

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, JULY 21, 2008, AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

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

NON-AGENDA PUBLIC COMMENT

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

MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT

UPDATES ON PENDING LEGISLATION (MAYOR’S OFFICE)

REQUESTS FOR CONTINUANCE

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

=== LEGISLATIVE SCHEDULE ===

Adoption Agenda, Discussion, Other Legislative Items

- ITEM-200: Fiscal Year 2009 Statement of Budgetary Principles.
BUDGET AND FINANCE COMMITTEE'S RECOMMENDATION: On 7/9/2008, Budget voted 4 to 0 to forward to the full City Council for further discussion.

Noticed Hearings, Discussion

- ITEM-201: Appeal of Mesa College Amendment to Site Development Permit 324476 to delete a mitigation requirement for an eastbound left turn lane on Mesa College Drive at Ashford Street. (Clairemont Mesa and Linda Vista Community Areas. District 6.)
STAFF'S RECOMMENDATION: Take the actions.

Special Hearings, Discussion

- ITEM-202: Fiscal Year 2009 Appropriation Ordinance and Revisions to the City's Reserve Policy.
BUDGET AND FINANCE COMMITTEE'S RECOMMENDATION: On 7/9/2008, Budget voted 4 to 0 to forward to the full City Council for further discussion.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

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

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

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

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

=== LEGISLATIVE SCHEDULE (Continued) ===

Public Notices

- ITEM-250: Arguments Supporting or Opposing Propositions
- ITEM-251: **Notice** of Pending Final Map Approval – 4522 Utah.
- ITEM-252: **Notice** of Pending Final Map Approval – Hollywood Park Condominiums.
- ITEM-253: Submission of Ballot Proposals

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT

=== EXPANDED CITY COUNCIL AGENDA ===

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-200: Fiscal Year 2009 Statement of Budgetary Principles.

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

(See Independent Budget Analyst Report No. 08-69.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-52)

Adopting the Statement of Budgetary Principles with respect to administration by the Mayor of the Fiscal Year 2009 Budget.

BUDGET AND FINANCE COMMITTEE'S RECOMMENDATION:

On 7/9/2008, Budget voted 4 to 0 to forward to the full City Council for further discussion. (Councilmembers Faulconer, Atkins, Frye, and Madaffer voted yea. Councilmember Hueso not present.)

SUPPORTING INFORMATION:

During the development of the FY 2008 Budget, the IBA expressed concern about the lack of performance measurement information presented in the budget document, especially in light of proposed budgetary reductions for various departments. In order to address this concern, the Statement of Budgetary Principles was developed to set budgetary operating principles, establish budget authority regarding service levels, and enhance communication on management issues between the executive and legislative branches. The proposed FY 2009 Statement of Budgetary Principles continues the concepts approved by the Council in Fiscal Year 2008, with changes made only to dates, and requires: 1) the Mayor to provide quarterly reports to the Council regarding the administration of affairs of the City; 2) prior written notification of reductions in any program or service affecting the community, based on an established criteria; and 3) budgetary reductions the Mayor may undertake for fiscal reasons be limited to a cumulative cap of 3% of the General Fund, and the Water, Sewer, Development Services, and Airports Funds. The City Management Program plans to monitor performance measures and make reports available to the City Council and the public on a regular basis. Over time, as performance measures become better defined and data becomes more complete, a performance-based set of budget principles may be desirable and effective.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-200: (Continued)

SUPPORTING INFORMATION: (Continued)

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The Budget and Finance Committee reviewed the FY 2009 Statement of Budgetary Principles at its meeting on July 9, 2008, and voted to forward the item to the full City Council.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable): None.

Duval/Takade

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-201: Appeal of Mesa College Amendment to Site Development Permit 324476 to delete a mitigation requirement for an eastbound left turn lane on Mesa College Drive at Ashford Street. (Clairemont Mesa and Linda Vista Community Areas. District 6.)

[?View referenced exhibit back-up material \(Part 1 of 3\).](#)

[?View referenced exhibit back-up material \(Part 2 of 3\).](#)

[?View referenced exhibit back-up material \(Part 3 of 3\).](#)

Matter of the appeal by the Grandmothers of the Planning Commission's decision to approve Site Development Permit No. 485233 an amendment to Site Development Permit No. 324476, which modifies previously adopted mitigation measures by removing the requirement of a left turn lane on Mesa College Drive at Ashford Street.

(See Report to Planning Commission No. PC-08-023/Site Development Permit (SDP) No. 485233/Amendment to Site Development Permit No. 324476/Addendum to Mitigated Negative Declaration State Clearing House 2005121106/MMRP/Project No. 139300.)

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A:

Granting or denying the appeal and upholding or overturning the decision by Planning Commission that the City of San Diego as a Responsible Agency certifies that the information contained in Addendum to Mitigated Negative Declaration State Clearing House No. 2005121106 has been completed in compliance with the California Environmental Quality Act of 1970 and State Guidelines, and that said Addendum has been reviewed and considered by the Council; and adopting appropriate findings of mitigation, pursuant to California Public Resource Code Section 21081; and adopting Mitigation Monitoring and Reporting Program;

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-201: (Continued)

Subitem-B:

Granting or denying the appeal and upholding and overturning the decision by the Planning Commission in approving the project; and granting or denying Site Development Permit (SDP) No. 485233, with appropriate findings to support Council action;

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

OTHER RECOMMENDATIONS:

Planning Commission on March 6, 2008, voted 6-0-1 to approve, with opposition.

Ayes: Schultz, Grizwald, Ontai, Otsuji, Nasland, Smiley
(One vacancy)

The Clairemont Mesa Community Planning Group has recommend approval of this project.
The Linda Vista Community Planning Group has recommend denial of this project.

STAFF'S SUPPORTING INFORMATION:

REQUESTED ACTION:

Appeal of the Planning Commission's decision to approve Site Development Permit No. 485233 an amendment to Site Development Permit No. 324476, which modified mitigation measures to remove the requirement of a left turn lane on Mesa College Drive at Ashford Street.

STAFF RECOMMENDATION:

Deny the appeal and uphold the Planning Commission's decision to approve Site Development Permit No. 485233.

EXECUTIVE SUMMARY:

On January 8, 2007, the City Council approved Site Development Permit No. 324476 in association with the Mesa College Street Vacation. Subsequent to the City Council's approval of the project, a study determined that implementation of the proposed left turn lane within the existing Mesa College Drive right-of-way would result in substandard lane widths and the removal of the existing curbside parking. Furthermore, it was determined that an expansion of the right-of-way to accommodate standard lane widths would impact the Kearny Mesa High Educational Complex.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-201: (Continued)

STAFF'S SUPPORTING INFORMATION: (Continued)

In researching the source of the mitigation measure, it was determined that the following language appeared in the revised traffic study, dated September 28, 2005 (Section VIII), that was not included in the April 15, 2005, study.

In order to provide more capacity and improved circulation on Mesa College Drive for the interim and future conditions, it is recommended that the project provide an eastbound left turn lane on Mesa College Drive at Ashford Street. This improvement would increase capacity and safety at this intersection.

This language was carried forward in subsequent traffic study revisions and was also included in subsequent MND's dated June 28, 2006, and September 1, 2006, as a mitigation measure. According to the traffic study prepared for the Mesa College Facilities Master Plan by Darnell & Associates, dated June 27, 2006, the intersection of Mesa College Drive and Ashford Street currently operates and will continue to operate at Level of Service "A" during both AM and PM peak hours. The analysis includes data for existing and future conditions with and without the parking structure project.

Also, according to the traffic study, Mesa College Drive between Armstrong Street and Ashford Street currently operates as Level of Service "B" under existing conditions. The roadway segment is expected to operate at Levels of Service "B" and "C" in the 2010 and 2030 scenarios with or without the proposed parking structure.

The San Diego Community College District and City staff concur that the mitigation measure could be deleted from the MND and the MMRP based on the analysis in the traffic study using the City's CEQA thresholds for significant impacts.

On March 6, 2008, the Planning Commission voted to approve Site Development Permit No. 485233, an amendment to Site Development Permit No. 324476 and modify the mitigation to remove the requirement of a left turn lane on Mesa College Drive at Ashford.

On March 17, 2008, the Planning Commission's decision was appealed by the "Grandmothers" on the basis of new or different impacts not reviewed or considered by the environmental document.

FISCAL CONSIDERATIONS:

All costs associated with the project including this appeal are being paid for by the applicant, the San Diego Community College District.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-201: (Continued)

STAFF'S SUPPORTING INFORMATION: (Continued)

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On January 8, 2007, the City Council approved Site Development Permit No. 324476, a Multi-Habitat Planning Area Boundary Line Adjustment, Street Vacation of the western end of Mesa College Drive and the sale of 2.69 acres of land to the San Diego Community College District to construct a parking garage.

On March 6, 2008, the Planning Commission voted to approve Site Development Permit No. 485233.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On October 16, 2007, the Clairemont Mesa Planning Committee voted 10-3-0 to recommend approval of the amendment to delete the requirement for a dedicated left turn lane.

On November 26, 2007, the Linda Vista Planning Committee voted 9-2-1 to recommend denial of the amendment to delete the mitigation requirement, however specific reasons were not provided in their meeting.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The San Diego Community College District, Students of Mesa College, the Clairemont Mesa and Linda Vista Communities, Kearny Villa Park, Kearny Mesa High Educational Complex, and the City of San Diego.

Broughton/Anderson/HD

LEGAL DESCRIPTION:

The project site is located at the head of a canyon at the western terminus of Mesa College Drive, south of the Mesa College campus proper, and north of Kearny Mesa Park in the Clairemont Mesa and Linda Vista communities in the City of San Diego.

NOTE: Stating for the record that the City of San Diego as the Responsible Agency under the California Environmental Quality Act (CEQA) has reviewed and considered the Addendum to Mitigated Negative Declaration prepared by the City of San Diego Community College District, and recommends adopting the Mitigation, Monitoring and Reporting Program.

Staff: Helene Deisher - (619) 446-5223

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

ADOPTION AGENDA, DISCUSSION, HEARINGS

SPECIAL HEARINGS:

ITEM-202: Fiscal Year 2009 Appropriation Ordinance.

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

(See Financial Management's 7/3/2008 Executive Summary Sheet, with Final Ordinance; Strike-Out version; and memorandum from Mary Lewis dated 7/2/2008.)

TODAY'S ACTIONS ARE:

Hold the first public hearing of the ordinance in Subitem A; and adopt the resolution in Subitem B:

Subitem-A: (O-2009-4)

An Ordinance adopting the Annual Budget for the Fiscal Year 2009 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year.

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

Subitem-B: (R-2009-98)

Adoption of the resolution accepting and approving the City Reserve Policy-Revised, as of July 2, 2008.

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

BUDGET AND FINANCE COMMITTEE'S RECOMMENDATION:

On 7/9/2008, Budget voted 4 to 0 to forward to the full City Council for further discussion. (Councilmembers Faulconer, Atkins, Frye, and Madaffer voted yea. Councilmember Hueso not present.)

SUPPORTING INFORMATION:

The Appropriation Ordinance defines the legal levels at which the Mayor, Chief Financial Officer, Director of Financial Management, and City Comptroller are allowed to control operational and capital expenditures. Authorities are requested to allow the financial transactions required to conduct the affairs of the City of San Diego throughout Fiscal Year 2009. The following summarizes the significant changes made from the Fiscal Year 2008 Appropriation Ordinance and additional authorities requested in the Fiscal Year 2009 Appropriation Ordinance. Modifications to the Appropriation Ordinance include reference the City Reserve Policy and, in order to provide additional clarification on General Fund Reserves, the Reserve Policy was revised.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-202: (Continued)

SUPPORTING INFORMATION: (Continued)

1. Authorization to appropriate funds for the purpose of achieving the 5% minimum General Fund Emergency Reserve balance at year end.
2. Authorization to transfer appropriations from the General Fund Appropriated Reserve to other General Fund departments upon adopted Council resolution.
3. Authorization and direction to increase expenditure appropriations of the General Fund Appropriated Reserve in accordance with Council Resolution No. R-303797.
4. Addition of Mission Bay and Other Regional Park Improvements to the authorization to increase and/or decrease revenue and expenditure appropriations for the purpose of implementing Council approved programs.
5. Limit carry over of Community Development Block Grant funds consistent with Council Policy 700-02.
6. Removal of Council Policy 100-03 waivers for Transient Occupancy Tax recipients due to establishment of the Tourism Marketing District.
7. Authorization to appropriate funds from Maintenance Assessment Districts' budgeted contingency reserves, if needed, to support administration costs.
8. Modified language to reflect the change from the first TransNet program to the TransNet extension program.
9. Authorization to appropriate funds for the purpose of implementing the Metropolitan Wastewater Department Memorandum of Understanding for Bid to Goal Public Contract Operations Agreement.
10. Authorization to appropriate expenditures from unanticipated revenues for the purpose of allowing for the uninterrupted provision of services of Internal Service Funds.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Item was reviewed at Budget and Finance Committee on July 9, 2008, and was approved 4-0 to move forward to full City Council.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: None.

Tirandazi/Lewis

NOTE: Today's action on Subitem-A is the first public hearing. See the docket of Monday, July 28, 2008, for the second public hearing and the introduction and adoption of the Ordinance.

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PUBLIC NOTICES:

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

ITEM-250: ARGUMENTS SUPPORTING OR OPPOSING PROPOSITIONS

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

For propositions approved by the Council for submittal to the qualified voters of the City of San Diego at the General Municipal Election to be held on Tuesday, November 4, 2008, the City Clerk has fixed 5:00 p.m. on Thursday, August 21, 2008, as a reasonable date prior to such election after which no arguments for or against City Propositions may be submitted to the Clerk.

Any argument for or against any City proposition shall not exceed 300 words in length and may be filed by the Council, or any member or members of the Council authorized by the Council, or the bona fide sponsors or proponents of the measure, or any bona fide association of citizens or individual voter, or any combination of voters and associations.

All arguments must be accompanied by a statement signed by each author that the argument is true and correct to the best of his/her knowledge and belief. (Forms for this statement are available in the Office of the City Clerk.)

An argument shall not be accepted unless accompanied by the name or names of the person or persons submitting it, or if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers. No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

Arguments may be changed or withdrawn by their proponents until and including the date fixed by the City Clerk.

Arguments shall be submitted to the City Clerk at the Office of the City Clerk, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, California 92101.

PUBLIC NOTICES: (Continued)

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

ITEM-251: **Notice** of Pending Final Map Approval – 4522 Utah.

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

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4522 Utah” (T.M. No. 292784/PTS No. 140139), located on the west side of Utah Street between Madison Avenue and Monroe Avenue in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Anne Hoppe at (619) 446-5290.

PUBLIC NOTICES: (Continued)

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

ITEM-252: **Notice** of Pending Final Map Approval – Hollywood Park Condominiums.

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

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Hollywood Park Condominiums” (T.M. No. 109966/PTS No. 108489), located on the west side of Fairmount Avenue south of Sumac Street in the Mid-City/City Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Anne Hoppe at (619) 446-5290.

PUBLIC NOTICES: (Continued)

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

ITEM-253: SUBMISSION OF BALLOT PROPOSALS

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

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment.

The City Clerk's Office has established the following administrative guidelines for the November 4, 2008, election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	6/20/08	137	LAST DATE (10:00 a.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	6/25/08	132	Rules Committee review
Monday	7/7/08	120	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	7/7/08	120	Council is expected to consider moving the consideration of proposals to Council Docket of 7/15/08
Tuesday	7/15/08*	112	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	7/28/08	99	Council adopts ordinances prepared by City Attorney
Friday	8/8/08	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/21/08	75	Last day to file ballot arguments with City Clerk

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

*originally scheduled for 7/7/08

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT