

THE CITY OF SAN DIEGO, CALIFORNIA  
 MINUTES FOR REGULAR COUNCIL MEETING  
 OF  
 MONDAY, NOVEMBER 14, 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 2:05 p.m. The meeting was recessed at 3:16 p.m. for the purpose of a break. Deputy Mayor Atkins reconvened the meeting at 3:21 p.m. with all Council Members present and District 2, District 8, and Mayor vacant. The meeting was adjourned by Deputy Mayor Atkins at 4:20 p.m. into Closed Session at 9:00 a.m. on Tuesday, November 15, 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 Maienschein.

FILE LOCATION: MINUTES



ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS: APPROVED**

Approval of Council Minutes for the meetings of:

10/03/2005 – Adjourned

10/04/2005 – Adjourned

10/10/2005

10/11/2005

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:06 p.m. – 2:07 p.m.)

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



ITEM-31: Leon Williams Day.

**DEPUTY MAYOR ATKINS' AND COUNCILMEMBER YOUNG'S  
RECOMMENDATION:**

Adopt the following resolution:

(R-2006-451) ADOPTED AS RESOLUTION R-301016

Recognizing the many inspiring contributions made by Leon Williams on the occasion of his retirement as Chair of the Board of Directors of the San Diego Metropolitan Transit Development Board after having been an integral part of the organization for nearly 30 years;

Proclaiming November 14, 2005, to be “Leon Williams Day” in the City of San Diego in honor of all of his pioneering achievements and in appreciation of his continual dedication to our citizens and community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:07 p.m. – 2:18 p.m.)

MOTION BY YOUNG 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: Janet Wood Day.

**DEPUTY MAYOR ATKINS' AND COUNCILMEMBER FRYE'S  
RECOMMENDATION:**

Adopt the following resolution:

(R-2006-446) ADOPTED AS RESOLUTION R-301017

Recognizing Janet Wood and commending her for her dedication and contributions to the City of San Diego;

Proclaiming November 18, 2005, to be “Janet Wood Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:26 p.m.)

MOTION BY FRYE 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:**

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

**CS-1** *City of San Diego v. Cal Southwest Construction, Inc., et al.*  
San Diego Superior Court No. GIC835418

DCA assigned: P. Fusco

**REFERRED TO CLOSED SESSION OF TUESDAY, NOVEMBER 15, 2005**

This case arose out of the March 12, 2003, water main break during construction of the Group 535 Project on Pacific Coast Highway [PCH]. The break caused major flooding of PCH, and contaminated soils to wash into the San Diego Bay. The City contends Cal Southwest Construction (the general contractor on the project) caused the main break. The City has been involved in litigation with Defendant since September 2004. In closed session the City Attorney requests that the Mayor and Council consider making a formal offer for settlement with Defendant, under California Code of Civil Procedure section 998.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:18 p.m. – 4:18 p.m.)

**Deputy Mayor Atkins closed the hearing.**

**CS-2** *Border Business Park v. City of San Diego*  
Appellate Case No. D039225; SDSC Case No. GIC 692794  
*Otay Acquisitions v. City of San Diego*  
SDSC Case No. GIC 753247  
*National Enterprises, Inc. v. City of San Diego*  
SDSC Case Nos. GIC 791407; GIC 805465

ACA assigned: D. McGrath

**REFERRED TO CLOSED SESSION OF TUESDAY, NOVEMBER 15, 2005**

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego regarding the Border Business Park in Otay Mesa. The Border Business Park case resulted in a jury verdict against the City which is now on appeal. The National Enterprises and Otay Acquisitions cases are currently awaiting trial in the Superior Court. The Border Business Park case has been referred to a mediation process in the appellate court. In closed session the City Attorney will report on the status of the mediation and request appropriate direction.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:18 p.m. – 4:18 p.m.)

**Deputy Mayor Atkins closed the hearing.**

**CS-3** *San Diego Police Officers Association v. Michael Aguirre, et al.*  
United States District Court No. 05 CV 1581

ACA assigned: D. McGrath

**REFERRED TO CLOSED SESSION OF TUESDAY, NOVEMBER 15, 2005**

This matter is an action filed by the San Diego Police Officers Association for damages and declaratory relief. In closed session the City Attorney will brief the Council on the status of the matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:18 p.m. – 4:18 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-4** **Transient Occupancy Tax**

DCA assigned: D. Shanahan

**REFERRED TO CLOSED SESSION OF TUESDAY, NOVEMBER 15, 2005**

In closed session, the City Attorney will seek authority to pursue a lawsuit against multiple web booking companies to recover the Transient Occupancy Tax collected by the subject companies. The taxes actually collected by the web booking companies are returned by them and are not, as required by the SDMC, remitted to the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:18 p.m. – 4:18 p.m.)

**Deputy Mayor Atkins closed the hearing.**

\* ITEM-50: Parkview Aero Court Rezone.

(Kearny Mesa Community Plan Area. District 6.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 10/25/2005, Item 333, Subitem C. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-47) ADOPTED AS ORDINANCE O-19438 (New Series)

Changing 6.11-acre site, located at 3540 Aero Court, in the Kearny Mesa Community Plan Area, in the City of San Diego, California, from the IP-2-1 Zone, formerly known as the M-IP Zone, into the CO-1-2 Zone, as defined by San Diego Municipal Code Section 131.0504.

FILE LOCATION: LUP-Parkview Aero Court, 10/25/05 (65)

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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

\* ITEM-51: Vista Colina Rezone.

(Eastern Area of the Mid-City Community Plan Area. District 7.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 10/25/2005, Item 334, Subitem C. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-42) ADOPTED AS ORDINANCE O-19439 (New Series)

Changing 3.39 acres, located at 4079 54<sup>th</sup> Street on the east side of 54<sup>th</sup> Street, North of University Avenue, within the Eastern Area Community of the Mid-City communities Plan, in the City of San Diego, California, from the RM-1-1 Zone of the Central Urbanized Planned District into the RM-2-6 Zone of the Central Urbanized Planned District, as defined by San Diego Municipal Code Section 131.0406.

FILE LOCATION: LUP-Vista Colina

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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

\* ITEM-52: Amending the San Diego Municipal Code Relating to Excavation Fees.

(See memorandum from Frank Belock, Jr. dated 6/28/2005.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 10/31/2005, Item 61. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-40) ADOPTED AS ORDINANCE O-19440 (New Series)

Amending Chapter 6, Article 2, Division 12, of the San Diego Municipal Code by amending Section 62.1210, relating to Excavation Fees.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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

- \* ITEM-53: Extending the Long-Term Waste Delivery Agreements with Specified Franchised Solid Waste Collection Companies.

(See memorandum from Elmer L. Heap, Jr. dated 9/12/2005.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 10/31/2005, Item 58. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-48) ADOPTED AS ORDINANCE O-19441 (New Series)

Authorizing the City Manager to execute amendments to the long-term waste delivery agreements with the specified franchised solid waste collection companies listed on Exhibit A, to provide for short-term extensions of those agreements to October 31, 2005, under the terms and conditions described in the amendments to those agreements;

Declaring this activity is not subject to CEQA pursuant to CEQA Guideline 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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

- \* ITEM-54: Sale of Surplus Motive Equipment to the City of Ensenada, Baja California, Mexico.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 10/31/2005, Item 59.  
(Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-49) ADOPTED AS ORDINANCE O-19442 (New Series)

Authorizing the City Manager to sell to the City of Ensenada twenty motorcycles described in Attachment A, for the prices indicated thereon, for a total of \$59,790, notwithstanding Section 22.0506 of the San Diego Municipal Code;

Authorizing the City Manager to take all necessary actions and sign any documentation necessary to complete the sale of the twenty motorcycles to the City of Ensenada;

Declaring notwithstanding Section 22.0506 of the San Diego Municipal Code, the \$59,790 from the sale of the twenty motorcycles in Attachment A shall be deposited in the Unlicensed Drivers Vehicle Impound Fees Fund, Fund Number 18684, Revenue Account 78348.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:27 p.m. – 2:33 p.m.)

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



ITEM-55: Third Amendment to Agreement with McGraw/Baldwin Architects for Consultant Services for the College/Rolando Library.

(College Community Area. District 7.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 10/31/2005, Item 60.  
(Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-46) CONTINUED TO MONDAY, NOVEMBER 21, 2005

Authorizing the City Manager to execute the Third Amendment to the Agreement with McGraw/Baldwin Architects for professional services required for the construction of the College Rolando Library, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$47,793 from CIP-35-071.0, College/Rolando Branch Library, Fund No. 30244, Dept. No. 30244, Org. No. 106, to provide funding for the Third Amendment to the Agreement for the College/Rolando Library;

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

Declaring this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility this activity will result in a direct or reasonably foreseeable indirect physical change in the environment.

FILE LOCATION: MEET

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

MOTION BY MADAFFER TO CONTINUE THIS ITEM TO MONDAY, NOVEMBER 21, 2005, AT THE REQUEST OF THE CITY MANAGER TO MEET NOTICING REQUIREMENTS. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- \* ITEM-56: Second Amendment to Consultant Agreement with MWH Americas, Inc. for the Otay Water Treatment Plant Upgrade.

(Unincorporated Area of San Diego County.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2006-53) INTRODUCED, TO BE ADOPTED ON MONDAY,  
NOVEMBER 28, 2005

Introduction of an Ordinance authorizing the City Manager, or duly authorized representative, to execute a Second Amendment to Agreement between the City of San Diego and MWH Americas, Inc. for Consulting Services for the Otay Water Treatment Plant Upgrade (Second Amendment), together with any reasonably necessary modifications or amendments thereto which do not increase agreement 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 the agreement;

Authorizing the City Auditor and Comptroller to transfer \$65,000 from Water Fund 41500, CIP-73-250.0, Otay Water Treatment Plant Clearwell Storage Project, to Water Fund 41500, CIP-73-285.0, Otay Water Treatment Plant Upgrade Phase 2;

Authorizing the appropriation and expenditure of an amount not to exceed \$1,605,023 from Water Fund 41500, CIP-73-285.0, Otay Water Treatment Plant Upgrade Phase 2, for the purpose of funding the Second Amendment and related in-house engineering costs;

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

Declaring that this activity is not a project subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(c) because it is a subsequent discretionary approval related to the project approved by Resolution No. R-294237 and within the scope

of Mitigated Negative Declaration LDR No. 40-0932 (Project No. 96004551).

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

**CITY MANAGER SUPPORTING INFORMATION:**

The Water Department has pursued State of California Proposition 50 (Prop. 50) grant funding for the Otay Water Treatment Plant (WTP) Upgrades Phase 2 project. The project will allow the Otay WTP to comply with future water quality regulations and help reduce California's dependence on the Colorado River. This project scored favorably and could receive approximately \$8 million in Prop. 50 grant funding beginning in January 2007. To take advantage of the grant funding available and comply with Prop. 50's requirement to spend the funds within three years, the design of the Upgrades Phase 2 project should begin during the fall of 2005. A time extension to the designer's contract is required to begin the design.

Pursuant to City Council Resolution No. R-294237, the City entered into a phase-funded agreement with MWH Americas, Inc. (MWH) on November 30, 2000 to provide design and construction support services for the Otay WTP Upgrades project. The Agreement was amended in 2003 to accommodate revisions to the scope of services for the Phase I project which has been designed. The Phase 2 project includes the construction of an ultraviolet (UV) disinfection system, a chlorine contact basin, and plant piping. A future phase includes the rehabilitation of two sedimentation basins and constructing four new filters, and will be funded at a later time.

MWH has unique and specialized experience designing the Otay WTP and other similar projects. The City would realize substantial savings by having MWH complete the Phase 2 design due to MWH's knowledge of the plant's extensive design, operational and site requirements. It would cost more money and City staff time to conduct another consultant selection process and have a new designer provide services because of their unfamiliarity with the Otay WTP's requirements.

The City's agreement with MWH will expire on November 30, 2005. In order to ensure MWH's continuing services for the Otay WTP Upgrades and acquisition of Prop. 50 funding for Phase 2, the agreement must be amended to extend the term for an additional five years. The amendment will not increase the Contract Amount as there is a sufficient balance of funds remaining from the original Council authorization. Because the Second Amendment will result in a contract term exceeding five years, approval of the amendment must be by ordinance of the Council in accordance with City Charter Section 99.

**FISCAL IMPACT:**

The total estimated cost of this Agreement is \$6,620,484 of which \$3,109,279 was previously executed. This action funds \$1,605,023 of the original Agreement authorization and is available in Water Fund 41500, CIP-73-285.0, Otay WTP Upgrade and Water Fund 41500, CIP-73-250.0, Otay WTP Clearwell Storage.

Mendes/Belock/NK

Aud. Cert. 2600312.

Staff: Vic Bienes – (619) 533-6600  
Lori W. Girard – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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

\* ITEM-100: Accepting Robb Field Recreation Council Donation to Fund Supplemental  
Assistant Recreation Center Director for Robb Field Recreation Center.

(Ocean Beach Community Area. District 2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-438) ADOPTED AS RESOLUTION R-301018

Accepting the generous \$45,000 donation by the Robb Field Recreation  
Council to fund a supplemental Assistant Recreation Center Director for  
Robb Field Recreation Center for Fiscal Year 2006;

Authorizing the City Auditor and Comptroller to appropriate and expend  
\$45,000 donated funds to finance a supplemental Assistant Recreation  
Center Director for Robb Field Recreation Center for Fiscal Year 2006;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer funds to the appropriate reserve;

Authorizing the City Manager to add the position of one supplemental Assistant Recreation Center Director for Fiscal Year 2006, to be eliminated July 1, 2006, at Robb Field Recreation Center.

**CITY MANAGER SUPPORTING INFORMATION:**

This action authorizes the City Manager to accept a \$45,000 donation from the Robb Field Recreation Council to fund a supplemental Assistant Recreation Center Director for Robb Field Recreation Center.

Due to FY2006 budget reductions, the Assistant Recreation Center Director for Robb Field Recreation Center was eliminated. The community quickly rallied to collect donations to fund this key position within their community's park system.

**FISCAL IMPACT:**

This action approves an addition of a supplemental Assistant Recreation Center Director position for FY2006 which is fully funded by the Recreation Council donation. This position will be eliminated on June 30, 2006.

Oppenheim/Medina/SS

Staff: Mauro Garcia – (619) 221-8910  
Hilda Ramirez Mendoza – Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:27 p.m. – 2:33 p.m.)

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

\* ITEM-101: Shirley Ann Place Sidewalk Reconstruction Project.

(Greater North Park Community Area. District 3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-441)            ADOPTED AS RESOLUTION R-301019

Amending the Fiscal Year 2006 Capital Improvements Program Budget by adding CIP-39-087.0, Shirley Ann Place Sidewalk Reconstruction;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2006 Capital Improvements Program Budget in CIP-39-087.0, Shirley Ann Place Sidewalk Reconstruction by \$78,000;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$5,000 from Fund 18540, CDBG to Shirley Ann Place Sidewalk Reconstruction Project, Job Order 390870;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$10,000 from Fund 30300, TransNet to Shirley Ann Place Sidewalk Reconstruction Project, Job Order 390870;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$78,000 from CIP-39-087.0, Shirley Ann Place Sidewalk Reconstruction for the design and construction of the Shirley Ann Place Sidewalk Reconstruction Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

Declaring this project is categorically exempt from CEQA pursuant to State Guidelines Section 15302 because the project is to replace or reconstruct existing structures and facilities.

**CITY MANAGER SUPPORTING INFORMATION:**

Shirley Ann Place is located between Madison Avenue and Monroe Avenue in the Greater North Park community. The Project consists of replacing damaged sidewalk, curb, and driveways within the Shirley Ann Place Historic District. Due to the historic nature of the street, the new sidewalk and concrete work under this contract must match the dimensions, scoring pattern, 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 initially advertised on January 13, 2005, and bids opened on February 15, 2005. Nine (9) bid packages were issued to prospective bidders and four (4) bids were received. The bids were higher than the engineer's estimates and the additional required money to award the project was not available in the project. The apparent low bidder at that time would not hold his bid price beyond the 90 days stipulated in the bid documents to wait for the City to find additional funds and have Council approve the addition of funds for the project. The City rejected all bids and advertised again.

The project was re-advertised and the City opened the new bids on September 30, 2005. Six (6) bid packages were issued to prospective bidders, and four (4) bids were received. Additional funding is needed to award the contract to the lowest bidder within the 90 daytime frame stipulation. The additional funding of \$15,000 is available from Council District 3 CDBG allocations (\$5,000) and TransNet (\$10,000).

**FISCAL IMPACT:**

The total estimated project cost is \$78,000 of which \$63,000 was previously appropriated. With this action \$5,000 will be transferred from Fund 18540, and \$10,000 will be transferred from Fund 30300 into the Shirley Ann Place Project, Job Order 390870.

