

THE CITY OF SAN DIEGO, CALIFORNIA
 MINUTES FOR REGULAR COUNCIL MEETING
 OF
 MONDAY, SEPTEMBER 26, 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 2:04 p.m. Mayor Pro Tem Madaffer recessed the meeting at 3:46 p.m. for the purpose of a break. The meeting was reconvened by Mayor Pro Tem Madaffer at 3:56 p.m. with all Council Members present and District 2, District 8, and Mayor vacant. The meeting was adjourned by Mayor Pro Tem Madaffer at 5:09 p.m. into Closed Session at 9:00 a.m. on Tuesday, September 27, 2005, in the twelfth floor conference room to discuss existing and anticipated litigation.

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 (pr)

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 City Clerk Elizabeth S. Maland.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Peters.

FILE LOCATION: MINUTES



ITEM-30: Jay Turner Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-245) ADOPTED AS RESOLUTION R-300864

Recognizing Jay Turner for his extraordinary leadership in revitalizing downtown North Park and wishing him success in all future endeavors;

Proclaiming September 26, 2005, to be Jay Turner Day in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:06 p.m. – 2:11 p.m.)

MOTION BY ATKINS 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-31: Nora Jaeschke Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-184) ADOPTED AS RESOLUTION R-300865

Declaring that the Council of the City of San Diego, for and on behalf of the people of San Diego, does hereby offer its most sincere appreciation to Nora Jaeschke for her dedicated service to the San Diego region;

Proclaiming September 26, 2005, to be “Nora Jaeschke Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:22 p.m.)

MOTION BY PETERS TO ADOPT. Second by Maienschein. 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: Cabrillo Festival Week.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-45) ADOPTED AS RESOLUTION R-300866

Proclaiming the week of September 25 through October 2, 2005, to be "Cabrillo Festival Week" in the City of San Diego, and urging our citizens to join in the commemoration of this historic event.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:23 p.m. – 2:30 p.m.)

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



ITEM-33: Marty Judge Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-228) ADOPTED AS RESOLUTION R-300867

Recognizing Marty Judge for his service and dedication to the citizens of San Diego;

Proclaiming September 26, 2005, to be "Marty Judge Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:30 p.m. – 2:37 p.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Atkins. 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 ITEMS:

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

REFERRED TO CLOSED SESSION ON TUESDAY, SEPTEMBER 27, 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. In closed session, the City Attorney will update the City Council on the status of the litigation and seek direction on Plaintiff's most recent offer to settle the case.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 5:02 p.m. – 5:03 p.m.)

Mayor Pro Tem Madaffer closed the Hearing.

CS-2 *In Re: SEC Investigation into City Bond and Disclosure Practices*

REFERRED TO CLOSED SESSION ON TUESDAY, SEPTEMBER 26, 2005

ACA assigned: D. McGrath

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

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 5:03 p.m. – 5:04 p.m.)

Mayor Pro Tem Madaffer closed the Hearing.

* ITEM-50: Fourth Amendment to the Agreement with URS Corporation and Expenditure of Funds for the Carmel Valley Road Enhancements Project.

(Torrey Pines Community Area. District 1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/13/2005, Item 333, Subitem A. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-20) ADOPTED AS ORDINANCE O-19414 (New Series)

Authorizing the City Manager to execute a Fourth Amendment (Fourth Amendment) to Agreement RR-288869 with URS Corporation, to revise staging and traffic control plans and provide construction support services, under the terms and conditions set forth in the Fourth Amendment, in an amount not to exceed \$111,360;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$111,360 from CIP-52-517.0, Carmel Valley Road Enhancements Project, Fund 30300, TransNet, for the purpose of funding the Fourth Amendment, contingent upon the City Auditor and Comptroller first certifying 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 budgeted funds, if any, to the appropriate reserves.

FILE LOCATION: MEET

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

CONSENT MOTION BY PETERS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-51: Third Amendment to the Agreement with Dokken Engineering for Additional Professional Services and Expenditure of Funds for the Rigel Street Bridge Over Chollas Creek Project.

