY, SEPTEMBER 13, 2005

ACA: A. Noone

In closed session the City Attorney will advise the Council regarding waiver of the attorney client privilege and the protection of the work product doctrine as it relates to subpoenas issued by the SEC and the U. S. Attorney.

Closed Session Comment 1:

Joanne Pearson commented on the waiver of work product and the right of the public to know.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:47 p.m. – 2:50 p.m.)

Deputy Mayor Atkins closed the hearing.

**CS-7 *The Lincoln Club of San Diego v. The City of San Diego***  
United States District Court Case No. 05cv1609 LAB (JMA)

REFERRED TO CLOSED SESSION OF TUESDAY, SEPTEMBER 13, 2005

DCA assigned: D. Shanahan

Lincoln Club has filed a complaint in federal court and motion for preliminary injunction requesting declaratory relief and an order enjoining the City from enforcing SDMC sections 27.2936 and 27.2950. Plaintiff would argue that the spending limit of \$250/\$300 per contributing member in City Council and/or Mayoral elections violates its constitutional rights of freedom of speech and association. In closed session the City Attorney will brief the Mayor and Council on the merits of the complaint and motion for preliminary injunction.

FILE LOCATION: AGENDA

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

Deputy Mayor Atkins closed the hearing.

**CS-8 *William J. McGuigan v. City of San Diego, et al.***  
San Diego Superior Court GIC 849883

REFERRED TO CLOSED SESSION OF TUESDAY, SEPTEMBER 13, 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, including direction with regard to hiring outside counsel to assist on this matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:50 p.m. – 2:50 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-9 Cable Franchise**

REFERRED TO CLOSED SESSION OF TUESDAY, SEPTEMBER 13, 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: 2:50 p.m. – 2:50 p.m.)

Deputy Mayor Atkins closed the hearing.

\* ITEM-100: Lusk Boulevard Basin Repair Project.

(Mira Mesa Community Area. District 5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-129) ADOPTED AS RESOLUTION R-300803

Authorizing the City Auditor and Comptroller to transfer \$155,000 from General Services, Streets Division, Department 940, Street Division Operating Fund 10440 to Street Division Capital Improvement Fund 104402 for the purpose of funding CIP-13-005.0, Emergency Drainage Projects, Lusk Boulevard and Vista Sorrento Parkway Basin Repair;

Authorizing the City Manager to increase the Fiscal Year 2006 Capital Improvement Program Budget in CIP-13-005.0, Emergency Drainage Projects, Lusk Boulevard and Vista Sorrento Parkway Basin Repair, Street Division Capital Improvement Fund 104402, by \$155,000;

Authorizing the City Auditor and Comptroller to appropriate and expend \$155,000 from CIP-13-005.0, Emergency Drainage Projects, Lusk Boulevard and Vista Sorrento Parkway Basin Repair, Street Division Capital Improvement Fund 104402, for the purpose of repairing Lusk Boulevard and Vista Sorrento Parkway Basin, contingent upon the City Auditor and Comptroller providing a certificate that the necessary funds are on deposit in the City Treasury;

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

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed project will repair the existing drainage detention basin located at the South East corner of Vista Sorrento Parkway and Lusk Boulevard in District 5. The existing 48-inch pipe going out of the detention basin is damaged and causes the detention basin to flood. The Lusk Boulevard and Vista Sorrento Parkway Basin Repair project (Job Order 130067) pertains to the removal of the crushed 30 linear feet of the existing 48-inch concrete pipe and replacing it with 48-inch Reinforced Concrete Pipe (RCP). The work will also consist of removing and replacing the damaged existing 48-inch corrugated metal pipe (CMP) riser at the basin at the South East corner of Lusk Boulevard and Vista Sorrento Parkway.

The design of the project is complete and currently the City is advertising the project for construction. It is estimated that construction will commence prior to the rainy season. The total estimated cost for the project including design, permits, inspection, and construction is \$405,000.

**FISCAL IMPACT:**

Lusk Boulevard Basin Repair was previously appropriated \$250,000. This action will increase the Emergency Drainage CIP-13-005.0 allocation by \$155,000 available in Street Division's Capital Improvement Fund 104402. Total estimated project cost is \$405,000.

Mendez/Boekamp/DZ

Aud. Cert. 2501163.

Staff: Dave Zoumaras – (619) 533-3138  
Jeremy A. Jung – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:34 p.m.)

CONSENT 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-101: Memorandum of Understanding (MOU) with San Diego Metropolitan Transit System (MTS) for MTS Station Improvement Project.  
(Southeastern (Encanto) Community Area. District 4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-112) ADOPTED AS RESOLUTION R-300804  
Authorizing the City Manager to execute a Memorandum of Understanding (MOU) with the San Diego Metropolitan Transit System (MTS) for the MTS Station Improvement Project, under the terms and conditions set forth in the MOU;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2005 Capital Improvements Budget for CIP-52-737.0, MTS Station Improvement Project by \$180,000 in Fund 38984;

Authorizing the City Auditor and Comptroller to accept \$220,000 in billboard revenue funds from MTS;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$220,000 from CIP-52-737.0, MTS Station Improvement Project, Fund 38984, for the purpose of preparing final design plans and project construction, contingent upon the City Auditor and Comptroller providing a certificate that the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

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

**CITY MANAGER SUPPORTING INFORMATION:**

In the 1980's, during the course of the construction of the Blue Line Trolley Route, thirteen signs/billboards were removed from the railroad right-of-way located within the City of San Diego. Due to the conditions of the removal, a lawsuit was filed by the sign owners. A subsequent settlement was reached whereby MTDB then sought permission from the City of San Diego to install larger billboards at alternate locations along the railroad right-of-way.

In 1987, the City of San Diego agreed to allow one sign to be placed in the right-of-way adjacent to Interstate 15 near Imperial Avenue. For this, MTS (formally MTDB) created a billboard reserve fund for the City of San Diego and has been depositing the revenue generated from the lease with the billboard owner. According to MTS, this revenue may be used for purposes having a clear nexus to mass transit.

The Metropolitan Transit System (MTS) Station Improvement Project would make improvements to various trolley stations within this area of the City, including aesthetics and pedestrian access enhancements such as landscaping, irrigation, sidewalks, and related work. The trolley stations identified are located at 47<sup>th</sup> Street, Euclid Avenue, and Encanto/62<sup>nd</sup> Street. On June 07, 2004, the City Council authorized (R-299290) accepting up to \$40,000 in billboard reserve funds from MTS for the purpose of preparing preliminary landscape concept plans and design of the project.

On February 24, 2005, the City presented preliminary concept plan of the project to MTS at the meeting of the Board of Directors for Metropolitan Transit System. Board members unanimously approved the project and an expenditure of an amount not to exceed \$220,000 from the billboard reserve account for the project. MTS has also agreed to maintain all landscaping, irrigation, and architectural enhancements installed in this project. The funding from this action will allow the City to prepare final design plans and for the construction of the project.

**FISCAL IMPACT:**

All costs for this project will be reimbursed by Metropolitan Transit System from their billboard reserve account for the City of San Diego in an amount not to exceed \$220,000. Council Resolution R-299290 previously authorized \$40,000 in billboard reserve funds to the project for the purpose of preparing preliminary landscape concept plans. This action will add \$180,000 from the billboard reserve account for an amount not to exceed \$220,000 for the final design and construction of this project.

Mendes/Boekamp/DZ

Staff: Dave Zoumaras – (619) 533-3138  
Jeremy A. Jung – Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:27 p.m. – 2:34 p.m.)

CONSENT 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-102: Shirley Ann Place Sidewalk Reconstruction Project.  
(Greater North Park Community Area. District 3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-135)                      ADOPTED AS RESOLUTION R-300805

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$25,000 from HUD 108 Loan Fund 18521, Job Order 390860, Azalea Park Neighborhood Identification Project, to HUD Loan Fund 18521, Job Order 390870, Shirley Ann Place Sidewalk Reconstruction Project (Project);

Authorizing the expenditure of an amount not to exceed \$25,000 from Fund 18521 HUD, Job Order 390870, Shirley Ann Place Sidewalk Reconstruction Project, for the purpose of providing funds for the above referenced Project;

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

**CITY MANAGER SUPPORTING INFORMATION:**

The Shirley Ann Sidewalk Reconstruction Project consists of replacing damaged sidewalk, curb, and driveways within the Shirley Ann Place Historic District. Due to the historic nature of the street, all new concrete curb, sidewalks, driveways, and water meter boxes work under this contract must match the dimensions, scoring patterns texture, color, and finish of the existing concrete curb, sidewalks, driveways, and water meter boxes. This requirement of non-standard finish is more expensive than the typical construction finish and therefore additional funds are required to construct the project.

The project was advertised on January 13, 2005, and had a bid opening on February 15, 2005. Nine (9) bid packages were issued to prospective bidders, and four (4) bids were received. However, the project was not awarded to the lowest reliable bidder because the contractor would not guarantee the low bid price beyond the 90 day bid guarantee for the subject project which expired on May 16, 2005. Additional time was needed to transfer additional funds needed for the project which took longer than anticipated. This project will be re-advertised.

Subsequent to City Council approval of funding for various projects under a HUD 108 loan for District 3 Public Improvements, HUD's review of the loan application determined that one of the projects, the Azalea Park Neighborhood Identification Project, was not eligible. Therefore, HUD 108 funds previously budgeted for that project (Fund 18521, JO 390860) are not needed and are available for transfer into the Shirley Ann Place project (Fund 18521, JO 390870).

**FISCAL IMPACT:**

The total cost of this project is \$63,000 of which \$38,000 was previously appropriated from Fund 18537, CDBG and Fund 18521, HUD 108, CIP-39-087.0, and with this action \$25,000 will be transferred from Fund 18521, JO 390860 into Fund 18521, JO 390870, the Shirley Ann Place project.

Mendes/PB/DZ

Aud. Cert. 2600120.

Staff: Dave Zoumaras – (619) 533-3188  
Jeremy A. Jung – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:34 p.m.)

CONSENT 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-103: Ratifying the Contract Award to BRH - Garver West Inc., for Pump Station No. 2 Emergency Leak Detection and Pipe Rehab Nichols Street.  
(See memorandum from Scott Tulloch dated 7/15/05. Midway-Pacific Highway and Peninsula Community Areas. District 2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-153) ADOPTED AS RESOLUTION R-300806

Ratifying the contract previously awarded to BRH – Garver West, Inc. for emergency leak detection and pipe rehabilitation in connection with Pump Station #2 and the Rosecrans sewer force main;

Authorizing the City Auditor and Comptroller to transfer the amount of \$550,000 within Sewer Fund No. 41509, from CIP-46-502.0, Annual Allocation – Clean Water Program Pooled Contingencies, to CIP-41-926.0, Annual Allocation – Metropolitan System Pump Stations;

Authorizing the expenditure of an amount not to exceed \$550,000 from Sewer Fund No. 41509, CIP-41-926.0, Annual Allocation – Metropolitan System Pump Stations, solely and exclusively to provide funds for the Pump Station #2 Emergency Leak Detection and Pipe Rehabilitation – Nichols Street Project.

**CITY MANAGER SUPPORTING INFORMATION:**

On July 14<sup>th</sup> the 87-inch diameter Rosecrans Sewer Force Main (RSF), constructed in 1963, was determined to be leaking. The RSF is an essential element in the regional sewerage system and conveys an average of 170 million gallons per day (mgd) and runs from Pump Station 2 (PS2) on Harbor Drive near the airport to the Point Loma Wastewater Treatment Plant. The location of the leak is on Nichols Street between Rosecrans and San Elliyo Street. On July 15<sup>th</sup>, an Emergency Site Mobilization authorization was issued to BRH – Garver West Inc., to locate and repair the leak on a “time and materials” basis. This authorization is in accordance with Municipal Code for Public Health and Safety MC 22-3212 C. The current General Requirements Contractor “A” was initially offered this work but could not mobilize in the time frame required by the emergency status.

BRH – Garver West Inc., excavated to the pipe and located the leak, a 16-foot long crack within a single pipe segment. Nichols Street is a narrow residential street with limited access.

The street restrictions, coupled with the depth of the pipe and location of overhead utility lines, factored into the evaluation of construction rehabilitation (rehab) methods. Several rehab options were evaluated and the most physically feasible and cost effective solution was selected. The selected rehab method is to wrap the exterior and interior of the pipe segment with a carbon fiber composite, which provides structural integrity. Also an access shaft will be installed as part of the rehab at this location.

BRH – Garver West Inc., specializes in underground excavations and maintains all necessary construction and safety equipment and insurance to perform this work. Curtis Michael Garver and Michael Edward Arme are 51-49 joint shareholders of BRH – Garver West Inc., a California corporation.

**FISCAL IMPACT:**

The total of this request is \$550,000. Funds are available from Sewer Fund 41509, CIP-46-502.0, Annual Allocation-Clean Water Program Pooled Contingencies.

Mendes/Tulloch/CW

Aud. Cert. 2600151.

Staff: Craig Whittemore – (858) 292-6471  
Thomas C. Zeleny – Deputy City Attorney

FILE LOCATION: CONT – BRH-Garver West, Inc.

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:34 p.m.)  
CONSENT 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-104: Grant Application to the State of California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 for Miscellaneous Pool Improvements.  
(Southeastern and San Ysidro Community Areas. District 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-66) ADOPTED AS RESOLUTION R-300807

Authorizing the City Manager, or his representative, to apply to the State of California for \$250,000 in Roberti-Z'berg-Harris Per Capita funds under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 for the construction of Miscellaneous Pool Improvements;

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

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

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

Amending the Fiscal Year 2006 Capital Improvements Program by adding CIP- 29-893.0, Miscellaneous Pool Improvements;

Amending the Fiscal Year 2006 Capital Improvements Program Budget by increasing the budget amount by \$250,000 in CIP-29-893.0, Miscellaneous Pool Improvements, 2002 Resources Bond per Capita funding;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$250,000 from CIP-29-893.0, Miscellaneous Pool Improvements, 2002 Resources Bond per Capita funding for construction of the Miscellaneous Pool Improvements, contingent upon receipt of a fully executed grant agreement.

**CITY MANAGER SUPPORTING INFORMATION:**

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

This action authorizes the City Manager to apply for \$250,000, a portion of the 2002 Resources Bond RZH Per Capita funding allocated to Council District 8. The funds will be used for deferred maintenance of swimming pools in Council District 8. This would include repairs to pool decking.

**FISCAL IMPACT:**

Funding in the amount of \$250,000 is available from the 2002 Resources Bond RZH Per Capita to repair and replacement of decking around the swimming pool. These repairs will have no impact to the FY07 annual operating budget for the park.

Herring/Medina/AP

Staff: April Pendera – (619) 525-8223

Shannon M. Thomas – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:34 p.m.)

CONSENT 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-105: Grant Application to State Department of Transportation (DOT) for the Hillcrest Corridor Mobility Study.  
(Uptown Community Area. Districts 2 and 3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-111)                      ADOPTED AS RESOLUTION R-300808

Authorizing the City Manager, or designee, to submit an application, to the State of California Department of Transportation for a grant under the Community-Based Transportation Planning Grant Program for the funding of the Hillcrest Corridor Mobility Plan;

Authorizing the City Manager, or designee, to take all necessary actions to secure the grant funds;

Authorizing the City Auditor and Comptroller to establish a separate interest-bearing account for grant funds, contingent on the receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to add CIP-52-757, Hillcrest Corridor Mobility Study, to the Fiscal Year 2006 Capital Improvements Program, contingent on the receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2006 Capital Improvement Program CIP-52-757.0, in the amount of \$50,000 from Fund 79512, Uptown Development Impact Fees, and \$245,130 from the Department of Transportation for a grant under the Community-Based Transportation Planning Grant Program, contingent on the receipt of a fully executed grant program agreement and supplement;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds not to exceed \$295,130 from CIP-52-757.0, Hillcrest Corridor Mobility Study of which \$245,130 is from DOT funds under the Community-Based Transportation Planning Grant Program, and \$50,000 from Fund No. 79512, Uptown Development Impact Fees, for the purpose of preparing a study and related expenses, contingent upon receipt of a fully executed grant agreement.

**CITY MANAGER SUPPORTING INFORMATION:**

Staff has prepared a grant application for financial assistance under the Federal Highway Administration and California Department of Transportation Community-Based Transportation Planning Grant program. The application is more specifically described below:

**Hillcrest Corridor Mobility Plan** - The Project, submitted through the Community-Based Transportation Planning Grant program, would assist the City in achieving community consensus on the design of traffic calming measures and other improvements in the urban Hillcrest Corridor. The Hillcrest Corridor extends 25 blocks from Downtown San Diego on the southern border, north along the west side of Balboa Park, to a medical center overlooking Mission Valley and includes 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> Avenues. The City of San Diego is the lead agency for this project and the Uptown Partnership, Inc. is the sub-recipient. The Uptown Partnership is a community-based, non-profit corporation that manages the City's parking meter district program for the Uptown community. In this role, the Partnership addresses mobility issues in a community to the north and west of Balboa Park.

The Uptown Partnership prepared an initial traffic-calming concept for the corridor through a public outreach process. The Hillcrest Corridor Mobility Plan would refine initial traffic calming, bus rapid transit, bicycle, pedestrian and parking concepts that were identified. As part of the project, a Concept Plan would be created through alternatives analysis, development of conceptual designs, estimation of capital costs, and development of an implementation program. The Planning Department was awarded \$245,130 from the State DOT for this application.

**FISCAL IMPACT:**

The City could receive up to \$245,130 in State DOT funds. Ten percent in matching funds is required. As such, \$50,000 in Uptown Development Impact Fees from Fund No. 79512 would be allocated for the Hillcrest Corridor Mobility Study.

Oppenheim/Goldberg/LG  
Aud. Cert. 2600051.

Staff: Lara Gates – (619) 533-6404  
David Miller – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:34 p.m.)

CONSENT 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-106: Grant Application to The Getty Foundation for Art Conservation Survey.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-130) ADOPTED AS RESOLUTION R-300809

Authorizing the City Manager, or designee, to make application to The Getty Foundation for \$33,000 in grant funding for the implementation and support of an Art Conservation Survey (the Project);

Authorizing the City Manager, or designee, to take all necessary actions to secure the grant funding from The Getty Foundation for the Project;

Authorizing the City Manager, or designee, to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, and payment requests, and administer the grant funds as necessary for the completion of the Project;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend an amount not to exceed \$33,000 in grant funds from The Getty Foundation, solely and exclusively for the purpose of providing funds for the Project, contingent upon receipt of a fully executed grant agreement and provided that the City Auditor and Comptroller first furnishes a certificate certifying that funds are, or will be, on deposit with the City Treasurer.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego's art collection was established in the 1900s. The collection is administered by the Commission for Arts and Culture and features notable works by several painters of the California Impressionist School; prints and engravings from the Works Progress Administration; works by noted sculptor Donal Hord; and a nearly complete set of engravings by William Hogarth. Unfortunately, several of the significant items in the collection require urgent conservation treatment. The funding from The Getty Foundation will support a survey of approximately eleven (11) sculptures and ten (10) paintings and works on paper. The survey will result in recommendations for conservation treatments and cost estimates for the artworks reviewed in the survey. The Commission retains the services of Monique Maas Gibbons of Creative Collections Management, through a separate contract, to coordinate this survey. Ms. Gibbons has arranged for such noteworthy conservation experts as the staff at the Balboa Art Conservation Center and John Griswold of Griswold Conservation Associates, LLC, to assist with this conservation survey.

Work supported by this grant must be completed by June 1, 2006.

**FISCAL IMPACT:**

None.

Herring/Hamilton/DWS

Staff: Dana Springs – (619) 533-3051  
Eric A. Swenson – Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:27 p.m. – 2:34 p.m.)

**CONSENT 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-107: Grant Application to the California Department of Alcoholic Beverage Control to Obtain Funding for Statewide Police Chiefs' "Best Practices in Preventing Binge and Underage Drinking" Conference.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-154)                      ADOPTED AS RESOLUTION R-300810

Authorizing the City Auditor and Comptroller, and the City Manager, or his designee, to apply for, accept and expend these Grant Funds from the State of California; and

Authorizing the City Auditor and Comptroller, and the City Manager, or his designee, to execute all aspects of program operation, including any amendments, extensions, or renewals, for a period of up to five years, provided funding is made available by the State of California, and to certify that the City will comply with all applicable statutory or regulatory requirements related to said program.

**CITY MANAGER SUPPORTING INFORMATION:**

The California Department of Alcoholic Beverage Control (ABC) intends to fund a Statewide "Police Chiefs' Best Practices in Preventing Binge and Underage Drinking" Conference.

The project will convene a conference of campus and city chiefs and administrators to share information, expertise, tactics and strategies in addressing binge and underage drinking in California campuses and campus communities. Conference participants will participate in a strategic planning process that will result in the development of a public policy agenda aimed at reducing college alcohol problems.

Because ABC is restricted to funding governmental agencies, ABC has requested that the City/San Diego Police Department serve as applicant and fiscal administrator for the grant funding. It is the intent of ABC that City/San Diego Police Department subcontract the grant funds to the San Diego State University Research Foundation for the purpose of developing and implementing the Conference. This subcontract will be processed in a separate action.

**FISCAL IMPACT:**

The grant is for a maximum of \$69,148. The proposal expenditure plan is attached. The entire grant amount will be subcontracted to the San Diego State University Research Foundation. There is no requirement for matching funds, and no obligation to continue expenditures, services or activities after grant funds are depleted. The contribution of City/SDPD will consist of minor administrative support, which will be managed with existing staff and resources.

Ewell/Lansdowne/DJW

Staff: Donna J. Warlick – (619) 531-2221  
Melissa Summerhays – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:34 p.m.)

CONSENT 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-108: Returning Grant Fund to Mission Hills Garden Club Relating to Washington Street Improvements, Phase 2.  
(Uptown Community Area. District 2.)

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-156) ADOPTED AS RESOLUTION R-300811

Authorizing the City Auditor and Comptroller to return the \$20,000 donation to Mission Hills Garden Club, from CIP-39-216.0, Fund No. 30244, Dept. No. 30244, Org. No. 106, J.O. No. 392160, Washington Street Improvements, Phase 2;

Amending the Fiscal Year 2006, Capital Improvements Project Budget for CIP-39-216.0, Washington Street Improvements, Phase 2, by decreasing the budget amount by \$20,000.

**CITY MANAGER SUPPORTING INFORMATION:**

The Washington/Goldfinch Intersection Improvement Project is the next segment proposed for construction in the Washington Street Improvements, Phase 2, CIP-39-216.0. Through the advocacy efforts of the Mission Hills community, a number of donations and grants were secured to assist with construction costs. The Mission Hills Garden Club contributed \$20,000 specifically for landscaping items, which was added to the Project by Council Action on March 8, 2004 (R-298932).

Since then the Project has been put out to competitive bid twice - August 2004 and March 2005. In both cases the lowest responsible bids were in excess of the amount of funding available for expenditure. The Project has been put on hold until additional adequate funding can be identified to construct the improvements. Recently, the community sponsor, the Mission Hills Business Improvement District, collaborated with City staff to write a grant application to SANDAG for the Pilot Smart Growth Incentive Program. Because this funding process is anticipated to take several months and the outcome is uncertain, the Mission Hills Garden Club wrote the attached letter requesting that their grant funds be returned. The Garden Club is still interested in supporting the Project financially, but they envision combining their contribution with a community-wide volunteer effort and are disinclined to leave their \$20,000 grant in the CIP Project.

This Council Action would return the Mission Hills Garden Club grant of \$20,000 to the donors and amend the FY 2006 CIP Budget to decrease CIP-39-216.0, Washington Street Improvements, Phase 2, by \$20,000.

**FISCAL IMPACT:**

This Council Action would return the Mission Hills Garden Club grant of \$20,000 to the donors and amend the FY 2006 CIP Budget to decrease CIP-39-216.0, Washington Street Improvements, Phase 2, by \$20,000.

Oppenheim/Fischle-Faulk/SHM

Aud. Cert. 2600152.

Staff: Sue McDevitt – (619) 533-7528

Elisa A. Cusato – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:34 p.m.)

CONSENT 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-109 Balboa Avenue Revitalization Action Program (RAP).  
(See City Manager Report CMR-05-155 and Balboa Avenue Revitalization Action Program's Final Draft, July 2005. Clairemont Mesa Community Area. District 6.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2006-172) ADOPTED AS RESOLUTION R-300812

Approving the document titled "Balboa Avenue Revitalization Action Program "RAP";

Adopting the Revitalization Action Program for the Balboa Avenue corridor.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 7/27/2005, LU&H voted 4 to 0 to approve the City Manager's recommendation.  
(Councilmembers Peters, Atkins, Young, and Frye voted yea.)

**SUPPORTING INFORMATION:**

The Balboa Avenue Revitalization Action Program (RAP) is a comprehensive implementation document that examines the current conditions of the Balboa Avenue corridor, discusses potential design concepts, and provides a series of recommendations. The Balboa Avenue RAP has been developed in cooperation with the Balboa Avenue Citizens Advisory Committee (BACAC) and Walkable Communities, Inc.

The Balboa Avenue RAP is the product of nearly nine years of community meetings, workshops and field observations, involving dozens of residents, planners, engineers, and public officials from a variety of organizations, agencies, and City Departments. The analysis, design concepts, recommendations, and implementation measures included in the RAP are intended to transform the Balboa Avenue corridor into a pleasant and inviting environment for pedestrians, bicyclists, and automobiles alike.

Many of the general recommendations contained in the Balboa Avenue RAP have their basis in the Clairemont Mesa Community Plan. The Community Plan contains policy statements intended to foster such objectives as a visually enhanced streetscape, bicycle mobility, and improved pedestrian circulation, with the overall goal of creating a pleasant pedestrian environment along the Balboa Avenue corridor.

Recommendations contained in the Balboa Avenue RAP will influence the final design of projects throughout the corridor. Implementation of the recommendations in the Balboa Avenue RAP will be dependent upon a coordinated public/private funding partnership, leveraging City and private funding and improvements, along with state, federal and other grant funds. Beyond the specific implementation actions proposed in the document, it is the objective of the Balboa Avenue RAP to foster quality design and development throughout the Balboa Avenue corridor.

On May 25, 2005, the Balboa Avenue Citizens Advisory Committee voted 7-0 to support the adoption of the Balboa Avenue RAP. Also, on June 21, 2005, the Clairemont Mesa Planning Committee voted 9-0 to support the adoption of the RAP. On July 27, 2005, the Land Use and Housing Committee voted 4-0 to support the Manager's recommendation that the City Council adopt the RAP.

See City Manager Report No. 05-155.

Oppenheim/Goldberg/BS

Staff: Brian Schoenfisch – (619) 533-6457

David E. Miller – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:34 p.m.)

CONSENT 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-110: Granting of Easement to San Diego Gas & Electric (SDG&E) for an Underground Electric Circuit for the Lake Miramar Water Treatment Plant.  
(Scripps Miramar Ranch Community Area. District 5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-165) ADOPTED AS RESOLUTION R-300813

Authorizing the City Manager, or designee, to execute a deed conveying to San Diego Gas & Electric Company, an easement affecting a portion of the Northwest Quarter and the Southwest Quarter, both of Section 33, Township 14 South, Range 2 West, San Bernardino Meridian, in the County of San Diego, as more particularly described in the legal description and map to the easement deed.

**CITY MANAGER SUPPORTING INFORMATION:**

The Water Department has requested a relocation of an underground electric circuit that services the Lake Miramar Water Treatment Plant. In order to accomplish the relocation, San Diego Gas & Electric Company (SDG&E) has requested an easement for underground facilities. The easement will provide the necessary rights for SDG&E to relocate as requested by the Water Department. The total area of the easement is approximately 5,140 square feet.

The easement has been valued by City valuation staff to be worth \$1, 542 Since this easement relocation is at the request of the Water Department, and solely benefits the Water Department, no compensation is requested for the easement. An Easement Processing Fee of \$1,590 as been charged.

**FISCAL IMPACT:**

Processing Fee of \$1,590 will be deposited to Fund 100.

Herring/Griffith/ACG

Staff: Geitz - (619) 236-6311  
Elisa A. Cusato – Deputy City Attorney

FILE LOCATION: DEED F-9932

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:34 p.m.)

CONSENT 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-111: Two actions related to Special Promotional Programs, Social Services Programs and City Agencies – Contract Administration and Monitoring.  
(See City Manager Reports CMR-05-074 and CMR-05-178.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2006-179 Cor. Copy) ADOPTED AS RESOLUTION R-300814

Accepting and approving the recommendations contained in City Manager Report No.05-178 related to amendments to Council Policy 100-03, dated April 15, 2005, as unanimously approved by the Committee on Rules, Finance and Intergovernmental Relations on April 20, 2005, with the following additional change to amend Council Policy 100-03, Attachment B, Section B, Number 3, Subsection D, to wit:

"Sponsorships - the City acknowledges the business requirement of event sponsorships by promotional organizations in order to market San Diego as a convention destination in a highly competitive market, and to attract businesses to the region. The primary objective of a funded organization's participation in such events is to gain exposure for San Diego and secure access to important decision makers representing prominent convention groups and businesses. Financial sponsorship of such events is an acceptable application of City funds. If alcoholic beverages are consumed during the event sponsorship, they may not be paid for with City funds";

Authorizing and directing the City Manager, in consultation with the City Attorney, to make such changes and amendments to any funding agreements and the agency operating agreements, including the agreements with the Southeastern Economic Development Corporation, the Centre City Development Corporation, the San Diego Housing Commission, the San Diego Convention Center Corporation and the San Diego Data Processing Corporation, as may be necessary or advisable to conform such agreements to the recommendations approved hereby and that such changes go into effect as soon as practical.

Subitem-B: (R-2006-178 Cor. Copy) ADOPTED AS RESOLUTION R-300815

Accepting and approving the recommendations contained in City Manager Report No. 05-178 relating to Council Policy 700-02, dated April 15, 2005, as unanimously approved by the Committee on Rules, Finance and Intergovernmental Relations on April 20, 2005;

Authorizing and directing the City Manager, in consultation with the City Attorney, to make such changes and amendments to any funding agreements and the agency operating agreements, including the agreements with the Southeastern Economic Development Corporation, the Centre City Development Corporation, the San Diego Housing Commission, the San Diego Convention Center Corporation, and the San Diego Data Processing Corporation, as may be necessary or advisable to conform such agreements to the recommendations approved hereby and that such changes go into effect as soon as practical.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S  
RECOMMENDATION:**

On 4/20/2005, RULES voted 3 to 0 to approve the City Manager's recommendations contained in City Manager Report CMR-05-074. (Councilmembers Peters, Maienschein, and Mayor Murphy voted yea. Councilmembers Zucchet and Madaffer not present.)

Staff: Penni Takade – (619) 236-6371  
Mark D. Blake – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:34 p.m.)

CONSENT 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-112: Easement Vacations in Parcels 1 and 2 of Parcel Map No. 19142.

(University Community Area. District 1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-58) ADOPTED AS RESOLUTION R-300816

Vacating the emergency access easement and the general utility and access easement located in Parcels 1 and 2 of Parcel Map No. 19142, as shown on Drawing No. 20060-B, in order to unencumber this property and facilitate development of the site under the summary vacation of public service easements, pursuant to California Streets and Highways Codes Sections 8333(a), 8333(b), and 8333(c).

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to vacate unneeded emergency access and general utility and access easements in Parcels 1 and 2 of Parcel Map No. 19142 as shown on Engineering Drawing No. 20060-B. This site is located in the University Community Plan area, northwesterly of Science Center Drive and General Atomics Court in Council District 1.

The emergency access and general utility and access easements being vacated were acquired at no cost to the City and the City has no fee interest. The general utility and access easement was granted per Parcel Map 19142, is less than 5 years old and more than one year old and has not been used continuously since the date of dedication. The emergency access easement granted per Map No. 12845 is over 5 years old and has never been used. Both easements are being superseded by an easement of approximately equal value as shown on Engineering Drawing No. 20032-B. This new easement has been granted per document recorded August 5, 2003, as File No. 2003-0939977 O.R. City staff have determined that the easements being vacated are not required for any present or anticipated future use in their present locations.

Staff recommends approval of the vacations.

Oppenheim/Halbert/GRB

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

FILE LOCATION: DEED F-9933

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:34 p.m.)

CONSENT 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-113: Results of July 26, 2005 Special Municipal Election.

**CITY CLERK'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-144)            ADOPTED AS RESOLUTION R-300817

Declaring Council of the City of San Diego, finds and determines, pursuant to the provisions of Section 27.0411 of the San Diego Municipal Code, as follows:

1. The whole number of votes cast in the City was 266,227;
2. The total vote received by each municipal candidate at the special municipal election is as follows:
  - A. FOR MAYOR (remainder of term)
    - DONNA FRYE 114,573
    - JERRY SANDERS 71,767
    - STEVE FRANCIS 62,500
    - PAT SHEA 6,299
    - RICHARD RIDER 4,173
    - MYKE SHELBY 3,881
    - SHAWN A. MCMILLAN 619
    - JIM BELL 529
    - ED KOLKER 452
    - JEREMY LEDFORD 425
    - THOMAS KNAPP 109

Declaring Donna Frye and Jerry Sanders to be the candidates for the office of Mayor in the Special Run-off Election to be held November 8, 2005;

3. The number of votes cast in the City for and against the proposition which appeared on the ballot as Proposition A, and the total number of votes cast upon that proposition, are as follows:

PROPOSITION A  
For 197,125  
Against 62,373  
TOTAL 259,498

Proposition A received the affirmative vote of a two-thirds majority of the qualified voters voting on such proposition and is hereby declared to have been approved;

4. The number of votes cast in each precinct for and against the proposition is recorded in the Election Returns Book, which book is a part of the records of this Council.
5. The City Clerk shall make public the results of the canvass of the special municipal election by publication of a copy of this resolution.

**SUPPORTING INFORMATION:**

A Special Municipal Election was held July 26, 2005, for the purpose of submitting candidates for the offices of Mayor to the voters of the City of San Diego; and for the purpose of submitting one ballot measure to the voters of the City of San Diego. The results of these elections have been certified by the Registrar of Voters and the City Clerk, and are now being certified to the City Council.

Maland

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:34 p.m.)

CONSENT 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-114: Appointments and Reappointment to the La Jolla Shores Planned District Advisory Board.

(See memorandum from Deputy Mayor Atkins dated 8/2/2005 and memorandums from Councilmember Peters dated 7/21/2005 and 7/29/2005, with resumes attached.)

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-120)            ADOPTED AS RESOLUTION R-300818

Council confirmation of the following appointments and reappointment by the Deputy Mayor to serve as members of the La Jolla Shores Planned District Advisory Board, for terms ending as indicated:

<b><u>NAME</u></b>	<b><u>TERM EXPIRES</u></b>
Paul Benton (La Jolla, District 1) (Replacing Sabrina Coble, whose term expired)	April 1, 2007
Susan H. Goulian (La Jolla, District 1) (Reappointment)	April 1, 2007
John McCall (La Jolla, District 1) (Replacing Fred Borrelli, whose term expired)	April 1, 2007

**FILE LOCATION:**            MEET

**COUNCIL ACTION:**            (Time duration: 2:27 p.m. – 2:34 p.m.)

CONSENT 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-115: Excusing Deputy Mayor Atkins from the Government Efficiency and Openness Committee Meetings and Land Use and Housing Committee Meetings from September 6, 2005 to December 6, 2005.

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-168)            ADOPTED AS RESOLUTION R-300819

Excusing Deputy Mayor Toni Atkins from attending the regularly scheduled Government Efficiency and Openness Committee meetings and Land Use and Housing Committee meetings from September 6, 2005 to December 6, 2005.

FILE LOCATION:            AGENDA

COUNCIL ACTION:            (Time duration: 2:27 p.m. – 2:34 p.m.)

CONSENT 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-116: This item has been removed from the docket due to the cancellation of the Rules, Finance & Intergovernmental Relations Committee meeting of August 10, 2005.

**NOTE: This item will not be heard today. It is anticipated that it will be continued to September 19, 2005.**

ITEM-150: Construction and Demolition (C&D) Debris Diversion Deposit Ordinance.

(See City Manager Report CMR-05-071; **and memorandum from Elmer L. Heap dated 7/28/2005.**)

(Continued from the meetings of July 18, 2005, Item 150, and August 1, 2005, Item 150, at the request of the City Manager, for further review.)

**TODAY'S ACTION IS:**

Introduce **either** Option 1 in Subitem A or Option 2 in Subitem B; and adopt the following resolution in Subitem C:

**Option 1**

Subitem-A: (O-2005-101 Cor. Copy 2)           CONTINUED TO MONDAY,  
SEPTEMBER 19, 2005

Introduction of an Ordinance amending Chapter 6, Article 6 of the San Diego Municipal Code by adding Division 6, Sections 66.0601, 66.0602, 66.0603, 66.0604, 66.0605, 66.0606, 66.0607, 66.0608, 66.0609, and 66.0610, all relating to the Diversion of Construction and Demolition Debris from Landfill Disposal.

This ordinance would require applicants for building permits and demolition/removal permits to post a refundable deposit and submit a waste management plan demonstrating how construction and demolition waste generated from the project will be diverted from landfill disposal. After final project inspection and timely submittal of satisfactory evidence that the waste has been properly diverted, the applicant would be eligible for a refund of the deposit in proportion to the diversion rate achieved for the project.

**This ordinance shall take effect beginning on January 1, 2006**, and initially requires the applicant to achieve a 25% diversion rate in order to be eligible for a full refund of the deposit. The required diversion rate will increase to 50% as of July 1, 2006, and to 75% as of January 1, 2007, unless a certified recycling facility, which accepts mixed construction and demolition wastes, is not operating within the City at the given diversion rates on the rate increase dates specified above. In that case, diversion rate increases will take place after public notice that such a facility is available.

**OR**

**Option 2**

Subitem-B: (O-2005-143 Cor. Copy)

CONTINUED TO MONDAY,  
SEPTEMBER 19, 2005

Introduction of an Ordinance amending Chapter 6, Article 6 of the San Diego Municipal Code by adding Division 6, Sections 66.0601, 66.0602, 66.0603, 66.0604, 66.0605, 66.0606, 66.0607, 66.0608, 66.0609, and 66.0610, all relating to the Diversion of Construction and Demolition Debris from Landfill Disposal.

This alternative ordinance sets forth the same requirements as described in Option 1 above with the following exceptions:

The **alternative** ordinance shall take effect and **be in force on the thirtieth day after public notice that a certified recycling facility which accepts mixed construction and demolition waste is operating in the City at a 50% diversion rate.**

The alternative ordinance initially would require the applicant to achieve a 50% diversion rate in order to be eligible for a full refund of the deposit. That diversion rate would remain in effect for six months, after which time the diversion rate would increase to 75%, unless a certified recycling facility, which accepts mixed construction and demolition wastes, is not operating within the City at a 75% diversion rate at that time. In that case, the diversion rate increase will take place after public notice that such a facility is available.

Subitem-C: (R-2005-1288) CONTINUED TO MONDAY, SEPTEMBER 19, 2005

Approving the modified deposit schedule for the City's Construction and Demolition Debris Diversion Program, attached hereto as Exhibit "A" and on file in the Office of the City Clerk;

Directing the City Manager to draft internal procedures to require the recycling of construction and demolition debris, as set forth in more detail in Manager's Report No. 05-071, on file in the Office of the City Clerk.

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

On 4/13/2005, NR&C voted 4 to 0 to forward this ordinance to the City Council for their consideration with no recommendation from the Natural Resources and Culture Committee, and to direct the City Manager to bring forward to the Council an alternative ordinance that addresses the various concerns raised by the Committee members. (Councilmembers Young, Maienschein, Frye, and Madaffer voted yea.)

**SUPPORTING INFORMATION:**

On November 22, 2004, the City Council voted 7-0 to adopt a Construction and Demolition Material Recycling Policy and directed the City Manager to bring forward a mandatory construction and demolition recycling ordinance to the Natural Resources and Culture (NR&C) Committee. The Construction and Demolition (C&D) Debris Diversion Deposit Ordinance (Ordinance) was presented to the NR&C Committee on April 13, 2005. The Committee voted 4-0 to forward the Ordinance to the full City Council with no recommendation along with an alternative ordinance that includes modifications to the initially proposed ordinance based on direction from the Committee.

The Ordinance would provide an incentive to recycle or reuse C&D waste by requiring applicants for building and demolition permits to post a refundable deposit and submit a waste management plan demonstrating how C&D waste from the project will be diverted from landfill disposal. Upon submittal of documentation proving waste has been diverted, deposits would be returned to the applicants in proportion to the diversion achieved by the applicant.

An applicant could decide to forfeit the deposit in lieu of diverting waste. With certain exceptions (noted in Attachment I to City Manager's Report 05-071), the Ordinance would apply to all applicants for building and demolition permits beginning January 1, 2006. The project diversion rate would increase over time, beginning with a 25% diversion rate applicable to permits issued between January 1, 2006, and June 30, 2006, increasing to a 50% diversion rate on July 1, 2006, and increasing to a 75% diversion rate for permits issued after January 1, 2007. The diversion requirements would not increase to 50% or 75% until the City has given notice that a mixed C&D facility is operating in the City at that diversion rate.

The alternative ordinance differs in that the deposit requirements take effect thirty (30) days after a mixed C&D facility operating in the City at a 50% diversion rate has been certified; would require applicants to achieve a 50% diversion rate on the project in order to qualify for a full refund; and would step up to a 75% diversion requirement seven months after a mixed C&D facility is certified at a 75% diversion rate.

In addition, the NR&C Committee asked staff to reduce costs on residential alterations. Staff responded to this request by increasing the minimum square footage subject to the ordinance and decreasing the maximum deposit for these projects. The NR&C Committee also asked staff to commit to returning refunds to qualified applicants within 30 days rather than 90 days. Both of these changes have been incorporated into the alternative Deposit Schedule.

In relation to internal City C&D recycling requirements, ESD is in on-going discussions with other City departments working together to minimize impacts to the other departments.

**FISCAL IMPACT:**

If the original Ordinance is adopted, the fiscal impact will be the same as noted in the City Manager's Report 05-071 attached. If the alternative ordinance is adopted, there will be no fiscal impact in FY 2005 or FY 2006 and the fiscal impact for subsequent fiscal years will be the same as noted for those years in the City Manager's Report.

Mendes/Heap/JO

Staff: Kip Sturdevan – (858) 573-1214  
Grace C. Lowenberg – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:26 p.m. – 2:27 p.m.;  
2:34 p.m. – 2:34 p.m.)

MOTION BY MADAFFER TO CONTINUE TO MONDAY, SEPTEMBER 19, 2005,  
AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. 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-200:** Options to Increase the Funded Ratio of the San Diego City Employees' Retirement System.

(See City Manager Report CMR-05-190.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-182) ADOPTED AS RESOLUTION R-300820

Accepting the report of the City Manager;

Directing the City Manager to develop proposals to achieve an 80-85% funded ratio by Fiscal Year 2008;

Directing the City Manager to proceed with the evaluation of pension solutions, including but not limited to, the leveraging of approximately \$17 million to securitize City revenues during Fiscal Year 2006 and provide quarterly status reports to the City Council on the implementation of pension solutions;

Directing the City Attorney to prepare the applicable resolution associated with this action.

Staff: Penni Takade – (619) 236-6371

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 3:01 p.m. – 5:24 p.m.)

MOTION BY MADAFFER ACCEPTING THE REPORT OF THE CITY MANAGER;  
DIRECTING THE CITY MANAGER TO DEVELOP PROPOSALS TO ACHIEVE AN  
80-85% FUNDED RATIO BY FISCAL YEAR 2008;

DIRECTING THE CITY MANAGER TO PROCEED WITH THE EVALUATION OF PENSION SOLUTIONS, INCLUDING BUT NOT LIMITED TO, THE LEVERAGING OF APPROXIMATELY \$17 MILLION TO SECURITIZE CITY REVENUES DURING FISCAL YEAR 2006 AND PROVIDE QUARTERLY STATUS REPORTS TO THE CITY COUNCIL ON THE IMPLEMENTATION OF PENSION SOLUTIONS;

DIRECTING THE CITY ATTORNEY TO PREPARE THE APPLICABLE RESOLUTION ASSOCIATED WITH THIS ACTION; AND INCLUDE THE FOLLOWING ADDITIONAL DIRECTIONS:

THE PEOPLE VOTED ON A 15-YEAR DECLINING AMORTIZATION SCHEDULE AND TRUSTEES WILL DECIDE IF IT'S ROLLING OR FIXED; DIRECT STAFF TO CONSIDER THE EFFECT OF IMPOSING A 15-YEAR REQUIREMENT ON OURSELVES AND REPORT BACK.

REVIEW LAND HOLDINGS, ESTABLISH CRITERIA, PLACE IN CATEGORIES, AND ALLOW THE PUBLIC TO WEIGH IN ON THE CRITERIA PERTAINING TO THE POLICIES AND HOW THE LAND WILL BE USED.

PROVIDE MORE INFORMATION ON SECURITIZED REVENUES AND HOW IT AFFECTS THE BUDGET ANNUALLY.

PROVIDE A REPORT ON ITEMS IN WHICH INFORMATION IS ALREADY AVAILABLE SOONER THAN QUARTERLY.

Second by Young. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea (nay-on sale of land), Frye-nay, Madaffer-yea, District 8-vacant, Mayor-vacant.

**ITEM-250: Notice of Pending Final Map Approval – 4455-73 Home Avenue 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 “4455-73 Home Avenue Condominiums” (T.M. No. 115132/PTS No. 71373), located northeasterly of Fairmount Avenue and Home Avenue in the Encanto Neighborhoods, Southeastern Community Plan Area in Council District 4, 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 – India Street Lofts 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 “India Street Lofts Condominiums” (T.M. No. 161596/PTS No. 75424), located southeasterly of India Street and Redwood Street in the Uptown 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-S400: Loan Contract and Note for HUD Section 108 Loan for the Logan Heights Family Health Center Project.  
(Barrio Logan Community Area. District 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-202)            ADOPTED AS RESOLUTION R-300821

Authorizing the City Manager, or his designee, to execute and submit the loan contract and note for a \$1,000,000 HUD Section 108 loan for the Logan Heights Family Health Center reconstruction, as well as all related documents necessary or desirable to accomplish the loan transaction;

Authorizing the City Auditor and Comptroller to accept and appropriate the loan proceeds;

Authorizing the City Manager, or his designee, to expend the loan proceeds, contingent upon certification of funds availability by the City Auditor and Comptroller;

Directing the City Clerk to file a Notice of Determination that the final Finding of No Significant Impact/Mitigated Negative Declaration (Project No. 9811, dated February 2, 2005) has been reviewed and considered by the City of San Diego prior to approving the project.

**CITY MANAGER SUPPORTING INFORMATION:**

On October 5th, 1998 the City Council approved Resolution Nos. R-290796 and R-290797, authorizing the City Manager to apply for a \$1,000,000 HUD Section 108 loan to be used for the reconstruction and enlargement of the Logan Heights Family Health Center at 1809 National Avenue. The Logan Heights Family Health Center is one of several health facilities operated by Family Health Centers of San Diego.

In January 2000 HUD approved the loan. However, the loan transaction was never completed because the project was not ready for construction and did not meet HUD's requirements related to environmental clearance until this year.

The City Manager is now ready to complete the loan transaction, but additional authorizations, as indicated in the present action, are necessary.

Oppenheim/Fischle-Faulk/BC

Staff: Bonnie Contreras – (619) 236-6846  
Michael D. Neumeyer – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:34 p.m.)

CONSENT 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-S401: Agreement with Electronic Evidence Discovery (EED) for Electronic Repository to Support City Audit Committee.

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-189) ADOPTED AS RESOLUTION R-300822

Authorizing the City Manager to execute an Agreement between the City of San Diego and Electronic Evidence Discovery, Inc., for creation of an electronic repository that the City Audit Committee will use to conduct its independent investigation, for an amount not to exceed \$727,500, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase the scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this agreement, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for such expenditure are on deposit in the City Treasury.

**CITY MANAGER SUPPORTING INFORMATION:**

As part of its independent investigation, the Audit Committee must review all materials produced in response to the subpoenas and other requests for information from the U.S. Securities and Exchange Commission (SEC) and the U.S. Attorney's Office (USAO) that have been issued since 2004. The materials include paper documents, scanned paper image files, video and audio tapes and CDs, electronic mail and electronic files in a variety of formats. There are over one million pages of paper documents and more than sixty thousand electronic files. In order to review these documents in a timely manner, as well as continue to produce them for the SEC and USAO, an electronic repository is required. The establishment of this repository is critical and must be implemented as soon as possible in order for the Audit Committee to complete its investigation by December 2005.

The key criteria for development and support of the electronic repository include software functionality (such as the ability to easily and rapidly search across all information in the repository and highlight where the search terms occur), flexibility of systems and processes to support the needs of the City and Audit Committee, and the ability to implement rapidly.

After researching firms that provide electronic repository services, staff identified several companies with the potential to provide the needed functionality and requested that they submit service and pricing information. Four firms provided this information. Working with the Audit Committee and City Attorney's Office, staff asked these firms to demonstrate the capabilities of their products and evaluated the results against core functional requirements. Electronic Evidence Discovery, Inc. (EED) was identified as providing the best value to the City based on acceptable pricing, software functionality and flexibility of services. Their final cost estimate was the lowest of the four provided. The City Manager has determined that EED should be a sole source provider in accordance with Section 22.3036 of the San Diego Municipal Code. Due to the timeframe, a competitive bid process would be impractical and would not produce any additional advantage to the City.

Ewell/Arellano/HS  
Aud. Cert. 2600197.

Staff: Howard Stapleton – (619) 533-4766  
Anita Noone – Assistant City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:24 p.m. – 5:38 p.m.)

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



**ITEM-S402:** Appointment of Mr. James Waring to the San Diego City Employees'  
Retirement System Board of Administration.  
(See memorandum from Deputy Mayor Atkins dated 9/6/2005, with resume  
attached.)

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-221)            ADOPTED AS RESOLUTION R-300823

Council confirmation of the following appointment by the Deputy Mayor of the  
City of San Diego, to serve as a member of the San Diego City Employees'  
Retirement System Board of Administration:

<b><u>NAME</u></b>	<b><u>TERM ENDING</u></b>
James T. Waring (La Jolla, District 1) (Replacing Thomas E. King, who resigned)	March 31, 2009

**FILE LOCATION:**            MEET

**COUNCIL ACTION:**            (Time duration: 2:50 p.m. – 3:01 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-nay,  
Madaffer-yea, District 8-vacant, Mayor-vacant.

