

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 20, 2005
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING.....	3
ATTENDANCE DURING THE MEETING	3
ITEM-300: ROLL CALL.....	4
ITEM-301: PLEDGE OF ALLEGIANCE.....	4
NON-AGENDA COMMENT	5
COUNCIL COMMENT	8
CITY MANAGER COMMENT.....	10
CITY ATTORNEY COMMENT	11
ITEM-330: Repeal of Debt Incurrence Time Limit Mount Hope Redevelopment Project Area	11
ITEM-331: Twelve-Year Lease Agreement with Cloverdale Stables, Inc. for Property Located at 2460 Cloverdale Street San Pasqual Valley.....	11
ITEM-332: Two actions related to Soltek Pacific Participation Agreement for the Construction of Portion of USIU-Miramar Trunk Sewer	12
ITEM-333: Three Lease Agreements with EVERRADO MACIAS, ELISABETH L. DANTCHEV, and Global IT Research, Inc. for Property at World Trade Center Located at 1250 Sixth Avenue, San Diego.....	14
ITEM-334: Murphy’s Supermercado Sidewalk Project and Azalea Park Streetscape Project	16
ITEM-335: Negotiations for a Sixth Implementation Agreement to the Disposition and Development Agreement (DDA) for Las Americas River Pedestrian Bridge Project	19

ITEM-336: Two actions related to FBA Credit and Reimbursement Agreement with Pardee Homes for the Design and Construction of Pacific Highlands Ranch Fire Station 47 20

ITEM-337: First Amendment to Agreement for Professional Engineering Services for Storm Drain Service Charge Development with Brown and Caldwell 22

ITEM-338: Lake Hodges Pedestrian/Bicycle Bridge 23

ITEM-S500: Security General Requirements Contract 001..... 28

ITEM-S501: Three actions related to Proposed Owner Participation Agreement (Including Master Plan and Affordable Housing Agreement) with Ballpark Village LLC and Proposed Variance to the City’s Inclusionary Housing Ordinance in the Form of the Proposed Affordable Housing Agreement Affecting Parcels of a Combined 7.1 Acres Known as Parcels “C” and “D” East of Petco Park..... 30\\ \\ \\

NON-DOCKET ITEMS 32

ADJOURNMENT..... 33

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Atkins at 10:14 a.m. Deputy Mayor Atkins recessed the meeting at 10:19 a.m. to convene the Redevelopment Agency. The regular meeting was reconvened by Deputy Mayor Atkins at 10:19 a.m. with all Council Members present and District 2, District 8, and Mayor vacant. Deputy Mayor Atkins recessed the meeting at 12:05 p.m. to reconvene the Redevelopment Agency. The regular meeting was reconvened by Deputy Mayor Atkins at 12:06 p.m. with all Council Members present and District 2, District 8, and Mayor vacant. Deputy Mayor Atkins recessed the meeting at 12:06 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Atkins at 2:07 p.m. with all Council Members present and District 2, District 8, and Mayor vacant. Deputy Mayor Atkins recessed the meeting at 2:38 p.m. to reconvene the Redevelopment Agency. Deputy Mayor Atkins reconvened the regular meeting at 2:42 p.m. with all Council Members present and District 2, District 8, and Mayor vacant and thereafter reconvened the Redevelopment Agency. Deputy Mayor Atkins recessed the regular meeting at 2:50 p.m. into Closed Session to discuss existing and pending litigation matters. Deputy Mayor Atkins reconvened the regular meeting at 3:27 p.m. with all Council Members present and District 2, District 8, and Mayor vacant. The meeting was adjourned by Deputy Mayor Atkins at 3:30 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor-vacant
- (1) Council Member Peters-present
- (2) Council District 2-vacant
- (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 District 8-vacant

Clerk-Maland (pr/gS)

FILE LOCATION: MINUTES



ITEM-300: ROLL CALL

Clerk Maland called the roll:

(M) Mayor-vacant

(1) Council Member Peters-present

(2) Council District 2-vacant

(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 District 8-vacant

ITEM-301: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Young.

FILE LOCATION: MINUTES

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding Legislators responsibilities, and that there isn't specific law in the establishment of religious practices in government.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. - 10:26 a.m.)

PUBLIC COMMENT-2:

Comment by Sandy Summers regarding political persecution.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:29 a.m.)

PUBLIC COMMENT-3:

Comment by Ron Boshun regarding Council actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. - 10:33 a.m.)

PUBLIC COMMENT-4:

Comment by Phil Hart regarding the pension plan and the Port Commissioners.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:33 a.m. – 10:35 a.m.)

PUBLIC COMMENT-5:

Comment by Mark Smith regarding election procedures and asking that people refer to blackboxvoting.org for voting practices.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. – 10:38 a.m.)

PUBLIC COMMENT-6:

Comment by Mel Shapiro regarding the City Manager, and legalities of seeking a new position.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:41 a.m.)

PUBLIC COMMENT-7:

Comment by Roberta Brodsky regarding the “Water Quality Report Card”, and the Clean Water Act.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:41 a.m. – 10:43 a.m.)

PUBLIC COMMENT-8:

Comment by Jarvis Ross regarding land use items and the issuance of the “Airport Authority Concept 6.”

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. – 10:46 a.m.)

PUBLIC COMMENT-9: **REFERRED TO THE CITY MANAGER/CITY ATTORNEY**

Comment by Marc Lindshield regarding Ysabel Creek Road that was lost because of heavy rains, and that his group was expecting the Council to make the road safe.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:50 a.m.)

PUBLIC COMMENT-10: **REFERRED TO THE CITY MANAGER**

Comment by Sandra Maynes regarding concerns about Golden Hall and the “Winter Holiday Party” held there annually for the children of the homeless.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:53 a.m. – 10:56 a.m.)

PUBLIC COMMENT-11:

Comment by Nick Moffit regarding signs that are knocked down and not removed or repaired.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:56 a.m. – 11:00 a.m.)

PUBLIC COMMENT-12:

Comment by Ian Trowbridge regarding real estate records for the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:00 a.m. – 11:02 a.m.)

PUBLIC COMMENT-13:

Comment by Hud Collins regarding the City Attorney and the Pledge of Allegiance.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:02 a.m. – 11:05 a.m.)

PUBLIC COMMENT-14:

Comment by Noel Neudeck regarding a tree that fractured through the sidewalk creating a dangerous situation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:05 a.m. – 11:06 a.m.)

PUBLIC COMMENT-15:

Comment by James Justus regarding pollution prevention work, and hoping to help auto shops to become compliant with rules and regulations as outlined by the State and Federal government.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:06 a.m. – 11:10 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1: **REFERRED TO THE CITY MAANGER**

Comment by Council Member Young regarding Sunday's Union Tribune article "Land of Confusion" relating to the City's accounting of their real estate assets. Council Member Young stated that he was shocked, disappointed, and upset because of the lack of accounting undertaken. He further asked that Deputy Mayor Atkins place on the

Council agenda within thirty days the City Manager's response to these allegations, and his recommendations for maintaining accurate information on the City's real estate assets that include all property the City legally owns, all leases on City properties, and the status of each property and lease.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:10 a.m. – 11:14 a.m.)

COUNCIL COMMENT-2: REFERRED TO THE CITY MANAGER

Comment by Council Member Madaffer regarding the article "Land of Confusion" and that he supports having the City Manager come back with a report. Council Member Madaffer expressed concern over broken storm drains, or those that have the potential to break throughout the City. There was a storm drain failure in metal pipes throughout the City which apparently can't be replaced due to lack of funding. Council Member Madaffer warned of the potential slope failures from worn out pipes which ultimately could cost millions of dollars, and could cause fatalities if houses slide down hills.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:14 a.m. – 11:18 a.m.)

COUNCIL COMMENT-3:

Comment by Deputy Mayor Atkins stating that she has been in conversations with the City Manager about the issue of real estate assets and that she will work with him and bring something forward. Deputy Mayor Atkins wished to thank people involved in the blood drive to support their friends and neighbors in the Gulf Coast region and add to the national supply. Ms. Atkins thanked the MEA; ASME; Local 127; San Diego Firefighters; and the San Diego Police Officers Association who co-sponsored a blood drive last week with the San Diego Blood Bank. The City surpassed the goal of 30 pints of blood in eight hours, and donated 33 pints in just five hours. In regards to the consent decree, Deputy Mayor Atkins also wished to state that she had no intention of ever withholding information from the public, and that she is proud of the award she received along with Council Member Frye to trying to keep things

transparent. These are issues that must go into Executive Session to protect the City and public for reasons related to losing money and litigation. Instructions will be forthcoming from outside counsel on what can be discussed in open and closed session. Also, concern was expressed regarding supplemental items, and that it makes it difficult for the public to have enough time to review.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:18 a.m. – 11:26 a.m.)

COUNCIL COMMENT-4:

Comment by Council Member Frye regarding the release of the SEC documents, and that she feels the Council does not have a problem with that. Further, Council Member Frye thanked Deputy Mayor Atkins for her support in pulling the item from closed session so that it could be heard in open session.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:26 a.m. – 11:28 a.m.)

COUNCIL COMMENT-5:

Comment by Council Member Peters regarding wishing to thank Deputy Mayor Atkins for her great job and hard work. Council Member Peters expressed concern regarding the draft consent decree being talked about, and that it had not been authorized by the San Diego City Council. There was a clear misrepresentation in today's paper that the City Council had somehow authorized that.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:28 a.m. – 11:29 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



ITEM-330: Repeal of Debt Incurrence Time
Limit Mount Hope Redevelopment Project Area.

(See Southeastern Economic Development Corporation Report SEDC-05-012.
Southeastern San Diego Community Area. District 4.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Introduce the following ordinance:

(O-2006-28) INTRODUCED, TO BE ADOPTED ON MONDAY,
OCTOBER 10, 2005

Introduction of an Ordinance eliminating the time limit for establishing loans,
advances or indebtedness to carry out the Redevelopment Plan for the Mount
Hope Redevelopment Project Area.

NOTE: See the Redevelopment Agency Agenda of 9/20/2005 for a companion item.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:28 p.m. – 2:38 p.m.)

MOTION BY YOUNG TO INTRODUCE. Second by Madaffer. Passed by the
following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea,
Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-331: Twelve-Year Lease Agreement with Cloverdale Stables, Inc. for
Property Located at 2460 Cloverdale Street San Pasqual Valley.

(See City Manager Report No. CMR-05-172. San Pasqual Valley Community Area. District 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-47) ADOPTED AS RESOLUTION R-300852

Authorizing the City Manager to execute a 12-year lease agreement with Cloverdale Stables, Inc., for horse stables and a wholesale tree nursery on approximately 44.8 acres in San Pasqual Valley, for a minimum annual rent of \$16,200, paid in advance at \$1,350 monthly, under the terms and conditions set forth in a lease agreement.

Staff: Dave Martens – (619) 236-6066
Elisa A. Cusato – Deputy City Attorney

FILE LOCATION: LEAS-Cloverdale Stables, Inc.

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:22 a.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-332: Two actions related to Soltek Pacific Participation Agreement for the Construction of Portion of USIU-Miramar Trunk Sewer.

(Scripps Ranch Community Area. District 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-105) ADOPTED AS RESOLUTION R-300853

Authorizing the City Manager to negotiate and execute a Participation Agreement (the Agreement) on behalf of the Metropolitan Wastewater Department with

Soltek Pacific, for the construction of the USIU-Miramar Trunk Sewer, CIP-46-197.6, for an amount not to exceed \$1,000,000;

Authorizing the expenditure of an amount not to exceed \$1,000,000 from Fund 41506, CIP-46-197.6, USIU Trunk Sewer, to fund the Agreement;

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

Subitem-B: (R-2006-106) ADOPTED AS RESOLUTION R-300854

Stating for the record that approval of the USIU-Miramar Trunk Sewer Project is a subsequent discretionary approval of the activities addressed in MND, Project No. 33131 and therefore not a separate project under CEQA Guideline Sections 15060(c)(3) and 15378(c);

Stating for the record that the information contained in MND, Project No. 33131, including any comments received during the public review process, has been reviewed and considered by this Council and it is determined that this subsequent discretionary approval does not involve substantial changes or new information of substantial importance which would warrant any additional environmental review.

CITY MANAGER SUPPORTING INFORMATION:

As part of the ongoing effort by the City to rehabilitate and improve the overall sewerage system, approximately two miles (10,700 feet) of the USIU-Miramar Trunk Sewer has been designated for replacement.

The original trunk sewer was constructed in 1968 and is a combination of 12-inch and 15-inch pipe which will ultimately be replaced with 18-inch and 21-inch pipe. When completed, over 8,000 feet of the trunk sewer will lie within the improvements of Pomerado Road, eliminating approximately 3,000 feet of pipeline located in canyons or other unimproved areas.

The San Diego Unified School District is using Soltek Pacific as the Construction Manager for a design-build contract for the construction of the Scripps Ranch Middle School. The school is located south of Pomerado Road at Willow Creek Road. As part of the school construction, a number of offsite improvements are required within Pomerado Road adjacent to the school site. These improvements include the installation of new water mains, street widening and traffic signals. The City has finalized plans for the replacement of the USIU-Miramar Trunk Sewer with construction anticipated to begin in the spring of 2007. Approximately 1,452 feet of the new

sewer alignment is contained within this segment of Pomerado Road to be improved as part of the construction for the Scripps Ranch Middle School.

Staff met with the Scripps Ranch Community Planning Group on March 6 and June 5 of 2003. Additionally staff met with the School District and the Chair of the Scripps Ranch Community Planning Group on May 13 and June 10 of 2004 to discuss a coordinated construction effort. The City, the Scripps Ranch Community Planning Group and the Construction Manager, Soltek Pacific, find it is in their best interests to expedite the public wastewater improvements adjacent to the Scripps Ranch Middle School site. Coordinating the improvements into a single construction operation managed by Soltek Pacific will avoid disruption and re-excavation of newly constructed portions of Pomerado Road and limit impacts to traffic. Accordingly, it is recommended that the City enter into a Participation Agreement with Soltek Pacific for an amount not to exceed \$1,000,000 to construct a portion of the USIU-Miramar Trunk Sewer.

FISCAL IMPACT:

The total of this request is \$1,000,000. Funds are available in Fund 41506, CIP-46-197.6, USIU-Miramar Trunk Sewer. This project is part of the existing capital improvement program and is not dependent on future financing proceeds.

Mendes/Tulloch/CW

Aud. Cert. 2600045.

Staff: Craig Whittemore – (858) 292-6471
James W. Lancaster – Deputy City Attorney

FILE LOCATION: SUBITEMS A & B: CONT-Soltek Pacific

COUNCIL ACTION: (Time duration: 10:16 a.m. – 10:17 a.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-333: Three Lease Agreements with Evertado Macias, Elisabeth L. Dantchev, and Global IT Research, Inc. for Property at World Trade Center Located at 1250 Sixth Avenue, San Diego.

(Centre City Community Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-127) ADOPTED AS RESOLUTION R-300855

Authorizing the City Manager to execute a one-year lease agreement with four one-year options to extend with Evertado Macias for City-owned property located at 1250 Sixth Avenue, Suite 219, for general office use, for \$4,200 per year with annual rent adjustments of 5% on the terms and conditions set forth in the Lease Agreement;

Authorizing the City Manager to execute a one-year lease agreement with four one-year options to extend with Elisabeth L. Dantchev for City-owned property located at 1250 Sixth Avenue, Suite 905, for general office use, for \$4,200 per year with annual rent adjustments of 5% per year, on the terms and conditions set forth in the Lease Agreement;

Authorizing the City Manager to execute a one-year lease agreement with four one-year options to extend with Global IT Research, Inc. for City-owned property located at 1250 Sixth Avenue, Suite 220, for general office use, for \$4,200 per year with annual rent adjustments of 5% per year, on the terms and conditions set forth in the Lease Agreement.

CITY MANAGER SUPPORTING INFORMATION:

The City owns an approximate .69 acre parcel with a 127,990 square foot building located at 1250 Sixth Avenue, San Diego, also known as the World Trade Center Building (WTC). The City currently leases to approximately 24 lessees, and a portion of the WTC building houses several City departments. There are three existing tenants requesting renewal. They have been leasing space in WTC for over three years, and are currently on holdover which constitutes a month to month tenancy.

City valuation staff reviewed the rental rates for these leases and determined they are within the upper range of market value for similar leased space.

Annual rent derived from these three leases will be \$12,600 with annual five percent increases. The leases will be one year in length with four one year options for extensions. The basic terms and conditions of the proposed leases are as follows:

TENANT: E. Macias: Suite 219; USE – General office usage for collection and attorney services; TERM – One year with four one-year options; Sq. Ft. – 140; RENT - \$4,200 annually with 5% adjustment increases.

TENANT: E. Dantchev: Suite 905; USE – General office usage for attorney services; TERM – One year with four one-year options; Sq. Ft. – 140; RENT - \$4,200 annually with 5% adjustment increases.

TENANT: Global IT Research, Inc.: Suite 220; USE – Office usage for general consulting; TERM – One year with four one-year options; Sq. Ft. – 140; RENT - \$4,200 annually with 5% adjustment increases.

FISCAL IMPACT:

Amount of \$12,600 subject to annual 5% adjustments will be deposited into the General Fund Revenue Account No. 75260.

Herring/Griffith/CRG

Staff: Chris Hargett – (619) 236-6766
Elisa A. Cusato – Deputy City Attorney

FILE LOCATION: LEAS-Everrado Macias, Elisabeth L. Dantchev, and Global IT Research, Inc.

COUNCIL ACTION: (Time duration: 10:17 a.m. – 10:18 a.m.)

MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-334: Murphy's Supermercado Sidewalk Project and Azalea Park Streetscape Project.

(City Heights Community Area. District 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-181) ADOPTED AS RESOLUTION R-300859

Amending the Fiscal Year 2006 CIP Budget to accept the Redevelopment Agency fund transfer and increase the Azalea Park Neighborhood Identification Project (CIP-39-086.0) by \$156,000 and City Heights/University Avenue Streetscape Improvements (CIP-39-210.0) by \$25,000 for the Murphy's Market Sidewalk Improvement Project;

Increasing appropriations and authorizing expenditures in the amount of \$156,000 for the Azalea Park Neighborhood Identification Project and in the amount of \$25,000 for the Murphy's Supermercado Sidewalk Improvements as part of City Heights/University Avenue Streetscape Improvements.

CITY MANAGER SUPPORTING INFORMATION:

In May 2005, Murphy's Supermercado, a full service grocery store, was opened to serve the Mid City community at 46th Street and University Avenue. The site was renovated by developer/owner, Mark Kassab, who requested of the City Heights Project Area Committee (PAC) financial assistance in repairing a portion of the sidewalk, alley and alley aprons surrounding the store and adding a curb ramp at 46th and University. On May 9, 2005, the City Heights PAC voted to recommend allocation of \$25,000 in tax increment funding for this purpose as an enhancement of this public/private partnership which is making a significant improvement in the City Heights community.

The City Councils requested to accept the Redevelopment Agency transfer of funds and to approve allocation and expenditure of \$25,000 in City Heights Redevelopment Tax Increment funding for sidewalk improvements related to Murphy's Supermercado.

A second allocation for which approval is requested involves the Azalea Park Neighborhood Identification Project. In October 2000, the Azalea Park and Hollywood Park Revitalization Action Program (RAP) was initiated with the goal of creating a holistic approach to addressing revitalization efforts within the neighborhoods of Azalea Park and Hollywood Park in the City Heights area.

Among the many recommendations that were created during the formulation of the RAP, community promotion was a key component to improving the character and visual quality of the streetscape in the Azalea Park and Hollywood Park neighborhoods.

Since July 2004, the Azalea Park Neighborhood Association has been working closely with the City and Harmon Nelson Design, Inc. to develop conceptual designs for a signage program that would promote and reinforce neighborhood identity in Azalea Park. The Azalea Park Neighborhood Identification Project will implement recommendations in the RAP for reinforcing neighborhood identity and improving the neighborhood streetscape. The project would consist of enhanced landscaping, community artwork, and improvements centered around three community identification signs at the intersections of Poplar Street and Fairmount Avenue, Tulip Street and the Interstate 805 Freeway overpass, and at the entrance of the Azalea Neighborhood Park and Violet Street.

The City Heights PAC voted on May 9, 2005, to recommend allocation of \$156,000 in City Heights Tax Increment funding for installation of improvements which will enhance the identity and visual character of Azalea Park.

The City Council is requested to accept the Redevelopment Agency transfer of funds and approve allocation and expenditure of \$156,000 in City Heights Redevelopment Tax Increment funding which has been transferred via the Companion Redevelopment Agency Action to CIP-39-086.0, Azalea Park Neighborhood Identification Project for community identification improvements in Azalea Park. The City Council is also requested to increase the Fiscal Year 2006, CIP Budget by \$156,000 in CIP-39-086.0, Azalea Park Neighborhood Identification Project and by \$25,000 in CIP-39-210.0, City Heights/University Avenue Streetscape Improvements, which contains Murphy's Supermercado Sidewalk Improvements.

FISCAL IMPACT:

Adequate funds are available in the City Heights Redevelopment Project Area Tax Increment Fund # 98200 and \$181,000 has been transferred to the City via the Companion Redevelopment Agency Action for use in implementing the Murphy's Supermercado Sidewalk Improvements and Azalea Park Neighborhood Identification Project.

CITY HEIGHTS PAC RECOMMENDATION: On May 9, 2005, the City Heights PAC voted to recommend allocation of City Heights Redevelopment Tax Increment funds of \$25,000 to Murphy's Supermercado Sidewalk Improvements and \$156,000 to Azalea Park Neighborhood Identification Project.

Oppenheim/Fischle-Faulk/BK

NOTE: See the Redevelopment Agency Agenda of 9/20/2005 for a companion item.

Staff: Bob Kennedy – (619) 533-4276
Susan Y. Cola – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:42 p.m. – 2:42 p.m.)

MOTION BY YOUNG TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-335: Negotiations for a Sixth Implementation Agreement to the Disposition and Development Agreement (DDA) for Las Americas River Pedestrian Bridge Project.

(See Redevelopment Agency Report RA-05-29/CMR-05-173. San Ysidro Community Area. District 8.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-212) ADOPTED AS RESOLUTION R-300856

Authorizing the City Manager, or designee, to negotiate with International Gateway Associates, LLC for purposes of developing a franchise agreement to implement the Las Americas River Pedestrian Bridge;

Authorizing the City Manager, or designee, to submit an application for a Presidential Permit with the U.S. State Department, for purposes of implementing the Las Americas River Pedestrian Bridge.

NOTE: See the Redevelopment Agency Agenda of September 20, 2005 for a companion item.

Staff: Robert Chavez – (619) 533-5368
Rachel H. Witt – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:18 a.m. – 10:19 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-336: Two actions related to FBA Credit and Reimbursement Agreement with Pardee Homes for the Design and Construction of Pacific Highlands Ranch Fire Station 47.

(Pacific Highlands Ranch Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-183) ADOPTED AS RESOLUTION R-300857

Authorizing the City Manager to execute, for and on behalf of City, the credit and reimbursement agreement in the amount of \$6,040,000 with Pardee Homes for the design and construction of Fire Station 47;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$8,090,000 (\$2,050,000 for the purchase of Furnishings, Fixtures, and Equipment (FF&E) from FBA Fund 79011, CIP-33-105.0; \$6,040,000 for the reimbursement of the Estimated Costs pursuant to the credit and reimbursement agreement in the manner that follows: \$4,176,500 from FBA Fund 79011, CIP-33-105.0; \$822,500 from FBA Fund 79015, CIP-33-105.0; and \$1,041,000 from FBA Fund 79010, CIP-33-105.0). The expenditures shall be in a manner consistent with the timing established in the most recently adopted Pacific Highlands Ranch, Del Mar Mesa, and Torrey Highlands Public Facilities Financing Plans, subject to revision by subsequent updates to the Pacific Highlands Ranch, Del Mar Mesa, and Torrey Highlands Public Facilities Financing Plans, with the total of \$2,050,000 for the purchase of FF&E set aside or reserved prior to any expenditure for reimbursement of Estimated Costs under the credit and reimbursement agreement. All expenditures shall be contingent upon the City Auditor and Comptroller certifying that the funds necessary for said agreement are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

Pardee Homes has agreed to complete the design and construction of Fire Station 47 located within Pacific Highlands Ranch. The project, identified as F-1 in the adopted Fiscal Year 2005 Pacific Highlands Ranch Public Facilities Financing Plan, is scheduled for design and construction in Fiscal Year 2005. It is also identified in the FY 2004 Torrey Highlands Public Facilities Financing Plan as F-2 and in the FY 2004 Del Mar Mesa Public Facilities Financing Plan as 43-16. At this time, sufficient funds are not available in the Pacific Highlands Ranch, Torrey Highlands, or Del Mar Mesa FBAs to construct the Fire Station.

Pardee Homes has agreed to design and construct the Fire Station exclusive of furnishings, fixtures, and equipment (FF&E). Funds are available now from the Pacific Highlands Ranch Fund 79011 for the purchase of the FF&E which is valued at \$2,050,000. The reimbursement agreement, in the amount of \$6,040,000, includes the design consultant services, City project management and administration, anticipated construction costs and contingencies. It is anticipated that the shares contributed by each FBA will change with the FY 2006 updates to each of the respective plans.

FISCAL IMPACT:

Minimal. The funds needed for this project are being provided through developer fees.

Ewell/Goldberg/FJ

Staff: Frank January – (619) 533-3699
David E. Miller – Deputy City Attorney

FILE LOCATION: CONT-Pardee Homes

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:23 a.m.)

MOTION BY PETERS TO ADOPT. Second by Young. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-337: First Amendment to Agreement for Professional Engineering Services for Storm Drain Service Charge Development with Brown and Caldwell.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-157) ADOPTED AS RESOLUTION R-300858

Authorizing the City Manager to execute a First Amendment to the Agreement for Professional Engineering Services for Storm Drain Service Charge Development with Brown and Caldwell, to provide additional professional consultant services in connection with Phase B of the Storm Drain Service Charge Development Study, increasing the compensation by \$45,240 under the terms and conditions set forth in the Agreement on file in the Office of the City Clerk as Document No. RR-296102, and as amended;

Authorizing the expenditure of an amount not to exceed \$346,834 from Fund 100, Dept. 533 for the purpose of providing funds for Phase B of the Storm Drain Service Charge Development Study with Brown and Caldwell;

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 exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego Storm Water Pollution Prevention Division entered into an agreement with Brown & Caldwell (RR-296102, filed February 25, 2002) to provide professional consultant services for the Storm Drain Service Charge Development Study at a cost not to exceed \$399,433. Phase A of the agreement was for an amount not to exceed \$97,839 and was funded in Fiscal Year 2002 from Fund 100. The remaining \$301,594 was for Phase B which was to be funded in Fiscal Year 2003, however, has not been available until Fiscal Year 2006. Upon further review of Phase B of the 2002 contract, outdated tasks were in need of either being updated or deleted and items not identified in the original scope of work but needed to complete the study were identified. This request is for the approval of Amendment No. 1 in the amount of \$45,240 to provide for completion of the Storm Drain Service Charge Development Study.

This study will result in a storm water rate structure adequate to fund the City's costs of repairing and rehabilitating the storm water drainage infrastructure and complying with the City's National Pollutant Discharge Elimination System (NPDES) permit for remediation of stormwater runoff pollutants, a fee structure that is in conformance with requirements of Proposition 218 (California Article XXII C and D), and assist with public awareness and understanding on the need for funding the city's storm water program.

FISCAL IMPACT:

The original phase funded agreement with Brown & Caldwell was for \$399,433. Amendment No. 1 will add \$45,240 for a new total not to exceed 444,673. Phase A of this agreement, totaling \$97,839, was funded in Fiscal Year 2002 from Fund 100. The remaining \$346,834 is for Phase B of this agreement and is available in Fiscal Year 2006 from Fund 100.

Mendes/Tulloch/DD

Aud. Cert. 2600135.

Staff: Dan Denham – (858) 292-6345
Tim Miller – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:19 p.m. – 10:20 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Young. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-338: Lake Hodges Pedestrian/Bicycle Bridge.

Matter of the appeal by Marc D. Lindshield, Chairman of Lake Hodges Community Planning Group, of the decision of the Planning Commission in approving an application to construct a 990-foot long, 12-foot wide pedestrian/bicycle bridge and related trail connections across Lake Hodges linking the Lake Hodges North Shore Trail with the Bernardo Bay trail staging area and Piedras Pintadas Trail with the following recommendation and permit

modification: 1. Encourage 24 hour access of the bridge as this is a federally funded transportation corridor and is replacing other 24 hour access, therefore it should be maintained; and; 2. Condition No. 16 be modified to allow for the lighting on the bridge to match the times of opening. The project site is located approximately 1,000 feet west of Interstate 15 and north of West Bernardo Drive.

(See City Manager Report CMR-05-177. MND No. 5429/State Clearinghouse No. 3005601085/MMRP/SDP No. 193075/Project No. 5429. San Pasqual-Lake Hodges and Rancho Bernardo Community Plan Areas. District 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in Subitem A; and adopt the resolution in Subitem B to deny the appeal and to uphold the decision of the Planning Commission, and to grant the permit:

Subitem-A: (R-2006-282) ADOPTED AS RESOLUTION R-300860

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 5429/State Clearinghouse No. 3005601085 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Administration Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as a Responsible Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City Council;

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

That pursuant to California Public Resources Code, Section 21081.6, the 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.

Subitem-B: (R-2006-283) GRANTED PERMIT, ADOPTED AS AMENDED AS
RESOLUTION R-300861

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision of the Planning Commission in approving the project; and granting or denying Site Development Permit No. 193075, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on June 9, 2005, voted 7-0 to approve the Site Development Permit to construct a 990-foot long pedestrian/bicycle bridge and related trail with recommendations; was opposition.

Ayes: Garcia, Griswold, Chase, Schultz, Ontai, Otsuji, Steele

The Rancho Bernardo Community Planning Board on May 19, 2005, voted 17-0-0 to recommend approval of the project with conditions.

The San Pasqual-Lake Hodges Planning Group on May 5, 2005, voted 7-6 to recommend approval with a condition.

CITY MANAGER SUPPORTING INFORMATION:

The proposed project is located within the City of San Diego's Lake Hodges Reservoir, approximately 600 to 1,000 feet west of Interstate 15 and north of West Bernardo Drive, in the AR-1-1 Zone of the Rancho Bernardo and San Pasqual Community Plan areas. Lake Hodges is a potable water reservoir within the San Dieguito River Valley that is owned and managed by the City of San Diego Water Department. Lake Hodges and the surrounding area is also a regional recreational resource and includes boating and fishing activities on the lake itself and a network of trails around the lake.

The San Dieguito River Valley Regional Open Space Park Joint Powers Authority, also known as the San Dieguito River Park, is the agency responsible for creating a natural open space park in the San Dieguito River Valley. The JPA was formed as a separate agency on June 12, 1989, by the County of San Diego and the Cities of Del Mar, Escondido, Poway, San Diego and Solana Beach. It was empowered to acquire, plan, design, improve, operate and maintain the San Dieguito River Park.

The JPA, with funds from the Federal Highway Administration Transportation Enhancement Activity (TEA) grant administered by the California Department of Transportation, District 11, proposes to construct a pedestrian/bicycle bridge and related trail connections across Lake Hodges linking the Lake Hodges North Shore Trail with the Bernardo Bay trail staging area and Piedras Pintadas Trail.

On June 9, 2005, the Planning Commission conducted a Process 4, public hearing to consider the San Dieguito River Park Joint Powers Authority's (JPA) application for a Site Development Permit to construct an approximately 990 feet long, 14 feet wide pedestrian/bicycle bridge across Lake Hodges and provide related improvements to trail connections across Lake Hodges linking the Lake Hodges North Shore Trail with the Bernardo Bay trail staging area and Piedras Pintadas Trail. After public testimony, the Planning Commission voted unanimously to approve the Site Development Permit with recommendations to encourage 24-hour access of the proposed bridge and modify Permit Condition No. 16 to allow for the lighting on the bridge to coincide with hours of operation.

On June 16, 2005 Mr. Marc Lindshield, Chair of the San Pasqual/Lake Hodges Community Planning Group, filed an appeal on behalf of the group for the Planning Commission's decision to approve the Site Development Permit based upon new information.

Environmental Review: The San Dieguito River Park Joint Powers Authority (JPA), as Lead Agency and the City of San Diego, as the Responsible Agency for the project has conducted an Initial Study of the project, which determined that the proposed project could have a potentially significant effect on biological resources, cultural resources, and geology and soils. Subsequent project revisions and specific mitigation measures have been identified in the project's Mitigated Negative Declaration, SCH No. 2005011085 and as conditioned in Site Development Permit No. 193075 to reduce the potential adverse effect to below a level of significant environmental effects. On May 20, 2005, the JPA Board certified the Mitigated Negative Declaration, SCH No. 2005011085 and adopted the Mitigation, Monitoring and Reporting Program.

FISCAL IMPACT:

All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Oppenheim/Halbert/TPD

LEGAL DESCRIPTION:

The project site is located on land owned by the City of San Diego Water Department and within the San Dieguito River Park Focused Planning Area (FPA). The project is proposed in the *San Dieguito River Park Concept Plan* (1994).

Staff: Tim Daly - (619) 446-5356.

FILE LOCATION: LUP - Lake Hodges Pedestrian/Bicycle Bridge, 9/20/05
(65)

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:28 p.m.)

Testimony in opposition by Dorothy Risheberger.

Testimony in favor by Marc Lindshield, Kathy Keehan, and Dick Bobertz.

MOTION BY MAIENSCHIN TO ADOPT THE ITEM AS AMENDED TO: 1) ADOPT THE RESOLUTION IN SUBITEM A; 2) ADOPT THE RESOLUTION IN SUBITEM B TO DENY THE APPEAL AND TO UPHOLD THE DECISION OF THE PLANNING COMMISSION; 3) APPROVE SITE DEVELOPMENT PERMIT NO. 193075 WITH THE MODIFICATION THAT THE HOURS OF OPERATION AND LIGHTING BE FROM 6:00 A.M. TO 9:00 P.M. AND THAT THE GATES ON THE BRIDGE BE LOCKED FROM 9:00 P.M. TO 6:00 A.M.; 4) DIRECT THE CITY MANAGER TO PROVIDE THE SAN PASQUAL PLANNING GROUP AND RANCHO BERNARDO PLANNING GROUP AN OPPORTUNITY TO GIVE INPUT ON THE FUNDING AND CONSTRUCTION PHASING TIME LINE ALONG WITH ANY OTHER CONCERNS THAT THE COMMUNITIES MAY HAVE ABOUT THE PROPOSED LEASED CONDITIONS AND TERMS BEFORE THE CITY MANAGER RETURNS TO COUNCIL FOR APPROVAL OF THE LEASE; AND 5) CONTINUE TO PRESS CALTRANS TO LEAVE OPEN ACCESS FOR BICYCLISTS DURING THE OFF HOURS. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-S500: Security General Requirements Contract 001.

(Continued from the meeting of September 13, 2005, Item 335, at the request of Councilmember Frye, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-82) ADOPTED AS RESOLUTION R-300862

Approving the plans and specifications for the implementation of the Security General Requirements Contract 001 for security upgrade for water related facilities in an amount not less than \$50,000 and not to exceed \$5,000,000, and a contract duration not to exceed two years, as advertised by Contract Services, on Work Order No. 021003;

Authorizing the City Manager after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$5,000,000, 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;

Authorizing the expenditure of an amount not to exceed \$5,000,000 from Water Fund 41500 solely and exclusively for the purpose of providing funds for the Water Department Security General Requirements Contract and 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 City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K062962C)

CITY MANAGER SUPPORTING INFORMATION:

The objective of this Security General Requirements Contract (Security GRC) is to continue executing security upgrades on facilities essential to the production and distribution of potable water in an expeditious and cost effective manner. During the past four (4) years, ADT Security

Services, Inc., has been providing Water Department security upgrades through a contract with the Purchasing Department. However, ADT's contract will expire on September 11, 2005, and there is a need to continue implementing security upgrades. The Water Department has found the GRC procurement approach to be cost effective and expeditious. The Security GRC contractor will continue to upgrade critical water facilities that were identified in the Vulnerability Assessment (VA) report dated December 31, 2002. The VA report, which recommended upgrades to our most critical water facilities, was Federally mandated by the EPA.

The Water Department will conduct a pre-qualification process to ensure that eligible companies have the necessary expertise in designing, installing and maintaining modern security systems. A pre-qualification process is necessary due to the specialty nature of the equipment and the implementation of the latest software and detection technology. As mandated by EPA, the Water Department needs to continue the effort to protect our facilities in the most expeditious manner. The Security GRC will utilize a pre-approved bid list in order to expedite installation of recommended security upgrades.

It is imperative to control information related to the design, location, and operation of the security systems. Working with a single Security GRC contractor is most appropriate given the sensitive nature of security systems. It is not in the best interest of the City of San Diego to publicly advertise, bid, and award each component of the security system. Working with the Security GRC will ensure that a highly qualified company will perform the work while minimizing the disclosure of sensitive, security related information.

Environmental Impacts: Approval of this GRC is an administrative action and therefore exempt from CEQA. Individual projects proposed under the GRC would be subject to environmental review, similar to the current GRC approval process.

FISCAL IMPACT:

The total authorized to expend is \$5,000,000. Funds for this purpose will be available in the FY2006, FY2007 and FY2008 budgets as needed. The maximum work to be authorized for each Security GRC task order shall not exceed \$500,000 except in case of an emergency affecting health, safety, or property or when authorized by City Council.

Mendes/Belock/AE

Staff: Vic Bienes – (619) 533-6600
John F. Kirk – Deputy City Attorney

FILE LOCATION: W. O. 021003

COUNCIL ACTION: (Time duration: 3:29 p.m. – 3:30 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-S501: Three actions related to Proposed Owner Participation Agreement (Including Master Plan and Affordable Housing Agreement) with Ballpark Village LLC and Proposed Variance to the City's Inclusionary Housing Ordinance in the Form of the Proposed Affordable Housing Agreement Affecting Parcels of a Combined 7.1 Acres Known as Parcels "C" and "D" East of Petco Park.

(See Centre City Development Corporation Report No. CCDC-05-25/ CCDC-05-11 and memorandum from Centre City Development Corporation dated 9/15/2005. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project Community Area. Districts 2 and 8.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-219) CONTINUED TO TUESDAY, OCTOBER 11, 2005

Approving the sale of certain property generally located to the immediate south of the intersection of Park Boulevard and the 12th Avenue trolley right-of-way (east of Petco Park) in the Centre City Redevelopment Project Area (Agency Sale Parcel) to Ballpark Village LLC, and approving the Owner Participation Agreement, The Master Plan and the Affordable Housing Agreement pertaining to parcels C and D (including the Agency Sales Parcel), and making certain findings with respect to such sale.

Subitem-B: (R-2006-218) CONTINUED TO TUESDAY, OCTOBER 11, 2005

Approving a variance to the City's Inclusionary Housing Ordinance in the form of an Affordable Housing Agreement by and between the Redevelopment Agency of

the City of San Diego, Ballpark Village LLC, and the San Diego Housing Commission.

Subitem-C: (R-2006-217) CONTINUED TO TUESDAY, OCTOBER 11, 2005

Certifying the final addendum to the final subsequent Environmental Impact Report to the final Master Environmental Impact Report for the Centre City Redevelopment Project and addressing the Centre City Community Plan and related documents for the proposed ballpark and ancillary development projects, and associated plan amendments, making certain findings of fact and adopting a statement of overriding considerations (Ballpark Village).

SUPPORTING INFORMATION:

ENVIRONMENT IMPACT: The City and Agency certified the Final Subsequent Environmental Impact Report to the Final Master Environmental Impact Report for the Centre City Redevelopment Project and addressing the Centre City Community Plan and related documents for the proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments on October 26, 1999 (The "SEIR"). On October 30, 2003, the City and Agency certified a Final Addendum to the SEIR for the East Village Square Development. In order to evaluate the Ballpark Village Phase II Ancillary Development Proposal, a Final Addendum has been prepared for the development proposed by the Master Plan and OPA.

The Draft Addendum was circulated for public review from April 21 to May 6, 2005.

Comments received on the draft addendum, and appropriate responses to those comments, have been incorporated into the final addendum to the SEIR dated August 8, 2005. The conclusion of the final addendum is that neither the Ballpark Village Development nor the circumstances under which it is being undertaken would result in any new significant impacts not discussed in the SEIR, or any substantial increase in the severity of impacts identified by the SEIR. In addition, no new information of substantial importance has become available since the SEIR was prepared regarding new significant impacts, or the feasibility of mitigation measures or alternatives.

Attachment A to the proposed Council and Agency resolutions certifying the final addendum includes specific findings of fact briefly summarizing the basis for the conclusions contained in the addendum regarding each environmental topic that was considered and explaining why preparation of a subsequent or supplemental EIR was not required.

Attachment A also includes a statement of overriding considerations because there are certain impacts of the project, which, despite adoption of all feasible mitigation measures, cannot be fully mitigated to a level that is less than significant. These impacts -- Air Quality (long-term

cumulative impacts of the Centre City Redevelopment Project); Land Use/Planning (displacement of homeless) populations in Ballpark and ancillary development projects area were previously analyzed in the SEIR and a statement of overriding considerations was adopted when the ballpark and ancillary development project was approved in 1999. While these impacts are not more severe for the Ballpark Village Project (and, in fact, are in some cases actually lessened), because the impact conclusion remains significant, a new statement of overriding considerations for the Ballpark Village project is recommended.

Hall/Hamilton/LY

NOTE: This is a Joint Public Hearing with the Redevelopment Agency. See the Redevelopment Agency Agenda of 9/20/2005 for a companion item.

FILE LOCATION: SUBITEMS A, B & C: NONE

COUNCIL ACTION: (Time duration: 11:31 a.m. – 12:05 p.m.)

Testimony in opposition by Ian Trowbridge, Noel Neudeck, and Bob Castaneda.

Testimony in favor by Don Cohen, Charles Black, and Jerry Butkiewicz.

MOTION BY MADAFFER TO CONTINUE THIS ITEM TO TUESDAY, OCTOBER 11, 2005, FOR FURTHER REVIEW OF NEW LEGAL ISSUES. Second by Young. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Atkins at 3:30 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 3:30 p.m.)