

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, NOVEMBER 20, 2006 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

OTHER LEGISLATIVE MEETINGS

A Special Meeting of 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. Internet access to the agenda is available at:
<http://www.sandiego.gov/redevelopment-agency/index.shtml>

- ITEM-1: ROLL CALL.
- ITEM-10: INVOCATION.
- ITEM-20: PLEDGE OF ALLEGIANCE.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.5.

**MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY
COMMENT**

UPDATES ON PENDING LEGISLATION (MAYOR’S OFFICE)

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE ===

Adoption Agenda, Discussion, Other Legislative Items

- ITEM-200: In the Matter of Take Back the Streets Program and Contract. (Citywide.)
COUNCIL PRESIDENT PETERS' RECOMMENDATION: Take the actions.
- ITEM-201: Amendment to the Pacific Highlands Ranch Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2006. (Pacific Highlands Ranch Community Area. District 1.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-202: Amendment to the Del Mar Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2006. (Del Mar Mesa Community Area. District 1.)
STAFF'S RECOMMENDATION: Adopt the resolution.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda. Public testimony on Closed Session items is taken in Open Session on Monday's, except when there is no Monday meeting. Public testimony on Closed Session items is always taken prior to the actual Closed Session. Closed Session may take place any time after public testimony, but is typically held on Tuesdays at 9:00 a.m. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

NOTE: Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak "in favor" or "in opposition" to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

=== LEGISLATIVE SCHEDULE (Continued) ===

Public Notices

ITEM-250: **Notice** of Pending Final Approval - Environmental Services Department
Business Process Reengineering Report.

ITEM-251: **Notice** of Pending Final Map Approval – 311 Cottonwood Road.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ITEM-200: In the Matter of Take Back the Streets Program and Contract.

(See memorandum from Councilmember Frye dated 9/27/2006; Fact Sheets dated 6/7/2006 and 4/12/2006; and Independent Budget Analyst Report No. 06-9. Citywide.)

(Continued from the meeting of October 17, 2006, Item 330, at the request of the Deputy City Attorney, for further review.)

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Take the following actions:

A discussion and possible direction and action on the Take Back the Streets program and contract;

Directing the City Attorney to prepare the appropriate resolution in accordance with Charter Section 40.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-201: Amendment to the Pacific Highlands Ranch Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2006.

(See Report to the City Council No. 06-164. Amendment of the Pacific Highlands Ranch Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2006. Pacific Highlands Ranch Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-522)

Adoption of a resolution amending the Pacific Highlands Ranch Public Facilities Financing Plan and Facilities Benefit Assessment for Fiscal Year 2006.

STAFF SUPPORTING INFORMATION:

On September 20, 2005, per R-300857, the City Council authorized a reimbursement agreement with Pardee Homes for the design and construction of Pacific Highlands Ranch Fire Station 47. On July 14, 2006, four bids were received and opened for the project. The lowest responsible construction bid by Tovey/Schultz Construction was for \$5,200,000, which is \$1,190,000 over the construction estimate. Offsetting this difference with \$284,800 from project contingency, the additional required funding to complete the project is \$905,200.

\$86,500 represents the Torrey Highlands contribution toward the \$905,200 increase in the project budget. The \$86,500 increase is included in the \$836,500 Torrey Highlands FBA funding identified in the Torrey Highlands Public Facilities Financing Plan for FY 2007, which was approved under a separate Council action on November 14, 2006.

\$87,500 represents the Del Mar Mesa contribution toward the \$905,200 increase in the project budget. The \$87,500 increase is included in the \$944,500 Del Mar Mesa FBA funding identified in the amendment to the Del Mar Mesa Public Facilities Financing Plan for FY 2006, which is being considered under a separate Council action and must be approved to provide funding for the Fire Station 47 project.

\$731,200 represents the Pacific Highlands Ranch contribution toward the \$905,200 increase in the project budget. No change to the Pacific Highlands Ranch Facilities Benefit Assessment schedule is required by this amendment.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-201: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

This action will authorize the expenditure of an additional \$731,200 in Pacific Highlands Ranch FBA funding for the total project cost of \$8,995,200, which includes land acquisition, design and construction, fire apparatus and furnishings. The total project budget is funded as follows:

FUND 79011 (Pacific Highlands Ranch FBA):	FY2006 - \$2,138,243
	FY2007 - \$5,075,957
FUND 79015 (Torrey Highlands FBA):	FY2007 - \$836,500
FUND 79010 (Del Mar Mesa FBA):	FY2008 - \$944,500
	<u>TOTAL \$8,995,200</u>

FISCAL CONSIDERATION:

Adoption of the amendment to the Pacific Highlands Ranch Facilities Financing Plan, Fiscal Year 2006 will continue to provide a funding source for the public facilities identified for the Pacific Highlands Ranch Community.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The City Council approved the Pacific Highlands Ranch Public Facilities Financing Plan for Fiscal Year 2006 on June 27, 2006, per R-300501.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Currently, there is no planning group within the Pacific Highlands Ranch community.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

All property owners with remaining new development are listed on the Pacific Highlands Ranch Public Facilities Financing Plan, Fiscal Year 2006 Assessment Roll beginning on page 225 of the Plan. These property owners have liens placed upon their property and will be required to pay Facility Benefit Assessments at building permit issuance when developing their property. The requested actions will not impact the required assessments in Pacific Highlands Ranch.

Waring/Anderson/FVJ

Staff: Frank January – (619) 533-3699

David E. Miller - Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-202: Amendment to the Del Mar Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2006.

(See Report to the City Council No. 06-176. Amendment of the Del Mar Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2006. Del Mar Mesa Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-523)

Adoption of a resolution amending the Del Mar Mesa Public Facilities Financing Plan and Facilities Benefit Assessment for Fiscal Year 2006.

STAFF SUPPORTING INFORMATION:

On September 20, 2005, per R-300857, the City Council authorized a reimbursement agreement with Pardee Homes for the design and construction of Pacific Highlands Ranch Fire Station 47. On July 14, 2006, four bids were received and opened for the project. The lowest responsible construction bid by Tovey/Schultz Construction was for \$5,200,000, which is \$1,190,000 over the construction estimate. Offsetting this difference with \$284,800 from project contingency, the additional required funding to complete the project is \$905,200.

\$86,500 represents the Torrey Highlands contribution toward the \$905,200 increase in the project budget. The \$86,500 increase is included in the \$836,500 Torrey Highlands FBA funding identified in the Torrey Highlands Public Facilities Financing Plan for FY 2007, which was approved under a separate Council action on November 14, 2006.

\$731,200 represents the Pacific Highlands Ranch contribution toward the \$905,200 increase in the project budget. The \$731,200 increase is identified in the \$7,214,200 Pacific Highlands Ranch FBA funding identified in the amendment to the Pacific Highlands Ranch Public Facilities Financing Plan for FY 2006, which is being considered under a separate Council action and must be approved to provide funding for the Fire Station 47 project.

\$87,500 represents the Del Mar Mesa contribution toward the \$905,200 increase in the project budget. No change to the Del Mar Mesa Facilities Benefit Assessment schedule is required by this amendment.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-202: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

This action will authorize the expenditure of an additional \$87,500 in the Del Mar Mesa FBA funding for the total project cost of \$8,995,200, which includes land acquisition, design and construction, fire apparatus and furnishings. The total project budget as funded as follows:

FUND 79011 (Pacific Highlands Ranch FBA):	FY2006	\$2,138,243
	FY2007	\$5,075,957
FUND 79015 (Torrey Highlands FBA):	FY2007	\$836,500
FUND 79010 (Del Mar Mesa FBA):	FY2008	\$944,500
	TOTAL	\$8,995,200

FISCAL CONSIDERATION:

Adoption of the amendment to the Del Mar Mesa Public Facilities Financing Plan will continue to provide a funding source for the public facilities identified for the Del Mar Mesa Community.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The City Council approved the Del Mar Mesa Public Facilities Financing Plan for Fiscal Year 2006 on November 1, 2005 per R-301007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Community Planning Group is scheduled to hear this item on November 9, 2006.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

All property owners with remaining new development are listed on the Del Mar Mesa Public Facilities Financing Plan, Fiscal Year 2006 Assessment Roll. These property owners have liens placed upon their property and will be required to pay Facility Benefit Assessment upon building permit issuance when developing their property. The requested actions will not impact the required assessments in Del Mar Mesa.

Waring/Anderson/CS

Staff: Charlette Strong – (619) 533-3683
David E. Miller – Deputy City Attorney

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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 Approval - Environmental Services Department Business Process Reengineering Report.

Notice is hereby given that city staff has completed a business process reengineering study of the Environmental Services Department functions. A copy of the Report to the City Council is available for public viewing at the Office of the San Diego City Clerk. The report's recommendations include:

- (1) Reorganization of the department into three operating divisions.
- (2) Increase span of control.
- (3) Standardize customer service and work order management processes.
- (4) Expand Data Warehouse "Octopus Model" to manage performance metrics.
- (5) Reduce the heavy class disposal fees.

This report will be approved and implemented unless the Council President or any four members of the Council request a public hearing on the report. Such hearing must take place and a determination made as to approve or reject the report within a review period of 60 days or five Council Meetings. At the conclusion of the review period and no hearing having been held, the Mayor will proceed with implementation of the BPR changes.

If you have questions about the Environmental Services Department Business Process Reengineering Report, please feel free to contact Rick Reynolds at (619) 236-5953.

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: **Notice** of Pending Final Map Approval – 311 Cottonwood Road.

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 “311 Cottonwood Road” (T.M. No. 100046/PTS No. 94460), located on the west side of Cottonwood Road between South Vista Avenue and San Ysidro Boulevard in the San Ysidro Community Plan Area in Council District 8, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT