

AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, MAY 4, 2004 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101

NOTE: There will be no Closed Session Agenda for today’s meeting.

~~NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.~~

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at (619) 533-5432.

ITEM-1: ROLL CALL.

=== LEGISLATIVE SCHEDULE ===

Special Order of Business

ITEM-30: Approval of Council Minutes.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject**, regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue items scheduled for this morning's session. Requests to continue items scheduled to be heard at this afternoon's session will be taken at 2:00 p.m.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items

ITEM-50: Second Amendment to the Office Lease Agreement for the Family Justice Center at 707 Broadway.
CITY MANAGER'S RECOMMENDATION: Introduce the ordinance.

ITEM-51: California Energy Commission Energy Efficiency Financing for General Fund Facility Improvements. Clairemont Mesa, North Park, Tierrasanta, Linda Vista, Kearny Mesa, Carmel Valley, Allied Gardens, City Heights, Navajo, Pacific Beach, Rancho Penasquitos, Oak Park, Skyline-Paradise Hills, Golden Hill, and Balboa Park Community Areas. (Dists. 1, 2, 3, 4, 6, 7, and 8)
CITY MANAGER'S RECOMMENDATION: Introduce the ordinance.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-100: Morena Vista Underground Utility District. Bay Park Community Area.
(Dists. 2 and 6)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-101: Veteran Appreciation Month.
COUNCILMEMBER LEWIS' RECOMMENDATION: Adopt the resolution.
- ITEM-102: Water Easement Vacation within Lot 1 of Linda Vista Heights Map No. 3576. Linda Vista Community Area. (Dist. 6)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-103: FY 2005-FY 2009 Five Year Consolidated Plan.
LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:
On 3/24/2004, LU&H voted 3 to 0 to adopt the recommendation of the San Diego Housing Commission.
- ITEM-104: Mission Trails Park Property Donation. Mission Trails Community Area.
(Dist. 7)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-105: Settlement Agreement in Gleason v. San Diego City Employees Retirement System, Et Al.
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution.
- ITEM-106: Greater San Diego Business Association 25th Anniversary Day.
MAYOR MURPHY'S AND DEPUTY MAYOR ATKINS' RECOMMENDATION: Adopt the resolution.
- ITEM-107: Patricia J. Marn Day.
DEPUTY MAYOR ATKINS' RECOMMENDATION: Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Discussion, Other Legislative Items

ITEM-200: 2004 Salary Setting Commission's Recommendation.
SALARY SETTING COMMISSION'S RECOMMENDATION: Adopt the resolution.

ITEM-201: Agreement with Sharp Rees-Stealy Medical Group for Industrial Medicine Services to City Employees.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

Public Notices

ITEM-250: Notice of Pending Final Map Approval – Pacific Highlands Ranch Unit No. 7.

ITEM-251: Settlement of Personal Injury and Property Damage Claim of Phillip K. Ngo.

ITEM-252: Submission of Ballot Proposals.

=== LEGISLATIVE SCHEDULE (Continued) ===

Noticed Hearings

ITEM-330: Two actions related to Proposed Rezonings to Remove Areas within the City of San Diego from the Transit Area and Residential Tandem Parking Overlay Zones. All Community Plan Areas. (Dists. All) (Cont. from March 30, 2004, Item 333.)

Matter of approving, conditionally approving, modifying or denying proposed rezonings to remove areas within the City of San Diego from the Transit Area and Residential Tandem Parking Overlay Zones.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 06/04/03, LU&H voted 4-0 to direct the City Manager to move expeditiously to bring the issue of rescinding or amending the Transit Area Overlay Zone and Residential Tandem Parking Overlay boundaries to City Council, as previously approved by the Land Use and Housing Committee on September 4, 2002.

NOTE: Hearing Open. No testimony taken on March 30, 2004.

ITEM-331: North Park Condominiums. MND 5787/TM No. 10175/SDP No. 10176/Encroachment Maintenance and Removal Agreement/PTS No. 5787. Greater North Park Community Plan Area. (Dist. 3)

Matter of approving, conditionally approving, modifying or denying Tentative Map, Site Development Permit and Encroachment Maintenance Removal Agreement for a 224-unit condominium development including underground parking on a 2.06-acre site located on the south side of Lincoln Avenue between 30th & Ohio Streets in the CN-1 zone within the Mid-City Communities Planned District and North Park Redevelopment Project Area.

CITY MANAGER'S RECOMMENDATION: Adopt the resolutions in subitems A and D; adopt the resolution in subitem B to grant the map and adopt the resolution in subitem C to grant the permit.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

SPECIAL ORDER OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

04/05/2004 - Adjourned

04/06/2004 - Adjourned

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard).

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject**, regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue those items scheduled to be heard at this morning's session. Requests to continue items scheduled to be heard at 2:00 p.m. will be taken at the beginning of the afternoon session.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

ORDINANCES TO BE INTRODUCED:

Items 50 and 51.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, and 107.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

- * ITEM-50: Second Amendment to the Office Lease Agreement for the Family Justice Center at 707 Broadway.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2004-131)

Introduction of an Ordinance authorizing the City Manager to execute the Second Amendment to the Office Lease with 7th & Broadway Partners, LLC; 901 7th Avenue Partners, LLC; and 707 Weber, LLC; for space at 707 Broadway Tower;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$277,881.92 from the Office Space Program Budget, Fund No. 100, Dept. 601, for rent and utility charges from the FY 2005 Budget, contingent upon approval of the FY 2005 Budget by the Mayor and Council.

CITY MANAGER SUPPORTING INFORMATION:

The City's Family Justice Center has been leasing space at 707 Broadway since October 1, 2002 on floors 5, 6, and 7. Recently, the second floor became available to lease. The Family Justice Center is now in partnership with Children's Hospital and Childhelp USA which will allow the Center to provide necessary services to the Children arriving at the Family Justice Center on the Second floor. In addition, Childhelp USA will contribute \$5,000 per month during the lease term to help cover space costs on the second floor. The Family Justice Center will be extending the term of its existing space and expanding into the second floor under the following basic terms:

TERM: The existing term will be extended approximately 2.5 years expiring March 31, 2010. Occupancy for the expansion space on the second floor will commence July 1, 2004. Base rent will start October 1, 2004 which will provide the City with three months of free rent.

RENT: \$1.60 per square foot or \$19,692.80 per month in base rent. This rental rate is below market as compared to similar space in the area that is leasing at approximately \$1.75 per square foot. The base rent for the expansion space will increase approximately 3% per year.

UTILITY COSTS: \$18,215.84 per year.

OPERATING EXPENSES: \$4,430.88 per year.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

* ITEM-50: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

TENANT IMPROVEMENT OVERAGE: \$40,000 – one time expense. The Landlord will pay ~~4369,240~~ \$369,240 toward the tenant improvements.

PARKING RENT: \$38,000 per year.

USE: Office space for the Family Justice Center providing public service to families and children with domestic violence issues.

SIZE: Expansion space is approximately 12,308 square feet of office space.

FISCAL IMPACT:

\$277,811.92 will be paid from the Office Space Program Budget, Fund 100, Dept. 601 for FY 2005. This is contingent upon City Council approval of the FY 2005 Budget.

Herring/Griffith/DLM

Aud. Cert. 2500001.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

- * ITEM-51: California Energy Commission Energy Efficiency Financing for General Fund Facility Improvements.

(Clairemont Mesa, North Park, Tierrasanta, Linda Vista, Kearny Mesa, Carmel Valley, Allied Gardens, City Heights, Navajo, Pacific Beach, Rancho Penasquitos, Oak Park, Skyline-Paradise Hills, Golden Hill, and Balboa Park Community Areas. Districts-1, 2, 3, 4, 6, 7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2004-134)

Introduction of an Ordinance authorizing the City Manager, to apply for, enter into, conduct negotiations for, and execute and comply with all requirements for a fifteen-year loan agreement with the California Energy Commission in the amount of \$2,230,000 at a rate of 3.95% interest, to implement energy efficiency improvements, under the terms and conditions set forth in the Energy Conservation Assistance Account Loan Agreement No. 023-03-ECB;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the above loan and to expend funds as directed by the administering department;

Authorizing and directing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to amend the Fiscal Year 2004 Capital Improvement Program budget to add CIP-37-017.0, Annual Allocation-City Facility Energy Improvements;

Authorizing and directing the City Auditor and Comptroller to increase CIP-37-017.0, Annual Allocation-City Facility Energy Improvements, by the amount of \$2,230,000;

Authorizing the City Auditor and Comptroller contingent upon receipt of a fully executed loan agreement, to appropriate and expend an amount not to exceed \$2,230,000 from CIP-37-017.0, Annual Allocation-City Facility Energy Improvements;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

* ITEM-51: (Continued)

Authorizing the expenditure of an amount not to exceed \$300,000 from the Capital Outlay Revolving Fund No. 30245, Department 3245, Organization Number 102, to provide an advance to reimbursable loan funds from the California Energy Commission for the Capital Improvement Program costs in connection with facility energy improvements.

CITY MANAGER SUPPORTING INFORMATION:

On March 19, 2003, Mayor Murphy and Rules Committee voted 5-0 to accept the report and directed the City Manager to review and return to a future Rules Committee meeting with a response to pursuing a solar bond measure (between 2 to 4 million dollars), to fund the installation of photovoltaics and for the installation of energy efficiency measures at city owned facilities. This action was prompted by a memorandum drafted by Councilwoman Donna Frye and Councilman Michael Zucchet dated February 27, 2003 – “Next Steps for Pursuing Energy Independence and Solar Power”.

As directed by Rules Committee, Energy Conservation and Management Division arranged for State funded energy audits on 19 general fund facilities. Identified energy projects were packaged and submitted to the California Energy Commission in October 2003 for review and loan approval.

On January 14, 2004, the California Energy Commission (CEC) approved a loan in the amount of \$2.23 million for the purpose of installing energy efficiency equipment at several General Fund facilities. These facilities include ranch libraries, police substations and swimming pools throughout the City of San Diego. The energy measures approved by the CEC include the installation of lighting and lighting controls, daylighting, HVAC, new pool pumps, photovoltaic (solar panels) and co-generation systems.

Disbursement of the loan funds is on a reimbursement basis; therefore, an advance of \$300,000 from the Capital Outlay Revolving Fund will allow installation of energy efficiency equipment to commence. The Capital Outlay Revolving Fund is to be repaid with funds reimbursed by the CEC.

The loan requires that the energy efficiency measures provide a simple pay back of not more than 10 years. The loan is offered at a 3.95% interest rate to be paid back over a 15-year period. The work is anticipated to begin in May 2004 and be completed in August 2005, with the first loan payment due in December 2006. Semi-annual debt repayments of \$110,068 will be derived from annual aggregate kilowatt hour savings from each facility.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

* ITEM-51: (Continued)

When the projects are completed, the aggregate savings from these facilities are projected to be more than 1.8 million kilowatt hours per year with an anticipated savings of \$304,000 annually.

These projects will help reduce the City's backlog of General Fund deferred maintenance, The Energy Conservation and Management Division plans to utilize City forces from Facilities Division to perform HVAC and lighting retrofits, thereby providing additional benefit to the General Fund. These components of the projects will reduce approximately \$957,000 in labor and equipment cost from the General Fund deferred maintenance backlog, with the remaining \$1.27 million allocated for the design and installation of approximately 190 kilowatts of photovoltaics and 90 kilowatts of co-generation at several General Fund facilities.

FISCAL IMPACT:

The total cost to the City for the proposed energy efficiency improvements, renewable energy and self-generation systems, is \$3,359,277 including financing cost. As a part of this loan package, the projects will be financed by bonds secured by the California Energy Commission for \$2,230,000 at an interest rate of 3.95% over the life of the loan, 15 years, and will be paid back through energy savings budgeted within City wide programs.

Loveland/Heap/JJH

Aud. Cert. 2400994.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-100: Morena Vista Underground Utility District.

(Bay Park Community Area. Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1108)

Amending the Fiscal Year 2004 Capital Improvement Program Budget for CIP-37-028.0, Annual Allocation – Undergrounding of City Utilities in Fund 10252, North Bay Redevelopment CIP Contributions by increasing the budget amount by \$391,806;

Authorizing the appropriation and expenditure of an amount not to exceed \$391,806 from CIP-37-028.0, Annual Allocation – Undergrounding of City Utilities Fund 10252, North Bay Redevelopment CIP Contributions, for the purpose of providing funds for administering the district, minor City force work, replacement of existing street lights and other related work, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

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

CITY MANAGER SUPPORTING INFORMATION:

On February 14, 2003, the Redevelopment Agency/City Council terminated an existing Cooperation Agreement (RR-292752/D-03107/RO-0310) with MTDB, for undergrounding of power lines at MTDB's Morena Vista site, which provided \$450,000 for up front costs. From this, \$58,194 was paid to MTDB to pay SDG&E for design related expenses leaving a balance of \$391,806.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

Also on February 14, 2003, the City Council re-allocated \$1,855,000 from other underground conversion projects towards the undergrounding of the power lines at the Morena Vista site. Additionally, on November 14, 2003, the City Council as part of the 2004 Annual Allocation of underground conversion projects, allocated an additional \$305,000 towards the undergrounding of the Morena Vista site, bringing the total allocation for this project to \$2,610,000 (\$2,160,000 from City's undergrounding surcharge fund and \$450,000 from the Redevelopment Agency).

This project is being managed by the City's underground conversion program and thus, remaining \$391,806 set aside for undergrounding by the Redevelopment Agency needs to be transferred to the City's CIP project fund.

FISCAL IMPACT:

None.

Loveland/Belock/AO

Aud. Cert. 2401015.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: Veteran Appreciation Month.

COUNCILMEMBER LEWIS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-1096)

Commending all veterans for the honorable loyalty they have given to protect and serve our country and all Americans;

Proclaiming May 2004 to be "Veteran Appreciation Month" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: Water Easement Vacation within Lot 1 of Linda Vista Heights Map No. 3576.

(Linda Vista Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1100)

Vacating the water easement located within Lot 1 Linda Vista Heights Map No. 3576 to unencumber this property under the procedure for the summary vacation of public service easements, Section 8330 et seq. of the California Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a portion of a water easement within Lot 1 of Linda Vista Heights Map No. 3576 as shown on Engineering Drawing No. 19638-2-B. This site is located in the Linda Vista Community Plan area, between Linda Vista Road and I-163 southwesterly of I-805, in Council District 6.

The easement being vacated is on private property and was acquired at no cost to the City. The applicant has obtained a building permit with new building design which required the re-location of a water main. This re-location, as shown on Engineering Drawing No. 31428-D, has been completed, making this existing easement unnecessary. There is no present or anticipated future use for the easement in its present location. A water easement of approximately equal value as shown on Engineering Drawing No. 19638-1-B has been acquired. Staff has reviewed the request and recommends approval of the vacation.

FISCAL IMPACT:

None.

Ewell/Broughton/GRB

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-103: FY 2005-FY 2009 Five-Year Consolidated Plan.

(See San Diego Housing Commission Reports HCR04-021 and CCR04-003 and memorandum from Carrol M. Vaughan dated April 15, 2004 (CCRO4-003 and the memorandum were not available at the committee).)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1041)

Approving the City's federally required Fiscal Year 2005-2009 Five-Year Consolidated Plan, which includes the first year "Action Plan" and the Citizen Participation Plan; and authorizing the Chief Executive Officer of the Housing Commission to submit the Plan, on behalf of the City, to the U.S. Department of Housing and Urban Development for its review and approval.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 3/24/2004, LU&H voted 3 to 0 to adopt the recommendation of the San Diego Housing Commission. (Councilmembers Peters, Frye, and Inzunza voted yea. Councilmembers Zucchet and Lewis not present.)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-104: Mission Trails Park Property Donation.

(Mission Trails Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-96)

Authorizing the City Manager to accept a grant deed from the Sycamore Landfill Company to the City of San Diego conveying fee title to approximately eight acres of property, located within the northeast boundary of Mission Trails Regional Park (the Grant Deed);

Accepting and thanking the Sycamore Landfill Company for its generous donation.

CITY MANAGER SUPPORTING INFORMATION:

Over the years the City has had the opportunity, through various acquisitions and donations, of increasing the size of Mission Trails Regional Park to over 6500 acres. The most recent increase occurring this past December when the Zoological Society deeded 266 acres (approximately ½ of Fortuna Mountain) to the City.

This action today is requesting authority to accept approximately eight acres of land within the Mission Trails Regional Park boundary being donated by the Sycamore Landfill Company. The property is located in the eastern portion of the park, north of Kumeyaay Lake.

FISCAL IMPACT:

None. Donation.

Herring/Griffith

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-105: Settlement Agreement in Gleason v. San Diego City Employees Retirement System, Et Al.

(See memorandum from the City Attorney dated 4/23/2004.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1082)

Authorizing and directing the City Manager to execute the settlement agreement; adopting the payment schedule set forth in the settlement agreement to settle each and every claim against the City of San Diego, its agents and employees, in Gleason v. San Diego City Employees Retirement System and City of San Diego, San Diego Superior Court Case No. GIC 803779;

Authorizing and directing the City Auditor and Comptroller to make such future payments to the San Diego City Employees Retirement System as outlined in the settlement agreement;

Authorizing and directing the City Manager to take such and further actions as may be necessary or appropriate to implement the intent and purposes of this resolution.

SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the claims asserted by James Gleason and the Plaintiff class asserted against the City of San Diego, its agents and employees, as alleged in the complaint filed in the Gleason v. San Diego City Employees Retirement System and City of San Diego, San Diego Superior Court Case No. GIC 803779. Payments to the Retirement System shall be authorized each applicable year as part of the annual budget.

Ewell/Grissom/CSM

Aud. Cert. 2401010.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-106: Greater San Diego Business Association 25th Anniversary Day.

MAYOR MURPHY'S AND DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-1130)

Recognizing the 25th anniversary of the Greater San Diego Business Association and commending the association for its outstanding service to increase the visibility, growth, and success of LGBT-owned and LGBT-friendly businesses in the San Diego region;

Proclaiming April 29, 2004 to be "Greater San Diego Business Association 25th Anniversary Day" in the City of San Diego.

* ITEM-107: Patricia J. Marn Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-1131)

Recognizing and thanking Patricia J. Marn for her 28 years of service to the people of "America's Finest City";

Proclaiming April 23, 2004 to be "Patricia J. Marn Day" in the City of San Diego.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-200: 2004 Salary Setting Commission's Recommendation.

(See letter from the Salary Setting Commission dated 2/3/2004.)

SALARY SETTING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-871)

Adopting the determination and recommendations of the Salary Setting Commission, as contained in its letter of recommendation to the Mayor and Council, dated February 3, 2004;

Directing the City Attorney to incorporate the Commission's recommendations in the annual salary ordinance, pursuant to Section 41.1 of the City Charter.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-201: Agreement with Sharp Rees-Stealy Medical Group for Industrial Medicine Services to City Employees.

(See City Manager Report CMR-04-045.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-898)

Authorizing the City Manager to execute an agreement with the Sharp Rees-Stealy Medical Group, to provide industrial medical services to City employees for a period of two years with an option to renew for three additional one-year periods;

Authorizing the expenditure of an amount not to exceed \$2,363,000 per year from Workers' Compensation Fund No. 60029, contingent upon the City Council approving the fiscal years 2005 and 2006 budgets, for the purpose of providing funds for the execution of the above agreement.

Aud. Cert. 2400832.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: **Notice** of Pending Final Map Approval – Pacific Highlands Ranch Unit No. 7.

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 “Pacific Highlands Ranch Unit No. 7” (T.M. No. 41-0185), located northwesterly of Del Mar Heights Road and Pacific Highlands Ranch Parkway in the Pacific Highlands Ranch Community Planning Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: Settlement of Personal Injury and Property Damage Claim of Phillip K. Ngo.

(R-2004-1047)

Adopted as Resolution R-299103.

A Resolution approved by the City Council in Closed Session on Tuesday, April 19, 2004, by the following vote: Peters-not present; Zucchet-yea; Atkins-yea; Lewis-yea; Maienschein-not present; Frye-yea; Madaffer-not present; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the sum of \$62,950.74 in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from personal injury and property damage claim for Phillip K. Ngo which occurred on February 24, 2003;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$52,500 made payable to Phillip K. Ngo and his attorney, Maxwell C. Agha, in full settlement of all claims.

Aud. Cert. 2400985.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk’s Office has established the following administrative guidelines for the November 2, 2004 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	5/28/2004	158	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee.
Wednesday	6/16/2004	139	Rules Committee review of ballot proposals.
Monday	6/21/2004	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee.
Monday	6/28/2004	127	Council adopts propositions for ballot; directs City Attorney to prepare ordinances.
Monday	7/19/2004	106	
Monday	7/26/2004	99	Council adopts ordinances prepared by City Attorney.
Friday	8/06/2004	88	Last day for City Clerk to file with Registrar of Voters all elections material.
Thursday	8/19/2004	75	Last day to file ballot arguments with City Clerk.

If you have questions, please contact the Office of the City Clerk at (619) 533-4025.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-330: Two actions related to Proposed Rezonings to Remove Areas within the City of San Diego from the Transit Area and Residential Tandem Parking Overlay Zones.

(Continued from the meeting of March 30, 2004, Item 333, at the request of the City Council, due to lack of time.)

Matter of approving, conditionally approving, modifying or denying proposed rezonings to remove areas within the City of San Diego from the Transit Area and Residential Tandem Parking Overlay Zones.

(See City Manager Report CMR-04-060. All Community Plan Areas. Districts-All.)

NOTE: Hearing Open. No testimony taken on March 30, 2004.

TODAY'S ACTIONS ARE:

Introduce the following ordinances:

Subitem-A: (O-2004-119 Cor. Copy 2)

Introduction of an Ordinance deleting property located in the City of San Diego from the Residential Tandem Parking Overlay Zone as defined in Chapter 13, Article 2, Division 9, of the San Diego Municipal Code and the transit area overlay zone as defined in Chapter 13, Article 2, Division 10 of the San Diego Municipal Code, and repealing Ordinance No. O-18911 (New Series), adopted January 9, 2001.

Subitem-B: (O-2004-118 Cor. Copy 2)

Introduction of an Ordinance amending Chapter 13, Article 2, Division 9, by amending Section 132.0902; and Chapter 13, Article 2, Division 10, by amending Section 132.1002, pertaining to the Residential Tandem Parking Overlay Zone and the Transit Area Overlay Zone, respectively.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-330: (Continued)

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 06/04/03, LU&H voted 4-0 to direct the City Manager to move expeditiously to bring the issue of rescinding or amending the Transit Area Overlay Zone and Residential Tandem Parking Overlay boundaries to City Council, as previously approved by the Land Use and Housing Committee on September 4, 2002. (Councilmembers Peters, Atkins, Lewis, Frye voted yea. Councilmember Zucchet not present.)

OTHER RECOMMENDATIONS:

Planning Commission on October 16, 2003 voted 7-0 to approve; was opposition.

Ayes: Lettieri, Brown, Chase, Garcia, Ontai, Schultz and Steele.

This is a matter of City-wide effect. The following community group(s) have taken a position on the item:

On January 22, 2002, and again on July 23, 2002, the Community Planners Committee voted recommended the rescission of the January 2001 amendments to the Transit Area Overlay Zone and the Residential Tandem Parking Overlay Zone.

Clairemont-Mesa Planning Committee
Encanto Neighborhoods Community Planning Group

SUPPORTING INFORMATION:

In January 2001, the City Council approved amendments to the Transit Overlay Zone (TAOZ) and Residential Tandem Parking Overlay Zone (RTPOZ) as part of the Second Update to the Land Development Code. In January 2002, the Community Planners Committee (CPC) adopted a resolution addressing their belief that these overlay zones were illegally adopted and that inappropriate standards were used, and requested that the Land Use and Housing Committee (LU&H) take several actions related to these amendments.

On June 12, 2002, LU&H continued the item and asked staff to return on September 4, 2002, with further analysis on the consistency of the overlay zones with the community plans and where these overlay zones should be applied. LU&H also directed staff to take the issue back to CPC prior to their September 2002 meeting.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-330: (Continued)

SUPPORTING INFORMATION: (Continued)

On July 23, 2002, CPC heard the item and reiterated their previous concerns. They also requested that the overlay zone amendments be rescinded and that a new process be established to revise these zones. Staff returned to LU&H on September 4, 2002, with an information report detailing the application of the TAOZ/RTPOZ and its relation to the community plans and the draft Strategic Framework analysis and recommendations.

On June 4, 2003, LU&H recommended that the amendment or repeal of the overlay zones be added to the Land Development Code Update Fiscal Year 2003 Work Program. Due to staff constraints during Fiscal Year 2003 this issue was carried over into this fiscal year's work program.

Most recently, the Planning Commission reviewed the proposed project, on October 16, 2003, and recommended that the City Council deny the request and direct staff to include review of these overlay zones as part of the Mobility Element. The Planning Commission also directed staff to bring this item to the Manager's Parking Task Force for their input and stipulated that during review of these issues under the Mobility Element, staff should consider transit locations, the relationship between transit and land use, keeping affected community groups involved and that regional implications and implementation be a consideration.

This proposal was presented to the Manager's Parking Task Force on November 17, 2003, as an information item.

FISCAL IMPACT:

Staff was directed to work on this item as part of the Land Development Code Implementation work program for Fiscal Year 2004 by the Land Use and Housing Committee as its meeting on July 23, 2004 (CMR No. 03-168). The staffing costs and fiscal impact to prepare the proposed regulations are part of the Land Development Code Implementation work program.

Ewell/Christiansen/SDD

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: North Park Condominiums.

Matter of approving, conditionally approving, modifying or denying Tentative Map, Site Development Permit and Encroachment Maintenance Removal Agreement for a 224-unit condominium development including underground parking on a 2.06-acre site located on the south side of Lincoln Avenue between 30th & Ohio Streets in the CN-1 zone within the Mid-City Communities Planned District and North Park Redevelopment Project Area.

(MND 5787/TM No. 10175/SDP No. 10176/Encroachment Maintenance and Removal Agreement/PTS No. 5787. Greater North Park Community Plan Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A and D; adopt the resolution in subitem B to grant the map and adopt the resolution in subitem C to grant the permit:

Subitem-A: (R-2004-1098)

Adoption of a Resolution certifying that the information contained in the final Mitigated Negative Declaration LDR No. 5787, including any comments received during the public review process, has been reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with approval of the land use actions for the Project;

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

Subitem-B: (R-2004-)

Adoption of a Resolution granting or denying Tentative Map No. 10175, with appropriate findings to support Council action.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

Subitem-C: (R-2004-)

Adoption of a Resolution granting or denying Site Development Permit No. 10176, with appropriate findings to support Council action.

Subitem-D: (R-2004-1120)

Adoption of a Resolution authorizing and empowering to execute, for and on behalf of the City, an Encroachment Maintenance and Removal Agreement (Agreement) with Van Dorn Realty, or its successors in interest under substantially the same or similar terms and conditions as set forth in the Agreement, an executed copy of which will be on file in the office of the City Clerk, together with any reasonable necessary modifications or amendments thereto which do not increase project scope or cost and which the City Engineer shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement.

OTHER RECOMMENDATIONS:

Planning Commission on December 18, 2003, voted 6-0 to approve; no opposition.

Ayes: Lettieri, Schultz, Brown, Steele, Chase, Ontai

Not present: Garcia

The Greater North Park Community Planning Group has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

The proposed North Park Condominium project would provide a mixed-use development with a residential and a commercial component that would conform to the density and land use designation of the Greater North Park Community Plan. The proposed development would be consistent with the purpose and intent of the Mid-City Communities Planned District Ordinance and would comply with the applicable development regulations of the Land Development Code. The project would help to satisfy the increasing demand for new housing opportunities in the city's older neighborhoods and would designate ten percent of the units as affordable housing.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The project design includes vertical and horizontal articulations, varied roof lines and massing to effect an appealing and compatible development. The proposed commercial element along 30th Street would be compatible with the existing commercial uses and consistent with the development pattern along the street. Stoops and open courtyards are designed into the two-level residential units along Lincoln Avenue and Ohio Street that should encourage and revitalize the pedestrian activity in and around the project site.

The project has been reviewed pursuant to the California Environmental Quality Act and a Mitigated Negative Declaration has been prepared to mitigate any potential impacts related to street noise on the residential units and paleontological resources during grading activities. The Greater North Park Community Planning Committee has reviewed and approved the project with recommendations for exterior finish materials and landscape treatments that have been incorporated into the final design. On December 18, 2003, the City of San Diego Planning Commission voted 6-0-0 recommending that the City Council approve the project.

Staff from the Development Services Department and the Planning Department reviewed the project pursuant to the applicable land use plans, policies and regulations for this type of development and concluded that the proposed project is consistent with Greater North Park Community Plan, Mid-City Communities Planned District Ordinance and the Subdivision Map Act. Staff believes the necessary findings to approve the project can be affirmed and recommends that the City Council approve the project.

FISCAL IMPACT:

All of the cost associated with processing this application are paid for by the applicant.

Ewell/Christiansen/JPH

LEGAL DESCRIPTION:

The 2.06-acre project site is located on the south side of Lincoln Avenue between 30th Street and Ohio Street in the Mid-City Communities Planned District, North Park Redevelopment Project Area, and Greater North Park Community Planning Area and is more particularly described as Lots 5-13, the northerly 20 feet of lot 14, the northerly 20 feet of Lot 33 and Lots 34-48 of Block 207 of the University Heights D'Hemecourt Map.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT