

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."

MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUEST FOR CONTINUANCE

The Council will consider requests for continuance in the morning or afternoon, based on when the item was noticed to be heard.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items

- ITEM-50: Second Amendment to the Agreement with Boyle Engineering Corporation for State Route 56. (Rancho Peñasquitos Community Area. District 1.)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 10/30/2007, Item S50.
NOTE: 6 votes required pursuant to Section 99 of the City Charter.
- ITEM-51: Amendment to the Agreement with Camp Dresser and McKee, Inc. (CDM) for Design and Construction Support Services for Miramar Water Treatment Plant Upgrade and Expansion. (Scripps Miramar Ranch Community Area. District 5.)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 11/6/2007, Item 50.
NOTE: 6 votes required pursuant to Section 99 of the City Charter.
- ITEM-52: Amendments to Regulations Related to Affordable Housing Density Bonus. Amending the San Diego Municipal Code, Land Development Code; Certifying Supplement to Environmental Impact Report No. 96-0333, Project No. 63422 and adopting Findings and Statement of Overriding Considerations. (Citywide.)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced as amended on 11/6/2007, Item 334, Subitem B.
- ITEM-53: Alcohol-Free Beach Proposals.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced as amended on 11/5/2007, Item 200, Subitem D.
- ITEM-54: Amendment No. 1 to the Agreement with RBF Consulting for South Mission Valley Trunk Sewer. (Mission Valley Community Area. District 6.)
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 11/2/2007, NR&C voted 3 to 0 to approve.
NOTE: 6 votes required pursuant to Section 99 of the City Charter.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items (Continued)

- ITEM-55: Professional Services Contracts for San Diego County Water Authority Emergency Storage Project. (Citywide.)
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 9/26/2007, NR&C voted 4 to 0 to approve.
NOTE: 6 votes required pursuant to Section 99 of the City Charter.
- ITEM-100: Award of Contract to Dion International Trucks, LLC for Furnishing Sewer Rodding Trucks.
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 11/2/2007, NR&C voted 3 to 0 to approve.
- ITEM-101: Additional Funding for Dakota Canyon Accelerated Sewer Replacement and Rehabilitation Project. (Clairemont Mesa Community Area. District 6.)
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 11/2/2007, NR&C voted 3 to 0 to approve.
- ITEM-102: Agreement Between the City of San Diego and Padres Regarding Police/Traffic Services at PETCO Park. (East Village/Ball Park Community Area. District 2.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-103: Agreement with Mythograph, Inc. for Serra Mesa-Kearny Mesa Branch Library Educational Space. (Serra Mesa and Kearny Mesa Community Areas. District 6.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-104: Rental Fee Schedule – Qualcomm Stadium.
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-105: Set Aside and Vacate September 12, 2006 Approvals Related to the 301 University Project. (Hillcrest Community Area. District 3.)
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution.

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

Adoption Agenda, Consent Items (Continued)

- ITEM-106: Accepting Donations from Cisterra Partners, LLC and Sorrento Hills Marketplace, LP. (District 1.)
COUNCIL PRESIDENT PETERS' RECOMMENDATION: Adopt the resolution.
- ITEM-107: 21st Century Community Learning Center Grant for San Diego's 6 to 6 Program at Faith-Based Schools. (City Heights, Barrio Logan, Lincoln Park, Southcrest, and Linda Vista Community Areas. Districts 3, 4, 6, and 8.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-108: FY 07 Public Safety Interoperable Communications Grant Program. (Citywide.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-109: Easement Vacations in Scripps Northridge Business Center Map No. 12911. (Miramar Ranch North Community Area. District 5.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-110: Sewer, Water, Drainage and Public Utility Easement Vacations in Lot 6, Unit No. 1, Map No. 3978 and in Lot 8, Unit No. 2, Map No. 4113, of the City of San Diego Industrial Park. (Kearny Mesa Community Area. District 6.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-111: Public Utility Easement Vacation in Lots 255 and 256 of Kensington Heights, Unit No. 3, Map No. 1948. (Mid-City: Kensington/Talmadge Community Area. District 3.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-112: Appointments and Reappointments to the Citizen's Equal Opportunity Commission.
MAYOR SANDERS' RECOMMENDATION: Adopt the resolution.

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

Adoption Agenda, Consent Items (Continued)

- ITEM-113: Ginger and Robert Wallace Day.
COUNCILMEMBER ATKINS' RECOMMENDATION: Adopt the resolution.
- ITEM-114: Girl Scouts Day.
COUNCILMEMBER ATKINS' RECOMMENDATION: Adopt the resolution.
- ITEM-115: Julian Bond Day.
COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION: Adopt the resolution.
- ITEM-116: Nonprofit Management Solutions Day.
COUNCILMEMBER FRYE'S RECOMMENDATION: Adopt the resolution.
- ITEM-117: Cinema SUD Day in Celebration of the City's First Film Festival.
COUNCILMEMBER MADAFFER'S RECOMMENDATION: Adopt the resolution.

Adoption Agenda, Discussion, Other Legislative Items

The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

- ITEM-330: Modified National Pollution Discharge Elimination System (NPDES) Discharge Permit (Waiver) for the Point Loma Wastewater Treatment Plant.
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: No action taken. This item will come before the full City Council.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Discussion, Other Legislative Items (Continued)

NOTE: This item may be taken in the morning session if time permits.

ITEM-331: Delegation of Authority to the City Treasurer to Invest Funds. (Citywide.)
STAFF'S RECOMMENDATION: Adopt the resolution.

NOTE: This item may be taken in the morning session if time permits.

ITEM-332: Agreement with Bank of America for Banking Services. (Citywide.)
STAFF'S RECOMMENDATION: Adopt the resolution.

The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-333: Fee Schedule and Regulations for the Miramar Landfill.
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 11/2/2007, NR&C voted 3 to 0 to forward to the full City Council.

ITEM-334: Automated Refuse Container Replacement Fee.
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 11/2/2007, NR&C voted 3 to 0 to forward to the full City Council.

ITEM-335: Construction and Demolition (C&D) Debris Diversion Deposit Ordinance Implementation.
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 11/2/2007, NR&C voted 3 to 0 to forward the Construction and Demolition Ordinance to the full City Council and include language to reflect that in order to receive the deposit, a person/business would be required to show a receipt of where they dumped their C&D materials. Also, add language stating that residents and non-residents who have been affected by the 2007 fires would not be required to pay the surcharge for C&D, but the fees associated with C&D would begin January 1, 2008.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Discussion, Other Legislative Items (Continued)

NOTE: This item may be taken in the morning session if time permits.

ITEM-336: Amending the San Diego Municipal Code to Make Corrections to the San Diego Tourism Marketing District Procedural Ordinance.
CITY ATTORNEY'S RECOMMENDATION: Introduce the ordinance.

Noticed Hearings, Discussion

NOTE: This item may be taken in the morning session if time permits.

ITEM-337: Public Meeting on the Proposed Establishment of a Tourism Marketing District Pursuant to the Tourism Marketing District Ordinance.
STAFF'S RECOMMENDATION: Hold a public meeting in order to take testimony on the establishment of the Tourism Marketing District and the levying of assessments.

The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-338: West Ocean Beach Park Units. An appeal of Planning Commission's decision to approve the demolition of two one-story residential units, and construct seven three-story residential units in five detached buildings and a duplex; and to allow for a deviation from the regulations of the Municipal Code. (Ocean Beach Community Plan Area. District 2.)
STAFF'S RECOMMENDATION: Take the actions.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

[?View referenced exhibit back-up material.](#)

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

09/17/2007 – Special

09/17/2007

09/18/2007

09/24/2007

ITEM-31: Douglas G. Myers Day.

[?View referenced exhibit back-up material.](#)

MAYOR SANDERS' AND COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-392)

Congratulating Douglas G. Myers on his confirmation to the National Museum and Library Services Board and commending him for his years of service to the San Diego community;

Proclaiming November 20, 2007, to be “Douglas G. Myers Day” in the City of San Diego.

SPECIAL ORDERS OF BUSINESS (Continued)

ITEM-32: Navajo Canyon Republican Women Federated Day.

[?View referenced exhibit back-up material.](#)

(Continued from the meeting of October 30, 2007, Item S31, at the request of Councilmember Madaffer, for further review.)

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-213)

Recognizing and saluting the members of Navajo Canyon Republican Women Federated (NCRWF) for their exemplary record of volunteer service and proclaiming October 23, 2007, to be "Navajo Canyon Republican Women Federated Day" in the City of San Diego.

NON-AGENDA PUBLIC COMMENT

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MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUEST FOR CONTINUANCE

The Council will consider requests for continuance in the morning or afternoon, based on when the item was noticed to be heard.

ADOPTION AGENDA, 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 (*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to or at 10:00 a.m.

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50, 51, 52, and 53.

ORDINANCES TO BE INTRODUCED:

Items 54 and 55.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, and 117.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-50: Second Amendment to the Agreement with Boyle Engineering Corporation for State Route 56. (Rancho Peñasquitos Community Area. District 1.)

[?View referenced exhibit back-up material.](#)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/30/2007, Item S50. (Council voted 7-0. Councilmember Maienschein not present):

(O-2008-48 Cor. Copy)

Authorizing the Mayor to execute, for and on behalf of the City of San Diego, an agreement with Boyle Engineering Corporation (Agreement), for the study of additional bike path connection alternatives under the terms and conditions in the Agreement;

Authorizing the expenditure of an amount not to exceed \$17,518 from CIP-58-176.0, Darkwood Canyon Connector Study for SR56 Bike Path, Fund No. 30301, Transnet Bike, and \$47,293 from CIP-58-171.0, SR56 Interchange, Fund No. 30301, Transnet Bike, solely and exclusively, for the purpose of providing funds for State Route 56, providing that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is not a "project" and is therefore exempt from CEQA pursuant to the State Guidelines Section 15060(c)(3).

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION: (Continued)

- * ITEM-51: Amendment to the Agreement with Camp Dresser and McKee, Inc. (CDM) for Design and Construction Support Services for Miramar Water Treatment Plant Upgrade and Expansion. (Scripts Miramar Ranch C.A. District 5.)

[?View referenced exhibit back-up material.](#)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/6/2007, Item 50. (Council voted 7-0. Councilmember Faulconer recused):

(O-2008-53)

Authorizing the Mayor, or his designee, to execute a Second Amendment to the Agreement with Camp Dresser and McKee, Inc. (CDM) increasing the funding for the Agreement by an amount not to exceed \$3,700,000 from Water Fund 41500, CIP-73-284.0, Miramar Water Treatment Plant - Upgrade and Expansion Project (Second Amendment);

Authorizing the Mayor, or his designee, to execute the Second Amendment to the Agreement to extend the Agreement term beyond five (5) years and increase the compensation to CDM by an amount not to exceed \$3,700,000;

Authorizing the expenditure of an amount not to exceed \$3,700,000 from Water Fund 41500, CIP-73-284.0, Miramar Water Treatment Plant Upgrade and Expansion Project for the Second Amendment to the Agreement with CDM, solely and exclusively, for the purpose of providing funds for project related costs, 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 Mayor, or his designee, to execute funding phases of the Agreement with CDM in an amount not to exceed \$3,700,000 as authorized in the FY 2009 and FY 2010 Budget Document;

Authorizing the City Auditor and Comptroller to reallocate previously authorized funds (R-298874) in the amount of \$2,800,000 from Water Fund 41500, CIP-73-284.0, Miramar Water Treatment Plant Upgrade and Expansion Project - Contract A to Miramar Treatment Plant Upgrade and Expansion - Contract B (\$1,350,000), Contract C (\$1,350,000) and Contract D (\$100,000) in FY 2008;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)

* ITEM-51: (Continued)

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

Finding that this activity is covered under the Miramar Water Treatment Plant Upgrade & Expansion EIR, LDR No. 99-0704, that there is no change in circumstance, additional information or project changes to warrant additional environmental review and that this project is not a separate project for purposes of review under the California Environmental Quality Act (CEQA), per CEQA Guidelines Sections 15060(c)(3) and 15378(c).

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)

- * ITEM-52: Amendments to Regulations Related to Affordable Housing Density Bonus. Amending the San Diego Municipal Code, Land Development Code; Certifying Supplement to Environmental Impact Report No. 96-0333, Project No. 63422 and adopting Findings and Statement of Overriding Considerations. (Citywide.)

