THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 30, 2006
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 2:03 p.m. The meeting was recessed by Council President Peters at 2:57 p.m. to convene in Closed Session to discuss pending and potential litigation and meet and confer matters. Council President Peters reconvened the meeting at 4:25 p.m. with all Council Members present. Council President Peters recessed the meeting at 4:48 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the meeting at 5:00 p.m. with all Council Members present. Council President Peters adjourned the meeting at 7:31 p.m.

ATTENDANCE DURING THE MEETING:

(1) Council Member Peters-present

(2) Council Member Faulconer-present

(3) Council Member Atkins-present

(4) Council Member Young-present

(5) Council Member Maienschein-present

(6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Hueso-present

Clerk-Maland (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-present
(8) Council Member Hueso-present

ITEM-10: INVOCATION

Invocation was given by Tim Tiffany of University Christian Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Atkins

FILE LOCATION: MINUTES

CLOSED SESSION

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

CS-1 *Building Industry Association of San Diego County, Inc. v City of San Diego*
San Diego Superior Court Case No. GIC 817064

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 30, 2006

DCA: D. Karlin

In this matter, the Building Industry Association of San Diego County, Inc., challenges the City of San Diego's Inclusionary Affordable Housing Regulations [Ordinance], codified at Chapter 14, Article 2 of the San Diego Municipal Code [SDMC]. The Building Industry Association asserts various claims against the validity of the Ordinance, including claims the Ordinance's waiver provision is insufficient under prevailing constitutional standards. In closed session, the City Attorney will update the City Council on the litigation's status and discuss proposed amendments to the Ordinance.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:54 p.m. – 2:55 p.m.)

Council President Peters closed the hearing.

CS-2 *McGuigan v. City of San Diego*
San Diego Superior Court Case No. GIC849883

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 30, 2006

CA M. Aguirre/D. McGrath

This lawsuit was filed on behalf of a retired City employee against the City of San Diego requesting that the Court order the City to immediately pay all past unfunded pension liability to the retirement system. In closed session, the Mayor and City Council will receive a briefing on the matter and request appropriate action.

Closed Session Comment 1:

Hud Collins regarding the handling of the case by the City Attorney's Office.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:54 p.m. – 2:55 p.m.)

Council President Peters closed the hearing.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Hud Collins commented on the pension and financial crisis.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:28 p.m. – 2:31 p.m.)

PUBLIC COMMENT-2:

Jarvis Ross commented on eminent domain and redevelopment.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:31 p.m. – 2:34 p.m.)

PUBLIC COMMENT-3:

Nick Moffit commented on leadership and water.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:34 p.m. – 2:37 p.m.)

PUBLIC COMMENT-4:

Leon Campbell commented on the airport.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:37 p.m. – 2:40 p.m.)

PUBLIC COMMENT-5:

John Stump commented on the Police garage.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:40 p.m. – 2:42 p.m.)

PUBLIC COMMENT-6:

Mary Coakley thanked Ted Medina and Park and Recreation Department for their hard work during the holiday. Ms Coakley expressed her concerns regarding Senate Bill 1627 regarding cell towers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:42 p.m. – 2:45 p.m.)

PUBLIC COMMENT-7:

Don Stillwell commented regarding Bus Routes 13 and 14.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:48 p.m.)

PUBLIC COMMENT-8:

Cory Briggs commented regarding condo conversions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:48 p.m. – 2:50 p.m.)

COUNCIL COMMENT:

None.

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-30: Fire Chief Jeff Bowman Day.

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-1007) ADOPTED AS RESOLUTION R-301493

Proclaiming May 30, 2006, to be "Fire Chief Jeff Bowman Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:21 p.m.)

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

* ITEM-50: Elimination of the Time Limit for Establishing Loans, Advances, and Indebtedness in the College Grove Redevelopment Area.

(See Redevelopment Agency Report No. RA-06-11/RTC-06-24. Eastern Community Area. Districts 4 and 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/16/2006, Item 332. (Council voted 6-1. Councilmember Madaffer not present):

(O-2006-123) ADOPTED AS ORDINANCE O-19495 (New Series)

Eliminating the time limit for establishing loans, advances, and indebtedness to carry out the Redevelopment Plan for the College Grove Redevelopment Project Area.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:25 p.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-nay, Madaffer-yea, Hueso-yea.

* ITEM-51: Lease Agreement with the State of California Department of Transportation; and Agreement with the City of San Diego Redevelopment Agency for the Lease and Maintenance of Cortez Hill/Tweet Street Park.

(See Centre City Development Corporation Report No. CCDC-06-07/ CCDC-06-06. Centre City Community Area. District 2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/16/2006, Item 331. (Council voted 7-0. Councilmember Madaffer not present):

(O-2006-109) ADOPTED AS ORDINANCE O-19496 (New Series)

Authorizing the Mayor of the City of San Diego, or designee, to execute for and on behalf of the City of San Diego, a Marler Johnson Park Lease Agreement with the State of California Department of Transportation, for the lease of a portion of right-of-way at Date Street and Tenth Avenue, under the conditions set forth in that Lease Agreement;

Authorizing the Mayor of the City of San Diego, or lawful designee, to execute, for and on behalf of the City of San Diego, an Agreement with the Redevelopment Agency of the City of San Diego, for the maintenance of Cortez Hill/Tweet Street Park located on Date Street and Tenth Avenue.

FILE LOCATION: LEAS-Marler Johnson Park

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:25 p.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-52: Repealing San Diego Municipal Code Sections Dealing with Permits for Charitable Solicitation.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/16/2006, Item 52. (Council voted 7-0. Councilmember Madaffer not present):

(O-2006-102) ADOPTED AS ORDINANCE O-19497 (New Series)

Amending Chapter 5, Article 7, Division 00, of the San Diego Municipal Code by repealing Sections 57.01, 57.01.1, 57.01.2, 57.01.3, 57.01.4, 57.01.5, 57.01.6, 57.01.7, 57.01.8, 57.01.9, 57.01.10, 57.01.11, 57.01.12, 57.01.13, 57.01.14, 57.01.15, 57.01.16, 57.01.17, 57.01.18, 57.01.19, 57.01.20, 57.01.21, 57.01.22, 57.01.23, 57.01.24, 57.01.25, 57.01.26, 57.01.27, 57.01.28, 57.01.29, 57.01.30, 57.01.31, 57.01.32, 57.01.33, 57.01.34, 57.01.35, 57.01.36, 57.01.37, 57.01.38, 57.01.39, 57.01.40, 57.01.41, 57.01.42, 57.01.43, 57.01.44, 57.01.45, 57.01.46, 57.01.47, 57.01.48, relating to Charitable Solicitations.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:25 p.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-53: Second Amendment to Agreement with MWH Americas, Inc. for Consulting Services for Research on Water Treatment Equipment.

(See Executive Summary Sheet dated 3/28/2006.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2006-129) INTRODUCED, TO BE ADOPTED ON TUESDAY, JUNE 13, 2006

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute a Second Amendment to Agreement between the City of San Diego and MWH Americas, Inc. for Consulting Services for Water Treatment Equipment Research, together with any reasonably necessary modifications or amendments thereto which do not increase agreement scope or cost and which the Mayor, or his designees, shall deem necessary from time to time in order to carry out the purposes and intent of the Agreement;

Declaring this activity is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15306 because this activity consists of basic data collection, research, experimental management, or resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

NOTE: 6 votes requires pursuant to Charter Section 99.

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 of San Diego Water Department (Department) has an active research program which tests and evaluates the most recent advances in water treatment technology on local waters. This research program provides water quality data and cost estimating information that allows the Department to better evaluate potential water supply options.

The program uses MWH Americas, Inc., a consultant with expertise in advanced treatment technologies, to conduct pilot scale research projects and studies which are primarily grant funded. MWH is one of the industry leaders in advanced treatment technology research and provides valuable services to the City.

Based on a competitive procurement process, on August 6, 2001, the City Council authorized execution of an as-needed water treatment equipment research Agreement with MWH (Document No. RR-295356). This Agreement authorized an expenditure of up to $3 million over a three year period. On August 6, 2004, an amendment to extend the contract term by two years (to a total of five years) was approved by City Manager Action. The expenditure limit was unchanged.

To reach the City's Long- Range Water Resources Plan goals, the City must develop local groundwater sources. The San Pasqual Brackish Groundwater Desalination Project is estimated to potentially create an additional 5,000 AFY of potable water for San Diego. With the extension of the MWH Agreement, the City can immediately undertake 12 months of 100% grant reimbursable research, which would define the optimum treatment configuration for San Pasqual groundwater and other City groundwater resources. Research before design typically reduces the overall life cycle costs of groundwater water treatment facilities.

The Department is conducting the Water Reuse Study 2005 to evaluate alternative uses for locally produced recycled water. MWH has just completed pilot level equipment testing on the City's recycled water to evaluate water quality related to indirect potable reuse. Not extending this Agreement would increase the cost and time needed to do any additional related studies that may be required.

To summarize, the Department's Water Treatment Equipment Research program provides a valuable tool to better evaluate our water supply options and to achieve the City's Long-Range Water Resources Plan goals. Extending MWH's contract would help staff optimize groundwater treatment configurations before design and assure experienced support in evaluating water quality issues. To advertise and select a new consultant at this time would interrupt the City's ongoing research and associated water supply efforts.

FISCAL CONSIDERATIONS:
Execution of this amendment will not require additional funding. The maximum contract expenditure limit remains at $3 million, as set forth in the original Agreement. To date, fifteen (15) task orders have been authorized under this Agreement totaling $1,787,406. Task Order funding will be identified and approved as tasks are defined. Funds for these tasks will be budgeted in a capital improvements project (CIP) or O&M budget. Most previous tasks orders have been reimbursed through grant funds, and it is anticipated that most future task orders will be reimbursed through grant funds.

PREVIOUS COUNCIL/COMMITTEE ACTION:
On April 5, 2006 the Natural Resources and Culture Committee approved this requested action. On August 6, 2001, Council authorized the City Manager to execute the original Agreement with MWH Americas, Inc. (formerly known as Montgomery Watson America, Inc.) (Resolution No. R-295356).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:
Research projects are conducted at City owned water and wastewater facilities. The nature of the work is gathering information to make better engineering/planning decisions, rather than project construction. This research is shared with water industry professionals through conference presentations and peer reviewed journal articles, and locally through the San Diego County Water Authority and the Metropolitan Water District.

KEY STAKEHOLDERS:
MWH Americas, Inc. & Subcontractor Cal-Science Laboratories

Yackly/Haas

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:25 p.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE. 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: La Jolla Cove Wall Replacement and Bluff Improvements.

(La Jolla Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-977) ADOPTED AS RESOLUTION R-301494

Authorizing the City Auditor and Comptroller to increase the FY 2006 Capital Improvements Program budget by $70,000 in CIP-52-670.0, Coast Boulevard Bluff Stabilization, Fund 79514, La Jolla Developer Impact Fees;

Authorizing the City Auditor and Comptroller to expend $70,000 from CIP-52-670.0, Coast Boulevard Bluff Stabilization, Fund 79514, La Jolla Developer Impact Fees, for the purpose of funding changes to the scope of work and associated administrative costs to close out the project, contingent upon the City Auditor and Comptroller certifying that funds are available;

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

Declaring this activity is adequately addressed in the environmental document for Project No. 4779, SCH No. 97101071, La Jolla Cove Wall Replacement and that there is no change in circumstance or additional information to warrant additional environmental review.

STAFF SUPPORTING INFORMATION:

Coast Boulevard is vital to providing coastal access and facilitating traffic flow in La Jolla. At La Jolla Cove the existing nearly 100 year old seawall supported the adjacent sidewalk, curb, and street pavement. Replacement of the wall was necessary to prevent the eventual collapse of the wall and loss of street improvements as the existing bluff top sidewalks along Coast Boulevard were being undermined by erosion. Improvement of the sidewalks, curb, and gutter was also required to accommodate the increased use by residents and visitors of this scenic path of travel.

The La Jolla Wall Replacement and Bluff Improvements project removed the seawall at La Jolla Cove and replaced it with a new, buried wall and cantilevered sidewalk, and reconstructed the bluff slope with a landscaped geogrid reinforced fill. Undermined sidewalks along Coast Boulevard from La Jolla Cove to Children's Pool were relocated inland and upper bluff areas were landscaped. Although construction has been completed, additional funds are required to cover the cost of actual field measured quantities, the provision of unbudgeted monitoring and reporting before and during construction as required by the Incidental Harassment Authorization permit to do work near the seals at Children's Pool, and associated administrative costs to close out the project.

FISCAL CONSIDERATIONS:
Funds for this action are available in Fund 79514, La Jolla Development Impact Fee Fund and are identified in the La Jolla Public Facilities Financing Plan.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:
Resolution No. R-291073 (12-7-98) added CIP-52-670.0, La Jolla Cove Bluff Stabilization, to the Fiscal Year 1999 CIP Program Budget and transferred $800,000 to the project from the Transient Occupancy Tax (TOT) Fund - Coastal Infrastructure and Facilities. Resolution No. R-293967 (10-16-00) authorized an allocation of $250,000 to the project from Fiscal Year 2001, TransNet, CIP-52-545.0, Coastal Erosion Affecting City Streets. Resolution No. R-299289 (6-7-04) authorized the transfer of $47,292 to the project from Transient Occupancy Tax (TOT) Fund - Coastal Infrastructure, CIP-52-348.0, Coastal Infrastructure Improvements.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:
An Environmental Impact Report (EIR) was prepared for this project and put out for public review and comment. Subcommittees and full committees of the La Jolla Town Council and La Jolla Planning Association reviewed and approved this project.

KEY STAKEHOLDERS:
FCI Constructors, Inc., the contractor for the project.

Boekamp/Haas

Aud. Cert. 2600780.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:25 p.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: Francis Street Excess Land Sale.

(Mountain View Community Area. District 4.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-966) CONTINUED TO MONDAY, JUNE 12, 2006

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a quitclaim deed, to adjacent property owner, Jose Sanchez, all the City's right, title, and interest in a 3,280 square foot parcel, being a portion of Lots 1 and 2 in Block 83 San Diego Homestead Union, as more particularly described in the quitclaim deed for the sum of $16,000;

Authorizing the City Auditor and Comptroller to accept $16,000 and deposit said sum into the General Fund.

STAFF SUPPORTING INFORMATION:

The 3,250 square foot parcel, to be sold, was Quit Claimed to the City by Caltrans as excess land from the State's development of the Imperial Avenue northbound on-ramp to I-15. The parcel is trapezium shape, sloping to Francis Street on the west side and abutting the trolley line to the south.

Approval of the sale of the parcel for $ 16,000 will relieve the City of liability and maintenance of a property that due to its irregular shape and topography would have limited, if any, potential for individual development. Joining the parcel with the adjacent property will provide for a more residentially developable property.

FISCAL CONSIDERATIONS:
Proceeds from the sale of the property, $16,000, will be deposited into the General Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:
None

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:
N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS:
Mount Hope community will receive a site for new residential housing Jose Sanchez, adjacent property owner, will have a more developable property.

MacKenzie/Waring

Staff: Waring - (619) 236-6721
Brock Ladewig - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:25 p.m.)

MOTION BY YOUNG TO CONTINUE TO MONDAY, JUNE 12, 2006, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-102: Two actions related to Inviting Bids for the Construction of Sewer Group 783.

(See Executive Sheet dated 3/29/2006. Eastern and College Community Areas. District 7.)

TODAY'S ACTION ARE:

Adopt the following resolutions:

Subitem-A: (R-2006-955) ADOPTED AS RESOLUTION R-301495

Approving the plans and specifications for the construction of Sewer Group 783 (Project), on Work Order No. 178431;

Authorizing the Mayor, after advertising for bids in accordance with law, to execute a construction contract with the lowest responsible and reliable bidder for the Project, contingent upon the City Auditor and Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed $1,250,000 from Fund 41506, CIP-46-602.6, Sewer Pump Station 79, to Fund 41506, CIP-44-001.0, Annual Allocation, Sewer Main Replacement;

Authorizing the expenditure of an amount not to exceed $4,779,675 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement, 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 City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K062731C)

Subitem-B: (R-2006-958) ADOPTED AS RESOLUTION R-301496

Certifying that Mitigated Negative Declaration, Project No. 63654 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Sewer Group 783 (the Project);

Finding that Project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, approving that said Project No. 63654 Mitigated Negative Declaration;

Adopting 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, pursuant to California Public Resources Code Section 21081.6;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

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

SUPPORTING INFORMATION:

Sewer Group 783 is part of the City of San Diego's continuing Annual Sewer Main Replacement Program. This project is located in the Eastern and College Area communities. This project includes the replacement of approximately 11,440 linear feet of existing 6 and 8-inch old and deteriorated sewer mains and sewer laterals with 12,700 linear feet of new 8 and 10-inch sewer mains. The streets affected by construction operations within this project are: 69th Street through 73rd Street, Saranac through Amhurst Street, and El Cajon Boulevard as shown on the Location Map. Traffic control plans have been prepared for this project and will be implemented during construction.

FISCAL CONSIDERATIONS:
The total estimated cost of this project is $4,779,675. Funding is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement for this purpose. No future funding anticipated.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:
The Committee on Natural Resources and Culture on April 5, 2006, consent motion by Councilmember Faulconer, second by Councilmember Atkins. Vote to approve 4-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:
This project was presented to the Eastern and College Area committees in their meetings in July of 2004. Also, the Committees Chairs were again notified of the current plans and asked for comment in January 2006. In addition, residents and businesses will be notified at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again, ten (10) days before construction begins by the Contractor through hand distribution of notices.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):
Residents in this area will encounter minor inconvenience during construction. After completion, residents will experience improved reliability of the sewage system.

Boekamp/Haas

Staff: Dave Zoumaras - (619) 533-5100
Eric A. Swenson - Deputy City Attorney

FILE LOCATION: CONT-Orion Construction, Corp.

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:25 p.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: Two actions related to Inviting Bids for the Construction Contract for Sewer Group 741 Project.

(See memorandum from Patti Boekamp dated 1/10/2006. Uptown and Greater North Park Community Areas. Districts 2 and 3.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2006-784 Rev.) ADOPTED AS RESOLUTION R-301497

Approving the plans and specifications for the construction of Sewer Group 741 (Project), on Work Order No. 177381/187121;

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, contingent upon the City Auditor and Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed $4,485,180 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, 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 are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K061828C)

Subitem-B: (R-2006-948) ADOPTED AS RESOLUTION R-301498

Certifying that Mitigated Negative Declaration, Project No. 6705, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Sewer Group 741 (the Project);

Finding that Project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, approving said Project No. 6705 Mitigated Negative Declaration;

Adopting 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, pursuant to California Public Resources Code Section 21081.6;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:
On 1/18/2006, NR&C voted 3 to 0 to approve staff's report. (Councilmembers Atkins, Maienschein, and Frye voted yea. Districts 2 and 8 vacant.)

SUPPORTING INFORMATION:

Sewer Group 741 is part of the City of San Diego's continuing Annual Sewer Main Replacement Program. This project is located in the Uptown and Greater North Park communities. This project includes the replacement and rehabilitation of approximately 11,000 linear feet of existing 6, 8, and l0-inch old and deteriorated sewer mains and sewer laterals with 10,800 linear feet of new 8 and l0-inch sewer mains and 205 linear feet of rehabilitated 6-inch sewer mains. The streets affected by construction operations within this project are: University Avenue, Eighth Avenue, Vermont Street, Cleveland Avenue, Richmond Street, and Adams Avenue as shown on the attached Location Map. Traffic control plans have been prepared for this project and will be implemented during construction. Residents and businesses will be notified at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again in ten (10) days before construction begins by the Contractor through hand distribution of notices. This project was presented to the Greater North Park Community Planning Committee and the Uptown Committee in their meetings in May of 2003.

FISCAL IMPACT:
The total estimated cost of this project is $4,485,180. Funding is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement for this purpose.

Boekamp/Haas

FILE LOCATION: CONT-El Cajon Grading & Engineer Co. Inc.; W.O. 177381/187121

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:25 p.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: Three actions related to Amending the Linda Vista Public Facilities Financing Plan for FY 2004 and Authorizing a Grant Application for the Linda Vista Community Park Picnic Area.

(Amended May 2006 Linda Vista Public Facilities Financing Plan. Linda Vista Community Area. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-987) ADOPTED AS RESOLUTION R-301499

Authorizing the amendment of the Linda Vista Public Facilities Financing Plan for Fiscal Year 2004 by increasing Project No. P3, Carson Elementary School-Joint Use Improvements, by $50,000 in Development Impact Fee eligible funding;

Declaring this activity is not subject to the California Environmental Quality Act (CEQA) because it does not constitute a project pursuant to CEQA Guidelines Section 15378(c).

Subitem-B: (R-2006-990 Rev.) ADOPTED AS RESOLUTION R-301500

Authorizing the amendment of the Linda Vista Public Facilities Financing Plan for Fiscal Year 2004 by adding Project No. P15, the Linda Vista Community Park Picnic Area, at a cost of $153,000 in Development Impact Fee eligible funding, to expand park use for future residents;

Declaring this activity is not subject to the California Environmental Quality Act (CEQA) because it does not constitute a project pursuant to CEQA Guidelines Section 15378(c).

Subitem-C: (R-2006-908) ADOPTED AS RESOLUTION R-301501

Authorizing the Mayor, or designee, to make an application to the State of California for a Land and Water Conservation Fund Program grant for the Linda Vista Community Park Picnic Area (the Project);

Authorizing the Mayor, or designee, to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned Project;

Certifying the Project is compatible with the land use plans of those jurisdictions immediately surrounding the Project;

Certifying the City of San Diego has matching funds for the Project from the following sources: Linda Vista Development Impact Fees, Fund No. 79503, and can finance 100 percent of the Project, half of which will be reimbursed to Fund 79503 upon receipt of grant funds;

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

Authorizing the City Auditor and Comptroller to establish a special interest-bearing account for the grant funds if grant funding is secured;

Authorizing the addition of CIP-29-908.0, Linda Vista Community Park Picnic Area, to the Fiscal Year 2007 Capital Improvements Program;

Amending the Fiscal Year 2007 Capital Improvements Program Budget by increasing CIP-29-908.0, Linda Vista Community Park Picnic Area by $153,000, contingent upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed $153,000 from Linda Vista Development Impact Fees, Fund No. 79503 to CIP-29-908.0, Linda Vista Community Park Picnic Area, contingent upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed $153,000 from CIP-29-908.0, Linda Vista Community Park Picnic Area, for the purpose of developing a picnic area at Linda Vista Community Park, contingent upon receipt of a fully executed grant agreement;

Declaring this Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15303(d) because the Project involves the conversion of an existing small structure.

STAFF SUPPORTING INFORMATION:

Both the Carson Elementary School-Joint Use Improvements (Project No. P3) and the Linda Vista Community Park Picnic Area (Project No. P15) will be included as amendments to the Linda Vista PFFP.

The grant proposal is for the Linda Vista Community Park Picnic Area. The project will include a picnic shelter, picnic tables, barbeques and other amenities. Under Public Law 88-578, Congress has authorized the establishment of a Federal Land and Water Conservation Fund Grant-in-Aid program, providing matching funds to the State of California and its political subdivisions for acquiring lands and developing facilities for public outdoor recreation purposes. The California Department of Parks and Recreation is responsible for administration of the program within the State, setting up necessary rules and procedures for governing applications by local agencies under the program. The procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of applications and the availability of matching funds prior to applications to the State. The proposed Linda Vista Community Park Picnic Area is consistent with the statewide comprehensive recreation resources plan California Recreation Plan - 2002. The proposal is also compatible with the City of San Diego's land use plans for the surrounding area.

FISCAL CONSIDERATIONS:
The Land and Water Conservation Program requires a 50/50 match from local sources. As proposed, the grant will provide $76,500 as the total project cost is $153,000. The required match will be funded by $76,500 from the City's DIF, Fund No. 79503 as allocated by Council District 6. The grant program requires grantees to finance 100%, and then reimburses 50% at project completion. Once the project is funded and completed, the grant payment of $76,500 will reimburse the DIF, Fund No. 79503. Annual maintenance of the picnic area will be included in the regularly scheduled maintenance for Linda Vista Community Park with no additional budget required.

This action also amends the Linda Vista (PFFP) by increasing the DIF eligible funding for Carson Elementary School - Joint Use Improvements Project P-3, by $50,000 due to cost increases to be brought to Council at a future date.

This Linda Vista PFFP amendment will increase fees by $24 from $502 to $526 per unit.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:
The Linda Vista PFFP for Fiscal Year 2004 was adopted on April 19, 2004, by Council Resolution R-299097.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:
The Linda Vista Recreation Council has requested a picnic area during the Park and Recreation Department's park planning process, the Unfunded Park Improvement list, in 1997, 2001, 2003 and 2005.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):
Impact: The community and future residents will benefit from the recreational facilities.

Medina/Martinez

Aud. Cert. 2600820.

Staff: Heidi Lang - (619) 525-8218
Eric A. Swenson - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:25 p.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: Fifth Amendment to the Retainer Agreement with Latham & Watkins for Outside Counsel Services in Otay Acquisition v. City of San Diego, SDSC Case No. GIC 753247; National Enterprises v. City of San Diego, SDSC Case No. GIC 730011; Border Business Park, Inc. v. City of San Diego, SDSC Case No. GIC 692794; and Related Matters.

(Otay Mesa Community Area. District 8.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-992) ADOPTED AS RESOLUTION R-301502

Authorizing a Fifth Amendment to the Retainer Agreement by and between the City of San Diego and Latham & Watkins, for legal services in Otay Acquisition v. City of San Diego, San Diego Superior Court Case No. GIC 753247, National Enterprise v. City of San Diego, San Diego Superior Court Case No. GIC 730011, and Border Business Park, Inc. v. City of San Diego, San Diego Superior Court Case No. GIC 692794;

Authorizing the expenditure of an amount not to exceed $1,500,000 from Liability Fund No. 81140, solely and exclusively, for the purpose of providing funds for the above agreement;

Authorizing the City Auditor and Comptroller to appropriate and transfer funds from the General Fund Unappropriated/Unallocated Reserves to the Public Liability Fund 81140 in order to meet these obligations.

SUPPORTING INFORMATION:

Since February of 2001, the City has been represented by outside counsel, Latham & Watkins LLP ("Latham") on post-trial motions, trial court proceedings, appellate proceedings and settlement discussions in three De La Fuente cases, Otay Acquisitions v. City, S.D.S.C. Case No. GIC 753247; National Enterprises v. City, S.D.S.C. Case No. GIC 730011; and Border Business Park, Inc. v. City, S.D.S.C. Case No. GIC 692794. The latter case, Border, resulted in a $94.5 million verdict against the City in January 2001. Another law firm, Horvitz & Levy, is co-counsel with Latham on the Border appeal.

To date, the Council has authorized $6.5 million for outside counsel and consultant fees for defense of the De La Fuente cases and related matters (approximately $1.5 million of this was paid to the City's trial and post-trial consultants).

Additional funding of $1,500,000 now is requested to fund the necessary ongoing outside counsel services, which include (1) additional briefing filed in the Court of Appeal in Border, and argument preparation; (2) defending and filing motions in National and Otay; and (3) monitoring developments in related cases.

REIMBURSEMENT OF CITY'S DEFENSE COSTS

As a result of the City's successful litigation against the City's insurance carriers, approximately $5,637,427 of insurance proceeds already have been received to help defray the costs of the representation for defense of these matters (including fees paid to both Latham and Horvitz, as well as consultant fees), and for payment of damages (if any).

In addition to monies received from ISOP, another City insurer, United National, without litigation has paid one occurrence policy limit ($2 million), which the City can use to fund any settlement or liability in the De La Fuente cases.

Collectively, these payments total the over $5.6 million recovered in insurance proceeds to date.

FISCAL CONSIDERATIONS:
Request would require City Auditor and Comptroller to appropriate and transfer funds from the General Fund Unappropriated/Unallocated Reserves to the Public Liability Fund to meet these obligations. Bills will continue to be partially reimbursed by insurance carrier.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:
Closed Session Approval of Fifth Amendment on May 16, 2006.

Fourth Amendment in the amount of $500,000 agreed to by City Council on November 21, 2005.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:
N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):
Law firm of Latham & Watkins, Kristine Wilkes, lead partner.

Sachs

Aud. Cert. 2600827.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:25 p.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-106: Item 106 has been taken off the docket.

* ITEM-107: Accepting Donations Pursuant to Council Policy 100-02 and Ratifying Apparent Council Action dated April 16, 2006 Placing in the Union Tribune an Advertisement Encouraging Citizen Participation in City Council Meetings for the Proposed FY 2007 Budget.

(See memorandum from City Attorney Aguirre dated 5/17/2006.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-988) ADOPTED AS RESOLUTION R-301503

Accepting the donations received by the City to fund the two-page advertisement that appeared in the San Diego Union-Tribune on April 16, 2006, entitled "City of San Diego Citizen's Budget Guide."

Ratifying Council action placing an advertisement on April 16, 2006, in the San Diego Union-Tribune encouraging citizen participation in City Council meetings for the proposed Fiscal Year 2007 budget.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:25 p.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: Mission Hills 20SD Conversion Easement Grant to San Diego Gas & Electric Company.

(Mission Hills, northerly end of Arista Drive just east of Hickory Street Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-972) ADOPTED AS RESOLUTION R-301504

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a deed conveying to San Diego Gas & Electric Company, a corporation, an easement for the purpose of constructing, repairing, maintaining and using underground facilities and appurtenances for the transmission of electricity, affecting a portion of Lot 15 in Block 496 of Presidio Ridge, according to Map thereof No. 1760, filed in the Office of the County Recorder of said County of San Diego, as more particularly described in said deed.

STAFF SUPPORTING INFORMATION:

As part of the City's utility undergrounding program, (Council Policy 600-08), existing aboveground utility facilities will be relocated underground. In order to accomplish the relocation, San Diego Gas & Electric Company (SDG&E) has requested an easement for a transformer and a fuse cabinet, which are necessary for the conversion. The easement will provide the necessary rights for SDG&E to relocate as requested by the City's undergrounding program. The total area of the easement is approximately 391 square feet. The easement has been valued by City valuation staff to be worth $6,745. Since this project is a California Public Utilities Code 20SD conversion, the cost of which is paid by the City, no compensation is requested for this easement.

FISCAL CONSIDERATIONS:
A processing fee of $1,590 was deposited into Fund 100 from CIP Fund 30244, Job Order No. 370332.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:
This area has been declared by Council Resolution as part of an Underground Utility District.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:
Not applicable.

KEY STAKEHOLDERS & PROJECTED IMPACTS:
Conversion of overhead facilities to underground facilities benefits the public health, safety or general welfare.

Boyle/Waring

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

FILE LOCATION: DEED F-9986

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:25 p.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: 28th Street 20SD Conversion Easement Grant to San Diego Gas & Electric Company.

(Logan Heights, southwest corner of La Binda Park Community Area. Districts 4 and 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-963) ADOPTED AS RESOLUTION R-301505

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a deed conveying to San Diego Gas & Electric Company, a corporation, an easement for the purpose of constructing, repairing, maintaining and using underground facilities and appurtenances for the transmission of electricity, affecting Blocks 2, 4, 6, 8, 10, and 12 of La Binda Park, according to Map thereof, No. 1538, filed in the Office of the County Recorder of said County of San Diego, together with those portions of 29th Street, Hampton Court, Palm Court, and Holly Court, vacated and closed to public use, as more particularly described in said deed.

STAFF SUPPORTING INFORMATION:

As part of the City's utility undergrounding program, (Council Policy 600-08), existing aboveground utility facilities will be relocated underground. In order to accomplish the relocation, San Diego Gas & Electric Company (SDG&E) has requested an easement for underground facilities. The easement will provide the necessary rights for SDG&E to relocate as requested by the City's undergrounding program. The total area of the easement is approximately 7,353 square feet. The easement has been valued by City valuation staff to be worth $40,441. Since this project is a California Public Utilities Code 20SD conversion, the cost of which is paid by the City, no compensation is requested for this easement.

FISCAL CONSIDERATIONS:
A processing fee of $1,590 was deposited into Fund 100 from CIP Fund 30244, Job Order No. 373039.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:
This area has been declared by Council Resolution as part of an Underground Utility District.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:
Not applicable.

KEY STAKEHOLDERS & PROJECTED IMPACTS:
Conversion of overhead facilities to underground facilities benefits the public health, safety or general welfare. SBC is not currently a participant in the undergrounding program; therefore, no poles will be removed at this location at this time. SBC is working out details with the Public Utilities Commission for participation in the undergrounding program. Conduits are being installed for SBC so no re-trenching will be required when they underground at this location.

Boyle/Waring

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

FILE LOCATION: DEED F-9987

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:25 p.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: Proposition 81 The California Reading and Literacy Improvements and Public Library Construction and Renovation Bond Act of 2006.

(See memorandum M-06-04-07 from Councilmember Madaffer dated 4/7/2006.)

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-961) ADOPTED AS RESOLUTION R-301506

Supporting the passage of Proposition 81, the California Reading and Literacy Improvements and Public Library Construction and Renovation Bond Act of 2006, on the June 6, 2006, statewide election ballot;

Declaring no public funds shall be used in the campaign for Proposition 81;

Directing the City Clerk to forward a copy of the resolution after its adoption to Yes for Libraries headquarters.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:25 p.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-111: Water Easement Quitclaim.

(City of Escondido northwest of the Wild Animal Park.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-943) ADOPTED AS RESOLUTION R-301507

Authorizing the Mayor to execute, for and on behalf of the City of San Diego, a quitclaim deed, granting to New Urban West, Inc., all the City's right, title, and interest in the water line easement, as more particularly described in the quitclaim deed.

STAFF SUPPORTING INFORMATION:

In 1971 the City obtained a 10 foot wide easement for the installation of an 8 inch diameter water line to supply water to the Wild Animal Park. In conjunction with recent construction in the area, the 8 inch waterline has replaced with an upgraded 12 inch line by New Urban West, Inc., at the request of the Wild Animal Park, and re-located in the public right of way. The upsized line is planned to meet the park's future water requirements.

New Urban West, Inc. has requested that the old easement, which runs across their property, be quitclaimed to them in order to clear the title on their property.

FISCAL CONSIDERATIONS:
The new upgraded line was installed at no cost to the City.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:
N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS:
The Wild Animal Park was able to receive an updated waterline with no impact to their operating budget. New Urban West, Inc.

Boyle/Waring

Staff: Boyle - (619) 236-5548
Brock Ladewig - Deputy City Attorney

FILE LOCATION: DEED F-9988

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:25 p.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-112: Settlement of Personal Injury Claim of Daniel Raymond Garcia.

(District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-899) ADOPTED AS RESOLUTION R-301508

Authorizing the Mayor, or his designee, to pay up to the total sum of $175,000 in settlement of each and every claim against the City, its agents and employees, in the Superior Court Case No. GIC 844402, entitled Daniel Garcia v. City of San Diego, resulting from the Damages Claim of Daniel Garcia;

Authorizing the City Auditor and Comptroller to issue one check in the amount of $175,000 payable to Daniel Garcia, and his attorney of record, Catherine Richardson.

STAFF SUPPORTING INFORMATION:
The proposed settlement would resolve all claims and litigation, arising out of a trip and fall which occurred May 14, 2004, at Bob Kenny field in Ocean Beach.

FISCAL CONSIDERATIONS:
Settlement will be paid from the Public Liability Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:
This settlement has been heard in closed session.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:
N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:
Daniel Raymond Garcia and Law Offices of Catherine A. Richardson

Bych/Goldstone

Aud. Cert. 2600805.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

Staff: Janice Ellis - (619) 236-7705
Eugene Gordon - Assistant City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:25 p.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-113: Reappointments to the Solid Waste Local Enforcement Agency Hearing Panel.

(See memorandum from Council President Peters dated 5/16/2006.)

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-938 Cor. Copy) ADOPTED AS RESOLUTION R-301509

Confirming the following appointments by the Council President of the City of San Diego, to serve as members of the Local Enforcement Agency Hearing Panel, for terms ending and in the categories as indicated below:

NAME	CATEGORY	TERM ENDING
David Ferguson (Tierrasanta, District 7) (Replacing Thomas Day, whose term has expired)	Public at Large	January 1, 2007
John Lorman (Reappointment)	Legal	January 1, 2010

Ken Calvert (Reappointment)	Technical Expert	January 1, 2010

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:25 p.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-114: The International Rescue Committee (IRC) San Diego Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-978) ADOPTED AS RESOLUTION R-301510

Commending the IRC San Diego for their ongoing and outstanding commitment to help San Diego area refugees become productive, self-sufficient members of the communities into which they are relocated, and for the compassion, efficiency and flexibility the organization continues to exhibit as they carry out their mission;

Proclaiming May 17, 2006, to be "The International Rescue Committee San Diego Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:25 p.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-115: Appointment to the San Diego Model School Development Agency Board of Directors.

(City Heights Community Area. District 3.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-960) ADOPTED AS RESOLUTION R-301511

Appointing Mr. Ted Martinez, Jr., Deputy Chief Operating Officer for Neighborhood and Customer Services, to the Board of the San Diego Model School Development Agency (SDMSDA) to serve on behalf of the City of San Diego.

SUPPORTING INFORMATION:

The SDMSDA is a joint powers agency created in 2002 to facilitate an innovative concept to turn investment in new school construction into the central focus of a new community. Concern for housing supply has resulted in a commitment to replace all the housing lost to needed school construction - both owner occupied and for sale housing, along with neighborhood serving retail space. In addition to educational and joint use recreational facilities, a day care center and other family services are envisioned as are enhanced open space, pedestrian connections and traffic calming measures.

The SDMSDA is governed by a Board of Directors appointed by its four member agencies (San Diego Unified School District, City of San Diego, its Redevelopment Agency and the Housing Authority) and a community representative. Currently, Housing Commission Board Chair Sal Salas represents the Housing Authority and was elected Chairman of the SDMSDA board. Both the City and Redevelopment Agency representatives (Ellen Oppenheim and Debra Fischle-Faulk, respectively) have moved on to other positions.

The SDMSDA holds noticed, open meetings in City Heights to conduct its business. Agenda material is emailed to interested parties and placed in two locations in City Heights. Occasional mailings, newsletters and news articles are intended to disseminate information about the Model School.

The Florence Griffith-Joyner Elementary School is under construction and scheduled to open in September 2007. After an open and competitive process seeking a Master Developer for the other uses, CityLink Investment Corporation was selected to perform feasibility studies of the potential project area.

After consideration of the feasibility information, extensive community input and preliminary environmental analysis, the Board finalized the boundaries of a reduced area to be considered for potential development. Through a formal Owner Participation solicitation, a proposal from the City Heights Community Development Corporation is also under consideration. Finally, the Finance Committee continues to meet to identify funding sources to fill the financing gaps.

This report recommends continued participation by the City by approving Ted Martinez, Jr., Deputy Chief Operating Officer for Neighborhood and Customer Services, to replace Ellen Oppenheim as the City's Director on the Board.

FISCAL CONSIDERATIONS:
None with this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:
The City Council approved formation of the joint powers agency and has previously appointed managers to fill the City's seat.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:
None for this action.

KEY STAKEHOLDERS & PROJECTED IMPACTS:
No anticipated impacts by this action. Property owners and residents of the study area and member agencies are stakeholders.

Morris/Salas

NOTE: See the Redevelopment Agency Agenda of 5/30/2006 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:25 p.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-116: 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-2006-770) ADOPTED AS RESOLUTION R-301512

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: 2:24 p.m. – 2:25 p.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-117: 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-2006-927) ADOPTED AS RESOLUTION R-301513

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

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:25 p.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-200: Amending the San Diego Municipal Code Relating to Pedicab Regulations and Transfer of Program to Metropolitan Transit System (MTS).

(See memorandum from Patti Boekamp dated 5/22/06, Report to the City Council No. 06-055, and City Manager Report CMR-05-115.)

(Continued from the meeting of May 16, 2006, Item 53, at the request of the City Council, for further review.)

TODAY'S ACTIONS ARE:

Introduce the following ordinance in Subitem A, and adopt the resolution in Subitem B:

Subitem-A: (O-2006-79 INTRODUCED, TO BE ADOPTED ON TUESDAY, JUNE 13, 2006

Introduction of an Ordinance amending Chapter 8, Article 3, Division 1, of the San Diego Municipal Code relating to Pedicabs by amending Sections 83.0102 through 83.0104, 83.0106, 83.0117, 83.1023 through 83.1025, 83.1028, 83.0130, and 83.1033; repealing Sections 83.0108, 83.0109, 83.0121, 83.0131, and 83.0132; and renumbering Sections 83.0110 and 83.0111.

Subitem-B: (R-2006-1006) ADOPTED AS RESOLUTION R-301514

Authorizing the members of the MTS Board that also serve on the City Council of San Diego, to request, for and on behalf of said City, a recommendation that the regulation of pedicabs be transferred to MTS;

Declaring the City's representatives on the MTS Board introduce a resolution directing MTS staff to investigate the legal authority and administrative efficacy of MTS regulating pedicabs, and directing MTS staff to report back to the MTS Board;

Declaring upon completion of this report, the MTS Board and the Council of The City of San Diego, can take any further action to implement the transfer, if so desired;

Declaring this activity is not a project for the purposes of the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378(b)(2) because this activity is a general policy and procedure making.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:

On 5/18/2005, PS&NS voted 4 to 0 to approve the City Manager's recommendations. (Councilmembers Zucchet, Atkins, Madaffer, and Inzunza voted yea. Councilmember Young not present.)

SUPPORTING INFORMATION:

The City of San Diego began regulating the pedicab industry in January 2000. Vehicles and operators are licensed separately; each permit costs $25. Separate permits are required to operate pedicabs on Port District property and in Balboa Park, with different fee structures for each jurisdiction.

Staff from the City's Engineering & Capital Projects Department (administrators of the program) and the Police Department met with various stakeholders to find ways that the pedicab regulation programs could be improved. One consistent finding was the establishment of a "one-stop shop" for permit issuance and industry regulation. MTS was the preferred entity, as it currently regulates other vehicles-for-hire such as taxicabs. Transfer of the pedicab regulation program from the City to MTS would require a vote of the City Council and a vote of the MTS Board of Directors, as well as policy changes at MTS.

Because these changes could take up to a year to implement, amendments to the existing pedicab ordinance should be implemented to improve and strengthen the regulatory process as an interim measure. After conferring with MTS's taxicab administrator, staff developed nine amendments that are consistent with MTS taxicab regulations and that can be implemented at no cost to the City.

If the program is not transferred to MTS, the pedicab regulation program will remain with the Engineering & Capital Projects Department. If this is the case, the nine amendments should be approved as a means of addressing issues of concern as expressed by the stakeholders. Additional amendments could be implemented to bring the regulations to the standard of MTS's taxicab regulations; these would require a full-time staff person to administer.

FISCAL CONSIDERATIONS:
Permit fees for FY2006 are expected to be $15,000. These fees cover the costs of administering the current program, including issuance of permits, maintaining a database of owner/operator information. These cost-recovery fees would be lost if the program is transferred to MTS. The nine proposed amendments would create no additional fiscal burden on the program. Should Council decide to increase the level of regulation to that of MTS's taxicab regulation, fees would need to be increased to cover the cost of a full-time Clerical Assistant II. The Police Department's level of enforcement would remain unchanged, with citations issued on an as-needed basis.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:
On May 18, 2005, the Public Safety & Neighborhood Services Committee voted 4-0 (Madaffer, Zucchet, Atkins, Inzunza in support; Young not present) to approve the transfer to MTS and also approved the six ordinance amendments which were presented at that time.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:
See Attachment A.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):
MTS would assume responsibility for pedicab administration.
Pedicab passengers would potentially receive improved service.
Pedicab owners would incur costs of approximately $15 per vehicle for the rate cards and identification numbers, and $125 per vehicle for seatbelts. It should be noted that many pedicab owners have already installed seatbelts on their vehicles.

Boekamp/Haas

FILE LOCATION: SUBITEM A: NONE
SUBITEM B: MEET

COUNCIL ACTION: (Time duration: 2:50 p.m. – 2:53 p.m.)

MOTION BY ATKINS TO INTRODUCE THE ORDINANCE IN SUBITEM A, AND ADOPT THE RESOLUTION IN SUBITEM B. 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-201: Modifications to Mayor's 2006-2007 Budget.

INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-997 Rev. 2) ADOPTED AS AMENDED AS RESOLUTION R-301515

Making modifications to the Mayor's Fiscal Year 2006-2007 Budget and directing that said modifications be delivered to the Mayor as soon as practicable.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:01 p.m. – 7:23 p.m.)

MOTION BY MADAFFER THAT THE CITY COUNCIL RETURN THE PLAN TO TRANSFER SIXTEEN COMMUNITY RELATIONS OFFICERS OUT OF THE COMMUNITIES THEY SERVE AND REQUEST THAT THE MAYOR BRING BACK AN ALTERNATE PLAN THAT ACCOMPLISHES THE INTENT OF HIRING THE 30 CIVILIANS IN ORDER TO GET 30 SWORN OFFICERS ON THE STREET PRIOR TO ADOPTION OF THE APPROPRIATIONS ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY ATKINS TO ADOPT THE BUDGET WITH RECOMMENDATIONS AND CHANGES PUT FORWARD BY THE INDEPENDENT BUDGET ANALYST. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-not present.

ITEM-202: Mayor's Response to the San Diego County Grand Jury Report on Qualcomm Stadium Advisory Board.

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-1013) ADOPTED AS RESOLUTION R-301492

Accepting and adopting each and every recommendation and finding of the Mayor's response dated May 30, 2006, to the San Diego County Grand Jury report, "Qualcomm Stadium Advisory Board".

SUPPORTING INFORMATION:

After a review of all the facts alleged in the February 28, 2006, County Grand Jury's report on the Qualcomm Stadium Advisory Board, the Mayor has prepared a response. Since the report calls for a separate response from City Council, it is recommended that the City Council review the Mayor's response and either join in the response or direct the City Attorney's office to prepare a separate response on behalf of the City Council.

Haas/Michell

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:23 p.m.)

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

ITEM-250: 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 November 7, 2006 election:

DAY	DATE	DAYS BEFORE ELECTION	EVENT
Friday	6/16/2006	144	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	6/21/2006	139	Rules Committee review of ballot proposals
Monday	6/26/2006	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	7/10/2006	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	7/31/2006	99	Council adopts ordinances prepared by City Attorney
Friday	8/11/2006	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/24/2006	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4050.

ITEM-251: **Notice** of Pending Final Map Approval – 1260 Parker Place.

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 "1260 Parker Place" (T.M. No. 70813/PTS No. 73510), located on the north side of Parker Place between Everts Street and Fanuel Street in the Pacific Beach Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

(3) The map is technically correct.

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

ITEM-252: **Notice** of Pending Final Map Approval – 5358 Rex Avenue.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "5358 Rex Avenue" (T.M. No. 146535/PTS No. 97451), located on the north side of Rex Avenue between Shiloh Road and 54th Street in the Mid City: City Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

(3) The map is technically correct.

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

ITEM-253: **Notice** of Pending Final Map Approval – Felton 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 "Felton Street" (T.M. No. 169450/PTS No. 89658), located on the west side of Felton Street between El Cajon Boulevard and Meade Avenue in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

(3) The map is technically correct.

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

ITEM-254: **Notice** of Pending Final Map Approval - Sunset Cove.

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 "Sunset Cove" (T.M. No. 57744/PTS No. 84644), located southwesterly of Cowley Way and Iroquois Avenue in the Clairemont Community Plan Area in Council District 6, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

(3) The map is technically correct.

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

ITEM-255: **Notice** of Pending Final Map Approval - 2161 Saipan Drive.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "2161 Saipan Drive" (T.M. No. 196453/PTS No. 90984), located northwesterly of Saipan Drive and Potomac Street in the Skyline-Paradise Hills Community Plan Area in Council District 4, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

(3) The map is technically correct.

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

ITEM-256: **Notice** of Pending Final Map Approval - Blue Waters Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Blue Waters Condominiums" (T.M. No. 228104/PTS No. 96102), located on the west side of 44th Street south of Orange Avenue in the Mid-City: City Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

(3) The map is technically correct.

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

ITEM-S500: Amendment to Affordable Housing Inclusionary Regulations.

CITY ATTORNEY'S RECOMMENDATION:

Introduce the following ordinance:

(O-2006-144) RETURNED TO THE CITY ATTORNEY

Introduction of an Ordinance amending Chapter 14 of the San Diego Municipal Code by amending Sections 142.1303, 142.1304, and 142.1305, to clarify the regulations and provide further flexibility in the variance and waiver provisions relating to inclusionary housing.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 4:27 p.m. – 4:45 p.m.)

ITEM-S501: Parking Fee Increase at Qualcomm Stadium.

(All Community Areas. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-1020) ADOPTED AS RESOLUTION R-301516

Authorizing the Mayor to retroactively (to January 1, 2006) raise the maximum parking fees at Qualcomm Stadium for major stadium events (Charger games excluded) to $16 for cars and $46 for RV's.

STAFF SUPPORTING INFORMATION:

The current parking fee structure for major events, such as college bowl games, concerts and the Monster Truck show, is $10 per car and $20 per RV. A recent survey found that the average pricing for similar events at ten NFL stadiums throughout the county is $18.70 for cars and $55 for RV's. Approving this retroactive change setting maximum parking fees to $16 for cars and $46 for RV's (Chargers and San Diego State University games excluded) would bring Qua1comm Stadium more into line with similar venues throughout the country, but would still be below the national average.

Listed below are two examples of stadium parking fees in the Southern California market:

1. The fee at PetCo Park for Padres games is $17 for cars. RV's are not permitted into the general parking lots.

2. Angels Stadium in Anaheim, California charges $15 for cars and $60 for RV's.

The Chargers have control over their parking fees at Qua1comm Stadium and they take 100% of that revenue. Their parking fees for the 2006 season will be $20-$75 for cars and $80-$150 for RV's.

The reason for the large jump in RV pricing throughout the country is that RV's take up between two and four spaces depending on the size of the RV. With awnings extended, some RV's will take up six spaces. In reviewing the survey data, some stadiums don't permit RV's at all because they take up too much space and adversely affect ingress and egress traffic patterns. Based on our research, stadium management decided to charge $46 or what is approximately equivalent to the average consumption of three spaces.

It is also important to note that the City provides low cost, convenient transportation to and from Qua1comm Stadium via the Trolley.

FISCAL CONSIDERATIONS:
Based on the City's current contract with Ace Parking, stadium management estimates that the Qua1comm Stadium fund will receive approximately $310,000 in additional revenue annually. This revenue increase will address the projected deficit in the FY2007 Stadium operating budget.

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%. SDSU has the contractual right to set their parking fees and they have chosen to keep their fees at $10 for cars and $20 for RV's for the 2006 season.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:45 p.m. – 4:46 p.m.)

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

ITEM-S502: Retention of Outside Counsel to Defend the City of San Diego in McGuigan v. City of San Diego (GIC849883).

(See memorandum from Council President Peters dated 5/25/2006.)

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

(R-2006-1036) ADOPTED AS AMENDED AS RESOLUTION R-301517

Take the following actions:

(1) Retaining outside counsel pursuant to Charter Section 40 to defend the City of San Diego in McGuigan v. City of San Diego (GIC849883);

(2) Allocating an amount not to exceed $250,000 for such services;

(3) Authorizing the Mayor's office to select a law firm with the appropriate expertise and to execute, oversee, and manage the contract with the selected firm;

(4) Directing the City Attorney to prepare a resolution authorizing the Mayor to retain, execute and oversee outside counsel in the McGuigan and to expend $250,000 for such services.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:47 p.m. – 4:47 p.m.; 5:00 p.m. – 5:01 p.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.

MOTION BY YOUNG TO MAKE THE RESOLUTION CONSISTENT WITH THE AUTHORIZATION AND AMEND THE ALLOCATED AMOUNT TO $300,000. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-S503: Retention of Outside Counsel to Defend the City of San Diego in Building Industry Association of San Diego County ("BIA") v. City of San Diego (GIC817064).

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

(R-2006-1037 Rev. Copy) ADOPTED AS RESOLUTION R-301518

Take the following actions:

(1) Retaining Charles Christensen as outside counsel pursuant to Charter Section 40 to defend the City of San Diego in BIA v. City of San Diego (GIC817064);

(2) Allocating an amount not to exceed $250,000 for such services;

(3) Directing the City Attorney to prepare a resolution retaining Charles Christensen and authorizing up to $250,000 to pay for such services.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:47 p.m. – 4:48 p.m.)

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

REPORT OUT FROM CLOSED SESSION:

Awaiting information from the City Attorney's office.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 4:25 p.m. – 4:27 p.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 7:31 p.m. in honor of the memory of:

Rufus B. Dewitt as requested by Council President Pro Tem Young,
Justin O'Donohoe as requested by Council Member Maienschein,
Ted Schroeder as requested by Council President Peters, and
Judith Munk as requested by Council President Peters.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 7:23 p.m. – 7:31 p.m.)