

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, NOVEMBER 28, 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.

On City Manager Lamont Ewell's last day with the City of San Diego, a number of organizations wished to recognize and commend Mr. Ewell for his service and leadership. The San Diego Police Officers Association thanked Mr. Ewell, presented him with a plaque, and wished him well in his new endeavors. The San Diego Chamber of Commerce and the San Diego Taxpayers Association acknowledged Mr. Ewell's integrity and service during the difficult times facing the City. The San Diego Fire Fighters Association thanked Mr. Ewell for his support on their behalf. Council Member Young expressed his admiration for Mr. Ewell and commended him for his service. Council Member Peters expressed his appreciation for Mr. Ewell's integrity and his excellent level of performance, and wished him the very best. Council Member Frye also acknowledged Mr. Ewell's work on behalf of the employees of the City of San Diego, and that he will be missed. Council Member Madaffer stated that Mr. Ewell's patience, loyalty and his caring leadership has made him stand out among those who have served as City Manager during San Diego's history. Deputy Mayor Atkins commented on Mr. Ewell's professionalism and his work on a day-to-day basis on behalf of the City.

Deputy Mayor Atkins recessed the meeting at 3:16 p.m. for the purpose of a break. Deputy Mayor Atkins reconvened the meeting at 3:25 p.m. with Council Member Maienschein not present and District 2, District 8, and Mayor vacant. Deputy Mayor Atkins adjourned the meeting at 4:30 p.m. into Closed Session in the twelfth floor Committee Room to discuss existing and pending litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor-vacant
- (1) Council Member Peters-present
- (2) Council District 2-vacant
- (3) Council Member Atkins-present

- (4) Council Member Young-present
 - (5) Council Member Maienschein-not present-Excused by R-301185;due to illness
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council District 8-vacant
- Clerk-Maland (ek)

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-not 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 Rabbi Jeff Brown of Temple Solel.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Jim Madaffer.

FILE LOCATION: MINUTES

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

10/24/2005
10/25/2005
10/31/2005
11/01/2005

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:08 p.m.)

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



ITEM-31: NewSchool of Architecture and Design Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-514) ADOPTED AS RESOLUTION R-301065

Recognizing the outstanding contributions of the NewSchool of Architecture and Design, applauding its service to our region, and congratulating it on the occasion of its Silver Anniversary;

Proclaiming November 28, 2005, to be “NewSchool of Architecture and Design Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:11 p.m.)

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



ITEM-32: Larry Gardner Day.

**DEPUTY MAYOR ATKINS’ AND MAYOR PRO TEM MADAFFER’S
RECOMMENDATION:**

Adopt the following resolution:

(R-2006-512) ADOPTED AS RESOLUTION R-301066

Recognizing the outstanding contributions of Larry Gardner and applauding his dedication and service upon his retirement from a long and distinguished career with the City of San Diego;

Proclaiming November 28, 2005, to be “Larry Gardner Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:12 p.m. – 2:28 p.m.)

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



[ITEM-33:](#) Fire Etc. Day.

COUNCILMEMBER YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-385) ADOPTED AS RESOLUTION R-301067

Proclaiming November 28, 2005, to be "Fire Etc. Day" in the City of San Diego in appreciation of Fire Etc.'s efforts to improve the quality of life for many Americans.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:29 p.m. – 2:32 p.m.)

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

CLOSED SESSION:

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

**CS-1 *Krug v. City of San Diego*
San Diego Superior Court No. GIC 835677**

REFERRED TO CLOSED SESSION OF TUESDAY, NOVEMBER 29, 2005

This matter is an action filed by City employee Michelle Krug alleging employment discrimination. The City Attorney will brief the City Council on the status of the matter in closed session and request appropriate action regarding settlement.

DCA assigned: C. Lassman

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:25 p.m. – 4:25 p.m.)

Deputy Mayor Atkins closed the hearing.

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

CS-2 *Chlorination of Water System*

REFERRED TO CLOSED SESSION OF TUESDAY, NOVEMBER 29, 2005

CA: Michael Aguirre

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

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:25 p.m. – 4:25 p.m.)

Deputy Mayor Atkins closed the hearing.

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

CS-3 Title: City Manager

REFERRED TO CLOSED SESSION OF TUESDAY, NOVEMBER 29, 2005

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:25 p.m. – 4:25 p.m.)

Deputy Mayor Atkins closed the hearing.

- * ITEM-50: Restructuring of Sewer System Interim Financing and Approval of Related Documents.

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

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was previously re-introduced as amended on 11/14/2005, Item 202. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-54) TRAILED TO TUESDAY, NOVEMBER 29, 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: NONE

COUNCIL ACTION: (Time duration: 3:25 p.m. – 3:25 p.m.)

- * ITEM-51: Second Amendment to Consultant Agreement with MWH Americas, Inc. for the Otay Water Treatment Plant Upgrade.

(Unincorporated Area of San Diego County.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/14/2005, Item 56. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-53) TRAILED TO TUESDAY, NOVEMBER 29, 2005

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.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:25 p.m. – 3:25 p.m.)

- * ITEM-52: Awarding Contracts to American Eurocopter, FLIR Systems, Incorporated, 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.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/14/2005, Item 151, Subitem A. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-57) TRAILED TO TUESDAY, NOVEMBER 29, 2005

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, Incorporated, 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, Incorporated, 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.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:25 p.m. – 3:25 p.m.)

* ITEM-53: Fourth Update to Land Development Code-Amended Per Coastal Commission.

(See City Manager Report CMR-04-228. Districts-Citywide.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 11/15/2005, Item 331, Subitems A, B, and C. (Council voted 5-0. Councilmember Madaffer not present. District 2-vacant, District 8-vacant, and Mayor-vacant):

Subitem-A: (O-2006-50 COR. COPY) ADOPTED AS ORDINANCE O-19444 (New Series)

Amending Chapter 10, Article 3, Division 1, by Amending Section 103.1703; Amending Chapter 11, Article 1, Division 1, by Amending Section 111.0105; Amending Chapter 11, Article 1, Division 2, by Repealing Section 111.0203; Amending Chapter 11, Article 1, Division 2, Sections 111.0207 and 111.0208; Amending Chapter 11, Article 2, Division 3, by Amending Section 112.0304; Amending Chapter 11, Article 2, Division 5, by Amending Sections 112.0501 and 112.0506; Amending Chapter 11, Article 3, Division 1, by Amending Section 113.0103; Amending Chapter 11, Article 3, Division 2, by adding Section 113.0231; Amending Chapter 11, Article 3, Division 2 by Amending Sections 113.0249 and 113.0252, and 113.0270, 113.0273, and 113.0276; Amending Chapter 12, Article 1, Division 3, by Amending Sections 121.0302, 121.0309, and 121.0312; Amending Chapter 12, Article 5, Division 1, by Amending Section 125.0120; Amending Chapter 12, Article 6, Division 3, by Amending Section

126.0303; Amending Chapter 12, Article 6, Division 4, by Amending Section 126.0402; Amending Chapter 12, Article 6, Division 5, by Amending Section 126.0502 and 126.0504; Amending Chapter 12, Article 6, Division 7, by Amending Section 126.0704; . Amending Chapter 12, Article 6, Division 8, by Amending Section 126.0804; and Amending Chapter 12, Article 6, Division 9, by Repealing Sections 126.0901, 126.0902, 126.0903, 126.0904, 126.0905, 126.0906, and 126.0907; Amending Chapter 12, Article 7, Division 1, by Amending Sections 127.0104 and 127.0106; Amending Chapter 12, Article 8, Division 1, by Amending Sections 128.0103 and 128.0104; Amending Chapter 12, Article 9, Division 1, by Amending Sections 129.0104 and 129.0112; Amending Chapter 2, Article 9, Division 2, by Amending Section 129.0214; Amending Chapter 12, Article 9, Division 5, by Amending Section 129.0506; Amending Chapter 12, Article 9, Division 7, by Amending Sections 129.0702, 129.0703, 129.0710, and by adding Section 129.0715; Amending Chapter 13, Article 1, Division 2, by Amending Section 131.0231 and adding Section 131.0260; Amending Chapter 13, Article 1, Division 4, by Amending Sections 131.0443, 131.0444, 131.0461, 131.0464, and by adding Section 131.0466; Amending Chapter 13, Article 1, Division 5, by Amending Section 131.0540; Amending Chapter 13, Article 2, Division 12, by Amending Section 132.1202; Amending Chapter 14, Article 1, Division 10, by Amending Section 141.1004; Amending Chapter 14, Article 2, Division 1, by adding Section 142.0150; Amending Chapter 14, Article 2, Division 3, by Amending Section 142.0340; Amending Chapter 14, Article 2, Division 4, by Amending Section 142.0402; Amending Chapter 14, Article 2, Division 5, by Amending Section 142.0560; Amending Chapter 14, Article 2, Division 6, by adding Section 142.0607; Amending Chapter 14, Article 2, Division 6, by Amending Sections 142.0611 and 142.0670; Amending Chapter 14, Article 2, Division 8, by Amending Section 142.0810; Amending Chapter 14, Article 2, Division 12, by Amending Section 142.1240; Amending Chapter 14, Article 3, Division 1, by Amending Sections 143.0110, 143.0111, 143.0126, 143.0140, 143.0142; and 143.0144; Amending Chapter 14, Article 3, Division 3, by Amending 143.0302; Amending Chapter 14, Article 4, Division 2, by Amending Section 144.0231; Amending Chapter 14, Article 4, Division 2, by adding Section 144.0233; and Amending Chapter 14, Article 6, Division 1, by Amending Section 146.0106, all relating to Fourth Update of the Land Development Code.

Subitem-B: (O-2006-50a) ADOPTED AS ORDINANCE O-19445 (New Series)

Amending Chapter 14, Article 3, Division 1, of the San Diego Municipal Code, by Amending Section 143.0110 relating to the Land Development Code.

Subitem-C: (O-2006-51) ADOPTED AS ORDINANCE O-19446 (New Series)

Amending Chapter 5, Article 9.5, Division 4, of the San Diego Municipal Code by Amending Section 59.5.0401, pertaining to Noise and Abatement Control; by Amending Chapter 6, Article 2, Division 1 through 3 by repealing Division 1-3; and by Amending Chapter 6, Article 2, Division 7 by Amending and Renumbering Section 62.07 to 62.0701, and adding Section 62.0702, pertaining to Public Rights-of-Way and Land Development.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:26 p.m. – 3:31 p.m.)

CONSENT MOTION BY FRYE TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES IN SUBITEMS A, B, AND C. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-54: Awarding Contract and Agreement with Community Recycling and Resource Recovery, Inc. (Community), to Design, Construct, and Operate a Construction, Demolition, and Inert Materials Recovery Facility at Miramar Landfill.

(See City Manager Report CMR-05-222, not available at the Committee; and City Manager Report CMR-05-205.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2006-60) TRAILED TO TUESDAY, NOVEMBER 29, 2005

Introduction of an Ordinance authorizing the City Manager to award and execute, for and on behalf of the City, an agreement with Community Recycling and Resource Recovery, Inc. (Community), to design, construct, and operate a construction, demolition, and inert materials recovery facility at Miramar Landfill, contingent on the future environmental review of the project, approval of a permit, and approval and execution of a site sublease with Community, under the terms and conditions set forth in the agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend the following estimated amounts for the operation of the facility and provision of the services in connection with the agreement described above, contingent upon the inclusion of the following estimated amounts in the City Council approved budget for the respective fiscal years, and provided that the City Auditor and Comptroller issues certificates demonstrating that the funds are, or will be, on deposit with the City Treasurer:

Fiscal Year 2007	\$4,800,000
Fiscal Year 2008	\$6,800,000
Fiscal Year 2009	\$7,000,000
Fiscal Year 2010	\$7,100,000
Fiscal Year 2011	\$7,300,000
Fiscal Year 2012	\$7,400,000
Fiscal Year 2013	\$7,600,000
Fiscal Year 2014	\$7,800,000
Fiscal Year 2015	\$8,000,000
Fiscal Year 2016	\$8,100,000
Fiscal Year 2017	\$8,300,000
Fiscal Year 2018	\$8,500,000
Fiscal Year 2019	\$8,700,000

Declaring this activity is not subject to CEQA pursuant to CEQA Guideline Section 15060(c)(2) because contingent approval of the agreement described in Section 1 above will not result in a direct or reasonably foreseeable indirect physical change in the environment.

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

Informational report. No action taken.

Aud. Cert. 2600391.

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:25 p.m. – 3:25 p.m.)

- * ITEM-100: Two actions related to Inviting Bids for the Construction of South Chollas Landfill Slope Modification Project.

(Chollas View Community Area. District 4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-163) ADOPTED AS RESOLUTION R-301068

Approving the plans and specifications for construction of the South Chollas Landfill Slope Modification Project, on Work Order No. 320200;

Authorizing and directing the Contracts Processing and Awards section of the City to proceed to publish, in accordance with the law, notice to contractors calling for bids for the work described above, in accordance with the plans and specifications referred to above;

Authorizing the City Manager, after advertising for bids in accordance with the law, to award a construction contract to, and execute a contract with, the lowest responsible and reliable bidder, for the above South Chollas Landfill Slope Modification Project, provided that the City Auditor and Comptroller first furnishes one or more certificates confirming that the funds necessary for such expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer the amount of \$700,000 within Fund No. 41201 from CIP-32-023.0, Chollas Landfill Photovoltaic Project, to CIP-32-020.0, South Chollas Landfill Improvements;

Authorizing the expenditure of an amount not to exceed \$1,900,500 from Fund No. 41201, CIP-32-020.0, South Chollas Landfill Improvements, solely and exclusively, to provide funds for construction, contingency, and related costs for the above Project, provided that the City Auditor and Comptroller first furnishes one or more certificates confirming 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.

Subitem-B: (R-2006-164) ADOPTED AS RESOLUTION R-301069

Certifying that Negative Declaration LDR File No. 42-0126, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.); that the Negative Declaration reflects the independent judgment of the City of San Diego as Lead Agency; and that the information contained in the Negative Declaration, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with approval of the South Chollas Landfill Slope Modification Project;

Finding, based on the Initial Study and any comments received, that there is no substantial evidence the Project will have a significant effect on the environment and therefore the Negative Declaration is approved;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above Project.

CITY MANAGER SUPPORTING INFORMATION:

The South Chollas Landfill is located south of College Grove Drive, between Chollas Lake Community Park and State Route 94. It was operated by the City of San Diego from 1951 through 1981. This resulted in the deposition of approximately 4.75 million tons of municipally generated solid waste. The City of San Diego is mandated by State Law to maintain the inactive landfill site for a period of at least 30 years. These activities include operation and maintenance of the landfill gas collection system, groundwater monitoring, compliance with National Pollutant Discharge Elimination System (storm water monitoring) standards, and overall site maintenance including differential settlement issues.

The site is inspected by the Local Enforcement Agency, under the authority of the California Integrated Waste Management Board, on a quarterly basis for compliance with State minimum standards for inactive landfills. One of these requirements is to maintain adequate protective cover (3 feet of soil) so in-place refuse does not become a public nuisance or contaminate ground and surface waters.

This project will stabilize the slopes along Highway 94 by installing a buttress key at the base of the slope and provide additional cover to the entire slope to ensure compliance with existing

regulations. It will also provide a vegetative layer for plants to propagate and establish root systems to prevent soil erosion. The introduction of native plant species are part of the landscaping plan and will provide additional habitat for endangered wildlife species. Also included are drainage improvements which will remove the existing 25-year old underground corrugated metal storm drain pipes and replace them with above-grade pipes that can be easily inspected for settlement or leakage.

Funds from the Chollas Landfill Photovoltaic project are being transferred to this project for slope modification and stability. The Chollas Landfill Photovoltaic CIP is being de-appropriated because the photovoltaic project is being pursued as a no cost capital cost developer funded project.

FISCAL IMPACT:

Estimated construction cost for the South Chollas Landfill Slope Modification Project is \$1,900,500. Funds are available in CIP-32-020.0, South Chollas Landfill - Improvements, and CIP-32-023.0, Chollas Landfill Photovoltaic Project.

Mendes/Heap/JLC

Aud. Cert. 2600341.

Staff: Steven Fontana – (858) 492-5077
Grace C. Lowenberg – Deputy City Attorney

FILE LOCATION: W.O. 320200

COUNCIL ACTION: (Time duration: 3:26 p.m. – 3:31 p.m.)

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

* ITEM-101: Additional Attorney Fees to Luce Forward Hamilton & Scripps in the Matter of Clark v. City of San Diego.

CITY ATTORNEY’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-330) ADOPTED AS RESOLUTION R-301070

Authorizing the expenditure of an additional amount not to exceed \$96,985.07, for the final payment to the law firm of Luce Forward Hamilton & Scripps for attorney services rendered in the above referenced case Clark v. City of San Diego, Document No. C-13065.

SUPPORTING INFORMATION:

The City Manager authorized the retention of the law firm Luce Forward Hamilton & Scripps (Firm) in the litigation Clark v. City of San Diego, Document No. C-13065, dated November 10, 2004. Outside legal counsel was necessary because the officials and employees named in the litigation were within the City Attorney's Office. The action has been settled and the final invoices from the Firm have been submitted. The initial representation of an amount not to exceed \$250,000 was not adequate, and an additional sum of an amount not to exceed \$96,985.07 is necessary to pay the account in full.

Katz/MS

Aud. Cert. 2600409.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:26 p.m. – 3:31 p.m.)

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

* ITEM-102: Agreements with Sweetwater Union High School District, San Dieguito Union High School District and Poway Unified High School District for Police Services at District Schools.

(Sweetwater, Poway, and San Dieguito School Districts. Districts 1, 5, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-484) ADOPTED AS RESOLUTION R-301071

Authorizing and empowering the Chief of Police to negotiate, enter into, execute, and administer one-year agreements with four one-year options to renew with the Poway Unified School District, San Dieguito Union High School District, and Sweetwater Union High School District, to provide San Diego Police Juvenile Services Team officers and to accept reimbursement for the costs of their services under the terms and conditions set forth in the Agreements;

Authorizing and empowering the Chief of Police to negotiate, enter into, execute, and administer four subsequent one-year agreements under the option to renew, making appropriate adjustments annually in consideration of Police Department resources and costs.

CITY MANAGER SUPPORTING INFORMATION:

Over the past years, crime and violence have increased within our public schools. School districts and law enforcement officials continue to work as partners to ensure the safety of all school children. Three school districts, Sweetwater Union High School District, San Dieguito Union High School District, and Poway Unified School District, have schools located within the City limits. These school districts desire to renew existing agreements with the City of San Diego to have additional police services provided at their secondary schools, as follows:

- Sweetwater: Two officers for Southwest High School, Southwest Middle School, Mar Vista Middle School, Montgomery High School, Montgomery Middle School, and San Ysidro High School.
- San Dieguito: One officer for Torrey Pines High School and Carmel Valley Middle School.
- Poway: One officer for Westview High School, Mesa Verde Middle School, Rancho Bernardo High School, Bernardo Heights Middle School, Mt. Carmel High School, and Black Mountain Middle School.

General terms and conditions of the agreements include:

1. The City agrees the officer(s) will spend approximately 50% of their time at the designated schools and will be reimbursed for 50% of the cost of a Police Officer(s) II plus supervision and pro-rated equipment costs.
2. The City agrees to furnish normal police equipment and vehicle.

3. The officer will develop and facilitate classroom presentations related to youth and the law; alcohol, tobacco, and drug abuse prevention; gang intervention and prevention; and other related topics. The officer will also work with community agencies and parent/teacher/student groups, schedule security activities as needed, and respond to law enforcement related matters as they occur during regular school hours.
4. The agreements are for Fiscal Year 2006, with options to renew for four additional one-year periods.

FISCAL IMPACT:

The City's reimbursement for Fiscal Year 2006 will be \$355,448, or \$177,724, \$88,862, and \$88,862 from Sweetwater, San Dieguito, and Poway Districts, respectively. Costs will be adjusted annually upon renewal.

Ewell/Lansdowne/DS

Aud. Cert. 2600322.

Staff: Dawn Summers - (619) 531-2136
Joan F. Dawson - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:26 p.m. – 3:31 p.m.)

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

* ITEM-103: As-Needed Agreement with Laguna Mountain Environmental, Inc. for Professional Archaeological Monitoring Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-503) ADOPTED AS RESOLUTION R-301072

Authorizing the City Manager to execute, for and on behalf of the City, an amendment to the As-Needed Agreement with Laguna Mountain Environmental, Inc. for professional archaeological monitoring services, dated June 3, 2005 (Agreement), increasing the maximum contract amount from \$250,000 to \$650,000, as specified in the amendment;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$400,000 from CIP-37-033.8, Consultant Review for Various Underground Projects, Fund 30100, Undergrounding Surcharge Fund, for the purpose of executing the aforementioned amendment to the Agreement, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating funds are available;

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 adequately addressed in the environmental document for Project No. 4834, Formation of Underground Utility Districts (Mitigated Negative Declaration, dated 9/17/02), and that there is no change in circumstance, additional information, or project changes to warrant additional environmental review.

CITY MANAGER SUPPORTING INFORMATION:

In June 2005, after a competitive interview process for an As-needed archaeological monitoring consultant for the Utilities Undergrounding Program, the firm Laguna Mountain was awarded a contract not to exceed \$250,000. Prior to that time archaeological needs were contracted out on a project by project basis.

The As-needed contracting serves to streamline the archaeological monitoring needs of the Utilities Undergrounding Program. However, two recent projects have involved major archaeological finds and have required extensive unanticipated mitigation costs that will cause the existing contract to reach its maximum amount near the end of calendar year 2005.

In order to meet the immediate archaeological monitoring and mitigation needs of the program, it is most efficient to amend the existing contract. This will provide for archaeological monitoring for 5 major undergrounding projects that will begin in 2006 and continue into 2007.

FISCAL IMPACT:

Funds in an amount not to exceed \$400,000 are available in the Undergrounding Surcharge Fund No. 30100 for this agreement.

Gardner/Boekamp/AO

Aud. Cert. 2600407.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:26 p.m. – 3:31 p.m.)

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

* ITEM-104: Grant Application to the State of California in Roberti-Z'berg-Harris Per Capita Funds Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (the Grant) for Construction of the Ocean Beach Recreation Center Playground Surface Renovation Project.

(Ocean Beach Community Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-496) ADOPTED AS RESOLUTION R-301073

Authorizing the City Manager, or designee, to submit an application, on behalf of the City, to the State of California for \$35,000 in Roberti-Z'berg-Harris Per Capita Funds under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (the Grant) for construction of the Ocean Beach Recreation Center Playground Surface Renovation Project (the Project);

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

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

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

Authorizing the addition to CIP-29-899.0, Ocean Beach Recreation Center Playground Surface Renovation, to the Fiscal Year 2006 Capital Improvement Program;

Authorizing a \$35,000 increase in the Fiscal Year 2006 Capital Improvement Program Budget in CIP-29-899.0, Ocean Beach Recreation Center Playground Surface Renovation, 2002 Resources Bond (Roberti-Z'berg-Harris Per Capita Fund);

Authorizing the City Auditor and Comptroller to appropriate and expend \$35,000 from CIP-29-899.0, Ocean Beach Recreation Center Surface Renovation, 2002 Resources Bond (Roberti-Z'berg-Harris Per Capita) Fund, for construction of the Project, contingent upon receipt of a fully executed grant agreement;

Declaring the Council of the City of San Diego finds that this activity is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15301 because this action involves the minor alteration of an existing facility.

CITY MANAGER SUPPORTING INFORMATION:

The Ocean Beach Park and Recreation Center playground is located in the community of Ocean Beach at 4726 Santa Monica Avenue at the intersections of Santa Monica Avenue, Ebers Street and Saratoga Avenue. The playground was previously renovated in October 2003, to provide new play equipment and path of travel to meet current state and federal safety and accessibility requirements. In recent months the feral feline population in the neighborhood has increased significantly, creating a health and safety concern for the public and City staff. Although Park and Recreation staff has made a concerted effort to remove the feline feces on a daily basis, the problem continues to persist. The project will remove sand from the playground and replace it with poured-in-place rubberized resilient safety surfacing. Replacement of the sand with the rubberized resilient surfacing will eliminate the current health concerns, enhance accessibility within the playground and reduce maintenance costs.

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

This action authorizes the City manager to apply for \$35,000, a portion of the 2002 Resources Bond (RZH per Capita) fund allocated to Council District #2. The funds will be used for excavation and removal of existing sand surface and installation of a new concrete base with a poured-in-place rubberized resilient surface.

FISCAL IMPACT:

The total project cost is \$35,000. Funding in this amount is available from 2002 Resources Bond RZH Per Capita. These repairs will have no impact to the Fiscal Year 2006 annual operating budget for the park.

Oppenheim/Medina/AP

Staff: April Penea – (619) 525-8223
Eric A. Swenson – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:26 p.m. – 3:31 p.m.)

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

* ITEM-105: Allocating Approximately 5,000 Square Feet of Plaza Hall for City Records Retention Purposes.

(See City Clerk Report CC-05-13.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2006-471) ADOPTED AS RESOLUTION R-301074

Directing the City Manager to allocate approximately 5,000 square feet of Plaza Hall to the City Clerk for City records retention purposes.

GOVERNMENT EFFICIENCY AND OPENNESS COMMITTEE'S RECOMMENDATION:

On 10/17/2005, GE&O voted 2 to 0 to accept the report and recommend to the City Council that the City Clerk be allowed to utilize 5,000 square feet of Plaza Hall for a records retention center. (Councilmembers Maienschein and Frye voted yea. Councilmember Young not present.)

SUPPORTING INFORMATION:

On October 17, 2005, the Government Efficiency and Openness (GE&O) Committee recommended to the City Council that the City Clerk be allowed to utilize approximately 5,000 square feet of Plaza Hall for a records retention center.

Arellano/KS

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:26 p.m. – 3:31 p.m.)

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

* ITEM-106: San Diego Museum of Man Month.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-513) ADOPTED AS RESOLUTION R-301075

Recognizing the Museum of Man, on the occasion of its 90th Anniversary, for its invaluable contributions to the cultural fabric of San Diego;

Proclaiming November 2005, to be “San Diego Museum of Man 90th Anniversary Month” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:26 p.m. – 3:31 p.m.)

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

* ITEM-107: Pastor Reginald Gary Day.

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

Adopt the following resolution:

(R-2006-519) ADOPTED AS RESOLUTION R-301076

Recognizing the many inspiring contributions made by Pastor Reginald Gary on the occasion of the New Creation Church’s Pastor’s Appreciation Celebration;

Proclaiming November 20, 2005, to be “Pastor Reginald Gary Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:26 p.m. – 3:31 p.m.)

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

* ITEM-108: Earl Thomas Reservoir Day.

MAYOR PRO TEM MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-515) ADOPTED AS RESOLUTION R-301077

Recognizing the upgrades and improvements to the Earl Thomas Reservoir made to continue to meet the growing demand for clean, safe drinking water in the City of San Diego;

Proclaiming December 14, 2005, to be "Earl Thomas Reservoir Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:26 p.m. – 3:31 p.m.)

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

* ITEM-109: 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-2006-326) ADOPTED AS RESOLUTION R-301078

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: 3:26 p.m. – 3:31 p.m.)

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

* ITEM-110: 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-2006-287) ADOPTED AS RESOLUTION R-301079

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

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

COUNCIL ACTION: (Time duration: 3:26 p.m. – 3:31 p.m.)

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



[ITEM-200:](#) City Auditor and Comptroller Monthly Financial Summary.

CITY AUDITOR AND COMPTROLLER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-470) ADOPTED AS RESOLUTION R-301080

Accepting the City Auditor and Comptroller's Fiscal Year 2006 Financial Status
Prepared pursuant to San Diego City Charter Sections 39 and 89.

SUPPORTING INFORMATION:

The City Auditor and Comptroller will present a fiscal year 2006 financial status of the General Fund as of Period 3 ending October 7, 2005. This presentation will include a summary comparison of FY06 and FY05 revenues and expenditures to date as a percentage of total budget.

Graciano

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:31 p.m. – 4:21 p.m.)

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

ITEM-250: **Notice** of Pending Final Map Approval – Missions at Rio Vista 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 "Missions at Rio Vista Condominiums" (T.M. No. 179309/PTS No. 77596), located southwesterly of Gill Village Way and Friars Road in the Mission Valley Community Plan Area in Council District 6, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

(3) The map is technically correct.

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

ITEM-251: **Notice of Pending Final Map Approval – Angove 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 “Angove Condominiums” (T.M. No. 186363/PTS No. 77939), located southwesterly of 10th Avenue and Island Avenue in the Centre City Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

(3) The map is technically correct.

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

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

ITEM-252: Notice of Pending Final Map Approval – Titan 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 “Titan Condominiums” (T.M. No. 186381/PTS No. 78788), located southwesterly of State Street and Grape Street in the Centre City Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

ITEM-253: Notice of Pending Final Map Approval – Lusso 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 “Lusso Condominiums” (T.M. No. 181022/PTS No. 77596), located northeasterly of Kettner Boulevard and Cedar Street in the Centre City Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of

the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

ITEM-254: Notice of Pending Final Map Approval – Moto Villas 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 “Moto Villas Condominiums” (T.M. No. 186484/PTS No. 77766), located northeasterly of 9th Avenue and “G” Street in the Centre City Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

ITEM-255: Notice of Pending Final Map Approval – Waterfront 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 “Waterfront Condominiums” (T.M. No. 181035/PTS No. 78778), located southwesterly of Kettner Boulevard and Hawthorn Street in the Centre City Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

ITEM-256: Notice of Pending Final Map Approval – 3937 Texas Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “3937 Texas Street” (T.M. Waiver No. 143274/PTS No. 81252), located northeasterly of Texas Street and University Avenue in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

ITEM-257: Notice of Pending Final Map Approval – Bella Vista 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 “Bella Vista Condominiums” (T.M. No. 38045/PTS No. 75292), located southeasterly of College Avenue and Adelaide Avenue in the Mid-City: Eastern Area Community Plan Area in Council District 7, 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 – Amended Map of NTC – Unit No. 7.

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 “Amended Map of NTC – Unit No. 7” (T.M. No. 99-1076/PTS No. 68249), located northeasterly of Harbor Drive and Nimitz Boulevard 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-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	1/06/2006	151	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	1/11/2006	146	Rules Committee review
Monday	1/30/2006	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	2/06/2006	120	Council adopts propositions for ballot; directs
Monday	through 2/20/2006	to 106	City Attorney to prepare ordinances
Monday	2/27/2006	99	Council adopts ordinances prepared by

City Attorney

Friday	3/10/2006	88	Last day for City Clerk to file with Registrar of 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.

* [ITEM-S400](#): Three actions related to Committee Assignments for 2006 and Temporary Oversight of Council Districts 2 and 8.

(See memorandum from Council President-Elect Peters dated 11/22/2005.)

COUNCIL PRESIDENT-ELECT PETERS' RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-543) ADOPTED AS RESOLUTION R-301081

Confirming the appointment by the Council President-Elect of Councilmember Tony Young, to serve as Council President Pro Tem of the City of San Diego, for the period commencing January 1, 2006, and lasting for a term of one year and until a successor is selected and qualified, pursuant to Section 22.0101.5 of the San Diego Municipal Code.

Subitem-B: (R-2006-542) ADOPTED AS RESOLUTION R-301082

Confirming the following appointments by the Council President-Elect, to serve as Chairs, Vice-Chairs, and Committee members of the five Standing Council Committees, for terms commencing January 1, 2006, and lasting for one year and until a successor is duly appointed and confirmed, pursuant to Section 22.0101.5 of the San Diego Municipal Code:

**COMMITTEE ON RULES, OPEN GOVERNMENT, AND
INTERGOVERNMENTAL RELATIONS**

Chair : Council President Scott Peters
Vice Chair : Council President Pro Tem Tony Young

Members : Councilmember Brian Maienschein
Councilmember Donna Frye
Councilmember Jim Madaffer

COMMITTEE ON LAND USE AND HOUSING

Chair : Councilmember Jim Madaffer
Vice Chair : Councilmember Toni Atkins
Members : Councilmember District 2
Councilmember District 8

COMMITTEE ON NATURAL RESOURCES AND CULTURE

Chair : Councilmember Donna Frye
Vice Chair : Councilmember Toni Atkins
Members : Councilmember District 2
Councilmember District 8

**COMMITTEE ON PUBLIC SAFETY AND
NEIGHBORHOOD SERVICES**

Chair : Councilmember Brian Maienschein
Vice Chair : Council President Pro Tem Tony Young
Members : Councilmember District 2
Councilmember District 8

COMMITTEE ON BUDGET AND FINANCE

Chair : Councilmember Toni Atkins
Vice Chair : Council President Scott Peters
Members : Council President Pro Tem Tony Young
Councilmember Donna Frye
Councilmember Jim Madaffer

Declaring that commencing January 1, 2006, and until such time as Councilmember District 2 and Councilmember District 8 are duly sworn into office, Councilmember Brian Maienschein shall serve as a member of the Committee on Natural Resources and Culture and Council President Scott Peters shall serve as a member of the Committee on Public Safety and Neighborhood Services.

Subitem-C: (R-2006-545) ADOPTED AS RESOLUTION R-301083

Authorizing temporary oversight of Council Districts 2 and 8.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:22 p.m. – 4:24 p.m.)

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



ITEM-S401: Pacific Highlands Ranch Maintenance Assessment District Formation.

(Pacific Highlands Ranch Community Area. District 1).

(Continued from the meeting of November 21, 2005, Item 201, at City Manager's request, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-273) ADOPTED AS RESOLUTION R-301084

Resolution of Intention to form the Pacific Highlands Ranch Maintenance Assessment District and to levy and collect Fiscal Year 2006 Annual Assessments on Pacific Highlands Ranch Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the ballot proceedings to form the Pacific Highlands Ranch Maintenance Assessment District (District). The District is in the Pacific Highlands Ranch Community Planning Area and is located east of Carmel Valley, west of Torrey Highlands, north of Del Mar Mesa, and south of unincorporated San Diego County. The purpose of the District is to fund the maintenance of enhanced landscaping and street lighting improvements located in public rights-of-way, medians, parkways and dedicated easements. The District will take over certain landscaped areas starting in Fiscal Year 2007; the streetlights in the arterials will be taken over in Fiscal Year 2006.

<u>FY 2006</u>	<u>Maximum Authorized</u>	
EXPENSES		
Personnel	\$0	\$36,467
Contractual	\$45,604	\$328,925
Incidental	\$40,000	\$74,332
Outlay	\$0	\$0
Streetlight Improvements	\$20,745	\$67,181
Energy & Utilities	<u>\$0</u>	<u>\$43,113</u>
TOTAL EXPENSES	\$106,349	\$550,018
REVENUES		
Assessments	\$116,349	\$541,680
City Contributions – Gas Tax	\$0	\$134,656
Interest	<u>\$0</u>	<u>\$10,000</u>
TOTAL REVENUES	\$116,349	\$686,336
RESERVES	\$10,000	\$136,318

The proposed annual assessments were calculated by an assessment engineer for parcels within the district and are based on each parcel's equivalent benefit unit (EBU), which is equivalent to one single family dwelling unit. Properties within the proposed district will be assessed based on the rate of development, land use, and proximity to the improvements. The maximum assessments rates per EBU for these improvements will vary. Based on Fiscal Year 2006 cost estimates, the cost per EBU will range between \$188 to \$297.

FISCAL IMPACT:

Approximately \$116,349 will be assessed to the property owners within the District in Fiscal Year 2006. The proposed Fiscal Year 2006 assessments and maximum authorized assessments are permitted to increase annually at a rate equivalent to the San Diego Consumer Price Index – Urban (SDCPI-U) plus 3%. A gas tax contribution for the General Benefit of landscaped and hardscaped median maintenance in the District will be requested as part of the Fiscal Year 2007 budget process. At build out, the amount is calculated to be \$134,656. The General Fund will not be impacted as there are currently no City-owned parcels located within the District.

Oppenheim/Medina/AWF

Staff: Andrew Field – (619) – 533-6778

FILE LOCATION: M 505 (34)

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

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

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Atkins at 4:30 p.m. in honor of the
memory of:

Paul Fisher as requested by Council Member Madaffer; and
Bill Robinson as requested by Deputy Mayor Atkins.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:26 p.m. – 4:30 p.m.)