

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
SEPTEMBER 4, 2007
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:04 a.m. The meeting was recessed by Council President Peters at 12:03 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:02 p.m. with Council Member Maienschein, Council Member Madaffer, and Council Member Hueso not present. Council President Peters recessed the meeting at 2:31 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 2:38 p.m. with Council Member Maienschein and Council Member Frye not present. Council President Peters recessed the meeting at 4:00 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 4:09 p.m. with Council President Pro Tem Young and Council Member Maienschein not present. Council President Peters recessed the regular meeting at 7:05 p.m. to convene the regular meeting of the Housing Authority. Council President Pro Tem Young reconvened the regular meeting at 7:16 p.m. with Council President Peters, Council Member Maienschein and Council Member Hueso not present. The meeting was adjourned by Council President Pro Tem Young at 7:24 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Hueso-present

Clerk-Maland (dlc/mz)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

ITEM-10: INVOCATION

Invocation was given by Reverend Chris Chase of Good Samaritan Episcopal Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Maienschein.

FILE LOCATION: MINUTES

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Hud Collins commented on the pension and Iraq war.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:31 a.m. – 10:34 a.m.)

PUBLIC COMMENT-2:

Al Strohleim commented on alcohol in Pacific Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:37 a.m.)

PUBLIC COMMENT-3:

Scott Chipman commented on an alcohol related riot.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:37 a.m. - 10:39 a.m.)

PUBLIC COMMENT-4:

Referred to Mayor: Reg Finch commented on a lease at Brown field.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:39 a.m. - 10:41 a.m.)

PUBLIC COMMENT-5:

Ron Boshun commented on the actions of Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:42 a.m. - 10:44 a.m.)

PUBLIC COMMENT-6:

Chris LaRoss, Ted Burgess and Greg Finley commented on traffic concerns regarding the Rock Church.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. - 10:47 a.m.)

PUBLIC COMMENT-7:

Reggie Smith and Tom Cleary presented a framed banner to Council Member Donna Frye.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. - 10:52 a.m.)

PUBLIC COMMENT-8:

Phil Hart commented on the Sunroad project.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:52 a.m. - 10:55 a.m.)

PUBLIC COMMENT-9:

Gary Hoover commented on the homeless in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:55 a.m. - 10:59 a.m.)

PUBLIC COMMENT-10:

Mignon Scherer suggested viewing the movie, *The 11th Hour*.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:59 a.m. - 11:00 a.m.)

PUBLIC COMMENT-11:

Elinor Rector commented on the San Diego Fire Department.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:00 a.m. - 11:03 a.m.)

PUBLIC COMMENT-12:

Nadar Abulabain commented on negotiations with the Mayor.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:03 a.m. - 11:05 a.m.)

PUBLIC COMMENT-13:

Cathleen Higgins commented on the Meet & Confer negotiations with MEA.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:05 a.m. - 11:08 a.m.)

PUBLIC COMMENT-14:

Bill Bradshaw commented on a riot in Pacific Beach and other alcohol related crimes.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:08 a.m. - 11:09 a.m.)

PUBLIC COMMENT-15:

Jerry Hall commented on the safety of officers, lifeguards and fire fighters related to alcohol in Pacific Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:09 a.m. - 11:11 a.m.)

PUBLIC COMMENT-16:

Katheryn Rhodes commented on the Density Bonus.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:11 a.m. - 11:15 a.m.)

PUBLIC COMMENT-17:

Cheryl Cocoa Lo-El sang a song about a cigarette ban.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:15 a.m. - 11:18 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

CC 1: Council President Peters welcomed everyone back after the August recess and wished a happy birthday to City Clerk, Liz Maland and Council Member, Ben Hueso. Council President Peters also congratulated Council Member Madaffer on being installed as the President of the League of California Cities.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:29 a.m.)

CITY ATTORNEY COMMENT:

NONE.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

APPROVED

Approval of Council Minutes for the meetings of:

- 01/02/2007 – Adjourned
- 06/11/2007
- 06/12/2007
- 06/18/2007
- 06/19/2007
- 06/25/2007
- 06/26/2007
- 07/02/2007 – Adjourned
- 07/03/2007 – Adjourned
- 07/09/2007
- 07/10/2007
- 07/16/2007
- 07/17/2007
- 07/18/2007 – Special Meeting

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:06 a.m.)

MOTION BY MADAFFER TO APPROVE. Second by Atkins. Passed by the following vote: Peters-yea, Falconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-31: San Diego Jazz Week.

COUNCILMEMBER FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-159) ADOPTED AS RESOLUTION R-302938

Proclaiming the week of September 2, 2007, to be "San Diego Jazz Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:06 a.m. – 10:10 a.m.)

MOTION BY FAULCONER TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-32: Scott D. Fulkerson Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-121) ADOPTED AS RESOLUTION R-302939

Commending Scott Fulkerson for his service to the City of San Diego;

Proclaiming September 4, 2007, to be "Scott D. Fulkerson Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:18 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-33: Bob Kennedy Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-153) ADOPTED AS RESOLUTION R-302940

Declaring September 4, 2007, to be "Bob Kennedy Day" in the City of San Diego in recognition of his immeasurable and dedicated service.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:28 a.m.)

MOTION BY MADAFFER TO APPROVE. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-50: Beneficial Use of Digester Gas (BUDG) – Agreements with BOC Merchant Production, Inc.

(See Executive Summary Sheet date 7/25/2007; MWWD's 7/18/2007 Power Point. Peninsula Community Area. District 2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/31/2007, Item 50. (Council voted 7-0. Councilmember Maienschein not present):

(O-2008-2) ADOPTED AS ORDINANCE O-19662
(New Series)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an agreement with BOC Merchant Production, Inc.;

Authorizing the Mayor, or his designee, to execute a site lease with BOC Merchant Production, Inc., under the terms of the BUDG Site Lease;

Authorizing the Mayor, or his designee, to execute an agreement with BOC Group, Inc., under the terms of the Guarantee Agreement;

Authorizing and directing the City Auditor and Comptroller to deposit funds received under the above Biogas Purchase and Sale Agreement into Sewer Revenue Fund No. 41508, Revenue Account 78317;

Declaring that this activity is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15061(b) (3) because the activity does not have the potential for causing a significant effect on the environment.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:03 p.m. – 2:03 p.m.)

MOTION BY FAULCONER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-not present.

- * ITEM-51: Agreements for Financial Advisory, Special Tax Consultant, and Bond Counsel Services Related to Communities Facilities District No. 3 (Liberty Station), Series B Financing.

(Peninsula Community Planning Area. District 2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/31/2007, Item 331. (Council voted 7-0. Councilmember Maienschein not present):

(O-2008-12 Cor. Copy 2) ADOPTED AS ORDINANCE O-19658
(New Series)

Authorizing the City Attorney to enter into a Contract for Bond Counsel Services with Stradling Yocca Carlson & Rauth with respect to bond counsel and disclosure counsel services rendered in connection with the issuance of bonds for Communities Facilities District No. 3 (Liberty Station) in an amount not to exceed \$125,000; provided however that bond counsel shall be paid only from proceeds of the bonds and any deposits made by the developer therefore;

Authorizing the City to enter into a Contract for Financial Advisory Services with Fieldman, Rolapp & Associates in connection with the issuance of bonds for Communities Facilities District No. 3 (Liberty Station) in an amount not to exceed \$53,500, such amount to be paid as indicated in the Executive Summary of the Mayor;

Authorizing the City to enter into a Contract for Special Tax Consulting Services with David Taussig & Associates in connection with the issuance of bonds for Communities Facilities District No. 3 (Liberty Station) in an amount not to exceed \$42,500, such amount to be paid as indicated in the Executive Summary of the Mayor.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-52: Amendments to Agreements for Financial Advisory, Special Tax Consulting and Administration, and Bond Counsel Services for Community Facilities District No. 4 (Black Mountain Ranch Villages).

(Black Mountain Ranch Community Area. District 1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/31/2007, Item 332. (Council voted 7-0. Councilmember Maienschein not present):

(O-2008-13 Cor. Copy) ADOPTED AS ORDINANCE O-19569
(New Series)

Authorizing the City Attorney to enter into a Contract Amendment for Bond and Disclosure Counsel Services with Stradling Yocca Carlson & Rauth with respect to bond counsel and disclosure counsel services rendered in connection with the issuance of bonds for Communities Facilities District No. 4 (Black Mountain Ranch Villages) in an amount not to exceed \$130,000; provided however that bond counsel shall be paid only from proceeds of the bonds and any deposits made by the developer therefore;

Authorizing the City to enter into an amendment to the Contract for Financial Advisory Services with Fieldman, Rolapp & Associates in connection with the issuance of bonds for Communities Facilities District No. 4 (Black Mountain Ranch Villages) in an amount not to exceed \$58,500, such amount to be paid as indicated in the Executive Summary of the Mayor;

Authorizing the City to enter into an Amendment to the Contract for Special Tax Consulting Services and Administration Services with David Taussig & Associates in connection with the issuance of bonds for Communities Facilities District No. 4 (Black Mountain Ranch Villages) in an amount not to exceed \$80,000, such amount to be paid as indicated in the Executive Summary of the Mayor.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-53: Approving Sole Source Agreements with Macias, Gini & O'Connell for Fiscal Years 2006 and 2007 Comprehensive Annual Financial Report (CAFR) Audits.

(See Report to the City Council 07-121, memorandum from Greg Levin dated 7/18/2007, and 2004 CAFR Presentation dated 7/24/2007.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/24/2007, Item 334, Subitem B. (Council voted 7-0. Councilmember Maienschein not present):

(O-2008-14) ADOPTED AS ORDINANCE O-19660
(New Series)

Approving a sole source agreement with Macias, Gini & O'Connell and expenditure in an amount not to exceed \$1,114,830 for the audit of the Fiscal Year 2006 CAFR;

Approving a sole source agreement with Macias, Gini & O'Connell and expenditure in an amount not to exceed \$1,159,710 for the audit of the Fiscal Year 2007 CAFR;

Authorizing the City Auditor and Comptroller to appropriate, transfer, and expend up to \$688,000 from the Unallocated Reserve to the appropriate fund to pay the General Fund portion of these expenditures that exceed previously budgeted amounts.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

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* ITEM-54: Conversion of G Street to One-Way Operation within the Downtown Quiet Zone.

(See Centre City Development Corporation CCDC Report 07-34/RTC-07-133.
Centre City Community Area. District 2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/31/2007, Item 337, Subitem B.
(Council voted 7-0. Councilmember Maienschein not present):

(O-2008-5) ADOPTED AS ORDINANCE O-19661
(New Series)

Authorizing the creation of angle parking zone on G Street between Pacific
Highway and Front Street, in accordance with the provisions of the California
Vehicle Code Section 22503 and San Diego Municipal Code Section 86.03;

Approving the installation of the necessary signs or markings, to be made on said
street, and the regulations hereinabove imposed shall become effective upon the
installation of such signs or markings;

Declaring that the City of San Diego, as Responsible Agency, under the
California Environmental Quality Act (CEQA), has reviewed and considered a
Mitigated Negative Declaration (MND) SCH No. 2007021121, dated April 3,
2007 covering this activity, prepared by the Centre City Development
Corporation as Lead Agency.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND
ADOPT THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-
yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Hueso-yea.

ITEM-55: Proposed 11th Amendment to the Redevelopment Plan for the Centre City Redevelopment Project and Amendments to the Downtown Community Plan, Centre City Planned District Ordinance, Marina Planned District Ordinance, and the Mitigation Monitoring and Reporting Program of the 2006 Final Environmental Impact Report for the Downtown Community Plan, Centre City Planned District Ordinance, and Redevelopment Plan for the Centre City Project Area – Areawide.

(See Centre City Development Corporation Report CCDC-07-29/CCDC-07-15. Districts 2 and 8.)

CITY COUNCIL’S RECOMMENDATION:

Adopt the following ordinances which were introduced on 7/31/2007, Item 341, Subitems C and D. (Council voted 7-0. Councilmember Maienschein not present):

Subitem-A: (O-2008-6) ADOPTED AS ORDINANCE O-19663
(New Series)

Approving and adopting the proposed 11th Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, for the purpose of making necessary changes to consolidate the land use and project maps in order to create consistency among planning documents.

Subitem-B: (O-2008-9 Rev. 1) ADOPTED AS ORDINANCE O-19664
(New Series)

Amending Sections 156.0302, 156.0303, 156.0304, 156.0305, 156.0307, 156.0308, 156.0309, 156.0310, 156.0311, 156.0313, 156.0314 and 156.0315, and Substituting New Figure B, in Chapter 15, Article 6, Division 3, relating to Land Use, FAR Bonus Programs, Urban Design, Procedures/Calculations, Parking, and Signs pertaining to revising the Centre City Planned District Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:50 p.m. – 5:54 p.m.)

MOTION BY FAULCONER TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-not present.

- * ITEM-56: Twelfth Amendment to Lease Between the City of San Diego and Civic Center Associates, LLC to Add Space Leased at Civic Center Plaza Building Located at 1200 Third Avenue.

(Centre City Community Area. District 2.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2008-1) INTRODUCED, TO BE ADOPTED ON
TUESDAY, SEPTEMBER 18, 2007

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute and deliver, for and on behalf of the City of San Diego, a Twelfth Amendment to Lease (Amendment) amending that certain Lease dated October 21, 1991, by and between the City Of San Diego, as tenant, and Civic Center Associates, LLC, a California limited liability company, as landlord, and relating to the addition of approximately 19,890 square feet of office space to the Lease premises located in the Civic Center Plaza building at 1200 Third Avenue, San Diego, California, under the terms and conditions set forth in the Amendment;

Authorizing and directing the City Auditor and Comptroller to expend up to \$350,254.90 in Fiscal Year 2008 as required under the Amendment, and to make such fund transfers and re-allocations as may be necessary and prudent to effect such payment.

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

STAFF SUPPORTING INFORMATION:

Redevelopment and City Planning & Community Investment (CPCI) relocated from 600 B Street to the 14th floor of Civic Center Plaza (CCP) under an existing sublease with San Diego Data Processing. While the total square footage is slightly larger at CCP, rent cost is reduced by \$84,885 in FY08 and yields aggregate savings through the end of the lease term of \$719,330 over the rent cost at 600B.

CCP Suite 424 will be used to enhance the Treasurer's operations by providing additional office space in CCP close to existing operations. While subleased from SDDPC this space was used by the City Attorney's office, which has since relocated to the basement of COB.

FISCAL CONSIDERATIONS:

Rent for the existing CCP lease is significantly below market. Moving staff to CCP, reduces the City's overall rent cost. The total funding for this additional space in FY08 is \$350,254.90. There are no increases in the rent through the end of the term. Rent for suite 424 is in the approved FY08 budget under Fund 100, Department 601 (General Fund-Citywide).

Funding for CPCI's half of the 14th floor is in the FY08 budget under Fund 100, Department 065. Redevelopment's half of the 14th floor is funded in the FY08 budget under Fund 10275, Department 10275.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The effected departments are in closer working proximity to other department staff and CAB, which increases operational efficiencies.

Barwick/Waring

Aud. Cert. 2800045.

Staff: Diane Bartko - (619) 236-6191
Brock Ladewig – Chief Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-57: Establishment of a Two-Hour Metered Parking Zone on 3800 Block of Vermont Street.

(Uptown Community Area. District 3.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2008-15) INTRODUCED, TO BE ADOPTED ON
TUESDAY, SEPTEMBER 18, 2007

Introduction of an Ordinance authorizing the establishment of a two-hour time limit metered parking zone to be effective everyday between 8:00 AM and 6:00 PM, Sundays and certain holidays excepted, on the 3800 Block of Vermont Street between University Avenue and the alley south of University Avenue.

STAFF SUPPORTING INFORMATION:

This action will authorize the establishment of a two-hour time limit metered parking zone to be effective everyday between 8:00 AM and 6:00 PM, Sundays and certain holidays excepted on the east side of Vermont Street between University Avenue and the Alley south of University Avenue. This has been requested by the fronting businesses and is consistent with Council Policy 200-4 and is permitted under CVC Section 22508.

The 3800 block of Vermont Street is a two-lane 51-foot wide street with parallel parking permitted on both sides of the street. Currently, two parking meters exist on both sides of Vermont Street just south of University Avenue and the remaining curb space is unregulated. In order to increase turnover and available parking, the business owners on 3875 and 3877 Vermont Street and 1201 University Avenue whose frontage is on Vermont have signed a petition requesting the proposed zone.

The installation of additional two-hour time limit metered parking would result in higher turnover of parking spaces and prevent the extended parking of vehicles, thus allowing parking for the patrons of the businesses in the area.

FISCAL CONSIDERATIONS:

\$1,650. The proposed parking meter zone would require the installation of four parking meters estimated to cost \$2,800, and new pavement markings to delineate the parking spaces estimated to cost \$200. Funds are not budgeted for the pavement markings for this project. However, Street

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Division will reprioritize other maintenance needs in order to complete this project. Funding for the parking meters will be shared on a 55% - 45% basis between the General Services Department's budget and the Uptown Partnership, Inc. from parking meter revenues.

The total cost to the City is estimated to be \$1,650. It is expected that these meters will result in revenues of \$2,430 per year to the City.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The property owners adjacent to the proposed parking meter zone on Vermont Street have submitted a petition in support of this action. In addition, the Uptown Planners community Planning Group is in support of this proposal.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Businesses and residents on this block of Vermont Street, other parking users, and Uptown Planners.

Boekamp/Haas

Aud. Cert. 2800031.

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-100: NOTE: This item has been taken off the docket.

* ITEM-101: Two actions related to Inviting Bids for Water Group 3002.

(Executive Summary Sheet dated February 14, 2007; Engineering and Capital Projects' PowerPoint. La Jolla and College Community Areas. Districts 1 and 7.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2007-1318) ADOPTED AS RESOLUTION R-302941

Approving the plans and specifications for the construction of Water Group 3002 as advertised by the Purchasing and Contracting Department, on Work Order No. 185141/185471;

Authorizing the Mayor or his designee to establish contract funding phases and execute a contract with the lowest responsible and reliable bidder providing the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$6,777,266 from Water Fund 41500, CIP-73-083.0, Annual Allocation – Water Main Replacement for the construction of Water Group 3002 of which \$4,650,752 is for construction, of which \$1,893,976 is for Project related costs, and \$232,538 is for contingency, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the use of City Forces in Water Fund 41500, CIP-73-083.0 Annual Allocation – Water Main Replacement for construction of projects within Water Group 3002: Sub CIP-73-855.1, Water Group 540A for \$218,750 and; Sub CIP-73-857.7, Water Group 550 for \$338,222 for the total amount not to exceed \$557,072;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves. (BID-K083704C)

Subitem-B: (R-2007-1319) ADOPTED AS RESOLUTION R-302942

Certifying that Mitigated Negative Declaration, Project No. 25342, dated January 22, 2007 (Addendum) for Water Group 540A, which is within Water Group 3002 (the Project), 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.);

Declaring that the Addendum 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 the Council in connection with the approval of the Project;

Declaring that the Council finds that revisions to the project now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, approving Project 25342 Addendum;

Certifying and adopting the Addendum for the Project;

Adopting 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, pursuant to California Public Resources Code section 21081.6;

Declaring that the activity in Water Group 550 within the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15301 as this Project involves repair of existing facilities;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

Information only. No action taken.

SUPPORTING INFORMATION:

Water Group 3002 is part of the City of San Diego's Cast Iron Water Main Replacement Program as mandated by Department of Health Services Compliance Order No. 04-14-96-022. This project consists of Water Group 540A and Water Group 550. Originally these projects were intended to be advertised individually and are located in different areas within the City of San Diego. As such, they were reviewed as individual projects for compliance with the California Environmental Quality Act (CEQA). Water Group 550 was determined to be exempt from CEQA. In order to expedite their construction, they have been grouped under one construction contract known as Water Group 3002.

Water Group 540A is located in the La Jolla area. It includes the abandonment of approximately 2,380 linear feet (all cast iron) of 4, 6, 8 and 12-inch deteriorated water mains, the addition of approximately 1,342 linear feet of new 8-inch water mains, and the replacement of approximately 5,502 (4,552 linear feet of cast iron and 950 linear feet of asbestos cement) of existing 6, 8, 12 and 16-inch old and deteriorated water mains, water services and fire hydrants. It also includes the relocation of a pressure relief and reducing station, curb ramps and street resurfacing. The streets affected by construction operations within the projects are: La Jolla Shores Drive, Caminito Del Collado, Calle Chiquita, Avenida De Las Ondas, Calle Del Cielo, Calle Del Oro, Poole Street and Azul Street as shown on the Location Map.

Water Group 550 is located in the College area. It includes the replacement of approximately 7,851 linear feet of existing 8 and 12-inch old and deteriorated cast iron water mains, water services, and fire hydrants. It includes installing curb ramps and street resurfacing. The streets affected by construction operations within the projects are: Seminole Drive, El Cajon Boulevard, 67th Street, Richard Street, Julie Street, Cleo Street, Lenore Drive, and Judson Way as shown on the Location Map.

As indicated in the Engineers' Project Cost Estimate for the use of City Forces it is estimated to be more economical than if done by contract. In addition, the Department of Health Services (DHS) under the California Safe Drinking Water Act requires certified operators to perform this type of work (work on live water mains) to ensure the integrity of the water system.

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$6,777,266. Of the \$6,777,266 for the projects, \$1,611,883 will be financed with proceeds from the Subordinated Water Revenue Notes, Series 2007A and \$3,579,660.80 from currently anticipated to be a follow on water revenue debt issuance in Fiscal Year 2008.

The remaining \$1,585,722.20 will be cash funded. Funding is available in Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for this purpose. This project is scheduled to phase funding in FY08. No future funding is anticipated. An Auditor's Certificate will be issued prior to contract award.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS:

The subject item was presented to the Committee on Natural Resources and Culture for information only on February 21, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

During design, Water Group 540A was presented to the La Jolla Committee Planning Association on February 7, 2000. Due to funding uncertainty during design, Water Group 550 was not presented to the College Area Community Council. Once financing has been approved, the community will be updated for Water Group 540A and a presentation will be made for Water Group 550 if needed. In addition, residents and businesses will be notified by mail by the City's Engineering and Capital Projects Department at least one (1) month before construction begins and again ten (10) days before construction begins by the Contractor through hand distribution of notices. Traffic control plans have been prepared for this project and will be implemented during construction.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Residents in this area will encounter inconveniences during construction. After completion, residents will experience improved reliability of the water distribution system.

Boekamp/Haas

FILE LOCATION: W.O. No. 185141/185471

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-102: Two actions related to Inviting Bids for Pump Station Upgrades – Group IV – Comfort Stations Project.

