

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, JULY 15, 2008, AT 10:00 A.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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

**OTHER LEGISLATIVE MEETINGS**

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7552.

Internet access to the agenda is available at:

<http://sdhc.net/AuthorityAgenMinRpts.shtml>

ITEM-300:

ROLL CALL.

**=== LEGISLATIVE SCHEDULE ===**

Special Orders of Business

- ITEM-30: 2008 San Diego 34<sup>th</sup> Annual Lesbian, Gay, Bisexual, Transgender (LGBT) Pride Month.  
MAYOR SANDERS', COUNCIL PRESIDENT PETERS',  
COUNCILMEMBER ATKINS', AND COUNCILMEMBER FRYE'S  
RECOMMENDATION: Adopt the resolution.
- ITEM-31: Lonnie Kitch Day.  
COUNCIL PRESIDENT PETERS', COUNCILMEMBER ATKINS',  
AND COUNCILMEMBER FRYE'S RECOMMENDATION: Adopt the resolution.
- ITEM-32: Broadway Heights Neighborhood Council Day.  
COUNCILMEMBER YOUNG'S RECOMMENDATION: Adopt the resolution.

**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)**

**REQUESTS 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 Agreement with T.Y. Lin International for the Seismic Retrofit of the North Harbor Drive Bridge Over Navy Estuary. (Peninsula Community Area. District 2.)  
STAFF'S RECOMMENDATION: Introduce the ordinance.  
**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.
- ITEM-51:           Extension of a Cooperative Agreement with Caltrans for Improvements Along State Route 15 in Mid-City. (Mid-City Community Area. District 3.)  
STAFF'S RECOMMENDATION: Introduce the ordinance.  
**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.
- ITEM-60:           Four actions related to the Municipal General Election: November 4, 2008.  
CITY CLERK'S RECOMMENDATION: Introduce and adopt the ordinances in Subitems A and B; and adopt the resolutions in Subitems C and D.
- ITEM-100:           Awarding a Contract to Nixon-Egli Equipment Company for the Purchase of Eight (8) High Dump Street Sweepers.  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-101:           15-Year Lease Agreement with the Associated Students of San Diego State University (SDSU) and the Regents of the University of California San Diego (UCSD) for the Mission Bay Aquatic Center. (Mission Bay Park Community Area. District 2.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-102:           Agreement with Brown Law Group to provide Legal Services in Connection with the Defense of *Mark Stiffler v. City of San Diego, et al.*  
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution.
- ITEM-103:           Authorizing Continued Retention of Latham and Watkins and Worley Schwartz Garfield & Prairie LLP to Provide Legal Services in Connection with the Defense of the City in the Case of the *People of the State of California and the City of San Diego v. Sunroad Centrum, L.P.*  
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution.

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

Adoption Agenda, Consent Items (Continued)

- ITEM-104: Grant from Fireman's Fund Heritage Program for Purchase of Two (2) Thermal Imaging Cameras and a Carbon Monoxide Monitoring Device.  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-105: Sale of Excess Right-of-Way to San Diego Unified School District.  
(Chollas View Community Area. District 4.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-106: Results of the June 3, 2008, Municipal Primary Election and the Special Municipal Election.  
CITY CLERK'S RECOMMENDATION: Adopt the resolution.
- ITEM-107: Resolution Supporting California Initiative 07-0041, The Prevention of Farm Animal Cruelty Act.  
COUNCILMEMBER FRYE'S RECOMMENDATION: Adopt the resolution.
- ITEM-108: Appointments to the Qualcomm Stadium Advisory Board.  
MAYOR SANDERS' RECOMMENDATION: Adopt the resolution.
- ITEM-109: Appointment and Reappointment to the Civil Service Commission.  
MAYOR SANDERS' RECOMMENDATION: Adopt the resolution.
- ITEM-110: Removal of Angle Parking on Louisiana Street. (Greater North Park Community Area. District 3.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-111: Assistant Chief Joel Bryden Day.  
COUNCIL PRESIDENT PETERS' AND COUNCILMEMBER ATKINS' RECOMMENDATION: Adopt the resolution.
- ITEM-112: Agreement with Parsons Commercial Technology Group Inc. for As-Needed Facilities Condition Assessments for Buildings and Associated Infrastructure.  
STAFF'S RECOMMENDATION: Adopt the resolution.

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

Adoption Agenda, Discussion, Other Legislative Items

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

ITEM-330: Fiscal Year 2009 Community Parking District Implementation Plan and Budget Review. (City Heights, College, Cortez Hill, Downtown, East Village, El Cajon Boulevard, Golden Hill, Hillcrest, Mid-City, Mission Hills, University Heights, and Uptown Community Areas. Districts 1, 2, 3, 7, and 8.)  
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-331: Ballot Measure: Proposition M Amendment Regarding Development Within the Pacific Highlands Ranch Subarea Plan.  
COUNCIL PRESIDENT PETERS' RECOMMENDATION: Take the actions.

ITEM-332: Submitting to the Voters a Ballot Proposition Amending the City Charter to Provide Deputy City Attorneys with Civil Service Protection.  
RULES, OPEN GOVERNMENT, AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION: On 6/25/2008, no action taken. Members of the Rules Committee asked that the Mayor and the City Attorney Meet and Confer on the issue.

ITEM-333: Submitting to the Voters a Ballot Proposition Amending the City Charter to Create a New Pension Plan for Future Non-Safety City Employees.  
RULES, OPEN GOVERNMENT, AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION: On 6/25/2008, Rules voted to forward the pension reform ballot proposal as presented by Council President Peters and Mayor Sanders.

ITEM-334: Ballot Proposition Amending the City Charter to Designate the Use of Lease Revenues from Mission Bay Park.  
RULES, OPEN GOVERNMENT, AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION: On 6/25/2008, Rules voted 5 to 0 to refer this item to the full City Council for consideration, with comments by the Rules Committee members noted.

=== LEGISLATIVE SCHEDULE (Continued) ===

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-335: Two Proposed Ballot Measures To Amend the City Charter To Eliminate the Salary Setting Commission and Establish a New Method To Set the Salaries of the Mayor and City Councilmembers.  
RULES, OPEN GOVERNMENT, AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION: On 5/28/2008, Rules voted 4 to 0 to direct the City Attorney to bring to Council two options for ballot measures related to modifying the salary setting process.

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

ITEM-336: Amendments to the San Diego Municipal Code Eliminating the Surplus Undistributed Earnings ("Waterfall") Relating to the City Employees' Retirement System. (Citywide.)  
COUNCIL PRESIDENT PETERS' RECOMMENDATION: Take one of the actions.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT

**=== EXPANDED CITY COUNCIL AGENDA ===**

SPECIAL ORDERS OF BUSINESS

ITEM-30: 2008 San Diego 34<sup>th</sup> Annual Lesbian, Gay, Bisexual, Transgender (LGBT) Pride Month.

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

**MAYOR SANDERS', COUNCIL PRESIDENT PETERS', COUNCILMEMBER ATKINS', AND COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-1157)

Recognizing the many civic contributions of the lesbian, gay, bisexual, and transgender (LGBT) community in San Diego County, and encouraging all people to share in the pride of our City's diverse citizenry by participating in the 34<sup>th</sup> Annual San Diego LGBT Pride community celebration, parade, festival, and arts and culture programs;

Proclaiming July 2008, to be "Lesbian, Gay, Bisexual, Transgender Pride Month" in the City of San Diego.

ITEM-31: Lonnie Kitch Day.

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

**COUNCIL PRESIDENT PETERS', COUNCILMEMBER ATKINS', AND COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-1202)

Commending Lonnie Kitch for an outstanding and impressive career in the San Diego Fire-Rescue Department;

Recognizing the importance of Lonnie's courageous service, and proclaiming July 15, 2008, to be "Lonnie Kitch Day" in the City of San Diego.



SPECIAL ORDERS OF BUSINESS (Continued)

ITEM-32: Broadway Heights Neighborhood Council Day.

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

**COUNCILMEMBER YOUNG’S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-1185)

Proclaiming July 15, 2008, to be “Broadway Heights Neighborhood Council 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)**

**REQUESTS 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 TO BE INTRODUCED:**

Items 50 and 51.

**ORDINANCES TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

Item 60

**RESOLUTIONS TO BE ADOPTED:**

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, and 112.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

- \* ITEM-50: Second Amendment to Agreement with T.Y. Lin International for the Seismic Retrofit of the North Harbor Drive Bridge Over Navy Estuary. (Peninsula Community Area. District 2.)

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

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2008-162)

Introduction of an Ordinance authorizing the Mayor to execute, for and on behalf of the City, a Second Amendment to the Agreement with T.Y. Lin International in an amount not to exceed \$150,857 to finalize the Plans and Specifications and to provide support during construction, for CIP-53-038.1, Seismic Retrofit of the North Harbor Drive Bridge over Navy Estuary (Project), under the terms and conditions set forth in the Agreement;

Authorizing the appropriation and expenditure of an amount not to exceed \$150,857 from Fund 387141, Highway Bridge Program (HBP) from CIP-53-038.1, Seismic Retrofit of the North Harbor Drive Bridge over Navy Estuary, solely and exclusively, for the purpose of executing the Second Amendment to the Agreement with T.Y. Lin International, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

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

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

**STAFF SUPPORTING INFORMATION:**

The North Harbor Drive Bridge which spans the mouth of the former Naval Training Center Boat Channel was built in 1975 and has been identified by Caltrans as a seismically deficient bridge. This Seismic Retrofit project would bring the bridge to current design standards. The proposed project would stabilize the two parallel bridges with reinforcement and infilling of the bridge archways without changes to the bridge-platform or the height of the span.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

## ORDINANCES TO BE INTRODUCED: (Continued)

\* ITEM-50: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

The proposed project would require the driving of 180 new 24-inch piles and concrete support piers with expanded pier caps. Additional work would include replacement of deteriorating concrete and steel, expansion joints, shear keys, and restrainer units.

The original Consultant Agreement with T.Y. Lin International provided professional services for two projects: North Harbor Drive Bridge over Navy Estuary and West Mission Bay Drive Bridge over Mission Bay Channel. T.Y. Lin International's original Agreement (including the First Amendment to Agreement) was for a total of \$321,730, of which \$154,835 was for North Harbor Drive Bridge and \$166,895 was for West Mission Bay Drive Bridge. This request for the Second Amendment to Agreement is needed to finalize the design and provide support during construction for \$150,857 for North Harbor Drive Bridge and will increase the total contract with T.Y. Lin International to \$472,587. This action does not include any work on West Mission Bay Drive Bridge.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: Caltrans Highway Bridge Program and State Transportation Improvement Program

Goals: 15% Voluntary (MBE/WBE/DBE/DVBE/OBE)

Subconsultant Participation: Previously approved agreement amount of \$321,730, the subconsultant participation was \$30,000 DBE (9.32%) and \$52,000 Other Firm (16.16%) (see EOCP evaluation for breakdown). For this amendment of \$150,857, the subconsultant participation is \$9,807 DBE (6.50%) and \$7,920 Other Firm (5.25%). Total Consultant Agreement with this amendment is \$472,587, the subconsultant participation is \$39,807 DBE (8.42%) and \$59,920 Other Firm (12.68%).

Other: Workforce Report Submitted - Equal Opportunity Plan required. Staff will monitor plan and adherence to Nondiscrimination Ordinance.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

\* ITEM-50: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

FISCAL CONSIDERATIONS:

The total fee for providing services under this Amendment is \$150,857. Total Consultant Agreement will be \$472,587. Funds are available in Fund 387141, Highway Bridge Program (HBP), CIP-53-038.1, Seismic Retrofit of the North Harbor Drive Bridge over Navy Estuary Project.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- April 28, 1997, Resolution #R-288577, Accepting Program Supplement No. 11-5004.
- April 28, 1997, Resolution #R-288579, Agreement with McDaniel Engineering Company (now T.Y. Lin International McDaniel).
- August 5, 2002, Resolution #R-296943, Accepting Modification to Program Supplement No. 11-5004.
- January 7, 2003, Resolution #R-297508, First Amendment to the Agreement with T.Y. Lin International McDaniels.
- August 5, 2004, Resolution #R-29644, Certified the Mitigated Negative Declaration (MND) LDR File No. 98-0235 for the North Harbor Drive Bridge over Navy Estuary.
- February 19, 2008, Resolution #R-303397, Accepting Modification to Program Supplement No. 11-5004.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This project has coordinated with The Corky McMillin Companies, Naval Base Point Loma and San Diego Unified Port District.

KEY STAKEHOLDERS:

Federal Highway Administration (FHWA); California Department of Transportation (Caltrans); T.Y. Lin International; J. Muller International; Earth Mechanics, Inc.; Geomatrix Consultants.

Boekamp/Jarrell

Aud. Cert. 2800817.

Staff: Marnell Gibson - (619) 533-5213  
Ryan Kohut - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

- \* ITEM-51: Extension of a Cooperative Agreement with Caltrans for Improvements Along State Route 15 in Mid-City. (Mid-City Community Area. District 3.)

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

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2008-167)

Introduction of an Ordinance authorizing the Mayor to execute an amendment to a Cooperative Agreement with Caltrans for improvements along State Route 15 in Mid-City, extending the termination of the Agreement by one year to June 30, 2009, under the terms and conditions set forth in the Agreement;

Declaring that this activity is exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3).

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

**STAFF SUPPORTING INFORMATION:**

On February 9, 2004, the City and Caltrans entered into an Agreement to provide bicycle/pedestrian improvements along State Route 15 in Mid-City from Park de la Cruz to Mission Valley. One portion of the project was a bike path along SR-15 from Adams Avenue to Camino del Rio South. The second portion of the project was a shared bicycle/pedestrian path along the east side of SR-15 from Adams Avenue to Landis Street. Because the bike path from Adams Avenue to Mission Valley was the largest and most complex part of the project, it was the focus of the majority of the planning and preliminary design work. However, the possible expansion of SR-15 created funding and right-of-way issues, and the path from Adams Avenue to Mission Valley has been postponed until these issues can be resolved.

Therefore, the original project scope has subsequently been modified to include only the portion of the project between Adams Avenue and Landis Street. City Engineering staff is currently designing the revised project (State Route 15 Bikeway, CIP-58-127.0), which includes signage and striping, landscaping, and three bicycle/pedestrian connections between cul-de-sacs. Design will be complete this summer, with construction anticipated to begin in December 2008.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

\* ITEM-51: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

The original termination date for the Agreement was June 30, 2006. On May 17, 2006, by Mayoral Action, the City and Caltrans entered into an Agreement to extend the termination date to June 30, 2008. This action was necessary because of the complexity of the Mission Valley connection. Caltrans is requesting that the termination date be extended one year to June 30, 2009, to allow for completion of the remaining portion of the project. According to the City Attorney, because this action will extend the Agreement beyond five years duration, Council approval via ordinance is required.

**FISCAL CONSIDERATIONS:**

None with this action.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

Council approved the SR-15 Improvements Agreement on February 9, 2004.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

There was extensive community participation during the planning and design phases of State Route 15 through Mid-City.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

Caltrans, residents of the Mid-City community, and bicyclists and pedestrians along the SR-15 corridor are the key stakeholders in this action.

Boekamp/Jarrell

Staff: Deborah Van Wanseele - (619) 533-3012

Michael P. Calabrese - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING  
AND ADOPTION WITH RESOLUTIONS TO BE ADOPTED:

\* ITEM-60: Four actions related to the Municipal General Election: November 4, 2008.

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

**CITY CLERK'S RECOMMENDATION:**

Introduce and adopt the following ordinances in Subitems A and B; and adopt the resolutions in Subitems C and D:

Subitem-A: (O-2008-168)

Introduction and adoption on an Ordinance calling a Municipal Special Election in the City of San Diego on Tuesday, November 4, 2008, for the purpose of submitting to the qualified voters of the City one or more ballot propositions; and consolidating the Municipal Special Election with the California Statewide General Election to be held on the same date.

**NOTE:** Subitem A is not subject to the Mayor's veto.

Subitem-B: (O-2008-169)

Introduction and adoption on an Ordinance calling a Municipal General Election in the City of San Diego on Tuesday, November 4, 2008; and consolidating the Municipal General Election with the California Statewide General Election to be held on the same date.

**NOTE:** Subitem B is not subject to the Mayor's veto.

Subitem-C: (R-2008-1188)

Adoption of a Resolution requesting the consolidation of a Municipal Special Election to be held in the City of San Diego on November 4, 2008, with the Statewide General Election to be held on the same date.

**NOTE:** Subitem C is not subject to the Mayor's veto.



ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING  
AND ADOPTION WITH RESOLUTIONS TO BE ADOPTED: (Continued)

\* ITEM-60: (Continued)

Subitem-D: (R-2008-1189)

Adoption of a Resolution requesting the consolidation of a Municipal General Election to be held in the City of San Diego on November 4, 2008, with the Statewide General Election for the offices of City Attorney and Councilmember for Districts 1, 3, and 7, to be held on the same date.

**NOTE:** Subitem D is not subject to the Mayor's veto.

**SUPPORTING INFORMATION:**

This is to request that the City Council adopt ordinances calling a Municipal General Election and a Municipal Special Election as well as resolutions requesting the consolidation of these elections with the Statewide General Election to be held on November 4, 2008. The resolutions for both the Municipal General and Municipal General Election requesting consolidation include a request for the services of the Registrar of Voters.

The Municipal General Election will be held for the purpose of conducting elections for City Attorney, and Councilmembers for Districts 1, 3, and 7. The Municipal Special Election will be held for the purpose of conducting elections for any and all propositions the Council approves for placement on the ballot.

**FISCAL CONSIDERATIONS:** N/A

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:** N/A

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:** N/A

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:** N/A

Maland

Aud. Cert. 2900002.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- \* ITEM-100: Awarding a Contract to Nixon-Egli Equipment Company for the Purchase of Eight (8) High Dump Street Sweepers.

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

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-1148)

Authorizing the Mayor, or his designee, to award a contract with Nixon-Egli Equipment Company for the purchase of eight (8) High Dump Street Sweepers in accordance with the form, in an amount not to exceed \$1,546,716.74;

Authorizing the expenditure of an amount not to exceed \$1,546,716.74 from Fund No. 100, General Services Department 533, solely and exclusively, to provide funds for this contract and related costs;

Declaring that the above activity is not a project and therefore is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3).

**STAFF SUPPORTING INFORMATION:**

In order to comply with the storm water permit requirements (Permit No. CAS 0108758, Section D.3.a.(5)(b)), General Services Department, Street Division, in coordination with the Storm Water Division, is implementing an enhanced level of street sweeping along existing, non-posted routes using motorized sweepers. The purchase of the eight motorized sweepers would allow the City to increase the sweeping frequency for residential streets from bi-monthly to at least once per month and would allow for an enhanced level of sweeping in commercial and industrial routes.

The bid closing date was March 6, 2008; fourteen (14) bids were mailed; three (3) vendors responded. In addition to the recommended vendor's bid, two bids were at a higher cost as follows: (1) Kelly Equipment @ \$197,721.25 - higher price by \$4,388.66, and (2) Haaker Equipment - higher price by \$6,519.96.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-100: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

EQUAL OPPORTUNITY CONTRACTING:

This agreement is subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-18173, Sections 22.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

FISCAL CONSIDERATIONS:

The total cost for this action is \$1,546,716.74 and is available in General Services Department (533) Fund 100.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Nixon-Egli Equipment Company

Sierra/Jarrell

Aud. Cert. 2800875.

Staff: Mary Wolford - (619) 527-7515

Thomas C. Zeleny - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-101: 15-Year Lease Agreement with the Associated Students of San Diego State University (SDSU) and the Regents of the University of California San Diego (UCSD) for the Mission Bay Aquatic Center. (Mission Bay Park Community Area. District 2.)

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

(See Report to the City Council No. 08-098; and Natural Resources and Culture Committee Meeting minutes of January 20, 1999.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-1170)

Authorizing the Mayor, or his designee, to execute a 15-year lease, with one 10-year option to extend, with the Associated Students of SDSU and the Regents of UCSD for operation of the Mission Bay Aquatic Center located at 1001 Santa Clara Place in Mission Bay Park.

**STAFF SUPPORTING INFORMATION:**

In September 1975, the Associated Students of SDSU, and the Regents of the UCSD (collectively, "Lessee"), entered into a 25-year lease with the City for 0.534 acres of improved property located at 1001 Santa Clara Place in Mission Bay Park and known as the Mission Bay Aquatic Center. Renovation of the existing 12,500 sq. ft. City-owned building was the consideration for the lease. The Lessee operates the property as a collegiate aquatic rowing center, offering instruction in rowing, sailing, waterskiing, surfing, scuba diving, small boat handling, navigation, and other aquatic related activities for students and faculty members of 36 San Diego County area colleges and universities, and for the general public.

The original lease term expired in September 2000, and the agreement was placed on month-to-month holdover. Prior to this in 1999, the Natural Resources and Culture Committee had authorized staff to enter into exclusive negotiations with the Lessee for a new lease.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-101: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

Following protracted negotiations, a 15-year lease with the option for an extension of a further 10 years has been agreed. The Lessee will invest approximately \$432,500 into the property on the installation of a solar electric generating system and remodeling the restrooms and showers to meet ADA requirements. The work will be completed this year. Throughout the new lease term, the Lessee will maintain the dock and public parkland adjacent to the leasehold at no cost to the City. In addition, the Lessee will pay rent of 10% on gross revenue from incidental uses.

The Lessee is also required to use all revenue in excess of operating costs and rent for the maintenance, improvement and operation of the property.

Summary of other main lease terms:

- Permitted Uses: Operation and maintenance of collegiate, recreational, instructional, educational and competitive aquatic sports programs.
- Collegiate Users: The center is to be used primarily by any enrolled student, faculty or staff member from approved San Diego County area colleges and universities.
- Incidental Users: Youth organizations (not created for the purpose of enrollment in Aquatic Center programs); participants in educational conferences, seminars and workshops conducted at San Diego County area colleges and universities; individuals with disabilities enrolled in programs offered at the Aquatic Center; immediate family members of collegiate users; alumni; and members of the general public. The City has the right to require the Lessee to discontinue any incidental use.
- Rent: 10% of gross income derived from incidental users (current fair market rental rate found in other City agreements for concessions uses).

FISCAL CONSIDERATIONS:

Approximately \$17,600 in rent will be generated for the General Fund in FY09.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Exclusive negotiations for a new lease were unanimously approved by the Natural Resources and Culture Committee on January 20, 1999.

COMMUNITY PLANNING GROUP RECOMMENDATION:

The Mission Bay Park Committee recommended issuance of a RFP on February 7, 2007 (6-4-1). As a result of this, the user definitions in the proposed lease were redefined to address the concerns raised by the Committee.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-101: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Lessee has made presentations to the following organizations and departments: Santa Clara Recreation Center Recreation Council, California Department of Boating and Waterways, City of San Diego Lifeguard Services, City of San Diego Park and Recreation Department and the City of San Diego Storm Water Pollution Prevention Program.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Collegiate users and incidental users of the center, Santa Clara Recreation Center Recreation Council, Mission Bay Park Committee, Mission Bay lessees and other operators of aquatic-type uses in Mission Bay Park.

Barwick/Anderson

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-102: Agreement with Brown Law Group to provide Legal Services in Connection with the Defense of *Mark Stiffler v. City of San Diego, et al.*

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

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-1128)

Authorizing the City Attorney to retain Brown Law Group for the provision of legal services in *Mark Stiffler v. the City of San Diego, et al.*, San Diego Superior Court Case No. 37-2008-00079769-CU-OE-CTL, in an amount not to exceed \$250,000;

Authorizing the City Auditor and Comptroller to expend up to \$250,000 from the Public Liability Fund.

**SUPPORTING INFORMATION:**

This lawsuit was brought by former City employee, Mark Stiffler, alleging wrongful discharge.

**FISCAL CONSIDERATIONS:**

With this action the Council will authorize the City Attorney to retain Brown Law Group to represent the City and to proceed with the case on an hourly billing basis.

With this action the Council will authorize the City Auditor and Comptroller to expend up to \$250,000 from the Public Liability Fund.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

The City Council on April 14, 2008, voted in Closed Session on Item CS-4, *Mark Stiffler v. City of San Diego et al.*, San Diego Superior Court Case No. 37-2008-00079769-CU-OE-CTL. The motion was made by Councilmember Young and seconded by Councilmember Atkins. The motion passed 7 to 0 with Council President Pro Tem Madaffer absent.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:** N/A

**KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):**

Law firm of Brown Law Group.

Tomanek

Aud. Cert. 2800923.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-103: Authorizing Continued Retention of Latham and Watkins and Worley Schwartz Garfield & Prairie LLP to Provide Legal Services in Connection with the Defense of the City in the Case of the *People of the State of California and the City of San Diego v. Sunroad Centrum, L.P.*

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

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2009-17)

Authorizing the continued retention of Latham & Watkins and the expenditure of an amount not to exceed \$100,000 for paying attorney's fees to provide litigation and legal advisory in connection with the defense of the City in the case of the *People of the State of California and the City of San Diego v. Sunroad Centrum, L.P.*, San Diego Superior Court Case No. GIC 877054;

Authorizing the continued retention of Worley Schwartz and the expenditure of an amount not to exceed \$20,000 for paying attorney's fees to represent the separate interests of two former City employees;

Authorizing the City Auditor and Comptroller to allocate and expend \$120,000 from the Public Liability Fund.

**SUPPORTING INFORMATION:**

This case arose over the construction of an office building above height restrictions. The law firm of Latham & Watkins was retained to defend the City in the matter and to provide legal advisory services to the Mayor's Office.

The law firm of Stephenson Worley Schwartz Garfield & Prairie was retained to represent the separate interests of two former City employees.

**FISCAL CONSIDERATIONS:**

With this action the Council will authorize the City Auditor and Comptroller to expend up to \$120,000 from the Public Liability Fund to cover the Latham & Watkins and Worley Schwartz representation of the City and former employees in the case.



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-103: (Continued)

**SUPPORTING INFORMATION:** (Continued)

The firms will proceed with the case on an hourly billing basis pursuant to the terms of their retainer agreement.

With this action the cumulative authorized for this matter is \$970,000; \$850,000 has been paid to Latham & Watkins.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The City Council on February 5, 2008, voted in Closed Session on Item CS-2, *City of San Diego v. Sunroad Enterprises, et al.*, San Diego Superior Court Case No. GIC 877054, additional authority for outside counsel (\$100,000 for Latham and Watkins and \$20,000 for Stephenson Worley Schwartz Garfield & Prairie LLP). The motion was made by Councilmember Frye and the second by Council President Pro Tem Madaffer. The motion passed 7 to 0, with Councilmember Hueso absent.

On December 4, 2007, Council authorized retention of Latham & Watkins and authorized an amount not to exceed \$850,000 (R-303278).

On July 31, 2007, in Closed Session, Council authorized retention of Latham & Watkins.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

Law firms of Latham & Watkins and Worley Schwartz

Tomanek

Aud. Cert. 2800924.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-104: Grant from Fireman's Fund Heritage Program for Purchase of Two (2) Thermal Imaging Cameras and a Carbon Monoxide Monitoring Device.

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

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-1192)

Authorizing the Mayor, or his designee, for and on behalf of the City, to apply for, accept, appropriate, and expend the additional \$9,332 from the Fireman's Fund Heritage Program grant funds to order two (2) thermal imaging cameras and a carbon monoxide monitoring device, and executing any document or agreements necessary to apply for, accept, appropriate, or expend the Grant funds;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend the additional \$9,332 if the grant is secured.

**STAFF SUPPORTING INFORMATION:**

Fireman's Fund Insurance Company established the Fireman's Fund Heritage Grant Program in 2004. Since this fund was established, the San Diego Fire-Rescue Department has received approximately \$251,000 for the establishment of our CERT program, the purchase of specialized Self-Contained Breathing Apparatus repair and monitoring equipment, and the purchase of specialized technical rescue equipment for our Rescue Company, Rescue 4. In June of 2007, the Council also authorized the Department to apply for additional funding for use at Fire Station 1, and the amount initially approved was approximately \$10,500.

In the intervening period from Council Action and grant application, the amount of the grant was increased to a total of \$19,832 due to additional funding from the Heritage Program being made available. The difference from the original amount approved by Council Action equals \$9,332, the amount referred to in this request. The equipment will be used at Fire Station 1. The thermal imaging cameras will be placed on Engine 1 and Engine 201. The third piece of equipment is a new innovation that will allow us to monitor Carbon Monoxide levels in the fire fighters who have responded to fire emergencies, as well as victims from these incidents. This will provide a previously unavailable test in the field that previously required a painful blood test in a hospital setting.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-104: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

FISCAL CONSIDERATIONS:

There are no matching fund requirements of this grant, and no impact to the general fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The original grant funding referred to in the Executive Summary was approved by the Council in June of 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Fire fighting personnel and the San Diego community are the key stakeholders. Protecting their health and safety, providing them with the technological tools to see hidden fire, search for victims, and then to assess their medical condition and needs will be substantially improved.

Jarman/Olen

Staff: Assistant Chief Jeff Carle - (619) 533-4401  
David M. Stotland - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-105: Sale of Excess Right-of-Way to San Diego Unified School District. (Chollas View Community Area. District 4.)

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

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-1195)

Authorizing the Mayor, or his designee, to execute a Quitclaim Deed in favor of the San Diego Unified School District, for the conveyance and sale of that portion of the Northwest Quarter of Lot 39 of Horton's Purchase in the Ex-Mission Lands of San Diego, according to Map thereof No. 283, filed in the Office of the County Recorder of San Diego County, March 9, 1878;

Authorizing the City Auditor and Comptroller, or his designee, to accept and deposit \$118,000 into the General Fund, Capital Outlay Miscellaneous Revenue, Fund No. 302453.

**STAFF SUPPORTING INFORMATION:**

The subject 8,959 square foot parcel is a portion of street right-of-way, acquired and dedicated as 45<sup>th</sup> Street, per Ordinance No. O-5959, adopted February 9, 1954. Subsequent to this acquisition, only a portion of the dedicated right-of-way was improved as a street, due to the construction of State Highway 805 at what would have been the southern extreme of the right-of-way area. As such, the 8,959 square foot portion of right-of-way is considered "excess," and deemed available for sale. As part of the expansion of Mead Elementary School, immediately east of the subject parcel, the excess right-of-way portion was incorporated into Unified School District's expansion plans by way of a Consolidation Map, with the understanding that the District would pay the City fair market value compensation for the property rights.

This action will authorize the sale and conveyance of the property rights by way of a quitclaim deed, which in turn will allow for the Consolidation Map to be finalized, and formal vacation of the dedicated right-of-way.

**FISCAL CONSIDERATIONS:**

\$118,000 will be deposited into the General Fund, Capital Outlay Miscellaneous Revenue, Fund No. 302453.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-105: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None by the City. The San Diego Unified School District's Board of Directors approved the purchase of the subject parcel, in Closed Session, on March 25, 2008.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The City of San Diego will benefit from the General Fund deposit, and the maintenance burden of the existing right-of-way will be eliminated with the vacation and sale. The San Diego Unified School District will now have the ability to finalize the Consolidation Map, and move forward with development plans as necessary.

Barwick/Anderson

Staff: Lane MacKenzie - (619) 236-6050  
Todd Bradley - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-106: Results of the June 3, 2008, Municipal Primary Election and the Special Municipal Election.

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

**CITY CLERK'S RECOMMENDATION:**

Adopt the following resolution:

(R-2009-6)

Finding and determining, pursuant to the provisions of Section 27.0411 of the San Diego Municipal Code, as follows:

- I. The whole number of votes cast in the City was 220,809.
- II. The total vote received by each municipal candidate at the municipal primary election is as follows:

A. FOR MAYOR (four-year term)

JERRY SANDERS	116,527
STEVE FRANCIS	73,665
FLOYD L. MORROW	13,620
ERIC M. BIDWELL	8,368
JAMES B. HART	2,392

JERRY SANDERS, having received a majority of all votes cast, is hereby declared elected to the Office of Mayor.

B. FOR CITY ATTORNEY (four-year term)

JAN GOLDSMITH	68,326
MICHAEL J. AGUIRRE	61,257
SCOTT PETERS	43,295
BRIAN MAIENSCHIN	26,267
AMY J. LEPINE	12,687

JAN GOLDSMITH and MICHAEL J. AGUIRRE are hereby declared to be the candidates for the Office of City Attorney in the General Municipal Election.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

## RESOLUTIONS: (Continued)

## \* ITEM-106: (Continued)

## C. FOR COUNCIL DISTRICT NO. 1 (four-year term)

SHERRI S. LIGHTNER	12,708
PHIL THALHEIMER	11,777
MARSHALL MERRIFIELD	10,278

SHERRI S. LIGHTNER and PHIL THALHEIMER are hereby declared to be the candidates for the Office of Councilmember, District No. 1, in the General Municipal Election.

## D. FOR COUNCIL DISTRICT NO. 3 (four-year term)

TODD GLORIA	9,288
STEPHEN WHITBURN	6,543
JOHN HARTLEY	4,018
PAUL BROADWAY	1,428
ROBERT E. LEE	840
JAMES HARTLINE	739

TODD GLORIA and STEPHEN WHITBURN are hereby declared to be the candidates for the Office of Councilmember, District No. 3, in the General Municipal Election.

## E. FOR COUNCIL DISTRICT NO. 5 (four-year term)

CARL DEMAIO	19,461
GEORGE GEORGE	9,953

CARL DEMAIO, having received a majority of all votes cast, is hereby declared elected to the Office of Councilmember, District No. 5.

## F. FOR COUNCIL DISTRICT NO. 7 (four-year term)

APRIL BOLING	13,794
MARTI EMERALD	13,392
DAVID TOS	1,442
BILL DANIEL	1,004

APRIL BOLING and MARTI EMERALD are hereby declared to be the candidates for the Office of Councilmember, District No. 7, in the General Municipal Election.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

## RESOLUTIONS: (Continued)

## \* ITEM-106: (Continued)

- III. The number of votes cast in the City for and against each of the three propositions which appeared on the ballot as Propositions A, B, and C, and the total number of votes cast upon each proposition, are as follows:

PROPOSITION A

For	130,108
Against	61,386
TOTAL	191,494

Proposition A received the affirmative vote of a majority of the qualified voters voting on such proposition and is hereby declared to have been approved.

PROPOSITION B

For	148,672
Against	44,887
TOTAL	193,559

Proposition B received the affirmative vote of a majority of the qualified voters voting on such proposition and is hereby declared to have been approved.

PROPOSITION C

For	122,065
Against	71,680
TOTAL	193,745

Proposition C received the affirmative vote of a majority of the qualified voters voting on such proposition and is hereby declared to have been approved.

- IV. The number of votes cast in each precinct for and against the propositions is recorded in the Election Returns Book, which book is authorized and is considered to be a part of the record of this Council.
- V. The City Clerk is directed to file the Charter amendments with the California Secretary of State in accordance with Government Code Section 34460.
- VI. The City Clerk shall make public the results of the canvass of the Special Municipal Election by publication of a copy of this resolution.



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-107: Resolution Supporting California Initiative 07-0041, The Prevention of Farm Animal Cruelty Act.

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

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-1203)

Supporting California Initiative 07-0041, The Prevention of Farm Animal Cruelty Act.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-108: Appointments to the Qualcomm Stadium Advisory Board.

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

(See memorandum from Mayor Sanders dated 3/11/2008, with resumes attached.)

**MAYOR SANDERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2008-792)

Council confirmation of the following appointments by the Mayor of the City of San Diego, to serve as members of the Qualcomm Stadium Advisory Board, for terms ending as indicated:

**NAME**

**TERM ENDING**

Dr. Rudy Castruita  
(Mission Hills, District 2)  
(Replacing Joseph Martinez, who is termed out)

January 1, 2012

Ben Clay  
(Mission Hills, District 2)  
(Replacing Karen McElliot, who was not  
reappointed in 2006, but has served in  
compliance with the Municipal Code and is  
termed out)

January 1, 2010

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-109: Appointment and Reappointment to the Civil Service Commission.

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

(See memorandum from Mayor Sanders dated 6/9/2008.)

**MAYOR SANDERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2008-1208)

Council confirmation of the following appointment and reappointment by the Mayor of the City of San Diego, to serve as members of the Civil Service Commission, for terms ending as indicated:

<b><u>NAME</u></b>	<b><u>TERM ENDING</u></b>
Mattheus Stephens (Talmadge, District 3) (Replacing Norman Seltzer, who has resigned)	January 9, 2009
Kathryn Ashworth (Point Loma, District 2) (Reappointment)	January 9, 2013

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-110: Removal of Angle Parking on Louisiana Street. (Greater North Park Community Area. District 3.)

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

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-1169)

Authorizing the Mayor to convert 32 angle parking spaces to parallel parking on the east side of Louisiana Street between Meade Avenue and Monroe Avenue (Project);

Authorizing the expenditure of an amount not to exceed \$1,280 from Department 534, to convert 32 angle parking spaces to parallel parking on the east side of Louisiana Street between Meade Avenue and Monroe Avenue, solely and exclusively, for this Project;

Declaring that this activity is exempt under Class I, California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301.

**STAFF SUPPORTING INFORMATION:**

This action will rescind Resolution R-301367 and authorize the removal of angle parking on the east side of Louisiana Street between Meade Avenue and Monroe Avenue. Louisiana Street between Meade Avenue and Monroe Avenue is a 40-foot wide 2-way street with angle parking on the east side and parallel parking on the west side of the street. This action will result in a loss of eight parking spaces. This action is in accordance with Municipal Code 86.03.

The initial request for angle parking was received by residents of this segment of Louisiana Street and was approved by the Greater North Park Community Planning Group. The installation of angle parking was approved by the City Council and was installed on June 13, 2006.

After angle parking was installed, residents expressed concern as to the width of travel lanes for 2-way traffic, and that the sight distance for driveways had been reduced. A petition signed by the majority of the residents fronting this segment of Louisiana Street was received requesting removal of angle parking.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-110: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

FISCAL CONSIDERATIONS:

\$1,280. General funds are not budgeted for this specific project. However, Street Division will reprioritize other maintenance needs to complete this project.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Council approved by resolution the installation of angle parking at this location on April 26, 2006, Resolution R-301367.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The property owners adjacent to this segment of Louisiana Street have signed a petition in favor of the removal of angle parking. In addition, the Greater North Park Community Planning Group voted on July 17, 2007; 9-1-0 in support of the removal of angle parking.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

This action will result in eight less parking spaces. The adjacent property owners will have a wider travel lane and increased visibility exiting driveways.

Boekamp/Jarrell

Aud. Cert. 2800850.

Staff: Deborah Van Wanseele - (619) 533-3012  
Michael P. Calabrese – Chief Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-111: Assistant Chief Joel Bryden Day.

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

**COUNCIL PRESIDENT PETERS' AND COUNCILMEMBER ATKINS'  
RECOMMENDATION:**

Adopt the following resolution:

(R-2008-1144)

Commending Assistant Chief Joel Bryden for the service he has given to the City of San Diego and wishing him all the best in his new role as Chief of Police in Walnut Creek;

Proclaiming June 13, 2008, to be "Assistant Chief Joel Bryden Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-112: Agreement with Parsons Commercial Technology Group Inc. for As-Needed Facilities Condition Assessments for Buildings and Associated Infrastructure.

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

(Continued from the meeting of July 8, 2008, Item 101, on the advice of the City Attorney to allow for complete inclusion of supporting documents.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-1155)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with Parsons Commercial Technology Group Inc., for As-Needed Facilities Condition Assessments for Buildings and Associated Infrastructure (Project), under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$1,200,000 from Fund 100, Department 536, Org. No. 3100 for the purpose of providing funds for the above referenced Project;

Declaring this activity is not a project and is therefore not subject to California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3).

**STAFF SUPPORTING INFORMATION:**

Facilities Division requires the assistance of a qualified professional consultant to perform an inventory and condition assessment. A condition assessment is the process of systematically evaluating capital assets in order to effectively plan repair, renewal or replacement. Facilities are complex structures with many separate but interrelated systems such as: mechanical and electrical systems, roofs, walls, windows, fire suppression systems, building automation systems and components. These individual systems require extensive renewal on cycles that vary from 10 to 50 years.

In November 2006, an outside firm completed an initial Facilities Condition Assessment of 31 essential facilities (Fire Stations, Police Stations, and Lifeguard Stations). These assessments provided an update of deferred maintenance items.



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-112: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

This current proposed facilities condition assessments agreement will be performed on approximately 390 facilities Citywide (Attachment 1) including but not limited to: Fire Stations, Lifeguard Stations, Police Stations, Libraries, Recreation Centers, Senior & Community Centers, Museums, Administrative Facilities and Comfort Stations. The facilities condition assessments shall be performed in accordance with the Scope of Services Exhibit A in the Agreement.

In November 2007, the City advertised for a consultant to perform facilities condition assessments via a Request for Proposal process in accordance with Administrative Regulation No. 25.70 and Council Policy 300-07. Parsons Commercial Technology Group Inc. was selected as the most qualified firm to perform this task.

**EQUAL OPPORTUNITY CONTRACTING:**

Funding Agency:	City of San Diego
Goals:	15% Voluntary (MBE/WBE/DBE/DVBE/OBE)
Subconsultant Participation	\$60,000 Certified MBE Firms (5%) \$180,000 Other Firms (15%)
Other:	Workforce Report submitted - Equal Opportunity Plan required. Staff will monitor plan and adherence to Nondiscrimination Ordinance.

To support its Equal Opportunity Contracting commitment, the City has established voluntary participation levels. The goal for this contract is 15% Voluntary Subconsultant Participation. To ensure the City meets the goals in the Equal Opportunity Contracting Program, Parsons Commercial Technology Group Inc. has selected The Multi-Cultural Contractors Group, a local firm specializing in Equal Opportunity Contracting as one of their subconsultants and identified them as part of the contracts project organization and key personnel team. The minority business owners under Other Firms (15%) are in the process of becoming MBE certified within sixty (60) days. This agreement is subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-18173, Sections 22.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

**FISCAL CONSIDERATIONS:**

This action would authorize the appropriation and expenditure of funds in the amount not to exceed \$1,200,000 from the Fiscal Year 2008 General Services Department Operating Budget (536).

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-112: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

Key stakeholders include San Diego residents, tourists and City staff.

Projected Impacts: None associated with this action.

Sierra/Jarrell

Aud. Cert. 2800882.

Staff: Bob Garcia - (619) 525-8500

Michael P. Calabrese - Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

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

ITEM-330: Fiscal Year 2009 Community Parking District Implementation Plan and Budget Review. (City Heights, College, Cortez Hill, Downtown, East Village, El Cajon Boulevard, Golden Hill, Hillcrest, Mid-City, Mission Hills, University Heights, and Uptown Community Areas. Districts 1, 2, 3, 7, and 8.)

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

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-1089 Cor. Copy)

Approving the FY 2009 Implementation Plan for the Downtown Community Parking District, and the FY 2009 Implementation Plans and Budgets for the Uptown and Mid-City Community Parking Districts;

Authorizing the City Auditor and Comptroller to transfer parking meter revenues in an amount not to exceed \$2,276,892 from General Fund 100 to the Community Parking District (CPD) Funds, contingent upon certification of funds availability by the City Auditor and Comptroller, as follows: \$1,476,280 to the Downtown CPD Fund (Fund No. 70302); \$595,487 to the Uptown CPD Fund (Fund No. 70303); \$91,281 to the Mid-City CPD Fund (Fund No. 70304); and \$113,844 to the CPD Program Administration Costs Fund (Fund No. 70301);

Authorizing the City Auditor and Comptroller to appropriate \$3,693,379 for the operation of the FY 2009 CPD Program in the Uptown CPD (Fund No. 70303) and \$863,305 for operation of the FY 2009 CPD Program in the Mid-City CPD (Fund No. 70304), contingent upon certification of funds availability by the City Auditor and Comptroller; less any FY 2008 agreement expenditures incurred in FY 2008 not already deducted from each of these CPD Funds, and as increased or reduced to reflect actual parking meter revenues collected in FY 2008;

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

## RESOLUTIONS: (Continued)

## ITEM-330: (Continued)

Authorizing the City Auditor and Comptroller to appropriate and expend \$3,857,491 ~~\$4,555,797~~ from the Downtown CPD Fund (Fund No. 70302) for the operation of the FY 2009 CPD Program in the Downtown CPD, contingent upon certification of funds availability by the City Auditor and Comptroller; less any FY 2008 agreement expenditures incurred in FY 2008 not already deducted from this CPD Fund, and as increased or reduced to reflect actual parking meter revenues collected in FY 2008;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$113,844 from the CPD Program Administration Costs Fund (Fund No. 70301) for the City's administration of the CPD Program, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the Mayor, or his designee, to execute the FY 2009 Operating Agreements with the following associations for the operation of the FY 2009 CPD program in the Uptown and Mid-City Community Parking Districts. A copy of each agreement is on file with the City Clerk as follows:

<u>Association</u>	<u>CPD</u>	<u>Document Number</u>
Uptown Partnership, Inc.	Uptown	RR_____
El Cajon Blvd. Business Improvement Association	Mid-City	RR_____
Greater Golden Hill Community Development Corp.	Mid-City	RR_____
University Heights Community Development Corp.	Mid-City	RR_____

**STAFF SUPPORTING INFORMATION:**

Community Parking Districts (CPD's) are authorized under City Council Policy 100-18, adopted on March 4, 1997, and amended on November 15, 2005. The Policy establishes a "Community Parking District Program," that allows communities, with the approval of the City Council, to implement parking solutions in neighborhoods that face serious parking challenges.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

## RESOLUTIONS: (Continued)

ITEM-330: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

At present, the City has six (6) Community Parking Districts: Downtown, Uptown, Mid-City, La Jolla, Old Town, and Pacific Beach.

Each CPD has a designated Advisory Board responsible for developing plans and expending allocated revenue. The advisory boards operate either through a nonprofit business improvement association or a nonprofit community development corporation, which contracts with the City to develop Implementation Plans, manage CPD funds, and fulfill the community's parking goals as stated in each Implementation Plan. The Mid-City CPD was established with three sub-districts and is managed by each area's respective organization: El Cajon Boulevard, Golden Hill Community Development Corporation, and University Heights Community Development Corporation. Council Policy 100-18 allows each CPD to retain 45 percent of parking meter revenues collected within its boundaries. At this time, however, only three CPD's generate parking meter revenue within their respective boundaries: Downtown, Uptown, and Mid-City. The remaining CPD's (La Jolla, Old Town, and Pacific Beach), established by Resolution on July 27, 2005, do not have parking meters or other parking revenues generated within their respective geographic boundaries.

The CPD funds are dedicated for improvements and activities that increase the availability, supply, and effective use of parking to residents, visitors, and employees. Funds may be accumulated over time for future capital improvements, or may be used for improving parking management, increasing parking supply (parking structures, surface lots, etc.), marketing, signage, printed materials, web sites, landscaping, and security.

**FISCAL CONSIDERATIONS:**

This action authorizes the transfer of \$2,276,892 of parking meter appropriation from General Fund 100 to the CPD Program Administration Costs Fund (Fund No. 70301) and the Downtown, Uptown, and Mid-City CPD Funds (Fund Nos. 70302, 70303, and 70304, respectively). In addition, this action authorizes the appropriation of (and in the case of the Downtown CPD Fund and the Program Administration Costs Fund, the expenditure of) the total amounts in those Funds (which include all revenues carried over from previous fiscal years and the current transfer of funds), as adjusted for FY 2008 CPD-related expenditures not yet deducted from the CPD Funds, and as adjusted to reflect actual parking meter revenues collected in FY 2008. Accordingly, there is no net fiscal impact to the City.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-330: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

Each year, the City Council approves the Implementation Plans and Budgets for the CPD's and authorizes the appropriation and expenditure of CPD funds, which occurred most recently in R-302851, dated July 17, 2007.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

Each CPD Advisory Board holds regular monthly meetings and publishes newsletters which are distributed to community residents and business owners. In addition, CPD representatives sit on the Citywide Parking Advisory Board and provide updates at meetings that are noticed and open to the public.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

Direct beneficiaries of this action include the agencies that administer each CPD: Centre City Development Corporation; Uptown Partnership, Inc.; El Cajon Blvd. Business Improvement Association; Greater Golden Hill Community Development Corporation and University Heights Community Development Corporation. Also, motorists faced with parking issues within the CPD's may benefit from this action.

Kessler/Anderson

Aud. Cert. 2800885.

Staff: Meredith Dibden Brown - (619) 236-6485  
Kimberly K. Kaelin - Deputy City Attorney

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-331: Ballot Measure: Proposition M Amendment Regarding Development Within the Pacific Highlands Ranch Subarea Plan.

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

(See memorandum from Council President Peters dated 6/5/2008.)

**COUNCIL PRESIDENT PETERS' RECOMMENDATION:**

Take the following actions:

Council consideration of a measure amending Proposition M and placing it on the November ballot to state:

Development within the phase shifted area of the Pacific Highlands Ranch Subarea Plan shall not exceed 1,900 dwelling units until such time that a ramp for westbound SR-56 connecting with I-5 North is constructed and operational;

Directing the City Attorney to prepare ballot language to place this measure on the November ballot.

**ADDITIONAL INFORMATION:**

Passage of the proposed amendment would allow the City and Pardee Homes to pursue a less intrusive alternative to the flyover than Proposition M contemplated. The same requirements for environmental review under state and federal law will still apply. It also enables the completion of much of the critical infrastructure in Pacific Highlands Ranch, which depends on construction beyond the 1,900 cap.

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

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

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

ITEM-332: Submitting to the Voters a Ballot Proposition Amending the City Charter to Provide Deputy City Attorneys with Civil Service Protection.

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

(See memoranda from City Attorney dated 6/30/2008 and 6/24/2008; Jay M. Goldstone dated 7/2/2008; and Deputy City Attorneys Association of San Diego (DCAA) dated 6/19/2008.)

**TODAY'S ACTION IS:**

Take the following actions:

Submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide Election to be held on November 4, 2008, one proposition amending the City Charter by amending Article IV, Section 40, and amending Article VIII, Section 117, relating to requirements that all Deputy City Attorneys appointed on or after July 1, 2010, to be members of the City's classified service;

Directing the City Attorney to prepare a ballot title and summary;

Directing the City Attorney to prepare an impartial analysis;

Directing the Mayor's Office to prepare a fiscal analysis;

Assigning authorship of the ballot argument;

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

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

**RULES, OPEN GOVERNMENT, AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:**

On 6/25/2008, no action taken. Members of the Rules Committee asked that the Mayor and the City Attorney Meet and Confer on the issue.



ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

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

ITEM-333: Submitting to the Voters a Ballot Proposition Amending the City Charter to Create a New Pension Plan for Future Non-Safety City Employees.

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

(See Mayor Sanders' and Council President Peters' General Members chart compromise ballot proposal; City Clerk's 6/20/08, memorandum; Mayor Sanders' 6/20/08, memorandum; Mayor Sanders' 6/25/08, Pension Reform PowerPoint; Council President Scott Peters' 6/20/08, memorandum; City Attorney's 6/19/08, memorandum regarding Ballot Measure Questions; Proposed Ordinance dated 6/24/08, with attached Comparison of Mayor's Ballot Proposal to Current Pension System; League of California Cities' memorandum with Defined Benefits Comparisons Chart; San Diego County Taxpayers Association's June 25, 2008, PowerPoint; Joseph Esuchanko's actuarial calculations.)

**TODAY'S ACTION IS:**

Take the following actions:

Submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide Election to be held on November 4, 2008, one proposition amending the City Charter by amending Article IX, Section 141, by adding Section 141.1, related to a new pension plan for future non-safety employees;

Directing the City Attorney to prepare a ballot title and summary;

Directing the City Attorney to prepare an impartial analysis;

Directing the Mayor's Office to prepare a fiscal analysis;

Assigning authorship of the ballot argument.

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

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ITEM-333: (Continued)

**RULES, OPEN GOVERNMENT, AND INTERGOVERNMENTAL RELATIONS  
COMMITTEE'S RECOMMENDATION:**

On 6/25/2008, Rules voted to forward the pension reform ballot proposal as presented by Council President Peters and Mayor Sanders to:

- the full City Council for consideration on July 14, 2008;
- direct the Mayor to Meet and Confer on this proposal as legally required, and in order to possibly avoid a ballot measure;
- direct the City Attorney to prepare a draft ordinance for amending the Municipal Code in the event that a ballot measure is unnecessary; and
- include the actuarial calculations as requested by Councilmember Frye.

(Councilmembers Peters, Young, Frye, Madaffer, and Hueso voted yea. Councilmember Young voted nay regarding forwarding this item to Council for consideration as a ballot proposal.)

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

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

ITEM-334: Ballot Proposition Amending the City Charter to Designate the Use of Lease Revenues from Mission Bay Park.

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

(See Charter Amendment Proposed by Councilmembers Kevin Faulconer and Donna Frye.)

**TODAY'S ACTION IS:**

Take the following actions:

Submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide Election to be held on November 4, 2008, one proposition amending the City Charter by amending Article V, Section 55, by adding Section 55.2, requiring annual lease revenue generated in Mission Bay Park that exceeds \$20 million, 75% be appropriated for public capital improvements in Mission Bay Park and 25% be appropriated for public capital improvements in current and future Regional Parks;

Directing the City Attorney to prepare a ballot title and summary;

Directing the City Attorney to prepare an impartial analysis;

Directing the Mayor's Office to prepare a fiscal analysis;

Assigning authorship of the ballot argument.

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

**RULES, OPEN GOVERNMENT, AND INTERGOVERNMENTAL RELATIONS  
COMMITTEE'S RECOMMENDATION:**

On 6/25/2008, Rules voted 5 to 0 to refer this item to the full City Council for consideration, with comments by the Rules Committee members noted. (Councilmembers Peters, Young, Frye, Madaffer, and Hueso voted yea.)

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCES TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING  
AND ADOPTION WITH RESOLUTIONS TO BE ADOPTED:

ITEM-335: Two Proposed Ballot Measures To Amend the City Charter To Eliminate the Salary Setting Commission and Establish a New Method To Set the Salaries of the Mayor and City Councilmembers.

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

(See City Attorney's 5/22/2008 Report; Ordinance No. O-2008-94 with attachments; Review of Salary-Setting Measures Power Point; and City Attorney's 7/1/2008 Report.)

**TODAY'S ACTION'S ARE:**

Introduce and adopt the ordinances in Subitems A **and/or** B; consider Subitem C:

Subitem-A: (O-2008-171)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election Consolidated with the Statewide General Election to be held on November 4, 2008, one proposition related to amending the City Charter to establish the salaries of the Mayor and the City Councilmembers, provide raises for two consecutive years, and then annually adjust salaries upward with state law adjustments to the salary of Superior Court judges, subject to a five (5) percent cap;

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

Subitem-B: (O-2008-120 Cor. Copy)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election Consolidated with the Statewide General Election to be held on November 4, 2008, one proposition related to amending the City Charter to establish and adjust the salaries of Councilmembers and Mayor (Option ? – with certain possible exceptions) by setting those salaries at a percentage of the salary of Superior Court judges as set by the state law and by adjusting the salaries upward annually with state law adjustments to judges' salaries;

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

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

**ORDINANCES TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING  
AND ADOPTION WITH RESOLUTIONS TO BE ADOPTED: (Continued)**

ITEM-335: (Continued)

Subitem-C: (R-2008-1209)

Directing the City Attorney to prepare a ballot title and summary of the proposed ballot measure for inclusion in the voter pamphlet and to deliver the ballot title and summary to the Office of the City Clerk, Elections Section, no later than August 18, 2008;

Directing the City Attorney to prepare an impartial analysis of the proposed ballot measure for inclusion in the voter pamphlet and to deliver the impartial analysis to the Office of the City Clerk, Elections Section, no later than August 18, 2008;

Directing the Mayor to prepare, in consultation with the Independent Budget Analyst, a fiscal impact analysis of the proposed ballot measure for inclusion in the voter pamphlet and to deliver said analysis to the Office of the City Clerk, Elections Section, no later than August 18, 2008;

Authorizing \_\_\_\_\_ to sign and file a written argument in support of the ballot measure for inclusion in the voter pamphlet and to deliver said argument to the Office of the City Clerk, Elections Section, no later than August 21, 2008.

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

**RULES, OPEN GOVERNMENT, AND INTERGOVERNMENTAL RELATIONS  
COMMITTEE'S RECOMMENDATION:**

On 5/28/2008, Rules voted 4 to 0 to direct the City Attorney to bring to Council two options for ballot measures related to modifying the salary setting process:

1. Ordinance O-2008-120 (per the February 22, 2008, memo from Councilmembers Madaffer and Young); and
2. The hybrid option, requested by Councilmember Frye, establishing a base-level salary for elected officials and adding an annual percentage increase, tied to the state judicial salary percentage increase, with an annual maximum of five (5) percent.
3. Direct the City Clerk to estimate the cost of placing one or more items on the November ballot.

(Councilmembers Young, Frye, Madaffer, and Hueso voted yea. Councilmember Peters not present.)

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

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

ITEM-336: Amendments to the San Diego Municipal Code Eliminating the Surplus Undistributed Earnings (“Waterfall”) Relating to the City Employees’ Retirement System. (Citywide.)

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

(See memoranda from Council President Peters dated 4/25/2008, 4/8/2008, 11/8/2007, 8/27/2007, and 6/19/2007; and Independent Budget Analyst Reports No. 07-59 and 08-55.)

(Continued from the meetings of April 29, 2008, Item 331; May 27, 2008, Item 330; June 17, 2008, Item 330; and June 24, 2008, Item S500; last continued at the request of City Attorney, for further review.)

**COUNCIL PRESIDENT PETERS’ RECOMMENDATION:**

Take **one** of the following actions:

Version A: SDCERS Draft Ordinance

Amending Chapter 2, Article 4, Division 15, of the San Diego Municipal Code, by repealing and adding Sections 24.1501 and 24.1502, amending Sections 24.1503 and 24.1504, and adding Section 24.1503.5, and repealing Section 24.1507, all relating to “Surplus Earnings” and the “Waterfall.”

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

**OR**

Version B: (O-2007-93 Cor. Copy 2) City Attorney Ordinance

Amending Chapter 2, Article 4, Division 9, of the San Diego Municipal Code, by amending Sections 24.0904 and 24.0906 and amending Chapter 2, Article 4, Division 15 of the San Diego Municipal Code, by repealing Sections 24.1501 and 24.1502 and amending Sections 24.1503, 24.1504, and repealing present Section 24.1507 and replacing it with new Section 24.1507, all relating to the “Waterfall.”

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT