

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 2, 2006
AT 9:00 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 10:03 a.m. Council President Pro Tem Young recessed the meeting at 11:43 a.m. to convene the Redevelopment Agency. Council President Pro Tem Young reconvened the regular meeting at 11:46 a.m. with Council President Peters not present. Council President Pro Tem Young recessed the meeting at 11:47 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Pro Tem Young at 2:07 p.m. with Council President Peters not present. The meeting was recessed by Council President Pro Tem Young at 2:27 p.m. to convene the Housing Authority. Council President Pro Tem Young reconvened the meeting at 3:04 p.m. with Council President Peters not present. The meeting was adjourned by Council President Pro Tem Young at 3:06 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-not 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-300: 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-present
- (8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Bill Nemeč and Steve McMillan commented on police and public safety in the City of San Diego. (The following persons submitted speaker slips in support of this subject: Carlos Lacarra, Ben MacBeth, Phil Stanley and Amber Nygaard)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:48 a.m.)

PUBLIC COMMENT-2:

Joseph Clark commented on personnel issues facing the City of San Diego.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-3:

Steven Shaw commented on the financial situation in the City of San Diego.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-4:

Hud Collins commented on the pension and financial crises in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:53 a.m. – 10:55 a.m.)

PUBLIC COMMENT-5:

Sandy Summers made various remarks regarding civil rights.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:56 a.m. – 10:58 a.m.)

PUBLIC COMMENT-6:

Jeff Stowell commented on privatization and managed competition in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:59 a.m. – 11:01 a.m.)

PUBLIC COMMENT-7:

Mark McCollough commented on traffic safety in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:02 a.m. – 11:04 a.m.)

PUBLIC COMMENT-8:

Jarvis Ross commented on the Supreme Court decision regarding eminent domain as it affects property in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:05 a.m. – 11:07 a.m.)

PUBLIC COMMENT-9:

Sunshine Horton commented on the use of designated drivers in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:09 a.m. – 11:10 a.m.)

PUBLIC COMMENT-10:

Phil Hart commented on the condition of the budget in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:11 a.m. – 11:14 a.m.)

PUBLIC COMMENT-11:

Ron Boshun made comments regarding the actions of the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:15 a.m. – 11:17 a.m.)

PUBLIC COMMENT-12: REFERRED TO THE OFFICE OF THE MAYOR

Nick Moffit commented on the reclaimed sewage water in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:18 a.m. – 11:20 a.m.)

PUBLIC COMMENT-13:

Clyde Richard commented on Metropolitan Transit Service in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:21 a.m. – 11:22 a.m.)

PUBLIC COMMENT-14:

Daniel Coffey commented on the actions of the San Diego City Attorney.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:23 a.m. – 11:25 a.m.)

PUBLIC COMMENT-15:

Don Stillwell commented on the subject of bus passenger safety in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:26 a.m. – 11:29 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Madaffer wished to thank his fellow Council Members for their support on the issues that have arisen regarding the Metropolitan Transit Service, particularly as it concerns passenger safety.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:30 a.m. – 11:34 a.m.)

COUNCIL COMMENT-2:

Council Member Atkins expressed appreciation for the hundreds of volunteers from We Build Together San Diego, who help in rebuilding properties in San Diego, and for the contribution of their time, money and expertise in helping residents to repair their homes.

FILE LOCATION: MINUTES

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

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CLOSED SESSION REPORT OUT BY ASSISTANT CITY ATTORNEY KAREN HEUMANN:

The City Council met today, May 2, 2006, in Closed Session, over the objections of the City Attorney regarding Closed Session Item 3 – SDCERS v. San Diego City Attorney Michael J. Aguirre. I was present throughout the item discussion only for purposes of keeping a written record of attendees, motions, and votes taken.

1. The City Council voted to waive attorney-client privilege and authorize and direct the City Attorney to release transcripts from the closed sessions of July 25 and August 2, 2005, only as to those portions of the transcripts related to this case (Not unrelated closed session agenda items), to the court only for in camera review.
 - Motion by Council President Peters, Dist. 1 and
 - 2nd by Councilmember Madaffer – Dist 7
 - Vote: 6/1 (Councilmember Frye – Dist. 6 (Nay)
 - Absent Councilmember Maienschein – Dist. 5.
2. City Council discussed this item over objections of City Attorney Michael Aguirre.
3. City Attorney Michael Aguirre was not present for the discussion.
4. Executive City Attorney Don McGrath left when Council President Peters would not recuse and leave. I stayed only to keep record.
5. Council President Peters did not recuse and leave to allow City Attorney discussion. Council President Peters has a conflict of interest in this case.
6. The action taken today was not noticed. It was only noticed as an update on the status of the matter. The City Attorney is of the opinion this was a Brown Act violation.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:09 p.m.)



ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meeting of:

10/03/2000 - Amended

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:41 a.m. – 10:43 a.m.)

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



ITEM-31: Water Awareness Month.

**MAYOR SANDERS', COUNCIL PRESIDENT PETERS', AND
COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-890) ADOPTED AS RESOLUTION R-301396

Proclaiming May 2006 as "Water Awareness Month" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:04 a.m. – 10:21 a.m.)

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



ITEM-32: Judge Joe Littlejohn Day.

(Continued from the meeting of April 18, 2006, Item 33, at the request of Council President Pro Tem Young, for further review.)

COUNCIL PRESIDENT PRO TEM YOUNG’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-826) ADOPTED AS RESOLUTION R-301397

Proclaiming April 6, 2006, to be “Judge Joe Littlejohn Day” in the City of San Diego in recognition of his service to the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:28 a.m.)

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



ITEM-33: American Red Cross-San Diego/Imperial Counties Chapter Day.