(See memorandum from Richard G. Mendes dated 9/30/2004. Mission Bay Park, Harbor Island, and Chollas Community Areas. Districts 2 and 4.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2008-99) ADOPTED AS RESOLUTION R-302943

Approving the plans and specifications for the construction of the Citywide Pump Station Upgrades – Group IV – Comfort Stations (the Project) on Work Order No. 140061;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award a contract for the project to the lowest responsible and reliable bidder, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the contract are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$2,493,282, of which \$2,407,680 will be funded from the Sewer Fund 41506, CIP-41-929.0, Pump Station Upgrades Group IV – Comfort Stations, and \$85,602 will be funded from Fund 41506, CIP-46-193.0, Annual Allocation – Muni Pooled Contingency for the purpose of providing funds for project contingency provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K083944C)

Subitem-B: (R-2008-100) ADOPTED AS RESOLUTION R-302944

Certifying that Mitigated Negative Declaration, LDR No. 31233, dated September 3, 2004 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 said declaration, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the Pump Station Upgrades Project – Group IV – Comfort Stations (Project);

Finding that the Project revisions now mitigate potentially significant effect on the environment previously identified in the Initial Study and therefore, approving Mitigated Negative Declaration LDR No. 31233;

Adopting 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 effect on the environment, pursuant to California Public Resources Code section 21081.6;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/06/2004, NR&C voted 4 to 0 to approve City Manager's recommendations regarding the substantive aspects of the project, with direction to the City Manager to include the department's best management practices in the environmental documentation when it comes forward to full Council. (Councilmembers Zucchet, Frye, Madaffer, and Inzunza voted yea. District 4-vacant.)

SUPPORTING INFORMATION:

The Citywide Pump Station Upgrade Projects involve four separate groups of construction contracts, totaling 22 sewer pump stations. Citywide Pump Station Upgrades - Group IV - Comfort Stations involves electrical, mechanical, and miscellaneous upgrades of eight sewer pump stations that serve comfort stations in the Mission Bay and Harbor Island areas of the City and the trailers at the City's Chollas Operations Center.

Specifically, it involves station 46 at Chollas; station numbers 52 and 53 on Harbor Island; and station numbers 54, 55, 56, 57, and 58 along the east side of Mission Bay. The upgrades include: the addition of water supply shut-off solenoid valves, radio telemetry systems, new pumps, passive odor-control systems, concrete paving, jib cranes, flow meters, ventilation systems, safety measures, control panels, wet-well level monitoring systems, and inverter upgrades for motor protection.

All of these pump stations are identified in the Final Consent Decree as required projects.

A Final Mitigated Negative Declaration (MND), including an Initial Study Discussion, was prepared in 2004.

FISCAL CONSIDERATIONS:

The total of this request is \$2,493,282 of which \$2,407,680 will be available in Sewer Fund 41506, CIP-41-929.0, Pump Station Upgrades, and \$85,602 will be available in Sewer Fund 41506, CIP-46-193.0, Annual Allocation – Muni Pooled Contingency, contingent upon the approval of the Fiscal Year 2008 Capital Improvement Program and Appropriation Ordinance. The project costs may be bond reimbursed approximately 80% by current or future debt financings. An Auditor's Certificate will be issued prior to contract award.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This action was reviewed and approved by the Natural Resources and Culture Committee on October 6, 2004.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

MWWD staff will present these projects to the Mission Bay Park Committee as an informational item prior to the award of the contract. The Committee has been advised of these projects previously and is a proponent of the projects. MWWD staff will continue to coordinate this project with staff from the Park and Recreation Department.

Pre-construction notices will give the public notice of the upcoming rehabilitation, and temporary facilities will be provided for the public during temporary shut-downs, if required.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

- Those who enjoy Mission Bay Park, Harbor Island, and those who use the applicable trailers at the Chollas yard.
- Park and Recreation Department - MWWD is working with them to sufficiently coordinate and facilitate the project.
- MWWD will be able to better monitor and prevent sewer spills, minimize station downtime, and respond more quickly to alarms through the implementation of this CIP.

Ferrier/Haas

FILE LOCATION: W.O. No. 140061

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-103: Two actions related to Inviting Bids for Water Group 3001.

(Peninsula Community Area. District 2.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2008-142) ADOPTED AS RESOLUTION R-302945

Approving the plans and specifications for the construction of Water Group 3001 as advertised by Purchasing and Contracting Department, on Work Order No. 183701/186541;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award the project contract to the lowest responsible and reliable bidder for the project, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$4,810,779 from Water Fund 41506, CIP-73-083.0, Annual Allocation – Water Main Replacement, solely for the construction, contingency, and project related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the use of City Forces for a total amount not to exceed \$357,247, from Water Fund 41500, CIP-73-083.0, Annual Allocation – Water Main Replacement, for the construction of projects within Water Group 3001, Sub CIP 73-849.9, Water Group 688 for \$143,492, and Sub CIP-73-859.0, Water Group 726 for \$213,755, for the total amount not to exceed \$357,247;

Authorizing the City Auditor and Comptroller upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.
(BID-K083705C)

Subitem-B: (R-2008-143) ADOPTED AS RESOLUTION R-302946

Declaring that the Addendum to a Mitigated Negative Declaration, Project No. 131266, dated August 2, 2007 (Addendum) for Water Group 726, which is within Water Group 3001 (the Project) 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.);

Declaring that the Addendum 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 the Council in connection with the approval of the project;

Finding that revisions to the Project now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, approving Project 131266 Addendum;

Adopting 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 effect on the environment, pursuant to California Public Resources Code Section 21081.6;

Declaring that the activity in Water Group 668 within the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15282(k) as the repair and replacement of an existing pipeline which is less than one mile in length; and

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

Informational only. No action taken.

SUPPORTING INFORMATION:

Water Group 3001 is part of the City of San Diego's Cast Iron (CI) Water Main Replacement Program as mandated by Department of Health Services Compliance Order No. 04-14-96-022. This project includes Water Group 668 and Water Group 726. This project is located in the Peninsula area. Originally these projects were intended to be advertised individually. In order to expedite their construction, they have been grouped under one construction contract known as Water Group 3001. This project includes the addition of 250 linear feet (LF) of 8-inch water mains, the replacement of approximately 9,250 LF (7,830 LF of CI and 1,420 LF of Asbestos Cement) of existing 6 and 8-inch old and deteriorated water mains with new 8-inch and 16-inch water mains. It also includes installing curb ramps and street resurfacing. The streets affected by Water Group 668 construction operations within this project are: Osprey Street, Barcelona Drive, Calaveras Drive, Cornish Drive, Novara Street and Piedmont Drive as shown on the location map. The streets affected by Water Group 726 construction operations within this project are: Udall Street, Tennyson Street, Alicia Drive, and Atascadero Drive, San Clemente Street, and Wabaska Court, west of Nimitz Boulevard, as shown on the location map.

As indicated in the Engineers' Project Cost Estimate for the use of City Forces it is estimated to be more economical than if done by contract. In addition, the Department of Health Services (DHS) under the California Safe Drinking Water Act requires certified operators to perform this type of work (work on live water mains) to ensure the integrity of the water system.

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$4,810,779. Of the \$4,810,779 for the projects, \$3,367,545.30 will be financed with proceeds from the Subordinated Water Revenue Notes, Series 2007A. The remaining \$1,443,233.70 will be cash funded. Funding is available in Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for this purpose. No future funding is anticipated.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS:

The subject item was presented to the Committee on Natural Resources and Culture for information only on February 21, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

During design, Water Group 668 and Water Group 726 were presented to the Peninsula Committee Planning Board on August 15, 2002. Once financing is approved, the community will be updated on the project.

In addition, residents and businesses will be notified by mail by the City's Engineering and Capital Projects Department at least one (1) month before construction begins and again ten (10) days before construction begins by the Contractor through hand distribution of notices. Traffic control plans have been prepared for this project and will be implemented during construction.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

- Residents in this area will encounter inconveniences during construction. After completion, residents will experience improved reliability of the water distribution system.
- Bureau Veritas aka Berryman and Henigar is the Consultant designer for Water Group 726.

Boekamp/Haas

FILE LOCATION: WO. No. 183701/186541

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-104: Amendment No. 1 to the Agreement with the National Environmental Safety and Health Training Association (NESHTA).

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-91) ADOPTED AS RESOLUTION R-302947

Approving the Amendment No. 1 to the Agreement with the National Environmental Safety and Health Training Association (Amendment 1) and authorizing the Mayor, or his designee, to execute the Amendment to increase the not-to-exceed amount of the Agreement by \$115,000, from \$180,000 to \$295,000, and to increase the term of the Agreement by 18 months to a revised term of 48 months, for additional English to Spanish translation of selected material from technical manuals;

Authorizing the expenditure of an amount not to exceed \$115,000 from Sewer Operating Fund 41506, for the purpose of funding the Amendment;

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

Declaring that this activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15306 as data collection, research and resource evaluation activities that do not result in a serious or major disturbance to an environmental resource.

STAFF SUPPORTING INFORMATION:

The City of San Diego and the State Water Resources Control Board (SWRCB) have worked together over the past several years to assist Mexican authorities in the planning and development of industrial pretreatment and wastewater treatment projects along the California/Baja California border. This work is to improve the operation of the International Wastewater Treatment Plant and to benefit the environment of the border region, including the ocean environment.

As a part of this effort, SWRCB requested the City to translate from English to Spanish sections of a series of technical training manuals related to industrial pretreatment and wastewater treatment. The requested services included a series of workshops in Tijuana, Baja California to present the translated training materials to Baja California wastewater workers.

To fulfill the State's request, the City procured the professional consulting services of the National Environmental, Safety and Health Training Association (NESHTA). NESHTA controls the copyrights of the materials identified by the SWRCB to be translated. In addition, NESHTA is unique in that it has successfully provided such services on a recent, similar project for the City of San Diego.

As stated in a letter, dated June 11, 2003, from the SWRCB to Scott Tulloch, former Metropolitan Wastewater Department Director, all of the costs to the City for this work will be fully reimbursed by the State of California under the State's Defensive Measures Special Appropriation. MWW staff established a scope of work with SWRCB and it was agreed that the cost of the project should not exceed \$180,000. In a letter, dated December 13, 2006, from the SWRCB to Scott Tulloch, approval was given to use remaining State Defensive Measures monies, limited to \$115,000, to allow translation of additional materials. Thus, MWW seeks to amend the Agreement with NESHTA in order to increase the scope of work; the not-to-exceed amount by \$115,000, from \$180,000 to \$295,000; and the term of the Agreement by 18 months to a revised term of 48 months.

FISCAL CONSIDERATIONS:

The total of this request is \$115,000 and is available in Sewer Operating Fund 41506. This action will increase the value of the Agreement from \$180,000 to \$295,000. The State Water Resources Control Board (SWRCB) will fully reimburse the City for the costs incurred by the City under the Agreement with NESHTA.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

- State Water Resources Control Board which seeks to improve the planning and development of industrial pretreatment and wastewater treatment projects along the California/Baja California border.
- NESHTA which has the capability and resources to provide the translated materials necessary to improve industrial pretreatment and wastewater treatment projects along the California/Baja California border.

Bertch/Haas

Aud. Cert. 2700859.

Staff: Alan C. Langworthy - (619) 758-2300
James W. Lancaster - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-105: First Amendment to Agreement with Vasquez + Marshall & Associates for Downtown Fire Station No. 1.

(Centre City Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-149) RETURNED TO MAYOR

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a First Amendment to the Agreement with Vasquez + Marshall & Associates, for Architectural Services for Downtown Fire Station No. 1, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this Project and Agreement;

Authorizing a \$162,612 increase in the Fiscal Year 2008 Capital Improvement Program Budget in CIP-33-093.0, Downtown Fire Station No. 1, Fund No. 99044, Fire Stations;

Authorizing the appropriation and expenditure of an amount not to exceed \$162,612 from CIP-33-093.1, Downtown Fire Station No. 1, Fund 99044, Fire Stations, for the purpose of providing funds for the First Amendment with the Consultant;

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

Declaring that this activity (an amendment to an existing agreement) is not a "project" and is therefore not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3); while the overall activity is exempt from CEQA pursuant to CEQA Guidelines Section 15268(b), as the activity of rehabilitating Fire Station No. 1 is ministerial in nature.

STAFF SUPPORTING INFORMATION:

Downtown Fire Station No. 1 is a 32 year old facility located on the first floor of the San Diego City Operation/Development Services Building. It is the largest Downtown fire station providing service to the entire community and handling over 12,000 calls for fire and medical assistance during the past year. The City hired Vasquez + Marshall & Associates through a phase funded agreement to provide professional services to prepare plans for the fire station remodeling. Phase I, which has been completed, provided for conceptual plans, and Phase II, which was nearing completion, provided for construction documents.

The scope for the improvements of the Downtown Fire Station No. 1 changed recently due to proposed future redevelopment plans of City buildings, including the building which houses Fire Station No. 1. Currently, Downtown contains only one other fire station within boundaries (Station No. 4 at Eight Avenue and J Street). Two new fire stations are planned but will not be constructed and become operational for several years.

Rehabilitation to Fire Station No. 1 will help maintain a safe and livable downtown environment, by allowing the City to ensure appropriate levels of fire services proportionate to population and activity level within coming years.

The scope of the project was modified to rehabilitate the Fire Station versus a complete remodel. A portion of the original work by the consultant may be reused for the new scope, such as the original research and base maps. However, the new scope will require additional services to design and specify different floor layouts, materials, modified asbestos abatement plans to include only portions to be disturbed, new electrical plans, the mechanical/ventilation system has

to be studied and modified to make sure it is adequate for the new configuration, the kitchen area will have to be redesigned to match the existing size of the kitchen, and ADA restroom will have to be provided at a different location, etc.

FISCAL CONSIDERATIONS:

The total consultant's fee for professional services required for this First Amendment is \$162,612. Funds for this purpose are available in CIP-33-093.1, Downtown Fire Station No. 1, Fund No. 99044, Dept. No. 97743, Org. No. 4005.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

- On July 22, 2003, City Council adopted Resolution R-298235 for Phase I of the phased-funded consultant agreement with Vasquez + Marshall & Associates for the remodel of Downtown Fire Station No. 1.
- On April 4, 2005, the City adopted Resolution RR-300268 to receive funds form CCDC to fund Phase II of the consultant agreement with Vasquez + Marshall & Associates.
- On March 27, 2007, the City adopted Resolutions: RR-302472 and RR- 302473 to meet safety codes and authorize the expenditure of funds needed to rehabilitate Fire Station No. 1 in an amount not to exceed \$1.5 million.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

Fire Staff that work in the station.

Vasquez + Marshall & Associates

Oskoui/Boekamp/Haas

Aud. Cert. 2800141.

Staff: Afshin Oskoui - (619) 533-3102
Christina L. Bellows - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:30 a.m. – 10:30 a.m.)

MOTION BY COMMON CONSENT TO RETURN TO THE MAYOR. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-106: Second Amendment to Participation Agreement with Metropolitan Transit System for Design and Construction of Wastewater Mains at San Ysidro Boulevard/Border Village Drive.

(San Ysidro Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1301) ADOPTED AS RESOLUTION R-302948

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Second Amendment to the Participation Agreement with the Metropolitan Transit System (formerly Metropolitan Transit Development Board) for design and construction of wastewater mains at San Ysidro Boulevard/Border Village Drive, under the terms and conditions set forth in the Second Amendment;

Authorizing the expenditure of an amount not to exceed \$68,394.36 from Sewer Fund No. 41506, CIP-44-001.0, Sewer Main Replacements, San Ysidro MTDB Sewer Main Relocation Project, solely and exclusively, to provide funds for the above Second Amendment;

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

STAFF SUPPORTING INFORMATION:

The City entered into a Participation Agreement with the Metropolitan Transit District (MTDB) for the relocation of sewer facilities as part of MTDB's San Ysidro Trolley Station Enhancement project. The work consisted of the abandonment of the existing sewer, located in an easement along the railroad tracks behind the commercial buildings fronting San Ysidro Boulevard, and the construction of new sewer facilities on San Ysidro Boulevard and Border Village Drive per City Council Resolution RR-297018 dated September 3, 2002, in the amount of \$903,890.

During construction, underground facilities were discovered requiring additional design and post-design services including geotechnical testing, tunneling, and drainage revisions. On February 9, 2004, the City Council passed Resolution RR-298851 authorizing additional funding of \$217,000 for construction and contingencies.

STAFF SUPPORTING INFORMATION:

This action also amended the participation agreement. MTDB was authorized an additional \$190,783.76 bringing the contract total to \$1,094,673.76.

During the construction work for replumbing the buildings along San Ysidro Blvd. to the new sewer, it was discovered that the replumbing would require more work than originally anticipated. In addition to an increase in construction services, the buildings required additional design and post-design services including revision to the plans, and in the case of the "Price Buster Warehouse", night work was required so not to disrupt the daytime operations of the warehouse.

This action will amend the participation agreement for a not to exceed amount of \$68,394.36 bringing the total contract cost to \$1,163,068.12.

FISCAL CONSIDERATIONS:

The total of this request is \$68,394.36 and is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacements bringing the total contract cost to \$1,163,068.12. The project costs may be bond reimbursed approximately 80% by current or future debt financings.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On September 3, 2002, the City Council adopted Resolution No. RR-297018 authorizing the Participation Agreement with MTDB for the construction of new sewer facilities on San Ysidro Boulevard and Border Village Drive, and on February 9, 2004, the City Council adopted Resolution No. RR-298851 authorizing Amendment No. 1 in the amount of \$190,783.76 in additional funding for the project.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

All public outreach efforts, such as community presentations and construction updates, were done by MTDB.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Metropolitan Transit District (MTDB)

Minutes of the Council of the City of San Diego
for the Regular Meeting of Tuesday, September 4, 2007

Ferrier/Haas

Aud. Cert. 2700874.

Staff: Allan Navarro - (858) 292-6459
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-107: Procurement of Peroxide Regenerated Iron-Sulfide Control PRI-SC/PRI-CEPT (Hydrogen Peroxide) from U.S. Peroxide.

(Point Loma Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-136) ADOPTED AS RESOLUTION R-302949

Approving Bid Number 87-07-C for the procurement of chemical supplies and services for Peroxide Regenerated Iron-Sulfide Control from U.S. Peroxide (the U.S. Peroxide Procurement) for an initial period of one year, with the option to renew for four additional one year periods, in an amount not-to-exceed \$1,934,500 for the first year, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer for the first year and for the option periods if the options are exercised;

Authorizing the expenditure of an amount not to exceed \$1,934,500 from Sewer Fund 41508, Dept. 771, solely and exclusively, for the first year of the U.S. Peroxide Procurement, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

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

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

STAFF SUPPORTING INFORMATION:

U.S. Peroxide completed a full-scale demonstration study, conducted in the summer of 2006. This study provided the use of an upstream addition of ferrous chloride (FeCl₂) at Pump Station 1 followed by a downstream addition of hydrogen peroxide (H₂O₂) at Pump Station 2 and then again at the influent to the Point Loma Wastewater Treatment Plant for the purpose of regenerating spent iron ferric sulfide (FeS). The study showed that it was cost effective, saving up to \$250,000 per year in chemical costs.

FISCAL CONSIDERATIONS:

The not-to-exceed amount of \$1,934,500 for the first year is available in the FY 2008 MWWD operating budget, Sewer Fund 41508. This action is funded from the sewer revenue rates only.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None. (N.A. for the less expensive pilot test.)

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The initial demonstration study was presented to the Metro Commission and the Public Utilities Advisory Commission (PUAC) in April 2006. Recommendations from both were to proceed with this study.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The regional ratepayers for the Metropolitan Wastewater System may benefit from reduced treatment expense.

US Peroxide, LLC

Ferrier/Haas

Aud. Cert. 2800082.

Staff: Lori Vereker - (858) 614-4539
James W. Lancaster - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-108: Reallocation of Funding Sources for the Agreement with Tran Consultant Engineers for Televising Sewer Main Annual Contract 2004.

(Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-94) ADOPTED AS RESOLUTION R-302950

Reallocating the funding sources for the Tran Agreement by decreasing funding source CIP-46-169.0, East Mission Gorge Force Main Project, in the amount of \$268,929, and increasing funding source Sewer Operating Fund No. 41506, Department 773, in the amount of \$268,929 to provide inspections of other large diameter pipe for cleaning assessment purposes to meet the Consent Decree requirements.

STAFF SUPPORTING INFORMATION:

Per Resolution Number R-299327, adopted June 14, 2004; \$300,000 of the \$2,053,691 contract with Tran Consultant Engineers (TCE) was allocated to CIP-46-169.0, East Mission Gorge Force

Main Project for the inspection of this force main. However, the Metropolitan Wastewater Department (MWW) and TCE did not agree on the procedure necessary and the cost of the proposed inspection of the force main. Only \$31,071 was spent on their effort to address environment safeguards, operational and safety plans and the coordination with MWW's Wastewater Treatment and Disposal Division which operates the East Mission Gorge Pump Station. The remaining \$268,929 shall be applied toward CCTV operational inspections of large diameter pipe for cleaning assessment purposes to meet the Consent Decree requirements.

FISCAL CONSIDERATIONS:

The total amount of this request is \$268,929 and is available in Sewer Operating Fund 41506, Department 773. This action is funded from sewer revenue rates only.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

- R-299327 dated June 14, 2004, Televising Sewer Mains Annual Contract-2004 Tran Consulting
- R-300213 dated March 14, 2005, Amendment #3
- R-301174 dated January 23, 2006, Amendment #7

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None needed for this action.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Tran Consulting Engineers.

No impact with this action.

Ferrier/Haas

Aud. Cert. 2700860.

Staff: Larry Sherry - (858) 654-4247
James W. Lancaster - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-109: Balboa Park Information Kiosk Funding.

(See memorandum from Councilmember Atkins dated 1/20/2004. Balboa Park Community Area. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-120) ADOPTED AS RESOLUTION R-302951

Authorizing the City Auditor and Comptroller to appropriate and expend funds in the amount of \$50,000 from Fund No. 60253, Balboa Park Inspiration Point Landscape, Job Order 602535, Design and Installation of Five Kiosks for the construction of the *Balboa Park Information Kiosk Project*, via the Friends of Balboa Park, contingent upon the Auditor and Comptroller first certifying that the funds are, or will be, on deposit with the City Treasurer;

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

Declaring that this project has been previously exempted under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15303, *New Construction or Conversion of Small Structures*. This action involves transfer of funds for project construction only. There is no additional environmental impact associated with this action.

STAFF SUPPORTING INFORMATION:

The Balboa Park Central Mesa Precise Plan calls for the installation of information kiosks at various locations in the Central Mesa area of Balboa Park. The Friends of Balboa Park, a non-profit 501(c)(3) organization, has undertaken the installation of these kiosks as one of their many projects. A Donation and Operating Agreement between the City and the Friends of Balboa Park was recently approved by City Council for the installation, operation and maintenance of the kiosks.

On January 20, 2004, Councilmember Atkins, Council District 3, requested that \$50,000 from Fund No. 60253, Balboa Park Inspiration Trust Fund, be set aside for the design and construction of the kiosks in conjunction with the Friends of Balboa Park. The current estimated cost of

construction is approximately \$370,000. The \$50,000 will be applied to actual construction cost only. Upon authorization, staff will issue a purchase order to the Friends of Balboa Park, and reimburse up to \$50,000 in construction expenses upon receipt of invoices and valid documentation of expenses.

FISCAL CONSIDERATIONS:

Upon approval of the resolution, the City will contribute \$50,000 toward the construction of the kiosks and the Friends will contribute approximately \$320,000 toward the construction of the kiosks. The Friends of Balboa Park will be responsible for the operation of the kiosks and for a majority of the maintenance of the kiosks. The City will be responsible for minor exterior maintenance of the kiosks, such as graffiti abatement and cleaning.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

- On July 25, 1989, City Council adopted the Balboa Park Master Plan (Resolution No. R-274089).
- On October 20, 1992, City Council adopted the Balboa Park Central Mesa Precise Plan (Resolution No. R-280920).
- On March 27, 2007, City Council approved Resolution R-302426 authorizing the Donation and Operating Agreement between the City and the Friends of Balboa Park for the Balboa Park Information Kiosk project.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

- On November 14, 2001, the Park and Recreation Board's Design Review Committee recommended approval of the design and locations of the kiosks.
- On October 6, 2005, the Park and Recreation Board's Balboa Park Committee recommended approval of the design and location of the kiosks and the Donation and Operating Agreement.
- On November 30, 2006, the Historical Resources Board's Design Assistance Subcommittee recommended approval of the design and location of the kiosks.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

This project has been presented to the Balboa Park Cultural Partnership and the Balboa Park Cultural Assembly, and has received endorsement from both groups. Other stakeholders include Estrada Land Planning as the design consultant and Kiosk Arts LLC as the maintenance and management subcontractor to the Friends of Balboa Park.

LoMedico/Reynolds

Aud. Cert. 2800054.

Staff: Carol Wood - (619) 525-8217
Shannon Thomas - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-110: Grant Application to the California Department of Conservation-Division of Recycling for Trash and Recycling Containers at Four City Parks.

(Mission Trails Regional Park and Shoreline Parks (Sunset Cliffs Natural Park, Ocean Beach and La Jolla Shores/Kellogg Park) Community Areas. Districts 1, 2, and 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-132 Cor. Copy) ADOPTED AS RESOLUTION R-302962

Authorizing the Mayor, or his designee, to apply for and take all necessary actions to secure funding in the amount of \$149,736.05 from the California Department of Conservation Division of Recycling, to purchase and install trash and recycling containers in Mission Trails Regional Park, Sunset Cliffs Natural Park, Ocean Beach Park, and La Jolla Shores/Kellogg Park;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend grant award funds, and to establish a separate non interest bearing account for such grant funds consistent with grant requirements subject to approval by the Mayor of final grant terms;

Authorizing the Environmental Services Department Director to administer and operate the program when such grant funds are received;

Declaring that the above activity (applying for and expending grant funds) is not a project and therefore is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3); and that the above activity (placing recycling and trash bins in public parks and providing educational programs) is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15301, 15303, 15306, and 15311.

STAFF SUPPORTING INFORMATION:

This project is a partnership between the City of San Diego's Environmental Services Department (ESD) and Park and Recreation Department (P&R), to develop and implement a comprehensive recycling and litter reduction program at target San Diego parks.

The project would include installation of special recycling and refuse containers, provision of collection equipment and a comprehensive public education and outreach campaign to promote "away from home" recycling in four of the most popular City parks: Mission Trails Regional Park, the second largest urban park in the nation; Sunset Cliffs Natural Park, a dedicated regional resource based park included in the City of San Diego's Multiple Species Conservation Plan; Ocean Beach and La Jolla Shores/Kellogg Park, two of the most popular beaches in the City; The selected areas are very well attend throughout the year, have a need for recycling infrastructure and will serve as pilot programs and models for future expansion of the City's efforts to extend recycling at all its parks and shoreline areas. The selected areas will significantly increase general awareness about recycling in the City, and assist the City in meeting state mandated recycling goals. The selected areas are also very popular tourist points, which will assist in projecting and solidifying nationally and internationally, the image of the City of San Diego as an environmentally responsible;

FISCAL CONSIDERATIONS:

ESD is eligible for \$149,736.05 from a DOC funded grant pursuant to Public Resources Code (PCR), Division 12.1, Chapter 7, Section 14581(a)(6). ESD will be responsible for \$49,810 in matching funds, from the Recycling Enterprise Fund. These matching funds are budgeted in ESD'S FY08 budget. Some revenues will be realized from the recycling containers located at Mission Trails Regional Park. The revenues received cannot be estimated at this time because they are dependent on the participation by park visitors, the contamination, and the recycling markets. In addition, this is a pilot program.

PREVIOUS COUNCIL COMMITTEE ACTION:

As a result of previous Council approvals, in 2000 ESD received \$6,840,000 from a DOC grant to expand automated recycling collections to a minimum of 190,000 City of San Diego single-family homes, which allowed for the City's expansion of the very successful curbside recycling

program. In 2004, ESD worked in a partnership with Keep California Beautiful on a \$50,000 grant they received for purchasing recycling containers for Balboa Park, Horton Plaza and UTC shopping malls.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The special recycling and refuse bins proposed on this project have been successfully used at other cities such as Solana Beach, Encinitas, Oceanside, Lancaster, San Clemente and Long Beach, among many others. All these cities have experienced enhancement in the communities' cleanliness and safety, which are also our goals. The expectation is that communities will benefit from the program by:

1. Eliminating or minimizing litter problem at the selected locations.
2. Reducing vandalism of recycling and refuse bins.
3. Enhancing public safety by decreasing confrontations between staff and scavengers.

An educational/outreach campaign is also planned, involving proper container signage and a possible media event documenting the kick-off of the program at each community;

KEY STAKEHOLDERS:

The program includes close evaluation of the use and convenience of the containers for each site. A community survey will be conducted to assess the program's strengths and weaknesses and to address public concerns and suggestions. ESD will work with P&R staff, Mission Trails National Park Foundation, Sunset Cliffs Natural Park Recreation Council, La Jolla Park and Recreation Council and La Jolla Town Council to evaluate the program and look for ways to improve it and expand it to all City parks and shoreline areas.

Aud. Cert. 2800133.

Staff: Kip Sturdevan - (858) 573-1214
Michael P. Calabrese – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:54 p.m. – 5:56 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-not present.

ITEM-111: Grant Application to the California Department of Conservation-Division of Recycling to Purchase Trash and Recycling Containers for Special Events.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-133 Cor. Copy) ADOPTED AS RESOLUTION R-302963

Authorizing the Mayor, or his designee, to apply for and take all necessary actions to secure funding in the amount of \$122,297.62 from the California Department of Conservation - Division of Recycling, to purchase trash and recycling containers for special events, as defined in San Diego Municipal Code Section 22.4003, held within City limits;

Authorizing the City Auditor and Comptroller, subject to approval by the Mayor of final grant terms, to accept, appropriate, and expend grant award funds, and to establish a separate non interest bearing account for such grant funds consistent with grant requirements;

Authorizing the Environmental Services Department Director to administer and operate the program when such grant funds are received;

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

STAFF SUPPORTING INFORMATION:

This project is a partnership between the City of San Diego's ESD and San Diego Urban Corps, to provide assistance to special event organizers by offering free recycling and trash containers and signs at special events throughout all districts within the City. The project would include the purchase of ClearStream collapsible recycling and trash containers which are easily transportable to and from events, as well as a smaller number of recycling containers to possibly be used at long-term events such as soccer competitions, golf tournaments, etc. Urban Corps would store all containers and has devised a check-in/check-out procedure for which the event organizers can use the containers at no cost.

State Law AB 2176 requires that recycling is taking place at special events and large venues which the City is required to report on every year.

The lack of recycling containers secured by the City for special events has been a hindrance to many of the special event organizers. This grant would help those organizers comply with the law at no cost to their budget. These containers would also send a message to the public attending their event(s) that recycling is happening throughout the City and at all events requiring any type of City issued permit. Many of the special events held throughout San Diego are in areas that are also very popular tourist points, which will assist in projecting and solidifying San Diego as an environmentally responsible city.

FISCAL CONSIDERATIONS:

ESD is eligible for \$122,297.62 from a DOC funded grant pursuant to Public Resources Code (PCR), Division 12.1, Chapter 7, Section 14581(a)(6).

PREVIOUS COUNCIL COMMITTEE ACTION:

As a result of previous council approvals, in 2000 ESD received \$6,840,000 from a DOC grant to expand automated recycling collections to a minimum of 190,000 City of San Diego single-family homes, which allowed for the City's expansion of the very successful curbside recycling program. In 2004, ESD worked in partnership with Keep California Beautiful on a \$50,000 grant they received for purchasing recycling containers and signage for Balboa Park, and Horton Plaza and UTC shopping malls.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The special ClearStream recycling and trash containers proposed for this project have been successfully used in other municipalities such as the County of San Diego, Clackamas County and the cities of Eugene and Portland, Oregon. These cities have experienced increased participation and enhancement in the communities' overall recycling goals.

An educational/outreach campaign is also planned, involving proper container signage and a possible media event documenting the kick-off of the program.

KEY STAKEHOLDERS:

ESD and Urban Corps will continually evaluate the program and look for ways to improve and expand it.

Heap/Haas

Aud. Cert. 2800134.

Staff: Kip Sturdevan - (858) 573-1214
Michael P. Calabrese – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:57 p.m. – 5:58 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-not present.

* ITEM-112: Mira Mesa Banner District Program.

(Mira Mesa Community Area. District 5.)

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-59) ADOPTED AS RESOLUTION R-302952

Repealing Resolution No. R-294107, passed on November 14, 2000, and reestablishing a new Mira Mesa Banner District. The new District will be limited to Mira Mesa Boulevard and said project will be reviewed by the Mira Mesa Planning Group 12 months after installation.

SUPPORTING INFORMATION:

This is a request to approve a resolution repealing the old Mira Mesa Banner District, as adopted per Resolution Number R-294107, and reestablishing a new Mira Mesa Banner District. The new District will be limited to Mira Mesa Blvd. The project will also be reviewed by the Mira Mesa Town Council and Mira Mesa Planning Group 12 months after installation.

FISCAL CONSIDERATIONS:

Mira Mesa Town Council will pay for costs associated with processing this District.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None with this action.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The Mira Mesa Planning group and Mira Mesa Town Council both support the banner district.

Nguyen/Witmond

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-113: Easement Grant to the San Diego Association of Governments (SANDAG) for the Construction, Operation, and Maintenance of Public Bus Rapid Transit Center in the Community of Sabre Springs/Peñasquitos.

(See letter from Gary L. Gallegos dated 7/26/2007. Sabre Springs/Peñasquitos Community Area. District 5.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-106) ADOPTED AS RESOLUTION R-302964

Declaring that an easement in the City-owned, approximate 1.331-acre parcel of land (Parcel, APN 316-420-04) located in the southwest quadrant of the intersection of Ted Williams Parkway and Sabre Springs Parkway in the City and County of San Diego, California, and more particularly described in the Grant of Easement and Agreement (Grant), is required for a public purpose;

Declaring the Council deems the granting of an easement in the Parcel to the San Diego Association of Governments, a legislatively-created regional government agency (SANDAG), at no charge to be used solely for the construction, operation, and maintenance of a public bus rapid transit center for the City's Sabre Springs/Peñasquitos community, planned to consist of eight bus bays, associated transit furnishings, and requisite park-and-ride facilities, to be fair and equitable and in the public interest;

Authorizing the Mayor, or his designee, to execute and deliver, on behalf of the City of San Diego, the Grant to SANDAG.

STAFF SUPPORTING INFORMATION:

The 1.331 acres has been in use as a Park & Ride Facility by Caltrans since it was acquired in 1991. The granting of this easement for this site to SANDAG will maintain the original intent of its acquisition. The deed will contain a reversionary clause, stating that if and when the property ceases to be used for a public transportation facility that it will revert back to the City of San Diego.

The San Diego Association of Governments' (SANDAG) plans to construct a bus rapid transit (BRT) center in the community of Sabre Springs/Peñasquitos within the City of San Diego. Specifically, SANDAG would construct a 5.64-acre transit center consisting of eight bus bays, associated transit furnishings, and requisite park-and-ride facilities. The California Department of Transportation (Caltrans) would build an access road and Direct Access Ramp (DAR) to connect the transit center with the I-15 Managed Lanes project. The Sabre Springs/Peñasquitos transit center would become an integral piece of the I-15 Managed lanes/transit corridor.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

- Sabre Springs Community Planning Group comments to the MND - February 2002 Public workshop on March 25, 2004
- Presentation to the Sabre Springs Community Planning Group - Spring 2005 & 2007.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

The construction of this transit center would increase transit opportunities, provide direct connections to local transit routes, and encourage mass transit as well as shared rider ship in the San Diego region, particularly along the I-15 corridor.

Barwick/Waring

Staff: David Sandoval - (619) 236-5542
Brock Ladewig – Chief Deputy City Attorney

FILE LOCATION: DEED F-10150

COUNCIL ACTION: (Time duration: 5:59 p.m. – 6:02 p.m.)

MOTION BY MAIENSCHEIN TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-not present.

* ITEM-114: Façade Easement for the John Ginty House.

(Centre City Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1269) ADOPTED AS RESOLUTION R-302953

Authorizing the Mayor, or his designee, to accept, for and on behalf of the City of San Diego, an Architectural Façade Easement for the John Ginty House located at 1568 Ninth Avenue, on all four façade of the residence, as described in the Grant of Architectural Façade Easement;

Authorizing the City Auditor and Comptroller to collect an initial processing fee of \$500 and an annual \$300 inspection fee for City services render to this easement.

Staff: David Sandoval - (619) 236-5548
Todd Bradley - Deputy City Attorney

FILE LOCATION: DEED F-10151

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-115: Settlement of Personal Injury Subrogation Claim of Specialty Risk Services.

(District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-101) ADOPTED AS RESOLUTION R-302954

A Resolution approved by the City Council in Closed Session on Tuesday, July 24, 2007, by the following vote: Council President Peters-yea; Faulconer-yea; Atkins-yea; Council President Pro Tem Young-not present; Maienschein-not present; Frye-yea; Madaffer-yea; Hueso-yea.

Authorizing the City Auditor and Comptroller to issue a check in the sum of \$85,000 made payable to Specialty Risk Services in full settlement of the lawsuit and of all claims;

Authorizing the City Council to appropriately transfer funds of \$85,000 from the ~~General Fund unallocated reserves to the Public Liability Fund 41506 MWWD~~ Funding.

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all claims arising from the Personal Injury Subrogation Claim.

FISCAL CONSIDERATIONS:

Settlement will be paid from MWWF Funding.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This item was considered in closed session on July 24, 2007, the City Council approved the settlement amount of \$85,000. City Council voted 6 to 0. The motion was made by Councilmember Hueso with a second by Councilmember Atkins. Councilmember Maienschein and Councilmember Young were absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Hsu/Goldstone

Aud. Cert. 2800128.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

Staff: Janice Ellis - (619) 236-7705
Bonny Hsu - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-116: Settlement of Personal Injury Claim of Paul Anthony Lopez, et al.

(District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-996) ADOPTED AS RESOLUTION R-302955

A Resolution approved by the City Council in Closed Session on Tuesday, March 27, 2007, by the following vote: Council President Peters-yea; Faulconer-yea; Atkins-yea; Council President Pro Tem Young-not present; Maienschein-yea; Frye-yea; Madaffer-not present; Hueso-not present.

Authorizing the City Auditor and Comptroller to issue five checks in the sum total of \$85,000, in full settlement of this lawsuit and of all claims to be paid by issuing five checks as follows:

1. \$1,940 to Accent noted as "agent for Sante Health and Blue Shield for David Lopez"
2. \$2,560 to Paul and Estela Lopez for minor David Lopez
3. \$1,075 to Accent noted as "agent for Sante Health and Blue Shield for Alex Lopez"
4. \$2,425 to Paul and Estela Lopez for minor Alex Lopez
5. \$77,000 to Paul and Estela Lopez and attorney Francisco Sanchez, Jr.

Authorizing the City Council to appropriately transfer funds of \$85,000 from the General Fund Unallocated Reserves to the Public Liability Fund 81140

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all claims brought by Paul Anthony Lopez, et al.

FISCAL CONSIDERATIONS:

Settlement will be paid from the Public Liability Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This item was considered in closed session on March 27, 2007, the City Council approved the settlement amount of \$85,000. City Councilmember Atkins moved, Faulconer seconded; voted 5-0 passed, absent were Councilmembers Madaffer, Young, and Hueso.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Riley/Goldstone

Aud. Cert. 2800068.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

Staff: John Riley - Deputy City Attorney (619) 236-7263

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

*ITEM-117: Partial Settlement of the Property Damage Claim of John Trunkey.

(La Jolla Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-107) ADOPTED AS RESOLUTION R-302956

A Resolution approved by the City Council in Closed Session on Tuesday, July 17, 2007, by the following vote: Council President Peters-yea;

Faulconer-yea; Atkins-yea; Council President Pro Tem Young-yea;
Maienschein-not present; Frye-yea; Madaffer-yea; Hueso-not present.

Authorizing the Mayor to pay from the Water Utility Fund up to, but not
exceeding \$50,000 as partial settlement of expenses related to the Property
Damage claim of John Trunkey arising from a water main break;

Authorizing the City Auditor and Comptroller to issue checks in various amounts
up to, but not exceeding \$50,000 to various payees.

STAFF SUPPORTING INFORMATION:

The proposed partial settlement would allow the payment of accruing costs while the claim is
being investigated and settled.

FISCAL CONSIDERATIONS:

The partial settlement will be paid from the Water Utility fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This item will be heard in Closed Session. In the Closed Session of July 17, 2007, the City
Council voted 6 to 0 with Councilmembers Maienschein and Hueso absent. The motion was
made by Council President Peters and the second by Councilmember Madaffer.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Bych/Goldstone

Aud. Cert. 2800051.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in
Open Session shall be the official vote.

Staff: James Coldren - (619) 236-5598
Christine M. Fitzgerald - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-118: Reverend Robert C. Ard Day.

**MAYOR SANDERS', COUNCIL PRESIDENT PRO TEM YOUNG'S, AND
COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2008-109) ADOPTED AS RESOLUTION R-302957

Commending Reverend Robert C. Ard for his thirty-five years of service to the San Diego community and his forty-seven years of marriage;

Proclaiming July 28, 2007, to be "Reverend Robert C. Ard Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-119: Jamie Barton Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-116) ADOPTED AS RESOLUTION R-302958

Commending Jamie Barton for his years of service to the San Diego labor community;

Proclaiming September 8, 2007, to be "Jamie Barton Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-120: Dave Konstantin Day, 2007 Honoree for Clairemont Family Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-97) ADOPTED AS RESOLUTION R-302959

Proclaiming August 4, 2007, to be "Dave Konstantin Day" in the City of San Diego and commending Dave Konstantin for his tireless civic and personal commitment to the Community of Clairemont in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-121: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-1213) ADOPTED AS RESOLUTION R-302960

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L – State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-122: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-1232) ADOPTED AS RESOLUTION R-302961

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L –State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-330: Approval of Participation and Administration Agreements in San Diego City Employees' Retirement System (SDCERS) Group Trust.

(Continued from the meetings of June 18, 2007, Item 200; June 26, 2007, Item S400; and July 10, 2007, Item 339; last continued at the request of City Attorney, for further review.)

SAN DIEGO CITY EMPLOYEES' RETIREMENT SYSTEM'S RECOMMENDATION:

Take the following actions:

CONTINUED TO MONDAY, SEPTEMBER 10, 2007

Approving the attached Participation and Administration Agreement between SDCERS and the Unified Port District; and

Approving the attached Participation and Administration Agreement between SDCERS and the Airport Authority; and

Approving the attached Participation and Administration Agreement between SDCERS and the City of San Diego;

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

SUPPORTING INFORMATION:

Along with the City, the Port and the Airport Authority participate in SDCERS under City Charter Section 149 and San Diego Municipal Code Sections 24.1801 et seq. These provisions allow a public agency to contract with SDCERS to participate in the SDCERS Trust Fund, after the City Council makes a finding that the public agency is eligible and approves the contract between the agency and SDCERS. In 2002, the City Council found that the Port and the Airport Authority were eligible to participate in SDCERS under Charter Section 149, and approved the initial contracts between SDCERS and each agency.

Under Charter Section 149 and Municipal Code Section 24.1806, all funds contributed by a contracting public agency and its employees must be held in trust and used only to pay benefits and necessary expenses related to administering the retirement benefits of that agency.

In order to carry out the intent of these provisions, and prevent the use of any contracting agency's plan assets to pay the liabilities associated with another agency's plan, tax counsel advised SDCERS to establish a Group Trust, within which SDCERS would administer each public agency's plan as a separate trust. Based on this advice, on March 16, 2007, the SDCERS Board unanimously approved a "Declaration of Trust" establishing the SDCERS Group Trust effective July 1, 2007. At that same time, the Board unanimously approved the three attached Participation and Administration Agreements with the City, the Port and the Airport Authority.

The Port and Airport Authority Boards have unanimously approved their respective Participation and Administration Agreements. Municipal Code Section 24.18020(j) requires that the Participation and Administration Agreements between SDCERS and each contracting public agency be approved by the City Council by Resolution.

A Council vote to approve the Participation and Administration Agreements of the City, Port, and Airport will ensure that the plan assets associated with each plan sponsor currently participating in SDCERS are unavailable to satisfy the liabilities of each other plan sponsor's plan. Both the Port and Airport Boards have made it clear that the participation of their assets in the SDCERS Group Trust is critical to their continued participation in SDCERS. If the City

Council does not approve their Participation and Administration Agreements, the Port and Airport may be forced to seek out another pension alternative to SDCERS.

FISCAL CONSIDERATIONS:

There is no financial impact associated with this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders are the City, Port, and Airport Authority, as well as their employees and retirees. Council approval of the three SDCERS Group Trust Participation and Administration Agreements will assure the employees and retirees of all three agencies that the assets in their retirement plans are safe from claims by or against the other SDCERS-administered plans.

Hebrank/Wescoc

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:30 a.m.)

MOTION BY YOUNG TO CONTINUE TO MONDAY, SEPTEMBER 10, 2007, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-331: City of San Diego’s Participation in Amicus Curiae Brief in the Case of *In Re: Marriage Cases*.

COUNCILMEMBER ATKINS’ RECOMMENDATION:

Take the following actions:

REDOCKETED TO TUESDAY, SEPTEMBER 18, 2007

Declaring the City of San Diego's support for eliminating discrimination against same sex couples in the State of California's civil marriage laws, acknowledging the initiative of the City and the County of San Francisco in its appeal to the California Supreme Court, and directing the City Attorney to sign on to the *amicus curiae* brief in support of San Francisco in a timely manner so as to comply with the Court's September 17, 2007 deadline.

SUPPORTING INFORMATION:

The California Supreme Court is currently considering the case of *In Re: Marriage Cases* which involves several lawsuits filed in March 2004 on behalf of same sex couples denied the ability to marry in California, many of whom had applied to obtain marriage licenses in San Francisco during the period when San Francisco was issuing such licenses to all couples, regardless of sexual orientation. Before these couples could marry, the California Supreme Court ordered San Francisco Mayor Gavin Newsom to stop issuing licenses to same sex couples. At the same time, the state Supreme Court invited litigation to resolve the constitutional issues presented by the discrimination against same sex couples in the state's civil marriage laws.

In 2005, San Francisco Superior Court Judge Richard Kramer ruled that it was unconstitutional to deny same sex couples the right to marry because it violated California's equal protection guarantees and the fundamental right to marry, which has been recognized through a long line of jurisprudence, including landmark cases eliminating statutory prohibitions against interracial marriage. As a general proposition, rights deemed fundamental may not be restricted without a compelling governmental justification. In the current case, the state argues that the traditional exclusion of same sex couples from marriage and the desire of the majority of Californians to maintain that discrimination is its justification.

The Superior Court decision was overturned by the California Court of Appeal in 2006. In eight *amicus curiae* (friend-of-the-court) briefs filed with the Court of Appeal, more than 250 religious and civil rights organizations urged the court to end the discrimination in state law against same sex couples. Among these amici were the California NAACP, the Mexican American Legal Defense and Educational Fund (MALDEF), the United Church of Christ, the Union for Reform Judaism, the Unitarian Church, and the California Council of Churches.

The case has now been appealed to the California Supreme Court and a number of local governments will submit an *amicus* brief on or before September 17, 2007, urging the Court to overturn the Court of Appeal.

The essence of the argument in the local government brief is that government's duty to treat all equally is not trumped by any compelling, or even rational, governmental goal. The *amicus* brief

argues that the mere desire to exclude a traditionally disfavored group - even a desire that is popular and of long standing - can never be a constitutionally sufficient reason to deprive Californians of any right conferred by the laws of this state. The brief further asserts that the creation of a separate, but somewhat less equal, institution for same sex couples -- that is, domestic partnership -- does not fulfill the state's obligation to equal protection. Not only is domestic partnership an inferior institution because it provides fewer rights and obligations than marriage in a variety of ways, it is also inferior in that it does not carry with it the societal imprimatur of approval and support for a couple's commitment to each other that is associated with marriage.

Current local government signers of the *amicus brief* include the cities of Los Angeles, San Jose, Oakland and Berkeley and San Mateo and Santa Clara Counties. The addition of San Diego, the state's second largest city, to the list of municipalities signing the brief would not only be extremely persuasive to the Court, it will also be persuasive with other local governments currently considering whether or not to join the case as an *amicus*.

FISCAL CONSIDERATIONS:

There is no financial impact associated with this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders are the City, parties to the litigation, and same sex couples throughout the state who wish to marry. Council approval of this action will enhance the likelihood that these couples will receive equal treatment under California law.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: (11:18 a.m. – 12:03 a.m.;
2:03 p.m. – 2:31 p.m.;
6:02 p.m. – 6:04 p.m.)

Motion by Frye to continue this item to Tuesday, September 18, 2007, to allow further public discussion. Second by Faulconer. Failed by the following vote: Peters-nay, Faulconer-yea, Atkins-nay, Young-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Hueso-nay.

Motion by Atkins to participate in the Amicus Curiae Brief in the Case of “In Re: Marriage Cases”. Second by Peters. Failed by the following vote: Peters-yea, Faulconer-nay, Atkins-yea, Young-nay, Maienschein-nay, Frye-nay, Madaffer-yea, Hueso-yea.

Request by Atkins and granted by Peters to redocket this item to Tuesday, September 18, 2007, to allow further public discussion without objection from Council.

ITEM-332: In the Matter of the First Report to the Securities and Exchange Commission (SEC) by the San Diego Independent Monitor dated June 7, 2007.

(See memorandum from Councilmember Atkins dated 7/30/2007, letter from Kelly C. Bowers dated 7/23/2007, and Initial Report of Independent Consultant dated 6/7/2007.)

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

HEARING HELD

Report from the Independent Monitor, Council discussion and possible Council action regarding the First Report to the SEC by the San Diego Independent Monitor dated June 7, 2007.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:09 p.m. – 5:50 p.m.)

ITEM-333: City Response to July 23, 2007 Securities and Exchange Commission Letter.

(See letter from Jay M. Goldstone dated 8/7/2007 and Power Point Presentation regarding Response to Securities and Exchange Commission Letter from Audit Committee dated 8/6/2007.)

MAYOR SANDERS' RECOMMENDATION:

Take the following actions:

CONTINUED TO TUESDAY, SEPTEMBER 11, 2007

Authorizing the Mayor to submit City's Response to July 23, 2007 Securities and Exchange Commission letter;

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 4:09 p.m. – 5:50 p.m.)

MOTION BY YOUNG TO CONTINUE THIS ITEM TO TUESDAY, SEPTEMBER 11, 2007, FOR FURTHER REVIEW. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-not present.

ITEM-334: Two actions related to Consultant Agreement – Regents Road Bridge and Limited Roadway Changes Project.

(See memoranda from City Attorney dated 7/24/2007 and 4/04/2007; memorandum from Kevin P. Sullivan and William J. Schwartz, Special Counsel dated 7/13/2007; and letter from American Society of Civil Engineers dated 7/27/2007. University Community Area. District 1.)

(Continued from the meeting of July 31, 2007, Item 333, at the request of the Mayor's Office, for further review.)

STAFF'S RECOMMENDATION:

Adopt the resolution in Subitem A and introduce the ordinance in Subitem B:

Subitem-A: (R-2008-110) ADOPTED AS RESOLUTION R-302965

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2008 Capital Improvements Program Budget for CIP-53-044.0, Regents Road Bridge, Fund 79001, North University City Facilities Benefit Assessment in the amount of \$2,000,000;

Authorizing the City Auditor and Comptroller to appropriate and expend \$2,000,000 for CIP-53-044.0, Regents Road Bridge, Fund 79001, North University City Facilities Benefit Assessment, for the purpose of a consultant agreement for the Regents Road Bridge and Limited Roadway Changes Project;

Authorizing the Mayor, or his designee, to amend the North University City Public Facilities Financing Plan (PFFP) for Fiscal Year 2007 by transferring \$2,000,000 in currently available funds that were originally scheduled in Fiscal Year 2009 to Fiscal Year 2007 for Project NUC-18, Regents Road Bridge, in Fund 79001, North University City Facilities Benefit Assessment;

Stating that this activity is not a "project" and is therefore exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-B: (O-2008-16 Cor. Copy) INTRODUCED, TO BE ADOPTED
TUESDAY, SEPTEMBER 18, 2007

Introduction of an ordinance authorizing the Mayor, or his designee, to execute an agreement with Project Design Consultants, together with any reasonable necessary modifications or amendments which do not increase the project scope or cost and which the Mayor or his designee deem necessary from time to time in order to carry out the purposes and intent of this project and agreement, for the purpose of providing design services for the Regents Road Bridge and Limited Roadway Changes Project;

Authorizing the expenditure of an amount not to exceed \$4,861,373 for the agreement, provided the City Auditor and Comptroller first certifies the necessary funds are, or will be, on deposit in the City Treasury;

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

Stating that this activity is not a "project" and is therefore exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

In accordance with Council Policy 300-7 and A.R. 25.60, Project Design Consultants (PDC) was selected among nine firms interviewed. PDC was procured to prepare the environmental document for the University North/South Transportation Corridor Study (UC N/S EIR) and to provide professional design services. The scope of services was divided into two stages. Stage I was comprised of the study of different alternatives and the preparation of California Environmental Quality Act (CEQA) document. Stage II is comprised of preparation of plans, specifications, and cost estimate for the selected alternative. Per Council Resolution R-297850, the City Council authorized the execution of an Agreement with PDC in April of 2003 for the UC N/S EIR.

Subsequently, in December of 2005, the City Council also authorized the First Amendment with PDC (Council Resolution R-301102), to address unanticipated costs resulting from an expanded scope required to include two additional alternatives and compensate the consultant team for

additional time and research required to respond to over three thousand comments on the draft environmental document.

The EIR that studied seven alternatives equally was certified by City Council on August 1, 2006. At the same hearing, the City Council selected the Regents Road Bridge Alternative and directed staff to move forward with the next stage (R-301787). Subsequently the City Council adopted Resolution R-302497 on March 29, 2007. This resolution re-iterated the certification of the University North/South Transportation Corridor EIR; authorized staff to proceed with the preparation of a full, separate, independent project-specific EIR for the Regents Road Bridge Alternative; and rescinded the adoption of the Statement for the Bridge Alternative, the Mitigation, Monitoring and Reporting Program and the Notice of Determination filed on August 4, 2006. As described in the UC N/S EIR, the Bridge Alternative also included the Limited Roadway Changes.

This action will provide an authorization to enter into an agreement with PDC for design services. A separate consultant team will be procured to prepare the project-specific EIR. This Agreement with PDC, nor any amendments thereto, does not authorize, nor is it intended to authorize, the hiring, use or payment of attorney services of any kind, including those services provided through PDC or their attorneys. In addition, this action does not include any approval for construction. The project will be brought back to City Council in the future for construction authorization.

The Regents Road Bridge is a four-lane structure across Rose Canyon. The bridge is anticipated to be approximately 870 feet long and the approach roadway is approximately 1,690 feet in length. A professional architect with experience in designing bridges over canyons/lagoon is part of the design team per Council's direction. The project will incorporate design elements to improve vehicular, bicycle and pedestrian mobility and circulation. It will address safety and emergency access and enhance recreational value in the area. The Limited Roadway Changes consist of improvements at three locations: an additional eastbound left-turn lane on the southbound side of Genesee Avenue at State Route 52; an additional eastbound left-turn lane on the southbound side of Regents Road at State Route 52; and a second left-turn and right-turn lane on the westbound side of Governor Drive at Genesee Avenue.

FISCAL CONSIDERATIONS:

The current funding available in CIP-53-044.0, Regents Road Bridge, is \$3,997,958. Additional \$2,000,000 is needed to fund this Agreement and to procure a separate firm to prepare a project-specific EIR. This can be done by transferring funds originally scheduled in Fiscal Year 2009 to the Fiscal Year 2008 Capital Improvements Program in CIP-53-044.0, Regents Road Bridge, Fund 79001, North University City Facilities Benefit Assessment (NUC FBA). There is adequate fund balance in the NUC FBA to cover this activity without impacting the assessment rate.

ITEM-335: Stebbins Residence, demolition of an existing one story duplex, and the construction of a three story-single family residence. Located at 5166 West Point Loma Boulevard. Ocean Beach Community Area. (Dist. 2)

Matter of the appeal by Randy Berkman and Landry Watson, of the Planning Commission's decision in approving an application for a Coastal Development Permit (CDP) and a Site Development Permit (SDP) for the demolition of an existing one-story duplex, and the construction of a new 1,749 square-foot, three-story single family residence above an 816 square-foot basement garage on a 2,500 square-foot site and to allow for deviation from the regulations for Special Flood Hazard Areas, to permit development of the residential structure at 7.1 feet below the Base Flood Elevation where two(2) feet above the Base Flood Elevation is required. The property is located at 5166 West Point Loma Boulevard in the RM 2-4 Zone, Coastal Overlay Zone (appealable-area), Coastal Height Limit Overlay Zone, First Public Roadway, Beach Parking Impact Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, and the 100-year Flood-plain Overlay Zone, within the Ocean Beach Precise Plan and Local Coastal Program Land Use Plan (LPL).

(See Report to City Council No. 07-091/Mitigated Negative Declaration No. 51076/Coastal Development Permit (CDP) No. 147134/Site Development Permit (SDP) No. 389939/Project No. 51076. Ocean Beach Community Area. District 2.)

(Continued from the meetings of May 22, 2007, Item 334, and June 19, 2007, Item 331, last continued at the request of the applicant, for further review.)

NOTE: Hearing open. No testimony taken on 5/22/07. Hearing open. No testimony taken on June 19, 2007.

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A: CONTINUED TO TUESDAY, SEPTEMBER 25, 2007

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision by the Planning Commission certifying Mitigated Negative Declaration (MND) No. 51076, and adopting Mitigation Monitoring and Reporting Program (MMRP);

000232

Certifying that the information contained in Mitigated Negative Declaration No. 51076, 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 Administrative Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City of San Diego City Council;

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

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

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

Subitem-B: CONTINUED TO TUESDAY, SEPTEMBER 25, 2007

Adoption of a Resolution granting or denying the appeal and granting or denying Coastal Development Permit (CDP) No. 147134, with appropriate findings to support Council action;

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

Subitem-C: CONTINUED TO TUESDAY, SEPTEMBER 25, 2007

Adoption of a Resolution granting or denying the appeal and granting or denying Site Development Permit (SDP) No. 389939, 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 1, 2007, voted 6-0-1 to approve; with opposition.

Ayes: Schultz, Garcia, Griswold, Ontai, Otsuji, Naslund
(One vacancy)

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

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

This is an appeal of the Planning Commission's decision to approve a Coastal Development Permit (CDP), and Site Development Permit (SDP) to allow the demolition of an existing duplex, and the construction of a new three-story single family residence above a basement garage, including a deviation from the regulations for Special Flood Hazard Areas.

STAFF RECOMMENDATION:

DENY the appeal and APPROVE Coastal Development Permit No. 147134, and Site Development Permit No. 389939, and CERTIFY Mitigated Negative Declaration No. 51076, and ADOPT the Mitigation, Monitoring, and Reporting Program.

EXECUTIVE SUMMARY

The project is located at 5166 West Point Loma Boulevard within the Ocean Beach Precise Plan. The issue before the City Council is the appeal of the Planning Commission's decision to allow the demolition of a one-story duplex, and the construction of a new three-story single-family residence above a basement garage, and allow for a deviation from the regulations for Special Flood Hazard Areas.

The project site is within the 100-year floodplain and is therefore considered environmentally sensitive land. The property is relatively flat with an elevation of 8 feet above mean sea level and does not include any sensitive topographical or biological resources. The site is neither within nor adjacent to Multi-Habitat Planning Area (MHPA) lands. A Mitigated Negative Declaration dated November 2, 2006, has been prepared for this project in accordance with State CEQA guidelines, and a Mitigation, Monitoring and Reporting Program is required for Archaeological Resources to reduce any potential impacts to below a level of significance.

In addition, the following environmental issues were considered in depth during the environmental review of the project and determined NOT to be potentially significant: Geology, Visual Effects/Public Views, Historical Resources (Architecture), Air Quality/Public Safety, and Neighborhood Character, however, no significant impacts were identified.

The requested deviation is to allow development of the residential structure, to be at 7.1 feet below the Base Flood Elevation where two (2) feet above the Base Flood Elevation is required.

Staff believes that MND No. 51076 adequately addresses the project's potential impacts, and that implementation of the MMRP would avoid or reduce such impacts to below a level of significance.

An appeal of the Planning Commission's decision was filed asserting factual error, conflict with other matters, and findings not supported, new information, and city-wide significance (Attachment 13). Staff has provided a response to each issue and continues to support the project.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On February 8, 2007, the Planning Commission requested a continuance of the subject project to a date certain of March 1, 2007 to address specific issues related to flood-proofing of the proposed structure.

The applicant responded to these issues at the March 1, 2007 Planning Commission, hearing, resulting in unanimous approval by the Planning Commission.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Ocean Beach Planning Board met on July 5, 2006. There were two motions presented concerning this property and neither one passed.

The first motion was to approve the project as presented. The motion failed by a vote of 4-4-0

The subsequent motion was to deny the project as presented due to the bulk and scale. This motion also failed by a vote of 4-4-0.

Various board members noted that the new residence would represent a significant improvement over the existing duplex, and would improve the character of the general neighborhood. In addition, the change from a duplex to a single family residence would reduce density in the area.

Various board members noted concerns about the height of the project, and that other properties on the block might be re-developed to similar heights, altering the character of the neighborhood. Their concern is that subsequent development might create a corridor of tall buildings on the block. The suggestion was to restrict the project to two stories.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

David Stebbins, Owner/Applicant

Waring/Escobar-Eck/LI

LEGAL DESCRIPTION:

The project site is Lot 14 of Block 90, of Ocean Bay Beach map No. 1189.

Staff: Laila Iskandar – (619) 446-5297

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 6:04 p.m. – 6:27 p.m.)

MOTION BY FAULCONER TO CONTINUE THIS ITEM TO TUESDAY,
SEPTEMBER 25, 2007, AT 2:00 P.M. TIME CERTAIN, FOR FURTHER REVIEW.
Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea,
Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-not present.

ITEM-336: Carmel Highlands Village, Proposed Subdivision of a Vacant 21-Acre Site, Construction of a 169-Unit Condominium Complex, One Single-Family Lot and a Commercial Center. Located at 5384 Carmel Mountain Road. Carmel Valley Community Plan Area. (District 1.)

Matter of approving, conditionally approving, modifying or denying an application for a Vesting Tentative Map (VTM) No. 221310, (amending VTM No. 96-0737), a Site Development Permit in accordance with the Carmel Valley Planned District Ordinance, the transfer of 3.06 acres from the applicants to the City of San Diego, the transfer of 0.18 acres, in fee simple from the City to the applicant and the abandonment of three separate public easements on the property. In addition, the project proposes the subdivision of a vacant 21-acre site, the construction of a 169-Unit Condominium Complex, one single-family lot and a Commercial Center. The site is located at 5384 Carmel Mountain Road at the intersection of Carmel Mountain Road and Carmel County Road. The project site is in the CVPD-OS/SF2/MF1/NC zones of the Carmel Valley Planned District, within the Carmel Valley Community Plan.

(Project No. 72522/MMRP/Final Addendum to an Environmental Impact Report (EIR) and a Subsequent EIR No. 91-0834 and Subsequent EIR No. 96-0736/Easement Abandonment No. 423680/Vesting Tentative Map (VTM) No. 221330 (Amending VTM No. 96-0707)/Site Development Permit (SDP) No. 423678. Carmel Valley Community Plan Area. (District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2008-102) ADOPTED AS RESOLUTION R-302965

Adoption of a Resolution certifying that the Addendum to Environmental Impact Report and Subsequent Environmental Impact Report No. 72522, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resource Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval

of an easement abandonment, vesting tentative map and site development permit for the Carmel Highlands Village project;

That pursuant to California Public Resource Code section 21081 and California Code of Regulations Section 15091, the City Council adopts the findings made with respect to the project, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference;

That pursuant to California Code of Regulations Section 15093, the City Council adopts the Statement of Overriding Considerations, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference, with respect to the project;

That pursuant to California Public Resource 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-2008-103) ADOPTED AS RESOLUTION R-302966

Adoption of a Resolution authorizing the Mayor or his designee to authorize and empowered to execute, for and on behalf of the City of San Diego, a Grant Deed, on file in the Office of the City Clerk, in favor of Pardee Homes, LLC, a California Corporation, conveying a portion of Lot 70 of Carmel Crest Estates in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 13877, recorded in the Office of the Recorder of San Diego County, November 24, 1999.

Subitem-C: (R-2008-104) ADOPTED AS RESOLUTION R-302967

Adoption of a Resolution certifying finds supported by the minutes, maps and exhibits, with respect to Vesting Tentative Map No. 221310 (Amending Vesting Tentative Map No. 96-0707) and Easement Abandonment No. 423680;

That pursuant to California Government Code section 66643(g), the following streets and easements, located within the project boundaries as shown in Tentative

Map No. 221310, shall be vacated, contingent upon the recordation of the approved final map for the project;

That Vesting Tentative Map No. 221310 (Amending Vesting Tentative Map No. 96-0707) and Easement Abandonment No. 423680 is granted to Pardee Homes, LLC, a California Corporation, Applicant/Subdivider and Project Design, Engineer, subject to the attached conditions which are made a part of this resolutions by this reference.

Subitem-D: (R-2008-105) ADOPTED AS RESOLUTION R-302968

Adoption of a Resolution certifying finds supported by the minutes, maps and exhibits, with respect to Site Development Permit No. 423678;

That Site Development Permit No. 423678 is granted to Pardee Homes, LLC, a California Corporation, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Subitem-E: (R-2008-113) ADOPTED AS RESOLUTION R-302969

Adoption of a Resolution vacating certain streets and easement;

That pursuant to California Government Code Section 66434(g), the following streets and easements, located within the project boundaries as shown in Tentative Map No. 221310, shall be vacated, contingent upon the recordation of the approved final map for the project;

That the resolution shall not become effective unless and until Vesting Tentative Map No. 221310 has been approved by the City Council;

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

OTHER RECOMMENDATIONS:

Planning Commission on June 7, 2007, voted 5-0-0 to approve.

Ayes: Garcia, Ontai, Griswold, Otsuji, Naslund
Nays: None.
Not Present: Schultz

The Carmel Valley Community Planning Group has voted unanimously to recommend approval of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION: Approval of a development project for the construction of 169-unit condominium complex, one single-family lot and a Commercial Center. The site is located at 5384 Carmel Mountain Road, at the intersection of Carmel Mountain Road and Carmel County Road.

STAFF RECOMMENDATION:

1. Recommend the City Council **Certify** Addendum No. 72522, and Adopt the Mitigation Monitoring and Reporting Program; and
2. Recommend the City Council **Approve** Easement Abandonment No. 423680, Vesting Tentative Map No. 221330 (amending VTM No. 96-0707), and Site Development Permit No. 423678.

EXECUTIVE SUMMARY:

The Carmel Highlands Village project is located within the Precise Plan area of Carmel Valley Neighborhood Ten. The project proposes the subdivision of a vacant 21-acre site, the construction of a 169-unit condominium complex, one single-family lot and a Commercial Center. A 12-acre portion of the site is designated by the Carmel Valley Neighborhood 10 Precise Plan for Low-Density Residential development with a density range of 5 to 15 dwelling units per acre. The remainder of the site is designated as Neighborhood Commercial, Very-Low Density Residential and Open Space. The Precise Plan allocates residential density between 98 and 189 dwelling units for the Low-Density Residential portion of the site. The project site is in the CVPD-OS/SF2/MF1/NC Zones of the Carmel Valley Planned District, within the Carmel Valley Community Plan.

The project site is covered by a Development Agreement (DA) between the City of San Diego and Pardee Construction Company (Pardee Homes). The Agreement was negotiated and entered into by the City Council on September 8, 1998, the effective date was November 3, 1998.

The project consists of: 32, two-story buildings with attached garages; one approximately 6,600-square foot recreational building; one single-family lot; 28,040-square feet of commercial space within five buildings; and associated Open Space. The project would include the transfer of 3.06 acres, Lot B, from the applicant to the City of San Diego for open space purposes. The project

would also include the transfer of 0.18 acres, Lot D, in fee simple from the City to the applicant for brush management purposes.

Staff has reviewed the proposed project and has determined that all issues identified through the review process have been resolved in conformance with the adopted City Council policies and regulations of the Land Development Code. Staff recommends the City Council approve the project as proposed.

FISCAL CONSIDERATIONS:

No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

PLANNING COMMISSION DECISION:

The subject project was originally heard by the Planning Commission on May 10, 2007. Public testimony was heard on this item. The item was continued by the Planning Commission until June 7, 2007, to allow the applicants an opportunity to revise the project and to work with staff on the issues raised by the Commission. The Commissioners directed the applicants to work with staff to evaluate the following issues: Affordability; Sustainability; Land Use Planning and Design; and Landscaping. The applicants met with staff several times to discuss their proposed changes. During the initial Planning Commission hearing on May 10, 2007, the City Planning & Community Investment Department determined the project fell short of achieving the neighborhood design concepts of the 1975 Carmel Valley Community Plan for Neighborhood 10. The modifications made after the original Planning Commission hearing resulted in the City Planning & Community Investment Department's support of the revised project.

YEAS: Garcia, Otsuji, Griswold, Ontai, Naslund, **NAYS:** N/A,

ABSTAINING: Commissioner Shultz was not present

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On July 11, 2006, the Carmel Valley Community Planning Board initially voted 12:0:0 to approve the proposed actions, with concerns as delineated in the Planning Commission Report No. PC-07-072. At the Planning Commission hearing on June 7, 2007 no one appeared in opposition to the project. During the June 7, 2007 Planning Commission hearing the applicants were directed by the Commissioner's to present the revised project to the Carmel Valley Community Planning Board prior to the City Council hearing. On July 10, 2007, the applicants presented the revised project to the Carmel Valley Community Planning Board. The Board voted 12:0:0 in favor of the proposed project, without recommendations. There is no known opposition to the project in the community.

KEY STAKEHOLDERS:

Pardee Homes.

Escobar-Eck/DJ

LEGAL DESCRIPTION:

The project site is located 5384 Carmel Mountain Rd at the intersection of Carmel Mountain Road and Carmel County Road, in the Carmel Valley Planned District Community (APNs 308-030-45 and 50, and 308-092-16, City and County of San Diego, 92130).

Staff: Derrick Johnson – (619) 446-5238
Andrea Contreras Dixon - Deputy City Attorney

NOTE: Subitems A, C, D, and E are not subject to Mayor’s veto.

Testimony in opposition by Kyle Martin and Cynthia Rajsbaum.

FILE LOCATION: SUBITEMS A, C, D, & E: MEET
SUBITEM B: DEED F-10153

COUNCIL ACTION: (Time duration: 6:27 p.m. – 7:05 p.m.)

MOTION BY MADAFFER TO ADOPT THE RESOLUTIONS IN SUBITEMS A, B, C, D, AND E. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-nay, Madaffer-yea, Hueso-not present.

ITEM-350: SUBMISSION OF BALLOT PROPOSALS

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 proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred to Council following Rules Committee review.

Therefore, the City Clerk’s Office has established the following administrative guidelines for the February 5, 2008 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/14/2007	144	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	9/19/2007	139	Rules Committee review
Monday	9/24/2007	134	Council Docket (<i>PUBLIC NOTICE</i>) lists proposals referred by Rules Committee (<i>NB: E-127 is 10/1/2007, a legislative recess</i>)
Monday	10/8/2007	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	10/29/2007	99	Council adopts ordinances prepared by City Attorney
Friday	11/9/2007	88	Last day for City Clerk to file with Registrar of Voters all elections material
Monday	11/26/2007	71	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.

ITEM-351: **Notice** of Pending Final Map Approval – West Laurel Studios.

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 “West Laurel Studios” (T.M. No. 377076/PTS No. 126213), located on the southeast corner of Laurel Street and Kettner Boulevard in the Centre City Community Plan Area in Council District 2, 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.

ITEM-352: **Notice of Pending Final Map Approval – Rainier Place.**

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 “Rainier Place” (T.M. No. 323037/PTS No. 95244), located on the south side of Rainier Place between Mission Gorge Road and Holabird Street in the Navajo Community Plan Area in Council District 7, 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.

ITEM-353: **Notice** of Pending Final Map Approval – Montecito Point.

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 “Montecito Point” (T.M. No. 10274/PTS No. 965730), located on the north side of Montecito Way between Third Avenue and Fourth Avenue in the Uptown 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.

ITEM-354: **Notice** of Pending Final Map Approval –Yonge Street Condominiums.

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 “Yonge Street Condominiums” (T.M. No. 197126/PTS No. 96305), located at the northerly terminus of Yonge Street in the Peninsula Community Plan Area in Council District 2, 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.

ITEM-355: **Notice** of Pending Final Map Approval – 909 Diamond St. Villas.

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 “909 Diamond St. Villas” (T.M. No. 301491/PTS No. 123736), located on the south side of Diamond Street between Bayard Street and Cass Street in the Pacific Beach Community Plan area in Council District 2, 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.

ITEM-356: **Notice of Pending Final Map Approval – 3747 32nd Street.**

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 “3747 32nd Street” (T.M. No. 291658/PTS No. 129555), located on the east side of 32nd Street between Landis Street and North Park Way 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.

ITEM-357: **Notice** of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the Mayor of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

<u>SUBDIVISION</u>	<u>COMMUNITY AREA</u>
Carmel Del Mar Neighborhood 5 Unit 10	Carmel Valley
Carmel Del Mar Neighborhood 5 Unit 11	Carmel Valley
Carmel Valley Neighborhood 1 Unit 12A	Carmel Valley
Carmel Valley Neighborhood 1 Unit 12B	Carmel Valley

The certification shall be recorded with the County Recorder 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director of Development Services or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

000269

Minutes of the Council of the City of San Diego
for the Regular Meeting of Tuesday, September 4, 2007

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ADJOURNMENT:

The meeting was adjourned by Council President Pro Tem Young at 7:24 p.m. in honor of the memory of:

Charles McKain, Jr. as requested by Council Member Atkins.
Art Sencion as requested by Council Member Frye.
Marcial Antonio "Tony" Riquelme as requested by Council Member Frye.
Margaret L. Klingenberg as requested by Council Member Young.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 7:16 p.m. – 7:24 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego

000271

UNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, SEPTEMBER 10, 2007
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Pro Tem Young at 2:02 p.m. with Council President Peters not present. Council President Pro Tem Young recessed the meeting at 3:48 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:54 p.m. with Council President Peters not present. Council President Pro Tem Young recessed the meeting at 4:23 p.m. to convene into a Special Meeting of the Redevelopment Agency. Council President Pro Tem Young reconvened the regular meeting at 4:37 p.m. with Council President Peters not present. Council President Pro Tem Young adjourned the meeting at 4:37 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-not present
 - (2) Council Member Faulconer-present
 - (3) Council Member Atkins-present
 - (4) Council Member Young-present
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council Member Hueso-present
- Clerk-Maland (mz)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-not present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Reverend Reginald Gary of the
New Creator Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Frye.

FILE LOCATION: MINUTES

CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 Adam C. Lewis v. City of San Diego, et al.
San Diego Superior Court Case No. GIC 877604

REFERRED TO CLOSED SESSION OF TUESDAY, SEPTEMBER 11, 2007

DCA Assigned: B. Hsu

Plaintiff claims personal injuries as a result of an automobile accident which occurred on May 1, 2006. The City Attorney requests the City Council consider settlement of the case in closed session.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:23 p.m. – 4:23 p.m.)

Council President Peters closed the hearing.

CS-2 *People of the State of California v. Willkie Farr and Gallagher, LLP*
San Diego Superior Court Case No. 37-2007-00072585-CU-BT-CTL

REFERRED TO CLOSED SESSION OF TUESDAY, SEPTEMBER 11, 2007

EACA Assigned: D. McGrath

This is a lawsuit filed by the People of the State of California against Willkie Farr and Gallagher, LLP. In closed session, the Executive Assistant City Attorney and Bryan Vess will brief the Mayor and City Council on the litigation's status; as well as request that Bryan Vess be retained to represent the People of the State of California in this matter.

Closed Session Comment 1:

Daniel Coffey commented on the City of San Diego's involvement in the case.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:23 p.m. – 4:27 p.m.)

Council President Peters closed the hearing.

CS-3 *City of San Diego v. Willkie Farr and Gallagher, LLP*
San Diego Superior Court Case No. 37-2007-00072584-CU-BT-CTL

REFERRED TO CLOSED SESSION OF TUESDAY, SEPTEMBER 11, 2007

EACA Assigned: D. McGrath

This is a lawsuit filed by the City of San Diego against Willkie Farr and Gallagher, LLP. In closed session, the Executive Assistant City Attorney and Bryan Vess will brief the Mayor and City Council on the litigation's status, as well as request that Bryan Vess be retained to represent the City of San Diego in this matter.

Closed Session Comment 1:

Daniel Coffey commented on the request for purchase and the process of obtaining representation in this case.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:27 p.m. – 4:29 p.m.)

Council President Peters closed the hearing.

CS-4 *City of San Diego v. Sunroad Enterprises et al.*
San Diego Superior Court Case No. GIC 877054

REFERRED TO CLOSED SESSION OF TUESDAY, SEPTEMBER 11, 2007

DCA Assigned: C. Brock

Case No. GIC 877054 was initiated by the City Attorney to abate the public nuisance created by Sunroad Enterprises' construction of a 12 story, 180 foot building which has been declared a "hazard" to air navigation at the City's Montgomery Field Airport by the Federal Aviation Administration ("FAA") Sunroad Enterprises cross-complained against the City claiming the City issued permits for the building and is responsible for any monetary loss Sunroad may incur. The City Attorney and outside counsel, Latham & Watkins, will discuss the status of the pending litigation and associated costs.

Closed Session Comment 1:

Daniel Coffey commented on associated costs of litigation to the public.

Closed Session Comment 2:

Joy Sunyata commented on closure regarding Sunroad.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:29 p.m. – 4:33 p.m.)

Council President Peters closed the hearing.

**CS-5 *La Jolla Alta Master Council v. City of San Diego*
San Diego Superior Court Case No. GIC 822281**

REFERRED TO CLOSED SESSION OF TUESDAY, SEPTEMBER 11, 2007

DCA Assigned: J. Boardman

This matter is a lawsuit filed by the La Jolla Alta Master Council for inverse condemnation and declaratory and injunctive relief. In closed session, the City Attorney will brief the Council on the status of the litigation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:33 p.m. – 4:33 p.m.)

Council President Peters closed the hearing.

**CS-6 *Harvey Furgatch v. San Diego Unified Port District, et al.*
San Diego Superior Court Case No. GIC 775242**

REFERRED TO CLOSED SESSION OF TUESDAY, SEPTEMBER 11, 2007

CDCA Assigned: H. Carlyle and DCA Assigned: J. Riley

Plaintiff alleges his lawsuit was a substantial factor in causing the termination of the purchase and sale agreement for the transfer of property (Tailgate Park) from the City to the San Diego Unified Port District. The Council will be advised of the status of this litigation and discuss whether to waive the attorney client and attorney work product privileges, in a limited scope, for the purpose of defending this lawsuit.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:33 p.m. – 4:33 p.m.)

Council President Peters closed the hearing.

ITEM-150: Tobacco Retailer Ordinance – Version D, Relating to Requirements for Permits for Tobacco Project Sales. (Citywide)

(See Report from the City Attorney dated 6/29/2006; E-mail from Molly Bowman dated 7/12/2006; letter from Auday P. Arabo, Esq. dated 7/12/2006; City Manager Report No. 05-091; and Reports from the City Attorney dated 5/4/2007, 3/23/2007, 4/8/2005, and 4/7/2005 [not available at the Committee].)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2007-128) INTRODUCED AS AMENDED; TO BE ADOPTED TUESDAY,
SEPTEMBER 25, 2007

Introduction of an Ordinance amending Chapter 3, Article 3, of the San Diego Municipal Code by adding Division 45, Sections 33.4501 to 33.4518, titled "Permits for Tobacco Product Sales," relating to requirements for permits for tobacco product sale. State Assembly Bill 71, codified in California Business and Professions Code section 22971.3, created a state licensing program for the sale of tobacco products, and authorizes local governments to adopt their own ordinances to provide for the suspension or revocation of a local license for any violation of a state tobacco control law. This ordinance provides for local regulation of tobacco retail businesses by requiring police permits. The intent is to discourage violations of law prohibiting the sale or distribution of tobacco products to minors to protect their health, welfare, and safety. It is also the intent that all costs associated with the administration and enforcement of this Division be borne by tobacco retailer applicants and permittees.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 7/12/2006, PS&NS voted 4 to 0 to forward this item to the full City Council without a recommendation subject to analysis by the Independent Budget Analyst and the City Attorney, working with stakeholders, to incorporate the issues raised. (Councilmembers Faulconer, Young Maienschein, and Hueso voted yea.)

NOTE: Ordinance version D, prepared by the City Attorney in response to the Committee's referral and questions, has neither been reviewed nor opined on by the Committee.

SUPPORTING INFORMATION:

Tobacco use by minors is a public health and safety risk. State laws are insufficient to address tobacco use by minors, and state law authorizes local governments to adopt their own ordinances to provide for the suspension or revocation of a local license for any violation of a state tobacco control law. The proposed ordinance provides for local regulation of tobacco retail businesses by requiring police permits. The proposed ordinance will discourage violations of law which prohibit or discourage the sale or distribution of tobacco products to minors.

FISCAL CONSIDERATIONS:

A proposed permit fee of \$163 allows for full cost recovery of administration and enforcement costs related to this ordinance in the first year. Costs will be reviewed annually, and the permit fee will be adjusted, as necessary, to reflect true costs. Costs will be included in the Police Department's fiscal year appropriation.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

In April 2005, the Committee on Public Safety and Neighborhood Services was presented with two versions of a Tobacco Retailer Ordinance, O-2005-65-DRAFT and O-2005-65-DRAFT - Version B. Neither version passed Committee. In July 2006, Version C was presented to the Committee. Version C received enough votes to move forward without recommendation, pending resolution and clarification of several issues. Those issues are addressed in Version D.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

American Lung Association; California Grocers Association; San Diego small business owners.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Local retailers will be required to obtain police permits to sell tobacco products.

Aguirre

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:05 p.m. – 3:48 p.m.)

MOTION BY MAIENSCHIN TO INTRODUCE THE ORDINANCE AS AMENDED TO INCLUDE A SINGLE SENTENCE IN SECTION 33.4501 UNDER "PURPOSE AND INTENT" TO READ AS FOLLOWS: IT IS FURTHER THE INTENT THAT RECOVERIES HEREUNDER SHALL BE USED TO PAY THE COST OF ENFORCEMENT OF THIS DIVISION; IN SECTION 33.4518 UNDER "REPORTING PROVISIONS" INCLUDE THE FOLLOWING: A PERMIT FEE OF \$163 FOR FISCAL YEAR 2008 AND A MANDATORY ANNUAL REPORT TO THE PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE PRIOR TO THE BUDGET HEARING WHICH WOULD INCLUDE (1) NUMBER OF VIOLATIONS, (2) NUMBER AND AMOUNT OF FINES, (3) NUMBER AND TYPE OF PENALTIES, (4) HOW FINE REVENUES ARE BEING USED, AND (5) DETAILING THE PROGRAM BUDGET. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-200: 3502 Jackdaw Street (Hill Residence), Variance to allow existing development constructed over the maximum height and maximum floor area ratio and to allow the conversion of a carport to a fully enclosed garage and vacate an unimproved portion of Walnut Street. (Uptown Community Plan Area. District 2.)

Matter of approving, conditionally approving, modifying or denying an application for a Variance to allow existing development constructed over the maximum height and maximum floor area ratio and to allow the conversion of a carport to a fully enclosed garage. This project also includes a request to vacate an unimproved portion of Walnut Street, and expand an existing Encroachment

Maintenance Removal Agreement. The property is zoned RS-1-7 (Single-Family Residential) addressed as 3502 Jackdaw Street, and located at the northwest corner of Jackdaw and Walnut Streets, legally described as Lot 13 in Block 437 of the Subdivision of the east half and the south quarter of Pueblo Lot 1122, Map No. 381.

(Variance No. 209653/Encroachment Maintenance Removal Agreement No. 209658/Street Vacation. Uptown Community Plan Area. District 2.)

(Continued from the meeting of June 19, 2007, Item 332, at Councilmember Faulconer's request, for further review.)

NOTE: Hearing open. Testimony taken on 6/19/2007.

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A: (R-2008-207) ADOPTED AS RESOLUTION R-302970

Adoption of a Resolution certifying findings with respect to Variance No. 209653; and Encroachment Maintenance and Removal Agreement No. 209658 supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

That Variance No. 209653 and Encroachment Maintenance and Removal Agreement No. 209658 to remedy and authorize the existing height and design conditions previously created by the applicant without benefit of the necessary permits is granted to Steven M. and Sandi M. Hill, Owner/Permittee, under the terms and conditions set forth in the *Variance attached hereto and made a part hereof.*

Subitem-B: (R-2008-208) ADOPTED AS RESOLUTION R-302971

Adoption of a Resolution that the street right-of-way located adjacent to 3502 Jackdaw Street, and legally described as Lot 13, Block 437, of the Subdivision of the east half and the south quarter of Pueblo Lot 1122, Map No. 381 in connection with Variance No. 209653, and Encroachment Maintenance and Removal Agreement No. 209658, as more particularly described in the legal description marked as Exhibit "A," and shown in the drawing marked as Exhibit "B";

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

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

OTHER RECOMMENDATIONS:

Planning Commission on April 21, 2005, voted 4-2 to approve; was opposition.

Ayes: Steele, Garcia, Schultz, Otsuji

Nays: Chase, Ontai

Not present: Griswold

Uptown Planners has taken a vote resulting in a mixed recommendation for the project. Please refer to the Planning commission Report No. PC-04-182.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Approval of a ~~permit amendment~~, three variances, and encroachment into the unimproved public right-of-way of Walnut Avenue to allow existing improvements associated with a single family residence to remain. The project is located at 3502 Jackdaw Street in the Uptown Community Plan area.

STAFF RECOMMENDATION:

1. APPROVE ~~Hillside Review Permit/Resource Protection Ordinance Permit No. 32731~~, Variance No. 209653, and Encroachment Removal Agreement No. 209658; and
2. DENY Public Right-of-Way Vacation No. 209656.

EXECUTIVE SUMMARY:

The application was deemed complete on January 11, 1999 and is therefore subject to the Municipal Code in effect at that time. The site is located at 3502 Jackdaw Street in the Uptown Community Plan area. The 25 foot by 100 foot rectangular lot slopes approximately 30 feet down from the street. The majority of the parcel is within the Hillside Review Overlay Zone (Old Code). Previous approvals in 1989 authorized the construction of the property with two variances for yard setbacks. A soils investigation during initial grading determined that removal of undocumented full material was necessary. This resulted in modifications to the foundation design and lowered the measurement of grade approximately five feet. This resulted in the

residence observing a height of approximately 38 feet, rather than 33 feet approved with the original permit. Furthermore, changes to the foundation design using retaining walls to support the structure in lieu of caissons resulted in a previously open area beneath the structure being enclosed. Regulations require this enclosed area be included in the floor area measurement of the residence which now exceeded that allowed in the permit. A permit amendment and variance is required to remedy these conditions.

In 1990, an Encroachment Maintenance and Removal Agreement (EMRA) was approved to allow encroachments into the unimproved public right-of-way of Walnut Avenue, immediately south of the residence. These encroachments extend fifteen feet into the right-of-way and include a concrete walkway and steps which provide access to the residence and landscaping. In 1998, a Notice of Violation was issued to the owner citing non-compliance with the approved HRP/RPOZ Permit No. 88-0742. In 1999, the owner submitted the current application to amend the approved HRP/RPOZ Permit No. 88-0742 in an effort to legalize the existing height and gross floor area. The application includes a request to modify the existing structure to add additional floor area and an EMRA to legalize existing encroachments in the public right-of-way beyond those approved in the 1990 EMRA. As an alternative to an EMRA, the project includes a request to vacate a portion of the undeveloped Walnut Avenue right-of-way.

Staff recommends approval of ~~Hillside Review Permit/Resource Protection Ordinance Permit No. 32731~~, Variance No. 209653 and Encroachment Removal Agreement No. 209658 and recommends denial of Public Right-of-Way Vacation No. 209656.

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(1) "Existing Facilities".

FISCAL CONSIDERATIONS:

No cost to the City. All costs are recovered through a deposit account funded by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On April 21, 2005, the Planning Commission of the City of San Diego voted 4:2:0 to recommend approval of Hillside Review and Resource Overlay Zone Permit No. 32731, amending HRP/RPOZ Permit No. 88-0742, and Variance No. 209653 to maintain the existing as-built and enclosed under-floor area of the residence; and to recommend denial of a Variance to enclose an existing carport for use as a garage; Street/Public Right-of-Way Vacation No. 209656; and

Encroachment Removal Agreement No. 209658, requiring the area that was disturbed be revegetated and returned to the state it was in prior to being encroached upon without permission, with a minimum maintenance period from one to three years.

On October 3, 2000, the Uptown Planners voted 5:3:1 to recommend denial of the street vacation. On May 1, 2001, the Uptown Planners voted 11:0:1 to recommend approval of the project, minus the street vacation.

KEY STAKEHOLDERS:

Steve M. and Sandy M. Hill, Owners/Applicant

Waring/Escobar-Eck/JSF

NOTE: The City of San Diego as Lead Agency under CEQA has determined that the action is exempt pursuant to Article 19 of the Guidelines for Categorical Exemptions, Section 15301(1), Existing Facilities.

Staff: John Fisher – (619) 446-5231
Shirley R. Edwards – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:08 p.m. – 4:19 p.m.)

Testimony in favor of the variance by Sandi Hill, Steve Hill, and Ray Slocum.

Testimony in opposition of the variance by Michael Herman.

MOTION BY FAULCONER TO ADOPT THE RESOLUTIONS IN SUBITEM A AND SUBITEM B. Second by Atkins. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-201: La Jolla Mesa Vista Underground Utility District. In the matter of holding a public hearing and forming the District. (La Jolla Community Plan Area. District 2.)

NOTE: First Hearing was held on July 23, 2007, Item 204.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1276 Cor. Copy 2) ADOPTED AS RESOLUTION R-302972

Adoption of a Resolution establishing an underground utility district financed through the La Jolla Mesa Vista Underground Utility Assessment District No. 4098 and the City of San Diego Undergrounding Surcharge Fund for the La Jolla Mesa Vista Community Planning Area.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTIONS:

At July 23, 2007 Council Hearing:

1. Set a date for a public hearing date of September 10, 2007 to consider creating an Underground Utility District (District); and
2. Authorizing a \$380,000 increase in the Fiscal Year 2008 Capital Improvements Program Budget in CIP-37-027.0, La Jolla Mesa Vista Underground Utilities Assessment District, Fund 30101, Underground Surcharge Fund; providing the City Auditor and Comptroller first certifies with one or more certificates that the funds are or will be on deposit with the City Treasurer; and
3. Authorizing the transfer of \$380,000 from CIP-37-028.0, Annual Allocation Undergrounding City Utilities to CIP-37-027.0, La Jolla Mesa Vista Underground Utilities Assessment District, within Fund 30101, Underground Surcharge Fund; and
4. Authorizing the Auditor and Comptroller to appropriate and expend \$380,000 from CIP-37-027.0, La Jolla Mesa Vista Underground Utilities Assessment District, Fund 30101, Underground Surcharge Fund for the purpose of utility undergrounding and associated activities as described in the Engineers Report for La Jolla Mesa Vista Underground Utility Assessment District No. 4098; and
5. Authorizing the Mayor to accept \$10,000 from the La Jolla Mesa Vista Homeowners Association for the purpose of funding the proposed formation of the La Jolla Vista Mesa Underground Utility Assessment District and;

6. Authorizing a \$10,000 increase in the Fiscal Year '08 Capital Improvements Program Budget in CIP-37-027.0, La Jolla Mesa Vista Assessment District, in Fund 63022, Private and Other Contributions.
7. Authorizing the Auditor and Comptroller to appropriate and expend \$10,000 from CIP-37-027.0, La Jolla Mesa Vista Assessment District, Fund 63022, Private and Other Contributions, for the purpose of the undergrounding utilities project, and transfer excess funds, if any, to the appropriate reserves.

At September 10, 2007 Council Hearing:

1. Hold Noticed Public Hearing and Create said District;

STAFF RECOMMENDATION:

Adopt the requested actions.

EXECUTIVE SUMMARY:

On June 5, 2007, the City Council passed Resolutions initiating proceedings to form the proposed La Jolla Mesa Vista Undergrounding Utilities Assessment District and the commencement of an assessment ballot procedure. The Council passed a Resolution which set a public hearing date of July 23, 2007 for formation of the proposed assessment district. Should the proposed *Assessment District* be formed, it is recommended that the Council consider the formation of an *Underground Utility District* at a future public hearing. These actions would set a date for a public hearing to consider creation of an *Underground Utility District*. The creation of an Underground Utility District is not a necessary action in order to consider creation of the Assessment District. Underground Utility Districts require the removal of overhead utilities and prohibits future overhead utilities within said Districts.

In addition, the Council has previously expressed its desire to cost share \$380,000 from the Underground Surcharge Fund as part of the FY 2005 and FY 2006 Annual Allocation of Undergrounding Projects. These actions would provide the necessary appropriations of those funds to the La Jolla Mesa Vista project concurrent with the creation of the Assessment District.

In accordance with San Diego Municipal Code (SDMC), Chapter 6, Article 1, Division 5, Underground Utilities Procedural Ordinance these actions will create the La Jolla Mesa Vista Underground Utility District and will underground all overhead utilities within the designated District.

The formation of this district will require by Ordinance the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary, replacement of street lighting and street restoration.

The expense of the underground installation and removal of overhead facilities within the right-of-way (street and sidewalk area) will be the responsibility of the utility companies in accordance with California Public Utilities Commission (CPUC) Rules and Tariffs and will be financed through the proposed La Jolla Mesa Vista Assessment District No. 4098 and a cost sharing component of the City of San Diego of \$380,000 from the Underground Surcharge Fund (30100), per Council Resolutions 300051 and 300572.

By Ordinance, creation of this Underground Utility District will require all property owner(s) within said District to perform all necessary trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service, including all necessary permits and compliance with minimum conformance as outlined in the SDMC Chapter 14, Article 6, Division 2. Namely, that their electrical panels: (1) are dead front operated, (2) have a grounding rod; (3) have appropriate operating clearances; and (4) are sufficient load capacity.

FISCAL CONSIDERATIONS:

The estimated construction cost of \$1,070,412 for work within the public right-of-way, will be financed through the proposed La Jolla Mesa Vista Assessment District No. 4098 and a cost sharing component of the City of San Diego of \$380,000 from the Underground Surcharge Fund (30100), per Council Resolutions 300051 and 300572. Property owners are solely responsible for all work on private property necessary to convert their property to underground utility systems.

PREVIOUS COUNCIL COMMITTEE ACTION:

1. Allocation of Underground Conversion Projects for Fiscal Year 2005, Resolution 300051, January 11, 2005, Managers Report 05-001, provided for \$280,000 in cost sharing for the LJMV project.
2. Allocation of Underground Conversion Projects for Fiscal Year 2006, Resolution 300572, June 21, 2005, Managers Report 05-149, provided for \$100,000 in cost sharing for the LJMV project.
3. Approved City Council Resolutions of June 5, 2007 initiating proceedings to form the proposed La Jolla Mesa Vista Undergrounding Utilities Assessment District and setting a public hearing date of July 23, 2007 for formation of the proposed assessment district, and the commencement of the assessment ballot procedure.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

LJMV property owner representatives have worked with Engineering & Capital Projects / Undergrounding Program staff to coordinate with the various utilities to define the project and estimate the costs. At the request of district proponents, Debt Management staff and the City Attorney's Office helped formulate the Petition that was circulated by a primary district proponent.

In addition, the Underground Program Manager and the Debt Management Department sent letters to the LJMV property owners providing information regarding the project and the proceedings being undertaken by the City to consider the formation of the district and the levy of assessments on properties for the purpose of undergrounding the overhead utility lines.

At the point the Petition was prepared and distributed to the community, the Underground Program Manager met with the community at two different locales and times, both at resident's homes, one during the day and one in the evening, to provide information and answer questions regarding the underground process and information regarding the assessment district formation process.

KEY STAKEHOLDERS:

Property owners within the proposed La Jolla Mesa Vista Underground Utility Assessment District. Business entities involved in the formation of the proposed assessment district include Bureau Veritas North America, Inc. (Assessment Engineer) and Best, Best and Krieger LLP (Outside Legal Counsel).

Haas/Oskoui/NB

NOTE: This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines, Section 15302(d), and Public Utilities Commission General Order 131-D dated August 11, 1995.

Aud. Cert. 2700849.

Staff: Nathan Bruner (619) 533-3777
Peter A. Mesich – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:20 p.m. – 4:23 p.m.)

MOTION BY FAULCONER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-nay, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

ITEM-250: Notice of Pending Final Map Approval - 4170 Alabama Street Condominiums.

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 "4170 Alabama Street Condominiums" (T.M. No. 78500/PTS No. 95895), located on the west side of Alabama Street between Howard Avenue and Polk 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.

ITEM-251: SUBMISSION OF BALLOT PROPOSALS

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 proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the February 5, 2008 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/14/2007	144	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	9/19/2007	139	Rules Committee review
Monday	9/24/2007	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee <i>(NB: E-127 is 10/1/2007, a legislative recess)</i>
Monday	10/8/2007	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	10/29/2007	99	Council adopts ordinances prepared by City Attorney
Friday	11/9/2007	88	Last day for City Clerk to file with Registrar of Voters all elections material
Monday	11/26/2007	71	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.

ITEM-S400: Approval of Participation and Administration Agreements in San Diego City Employees' Retirement System (SDCERS) Group Trust.

(Continued from the meetings of June 18, 2007, Item 200; June 26, 2007, Item S400; July 10, 2007, Item 339; and September 4, 2007, Item 330; last continued at the request of City Attorney, for further review.)

SAN DIEGO CITY EMPLOYEES' RETIREMENT SYSTEM'S RECOMMENDATION:

Take the following actions:

CONTINUED TO MONDAY, SEPTEMBER 24, 2007

Approving the attached Participation and Administration Agreement between SDCERS and the Unified Port District; and

Approving the attached Participation and Administration Agreement between SDCERS and the Airport Authority; and

Approving the attached Participation and Administration Agreement between SDCERS and the City of San Diego;

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

SUPPORTING INFORMATION:

Along with the City, the Port and the Airport Authority participate in SDCERS under City Charter Section 149 and San Diego Municipal Code Sections 24.1801 et seq. These provisions allow a public agency to contract with SDCERS to participate in the SDCERS Trust Fund, after the City Council makes a finding that the public agency is eligible and approves the contract between the agency and SDCERS. In 2002, the City Council found that the Port and the Airport Authority were eligible to participate in SDCERS under Charter Section 149, and approved the initial contracts between SDCERS and each agency.

Under Charter Section 149 and Municipal Code Section 24.1806, all funds contributed by a contracting public agency and its employees must be held in trust and used only to pay benefits and necessary expenses related to administering the retirement benefits of that agency.

In order to carry out the intent of these provisions, and prevent the use of any contracting agency's plan assets to pay the liabilities associated with another agency's plan, tax counsel advised SDCERS to establish a Group Trust, within which SDCERS would administer each public agency's plan as a separate trust. Based on this advice, on March 16, 2007, the SDCERS Board unanimously approved a "Declaration of Trust" establishing the SDCERS Group Trust effective July 1, 2007. At that same time, the Board unanimously approved the three attached Participation and Administration Agreements with the City, the Port and the Airport Authority.

The Port and Airport Authority Boards have unanimously approved their respective Participation and Administration Agreements. Municipal Code Section 24.18020(j) requires that the Participation and Administration Agreements between SDCERS and each contracting public agency be approved by the City Council by Resolution.

A Council vote to approve the Participation and Administration Agreements of the City, Port, and Airport will ensure that the plan assets associated with each plan sponsor currently participating in SDCERS are unavailable to satisfy the liabilities of each other plan sponsor's plan. Both the Port and Airport Boards have made it clear that the participation of their assets in the SDCERS Group Trust is critical to their continued participation in SDCERS. If the City Council does not approve their Participation and Administration Agreements, the Port and Airport may be forced to seek out another pension alternative to SDCERS.

FISCAL CONSIDERATIONS:

There is no financial impact associated with this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders are the City, Port, and Airport Authority, as well as their employees and retirees. Council approval of the three SDCERS Group Trust Participation and Administration Agreements will assure the employees and retirees of all three agencies that the assets in their retirement plans are safe from claims by or against the other SDCERS-administered plans.

Hebrank/Wescoe

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:04 p.m. – 2:05 p.m.
3:54 p.m. – 4:08 p.m.)

MOTION BY MADAFFER TO CONTINUE TO MONDAY, SEPTEMBER 24, 2007,
FOR FURTHER REVIEW. Second by Atkins. Passed by the following vote: Peters-not
present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-
yea, Hueso-yea.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Pro Tem Young at 4:37 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 4:37 p.m. – 4:37 p.m.)

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 11, 2007
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Pro Tem Young at 10:00 a.m.
The meeting was recessed by Council President Pro Tem Young at 11:58 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Pro Tem Young at 2:03 p.m. with Council President Peters and Council Member Hueso not present. Council President Pro Tem Young recessed the meeting at 2:06 p.m. to convene the Housing Authority and thereafter the Redevelopment Agency. Council President Pro Tem Young reconvened the regular meeting at 2:07 p.m. with Council President Peters not present. Council President Pro Tem Young recessed the meeting at 3:29 p.m. for the purpose of a break. Council President Pro Tem Young reconvened the meeting at 3:34 p.m. with Council President Peters and Council Member Atkins not present. Council President Pro Tem Young recessed the regular meeting at 4:03 p.m. to reconvene the Redevelopment Agency. Council President Pro Tem Young reconvened the regular meeting at 4:13 p.m. with Council President Peters not present and thereafter reconvened the Redevelopment Agency. Council President Pro Tem Young reconvened the regular meeting at 4:14 p.m. with Council President Peters not present. Council President Pro Tem Young recessed the regular meeting at 4:16 p.m. to reconvene the Redevelopment Agency and thereafter the Housing Authority. Council President Pro Tem Young reconvened the regular meeting at 4:39 p.m. with Council President Peters not present. The meeting was adjourned by Council President Pro Tem Young at 4:42 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-not present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present

(6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Hueso-present

Clerk-Maland (dlc/sr)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-not present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on prayer and the flag salute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

PUBLIC COMMENT-2:

Homer Barrs commented on a mobile home park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. - 10:27 a.m.)

PUBLIC COMMENT-3:

Allyson Smith commented on the Amicus brief regarding same sex marriages.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:30 a.m.)

PUBLIC COMMENT-4:

Phil Hart commented on parking concerns.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m. - 10:32 a.m.)

PUBLIC COMMENT-5:

Robert Sutton and Kim Tran commented on the organization, the Blue Star Mothers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:33 a.m. - 10:37 a.m.)

PUBLIC COMMENT-6:

James Hartline commented on San Diego Fire Fighters.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:37 a.m. - 10:40 a.m.)

PUBLIC COMMENT-7:

Jarvis Ross commented on various current events.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. - 10:43 a.m.)

PUBLIC COMMENT-8:

Catherine Strohlein commented on alcohol abuse.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. - 10:44 a.m.)

PUBLIC COMMENT-9:

Al Strohlein commented on a riot on Labor Day.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. - 10:47 a.m.)

PUBLIC COMMENT-10:

Lani Lutar commented on IROC – the Independent Rates Oversight Committee.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m. - 10:49 a.m.)

PUBLIC COMMENT-11:

Referred to Mayor: Katheryn Rhodes commented on the FAA Part 77 Map and Airport Land Use Commission Airspace review for new construction.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:49 a.m. - 10:52 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Hueso wanted to thank the San Diego Housing Association with regard to the issue of affordable housing.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:52 a.m. - 10:54 a.m.)

COUNCIL COMMENT-2:

Council Member Frye announced an Electronic Recycling event to be held Saturday, September 15, 2007, from 8:00 a.m. to 12:00 p.m. in the Sea World parking lot.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:54 a.m. - 10:55 a.m.)

COUNCIL COMMENT-3:

Council Member Madaffer welcomed all to attend the 21st Annual Lake Murray Street Fair and 2nd Annual Duck Race held at the north side of Lake Murray, Saturday, September 15, from 9:00 a.m. to 6:00 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:56 a.m. - 10:58 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

Karen Heumann announced that the City Attorney's office presented checks to two important nonprofit agencies, the San Diego Childhood Lead Poisoning Prevention Program and Lamba Archives of San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:14 a.m. - 10:18 a.m.)

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

APPROVED

Approval of Council Minutes for the meetings of:

07/23/2007

07/24/2007

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:04 a.m. – 10:04 a.m.)

MOTION BY ATKINS TO APPROVE. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-31: Phyllis A. Shess Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-174) ADOPTED AS RESOLUTION R-302973

Commending Phyllis Shess for her years of service to the City of San Diego and the community of North Park;

Proclaiming September 11, 2007, to be "Phyllis A. Shess Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:06 a.m. – 10:08 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Young. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-32: Eleanor A. Mang Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-156) ADOPTED AS RESOLUTION R-302974

Proclaiming September 11, 2007, to be "Eleanor A. Mang Day" in the City of San Diego, and thanking Eleanor for all of her contributions to the Clairemont Community and the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:09 a.m. – 10:14 a.m.)

MOTION BY FRYE TO ADOPT. Second by Young. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-100: Hickman Athletic Field Improvements. (Kearny Mesa Community Area. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-160) ADOPTED AS RESOLUTION R-302975

Authorizing and directing the City Auditor and Comptroller to amend the Capital Improvement Budget to add CIP-29-795.0, Hickman Athletic Field Improvements, in accordance with the 2008 Annual Appropriation Ordinance;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$200,000 from Fund 39223, General Dynamic Fund to CIP-29-795.0, Hickman Athletic Field Improvements;

Authorizing the expenditure of an amount not to exceed \$200,000 from CIP-29-795.0, Hickman Athletic Field Improvements, solely and exclusively, for the purpose of providing funds for consultant services to prepare construction documents for Hickman Athletic Field;

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

Declaring this activity is not a "project" and therefore not subject to CEQA per CEQA Guidelines Section 15060 (c)(3). This activity will provide funding for a project consultant, design, and construction documents. There is no construction associated with this action. Any future activity involving construction will be subject to a separate review under CEQA and conditioned to comply with the provisions of CEQA.

STAFF SUPPORTING INFORMATION:

This funding will provide for consulting services to prepare construction documents for the future implementation of site improvements when funding is available. The construction documents will be based on the existing Hickman Athletic Field Master Plan, approved on June 20, 2005. This will be instrumental in estimating financial needs, and assist in applying for grants to complete the site improvements in accordance with the Hickman Fields Master Plan.

Council District Six identified the funding through General Dynamic Fund for the project. City staff will coordinate and work with the Hickman Youth Athletic Association (HYAA), lessee of the park, for the scope of work to be done. HYAA has a 25 year lease agreement with the City of San Diego; the lease will expire on June 20, 2030. HYAA maintains and implement improvements within the property. HYAA conducts and promotes non-profit youth sports activities such as baseball, tee ball and soccer. The multi sport's field is open to the public; reservation can be made by contacting the North Clairemont Recreation Center for scheduling the use of fields and other facilities at the property.

FISCAL CONSIDERATIONS:

This action authorizes the use of \$200,000, Fund 39223, General Dynamic Fund, for the purpose as stated above.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

R-262865 - Hickman Field, April 8, 1985
R-267203 - Land transfer between the United States Navy and the City, December 8, 1986
R-268447 - City/Navy Land Exchange June 1, 1987
R-289276 - MOU City and USA - October 7, 1997
Document No. 00-19390 - Lease Agreement, June 20, 2005

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Staff coordination with Hickman Youth Athletic Association.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Stakeholders: Hickman Youth Athletic Association.

Lomedico/Reynolds

Aud. Cert. 2800074.

Staff: Jim Winter - (619) 533-3040
Kimberly Ann Davies - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:21 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-101: Amendment to Residential Permit Parking Area "B". (College Community Area. District 7.)

(See Report to the City Council No. 07-136.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-155) ADOPTED AS RESOLUTION R-302976

Authorizing the addition of the 6200-block of Stewart Street between 62nd Street and 63rd Street to Residential Permit Parking Area "B";

Authorizing the City Auditor and Comptroller to expend \$900 from Fund 100 for the installation of 6 regulatory sites;

Declaring that the project is the minor alteration in the use of an existing public structure with no expansion in use, and is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301.

STAFF SUPPORTING INFORMATION:

The Residential Permit Parking Program was established to mitigate the impact on residential areas of long-term commuter parking generated by a facility such as a large college, a hospital, or a major industrial center. Since the program was enacted in 1977, five Residential Permit Parking Districts have been created. Residential Permit Parking Area "B", in the San Diego State University area, was established in 1984. This would be the sixth expansion of that district. This action was initiated in response to a petition representing 69% of the affected residences. This action has the support of the College Area Community Council.

FISCAL CONSIDERATIONS:

The current fee for annual permits in Area "B" is \$14, as established by the City Council. Average permit sales in Area "B" are 2 permits per address. The maximum number of permits allowed per address is 4. The area to be added on Stewart Street contains 16 addresses. Accordingly, it is estimated that the probable annual revenue from permit sales for the 16 residences on Stewart Street would be about \$448 (based on 32 permits at \$14 per permit).

According to a recent Parking Management review, the administrative costs of Area "B" are paid for by fees collected from permit sales. Additionally, there would be an initial start-up expense for the installation of 6 regulatory signs, at a cost of \$150 per sign, for a total of \$900; this cost is being absorbed in the General Services budget.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

In accordance with the requirements of Section 86.2006 of the Municipal Code, a public hearing was held in conjunction with the monthly meeting of the College Area Community Council (CACC) on May 10, 2006. The results of the study were presented, and public comment was

offered by residents of Stewart Street and others in the community. Favorable input was received from those residents of Stewart Street present at the meeting, after which the board of the CACC voted 14-0 with 3 abstentions to approve the request to include Stewart Street in Residential Permit Parking Area "B". We are not aware of any opposition.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The proposed action would relieve the residents of the 6200-block of Stewart Street of the presence of non-resident parkers. There would be an impact on those non-resident parkers currently utilizing Stewart Street, in that they would have to find another place to park. There are no businesses in the immediate area to experience an impact on employees or customers.

Boekamp/Van Wanseele/Haas

Aud. Cert. 2800146.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:21 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-102: Urban Search and Rescue Grant Program.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-154) ADOPTED AS RESOLUTION R-302977

Authorizing the Mayor, or his delegate, to accept a grant of \$769,500 from Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) for San Diego Fire-Rescue Department as sponsoring agency in the National Urban Search and Rescue Response System;

Authorizing the Mayor, or his delegate, to apply for annual grants from DHS/FEMA enabling San Diego Fire-Rescue Department to continue as sponsoring agency in the National Urban Search and Rescue Response System, including any amendments, extensions, augmentations or renewals of funding from DHS/FEMA;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend funds from this grant program;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for this grant program.

STAFF SUPPORTING INFORMATION:

In February, 1992, Resolution R-279396 authorized San Diego Fire-Rescue Department (SDFD) to participate as a sponsoring agency in the Federal Emergency Management Agency (FEMA) National Urban Search and Rescue (US&R) Response System. US&R is a nationwide network of task forces, designed to perform search and rescue operations at major catastrophic disasters at the direction of Department of Homeland Security/FEMA. Known as California Task Force 8 (CA-TF-8), San Diego's task force has been deployed to such incidents as the World Trade Center destruction and Hurricanes Katrina/Rita.

San Diego's CA-TF-8 includes team members from participating agencies county-wide. SDFD manages task force activities which include search, rescue, medical and technical functions. As sponsoring agency, SDFD coordinates training, maintains the personnel rosters and supply/equipment cache in readiness for deployment and ensures the efficient and timely deployment of the team when activated by DHS/FEMA.

Since the creation of this program in 1992, program management costs, as well as supply/equipment/maintenance/training costs, have been funded by continuing grants from DHS/FEMA. The grants are made available annually and require annual application. The most recent grant award of \$769,500 will be applied to program management, training, equipment and maintenance costs for the period from June, 2007 through September, 2008. Program management includes 1.00 Battalion Chief, 1.00 Administrative Aide, 1.00 Cache Manager and 1.00 Fire Captain. There are no matching requirements attached to this grant. In the event of activation, the personnel and non-personnel costs resulting from the team deployment are reimbursed to the City by DHS/FEMA via a claim reimbursement process, distinct from the grant program.

FISCAL CONSIDERATIONS:

\$769,500 has been awarded to San Diego Fire-Rescue; there are no matching fund requirements and there is no impact to the General Fund. There would also be no matching fund requirements or impact to the General Fund resulting from subsequent awards.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

City Council approved Resolution R-279396, dated February 10, 1992, authorizing San Diego Fire-Rescue Department's participation in the National Urban Search & Rescue Response System as a sponsoring agency, together with any reasonably necessary modifications or amendments which did not increase project scope or cost and which the City Manager would have deemed necessary in order to carry out the purposes and intent of this project and agreement, and accepting the initial award of \$46,809 which was matched at that time with \$46,809 from Fire's 1992 budget.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Firefighting personnel within San Diego California Task Force 8 are the key stakeholders as this grant ensures their readiness for deployment to major disasters, strengthens their commitment to public safety, and enhances the reputation of the City of San Diego as a participant in nation-wide disaster preparedness.

Jarman/Olen

Staff: Deputy Chief Brian Fennessy - (619) 533-4388
William J. Gersten - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:21 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-103: Grant Funding from U.S. Environmental Protection Agency (EPA) for Targeted Grants to Reduce Childhood Lead Poisoning.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-124) ADOPTED AS RESOLUTION R-302978

Authorizing the Mayor, or his designee, to negotiate, execute an agreement for, and accept grant funding in the amount of \$99,914 from the U.S. Environmental Protection Agency in connection with the Targeted Grants to Reduce Childhood Lead Poisoning, to be used for public education and outreach regarding prevention of and screening for childhood lead poisoning;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend U.S. EPA grant award funds in the amount of \$99,914 to be used for the above purposes, subject to execution by the Mayor, or designee, of a grant agreement;

Authorizing the City Auditor and Comptroller to establish a special non-interest bearing account for such grant funds consistent with grant requirements;

Declaring the above activity is not a project pursuant to CEQA Guidelines Section 15378(b)(2) because this activity constitutes ongoing administrative or maintenance activities and, therefore, is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The City's Lead Safe Neighborhoods Program (LSNP), coordinated by the Environmental Services Department (ESD), has been aggressively tackling the problem of lead poisoning in San Diego, since approved by City Council in the spring of 2002. During the past five years, LSNP has been developing strategies and relationships designed to tackle the issue of lead poisoning in a multi-faceted way, relying on a blend of outreach, training, lead hazard control, and code enforcement activities. Primary funding source for LSNP have been grants totaling in excess of \$10,000,000.

In November 2006, EPA announced \$3,000,000 in grant funding for eligible entities to conduct activities to reduce incidences of childhood lead poisoning in vulnerable populations, to be awarded regionally in amounts ranging from \$25,000 - \$100,000. ESD competed at the national level for this 2 year grant and has been awarded \$99,914 with a targeted start date of October 1, 2007. This grant project is called the San Diego Lead Awareness Project (SDLAP).

SDLAP focuses on lead outreach, education and training to reduce the number of children that are lead poisoned in the Target Area and to increase the rate of blood-lead level screenings in the City. SDLAP consists of a broad array of partner organizations that will be coordinated and led by the City's ESD. Grant partners consist of San Diego Housing Commission (in-kind match \$100,000); County of San Diego, Childhood Lead Poisoning Prevention Program (in-kind match \$136,698); YMCA Childcare Resource Center Services (in-kind match \$4,600); Community College District, English as Second Language Program; American Lung Association of CA, San Diego Office (in-kind match \$5,250); Bayside Community Center; and Comprehensive Health Centers (in-kind match \$16,400).

FISCAL CONSIDERATIONS:

Total Project Amount: \$389,669

EPA Grant Amount: \$99,914 (all grant funds pay for City grant related activities)

SDLAP Match Amount: \$289,755

City's Share of SDLAP Match Amount: \$26,747. In-kind labor match is from ESD Program Manager and Public Information Officer over 2 year grant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders are the citizens of the City of San Diego.

Heap/Haas

Staff: Alan Johanns - (858) 573-1262

Grace C. Lowenberg - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:21 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-104: Settlement of Property Damage Claim of James & Lisa Thomas. (District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-150) ADOPTED AS RESOLUTION R-302979

A Resolution approved by the City Council in Closed Session on Monday, July 23, 2007, by the following vote: Council President Peters-yea; Faulconer-yea; Atkins-yea; Council President Pro Tem Young-not present; Maienschein-not present; Frye-yea; Madaffer-yea; Hueso-yea.

Authorizing the Mayor to pay the sum of \$65,218.12 in settlement of each and every claim against the City, its agents and employees, resulting from the Property Damage Claim of James and Lisa Thomas;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$65,218.12, made payable to James Thomas and Lisa Thomas, d.b.a. Sandpatch, LLC.

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all claims brought by James & Lisa Thomas.

FISCAL CONSIDERATIONS:

Settlement will be paid from the MWWD Operating Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This item was heard in closed session on July 23, 2007 the City Council approved the settlement amount of \$65,218.12. City Council voted 6 to 0 to approve. The motion was made by Councilmember Madaffer and seconded by Councilmember Hueso. Councilmembers Young and Maienschein were absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Bych/Goldstone

Aud. Cert. 2800127.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

Staff: Leroy Hostetler - (619) 236-6619
Christine M. Fitzgerald - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:21 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-105: Center on Policy Initiatives Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-114) ADOPTED AS RESOLUTION R-302980

Commending the Center on Policy Initiatives for 10 years of successful research and advocacy in the San Diego Community;

Proclaiming October 18, 2007, to be "Center on Policy Initiatives Day" in the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:21 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-330: Site Location of the Single Adult Shelter FY 2008 Homeless Emergency Winter Shelter Program. (Citywide.)

(See Report to the City Council No.07-138; Site Reviewed for Winter Homeless Shelter Location dated 8/29/2007.)

STAFF'S RECOMMENDATION:

Take the following actions:

CONTINUED TO TUESDAY, OCTOBER 16, 2007

Designating a site location of the Single Adult Shelter for the FY 2008 Homeless Emergency Winter Shelter Program from the following alternative sites:

- Newton Avenue at 16th Street (1535 Newton Avenue) in the East Village Community;
- Enterprise Street between Jessop and Midway, across from the Midway Post Office in the Point Loma Community; or
- Park Boulevard at President's Way in the former Navy Hospital's lower parking lot in the Balboa Park Area;

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

STAFF SUPPORTING INFORMATION:

Homeless Services was requested to pursue alternative locations for the Single Adult Program with Real Estate Assets Department (READ). READ completed a property search to identify potential locations. After identifying and evaluating twelve (12) sites, nine (9) were eliminated as unsuitable and three (3) were seen as viable possibilities. The following minimum requirements were used to evaluate potential sites for relocation of the Single Adult Program's homeless shelter sprung structure:

- The footprint of the single adults' shelter sprung structure is 60' x 180'. For purposes of conducting shelter operations, an area of 75' (width) x 760' (length), or larger of paved, flat, relatively level space to accommodate the needed infrastructure for sanitation, food service and medical support;
- Proximity (easy walking distance) to public transportation or mass transit;
- Availability of electrical and water hookups;
- Near "core City area"; and
- Minimal disruption to the surrounding area.

In addition to the Real Estate Assets Department's evaluation of 12 sites, the Transportation Engineering Division reviewed 1/4 mile radius around the street addresses of the service providers that either provide meals or other services to homeless. The review considered street width and traffic impacts, including accessibility for fronting property and impacts from street closure and traffic detours.

Traffic Engineering determined that both the Enterprise Street location and 16th Street at Newton Avenue were acceptable locations. Eight (8) were evaluated and it was determined that the streets could not be closed to traffic without significant impacts to traffic. The Balboa parking site was not evaluated by Traffic Engineering.

For the three sites that were noted as being physically suitable for the single adult shelter's sprung structure and corresponding services, a collaborative of City staff from Homeless Services, General Services, Water Department, and Transportation Department's Streets and Electrical Divisions did site evaluation to determine infrastructure capacity.

FISCAL IMP ACT:

There is no impact to the General Fund from this action. However, additional infrastructure costs would result in the need to adjust the designated line items included in the existing FY 2008 Homeless Emergency Winter Shelter Program budget.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Residents and businesses in downtown area of East Village community and residents and businesses in the Midway area.

Kessler/Anderson

Staff: Sharon Johnson - (619) 533-6525

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:58 a.m. - 11:58 a.m.;
2:08 p.m. - 3:25 p.m.;
3:35 p.m. - 3:36 p.m.)

Motion by Hueso to adopt the resolution with direction to the Mayor's staff to come back to the Council with one location, excluding the Midway site, and to include the 2,000-square-foot requirement as part of the selection criteria. Second by Atkins.

MOTION BY FRYE TO CONTINUE TO TUESDAY, OCTOBER 16, 2007, FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-nay.

ITEM-331: Fiscal Year 2008 Homeless Emergency Winter Shelter Program. (Citywide.)

(See Report to the City Council No. 07-137.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-168) ADOPTED AS RESOLUTION R-302982

Finding that a significant number of persons within the City of San Diego are without the ability to obtain shelter, and that the weather conditions during the cold weather season result in a threat to the health and safety of those persons;

Declaring a homeless shelter crisis to exist in the City of San Diego, in accordance with California Government Code Section 8698.2(a)(1);

Approving the FY 2008 Homeless Emergency Winter Shelter Program (Program) (known in FY 2007 as the Homeless Emergency Shelter Program, and prior to that as the Winter Shelter Program), as described in Report to the City Council No. 07-137, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the Mayor, or his designee, to enter into a Memorandum of Understanding between the San Diego Housing Commission (SDHC) and the City of San Diego for FY 2008, under which the City shall receive a total of \$344,200 from the SDHC for the operation of the Program;

Authorizing the City Auditor and Comptroller to accept the \$344,200 from the SDHC, and to accept \$129,800 from the United Way of San Diego County (UWSDC), for the operation of the Program, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the Mayor, or his designee, to negotiate and execute agreements, and any amendments thereto, to expend the \$344,200 from the SDHC and the \$129,800 from the UWSDC for the operation of the Program, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to appropriate and expend the \$344,200 from the SDHC and the \$129,800 from the UWSDC for the operation of the Program, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend any and all additional contributions, private donations, interest earnings, and other City funds associated with the Program, for the operation of the Program;

Authorizing the Mayor, or his designee, to negotiate and execute agreements, and any amendments thereto, to expend any and all additional contributions, private donations, interest earnings, and other City funds associated with the Program, for the operation of the Program, contingent upon certification of funds availability by the City Auditor and Comptroller.

STAFF SUPPORTING INFORMATION:

As reported in the Federal Supportive Housing Program application, an estimated 3,485 homeless individuals were living in the City of San Diego in February 2007. Of those, approximately 2,000 were in year-round homeless shelters, and 520 were in the FY 2007 Homeless Emergency Shelter Program (which, at that time, included an additional 115 beds at St. Vincent de Paul Village). During the survey, volunteers counted 1,016 unsheltered homeless people on the streets. The shortage of shelter beds in the City is significant.

Added to the lack of available shelter beds are the weather conditions during the cold weather season that create the potential to adversely impact the health and safety of homeless individuals living outside on a long-term or constant basis. Given the existing shortage of available shelter beds, it is recommended that a homeless shelter crisis be declared in the City of San Diego and that the FY 2008 Homeless Emergency Winter Shelter Program (Program) be adopted to provide shelter services to approximately 400 homeless individuals.

The Program consists of three separate programs: Single Adult Shelter operated by Alpha Project for the Homeless; Veterans Shelter, operated by Veteran's Village of San Diego; and Family Emergency Shelter, administered by the County of San Diego. The City-funded portion of the Program will be for 120 days (from December 5, 2007 through April 2, 2008).

However, at the operator's request, the Single Adult Shelter will operate for a total of 154 days (from November 1, 2007 through April 2, 2008), the additional thirty-four days being provided at no cost to the City through the fund-raising efforts of the operator.

FISCAL IMPACT:

There is no impact to the General Fund from this action. This action accepts \$344,200 from the SDHC and \$129,800 from the UWSDC for the Program. An additional \$201,676 of Emergency Shelter Grant (ESG) funds was allocated to the Program by the City Council on May 15, 2007, as part of the FY 2008 Social Services Program budget (R-302639). It should be noted that the funds from the SDHC are contingent upon approvals by the Redevelopment Agency and the Housing Authority, that are scheduled on the same day as this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:
FY 2008 Social Services Program (R-302639)

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Residents and businesses in the vicinity of the shelters' locations will experience some impacts. The Veterans Shelter is in the Midway/Sports Arena area; however, the location of the Single Adult Shelter is not known at this time but will be determined by the City Council in a separate action.

Kessler/Anderson

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:37 p.m. - 3:52 p.m.)

Motion by Madaffer to adopt. Second by Atkins. No vote taken.

Motion by Hueso to continue. Second by Maienschein. Failed. Yeas -458. Nays-2367. Not present-1.

MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-nay.

ITEM-332: Approval of Real Estate Purchase and Sale Agreement for the Acquisition of the Former Valencia Park Library Located at 101 50th Street (Southeastern San Diego Community Area. Districts 4 and 8.)

(See Southeastern Economic Development Corporation Report No. SEDC 07-009.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2008-145 Rev.) ADOPTED AS RESOLUTION R-302983

Finding that the City-owned parcel of land located at 101 50th Street, San Diego, California, APN 630162 (Property), is required for a public purpose;

Declaring the Council deems the sale of the Property to the Redevelopment Agency of the City of San Diego for a sale price of no less than Five Hundred Thirty Thousand Dollars (\$530,000) [Sale Price] to be fair and equitable and in the public interest.

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a Real Estate Purchase and Sale Agreement (Sale Agreement);

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a Grant Deed conveying the Property to the Redevelopment Agency of the City of San Diego;

Authorizing the Mayor, or his designee, to make such changes to either or both the Sale Agreement and the Grant Deed as he deems reasonable and necessary and in the best interests of the City of San Diego, provided the Sale Price is not reduced, and subject to the approval of the City Attorney;

Authorizing the City Auditor and Comptroller to accept the Sale Price and deposit it in the appropriate Capital Outlay Fund.

SUPPORTING INFORMATION:

BACKGROUND

The relocation of the Valencia Park Library from 50th Street and Imperial Avenue to Euclid Avenue and Market Street (Malcolm X Library) offers an opportunity to purchase property for the purpose of redevelopment without the use of eminent domain.

DISCUSSION

As we continue to implement the Central Imperial Redevelopment Plan and specifically the Imperial Avenue Corridor Master Plan, SEDC is positioned to assist with the acquisition of property along the Corridor. The Valencia Park Library site is one of the properties the corporation is recommended for purchase by the Agency.

The following are the basic terms of the Agreement:

- The Purchase Price is Market Value "As Is" Condition \$530,000. The payment shall include a deposit of \$10,000 upon the opening of escrow. The deposit shall be fully refundable to the corporation if escrow is terminated anytime prior to the expiration of the due diligence period (which is 30 days from the day escrow is opened). After the expiration of the due diligence period the escrow deposit shall become non-refundable in favor of the Seller.
- In order to close escrow, SEDC shall cause to be deposited the balance of the funds due within three (3) days of written request from the escrow holder. The close of escrow is to occur on or before sixty (60) days after the opening date unless extended in writing by the parties.
- SEDC shall have access to the site to conduct its due diligence. In addition, SEDC shall have approval of the results of any and all inspections, investigations, tests, and studies.

The funds necessary for the acquisition of this property are part of the approved FY 07/08 budget approved by the City Council May 15, 2007.

CONCLUSION

The acquisition of the site at 101 50th Street will assist the corporation in meeting the goals outlined in the Imperial Avenue Corridor Master Plan which encourages this portion of Imperial Avenue to be pedestrian oriented with a mix of residential and commercial uses which are elements of the City of Villages Plan.

ALTERNATIVE

Do not approve the Purchase and Sale Agreement. This alternative would negatively impact the implementation of the Imperial Avenue Corridor Master Plan and the Central Imperial Redevelopment Project Area.

FISCAL CONSIDERATION

The \$530,000 expenditure was approved in the FY 07/08 budget by the City Council May 15, 2007.

PREVIOUS COUNCIL ACTIONS: None.

COMMUNITY PARTICIPATION & PUBLIC OUTREACH EFFORTS:

The public outreach is conducted through the SEDC Board of Directors meetings. The SEDC Board of Directors heard and recommended approval of the item on May 30, 2007.

NOTE: See the Redevelopment Agency Agenda of September 11, 2007, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:15 p.m. - 4:16 p.m.)

MOTION BY HUESO TO ADOPT. Second by Young. Passed by the following vote:
Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Hueso-yea.

ITEM-333: Installation of Streetlights along University Avenue – Crossroads Redevelopment Project Area. (Mid-City and Eastern Community Areas. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-130) ADOPTED AS RESOLUTION R-302984

Declaring that the City Council finds and determines that the installation of streetlights within the Crossroads Redevelopment Project Area, for which the Redevelopment Agency proposed to contribute funding, is consistent with the Implementation Plan for the Project Area adopted pursuant to Community Redevelopment Law Section 33490; is of benefit to the Crossroads Redevelopment Project Area; that no other reasonable means of financing the project is available to the community; and that payment of Agency funds for the costs of the improvements will assist in the elimination of one or more blighting conditions inside the Project Area;

Authorizing the Mayor, or designee, to accept the Redevelopment Agency funds in the amount of \$500,000, for CIP-52-762.0, for the installation of streetlights along University Avenue from 54th Street to 68th Street (Project) within the Crossroads Redevelopment Project Area;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds up to \$500,000 from the Redevelopment Agency for CIP-52-762.0, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Amending the Fiscal Year 2008 Capital Improvements Program Budget by adding CIP-52-762.0, University Avenue Streetlights;

Amending the Fiscal Year 2008 Capital Improvements Program Budget by increasing CIP-52-762.0, Crossroads, by \$500,000;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds in an amount up to \$500,000 from CIP-52-762.0, University Avenue Streetlights, Crossroads, for the purpose of installing streetlights along University Avenue from 54th Street and 68th Street;

Declaring that this activity is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301(c).

STAFF SUPPORTING INFORMATION:

The requested actions will allow for the installation of additional streetlights along University Avenue from 54th Street to 68th Street within the Crossroads Redevelopment Project Area. Approximately 47 new streetlights may be installed along University Avenue with an estimated total project cost of \$500,000. The new streetlights will create a safe, walkable environment for Eastern Area residents, visitors, and merchants, and help generate economic vitality for this vital commercial/transit corridor and remove blight.

University Avenue east of 54th Street to the City of La Mesa has a deficient inventory of streetlights which has contributed to the existence of blight, crime and unsafe lighting conditions within this vital commercial/transit corridor. Agency staff has worked with the community, property owners, merchants, San Diego Police Department, and Engineering and Capital Projects to identify locations along University Avenue that need additional streetlights. The existing street lighting within this portion of University Avenue does not meet the current City standard for commercial/transit corridor lighting requirements. This project will provide for the installation of approximately 47 additional streetlights on both sides of University Avenue from 54th Street to 68th Street.

This project is consistent with the First Five Year Implementation Plan for the Crossroads Redevelopment Project, which is recorded with the Agency as Document No. D-03613 and dated May 6, 2003. The need for this improvement was evaluated and determined several years ago and CIP-52-762.0 was established afterwards. The improvements will eliminate and prevent the spread of blight and deterioration, and redevelop the proposed Redevelopment Project Area in accordance with the General Plan, applicable community plans, and local codes and ordinances.

Pursuant to California Community Redevelopment Law (CCRL) Section 33445, the Agency is legally authorized to pay for the installation of public improvements if special findings can be made by the Agency. Attachment - Special Findings provides the necessary findings to satisfy the requirements under CCRL Section 33445.

FISCAL CONSIDERATIONS:

The total estimated project cost is \$500,000, which will be funded by Agency funds. The annual maintenance and electricity cost for 47 street lights is approximately \$8,695. The general fund will assume this annual cost because the streetlights are consistent with City standards.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This project implements the goals and recommendations of the Mid-City Community Plan and the Crossroads Redevelopment Plan and is in conformance with the City's Progress Guide and General Plan.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On April 26, 2007, the Crossroads Project Area Committee (PAC) discussed this project and voted 8-0-1 to recommend the Agency fund this public improvement with Crossroad Redevelopment Project tax increment funds.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Property owners and merchants along University Avenue east of 54th Street to the City of La Mesa.

Weinrick/Anderson

Staff: Tracy Reed - (619) 236-6543
Carol A. Leone – Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda for September 11, 2007, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:14 p.m. - 4:15 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-334: El Cajon Boulevard Medians – Crossroad Redevelopment Project. (College and Eastern Community Areas. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-42) ADOPTED AS RESOLUTION R-302985

Declaring that Council finds and determines that funding the construction of the Project with tax increment funds is:

- a) A benefit to the Crossroads Redevelopment Project Area;
- b) Appropriate because no other reasonable means of financing the Project is available to the community;
- c) Appropriate because the public improvements will assist in the elimination of one or more blighting conditions within the Project Area; and

- d) Consistent with the Implementation Plan for the Project Area adopted by the Agency on May 6, 2003, on file as Document No. 0-19174 in the office of the Secretary to the Agency pursuant to California Health and Safety Code Section 33490;

Declaring that the Council amends and increases the Capital Improvement Program Budget No. 39-234.0 to include the \$250,000 in Agency public improvement contributions, provided the City Auditor and Comptroller first furnishes a certificate certifying the funds are, or will be, on deposit with the City Treasurer;

Declaring that the Council accept, appropriate and expend the funds from the Agency for the Project in the amount of \$250,000;

Declaring that this activity is categorically exempt from the California Environmental Quality Act [CEQA], pursuant to CEQA Guidelines section 15301(c), and exempt from the National Environmental Policy Act [NEPA] pursuant to 24 CFR Part 58, Section 58.34(b).

STAFF SUPPORTING INFORMATION:

Several years ago the Transportation Department received funding to initiate the planning and engineering to restore the medians along El Cajon Blvd. The project was to replace the substandard curbs and asphalt-surfaced raised medians with new curbs, color stamped concrete, landscaping and irrigation from 54th Street to 73rd Street. After the planning and engineering work was completed on this, construction was deferred until funds were identified and a maintenance assessment district was established. The College Heights Maintenance Assessment District established in April 2004.

The contract for the base bid of this project was awarded on October 30, 2006. The contractor was authorized to proceed with the base bid and three alternate bids in late January 2006. The pre-construction meeting for the project was held on March 1, 2007. The contractor commenced work on the project on March 12, 2007. The contractors anticipated completion of the project is early November 2007.

Construction is underway, however, the cost of the demolition is much higher than anticipated because of unforeseen concrete removal beneath the asphalt cap of the existing medians at several locations. The irrigation cost has increased beyond the engineer's estimate due to issues

regarding the use of mainline piping sleeves that were previously installed. Several of the piping sleeves that were installed are damaged and unusable. The current funding gap is approximately \$250,000 and the only funds available for this unanticipated cost increase are Crossroads Redevelopment Project tax increment funds.

California Community Redevelopment Law requires that certain findings be made by the Redevelopment Agency and the City Council prior to the expenditure of Agency funds for public improvements. The replacement of substandard median curbs and the installation of landscaping and irrigation will assist in the elimination of blighting conditions inside the Project Area, and that the medians and landscaping are consistent with the Redevelopment Plan and the Five-Year Implementation Plan. The landscaping will be maintained by the College Heights Maintenance Assessment District.

FISCAL CONSIDERATIONS:

If the Agency approves the additional \$250,000 requested through this action, the total Agency expenditure for this project will be \$2,340,000. Funds in the amount of \$250,000 are available from tax increment within the Crossroads Redevelopment Project. The total cost of this project is anticipated to be \$2,460,920. The funding consists of \$2,340,000 in tax increment funds, \$60,000 of Water Department funds, \$45,000 of College Heights MAD funds and \$15,920 of County of San Diego funds for the community signs.

PREVIOUS AGENCY and/or COMMITTEE ACTION:

The Redevelopment Agency provided \$340,000 of tax increment funds from the Crossroads Redevelopment Project on January 9, 2007. The City Council authorized the construction of this project on August 8, 2006. The Redevelopment Agency authorized \$1,750,000 of tax increment funds from the Crossroads Redevelopment Project on September, 14, 2004.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

The project is supported by the College Heights MAD, College Area Business Improvement District, Crossroads PAC, and College and Eastern community planning groups. Outreach efforts to these groups have been conducted on a regular basis. The Crossroads PAC will be asked to make a recommendation regarding this funding request at their July 26, 2007 meeting. Staff will inform the Agency of their recommendation.

KEY STAKEHOLDERS and PROJECT IMPACTS:

College Heights MAD, College Area BID, College Area Community Council, Eastern Area Community Planning Community and Crossroads PAC.

Weinrick/Waring

Staff: Tracy Reed - (619) 236-6543
Carol A. Leone - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of September 11, 2007, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:13 p.m. - 4:13 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-335: Creation of Conflict of Interest Code for Independent Rates Oversight Committee. (Citywide.)

(See Report from City Attorney dated 7/23/2007.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1277) ADOPTED AS RESOLUTION R-302981

Adopting a Conflict of Interest Code for the Independent Rates Advisory Committee, consisting of standard language embodied in title 2, section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Adopting the Conflict of Interest Code for the Independent Rates Advisory Committee and on file with the Office of the City Clerk;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the Independent Rates Advisory Committee shall file their statements of economic interest with the City Clerk;

Declaring the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring the Conflict of Interest Code for the Independent Rates Advisory Committee becomes effective upon the date of final passage of this resolution.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:58 a.m. – 10:58 a.m.)

MOTION BY FRYE TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-336: Garfield Starbucks, Project No. 84191. Application to amend permits to maintain an existing 15,300 square foot, single story office-retail center and to construct a 6,206 square foot building to include a 4,366 square foot shell retail space and a 1,840 square foot Starbucks Cafe with drive-up/drive through on a 2.4 acre site located on the southeast corner of Balboa Avenue and Clairemont Drive. (Clairemont Mesa Community Area. District 6.)

Matter of approving, conditionally approving, modifying or denying an application for an amendment to Planned Commercial Development Permit No. 48 and Planned Commercial Development Permit No. 30-048-1, and rescission of Planned Commercial Development Permit No. 30-048-2, Conditional Use Permit No. 454-PC and Conditional Use Permit No. 85-0628, to maintain an existing 15,300 square foot, single story office-retail center and to construct a 6,206 square foot building to include a 4,366 square foot shell retail space and a 1,840 square foot Starbucks Cafe with drive-up/drive through on a 2.4 acre site located on the southeast corner of Balboa Avenue and Clairemont Drive.

STAFF RECOMMENDATION:

Subitem-A: (R-2007-) ADOPTED AS RESOLUTION R-302986

Adoption of a Resolution Granting the Appeal and Approving Planned
Development Permit No. 265516.

Subitem-B: (R-2007-) ADOPTED AS RESOLUTION R-302987

Adoption of a Resolution Certifying Mitigated Negative Declaration No. 84191,
and Adopt the Mitigation, Monitoring and Reporting Program

OTHER RECOMMENDATIONS:

Planning Commission on August 9, 2007, voted 4-1-2 to deny; no opposition.

Ayes: Naslund, Otsuji, Garcia, Griswold,

Nays: Ontai

Abstaining: Smiley

Not Present: Schultz

The Clairemont Mesa Community Planning Group has recommended approval of this
project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Appeal of the Planning Commissions' decision to deny a Planned Development Permit to allow
the construction of a 6,206 square foot retail building on the southeast corner of Balboa Avenue
and Clairemont Drive within the Clairemont Mesa Community Planning Area.

EXECUTIVE SUMMARY:

The project site is located on the southeast corner of Balboa Avenue and Clairemont Drive and is
zoned Commercial Neighborhood (CN) within the Clairemont Mesa Community Plan. The
project site is also located within the Balboa Avenue Revitalization Action Program (RAP),
adopted by the City Council on September 12, 2005.

The project consists of an existing 15,300 square foot, single-story retail/office building, with parking in the front and rear, and associated landscaping, located on the easterly portion of the 2.4 acre site. No additions or modifications are proposed to this portion of the project site. A 6,206 square foot building, to include a 4,366 square foot shell retail space and a 1,840 square foot Starbucks Café with drive-up/drive through, is being proposed. Project features include a pedestrian gateway entrance with seating area, water fountain, scored concrete and raised planter beds, street trees, and a public open area, including outdoor café seating. While the proposed café and retail uses are allowed by the underlying zone and land use plan, the drive-through proposed by this project is not allowed by the underlying zone. Therefore, a deviation is required to allow for a drive-through.

On June 21, 2007 the Planning Commission voted 6-0-1 (with one vacancy) to continue the project with direction that the applicant provide a solution that meets the objectives of the Draft Urban Design Element of the General Plan. Specifically, the Commissioners' requested that the applicant look into the possibility of moving the building closer to the corner of Balboa Avenue and Clairemont Drive and placing the parking behind the building, with the objective of making the project more pedestrian friendly. The Commissioners also requested that the proposed landscape plan and planting palette be reexamined to better accommodate local conditions and goals.

The applicant considered the recommendations of the Planning Commission and revised the proposed landscape plan to provide a wider canopy and additional screening from the adjacent streets to enhance both the pedestrian and dining experience of patrons of the Garfield Starbucks (see attached August 1, 2007 letter from Sheppard Mullin Richter & Hampton LLP).

They were not able to relocate the building closer to the intersection, meet the required parking and also provide a drive-through meeting Starbucks design principles. Starbucks' experience has been that placing its drive-through locations in such a way that would require pedestrians to walk across the drive-through lane to reach their automobiles in a parking lot creates a public safety hazard. The applicant chose to follow the recommendation of its urban design planner, who believed the applicant's design met the Draft Urban Design Element of the General Plan better than the Commission's proposed corner location because the applicant's would create a quieter, more relaxed setting for Starbucks' patrons away from the dust and commotion of the busy street corner.

On August 9, 2007, after receiving public testimony in favor of the project (there was no opposition), the Planning Commission voted 4-1-1 to deny the project. They commended the applicant on the streetscape design improvements but felt that a better design would be to push the building to the corner of the intersection and to wrap the parking behind the building. The Commissioners also felt that Starbucks would need to agree to allow some amount of pedestrian crossing over the drive-thru lane.

FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are recovered by a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On August 9, 2007 the Planning Commission voted 4-1-1 to deny the project. On March 20, 2007 the Clairemont Mesa Community Planning Group voted 10-1-0 to recommend approval of the project with one condition.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Clairemont Rental Properties, a California general partnership, Owner, and Java Acquisition Company 0013, LLC, Applicant

Escobar-Eck/Murray/LG

LEGAL DESCRIPTION:

The project site is located at 3895 Clairemont Drive in the CN-1-2 Zone within the Clairemont Mesa Community Planning Area, Clairemont Mesa Height Limit Overlay Zone (Legal Description: Parcel 1 of Parcel Map No. 5331, and Parcel 1 of Parcel Map No. 8421.

Staff: Leslie Goossens – (619) 446-5431

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:52 p.m. - 4:03 p.m.)

MOTION BY FRYE TO ADOPT THE RESOLUTION GRANTING THE PERMIT IN SUBITEM A AND CERTIFYING THE MITIGATED NEGATIVE DECLARATION IN SUBITEM B. Second by Madaffer. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-337: Actions Related to the Construction of the Bayshore Bikeway, PTS No. 1901 of a 1.8-mile Class I bikepath to be located along the Otay River Berm and the Main Street Dike and the relocation of an existing haul road utilized by the South Bay Salt Works. (Otay Mesa-Nestor Community Plan Area. District 8.)

Matter of approving, conditionally approving, modifying or denying an application for the construction and operation of a 1.8-mile Class I bikepath to be located along the Otay River Berm and the Main Street Dike and the relocation of an existing haul road utilized by the South Bay Salt Works. The bikepath would be a segment of the 24-mile Bayshore Bikeway and would connect to an existing segment at 13th Street (City of Imperial Beach) on the west side and Main Street (City of San Diego) on the east.

The bike path would be located primarily within the Metropolitan Transit System (MTS) right-of-way, on an asphalt path with 2-foot wide paved porous concrete shoulders on each side of the bikepath. A chain link fence would be erected on both sides of the bikepath along the entire alignment. The proposed project would include the placement of two steel truss bridges above the existing, unserviceable wooden trestle bridges that currently cross the Otay River at these locations. The existing wooden trestle bridges, as well as, the existing wooden railroad rails and ties, are part of the locally historically designated Coronado Railroad Belt Line (CBL) Historical Resources Board (HRB) Number 640.

The proposed project requires a Site Development Permit due to impacts to Environmentally Sensitive Lands (ESL), specifically to sensitive biological resources and for deviations to construct two steel truss bridges where structures are not permitted in special flood hazard areas and to impact Historical Resource No. 640, the Coronado Belt Line (CBL) Railroad. The impacts to the historically designated railroad are related to the removal of the existing wooden ties, capping the existing railroad rails with soil and placement of steel truss bridges on top of the existing wooden trestle bridges.

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Adoption of a Resolution certifying that the information contained in Project No. 1901 has been completed in compliance with the California Environmental Quality Act (CEQA) of 1970 and State CEQA Guidelines, and that said Environmental Impact Report (EIR) reflects the independent judgment of the City of San Diego as Lead Agency; stating for the record that the Final EIR has been reviewed and considered prior to approving the project; certifying the Final EIR; adopting the Final EIR; adopting the Findings and Statement of Overriding Considerations; and adopting the Mitigation, Monitoring, and Reporting Program.

Subitem-B: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Adoption of a Resolution approving Site Development Permit No. 3276.

Subitem-C: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Adoption of a Resolution authorizing the Auditor and Comptroller to establish a new fund to receive SANDAG Transnet Major Corridor (MC) funds.

Subitem-D: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Adoption of a Resolution authorizing the Mayor, or his representative, to accept \$3,774,000 in SANGAG MC Transnet funds to full fund CIP-58-140.0.

Subitem-E: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Resolution authorizing the Auditor and Comptroller to increase the amount of Transnet Bikeway funds (Fund 30301) by \$718,000

Subitem-F: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Resolution authorizing the increase in the FY 2008 budget of CIP-58-140.0 to \$4,802,306.13.

Subitem-G: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Resolution authorizing the deappropriation and return of previously received Federal and State funds (Fund 38683, not to exceed \$850,000) to the appropriate agencies.

Subitem-H: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Resolution authorizing the Auditor and Comptroller to return excess budgeted funds, if any, to the appropriate reserves.

Subitem-I: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Resolution authorizing the Mayor, or his representative, to expend up to \$4,802,306.13 for purposes of designing and constructing the Bayshore Bikeway, CIP-58-140.0.

Subitem-J: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Resolution authorizing the Mayor, or his representative, to accept an easement deed from M&A Gabae, CLP, for that portion of the bikeway not owned by MTS/SD&AE.

Subitem-K: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Resolution authorizing the Mayor, or his representative, to enter into a license agreement for the use of the MTS/SD&AE right-of-way for purposes of constructing and operating the Bayshore Bikeway.

Subitem-L: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Resolution authorizing the Mayor, or his representative, to enter into a Construction Contract (BID No. K083903C) with the lowest responsible and reliable bidder contingent upon receipt of all permits.

OTHER RECOMMENDATIONS:

Planning Commission Board will be meeting on September 6, 2007.

The Otay Mesa-Nestor Community Planning Group voted on September 18, 2002, to approve this project with no conditions.

On August 23, 2007, HRB voted 7:0:1 to support the preservation of the bridges, those areas proposed for preservation of lines and ties in place, and the interpretive programs, with further research and consideration given to preserving more ties in place through capping and limiting the chain link fence to 3feet-6 inches.

There was clarification that there should be consideration of both technological and economic factors in determining the feasibility of capping more of the resource. Their motion to preserve the ties in place through capping has not been implemented. This situation is considered unsafe and presents significant safety issues for future users of the bike path because the wooden ties are in various states of deterioration and are expected to continue to deteriorate. If the ties were to remain in place the bike path would be expected to experience surface pavement deterioration (potholes, cracks, and surface level changes) over time, as the ties continue to deteriorate and crumble under the bike path surface, creating voids under the bike path users and an uneven path surface. The US Fish and Wildlife Service required a 7-foot security fence to provide a barrier between the bike path and adjacent sensitive habitat.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTIONS:

Approval of a Site Development Permit and associated actions for the construction and operation of the 1.8-mile long "Western Salt Segment" of the Bayshore Bikeway which is to be located along the Otay River Berm and the Main Street Dike, and the relocation of an existing haul road utilized by the South Bay Salt Works in the Otay Mesa-Nestor Community Plan area.

STAFF RECOMMENDATIONS:

1. CERTIFY Environmental Impact Report (EIR) No. 1901; ADOPT Final EIR No. 1901; ADOPT the Findings and Statement of Overriding Considerations; and ADOPT the Mitigation, Monitoring, and Reporting Program;
2. APPROVE Site Development Permit No. 3276;
3. APPROVE the Resolution authorizing the Auditor and Comptroller to establish a new fund to receive SANDAG Transnet Major Corridor (MC) funds;

4. APPROVE the Resolution authorizing the Mayor, or his representative, to accept \$3,774,000 in SANDAG MC Transnet funds to fully fund CIP-58-140.0;
5. APPROVE the Resolution authorizing the Auditor and Comptroller to increase the amount of Transnet Bikeway funds (Fund 30301) by \$718,000
6. APPROVE the Resolution authorizing the increase in the FY 2008 budget of CIP-58-140.0 to \$4,802,306.13;
7. APPROVE the Resolution authorizing the deappropriation and return of previously received Federal and State funds (Fund 38683, not to exceed \$850,000) to the appropriate agencies;
8. APPROVE the Resolution authorizing the Auditor and Comptroller to return excess budgeted funds, if any, to the appropriate reserves;
9. APPROVE the Resolution authorizing the Mayor, or his representative, to expend up to \$4,802,306.13 for purposes of designing and constructing the Bayshore Bikeway, CIP-58-140.0;
10. APPROVE the Resolution authorizing the Mayor, or his representative, to accept an easement deed from M&A Gabae, CLP, for that portion of the bikeway not owned by MTS/SD&AE;
11. APPROVE the Resolution authorizing the Mayor, or his representative, to enter into a license agreement for the use of the MTS/SD&AE right-of-way for purposes of constructing and operating the Bayshore Bikeway; and
12. APPROVE the Resolution authorizing the Mayor, or his representative, to enter into a Construction Contract (BID No. K083903C) with the lowest responsible and reliable bidder contingent upon receipt of all permits.

EXECUTIVE SUMMARY:

The proposal is for the construction and operation of a 1.8-mile Class I bike path to be located along the Otay River Berm and the Main Street Dike and the relocation of an existing haul road utilized by the South Bay Salt Works. The bike path would be a segment of the 24-mile Bayshore Bikeway and would connect to an existing bike path segment at 13th Street (City of Imperial Beach) on the west side and Main Street (City of San Diego) on the east.

The bike path would be located primarily within the Metropolitan Transit System (MTS) railroad right-of-way. The bike path would be 12-feet wide, including an 8-foot wide paved asphalt path with 2-foot wide paved porous concrete shoulders on each side of the bike path. A chain link fence would be erected on both sides of the bike path along the entire alignment. The proposed project would include the placement of two steel truss bridges above the existing, unserviceable wooden trestle bridges that currently cross the Otay River at these locations. The existing wooden trestle bridges, as well as, the existing wooden railroad rails and ties, are part of the locally historically designated Coronado Railroad Belt Line (CBL) Historical Resources Board (HRB) Number 640.

The proposed project requires a Site Development Permit due to impacts to Environmentally Sensitive Lands (ESL), specifically to sensitive biological resources and for deviations to construct two steel truss bridges where structures are not permitted in special flood hazard areas and to impact Historical

Resource No. 640, the Coronado Belt Line (CBL) Railroad. The impacts to the historically designated railroad are related to the removal of the existing wooden ties, capping the existing railroad rails with soil and placement of steel truss bridges on top of the existing wooden trestle bridges.

FISCAL CONSIDERATIONS:

All costs are recovered through CIP-58140.0, Bayshore Bikeway, which will be fully funded by Transnet Bikeway and Transnet Major Corridor funds from SANDAG.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The previously authorized funding (see below) for the Bayshore Bikeway Capital Improvement Project (CIP) No. 58.140.0 was Federal Congestion Management Air Quality (CMAQ) funds. In order to expedite the project approval process and construction to begin during the October 1st to February 15th allowable window this fall (an annual restriction based on endangered species nesting seasons), the decision was made by SANDAG to substitute additional SANDAG Transnet Bikeway and SANDAG Transnet Major Corridor (MC) funds for the Federal funds, thereby removing the need for Federal review and approval time prior to advertising for construction. The project was able to be advertised for bids in July/August, with bids opened August 8, 2007. The SANDAG Transnet MC funds were substituted from another project (SR52 Highway Improvements) which already had Federal FHWA approval required. The Transnet funds received by these actions are in addition to the City's Transnet allocation.

R-293689 (8/15/2000) Established the CIP/Accepted \$350,000 in Federal CMAQ funding for preliminary engineering C-10288 (9/25/2000) Consultant Contract with Kimley-Horn, and Associates, Inc. R-300662 (7/18/2005) Increased the Federal CMAQ funding by \$500,000 to \$850,000, and authorized Amendment #1 to Consultant Agreement with Kimley-Horn.

PLANNING COMMISSION ACTION:

This information is unavailable at this time. The Planning Commission will be acting on matter on September 6, 2007.

HISTORICAL RESOURCES BOARD ACTION:

On August 23, 2007, HRB voted 7:0:1 to support the preservation of the bridges, those areas proposed for preservation of lines and ties in place, and the interpretive programs, with further research and consideration given to preserving more ties in place through capping and limiting the chain link fence to 3feet-6 inches. There was clarification that there should be consideration of both technological and economic factors in determining the feasibility of capping more of the resource. Their motion to preserve the ties in place through capping has not been implemented. This situation is considered unsafe and presents significant safety issues for future users of the bike path because the wooden ties are in various states of deterioration and are expected to continue to deteriorate. If the ties were to remain in place the bike path would be expected to

experience surface pavement deterioration (potholes, cracks, and surface level changes) over time, as the ties continue to deteriorate and crumble under the bike path surface, creating voids under the bike path users and an uneven path surface. The US Fish and Wildlife Service required a 7-foot security fence to provide a barrier between the bike path and adjacent sensitive habitat.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Otay Mesa-Nestor Planning Group - The planning group voted to approve the project, with no conditions, on September 18, 2002.

Save Our Heritage Organization (SOHO) - The City has worked with SOHO to redesign the project to response to their input and concerns. Specific project features that have been incorporated include: 1) maintaining the existing railroad trestle bridges in their current condition and in a manner that maintains the ability to view the structures from various locations; 2) maintaining the existing steel rails in place; and 3) providing interpretive facilities regarding the history of the CBL on the proposed bikeway segment. Their request to leave the wooden ties in situ has not been implemented. This situation is considered unsafe and presents significant safety issues for future users of the bike path because the wooden ties are in various states of deterioration and are expected to continue to deteriorate. If the ties were to remain in place the bike path would be expected to experience surface pavement deterioration (potholes, cracks, and surface level changes) over time, as the ties continue to deteriorate and crumble under the bike path surface, creating voids under the bike path users and an uneven path surface.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

City of San Diego Engineering and Capital Project Department, Applicant
MTS/SD&AE, Owner
M&E Gabae, CLP, Owner
South Bay Salt Works, Lessee
Har Construction, Inc.

FISCAL IMPACT: None.

Boekamp/Haas/PG

LEGAL DESCRIPTION:

The proposed project is located in the northern portion of the Otay Mesa-Nestor Community Plan Area, west of Interstate 5, and is bordered by the City of Imperial Beach to the west and south, and the City of Chula Vista to the north.

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Minutes of the Council of the City of San Diego
for the Regular Meeting of Tuesday, September 11, 2007

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Staff: Patricia Grabski – (619) 446-5277

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:03 p.m. - 2:04 p.m.)

MOTION BY FAULCONER TO CONTINUE THIS ITEM TO TUESDAY, SEPTEMBER 18, 2007, FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-not present.

REPORT OUT OF CLOSED SESSION:

To view the list of all available City Council Closed Session Meetings Reports refer to the link below:

<http://www.sandiego.gov/city-clerk/closedsess.shtml>

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:20 a.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Pro Tem Young at 4:42 p.m. in honor of the memory of:

Christopher Abell at the request of Council Member Atkins; and
Dwain Kantor at the request of Council Member Atkins.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:39 p.m. - 4:42 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego