

THE CITY OF SAN DIEGO, CALIFORNIA  
 MINUTES FOR REGULAR COUNCIL MEETING  
 OF  
 MONDAY, DECEMBER 5, 2005  
 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 Deputy Mayor Atkins at 2:00 p.m. Deputy Mayor Atkins made a special presentation to honor the Museum of Man and its 90<sup>th</sup> anniversary. Having its genesis in the 1915 Panama California Exposition, the Museum of Man is one of the oldest institutions in Balboa Park. The meeting was adjourned by Mayor Sanders at 4:11 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor-vacant
- (1) Council Member Peters-present
- (2) Council District 2-vacant
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council District 8-vacant
- Clerk-Maland (er)

FILE LOCATION:            MINUTES



ITEM-1:

ROLL CALL

Clerk Maland called the roll:

- (M) Mayor-vacant
- (1) Council Member Peters-present
- (2) Council District 2-vacant
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council District 8-vacant

FILE LOCATION: MINUTES



ITEM-10:

INVOCATION

Invocation was given by Father Henry Rodriguez of Saint Jude Shrine.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Peters.

FILE LOCATION: MINUTES



ITEM-30:

In the Matter of:

Swearing-In of Mayor-Elect Jerry Sanders as Mayor of the City of San Diego.

(Swearing in by the Honorable Michael T. Smyth, Judge of the Superior Court.)

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:04 p.m. – 2:22 p.m.)



[ITEM-31:](#) Peter J. Hall Day.

**DEPUTY MAYOR ATKINS' AND MAYOR PRO TEM MADAFFER'S  
RECOMMENDATION:**

Adopt the following resolution:

(R-2006-539) ADOPTED AS RESOLUTION R-301093

Recognizing Peter J. Hall for all of his outstanding accomplishments;

Proclaiming December 5, 2005, to be "Peter J. Hall Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:42 p.m. – 2:49 p.m.)

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



[ITEM-32:](#) Bishop Roy Dixon Day.

**COUNCILMEMBER YOUNG'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-510) ADOPTED AS RESOLUTION R-301094

Proclaiming December 10, 2005, to be "Bishop Roy Dixon Day" in the City of San Diego in celebration of his accomplishments and in recognition of his commitment to the people of the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:49 p.m. – 2:53 p.m.)



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



ITEM-33: Falun Dafa Day.

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-535) ADOPTED AS RESOLUTION R-301095

Proclaiming December 5, 2005, to be "Falun Dafa Day" in the City of San Diego  
as a tribute to the many people who are persecuted for practicing Falun Dafa and  
in the spirit of friendship, goodwill, and peace among the sister cities of San  
Diego and Yantai.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:53 p.m. – 3:02 p.m.)

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

**CLOSED SESSION:**

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

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

REFERRED TO CLOSED SESSION OF TUESDAY, DECEMBER 6, 2005

DCA assigned: A. Donovan

This case was originally filed by SDCERS for declaratory relief regarding whether the City Attorney's office may serve as general counsel for SDCERS. The City Attorney cross-complained against SDCERS for declaratory relief regarding the legality of pension benefits granted under MP I and MP II. Various cross-motions were heard on August 23, 2005. Further motions are to be heard on January 2, 2006. The case is being handled jointly by the Office of the City Attorney and the outside law firm of Heller Ehrman. In closed session the City Attorney will update the Mayor and Council on the status of the matter and seek additional funding for outside counsel services.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:07 p.m. – 4:08 p.m.)

Mayor Sanders closed the hearing.

**CS-2 *SDCERS v. City of San Diego San Diego*  
Superior Court Case No. GIC851286**

REFERRED TO CLOSED SESSION OF TUESDAY, DECEMBER 6, 2005

DCA assigned: A. Donovan

This is a case for declaratory relief that was filed by SDCERS and is, essentially, a mirror image of the cross-complaint on file in the first SDCERS case. In this case SDCERS seeks a judicial declaration upholding the legality of benefits granted under MP I and MP II. Complaints in intervention have been filed by the various unions. Additionally, a separate complaint on the same issues was filed on behalf of 190 individual retirees, which has been consolidated with this case. The City Attorney's office has moved to consolidate this case with the first SDCERS case. That motion to consolidate will be heard on January 13, 2006. In closed session the City Attorney will update the Mayor and Council on the status of the matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:07 p.m. – 4:08 p.m.)

Mayor Sanders closed the hearing.

**CS-3 *City of San Diego v. Callan Associates, Inc., et al.***  
San Diego Superior Court Case No. 852419

REFERRED TO CLOSED SESSION OF TUESDAY, DECEMBER 6, 2005

DCA assigned: A. Donovan

This is a claim for monetary damages filed on behalf of the City against Callan Associates, Inc., the investment consultant for SDCERS and Gabriel, Roeder Smith, Inc., the SDCERS actuary. Discovery and investigation are ongoing; and initial settlement discussions have commenced between the City and GRS. This case is being handled jointly by the Office of the City Attorney and the outside law firm of Heller Ehrman. In closed session the City Attorney will update the Mayor and Council on the status of the matter and seek additional funding for outside counsel services.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:07 p.m. – 4:08 p.m.)

Mayor Sanders closed the hearing.

**CS-4 *William R. Newsome, III v. San Diego City Employees' Retirement System, et al.***  
San Diego Superior Court Case No. GIC856841

REFERRED TO CLOSED SESSION OF TUESDAY, DECEMBER 6, 2005

DCA assigned: A. Donovan

This is a new claim for monetary damages filed by Attorney Michael Conger on behalf of the SDCERS beneficiaries. The complaint sets forth claims against SDCERS and the City of San Diego for breach of fiduciary duty, aiding and abetting and civil conspiracy arising from the adoption of MP I and MP II. The Office of the City Attorney is currently evaluating all potential defenses to this claim, which was served on the City on November 16, 2005. The City's response is due on December 15, 2005. In closed session the City Attorney will update the Mayor and Council on the status of the matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:07 p.m. – 4:08 p.m.)

Mayor Sanders closed the hearing.

**CS-5 *Dean Marchant v. City of San Diego***

San Diego Superior Court No. GIC842364

REFERRED TO CLOSED SESSION OF TUESDAY, DECEMBER 6, 2005

ACA assigned: E. Gordon

This matter is a lawsuit filed by Dean Marchant against the City of San Diego to recover damages for personal injuries sustained as a result of a traffic accident involving a City vehicle. The City Attorney will brief the City Council on the status of the matter and recommend appropriate action regarding settlement.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:07 p.m. – 4:08 p.m.)

Mayor Sanders closed the hearing.

**CS-6 *City of San Diego v Orrick Herrington & Sutcliff (attorneys) Calderon, Jahan & Osborn (accountants) Caporicci & Larson (accountants) and Webster & Anderson (attorneys)***

San Diego Superior Court No. GIC 857632

REFERRED TO CLOSED SESSION OF TUESDAY, DECEMBER 6, 2005

ACA: D. McGrath

This matter is a pending lawsuit for money damages filed by the City of San Diego against accountants and attorneys whose legal advice and accountancy practices fell below the standard of care for similarly situated and compensated professionals. The City Attorney will brief the City Council on the status of the matter and recommend appropriate action regarding recovery of funds to compensate the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:07 p.m. – 4:08 p.m.)

Mayor Sanders closed the hearing.

- \* ITEM-50: Supporting Friends of Famosa Slough Grant Application to the California Wildlife Conservation Board for Funding to Complete the Famosa Slough Culvert Extension Project.

(Peninsula Community Area. District 2.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 11/21/2005, Item 50, Subitem A. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-63) ADOPTED AS ORDINANCE O-19447 (New Series)

Authorizing the City Manager, or his representative, to take all necessary actions to assist the Friends of Famosa Slough to secure funding from the State of California Wildlife Conservation Board for the Project;

Authorizing the City Manager, or his representative, to execute the Wildlife Conservation Board Grant Agreement, WC - 5032BT, as landowner to maintain the Famosa Slough Culvert Extension Project;

Certifying the City Council understands the assurances as landowner in the Wildlife Conservation Board Grant Agreement, WC - 5032BT, to maintain the Project.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:19 p.m.)

CONSENT MOTION BY PETERS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor Sanders-yea.

- \* ITEM-51: Amending the City's Election Campaign Control Ordinance to Add an Electioneering Communication Provision and to Make Assorted Housekeeping Revisions.

(See memorandums from Stacey Fulhorst dated 10/28/2005, with strikeout ordinance; and memorandum dated 11/14/2005, not available at Committee.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 11/21/2005, Item 150. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-67 Rev./Cor. Copy 2)                      ADOPTED AS ORDINANCE O-19448  
(New Series)

Amending Chapter 2, Article 7, Division 29 of the San Diego Municipal Code by repealing Sections 27.2915 and 27.2974, and by amending Sections 27.2903, 27.2916, 27.2921, 27.2930, 27.2938, 27.2945, 27.2950, 27.2955, 27.2956, 27.2965, 27.2969, 27.2970, 27.2971, 27.2972, 27.2975, and 27.2976, and by adding new Sections 27.2974 and 27.2980, and amending Chapter 2, Article 6, Division 4 by amending Section 26.0422, and by amending Chapter 2, Article 7, Division 35, by amending Section 27.3503, all relating to the City of San Diego Election Campaign Control Ordinance. This Ordinance shall take effect and be in force on January 11, 2006.

FILE LOCATION:                      MEET

COUNCIL ACTION:                      (Time duration: 3:17 p.m. – 3:19 p.m.)

CONSENT MOTION BY PETERS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor Sanders-yea.

- \* ITEM-52: Transfer of Fire/Lifeguard Facilities Fund Regarding the Temporary Fire Station to be Located in Mission Valley.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 11/21/2005, Item 200. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-65) ADOPTED AS ORDINANCE O-19449 (New Series)

Authorizing the transfer of \$664,000, from the Fire/Lifeguard Facilities Fund to the Fire Department Fiscal Year 2006 General Fund Budget, authorizing and directing the City Manager to apply to the Department of Homeland Security-Federal Emergency Agency U. S. Fire Administration Grant in the amount of \$509,100, and to take all other action necessary or desirable to acquire and construct a temporary fire station to be located in Mission Valley.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:19 p.m.)

CONSENT MOTION BY PETERS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor Sanders-yea.

- \* ITEM-60: Two actions related to Second Amendment to Consultant Agreement with MWH Americas, Inc. for Miramar Water Treatment Plant Upgrade and Expansion.

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

**CITY MANAGER'S RECOMMENDATION:**

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

Subitem-A: (O-2006-66) INTRODUCED, TO BE ADOPTED ON MONDAY, JANUARY 17, 2006

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

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

Subitem-B: (R-2006-499) ADOPTED AS RESOLUTION R-301127

Authorizing the additional use of City forces work on the Miramar Water Treatment Plant Upgrade and Expansion in Water Fund 41500, CIP-73.284.0, Miramar WTP Upgrade and Expansion, for additional costs not to exceed \$300,000;

Authorizing an additional \$550, in property-related costs for the Miramar Water Treatment Plant Upgrade and Expansion in Water Fund 41500, CIP-73-284.0, Miramar WTP Upgrade and Expansion.

**CITY MANAGER SUPPORTING INFORMATION:**

On March 5, 2001, the City entered into a phase-funded agreement with MWH Americas, Inc. (MWH) for consulting services (RR-294630), for the Miramar WTP Upgrade and Expansion Project wherein Consultant agreed to provide construction management services. Furthermore, City and Consultant entered into a First Amendment to the Agreement (First Amendment) by City Manager Action Document No. C-12956, to update the insurance coverage requirements and reflect the corporate name change of Consultant. City desires to extend the term of the Agreement for an additional three (3) years.

Because of the magnitude and complexity of upgrading and expanding a major water treatment plant, it was contemplated the project would be broken up into three construction contracts starting with the Early Start Improvements Phase ESIP I, ESIP II, and Miramar WTP Upgrade and Expansion. This would allow the Water Department to maintain water reliability both locally and regionally and assist in competitive bidding with local contractors. Due to funding issues associated with the CIP Program, the project was further broken up into subprojects titled Contract A, B, C and D. At the time of the original agreement, it was envisioned the duration of the contracts would take between seven to nine years to complete and a no cost time extension would be needed to retain MWH. As of today, ESIP I and ESIP II have been completed and Contract A is over fifty percent complete. With almost two years remaining for completion of Contract A and then additional time for project closeout, a time extension of three years it is requested.



MWH has unique and specialized experience managing the construction of the Miramar WTP Upgrade and Expansion and other similar projects. The City would realize substantial savings by having MWH complete Contract A due to MWH's knowledge of the plant's extensive design, operational and site requirements. It would cost more money and City staff time to conduct another consultant selection process and have a new construction management firm provide services because of their unfamiliarity with the Miramar WTP requirements.

The City's agreement with MWH will expire on December 31, 2005. In order to ensure MWH's continuing services for the Miramar WTP Upgrade and Expansion, the agreement must be amended to extend the term for an additional three years. The amendment will not increase the Contract Amount as there is a sufficient balance of funds remaining from the original Council authorization. Because the Second Amendment will result in a contract term exceeding five years, approval of the amendment must be by ordinance of the Council in accordance with City Charter Section 99.

This action is also requesting authorization of additional City forces work and property-related costs for the Miramar WTP Upgrade and Expansion.

**FISCAL IMPACT:**

No new funds are being requested by this action. The additional City force work and property related costs will be funded by previously authorized funds within this project. Water Fund 41500, CIP-73-284.0, Miramar WTP Upgrade and Expansion.

Gardner/Belock/MM

Staff: Vic Bienes – (619) 533-6600  
Lori W. Girard – Deputy City Attorney

FILE LOCATION: SUBITEM A: NONE  
SUBITEM B: MEET

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:19 p.m.)

CONSENT MOTION BY PETERS TO INTRODUCE THE ORDINANCE IN SUBITEM A AND ADOPT THE RESOLUTION IN SUBITEM B. Second by Atkins. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor Sanders-yea.

\* ITEM-100: Funding for Telemetry Control Systems (SCADA).

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-475)                      ADOPTED AS RESOLUTION R-301096

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$206,500 from Fund 41506, CIP-46-193.0, Annual Allocation – CIP Contingencies to Fund 41506, CIP-46-168.0, Telemetry Control Systems (SCADA);

Authorizing the expenditure of an amount not to exceed \$206,500 from Fund 41506, CIP-46-168.0, Telemetry Control Systems (SCADA), of which \$70,973 is for City Forces and \$135,527 is for related costs, for the purpose of providing funds to upgrade sewer pump stations with supervisory control and data acquisition systems (SCADA);

Declaring this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility this activity will cause a significant impact on the environment;

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

**CITY MANAGER SUPPORTING INFORMATION:**

Supervisory Control and Data Acquisition (SCADA) systems are state-of-the-art computerized systems with many electronic components including PLC'S (programmable logic controllers), digital components, modems, and relays. SCADA systems at sewer pump stations use telemetry and radio control signal transmissions to provide near real time monitoring and trending of process data, specific information on the activities of pump station components, and level of flows from the remote locations.

SCADA systems allow for faster response times to prevent potential sewer spills by informing operators at the Metropolitan Operation Center (MOC) complex, who are able to observe and diagnose issues associated with sewer pump stations, the Mission Bay Sewer Interceptor System (MBSIS), and the Coastal Flow Diversion Project.

The SCADA system electronic and logic controllers require maintenance and parts replacements, as well as system hardware and software updates due to age and compatibility with new systems.

This action will authorize funds to be used by City Forces to complete engineering and electrical fieldwork support for upgrades to the remaining sewer pump stations with SCADA and to fund final related administration costs, including in-house engineering and contract closeouts. The support includes site meetings, inspection, plan review, testing, and other miscellaneous activities performed by the Wastewater Collection Division.

**FISCAL IMPACT:**

The total cost of this action is \$206,500, and funding is available in Fund 41506, CIP-46-168.0, Telemetry Control Systems (SCADA).

Mendes/Tulloch/AW

Aud. Cert. 2600336.

Staff: Alan Watkins - (858) 292-6440  
James W. Lancaster - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:19 p.m.)

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

- \* ITEM-101: Amending Fiscal Year 2006 CIP Budget El Cajon Boulevard Median Improvements for Appropriation & Expenditure for Bollard Repair and Replacement.

(North Park Community Area. District 3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-479)            ADOPTED AS RESOLUTION R-301097

Amending the Fiscal Year 2006 Capital Improvements Program Budget for CIP-39-201.0, El Cajon Boulevard Median Improvements, in Fund 79502, North Park Developer Impact Fees, by increasing the budget amount by \$83,000;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$231,000, of which \$216,000 is from CIP-68-011.0, Traffic Signal Modernization, Fund 30300, JO 681135; \$10,000 is from CIP-39-017.0, Annual Allocation for the Removal of Architectural Barriers, Fund 18540, Dept. 4313, Org. 1312, JO 000001; and \$5,000 is from the Fiscal Year 2004 CDBG Fund 18539, Dept. 4282, Org. 8217, JO 000001;

Certifying the appropriation and expenditure of \$309,000 from CIP-39-201.0 El Cajon Boulevard Median Improvements, of which \$83,000 is from Fund 79502; \$216,000 is from Fund 30300; \$10,000 is from Fund 18540 for the purpose of Contract Change Order No. 1; and \$5,000 is from Fund 18539;

Approving Change Order No. 1 dated August 22, 2005, issued in connection with the contract between the City of San Diego and Scheidel Contracting and Engineering, and the changes therein set forth amounting to a net increase of \$294,000;

Amending the Fiscal Year 2006 Capital Improvements Program by adding CIP-63-053.0, Bollard Repair and Replacement - Citywide;

Amending the Fiscal Year 2006 Capital Improvements Program Budget for CIP-63-053.0, Bollard Repair and Replacement - Citywide, Fund 30245, Capital Outlay by increasing the budget amount by \$5,000;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$5,000 in Capital Outlay funding from CIP-39-201.0, El Cajon Boulevard Median Improvements, to CIP-63-053.0, Bollard Repair and Replacement - Citywide, Fund 30245;

Authorizing the authorization and expenditure of \$5,000 from CIP-63-053.0, Bollard Repair and Replacement - Citywide, Fund 30245, Capital Outlay, for the purpose of installing a replacement bollard on the Vermont Street Bridge;

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

**CITY MANAGER SUPPORTING INFORMATION:**

The El Cajon Boulevard Median Improvements: Texas to 30<sup>th</sup> Street Project, CIP-39-201.0, is currently under construction. The City of San Diego has a contract with Scheidel Contracting and Engineering for construction of the project. Unanticipated costs have arisen related to certain project construction items and several actions are needed in order for the project to move forward. This action would accept and authorize for expenditure additional funding totaling \$309,000 for the following items: (1) Replacement and conversion of the street light system in the El Cajon Boulevard medians between Arizona and Ohio Streets to meet current City standards; (2) Installation of upgraded traffic signal systems at Oregon and Utah Streets; (3) Payment for unforeseen but necessary construction overages, including additional paving and excavation, removal and import of topsoil and certain ADA improvements. In order to fund the selected contractor's alternate bid of \$246,000 for installation of new traffic signal systems at Oregon and Utah Streets mentioned in #2 above, \$216,000 has been identified in the Traffic Signal Modernization CIP fund for transfer to this project, leaving a funding gap of \$30,000. \$83,000 from the North Park Developer Impact Fees has been identified to cover the traffic signal modernization and additional ADA improvements. \$10,000 from the Annual Allocation for the Removal of Architectural Barriers has been identified for specific use to install the curb ramps at El Cajon Boulevard and Utah Street. In order to facilitate the above items, this action would authorize a project change order in an amount not to exceed \$294,000. An additional action would make a budget adjustment which would transfer \$5,000 in CDBG funding to El Cajon Boulevard Median Improvements and transfer \$5,000 in Capital Outlay from the project to CIP-63-053.0, Bollard Repair and Replacement - Citywide. This action would also authorize the City Auditor and Comptroller to appropriate and expend \$5,000 for installation of a replacement bollard on the Vermont Street Bridge.

**FISCAL IMPACT:**

The current Council Action would 1) Authorize an increase of \$314,000 and a decrease of \$5,000 to the FY 2006 CIP Budget for the El Cajon Boulevard Median Improvements; 2) Authorize the City Auditor and Comptroller to transfer, accept, appropriate and expend \$83,000 from North Park DIF, \$216,000 from Traffic Signal Modernization, \$10,000 from Annual Allocation for the Removal of Architectural Barriers, and \$5,000 from CDBG; 3) Authorize the City Auditor and Comptroller to transfer \$5,000 in Capital Outlay from El Cajon Boulevard Median Improvements to Bollard Repair and Replacement - Citywide and appropriate and expend \$5,000 for installation of a replacement bollard on the Vermont Street Bridge; and 4) Approve a construction change order for \$294,000.

Oppenheim/Fischle-Faulk/SHM

Aud. Cert. 2600389.

Staff: Sue McDevitt - (619) 533-7528  
Jacqueline Lindsay - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:19 p.m.)

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

\* ITEM-102: Roosevelt Middle School Joint Use Improvements.

(Uptown Community Area. District 3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-476) ADOPTED AS RESOLUTION R-301098

Authorizing the addition of CIP-29-896.0, Roosevelt Middle School Joint Use Improvements, to the Fiscal Year 2006 Capital Improvements Program;

Authorizing a \$400,000, increase in the Fiscal Year 2006 Capital Improvements Program Budget in CIP-29-896.0, Roosevelt Middle School Joint Use Improvements, Fund No. 79512, Uptown Developer Impact Fees for the purpose of design and construction of improvements to joint use facilities at Roosevelt Middle School (the Project);

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$400,000, from CIP-29-896.0, Roosevelt Middle School Joint Use Improvements, Fund No. 79512, Uptown Developer Impact Fees for the Project;

Finding that this activity is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15301 because this action involves the minor alteration of an existing facility;

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

**CITY MANAGER SUPPORTING INFORMATION:**

Roosevelt Middle School is located at 3366 Park Boulevard, at the corner of Park Boulevard and Upas Street, in the Uptown Community Planning Area. The Uptown Community Planning Area is park deficient; therefore, this project will help to satisfy the community's and San Diego Unified School District's (SDUSD's) recreational and athletic programmatic needs. The proposed improvements include the design and construction of approximately 5.0 acres of joint use facilities consisting of artificial turf multi-purpose sports fields, walkways, landscaping, parking, shade structures and ADA/accessibility upgrades to comply with current state and federal safety and accessibility requirements.