Mendes/Boekamp/DZ

Aud. Cert. 2600349.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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

- \* ITEM-102: Funding for Retention of Macias, Gini, and Company LLP, to Perform the Close-Out Audit for Former Acting City Auditor and Comptroller Terry Webster.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-457)                      ADOPTED AS RESOLUTION R-301020

Authorizing and directing the City Manager, or designee, to enter into an agreement with Macias, Gini, and Company LLP, with such changes therein and modifications thereto as the City Manager, in consultation with the City Attorney, deems necessary or desirable;

Authorizing the expenditure of an amount not to exceed \$9,800, to pay the accounting firm of Macias, Gini, and Company LLP, for its service in performing the close-out audit in connection with former Acting City Auditor and Comptroller Terry Webster.

**CITY MANAGER SUPPORTING INFORMATION:**

Macias & Gini is to perform the close-out audit for the Acting City Auditor and Comptroller, consistent with City Charter Section 111, which reads in part: "In case of death, resignation or removal of the City Auditor and Comptroller, the City Manager shall cause an audit to be made of his accounts."

Such audits are typically performed by the Internal Audit Section of the City Auditor and Comptroller's Office, except in the case where it is that office whose officer is under review.

Mayor and City Council authorization is required given that Macias, Gini and Company LLP, already has contracts in Fiscal Year 2006 that exceed the \$250,000, threshold for City Manager authority. Macias, Gini and Company LLP, have already been retained by the City of San Diego to audit the Fiscal Years 2004 and 2005 financial statements.

Irvine/Villa

Aud. Cert. 2600370.

Staff: Lisa Irvine - (619) 236-6070  
Mark D. Blake - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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

\* ITEM-103: Participation Agreement with Blue Heron Group, LLC for the Design and Construction of West Point Loma Sidewalk Improvement Project.

(Midway Community Area. District 2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-338) ADOPTED AS RESOLUTION R-301021

Authorizing the City Manager to execute a Participation Agreement with Blue Heron Group, LLC, for the West Point Loma Sidewalk Improvement Project, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2006 Capital Improvements Program in CIP-52-715.0, New Walkways, Fund No. 63022, Contributions to CIP, by \$15,081.71, contingent upon receipt of the fully executed Participation Agreement;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend an amount not to exceed \$15,081.71, from CIP-52-715.0, New Walkways, Fund No. 63022, Contributions to CIP, for the design and construction of sidewalk improvements on West Point Loma Boulevard, contingent upon the City Auditor and Comptroller first certifying that the required funds 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 funds, if any, to the appropriate reserves;

Declaring that this project is exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(b)(3).

**CITY MANAGER SUPPORTING INFORMATION:**

Blue Heron is the owner of real property located at 4369 West Point Loma Boulevard and is required to make certain public improvements as a condition of improving and developing the property. These improvements include constructing curb and gutter, providing three-inch PVC sidewalk underdrains, pavement and a five foot-wide sidewalk.

The City currently has a public works project that includes the design and construction of a sidewalk along the south side of West Point Boulevard between Rialto Street and Famosa Boulevard. Blue Heron's improvements are encompassed within the limits of the City's project.

The City and Blue Heron have determined that it would be more efficient and economical for the City to include the owner's improvements within the scope of their project. The improvements covered by the participation agreement include 60 linear feet of curb out of a total project amount of 420 LF, and 334 square feet of concrete sidewalk out of a total project amount of 2310 SF. Additionally, three sidewalks under drains will be constructed at this property.

**FISCAL IMPACT:**

Total project cost is \$85,000. Funds are available in CIP-52-715.0 (Job Order 527164), \$71,885.47, in Fund No. 30300, Transnet, and with this action, \$13,114.53, in Fund No. 63022, Contributions to CIP. The owner is obligated to share in any increases to project cost up to an amount not to exceed \$15,081.71.

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. – 2:33 p.m.)

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



ITEM-104: Third Amended and Restated Lease Agreement with Brown Field Aviation Ventures (BFAV) for Aviation-Related Uses and General Office Use.

(Otay Mesa Community Area. District 8.)

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-408) CONTINUED TO MONDAY, NOVEMBER 21, 2005

Authorizing the City Manager to execute, for and on behalf of City, a 35-year Third Amended and Restated Lease Agreement with Brown Field Aviation Ventures (BFAV), for the term beginning on December 1, 1996, and ending on November 30, 2031, with two 10-year options to extend, for the purpose of aviation-related uses and general office use pursuant to a Settlement and Release Agreement dated October 3, 2005, between the City and BFAV, under the terms and conditions set forth in the lease agreement;

Waiving Council Policy 700-41, regarding the use of the RFP process for the lease of City-owned land, as the Council Policy does not apply to the amended and restated lease because it is being executed pursuant to a Settlement and Release Agreement.

**CITY MANAGER SUPPORTING INFORMATION:**

In 1996, the City and Brown Field Aviation Ventures ("BFAV") entered into a long-term, flat-rate lease for approximately 15 acres, including 15,733 square feet of office space, at Brown Field Airport in Otay Mesa. The lease has been amended twice to reflect changes in the leasehold premises. In 1999, a portion of the premises was assigned to a third party. The City approved a sublease of the entire premises to Lancair Corp. in 2001.

Subsequently, a dispute arose among the parties regarding use and subleasing of the premises, including non-aviation uses. On August 9, 2005, Council approved a Settlement and Release Agreement in closed session. The Settlement and Release Agreement was executed by BFAV, Lancair, and the City on October 3, 2005. Pursuant to the Settlement and Release Agreement, the City and BFAV have amended and restated the existing lease to (i) add to and delete from the property being leased, (ii) clarify the use of the office building at 1590 Continental, (iii) cap the scheduled 2006 market rate rent adjustment at 20%, (iv) waive fees for assignment of the lease to Lancair, (v) provide terms for extension of the lease term, (vi) provide for a right of first refusal upon expiration of the lease, and (vii) update the parties' development obligations.

The terms of the proposed amended and restated lease are as follows:

USE: Aviation uses as defined in Section 1.2a of the lease and general office use for fair market rent at 1590 Continental Street.

TERM: 35 years, with two 10-year options to extend, commencing 12/1/96 and ending 11/30/2031.

RENT: The initial rent of approximately \$91,212 per year will be adjusted in 2006, 2016 and 2026 to reflect market conditions and CPI adjustments will occur in 2011 and 2021, with additional adjustments during the extension terms, if any.

**FISCAL IMPACT:**

Initial annual rent of approximately \$91,212 will be deposited into the Airports Enterprise Fund.

Mendes/Gardner/Griffith/CLY

Staff: Jack Farris – (619) 236-5548  
Carrie L. Gleeson – Chief Deputy City Attorney

FILE LOCATION: LEAS-Brown Field Aviation Ventures (BFAV)

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

MOTION BY MADAFFER TO CONTINUE TO MONDAY NOVEMBER 21, 2005, FOR FURTHER REVIEW. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- \* ITEM-105: Consent to Common Use Agreements and Joint Use Agreement with CalTrans for the I-15 Corridor.

(Normal Heights Community Area. District 3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-141 Cor. Copy) ADOPTED AS RESOLUTION R-301022

Authorizing the City Manager, or duly authorized designee, to execute Consent to Common Use Agreements Numbers 29201-2 and 29201-3 with CalTrans, in connection with construction of the I-15 Corridor, under the terms and conditions set forth in the agreements, together with any reasonably necessary modifications or amendments thereto which do not increase the agreements' 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 the agreements;

Authorizing the City Manager, or duly authorized designee, to execute Joint Use Agreements Numbers 29201-4, 29201-5, and 29201-6 with CalTrans, in connection with construction of the I-15 Corridor, under the terms and conditions set forth in the agreements, together with any reasonably necessary modifications or amendments thereto which do not increase the agreements' 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 the agreements;

Declaring this activity is not a project subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(5) because these agreements are organizational or

administrative activities of governments that will not result in direct or reasonably foreseeable indirect physical changes in the environment.

**CITY MANAGER SUPPORTING INFORMATION:**

In February 1996, the City of San Diego entered into Utility Agreement No. 29201 with the State of California, Department of Transportation (Caltrans) for the relocation of various water facilities impacted by Caltrans' construction of a portion of the I-15 freeway through Normal Heights. Caltrans was responsible for the cost of relocating the facilities as they were within City easements acquired prior to Caltrans decision to build the freeway.

Construction of the relocated facilities was complete in 2000. This request seeks authorization to enter into the following five agreements:

- Consent to Common Use Agreement No. 29201-2 - 48-inch water main, Polk-Orange Tunnel
- Consent to Common Use Agreement No. 29201-3 - two 12-inch water mains with El Cajon Boulevard
- Joint Use Agreement No. 29201-4 - 36-inch water main beneath I-15 between 40th and Central Avenue
- Joint Use Agreement No. 29201-5 – 10-inch water main within Meade Avenue
- Joint Use Agreement No. 29201-6 - 8-inch water main in bridge at University Avenue

The agreements recognize the City's title to the easements and its prior rights under the easements. The City will continue to have the right to use its easements for all purposes for which they were acquired. Caltrans will be liable for the cost of any future relocation of the water facilities. A "Consent to Common Use" Agreement is used when the relocated facilities remain within the existing easement. A "Joint Use Agreement" is used when the relocated facilities are installed outside or partially outside the existing easement. The Joint Use Agreements establish new locations for the City's easements within the I-15 right-of-way to accommodate the relocated City facilities. Once executed, these Agreements will be recorded with the San Diego County Recorder's Office.

**FISCAL IMPACT:**

None.

Mendes/Belock/MKS

Staff: Vic Bienes – (619) 533-6600  
Lori W. Girard – Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:27 p.m. – 2:33 p.m.)

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

\* ITEM-106: Grant Application to Caltrans for the Willow Elementary Safe Route to School Project.

(San Ysidro Community Area. District 8.)

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-413) ADOPTED AS RESOLUTION R-301023

Authorizing the City Manager, or designee, to make an application to Caltrans for \$450,000 in Safe Routes to School grant funds for the Willow Elementary Safe Route to School Project (Project);

Authorizing the City Manager, or designee, to take all necessary actions to secure funds from Caltrans for the Safe Routes to School grant;

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;

Authorizing the City Auditor and Comptroller to add CIP-62-266.0, Safe Routes to School-Willow Elementary School, to the Fiscal Year 2006 Capital Improvements Program;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2006 Capital Improvements Program Budget in CIP-62-266.0, Safe Routes to School-Willow Elementary School, Safe Route to School grant fund, by \$450,000, contingent upon receipt of a fully executed program agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$450,000 from CIP-62-266.0, Safe Routes to School-Willow Elementary School-Safe Routes to School grant fund, for the purpose of design and construction of the Project, contingent upon receipt of a fully executed program supplement;

Authorizing, the City Auditor and Comptroller to transfer \$50,000 from CIP-68-017.0, School Traffic Safety Improvements, to CIP-62-266.0, Safe Routes to School-Willow Elementary School, within Fund No. 30300, TransNet;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$50,000 from CIP-62-266.0, Safe Routes to School-Willow Elementary School, Fund 30300, TransNet, for the purpose of design and construction of the Project;

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

Declaring that this activity is exempt from CEQA pursuant to CEQA Guidelines Section 15060(c)(2) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, and that further environmental review prior to actual construction is not foreclosed.

**CITY MANAGER SUPPORTING INFORMATION:**

Willow Elementary School is located in the San Ysidro Community Planning Area approximately one mile from the U.S.-Mexico International border. The school is situated in an ethnically diverse neighborhood within the San Ysidro Redevelopment Area, with 100% of the students walking, cycling or being driven to school. Willow School serves

approximately 780 students from pre-school through fifth grade, with all students living within a ½ mile radius of the school.

The area surrounding Willow Elementary School has high automobile, bicycle, and pedestrian injury rates according to City of San Diego Engineering and Capital Projects Department data analysis. Accident reports show that over a three year period between 2001 and 2003, there were 29 collisions involving pedestrians and bicycles within a ½ mile radius of Willow Elementary School.

Safe Routes to School program funds will be used to construct new sidewalks, provide a retaining wall for new sidewalks where needed, construct curb ramps, create curb extensions, enhance the school entry crosswalk, and install solar flashing beacons crossing equipment. This proposed scope of work will improve pedestrian safety and vehicular traffic around the school areas. Furthermore, it will provide a safer walking environment for both students and the community.

**FISCAL IMPACT:**

Total project cost is estimated to be \$500,000. 90% of project costs will be reimbursed through the Safe Routes to School program. The City's 10% match of \$50,000 is available in CIP-68-017.0, School Traffic Safety Improvements.

Mendes/Boekamp/DZ

Aud. Cert. 2600311.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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

- \* ITEM-107: Grant Application to State of California Office of Traffic Safety (OTS) for a Bicycle and Pedestrian Safety Education Program (Project).

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-412)            ADOPTED AS RESOLUTION R-301024

Authorizing the City Manager, or designee, to negotiate a grant application from the Office of Traffic Safety (OTS) to provide a bicycle and pedestrian safety education program (Project) from October 1, 2005 to September 30, 2007;

Authorizing the City Manager, or designee, to take all necessary actions to secure funding from OTS for the Project;

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

Authorizing the City Auditor and Comptroller to accept, appropriate and expend an amount not to exceed \$784,766, for the purpose of the Project, contingent upon receipt of a fully executed grant agreement;

Declaring this activity is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3) because it does not have the potential for causing a significant effect on the environment.

**CITY MANAGER SUPPORTING INFORMATION:**

City staff is requesting approval to enter into an agreement with the California State Office of Traffic Safety (OTS) for a grant program that will help local communities develop traffic safety programs. The acceptance of this grant will allow for the development and implementation of five different bicycle and pedestrian safety education programs that will be tailored to all age groups. Recreational and commuting riders within those groups will be targeted. The goal of these programs is to make non-motorized travel in the roadway safer, more easily understood and readily accepted.

Educational programs will be presented to elementary, middle school, and high school students, as well as seniors and the general public.

School site programs provide classroom instruction along with monthly rodeos that feature mini-community set-ups that allow students to bike, walk and "drive" makeshift

cars in this mini-city to learn safe and effective ways to navigate our City streets. The goal of this project is to make non-motorized travel in the roadway safer, more easily understood and readily accepted.

Adult classes will be geared for those who are not comfortable or familiar with riding in the roadway, are first time commuters or commuters that need the rules and recommendations for safety refreshed, or anyone that is a utility or recreational rider, With the publicity surrounding Bike to Work Day, it is anticipated that many people will be interested in learning more about riding safely, and will want to attend classes which will be taught at local bike shops, schools, and other locations that will be determined over the next year.

In prior years, funding obtained from SANDAG and OTS for bicycle education programs has been used for elementary aged children. This year funding has been diverted to other age groups with the anticipation that in future years OTS and SANDAG funds can be increased to expand this educational program in more detail as demand increases.

**FISCAL IMPACT:**

There is no City match required.

Mendes/Boekamp/LVW

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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

- \* ITEM-108: Grant Application to the State of California Department of Transportation (DOT) Under the Community-Based Transportation Planning Program and Environmental Justice Context-Sensitive Planning Program Grants for Funding of Five Projects.

(Old Town San Diego, Mid-City, Linda Vista, Clairemont Mesa, and Greater North Park Community Areas. Districts 2, 3, and 6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-442)            ADOPTED AS RESOLUTION R-301025

Authorizing the City Manager, or designee, to submit an application to the State of California Department of Transportation (DOT) for grants under the Community-Based Transportation Planning Grant Program and the Environmental Justice: Context-Sensitive Planning Grant Program for the purpose of funding five projects;

Authorizing the City Manager, or designee, to execute all documents, including contracts, subcontracts, agreements, extensions, renewals, and/or amendments required by the DOT, which may be necessary to carry out and administer obligations, responsibilities and duties under these grants, contingent upon receipt of a fully executed agreement and the City Auditor and Comptroller certifying that the required funds are available;

Authorizing the City Auditor and Comptroller to establish separate interest-bearing funds for the grants;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend an amount not to exceed \$1,250,000 from DOT funds under the Community-Based Transportation Planning Grant Program and the Environmental Justice: Context-Sensitive Planning Grant Program for the purpose of preparing studies and related expenses, upon receipt of a fully executed grant agreement and the City Auditor and Comptroller certifying that the required funds are available;

Declaring this activity is statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15262, as the activity constitutes feasibility and planning studies.

**CITY MANAGER SUPPORTING INFORMATION:**

The City proposes to seek funding from two Transportation Planning Grant Programs administered by the State of California. If funding is received, planning studies will be undertaken by City staff which will incorporate broader aspects of the City's transportation systems and result in improve mobility for citizens. Implementation of transportation improvement projects will be the final goal of the studies.

The Environmental Justice Grants promote public involvement by diverse and under-served communities in the planning for transportation projects. The goal of the program is to prevent or mitigate disproportionate, negative impacts while improving mobility, access to services, equity, affordable housing, and economic opportunities by aiding to jobs and housing proximity, goods movement, and land use decisions. The City proposes to apply for Environmental Justice Grant funds for the following:

- The Community of Linda Vista Mobility Access - (Council District 6): \$250,000 to develop a plan for improving access to transportation services for seniors.
- Mid-City Mobility and Access Plan (Mid-City MAP) - (Council District 3): \$250,000 to develop a plan that will provide an improved network of pedestrian and bicycle links within the Mid-City Community.

