

THE CITY OF SAN DIEGO, CALIFORNIA  
 MINUTES FOR REGULAR COUNCIL MEETING  
 OF  
 MONDAY, JANUARY 23, 2006  
 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 Council President Peters at 1:58 p.m. Council President Peters recessed the meeting at 2:24 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 2:35 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 4:37 p.m.

**ATTENDANCE DURING THE MEETING:**

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (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 Member Hueso-present

Clerk-Maland (gs)

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

FILE LOCATION: MINUTES



ITEM-10:

INVOCATION

Invocation was given by Reverend David Fenska of Covenant Presbyterian Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Young.

FILE LOCATION: MINUTES



ITEM-30:

In the Matter of: Swearing In of Councilmember-Elect Kevin Faulconer as Councilmember for District 2, and Councilmember-Elect Ben Hueso as Councilmember for District 8.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:04 p.m. – 2:23 p.m.)



ITEM-31: Parnell Lovelace Day.

**MAYOR PRO TEM YOUNG’S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-582 Cor. Copy) ADOPTED AS RESOLUTION R-301172

Proclaiming January 23, 2006, to be “Parnell Lovelace Day” in the City of San Diego in celebration of his accomplishments and in recognition of his commitment to the people of the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:37 p.m. – 2:44 p.m.)

MOTION BY YOUNG TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-32: Accessible San Diego Week.

**COUNCILMEMBER MADAFFER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-581 Cor. Copy) ADOPTED AS RESOLUTION R-301173

Congratulating long time leaders of Accessible Tourism for all of their hard work creating a better San Diego for all of the people with disabilities;

Proclaiming January 23-30, 2006, to be “Accessible San Diego Week” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:49 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

**CLOSED SESSION ITEMS:**

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

**CS-1** *Affordable Housing Coalition of San Diego County and Citizens for Responsible Equitable Environmental Development v. City of San Diego*  
San Diego Superior Court No. GIC 857723

*Citizens for Responsible Equitable Environmental Development and Affordable Housing Coalition of San Diego County v. City of San Diego, et al*  
San Diego Superior Court No. GIC858098

**REFERRED TO CLOSED SESSION OF TUESDAY, JANUARY 24, 2006**

DCA assigned: R. Martinez

This litigation was brought against the City and Owner/Developers challenging the City’s processes for condominium conversions. In closed session the City Attorney will update the Council on the status of the litigation

**CLOSED SESSION COMMENT 1:**

Evelyn Heidelberg commented on the origin of the lawsuits and issues surrounding exemptions from the California Environmental Quality Act of condominium conversions.

CLOSED SESSION COMMENT 2:

Jerry Livingston commented on the process and the exemption.

CLOSED SESSION COMMENT 3:

Jeremy Cowan stated that the involvement of City Attorney Michael Aguirre is a conflict of interest.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:19 p.m. – 4:34 p.m.)

**Council President Peters closed the hearing.**

**CS-2** *De Anza Cove Homeowners Association, Inc. v. City of San Diego*  
San Diego Superior Court Case No. GIC 821191

**REFERRED TO CLOSED SESSION OF TUESDAY, JANUARY 24, 2006**

DCA assigned: H. Wierman

This matter concerns the litigation filed by the De Anza Cove Homeowners Association against the City of San Diego seeking damages related to expiration of the prior lease and transition of the property from use as a mobile home park to park and recreational use. In closed session, the City Attorney will report on the status of the litigation, and other matters affecting the litigation.

CLOSED SESSION COMMENT 1:

Margie Peary commented on the recent court ruling and inquired why the City is actively pursuing the closure of De Anza.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:28 p.m. – 4:34 p.m.)

**Council President Peters closed the hearing.**

\* ITEM-50: Amending the San Diego Municipal Code Relating to Vacant Properties.

(See memorandum from the City Attorney dated 10/11/2005.)

**TODAY'S ACTION IS:**

Introduce the following ordinance:

(O-2006-61)                   INTRODUCED, TO BE ADOPTED ON MONDAY,  
FEBRUARY 6, 2006

Introduction of an Ordinance amending Chapter 5, Article 4, Division 3, of the San Diego Municipal Code by amending Sections 54.0302, 54.0306, 54.0307, 54.0313, 54.0315, retitling Section 54.0320 and adding Section 54.0321, all relating to the abatement of vacant structures.

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

On 11/02/2005, RULES voted 5 to 0 to forward the proposed amendments to the Vacant Properties Ordinance to Council with direction to the City Attorney and the City Manager to refer the issues of the remodels, single-family, and multifamily ordinances to the appropriate Council Committee for additional review. (Councilmembers Peters, Atkins, Maienschein, Frye, and Madaffer voted yea.)

**SUPPORTING INFORMATION:**

In April 1993 the City Manager established the Vacant Properties Task Force to address the growing problem of abandoned housing in San Diego. In October 1993, the Public Services and Safety Committee approved many of the recommendations which included centralizing procedures and designing a coordinated strategy to proactively address vacant properties. The approved recommendations included the creation of a "Vacant Properties Coordinator" position whose duties would include maintaining an inventory of vacant properties and working with property owners to assist them in rehabilitating their properties. A consultant was also hired and delivered a report in November 1995 with various recommendations which were approved by the Public Safety and Neighborhood Services Committee in February 1996.

In May 1996, the City Council enacted Ordinance Number 1830 which declared vacant and unsecured or boarded structures to be public nuisances due to the fire and safety hazards, blight, crime, and neighborhood instability caused by these structures.

Ordinance Number 18301 added Sections 54.0313 through 54.0320 to Chapter 5, Article 4, Division 3 of the San Diego Municipal Code. These sections authorize the City to fine or prosecute owners of vacant structures who fail to file a Statement of Intent outlining their plan to rehabilitate, sell or lease their property. Ordinance Number 18301 also authorized the City's Vacant Properties Coordinator to assess quarterly administrative fines against owners of vacant structures who fail to diligently proceed with the rehabilitation plan articulated in their Statement of Intent or who fail to actively offer the property for sale, lease or rent.

The Code Enforcement Unit of the City Attorney's Office and the Neighborhood Code Compliance Department have worked closely together the last nine years to implement the "Vacant Properties Program". Many owners who failed to voluntarily comply despite notices or fines were prosecuted by the City Attorney for maintaining a public nuisance. The City's enforcement efforts have resulted in the rehabilitation of many vacant structures throughout San Diego. In fact, San Diego's program has been highlighted in national conferences and publications and touted as a model for other cities struggling to address their vacant housing stock. Despite these successes, the present ordinance needs to be strengthened so San Diego can more effectively address vacant properties and their negative effects on neighborhoods. City staff is unable to effectively address many properties where owners are not motivated to rehabilitate their properties in a timely manner. Community groups have recommended increased fines as a solution.

The proposed amendments to the existing Vacant Properties Ordinance are outlined in the memo dated October 11, 2005 from the City Attorney to Deputy Mayor Toni Atkins. The proposed amendments would increase the amount of administrative fines that can be imposed on the owner of a vacant structure quarterly. The present amount is \$250 a quarter up to \$1,000 a year. The proposed amendments would increase the fine to a maximum of \$5,000 annually. In addition, the owner of a vacant property would be required to file a "Statement of Intent" annually. The amendments would also allow the Vacant Properties Coordinator to comprehensively address code violations present on the property in one notice and require fencing where appropriate.

On November 2, 2005 the proposed amendments were discussed, reviewed, and approved by the Rules Committee. The Rules Committee directed the City Attorney to forward the amendments to Council.

Silva-Martinez

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:50 p.m. – 2:51 p.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-100: Amendment No. 7 to Agreement with Tran Consulting Engineers for Televising Sewer Mains Annual Contract 2004.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-443 Cor. Copy 2) ADOPTED AS RESOLUTION R-301174

Authorizing the Mayor to execute on behalf of the City of San Diego, Amendment No. 7 to the agreement with Tran Consulting Engineers for professional services to perform condition assessment of sewer mains and large diameter sewer pipes (Agreement) for an additional amount not to exceed \$380,000;

Approving the expenditures of an amount not to exceed \$250,000, from Fund No. 41506, Department 773, Org. No. 820, Job Order 8206 and an amount not to exceed \$130,000, from Fund No. 41506, Department 776, Org. No. 722, Job Order 764030, for the purpose of funding Amendment No. 7 to the Agreement;

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 categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15306, Information Collection.

**STAFF SUPPORTING INFORMATION:**

On June 14, 2004, ( Resolution No. R-299327), the City Council approved the agreement for consulting services with Tran Consulting Engineers, for the purpose of televising an estimated 90 miles of the sewer mains for a not-to-exceed amount of \$2,053,691. This request is to amend the contract with Tran Consulting Engineers for the amount of \$380,000.

The work being performed under this agreement consists of televising selected sewers, located in various parts of the City of San Diego, and assessing their existing condition. With this Amendment No. 7, an additional 17 miles of gravity sewers, ranging from 8 inches to 96 inches in diameter, will be televised and assessed to comply with current EPA mandates for sewer pipe inspection. Approximately 5 miles of these sewer pipes are located in remote areas (i.e. open space areas, canyons, and backyards) but most can be accessed via existing utility paths. Where there is no existing access path, the consultant will hand-carry equipment to the inspection site.

Tran Consulting Engineers will perform this work at the agreed prices included in the original contract. The additional inspection and report work will be completed by the contract expiration date of June 17, 2007. This contract is a continuation of the City of San Diego's program to inspect sewer pipes. The City is advertising for proposals to perform future CCTV work.

Amendment Nos. 1, 2, 4, 5, and 6 were "No Cost" amendments. Amendment No. 3 added 15 miles and \$329,958 to the contract (Resolution No. R-300213, March 14, 2005).

Tran Consulting Engineers is a privately held corporation. Paul Hoa Tran is the President and Chief Executive Officer of Tran Consulting Engineers.

**FISCAL IMPACT:**

The total cost for this action is \$380,000. Funds are available in Fiscal Year 2006 as follows: \$250,000 from Sewer Fund 41506, Dept. 773, Org. No. 820, Object Acct. 4222, Job Order No. 8206. \$130,000 from Sewer Fund 41506, Dept. 776, Org. No. 722, Object Acct. 4222, Job Order No. 764030.

Haas/Tulloch/ALM

Aud. Cert. 2600373.

Staff: Larry Sherry - (858) 654-4247  
James W. Lancaster - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:50 p.m. – 2:51 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- \* ITEM-101: San Diego Energy Management Partnership Agreement with San Diego Gas and Electric Company to Provide for City Management of Specified Energy Efficiency Programs.

(See Report to the City Council No. 06-005.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-561 Cor. Copy) ADOPTED AS RESOLUTION R-301175

Authorizing the Mayor, or his designee, for and on behalf of the City, to execute a San Diego Energy Management Partnership Agreement with San Diego Gas & Electric Company (SDG&E) providing for City management of specified energy efficiency programs under the form of terms and conditions set forth in the CPUC's master Statewide Energy Efficiency Program Partnership Agreement, and to amend or extend such agreement if additional funding becomes available for CPUC Energy Efficiency Program years 2006 through 2008;

Authorizing the Mayor, or his designee, to take all actions to secure funding from the CPUC for those specified energy efficiency programs in the amount of \$2,883,768, per the Partnership Agreement;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend such funds from the CPUC associated with energy efficiency programs and projects under the partnership with SDG&E;

Authorizing the expenditure of an amount not to exceed \$2,883,768 from Fund No. 10231, solely and exclusively to provide funds for the above programs and projects;

Authorizing the City Auditor and Comptroller to establish all required fund numbers, department numbers, and expense and revenue accounts to facilitate City record keeping associated with the partnership and as required by the CPUC;

Declaring this activity is not subject to California Environmental Quality Act pursuant to CEQA Guideline section 15378 (b)(4), as this activity is a governmental fiscal activity, which is not committed to a specific project that may have a significant impact on the environment.

Aud. Cert. 2600426.

Staff: Jose C. Cervantes – (858) 492-6003  
Frederick M. Ortlieb – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:50 p.m. – 2:51 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-102: Grant from California Department of Fish and Game for Natural Community Conservation Planning (NCCP) Program for Mission Trails Regional Park Natural Resource Management Plan Phase 1.

(Mission Trails Regional Park Community Area. District 7.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-491 Cor. Copy 2) ADOPTED AS RESOLUTION R-301176

Authorizing the Mayor to execute, for and on behalf of said City, to apply to the State of California Department of Fish and Game's for NCCP Program for \$50,000, grant funds for the Mission Trails Regional Park Natural Resource Management Plan, Phase 1 Project (Project);

Authorizing the Mayor, or his representative, to take all necessary actions to secure funding from the State of California Department of Fish and Game for the Project;

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

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

**STAFF SUPPORTING INFORMATION:**

The State of California Department of Fish and Game provides grant funds to local agencies via the Natural Community Conservation Program. The goal of this program is to enhance local efforts to conserve species and habitat.

The Mission Trails Regional Park Natural Resource Management Plan is an element of the urgent implementation tasks of the City of San Diego's Multiple Species Conservation Program (MSCP), the local equivalent of the State of California's Natural Community Conservation Planning Program. San Diego officially adopted the MSCP on March 18, 1997, with the United States Fish & Wildlife Service and the California Department of Fish and Game approving the plan on July 16, 1997.

The grant proposal is for Phase I of the Natural Resource Management Plan. The scope of work is to complete an existing conditions biology report, including a literature review of the park's natural resources and biology data collection in the field. Work will be performed by City staff and a consultant.

**FISCAL IMPACT:**

If the grant is secured, the City of San Diego will receive \$50,000, for the Mission Trails Regional Park Natural Resource Management Plan, Phase 1. This grant will be matched with city staff time valued at \$13,000 already budgeted in the Park and Recreation Department's Open Space Division. The City of San Diego may complete the Natural Resource Management Plan in subsequent phases as funding becomes available.

Oppeinheim/Medina/AH

Staff: Heidi Lang - (619) 525-8218  
Hilda Ramirez Mendoza - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:50 p.m. – 2:51 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-103: Grant from State of California Department of Justice (DOJ) for Spousal Abuser Prosecution Program (SAPP).

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-572 Cor. Copy 2) ADOPTED AS RESOLUTION R-301177

Authorizing the City Attorney to apply for, accept and expend a \$59,395 Spousal Abuser Prosecution Program (SAPP) Grant from the State of California, Department of Justice under the terms and conditions outlined in the letter to Timothy Campen, Deputy City Attorney, from Bill Lockyer;

Authorizing the City Attorney's Office to execute all aspects of the program operation, including any amendments, extensions, or renewals, provided funding is made available by the State of California, and to certify that the City will comply with all applicable statutory or regulatory requirements related to said program;

Agreeing to hold the Department of Justice and the State of California harmless from any liability arising out of the performance of the grant agreement, including court actions or damages, and certifies that the City will not use the grant to supplant local expenditures.

**SUPPORTING INFORMATION:**

On November 13, 1994, the City Attorney's Child Abuse/Domestic Violence Unit received notification that they had been awarded a \$60,000, grant from the California Department of Justice for the prosecution of domestic violence cases. Over the past ten years, the City Attorney's Office received funding which was used to enhance the advocacy and investigative efforts. Fiscal Year 2006 marks the twelfth year that the City Attorney's Office has been awarded funding under the Spousal Abuser Prosecution Program. For Fiscal Year 2006, \$59,395, has been awarded with a 20% match requirement, which will be met through existing staff salaries.

This grant award is contingent upon City Council approval. The proposed resolution authorizes the City Attorney to apply for and enter into a grant agreement with the Department of Justice. It also indemnifies the Department of Justice from any claims that arise from the City Attorney's use of funds and certifies that the City will not use grant funds to supplant local expenditures.

Faizi

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:50 p.m. – 2:51 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-104: Grant from California Department of Boating and Waterways for Law Enforcement Activities by City's Lakes and Recreation Program (Equipment).

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-501 Cor. Copy) ADOPTED AS RESOLUTION R-301178

Authorizing the Mayor to accept the Grant and execute a grant agreement on behalf of the City for the amount of \$41,000, for the purpose of purchasing the three new outboard motors to replace the aging equipment on the patrol boats used in boating safety and law enforcement activities by the City's Lakes and Recreation Program (Equipment);

Authorizing the Mayor, or designees, to take all necessary actions to secure the Grant;

Authorizing a \$41,000 increase in the Fiscal Year 2006 Water Utility Fund 41500, contingent upon receipt of a fully executed grant agreement;

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

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

**STAFF SUPPORTING INFORMATION:**

The California Department of Boating and Waterways (DBW) provides funding to local agencies for the purpose of providing access to navigable waterways for recreational boaters and to protect the public's right to safe and enjoyable boating. Of the various grants offered, the DBW Boating Law Enforcement Unit provides grant funds to eligible counties, cities and districts for purposes of boating law enforcement. The Water Department recently applied to the California Department of Boating and Waterways for a grant to purchase new outboard motors to replace the aging equipment on patrol vessels used by the City's Lakes and Recreation Program. These patrol vessels are used to patrol more than 5,000 surface acres of water, of which the primary responsibility is safeguarding the 1.5 million visitors that recreate on the City's reservoirs each year.

The Department of Boating and Waterways has awarded the City of San Diego \$41,000, in grant funds for the purchase of three (3) outboard motors. This action will allow the City to accept the grant funds from the California Department of Boating and Waterways to purchase three (3) outboard motors to be utilized at the City's reservoirs.

**FISCAL IMPACT:**

\$41,000 in grant funding will be deposited into the Water Operating Fund 41500.

Hass/Yackly/MS

Aud. Cert. 2600401.

Staff: Mark Stone - (619) 527-7431  
Lori W. Girard - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:50 p.m. – 2:51 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-105: Establishing Angle Parking Zone on Coast Boulevard South.

(La Jolla Community Area. District 1.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-541 Cor. Copy) ADOPTED AS RESOLUTION R-301179

Authorizing the installation of an angle-parking zone on the west side of Coast Boulevard South between Eads Avenue and Coast Boulevard, pursuant to the authority conferred by and in accordance with the provisions of San Diego Municipal Code Section 86.03;

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

Declaring this action is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301 because this action is the minor alteration of an existing facility with a negligible expansion beyond the existing use.

**STAFF SUPPORTING INFORMATION:**

This action will authorize the Mayor to install an angle parking zone on the west side of Coast Boulevard South between Eads Avenue and Coast Boulevard. This action is in accordance with San Diego Municipal Code Section 86.03. Coast Boulevard South is a residential street. The Casa De Manana assisted living facility expressed concern with the shortage of parking on this block of Coast Boulevard South. They represent 100% of the property frontage and have submitted a petition requesting angle parking. A field survey by staff indicated that there is sufficient room for angle parking on the west side of the street. This action will result in a gain of seven parking spaces. The La Jolla Community Planning Association voted to support this action on June 2, 2005.

**FISCAL IMPACT:**

\$1,300. Funds are available in the Street Division budget for this purpose.

Boekamp/DVW

Aud. Cert. 2600425.

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

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:50 p.m. – 2:51 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- \* ITEM-106: Easement Deed to San Diego Gas & Electric Company for Underground and Overhead Facilities to Provide Electrical Service to Operate the Peñasquitos Trunk Sewer Relief Pump Station.

(Scripps Ranch Community Area. District 5.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-132 Cor. Copy)      ADOPTED AS RESOLUTION R-301180

Authorizing the Mayor, or designee, to execute a deed conveying to San Diego Gas & Electric Company, an easement for the purpose of constructing, repairing, maintaining and using underground and overhead facilities and appurtenances for the transmission of electricity, affecting portions of the Southeast Quarter of the Northeast Quarter, the Northwest Quarter of the Southeast Quarter, and Lot 2, all portions of Section 20, Township 14 South, Range 2 West, San Bernardino Meridian, described in Grant Deed recorded November 1, 1997, at Recorder's Document No. 1997-0555001 in the Office of the County Recorder of San Diego County, as more particularly described in the legal description and map to the easement deed.

**STAFF SUPPORTING INFORMATION:**

The City constructed the Peñasquitos Trunk Sewer Relief Pump Station in 1997. In order to provide the electrical service necessary to operate this station, San Diego Gas & Electric Company (SDG&E) constructed underground and overhead electrical facilities. SDG&E has been providing service to the City facility without land rights for 8 years. The SDG&E facilities require two easements for maintenance and repair, both of which are included in this action. SDG&E requires these land rights in order to assure continued service to the City's facility.

The underground easement provides primary power to the Pump Station. It is approximately 2,700 feet long, 10 feet wide, and includes approximately 27,000 square feet. The overhead easement provides redundant (backup) electrical power to the Pump Station, as required by City policy for safety reasons. The line is an extension of an existing transmission line and is limited

to distribution wires and one pole. The overhead easement is 316 feet long x 12 feet wide for the pole and wires, and 30 feet long x 4 feet wide for the anchorage, totaling approximately 3,912 square feet. This easement will provide access for required future maintenance and repair for the distribution lines and pole, which will provide assurance of continued service to the City facility per PUC Rule 2(I)(b).

The Pump Station is located within the Los Peñasquitos Canyon Preserve on 6.82 acres specifically acquired for this site. The balance of the acreage is Open Space. The underground SDG&E facilities and the pole and anchorage are entirely within the area set aside for the Pump Station. The wires cross over the Open Space area separating the existing pole line and the Pump Station. Any effort to now underground these lines would be highly intrusive on the environmentally sensitive preserve.

Since these easements are necessary to provide primary and redundant electric service exclusively to a City facility, there will be no charge to SDG&E.

**FISCAL IMPACT:**

None.

Farris/DSL

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

**FILE LOCATION:** DEED F-9978

**COUNCIL ACTION:** (Time duration: 2:50 p.m. – 2:51 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-109: Frank Belock Day.

**COUNCIL PRESIDENT PETERS', COUNCILMEMBER ATKINS' AND  
COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-549 Cor. Copy)      ADOPTED AS RESOLUTION R-301183

Proclaiming December 5, 2005, as "Frank Belock Day" in San Diego for 26 years of dedicated service to the City of San Diego.

FILE LOCATION:              AGENDA

COUNCIL ACTION:              (Time duration: 2:50 p.m. – 2:51 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-110: Old Highway 80 Day.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-544 Cor. Copy)      ADOPTED AS RESOLUTION R-301184

Commending the San Diego Highway Development Association for its leadership and accomplishments in serving the needs of the people of San Diego County in the field of street and highway planning, development, construction, and maintenance, and in recognition of its 70<sup>th</sup> anniversary;

Proclaiming December 5, 2005, to be "Old Highway 80 Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:50 p.m. – 2:51 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-111: Excusing Councilmember Brian Maienschein from the City Council Meetings of November 28 and 29, 2005.

**COUNCILMEMBER MAIENSCHHEIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-550 Cor. Copy) ADOPTED AS RESOLUTION R-301185

Excusing Councilmember Brian Maienschein from attending the regularly scheduled City Council meetings on November 28 and 29, 2005, due to illness.

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

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:50 p.m. – 2:51 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-112: Results of the Special Run-Off Election Held in Council District 2 and in Council District 8 in the City of San Diego on January 10, 2006.

(Districts 2 and 8.)

**CITY CLERK'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-636)                      ADOPTED AS RESOLUTION R-301186

Declaring the results of the Special Run-Off Election held in Council District 2 and in Council District 8 in the City of San Diego on January 10, 2006.

**SUPPORTING INFORMATION:**

A Special Run-off Election was held January 10, 2006, for the purpose of submitting candidates for the offices of Councilmember for District Two (2) and District Eight (8) to the voters of those Council Districts. The results of these elections have been certified by the Registrar of Voters and the City Clerk, and are now being certified to the City Council.

Maland

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

FILE LOCATION:                      MEET

COUNCIL ACTION:                      (Time duration: 2:02 p.m. – 2:03 p.m.)

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



ITEM-200: Annual Report on Internal Controls.

(See Annual Report on Internal Controls dated 1/1/2006; memorandum from John Torell dated 12/30/2005; and Independent Budget Analyst Report No. 06-1.)

**CITY AUDITOR AND COMPTROLLER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-616 Cor. Copy)      ADOPTED AS RESOLUTION R-301187

Accepting the City Auditor and Comptroller's first Annual Report on Internal Controls.

FILE LOCATION:              MEET

COUNCIL ACTION:              (Time duration: 2:51 p.m. – 4:19 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-250: **Notice** of Pending Final Map Approval – Dunlop 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 "Dunlop Condominiums" (T.M. No. 87021/PTS No. 66370), located northeasterly of Dunlop Street and Ulric Street 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-251: **Notice** of Pending Final Map Approval – 4519 North 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 “4519 North Avenue” (T.M. No. 146708/PTS No. 81941), located northeasterly of Monroe Avenue and North 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-252: Notice of Pending Final Map Approval – 4654 33<sup>rd</sup> 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 “4654 33<sup>rd</sup> Street” (T.M. No. 425455/PTS No. 86998), located southwesterly of Adams Avenue and 33<sup>rd</sup> Street 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-253: 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-S400: Grant Application to the Department of Homeland Security Federal Emergency Management Agency U.S. Fire Administration for Staffing Adequate Fire and Emergency Response (SAFER) Program.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-597 Cor. Copy)      ADOPTED AS RESOLUTION R-301188

Authorizing the Mayor, or his designated representative, for and on behalf of the City, to approve the application to the Department of Homeland Security - Federal Emergency Management Agency U.S. Fire Administration for a grant in the amount of \$459,000 from the Staffing for Adequate Fire and Emergency Response Program;

Authorizing the Mayor, or his designated representative, to take all necessary actions to secure grant funding for the staffing of an emergency response unit;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend grant funds upon receipt of a Mayoral agreement to staff the emergency response unit.

**STAFF SUPPORTING INFORMATION:**

On November 21, 2005, the City Council authorized the City Manager to establish a temporary Mission Valley Fire Station and approved the application to the Department of Homeland Security for a four year grant from the Staffing for Adequate Fire and Emergency Response (SAFER) program to partially fund the six Fire Fighter positions needed to staff the station. The SAFER grant is designed to provide local communities with adequate fire protection by hiring additional firefighters. Grant funds are limited to staffing new emergency response units and the staff must be hired by February 2006 to be eligible for grant funding.

One possible additional opportunity for SAFER funding is a new truck company, which may be added at Station 11 in Golden Hills area later in the current fiscal year. This company will be added if the department realizes sufficient savings from new staffing and deployment strategies recently implemented in the Emergency Medical System program. This company will enhance emergency medical delivery and improve response times to all types of emergency incidents in

the downtown area which have been strained due to significant ongoing development. The recently renegotiated EMS contract provides that any savings generated through redeployment strategies are to be put back into the EMS system as enhancements. This action does not request approval for establishment of the new truck company; that will be requested at a future date if the expected system savings are realized. The appropriation and expenditure of these grant funds is contingent upon those savings and an approved plan to staff an emergency response unit.

Firefighters to staff the new company will be included in the next Fire Recruit Academy scheduled to start February 21, 2006. If the new truck company is not established, they will be used to fill other current firefighter vacancies and the size of the next academy can be reduced. Also, if the new company is deactivated at some point, the positions can be moved to another new emergency response unit that might be established such as new Station 47 in Pacific Highlands Ranch expected to open in late FY 2007.

Expected SAFER funding for these additional six firefighter positions is \$459,000 beginning with \$75,000 in the first year, \$192,000 in the second, \$120,000 in the third, \$72,000 in the fourth, with the City's General Fund providing the balance of the cost during the first four years and assuming full cost in the fifth year. Fiscal Year 2006 funding for these positions is included in the department budget.

Froman/Bowman/MO

Staff: Deputy Fire Chief Monica Orton – (619) 533-4304  
Mark D. Blake – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:50 p.m. – 2:51 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-S401: Grant Application to the California Cultural and Historical Endowment Program (CCHE) for the Historic California Tower Seismic Retrofit Project.

(Balboa Park Community Area. District 3.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-633 Cor. Copy)      ADOPTED AS RESOLUTION R-301189

Authorizing the Mayor, or designee, to make a competitive grant application to the California Cultural and Historical Endowment Program (CCHE) for \$300,000 in funds from the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 Fund (the Grant Funds) for planning costs related to the seismic retrofitting of the historic California Tower in Balboa Park (the Project);

Declaring the Council of the City of San Diego has reviewed, understands, and agrees to the terms and conditions of the grant agreement to be funded from the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 Fund (the Grant Agreement);

Approving the terms and conditions of the Grant Agreement;

Authorizing the Mayor, or designee, to take all necessary actions to secure Grant Funds from the CCHE for the Project, and to conduct all negotiations, execute and submit all documents including, but not limited to: the Grant Agreement and any necessary amendments thereto, the Scope of Work for the Project, CCHE Invoices, CCHE Progress Reports, CCHE Final Reports, and other documentation which may be necessary for Project administration and Project completion, contingent upon the City Auditor and Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

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

Authorizing the City Auditor and Comptroller to establish a special interest-bearing account for the Grant Funds, upon receipt of a fully executed Grant Agreement;

Authorizing the City Auditor and Comptroller to reprogram \$20,426 from Fund No. 10365, Org. 2444, Job Order No. 010000; \$69,391 from Fund No. 10365, Org. 2444, Job Order No. 020000; and \$190,183 from Fund No. 10365, Org. 2444, Job Order No. 030000 from the Park & Recreation Department Matching Funds Program to CIP-21-855.2, Balboa Park California Tower Project;

Authorizing an increase in the Fiscal Year 2006 Capital Improvements Program Budget in CIP-21-855.2, Balboa Park California Tower Project, by an amount not to exceed \$600,000, contingent upon receipt of a fully executed Grant Agreement and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$600,000 from CIP-21-855.2, Balboa Park California Tower Project, contingent upon receipt of a fully executed Grant Agreement and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Finding that this activity is not a project and is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(2);

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

**STAFF SUPPORTING INFORMATION:**

The California State Library administers the California Cultural and Historical Endowment Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002. The intent of this program is to provide grant funding for the acquisition, development, preservation, and interpretation of building structures, sites, places, and artifacts that preserve and demonstrate culturally significant aspects of California.

This action authorizes the Mayor to submit a competitive grant proposal to the California State Library for the planning components of the seismic retrofitting of the historic California Tower in Balboa Park. Balboa Park and its buildings are registered National Historic Landmark visited by over 13 million visitors each year. An evaluation of the structures located in the historic core of Balboa Park was recently performed, and the California Tower was determined to be the highest priority. The California Tower is in need of structural stabilization to withstand moderate to major earthquakes. The building can also suffer significant irreparable damage in case of minor to moderate earthquakes. The only way to ensure the preservation of the building is through a comprehensive seismic retrofit. If left alone, the California tower could suffer a catastrophic failure beyond repair in case of a seismic event. This grant will help fund the planning costs associated with the seismic retrofitting of the California Tower. Planning elements may include: schematic plans, construction plans and details, and feasibility plans for the purpose of seismic retrofitting the structure.

**FISCAL IMPACT:**

Total project cost estimate is \$600,000. The grant request is \$300,000 from the California Cultural and Historical Endowment Program. This grant requires a 1:1 match. If the grant is secured, the following funding will be used to fund the required matching funds: \$20,000 from community organization(s) donation; Park & Recreation Department Matching Funds in the amount of \$20,426, from Fund 10365, Job Order 01000; \$69,391, Fund 10365, Org. 2444, Job Order 020000; and \$190,183, Fund 10365, Job Order 03000.

Oppenheim/Medina/AP

Aud. Cert. 2600541.

Staff: Carol Wood - (619) 525-8217  
Eric A. Swenson - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:50 p.m. – 2:51 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

The meeting was adjourned by Council President Peters at 4:37 p.m. in honor of the memory of:

Carol Williams as requested by Council Member Frye.

FILE LOCATION:            AGENDA

COUNCIL ACTION:        (Time duration: 4:35 p.m. – 4:37 p.m.)