The City and SDUSD have been cooperating in the use of numerous recreational facilities in accordance with the City - SDUSD Recreation Agreement of September 1948, and the Memorandum of Understanding between the City and SDUSD for the Development and Maintenance of Joint Use Facilities (MOU) adopted by the San Diego City Council on October 7, 2002 (Resolution No. R-297149) and by the SDUSD's Board of Education on October 8, 2002. Prior to the construction of the proposed improvements, the City and SDUSD will enter into a ten (10) year no fee lease and joint use agreement. The joint use agreement will

provide an option for three extensions at five (5) years each, for a total of fifteen (15) additional years. This project will go through the Park and Recreation Department approval process and will be presented to the Morley Field Recreation Council, Balboa Park Committee, Design Review Committee and Park and Recreation Board. Funding for design and construction of the turf fields will be provided by the City and via private donations. SDUSD is providing the land. These contributions will be used to calculate maintenance responsibilities and parity, pursuant to the terms of the MOU. This action will add Uptown Developer Impact Fees to the project for the purpose of design and construction of Roosevelt Middle School Joint Use Improvements. Construction is not fully funded and will be completed in phases, as funding is identified.

**FISCAL IMPACT:**

The total project cost for all phases is \$3,811,000. Funding in the amount of \$400,000 is available from Fund No. 79512, Uptown Developer Impact Fees. Maintenance costs are unknown at this time.

Oppenheim/Medina/AP

Aud. Cert. 2600375.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:19 p.m.)

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



- \* ITEM-103: Retainer Agreement with Jacobs Chase Frick Kleinkopf & Kellye, LLC for Legal and Consulting Services Related to Negotiations with the San Diego Chargers.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-459 Cor. Copy)      ADOPTED AS RESOLUTION R-301099

Authorizing and directing the City Attorney to execute a retention agreement with Paul A. Jacobs of Jacobs, Chase, Frick, Kleinkopf & Kelley, LLC, for legal and consulting services related to the negotiations in a contract amount not to exceed \$100,000;

Authorizing the expenditure of an amount not to exceed 100,000 from Fund 81140, Dept. 82240, Object Account 4141, solely and exclusively, for the purpose of providing funds for the above project.

**SUPPORTING INFORMATION:**

On Wednesday, October 19, 2005, the Land Use and Housing Committee heard a proposal from the San Diego Chargers regarding a multi-use project that the organization wants to undertake on 60 acres of City-owned land at Qualcomm Stadium. This proposal, which would also include construction of a Charger-financed new Stadium, would involve abrogation of the current lease.

On November 1, 2005, the City Council approved of the creation of a negotiating team comprising of City Attorney Michael Aguirre, Executive Assistant City Attorney Don McGrath, Councilmembers Donna Frye and Scott Peters, with Councilmember Toni Young as an alternate, an Auditor's Department designee, and attorney Paul Jacobs, a sports business consultant. After the election, the Mayor or a Mayoral designee will be added to the group. This team would be tasked with evaluating the Qualcomm Stadium lease issues and will regularly update the Mayor and City Council on its progress of the negotiations.

The amount of \$100,000 was also approved for the retention of Paul Jacobs, Esq., for his expertise as a consultant on this matter.

Ewell/McGrath

Aud. Cert. 2600414.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:19 p.m.)

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

\* ITEM-104: Retainer Agreement with Latham & Watkins, LLP for Legal Services Related to the Case POA (Police Officers Association) v. Michael Aguirre, et al.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-316) ADOPTED AS RESOLUTION R-301100

Authorizing a Retainer Agreement with Latham & Watkins, LLP, for certain legal services regarding the case POA v. Michael Aguirre, et al., USDC Case No. 05CV1581H (POR);

Authorizing the expenditure of an amount not to exceed \$200,000 from Fund 81140, solely and exclusively, for the purpose of providing funds for the above project.

**SUPPORTING INFORMATION:**

On August 23, 2005, the Police Officers Association (POA) filed and served a complaint in the case POA v. Michael Aguirre, et al., USDC Case No. 05CV1581H (POR). The case raises a number of issues related to labor negotiations and retirement issues between the City of San Diego and the Police Officers Association.

The City needs outside legal counsel to represent certain City officials, excluding City Attorney Michael Aguirre, who is currently being represented by the law firm of Wehner & Perlman, LLP. Latham & Watkins, LLP, has been identified as the firm best capable of providing the necessary legal services. The City Attorney proposes an initial retainer in an amount not to exceed \$200,000. Non-conflicted employees in the City Attorney's Office shall monitor and direct the firm's work.

Ewell/DM

Aud. Cert. 2600394.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:19 p.m.)

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



ITEM-105: Lease Agreement with American Tower, L. P. for Communications Facility on City-Owned Property Known as Mount Woodson in the County of San Diego.

(Mount Woodson near Ramona. This is City-owned land located in the County of San Diego.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-474) ADOPTED AS RESOLUTION R-301101

Authorizing the City Manager to execute a five-year lease agreement with two five-year options to extend with American Tower, L. P. for City-owned property located on Mount Woodson for the construction, operation and maintenance of a communications facility, at the greater of an annual minimum rent of \$72,000, or 35% of the gross rent received, on the terms and conditions set forth in the Lease Agreement;

Waiving Council Policy 700-41 regarding the use of the RFP process for the lease of City-owned land.

**CITY MANAGER SUPPORTING INFORMATION:**

A lease agreement for a communications facility on City-owned Mount Woodson has been in effect since 1984. American Tower has operated the facility since 1997, when they acquired the leasehold interest from Meridan Communications by merger. American Tower's primary business is licensing rack space in the equipment shelter and antenna tower to small scale users of private radio systems and to communications carriers. The current lease has expired and American Tower has requested a lease renewal. Under the terms of the proposed lease, American Tower will pay the City the greater of an initial minimum rent of \$72,000 or 35% of the gross rent received.

The terms of the proposed lease are as follows:

USE: Construction, operation and maintenance of a communications facility on Mount Woodson.

TERM: Five (5) years with two 5-year options to extend.

MINIMUM RENT: Initial annual minimum rent of \$72,000. Minimum rent is adjusted to eighty percent (80%) of the average rent paid to the City for the previous two-year period beginning at the sixth year and at the beginning of each three-year period thereafter.

PERCENTAGE RENT: Thirty five percent (35%) of the gross rental amount paid to the American Tower from subtenants. An independent fee appraisal dated July 28, 2005, concluded that the negotiated rent equals or exceeds current market rent values.

LEASEHOLD SIZE: 10,890 square feet.

**FISCAL IMPACT:**

The City will receive a minimum of \$72,000 in the first year of the lease. Rental proceeds will be deposited into the General Fund.

Mendes/Griffith/JPA

Staff: Craig Gibson - (619) 236-6727  
Elisa A. Cusato - Deputy City Attorney

FILE LOCATION: LEAS – American Tower, L.P. for Communications Facility  
COUNCIL ACTION: (Time duration: 3:19 p.m. – 3:24 p.m.)

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



\* ITEM-106: First Amendment to Consultant Agreement with Project Design Consultants for University City North/South Transportation Corridor Study.

(University Community Area. District 1.)

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-493) ADOPTED AS RESOLUTION R-301102

Authorizing the City Manager to execute the First Amendment to the Agreement with Project Design Consultants for consulting services for the University City North/South Transportation Corridor Study under the terms and conditions set forth in the First Amendment, for an amount not to exceed \$187,836;

Authorizing the City Auditor and Comptroller to expend \$93,918 from CIP-53-044.0, Regents Road Bridge, Fund 79001, University City Facility Benefit Assessment and \$93,918 from CIP-52-458.0, Genesee Avenue – Nobel Drive to State Route 52, Fund 79001, University City Facility Benefit Assessment, for the purpose of funding the aforementioned First Amendment to Agreement, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating funds are available;

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

Declaring this activity is exempt from CEQA pursuant to State CEQA Guidelines Section 15601(b)(3) because it can be seen with certainty that there is no possibility this activity will cause a significant impact on the environment.

**CITY MANAGER SUPPORTING INFORMATION:**

The University City North/South Transportation Corridor project is proposed as a means of improving traffic circulation within the University community area. Two of the infrastructure improvements identified in the University Community Plan are the widening of Genesee Avenue between Nobel Drive & State Route 52 and the construction of a bridge over Rose Canyon connecting the northern and southern portions of Regents Road. In 2003, the City entered into an Agreement with Project Design Consultant to facilitate public participation through a taskforce; to provide preliminary engineering & construction cost estimates for different alternatives; and to subsequently prepare the environmental document (R-297850).

As a result of the Public Working Committee, on third infrastructure improvements alternative, a Grade Separation at Genesee Avenue and Governor Drive, has also been proposed as a potential solution to the area wide network to meet traffic circulation needs.

A draft Environmental Impact Report (EIR) has been prepared by the City of San Diego, Land Development Review Division, for this project. A total of seven (7) transportation alternatives have been addressed equally in this EIR. These alternatives are the individual major infrastructure improvements; the Limited Roadway Improvements, which consists of minor enhancements at three locations; the combination of major and/or minor improvements; and the "No Project" option. This First Amendment to the Agreement covers unanticipated costs due to the extensive public comment on the Draft EIR. A total of 374 (over 3,000 individual comments) letters were received from a variety of sources including resource agencies, stakeholders, and community members. Many of the responses require in-depth research and technical evaluation in relation to traffic, biology and noise. Unanticipated time required on the part of the technical specialists to provide the research, coordination and response was required to address these comments. Also included in the First Amendment are the additional costs associated with miscellaneous engineering, public outreach, project management, preparation of the final document and public hearing process.

**FISCAL IMPACT:**

The total fee for providing services under this amendment is \$187,836. The base fee is \$127,836 and \$60,000 is available for additional services, if required. Total consultant agreement will be \$1,751,086. Funds are available from CIP-53-044.0, Regents Road Bridge, and Fund 79001 (\$93,918), University City Facility Benefit Assessment, and from CIP-52-458.0, Genesee Avenue-Nobel Drive to State Route 52, Fund No. 79001 (\$93,918), University City Facility Benefit Assessment.

Gardner/Boekamp/DZ

Aud. Cert. 2600395.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:19 p.m.)

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

\* ITEM-107: Memorandum of Understanding with the Port of San Diego, City of Oceanside and Orange County for the Regional Harbor Monitoring Program.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-497) ADOPTED AS RESOLUTION R-301103

Authorizing the City Manager to execute a Memorandum of Understanding with the Port of San Diego, the City of Oceanside, and Orange County for the Regional Harbor Monitoring Program;

Authorizing the City Manager to expend an amount of \$55,132.40 for the Regional Harbor Monitoring Program of the Storm Water Pollution Prevention Division, from Fund No. 100, Dept. 553, Org. 2200;

Authorizing the City Manager to amend Amendment No. 1 to the As-Needed Engineering Services Agreement, 2002-2005, with Brown and Caldwell, which will reduce the total not-to-exceed amount to the Contract from \$5,000,000 to \$4,949,997. The reduction will take place in the portion that was allocated to the Storm Water Pollution Prevention Division, Fund No. 100, Dept. 533, Org. 2200, amending the authorized amount from \$75,000 to \$24,997;

Declaring this activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378(a) because this activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.

**CITY MANAGER SUPPORTING INFORMATION:**

On February 25, 2002, the City Council approved the as-needed agreement with Brown and Caldwell for Professional Engineering Services 2002-2005, via Resolution R-296103. The agreement provides professional engineering services for existing Metropolitan Wastewater Department (MWW) facilities, such as design studies and design improvements. The not-to-exceed contract amount of \$5,000,000, was funded from Sewer Funds 41506, 41508, and 41509.

On October 11, 2004, via Resolution R-299743, the City Council approved the reallocation of \$75,000, of the total contract amount from Sewer Funds 41506, 41508, and 41509 to the Storm Water Pollution Prevention Division (SWPPD), Fund 100, Department 533. Subsequently, Brown and Caldwell completed \$24,997, worth of work for the SWPPD, leaving a remainder contract amount of \$50,003, allocated for the SWPPD. The SWPPD needs no further work from this Brown and Caldwell agreement.

This proposed action includes amending the as-needed agreement with Brown and Caldwell to reflect the \$50,003 reduction, and reallocating \$50,003, within the SWPPD Fund towards the Regional Harbor Monitoring Program. The SWPPD will use this money towards a proposed \$55,132.40, City of San Diego share of the Regional Harbor Monitoring Program. The Regional Harbor Monitoring Program is proposed to be established via a Memorandum of Understanding between the City of San Diego, the Port of San Diego, the City of Oceanside, and Orange County to monitor water quality in Mission Bay, San Diego Bay, Oceanside Harbor, the Del Mar Boat Basin, and Dana Point Harbor. Previously, the participants paid for monitoring efforts separately. This program was initiated in response to an enforcement letter from the Regional Water Quality



Control Board which required a single coordinated regional harbor monitoring program in order to collect comparable data on overall water quality status and trends in the individual harbors.

**FISCAL IMPACT:**

Funding in the amount of \$55,132.40, is available in the Storm Water Pollution Prevention Division budget, Fund 100, Dept 533, Org 2200.

Mendes/Tulloch/CZ

Aud. Cert. 2600378.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:19 p.m.)

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

\* ITEM-108: Payment of Attorney Fees to Quateman & Zidell, LLP for Services Provided with Respect to the Refunding of San Diego Open Space Park Facilities District No. 1 Refunding Bonds.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-388) ADOPTED AS RESOLUTION R-301104

Authorizing the expenditure of an amount not to exceed \$46,000, for services provided with respect to the refunding of San Diego Open Space Park Facilities District No. 1 Refunding Bonds, such amount to be derived from \$37,000, from the Capital Outlay Fund 30352, and \$9,000, from the Environmental Growth Fund 105052, 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.

**SUPPORTING INFORMATION:**

The law firm of Quateman & Zidell LLP was retained pursuant to an agreement for bond counsel and disclosure counsel services, dated October 17, 2003, as amended July 24, 2004, with respect to the refunding of the San Diego Open Space Facilities District No. 1 Refunding Bonds. The agreement provides Quateman & Zidell LLP will be compensated up to 50 percent of the fees for services rendered in connection with the preparation of documents with respect to the bonds. Quateman & Zidell has submitted an invoice for the payment of \$46,000, such amount to be paid from the following funds and accounts of the City: \$37,000, from 30252 Capital Outlay Fund, and \$9,000 from 105052 (EGF) Fund Balances.

Ewell/Katz

Aud. Cert. 2600392.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:19 p.m.)

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

\* ITEM-109: Grant Application to State of California for "Citizen Options for Public Safety".

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-480)                      ADOPTED AS RESOLUTION R-301105

Authorizing the City Auditor and Comptroller and Chief of Police to apply for, accept and expend these Grant funds from the State of California;

Authorizing the City Auditor and Comptroller and Chief of Police to execute all aspects of the program operation, including any amendments, extensions, or renewals, for a period of up to five years, provided funding is made available by the State of California, and to certify that the City will comply with all applicable statutory or regulatory requirements related to said program;

Declaring any resources received hereunder shall be used to supplement, and not to supplant expenditures controlled by this body; and that personnel positions, if any, funded under this grant are not subject to local hiring freezes.

**CITY MANAGER SUPPORTING INFORMATION:**

The San Diego Police Department will receive approximately \$1,884,023 from the State of California under Assembly Bill 3229, "Citizen Options for Public Safety" (State COPS). The State designates these funds for "front line law enforcement services," and requires that the City Council appropriate and approve these funds in accordance with the request of the Chief of Police.

The San Diego Police Department plans to use these funds for police automation, vehicle, communications, safety, forensic, training, and miscellaneous equipment, maintenance and resources as needs are identified. Expenditures will contribute to the safety and efficiency of law enforcement and crime prevention services throughout San Diego.

Please note: At present, there is NO application form for these grant funds. Once approved in the State budget, they are transferred automatically.

**FISCAL IMPACT:**

There is no requirement for matching funds, and no requirement to continue grant funded activities or expenditures after grant funds are depleted or terminated. State law requires that these funds supplement and not supplant funds otherwise available to law enforcement. This is a Block grant. All funds will be received as a lump sum prior to any expenditures.

Ewell/Lansdowne/DJW

Staff: Donna J. Warlick – (619) 531-2221  
Mary T. Nuesca – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:19 p.m.)

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

\* ITEM-110: Excusing Councilmember Young from Attending the Government Efficiency and Openness Committee Meeting of September 26, 2005.

**COUNCILMEMBER YOUNG’S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-511) ADOPTED AS RESOLUTION R-301144

Excusing Councilmember Anthony Young from attending the regularly scheduled Government Efficiency and Openness Committee Meeting of September 26, 2005, due to a conflicting meeting schedule with the San Diego Airport Authority.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:19 p.m.)

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

\* ITEM-111: Jim Baross Day.

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-537)            ADOPTED AS RESOLUTION R-301106

Recognizing Jim Baross and commending him for his contributions to the City of San Diego;

Proclaiming December 31, 2005, to be "Jim Baross Day" in the City of San Diego.

FILE LOCATION:            AGENDA

COUNCIL ACTION:            (Time duration: 3:17 p.m. – 3:19 p.m.)

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

\* ITEM-112: Becky's House Day.

**COUNCILMEMBER PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-520) ADOPTED AS RESOLUTION R-301107

Proclaiming November 28, 2005, as "Becky's House Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:19 p.m.)

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

\* ITEM-113: Jany Staley Day.

**COUNCILMEMBER MAIENSCHHEIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-536) ADOPTED AS RESOLUTION R-301108

Proclaiming December 14, 2005, as "Jany Staley Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:19 p.m.)

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

\* ITEM-114: 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-2006-288)            ADOPTED AS RESOLUTION R-301109

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: 3:17 p.m. – 3:19 p.m.)

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

\* ITEM-115: 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-2006-327)            ADOPTED AS RESOLUTION R-301110

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: 3:17 p.m. – 3:19 p.m.)

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



ITEM-150: Water Department Fees and Charges.

(See City Manager Report CMR-05-214.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2006-483) ADOPTED AS RESOLUTION R-301111

Authorizing the changes to the Water Department fees and charges requiring Council approval as shown on City of San Diego Water Department Proposed Schedule of Fees and Charges dated November 4, 2005, which changes shall be effective on January 1, 2006;

Finding that the establishment or modification of these fees and changes are for the purpose of meeting operating expenses, and not for the funding of capital projects for the expansion of services, and therefore this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15273.

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

On 10/26/2005, NR&C voted 4 to 0 to approve the updated schedule of existing Water Department cost recoverable fees and charges and allow the City Manager to set certain fees based on individual project estimates. (Councilmembers Young, Maienschein, Frye, and Madaffer voted yea.)



**SUPPORTING INFORMATION:**

The Water Department is mandated by the City Charter (Section 53), the San Diego Municipal Code (Sections 67.0203 and 67.0228) and the 1998 Master Installment Purchase Agreement to charge fees to fully reimburse the City for the cost of the services provided. The last increase in the schedule of fees and charges was approved by Council Resolution R-290820 adopted on October 6, 1998, for all fees related to the water distribution system. In addition, the Water Department also increased, per Council Resolution R-293483 adopted on July 18, 2000, the fees charged for services related to water billing and collection, as well as fees related to the Fire Hydrant Meter Program.

Under current State law and the San Diego Municipal Code, Council is required to approve modifications to water connection fees and charges which include: water service and meter installations, replacement and maintenance of publicly owned backflow devices, taps and connections into water mains, cross connection tests, and water billing and collection fees. The City Manager can approve fees related to meter credit allowance, lost or stolen meter, fire hydrant meter with deposit, cut and plug water mains, bacterial water sampling and water meter testing.

In Manager's Report No. 05-167 to the Natural Resources & Culture Committee, the Water Department requested Council authorization of adjustments to specified water connection charges. The Water Department also requested that the Council authorize the Manager to set charges for backflow assembly installations, tapping tee connections and large main connections (classified as special estimate fees). After consulting with the City Attorney's Office, the Department is withdrawing the request to authorize the Manager to set those special estimate fees. After appropriate analysis and review, the Department will bring forth updates for those special estimate fees via a separate request for Council review and approval. The Proposed Schedule of Fees and Charges has been revised accordingly and is attached to the Resolution for this item. The proposed schedule is recommended to be implemented as of January 1, 2006. Applications for construction permits that are deemed complete on or before December 31, 2005, shall be subject to the existing fee schedule for only one year from the date such applications are deemed complete.

**FISCAL IMPACT:**

The revised fees and charges are estimated to increase the Water Department operations and maintenance revenues by approximately \$900,000 per year. This figure includes approximately \$86,000 in additional revenues charged to other City Departments as detailed in Manager's Report No. 05-167.

Gardner/Belock/DS

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:27 p.m. – 3:31 p.m.)

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



ITEM-200: Results of the November 8, 2005 Special Run-Off Election for the Office of the Mayor.

**CITY CLERK'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-487) ADOPTED AS RESOLUTION R-301112

Declaring the results of the Special Run-Off Election held for the Office of the Mayor in the City of San Diego on November 8, 2005;

Stating that Jerry Sanders having received a majority of all votes cast is hereby declared elected to the Office of Mayor.

**SUPPORTING INFORMATION:**

A Special Run-Off Election was held November 8, 2005, for the purpose of submitting candidates for the Office of the Mayor to the voters of the City of San Diego. The results of the election have been certified by the Registrar of Voters and the City Clerk, and are now being certified to the City Council.

Maland

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:03 p.m. – 2:04 p.m.)

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



ITEM-201: Results of the November 8, 2005 Special Election for Council Districts Two and Eight.

**CITY CLERK'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-488)            ADOPTED AS RESOLUTION R-301113

Declaring the results of the Special Election held in Districts Two and Eight of the City of San Diego on November 8, 2005;

Declaring Kevin Faulconer and Lorena Gonzalez to be the candidates for the Office of Councilmember, District No. 2, in the Special Run-Off Election to be held in District No. 2 of the City of San Diego on January 10, 2006, pursuant to the provisions of Ordinance No. O-19416 (New Series), adopted September 26, 2005;

Declaring Ben Hueso and Luis Acle to be the candidates for the Office of Councilmember, District No. 8, in the Special Run-Off Election to be held in District No. 8 of the City of San Diego on January 10, 2006, pursuant to the provisions of Ordinance No. O-19416 (New Series), adopted September 26, 2005.

**SUPPORTING INFORMATION:**

A Special Municipal Election was held November 8, 2005, for the purpose of submitting candidates for the office of Councilmember to the voters of District 2 and the voters of District 8 of the City of San Diego. The results of the election have been certified by the Registrar of Voters and the City Clerk, and are now being certified to the City Council.

Maland

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:31 p.m. – 3:32 p.m.)

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



ITEM-202: Inviting Bids for the General Requirements Contract for the Construction of Minor Street Improvements at Various Locations.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-456 Cor. Copy) ADOPTED AS RESOLUTION R-301114

Approving the contract documents and technical specifications for the General Requirements Contract for the Construction of Minor Street Improvements at Various Locations, for an amount no less than \$30,000, but not to exceed \$1,000,000, and as advertised by the Engineering and Capital Projects Department - Contract Services on Work Order No. 527169;

Authorizing the City Manager to execute the aforementioned construction contract with the lowest responsible and reliable bidder, contingent upon the City Auditor and Comptroller first furnishing one or more certificates demonstrating that funds are available;

Authorizing the City Manager to approve individual tasks of up to \$200,000 each, contingent upon the City Auditor and Comptroller first furnishing one or more certificates demonstrating that funds are available;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$1,000,000, from Fund 30244/30300, TransNet, for the purpose of constructing minor street improvements, contingent upon the City Auditor and Comptroller first furnishing one or more certificates demonstrating that funds are available;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$30,000, from CIP-52-715.0, Woodman Street Sidewalk Eastside, Fund 30244/30300, TransNet, for the purpose of constructing minor street improvements, contingent upon the City Auditor and Comptroller first furnishing one or more certificates demonstrating that funds are available;

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

Declaring this activity is exempt from CEQA pursuant to State CEQA Guidelines Sections 15060(b)(3) and 15378 because it is a governmental fiscal activity that is not committed to a specific project which may have a significant impact on the environment.

**CITY MANAGER SUPPORTING INFORMATION:**

The Engineering and Capital Projects Department, Transportation Engineering Design Division (TED) has a continuing need for as-needed construction contracts for small accelerated CIP construction projects such as sidewalks, pedestrian ramps and other street surface improvements. A General Requirements Contract (GRC) will provide a flexible, efficient method to construct street improvements and will reduce the time between when a smaller project is identified and when it is completed. This GRC will enable the City of San Diego to rapidly engage a contractor on necessary work with costs established in advance. The GRC will be competitively bid with a pre-established maximum dollar amount not to exceed \$1,000,000. The contractor bids unit prices on various items of work which are non-project specific. These prices remain in effect for the one-year term of the contract.

Prior to executing any GRC Task Order, General Services Department, Street Division will evaluate each task order's scope, budget and schedule, to determine if its City crews have the resources and expertise to more effectively complete the work. If a project is identified as a GRC Task, a site visit is scheduled to clarify the scope of work with the contractor. Upon agreement of scope, the City processes a Task Authorization, and issues a Notice to Proceed to the contractor. The contractor will have an incentive to deliver quality work in a timely fashion in order to get additional work under the contract.

The GRC is a tool the City of San Diego can use to effectively and efficiently execute small CIP construction contracts. Although projects costing more than \$100,000, typically are put out to bid, staff has found utilizing a GRC for smaller projects to be a faster, less costly method of getting them into construction and placed in service.

**FISCAL IMPACT:**

Total authorized expenditure per contract year, contingent upon Council approving appropriations, will not exceed \$1,000,000. The City obligation under this contract is to execute construction work for a minimum of \$30,000, a year during the one-year duration of the contract.

Mendes/Boekamp/DZ

Aud. Cert. 2600360.

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

FILE LOCATION: W.O. 527169

COUNCIL ACTION: (Time duration: 3:15 p.m. – 3:17 p.m.)

MOTION BY ATKINS TO ADOPT CONTIGENT UPON SATISFYING THE PROTOCOL FOR AWARDING THE CONTRACT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor Sanders-yea.

ITEM-203: Inviting Bids for the General Requirements Contract for the Construction of Minor Storm Drain Improvements at Various Locations.

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-455 Cor. Copy)      ADOPTED AS RESOLUTION R-301115

Approving the contract documents and technical specifications for the General Requirements Contract for the Construction of Minor Storm Drain Improvements at Various Locations, for an amount no less than \$30,000 but not to exceed \$1,000,000, and as advertised by the Engineering and Capital Projects Department-Contract Services on Work Order No. 130075;

Authorizing the City Manager to execute the aforementioned construction contract with the lowest responsible and reliable bidder, contingent upon the City Auditor and Comptroller first furnishing one or more certificates demonstrating that funds are available;

Authorizing the City Manager to approve individual tasks of up to \$200,000 each, contingent upon the City Auditor and Comptroller first furnishing one or more certificates demonstrating that funds are available;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$1,000,000, from Fund 30244/30300, TransNet, for the purpose of constructing minor storm drain improvements, contingent upon the City Auditor and Comptroller first furnishing one or more certificates demonstrating that funds are available;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$30,000 from CIP-13-005.0, Fontaine Street Storm Drain Repair, Fund 30244/30300, TransNet, for the purpose of constructing minor storm drain improvements, contingent upon the City Auditor and Comptroller first furnishing one or more certificates demonstrating that funds are available;

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

Declaring this activity is exempt from CEQA pursuant to State CEQA Guidelines Sections 15060(b)(3) and 15378 because it is a governmental fiscal activity that is not committed to a specific project which may have a significant impact on the environment. (BID-K062825)

**CITY MANAGER SUPPORTING INFORMATION:**

The Engineering and Capital Projects Department, Transportation Engineering Design Division (TED) has a continuing need for as-needed construction contracts for small accelerated CIP construction projects such as repairs to existing storm drain facilities and other drainage improvements. A General Requirements Contract (GRC) will provide a flexible, efficient method to repair or construct drainage infrastructure and will reduce the time between when a smaller project is identified and when it is completed. This GRC will enable the City of San Diego to rapidly engage a contractor to repair failed flood prone drainage systems quickly in order to safeguard life and property with costs established in advance. The GRC will be competitively bid with a pre-established maximum dollar amount not to exceed \$1,000,000. The

contractor bids unit prices on various items of work which are non-project specific. These prices remain in effect for the one-year term of the contract.

Prior to executing any GRC Task Order, General Services Department, Street Division will evaluate each task order's scope, budget and schedule, to determine if its City crews have the resources and expertise to more effectively complete the work. If a project is identified as a GRC Task, a site visit is scheduled to clarify the scope of work with the contractor. Upon agreement of scope, the City processes a Task Authorization, and issues a Notice to Proceed to the contractor. The contractor will have an incentive to deliver quality work in a timely fashion in order to get additional work under the contract.

The GRC is a tool the City of San Diego can use to effectively and efficiently execute small CIP construction contracts. Although projects costing more than \$100,000 typically are put out to bid, staff has found utilizing a GRC for smaller projects to be a faster, less costly method of getting them into construction and placed in service.

**FISCAL IMPACT:**

Total authorized expenditure per contract year, contingent upon Council approving appropriations, will not exceed \$1,000,000. The City obligation under this contract is to execute construction work for a minimum of \$30,000 a year during the one-year duration of the contract.

Mendes/Boekamp/DZ

Aud. Cert. 2600366.

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

FILE LOCATION: W.O. 130075

COUNCIL ACTION: (Time duration: 3:15 p.m. – 3:17 p.m.)

MOTION BY ATKINS TO ADOPT CONTIGENT UPON SATISFYING THE PROTOCOL FOR AWARDING THE CONTRACT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor Sanders-yea.





ITEM-204: Accepting 2004-2005 Annual Report of the City of San Diego Disclosure Practices Working Group.

(See the 2004-2005 Annual Report of the City of San Diego Disclosure Practices Working Group dated 11/1/2005.)

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-436) TRAILED TO TUESDAY, DECEMBER 6, 2005

Accepting the 2004-2005 Annual Report of the City of San Diego Disclosure Practices Working Group.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:32 p.m. – 3:32 p.m.)



ITEM-205: Amendment to the Clairemont Mesa Community Plan-Chicago Street Supplemental Parking.

Matter of approving, conditionally approving, modifying or denying a Progress Guide and General Plan/Clairemont Mesa Community Plan Amendment in order to add policy language which would allow for supplemental off-site parking areas for commercial establishments on the back portion of residentially-designated properties along the west side of Chicago Street, between Ashton Street and Littlefield Street.

(Project No. 82079. Clairemont Mesa Community Plan Area. District 6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-504) ADOPTED AS RESOLUTION R-301116

Adoption of a Resolution amending the Clairemont Mesa Community Plan, a copy of which is on file in the Office of the City Clerk;

That the Council adopts the amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

**OTHER RECOMMENDATIONS:**

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

Ayes: Steele, Chase, Garcia, Schultz, Otsuji

Not present: Griswold, Ontai

On October 18, 2005, the Clairemont Mesa Planning Committee voted 7-2-0 to recommend approval of the proposed amendment.

**CITY MANAGER SUPPORTING INFORMATION:**

Following several years of meetings led by community stakeholders, it was determined that an amendment to the Clairemont Mesa Community Plan should be prepared in order to address a severe parking deficiency in the area defined by Morena Boulevard, Ashton Street, Chicago Street, and Littlefield Street.

Over the years, this group of stakeholders, comprised of business owners, residents, consultants and City Staff, surveyed existing conditions, identified the issues, conducted field reviews, and discussed potential short-term and long-term strategies. This community effort galvanized around a unanimous agreement that parking was a major problem around this particular block and that it would take a combined effort of the City and private businesses to resolve it. Staff's recommendation is to provide policy language in the Community Plan that will allow for supplemental parking in this limited geographic area, through a discretionary review process.

**FISCAL IMPACT:**

All costs associated with the preparation of the Community Plan Amendment are recovered by a deposit account with the Development Services Department.

Oppenheim/Goldberg/BS

**LEGAL DESCRIPTION:**

Staff: Brian Schoenfisch – (619) 533-6457.

FILE LOCATION: LUP – Ammendment to the Clairemont Mesa Community  
Plan-Chicago Street Supplemental Parking 12/10/05 (65)

COUNCIL ACTION: (Time duration: 3:32 p.m. – 3:37 p.m.)

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



ITEM-206: Awarding a Contract to Villa Ford, Orange, California for Furnishing  
Police Patrol Vehicles for the San Diego Police Department.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-527) ADOPTED AS RESOLUTION R-301117

Authorizing the City Manager to award the contract to Villa Ford, Orange, CA, for furnishing Police Patrol Vehicles for the San Diego Police Department based on Bid No. 7219-06-Z, with an initial purchase of 103 police patrol vehicles with various options, as may be required for a period of one (1) year beginning from date of award with option to renew the contract for four (4) additional one (1) year periods, for an estimated annual purchase cost of \$3,009,436.93, including sales tax, terms 10% twenty (20) days; with price escalations not to exceed twenty-two and twenty-two hundredths percent (22.22%) of prices in effect at the end of each prior contract year;

Authorizing the estimated FY 2006 expenditure of \$2,439,923.53, from Fund No. 100, Department No. 110, Org. No. 79931, Object Account No. 6013, and Job Order No. 079931, be approved for the initial purchase of 103 police patrol vehicles with various options to replace the existing fleet, solely and exclusively for providing funds for said contract;

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 as provided in Guidelines Section 15060(c)(3) because the purchase is a continuing administrative or maintenance activity, and therefore not a project pursuant to Guidelines Section 15378(b)(2).

**CITY MANAGER SUPPORTING INFORMATION:**

City Council approval is requested to award a contract for the purchase of Police Patrol Vehicles for the San Diego Police Department based on Bid No. 7219-06-Z, with an initial purchase of one hundred three (103) police patrol vehicles with various options, as may be required for a period of one (1) year beginning from date of award, with options to renew the contract for four (4) additional one (1) year periods, for an estimated annual purchase cost of \$3,009,436.93, including sales tax, terms 10% twenty (20) days; with price escalations not to exceed twenty-two and twenty-two hundredths percent (22.22%) of prices in effect at the end of each prior contract year.

All units are replacement units for similar pieces of equipment that have all exceed their useful life of approximately one hundred twenty thousand (120,000) miles.

Eighteen (18) potential bidders were contacted, and eight (8) bids and one (1) alternate bid were received per the tabulation. Award is recommended to the low responsive and responsible bidder meeting specifications, Villa Ford, Orange, CA.

In an effort to seek additional potential price discounts and to assist other public agencies, this bid was processed as a cooperative procurement which included the City of La Mesa, the City of Escondido, and the City of Chula Vista.

**FISCAL IMPACT:**

FY 2006 Estimated Cost: \$2,439,923.53.

Annual Estimated Cost: \$3,009,436.93.

The FY 2006 budget includes 4.5M for vehicles. The department plan is to purchase \$4.5M worth of vehicles annually to improve the aged fleet. The DMG Maximus study which was conducted on a city-wide basis recommended an annual allocation of \$6.0M for Police to maintain its fleet at an acceptable level. The Department currently has 368 vehicles over 100,000 miles. Industry standard for replacement is 75,000 - 80,000 miles. Last year the Police Department purchased 174 vehicles.

Irvine/Rimes

Aud. Cert. 2600422.

Staff: Tammy Rimes – (619) 236-5921  
Timothy J. Miller – Deputy City Attorney

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Time duration: 3:39 p.m. – 3:47 p.m.)

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



ITEM-207: Awarding a Contract to Motorola, Inc. to Provide 800MHz  
Communications System Upgrade.

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

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2006-70 Cor. Copy) INTRODUCED, TO BE ADOPTED ON  
MONDAY, JANUARY 17, 2006

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

Staff: Sue Levine – (619) 525-8651  
Mark D. Blake – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:47 p.m. – 3:51 p.m.)

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

ITEM-208: **NOTE:** This item has been removed from the docket because the item will not be heard on Closed Session Agenda on December 6, 2005.

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 June 6, 2006 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	1/06/2006	151	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	1/11/2006	146	Rules Committee review
Monday	1/30/2006	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	2/06/2006	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	through 2/20/2006	to 106	
Monday	2/27/2006	99	Council adopts ordinances prepared by City Attorney
Friday	3/10/2006	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	3/23/2006	75	Last day to file ballot arguments with City Clerk

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

ITEM-251: **Notice** of Pending Final Map Approval – 5310 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 “5310 Rex Avenue” (T.M. No. 137357/PTS No. 81897), located northeasterly of Rex Avenue and Shiloh Road in the Mid-City: City Heights Community Plan Area in Council District 7, 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 – 4230 52<sup>nd</sup> Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4230 52<sup>nd</sup> Street” (T.M. No. 124108/PTS No. 82900), located northwesterly of 52<sup>nd</sup> Street and Orange Avenue in the Mid-City: City Heights Community Plan Area in Council District 7, 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 – Smart Corner.

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 “Smart Corner” (T.M. No. 239236/PTS No. 78876), located southwesterly of “C” Street and Park Boulevard in the Centre City 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-254: Notice of Pending Final Map Approval – 3852 3<sup>rd</sup> 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 “3852 3<sup>rd</sup> Avenue” (T.M. No. 87424/PTS No. 73894), located southwesterly of Third Avenue and University Avenue in the Uptown Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

ITEM-255: **Notice** of Pending Final Map Approval – Arbor Drive Rowhomes.

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 “Arbor Drive Rowhomes” (T.M. No. 171456/PTS No. 81075), located northwesterly of Sixth Avenue and Arbor Drive in the Uptown Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

ITEM-256: **Notice** of Pending Final Map Approval – Northblock Lofts.

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 “Northblock Lofts” (T.M. No. 169550/PTS No. 69736), located southeasterly of Sixth Avenue and F Street in the Centre City 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-257: Notice of Pending Final Map Approval – The Court At Adelaide.**

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 “The Court At Adelaide” (T.M. No. 112132/PTS No. 67503), located at the northwest corner of Adelaide Avenue and 56<sup>th</sup> Street within the Eastern Area Community Plan Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

(3) The map is technically correct.

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

**ITEM-258: Notice of Pending Final Map Approval – Courtyard At College.**

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 “Courtyard At College” (T.M. No. 112116/PTS No. 65702), located at the northwest corner of Carol Street and 60<sup>th</sup> Street within the Eastern Area Community Plan Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

**ITEM-259: Notice of Pending Final Map Approval – Summit 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 “Summit Place” (T.M. No. 112119/PTS No. 65703) located north of Gilbert Drive on 55<sup>th</sup> Street in the College Community Plan Area in Council District 7, 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-260: **Notice** of Pending Final Map Approval – 4437 51<sup>st</sup> Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4437 51<sup>st</sup> Street” (T.M. No. 16467/PTS No. 80328), located northerly of El Cajon Boulevard on 51<sup>st</sup> Street in the Kensington-Talmadge Neighbor – Mid City Community Plan Area in Council District 7, 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-261: **Notice** of Pending Final Map Approval – Wabash Gardens.

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 “Wabash Gardens” (T.M. No. 12923/PTS No. 71072), located south of Orange Avenue on Wabash Avenue in the Central Urbanized Plan 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-262: Notice of Pending Final Map Approval – Temecula Heights.**

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 “Temecula Heights” (T.M. No. 133808/PTS No. 69806), located southeasterly of west Point Loma Boulevard and Temecula Street in the Peninsula 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-S400: Otay Mesa/Nestor Branch Library.

(Otay Mesa/Nestor Community Area. District 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-533)            ADOPTED AS RESOLUTION R-301118

Authorizing a \$75,000 increase in Fiscal Year 2006 Capital Improvement Program Budget in CIP-35-087.0, Otay Mesa/Nestor Branch Library, in Fund No. 79517, Otay Mesa - Nestor DIP;

Authorizing the City Auditor and Comptroller to appropriate and expend \$75,000 from Fund No. 79517, Otay Mesa - Nestor DIP, into CIP-35-087.0, for the purpose of providing funding for the project and related costs, provided that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$75,000 from CIP-35-087.0, Otay Mesa/Nestor Branch Library, Fund No. 79517, Otay Mesa - Nestor DIF, solely and exclusively for the purpose of providing funds for the project and related costs, provided that the City Auditor and Comptroller furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Declaring this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(c). This activity is a subsequent discretionary approval covered under Project No. 5220, Otay Mesa/Nestor Branch Library Expansion. The activity is adequately addressed in the environmental document and there is no change in circumstances, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15177;

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

**CITY MANAGER SUPPORTING INFORMATION:**

The original Otay/Nestor Branch Library, located at 3003 Coronado Avenue, was built in 1985. The project consists of renovation and repair of the existing 10,000 sq. ft. library and the design and construction of a 5000 sq. ft. expansion that will accommodate the additional program requirements for the facility, and provide the required space to serve this growing community. On January 14, 2004, two bids were received and opened for the project construction. The lowest responsible bidder was Echo Pacific Construction, with a bid of \$3,600,351.

Council approved the award of construction contract for the Otay Mesa/Nestor Library on February 9, 2004, per Resolution RR-298894. On February 1, 2005, per Resolution RR-30013, City Council approved that \$300,000 in interim funds be provided to purchase FFE (Furnishings, Fixtures, and Equipment) required for the opening and operation of the Library. Construction is nearly complete and the project is scheduled to open this winter.

This summer, the community initiated that \$75,000 of DIF funding be provided for the purchase of additional FFE for the library. On August 10, 2005, the Otay Mesa/Nestor Community Planning Committee voted to provide \$75,000 of DIF funding for additional furnishings and material needed for the Otay Mesa Branch Library. The motion passed 13-1-0.

**FISCAL IMPACT:**

The total project cost is \$5,038,500, of which \$4,963,500, has been previously authorized. \$75,000 is available in Otay Mesa/Nestor DIF Fund No. 79517 and will be transferred into CIP-35-087.0, Otay Mesa/Nestor Branch Library.

Mendes/Boekamp/AO

Aud. Cert. 2600412.

Staff: Afshin Oskoui - (619) 533-3102  
Christina L. Bellows - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:19 p.m.)

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

\* ITEM-S401: Grant Application to the State of California, Office of Emergency Services (OES) for Elder Abuse and Same Sex Domestic Violence Grant.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-538) ADOPTED AS RESOLUTION R-301119

Authorizing the San Diego City Attorney, or designee, to apply for grant funding for the Elder Abuse and Same Sex Domestic Violence Program;

Authorizing the San Diego City Attorney, or designee, to execute and submit all documents necessary to comply with the grant requirements;

Authorizing the San Diego City Attorney, or designee, to accept \$57,823 in additional grant funding and to amend end date from June 30, 2005, to December 31, 2005, for the Elder Abuse and Same Sex Domestic Violence Program;

Authorizing the San Diego City Attorney, or designee, to accept, appropriate, expend, and administer the grant funds, if and when secured, in accordance with the terms and conditions of the grant program;

Declaring pursuant to the terms and conditions of the grant program:

1. The City is authorized to appropriate all matching funds required for the project, including any amendments thereof.
2. Any liability arising out of the City's performance under these grants, including civil court actions for damages shall be the responsibility of the City.
3. All funds received pursuant to these grants shall be spent exclusively for the project and shall not be used to supplant expenditures controlled by the City Council.

**SUPPORTING INFORMATION:**

The City Attorney's Office received notification from the State of California, Office of Emergency Services that Grant Award Agreement No. VV04067919 was amended to change the end date from June 30, 2005 to December 31, 2005. The Grant is also amended to increase the Violence Against Women Prosecution (VAWA) award amount by \$57,823. This award has a 25% match requirement, which will be met through existing staff salaries. This is a renewal grant for the project started in 1998. The project will continue to address Elder Abuse and Same Sex Domestic Violence in the City of San Diego. The efforts of the prosecutors, investigator and victim services advocate funded by this grant have been effective in addressing Elder Abuse and Same Sex Domestic Violence in the City of San Diego. As a means of increasing awareness and prosecution of Elder Abuse, the prosecutor conducts outreach to seniors, conducts trainings to Law Enforcement officers, and participates in programs such as the District Attorney's TRIAD program and Elder Abuse Council.

The Same Sex Domestic Violence component is being effectively addressed by outreach efforts to the gay and lesbian community. The Same Sex prosecutor continues to provide presentation to the Lesbian and Gay Men's Community Center, community centers and rehabilitation facilities to dispel some of the myths and concerns about domestic violence in gay and lesbian relationships and provide information about the prevention and prosecution of Same Sex Domestic Violence. The prosecutor continues to train members of law enforcement to enhance officers' awareness of same sex domestic violence so that potential cases are captured at the scene.

The City is authorized to appropriate all matching funds required for the project, including any amendments thereof. Any liability arising out of the City's performance under these grants, including civil court actions for damages shall be the responsibility of the City. All funds received pursuant to these grants shall be spent exclusively for the project and shall not be used to supplant expenditures controlled by the City Council.

Irvine/Katz

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:19 p.m.)

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



ITEM-S402: Fifth Amendment to Agreement with HDR Engineering Inc. for Construction Management/Program Manager Services for Metropolitan Wastewater Department.

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

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-523) CONTINUED TO MONDAY, JANUARY 17, 2006

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

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

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

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

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

**CITY MANAGER SUPPORTING INFORMATION:**

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

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

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

**FISCAL IMPACT:**

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

Mendes/Tulloch/CW

Aud. Cert. 2600402.

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:14 p.m. – 3:15 p.m.)

MOTION BY FRYE TO CONTINUE TO MONDAY, JANUARY 9, 2006 AT THE REQUEST OF THE CITY ATTORNEY'S OFFICE FOR FURTHER REVIEW. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor Sanders-yea.



ITEM-S403: Restructuring of Sewer System Interim Financing and Approval of Related Documents.

(See City Manager Report CMR-05-199 and memorandum from the City Attorney dated 11/2/05.)

(Continued from the meeting of November 29, 2005, Item 50, at the request of Deputy Mayor Atkins, to allow Councilmember Maienschein to be present and vote.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was previously re-introduced as amended on 11/14/2005, Item 202. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-54 REV.) ADOPTED AS ORDINANCE O-19450 (New Series)

Approving the Form and authorizing the execution and delivery of a First Supplemental Subordinated Indenture and a First Amendment to 2004 Supplement to Master Installment Purchase Agreement and approving certain other agreements and actions in connection therewith, pursuant to Section 99 of the Charter of the City of San Diego.

**Note:** 6 votes required.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:51 p.m. – 3:51 p.m.)

MOTION BY PETERS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor Sanders-yea.





ITEM-S404: Second Amendment to Consultant Agreement with MWH Americas, Inc. for the Otay Water Treatment Plant Upgrade.

(Unincorporated Area of San Diego County.)

(Continued from the meeting of November 29, 2005, Item 51, at the request of Deputy Mayor Atkins, to allow Councilmember Maienschein to be present and vote.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 11/14/2005, Item 56. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-53)                    ADOPTED AS ORDINANCE O-19451 (New Series)

Authorizing the City Manager, or duly authorized representative, to execute a Second Amendment to Agreement between the City of San Diego and MWH Americas, Inc. for Consulting Services for the Otay Water Treatment Plant Upgrade (Second Amendment), together with any reasonably necessary modifications or amendments thereto which do not increase agreement scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of the agreement;

Authorizing the City Auditor and Comptroller to transfer \$65,000 from Water Fund 41500, CIP-73-250.0, Otay Water Treatment Plant Clearwell Storage Project, to Water Fund 41500, CIP-73-285.0, Otay Water Treatment Plant Upgrade Phase 2;

Authorizing the appropriation and expenditure of an amount not to exceed \$1,605,023 from Water Fund 41500, CIP-73-285.0, Otay Water Treatment Plant Upgrade Phase 2, for the purpose of funding the Second Amendment and related in-house engineering costs;

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

Declaring that this activity is not a project subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(c) because it is a subsequent discretionary approval related to the project approved by Resolution No. R-294237 and within the scope of Mitigated Negative Declaration LDR No. 40-0932 (Project No. 96004551).

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:51 p.m. – 3:52 p.m.)

MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor Sanders-yea.



ITEM-S405: Awarding Contracts to American Eurocopter, FLIR Systems, Incorporated, and JetSource Avionics for the Acquisition and Equipping of Law Enforcement Helicopters.

(See City Manager Report CMR-05-180; and CMR-05-220, not available at Committee.)

(Continued from the meeting of November 29, 2005, Item 52, at the request of Deputy Mayor Atkins, to allow Councilmember Maienschein to be present and vote.)

**CITY COUNCIL’S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 11/14/2005, Item 151, Subitem A. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-57) ADOPTED AS ORDINANCE O-19452 (New Series)

Authorizing and directing the City Manager, or designee, to award a contract to American Eurocopter for the purchase of four AS350B3 “Astar” law enforcement helicopter frames, on such terms as identified in the Department’s Helicopter Request for Proposals;

Authorizing and directing the City Manager, or designee, to award a contract to FLIR Systems, Incorporated, for the purchase of two Forward Looking Infrared Systems to be installed on the new helicopters, on such terms as identified in the Department’s Specialized Equipment Request for Proposals;

Authorizing and directing the City Manager, or designee, to award a contract to JetSource Avionics to FLIR Systems, Incorporated, such firm to provide for the equipping and outfitting of the helicopters, on such terms as identified in the Department's Special Services Request for Proposals;

Authorizing and directing the City Manager, or designee, to declare his intent to cause the sale of the Police Department's existing helicopters in accordance with the terms of the Charter and existing Council Policy;

Authorizing and directing the City Manager, or designee, to proceed with the financing of the helicopters utilizing the City's Equipment & Vehicle Financing Program, and to cause the execution and delivery of the First Amendment of the Master Lease Agreement, dated as of its dated date, together with the Appendix thereto, including that certain Aircraft Supplement to the Master Lease, with Bank of America Leasing & Capital, LLC, the forms of which have been presented to this Council, with such changes therein and modifications thereof as the City Manager, the Deputy City Manager, or designee, in consultation with the City Attorney, shall determine are necessary or desirable to effectuate the purposes of this Ordinance, such approval to be conclusively evidenced by the execution and delivery thereof;

Declaring all actions heretofore taken by any officers, employees, or agents of the City with respect to purchase of the helicopters or related to any documents referenced herein, or the financing of said helicopters, including the execution and delivery of the First Amendment to the Master Lease Agreement, together with the Appendices thereto, are hereby approved, confirmed and ratified; and any the City Manager, the Deputy City Manager and any such other officers, employees or agents of the City as may be authorized by the City Manager or the Deputy City Manager are hereby authorized and directed, for and in the name of and on behalf of the City, to do all things and take any and all actions and execute and deliver any and all certificates, agreements and other documents which they, or any of them, may deem necessary or advisable to consummate the transactions evidenced by the documents referenced herein in accordance with this Ordinance.

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Time duration: 3:52 p.m. – 3:53 p.m.)

MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor Sanders-yea.



ITEM-S406: Awarding Contract and Agreement with Community Recycling and Resource Recovery, Inc. (Community), to Design, Construct, and Operate a Construction, Demolition, and Inert Materials Recovery Facility at Miramar Landfill.

(See City Manager Report CMR-05-222, not available at the Committee; and City Manager Report CMR-05-205.)

(Continued from the meeting of November 29, 2005, Item 54, at the request of Deputy Mayor Atkins, to allow Councilmember Maienschein to be present and vote.)

**TODAY'S ACTION IS:**

Introduce the following ordinance:

(O-2006-60) CONTINUED WITHOUT DATE CERTAIN

Introduction of an Ordinance authorizing the City Manager to award and execute, for and on behalf of the City, an agreement with Community Recycling and Resource Recovery, Inc. (Community), to design, construct, and operate a construction, demolition, and inert materials recovery facility at Miramar Landfill, contingent on the future environmental review of the project, approval of a permit, and approval and execution of a site sublease with Community, under the terms and conditions set forth in the agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend the following estimated amounts for the operation of the facility and provision of the services in connection with the agreement described above, contingent upon the inclusion of the following estimated amounts in the City Council approved budget for the respective fiscal years, and provided that the City Auditor and Comptroller issues certificates demonstrating that the funds are, or will be, on deposit with the City Treasurer:

Fiscal Year 2007	\$4,800,000
Fiscal Year 2008	\$6,800,000

Fiscal Year 2009	\$7,000,000
Fiscal Year 2010	\$7,100,000
Fiscal Year 2011	\$7,300,000
Fiscal Year 2012	\$7,400,000
Fiscal Year 2013	\$7,600,000
Fiscal Year 2014	\$7,800,000
Fiscal Year 2015	\$8,000,000
Fiscal Year 2016	\$8,100,000
Fiscal Year 2017	\$8,300,000
Fiscal Year 2018	\$8,500,000
Fiscal Year 2019	\$8,700,000

Declaring this activity is not subject to CEQA pursuant to CEQA Guideline Section 15060(c)(2) because contingent approval of the agreement described in Section 1 above will not result in a direct or reasonably foreseeable indirect physical change in the environment.

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

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

Informational report. No action taken.

Aud. Cert. 2600391.

Staff: Kip Sturdevan – (858) 573-1214  
Grace C. Lowenberg – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:13 p.m. – 3:14 p.m.)

MOTION BY FRYE TO CONTINUE WITHOUT DATE CERTAIN AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Atkins. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor Sanders-yea.



ITEM-S407: Funding Appropriation from Anticipated Surplus General Fund Property Tax Revenue into the Citywide Program Department for the Audit Services Provided by Macias Gini & Company for the Fiscal Year 2005 Financial Statements.

**CITY MANAGER'S RECOMMENDATION:**

Hold the first public hearing of the ordinance:

(O-2006-71)                      FIRST PUBLIC HEARING HELD, TO BE  
INTRODUCED AND ADOPTED ON TUESDAY,  
DECEMBER 6, 2005

An Ordinance amending Ordinance No. O-19396 (New Series) entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2005-2006 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year," by increasing General Fund appropriation from anticipated surplus tax revenues in an amount not to exceed \$338,360 and increasing General Fund department appropriation, Citywide Program Department, Dept. 61, Org. 2450, to pay the costs of audit services performed by Macias Gini & Company, for the Fiscal Year 2005 financial statements;

Authorizing and directing the City Auditor and Comptroller to expend an amount not to exceed \$338,360 from Citywide Program Department, Dept. 61, Org. 2450, to pay the costs of audit services performed by Macias Gini & Company, for the Fiscal Year 2005 financial statements.

**NOTE:** Today's action is the first public hearing. See Item S500 on the docket of Tuesday, December 6, 2005, for the second public hearing and introduction and adoption of the Ordinance.

**CITY MANAGER SUPPORTING INFORMATION:**

The Agreement with Macias Gini and Company LLP for audit services for the City of San Diego Fiscal Year 2005 Financial Statements was approved and adopted by the City Council on August 8, 2005 (R-300771). This action authorized the City Manager to enter into a sole source agreement not to exceed \$844,977 with Macias Gini & Company LLP for audit services for the City of San Diego Fiscal Year 2005 financial statements, and authorized the expenditure of \$844,977 for audit services. Of the authorized expenditure amount of \$844,977, \$433,790 was the General Fund share. Although the Citywide Program has a total budget of \$48 million, the annual audit program within Citywide has a Fiscal Year 2006 balance of \$95,430 available for audit fees.

It is requested that the City Council authorize the City Auditor and Comptroller to appropriate \$338,360 of anticipated surplus General Fund Property Tax revenues as identified in City Manager Report No. 05-202, dated October 6, 2005, into Citywide Program Department, Dept. 601, Org. 2450 ("Annual Audit") and expend for audit services provided by Macias Gini and Company for the City of San Diego's Fiscal Year 2005 financial statements. The use of this revenue for this purpose may impact future available revenue, depending on the performance of all General Fund Revenue.

Per the Appropriations Ordinance, Section 2, the City Auditor and Comptroller is authorized, upon the direction of the Financial Management Director, to transfer up to \$100,000 in appropriations within each budgeted Citywide Expenditures Program. Since this request exceeds the \$100,000 threshold, Council approval is required. This action will authorize the appropriation of the necessary funding for the Citywide portion of the audit services provided by Macias Gini and Company for the Fiscal Year 2005 Financial Statements.

**CITYWIDE PROGRAM'S PROFESSIONAL FEES AND EXPENSES  
FOR THE AUDIT OF THE JUNE 30, 2005 FINANCIAL STATEMENTS**

Total cost for FY 2005 Financial Statements Audit	\$844,977
General Fund (Citywide Program Department) Expenses for FY 2005 Financial Statements Audit	\$433,790
Citywide Annual Audit FY 2006 Balance Available	(\$ 95,430)
Amount Requested for Authorization	\$338,360

Irvine/Villa

Aud. Cert. 2600423.

Staff: Angela Means – (619) 236-6375  
Mark D. Blake – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:53 p.m. – 3:56 p.m.)

MOTION BY ATKINS TO HOLD THE FIRST PUBLIC HEARING. Second by Young. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor Sanders-yea.



ITEM-S408: Mark Salo Day.

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-548) ADOPTED AS RESOLUTION R-301128

Recognizing the outstanding contributions of Mark Salo in the fields of women's health and reproductive freedom and salute him upon his retirement from a long and distinguished career with Planned Parenthood of San Diego and Riverside Counties;

Proclaiming December 5, 2005, to be "Mark Salo Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:02 p.m. – 3:08 p.m.)

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





[ITEM-S409](#): Four actions related to Amending Council Policies 100-07 and 100-08 and Establishing Two New Matching Funds Entitled Library Matching Programs Fund, and Montgomery Technology Fund.

(See City Manager Report CMR-05-238.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2006-400) ADOPTED AS RESOLUTION R-301120

Amending Council Policy No. 100-07, entitled "Library Matching Materials Fund," by amending Section 6(b) pertaining to allocation within the Library;

Subitem-B: (R-2006-401) ADOPTED AS RESOLUTION R-301121

Amending Council Policy No. 100-08, entitled "Library Matching Equipment Fund," by amending Section 6 pertaining to allocation within the Library.

Subitem-C: (R-2006-402) ADOPTED AS RESOLUTION R-301122

Authorizing the establishment of a new matching fund entitled the "Library Matching Programs Fund" to match donations contributed for the purpose of funding cultural programs and children's programs plus related expenses including but not limited to program advertising costs and the purchase of related materials and supplies needed to conduct the programs, is hereby authorized, as set forth in the City Manager's Report No. 05-238;

Authorizing the expenditure of an amount not to exceed \$1,000,302, from Fund No.100, Dept. No. 310, Org. No. 7002, Acct. No. 48815, for the purpose of providing funds to match donations for the above described programs, 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.

Subitem-D: (R-2006-403 Rev.) ADOPTED AS AMENDED AS RESOLUTION R-301123

Authorizing the establishment of a new matching fund entitled the "Montgomery Technology Fund" to match donations contributed for the purpose of supporting the purchase, installation, maintenance, and usage of information technology equipment and software, and associated expenses, including related professional and contractual services, at the Valencia Park/Malcolm X Library, as set forth in the City Manager's Report No. 05-238;

Authorizing the City Auditor and Comptroller to transfer the fund balance for the Montgomery Technology Fund Account from the Library Matching Equipment Fund, Revenue Account No. 78944, to the new Montgomery Technology Fund;

Authorizing the expenditure of an amount not to exceed \$1,000,302, from Fund No. 100, Dept. No. 310, Org. No. 7002, Acct. No. 48815, for the purpose of providing funds to match donations for the above described programs, 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.

Staff: Dianne Parham – (619) 236-5893  
Stephanie Rahlfs – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:24 p.m. – 3:27 p.m.)

MOTION BY YOUNG TO ADOPT WITH THE FOLLOWING AMENDMENT ADDED TO SUBITEM D, THE MONTGOMERY TECHNOLOGY FUND, "AUTHORIZING THE ESTABLISHMENT OF A NEW MATCHING FUND ENTITLED MONTGOMERY TECHNOLOGY FUND TO MATCH DONATIONS CONTRIBUTED FOR THE PURPOSE OF SUPPORTING THE PURCHASE, INSTALLATION, MAINTENANCE AND USES OF INFORMATION TECHNOLOGY EQUIPMENT AND SOFTWARE AND ASSOCIATED EXPENSES INCLUDING RELATED PROFESSIONAL CONTRACTUAL SERVICES AND COMMUNITY TECHNOLOGY OUTREACH PROGRAMS AT THE VALENCIA PARK MALCOLM X LIBRARY AS SET FORTH IN CITY MANAGER'S REPORT NO. 5-238." Second by Frye. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor Sanders-yea.

- \* ITEM-S410: Two actions related to First Amendment to Consultant Agreement with Delorenzo Incorporated for Professional Services for the Carroll School/Mira Mesa Community Park Expansion Project.

(Mira Mesa Community Area. District 5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2006-522) ADOPTED AS RESOLUTION R-301124

Authorizing the City Manager to execute a First Amendment to Agreement with Delorenzo Incorporated for additional professional services in connection with the Carroll School/Mira Mesa Community Park Expansion (the Project), at a cost not to exceed \$710,000, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$710,000 from Fund No. 79006, Facilities Benefit Assessment (FBA), CIP-29-757.0, Carroll School/Mira Mesa Community Park Expansion for the purpose of providing funds for the above referenced Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds 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 funds, if any, to the appropriate reserves.

Subitem-B: (R-2006-526) ADOPTED AS RESOLUTION R-301125

Certifying that Mitigated Negative Declaration Project No. 36762, 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 the Mira Mesa Community Park Expansion Project;

Finding that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Project No. 36762 Mitigated Negative Declaration, is hereby approved;

Adopting the Mitigation Monitoring and Reporting Program, and any additional alterations 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.

**CITY MANAGER SUPPORTING INFORMATION:**

The eleven acre Carroll School Park Site is located in the community area of Mira Mesa in Council District 5, between New Salem Street and Westmore Road directly to the north of the existing Mira Mesa Community Park. The Mira Mesa Community Park is located between New Salem Street and Mira Mesa Boulevard. On May 20, 2004, a Purchase Order was issued to Delorenzo Incorporated for interim landscape architectural planning and public outreach services for the referenced project. On September 27, 2004, the City Council authorized the City Manager to execute a consultant agreement with Delorenzo Incorporated to provide professional services required for the preparation of a General Development Plan and obtaining a Site Development Permit for the project. The original Agreement is on file in the Office of the City Clerk as Document No. RR-299685. The Amendment to the Agreement will provide the professional services required for the preparation of the construction documents and construction administration for the improvements of the project, which include restroom/concession/storage building, ballfields, children's play area, open turf passive area, decomposed granite jogging path, aquatic center and skate plaza. Total project cost is estimated to be \$18,500,000. Delorenzo Incorporated was selected in accordance with Council Policy 300-7, Consultant Services Selection.

**FISCAL IMPACT:**

This Amendment to the Agreement allows for a \$675,000 fixed fee and \$35,000 for additional services. Funds in the amount of \$710,000, are available in Fund No. 79006, Facilities Benefit Assessment, CIP-29-757.0, Carroll School/Mira Mesa Community Park Expansion. The original Agreement allowed for a total of \$280,000 in consultant services. Purchase Order No. 5065318-0 allowed for a total of \$24,999 in preliminary consultant services.

Oppenheim/Medina/AP

Aud. Cert. 2600419.

Staff: April Penera - (619) 525-8223  
Eric A. Swenson - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:19 p.m.)

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

\* ITEM-S411: Dwight Yoakam Day.

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-553) ADOPTED AS RESOLUTION R-301126

Recognizing the outstanding contributions of Dwight Yoakam to country music, film, and the American artistic and cultural landscape;

Proclaiming December 4, 2005, to be “Dwight Yoakam Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:19 p.m.)

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



**ITEM-S412:** Addition of Unclassified Positions in the Office of the Independent Budget Analyst (IBA) Transfer of Rules Committee Consultant and Funding from Mayor's Budget to Council Administration.

(See Chairperson's Report dated 8/2/2005, and memorandum from Lisa Irvine dated 8/1/2005; Chairperson's Report dated 5/25/2005, with Dewey Square Group report attached, Comparison Chart; and memorandums from Rich Snapper dated 11/16/2005 and 12/1/2005 not available at Committee.)

**TODAY'S ACTION IS:**

Hold the first public hearing of the ordinance:

(O-2006-72) FIRST PUBLIC HEARING HELD, TO BE INTRODUCED AND ADOPTED ON TUESDAY, DECEMBER 6, 2005

Amending Ordinance No. O-19396 (New Series), as amended, entitled " An Ordinance adopting the Annual budget for the Fiscal Year 2005-2006 and appropriating the necessary money to operate the City of San Diego for said Fiscal Year" by adding positions in the Office of the Independent Budget Analyst and exempting said positions from the classified service and transferring funds to Council administration to fund these positions.

**NOTE:** Today's action is the first public hearing. See Item S501 on the docket of Tuesday, December 6, 2005, for the second public hearing and introduction and adoption of the Ordinance.

**MAYOR-COUNCIL TRANSITION COMMITTEE'S RECOMMENDATION:**

On 8/4/2005, MCT voted 4 to 1 to accept the City Manager's staffing level estimates for the combined IBA/OLA offices and authorize a mid-year funding proposal not to exceed \$600,000 for the FY2006 budget year. This funding will be comprised of the following: \$250,000 allocated during the FY2006 budget process, \$100,000 transfer of the Council Budget Liaison position to the IBA/OLA, and \$250,000 from the Mayor's office. (Councilmembers Peters, Maienschein, Frye, and Madaffer voted yea. Councilmember Young voted nay. Councilmember Atkins not present. District 2-vacant and District 8-vacant.)

On 6/2/2005, MCT voted 5 to 0 to approve adding an additional staff position to the Office of the Presiding Officer for docketing purposes. The budgeted FTE position of the Rules Committee consultant should be moved from the Office of the Mayor to the Office of the Presiding Officer as a budget neutral way to accommodate this additional staffing. (Councilmembers Peters, Zucchet, Atkins, Frye, and Inzunza voted yea. Councilmembers Young, Maienschein, and Madaffer not present.)

**SUPPORTING INFORMATION:**

On December 1, 2005, the Civil Service Commission reviewed the duties and responsibilities of the following positions and found that they meet the intent of Charter Section 117. Charter Section 117 states that the Unclassified Service shall include "managerial employees having significant responsibilities for formulating and administering department policies and programs. Each such position shall be exempt from the Classified Service by ordinance upon the initiation of the appropriate appointing authority and after receiving the advisory review and comment of the Civil Service Commission and approval of the City Council."

The position of Independent Budget Analyst (IBA) will serve the Council as a whole, providing fiscal and legislative analysis, make recommendations regarding proposals brought forth by the Mayor and executive departments, assist Councilmembers in drafting legislation, provide high level review and analysis of all budgetary proposals and the City's annual budget process, and oversee the IBA Department.

The Office of IBA will consist of additional unclassified positions which will be either Budget/Legislative Analyst I or Budget/Legislative Analyst II, and will support the IBA in his or her duties to the Council. These duties constitute management policy formulating at a level which warrants designation as unclassified employees directly reporting to the IBA.

**FISCAL IMPACT:**

Funding for the Office of IBA will come from Citywide Program Expenditures and from the Mayor's Office budget. Five (5.0) positions (which includes the Rules Committee Consultant) and \$250,000 will be transferred from the Mayor to the Council Administration; and 1.0 position and \$350,000 will be transferred from Citywide Program Expenditures to the Council Administration Department for a total of \$600,000.

Peters/Cameron

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:56 p.m. – 4:07: p.m.)

MOTION BY PETERS TO HOLD THE FIRST PUBLIC HEARING. Second by Atkins. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor Sanders-yea.

ITEM-S413: **Notice** of Pending Final Map Approval – Cabrillo-Point Loma.

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 “Cabrillo-Point Loma” (VTM No. 211022/PTS No. 23708), located southwesterly of Kenyon and Fordham Streets in the Midway Pacific Highway Corridor 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.



