

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, FEBRUARY 21, 2006  
AT 10:00 A.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 10:01 a.m. Council President Peters recessed the meeting at 11:29 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:02 p.m. with Council Member Hueso not present. Council President Peters recessed the meeting at 3:21 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:27 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 4:14 p.m. into Closed Session immediately thereafter to discuss potential and pending litigation and meet and confer matters.

**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 (ek/er)

FILE LOCATION:                      MINUTES

ITEM-1:                      ROLL CALL

Clerk Maland called the roll:

- (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-not present
- (8) Council Member Hueso-not present



ITEM-10: INVOCATION

Invocation was given by Pastor George Lindsay of  
Lemon Grove Community Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Faulconer.

FILE LOCATION: MINUTES

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Hud Collins commented on the subjects of the pension, the City Attorney, and city-wide conventions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m. – 10:33 a.m.)

**PUBLIC COMMENT-2:**

Don Stillwell commented on trolley-to-bus connections in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:36 a.m.)

**PUBLIC COMMENT-3:**

Sandy Summers commented on civil rights.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:37 a.m. – 10:39 a.m.)

**PUBLIC COMMENT-4:**

Muhammed Abdullah commented on a resolution to reopen the 9/11 investigation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:43 a.m.)

**PUBLIC COMMENT-5:**

Ron Boshun commented on the actions of the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. – 10:46 a.m.)

**PUBLIC COMMENT-6:**

Jarvis Ross commented on the Mayoral ballot proposals.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m. – 10:49 a.m.)

**PUBLIC COMMENT-7:**

Phil Hart commented on City finances.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. – 10:52 a.m.)

**PUBLIC COMMENT-8:**

Gina Angelique commented on the subject of single mothers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:53 a.m. – 10:56 a.m.)

**PUBLIC COMMENT-9:**

Linda Smith commented on the City of San Diego Detox Center.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:57 a.m. – 10:58 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins announced that the opening season for the newest Women's Basketball League, with The Siege Basketball Team, was kicked off on February 18, 2006. Miss Atkins stated that The Siege is a semi-professional basketball team to which belong three players from the Women's National Basketball Association. The games will be played at the new City College Gym. Council Member Atkins wished to encourage everyone to help provide positive outlets for young people by supporting these local teams.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:02 a.m. – 11:03 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None

CITY ATTORNEY COMMENT:

None.



[ITEM-30:](#) Gail Goldberg Day.

**COUNCIL PRESIDENT PETERS' AND COUNCILMEMBER ATKINS'  
RECOMMENDATION:**

Adopt the following resolution:

(R-2006-686) ADOPTED AS RESOLUTION R-301234

Proclaiming February 21, 2006, as "Gail Goldberg Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:04 a.m. – 10:10 a.m.)

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



ITEM-31: Barona Band of Mission Indians Day and SDG&E Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2006-698) ADOPTED AS RESOLUTION R-301266

Commending the Barona Band of Mission Indians for their ongoing commitment to community service and recognizing their instrumental role in supporting Balboa Park December Nights;

Proclaiming February 21, 2006, to be “Barona Band of Mission Indians Day” in the City of San Diego.

Subitem-B: (R-2006-697) ADOPTED AS RESOLUTION R-301236

Commending SDG&E for their ongoing commitment to community service and recognizing their instrumental role in supporting Balboa Park December Nights;

Proclaiming February 21, 2006, to be “SDG&E Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:21 a.m.)

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



[ITEM-32:](#) San Diego Day of Remembrance.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-672) ADOPTED AS RESOLUTION R-301237

Proclaiming February 21, 2006, to be "San Diego Day of Remembrance" in the City of San Diego, and respectfully inviting the participation of all San Diegans in these special 2006 San Diego Day of Remembrance events.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:29 a.m.)

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

ITEM-33: Approval of Council Minutes.

**TODAY'S ACTION IS:** APPROVED

Approval of Council Minutes for the meetings of:

12/05/2005  
12/06/2005  
12/12/2005 – Special Meeting  
12/13/2005 – Adjourned  
12/19/2005 – Adjourned  
12/20/2005 – Special Meeting  
12/26/2005 – Adjourned  
12/27/2005 – Adjourned  
01/02/2006 – Adjourned  
01/03/2006 – Adjourned  
01/09/2006 – Adjourned  
01/10/2006 – Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:03 a.m. – 10:03 a.m.)

MOTION BY ATKINS TO APPROVE. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-not present.

CLOSED SESSION:

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

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

REFERRED TO CLOSED SESSION ON TUESDAY, FEBRUARY 21, 2006

DCA assigned: R. Martinez

This matter involves a challenge to the City’s use and maintenance of the “Children’s Pool” in La Jolla under 19131 state tidelands trust. On October 4, 2005, the trial court found the City to be in breach of the 1931 state tidelands trust and its obligations as trustee under the trust. The trial court ordered the City to “employ all reasonable means to restore the Pool to its 1941 condition by removing the sand build-up and further reduce the level of water contamination in the Pool to levels certified by the County of San Diego as being safe for humans.” On October 20, 2005, the City appealed the trial court’s decision. As a result, the trial court’s order is stayed and jurisdiction rests with the Court of Appeal. In addition, on December 16, 2005, the trial court ordered the City to pay Plaintiff \$479,847.13 in attorney’s fees and costs. The City has appealed that order as well.

CLOSED SESSION COMMENT-1:

John Hartley commented on protection of the seals at the Children’s Pool in La Jolla.

CLOSED SESSION COMMENT 2:

Don Perry expressed his concerns regarding the number of seals at the Children's Pool.

CLOSED SESSION COMMENT 3:

Carl Lind commented on the pollution due to the seals at the Children's Pool.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:59 a.m. – 11:01 a.m.;  
4:01 p.m. – 4:08 p.m.)

Council President Peters closed the hearing.

\* ITEM-50: Power Purchase Agreement and Site License Agreement with Sun Edison SD, LLC, for Purchase of Electricity at Alvarado Water Filtration Plant.

(See Report to City Council No. 06-013. Navajo Community Area. District 7.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 1/30/2006, Item S400. (Council voted 8-0):

(O-2006-89) ADOPTED AS ORDINANCE O-19465 (New Series)

Authorizing a 20-Year Power Purchase Agreement with Sun Edison SD, LLC, for the purchase of electricity at the Alvarado Water Filtration Plant; allowing Sun Energy SD to finance, install, own, operate, maintain, and generate renewable energy at the Alvarado Filtration Plant; authorizing other Power Purchase Agreements with Sun Edison SD subject to City Council approval; and finding no Environmental Impact.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:06 a.m.)

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

\* ITEM-51: Fifth Update to the Land Development Code.

(See Report to City Council No. 06-011. Citywide.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances, which were introduced on 2/7/2006, Item 333, Subitems B, C, and D. (Council voted 8-0):

Subitem-A: (O-2006-86) ADOPTED AS ORDINANCE O-19466 (New Series)

Amending Chapter 12, Article 6, Division 5, by amending Section 126.0504; amending Chapter 14, Article 3, Division 9, by amending Sections 143.0910, 143.0915, and 143.0920, of the San Diego Municipal Code, all relating to the Land Development Code.

Subitem-B: (O-2006-87 Cor. Copy) ADOPTED AS ORDINANCE O-19467 (New Series)

Amending Chapter 11, Article 3, by amending Sections 113.0103, 113.0234, and 113.0273; amending Chapter 12, Article 6, Division 1, by amending Section 126.0110; amending Chapter 13, Article 1, by amending Sections 131.0222, 131.0322, 131.0422, 131.0448, 131.0522, 131.0540, and 131.0622; amending Chapter 14, Article 1, by amending Sections 141.0414, 141.0606, 141.0612, and 141.0620; amending Chapter 14, Article 1, Division 6, by repealing Section 141.0615; amending Chapter 14, Article 1, Division 6, by adding Section 141.0624; amending Chapter 14, Article 1, Division 6, by renumbering Section 141.0624 to Section 141.0625; amending Chapter 14, Article 1, Division 6 by renumbering Section 141.0625 to Section 141.0626; amending Chapter 14, Article 2, by amending Sections 142.0310, 142.0530, 142.0545, 142.0560, and 142.0740; amending Chapter 14, Article 3, by amending Sections 143.0110, and 143.0410, of the San Diego Municipal Code, all relating to the Land Development Code.

Subitem-C: (O-2006-88 Cor. Copy) ADOPTED AS ORDINANCE  
O-19468 (New Series)

Amending Chapter 6, Article 9, of the San Diego Municipal Code by repealing Divisions 1-3, pertaining to the California Environmental Quality Act; and amending Chapter 11, Article 3, Division 2, by amending Section 113.0267; amending Chapter 12, Article 1, Division 5, by amending Section 121.0505; amending Chapter 12 Article 4, Division 1, by amending Section 124.0106; amending Chapter 12 Article 6, Division 3, by amending Section 126.0303; amending Chapter 12, Article 8, Division 3, by amending Sections 128.0310, and 128.0313; amending Chapter 12, Article 9, by amending Sections 129.0102, 129.0211, 129.0218, 129.0219, 129.0312 and 129.0413; amending Chapter 13 Article 1, Division 4, by amending Section 131.0443; amending Chapter 13, Article 2, Division 3, by amending Section 132.0306; amending Chapter 14, Article 1, Division 10, by amending Section 141.1004; amending Chapter 14, Article 2, by amending Sections 142.0505, 142.0820, 142.1250, 142.1270, and 142.1291; amending Chapter 14, Article 3, Division 1, by amending Section 143.0101; amending Chapter 14, Article 5, Division 4, by amending Sections 145.0410, and 145.0425, of the San Diego Municipal Code, relating to the Land Development Code.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:06 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES IN SUBITEMS A, B AND C. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- \* ITEM-100: Inviting Bids for the Construction of the Fiesta Island Replacement Project (FIRP) Pipeline Cathodic Protection Project.

(Point Loma and Miramar Community Areas. Districts 2 and 6.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-679) ADOPTED AS RESOLUTION R-301238

Approving the plans and specifications for the construction of Fiesta Island Replacement Project (FIRP) Pipeline Cathodic Protection Project (Project), on Job Order No. 178324;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to establish contract funding phases, to award a contract to, and to execute a contract with, the lowest responsible and reliable bidder for the Project in an amount not to exceed \$700,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$614,418, from Fund 41508, CIP-46-501.0, Annual Allocation - Metro Pooled Contingency to Fund 41508, CIP-46-119.0, Annual Allocation - Point Loma Treatment Plant and Related Facilities;

Authorizing the expenditure of an amount not to exceed \$1,470,000, from Fund 41508, CIP-46-119.0, Annual Allocation - Point Loma Treatment Plant and Related Facilities, solely and exclusively, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer as follows:

Phase I, \$1,143,000, FY 2006 Budget

Phase II, \$329,000, FY 2007 Budget, contingent upon passage of FY 2007 CIP Budget

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 the replacement or reconstruction of an existing facility and therefore is exempt from the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines Section 15302. (BID-K06109)

**STAFF SUPPORTING INFORMATION:**

Authorization is requested to fund, advertise and award a construction contract for cathodic protection (corrosion protection) improvements to the Fiesta Island Replacement Project (FIRP) pipeline. The Metropolitan Wastewater Department (MWW) FIRP pipeline is located in Districts 2 and 6 and conveys biosolids from the Point Loma Wastewater Treatment Plant (PLWTP) 17 miles to the Metro Biosolids Center (MBC) located adjacent to the Miramar Landfill. The pipeline's original construction was part of the Fiesta Island Replacement Project constructed in the 1990's. The pipeline portion located in District 2 was constructed in 1990 and traverses from the PLWTP to the Sunset Cliffs Boulevard bridge at the San Diego River. The remaining pipeline portion located in District 6 was constructed in 1997.

Corrosion protection of the FIRP pipeline is needed to ensure its useful life. Ongoing inspections and monitoring of the existing cathodic protection system have determined that improvements to the system are needed. The inspection program also revealed potential defects from the 1997 construction contract. The contractor has accepted responsibility for some of the defects and has performed the corrective work. The proposed cathodic protection improvements will correct remaining defects and install necessary upgrades. MWW has been working with the City Attorney's office and the contractor to resolve pending claims regarding responsibility for the remaining defects. This item was reviewed and approved by the Metro Commission on December 1, 2005.

The total project cost is \$1,472,000, which includes \$700,000 for construction, \$70,000 for contingency and \$702,000 for related costs. The related costs include funding for future inspection and construction management and \$532,000 to fund in-house engineering, design and project management performed for the corrective work.

**FISCAL IMPACT:**

The total estimated cost of this action is \$1,472,000, from Fund 41508, CIP-46-119.0, Annual Allocation - Point Loma Treatment Plant & Related Facilities. Funds are available for Phase 1 in FY2006 and will be available for Phase 2 in FY2007 contingent upon the passage of the FY2007 Capital Improvement Program and Appropriation Ordinance budget.

Haas/Tulloch/JAW

Aud. Cert. 2600491.

Staff: Jim Wageman – (858) 292-6474  
James W. Lancaster – Deputy City Attorney

FILE LOCATION: W.O. 178324

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:06 a.m.)

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



\* ITEM-101: Two actions related to Inviting Bids for the Construction of Chollas Creek Water Quality Protection and Habitat Enhancement Project.

(Southeastern San Diego Community Area. District 4.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2006-677 Cor. Copy) ADOPTED AS RESOLUTION R-301239

Approving the plans and specifications for the construction of Chollas Creek Water Quality Protection and Habitat Enhancement Project (Project) on Job Order No. 140704;

Authorizing the expenditure of an amount not to exceed \$1,690,000, for Chollas Creek Water Quality Protection and Habitat Enhancement Project;

Authorizing the Mayor, after advertising for bids in accordance with law, to award a contract to, and to execute a contract with, the lowest responsible and reliable bidder for the Project in an amount not to exceed \$1,546,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure under established contract funding are, or will be, on file with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$1,396,000, from Prop 13 State Grant CIP Fund 38296, CIP-32-054.0, Chollas Creek Enhancement, solely and exclusively, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$150,000, from Fund 41506, CIP-40-933.0, Annual Allocation MWW Trunk Sewers, solely and exclusively, for the purpose of the construction of the Chollas Creek Restoration Pipe;

Authorizing the expenditure of an amount not to exceed \$144,000, from Workforce Housing Grant Fund 38336, CIP-37-446.0, Chollas Creek Enhancement Program, solely and exclusively, for the purpose of monitoring the revegetation maintenance, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Adding Fund 38336, CIP-37-446.0, Chollas Creek Enhancement Program, as an authorized funding source for the Biological Services 2005-2008 as-needed contract managed by the Metropolitan Wastewater Department, for the purpose of monitoring the revegetation maintenance required by the Project;

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

Authorizing the Mayor to accept, at no cost, the utility and access easements required for the Project. (BID-06101)

Subitem-B: (R-2006-680 Cor. Copy) ADOPTED AS RESOLUTION R-301240

Certifying that Mitigated Negative Declaration, Project No. 59312, dated June 16, 2005 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 declaration, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Chollas Creek Water Quality Protection and Habitat Enhancement Project (Project);

Approving the Mitigated Negative Declaration;

Adopting pursuant to California Public Resources Code Section 21081.6, 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 and incorporated as Exhibit "A" to this resolution;

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

**STAFF SUPPORTING INFORMATION:**

This project would implement a portion of the Chollas Creek Enhancement Program adopted by City Council on May 14, 2002. Project components include: (1) removal of concrete sections of the channel and widening of the creek bed; (2) creation of native riparian habitat; and (3) creation of public trail, benches, and (4) signage. Improvements are designed to re-establish natural hydrologic functions and biofiltration within the creek to improve water quality, alleviate flooding, reduce erosion and channel maintenance needs, and improve community character by creating a natural linear park-like setting. The project would help address the City's existing Diazinon Total Maximum Daily Load (TMDL) and the pending dissolved metals TMDL requirements in Chollas Creek. Work would occur on private and City property.

In addition to the creek restoration work, the project would protect an existing sewer line in the creek through concrete encasement. This work would be funded by \$150,000, from Metropolitan Wastewater's Annual Allocation - MWWD Trunk Sewer. The project is also required to implement a native habitat revegetation maintenance and monitoring program, and monitor for sensitive cultural resources during grading. Revegetation maintenance work is included in the primary construction contract, funded by a portion of a \$2,244,000, Proposition 13 State grant. The environmental monitoring work would be completed using the Metropolitan Wastewater Department's Environmental Services Consultant Agreements. Funding for the monitoring work would be provided by a \$144,000, State Proposition 46 grant. New drainage, sewer, conservation and public access easements would be obtained prior to award of the construction contract. As agreed to by the property owner, the Jacobs Foundation, the public access easement will require the Jacobs Foundation to maintain all improvements (e.g., trail, benches, signage) within the public access easement area. The project has been reviewed and supported in concept by the Encanto Neighborhoods Community Planning Group.

**FISCAL IMPACT:**

The total estimated cost of this project is \$1,690,000. Funds of \$1,396,000, are available in Fund 30244, CIP-32-054.0. Revegetation Monitoring work funding of \$144,000, was previously authorized by Council Resolution No. R-300909, adopted October 10, 2005. Funds of \$144,000, are available in Fund 38336, CIP-37-446.0. Sewer funds of \$150,000, are available from Fund 41506, CIP-40-933.0, Annual Allocation – MWWD Trunk Sewer for this purpose.

Haas/Tulloch/CZ

Aud. Cert. 2600575.

Staff: Chris Zirkle - (619) 525-8644  
Timothy J. Miller - Deputy City Attorney

FILE LOCATION: W.O. 140704

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:06 a.m.)

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

- \* ITEM-102: Change Order No. 1 with Cass Construction for the Via Alicante Storm Drain Replacement Project.

(University Community Area. District 1.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-676 Cor. Copy) ADOPTED AS RESOLUTION R-301241

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$73,000, from CIP-11-005.0, Emergency Drainage Projects to CIP-11-307.0, Via Alicante Storm Drain Replacement, within Fund 30300, TransNet;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$73,000, from CIP-11-307.0, Via Alicante Storm Drain Replacement, Fund 30300, TransNet for the purpose of funding the final construction change order, additional construction management, and 25 month extended landscape maintenance and monitoring, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating funds are available;

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

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

**STAFF SUPPORTING INFORMATION:**

This project replaced 123 lineal feet of 180" diameter multi-plate, corrugated and deteriorated steel storm drainpipe with a 14' x 14' reinforced concrete box culvert. The original pipe had failed due to corrosion and abrasion. Because of record breaking rains last season during construction, the duration of the project increased from that originally contemplated, resulting in additional construction and oversight costs. The large size of the pipe and 30 foot depth of excavation required a project footprint extending beyond the Via Alicante right of way into open space. As a result, a large slope area adjacent to the street required revegetation. The original construction contract required 120 days of plant establishment and maintenance.

During the course of construction, it was determined that an additional 25 months of maintenance and monitoring would be required. A separate contract for approximately \$25,000, has been negotiated to do this work. This request for \$73,000, is required for additional work items due to the heavy rains, the environmental monitoring contract, and associated administrative costs. Following the completion of the extended, landscape maintenance and monitoring period, the project files will be closed.

**FISCAL IMPACT:**

The total estimated project cost is \$1,398,161; \$1,325,161, of which is already allocated and available in CIP-11-307.0, Via Alicante Storm Drain Replacement. The remaining \$73,000, needed is available in CIP-13-005.0, Emergency Drainage Projects, TransNet Fund 30300.

Boekamp/DZ

Aud. Cert. 2600576.

Staff: Jamal Batta - (619) 533-3769  
Jeremy Jung - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:06 a.m.)

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

\* ITEM-103: Change Order No. 2 with Ghassan Construction Company for Balboa Park Veterans Memorial Garden Project.

(Balboa Park Community Area. District 3.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-670 Cor. Copy) ADOPTED AS RESOLUTION R-301242

Approving Change Order No. 2, dated October 19, 2005, issued in connection with the contract between the City of San Diego and Ghassan Construction Company, said contract having been filed in the Office of the City Clerk as Document No. RR-300136, and the changes therein set forth, amounting to a net increase in the contract price of \$128,030.20;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$128,030.20, from CIP-21-855.5, Balboa Park Veterans Memorial Garden, Fund No. 38217, 2002 Resources Park Bond Per Capita grant funds, to fund construction and related costs for the Balboa Park Veterans Memorial Garden (the Project);

Finding that this activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental documents adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of CEQA review per CEQA Guidelines Sections §15060(c)(3) and 15378(c).

**STAFF SUPPORTING INFORMATION:**

The Balboa Park Veterans Memorial Garden project is located on the east side of Park Boulevard in Balboa Park, immediately adjacent to the Veterans Museum and Memorial Center. Amendments to the City's General Plan and the Balboa Park Master Plan incorporating the Veterans Memorial Garden were approved by City Council on September 21, 2004, Resolution R-299667. Award of the construction contract to Ghassan Construction in the amount of \$812,479.06, was approved by City Council on February 14, 2005, Resolution R-300136.

It is desired to award bid additive alternates to enhance the Garden. The desired bid additive alternates include light bollards, cobblestone seat walls, terrazzo paving upgrades, an enhanced fountain finish, flag poles with uplights, and upgrading the lawn from seed to sod. Three of the bid additive alternates, in the amount of \$121,905, have been awarded via PA-700. Award of the remaining desired bid additive alternates will bring the total construction contract amount to \$1,062,414.26, requiring Council approval. Mayor Murphy allocated \$400,000, in additional funding from Fund No. 38217, 2002 Resources Park Bond Per Capita, for the award of the desired bid additive alternates. Funding is available in CIP-21-855.5 in the amount of \$128,030.20, for award of the remaining desired bid additive alternates.

**FISCAL IMPACT:**

The current funding for this project is \$1,443,616; \$1,000,000, from the 2002 Resources Park Bond, Fund No. 38213, Historical and Cultural Preservation Grant; \$400,000, from the 2002 Resources Park Bond, Fund No. 38217, Historical and Cultural Preservation Grant; and \$43,616, from the Citywide Infrastructure Improvements Fund, Fund No. 10529. No additional funding is required for the award of the bid additive alternates.

Oppenheim/Medina/ASP

Aud. Cert. 2600574.

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

FILE LOCATION: CONT-Ghassan Construction Company, W.O. 218555

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:06 a.m.)

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

\* ITEM-104: Five-Year Agreement with Luth & Turley, Inc. for As-Needed Remediation and Clean-Up Services.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-663) ADOPTED AS RESOLUTION R-301243

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an agreement for five years with Luth & Turley, Inc., to perform remediation and cleanup services, on an as-needed basis, including reconstruction of properties damaged by water main breaks, sewer backups, and other insurance related services, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$2,000,000 per year for such services, contingent on City Council approval of each department's operating budget in each fiscal year, and provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for the above expenditure are, or will be, on deposit in the City Treasury;

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

Declaring this activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, as the repair and maintenance of existing facilities.

**STAFF SUPPORTING INFORMATION:**

Pursuant to Council Policy 400-10, the City needs services on a recurring basis to respond to public complaints of sewer backups and water main breaks, as well as for other insurance-related clean-up and reconstructive repair work. For many years, Luth & Turley, Inc. has successfully performed as the City's contractor for as-needed remediation and clean-up services due to water main breaks and sewer back-ups. Every five years, the Risk Management Department advertises and conducts a request for proposal (RFP) process. This year three potential suppliers attended the pre-submittal meeting and submitted proposals, however only two - Luth & Turley and J&M Keystone, Inc. - appeared before the selection panel. The third firm, Quality Restoration, withdrew on the day of the presentations.

The panel representatives from Risk Management, Water, Metropolitan Wastewater and the Equal Opportunity Contracting Program, reviewed the submissions, heard the presentations and interviewed the prospective contractors.

Pursuant to the selection criteria set forth in Municipal Code Section 22.3213, the selection panel unanimously chose Luth & Turley, Inc. as the successful proposer for this contract in its entirety, in part based on the unit prices bid, which are significantly lower than those of the other firm. Luth & Turley is available 24 hours a day, 7 days a week, to respond to water and sewer backups within four hours of receiving notice from the City. Services include initial loss adjustment; relocation assistance per Risk Management guidelines; water or sewage extraction; cleaning, removal and/or replacement of damaged carpeting, flooring and drywall; protection of personal property from further damage and other services as authorized by Risk Management, the Mayor and/or the City Council. Repairs of City infrastructure are performed by appropriate City departments.

**FISCAL IMPACT:**

Total cost of this contract will not exceed \$2,000,000 per year. Actual expenditures will depend on the number and nature of future water and sewer backups, and other unanticipated events. Funds to pay for these as-needed services are budgeted within City department funds or payable by City insurance policies.

Froman/Lopez/AKF

Aud. Cert. 2600543.

Staff: Ashley Fenton – (619) 236-6784  
Thomas C. Zeleny – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:06 a.m.)

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



ITEM-105: Two actions related to Agreement with Brown, Vence and Associates, Inc. for Landfill Gas to Energy Study at South Chollas Landfill and Arizona Street Landfill and Grant Application to North American Development Bank.

(See memorandum from Larry Gardner dated 11/1/2005. Balboa Park and Chollas View Community Areas. Districts 3 and 4.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2006-647) CONTINUED TO TUESDAY, MARCH 7, 2006,  
WITH DIRECTION

Authorizing the Mayor, or his duly designee, for and on behalf of the City, to execute a consulting agreement with Brown, Vence & Associates, Inc. for an energy feasibility study at the South Chollas Landfill and the Arizona Street Landfill, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$100,000, for the above agreement, to be expended as follows: \$50,000, from Fund No. 30244, Dept. 30244, CIP-32-022.0 and \$50,000, from Fund No. 30244, Dept. 30244, CIP-32-018.0;

Declaring this activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15306, because this activity is for the purposes of information collection and other resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

**Subitem-B: (R-2006-648) CONTINUED TO TUESDAY, MARCH 7, 2006,  
WITH DIRECTION**

Authorizing the Mayor, or his duly designee, for and on behalf of the City, to apply for, accept, appropriate, and expend funds from two matching grants provided by the North American Development Bank, and to execute all documents in connection with such grant funds, and to use such funds for the sole purpose of performing a feasibility study for landfill gas energy development at the South Chollas Landfill and the Arizona Street Landfill;  
Authorizing the City Auditor and Comptroller to reimburse Fund No. 30244, Dept. 30244, for any City expenditure from such grant funds;

Declaring this activity is categorically exempt from the California Environmental Quality Act Pursuant to CEQA Guidelines Section 15306, because the above activity is for the purposes of information collection and other resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

**STAFF SUPPORTING INFORMATION:**

The Environmental Services Department, Energy Conservation and Management Division is looking to procure a consulting contract with Brown, Vence and Associates, Inc. (BVA) to study the Chollas and Arizona Street Landfills and determine the best use for landfill gas to energy potential. The BVA study will assess the costs and benefits of continuing the current landfill gas, (LFG) destruction and mitigation control project and on-site energy recovery or shipment of LFG offsite for generation of electricity at a nearby facility where the electrical demand equals or exceeds the energy production potential of the landfill site. The study will update estimates of LFG production from 1998, provide an evaluation of different technologies, securing self generation incentive including use of Section 29 or 45 landfill tax credits and prepare a final report and Action Plan.

BVA provides a unique mix of experience, expertise and qualifications that will reap benefits for the City in the undertaking of his project. BVA is a full service solid waste and energy engineering and consulting firm with extensive experience in evaluating, designing and implementing landfill gas to energy projects in California, Mexico, and internationally. BVA staff had hands-on experience with the South Chollas Landfill during its operating life. They have conducted several studies funded by the North American Development Bank (NAD Bank) and are experienced in meeting its technical and administrative requirements and gaining additional funding opportunities. The NAD Bank is an international financial institution established and capitalized in equal parts by the United States and Mexico for the purpose of financing environmental infrastructure projects, and has established the Institutional Development Cooperation Program (IDP) whose purpose is to enhance the financial capabilities of communities and utilities preparing environmental infrastructure projects that promote a clean, healthy environment for the citizens of the region.

As a part the BVA Agreement, the City of San Diego will receive two \$25,000 matching grants from NAD Bank to the City for purposes of conducting feasibility studies regarding the development of landfill gas to energy projects at two closed City landfills the Arizona Street Landfill and the South Chollas Landfill. In order for the City of San Diego to receive grant funds from NAD Bank, the City will need to execute an agreement with NAD Bank on or before March 17, 2006, the expiration of the grant funding from NAD Bank.

Additionally, the completion of these studies are critical to the development of these landfill gas to energy projects in the next 18 months. These projects were recently submitted to SDG&E as a part of a "Request for Offer". If accepted by SDG&E, the City in a partnership with SDG&E will develop these sites to produce renewable energy and allow the City to generate revenue from the sell of electricity to SDG&E.

This study is in accordance with the City's 50 megawatt renewable energy goal which promotes the installation of renewable energy on public and private buildings throughout the City by 2013 including, but not limited to, renewable energy from landfill gas generation.

The City will fund the entire study in an amount not to exceed \$100,000, and will be reimbursed by NAD Bank for half the cost of the study up to \$50,000, which ever amount is less. Funds are available in FY2006 budget from the Arizona Landfill Gas Utilization Project, CIP-32-022.0 and from the South Chollas Landfill Gas Upgrade Project, CIP-32-018.0.

Heap/JH

Aud. Certs. 2600534/2600535.

Staff: John Helminski – (858) 492-6005  
Frederick M. Ortlieb - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:12 a.m. – 11:29 a.m.)

MOTION BY MADAFFER TO CONTINUE THIS ITEM TO TUESDAY, MARCH 7, 2006, AND REQUEST OF THE MAYOR THAT ITEM 208 OF THE DECEMBER 5, 2005, COUNCIL AGENDA BE RETURNED AND BE RE-DOCKETED FOR MARCH 7, 2006, TO BE HEARD ON THAT DATE IN EITHER OPEN OR CLOSED SESSION IN ORDER THAT THE COUNCIL CAN HEAR WHAT THE STATUS OF NEGOTIATIONS ARE ON THE LONG-TERM DEVELOPMENT LEASE WITH PARAGON PRACTICE PARK, LLC. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- \* ITEM-106: Grant Application to Governor's Office of Emergency Services (OES) for the San Diego River Flood Mitigation Plan Project.

(Mission Valley Community Area. District 6.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-643) ADOPTED AS RESOLUTION R-301244

Authorizing the Mayor, or his designee, to apply to the Governor's Office of Emergency Services (OES) for \$50,000 in Flood Mitigation Assistance planning grant funds for the San Diego River Flood Mitigation Plan Project;

Authorizing the Mayor, or his designee, to take all necessary actions to secure funding from the OES for this Flood Mitigation Assistance planning grant;

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

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

Authorizing the City Auditor and Comptroller to add CIP-13-200.0, San Diego River Flood Mitigation Plan, to the Fiscal Year 2006 Capital Improvements Program;

Authorizing the City Auditor and Comptroller to transfer \$16,667 from General Services, Streets Division, Department 940, Street Division Operating Fund 10440 to Street Division Capital Improvement Fund 104402 for the purpose of funding CIP-13-200.0, San Diego River Flood Mitigation Plan;

Authorizing the City Auditor and Comptroller to increase by \$66,667 the Fiscal Year 2006 Capital Improvements Program Budget in CIP-13-200.0, San Diego River Flood Mitigation Plan, Street Division Capital Improvement Fund 104402;

Authorizing the City Auditor and Comptroller to appropriate and expend \$66,667 from CIP-13-200.0, San Diego River Flood Mitigation Plan, Capital Improvement Fund 104402, for the purpose of developing a mitigation plan for the San Diego River, contingent upon receipt of a fully executed grant agreement and upon the City Auditor and Comptroller certifying that the necessary funds are, or will be, on deposit in the City Treasury;

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

Declaring this activity is exempt from CEQA pursuant to CEQA Guidelines Section 15060(c)(2) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment.

**STAFF SUPPORTING INFORMATION:**

The Federal Emergency Management Agency's (FEMA) Flood Mitigation Assistance (FMA) Program was created as part of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101) with the goal of reducing or eliminating claims under the National Flood Insurance Program (NFIP). FMA is a pre-disaster grant program that provides funding to states and communities to assist in their efforts to reduce or eliminate the risk of repetitive flood damage to buildings and structures insurable under the NFIP.

Engineering and Capital Projects Department applied for FMA's Planning Grant for the San Diego River due to the number of structures and river crossings within the flood zone surrounding the river that are subject to inundation by the 100-year flood. Because the City of San Diego is a participant in the NFIP, the City was selected by FMA as a grant recipient for this planning grant.

The goal of the planning grant is to develop a mitigation plan along the San Diego River. The grant funds will be used to first assess problematic areas along the San Diego River within the City of San Diego that are at risk for repetitive loss due to flooding from the river. Secondly, the grant funds will be used to develop a mitigation plan to eliminate the identified risks. This mitigation plan will ultimately be submitted to FMA for approval, and will then be used to secure an FMA Project Grant, which provides additional funding to implement the approved flood mitigation plan.

**FISCAL IMPACT:**

Total project cost is \$66,667. The 75% of project costs will be reimbursed through the Flood Mitigation Assistance Program. The City's 25% match of \$16,667 is available in Fund No.10440, Department 940, Org. 2553, Object Account 4222, Job Order No. 007470.

Gardner/Boekamp/DZ

Aud. Cert. 2600536.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:06 a.m.)

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

\* ITEM-107: Tow Away Zone on Normal Street.

(Uptown Community Area. District 3.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-621) ADOPTED AS RESOLUTION R-301245

Authorizing the installation of a tow away zone, effective from 7:00 a.m. to 3:00 p.m. on Sunday, located on the west side of Normal Street south of Lincoln Avenue and adjacent to the Department of Motor Vehicles, pursuant to the authority conferred by and in accordance with the provisions of San Diego Municipal Code Section 86.05;

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 requirements of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301 because this action is the minor alteration of an existing facility.

**STAFF SUPPORTING INFORMATION:**

This action will authorize the Mayor, or designee, to establish a tow away zone to be effective from 7:00 a.m. to 3:00 p.m. on Sundays on the west side of Normal Street south of Lincoln Avenue adjacent to the Department of Motor Vehicles. This action is in accordance with California Vehicle Code Section 22651 and San Diego Municipal Code Section 86.05.

Farmers' Market is an association, which organizes regular events at certain locations where vendors sell products such as food and produce. Farmers' Market has been holding this event at this location on Sundays for many years. The prohibition of parking during the event on Sundays has been accomplished by temporary portable signs. This action will authorize the establishment of a tow away zone, which would allow for the installation of permanent signs to give notice of the tow away zone.

The Uptown Planners supports this request.

**FISCAL IMPACT:**

The total estimated cost of this project is \$1,100. The amount of \$1,100 will be received by the City from the Farmers' Market Association prior to installation of signs necessary to establish a tow away zone. Total net fiscal impact to the City is none.

Haas/Boekamp/DVW

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:06 a.m.)

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

\* ITEM-108: House of Puerto Rico Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-694) ADOPTED AS RESOLUTION R-301246

Recognizing the accomplishments of the House of Puerto Rico and commending the organization for its efforts to educate and inform the citizens and visitors of the City of San Diego;

Proclaiming February 4, 2006, to be "House of Puerto Rico Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:06 a.m.)

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

\* [ITEM-109](#): 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-2006-638) ADOPTED AS RESOLUTION R-301247

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: 11:04 a.m. – 11:06 a.m.)

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

 [ITEM-110](#): 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-2006-699) ADOPTED AS RESOLUTION R-301248

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: 11:07 a.m. – 11:11 a.m.)

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



ITEM-200: Certification of Environmental Document for Torrey Pines Golf Course.

(See memorandum from Ellen Oppenheim dated 1/27/2006. University  
Community Area. District 1.)

(Continued from the meeting of January 30, 2006, Item 104, at the request of the  
City Attorney, for further review.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-571 Revised)                      ADOPTED AS AMENDED AS RESOLUTION  
R-301249

Certifying the information contained in the Torrey Pines Golf Course  
Improvements Mitigated Negative Declaration (MND), has been completed in  
compliance with the California Environmental Quality Act and State CEQA  
Guidelines, and that said MND reflects the independent judgment of the City of  
San Diego as Lead Agency;

Stating for the record that the final MND has been reviewed and considered prior  
to approving the project;

Adopting the Mitigation, Monitoring, and Reporting Program.

**STAFF SUPPORTING INFORMATION:**

On January 11, 2005, City Council directed staff to proceed with the improvements required on Torrey Pines Golf Course South to better suit play of the “average golfer” and to accommodate the US Open in 2008. At that time, the submitted environmental document included improvements on both the Torrey Pines North and South Courses. The environmental document has subsequently been revised to omit the North Course green, bunker, tee and water hazard improvements and address improvements on the South Course, as directed by Council. Relocation of the North Course 18<sup>th</sup> green will allow for proper establishment and continued use of the green prior to Council’s consideration of the proposed Clubhouse project and specific environmental document in the future. Furthermore, relocation of the green will provide for an improved par 4 hole and quality finish to the round of play, consistent with that to be expected of at Torrey Pines Golf Course. Certification of this environmental document will allow the Friends of Torrey Pines, LLC, to implement course modifications for the US Open as previously approved by City Council on October 14, 2002, in Document RR-297193.

**FISCAL IMPACT:**

No fiscal impact with this action.

Oppenheim/Medina

Staff: Kevin J. Oliver - (619) 533-3015  
Shannon M. Thomas - Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 3:29 p.m. – 3:39 p.m.)

MOTION BY FRYE TO ADOPT THE RESOLUTION WITH THE FOLLOWING LANGUAGE ADDED: “NO CONTRACTS OR OTHER ACTION WILL BE TAKEN TO RELOCATE THE 18 NORTH GREEN UNLESS AND UNTIL SUCH TIME AS THE CITY COUNCIL TAKES FORMAL ACTION TO APPROVE THE CLUB HOUSE PROJECT.” 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-201: Two actions related to Exchange Agreement with Simplon Ballpark, LLC for a New State of the Art Fire Station No. 4 in the Downtown Community Area.

(Downtown Community Area. District 2.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2006-705) CONTINUED TO TUESDAY, MARCH 7, 2006

Authorizing the Mayor, or designee, to execute, for and on behalf of the City of San Diego, an Exchange Agreement with Simplon Ballpark, LLC, and to take all actions necessary to complete the exchange of the City's 5,000 square foot lot located at the northwest corner of 8th Avenue and J Street with a 7,120 square foot 69 year old fire station (Existing Fire Station) for a new state of the art 13,190 square foot facility to be built one lot to the north of the Existing Fire Station within Simplon's proposed project, under the terms and conditions set forth in that agreement.

Subitem-B: (R-2006-706) CONTINUED TO TUESDAY, MARCH 7, 2006

Stating for the record that the Exchange Agreement between the City of San Diego and Simplon Ballpark, LLC, is a subsequent discretionary approval of the Project addressed in Final Master Environmental Impact Report for the Centre City Redevelopment Project, SCH No. 90010898, and therefore not a separate project under CEQA Guideline Sections 15060(c)(3) and 15378(c);

Stating for the record that the information contained in the Final Master Environmental Impact Report for the Centre City Redevelopment Project, SCH No. 90010898, including any comments received during the public review process, have been previously reviewed and considered by this Council and it is determined that this subsequent discretionary approval of the Exchange Agreement between the City of San Diego and Simplon Ballpark, LLC, do not involve substantial changes or new information of substantial importance which would warrant any additional environmental review.

**STAFF SUPPORTING INFORMATION:**

Simplon Ballpark, LLC is offering to replace the existing Fire Station 4, located at 8th and J Street, with a new, larger facility adjacent to the existing site. The existing fire station is a two-story, 7,120 square foot cast-concrete structure built in 1937, situated on a 5,000 square foot lot. The proposed new fire station is contemplated to be an approximate 13,190 square foot two-story state of the art structure with underground parking that will be able to meet the needs of the continued growth of the downtown area. The new station would be incorporated into Simplon's mixed-use project of retail, office, and high-rise condominiums to be known as Cosmopolitan Square. In exchange for the development of the new fire station facility, Simplon would receive the site of the old facility. During construction the current site will remain occupied and fully functional until the new site is ready for occupancy.

**FISCAL CONSIDERATIONS:**

As well as the ongoing maintenance of the facility, would be a monthly maintenance association fee of approximately \$255 (estimated by the developer).

In addition, by approving this agreement the City will incur an estimated expenditure, over the three year life of the project, of approximately \$150,000 to \$180,000 in costs related to design, construction review and project management by Engineering and Capital Projects (E&CP) staff. These staff would normally charge their time to a revenue generating project and the City would be reimbursed for these costs. Since this is a General Fund project, the funding source for the time spent by staff will be the General Fund.

While adequate appropriations currently exist in the fiscal year 2006 budget to cover the related expenses and will be included in the fiscal year 2007 and 2008 budgets, this action will likely result in a decrease in projected revenues from third party projects. This will be reflected in the fiscal year 2007 and 2008 budgets.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

By Council Resolution R-300579 dated June 27, 2005, the Council authorized the City to enter into an Exclusive Negotiating Agreement (ENA) with Simplon Ballpark, LLC, for the proposed construction of a new fire station located in the downtown area.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The overall plan for the mix-use development has been approved by CCDC.

**KEY STAKEHOLDERS & PROJECTED IMPACTS:**

The Fire Department will receive a state of the art facility, almost twice the size of the current station. The downtown area would receive the additional fire protection necessary to meet the continuing growth in the area.

Waring/MacKenzie/Farris

Staff: Jack Farris – (619) 236-5548  
Hilda Mendoza – Deputy City Attorney

**FILE LOCATION:** NONE

**COUNCIL ACTION:** (Time duration: 3:28 p.m. – 3:29 p.m.)

MOTION BY COMMON CONSENT TO CONTINUE TO TUESDAY, MARCH 7, 2006 FOR FURTHER REVIEW. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



**ITEM-202:** Inviting Bids for the Construction of Pipeline Rehabilitation Phase C-1.

(See memorandum from Scott Tulloch dated 1/11/2006.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2006-655) ADOPTED AS RESOLUTION R-301250  
Approving the plans and specifications for the construction of the Pipeline Rehabilitation Phase C-1 Project, including the prevailing wage specification, on Job Order No. 179294;

Authorizing the Mayor, or his duly authorized designee, after advertising for bids in accordance with the law, to establish contract funding phases and to award the contract to the lowest responsible and reliable bidder in an amount not to exceed \$12,561,745, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for this expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$12,561,745, for the above project, to be expended as follows: \$12,011,186 from Sewer Fund No. 41506, CIP-46-050.0, Annual Allocation - Pipeline Rehabilitation, for project construction and related costs; and \$550,559, from Sewer Fund No. 41506, CIP-46-193.0, Annual Allocation - Muni Pooled Contingency, for project contingency; provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

Authorizing the Mayor to include state prevailing wage requirements in the contract awarded for this project;

Declaring this activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15301 and 15302, as repair and reconstruction of existing sewer structures and facilities. (BID-K06110)

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 1/18/2006, NR&C voted 3 to 0 to approve the staff's recommendation. (Councilmembers Atkins, Maienschein, and Frye voted yea. Council Districts 2 and 8 vacant.)

**STAFF SUPPORTING INFORMATION:**

The Metropolitan Wastewater Department (MWWD) is requesting authorization to advertise, bid, and award a contract to the lowest responsible bidder for the Pipeline Rehabilitation Phase C-1 Project. This contract is the third in a series of MWWD contracts to meet the EPA requirements to rehabilitate sewer pipelines.

MWWD has inspected and assessed aging sewer mains under a separate Closed Circuit Televising (CCTV) contract and identified the need to rehabilitate these deteriorated sewer mains. This project will rehabilitate approximately 20 miles of this pipe ranging in size from 6-inch to 39-inch diameter. The majority of the pipeline rehabilitation will be accomplished by installing liners inside the pipes using trenchless construction methods. One pipeline segment, approximately 350-feet, will require open trench replacement. All service lateral connections will be sealed between the liner and the host pipe. Approximately 280 manholes will be rehabilitated, some of which will require surface excavation. Approximately 45 end-of-line clean-outs will be installed to allow liner installation in sewer mains that currently have plugged ends. All work will be located within existing City right-of-way and easements. Work locations are located throughout the City in all council districts.

This contract will help meet EPA requirements to reduce sewer spills while reducing maintenance costs and extending the service life of aging sewer mains. The use of trenchless technology is faster, less expensive, and less disruptive to the community than traditional excavation and replacement methods.

Pursuant to City Policy (City Council Resolution No. R-298185), State prevailing wages will apply to this project unless the City Council directs otherwise.

**FISCAL IMPACT:**

The total cost of this action is \$12,561,745, of which \$12,011,186 will be funded from Fund 41506, CIP-46-050.0, Annual Allocation - Pipeline Rehabilitation, Phase C-1 Project, and \$550,559, will be funded from Fund 41506, CIP-46-193.0, Muni Pooled Contingency. This project will be phase funded over two years. CIP-46-050.4 Pipeline Rehabilitation Phase C-1 is a component of CIP-46-050.0 Annual Allocation - Pipeline Rehabilitation. The proposed FY2007 CIP budget submitted to Financial Management for this annual allocation is \$15.8 million for FY2007.

Haas/Tulloch/MPL

Staff: Craig Whittemore – (858) 292-6471  
Thomas C. Zeleny – Deputy City Attorney

FILE LOCATION: W.O. 179294

COUNCIL ACTION: (Time duration: 3:40 p.m. – 4:01 p.m.)

MOTION BY ATKINS TO ADOPT WITH DIRECTIONS TO STAFF TO PROVIDE A REPORT TO COUNCIL WITHIN 30 DAYS WHICH INCLUDES THE WORK THAT HAS BEEN DONE TO DATE, THE WORK ANTICIPATED TO BE DONE IN THE FUTURE, AND WHAT STANDARDS, IF ANY, HAVE BEEN USED. 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-330: Rancho Bernardo Inn.

Matter of the appeals by David G. Eisenstein, et al, of the decision by the Planning Commission in approving an application to demolish nine (9) existing tennis courts and construct a 9,950 square foot meeting/ballroom, 1,150 square-foot of storage areas, a 2,560 square-foot kitchen, swimming pool, lawn areas, patio areas and accessory areas totaling 26,000 square feet of new development area within the 137.48 acre property that currently supports the Rancho Bernardo Inn, located at 17550 Bernardo Oaks Drive, east of Devereux Road and west of Pomerado Road.

(See Report to the City Council No. 06-018. Final MND LDR No. 42-3114/PDP No. 263778/CUP No. 132890 Amending CUP No. 86-0936/Project No. 44512. Rancho Bernardo Community Plan Area. District 5.)

**STAFF'S RECOMMENDATION:**

Adopt the resolution in Subitem A to deny the appeal and grant the permits; and adopt the resolution in Subitem B:

Subitem-A: (R-2006-751) DENIED APPEAL, GRANTED THE PERMITS,  
ADOPTED AS RESOLUTION R-301251

Adoption of a Resolution granting or denying the appeal and granting or denying Planned Development Permit No. 263778 and Conditional Use Permit No. 132890, with appropriate findings to support Council action.

Subitem-B: (R-2006-752) ADOPTED AS RESOLUTION R-301252

Adoption of a Resolution certifying that the information contained in Final Mitigated Negative Declaration LDR No. 42-3114 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 Administration Code Section 15000 et seq.), that the report 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 the Council;

That the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration is hereby approved;

The pursuant to California Public Resources Code Section 21081.6, the 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;

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.

**OTHER RECOMMENDATIONS:**

Planning Commission on November 10, 2005, voted 6-1 to approve staff's recommendation; was opposition.

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

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

**STAFF SUPPORTING INFORMATION:**

The proposed project is located at 17550 Bernardo Oaks Drive in the RS-1-14 Zone within the Rancho Bernardo Community Plan Area and is designated for resort use. The site currently contains the following facilities: eighteen-hole golf course, club house, pro shop, lounge facilities, 283 guest units, 584 parking spaces, 12 tennis courts, two swimming pools, banquet and dining facilities, commercial and retail shops, restaurant, conference and meeting space, administrative offices, and maintenance/support facilities. The irregular shaped site is approximately 137.48 acres and is bound by single family residences to the north and south. The golf course is to the east and west of the project site. The site is relatively level in topography in the area proposed for redevelopment. The project is currently accessed by Bernardo Oaks Drive as the main ingress/egress to the facility.

The Rancho Bernardo Inn development was originally approved for the construction and operation of the golf course, clubhouse, lodge and related facilities by the Planning Commission on August 1, 1962, under Conditional Use Permit No. 5003. There have been six subsequent amendments to CUP No. 5003, the last being approved by the Planning Commission on January 29, 1987, CUP No. 86-0936. These amendments allowed for additional uses on the site that were not covered in previous permits including: 283 guest units, 584 parking spaces, 12 tennis courts, swimming pools, banquet and dining facilities, commercial and retail shops, restaurant, conference and meeting space, administrative offices, and maintenance/support facilities.

**DISCUSSION**

The project proposes to process a Planned Development Permit and Conditional Use Permit to amend CUP No. 5003 to demolish nine (9) of the existing tennis courts and construct a 9,950 square foot meeting/ballroom, 1,150 square-feet of storage areas, a 2,560 square-foot kitchen, swimming pool, lawn areas, patio areas and accessory areas totaling 26,000 square feet of new development. The project would not result in any additional guest rooms over the current guest room total of 283 rooms.

The maximum building height on the site would be 29 feet 8 inches, and that height would be limited to the proposed meeting/ballroom building. The exterior of the building would consist of colored stucco to match existing buildings on the project site, windows, terra cotta colored clay tile roof, metal wrought iron, and concrete columns to match colored stucco.

As designed, the project site would generally maintain existing drainage patterns. Flows from the site would drain over, and be filtered by, the existing golf course. All onsite drainage would be collected via 6" drains placed throughout the proposed development area and then directed into the City's storm drain system. The proposed project has been reviewed by City Landscape staff and would comply with all applicable landscape regulations.

There are currently 584 parking spaces onsite. During review of the project, it was determined that this was sufficient for the current project site with the proposed redevelopment taken into consideration. The project proposes to close exiting from the main parking lot to Bernardo Oaks Drive as part of the project and make Greens East Road the main access. The main parking lot will not exit to Bernardo Oaks Drive and will be open to Emergency Vehicles only.

The Rancho Bernardo Inn is located in an area designated as resort/golf course use within the Rancho Bernardo Community Plan. The community plan also states "commercial recreational uses and meeting areas are encouraged to locate in private facilities such as the Rancho Bernardo Inn" (Page 66). The proposed meeting/ballroom building conforms to this use and is located with the area designated as resort/golf course. The proposed project is consistent with this designation. The project site is zoned RS-1-14. The zone allows a golf course use with a CUP. Additionally, the RS-1-14 zone has a maximum structure height of 35 feet. The project is proposing a maximum structure height of 29'-8", which conforms with the underlying zone.

**FISCAL IMPACT:**

All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Waring/Halbert/LCB

**LEGAL DESCRIPTION:**

The site is located at 17552 Bernardo Oaks Drive and is designated for "resort use," within the Rancho Bernardo Community Plan, Council District 5 and is more particularly described as Portions of Parcels 2 and 3 of Parcel Map No. 4380; APN 273-631-portions of 01 and 04, in the City of San Diego, County of San Diego, State of California.

Staff: Laura Black – (619) 446-5112.

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

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:03 p.m. – 3:21 p.m.)

Testimony in opposition by Allen Gates, David Eisenstein, Nicholas Jameson, Ari David, Richard House, Ken Huepper, and Susan Caldwell.

Testimony in favor by Jim Denton, Manoo Kazemzadeh, Alan Haynie, Hal Altenbern, Alethea Altenbern, Jack Griffiths, Gary Powers, Marty Judge, and Jonathan Jacobs.

MOTION BY MAIENSCHIN TO ADOPT THE RESOLUTION IN SUBITEM A TO DENY THE APPEAL AND GRANT THE PERMITS; AND ADOPT THE RESOLUTION IN SUBITEM B. 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-350: **Notice** of Pending Final Map Approval – 2217 Burroughs 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 "2217 Burroughs Street" (T.M. No. 182189/PTS No. 79073), located northeasterly of Burroughs 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-351: Notice of Pending Final Map Approval – Black Mountain Ranch West Cluster Unit 2.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Black Mountain Ranch West Cluster Unit 2” (T.M. No. 40-0529/PTS No. 69249), located southeasterly of Camino Del Sur and Artesian Road in the Black Mountain Ranch Community Plan Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

**ITEM-352: Notice of Pending Final Map Approval – Sigsbee Row.**

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 “Sigsbee Row” (T.M. No. 194739/PTS No. 87251), located easterly of National Avenue and Sigsbee Street in the Redevelopment Sub district of the Barrio Logan Planned District 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-353: Notice of Pending Final Map Approval –Verbena.**

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 “Verbena” (T.M. No. 119405/PTS No. 70593), located at the northwesterly terminus of Foothill Road easterly of Beyer Boulevard in the San Ysidro 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-354: 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.

**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

The meeting was adjourned by Council President Peters at 4:14 p.m. in honor of the memory of:

Richard Blum as requested by Council Member Madaffer,  
Hal Jepsen as requested by Council Member Frye, and  
Albert R. Downey as requested by Council Member Atkins.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 4:08 p.m. – 4:14 p.m.)