(Barrio Logan Community Area. District 8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/13/2005, Item 334, Subitem A. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-19) ADOPTED AS ORDINANCE O-19415 (NEW SERIES)

Authorizing the City Manager to execute the Third Amendment to the Agreement with Dokken Engineering for additional professional services (Third Amendment), under the terms and conditions set forth in the Third Amendment to the Agreement, in an amount not to exceed \$6,300;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$6,300 from CIP-52-661.0, Rigel Street Bridge Over Chollas Creek, Fund 30300, TransNet, for the purpose of funding the Third Amendment, contingent upon the City Auditor and Comptroller first certifying 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 budgeted funds, if any, to the appropriate reserves.

FILE LOCATION: MEET

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

CONSENT MOTION BY PETERS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-52: Lease Agreement with San Diego Unified School District for Construction, Operation, Maintenance and Lease of Joint Use Facilities at Gaspar De Portola Middle School.

(Tierrasanta Community Area. District 7.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2006-32) INTRODUCED, TO BE ADOPTED ON
MONDAY, OCTOBER 17, 2005

Introduction of an Ordinance authorizing the City Manager to execute an agreement with the San Diego Unified School District for the Construction, Operation, Maintenance and Lease of Joint Use Facilities at Gaspar De Portola Middle School.

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

CITY MANAGER SUPPORTING INFORMATION:

Gaspar De Portola Middle School is located at 11010 Clairemont Mesa Boulevard in the Tierrasanta Community. The renewed joint use agreement with the San Diego Unified School District (SDUSD) will provide for 14.52 acres of turf fields, decomposed granite fields, comfort station and parking. The existing joint use acreage helps to satisfy the Tierrasanta community's and SDUSD's recreational and athletic programmatic needs.

The City and SDUSD have been cooperating in the use of numerous recreational facilities in accordance with the City-SDUSD Recreation Agreement of September 1948, and the Memorandum of Understanding Between the City and SDUSD for the Development and Maintenance of Joint Use Facilities (MOU) adopted by the San Diego City Council on October 7, 2002 (Resolution No. 297149) and by the SDUSD's Board of Education on October 8, 2002. The proposed joint use agreement meets the terms and conditions of these documents.

The existing turf fields at Gaspar De Portola Middle School were developed and maintained through a previous twenty-five (25) year no fee lease and joint use agreement with SDUSD. The existing agreement expires in August 2006. The City proposes to construct a comfort station/storage/snack shack structure and wishes to renew the agreement for another 25 years prior to undergoing this additional improvement.

The terms of the agreement allow for the development, operation, and maintenance of irrigated and turf-ed multi-use playing fields and a comfort station/storage/snack shack.

FISCAL IMPACT:

Annual maintenance at this joint use facility has been the responsibility of the Park and Recreation Department's Operating Division for the past 24 years and is budgeted at \$64,507 in FY 2006. When parity is met pursuant to the formula outlined in the MOU and identified in Exhibit B of the agreement, the maintenance costs will be shared equally between the City and SDUSD. Comfort station maintenance is estimated to be an additional \$34,000 per year, which will be the sole responsibility of the City, as SDUSD will not jointly use this facility. The additional cost (prorated to \$8,500 for the remainder of FY 2006) is proposed to come from reallocating existing Park and Recreation Department Community Parks II operating budget.

Oppenheim/Medina/AP

Staff: A. Pendera – (619) 525-8223
Hilda Ramirez Mendoza – Deputy City Attorney

FILE LOCATION: NONE

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

CONSENT MOTION BY PETERS TO INTRODUCE. 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: Park Purchase, Development, and Reimbursement Agreement with Black Mountain Ranch LLC and BMR Construction, Inc. for the Black Mountain Ranch North Neighborhood Park.

(Black Mountain Ranch Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-136 COR.COPY) ADOPTED AS RESOLUTION R-300868

Authorizing the City Manager to execute an agreement with Black Mountain Ranch, LLC, and BMR Construction, Inc. for acquisition and site development of

the Black Mountain Ranch North Neighborhood Park, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto, which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this Project and agreement;

Authorizing expenditure of an amount not to exceed \$2,250,000 from CIP-29-688.0, Black Mountain Ranch Neighborhood Park North, Facilities Benefit Assessment Fund No. 79012, for the purpose of providing funds for this Project, contingent upon certification by the City Auditor and Comptroller that revenues are available at the time reimbursement is scheduled for this Project.

CITY MANAGER SUPPORTING INFORMATION:

The proposed Black Mountain Ranch North Neighborhood Park is approximately 5.0 useable acres in size and located within the North Village Subdivision of the Black Mountain Ranch Community Planning Area. Execution and implementation of this proposed Park Acquisition, Development, and Reimbursement Agreement between the City of San Diego and Black Mountain Ranch, LLC (Subdivider) will satisfy Condition No. 41 of the North Village at Black Mountain Ranch Subdivision Vesting Tentative Map (VTM 40-0528) approved by City Council on November 27, 2001, Resolution No. R- 295794. This park project is included in the Fiscal Year 2006 Capital Improvement Program Budget as CIP-29-688.0, Black Mountain Ranch North Neighborhood Park.

The Subdivider will advance the funds to design and construct the park, contiguous street improvements and associated utilities to serve the park. The Subdivider will be reimbursed for this work and acquisition of the park site pursuant to the agreement in either Facilities Benefit Assessment cash or credits. Cash reimbursements will occur as provided for in the FY 2003 Black Mountain Ranch Public Facilities Financing Plan (PFFP), or as cash becomes available if not available when allowed for by the PFFP. The PFFP allows for reimbursement beginning in Fiscal Year 2007, but not until Subdivider has completed at least 1,320 dwelling units. If the park project is completed prior to reaching the 1,320 dwelling unit threshold, then the Subdivider shall maintain the park until such threshold is met, or for twenty-four months, whichever occurs first. This will ensure that the park is not constructed, and then maintained by the City, prior to the need for the park to serve the new residents.

FISCAL IMPACT:

All approved costs associated with the design and construction of this project will be funded through the Black Mountain Ranch Facilities Benefit Assessment, Fund No.79012 in Fiscal Year 2007. Annual maintenance costs are estimated to be approximately \$42,500. The funding for these costs will be requested as a new Park and Recreation facility in the fiscal year budget process in which the project is complete.

Herring/Medina/AP

Staff: Deborah Sharpe – (619) 525-8261
David E. Miller – Deputy City Attorney

FILE LOCATION: MEET

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

CONSENT 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-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-101: Grant Application to the State of California’s Clean Air, Safe Parks, and Coastal Protection Act of 2002, Roberti-Z’berg-Harris Per Capita Block Grant Program for the Bud Kearns Swimming Pool Program Project.

(See memorandum from Deputy Mayor Atkins dated 9/1/2005. Balboa Park Community Area. District 3.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-232) ADOPTED AS RESOLUTION R-300869

Authorizing the City Manager, or designee, for and on behalf of the City, to make an application to the State of California for \$27,600 in Clean Air, Safe Parks, and Coastal Protection Act of 2002, Roberti-Z’berg-Harris Per Capita Block Grant Program funds (the Grant Funds) for the Bud Kearns Swimming Pool Program (Project);

Authorizing the City Manager, or designee, to take all necessary actions to secure funds from the Clean Air, Safe Parks, and Coastal Protection Act of 2002, Roberti-Z’berg-Harris Per Capita Block Grant Program for the Project;

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

Authorizing the City Auditor and Comptroller to establish a special interest-bearing account for the Grant Funds.

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

This action authorizes the City Manager to apply for bond RZH Per Capita Block funding to provide recreational programming through the month of October (2005) at the Bud Kearns Swimming Pool. The grant funds will be appropriated from the Council District 3 portion of the RZH Per Capita funds which are distributed by Deputy Mayor Toni Atkins. This grant will provide one-time operating and maintenance funds, including staff costs, for the Bud Kearns Swimming Pool for October 2005.

Due to budget constraints, the pool was scheduled to close on September 30, 2005. The infusion of grant funds will allow City staff to keep the pool open, ensuring continued access to the pool for exercise programs, youth team sports and recreational swimming.

FISCAL IMPACT:

This action will fund operating and maintenance costs for the month of October 2005, at Bud Kearns Swimming Pool.

Oppenheim/Medina/SL

Staff: Barbara Chipps – (619) 533-6518
Eric A. Swenson – Deputy City Attorney

FILE LOCATION: MEET

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

CONSENT 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-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- * ITEM-102: Grant Application to Habitat Conservation Fund Grant Program for Mission Trails Regional Park Cowles Mountain Trail Rehabilitation Project.

(See memorandum from Carol Wood dated 9/13/2005. Mission Trails Regional Park, Navajo Community Area. District 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-227) ADOPTED AS RESOLUTION R-300870

Authorizing the City Manager, or his representative, to apply to the Habitat Conservation Fund Grant Program administered by the State of California Parks and Recreation Department for grant funds for the Mission Trails Regional Park Cowles Mountain Trail Rehabilitation Project (Project);

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

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

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

Amending the Fiscal Year 2006 CIP Budget, by adding CIP-29-895.0, Mission Trails Regional Park Cowles Mountain Trail Restoration Project, and increasing the Fiscal Year 2006 CIP Budget by \$150,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$75,000 from CIP-29-895.0, Mission Trails Regional Park Cowles Mountain Trail Restoration Project, contingent upon receipt of a fully executed grant agreement;

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

CITY MANAGER SUPPORTING INFORMATION:

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

This action will authorize the City Manager to apply to the State HCF Grant Program for a grant to rehabilitate and upgrade the heavily used southern trail at Cowles Mountain, badly eroded during the 2004-2005 rainy season. Rehabilitation of the trail is a priority for the Mission Trails Citizen's Advisory Committee.

FISCAL IMPACT:

If the grant is received, the total project cost of \$150,000 will be met by \$75,000 from the State Habitat Conservation Fund, \$75,000 from in-kind services consisting of budgeted Mission Trails Regional Park staff time and time donated by volunteers, as well as donated materials.

Oppenheim/Medina/AP

Staff: Addy Hayes – (619) 525-8213
Hilda Ramirez Mendoza – Deputy City Attorney

FILE LOCATION: MEET

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

CONSENT 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-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-103: Grant Application to the California Department of Boating and Waterways (DBW) to Replace Existing Police Department Harbor Unit Obsolete Water Patrol Equipment.

(Mission Bay Community Area. Districts 2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-195) ADOPTED AS RESOLUTION R-300871

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 Department of Boating and Waterways;

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 Department of Boating and Waterways, and to certify that the City will comply with all applicable statutory or regulatory requirements related to said program;

Declaring any grant funds and/or resources received hereunder shall be used to supplement, and not to supplant expenditures controlled by this body; and shall not be subject to local expenditure freezes.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Police Department Harbor Unit is responsible for patrolling the waterways of Mission Bay Park. Much of their equipment is old, obsolete, inefficient and expensive to maintain.

Periodically, the California Department of Boating and Waterways (DBW) provides grant funding to replace existing water patrol equipment.

In response to a solicitation from DBW, the San Diego Police Department has developed an application for a cabin vessel, outboard engine and trailer to replace similar obsolete equipment.

The equipment will be used to provide safety, educational and enforcement patrol on the waterways and shores of Mission Bay Park. The grant will provide a maximum reimbursement to City of \$80,000, depending upon final cost of funded items, including tax, delivery, etc.

Environmental impact will be insignificant, and may be positive since the new equipment may produce fewer by-products of combustion than the obsolete equipment that is being replaced.

FISCAL IMPACT:

There will be no adverse fiscal impact. Grant funds will cover all costs associated with this action. City will realize unknown savings from reduced maintenance costs of new equipment as compared to the old equipment it will replace.

Ewell/Landsdowne/DJW

Staff: Donna J. Warlick – (619) 531-2221
Mary T. Nuesca – Deputy City Attorney

FILE LOCATION: MEET

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

CONSENT 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-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-104: Establishing Angle Parking Zone on 30th Street between Grape Street and Hawthorn Street.

(Greater Golden Hill Community Area. District 3.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-210) ADOPTED AS RESOLUTION R-300872

Authorizing the installation of angle parking on 30th Street between Grape Street and Hawthorn Street, pursuant to the authority conferred by and in accordance with the provisions of San Diego Municipal Code Section 86.03;

Authorizing the installation of the necessary signs and markings to be made on said street, and the regulations hereinabove imposed shall become effective upon the installation of such signs;

Declaring that this action is exempt from the requirements of the California Environmental Quality Act because this action is the minor alteration of an existing facility.

CITY MANAGER SUPPORTING INFORMATION:

This action will authorize the City Manager to install an angle parking zone on a portion of the west side of 30th Street between Grape Street and Hawthorn Street. This action is in accordance with San Diego Municipal Code Section 86.03. 30th Street is a residential street. The residents expressed concern with shortage of parking in this block of 30th Street. They submitted a petition signed by 100% of the fronting properties requesting angle parking. Field survey by staff indicated that there is sufficient room for angle parking on a portion of the west side of the street. This action will result in a gain of three parking spaces. Therefore, angle parking is recommended. In addition, the Greater Golden Hill Planning Committee voted to support this action on April 13, 2005.

FISCAL IMPACT:

\$750. Funds are available in the Street Division budget for this purpose.

Mendes/Boekamp/DVW

Aud. Cert. 2600173.

Staff: Deborah Van Wanseele – (619) 533-3012
Timothy J. Miller – Deputy City Attorney

FILE LOCATION: MEET

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

CONSENT 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-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-105: Appointment of Mr. Barry I. Newman to the Public Utilities Advisory Committee.

(See memorandum from Deputy Mayor Atkins dated 9/13/2005, with resume attached.)

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-241) ADOPTED AS RESOLUTION R-300873

Council confirmation of the following appointment by the Deputy Mayor of the City of San Diego, to serve as a member of the Public Utilities Advisory Committee:

<u>NAME</u>	<u>TERM ENDING</u>
Barry I. Newman (Escondido) (Replacing Lisa Briggs, who resigned)	January 1, 2008

Stating that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that Barry I. Newman is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Board, therefore, a conscious exception to Council Policy 000-13 is hereby declared.

FILE LOCATION: MEET

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

CONSENT MOTION BY PETERS TO ADOPT THE RESOLUTION TO CONFIRM THE APPOINTMENT. 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-106: San Diego Alliance for Asian Pacific Islander American Day.

**COUNCILMEMBER YOUNG’S AND COUNCILMEMBER FRYE’S
RECOMMENDATION:**

Adopt the following resolution:

(R-2006-230) ADOPTED AS RESOLUTION R-300874

Proclaiming September 17, 2005, to be “San Diego Alliance for Asian Pacific Islander American Day” in the City of San Diego, and commending and thanking all the participants of the picnic for sharing their rich traditions and cultural diversity with the residents of San Diego.

FILE LOCATION: AGENDA

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

CONSENT 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-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-107: Rick Engineering Company Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-225) ADOPTED AS RESOLUTION R-300875

Commending Rick Engineering Company for serving San Diego for 50 years and for continuing to meet our City's ever-changing needs;

Proclaiming September 21, 2005, to be "Rick Engineering Company 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 PETERS 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-200: Two actions related to Calling a Special Run-Off Elections in Council Districts 2 and 8.

(See City Clerk Report CC-05-09.)

CITY CLERK'S RECOMMENDATION:

Introduce and adopt the following ordinance in Subitem A, and adopt the resolution in Subitem B:

Subitem-A: (O-2006-37) ADOPTED AS ORDINANCE
O-19416 (NEW SERIES)

Introduction and adoption of an Ordinance calling a Special Municipal Run-Off Election in the City of San Diego, on Tuesday, January 10, 2006, to fill vacancies in Council Districts 2 and 8. If one candidate does not receive a majority of the votes cast at the November 8, 2005, special election to fill the vacancy of Councilmember for District 2 or District 8, a Special Municipal Run-Off Election will be held on Tuesday, January 10, 2006, for the purpose of electing a candidate to serve for the length of time remaining in the term of these office(s).

Subitem-B: (R-2006-252)

ADOPTED AS RESOLUTION R-300876

Requesting the San Diego County Registrar of Voters to conduct a Special Municipal Run-Off Election, in the City of San Diego, on Tuesday, January 10, 2006, to fill vacancies in Council Districts 2 and 8;

Authorizing the City Auditor and Comptroller to reimburse the County of San Diego for the actual and direct cost of the services performed by the Registrar of Voters for the City of San Diego, in connection with the election services, 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.

SUPPORTING INFORMATION:

Councilmembers Michael Zucchet and Ralph Inzunza announced their resignations effective Monday, July 25, 2005, leaving vacancies in the office of Councilmember for District 2 and District 8. Pursuant to Charter Section 12, the City Council is required to fill the vacancy by special election because there is more than one year remaining in the term of office.

A special election has been scheduled on November 8, 2005, for the purpose of nominating and potentially electing a Councilmember for District 2 and for District 8. If one candidate for a given office receives the majority of votes cast for all candidates in the special election scheduled for November 8, 2005, that candidate will be elected to the vacant office. If no candidate for a given office receives the majority of votes, then the top two vote-getters for that office must face one another in a special run-off election.

This action is to request that the City Council adopt an ordinance calling a special run-off election to be held on January 10, 2006, in District 2 and in District 8, in the event one or more run-off elections are necessary following the November 8, 2005 special election; and to adopt a resolution requesting the services of the Registrar of Voters.

Further discussion of the date for the run-off election is contained in City Clerk Report #CC-05-09.

The procedures for filling a vacancy in a Council office by special election are contained in Divisions 7 and 9 of Chapter 2, Article 7 of the San Diego Municipal Code (SDMC).

A candidate elected at either the special election or at the special run-off election called by the City Council to fill the vacant office shall be declared elected to the unexpired term of his or her predecessor and will assume office at the time the City Council adopts the resolution declaring the results of the election.

Maland

Aud. Cert. 2600215.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Time duration: 2:38 p.m. – 2:45 p.m.)

MOTION BY PETERS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE IN SUBITEM A, AND TO ADOPT THE RESOLUTION IN SUBITEM B. 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-201: Status Report by the Audit Committee and KPMG.

(See Report from Audit Committee dated 9/23/2005 and report from KPMG dated 9/22/2005.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-) NOTED AND FILED

Accepting the status reports of the Audit Committee and KPMG; directing the City Attorney to prepare applicable resolution.

CITY MANAGER SUPPORTING INFORMATION:

The Mayor and City Council have previously directed the City Manager to require periodic status reports from the Audit Committee and KPMG on the progress of both the audit of the

Fiscal Year 2003 CAFR and the ongoing financial investigations. This will be the second formal status report since that direction was given.

Ewell/Villa/MJK

Staff: Lisa Irvine – (619) 236-6070

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 5:02 p.m.)

Motion by Peters to accept the report. Second by Atkins. No vote taken.

Motion withdrawn.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Pro Tem Madaffer at 5:09 p.m. in honor of the memory of:

Corky McMillin as requested by Deputy Mayor Atkins.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 5:05 p.m. – 5:09 p.m.)