The Community-Based Transportation Planning (CBTP) Grant Program funds promote coordinated transportation and land use planning projects that encourage community involvement and partnership. Projects should support livable community concepts, and promote community identity and quality of life by aiding to jobs and housing proximity, community involvement, and transportation demand management. The City proposes to apply for Community-Based Transportation Planning Grant Program funds for the following:

- Balboa Avenue Corridor Revitalization - (Council District 6): \$250,000 for a feasibility study of site-specific improvements, in order to implement the community's vision as identified in the Balboa Avenue Revitalization Action Program (RAP).
- Old Town Traffic Calming/Pedestrian Accommodation - (Council District 2): \$250,000 to create a more pedestrian friendly atmosphere within the core of Old Town.
- Pershing and Upas Corridor Pedestrian and Transportation Enhancement Plan - (Council District 3): \$250,000 to prepare a pedestrian and transportation study for the North Park Area which is experiencing increasing growth and pedestrian and traffic conflicts.

City Council action is required to approve the application for funding, and to accept and expend grant funds should they be received.

**FISCAL IMPACT:**

The total proposed grant application for both programs is \$1,250,000. Local funding is required as a 10% match to grant funds. Acceptance and expenditure of grant funds is contingent upon local match availability.

Mendes/Boekamp/DVW

Staff: Van Wanseele - (619) 533-3012  
Jeremy A. Jung - Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:27 p.m. – 2:33 p.m.)

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

- \* ITEM-109: Grant Funding from the California Department of Water Resources for Proposition 50 Water Use Efficiency Grant Program Funding for the City's Recirculating Hot Water Systems: Residential Survey and Feasibility Study.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-435) ADOPTED AS RESOLUTION R-301026

Authorizing the City Manager, or Water Department Director, to accept the Grant and execute a grant agreement on behalf of the City for the amount of \$30,100, for the purpose of funding the City's Recirculating Hot Water Systems: Residential Survey and Feasibility Study (Study);

Authorizing the City Manager, Water Department Director, or representatives to take all necessary actions to secure the Grant, including signing progress reports and approving reimbursement claims;

Authorizing amending the Fiscal Year 2006 Water Utility Fund No. 41500 by an increase of \$30,100;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend funds from Fund No. 41500, Department 760, Org. 251, Job Order 002328, for the Study, contingent upon receipt of a fully executed grant agreement;

Declaring that this activity is not a project subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.

**CITY MANAGER SUPPORTING INFORMATION:**

The Water Department has submitted an application to the Department of Water Resources (DWR) for a Proposition 50 Water Use Efficiency Grant. The application was submitted for the City of San Diego's Recirculating Hot Water Systems: Residential Survey and Feasibility Study. DWR has accepted the application and will provide grant funding to the City in the amount of \$30,100 to conduct the study. Grant monies will fund Water Resources Management Program (WRMP) staff time and consultant services necessary to conduct the study. No matching funds or additional staff are required.

Recirculating Hot Water Systems are a California Urban Water Conservation Council Potential Best Management Practice. Limited research has been conducted to evaluate the potential for recirculating hot water systems to reduce household water waste and wastewater production. As such, this project will add to the current body of knowledge and help determine the viability of this device as an indoor water conservation tool. Results of this study will be relevant to regional and statewide water agencies as well as energy utilities. This grant funded project will include approximately 200 residential customer surveys, a cost-benefit analysis, and feasibility study. The survey and on-site assessments will be conducted by the City's WRMP staff with the agreement of Water Department customers who call the Water Conservation hot-line to schedule a free indoor/outdoor residential survey (the Department's existing indoor/outdoor survey staff will work these additional on-site assessments and survey questions into the existing schedule). Survey results will be used to build a data base that will evaluate how key household and plumbing characteristics impact potential water and wastewater savings through the use of recirculating hot water systems. If the study results are favorable, and it is determined that widespread use of recirculating hot water systems will substantially contribute to a reduction in the City's high dependency on scarce and valuable imported water, the Water Department would then like to consider developing a cost-neutral incentive based program.

This action will allow the City to accept the grant funds from DWR which will be utilized to fund the Recirculating Hot Water Systems Residential Survey and Feasibility Study.

**FISCAL IMPACT:**

\$30,100 in grant funding will be deposited into the Water Operating Fund No. 41500.

Mendes/Belock/KBR

Aud. Cert. 2600330.

Staff: Kyrsten Burr-Rosenthal (619) 533-4202  
Lori W. Girard – Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:27 p.m. – 2:33 p.m.)

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

\* ITEM-110: Rancho Bernardo Banner Program.

(Rancho Bernardo Community Area. District 5.)

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-430) ADOPTED AS RESOLUTION R-301027

Declaring in accordance with San Diego Municipal Code Section 142.1210, banners may be installed at the following locations: up to 25 banners along Camino San Bernardo between Camino del Norte and Rancho Bernardo Drive; up to 32 banners along Rancho Bernardo Drive between Camino San Bernardo and Interstate 15; up to 29 banners along West Bernardo Drive between Rancho Bernardo Drive and Interstate 15; up to 31 banners along Pomerado Road between Interstate 15 and Rancho Bernardo Drive; up to 71 banners along Pomerado Road between Rancho Bernardo Drive and Camino del Norte; up to 23 banners along Camino del Norte between Pomerado Road and Interstate 15; up to 28 banners along Camino del Norte between Interstate 15 and Camino San Bernardo; up to

15 banners along Bernardo Center Drive between Camino del Norte and Interstate 15; up to 14 banners along West Bernardo Drive between Bernardo Center Drive and Rancho Bernardo Drive; up to 11 banners along Bernardo Center Drive between Interstate 15 and Rancho Bernardo Drive; up to 15 banners along Bernardo Heights Parkway between Pomerado Road and Bernardo Center Drive; up to 6 banners along Rancho Bernardo Drive between Pomerado Road and Interstate 15; and up to 17 banners along Bernardo Center Drive between Rancho Bernardo Drive and West Bernardo Drive;

Declaring the San Diego North Chamber of Commerce or a business improvement district (BID), if one is created, will fund and manage the banners;

Declaring the banners shall be installed in accordance with the following:

- a) The banners shall not be used for commercial or political advertising, except that logos and trademarks of sponsoring organizations shall be permitted.
- b) The total area of logos and trademarks shall be limited to five percent of the banner area.
- c) The banners shall be displayed for no more than 30 calendar days, with one 30-calendar-day extension.
- d) The banners shall be installed only on light standards that have been equipped by the City with mounting hardware.
- e) The banners have received all necessary permits to locate in the public right-of-way.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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

\* ITEM-111: Water Easement Vacation in Carmel Valley Neighborhood 10 Unit 7 West Map No. 14937.

(Carmel Valley Community Area. District 1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-380) ADOPTED AS RESOLUTION R-301028

Vacating the water easement located within Lots 70, 71, 72, "BB" and "Z" of Carmel Valley Neighborhood 10 Unit 7 West Map No. 14937, as more particularly described in the legal description marked as Exhibit "A," and as shown on Drawing No. 20365-B, marked as Exhibit "B," to unencumber this property and facilitate development of the site, under the procedure for the summary vacation of public service easements of the California Streets and Highways Code Section 8333(c);

Declaring this activity is exempt from CEQA pursuant to CEQA Guidelines Section 15060(c).

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to vacate an unneeded water easement in Lots 70, 71, 72, "BB" and "Z" in Carmel Valley Neighborhood 10 Unit 7 West Map No. 14937 as shown on Engineering Drawing No. 20365-B. This site is located in the Carmel Valley Community Plan area, between Foxhound Way and Carmel Mountain Road, easterly of Heather Ridge Drive in Council District 1.

The property owner is requesting the water easement vacation. The easement was acquired at no cost to the City per Document File No. 2000-0079782 recorded February 16, 2000. The City has no fee interest.

The water line within this easement has been relocated via a water main loop in public streets, making this easement unnecessary. The new water main loop has been installed as shown on Engineering Drawing Nos. 32929-D and 32914-D in connection with Carmel Valley Neighborhood 10 Units 7 West and 8 West, for which agreements have

been entered into and bonds posted to assure the work. There is no current or anticipated future need for the water easement in its current location.

Staff has reviewed and recommends approval of this action.

Oppenheim/Broughton/GRB

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

FILE LOCATION: DEED F-9973

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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

ITEM-112: General Utility and Easement Vacation in a Portion of Parcel 1 of Parcel Map No. 19734.

(Black Mountain Ranch Community Area. District 1.)

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-386 Cor. Copy) ADOPTED AS RESOLUTION R-301029

Vacating the portion of the general utility and access easement located within a portion of Parcel 1 of Parcel Map No. 19734, as more particularly described in the legal description marked as Exhibit “A”, and as shown on Drawing No. 19942-B, marked as Exhibit “B”, to unencumber his property and facilitate development of the site under the procedure for summary vacation of public easements, California Streets and Highways Code Section 8333(b).

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to vacate an unneeded portion of a general utility and access easement in a portion of Parcel 1 of Parcel Map No. 19734 as shown on Engineering Drawing No. 19942-B. This site is located in the Black Mountain Ranch

Community Plan area, northeasterly of SR-56 and Black Mountain Road, adjacent to Santaluz Village Green North (private driveway) in Council District 1.

The property owner is requesting the general utility and access easement vacation. The easement created at the time of the original subdivision map was a standard 5-foot wide easement. It was acquired at no cost to the City on Map No. 14064, and the City has no fee interest. A subsequent lot line adjustment map, Parcel Map No. 19734, created a 6.5-foot wide easement, a larger easement than is necessary. Therefore, the excess 1.5 feet is being vacated. There is no current or anticipated future need for the excess easement.

Staff has reviewed and recommends approval of this action.

**FISCAL IMPACT:**

None.

Oppenheim/Broughton/GRB

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

FILE LOCATION: DEED F-9974

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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

\* ITEM-113: Accepting \$20,000 from Construction Rehabilitation Services, Inc. for Undergrounding Utility District Residential Block 1F.

(La Jolla Community Area. District 1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-342) ADOPTED AS RESOLUTION R-301030

Authorizing the City Auditor and Comptroller to accept \$20,000 from Construction Rehabilitation Services, Inc. and to deposit it in CIP-37-028.0, Fund 30101, Underground Surcharge Fund;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$20,000 from CIP-37-028.0, Fund 30101, Underground Surcharge Fund for the purpose of paying SDG&E to reconstruct the alley behind 525 Marine Street as part of the scope of work for the undergrounding of Residential Block 1F, contingent upon receipt of funds from Construction Rehabilitation Services, Inc. and certification by the City Auditor and Comptroller that the required 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;

Declaring this activity is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302.

**CITY MANAGER SUPPORTING INFORMATION:**

As part of the continuing effort to coordinate trenching work with other construction activities, the City of San Diego, Underground Utility Conversion Program has been working with Construction Rehabilitation Services, Inc. to mitigate trenching into a proposed alley reconstruction. Currently, Construction Rehabilitation Services, Inc., is completing a condominium conversion project at 525 Marine Street. As part of their project, they are required to remove and replace the existing alley from the easterly property line to westerly property line, approximately 100 feet x 20 feet.

The City of San Diego, Underground Utility Conversion Program currently has an undergrounding project scheduled to trench in this same alley. The project consists of the undergrounding of overhead utility lines in Residential Block 1F. This project is scheduled to start construction in April of 2006 and complete the trenching by May 2007. This coordination will ensure that both projects will comply with the trench cut Ordinance (O-19215). The removal and replacement of this alley will take place during the trenching operation on Residential Block 1F.

This action will consist of accepting \$20,000 from Construction Rehabilitation Services, Inc. to be used as part of the scope of work for Residential Block 1F.

**FISCAL IMPACT:**

None to the City.

Mendes/Boekamp/AO

Staff: Afshin Oskoui – (619) 533-3102  
Jeremy A. Jung – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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



\* [ITEM-114:](#) Appointments to the City of San Diego Youth Commission.

(See memorandum from Deputy Mayor Atkins dated 10/26/2005.)

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-196) ADOPTED AS RESOLUTION R-301031

Council confirmation of the following appointments by the Deputy Mayor of the City of San Diego, to serve as members of the City of San Diego Youth Commission:

<b><u>NAME</u></b> <b><u>ENDING</u></b>	<b><u>CATEGORY</u></b>	<b><u>TERM</u></b>
Sarah Jafari (La Jolla, District 1) (Replacing Jonathan Thompson, who resigned)	District 1	July 1, 2006

Vanessa Houston (City Heights, District 3) (Replacing Mariano Diaz, who resigned)	District 3	July 1, 2006
Hoa Vo (City Heights, District 3) (Replacing Alexandra Hill, who resigned)	District 3	July 1, 2006
Roosevelt Williams (Valencia Park, District 4) (Replacing Matthew Haulman, who resigned)	District 4	July 1, 2006
Haley Elwood (Rancho Bernardo, District 5) (Replacing Jill Hancock, who resigned)	District 5	July 1, 2006
Hannah Keck (Rancho Bernardo, District 5) (Replacing Ashley Brown, who resigned)	District 5	July 1, 2006
Lena Salter (Linda Vista, District 6) (Replacing Michael Keating, who resigned)	District 6	July 1, 2006
Monica Daniels (Grossmont, District 7) (Replacing David Daniels, who resigned)	District 7	July 1, 2006
Greg Elenbaas (Imperial Beach) (Replacing Adrian LeRay, who resigned)	District 8	July 1, 2006
Dorothy Habrat (College Area, District 7)	Mayor	July 1, 2006

(Replacing Zack Story,  
who resigned)

Ross Thompson  
(Allied Gardens, District 7)  
(Replacing Danielle Santos,  
who resigned)

Mayor

July 1, 2006

Stating that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that Greg Elenbaas 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 Commission, therefore, a conscious exception to Council Policy 000-13 is hereby declared.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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

\* ITEM-115: Roger Showley Day.

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-447) ADOPTED AS RESOLUTION R-301032

Recognizing the contributions made by Roger Showley on the occasion of his being honored at the Millennium Awards Luncheon;

Proclaiming November 15, 2005, to be "Roger Showley Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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

\* ITEM-116: Kathleen “Kay” Hall Porter Day.

**DEPUTY MAYOR ATKINS’ RECOMMENDATION:**

Adopt the following resolution:

(R-2006-449) ADOPTED AS RESOLUTION R-301033

Recognizing the contributions made by Kay Porter on the occasion of her being honored at the Millennium Awards Luncheon;

Proclaiming November 15, 2005, to be “Kathleen “Kay” Hall Porter Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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

\* ITEM-117: Justice Cynthia Aaron Day.

**DEPUTY MAYOR ATKINS’ RECOMMENDATION:**

Adopt the following resolution:

(R-2006-450) ADOPTED AS RESOLUTION R-301034

Recognizing the contributions made by Justice Cynthia Aaron on the occasion of her being honored with the American Jewish Committee's 2005 Judge Learned Hand Award;

Proclaiming November 16, 2005, to be "Justice Cynthia Aaron Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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

\* ITEM-118: San Diego Men's Chorus Day.

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-452) ADOPTED AS RESOLUTION R-301035

Commending all those involved in the success of the San Diego Men's Chorus for providing such treasured services in our community;

Proclaiming December 10, 2005, to be "San Diego Men's Chorus Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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

\* ITEM-119: **Note:** This item has been moved to Item 32 of the Special Order of Business section on today's docket.

\* ITEM-120: Edward L. Fike Day.

**COUNCILMEMBER PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-434) ADOPTED AS RESOLUTION R-301036

Proclaiming November 5, 2005, to be "Edward L. Fike Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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

\* ITEM-121: T. A. C. O./Bread Day.

**COUNCILMEMBER PETERS' AND COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-439) ADOPTED AS RESOLUTION R-301037

Commending and thanking the founders and volunteers of Third Avenue Charitable Organization (TACO) and Bread Day for their continuous commitment and dedication to serve the residents of San Diego with compassion and care;

Proclaiming October 30, 2005, to be "T. A. C. O./Bread Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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

\* ITEM-122: Bill Wilson Day.

**MAYOR PRO TEM MADAFFER'S AND COUNCILMEMBER FRYE'S  
RECOMMENDATION:**

Adopt the following resolution:

(R-2006-429) ADOPTED AS RESOLUTION R-301038

Commending and thanking Bill Wilson for his commitment and dedication to serving the residents of San Diego and all sports enthusiasts;

Proclaiming October 29, 2005, to be "Bill Wilson Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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

\* ITEM-123: Holland Conneely Day.

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-406) ADOPTED AS RESOLUTION R-301039

Commending Holland Conneely for her outstanding service, leadership,  
and commitment to the people of San Diego;

Proclaiming November 11, 2005, to be "Holland Conneely Day" in the  
City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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

\* ITEM-124: Declaring a Continued State of Emergency Regarding the Discharge of  
Raw Sewage from Tijuana, Mexico.

(District 8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2006-286) ADOPTED AS RESOLUTION R-301040

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

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

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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

- \* ITEM-125: Declaring a Continued State of Emergency Due to Severe Shortage of  
Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2006-325) ADOPTED AS RESOLUTION R-301041

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

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

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

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



ITEM-150: Directing the City Manager to Meet and Confer with  
Recognized Labor Organizations on Proposed Revision to Council Policy  
300-06 that Included a Mandatory Discussion of Unfunded Accrued  
Actuarial Liability.

(See letter from Councilmember Frye dated 9/15/2005; letter from Ann  
Smith dated 9/9/2005; and memorandum from City Attorney dated  
8/31/2005.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2006-321 Rev.) ADOPTED AS AMENDED AS RESOLUTION  
R-301042

Directing the City Manager to meet and confer with recognized labor organizations on the proposed revision to Council Policy 300-06 entitled "Employee-Employer Relations," which adds the following provision:

**XI. MANDATORY DISCUSSION OF PENSION SYSTEM  
UNFUNDED LIABILITY:**

- A. No City officer, employee, or negotiator may engage in a meet and confer process with an Exclusively Recognized Employee Organization regarding proposed benefit enhancements until the City Council has been apprised of and had an opportunity to discuss, the cost and impact that the proposed benefit enhancements would have on any unfunded actuarial liability of the San Diego City Employees Retirement System.
- B. The prohibition set forth in Section A is renewed each time that a different benefit enhancement is proposed for purposes of the meet and confer process.

**GOVERNMENT EFFICIENCY AND OPENNESS COMMITTEE'S  
RECOMMENDATION:**

On 9/26/2005, GE&O voted 2 to 0 to recommend to the full City Council that the language contained in the City Attorney's memorandum be added to Council Policy 300-06 with the understanding that the existing policy requires that the City conduct a meet and confer session with the recognized labor organizations regarding the change. (Councilmembers Maienschein and Frye voted yea. Councilmember Young not present.)

**SUPPORTING INFORMATION:**

The Government Efficiency and Openness (GE&O) Committee directed the City Attorney to bring to the Committee a draft Council Policy and ordinance requiring a mandatory discussion related to the San Diego pension system that would include an analysis of the cost and impact of any benefit enhancements on the unfunded liability prior to any meet and confer sessions. On September 26, 2005, the GE&O Committee

voted unanimously to recommend the proposed draft revisions of Council Policy 300-06 to the full City Council with the understanding that the existing policy requires that the City meet and confer with the recognized labor organizations regarding the change. The proposed change would add the following section to the existing Council Policy:

**XI. MANDATORY DISCUSSION OF PENSION SYSTEM UNFUNDED LIABILITY:**

- A. No City officer, employee, or negotiator may engage in a meet and confer process with an Exclusively Recognized Employee Organization regarding proposed benefit enhancements until the City Council has been apprised of and had an opportunity to discuss, the cost and impact that the proposed benefit enhancements would have on any unfunded actuarial liability of the San Diego City Employees Retirement System.
- B. The prohibition set forth in Section A is renewed each time that a different benefit enhancement is proposed for purposes of the meet and confer process.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:33 p.m. – 2:40 p.m.)

MOTION BY FRYE TO ADOPT THE RESOLUTION AS AMENDED TO REFLECT THE DIRECTION THAT THE CITY ATTORNEY DRAFT LANGUAGE THAT WOULD BE INCLUDED AS PART OF AN ORDINANCE AS WELL AS PART OF CITY COUNCIL POLICY 300-06. 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-151: Awarding Contracts to American Eurocopter, FLIR Systems Inc. and JetSource Avionics for the Acquisition and Equipping of Law Enforcement Helicopters.

(See City Manager Report CMR-05-180; and CMR-05-220, not available at Committee.)

**TODAY'S ACTIONS ARE:**

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

Subitem-A: (O-2006-57) INTRODUCED, TO BE ADOPTED ON  
MONDAY, NOVEMBER 28, 2005

Introduction of an Ordinance authorizing and directing the City Manager, or designee, to award a contract to American Eurocopter for the purchase of four AS350B3 "Astar" law enforcement helicopter frames, on such terms as identified in the Department's Helicopter Request for Proposals;

Authorizing and directing the City Manager, or designee, to award a contract to FLIR Systems Inc., for the purchase of two Forward Looking Infrared Systems to be installed on the new helicopters, on such terms as identified in the Department's Specialized Equipment Request for Proposals;

Authorizing and directing the City Manager, or designee, to award a contract to JetSource Avionics to FLIR Systems Inc., such firm to provide for the equipping and outfitting of the helicopters, on such terms as identified in the Department's Special Services Request for Proposals;

Authorizing and directing the City Manager, or designee, to declare his intent to cause the sale of the Police Department's existing helicopters in accordance with the terms of the Charter and existing Council Policy;

Authorizing and directing the City Manager, or designee, to proceed with the financing of the helicopters utilizing the City's Equipment & Vehicle Financing Program, and to cause the execution and delivery of the First Amendment of the Master Lease Agreement, dated as of its dated date, together with the Appendix thereto, including that certain Aircraft Supplement to the Master Lease, with Bank of America Leasing & Capital, LLC, the forms of which have been presented to this Council, with such changes therein and modifications thereof as the City Manager, the Deputy City Manager, or designee, in consultation with the City Attorney, shall determine are necessary or desirable to effectuate the purposes of this Ordinance, such approval to be conclusively evidenced by the execution and delivery thereof;

Declaring all actions heretofore taken by any officers, employees, or agents of the City with respect to purchase of the helicopters or related to any documents referenced herein, or the financing of said helicopters, including the execution and delivery of the First Amendment to the Master Lease Agreement, together with the Appendices thereto, are hereby approved, confirmed and ratified; and any the City Manager, the Deputy

City Manager and any such other officers, employees or agents of the City as may be authorized by the City Manager or the Deputy City Manager are hereby authorized and directed, for and in the name of and on behalf of the City, to do all things and take any and all actions and execute and deliver any and all certificates, agreements and other documents which they, or any of them, may deem necessary or advisable to consummate the transactions evidenced by the documents referenced herein in accordance with this Ordinance.

Subitem-B: (R-2006-453) ADOPTED AS RESOLUTION R-301043

Stating this Declaration of Intent is made solely for the purpose of establishing compliance with Section 1.150-2, of the Treasury Regulations, and in accordance therewith the Issuer declares its intention to issue Debt in a principal amount not to exceed \$13,000,000, the proceeds of which will be used to pay for the costs of the Project (and related issuance costs), including the reimbursement to the Issuer for certain capital expenditures relating to the Project made prior to the issuance of the Debt, provided however that this Declaration of Intent does not bind the Issuer to make any expenditure, incur any indebtedness, or proceed with the purchase of any Helicopters.

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

On 9/7/2005, PS&NS voted 3 to 0 to approve the City Manager's recommendations. (Councilmembers Atkins, Young, and Madaffer voted yea.)

Staff: Lt. John Leas - (619) 531-2517  
Mark D. Blake – Deputy City Attorney

**FILE LOCATION:** SUBITEM A: NONE  
SUBITEM B: CONT-American Eurocopter, FLIR  
Systems Inc. and JetSource Avionics

**COUNCIL ACTION:** (Time duration: 2:41 p.m. – 3:14 p.m.)

MOTION BY MADAFFER TO INTRODUCE THE ORDINANCE AND TO ADOPT THE RESOLUTION. 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: Agreement with Dominy & Associates Architects for Consulting Services for the San Carlos Branch Library.

(See memorandum from Afshin Oskoui dated 10/28/2005. Navajo Community Area. District 7.)

(Continued from the meeting of October 31, 2005, Item 105, at the request of Councilmember Madaffer, for further review.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-339 Rev.) CONTINUED TO MONDAY, NOVEMBER 21, 2005

Authorizing the City Manager to execute a phase funded agreement with Dominy & Associates, for professional design services for the San Carlos Branch Library (Project), CIP-35-088.0, in an amount not to exceed \$214,292 for Phase I, \$126,700 for Phase II, and \$83,957 for Phase III, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this Project and agreement;

Authorizing a \$200,000 increase in the Fiscal Year 2006 Capital Improvement Program Budget in CIP-35-088.0, San Carlos Library, in Fund No. 79506, Navajo DIF;

Authorizing the City Auditor and Comptroller to appropriate and expend \$200,000 from Fund No. 79506, Navajo DIF Fund, into CIP-35-088.0, San Carlos Library, for the purpose of providing funding for the project and related costs, provided that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$424,949 from CIP-35-088.0, San Carlos Library, Fund No. 30244, Capital Improvement Program Construction Fund, solely and exclusively, for the purpose of providing Project funds, provided that the City Auditor and Comptroller furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Declaring this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262, as this activity involves only the funding of a planning study which will encompass the consideration of environmental factors prior to approval, adoption or funding of any future action;

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

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed agreement with Architects Dominy & Associates will provide the professional design services required for preparation of bridging documents and construction support services for a new 25,000 sq. ft. San Carlos Library. The existing 8,200 sq. ft. library, located at 7265 Jackson Dr., is too small to provide adequate library services, such as meeting rooms, computer lab, adequate seating and space for books and multimedia items. The proposed new library will be built on the current library site and adjacent property. These funds became available after the added allocation of \$200,000 DIF Fund No. 79506.

In conformance with Council Policy 300-7, ten (10) architectural firms were interviewed for design services for the proposed reconstruction and expansion of the San Carlos Branch Library, and Dominy & Associates were selected to provide the required design services. On January 27, 2004, the City entered into a purchase order agreement for schematic design in an amount of \$24,999. The proposed agreement with the Architect is a phased contract with Phase I providing the professional design services required to prepare schematic drawings, permit processing and bridging documents. Phase II will provide for the completion of the bridging documents and Phase III, once funded, will provide construction support services for the San Carlos Branch Library. The current schedule anticipates construction funding becoming available in FY 2007/2008. In the event that this construction is delayed, the construction budget being developed with this contract may need to be adjusted to reflect construction cost escalations. If the scope of the project is revised or the project is not implemented, the work product developed through this action or related prior authorizations may not have other transferable uses/applications.

**FISCAL IMPACT:**

The total consultant's fee for professional services authorized for this work is \$449,948 which includes \$24,999 already paid under the January 2004 purchase order, \$214, 292 is for Phase I, \$126,700 is for Phase II, and \$83,957 is for Phase III. This agreement will be

phase funded with \$340,992 being available in CIP-35-088.0, San Carlos Branch Library, Fund No. 30244, Dept. No. 30244, Org. No. 106 for Phase I (\$214,292) & Phase II (\$126,700). \$73,300 will be retained for preliminary engineering, environmental review, and permits. These funds became available after the added allocation of \$200,000 DIF Fund No. 79506.

Gardner/Boekamp/AO

Aud. Cert. 2600267.

Staff: Afshin Oskoui - (619) 533-3102  
Christina L. Bellows – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:33 p.m.)

CONSENT MOTION BY MADAFFER TO CONTINUE THIS ITEM TO MONDAY, NOVEMBER 21, 2005, FOR FURTHER REVIEW. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-201: First Amendment to Agreement with Electronic Evidence Discovery Inc. for Electronic Repository to Support City Audit Committee Document Productions.

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-395) TRAILED TO TUESDAY, NOVEMBER 15, 2005

Authorizing the City Manager to execute the First Amendment to the Agreement between the City of San Diego and Electronic Evidence Discovery, Inc., for additional electronic files to be included in the electronic repository that the U. S. Securities and Exchange Commission (SEC), U. S. Attorney’s Office (USAO) and City Audit Committee (CAC) will use to conduct their independent investigations, for an amount not to exceed \$272,300, under the terms and conditions set forth in the First Amendment to 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 the First Amendment to the 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:**

On September 12, 2005, the City Council approved Resolution Number R-300822 authorizing the City Manager to enter into an agreement with Electronic Evidence Discovery, Inc. (EED) to create an electronic document repository to support the City Audit Committee's independent investigation. Using the best information available at the time, City staff estimated that up to 2,175,000 paper documents and 160 gigabytes (GB) of electronic files would be produced and stored in this repository. Included within the electronic files are GroupWise Email archives, Microsoft and Corel Office documents and Adobe Acrobat (pdf) documents.

Extensive efforts on the part of the Audit Committee and City staff to obtain all relevant documents have resulted in an additional 80 GB of electronic files being compiled that were not included in the original cost estimate. City staff are also anticipating that the U. S. Attorney and U. S. Securities and Exchange Commission (SEC) will need online access to all or portions of the repository, resulting in an additional online production.

The additional cost for EED to process, store and produce these documents online is \$272,300, bringing the total contract cost to \$999,800. With these additional documents, the electronic document repository being provided to the City Audit Committee will contain approximately one-half million electronic files totaling 237 GB in size, and another 1.9 million pages of scanned paper documents.

Ewell/Arellano/HS

Aud. Cert. 2600315.

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:21 p.m. – 4:03 p.m.)



ITEM-202: Restructuring of Sewer System Interim Financing and Approval of Related Documents.

(See City Manager Report CMR-05-199. See memorandum from City Attorney dated 11/2/05.)

**CITY ATTORNEY'S RECOMMENDATION:**

Re-introduce the following ordinance which was previously introduced as amended on 10/24/2005, Item 200. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-54) RE-INTRODUCED, TO BE ADOPTED ON MONDAY,  
NOVEMBER 28, 2005

Approving the Form and authorizing the execution and delivery of a First Supplemental Subordinated Indenture and a First Amendment to 2004 Supplement to Master Installment Purchase Agreement and approving certain other agreements and actions in connection therewith, pursuant to Section 99 of the Charter of the City of San Diego.

**Note:** **6** votes required.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:06 p.m. – 4:17 p.m.)

MOTION BY PETERS TO RE-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-250: **Notice** of Pending Final Map Approval – 1759-81 Elm 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 “1759-81 Elm Avenue Condominiums” (T.M. No. 56387/PTS No. 43592), located southwesterly of Elm Avenue and 16<sup>th</sup> Street in the Otay Mesa-Nestor Community Plan Area in Council District

8, 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 – 4111 Illinois Street.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4111 Illinois Street” (T.M. No. 58647/PTS No. 68589), located northeasterly of Polk Avenue and Illinois Street in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

(3) The map is technically correct.

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

**ITEM-252: Notice of Pending Final Map Approval – 4120 Kansas Street Condominiums.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4120 Kansas Street Condominiums” (T.M. No. 102152/PTS No. 74795), located northwesterly of Polk Avenue and Kansas Street in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

(3) The map is technically correct.

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

ITEM-253: **Notice** of Pending Final Map Approval – Yacht Club 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 “Yacht Club Condominiums” (T.M. No. 132732/PTS No. 76251), located northeasterly of Talbot Street and Scott Street in the Peninsula Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

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

**ITEM-254: Notice of Pending Final Map Approval – Monarch at Scripps Ranch.**

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 “Monarch at Scripps Ranch” (T.M. No. 10399/PTS No. 79152), located southwesterly of Mira Mesa Boulevard and Scripps Ranch Boulevard in the Scripps Miramar Ranch Community Plan Area in Council District 5, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

**ITEM-255: Notice of Pending Final Map Approval – 4287 Mission Boulevard.**

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 “4287 Mission Boulevard” (T.M. No. 159337/PTS No. 75173), located northeasterly of Reed Street and Mission Boulevard in the

Pacific Beach Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

**ITEM-256: Notice of Pending Final Map Approval – Gold Coast 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 “Gold Coast Condominiums” (T.M. No. 151986/PTS No. 77436), located southeasterly of Black Mountain Road and Gold Coast Drive in the Mira Mesa Community Plan Area in Council District 5, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

(3) The map is technically correct.

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

**ITEM-257: Notice of Pending Final Map Approval – Black Mountain Ranch North Village Unit No. 3.**

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 “Black Mountain Ranch North Village Unit No. 3” (T.M. No. 40-0528/PTS No. 47439), located southeasterly of Paseo Del Sur and Camino Del Sur in the Black Mountain Ranch Community Plan Area in Council District 1, 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-258: Notice of Pending Final Map Approval – 4424 Utah Street.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4424 Utah Street” (T.M. No. 767548/PTS No. 79651), located northwesterly of Monroe Avenue and Utah Street in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

**ITEM-259: SUBMISSION OF BALLOT PROPOSALS**

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the June 6, 2006 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday departments,	1/06/2006	151	LAST DATE (10:00 a.m.) for public,  and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	1/11/2006	146	Rules Committee review
Monday proposals	1/30/2006	127	Council Docket (PUBLIC NOTICE) lists  referred by Rules Committee
Monday directs	2/06/2006	120	Council adopts propositions for ballot;  City Attorney to prepare ordinances
Monday	through 2/20/2006	to 106	
Monday	2/27/2006	99	Council adopts ordinances prepared by City Attorney
Friday of	3/10/2006	88	Last day for City Clerk to file with Registrar  Voters all elections material

Thursday 3/23/2006 75 Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4050.

**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

The meeting was adjourned by Deputy Mayor Atkins at 4:19 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 4:19 p.m.)