[?View referenced exhibit back-up material.](#)

(See Report to the City Council No. 07-162.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 11/06/2007, Item 334, Subitem B. (Council voted 5-1. Councilmember Frye voted nay. Councilmembers Atkins and Maienschein not present.):

(O-2008-19 Cor. Copy)

Amending Chapter 14, Article 3, Division 7, by amending Sections 143.0710, 143.0715, 143.0720, by renumbering and amending current section 143.0730 to 143.0725, by creating a new Section 143.0730, and by amending sections 143.0740, and repealing section 143.0760; And amending Chapter 14, Article 1, Division 3, by amending section 141.0310(b), all relating to the Density Bonus Regulations.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)

* ITEM-53: Alcohol-Free Beach Proposals.

[?View referenced exhibit back-up material.](#)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 11/05/2007,
Item 200, Subitem D. (Council voted 5-3. Councilmembers Young and Madaffer voted
nay. Councilmember Maienschein not present):

(O-2008-65 D)

Amending Chapter 5, Article 6, Division 0, of the San Diego Municipal Code by
amending Section 56.54, titled "Alcohol Beverage Consumption Prohibited in
Certain Areas," to add all public beaches, bays, and coastal rights-of-way in
Council Districts One and Two, and all coastal parks in Council District Two (all
coastal parks south of Tourmaline Surfing Park) to the list of public property
covered by the existing 24-hour ban; and amending Section 56.71, relating to the
Fourth of July keg ban.

This ordinance is to sunset after one year.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

- * ITEM-54: Amendment No. 1 to the Agreement with RBF Consulting for South Mission Valley Trunk Sewer. (Mission Valley Community Area. District 6.)

[?View referenced exhibit back-up material.](#)

(See Engineering and Capital Projects Department's 10/17/2007 Executive Summary Sheet.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2008-50)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute the First Amendment to the Agreement with RBF Consulting for additional engineering consulting services for the Project in an additional amount not to exceed \$394,148 for a total contract amount of \$1,467,119, provided that the City Auditor and Comptroller first furnishes a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer \$720,000 from CIP-40-928.0 South Pacific Highway Trunk Sewer to CIP-40-931.0, South Mission Valley Trunk Sewer within Fund 41506, Sewer;

Authorizing the additional expenditure of \$394,148 from CIP-40-928.0 South Mission Valley Trunk Sewer project, Fund No. 41506 Sewer Fund, for RBF Consulting for the design and planning for the updates on the Project;

Authorizing the expenditure of \$1,190,000 from CIP-40-931.0, South Mission Valley Trunk Sewer, Fund 41506 Sewer, for the purpose of executing this First Amendment in the amount not to exceed \$394,148, and for in-house engineering and related costs in the amount not to exceed \$795,852;

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

* ITEM-54: (Continued)

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

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/2/2007, NR&C voted 3 to 0 to approve. (Councilmembers Peters, Faulconer, and Frye voted yea. Councilmembers Maienschein and Hueso not present.)

SUPPORTING INFORMATION:

The South Mission Valley Trunk Sewer project is located in Mission Valley Community along Interstate 8 between Morena Blvd. and Interstate 15. It consists of approximately 25,000 feet of 8" to 42" diameter pipe which is scheduled for replacement due to deteriorated conditions and the need for increased capacity.

The original consultant agreement (Documents R-296104 and R-294804) with Hirsch & Company, recently acquired by RBF Consulting, was adopted February 25, 2002 and May 1, 2001 respectively and included the planning, design, and construction support for replacement of the entire length of the trunk sewer at a cost of \$1,072,971.

Construction of the entire South Mission Valley Trunk Sewer Project is estimated to be \$50,000,000. In January 2005 the City requested that the design be split into four separate construction phases to meet budget limits. The project design was then shelved from February 2005 to March 2007 due to financial constraints, as 4 separate phases.

South Mission Valley Trunk Sewer - Phase I, a portion of the entire Trunk Sewer, consists of replacement of 3,600 feet of 24" to 42" diameter trunk sewer along Interstate 8 between Hotel Circle Place and Taylor St. and a freeway crossing near Ward St. It includes those portions of the trunk sewer in deteriorated conditions, and also replacement of the downstream portion to increase capacity. The EPA requires completion of this project by October 2011.

This ordinance is to appropriate \$394,148 for Amendment No. 1 to the agreement with RBF Consulting which will extend the original agreement to update the design of this phase to current standards, cover costs to split the project into phases and increased scope, and to provide construction support services for South Mission Valley Trunk Sewer Phase I. All of the funding in the original agreement was depleted due to phasing and increased scope of the project. The total cost of the agreement including the first amendment will be \$1,467,119.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

* ITEM-54: (Continued)

SUPPORTING INFORMATION: (Continued)

Funds in the amount of \$795,852 are also requested to cover related past and future in-house engineering costs.

FISCAL CONSIDERATIONS:

The Consultant Agreement was previously authorized for \$1,072,971 on Council Resolution Nos. R-296104 and R-294804. This action will authorize an amount not to exceed \$394,148 for additional consulting services and an amount not to exceed \$795,852 for in-house engineering and related costs. Funding for this purpose is available from CIP-40-931.0, South Mission Valley Trunk Sewer, Fund 41506, Sewer and CIP-40-928.0, South Pacific Highway Trunk Sewer, Fund 41506, Sewer. The project costs may be bond reimbursed approximately 80% by current or future debt financings.

The request to transfer unencumbered funds from CIP-40-928.0, South Pacific Highway Trunk Sewer, Fund 41506, Sewer, is available due to project savings from this project. There will be no impact on current or future projects or rate case as a result of this transfer.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS:

The subject item will be presented to the Committee on Natural Resources and Culture prior to the Council docket date. Previous Council actions with regards to the City of San Diego's contract agreement with RBF Consulting are:

- Original Agreement, Document R-296104 executed on February 25, 2002 for \$954,971.
- Funds for original agreement, Document R-294804 executed on May 1, 2001 for \$118,000.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Upon approval of Amendment No. 1, RBF Consulting will receive an additional \$394,148 towards their contract, bringing the total contract amount to \$1,467,119. Funds for the construction contract for this project will be requested later at the time of bidding. Haley & Aldrich, Garbini & Garbini, Libby Engineers, Inc.

Jarrell/Haas

Aud. Cert. 2800342.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

- * ITEM-55: Professional Services Contracts for San Diego County Water Authority
Emergency Storage Project. (Citywide.)

[?View referenced exhibit back-up material.](#)

(See Water Department's Executive Summary Sheet dated 9/17/2007; and Water
Department's 9/26/2007 PowerPoint.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2008-66)

Introduction of an Ordinance authorizing the expenditure of an amount not to
exceed \$148,500 from Water Fund 41500 for contracted professional consulting
services, 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; and

Authorizing the Mayor, or his designee, to execute one consultant agreement with
Martin Dense, for consulting services for the San Diego County Water Authority
Emergency Storage Project in an amount not to exceed \$49,500 (Dense
Agreement);

Authorizing the Mayor, or his designee, to execute one consultant agreement with
Donald H. Babbitt for consulting services for the San Diego County Water
Authority Emergency Storage Project in an amount not to exceed \$49,500
(Babbitt Agreement);

Authorizing the Mayor, or his designee, to execute one consultant agreement with
John S. Gregg for consulting services for the San Diego County Water Authority
Emergency Storage Project in an amount not to exceed \$49,500 (Gregg
Agreement);

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

* ITEM-55: (Continued)

Finding that this activity is not a project for purposes of review under the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15060(c)(2).

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/26/2007, NR&C voted 4 to 0 to approve. (Councilmembers Faulconer, Maienschein, Frye, and Hueso voted yea.)

SUPPORTING INFORMATION:

In May 1998, the City Council adopted an ordinance which authorized the execution of an Agreement with the San Diego County Water Authority (CWA) for the use of the San Vicente Reservoir as part of the Emergency Storage Project (ESP). The City components of the San Vicente Project, a subset of the ESP, provide for (a) a raised San Vicente Dam and associated reservoir land, (b) new or improved outlet works and associated pipeline through the Dam and the emergency San Vicente Reservoir drain structure; and (c) expanded or enhanced recreation facilities located at the Reservoir.

Appendix F of the Agreement, entitled "Dispute Resolution," provides for a Project Review and Coordination Panel. The Panel shall provide for a prompt and orderly means of resolving disputes between staffs of the City and the CWA in connection with the design and construction of the San Vicente Project, and the operation, maintenance, and repair and replacement of the San Vicente Reservoir. The Panel consists of five members: one member who is appointed by the CWA General Manager; one member appointed by the Chief Operating Officer of the City of San Diego; one member who is an independent professional engineer and is mutually agreed to by the General Manager and the Chief Operating Officer; one member who is an independent certified public accountant and is mutually agreed to by the General Manager and the Chief Operating Officer; and one member who is an independent contract administrator for water resource projects and is mutually agreed to by the General Manager and the Chief Operating Officer.

PROJECT DESCRIPTION

The definition and purpose of the Project Review and Coordination Panel is specified in Appendix F of the Agreement between the City and the CWA. Section (2) sets forth the composition and qualifications requirements of the Panel members.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

* ITEM-55: (Continued)

SUPPORTING INFORMATION: (Continued)

The subject consultants will deliver their services in accordance with Appendix F, as referenced in their contracts. Specifically, Martin Dense will provide independent certified public accountant services; Donald H. Babbitt will provide independent professional engineer services; and John S. Gregg will provide independent water resource contract administration services. Upon contract execution, each professional services contract will continue through December 31, 2014. As such, an ordinance adopted by Council to authorize each contract will be required per City Charter, Article VII, Section 99.

FISCAL CONSIDERATIONS:

The total of this request is \$148,500 and is available in Water Utility Operating Fund 41500, Department 760, Organization 120.-

PREVIOUS COUNCIL/COMMITTEE ACTION:

On September 26, 2007, the Natural Resources and Culture Committee unanimously approved this requested action as Agenda Item-3.A. On May 26, 1998, the City Council adopted an Ordinance Number O-18521 which authorized the City Manager to execute an Agreement (Document No. OO-18521-1) with the San Diego County Water Authority for use of the San Vicente Reservoir as part of the Emergency Storage Project.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: Not applicable.

KEY STAKEHOLDERS:

Martin Dense, Independent Public Finance Consultant, Donald H. Babbitt, Independent Professional Engineer Consultant, and John S. Gregg, Independent Water Resource Contract Administrator Consultant.

Barrett/Haas

Aud. Cert. 2800343.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Award of Contract to Dion International Trucks, LLC for Furnishing Sewer Rodding Trucks.

[?View referenced exhibit back-up material.](#)

(See Metropolitan Wastewater Department's Executive Summary Sheet dated 8/7/2007.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-344)

Approving City of San Diego Bid No. 8554-07-E for the purchase of nine sewer rodding trucks from Dion International Trucks, LLC over an initial period of one year, with the option to renew for four additional one year periods, in an amount not-to-exceed \$1,573,984 for the first year; and approved for the option years subject to a price escalation of not- to-exceed 25% per year over the then current unit prices and 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 for the option years;

Authorizing the expenditure of an amount not to exceed \$1,573,984 from Sewer Fund No. 500313, Central Garage Equipment Replacement - 41506 for the first year's purchase;

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

Declaring that this activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378(a) because this activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/2/2007, NR&C voted 3 to 0 to approve. (Councilmembers Peters, Faulconer, and Frye voted yea. Councilmembers Maienschein and Hueso not present.)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

SUPPORTING INFORMATION:

The Metropolitan Wastewater Department is responsible for operating and maintaining the Municipal Sewerage Collection System for the City of San Diego. The Wastewater Collection Division provides ongoing preventative cleaning and maintenance of the Collection System, and utilizes truck mounted rodding machines to do so. Rodding is a cleaning technique involving a self-powered single-reel system designed to push and rotate a steel rod through a pipeline. A variety of cutting and cleaning tools are attached to the rod, and are used to cut roots and remove debris. Rodding trucks are typically used to clean older cement sewer pipes susceptible to damage by high pressure flushing machines.

The rodding equipment currently used is under powered and chain driven, and the rod often breaks, resulting in down time and less efficient and effective pipe cleaning. The new, more powerful hydraulically driven rodding machines, with 6,000 pounds of push/pull capacity, will greatly reduce rod breakage and down time, and thereby increase the efficiency and effectiveness of rodding/cleaning and contribute to the reduction of sewer spills. The new vehicles will replace the current vehicles as they reach the end of their useful life as determined by General Services Department/Fleet Services Division.

The Bid Closing Date was January 19, 2007; seven (7) bids were mailed; six (6) vendors responded, two of them submitted an alternate bid also, for a total of eight (8) bids submitted. In addition to the recommended vendor's bid, six bids were deemed non-responsive and one bid was at a higher cost, as follows: (1) San Diego Freightliner @ \$886,895 - bid submittal was not complete, vendor refused to provide a unit for demonstration that met specs. (2) Sewer Equipment Co. of America/Alternate @ \$893,722 - bid submittal was not complete, (3) Sewer Equipment Co. of America/Primary Bid @ \$971,068 - Unit provided for demonstration did not meet specifications, (4) Dion International, Inc./Primary Bid @ \$1,071,751-subcontractor (SRECO) refused to provide a unit for demonstration, (5) West Coast Safety Supply @ \$1,081,050 - subcontractor (SRECO) refused to provide a unit for demonstration, (6) Max-Life Mfg. Corp. @ \$1,268,197 - no unit available to demonstrate, and (7) Haaker Equipment @ \$1,595,885 - higher price by \$21,901.

FISCAL CONSIDERATIONS:

The total cost for this action is \$1,573,984 and is available in Fund No. 500313, "Central Garage Equipment Replacement - 41506".

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

SUPPORTING INFORMATION: (Continued)

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This action was reviewed and approved by the Natural Resources and Culture Committee on November 2, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Dion International Trucks, LLC

Ferrier/Haas

Aud. Cert. 2800265.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-101: Additional Funding for Dakota Canyon Accelerated Sewer Replacement and Rehabilitation Project. (Clairemont Mesa Community Area. District 6.)

[?View referenced exhibit back-up material.](#)

(See Metropolitan Wastewater Department's 8/7/2007 Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-256 Corr. Copy)

Authorizing the City Auditor and Comptroller to transfer the amount of \$174,835 from CIP-46-505.0, Annual Allocation - Unscheduled Projects, Fund 41506, to CIP-46-206.0, Annual Allocation - Accelerated Projects, Fund 41506;

Approving the expenditure of an additional amount not to exceed \$174,835 from CIP-46-206.0 Annual Allocation - Accelerated Projects for the purpose of providing additional funds for the 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;

Declaring that this activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378(c). This activity is a subsequent discretionary approval covered under Project #7055, Dakota Canyon Sewer. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15177.

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/2/2007, NR&C voted 3 to 0 to approve. (Councilmembers Peters, Faulconer, and Frye voted yea. Councilmembers Maienschein and Hueso not present.)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: (Continued)

SUPPORTING INFORMATION:

This project is part of the City of San Diego's ongoing program to upgrade the sewer system. This sewer is located at the bottom of a stream bed in Dakota Canyon and, due to its location, it is difficult to access for maintenance. Due to severe erosion, a portion of the pipe has been exposed. City maintenance crews have previously repaired this exposed portion of pipe and, because of the ongoing erosion, have continued to monitor the area. The redirection of flow study and cost benefit analysis completed for this project concluded that relocating the pipe out of the canyon is not consistent with Council Policy No. 400-13 and Council Policy No. 400-14. This project will solve the erosion problem by relocating the pipe out of the stream bed and placing it in a new alignment within the canyon.

The City Council, by Resolution No. R-302764, has previously authorized the Mayor, or his designee, to execute a contract with the lowest responsible and reliable bidder. Bids for this project were opened on July 20, 2007. Three companies bid on the project and the bids came in within 10% of each other. The low bid came in at \$1,234,350 making it \$174,835 above the engineer's estimate of \$1,059,515. Due to the constraints of the working area, the price for microtunneling came in significantly higher than the engineer's estimate. Rebidding this project would likely not lower the resulting bids but would add to the administrative costs.

Environmental document (MND) for this project was certified by Council Resolution No. R-302764 adopted on June 29, 2007.

FISCAL CONSIDERATIONS:

The total amount of this request is \$174,835 and is available for transfer from Fund 41506, CIP-46-505.0, Annual Allocation- Unscheduled Projects. There will be no impact on current or future projects or the rate case as a result of this transfer. The project costs may be bond reimbursed approximately 80% by current or future debt financings.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On March 15, 2005, the City Council adopted Resolution No. R-300250 authorizing the expenditure of \$120,000 for the acquisition of property rights required for the Dakota Canyon Accelerated Sewer Replacement and Rehabilitation Project.

On June 29, 2007 the City Council adopted Resolution No. R-302764 authorizing the expenditure of \$1,806,900 for the construction, City Forces, and related costs for Dakota Canyon Accelerated Sewer Replacement and Rehabilitation project.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: (Continued)

SUPPORTING INFORMATION: (Continued)

The Natural Resources and Culture Committee previously approved the project and MND on June 9, 2004 and again on May 23, 2007. NR&C approved the request :for additional funding on November 2, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Clairemont Mesa Community Group approval on July 20, 2004.

Planning Commission Officer approval on September 9, 2004.

Since the last Community Group meeting in July 2004, we have been in contact with the Chairman of the Clairemont Mesa Community Group to keep him updated on the status of the project. Since there has been no change in the design and project scope, the community group did not see any benefit in continuing presenting the project at their meetings; therefore there have been no additional presentations since July 20, 2004. In addition, we have also been in contact with homeowners who have called us requesting updated information.

We will go to the community within 30 days before construction and give a presentation on the construction process and schedule.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

A cost benefit analysis and redirection of flow study were completed in July of 2002.

A Biological report was done on March 12, 2004, and Mitigated Negative Declaration No. 7005 was prepared for this project.

Ferrier/Haas

Aud. Cert. 2800224.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-102: Agreement Between the City of San Diego and Padres Regarding Police/Traffic Services at PETCO Park. (East Village/Ball Park Community Area. District 2.)

[?View referenced exhibit back-up material.](#)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-389)

Authorizing the Mayor, or his designee, to execute and implement, for and on behalf of the City of San Diego, a September 27, 2007, letter agreement made by the Ballpark Administrator Timothy Moore and the Padres L.P. amending the Joint Management Agreement (JUMA) to permit police services within the Ballpark so long as the Padres pay the agreed upon cost of those services;

Establishing the JUMA's reference to the "usual and customary hours" for each home game for Special Event Traffic Control Services at one hundred, fifty-five and six-tenths hours (155.6 hours);

Authorizing the Mayor, or his designee, to establish for PETCO Park the hourly rates for police service costs both inside and outside of the ballpark and to establish the hourly rates for the Special Event Traffic Control Services necessitated by events at the park;

Authorizing the City Auditor and Comptroller to receive payments from the Padres L.P. under the letter agreement and deposit the funds in the appropriate account.

STAFF SUPPORTING INFORMATION:

The JUMA's language of "usual and customary" is vague and requires additional clarification in order to properly bill the Padres for their portion of staffing additional Police and SETC personnel. The Ballpark Administrator, the Police Special Events/Traffic Division and the Padres have all worked together to establish billing guidelines consistent with the intent of the JUMA and have incorporated such clarification into a letter agreement.

FISCAL CONSIDERATIONS:

Reimbursement to the City on an annual basis is estimated at approximately \$300,000 for SETC services and \$100,000 for Police services.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The City will recover additional costs from the operations of PETCO Park.

Barwick/Anderson

Staff: Tim Moore - (619) 236-6733

John H. Serrano - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-103: Agreement with Mythograph, Inc. for Serra Mesa-Kearny Mesa Branch Library Educational Space. (Serra Mesa and Kearny Mesa Community Areas. District 6.)

[?View referenced exhibit back-up material.](#)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-400)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement between the City of San Diego and Mythograph, Inc. for Serra Mesa/Kearny Mesa Branch Library to design, fabricate and install an educational space for children ages 0-5 and their caregivers;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$450,000 from Fund No. 38030, First Five Community Library Grant, CIP-35-089.0 Serra Mesa/Kearny Mesa Branch Library for this purpose, contingent upon the City Auditor and Comptroller certifying that the funds necessary for expenditure are, or will be, on deposit in the City Treasurer;

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

Declaring that this activity is exempt from the California Environmental Quality Act, pursuant to CEQA Guidelines Section 15060(c)(2).

STAFF SUPPORTING INFORMATION:

Funds collected by the State of California through Proposition 10 (a tobacco product tax) have been awarded to the City of San Diego by the First Five Commission of San Diego County for the development of programs, services, policies, and infrastructure to specifically benefit children ages 0-5 and their parents/caregivers. To this end, an artist or artist team, in partnership with an expert in child/parent education, mental health/health care provision, community/family/child care service provision or child development was sought, through a competitive Request for Qualifications process, to design, fabricate and install an educational space targeted towards children ages 0-5 and their parents/caregivers at the Serra Mesa-Kearny Mesa Branch Library. Mythograph, Inc., was selected by a volunteer panel of community members, visual art experts and child development experts to design and create the educational space.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-103: (Continued)

STAFF'S RECOMMENDATION: (Continued)

While the library serves all members of the public, this educational space will especially engage children ages 0-5 and their parents/caregivers. It will provide educational opportunities and activities that promote "school readiness" for young children and will reflect the vision of the First Five Commission of San Diego County: every child in San Diego County will enter school ready to learn.

FISCAL CONSIDERATIONS:

Of the funds awarded to the City of San Diego by the First Five Commission of San Diego County, \$450,000 will be dedicated for the design, fabrication and installation of the children's educational space at the Serra Mesa-Kearny Mesa Branch Library. All of the funds to be used for this project are provided by the grant from the First Five Commission of San Diego County. The funds for this purpose are available in CIP-35-089.0, Fund No. 30244, Org No. 106, Dept. No. 30244.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The competitive selection process was opened to any artist permanently residing in the State of California. At least 4,000 artists were notified of the opportunity to compete. The artist selection panel included one community representative from Serra Mesa and one from Kearny Mesa, in addition to the library's architect and a member of the library's staff, both of whom have extensive experience with and knowledge of the community. Representatives from Council District 6 participated in every step of the process, providing guidance and background as needed. Upon execution of the Agreement with Mythograph, Inc., the artist team will create a design which will be presented to a group of community members for input and feedback. The design submitted by the artist team must also be reviewed by the Commission for Arts and Culture and its Public Art Committee on at least three occasions, all of which are public meetings open for members of the community to attend.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Stakeholders include the First Five Commission of San Diego County, the City of San Diego, and the Serra Mesa-Kearny Mesa branch library patrons. Mythograph, Inc.

Aud. Cert. 2800305.

Hamilton/Mitchell

Staff: Victoria L. Hamilton - (619) 533-3055
Sanna R. Singer - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-104: Rental Fee Schedule – Qualcomm Stadium.

[?View referenced exhibit back-up material.](#)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-98)

Approving the Amended Rental Fee Schedule for Qualcomm Stadium to establish a rate card for the rental of Qualcomm Stadium and the Parking Lot;

Declaring that this activity is not a project and therefore not subject to CEQA per CEQA Guidelines Section 15060(c)(2).

STAFF SUPPORTING INFORMATION:

The purpose of the Fee Schedule is to establish a rate card for the rental of Qualcomm Stadium and the parking lot. The Fee Schedule was last revised in 2004.

The majority of the rate changes affect parking lot events. The value of the parking lot space has been driven higher through the RFP process for events such as auto sales and RV sales. With similar RFPs planned for Fiscal Year 2008, it is essential that the Stadium have a Fee Schedule that is comparable to the rates the current RFP contracts. In addition, the demand for parking lot spaces has continued to increase to the point that Stadium staff have limited dates to offer potential new clients. Increasing the Fee Schedule will ensure that the City maximizes profits while managing the supply of available dates. The new rate schedule does not apply to events, such as auto sales, which are contracted through an RFP process. The proposed Fee Schedule does not include a rate change for Stadium events that use the playing field. The current rates provide the Stadium staff enough flexibility to negotiate a fair market deal with promoters of concerts, soccer games and special events.

Finally, the proposed Fee Schedule introduces a "charitable mini-rate" of \$250. This rate is proposed to ensure that the City recoups its expenses for events promoted by non-profit organizations intended to benefit the public in general. Currently, the Stadium staff is inundated with requests to use the parking lot for free. These requests and the subsequent staff support of these events have a negative impact on our day-to-day operations.

FISCAL CONSIDERATIONS:

The increased fees are expected to generate at least \$50,000 in additional revenue during Fiscal Year 2008.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-104: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The last Fee Schedule increases were approved by the Council in 2004.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The proposed changes were first discussed at the Qualcomm Stadium Advisory Board meeting on Thursday, November 9. This issue also appeared on the agenda for the meetings in December, January, February, March, April and May but did not go to vote for various reasons. The Advisory Board unanimously approved the proposed Fee Schedule on Thursday, June 14 (vote 5-0).

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The proposed Fee Schedule revisions will increase the Stadium's revenue by at least \$50,000 for Fiscal Year 2008. These changes will be more in line with market value while remaining affordable for longtime Stadium tenants.

Stover

Staff: Erik Stover - (619) 641-3102

Todd Bradley - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-105: Set Aside and Vacate September 12, 2006 Approvals Related to the 301 University Project. (Hillcrest Community Area. District 3.)

[?View referenced exhibit back-up material.](#)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-302)

Declaring that the City Council authorizes the following past Council actions be set aside and vacated: the September 12, 2006 adoption of its Project No. 11896, also known as 301 University Project, including the approval and issuance of a Final Mitigated Negative Declaration, Tentative Map No. 323359, abandonment of the public right-of-way via Public Right-of-Way No. 323355, Site Development Permit, and Mid-City Communities Planned District Ordinance Permit, as referenced and set forth in City Council Resolution Nos. R-301900, R-301902, and R-301903.

SUPPORTING INFORMATION:

On September 12, 2006, Council certified the environmental document and granted development approvals related to the 301 University Project in the Hillcrest community. Friends of San Diego, Inc. challenged the certification and approvals in California Superior Court. As a result of the lawsuit, the court issued a writ directing the City to set aside and vacate the approvals. The Resolution would satisfy the court's order.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On September 12, 2006, Council certified the environmental document and granted development approvals related to the 301 University Project in the Hillcrest community by way of the following Resolutions: No. R-301900 certifying Mitigated Negative-Declaration No. 11896; No. R-301902 approving Tentative Map No. 323359 and vacation of Public Right-of-Way No. 323355; No. R-301903 approving Site Development Permit No. 23948.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Burton/Anderson

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-106: Accepting Donations from Cisterra Partners, LLC and Sorrento Hills Marketplace, LP. (District 1.)

[?View referenced exhibit back-up material.](#)

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-393 Cor. Copy)

Authorizing the Mayor, or his designee, for and on behalf of the City of San Diego, to accept the sum of \$50,000 from Cisterra for the purpose of developing a green belt in Torrey Hills in future fiscal years;

Authorizing the Mayor, or his designee, for and on behalf of the City of San Diego, to accept the sum of \$75,000 from Sorrento Hills Marketplace for the purpose of developing a green belt in Torrey Hills in future fiscal years;

Authorizing the City Auditor and Comptroller to establish interest bearing Fund No. 63027, and to deposit the sum of \$125,000 as accepted from Cisterra and Sorrento Hills Marketplace into interest-bearing Fund No. 63027, the principal and interest of which shall be used solely for the purpose of developing a green belt in Torrey Hills in future fiscal years.

SUPPORTING INFORMATION:

The City of San Diego ("City") is the beneficiary of two donations made by Cisterra Partners, LLC and Sorrento Hills Marketplace, LLC. It is acknowledged that these funds are donations and not intended to replace or substitute for future Developer Impact Fees (DIF) or Facilities Benefits Assessment (FBA).

This action would authorize the City to accept the donation of \$50,000 from Cisterra Partners, LLC and \$75,000 from Sorrento Hills Marketplace, LLC for the purpose of providing a green belt beneath utility lines on East Ocean Air Drive in Torrey Hills to improve fire prevention along Los Peñasquitos Preserve. The interest earned by these donations will also be identified for this purpose. The green belt is a long-term project still in its preliminary discussion stages.

Cisterra Partners, LLC contributed \$50,000 as a means of mitigation for the Gateway at Torrey Hills development. The development created a turn pocket along Carmel Mountain Road that cut into a 250 ft. landscaped median. This construction resulted in a loss of twelve full grown trees and various shrubbery. The Torrey Hills Maintenance Assessment District estimated the value of the lost plant material to be \$50,000.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-106: (Continued)

SUPPORTING INFORMATION: (Continued)

Sorrento Hills Marketplace, LLC was the applicant for a development named Torrey Corner in 2006. The Torrey Hills Planning Board ("THPB") approved the project on the condition that a raised pedestrian crosswalk be constructed up the road from the development on E. Ocean Air Drive. The crosswalk would provide safer access to the development for the adjacent Torrey Hills residents. Neither the City nor Sorrento Hills Marketplace, LLC were willing to assume maintenance responsibility for the crosswalk. As a result, the crosswalk idea was abandoned. As a compromise, THPB and Sorrento Hills Marketplace, LLC negotiated the sum of \$75,000 to be contributed for a future green belt on E. Ocean Air Drive.

FISCAL CONSIDERATIONS:

No impact to City's General Fund. These donations will be used to build a green belt beneath utility lines on East Ocean Air Drive to improve fire prevention along Los Peñasquitos Reserve.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Torrey Hills Planning Board coordinated and accepted the donation from Cisterra Partners, LLC and Sorrento Hills Marketplace, LLC.

The first contribution was accepted at the Torrey Hills Planning Board on July 18, 2006. The second was accepted at the Torrey Hills Planning Board on February 20, 2007.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Community of Torrey Hills, Cisterra Partners LLC, Sorrento Hills Marketplace, LLC.

Kinsley

Staff: Nathan Batchelder - (619) 533-6559

Elizabeth C. Coleman - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-107: 21st Century Community Learning Center Grant for San Diego's 6 to 6 Program at Faith-Based Schools. (City Heights, Barrio Logan, Lincoln Park, Southcrest, and Linda Vista Community Areas. Districts 3, 4, 6, and 8.)

[?View referenced exhibit back-up material.](#)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-387)

Authorizing the City Auditor and Comptroller to accept from the California Department of Education an additional \$284,385 in federally-funded 21st Century Community Learning Centers (21st CCLC) Program grant funds for the operation of San Diego's "6 to 6" Extended School Day Program at six faith-based schools for the period of July 1, 2006 through December 31, 2007;

Authorizing the Mayor, or his designee, to execute amendments to agreements with existing "6 to 6" providers to expend the grant funds, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to appropriate and expend the grant funds.

STAFF SUPPORTING INFORMATION:

On June 3, 2003, the City Council adopted Resolution No. R-298024, in which the City Council, among other things, authorized the City Manager to accept from the California Department of Education an amount not to exceed \$3,302,400 in federally-funded 21st Century Community Learning Centers (21st CCLC) Program grant funds to operate San Diego's "6 to 6" Extended School Day Program ("6 to 6" Program) at six faith-based schools from FY 2003 through FY 2007, which included \$660,480 for the "6 to 6" Program in FY 2007. The "6 to 6" Program, which operated at six grant-funded faith-based schools serving low income communities (Our Lady of the Sacred Heart - CD3; St. Rita's - CD4; Holy Family - CD6; Our Lady of Guadalupe - CD8; Our Lady of Angels - CD8; and St. Jude - CD8) was scheduled to terminate on June 30, 2007. However, in May 2007, the City was notified by the California Department of Education that the original grant from the 21st CCLC Program had been amended to include an increase of \$284,385. The additional funds will increase the FY 2007 budget amount for the faith-based schools to \$944,865 in 21st CCLC Program grant funds, and allow the "6 to 6" Program to continue operating at these schools through December 31, 2007. This action, if approved, will authorize the City to accept, appropriate, and expend the additional \$284,385 in 21st CCLC Program grant funds, and authorize the City to amend agreements with existing "6 to 6" providers to expend the grant funds. As a result, the City's involvement with the "6 to 6" Program will end effective December 31, 2007.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-107: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

FISCAL CONSIDERATIONS:

The City is anticipating payments from the California Department of Education to reimburse expenses incurred. See Attachment 3 for the breakdown of FY 2007 funding allocations per school site.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution No. R-298024.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The following schools are key stakeholders as well as the provider agencies: Our Lady of the Sacred Heart (CD3); St. Rita's (CD4); Holy Family (CD6); Our Lady of Guadalupe (CD8); Our Lady of Angels (CD8); and St. Jude (CD8).

Kessler/Anderson

Staff: Sharon Johnson - (619) 533-6525
Michael D. Neumeyer - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-108: FY 07 Public Safety Interoperable Communications Grant Program. (Citywide.)

[?View referenced exhibit back-up material.](#)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-413)

Authorizing the Mayor, Chief Operating Officer, or the Deputy Chief Operating Officer for Public Safety/Homeland Security, for and on behalf of the City, to apply for, accept, appropriate and expend grant funds from the FY 2007 Public Safety Interoperable Communications Grant Program as the City's authorized agent;

Authorizing the Mayor, Chief Operating Officer, or the Deputy Chief Operating Officer for Public Safety/Homeland Security, to take all necessary steps to comply with the FY 2007 Public Safety Interoperable Communications Grant Program requirements.

STAFF SUPPORTING INFORMATION:

The Public Safety Interoperable Communications (PSIC) Grant Program is a one-time, federally funded program designed to enhance and strengthen interoperable communications capabilities. The grant program requires solutions that help resolve interoperability gaps identified in statewide plans. The San Diego Urban Area Security Initiative (UASI) project addresses gaps identified in the State of California Interoperable Communications Plan (SCIP).

The San Diego Urban Area (SDUA) proposes to install common system standards-based equipment to increase and improve interoperable voice and data communications capabilities between and among federal, state, tribal, county and local first responder agencies in the region that currently operate on disparate systems and frequency bands. This project is the first step in creating a networked "system of systems" in Southern California, and increases interoperability between levels of government operating on a number of communications infrastructures. The regional investment supports the goals and objectives of the San Diego Tactical Interoperable Communications Plan (TICP), the SCIP and the SDUA Security Strategy. This equipment is a critical component of the phased long-range regional plan to migrate both the City and County from existing legacy systems to a standards-based digital platform. Through the implementation of this standard, the SDUA will achieve seamless interoperable voice and data communications.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-108: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

The SDUA has been allocated \$6,532,101.97. This award requires a 20% match. The City of San Diego and County of San Diego will provide this required match amount through a combination of funds from FY09 and FY10 budgets and in-kind services.

Imperial County was approved to receive \$3 million for their interoperable communications project to provide additional infrastructure and microwave along the I-8 corridor from EI Centro to Yuma, Arizona. Since this non-UASI county is covered under the SDUA TICP and the regional 3C's project, they have requested to partner with the SDUA as a sub-grantee, as required by the grant. Their \$750,000 in matching funds will be provided by both Imperial County and the RCS Board of Directors.

FISCAL CONSIDERATIONS:

This regional grant requires matching funding equal to 20% of the total project cost, excluding training activities. The matching funds equal \$1,666,420, which can be met during the three year performance period of this program. These matching funds will be provided by the City and County of San Diego through respective general fund budgets for applicable communications equipment and personnel costs related to the larger regional interoperable communications project. This grant is reimbursable in nature requiring the City, as the recognized Urban Area Security Initiative jurisdiction, to expend funds prior to requesting reimbursement.

The City and the County have agreed to split the 20% match of the \$1,666,420 in non-training related project activities or \$833,210 each over the three-year grant period.

The City's share will be provided by a portion of the Office of Homeland Security's general fund budget in the amount of \$35,022 over the next three years that will be expended in managing and administering this grant. Unlike other federal grants, this grant program does not provide Management and Administrative funds for the local jurisdiction. The Communications Division's will apply \$798,188 as their share of the three year match from the Motorola Smart Zone 4.1 radio system project, equipment and services (project on file with the City Clerk as document 00-19458).

The County's share will be met through \$500,000 in an RCS Board of Directors' match for in-kind training and \$333,210 in general fund support and equipment acquisition related to the larger interoperable communications project. A confirming MOU will be issued to document this agreement prior to the allocation of any funds.

For the Imperial County sub-grantee match, Imperial County will provide \$654,000 as an in-kind match for services in support of their project and the RCS Board of Directors will provide \$100,000 in cash or in-kind services. A confirming MOU will be issued to document this agreement prior to the allocation of any funds.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-108: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: Not applicable.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

This regional interoperable communications project will support all public safety agencies within the San Diego Urban Area and Imperial County, the State of California, and Yuma, Arizona.

Olen

Staff: Donna Faller - (619) 533-6763
Nooria Faizi - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-109: Easement Vacations in Scripps Northridge Business Center Map No. 12911.
(Miramar Ranch North Community Area. District 5.)

[?View referenced exhibit back-up material.](#)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-291)

Vacating the water easement, water and sewer easement, and the water, sewer and drainage easements located within Lots 19, 20 and 21 of Scripps Northridge Business Center Map No. 12911, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20542-B, marked as Exhibit "B," to unclumber this property and facilitate development of the site under the procedure for the summary abandonment easements, pursuant to San Diego Municipal Code Section 125.1010(c) et seq.;

Declaring that the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder.

STAFF SUPPORTING INFORMATION:

These easement vacations are located in the Miramar Ranch North Community Plan area, located on the north side of Wexford Street easterly of Scripps Summit Drive in Council District 5. The property owner is requesting the vacation of water, water and sewer, and water, sewer and drainage easements that were acquired on the final map of Scripps Northridge Business Center Map No. 12911 recorded on January 8, 1992, at no cost to the City. The existing facilities are being superseded with improvements as shown on Engineering Drawing No. 33939-D, for which Engineering Permit No. 296772 has been issued and new easements of approximately equal value as shown on Engineering Drawing No. 20549-B were granted and recorded August 2, 2007 as Doc. No. 2007-0518630. There is no present or prospective public use of the existing easements in their present locations.

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-109: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

There is no Community Planning Group opposition to this action.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

LP Scripps Lot 1, LLC

Manis/Anderson

Staff: G. Bollenbach - (619) 446-5417

Rachel Lipsky - Deputy City Attorney

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-110: Sewer, Water, Drainage and Public Utility Easement Vacations in Lot 6, Unit No. 1, Map No. 3978 and in Lot 8, Unit No. 2, Map No. 4113, of the City of San Diego Industrial Park. (Kearny Mesa Community Area. District 6.)

[?View referenced exhibit back-up material.](#)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-289)

Vacating that the sewer, water, drainage and public utility easements located within Lot 6 of City of San Diego Industrial Park, Unit No. 1, Map No. 3978 and in Lot 8 of City of San Diego Industrial Park, Unit No. 2, Map No. 4113, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20685-B, marked as Exhibit "B," to unencumber their property under the procedure for the summary abandonment easements, pursuant to San Diego Municipal Code Section 125.1010(c);

Declaring that the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder.

STAFF SUPPORTING INFORMATION:

This project is located in the Kearny Mesa Community Plan area, south of Balboa Avenue between Kearny Villa Road and Ruffin Road. This project consists of vacating sewer, water, drainage and public utility easements that were granted at no cost to the City. These easements are over five years old and have not been used for the purpose for which they were dedicated. Drainage and grading plans as shown on Engineering Drawing No. 34617-D have been submitted for the development of the lots, and show no need for the easements. There is no present or prospective public use of the existing easements in their present locations.

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-110: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

There is no Community Planning Group opposition to this action.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Kyocera International, Inc.

Staff: G. Bollenbach - (619) 446-5417

Rachel Lipsky - Deputy City Attorney

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-111: Public Utility Easement Vacation in Lots 255 and 256 of Kensington Heights, Unit No. 3, Map No. 1948. (Mid-City: Kensington/Talmadge Community Area. District 3.)

[?View referenced exhibit back-up material.](#)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-290)

Vacating the public utility easement located within Lots 255 and 256 of Kensington Heights Unit No. 3 Map No. 1948, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20692-B, marked as Exhibit "B," to unencumber this property and facilitate development of the site under the procedure for the summary abandonment of easements, pursuant to San Diego Municipal Code Section 125.1010(c) et seq.;

Declaring that the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder.

STAFF SUPPORTING INFORMATION:

This easement vacation is located in the Mid-City: Kensington-Talmadge Community Plan area, on Canterbury Drive, north of Adams Avenue. This project consists of vacating a public utility easement that was granted to the City over five years ago at no cost to the City. The easement has not been used for the purpose for which it was dedicated or acquired for the last five years, and is no longer required by the City. There is no present or prospective public use of the existing easement in its present location.

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

There is no Community Planning Group opposition to this action.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-111: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Timothy G. Blood and Dale and Elizabeth Clegg

Manis/Anderson

Staff: G. Bollenbach - (619) 446-5417
Rachel Lipsky - Deputy City Attorney

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-112: Appointments and Reappointments to the Citizen’s Equal Opportunity Commission.

[?View referenced exhibit back-up material.](#)

(See memorandum from Mayor Sanders dated 10/17/2007.)

MAYOR SANDERS’ RECOMMENDATION:

Adopt the following resolution:

(R-2008-399)

Confirming that the following appointments and reappointments by the Mayor of the City of San Diego to serve as members of the City of San Diego Citizens Equal Opportunity Commission, for a term ending as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Brad Barnum (Reappointment)	(City at large) (Pacific Beach)	January 1, 2009
Eileen Chaske (Reappointment)	(American Indian) (Golden Hill)	January 1, 2009
Dr. Patricia Hsieh (Replacing Audie De Castro, who resigned)	(Asian/Pacific Islander) (Scripps Ranch)	January 1, 2008
Rebecca Llewellyn (Reappointment)	(City at large) (Pt. Loma)	January 1, 2009
James McManus (Reappointment)	(City at large) (County resident)	January 1, 2009
Dan Salas (Reappointment)	(Latino) (Pacific Beach)	January 1, 2009
Alden Salcedo (Replacing Julia Legaspi, who resigned)	(Filipino) (Scripps Ranch)	January 1, 2009

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-112: (Continued)

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Jonathan Schneeweiss (Replacing Sharon Marshall, who resigned; and switching destination of seat from City at large to LGBT)	(LGBT) (Ocean Beach)	January 1, 2008
Dr. Shirley Weber (Replacing Rev. Arthur Cribbs, who resigned)	(African-American) (Oak Park)	January 1, 2009
Dr. Sarah Young (Reappointment)	(Representing Disabled) (Mira Mesa)	January 1, 2009

Declaring pursuant to Council Policy 000-13, for purposes of deliberation and consideration of reappointment, it is determined that James McManus is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Commission; therefore, a conscious exception to Council Policy 000-13.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-113: Ginger and Robert Wallace Day.

[?View referenced exhibit back-up material.](#)

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-345)

Commending Ginger and Robert Wallace for their commitment to enrich the lives of all San Diegans through their dedication to the arts and culture of Balboa Park's Museums;

Proclaiming October 23, 2007, to be "Ginger and Robert Wallace Day" in the City of San Diego.

* ITEM-114: Girl Scouts Day.

[?View referenced exhibit back-up material.](#)

COUNCILMEMBER ATKINS' COMMENDATION:

Adopt the following resolution:

(R-2008-329)

Commending and congratulating Girl Scouts San Diego-Imperial Council on it's 90th Anniversary and for its contribution to the City of San Diego;

Proclaiming October 23, 2007, to be "Girl Scouts Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-115: Julian Bond Day.

[?View referenced exhibit back-up material.](#)

COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-388)

Proclaiming November 14, 2007, to be "Julian Bond Day" in the City of San Diego in recognition of his effort to serve the people of San Diego.

* ITEM-116: Nonprofit Management Solutions Day.

[?View referenced exhibit back-up material.](#)

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-395)

Commending Nonprofit Management Solutions for the support and recognition it gives to the nonprofit organizations in the San Diego region;

Proclaiming November 30, 2007, to be "Nonprofit Management Solutions Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-117: Cinema SUD Day in Celebration of the City's First Film Festival.

[?View referenced exhibit back-up material.](#)

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-355)

Proclaiming October 20, 2007, to be "Cinema SUD Day" in the City of San Diego and recognizing and saluting the festival's dedicated organizers for having set a place for celebration of the Italian art and film making and for providing a quality cultural event that is sure to be repeated in the future in San Diego.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-330: Modified National Pollution Discharge Elimination System (NPDES) Discharge Permit (Waiver) for the Point Loma Wastewater Treatment Plant.

[?View referenced exhibit back-up material.](#)

(See Report to the City Council No. 06-103; Report to the City Council No. 07-190 [not available at Committee]; Rules Agenda of July 26, 2006, Item 1 Motion; MWW Secondary Treatment Discussion, Community Brief Discussion PowerPoint; University of California's October 1, 2007, Environmental and Sustainability Initiative Final Report; and Comprehensive Annual Financial Report.)

TODAY'S ACTION IS:

Take the following actions:

Approving the Mayor's proposal to submit the modified National Pollution Discharge elimination System (NPDES) permit (Waiver) application for Point Loma Wastewater Treatment Plant (PLWTP);

Authorizing the Mayor and City Council to hire outside counsel for technical legal support during the waiver process, and to report to the Mayor and City Council;

Directing the City Attorney to prepare the appropriate resolution and/or ordinance in accordance with Charter Section 40.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

No action taken. This item will come before the full City Council.

SUPPORTING INFORMATION:

The Point Loma Wastewater Treatment Plant (PLWTP) operates under a Clean Water Act 301(h) Modified Permit which does not require full secondary treatment prior to discharge through a deep ocean outfall. The permit, which expires in June 2008, requires a review and approval every five years. The City must decide whether to pursue a continuation of the modified permit, or forgo that legally permissible opportunity and instead voluntarily begin moving towards secondary treatment at the plant. The deadline to submit the application to renew the permit to the Environmental Protection Agency is December 14, 2007.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ITEM-330: (Continued)

SUPPORTING INFORMATION: (Continued)

The City of San Diego is unique from other wastewater dischargers in how the treated discharge reaches the marine environment. The City discharges its treated wastewater through a four and one half mile long ocean outfall at a depth of 320 feet. The outfall is one of the longest and deepest in the United States. Also, the City conducts one of the most extensive ocean monitoring programs in the world. Extensive ocean monitoring efforts have historically shown that the discharge poses no discernable negative impact to marine organisms surrounding the outfall. This data has been sufficient to allow the City to operate since 1995 with a waiver from the federal regulations governing wastewater discharges to rivers, lakes and coastal waters.

A Scientific Technical Review Committee of scientists from the University of California San Diego (Scripps Institute of Oceanography) and San Diego State University conducted a thorough review of the environmental data collected from the extensive ocean monitoring program associated with the PLWTP. Their findings were that the PLWTP does not have a detrimental impact to the ocean environment surrounding the outfall, along the shoreline or within the Point Loma kelp beds. The findings of the Scientific Technical Review Committee support the decision to submit the NPDES permit application and to continue to operate the PLWTP under the modified permit. Based on the findings of the Review Committee, the assessment of Wastewater Department staff that the City meets all of the waiver criteria, and the City's continued compliance with regulatory requirements related to the plant support the decision that proceeding to secondary treatment is unwarranted at this time.

Should the City not submit the waiver application, the plant would not meet secondary treatment standards by June 2008, when the existing permit expires. This will result in enforcement action or litigation leading to secondary treatment, as well as subject the City to fines for being in violation of the Clean Water Act.

Given the electrical requirements, staff assesses that proceeding to secondary treatment would result in a net negative effect to the environment due to greenhouse gas emissions at the electrical generation site.

It is expected that an appeal process and/or litigation will follow the Environmental Protection Agency (EPA)/Regional Water Quality Control Board (RWQCB) decision regarding the City's NPDES waiver application process. The waiver appeal process is highly technical and requires unique expertise. Authorization to hire outside counsel is requested and will allow the City to best prepare for the anticipated legal process.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ITEM-330: (Continued)

SUPPORTING INFORMATION: (Continued)**FISCAL CONSIDERATIONS:**

This item authorizes \$200,000 for outside legal services. This funding is available in the MWWO Operating Sewer Fund. This action is funded from sewer revenue rates only. If the waiver submission is successful, no significant cost. If waiver submittal is not approved the City will incur costs estimated at \$1.5B (in 2015 \$s) to upgrade the Point Loma Treatment Plant. An assessment of recent plant upgrades in other communities indicates the City would not receive significant state or federal funding to offset these costs, which would then be borne by sewer customers and participating agencies.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

- On July 26, 2006, Rules, Open Government and Intergovernmental Relations Committee: Action to work toward a consent decree that would implement secondary treatment at the PLWTP within terms and timeframe to be determined: and to indicate that it is a priority of the City of San Diego to obtain funding from federal and state government for infrastructure upgrades and seek legislation to support this strategy.
- On November 2, 2007, Natural Resources and Culture Committee:

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Extensive presentations and public input sessions have been held throughout San Diego, covering all 8 Council Districts. All requests for public presentations were scheduled. The Report to City Council provides a listing of over 60 presentations.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Citywide Sewer Customers and Participating Agencies will be impacted by significant rate increases needed to go to secondary treatment at Point Loma, should the NPEDES waiver application not be submitted.

Bertch/Haas

Aud. Cert. 2800376.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

NOTE: This item may be taken in the morning session if time permits.

ITEM-331: Delegation of Authority to the City Treasurer to Invest Funds. (Citywide.)

[?View referenced exhibit back-up material.](#)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-406)

Receiving and accepting the City Treasurer's Investment Policy for the Pooled Investment Fund dated November 2007;

Declaring that the authority to invest or to reinvest the City's operating and capital improvement funds is delegated to the City Treasurer for a period of one year from the date of the adoption of the Resolution provided, however, that the Treasurer shall make monthly reports to this City Council about such transactions.

STAFF SUPPORTING INFORMATION:

The California Government Code (CGC) has vested authority with the City Council to invest or to reinvest funds of the City or to sell or exchange securities purchased. Under CGC §53607, the City Council may delegate this authority to the City Treasurer for a period of one (1) year. Prior to the enactment of this superseding legislation in 1997, the City Treasurer had the authority to invest the funds of the City under CGC §53635 and City Charter §45. The City Council now annually delegates this authority to the City Treasurer. City Council Resolution R-302036, adopted on November 22, 2006, was the last time the City Council delegated this authority.

The City Treasurer has an established Investment Policy which is reviewed annually for legislative changes. On September 26, 2007, the Investment Advisory Committee recommended approval of the City's Investment Policy with all its proposed changes. The City Treasurer and Investment Division staff report semi-annually the results of the portfolio performance, investment strategy, and any proposed changes to the Investment Policy to the Investment Advisory Committee, which was established in 1990.

In June 2007, the City Treasurer's Investment Policy received Investment Policy Certification from the Association of Public Treasurers of the United States & Canada.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-331: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

Changes to the proposed 2007 Investment Policy include:

1. Page 2, Section II-C-2. Increase the percent the liquidity portfolio may deviate from the benchmark's (Merrill Lynch 3-6 month Treasury Bill Index) reported duration to 40% from 20%.
2. Page 6, Paragraph 6. The addition of a 30% limit on the amount of callable securities the City may purchase based on the cost value of the portfolio.
3. Page 8, Paragraph 2. The addition of a 1% limit on the amount of FDIC-insured, non-Negotiable certificates of deposit purchased directly or placed by a third party the City may purchase based on the cost value of the portfolio.

These changes will provide additional flexibility, increased safeguards and added diversification to the City's Pooled Investment Fund.

FISCAL CONSIDERATIONS:

There would be no fiscal impact associated with the request.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable): N/A

Granewich/Goldstone

Staff: Kent Morris - (619) 533-6313

Mark Blake – Chief Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

NOTE: This item may be taken in the morning session if time permits.

ITEM-332: Agreement with Bank of America for Banking Services. (Citywide.)

[?View referenced exhibit back-up material.](#)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-404)

Declaring that the foregoing recitals are true and correct;

Authorizing and directing the Mayor, the Chief Operating Officer, or the Chief Financial Officer, in consultation with the City Attorney, to cause to be executed the Agreement with Bank of America to provide general banking services;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$578,303.22 for Fiscal Year 2008 for general banking services, contingent upon the City Auditor and Comptroller certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

SUPPORTING INFORMATION:

Under City Charter §45, the City Treasurer is responsible for selection of the City's banking services provider. Traditionally, this selection is made every five (5) years following an extensive RFP process. The official Banking Services RFP documentation and subsequent Bidders' Conference encouraged regular and joint venture proposals from local banking services organizations, as well as Disadvantaged Business Enterprise (DBE) firms. As a result of the Banking Services RFP issued in April 2007, five financial institutions submitted qualifying proposals which were evaluated by a multi-departmental Banking Services RFP Review Committee.

Bank of America was selected to provide the City's core banking services and Wells Fargo Bank was selected for securities clearance banking services. San Diego Metropolitan Credit Union was selected to provide electronic direct deposit payroll services. All banking contracts will commence on December 1, 2007, and will be in effect for five (5) years. The Bank of America contract is the only banking services contract that requires Council approval due to the amount of the contract. Despite requesting a greater breadth of services, including extensive electronic banking services, the overall five year contract price is projected to decrease by approximately 6.7%, or \$55,000 per year, as compared to the existing contract.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-332: (Continued)

SUPPORTING INFORMATION: (Continued)Background

A Banking Services RFP was issued by the Office of the City Treasurer on April 12, 2007, after an extensive Citywide survey of current and anticipated departmental banking services requirements. The Banking Services RFP was posted on the Purchasing website and commercial banks and credit unions were contacted requesting that proposals be submitted. A Bidders' Conference was held on May 1, 2007, to answer questions concerning the Banking Services RFP and the City's technical requirements. Responding banks were required to submit comprehensive bids for all City requirements in each major or optional service category as specified in the RFP.

RFP Response and Evaluation

The City received five qualifying proposals from the following financial institutions: Wells Fargo Bank, US Bank, San Diego Metropolitan Credit Union, Comerica Bank and Bank of America. The City's Banking Services RFP Review Committee reviewed the City's banking services requirements and evaluated all qualifying proposals. The Committee was comprised of representatives from the Office of the City Treasurer, Comptroller, Purchasing, Debt Management and the Water Department. All proposals were evaluated for pricing over the contract term, responsiveness to the RFP and the City's banking services requirements, credit ratings, compliance with Council Policy 900-09 (San Diego specific Community Reinvestment programs), staff experience, community reinvestment (CRA) ratings, and commitment to equal opportunity in the workplace.

Community Reinvestment

The Banking Services RFP Review Committee gave special consideration to evaluating each bank's commitment to community reinvestment. Bank of America displayed a strong commitment to invest in the San Diego community. The bank's most recent Community Reinvestment Act rating was outstanding. Additionally, the bank highlighted its involvement in areas such as affordable housing, small business, consumer loans, and economic development. In 2007, two additional full service banking centers will open, one in the Gaslamp District and the other in the Southcrest area. The bank also outlined its grant program to assist nonprofit organizations that give back to the San Diego community (e.g. San Diego Opera, the Old Globe Theatre, United Way of San Diego, Zoological Society of San Diego, YMCA of San Diego County, San Diego Urban League, Senior Community Centers, Community Housing Works, along with many others). Due to the breadth and detail of the bank's proposal, it was the Committee consensus that Bank of America did an exceptional job of displaying its involvement and support in the San Diego community.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-332: (Continued)

SUPPORTING INFORMATION: (Continued)

Summary

Based on the recommendation of the Banking Services RFP Review Committee to the City Treasurer, the five (5) year contract for core banking services is being awarded to Bank of America. This selection is based on their response to the Banking Services RFP, customer service qualifications, and aggressive pricing structure which will save the City of San Diego approximately \$275,000 over the life of the new contract for core banking services.

FISCAL CONSIDERATIONS:

The five (5) year banking services contract cost is approximately \$4M to \$5M, based on the current level of banking services Citywide. Fiscal Year 2008 Citywide banking services are estimated at \$578K. The total contract savings, based on Bank of America's RFP pricing schedule is estimated to save the City \$275K over the term of the contract. Funding is appropriated in the current Fiscal Year 2008 operating budget.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: Not applicable

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: Not applicable

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Bank of America

Granewich/Goldstone

Aud. Cert. 2800369.

Staff: Kent Morris - (619) 533-6313
Sanna R. Singer - Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-333: Fee Schedule and Regulations for the Miramar Landfill.

[?View referenced exhibit back-up material.](#)

(See Report to the City Council No. 07-170 and Environmental Services Department's 11/2/2007, PowerPoint.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-397)

Approving the revised Fee Schedule and Regulations for the Miramar Landfill, as set forth in Exhibit A to Report to City Council No. 07-170, which include the following changes effective January 1, 2008:

1. Increases to flat rate fees, special handling fees, and administrative fees;
2. An automatic, annual rate adjustment to flat rate fees, special handling fees, and administrative fees based on the Consumer Price Index rounded up to the next \$1.00;
3. Delegation of authority to the Mayor to adjust and post prices for the sale of greenery commodities;
4. Reactivation of the construction and demolition waste surcharge; and
5. Revisions to, and clarification of, language pertaining to the assessment of waste disposal fees and landfill regulations, including the treatment of transfer trailer loads from transfer stations; all as set forth in more detail in said Exhibit A.

Declaring that the above activities are statutorily exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15273(a)(1) because they constitute the establishment and modification of fees which the City Council hereby finds are for the purpose of meeting operating expenses.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-333: (Continued)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/2/2007, NR&C voted 3 to 0 to forward to the full City Council. (Councilmembers Peters, Faulconer, and Frye voted yea. Councilmembers Maienschein and Hueso not present.)

SUPPORTING INFORMATION:

This action would approve ESD's revised Fee Schedule and Regulations for the Miramar Landfill, effective January 1, 2008. The proposed, revised fee schedule includes (1) increases to flat rate fees, special handling fees, and administrative fees; (2) an automatic, annual rate adjustment for those fees based on the Consumer Price Index (CPI) rounded up to the next \$1.00; (3) delegation of authority to the Mayor to adjust and post prices for the sale of greenery commodities; (4) reactivation of the Construction and Demolition (C&D) waste surcharge; and (5) revision and clarification of language pertaining to assessment of waste disposal fees and regulations, including the treatment of transfer trailer loads from transfer stations. The reasons for these revisions are described in detail in the accompanying Report to Council No. 07-170.

FISCAL CONSIDERATIONS:

The adjustments of the Flat Rate Fees, Special Handling/Administrative fees, Commodity prices, and the C&D Surcharge will impact Refuse Disposal Fund (RDF), Recycling Fund (RF), and General Fund (GF) revenues. Increased RDF revenue is associated with the Miramar Landfill tipping fees. Increased RF revenue is associated with the AB 939 Fee. Increased GF revenue is associated with the Refuse Collector Business Tax.

The Self-Haul Fee adjustment will result in an estimated increase in FY 2008 revenues as follows: \$700,000 in the RDF, \$200,000 in the RF, \$20,000 in the GF. The estimated increase FY 2009 revenues are as follows: \$2.5M in the RDF, \$500,000 in the RF, and \$20,000 in the GF.

The Special Handling/Administrative Fees will result in an estimated increase in FY 2008 RDF revenue of \$5,000 and an estimated increase in FY 2009 RDF revenue of \$10,000.

Authorizing ESD to respond to market forces when determining Miramar Greenery commodity prices will result in an estimated increase of FY 2008 RDF revenue of \$65,000 and an estimate increase in FY 2009 RDF revenue of \$130,000.

The reactivation of the C&D surcharge will discourage/divert C&D material generated outside of City limits from disposal at the Miramar Landfill however the variables that would be used to provide an estimated projection of revenue/fiscal impacts resulting from this surcharge are too numerous to perform such analysis. Therefore this report is silent on projected revenue impacts that may result from reactivation of the C&D surcharge and we will have to return with a report in the future after analyzing the actual results.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-333: (Continued)

SUPPORTING INFORMATION:

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Last fee schedule ratification April 2003.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Notices of the changes to fees and operation hours will be posted in advance at the Miramar Landfill (Fee Booth Operations, Greenery Section) along with distribution of flyers. Information regarding all changes will also be available on the Environmental Services Department's web page.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

City and Non-City Residents and Businesses; Franchised Haulers; and Refuse Disposal, Recycling, and General Funds.

Heap/Haas

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-334: Automated Refuse Container Replacement Fee.

[?View referenced exhibit back-up material.](#)

(See Report to the City Council No. 07-168; Report to the City Council No. 07-192 [not available at Committee]; memorandum from the City Attorney dated 10/16/2007; and Environmental Services Department's 10/24/2007, PowerPoint.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-396)

Amending the City's existing automated refuse container policy to return responsibility to the individual, eligible City resident or small business customer to furnish approved replacement automated refuse containers at the customer's own expense;

Authorizing the Mayor to establish a cost recovery fee for replacement automated refuse containers to be charged to customers who choose to acquire replacement automated refuse containers from the City, in accordance with the Cost Analysis and Fee Calculation prepared by the Environmental Services Department and attached as Exhibit B to Report to City Council No. 07-192;

Revising the Automated Container Policy and Fee Schedule to provide for fee increases to recover specific current costs of container acquisition, replacement, handling, and delivery, as set forth in the Automated Container Policy attached as Exhibit A to Report to City Council No. 07-192;

Directing the City Clerk to amend the Ratebook of City Fees and Charges to include the new automated container program fees described above;

Authorizing the City Auditor and Comptroller to deposit the replacement automated refuse container fees, including any corresponding delivery fees, into Automated Refuse Container Fund No.10509, to be used for the purposes of administering the replacement automated refuse container program;

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-334: (Continued)

Authorizing the City Auditor and Comptroller, on advice of the administering department, to transfer funds, annually or as often as deemed necessary, from the Automated Refuse Container Fund No. 10509, to the appropriate accounts to offset costs incurred in the General Fund to purchase, deliver, repair, and/or replace automated refuse containers and to administer the Automated Refuse Container Replacement Program;

Receiving the Automated Refuse Container Replacement Fee Report to the City Council and the Cost Analysis and Fee Calculation. That the Council hereby receives the revised Environmental Services Department Regulation entitled Automated Container Policy, which will be promulgated pursuant to San Diego Municipal Code Sections 66.0124, 66.0126, and 66.0127;

Declaring that the above activities are statutorily exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15273(a)(1) because they constitute the establishment and modification of fees which the City Council hereby finds are for the purpose of meeting operating expenses.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/2/2007, NR&C voted 3 to 0 to forward to the full City Council. (Councilmembers Peters, Faulconer, and Frye voted yea. Councilmembers Maienschein and Hueso not present.)

SUPPORTING INFORMATION:

This action would revise the Automated Container Policy and Fee Schedule to return responsibility to eligible customers of City-provided refuse collection services to furnish replacement automated refuse containers at their own expense. Customers would have the option of purchasing a replacement automated refuse container from the City or acquiring an approved container from a retailer or other legal source. The City would continue to provide the initial automated refuse container to a newly constructed housing unit at the City's expense. This action would revise the Automated Container Fee Schedule to reflect the current costs of container acquisition and associated container services, establish a fee for a replacement container and adjust the optional delivery costs for automated black refuse containers. This action does not affect fees for blue recycling containers or green recycling containers.

This fee adjustment will provide mitigation for anticipated fiscal impacts to the General fund associated with the proposed Construction and demolition (C&D) Ordinance and the Citywide Recycling Ordinance (CRO).

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-334: (Continued)

SUPPORTING INFORMATION: (Continued)

Under this fee proposal, customers using their first City-provided automated container for refuse collection would continue to use that container as long as it was serviceable. However, customers would be responsible for furnishing, at their expense, all automated refuse containers after the initial container. Thus, when the initial container is no longer serviceable and out of warranty; lost or stolen, the customer will be responsible for replacing it with another approved automated refuse container. The fee charged for replacement of City-provided refuse containers under warranty would be prorated based on the years the container had been in use as a percentage of its ten year expected useful life.

Residents may obtain approved containers from commercial sources, other legal private sources or through the Environmental Services Department (ESD). The City will not be responsible for warranty claims related to containers obtained from other than the ESD. Consistent with existing policy and the People's Ordinance, use of other than City-approved automated containers would constitute grounds for temporarily suspending City-provided refuse collection services until an approved container is furnished and/or denial of any damage claims associated with that container.

FISCAL CONSIDERATIONS:

The proposed C&D Ordinance is anticipated to result in both increased costs and reduced revenues for the General fund from the diversion of C&D material from Miramar Landfill. The fiscal impact to the General Fund of the C&D Ordinance is estimated to be \$300,000 per year, beginning in FY 2009. The Automated Refuse Container Replacement fee is anticipated to generate approximately \$500,000 in FY 2008 with an effective date of January 1, 2008, and approximately \$1 million per fiscal year, and increasing thereafter, depending on the failure rate of containers and the number of customers who choose to acquire a replacement container from the City.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

As required for a revision of City fees, public notice will have been placed in The Daily Transcript 10 days prior to the City Council meeting at which this item is heard. The community will have this opportunity to make public comment about the changes in fees.

Additionally, ESD will provide information on the fee changes on our web site, in presentations to community groups, in a fact sheet provided to the public, in a press release and in response to inquiries to our customer service call center. A limited number of customers will be affected at the onset of the fee changes so a large public response is not anticipated.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-334: (Continued)

SUPPORTING INFORMATION: (Continued)

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The Key Stakeholders in this proposed action are the residents of the City of San Diego. The revised container policy, new replacement automated refuse container fee, and other container-related fee increases will affect all residents by providing revenue reimbursement to the general fund equal to the cost of providing replacement automated refuse containers over time and delivering containers. The return to the policy of resident responsibility for obtaining an approved refuse container at their own expense to take advantage of the City's residential refuse collection service at no additional fee will gradually impact these residents over time. However, the cost of the fee for use of an approved container at \$70 amounts to just \$7 per year, less than \$.60 per month.

Heap/Haas

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-335: Construction and Demolition (C&D) Debris Diversion Deposit Ordinance Implementation.

[?View referenced exhibit back-up material.](#)

(See Report to the City Council No. 07-169 [not available at Committee]; Independent Budget Analyst Report No. 07-101; and Environmental Services Department's 11/2/2007, PowerPoint.)

TODAY'S ACTION IS:

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

Subitem-A: (O-2008-47)

Introduction of an Ordinance amending Chapter 6, Article 6, Division 6, of the San Diego Municipal Code by amending Sections 66.0601, 66.0602, 66.0604, 66.0606, 66.0607, and 66.0608, all relating to Diversion of Construction and Demolition Debris. This ordinance amends the Construction and Demolition Debris Diversion Deposit Program. Pursuant to the amendments, deposits will be required beginning 45 days after notice that a certified recycling facility is operating within 25 miles of downtown San Diego at a 50% diversion rate or by July 1, 2008, whichever is later. Recycling facility certification guidelines may be appealed to the Mayor or designee. Deposits would be paid at the time a building permit or a demolition/removal permit is issued. The minimum deposit would be increased to \$200.

Subitem-B: (R-2008-398)

Approving the revised deposit schedule for the City's Construction and Demolition Debris Diversion Deposit Program attached hereto as Exhibit A;

Declaring that this activity is not a project and therefore is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378(b)(4) because this activity constitutes government fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant impact on the environment.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:
(Continued)

ITEM-335: (Continued)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/2/2007, NR&C voted 3 to 0 to forward the Construction and Demolition Ordinance to the full City Council and include language to reflect that in order to receive the deposit, a person/business would be required to show a receipt of where they dumped their C&D materials. Also, add language stating that residents and non-residents who have been affected by the 2007 fires would not be required to pay the surcharge for C&D, but the fees associated with C&D would begin January 1, 2008. (Councilmembers Peters, Faulconer, and Frye voted yea. Councilmembers Maienschein and Hueso not present.)

SUPPORTING INFORMATION:

At present, the C&D Ordinance adopted by the City Council on October 10, 2005 becomes effective 45 days after public notice that a mixed C&D facility is operating in the City. Because no mixed C&D facility exists in the City, the Ordinance is not active. The purpose of the C&D Ordinance is to encourage the recycling of C&D debris so as to maintain at least the 50% waste diversion rate mandated by state law and to extend the life of Miramar Landfill. The City's CY 2005 waste diversion rate was 52%. ESD planned on building a mixed C&D recycling facility at the Miramar Landfill to open in summer/fall 2006. Based on the responses, to the RFP, ESD would have had to subsidize the facility so that the cost to landfill users would be the same for both mixed C&D recycling and refuse disposal. This subsidy would have been in addition to the other fiscal impacts which would result from implementation of the C&D Ordinance as noted in the Fiscal Considerations section of this report.

The contract award for the City's proposed C&D facility was postponed in order to better evaluate the predicted, significant adverse fiscal impacts on ESD fund balances from the facility. In the interim, the private sector started to respond to this market opportunity by developing local mixed C&D infrastructure. For example, the SANCO (EDCO) facility in Lemon Grove opened in January 2007, and two additional mixed C&D recycling facilities are proposed to be developed in the near future. With the opening of the private SANCO facility just outside City limits, which can accommodate the expected volume of mixed C&D to be generated within the City, a facility at Miramar Landfill is not needed at this time. Relying on private C&D infrastructure also would mean that users of the Miramar Landfill would not be subsidizing the cost of developing or operating a public facility.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:
(Continued)

ITEM-335: (Continued)

SUPPORTING INFORMATION: (Continued)

The proposed amendments to the C&D Ordinance would (1) replace the existing trigger by requiring deposits and submittal of C&D recycling plans beginning 45 days after public notice of a certified recycling facility operating within 25 miles of downtown San Diego or beginning July 1, 2008, whichever is later; (2) provide that appeals of the proposed recycling facility certification regulations be made to the Mayor or designee; (3) require diversion deposits to be paid at the time of issuing the building permit or demolition/removal permit; and (4) increase the program exemption for minimum diversion deposits from \$100 to \$200 to coincide with the proposed revised deposit schedule. The accompanying revised deposit schedule would double the original deposit amounts and allow for 45 working days instead of 30 working days to refund deposits after full and complete refund applications are received.

FISCAL CONSIDERATIONS:

The total FY 2008 fiscal impact is estimated to be \$200,000, all of which will be in the Recycling Enterprise Fund. These are education and outreach costs for the Ordinance, staffing costs, and information technology costs for modifying DSD's permitting system to incorporate the deposit process.

The total FY 2009 fiscal impact is estimated to be \$4.1M, and is broken down by fund as follows: \$3.1M in reduced Refuse Disposal Fund tipping fee revenues associated with C&D tonnage diverted from Miramar Landfill; \$600,000 in reduced Recycling Fund AB939 Fee revenues associated with C&D tonnage diverted from Miramar Landfill and costs for a proposed staffing increase of 3.50 FTE to implement the Ordinance; \$300,000 in increased costs (due to higher tipping fees at a mixed C&D recycling facility than disposal fees at Miramar Landfill) and reduced RCBT revenues in the General Fund associated with recycling C&D tonnage; and \$100,000 in increased costs to other City enterprise fund departments for recycling C&D tonnage (due to higher tipping fees at a mixed C&D recycling facility than disposal fees at Miramar Landfill).

The total estimated fiscal impact for FY 2010 and annually thereafter is \$8M, and is broken down by fund as follows: \$7M in reduced Refuse Disposal Fund tipping fee revenues associated with C&D tonnage diverted from Miramar Landfill; \$600,000 in reduced Recycling Fund AB939 Fee revenues associated with C&D tonnage diverted from Miramar Landfill and ongoing costs for the aforementioned proposed 3.50 FTE; \$300,000 in increased costs (due to higher tipping fees at a mixed C&D recycling facility than disposal fees at Miramar Landfill) and reduced RCBT revenues in the General Fund associated with recycling C&D tonnage; and \$100,000 in increased costs to other City enterprise fund departments for recycling C&D tonnage (due to higher tipping fees at a mixed C&D recycling facility than disposal fees at Miramar Landfill).

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:
(Continued)

ITEM-335: (Continued)

SUPPORTING INFORMATION: (Continued)

Simultaneously with this proposal, ESD also is recommending (1) increasing the flat rate (self haul vehicles) disposal fees at Miramar Landfill and (2) implementing a revision to the refuse container fee regulations to require customers to furnish their own replacement automated refuse container, when their initial City-provided container is no longer serviceable, either by purchasing one from the City or from commercially available sources. These two proposals are being recommended for reasons described in two separate Reports to Council and stand alone, but will offset some of the FY 2008 and FY 2009 fiscal impacts to the General Fund, Recycling Enterprise Fund, and Refuse Disposal Enterprise Fund from triggering the C&D Ordinance.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Issues related to the need to divert additional C&D tonnage from the landfill and the Ordinance have previously been discussed before City Council, including a September 19, 2005 City Council meeting discussion on the C&D ordinance, and other City Council and Natural Resources and Culture Committee (NR&CC) meetings related to a draft C&D ordinance, the City Council Policy on C&D Recycling, the Ordinance, and the proposed C&D facility.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The concept of a C&D recycling ordinance was first publicly discussed during the City Manager's Committee on Construction and Demolition Material Recycling, which convened from August - October 2003. The purpose of this committee was to develop a C&D recycling ordinance. There was additional community participation and outreach associated with the City Council Policy that was developed as a result of the City Manager's Committee, and, the C&D Ordinance that was developed and adopted at a later date. Efforts included outreach to, and meetings with, stakeholders, and related presentations given to the NR&CC and City Council.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders associated with this item include the City's Non-Exclusive Franchised Solid Waste Haulers, San Diego County Disposal Association, Building Industry Association of San Diego County, Associated General Contractors of America, San Diego Regional Chamber of Commerce, San Diego County Taxpayers Association, US Green Building Council, California Resource Recovery Association, San Diego County Integrated Waste Management Citizens Advisory Committee, Sierra Club, Audubon Society, Solana Center for Environmental Innovation, and individual residents who support recycling and waste diversion. The implementation of the Ordinance will extend the life of the Miramar Landfill and assist the City in maintaining AB 939 waste diversion mandates.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCES TO BE INTRODUCED:

NOTE: This item may be taken in the morning session if time permits.

ITEM-336: Amending the San Diego Municipal Code to Make Corrections to the San Diego Tourism Marketing District Procedural Ordinance.

[?View referenced exhibit back-up material.](#)

CITY ATTORNEY'S RECOMMENDATION:

Introduce the following ordinance:

(O-2008-36)

Introduction of an Ordinance amending Chapter 6, Article 1, Division 25, of the San Diego Municipal Code, to make corrections to the San Diego Tourism Marketing District Procedural Ordinance, by amending Sections 61.2504, 61.2506, 61.2507, 61.2508, 61.2510, 61.2512, 61.2515, 61.2516, 61.2518, 61.2519, 61.2520, 61.2522, 61.2523 and repealing Section 61.2511, all relating to procedures for establishing a Tourism Marketing District.

SUPPORTING INFORMATION:

The San Diego Tourism Marketing District Procedural Ordinance was introduced on May 8, 2007, was approved on second reading on May 22, 2007 and became effective on June 29, 2007. The proposed amendments to the San Diego Municipal Code would correct several erroneous citations to other sections of the Ordinance that arose in the final drafting and codifying of the document. In addition, the Treasurer's Office has requested that San Diego Municipal Code Section 61.2518 regarding exemptions be amended to be more consistent with the language in regarding exemptions from the Transient Occupancy Tax (TOT). The definition of "district management plan" is also clarified, as well as Section 61.2507 regarding the implementation of the management plan. The language in Section 61.2510 regarding "formation" of a tourism marketing district is changed to more clearly state that the Council would be approving the "establishment" of such an entity. Section 61.2511 would be repealed as its elements repeat many provisions already included in 61.2510. Section 61.2519 would be clarified and Section 61.2520 would be edited to address concerns raised by the Independent Budget Analyst (IBA). Section 61.2522 clarifies the procedure to be established for the modification of the district plan.

FISCAL CONSIDERATIONS:

None with this action.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

ITEM-336: (Continued)

SUPPORTING INFORMATION: (Continued)

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Staff of City Planning and Community Investments conducted extensive outreach with the tourism industry prior to the enactment of the Procedural Ordinance. The effort included appearances before the Hotel/Motel Association, the Lodging Industry Association and the Greater San Diego Chamber of Commerce.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The San Diego County Hotel-Motel Association, the Lodging Industry Association, and other tourism development entities, including the San Diego Convention and Visitors Bureau and the North County Convention and Visitors Bureau.

Sachs/Anderson

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

NOTE: This item may be taken in the morning session if time permits.

ITEM-337: Public Meeting on the Proposed Establishment of a Tourism Marketing District Pursuant to the Tourism Marketing District Ordinance.

[?View referenced exhibit back-up material.](#)

(Scheduled pursuant to City Council's Approval of Intent to Establish a Tourism Marketing District on October 15, 2007, Item 205.)

STAFF'S RECOMMENDATION:

Hold a public meeting in order to take testimony on the establishment of the Tourism Marketing District and the levying of assessments.

STAFF SUPPORTING INFORMATION:

This is a public meeting on the Tourism Marketing District as authorized by City Council at the City Council meeting of October 15, 2007.

At the October 15, 2007 meeting, the City Council:

1. Approved the Tourism Marketing District Management Plan;
2. Declared the intent to establish Tourism Marketing District (TMD) and to levy assessments for the TMD for a maximum of 5 years and set a noticed public meeting date of November 20, 2007, and set December 3, 2007, as the noticed public hearing date for counting ballots and considering protests, and directed that the notice to affected businesses shall include a ballot whereby businesses may indicate their support of or opposition to the proposed assessment.

On the third Council date, scheduled for the City Council Meeting of December 3, 2007, the City Council will:

1. Hold a public hearing and permit testimony in support of or in opposition to the proposed assessment and at the conclusion of the hearing direct City Clerk to count the ballots.
2. If the ballots favor the levying of the assessments, establish the TMD and authorize the levying of the assessment.
3. Authorize the Mayor to execute an agreement with the non-profit representing the assessed businesses for management of the Tourism Marketing District.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)EXECUTIVE SUMMARY:

Representatives from the hotel industry approached City officials about implementing a Tourism Marketing District in mid-2005. Industry representatives were interested in developing a new source of revenue for marketing and promotion in order to retain and expand the tourism industry in San Diego. The tourism industry is the third largest revenue generator for the San Diego economy and a key employment sector. However, future growth of the industry is dependent on additional marketing of San Diego, especially as more hotel rooms come on-line. Maintaining or increasing hotel occupancy rates will also result in enhanced TOT revenues to the City.

Earlier this year, the Tourism Marketing District Procedural Ordinance was adopted. This ordinance outlines the process for forming a Tourism Marketing District. It requires that a TMD Management Plan be developed and that petitions be obtained in support of the district (and the TMD Management Plan) from hotels representing more than 50% of the proposed assessments in order to bring the matter to City Council. The TMD Management Plan (Attachment A) and petition was developed and distributed to 175 businesses (hotels) with 70 or more sleeping rooms. As of September 27, 2007, City Treasurer staff received and verified petitions in support of establishing a Tourism Marketing District from businesses representing more than 50% of the total proposed annual assessments.

As required by the Tourism Marketing District Procedural Ordinance, the establishment of the TMD is being brought to the City Council. Furthermore, if the Council declares its intention to establish the TMD and levy the assessment then the TMD Procedural Ordinance requires that a mailed ballot procedure be conducted by City staff and counted by the City Clerk to determine if a majority protest exists. If the San Diego Tourism Marketing District is established and is successful then the affected hotels could vote to extend the district at the end of the initial five (5) year period, if not then the district would lapse of its own accord.

FISCAL CONSIDERATIONS:

If the TMD is established then it is anticipated that the City will collect approximately \$25 million of TMD assessments annually which will then be disbursed back to the TMD non-profit on a reimbursement basis. Actual costs incurred by the City in administering the TMD program, but not to exceed \$300,000 annually plus a cost escalator, will be recouped from the TMD assessments. In FY 2008, approximately \$5.3 million will be reimbursed to the City from the TMD assessments for certain FY 2008 citywide TOT allocations.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

Additionally, the City will be reimbursed for initial start-up costs not to exceed \$60,000. On an on-going basis, for the term of the TMD, the City would no longer provide annual funding of approximately \$10 million to the San Diego Convention and Visitors Bureau and other tourism-related organizations since funding would be provided through the Tourism Improvement District assessments rather than being funded by the City with TOT funds.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On July 19, 2006, an information only presentation was made to the Budget and Finance Committee by the San Diego Lodging Industry Association on the status of the proposed Tourism Marketing District. The TMD Procedural Ordinance was introduced at Council and had a second reading in May 2007. The ordinance was added to the SDMC on May 30, 2007 and became effective on June 29, 2007. On October 15, 2007, the City Council approved actions for the establishment of the TMD, including the TMD Management Plan and directing staff to notice the affected businesses and send a ballot whereby businesses may indicate their support of or opposition to the proposed assessment.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Both the Lodging Industry Association and the San Diego County Hotel-Motel Association have participated in the preparation of all Tourism Marketing District documents. Mr. Scott Kessler has addressed industry participants at monthly meetings of the San Diego County Hotel-Motel Association and at committee meetings of the Greater San Diego Chamber of Commerce. Meetings have also been held with representatives of the San Diego Convention and Visitors Bureau to answer questions about the Tourism Improvement District concept. Adopting the resolution of intent will require staff to notice the affected hotel business owners of the public hearings and cause a mailed ballot to occur to determine if there is a majority protest.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders are the hotels in San Diego with 70 or more rooms that would be required to pay the TMD assessment.

Kessler/Anderson/MDB

Staff: Scott Kessler – (619) 236-6405
Alex Sachs – Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-338: West Ocean Beach Park Units. An appeal of Planning Commission's decision to approve the demolition of two one-story residential units, and construct seven three-story residential units in five detached buildings and a duplex; and to allow for a deviation from the regulations of the Municipal Code. (Ocean Beach Community Plan Area. District 2.)

[?View referenced exhibit back-up material \(Part 1 of 2\).](#)

[?View referenced exhibit back-up material \(Part 2 of 2\).](#)

Matter of the appeal by Patricia Housman of the Planning Commission's decision approving an application for a Coastal Development Permit (CDP), and Planned Development Permit (PDP) to allow the demolition of two existing, one-story residential units, and the construction of seven new, three-story residential units in five detached buildings and one duplex. The project also includes a request to allow for a deviation from the regulations of the Municipal Code to allow less than 50% of the length of the building façade on the ground floor to enclose habitable area on a 13,078 square-foot site. The property is located at 4824 -4836 West Point Loma Boulevard in the RM-2-4 Zone, Coastal Overlay Zone (appealable-area), Coastal Height Limit Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, and Ocean Beach Emerging Historic District within the Ocean Beach Precise Plan and Local Coastal Program Land Use Plan.

The final decision by the City of San Diego is appealable to the California Coastal Commission. Appeals to the Coastal Commission must be filed with the Coastal Commission at 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108. Phone: (619) 767-2370. Appeals must be filed within 10 working days of the Coastal Commission receiving a notice of final action from the City.

(See Report to Council No.-07-185. MND/CDP No.310804/ PDP No. 456171/ Project No. 95894.)

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-338: (Continued)

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A:

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision by the Planning Commission certifying that Mitigated Negative Declaration (MND) Project No. 95894 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 Administration Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City Council;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration is hereby approved;

That pursuant to California Public Resources Code, Section 21081.6, the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

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;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

Subitem-B:

Adoption of a Resolution granting or denying the appeal and granting or denying Coastal Development Permit No. 310804 and Planned Development Permit No. 456171, with appropriate findings to support Council action;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-338: (Continued)

STAFF'S RECOMMENDATION: (Continued)

Planning Commission on September 27, 2007 voted 5-0-2 to approve with added condition; no opposition.

Ayes: Naslund, Smiley, Griswold, Ontai, Otsuji

Not present: Schultz, Garcia

The Ocean Beach Planning Board has been notified of this project and has not taken a position.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

This is an appeal of the Planning Commission's decision to approve a Coastal Development Permit (CDP), and Planned Development Permit (PDP) to allow the demolition of two existing, one-story residential units, and the construction of seven new, three-story residential units in five detached buildings and one duplex, and to allow for a deviation from the regulations of the Municipal Code.

STAFF RECOMMENDATION:

DENY the appeal and APPROVE Coastal Development Permit No. 310804 and Planned Development Permit No. 456171, and CERTIFY Mitigated Negative Declaration No. 95894, and ADOPT the Mitigation, Monitoring, and Reporting Program.

EXECUTIVE SUMMARY:

The project site is located at 4824 - 4836 West Point Loma Boulevard within the Ocean Beach Precise Plan. The issue before the City Council is the appeal of the Planning Commission's decision to allow the demolition of two existing, one-story residential units, and the construction of seven new, three-story residential units in five detached buildings and one duplex, and to allow for a deviation from the regulations of the Municipal Code.

The property is developed with two single-family houses constructed in 1912 and 1914. City staff determined that neither of the structures is considered historically significant. The project site is surrounded by established single-family and multi-family residential developments to the west, east, south and open space park land to the north.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-338: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

The project site adjoins open space park land to the north and is within the First Public Roadway. The property slopes downhill from West Point Loma Boulevard to the rear lot line along the park frontage with a grade difference of approximately 11 feet.

A Coastal Development Permit is required to allow the demolition of the existing one-story, single-family houses and the construction of the proposed new seven dwelling units within the coastal zone. A Planned Development Permit is required to allow for a deviation to the regulations of the Municipal Code (SDMC Section 143.0403).

The requested deviation from the Municipal Code is to allow less than 50% of the length of the building façade on the ground floor to enclose habitable area per SDMC 131.0464(e)(3). In order to provide a project with the proposed small footprints and detached structures, the driveway configuration bisects the parcel to allow for vehicular access to all the detached cottages in the rear of the parcel. The front two structures exceed the 50% non-habitable area maximum by approximately six feet. Without this deviation, the design alternative at the same density would be a “box-like” form, increasing visual bulk and scale. This form would be out of character with the surrounding neighborhood.

An appeal of the Planning Commission's decision was filed asserting factual error, and city-wide significance (Attachment 13). Staff has provided a response to each issue in the City Council Report and continues to support the project.

FISCAL CONSIDERATIONS:

None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On September 27, 2007, the City of San Diego Planning Commission certified the Mitigated Negative Declaration and approved the proposed project.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Ocean Beach Planning Board met on May 2, 2007. During the meeting there were two motions presented concerning this property and neither one passed.

- The first motion was to approve the project as presented. The motion failed by a vote of 5-5-0.
- The subsequent motion was to deny the project as presented. This motion also failed by a vote of 5-5-0.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-338: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

Various board members noted that the proposed design typified the modern interpretation of the Ocean Beach cottage and was appropriate for the RM-2-4 zone. Various board members also expressed a primary concern that the project could be viewed as too much bulk near the main entrances to Ocean Beach.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Eric Otterson, Benedicte Otterson and George Vano, Owners.

Ricardo Torres, Golba Architecture /Applicant.

Anderson/Boekamp/LI

Staff: Laila Iskandar – (619) 222-2222

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

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT