

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 17, 2006
AT 10:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING.....	4
ATTENDANCE DURING THE MEETING.....	4
ITEM-1: ROLL CALL.....	5
ITEM-10: INVOCATION.....	5
ITEM-20: PLEDGE OF ALLEGIANCE.....	5
NON-AGENDA COMMENT.....	6
COUNCIL COMMENT	8
CITY ATTORNEY COMMENT.....	8
INDEPENDENT BUDGET ANALYST COMMENT.....	9
ITEM-30: Approval of Council Minutes	9
ITEM-31: The Friends of Malcolm X Library Day.....	9
ITEM-32: Mariah MacCarthy Day	10
CLOSED SESSION	11
* ITEM-50: Second Amendment to Consultant Agreement with MWH Americas, Inc. for Miramar Water Treatment Plant Upgrade and Expansion.....	14
* ITEM-51: Second Consideration of Sunset Pointe Rezone.....	14
* ITEM-52: Bankers Hill Townhomes Rezone.....	15
ITEM-100: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City	16

Minutes of Tuesday, January 17, 2006
Table of Contents (Continued)

Page 2

* ITEM-101:	Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.....	17
ITEM-200:	Accepting the Report of the Audit Committee.....	17
ITEM-201:	Fifth Amendment to Agreement with HDR Engineering Inc. for Construction Management/Program Manager Services for Metropolitan Wastewater Department.....	18
ITEM-250:	Notice of Settlement of Personal Injury and Property Damage Claim of Dean Marchant, et al	21
ITEM-251:	Notice of Pending Final Map Approval – Skyline Hills	22
ITEM-252:	Notice of Pending Final Map Approval – 4136-42 Campus Avenue.....	22
ITEM-253:	Notice of Pending Final Map Approval – Casamar Condominiums.....	23
ITEM-254:	Notice of Pending Final Map Approval – Judson Street Condominiums	24
ITEM-255:	Notice of Pending Final Map Approval – Seabreeze at Old El Camino Real.....	25
ITEM-256:	Notice of Pending Final Map Approval – Solmelia Condominiums.....	26
ITEM-257:	Notice of Pending Final Map Approval – Adams Avenue Park	26
ITEM-258:	Notice of Pending Final Map Approval – 3060 Suncrest Drive.....	27
ITEM-259:	SUBMISSION OF BALLOT PROPOSALS.....	28
ITEM-330:	Annual Election of Centre City Redevelopment Project Area Committee and Centre City Advisory Committee of the San Diego Redevelopment Agency and the City of San Diego	29
ITEM-331:	Nexus University Science Center	30
ITEM-332:	Vista at Rancho Bernardo	34
ITEM-333:	Approving Issuance of Bonds by the Housing Authority of the City of San Diego for the Studio 15 Apartments.....	38

ITEM-S500: Nine actions related to Appointments to Outside Organizations for 2006	39
*ITEM-S501: Awarding a Contract to Motorola, Inc. to Provide 800MHz Communications System Upgrade.....	44
NON-DOCKET ITEMS.....	45
ADJOURNMENT	45

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:04 a.m. Council President Peters recessed the meeting at 10:38 a.m. to simultaneously convene the City Council Meeting and the Housing Authority and thereafter reconvene the regular meeting. Council President Peters recessed the regular meeting at 11:36 a.m. to reconvene the Housing Authority. Council President reconvened the regular meeting at 11:38 a.m. with all Council Members present and District 2 and District 8 vacant. The meeting was recessed by Council President Peters at 11:47 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:05 p.m. with all Council Members present and District 2 and District 8 vacant. Council President Peters recessed the meeting at 3:37 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:48 p.m. with all Council Members present and District 2 and District 8 vacant. Council President Peters adjourned the meeting at 4:24 p.m. into Closed Session to discuss pending and potential litigation and meet and confer matters.

ATTENDANCE DURING THE MEETING:

- (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 (ek/er)

FILE LOCATION: MINUTES



ITEM-1:

ROLL CALL

Clerk Maland called the roll:

- (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



ITEM-10:

INVOCATION

Invocation was given by Reverend Clarise Christian of Immanuel Chapel.

FILE LOCATION: MINUTES



ITEM-20:

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Atkins.

FILE LOCATION: MINUTES

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on public bus transportation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:24 a.m.)

PUBLIC COMMENT-2:

Hud Collins commented on the functions of the City Attorney, and the status of the Mt. Soledad cross.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. – 10:28 a.m.)

PUBLIC COMMENT-3:

Sandy Summers commented on political persecution.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:31 a.m.)

PUBLIC COMMENT-4:

Al Strohlein commented on the vacant seat in Council District 2.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:32 a.m. – 10:34 a.m.)

PUBLIC COMMENT-5:

Ron Boshun commented on the actions of the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. – 10:37 a.m.)

PUBLIC COMMENT-6:

Muhammed Abdullah commented on the subject of free speech.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:39 a.m.)

PUBLIC COMMENT-7:

Bonnie Russell commented on the upcoming press conference with former Mayor Dick Murphy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:44 a.m.)

PUBLIC COMMENT-8:

Phil Hart commended Council Member Toni Atkins for her past handling of the Office of Mayor Pro Tem.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. – 10:47 a.m.)

PUBLIC COMMENT-9:

Dan Beeman commented on the use of City water and treating it for pollution.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. – 10:50 a.m.)

PUBLIC COMMENT-10:

Jarvis Ross commented on the use of public funds.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:53 a.m.)

PUBLIC COMMENT-11:

Millie Strodman commented on the direction for the City Council for the coming year, and the past actions of Mayor Pete Wilson.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:54 a.m. – 10:57 a.m.)

COUNCIL COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

INDEPENDENT BUDGET ANALYST COMMENT:

None.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

11/07/2005 - Adjourned
11/08/2005 - Adjourned
11/14/2005
11/15/2005
11/21/2005
11/22/2005

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:10 a.m. – 10:10 a.m.)

MOTION BY ATKINS TO APPROVE. 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.



ITEM-31: The Friends of Malcolm X Library Day.

COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-563 Cor. Copy) ADOPTED AS RESOLUTION R-301149

Recognizing the hard work and efforts of the dedicated workers;

Proclaiming January 21, 2006, to be “The Friends of Malcolm X Library Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:10 a.m. – 10:15 a.m.)

MOTION BY YOUNG 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.



ITEM-32: Mariah MacCarthy Day.

COUNCILMEMBER FRYE’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-598 Cor. Copy) ADOPTED AS RESOLUTION R-301150

Commending Mariah MacCarthy for her continued dedication and contributions to the performing and creative arts in San Diego;

Proclaiming January 17, 2006, to be “Mariah MacCarthy Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:16 a.m. – 10:21 a.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.

CLOSED SESSION:

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

**CS-1 *SDCERS v. San Diego City Attorney Michael J. Aguirre, et al. more*
San Diego Superior Court Case No. GIC841845**

REFERRED TO CLOSED SESSION ON TUESDAY, JANUARY 17, 2006

DCA assigned: A. Donovan

This case was originally filed by SDCERS for declaratory relief regarding whether the City Attorney's office may serve as general counsel for SDCERS. The City Attorney cross-complained against SDCERS for declaratory relief regarding the legality of pension benefits granted under MP I and MP II. In closed session the City Attorney will update the Mayor and Council on the status of the matter.

CLOSED SESSION COMMENT-1:

Comment by Hud Collins on the lawsuit which was originally filed by SDCERS.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:38 a.m. – 11:42 a.m.)

Council President Peters closed the hearing.

**CS-2 *City of San Diego v. Callan Associates, Inc., et al.*
San Diego Superior Court Case No. 852419**

REFERRED TO CLOSED SESSION ON TUESDAY, JANUARY 17, 2006

DCA assigned: A. Donovan

This is a claim for monetary damages filed on behalf of the City against Callan Associates, Inc., the investment consultant for SDCERS and Gabriel, Roeder Smith, Inc., the SDCERS actuary. Discovery and investigation are ongoing; and initial settlement discussions have commenced between the City and GRS. This case is being handled

jointly by the Office of the City Attorney and the outside law firm of Heller Ehrman. In closed session the City Attorney will update the Mayor and Council on the status of the matter and seek additional funding for outside counsel services.

CLOSED SESSION COMMENT-1:

Hud Collins commented on the case of the City of San Diego v. Callan Associates.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:43 a.m. – 11:43 a.m.)

Council President Peters closed the hearing.

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

REFERRED TO CLOSED SESSION ON TUESDAY, JANUARY 17, 2006

EACA assigned: D. McGrath

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 and seek additional funding for outside counsel services.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:43 a.m. – 11:43 a.m.)

Council President Peters closed the hearing.

CS-4 *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

REFERRED TO CLOSED SESSION ON TUESDAY, JANUARY 17, 2006

EACA assigned: D. McGrath

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. In closed session the City Attorney will discuss ongoing settlement negotiations and potential settlement offer.

CLOSED SESSION COMMENT-1:

Dan Beeman commented on Roque de la Fuente and the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:44 a.m. – 11:46 a.m.)

Council President Peters closed the hearing.

- * ITEM-50: Second Amendment to Consultant Agreement with MWH Americas, Inc. for Miramar Water Treatment Plant Upgrade and Expansion.

(See memorandum from Vic Bienes dated 9/20/2005. Scripps Miramar Ranch and Miramar Ranch North Community Areas. District 5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/5/2005, Item 60, Subitem A. (Council voted 7-0. District 2-vacant and District 8-vacant):

(O-2006-66 Cor. Copy) ADOPTED AS ORDINANCE O-19455 (New Series)

Authorizing execution of a Second Amendment to Consultant Agreement with MWH Americas, Inc. for the Miramar Water Treatment Plant Upgrade and Expansion.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:01 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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.

- * ITEM-51: Second Consideration of Sunset Pointe Rezone.

(Mira Mesa Community Plan Area. District 5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/6/2005, Item 340, Subitem A. (Council voted 6-0. Councilmember Young not present. District 2-vacant and District 8-vacant):

(O-2006-64) ADOPTED AS ORDINANCE O-19456 (New Series)

Changing 37.32 acres, located at the southern terminus of Sunny Mesa Road, in the Mira Mesa Community Plan Area, in the City of San Diego, California, from the AR-1-1 Zone (previously referred to as A-1-10) into the RS-1-14 and OC-1-1 Zones, as defined by San Diego Municipal Code Sections 131.0403 and 131.0203.

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: LUP – Sunset Pointe Second Consideration 12/06/05 (65)

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:01 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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.

* ITEM-52: Bankers Hill Townhomes Rezone.

(See City Manager Report CMR-05-221. Uptown Community Plan Area. District 2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/29/2005, Item 333, Subitem C. (Council voted 5-0. Councilmember Maienschein not present. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-58) ADOPTED AS ORDINANCE O-19457 (New Series)

Changing the zoning designation for a property located at 2561 First Avenue, in the Uptown Community Plan Area, in the City of San Diego, California, from the NP-3 Zone into the NP-1 Zone, as defined by San Diego Municipal Code Section 103.1510.

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: LUP – Bankers Hill Town Homes 11/29/05 (65)

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:01 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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.



ITEM-100: 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-2006-328 Cor. Copy) ADOPTED AS RESOLUTION R-301151

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: 11:01 a.m. – 11:06 a.m.)

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

- * ITEM-101: 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-2006-289 Cor. Copy) ADOPTED AS RESOLUTION R-301152

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: 10:58 a.m. – 11:01 a.m.)

CONSENT MOTION BY MADAFFER 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.



ITEM-200: Accepting the Report of the Audit Committee.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2006-632 Cor. Copy) ADOPTED AS RESOLUTION R-301170

Accepting the report of the Audit Committee;

Authorizing the Auditor and Comptroller to appropriate and expend revenue and/or expenditure savings projected to be higher than budgeted levels in an amount not to exceed \$10 million for additional expenses related to the Audit Committee's on-going investigations.

SUPPORTING INFORMATION:

The Audit Committee, as part of an on-going investigation of the City's 2003 financial statements, has been asked to give an update to the City Council. As part of the report the Mayor will ask the City Council to approve an amount not to exceed \$10 million for additional expenses related to this committee's investigatory work. This amount, combined with past allocations for the Audit Committee, reflects a total amount not to exceed \$16.2 million.

Gattas

Aud. Cert. 2600539

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:06 p.m. – 4:15 p.m.)

MOTION BY MADAFFER TO ADOPT THE RESOLUTION ACCEPTING THE REPORT OF THE AUDIT COMMITTEE AND AUTHORIZE THE AUDITOR TO APPROPRIATE AND EXPEND REVENUE IN AN AMOUNT NOT TO EXCEED \$10 MILLION FOR EXPENSES RELATED TO THE AUDIT COMMITTEE'S ON-GOING INVESTIGATIONS FROM THE GENERAL FUND EXCESS PROPERTY TAXES. DIRECT THE CITY ATTORNEY TO WORK WITH THE MAYOR AND FINANCING STAFF AND RETURN TO COUNCIL AT A LATER DATE WITH A LEGAL ANALYSIS AND ALLOCATION METHODOLOGY FOR THOSE FUNDS. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, District 8-vacant.



ITEM-201: Fifth Amendment to Agreement with HDR Engineering Inc. for Construction Management/Program Manager Services for Metropolitan Wastewater Department.

(Rancho Bernardo, San Pasqual, and Lake Hodges Community Areas. District 5.)

(Continued from the meeting of December 5, 2005, Item S402, at the request of the City Attorney, for further review.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-523 Cor. Copy 2) ADOPTED AS RESOLUTION R-301154

Authorizing the Mayor to execute Amendment No. 5 to the Agreement with HDR Engineering Inc., for As Needed Construction Manager/Program Manager Services (Fifth Amendment) in an amount not to exceed \$435,059, under the terms and conditions set forth in the Fifth Amendment which brings the total contract amount to \$13,701,694;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$435,059 from Sewer Fund 41506, CIP-46-506.0, Pipeline Rehabilitation in the Right of Way Phase B, to Fund 41506, CIP-46-106.0, Annual Allocation Pump Station Restorations;

Approving the expenditure of an amount not to exceed \$435,059 from Fund 41506, CIP-46-106.0, Annual Allocation - Pump Station Restorations to fund the Fifth Amendment;

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 activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines 15378(c). This activity is a subsequent discretionary approval covered under an exemption of the project pursuant to CEQA Guidelines 15301. The activity is adequately addressed in that determination and there is no change in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15177.

STAFF SUPPORTING INFORMATION:

The rehabilitation of sewer pump station numbers 77A and 77B (SPS 77 A&B) is an on-going project which commenced construction in December of 2002. SPS 77A was last upgraded in 1984, and has since experienced numerous electrical and mechanical failures. If SPS 77A is shut-down or fails to operate for more than just a few minutes, sewage is diverted to an open, man-made storage pond which has a capacity of approximately 24 hours. Exceeding the capacity of the pond could result in a discharge to the adjacent potable water reservoir, Lake Hodges. This project is an EPA Consent Decree required project and the EPA is aware of the current project status.

Construction is running significantly longer than anticipated due to difficulties with the installation and operation of the new switchgear and with the new pump configurations. In addition to the complexities of the project, the contractor is having difficulties with his subcontractors/vendors. Four stop notices, totaling \$875,658.71, have been received which require the city to withhold \$1,094,573.39 in payment. One lawsuit has been filed by a subcontractor, Beacon Electric, and MWWd anticipates additional claims, potential litigation, and the need for future mediation. MWWd has been working with the City Attorney's office on resolving the numerous contractual and potential claims issues while enabling this critical project to be completed.

Due to the added construction duration and the need for future claim, mediation, and/or litigation support services, MWWd requests the approval of Amendment No. 5 to the existing multi-year, department-wide Program Management/Construction Management as-needed contract with HDR Engineering Inc, in the amount of \$435,059, bringing the new contract total to \$13,701,694. The total amended amount will be used to complete existing Task Order No. 4 for SPS 77 A&B. No further amendments to the contract with HDR Engineering Inc., are anticipated at this time. HDR Engineering, Inc. is an employee-owned corporation with 85 offices throughout the United States. The corporation's CEO is Richard R. Bell, P. E., and the parent company is located in Omaha, NE.

FISCAL IMPACT:

The total cost of this action is \$435,059. Funds are available in Fund 41506, CIP-46-506.0, Pipeline Rehab in the ROW, Phase B project. This project is part of the existing capital improvement program and is not dependent upon future financing proceeds.

Mendes/Tulloch/CW

Aud. Cert. 2600402.

Staff: Craig Whittemore - (858) 292-6471
James W. Lancaster - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:22 a.m. – 11:27 a.m.)

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

ITEM-250: **Notice** of Settlement of Personal Injury and Property Damage Claim of Dean Marchant, et al.

(R-2006-570)

Adopted as Resolution R-301145 on December 6, 2005.

A Resolution approved by the City Council in Closed Session on Tuesday, December 6, 2005, by the following vote: Peters-yea; District 2-vacant; Atkins-yea; Young-yea; Maienschein-yea; Frye-yea; Madaffer-yea; District 8-vacant; Mayor Sanders-yea.

Authorizing the Mayor to pay the sum of not exceeding \$222,852.97 in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from the personal injury and property damage claim of Dean Marchant, et al.;

Authorizing the City Auditor and Comptroller to issue two checks not exceeding the amount of \$222,852.97; one made payable to Scripps Memorial Hospital and Dean Marchant and Richard A. Williams, attorney of record, in the amount of \$59,434.89 and the second made payable to Dean Marchant and Richard A. Williams, attorney of record, in the amount of \$140,565.11.

Aud. Cert. 2600452.

ITEM-251: Notice of Pending Final Map Approval – Skyline Hills.

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 “Skyline Hills” (T.M. No. 011309/PTS No. 72619), located northeasterly of Paradise Valley Road and Meadowbrook Drive in the Skyline-Paradise Hills Community Plan Area in Council District 4, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

ITEM-252: Notice of Pending Final Map Approval – 4136-42 Campus Avenue.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4136-42 Campus Avenue” (T.M. No. 88464/PTS No. 72894), located northwesterly of Washington Street and Campus Avenue in the Uptown 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 – Casamar 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 “Casamar Condominiums” (T.M. No. 168914/PTS No. 80861), located at the northwesterly terminus of Beta Street westerly of 41st Street in the Southeastern San Diego, Southeastern 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-254: Notice of Pending Final Map Approval – Judson 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 “Judson Street Condominiums” (T.M. No. 92646/PTS No. 68467), located northwesterly of Judson Street and Judson Court in the Linda Vista Community Plan Area in Council District 6, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

ITEM-255: Notice of Pending Final Map Approval – Seabreeze at Old El Camino Real.

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 “Seabreeze at Old El Camino Real” (T.M. No. 9882/PTS No. 25637), located northeasterly of Old El Camino Real and El Camino Real in the Carmel Valley 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-256: Notice of Pending Final Map Approval – Solmelia 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 “Solmelia Condominiums” (T.M. No. 143304/PTS No. 76305), located southwesterly of Logan Avenue and Euclid Avenue in the Encanto Neighborhoods, Southeastern Community Plan Area in Council District 4, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

ITEM-257: Notice of Pending Final Map Approval – Adams Avenue Park.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Adams Avenue Park” (T.M. No. 143142/PTS No. 82348), located southwesterly of Adams Avenue and Hawley Blvd. in the Mid-City: Normal Heights 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-258: Notice of Pending Final Map Approval – 3060 Suncrest Drive.

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 “3060 Suncrest Drive” (T.M. No. 135839/PTS No. 85731), located on Suncrest Drive between 30th Street and Bancroft 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	1/20/2006	137	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	1/25/2006	132	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 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-330: Annual Election of Centre City Redevelopment Project Area Committee and Centre City Advisory Committee of the San Diego Redevelopment Agency and the City of San Diego.

(See Centre City Development Corporation Report CCDC-06-03. Districts 2 and 8.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-562 Cor. Copy 2) ADOPTED AS RESOLUTION R-301155

Approving the Centre City Redevelopment Project Area Committee (PAC) and the Centre City Advisory Committee (CCAC) consisting of persons named on the list of PAC and CCAC members receiving the highest number of votes and incorporated by this reference as constituting a representative PAC and CCAC;

Concurring that the election results of October 25 and 26, 2005, are valid and binding in accordance with the procedures so adopted by Resolution Nos. R-276892 and R-295698;

Declaring this activity is not a project and is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(2).

NOTE: See the Special Redevelopment Agency Agenda of 1/17/2006, for a companion item.

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:27 a.m. – 11:28 a.m.)

MOTION BY MADAFFER 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.



ITEM-331: Nexus University Science Center.

Matter of approving, conditionally approving, modifying, or denying a Site Development Permit and Rezone of property from RS-1-14 (residential) to IP-1-1 (industrial park) to construct three buildings on an undeveloped 9.6-acre site. Building 1 would be three stories, approximately 50 feet in height with 49,920 square feet gross floor area; Building 2 would be two stories, approximately 50 feet in height with 89,678 square feet gross floor area, and; Building 3 would be two stories, approximately 50 feet in height with 51,858 square feet gross floor area. Also, the proposed extension of Executive Drive eastward to new terminus at the project site located east of Executive Drive and northwest of Interstate 805/La Jolla Village Drive interchange.

(MND Project No. 5906/MMRP/SDP No. 9754/RZ No. 9755/Project No. 5906. University Community Plan Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the resolution in subitem A; adopt the resolution in subitem B to grant the permit; and introduce the ordinance in Subitem C:

Subitem-A: (R-2006-592 Cor. Copy) ADOPTED AS RESOLUTION R-301156

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 5906, 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 declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a site development permit and rezone for the Nexus University Science Center Project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resources Code, Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

That the City Clerk is directed 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.

Subitem-B: (R-2006-589 Cor. Copy) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-301157

Adoption of a Resolution adopting the findings with respect to SDP Permit No. 9754;

That Site Development Permit No. 9754 is granted to Michael J. Reidy, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Subitem-C: (O-2006-80 Cor. Copy) INTRODUCED, TO BE ADOPTED ON
MONDAY, JANUARY 30, 2006

Introduction of an Ordinance changing 9.57 acres located on Pueblo Lot 1307, Miscellaneous Map No. 36, within the University Community Plan Area, in the City of San Diego, California, from the RS-1-14 Zone (previously referred to as the R1 Zone) into the IP-1-1 Zone, as defined by the San Diego Municipal Code Section 131.0602; and repealing ordinance O-13455 (Old Series), adopted February 15, 1932, insofar as the same conflicts herewith.

OTHER RECOMMENDATIONS:

Planning Commission on November 17, 2005 voted 6-0 to approve.

Ayes: Garcia, Otsuji, Steele, Chase, Ontai, Schultz

Not Present: Griswold

The University Community Planning Group has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

The Nexus University Science Center project is located at the eastern terminus of Executive Drive, northwest of the La Jolla Village Drive/Interstate 805 interchange of the University Community Plan area. The proposed 9.6-acre project site consists of three undeveloped lots, each currently zoned RS-1-14 (Residential). However, the site is designated for "Scientific Research" use in the community plan. The project proposes a rezone from RS-1-14 (Residential) to IP-1-1 (Industrial Park), which would be consistent with the community plan land use designation, and to develop the entire 9.6-acre site with 191,456 square feet of new research and development use distributed in three new buildings on the three existing lots.

The project is classified as a priority project as defined by the City Storm Water Standards. The project is required to comply with the State Water Resources Control Board Order No. 92-08-DWQ (NPDES General Permit No. CAS0000002).

The Nexus University Science Center project is estimated to generate approximately 1,915 average daily trips. Mitigation for significant potential impacts is required and the project has been conditioned to provide the appropriate mitigation to reduce those impacts to a level of insignificance.

The University Community Planning Group voted to recommend approval of the project with no conditions. See Planning Commission Report No. PC-05-321 for details.

The Planning Commission voted, on November 17, 2005, 6-0 to recommend approval of the project.

City staff recommends the City Council STATE for the record that the information contained in the Project No. 5906/LDR File No. 5906 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and CERTIFY the Mitigated Negative Declaration No. 5906 reflects the independent judgment of the City of San Diego as Lead Agency; and ADOPT the Mitigation Monitoring and Reporting Program; and City Council APPROVE Site Development Permit No. 9754 and ADOPT Rezone Ordinance.

FISCAL IMPACT:

No impact to the City. All costs are recovered through a deposit account funded by the applicant.

Oppenheim/Halbert/TD

LEGAL DESCRIPTION:

The project site is located at the eastern terminus of Executive Drive, northwest of the Interstate 805/La Jolla Village Drive interchange, in the University Community Plan area (APN 345-010-64).

Staff: Tim Daly--(619) 446-5356.

NOTE: This item is not subject to Mayor's veto.

<u>FILE LOCATION:</u>	SUBITEMS A & B: MEET
	SUBITEM C: NONE

<u>COUNCIL ACTION:</u>	(Time duration: 11:29 a.m. – 11:34 a.m.)
-------------------------------	--

MOTION BY MADAFFER TO ADOPT THE RESOLUTION IN SUBITEM A; ADOPT THE RESOLUTION IN SUBITEM B TO GRANT THE PERMIT; AND INTRODUCE THE ORDINANCE IN SUBITEM C. 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.



ITEM-332: Vista at Rancho Bernardo.

Matter of approving, conditionally approving, modifying, or denying an easement vacation to vacate two existing sewer easements, a tentative map to subdivide a 38.42-acres site into five lots; a Planned Development Permit to amend Manufacturing Industrial Permit No. 991-0831, deviate from the IP-2-1 (Industrial Park) zone development regulations and entitle development on Lots 2, 3, 4, and 5; a Site Development Permit for impacts to Environmentally Sensitive Lands. Lot 1, an existing 28.30 acres site, would retain the existing NCR campus site. The project would be constructed in two phases. Phase 1 would include the construction of two, three-story office buildings on Lots 2 and 3, parking, slopes and landscaping. Phase 2 would include the construction of a three-story building on Lot 4 and a four-level parking garage on Lot 5. The project site is located at 17087-97 Via Del Campo in the IP-2-1 (Industrial Park) Zone within the Rancho Bernardo community planning area.

(Project No. 4873. Rancho Bernardo Community Plan Area. District 5.)

STAFF'S RECOMMENDATION:

Adopt the resolutions in subitems A, B, and adopt the resolution in subitem C:

Subitem-A: (R-2006-605 Cor. Copy) ADOPTED AS RESOLUTION R-301158

Adoption of a Resolution certifying Mitigated Negative Declaration No. 4873, 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 declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Vista at Rancho Bernardo Project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the Office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

That the City Clerk is directed 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.

Subitem-B: (R-2006-604 Cor. Copy 2) GRANTED MAP, ADOPTED AS
RESOLUTION R-301159

Adoption of a Resolution adopting the findings with respect to Tentative Map No. 8529;

That pursuant to California Government Code Section 66434(g), portions of sewer easement located within the project boundaries as shown in Tentative Map No. 8529, shall be vacated contingent upon the recordation of the approved final map for the project;

That Tentative Map No. 8529 is hereby granted to NRC Corporation, a Maryland Corporation, Applicant/Subdivider, subject to the attached conditions which are made a part of this resolution by reference.

Subitem-C: (R-2006-590 Cor. Copy) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-301160

Adoption of a Resolution adopting the findings with respect to PDP No. 8528/SDP Permit No. 260305;

That Planned Development Permit No. 8528/Site Development Permit No. 260305 to Amend Manufacturing Industrial Permit No. 91-0831 is granted to NCR Corporation, a Maryland Corporation, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

OTHER RECOMMENDATIONS:

The Planning Commission on November 10, 2005 voted 5-0, to approve; no opposition.

Ayes: Otsuji, Steele, Chase, Ontai, Schultz

Recusing: Garcia

Not present: Griswold

The Rancho Bernardo Community Planning Board has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

The Vista at Rancho Bernardo project is located at 17087-17097 Via del Campo in the IP-2-1, Industrial, zone of the Rancho Bernardo Community Plan area. Approximately 28.30 acres of the 38.42 acre site are currently developed with three buildings which total 446,550 square feet of existing corporate research development. The proposed project would subdivide the site to create four additional lots and allow 277,000 square feet of new industrial development distributed in three buildings, and a new four level parking structure and parking lot.

The project is classified as a priority project as defined by the City Storm Water Standards. The project is required to comply with the State Water Resources Control Board Order No. 92-08-DWQ (NPDES General Permit No. CAS0000002).

The Vista at Rancho Bernardo project is estimated to generate approximately 3,577 average daily trips. Mitigation for significant potential impacts are required and the project has been conditioned to provide the appropriate mitigation to reduce those impacts to a level of insignificance.

The Rancho Bernardo Community Planning Board voted to recommend approval of the project, with conditions. See Planning Commission Report No. 05-0303 for details.

The Planning Commission voted, on November 10, 2005, 5-0-1 to recommend approval of the project.

City staff recommends the City Council STATE for the record that the information contained in the Project No. 4873/LDR File No. 4873 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and CERTIFY the Mitigated Negative Declaration No. 4873 reflects the independent judgment of the City of San Diego as Lead Agency; and ADOPT the Mitigation Monitoring and Reporting Program; and City Council APPROVE Easement Vacation No. 260321, Tentative Map No. 8529, Planned Development Permit No. 8528, and Site Development Permit No. 260305, amending Manufacturing Industrial Park Permit No. 91-0831.

FISCAL IMPACT:

No impact to the City. All costs are recovered through a deposit account funded by the applicant.

Oppenheim/Halbert/TD

LEGAL DESCRIPTION:

The project site is located at 17087-97 Via Del Campo in the IP-2-1 (Industrial Park) Zone and Rancho Bernardo Community Planning Area.

Staff: Tim Daly- 619-446-5356

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:34 a.m. – 11:36 a.m.)

MOTION BY MAIENSCHIN TO ADOPT THE RESOLUTION IN SUBITEM A; ADOPT THE RESOLUTION IN SUBITEM B TO GRANT THE MAP; AND ADOPT THE RESOLUTION IN SUBITEM C TO GRANT THE PERMIT. Second by Frye. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant.



ITEM-333: Approving Issuance of Bonds by the Housing Authority of the City of San Diego for the Studio 15 Apartments.

(See San Diego Housing Commission Report HCR05-110 Revised. Centre City Community Area. District 2.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-584) RETURNED TO THE SAN DIEGO HOUSING COMMISSION

Approving the issuance of not to exceed \$25,000,000 aggregate principal amount of multifamily housing revenue Bonds by the Housing Authority of the City of San Diego, for the Studio 15 Apartments, pursuant to Section 147(f) of the Internal Revenue Code of 1986, to finance the acquisition and construction of approximately 275 units of multifamily rental housing located at 70 15th Street;

Declaring the City does not warrant the creditworthiness of the Bonds or guarantee, in any way, the payment of the Bonds. No moneys of the City will be pledged or applied to the repayment of the Bonds.

NOTE: See the Housing Authority Agenda of January 17, 2006 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:58 a.m. – 10:58 a.m.)

MOTION BY COMMON CONSENT TO RETURN TO THE SAN DIEGO HOUSING COMMISSION FOR FURTHER REVIEW. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant.



ITEM-S500: Nine actions related to Appointments to Outside Organizations for 2006.

(See memorandum from Mayor Jerry Sanders and Council President Scott Peters dated 1/12/2006.)

MAYOR AND COUNCIL PRESIDENT'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-630 Rev.) ADOPTED AS AMENDED AS RESOLUTION R-301161

Declaring that Mayor Jerry Sanders shall serve as the representative to the San Diego River Conservancy and is hereby appointed to serve as representative, alternate, or liaison to the listed organizations, as indicated below, for the period commencing January 1, 2006, through December 31, 2006:

<u>OUTSIDE ORGANIZATION</u>	<u>POSITION</u>
Port Commission	Liaison
San Diego Association of Governments-Board of Directors	Representative
San Diego Association of Governments-Executive Committee	Representative
San Diego Association of Governments-Regional Planning Committee	Representative
San Diego Association of Governments-Transportation Committee	Alternate
San Diego River Conservancy	Representative

Subitem-B: (R-2006-628) ADOPTED AS RESOLUTION R-301162

Appointing Council President Scott Peters jointly by the Mayor and City Council, to serve as representative, alternate, or liaison to the listed organizations, as indicated below, for the period commencing January 1, 2006, through December 31, 2006:

OUTSIDE ORGANIZATION

POSITION

Los Peñasquitos Canyon Preserve Taskforce	Representative
San Diego Association of Governments Board of Directors	Alternate
San Dieguito River Valley Regional Open Joint Powers Authority	Representative

Subitem-C: (R-2006-623) ADOPTED AS RESOLUTION R-301163

Appointing Councilmember representing District 2 jointly by the Mayor and City Council, to serve as representative, alternate, or liaison to the listed organizations, as indicated below, for the period commencing January 1, 2006, through December 31, 2006:

OUTSIDE ORGANIZATION

POSITION

City-County Joint Homeless Taskforce	Representative
Local Agency Formation Commission	Alternate
San Diego Metropolitan Transit System Board	Representative
San Diego Association of Governments-Bayshore Bikeway Working Group	Representative
San Diego Association of Governments-Shoreline Preservation Working Group	Representative

Subitem-D: (R-2006-622 Rev.) ADOPTED AS AMENDED AS RESOLUTION R-301164

Appointing Councilmember Toni Atkins jointly by the Mayor and City Council, to serve as representative, alternate, or liaison to the listed organizations, as indicated below, for the period commencing January 1, 2006, through December 31, 2006:

OUTSIDE ORGANIZATION

POSITION

City-County Joint Homeless Taskforce	Representative
League of California Cities, San Diego County Division	Representative
San Diego Metropolitan Transit System-Board	Representative
San Diego Metropolitan Transit System-Executive Committee	Representative
San Diego Association of Governments-Regional Housing Working Committee	Representative
San Diego Association of Governments-Regional Planning Committee	Alternate

San Diego Association of Governments-Transportation Committee Alternate

Subitem-E: (R-2006-629) ADOPTED AS RESOLUTION R-301165

Appointing Council President Pro Tem Tony Young jointly by the Mayor and City Council, to serve as representative, alternate, or liaison to the organizations listed below for the period commencing January 1, 2006, through December 31, 2006:

<u>OUTSIDE ORGANIZATION</u>	<u>POSITION</u>
Abandoned Vehicle Abatement Service Authority	Representative
San Diego Metropolitan Transit System Board	Representative
City-County Reinvestment Task Force	Representative
San Diego Association of Governments-Public Safety Committee	Representative
San Diego Workforce Partnership	Representative
San Diego Regional Airport Authority	Representative
Service Authority for Freeway Emergencies	Representative
Southeastern Economic Development Corporation	Liaison

Subitem-F: (R-2006-627) ADOPTED AS RESOLUTION R-301166

Appointing Councilmember Brian Maienschein jointly by the Mayor and City Council, to serve as representative, alternate, or liaison to the organizations listed below for the period commencing January 1, 2006, through December 31, 2006:

<u>OUTSIDE ORGANIZATION</u>	<u>POSITION</u>
Los Peñasquitos Canyon Preserve Taskforce	Representative
San Diego Metropolitan Transit System Board	Representative
San Diego Metropolitan Transit System Taxi Cab Committee	Representative
San Diego Metropolitan Transit System Executive Committee	Alternate
San Diego Association of Governments-Borders Committee	Alternate
San Dieguito River Valley Regional Open Space Joint Powers Authority	Representative

Subitem-G: (R-2006-625) ADOPTED AS RESOLUTION R-301167

Appointing Councilmember Donna Frye jointly by the Mayor and City Council, to serve as representative, alternate, or liaison to the organizations listed below for the period commencing January 1, 2006, through December 31, 2006:

<u>OUTSIDE ORGANIZATION</u>	<u>POSITION</u>
Local Agency Formation Commission	Representative
Mission Trails Regional Park Taskforce	Representative
San Diego Association of Governments-Energy Working Group	Representative
San Diego River Conservancy	Representative

Subitem-H: (R-2006-626) ADOPTED AS RESOLUTION R-301168

Appointing Councilmember Jim Madaffer jointly by the Mayor and City Council, to serve as representative, alternate, or liaison to the organizations listed below for the period commencing January 1, 2006, through December 31, 2006:

<u>OUTSIDE ORGANIZATION</u>	<u>POSITION</u>
Mission Trails Regional Park Taskforce	Representative
San Diego Association of Governments-Board of Directors	Representative
San Diego Association of Governments-Executive Committee	Alternate
San Diego Association of Governments-Transportation Committee	Representative

Subitem-I: (R-2006-624) ADOPTED AS RESOLUTION R-301169

Appointing Councilmember representing District 8 jointly by the Mayor and City Council, to serve as representative, alternate, or liaison to the organizations listed below for the period commencing January 1, 2006, through December 31, 2006:

<u>OUTSIDE ORGANIZATION</u>	<u>POSITION</u>
Abandoned Vehicle Abatement Service Authority	Representative
San Diego Metropolitan Transit System Board	Alternate
Otay River Valley Regional Park Policy Committee	Representative
San Diego Association of Governments-Borders Committee	Representative

San Diego Workforce Partnership
Service Authority for Freeway Emergencies

Representative
Representative

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:07 a.m. – 11:21 a.m.)

MOTION BY MADAFFER TO ADOPT AS AMENDED THE RESOLUTION IN SUBITEM A, THAT MAYOR JERRY SANDERS SHALL SERVE AS 2ND ALTERNATE TO THE SAN DIEGO ASSOCIATION OF GOVERNMENTS-TRANSPORTATION COMMITTEE. 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.

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

MOTION BY ATKINS TO ADOPT THE RESOLUTION IN SUBITEM C. 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.

MOTION BY MADAFFER TO ADOPT AS AMENDED THE RESOLUTION IN SUBITEM D, THAT COUNCIL MEMBER ATKINS SHALL SERVE AS REPRESENTATIVE TO THE BOARD OF DIRECTORS OF THE LEAGUE OF CALIFORNIA CITIES, AND AS 1ST ALTERNATE TO THE SAN DIEGO ASSOCIATION OF GOVERNMENTS-TRANSPORTATION COMMITTEE. Second by Frye. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-not present, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant.

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

MOTION BY FRYE TO ADOPT THE RESOLUTION IN SUBITEM F. 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.

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

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

MOTION BY FRYE TO ADOPT TO ADOPT THE RESOLUTION IN SUBITEM I. 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.



* [ITEM-S501](#): Awarding a Contract to Motorola, Inc. to Provide 800MHz Communications System Upgrade.

(See City Manager Report CMR-05-237.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/5/2005, Item 207. (Council voted 7-0. District 2-vacant and District 8-vacant):

(O-2006-70 Cor. Copy 3) ADOPTED AS ORDINANCE O-19458 (New Series)

Authorizing the Mayor to award a contract to Motorola, Inc., for the acquisition of an 800 MHz Communications System Upgrade in an amount not to exceed \$15,000,000, and authorizing the execution and delivery of a Master Lease Purchase Agreement and a Fifth Amendment to the Agreement between the City of San Diego and Motorola, Inc., and to take all other actions necessary or desirable therewith.

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:01 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 4:24 p.m. in honor of the memory of:

Andrew “Drew” Mattison as requested by Council Member Atkins,
Homer Peabody as requested by Council Member Atkins,
Marsha C’de Baca as requested by Council President Pro Tem Young, and
Bill Kelsey as requested by Council Member Maienschein.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 4:15 p.m. – 4:24 p.m.)