COUNCILMEMBER ATKINS’ RECOMMENDATION:

Adopt the following resolution:

(R-2006-896) ADOPTED AS RESOLUTION R-301398

Commending the San Diego/Imperial Counties Chapter of the American Red Cross for its ongoing role in responding to emergencies at the local, state, national, and international levels; and saluting the staff, board, donors, and countless volunteers who give selflessly of themselves to help people in need;

Proclaiming May 2, 2006, to be “American Red Cross-San Diego/Imperial Counties Chapter Day” in the City of San Diego.

FILE LOCATION: AGENDA

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

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



ITEM-34: Building Safety Week.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-879) ADOPTED AS RESOLUTION R-301399

Urging all citizens to participate in Building Safety Week activities to help promote building safety, to create awareness as to the importance of construction and building codes, and to spotlight the role of the dedicated code official in administering those codes;

Proclaiming the week of May 7-13, 2006, to be “Building Safety Week” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:40 a.m.)

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

- * ITEM-50: Extension of Banking Services Contract with Bank of America for Depository and Disbursement Services.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/18/2006, Item 54. (Council voted 8-0):

(O-2006-107) ADOPTED AS ORDINANCE O-19485 (New Series)

approving an extension to the Master Agreement between the City of San Diego and the Bank of America for Depository and Disbursement Services.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:40 a.m. – 11:42 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-51: Extension of Banking Services Contract with Bank of New York.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/4/2006, Item 55. (Council voted 8-0):

(O-2006-106) ADOPTED AS ORDINANCE O-19486 (New Series)

Approving an extension to the Master Agreement between the City of San Diego and the Bank of New York for Securities Clearance and Safekeeping Services.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:40 a.m. – 11:42 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-52: Extension of Banking Services Contract with San Diego Metropolitan Credit Union.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/4/2006, Item 56. (Council voted 8-0):

(O-2006-108) ADOPTED AS ORDINANCE O-19487 (New Series)

Approving an extension to the Master Agreement between the City of San Diego and the San Diego Metropolitan Credit Union for Automated Clearing House Services.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:40 a.m. – 11:42 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-53: Nonexclusive Chilled Water Franchise Agreement with JMIR-Chilled Water LLC, for Temperature Controlled Water Located in the Ballpark District.

(Ballpark District Community Area. District 2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/17/2006, Item 200. (Council voted 8-0):

(O-2006-97 Cor. Copy 2) ADOPTED AS ORDINANCE O-19489 (New Series)

Authorizing and empowering the Mayor, for and on behalf of the City, to execute a non-exclusive Chilled Water Franchise Agreement between the City of San Diego and JMIR-Chilled Water LLC, under the terms and conditions set forth in the Chilled Water Franchise Agreement;

Declaring this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(4) because this activity is the creation of a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant impact on the environment.

NOTE: 6 votes required.

FILE LOCATION: FRANCHISE

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

MOTION BY FRYE TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-54: **NOTE:** This item has been taken off the docket.

* ITEM-55: Cardinal Court Rezone.

(See Report to the City Council No. 06-019. Serra Mesa Community Plan Area.
District 6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/18/2006, Item 334, Subitem B.
(Council voted 8-0):

(O-2006-104) ADOPTED AS ORDINANCE O-19488 (New Series)

Changing 1.1-acres located at 7695 Cardinal Court, within the Serra Mesa
Community Plan Area, in the City of San Diego, California, from the RS-1-7
Zone into the CO-1-2 as defined by San Diego Municipal Code Section 131.0504.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:40 a.m. – 11:42 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND
ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-
not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Hueso-yea.

* ITEM-100: Agreement with Smartz Moves Inc. for Professional Services for the Bicycle Education Program.

(Districts 1 - 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-842) ADOPTED AS RESOLUTION R-301400

Authorizing the City Auditor and Comptroller to increase the FY 2006 Capital Improvement Program Budget for CIP-58-167.0, Bicycle Safety and Commuting Education Program, Fund 39006, Office of Traffic Safety (OTS) Bicycle Education Program Grant by \$784,766;

Authorizing the Mayor, or his designee, to execute an agreement with Smartz Moves, Inc. for professional services related to bicycle and pedestrian education programs, on the terms and conditions set forth in the agreement, in an amount not to exceed \$592,000, contingent upon the City Auditor and Comptroller certifying that funds are available;

Authorizing the City Auditor and Comptroller to appropriate and expend \$784,766 from Fund 39006, Office of Traffic Safety (OTS) Bicycle Education Program Grant, CIP-58-167.0, Bicycle Safety and Commuting Education Program for the following purposes: an amount not to exceed \$592,000 for the agreement with Smartz Moves, Inc., and an amount not to exceed \$192,766 for administrative and related costs, contingent upon the City Auditor and Comptroller first certifying that the necessary funds are, or will be, on deposit in the City Treasury;

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

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

STAFF SUPPORTING INFORMATION:

The California State Office of Traffic Safety has provided funding to the City of San Diego which will allow for the development and implementation of five different bicycle and pedestrian safety education programs to be tailored to all age groups. The goal of these programs is to make non-motorized travel in the roadway safer, more easily understood and more readily accepted.

Smartz Moves, Inc. will present programs to elementary, middle school, and high school students, as well as seniors and the general public. School site programs provide classroom instruction along with monthly rodeos that feature mini-community set-ups that allow students to bike, walk and "drive" makeshift cars in a mini-city to learn safe and effective ways to navigate city streets. Adult classes will be geared for those who are not comfortable or familiar with riding in the roadway, are first time commuters or commuters that need the rules and recommendations for safety refreshed, or anyone that is a utility or recreational rider.

FISCAL CONSIDERATIONS:

City Council authorized the acceptance of \$784,766 from OTS on Resolution R-301024, dated November 14, 2005. Total consultant fee for the agreement with Smartz Moves, Inc. is \$592,000 and funds are available in CIP-58-167.0, Bicycle Safety and Commuting Education Program, Fund 39006. The agreement for the bicycle education program is funded entirely by OTS.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution R-301024, dated November 14, 2005, authorized the funding agreement with OTS.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

In prior years, funding obtained for bicycle education programs had been used for elementary aged children only. This year funding has been increased and the program expanded to include other age groups with the anticipation that in future year's funds can again be increased with the goal of escalating the educational program in more detail as demand rises.

KEY STAKEHOLDERS:

San Diego County Bicycle Coalition, San Diego Unified School District, and Smartz Moves, Inc.

Boekamp/Haas

Aud. Cert. 2600652.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:40 a.m. – 11:42 a.m.)

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



ITEM-101: Freeway Maintenance Agreements with Caltrans for Maintenance of City Streets at Various Freeway Crossings on I-15, SR-52, SR-54, and SR-56.

(Carmel Valley, Rancho Peñasquitos, Skyline-Paradise Hills, Carmel Mountain Ranch, Rancho Bernardo, Kearny Mesa, Mission Valley, East Elliott, and Tierrasanta Community Areas. Districts 1, 4, 5, 6, and 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-813) ADOPTED AS RESOLUTION R-301413

Authorizing the Mayor to execute, for and on behalf of City of San Diego, five Freeway Maintenance Agreements with Caltrans regarding the following locations: Camino del Rio South, Camino del Rio North, Rancho Mission Road, Mission San Diego Road, Friars Road at I-15, Carmel Mountain Road, Camino del Norte, Bernardo Center Drive, Rancho Bernardo Road, Duenda Road and West Bernardo Drive at I-15, Convoy Street, Kearny Villa Road, Santo Road, Mast Boulevard, West Hills Pkwy. at SR-52, Woodman Street and Briarwood Road SR-54, El Camino Real, Carmel Creek Road, Carmel Country Road, Salmon River Road, and Rancho Peñasquitos Boulevard at SR-56;

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

STAFF SUPPORTING INFORMATION:

It is the policy of the State of California Department of Transportation (Caltrans) to maintain freeways and State highways and their bridge structures, with local jurisdictions assuming responsibility for the street surfaces of local roads which cross over or under the State facilities within State right-of-way. Freeway Maintenance Agreements memorialize the responsibilities of both the State of California and the City of San Diego regarding maintenance of overpasses and underpasses.

Under the terms of these agreements, the State is responsible for maintaining the bridge structures and the timing of traffic signals at the intersections of freeway ramps and local streets. The State and the City will share responsibility for the installation and maintenance of traffic signals at interchanges. The City is responsible for street sweeping, street resurfacing and maintenance, removal of graffiti on the City side of soundwalls, and landscape maintenance outside the area reserved for exclusive freeway use.

FISCAL CONSIDERATIONS:

The work proposed to be undertaken by the City is essentially a continuity of maintenance of City streets over and under Caltrans freeway facilities, and is an efficient use of public funds. With the exception of street sweeping, which is performed on a regular schedule, the work is performed on an infrequent as-needed basis and costs can vary depending on the type of work being performed. For example, street light bulb replacement occurs only when the light burns out and is low-cost. Graffiti removal is also low-cost but more frequent. In contrast, slurry-sealing and asphalt overlay are higher-cost but are done far less frequently (7-8 years for slurry, 10-15 years for overlay).

The number of variables involved makes it difficult to calculate an actual annual cost per bridge structure. The average cost has been estimated at \$700 per year over a ten-year period: in some years, costs will be extremely low (i.e., street sweeping only), and in other years the costs could be high (slurry sealing and several instances of graffiti removal). Funds are budgeted within the General Services Department, Street Division's operating fund for this purpose.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None required

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Not applicable

Boekamp/Haas

Staff: Larry Van Wey - (619) 533-3005
Timothy J. Miller - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:12 p.m.)

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

* ITEM-102: Second Amendment to Consultant Agreement for the Rose Creek Bikeway Project.

(Pacific Beach and Mission Bay Park Community Areas. Districts 2 and 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-880) ADOPTED AS RESOLUTION R-301401

Authorizing the Mayor to execute for an amount not to exceed \$51,418, a Second Amendment to the Agreement with T. Y. Lin International, for consulting services on the Rose Creek Bike Path and Pedestrian Bridge Project, under the terms and conditions set forth in the Second Amendment to Agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$51,418 from CIP-58-147.0, Rose Creek Bike Path and Pedestrian Bridge Project, Fund 30300, TransNet, for the purpose of providing funds for the aforementioned Second Amendment to Agreement, contingent upon the City Auditor and Comptroller certifying that the funds are necessary for such expenditure 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.

STAFF SUPPORTING INFORMATION:

This project proposes a 280 foot long pedestrian and bicycle bridge across Rose Creek in Mission Bay Park, as well as completion of pedestrian and Class I bicycle trails leading to the bridge. The proposed project location is within the planning area of the Mission Bay Park Master Plan. The project would extend the existing Mission Bay bike trail between Campland and Mission Bay High School to North Mission Bay Drive and would connect with the planned bicycle/pedestrian trail system designated in both the Mission Bay Park Master Plan and the Pacific Beach Community Plan. The proposed bridge would have a clear width of 14 feet and would allow use by bicyclists and pedestrians. Additionally, the proposed bridge, in accordance with the Mission Bay Park Master Plan, would accommodate maintenance and emergency equipment.

An Agreement for the Phase I design services, 0%-30% design, with TY Lin International was approved by City Manager Action on January 8, 2002 (C-11247). This phase was completed with the identification of the best project alternative and the certification of the environmental documents on March 23, 2004 (R-298989). On May 6, 2005, the City Council approved a First Amendment to Consultant Agreement allowing for Phase II design services, 30%-100% design (R-300402).

This Second Amendment will cover additional costs due to unforeseen conditions during subsurface investigations which required the use of larger equipment, design changes which include modifications to the bikeway alignment, and consultant assistance with grant applications for construction funding. The design is currently 95% complete.

FISCAL CONSIDERATIONS:

Current appropriation for this agreement is \$577,422. This action will increase the total consultant contract by \$51,418. The total consultant agreement will be \$628,840.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution, R-298989, dated 03-23-2004, to approve a MND/Site Development Permit; and Resolution, R-300402, dated 05-06-2005, to execute a First Amendment to Consultant Agreement.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Rose Creek Bikeway Project is consistent with the Mission Bay Park Master Plan. The project has been reviewed and approved by the Mission Bay Park Committee, the Pacific Beach Community Planning Committee, the Pacific Beach Town Council, and the San Diego Mission Bay Boat and Ski Club.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

T. Y. Lin International

Boekamp/Haas

Aud. Cert. 2600715.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:40 a.m. – 11:42 a.m.)

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

* ITEM-103: First Amendment to the Participation Agreement with Solpac Inc. dba Soltek Pacific for the Construction of USIU Trunk Sewer.

(See Executive Summary Sheet dated March 29, 2006. Scripps Miramar Ranch Community Area. District 5.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2006-834) ADOPTED AS RESOLUTION R-301402

Authorizing the Mayor, or his designee, to execute on behalf of the City of San Diego, Amendment No. 1 to the Participation Agreement with Solpac Inc., dba Soltek Pacific for an additional amount of \$50,000;

Authorizing the expenditure of an amount not to exceed \$50,000 from Fund 41506, CIP-46-197.6, USIU Trunk Sewer, to fund the Amendment;

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

Declaring this activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378(c). This activity is a subsequent discretionary approval covered under MND No. 33131. The 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 pursuant to CEQA Guidelines Section 15177.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/5/2006, NR&C voted 4 to 0 to approve. (Councilmembers Faulconer, Atkins, Frye, and Hueso voted yea.)

SUPPORTING INFORMATION:

The City currently has a Participation Agreement with Soltek Pacific to allow construction of approximately 1,452 lineal feet of new 21-inch sewer main to replace a portion of the USIU Trunk Sewer. This Agreement includes replacement of approximately 300 lineal feet of 16-inch water main which interferes with the project.

Soltek Pacific is concurrently contracted with the school district to construct off-site improvements adjacent to the Thurgood Marshall Middle School. It is the desire of the Metropolitan Wastewater Department to construct the sewer improvements at the same time the street improvements are being constructed. This will avoid future community impacts and trenching in a new street. The current agreement does not allow for potential change orders that may occur during the underground construction project. The Metropolitan Wastewater Department requests an increase to the contract in the amount of \$50,000 to cover any unforeseen conditions that may arise.

FISCAL CONSIDERATIONS:

The total cost for this action is \$50,000 and is available in Sewer Fund 41506, CIP-46-197.6, USIU Trunk Sewer Project.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution Number R-300353, adopted on September 20, 2005, authorized the City Manager to negotiate and execute a participation agreement with Soltek Pacific for the construction of a portion of the USIU - Miramar Trunk Sewer and authorized the expenditure of a not to exceed amount of \$1,000,000.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Staff met with the Scripps Ranch Community Planning Group on March 6 and June 5 of 2003. Additionally, staff met with the School District and the Chair of the Scripps Ranch Community Planning Group on May 13 and June 10 of 2004, to discuss a coordinated construction effort. The City, the Scripps Ranch Community Planning Group and the Construction Manager, Soltek Pacific, find it is in their best interests to expedite the public wastewater improvements adjacent to the Thurgood Marshall Middle School site. Coordinating the improvements into a single construction operation managed by Soltek Pacific will avoid disruption and re-excavation of newly constructed portions of Pomerado Road and limit impacts to traffic.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

San Diego Unified School District and Scripps Miramar Ranch Community
Solpac Inc. dba Soltek Pacific

Aud. Cert. 2600685.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:40 a.m. – 11:42 a.m.)

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



ITEM-104: Proposition 50 Grants from the Department of Water Resources (DWR) for San Pasqual and San Diego Formation Brackish Groundwater Desalination Projects.

(See Executive Summary Sheet dated March 28, 2006. San Pasqual and Mt. Hope Community Areas. Districts 4 and 5.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2006-885) CONTINUED TO TUESDAY, MAY 16, 2006.

Authorizing the Mayor, or his designee, to execute an Agreement between the State of California Department of Water Resources and the City of San Diego for San Pasqual Brackish Groundwater Desalination-Project - Phase III, together with any reasonably necessary modifications or amendments thereto which do not increase agreement scope or cost and which the Mayor, or his designee, shall deem necessary from time to time in order to carry out the purposes and intent of the agreement;

Authorizing the Mayor, or his designee, to execute an Agreement between the State of California Department of Water Resources and the City of San Diego for San Diego Formation Brackish Groundwater Desalination Project - Phase II Feasibility Study, together with any reasonably necessary modifications or amendments thereto which do not increase agreement scope or cost and which the Mayor, or his designee, shall deem necessary from time to time in order to carry out the purposes and intent of the agreement;

Authorizing the Mayor and his designees to take all necessary actions to secure the grant funding;

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

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/5/2006, NR&C voted 4 to 0 to approve. (Councilmembers Faulconer, Atkins, Frye, and Hueso voted yea.)

SUPPORTING INFORMATION:

In October 2004, under the Proposition 50 Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, Chapter 6a, DWR solicited construction projects, research and development, feasibility studies, and pilot demonstration projects for desalination of seawater or brackish waters. The grant program aims to assist local public agencies with the development of local potable water supplies through brackish groundwater and seawater desalination.

The City's Water Department submitted three (3) projects for consideration of grant funding. The following two (2) projects were selected for award:

- San Pasqual Brackish Groundwater Desalination Demonstration Project - Phase III - Design, build and operate a 500 Acre Foot per Year (AFY) demonstration facility which will desalinate groundwater from the San Pasqual Aquifer.
- San Diego Formation Brackish Groundwater Desalination Project - Phase II Feasibility Study - Study to evaluate the overall feasibility of implementing a groundwater desalination project using the San Diego Formation Aquifer.

These projects will allow the City to accomplish significant steps towards advancing the production of usable potable water from groundwater sources not currently used by the City. In addition, the projects will help to enhance reliability and increase the local water supply.

FISCAL CONSIDERATIONS:

These projects are expected to help advance desalination in California as well as provide valuable lessons, experience, and background material for the public.

These projects will be included in the Department's budget as follows:

San Pasqual Brackish Groundwater Desalination Phase III CIP-75-932.4.

- Total project cost of \$3.075 million
- Grant award of \$1.5 million funds offered
- \$3.075 million included in the Capital Improvement Program budget over Fiscal Year 2007 through 2009

San Diego Formation Brackish Groundwater Desalination Project - Phase II Feasibility Study.

- Total project cost of \$500,000
- Grant award of \$249,700 offered
- \$370,000 included in current year operating and maintenance budget
- \$130,000 to be included in operations and maintenance budget over Fiscal Years 2007 and 2008

If awarded, grant reimbursement will occur over multiple fiscal years.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On April 5, 2006, the Natural Resources and Culture Committee approved this requested action. Resolution Number R-297933 passed and adopted on May 6, 2003, by the Council of the City of San Diego, that the City Manager and/or the Water Department Director are authorized to apply for funds from the State of California under the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, Proposition 50, to facilitate implementation of the City of San Diego's Water projects. Approved unanimously on 2/10/03 (Peters, Zucchet, Atkins, Lewis, Maienschein, Frye, Madaffer, Inzunza, Murphy in support).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

City representatives attend the San Pasqual Lake Hodges Planning Group meetings and provide information and receive feedback on City activities. A San Pasqual public advisory committee is planned as a part of the Groundwater Management Plan preparation as required in the San Pasqual Vision Plan Policy No. 600-45, June 27, 2005, adopted by the Council. The San Diego Formation feasibility study is being coordinated with the City Parks Department as the study will be conducted at the Mt. Hope Cemetery. Both projects have been reviewed with staff of the County Water Authority and member agencies.

KEY STAKEHOLDERS:

Citywide Water Customers

Yackly/Haas

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:37 a.m. – 11:39 a.m.)

MOTION BY ATKINS TO CONTINUE TO TUESDAY, MAY 16, 2006, AT THE REQUEST OF COUNCIL PRESIDENT PRO TEM YOUNG, FOR FURTHER REVIEW. Second by Young. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-105: Easement Acquisition Mission Gorge Place.

(Grantville Community Area. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-871 Cor. Copy) ADOPTED AS RESOLUTION R-301403

Approving the acceptance by the Mayor of a Grant of Easement executed by Philip Teyssier for Atomic Investments, Inc., granting to City a public sidewalk easement across a portion of Lot 6 Golden Grantville Industrial Tract Map 3738, filed October 30, 1957, in the Office of the County Recorder of San Diego County;

Authorizing the expenditure of an amount not to exceed \$30,000 from Fund 30244, CIP-52-717.4, for the acquisition of property rights and related costs required for the Mission Gorge Place Sidewalk Extension Project. Said property rights are identified as a portion of Parcel "A" according to Parcel Map No. 1100, filed November 8, 1972, in the Office of the County Recorder of San Diego County;

Approving the acceptance by the Mayor of a Grant of Easement executed by Lawrence J. Bailey for the Lawrence J. Bailey 1988 Revocable Estate Trust, granting to City a public street easement across that portion of Parcel "A" according to Parcel Map No. 1100, filed November 8, 1972, in the Office of the County Recorder of San Diego County;

Authorizing and directing the City Clerk to cause the deed and a certified copy of this resolution, attested by her under seal, to be recorded in the Office of the County Recorder at no fee for the benefit of the City, with no documentary tax due.

STAFF SUPPORTING INFORMATION:

The City received complaints from the V.A. Wave Clinic (tenant at APN: 461-210-07) whose patrons, many who are wheelchair bound, were not able to access their facility directly due to the fact that the sidewalk ends just west of its facility. The City's design for extending the sidewalk requires easements across APN: 461-210-09 and 461-210-07. Due to the small size of the easement and the benefit received by the project, the owner of parcel 07, Atomic Investments, Inc., has agreed to donate the easement to the City at no charge. The easement across parcel 09 is much larger and the City must purchase the easement from the owner, Lawrence Bailey.

FISCAL CONSIDERATIONS:

\$30,000 is available in Fund 30244, CIP-52-717.4.

PREVIOUS COUNCIL and/or COMMITTEE ACTIONS:

N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS:

The sidewalk extension project will enhance public safety for pedestrians and provide aesthetic benefits along Mission Gorge Place.

Boyle/Waring

Staff: Steve Geitz - (619) 236-6311
Brock Ladewig - Deputy City Attorney

FILE LOCATION: DEED F-9981

COUNCIL ACTION: (Time duration: 11:40 a.m. – 11:42 a.m.)

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

- * ITEM-106: Excusing Councilmember Madaffer from Attending the May 15 and 16, 2006, City Council and Closed Session Meetings.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-866) ADOPTED AS RESOLUTION R-301404

Excusing Councilmember Jim Madaffer from attending the regularly scheduled City Council and Closed Session meetings of May 15 and 16, 2006.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:40 a.m. – 11:42 a.m.)

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



* [ITEM-107:](#) Normal Heights Centennial Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-891) ADOPTED AS RESOLUTION R-301405

Congratulating the community of Normal Heights upon the occasion of its centennial celebration;

Proclaiming May 9, 2006, to be "Normal Heights Centennial Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:40 a.m. – 11:42 a.m.)

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

* ITEM-108: Mama's Heart Gets Bigger Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-897) ADOPTED AS RESOLUTION R-301406

Commending the board, staff, donors, and volunteers of Mama's Kitchen for their decision and commitment to expand their mission to provide home-delivered hot meals to people under the age of 60 throughout the San Diego County who are mentally and/or physically unable to prepare their own meals;

Proclaiming April 20, 2006, to be "Mama's Heart Gets Bigger Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:40 a.m. – 11:42 a.m.)

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

* ITEM-109: Sally Gollehon Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-888) ADOPTED AS RESOLUTION R-301407

Proclaiming April 28, 2006, to be "Sally Gollehon Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:40 a.m. – 11:42 a.m.)

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

* ITEM-110: Norma Damashek Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-887) ADOPTED AS RESOLUTION R-301408

Commending and thanking Norma Damashek for her dedication and valuable contributions to the citizens of San Diego;

Proclaiming April 19, 2006, to be "Norma Damashek Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:40 a.m. – 11:42 a.m.)

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

* ITEM-111: Voice of San Diego Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-889) ADOPTED AS RESOLUTION R-301409

Commending and thanking Voice of San Diego for their dedication and valuable contributions to the citizens of San Diego;

Proclaiming April 19, 2006, to be "Voice of San Diego Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:40 a.m. – 11:42 a.m.)

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

* ITEM-112: Diann Shipione Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-886) ADOPTED AS RESOLUTION R-301410

Commending and thanking Diann Shipione for her dedication and valuable contributions to the citizens of San Diego;

Proclaiming April 19, 2006, to be "Diann Shipione Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:40 a.m. – 11:42 a.m.)

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

* ITEM-113: 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-2006-768) ADOPTED AS RESOLUTION R-301411

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: 11:40 a.m. – 11:42 a.m.)

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

- * ITEM-114: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2006-704) ADOPTED AS RESOLUTION R-301412

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: 11:40 a.m. – 11:42 a.m.)

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

- * ITEM-115: Parking Fee Increase at Qualcomm Stadium.

(All Community Areas. District 6.)

(Continued from the meeting of April 18, 2006, Item 102, at the request of Councilmember Madaffer, for further review.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-815) FAILED

Authorizing the Mayor to raise the parking fees at Qualcomm Stadium for major stadium events (Chargers Games excluded), retroactively to January 1, 2006, to \$15 for each car and \$45 for each RV.

STAFF SUPPORTING INFORMATION:

Up to January 1, 2006, the parking fee structure for major events at Qualcomm Stadium, such as college football games, concerts and the Monster Truck show was \$10 per car and \$20 per RV. A recent survey found that the average pricing for similar events at ten NFL stadiums throughout the country is \$18.70 for cars and \$55 for RV's. Based on this survey, Stadium staff introduced a fee increase to \$15 for cars and \$45 for RV's at the stadium for events after January 1, 2006. Staff became aware that Council approval of the parking fee increase is required. Therefore, this item requests approval for the retroactive increase of Qualcomm parking fees to \$15 for cars and \$45 for RV's in order to bring these charges more into line with similar venues throughout the country. Rates would remain below the national average. The fees were in place for two events which were held at the Stadium since January 1, 2006.

FISCAL CONSIDERATIONS:

Based on the City's current contract with Ace Parking, stadium management estimates that the Qualcomm Stadium fund will receive at least \$250,000 in additional revenue annually. Additionally, the City will be receiving proposals from parking contractors for a new contract at Qualcomm Stadium within the next six weeks. This fee increase would make the contract more lucrative, which is likely to generate higher commissions for The City of San Diego.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Effective January 1, 2004, the City Council approved a parking fee increase of \$2 per car and \$4 per RV.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

If the fees are increased, stadium management will post the updated information on its website and insure that all tenants and promoters do the same. The fee structure will also be posted at all entrance gates to the stadium parking lots.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

This change does not affect the Chargers. The Chargers have control over their parking fees at Qualcomm Stadium and they take 100% of that revenue. Their anticipated fee structure for the 2006 season is \$20 for non-reserved cars and \$40 for reserved cars. The RV price is expected to be \$75.

By contract, San Diego State University receives 92% of the parking revenues at all of their games and the City receives 8%. Based on last year's attendance figures, the University would make an additional \$350,000 with this change. They would also stand to make significantly more should attendance figures increase.

Other tenants and promoters, such as the Holiday Bowl, Poinsettia Bowl, Monster Truck Show and Supercross do not participate in parking revenues. They have, however, supported the parking fee changes as long as the changes remain in line with industry standards.

Stover/Haas

Staff: Erik Stover - (619) 641-3102
Kelly J. Salt - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:40 a.m. – 11:42 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Hueso. Failed.
Yeas-2,3,4,8. Nays-5,6,7. Not present-1.

ITEM-330: There is no Item 330.



ITEM-331: Repeal of City Council Resolution R-297335 Regarding Indemnity for Future Acts and Omissions by San Diego City Employees Retirement System (SDCERS) Board Members.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-921 Rev.) ADOPTED AS RESOLUTION R-301414

Repealing City Council Resolution R-297335 relating to Indemnity of San Diego City Employees Retirement System (SDCERS) Board Members.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:12 p.m. – 2:23 p.m.)

MOTION BY MADAFFER TO ADOPT WITH THE FOLLOWING AMENDMENTS TO THE RESOLUTION: DELETE “WHEREAS” 2, 3, 4, AND 5, AND CONTINUE WITH “WHEREAS” 6, 7, 8, AND 9. Second by Atkins. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-332: Greenbriar Avenue Undergrounding Utility District.

(Allied Gardens City Community Area. District 7.)

STAFF’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-873) ADOPTED AS RESOLUTION R-301415

Calling for a public hearing to determine whether the public health, safety, or general welfare requires the formation of Underground Utility Districts financed through the City of San Diego Undergrounding Surcharge Fund.

STAFF SUPPORTING INFORMATION:

In accordance with San Diego Municipal Code (SDMC), Chapter 6, Article 1, Division 5, *Underground Utilities Procedural Ordinance* these actions will create the Greenbriar Avenue Underground Utility District from Waring Road to Allied Gardens Community Park and will underground all overhead utilities within the designated District.

In accordance with City Council Policy 600-08, *Underground Conversion of Utility Lines by Utility Company*, the proposed District is identified in CIP-37-028.0 and was approved per Council Resolution R-300572, as part of the FY 2006 Annual Allocation of Underground Utility Projects.

The formation of this district will require by Ordinance the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary. The expense of the underground installation and removal of overhead facilities within the right-of-way (street and sidewalk area) will be responsibility of the utility companies in accordance with California Public Utilities Commission (CPUC) Rules and Tariffs.

Replacement of street lighting, street restoration, tree replacement, pedestrian ramp installations, building permits, building and field engineering inspections, archeological monitoring, associated utility coordination of construction activities, and all associated engineering and project management associated with these improvements, will be financed through City of San Diego Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from San Diego Gas & Electric (SDG&E).

By Ordinance, creation of this Underground Utility District will require all property owner(s) within said District to perform all necessary trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service, including all necessary permits. However, per agreement with the City of San Diego, SDG&E will offer to property owner(s) within the Underground Utility District, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities, at no cost to the property owner(s). In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form (PTE) and ensure their properties meet minimum conformance as outlines in the SDMC. Namely, that their electrical panels: (1) are deadfront operated, (2) have a grounding rod; and (3) have appropriate operating clearances.

FISCAL CONSIDERATIONS:

The estimated construction cost of \$578,168 for electrical utility work within the public right-of-way and private property, will be financed through the use of SDG&E Rule 20 (A), as directed by the CPUC, Case 8209. Costs to convert AT&T and cable television is financed directly by AT&T and the cable companies per applicable CPUC tariffs and City franchise agreements.

Other indirect costs such as administration, archaeological monitoring, street light replacement, minor street improvements, and other related work is estimated at \$36,904 and will be financed through Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from SDG&E. These expenditures have been approved or will be approved by subsequent actions.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

City Council Resolution R-300572, FY 2006 Annual Allocation of Undergrounding Projects, and associated Manager's Report 05-149.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

With notification of Public Hearing, property owners and residents will be mailed an informational brochure about the City's Undergrounding Program including information as to how to contact and get more information via the Underground Program Information Line and the Underground Program via the internet, where they can access a monthly project status and sign up for email updates from the Underground Program Staff. Prior to the start of construction affected property owner(s) and/or tenant(s) are invited to a two hour community forum regarding the project and the construction process, get project maps and schedules, and speak to utility company representatives about individual questions.

During construction, e-mails will be periodically sent to those signed up, information regarding the status of their project, where the contractor is working and where he will be working next. Residents are provided door hangers with the contractors name and contact number and the City's contact name, number and internet address prior to work occurring on private property. Community Planning groups are added to all customer contact mailings and are notified of pre-construction meetings to discuss community issues directly with the contractor. Customer satisfaction surveys are used throughout the process and at project completion to identify systemic issues and improve customer service.

KEY STAKEHOLDERS:

Residents, businesses, and utility companies.

Boekamp/Haas/NB

Staff: Nathan Bruner – (619) 533-3777
Jeremy A Jung - Deputy City Attorney

FILE LOCATION: STRT-K-326 (38)

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

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



[ITEM-333](#): Various Undergrounding Utility Districts.

(Various Community Areas. Districts 1, 7, and 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-877) ADOPTED AS RESOLUTION R-301416

Calling for a public hearing to determine whether the public health, safety, or general welfare requires the formation of Underground Utility Districts.

STAFF SUPPORTING INFORMATION:

In accordance with San Diego Municipal Code (SDMC), Chapter 6, Article 1, Division 5, *Underground Utilities Procedural Ordinance* these actions will create the Waring Road/I-8 from Adobe Falls Road to Alvarado Canyon Road, La Jolla Mesa Drive from La Jolla Scenic South Drive to Murlands Drive, and K Street from 19th Street to 30th Street, Underground Utility Districts and will underground all overhead utilities within the designated Districts.

In accordance with City Council Policy 600-08, *Underground Conversion of Utility Lines by Utility Company*, the proposed Districts are identified in CIP-37-028.0 and were approved per Council Resolution R-300572, as part of the FY 2006 Annual Allocation of Underground Utility Projects.

The formation of the districts will require by Ordinance the removal and/or underground conversion of certain overhead power and communications wires and poles within the established boundaries. The expense of the underground installation and removal of overhead facilities within the right-of-way (street and sidewalk area) will be the responsibility of the utility companies in accordance with California Public Utilities Commission (CPUC) Rules and Tariffs.

Replacements of street lighting, street restoration, tree replacement, pedestrian ramp installations, building permits, building and field engineering inspections, archeological monitoring, associated utility coordination of construction activities, and all associated engineering and project management associated with these improvements, will be finance through City of San Diego Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from San Diego Gas & Electric (SDG&E). By Ordinance, creation of the Underground Utility Districts will require all property owner(s) within said Districts to perform all necessary trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service, including all necessary permits. However, per agreement with the City of San Diego, SDG&E will offer to property owner(s) within the Underground Utility Districts, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities, at no cost to the property owner(s). In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form (PTE) and ensure their properties meet minimum conformance as outlined in the SDMC. Namely, that their electrical panels: (1) are dead front operated, (2) have a grounding rod; and (3) have appropriate operating clearances.

FISCAL CONSIDERATIONS:

The estimated construction cost of \$2,848,885 for electrical utility work within the public right-of-way and private property, will be financed through the use of SDG&E Rule 20 (A), as directed by the CPUC, Case 8209. Costs to convert AT&T and cable television is financed directly by AT&T and the cable companies per applicable CPUC tariffs and City franchise agreements.

Other indirect costs such as administration, archaeological monitoring, street light replacement, minor street improvements, and other related work is estimated at \$298,334 and will be financed through Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from SDG&E. These expenditures have been approved or will be approved by subsequent actions.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

City Council Resolution R-300572, FY2006 Annual Allocation of Undergrounding Projects, and associated Manager's Report 05-149.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

With notification of the Public Hearing, property owners and residents will be mailed an information brochure about the City's Undergrounding Program including information as to how to contact and get more information via the Underground Program Information Line and the Underground Program via the internet, where they can access a monthly project status and sign up for email updates from the Underground Program Staff. Prior to the start of construction affected property owner(s) and/or tenant(s) are invited to a two hour community forum regarding the project and the construction process, get project maps and schedules, and speak to utility company representatives about individual questions. During construction, e-mail's will be periodically sent to those signed up, information regarding the status of their project, where the contractor is working and where he will be working next. Residents are provided door hangers with the contractors name and contact number and the City's contact name, number and internet address prior to work occurring on private property. Community Planning groups are added to all customer contact mailings and are notified of pre-construction meetings to discuss community issues directly with the contractor. Customer satisfaction surveys are used throughout the process and at project completion to identify systemic issues and improve customer service.

KEY STAKEHOLDERS:

Residents, businesses, and utility companies.

Boekamp/Haas/NB

Staff: Nathan Bruner – (619) 533-3777
Jeremy A Jung - Deputy City Attorney

FILE LOCATION: STRT-K-327 (38)

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

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



ITEM-334: CWS Residence.

Matter of approving, conditionally approving, or denying an application for a Coastal Development Permit, Site Development Permit (Environmentally Sensitive Lands), and an Easement Abandonment (drainage) necessary to construct a new 6,965 square-foot total (5,107 square feet for Floor Area Ratio), multi-level single-family residence on a 13,460 square-foot lot addressed as 1620 Torrey Pines Road, in the RS-1-7 zone located within the Coastal Overlay Zone (appealable area), Coastal Height Limit, and First Public Roadway area, all within the boundaries of the La Jolla Community Plan area.

(See Report to the City Council No. 06-007. La Jolla Community Plan Area. District 1.)

(Continued from the meeting of April 18, 2006, Item 335, at the request of Councilmember Frye, because of noticing error.)

NOTE: Hearing open. No public testimony taken on April 18, 2006.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-753) ADOPTED AS RESOLUTION R-301417

Adoption of a Resolution certifying Mitigated Negative Declaration No. 6400, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Administrative Code Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this City Council in connection with the approval of the coastal development permit/site development permit for the CWS Residence project;

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

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

That the City Clerk is directed to file a Notice of Determination (NOD) with the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2006-726) ADOPTED AS RESOLUTION R-301418

Adoption of a Resolution adopting the findings with respect to Coastal Development Permit (CDP) Permit No. 10577/Site Development Permit (SDP) Permit No. 10582;

By the Council of the City of San Diego that Coastal Development Permit No. 10577/Site Development Permit No. 10582 is granted to CWS Inc., Owner/Permittee, under the terms and conditions set forth in the Permit made a part hereof.

Subitem-C: (R-2006-725) ADOPTED AS RESOLUTION R-301419

Adoption of a Resolution vacating the drainage easement located within the RS-1-7 Zone and the Coastal Overlay Zone (appealable area), Coastal Height Limit and First Public Roadway area, all within the boundaries of the La Jolla Community Plan in connection with the Easement Abandonment No. 240347, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20521-B, marked as Exhibit "B," and on file in the office of the City Clerk, which are by this reference incorporated herein and made a part hereof, is ordered vacated;

That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by him under seal, to be recorded in the office of the County Recorder.

OTHER RECOMMENDATIONS:

Planning Commission on January 19, 2006, voted 5-0 to approve; no opposition.

Ayes: Chase, Steele, Schultz, Garcia, Ontai

Not present: Griswold, Otsuji

The La Jolla Community Planning Association voted to recommend approval of the application by a vote of 6-0-4 on October 7, 2004.

STAFF SUPPORTING INFORMATION:

The project site is vacant and situated between Torrey Pines Road and the Coastal Bluffs with existing single-family homes adjoining on both sides. A new single-family residence is proposed on the vacant 13,452 square-foot, RS-1-7 zoned lot at 1620 Torrey Pines Road. The applicant is requesting a Coastal Development Permit (location within the Coastal Overlay Zone), a Site Development Permit (Sensitive Lands) and an Easement Abandonment (for storm-drain relocation), in order to construct a new 6,869 square-foot, three-story single-family residence with a 448 square-foot attached two-car garage. The location of the existing 10-foot wide storm-drain and easement traverses the lot centrally and precludes designing a new residence in compliance with the zoning regulations. The project requests an abandonment of the current easement which requires a Process 5 decision by the City Council with a recommendation from the Planning Commission.

FISCAL CONSIDERATIONS:

All costs associated with the processing of the project application are borne by the applicant through a deposit account with the City of San Diego. The owner/applicant will pay all costs of the drainpipe relocation.

PREVIOUSLY PLANNING COMMISSION:

The planning commission heard this item on January 19, 2006, and voted 7-0 on Consent to recommend that the City Council adopt staff recommendations.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Notice of application and Notice of Public Hearing have been extended to required parties. The application package, resubmittals, and issues reports by City staff have been forwarded to the recognized La Jolla Community Planning Association (LJCPA). The LJCPA voted to recommend approval of the application by a vote of 6-0-4 on October 7, 2004.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

The property owner/applicant, is the key stakeholder as the existing drain-pipe and easement location are located in the center of the site and development cannot encroach into the easement. To develop the site, the easement must be abandoned and the easement and pipe relocated. The neighboring homeowners have not contracted the City or expressed any positions on the development. CWS, Inc., a California Corporation by Mr. Victor Fargo, is the property owner.

Halbert/Waring/RK

LEGAL DESCRIPTION:

The proposed project is located at 1620 Torrey Pines Road, between Coast Walk and Ludington Place, within the Coastal Zone and the La Jolla Community Planning Area and is more particularly described as Parcel 2, Parcel Map 18446.

Staff: Robert Korch – (619) 446-5229
 Shannon M. Thomas – Deputy City Attorney

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:23 p.m. – 2:27 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-not present, 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 Pro Tem Young at 3:06 p.m. in honor of the memory of:

Jack Rural Wafer as requested by Council President Pro Tem Young.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 3:04 p.m. – 3:06 p.m.)