

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, JULY 28, 2008, AT 2:00 P.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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- 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, Committee Items

ITEM-150: Implementing Proposition C: Confirming Two Outside Financial Experts to Serve on the Screening Committee that will Recommend New Public Member Candidates to be Considered for the City's Audit Committee. AUDIT COMMITTEE'S RECOMMENDATION: On 6/23/2008, Audit Committee voted 3 to 0 to accept the report and direct the Independent Budget Analyst to initiate scheduling before the City Council.

ITEM-151: Amendment to the Managed Competition and Business Process Reengineering Ordinances. BUDGET AND FINANCE COMMITTEE'S RECOMMENDATION: On 6/18/2008, Budget voted 5 to 0 to forward the Independent Budget Analyst's Report to the full City Council and include these additional requests:

1. Outstanding issues to continue to be discussed with stakeholders and recommendations brought forward to full City Council;
2. Methodology Auditor will use;
3. Direction to the City Attorney to provide legal analysis and draft Ordinance regarding access to government records and right to Audit provisions; and
4. Analysis of County versus City's process regarding Right to First Refusal.

Adoption Agenda, Discussion, Other Legislative Items

ITEM-200: Modification of North Park Business Improvement District. (North Park Community Plan Area. District 3.) STAFF'S RECOMMENDATION: Introduce the ordinance.

ITEM-201: Fiscal Year 2009 Appropriation Ordinance. 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.

ITEM-202: Fiscal Year 2009 Tax Rate Ordinance. STAFF'S RECOMMENDATION: Introduce and adopt the ordinance.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Discussion, Other Legislative Items (Continued)

- ITEM-203: Preliminary Statement of Work for Dead Animal Removal Services.  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-204: Preliminary Statement of Work for Container Services.  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-205: Proposition 218 Noticing for Proposed Water Rate Increase to Meet New Rates Charged by the San Diego County Water Authority.  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-206: Preliminary Statement of Work for Street Sweeping Services.  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-207: Declaration of Water Emergency (Stage 1. Voluntary Compliance-Water Watch).  
STAFF'S RECOMMENDATION: Take the actions.
- ITEM-208: UCAN Bill Inserts Related to *Shames v. City of San Diego* Settlement Agreement.  
STAFF'S RECOMMENDATION: Take the actions.

Noticed Hearings, Discussion

- ITEM-209: Billingsley Residence, an application for Neighborhood Development Permit; Public Right-of-Way Vacation and Variance to construct a 2,973 square-foot single-family residence on a vacant 0.13 acre-site at 4285 Goldfinch Street in the RS-1-1 Zone. (Uptown Community Plan Area. District 2.)  
STAFF'S RECOMMENDATION: Adopt the resolutions.

**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:           Submission of Ballot Proposals.
- ITEM-251:           Arguments Supporting or Opposing Propositions.
- ITEM-252:           Examination Period for Ballot Materials.
- ITEM-253:           **Notice** of Pending Final Map Approval – Fairbanks Country Villas.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT

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

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

COMMITTEE ON AUDIT,  
RESOLUTIONS:

ITEM-150: Implementing Proposition C: Confirming Two Outside Financial Experts to Serve on the Screening Committee that will Recommend New Public Member Candidates to be Considered for the City's Audit Committee.

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

(See Independent Budget Analyst Report No. 08-67.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2009-85 Cor. Copy)

Council confirmation of the appointments of Ed Kitrosser and Tracy Sandoval, to serve as the outside financial expert members of the Screening Committee pursuant to Charter Section 39.1 of the City Charter;

Directing the Independent Budget Analyst to initiate solicitation efforts for public Audit Committee member candidates in consultation with the Screening Committee.

**AUDIT COMMITTEE'S RECOMMENDATION:**

On 6/23/2008, Audit Committee voted 3 to 0 to accept the report and direct the Independent Budget Analyst to initiate scheduling before the City Council. (Councilmembers Faulconer, Atkins, and Young voted yea.)

**SUPPORTING INFORMATION:**

On June 3, 2008, voters approved Proposition C which, in part, provided new City Charter language to address the responsibilities and composition of the City's Audit Committee. New language in City Charter Section 39.1 calls for a reconfigured Audit Committee comprised of two members of the City Council (one to serve as Chair of the Committee) and three public members. On June 23, 2008, the current Audit Committee received Report No. 08-67 from the IBA suggesting a process for implementing the provisions of Proposition C.

In order to implement new City Charter Section 39.1 as it relates to a reconfigured Audit Committee, it will be necessary for the City Council to establish a Screening Committee as described in Proposition C. The Screening Committee is charged with vetting the qualifications of public member Audit Committee candidates and recommending a pool of at least two candidates (for each of three new public member positions) for the City Council to consider for appointment.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)

COMMITTEE ON AUDIT,  
RESOLUTIONS: (Continued)

ITEM-150: (Continued)

**SUPPORTING INFORMATION:** (Continued)

The Screening Committee is to be comprised of “a member of the City Council, the CFO, the IBA, and two outside financial experts appointed by the other three members of the Screening Committee and confirmed by the City Council.”

On July 7, 2008, the City Council adopted a resolution appointing Councilmember Kevin Faulconer to serve on the Screening Committee described in Proposition C. The final action for the City Council to take in establishing the required Screening Committee is to appoint the two outside financial experts. Proposition C requires the two outside financial experts to be appointed by the other three members of the Screening Committee (CFO, IBA, and Councilmember Faulconer) and confirmed by the City Council.

In accordance with the Brown Act, a noticed public meeting was convened on July 21, 2008, to discuss and appoint by consensus the two outside financial experts to the Screening Committee. Each of the other three members of the Screening Committee was asked to bring their suggestions for the two outside financial expert appointments to the meeting. Two outside financial experts were appointed by consensus and are now being forwarded to the City Council for confirmation.

In Report No. 08-67, the IBA suggested that the Screening Committee be established before the legislative summer recess to allow for candidate solicitation, review of qualifications, and final recommendation of public member Audit Committee candidates for City Council consideration in September 2008. The resolution before the Council would confirm two outside financial experts to serve on the Screening Committee described in Proposition C and, once the Screening Committee has been established, direct the IBA to initiate solicitation efforts for public Audit Committee member candidates in consultation with the Screening Committee.

FISCAL CONSIDERATIONS: None.

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

On June 23, 2008, the Audit Committee unanimously adopted a motion accepting IBA Report No. 08-67 and directing the IBA to docket necessary actions for City Council consideration to facilitate establishment of a Screening Committee prior to the Legislative summer recess. On July 7, 2008, the City Council adopted a resolution appointing Councilmember Kevin Faulconer to serve on the Screening Committee described in Proposition C.



ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)

COMMITTEE ON AUDIT,  
RESOLUTIONS: (Continued)

ITEM-150: (Continued)

**SUPPORTING INFORMATION:** (Continued)

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: None.

Kawar/Tevlin

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

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

COMMITTEE ON BUDGET AND FINANCE,  
ORDINANCES TO BE INTRODUCED:

ITEM-151: Amendment to the Managed Competition and Business Process Reengineering Ordinances.

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

(See Independent Budget Analyst Report No. 08-65 with revised attachment 1; Independent Budget Analyst Report No. 08-77; and Independent Budget Analyst 6/18/2008 Power Point.)

**TODAY'S ACTION IS:**

Introduce the following ordinances:

Subitem-A: (O-2008-137 Cor. Copy)

Introduction of an Ordinance establishing the Policy of the City of San Diego to recognize the department of the City in order to improve the level of services to the citizens of the City and reduce the cost of providing such services, to improve the process under which Business Process Reengineering Reports are presented to the City Council.

Subitem-B: (O-2009-11)

Introduction of an Ordinance amending Chapter 2, Article 2, Division 37, Section 22.3701 et seq., to provide for greater City Council oversight of managed competition.

**BUDGET AND FINANCE COMMITTEE'S RECOMMENDATION:**

On 6/18/2008, Budget voted 5 to 0 to forward the Independent Budget Analyst's Report to the full City Council and include these additional requests:

5. Outstanding issues to continue to be discussed with stakeholders and recommendations brought forward to full City Council;
  6. Methodology Auditor will use;
  7. Direction to the City Attorney to provide legal analysis and draft Ordinance regarding access to government records and right to Audit provisions; and
  8. Analysis of County versus City's process regarding Right to First Refusal.
- (Councilmembers Faulconer, Atkins, Madaffer, Frye, and Hueso voted yea.)

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)

COMMITTEE ON BUDGET AND FINANCE,  
ORDINANCES TO BE INTRODUCED: (Continued)

ITEM-151: (Continued)

**SUPPORTING INFORMATION:** (Continued)

The Office of the Independent Budget Analyst has facilitated dual discussions on the City's Business Process Reengineering and Managed Competition processes. Our goal has been and continues to be to clarify issues and preserve Council's policy role in both processes. IBA Report No. 08-77 summarizes these discussions and identifies action items for Council consideration on the following topics:

- Clarification of the Managed Competition Independent Review Board (MCIRB) Role Early in the Process.
- An Accelerated Step of Identifying which Functions Proceed to Competitive Procurement.
- The Review and Approval of Preliminary Statement of Works by the City Council.
- Center for Policy Initiatives (CPI) Proposals on Healthcare, Service Levels, Independent Auditor Approval, Retaining Core Capacity, and Worker Retention.
- Timely Implementation of BPRs.

FISCAL CONSIDERATIONS: None with this action.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On March 26, 2008, the Budget & Finance Committee voted unanimously to adopt and support the IBA's recommendations to amend the BPR Ordinance as identified in IBA Report No. 08-25 and refer to the full City Council.

On June 18, 2008, the Budget & Finance Committee voted unanimously to support and forward IBA Report No. 08-65 which provided an earlier update on our discussions to the full City Council.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Discussions with stakeholders included representatives from the Mayor's Office, Councilmember Atkins' office, City Attorney's Office, Labor, Center for Policy Initiatives (CPI), the Managed Competition Independent Review Board (MCIRB) and the Office of the Independent Budget Analyst.

Celaya/Tevlin

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCES TO BE INTRODUCED:

ITEM-200: Modification of North Park Business Improvement District. (North Park Community Plan Area. District 3.)

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

Hold the public hearing and permit testimony in support of or in opposition to the modification of the District, the levying of assessments on businesses, and the modification to the North Park Business Improvement District FY2009 Budget Report.

Introduce the Ordinance amending the North Park Business Improvement District and confirming the modified FY2009 Budget Report. The effective date of the Ordinance and the modified Budget Report shall be November 1, 2008. (A second reading of the Ordinance is required).

**NOTE:** 2<sup>nd</sup> Reading of the Ordinance will be held on September 2, 2008.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2008-155 Cor. Copy)

Introduction of an Ordinance amending Ordinance No. O-16841 to modify the North Park Business Improvement District by changing the basis of assessment and expanding the boundaries of the Business Improvement District; and to levy and collect assessments therefore.

**STAFF SUPPORTING INFORMATION:**

**REQUESTED ACTION(S):**

At the first Council Date (Council meeting of May 27, 2008):

1. Declare intent to modify the North Park Business Improvement District by modifying the basis and method of assessment and by expanding the boundaries; to levy assessments; to modify the North Park Business Improvement District FY 2009 Budget Report; to set June 24, 2008, as the noticed public meeting date; and to set July 28, 2008, as the noticed public hearing date to allow for public testimony regarding the proposed modifications and to hear all protests.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

ITEM-200: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

At the second Council Date (Council meeting of June 24, 2008):

2. Hold public meeting and permit testimony in support of or in opposition to the modification of the District, the levying of assessments on businesses, and the modification to the North Park Business Improvement District FY 2009 Budget Report.

At the third Council date (Council meeting of July 28, 2008):

3. Hold the public hearing and permit testimony in support of or in opposition to the modification of the District, the levying of assessments on businesses, and the modification to the North Park Business Improvement District FY 2009 Budget Report.
4. Introduce the Ordinance amending the North Park Business Improvement District and confirming the modified FY 2009 Budget Report. The effective date of the Ordinance and the modified Budget Report shall be November 1, 2008. (A second reading of the Ordinance is required).

**STAFF RECOMMENDATION:** Approve the requested actions.

**EXECUTIVE SUMMARY:**

An effort to modify the North Park Business Improvement District (NPBID) has been ongoing for a number of months under the auspices of the North Park Organization of Businesses (North Park Main Street). The proposed modifications include changing the assessment methodology within the existing NPBID boundaries and expanding the boundaries to include adjacent commercial areas within the North Park community using the proposed assessment methodology. The purpose of the modification is to increase the amount of resources available from within the existing BID boundaries and to build on the synergy between the commercial areas along University Avenue and 30<sup>th</sup> Street to better benefit the businesses in the larger commercial area.

The proposed assessment methodology would create four categories of business based on the number of employees and the assessments would range from \$125 up to \$500 annually. The expansion of NPBID would add businesses located along: 2004–2749 University Avenue; 3300–3799 and 4000–4199 30<sup>th</sup> Street; 2900–3049 Upas Street; 2900–3099 Dwight Street; and 2900–3099 Polk Avenue.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

## ORDINANCES TO BE INTRODUCED: (Continued)

ITEM-200: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

A Business Improvement District (BID), as authorized by California law, is a government-designated assessment area formed with the support of businesses to improve their business conditions. BID assessments are collected at the same time as the City's Business Tax but are accounted for separately by the City. All BID assessments are returned to the District from which they were collected to be used for improvement programs operated by the business membership and shaped by the needs of the district's businesses.

The City Council has adopted Council Policy 900-07 on Business Improvement Districts to clarify the process by which BIDs may be established or modified. The policy states that proposed increases in assessment levels within an existing BID should be approved by at least two-thirds of the board of directors and that a proposed expansion of BID boundaries should be supported by 20% of eligible businesses within the expansion area as demonstrated by a petition.

In January 2008, City Staff received notice of board approval to increase assessments in the NPBID. In February 2008, City staff received a number of petitions in support of expanding the NPBID and verified that the 20% threshold had been met. In accordance with Council Policy 900-07, City staff then conducted mailed ballot procedures to determine the level of support among the affected businesses in the existing District for increasing the assessments and among the affected businesses in the expansion area proposed to be included in the NPBID.

Council Policy 900-07 also provides that if a majority of those responding, when measured both numerically and when weighted by the amount of the proposed assessment, support the modifications then City Council may proceed with the public hearing process to amend the BID ordinance. A majority of the responding businesses in the existing NPBID supported the change in assessment methodology (numerically 68.8% / weighted 68.6%) and a majority of responding businesses within the proposed expansion area supported the expansion and the proposed levying of assessments (numerically 55.2% / weighted 56.9%). Pursuant to the Parking and Business Improvement Area Law of 1989 and the Ralph M. Brown Act a multi-step hearing process at Council is required and certain mailing and noticing requirements must occur.

**FISCAL CONSIDERATIONS:**

Approximately \$50,000 of additional annual assessments will be collected from the existing businesses as well as those businesses in the expanded area. It is anticipated that assessments would be levied and collected starting November 1, 2008, once approved by Council.

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

The NPBID was established by Ordinance No.O-16481, adopted on July 29, 1985.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

ITEM-200: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

**EQUAL OPPORTUNITY CONTRACTING:**

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

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

North Park Main Street mailed letters and sent e-mails to BID businesses to notify them when the BID modifications were discussed at Board meetings and business mixers. All businesses holding a business tax certificate also received a ballot and information concerning the change in assessment methodology or the proposed expansion and levying of assessments.

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

Businesses within the BID are the key stakeholders of this action and would be impacted by the levying of the annual assessment in the amount of \$125 to \$500 per year depending on the location of the business and the business category.

Kessler/Anderson/MDB

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

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

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

ITEM-201: 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 ACTION IS:**

Introduce and adopt the following ordinance:

(O-2009-4 Rev.)

Introduction and adoption of 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.

**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, OTHER LEGISLATIVE ITEMS (Continued)

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

ITEM-201: (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 is the second public hearing and introduction and adoption of the Ordinance. See Item 202, Subitem A, on the docket of Monday, July 21, 2008, for the first public hearing.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

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

ITEM-202: Fiscal Year 2009 Tax Rate Ordinance.

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

(See Report to the City Council No. 08-110.)

**STAFF'S RECOMMENDATION:**

Introduce and adopt the following ordinance:

(O-2008-10)

Introduction and adoption of an ordinance fixing a rate of taxation of six hundred eight hundred-thousandths percent (0.00608%), comprised of a tax rate of 0.00500% for the Zoological Exhibits and a tax rate of 0.00108% for the Public Safety Communications Bonds, on each one hundred dollars' valuation of taxable property (full value) within the City of San Diego for the Fiscal Year 2008-2009 and that the rate is hereby levied on all taxable property, both real and personal, in the City of San Diego. Included herein is the amount required to be levied by Section 77a of the City Charter, pursuant to the provisions of Section 75 of the Charter of the City of San Diego, Article XIII A of the State Constitution and the state legislation;

Establishing an allowance of three and one-half percent (3.5%) for anticipated delinquencies in tax payments upon real property and improvements thereon and personal property secured, other than properties of public utilities;

Establishing an allowance of one and fifty-one hundredths percent (1.51%) for roll corrections and assessment appeal reductions upon unsecured real property and improvements thereon and one and forty-five hundredths percent (1.45%) personal property secured, other than properties of public utilities;

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

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

## ITEM-202: (Continued)

The rate is computed as follows:

**TAX REQUIREMENTS FOR FISCAL YEAR 2008-2009 BUDGET**

Fund Name (Number)	Fiscal Year 2008-2009 Expenditures	Less Fund Balance Available for FY 2009 Budget	Less Delinquent Taxes and Intangibles	Less Unsecured	Total Tax for Secured Tax Levy	Secured Tax Rate on Each \$100 of Assessed Valuation
Zoological Exhibits Fund (10222)	\$9,679,780	\$1,670,080	\$205,000	\$339,518	\$7,465,182	0.00500% <sup>(a)</sup>
General Obligation Public Safety Communications Bond Interest & Redemption Fund (21640)	\$2,332,275	\$335,763	\$114,000	\$86,943	\$1,795,567	0.00108%
TOTAL	\$12,012,053	\$2,005,843	\$319,000	\$426,461	\$9,260,749	0.00608%

- <sup>(a)</sup> Section 77a of the City Charter requires a two-cent tax levy on each one hundred dollars (\$100.00) of assessed valuation. Subsequent to the adoption of Charter Section 77a, Section 135 of the California Revenue and Taxation Code changed the definition of assessed valuation to "full value" where it had previously been 25 percent of "full value." Pursuant to Section 135(d) of the California Revenue and Taxation Code a conversion factor of one-fourth ( $\frac{1}{4}$ ) is applied to the tax rate for purposes of translating the Charter Section 77a tax rates to the new definition. This rate will be applied to taxable property assessed at full value (100%) for Fiscal Year 2008-2009.

Declaring that the taxes levied shall be due and payable and shall be collected at the same time and in the same manner as State and County taxes in the County of San Diego.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

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

ITEM-202: (Continued)

**STAFF SUPPORTING INFORMATION:**

## Public Safety Communications Bonds

On June 5, 1990, voters approved the issuance of \$25,500,000 of general obligation bonds for the Public Safety Communications Project. The project included new Police and Fire communication centers, new Police and Fire/Emergency Medical Services computer police field units and 800 megahertz radio systems. It is necessary to set a tax rate to provide sufficient funds to pay scheduled principal and annual interest payments on outstanding Public Safety Communications Bonds for capital improvements to be paid off in annual installments by Fiscal Year 2012.

## Zoological Exhibits

The zoological exhibits in Balboa Park are financed from a fixed property tax levy of \$.02 per \$100 of assessed valuation mandated in the City Charter, Section 77A. Subsequent to the adoption of Charter Section 77a, Section 135 of the California Revenue and Taxation Code changed the definition of assessed valuation to “full value” where it had previously been 25 percent of “full value.” Pursuant to Section 135(d) of the California Revenue and Taxation Code, a conversion factor of one-fourth (1/4) is applied to the tax rate, which changes the rate to \$.005 for purposes of translating the Charter Section 77a tax rates to the new definition. This rate will be applied to taxable property assessed at full value (100%) for Fiscal Year 2008-2009. The following is a comparison of Fiscal Year 2008 and Fiscal Year 2009 tax rates:

Purpose	FY 2008 Per \$100 AV*	FY 2009 Per \$100 AV*
Public Safety Communications Bonds (Fund 21640)	0.00119	0.00108
Zoological Exhibits (Fund 10222)	0.00500	0.00500

\*Assessed Valuation

The tax rate for the Public Safety Communications Bond is being reduced as the proposed tax is applied to a higher base due to the increase in assessed valuations. Amounts derived from the tax levy will be used to pay scheduled principal and annual interest payments on the bonds.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

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

ITEM-202: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

The Zoological Exhibits tax rate remains unchanged consistent with City Charter Section 77A. The Charter of San Diego, Section 75 requires that an annual Tax Levy be adopted by ordinance no later than the last day of August of each year.

**FISCAL CONSIDERATIONS:**

Funding is appropriated in the Fiscal Year 2009 Annual Budget for Public Safety Communication Bonds, \$2,332,273, and for Zoological Exhibits, \$9,679,780.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:** None.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:** None.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:** None.

Tirandazi/Levin/Lewis

Staff: Frank Visone - (619) 236-6882  
Lawrence Tomanek - Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-203: Preliminary Statement of Work for Dead Animal Removal Services.

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

(See Report to the City Council No. 08-111.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2009-97)

Approving the Preliminary Statement of Work for Dead Animal Removal Services, dated July 15, 2008, as described in detail in Report to the City Council No. 08-111;

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

**STAFF SUPPORTING INFORMATION:**

The City of San Diego is committed to delivering quality services to taxpayers, residents, and visitors in the most economical and efficient means possible. This commitment can also be expressed as delivering services through "competitive government," defined as government with processes in place to validate that service quality and costs are comparable to those offered by any legitimate available provider.

Managed competition provides a structured, transparent process that allows an open and fair comparison of public sector employees and independent contractors in their ability to deliver services to our citizens. This strategy recognizes the high quality and potential of public sector employees and seeks to tap their creativity, experience and resourcefulness by giving them the opportunity to structure organizations and processes in ways similar to best practices in competitive businesses.

A Preliminary Statement of Work is the first step in the managed competition procurement process. The Preliminary Statement of Work documents service specifications and is presented to the City Council for consideration and public comment to assure all parties that no degradation of service levels will occur as a result of the competition. Once approved, the Preliminary Statement of Work forms the foundation for the complete Statement of Work which will be included in the solicitation. The attachment provides the Preliminary Statement of Work for the Dead Animal Removal function for consideration by the City Council.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-203: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The managed competition program was initiated with the citizens of the City voting to approve Proposition C in November 2006. Staff has spent considerable time working with the labor unions (AFSCME Local 127 and MEA) to receive input on program plans. In addition, we have established a Labor Advisory Committee to facilitate continued work with the unions.

With the passage of Proposition C and the amendment/addition of Subsection (c) to City Charter Section 117, the Managed Competition Independent Review Board was established to advise the Mayor on whether the proposal of City employees or that of an independent contractor will provide services more economically and efficiently while maintaining service quality and protecting the public interest.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Given that the competition has yet to take place, it is premature to speculate on precise impacts. However, key stakeholders in this process are City employees, the City's recognized labor unions and the residents and visitors of the City of San Diego.

Gonaver/Heap/Danegger/Goldstone

Staff: Chris Gonaver - (858) 573-1212  
Grace C. Lowenberg - Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-204: Preliminary Statement of Work for Container Services.

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

(See Report to the City Council No. 08-113.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2009-96)

Approving the Preliminary Statement of Work for Container Services, dated July 15, 2008, as described in detail in Report to the City Council No. 08-113;

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

**STAFF SUPPORTING INFORMATION:**

The City of San Diego is committed to delivering quality services to taxpayers, residents, and visitors in the most economical and efficient means possible. This commitment can also be expressed as delivering services through "competitive government," defined as government with processes in place to validate that service quality and costs are comparable to those offered by any legitimate available provider.

Managed competition provides a structured, transparent process that allows an open and fair comparison of public Sector employees and independent contractors in their ability to deliver services to our citizens. This strategy recognizes the high quality and potential of public sector employees and seeks to tap their creativity, experience and resourcefulness by giving them the opportunity to structure organizations and processes in ways similar to best practices in competitive businesses.

A Preliminary Statement of Work is the first step in the managed competition procurement process. The Preliminary Statement of Work documents service specifications and is presented to the City Council for consideration and public comment to assure all parties that no degradation of service levels will occur as a result of the competition. Once approved, the Preliminary Statement of Work forms the foundation for the complete Statement of Work which will be included in the solicitation. The attachment provides the Preliminary Statement of Work for the Container Services function for consideration by the City Council.



ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-204: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The managed competition program was initiated with the citizens of the City voting to approve Proposition C in November 2006. Staff has spent considerable time working with the labor unions (AFSCME Local 127 and MEA) to receive input on program plans. In addition, we have established a Labor Advisory Committee to facilitate continued work with the unions.

With the passage of Proposition C and the amendment/addition of Subsection (c) to City Charter Section 117, the Managed Competition Independent Review Board was established to advise the Mayor on whether the proposal of City employees or that of an independent contractor will provide services more economically and efficiently while maintaining service quality and protecting the public interest.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Given that the competition has yet to take place, it is premature to speculate on precise impacts. However, key stakeholders in this process are City employees, the City's recognized labor unions and the residents and visitors of the City of San Diego.

Gonaver/Heap/Danegger/Goldstone

Staff: Chris Gonaver - (858) 573-1212  
Grace C. Lowenberg - Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-205: Proposition 218 Noticing for Proposed Water Rate Increase to Meet New Rates Charged by the San Diego County Water Authority.

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

(See Report to the City Council No. 08-118.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2009-84)

Receiving the Report to the City Council No. 08-118;

Authorizing the Mayor, or his designees, to notice a public hearing on proposed water rate adjustments in accordance with the requirements of Proposition 218 and the procedures previously adopted by the City Council in Resolution R-302245;

Declaring that the public hearing for the City Council to consider the proposed water rate adjustments will be held during the regularly scheduled City Council Meeting of September 22, 2008, and will be conducted in accordance with Proposition 218 and the procedures previously adopted by the City Council in Resolution R-302245;

Declaring that this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378(b)(5) because this activity is an organizational or administrative activity of a government that will not result in direct or indirect physical changes in the environment.

**STAFF SUPPORTING INFORMATION:**

On April 24, 2008, the CWA Board of Directors ("CWA Board") adopted the 2008 Long Range Financing Plan update, which included updates to CWA's cost of water, capital improvement program, and other economic assumptions which would affect water purchase rates being charged to their participating agencies. On June 26, 2008, CWA staff made a presentation to the CWA Board disclosing the need for a rate increase based on the additional infrastructure, operations, maintenance, and water purchase costs. At that meeting the CWA Board approved the rate increase recommendation.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-205: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

As a result, on January 1, 2009, CWA will be increasing the rates for water purchases to all their participating agencies, including the City of San Diego.

CWA pass-through rate increases were not part of the City's four-year, 6.5% annual water rate increase approved by the City Council as part of the Water Department's four-year capital improvement plan in February 2007 (Report to the City Council No. 07-039). When the four-year, 6.5% annual increases were presented to the City Council, the Council was advised that the proposed rate increases did not include any future CWA pass-through increases, as none were finalized or approved by the CWA Board at the time. The Council was advised that it was the intent of the Water Department to request authorization to notice any future pass-throughs, and to apply any appropriate rate increases as they became approved by CWA.

On January 1, 2009, the City intends to increase the currently effective Water system rates and fees across all customer classes in order to pass through the increased wholesale water purchase costs from CWA. The commodity fee will increase by 8.50% per HCF of water usage for all customer classes and the base fee will increase by \$0.20 per equivalent dwelling unit, based upon meter size. For the typical single family residence customer using 14 HCF per month, the fee increases due to the CWA pass-through costs will add approximately \$3.31 to the monthly water bill. This will be a 6.26% increase in the current water bill.

Staff is recommending the adoption of the water rate increases in order to maintain cost/revenue neutrality and to maintain consistency with the City's four-year water rate plan previously approved. This recommendation is consistent with Municipal Code Section 67.0508. The rate increases are subject to Proposition 218 noticing.

**FISCAL CONSIDERATIONS:**

Cost of noticing property owners of record and the Water Department's customer base is approximately \$230,000. This cost will be assumed by the Water Department.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:** None.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

Proposition 218 notice will be issued upon approval of this action and will provide 45 days for public review and outreach.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-205: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

The Water Department's customer base and property owners will receive notice that the City Council will hold a public hearing on September 22, 2008, to consider adoption of the proposed adjustments to the existing water fees and rates. This notice will also inform the customers how to register a protest against these rate increases. If adopted, the adjusted fees and rates would become effective January 1, 2009.

Ruiz/Barrett

Staff: Rod Greek - (619) 533-5407  
Raymond C. Palmucci - Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-206: Preliminary Statement of Work for Street Sweeping Services.

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

(See Report to the City Council No. 08-112.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2009-103)

Approving the Preliminary Statement of Work for Street Sweeping Services provided by the Storm Water Department, dated July 11, 2008;

Declaring that the above activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guideline Section 15306, because the activity is for the purposes of information collection and other resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

**STAFF SUPPORTING INFORMATION:**

The City of San Diego is committed to delivering quality services to taxpayers, residents, and visitors in the most economical and efficient means possible. This commitment can also be expressed as delivering services through "competitive government," defined as government with processes in place to validate that service quality and costs are comparable to those offered by any legitimate available provider.

Managed competition provides a structured, transparent process that allows an open and fair comparison of public sector employees and independent contractors in their ability to deliver services to our citizens. This strategy recognizes the high quality and potential of public sector employees and seeks to tap their creativity, experience and resourcefulness by giving them the opportunity to structure organizations and processes in ways similar to best practices in competitive businesses.

A Preliminary Statement of Work is the first step in the managed competition procurement process. The Preliminary Statement of Work documents service specifications and is presented to the City Council for consideration and public comment to assure all parties that no degradation of service levels will occur as a result of the competition.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-206: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

Once approved, the Preliminary Statement of Work forms the foundation for the complete Statement of Work which will be included in the solicitation. The attachment provides the Preliminary Statement of Work for the Street Sweeping function for consideration by the City Council.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The managed competition program was initiated with the citizens of the City voting to approve Proposition C in November 2006. Staff has spent considerable time working with the labor unions (AFSCME Local 127 and MEA) to receive input on program plans. In addition, we have established a Labor Advisory Committee to facilitate continued work with the unions.

With the passage of Proposition C and the amendment/addition of Subsection (c) to City Charter Section 117, the Managed Competition Independent Review Board was established to advise the Mayor on whether the proposal of City employees or that of an independent contractor will provide services more economically and efficiently while maintaining service quality and protecting the public interest.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

Given that the competition has yet to take place, it is premature to speculate on precise impacts. However, key stakeholders in this process are City employees, the City's recognized labor unions and the residents and visitors of the City of San Diego.

Heinrichs/Jarrell/Danegger/Goldstone

Staff: Tony Heinrichs - (858) 525-8528  
Frederick M. Ortlieb – Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ITEM-207: Declaration of Water Emergency (Stage 1. Voluntary Compliance-Water Watch).

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

(See Report to the City Council No. 08-114.)

**STAFF'S RECOMMENDATION:**

Take the following actions:

Finding and determining that a water shortage could exist based upon the occurrence of the following condition: "a general water supply shortage due to increased demand or limited supply," pursuant to Municipal Code Section 67.3803(a);

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

Staff: Jim Barrett - (619) 533-7555

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ITEM-208: UCAN Bill Inserts Related to *Shames v. City of San Diego* Settlement Agreement.

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

(See Report to the City Council No. 08-116.)

**STAFF'S RECOMMENDATION:**

Take the following actions:

Approve the City's recommended Bill Insert language, and not approve UCAN's language in its 5 proposed Bill Inserts;

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

Staff: Alejandra Gavaldón - (619) 533-3983



ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-209: Billingsley Residence, an application for Neighborhood Development Permit; Public Right-of-Way Vacation and Variance to construct a 2,973 square-foot single-family residence on a vacant 0.13 acre-site at 4285 Goldfinch Street in the RS-1-1 Zone. (Uptown Community Plan Area. District 2.)

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

Matter of approving, conditionally approving, modifying, or denying an application for a Public Right-Of-Way Vacation to vacate a portion of the public right-of-way on Goldfinch Street with a Variance to reduce the minimum required dedicated street frontage to zero, and a Neighborhood Development Permit for Environmentally Sensitive Lands to construct a 2,973 square-foot single family residence on a vacant 0.13-acre site at 4285 Goldfinch Street in the RS-1-1 Zone within the Uptown Community Plan Area.

(Report to Planning Commission No. PC-08-035/Mitigated Negative Declaration No. 62130/MMRP/Public Right-of-Way Vacation No. 530896/Neighborhood Development Permit No. 186747/Variance No. 537644/Project No. 62130.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2009-43)

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 62130, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a public right-of-way vacation, and neighborhood development permit for the Billingsley Residence Project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the Office of the City Clerk and incorporated by reference, is approved;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-209: (Continued)

Subitem-A: (Continued)

That pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

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

Subitem-B: (R-2009-44)

Adoption of a Resolution granting Summary Right-of-Way Vacation No. 530896-Billingsley Residence project.

Subitem-C: (R-2009-45)

Adoption of a Resolution granting Neighborhood Development Permit No. 186747, and Variance No. 537644 for the Billingsley Residence project;

That Neighborhood Development Permit No. 186747, and Variance No. 537644 is granted to Kirby L. Pray and Marilyn F. Billingsley, Owners/Permittees, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

**OTHER RECOMMENDATIONS:**

Planning Commission on April 3, 2008, voted 4-0-2 to recommend approval.

Ayes: Schultz, Griswold, Ontai, Otsuji

Not present: Naslund, Smiley

One vacancy

The Uptown Community Planning Group has recommended approval of this project.

**STAFF SUPPORTING INFORMATION:**

**REQUESTED ACTION:**

The application is requesting approval of a Public Right-of-Way Vacation, Variance and Neighborhood Development Permit to construct a single-family residence on a property with steep slopes in the Uptown Community Plan area.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-209: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)STAFF RECOMMENDATION:

1. CERTIFY Mitigated Negative Declaration No. 62130 and ADOPT the Mitigation, Monitoring and Reporting Program; and
2. APPROVE Public Right-of-Way Vacation No.530896; and
3. APPROVE Neighborhood Development Permit No. 186747; and
4. APPROVE Variance No. 537644

EXECUTIVE SUMMARY:

The project site is located at 4285 Goldfinch Street (Attachment 1). The property is within the Uptown Community Plan area which designates the lot for low density residential development (Attachment 2). The property is zoned RS-1-1 which is consistent with the plan designation and permits one dwelling unit on the site. The property includes environmentally sensitive lands in the form of steep hillsides therefore any development proposal requires a Site Development Permit to implement the City's Environmentally Sensitive Land Regulations. This application is proposing to develop the vacant 0.16 acre site with a new 2,973 square-foot single family home. The property is located at the terminus of a partially improved section of Goldfinch Street. The partial improvement allows access to this site and a neighboring property and then becomes a paper street as it runs into City of San Diego owned Open Space. The application is requesting that the small portion of Goldfinch be vacated so that a garage could be located in the vacated area. This would minimize grading on the site and allow for more sensitive development on the hillside by pulling the house closer to the street and away from the slope. The Variance is required because the street vacation would land-lock the existing parcel - meaning it would not have frontage on a dedicated street. An access easement across the neighboring property would resolve the access issue. The property is surrounded exclusively with single-family homes and open space areas created by finger canyons which typify the Uptown neighborhood.

The proposed Public Right-of-Way Vacation, Variance and Neighborhood Development Permit application has been reviewed pursuant to the Uptown Community Plan and the City of San Diego's Land Development Code, including the RS-1-1 Zone and the Environmentally Sensitive Lands Regulations and have been determined to be consistent with all of the applicable land use plans, policies and development regulations for this site. Staff has determined that the findings to approve the street vacation can be made because the Public Right-of-Way proposed to be vacated cannot be used for any present or prospective use, would not adversely affect the General or Community Plan, nor would the Right-of-Way Vacation disrupt the circulation for which the easement was originally intended. In regard to the Variance request, staff believes the required findings can be affirmed in that there are special circumstances associated with the hillside lot based on the extreme topography that warrant consideration of the variance.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-209: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

Staff concluded granting the variance would be consistent with the purpose and intent of the single-family zone and would be the minimum necessary to develop the lot in a reasonable manner. Similarly, staff believes the findings to approve the Neighborhood Development Permit can be made in that the proposed development is consistent with the land use plan and Land Development Code, would not adversely affect the public health, safety and welfare and is designed to minimize the grading and prevent impacts to environmental resources. The proposed development has been designed and sited to be in harmony with the hillside site and would allow development of a moderate size single-family home consistent with the surrounding neighborhood. Therefore, staff believes that the project can be approved as conditioned.

**FISCAL CONSIDERATION:**

There are no fiscal considerations with this project. All of the cost associated with the processing of this application is paid for by the property owner.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:** None.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

On April 3, 2008, the Planning Commission voted 4-0-3 (2 absent, 1 vacancy) recommending that the City Council approve the project. On November 7, 2006, the Uptown Community Planning Committee (Uptown Planners) voted 5-1-1 to recommend approval of the proposed project.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

Kirby L. Pray and Marilyn F. Billingsley, Owners

Broughton/Anderson/PH

Staff: Patrick Hooper – (619) 557-7992  
Andrea Dixon - Deputy City Attorney

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

**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.

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: 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

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: 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-252: EXAMINATION PERIOD FOR BALLOT MATERIALS

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

July 17, 2008

Pursuant to San Diego Municipal Code Section 27.0403, candidate-related ballot materials, and any propositions and related ballot materials for said propositions, to be submitted to the voters within the City of San Diego at the election of November 4, 2008, will be available for public examination for ten (10) calendar days prior to being submitted for printing in the sample ballot. During the examination period, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the ballot or sample ballot materials be amended or deleted. Please note the following examination periods:

<u>Document(s)</u>	<u>Start date</u>	<u>End date</u>
Statements of Qualifications and Designations of Principal Profession or Occupation	July 30, 2008	August 8, 2008
Ordinance(s) calling election(s) and Ordinance(s) placing measure(s) on the ballot [if any]	August 8, 2008	August 18, 2008
City Attorney's impartial analyses and City Manager's fiscal analyses [if any]	August 18, 2008	August 28, 2008
Ballot arguments [if any]	August 22, 2008	September 2, 2008

For additional information regarding this matter, please contact the Elections Section of the Office of the City Clerk at (619) 533-4025.



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: **Notice** of Pending Final Map Approval – Fairbanks Country Villas.

[?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 “Fairbanks Country Villas” (T.M. No. 7439/PTS No. 11104), located on the south side of Carmel Valley Road westerly of Camino Ruiz in the Torrey Highlands Community Plan Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT