

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 23, 2006
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:08 a.m. The meeting was recessed by Council President Peters at 11:19 a.m. to convene in Closed Session to discuss pending and potential litigation and meet and confer matters.

The meeting was reconvened by Council President Peters at 2:02 p.m. Council President Peters recessed the meeting at 2:05 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 3:33 p.m. with all Council Members present. Council President Peters recessed the meeting at 3:34 p.m. to reconvene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 4:49 p.m. with all Council Members present. Council President Peters recessed the meeting at 4:50 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 4:58 p.m. with all Council Members present. Council President Peters recessed the meeting at 5:00 p.m. to reconvene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 5:40 p.m. with all Council Members present. Council President Peters adjourned the meeting at 7:18 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 (er/ek)

FILE LOCATION: MINUTES



ITEM-300: 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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented regarding Bus Routes 13 and 14.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. – 10:28 a.m.)

PUBLIC COMMENT-2:

Sandy Summers commented on the Redevelopment Agency.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:30 a.m.)

PUBLIC COMMENT-3:

Linda Smith expressed her concerns regarding various issues in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m. – 10:33 a.m.)

PUBLIC COMMENT-4:

Ron Boshun commented on the Council's actions

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:33 a.m. – 10:36 a.m.)

PUBLIC COMMENT-5:

Jenna Albright expressed her concerns regarding the San Diego police officers' pay.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:36 a.m. – 10:40 a.m.)

PUBLIC COMMENT-6:

Jarvis Ross commented on the new airport site.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-7:

Peggy Kline Martinez commented on illegal street racing.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-8:

Mignon Scherer commented on growth.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-9:

Phil Hart commented on the city's finances.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. – 10:52 a.m.)

PUBLIC COMMENT-10:

Steve McMillan commented on the number of police officers leaving the police department.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-11:

Judie Italiano announced that John Torres will be taking the lead for MEA due to her retirement.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:55 a.m. – 10:58 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins announced that tomorrow, during the Budget Committee meeting, action will be taken to continue the presentation by San Diego City Employee Retirement System actuary's report via teleconferencing to allow the actuary to be present.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 4:58 p.m. – 4:59 a.m.)

CITY ATTORNEY COMMENT:

None.

INDEPENDENT BUDGET ANALYST COMMENT:

None.



ITEM-30: National Public Works Week – Heart of the Community.

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-964) ADOPTED AS RESOLUTION R-301471

Recognizing and proclaiming May 21-27, 2006, to be “National Public Works Week” and encouraging all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:08 a.m. - 10:13 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-31: Junius Hawkins Day.

MAYOR SANDERS' AND COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-975) ADOPTED AS RESOLUTION R-301472

Proclaiming May 23, 2006, as "Junius Hawkins Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:13 a.m. – 10:19 a.m.)

MOTION BY YOUNG 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-yea.



ITEM-32: The Salvation Army Week.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-922) ADOPTED AS RESOLUTION R-301473

Commending and thanking The Salvation Army for its outstanding service, leadership, and commitment to the citizens of San Diego County;

Proclaiming May 22-26, 2006, to be "The Salvation Army Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:23 a.m.)

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

* ITEM-50: Mesa Commons II, Project No. 82698 Rezone.

(See Report to the City Council No. 06-083. College Community Area. District 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/8/2006, Item 206, Subitem C. (Council voted 7-0. Councilmember Atkins ineligible.):

(O-2006-112) ADOPTED AS ORDINANCE O-19494 (New Series)

Changing a 1.96-acres site, located at 4883, 4905, and 4915 Catocin Drive, in the College Area Community Plan Area, in the City of San Diego, California, from the RS-1-7 Zone into the RM-1-2 Zones, as defined by San Diego Municipal Code Section 131.0406.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:01 a.m.)

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

* ITEM-100: Annual Review of the North City West (Carmel Valley) School Facilities Master Plan, Fiscal Year 2004-2005.

(See Report to the City Council No. 06-058. Carmel Valley Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-923) ADOPTED AS RESOLUTION R-301474

Accepting the annual review of the Fiscal Year 2004-2005 North City West (Carmel Valley) School Facilities Master Plan;

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

STAFF SUPPORTING INFORMATION:

The North City West School Facilities Master Plan was adopted by City Council Resolution R-255381 on November 17, 1981. The Joint Powers Agency titled "North City West School Facilities Financing Authority" was adopted by the City Council on July 5, 1983, by Resolution R-2588833. The Mello-Roos Community Financing District No. 1 was formed on August 8, 1988, to supplement the financing of school facilities in Carmel Valley (formerly North City West). The Mello-Roos District covers 96% of the then remaining undeveloped residentially zoned land in Carmel Valley. The remaining 4% continues to be subject to the direct deposit fee established by the original Master Plan and updated periodically with City Council approval. The direct deposit fee schedule was last revised on May 7, 2002, to remain in effect through fiscal year 2010.

The Master Plan indicates that an annual review by the City Council shall be performed in consultation with the Joint Powers Agency (JPA). The purpose of the review is to "evaluate the needed school facilities, and to reevaluate the costs and deposits for the program." The Joint Powers Agency has performed its annual review and summarized its findings in the letter dated February 15, 2006.

The member districts of the Joint Powers Agency have been evaluating school facilities needs in view of class size reductions and increased enrollments. Consequently, it has been determined that additional facilities will be needed beyond those provided for in the Master Plan. These

requirements are outlined in the report and include an elementary school in addition to those called for by the Plan. Other facilities, while outside the funding area, nevertheless will have an impact on facilities within the funding area. Because these facilities are financed entirely through the JPA, there is no impact on any City funding sources.

FISCAL CONSIDERATION:

None to the City.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Previous City Councils have accepted the annual reports as submitted.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Community review of this report prior to Council action is not a requirement.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The City is a member of the Joint Powers Authority along with the three school districts and has the responsibility to review compliance with the North City West School Facilities Master Plan.

McCullough/Waring

Staff: Gary Hess - (619) 533-3678
David Miller - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:01 a.m.)

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

* ITEM-101: Second Amendment to the Agreement with HDR Engineering, Inc. for Optimization/Engineering/Consulting Services.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-892) ADOPTED AS RESOLUTION R-301475

Authorizing the Mayor to execute, on behalf of the City of San Diego, Amendment No. 2 to the Agreement with HDR Engineering, Inc. for Optimization, Professional Engineering, and Consultant Services (Amendment No. 2) under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$1,100,000 of which an amount not to exceed \$300,000 is from Fund 41506, Department 776, an amount not to exceed \$700,000 is from Fund 41506, Department 777, and an amount not to exceed \$100,000 is from Fund 41506, Department 772, to provide funds for Amendment No. 2;

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 is therefore not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The Metropolitan Wastewater Department (MWWD) is continuing to execute a comprehensive, multi-year strategy designed to systematically assess and continually improve department operations. Past and ongoing MWWD optimization actions are part of a planned sequence, with initial focus on field operations and more recent attention to key support functions. Next (through FY 2007) in this programmed approach is a major effort to update all existing performance metrics with current best industry practices in connection with operating and maintaining the City's wastewater treatment system, including the Point Loma Wastewater Treatment Plant, the South Bay and North City Water Reclamation Plants, and the Metro Biosolids Center, the Environmental Monitoring and Technical Services Laboratory and associated equipment, as well as the large wastewater collection system of approximately 3,000 miles of pipeline and over 80 pumping stations.

This work will be accomplished in concert with an examination and re-engineering of the overall Department structure and cross-functional processes to identify and exploit potential synergies between separate functional areas in order to minimize inefficiencies from organizational "siloeing" tendencies. These efforts will be informed by knowledge gained to date and coordination with relevant Citywide process improvement efforts. Numerous past adjustments have been made to policy and processes through this strategy. One of the major changes in ways of doing business was the implementation in two key operating divisions of the now widely recognized Public Contract Operations Labor-Management Agreements (Agreements), and

associated Bid-to-Goal strategy. The aim of these public policy techniques pioneered in the City of San Diego is to adapt appropriate private sector business practices to the government environment in order to optimize service delivery.

The two ongoing MWWD Agreements cover approximately 60% of the MWWD's employees. Cumulative (since FY 1998) results of operations under these Agreements have been particularly noteworthy, resulting in over \$150 million in savings (compared to pre-Agreement projections), as well as reductions in annual sanitary sewer overflows from 10.3 to 3.1 per hundred miles of collection pipeline (with attendant positive impact on the local environment). This extensive next step (Amendment No. 2) will provide competitive benchmarks validated by third party industry experts; provide re-engineering processes required to attain future productivity gains in line with these benchmarks, and design successor processes, terms, and conditions for the existing Agreements.

FISCAL CONSIDERATIONS:

This request is for a second amendment in the amount of \$1,100,000 bringing the total agreement to a not-to exceed amount of \$2,999,543. The approved FY 2006 budget includes \$1,100,000 for benchmarking and optimization efforts. As in past Bid-to-Goal processes, as cited above, this investment is anticipated to be recovered by attendant significant savings and service level enhancements.

Funds, in the amount of \$1,100,000, are available in the Operating Budget of which \$300,000 is from Sewer Fund 41506, Department 776, and \$700,000 is from Sewer Fund 41509, Department 777, and \$100,000 is from Sewer Fund 41508, Department 772.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On December 8, 2003, the Council approved Resolution R-298723 approving the initial \$1,299,543 agreement with HDR, Engineering, Inc. for optimization efforts. On December 7, 2004, Resolution No. R-299937 amended said agreement by \$600,000 therefore revising the agreement not-to-exceed \$1,899,543.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

As with past benchmarking and Public Contract Operations Agreements, related results and requests for resource allocations will be briefed in public forums at the Public Utilities Advisory Commission (PUAC), Metro Commission and other oversight venues as appropriate.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

HDR Engineering is an employee-owned company headquartered in Omaha, Nebraska. The company's CEO is Richard Bell.

Results of actions described above will be designed to deliver services in ways most beneficial to wastewater ratepayers, and as consistent as practicable with developing/maintaining the most appropriate labor-management partnership between the City and participating labor organizations.

Ferrier

Aud. Cert. 2600749.

Staff: Margaret Wyatt - (858) 292-6467
James W. Lancaster - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:01 a.m.)

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

* ITEM-102: Transfer of Funds for the Princess Del Cerro Drainage Improvements.

(See memorandums from April Penera dated 12/6/2005 and 1/5/2006. Del Cerro Community Area. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-932) ADOPTED AS RESOLUTION R-301476

Authorizing the addition of CIP-29-900.0, Princess Del Cerro Neighborhood Park-Drainage Improvements (the Project), to the Fiscal Year 2006 Capital Improvements Program;

Authorizing a \$34,000 increase in the Fiscal Year 2006 Capital Improvements Program in CIP-29-900.0, Princess Del Cerro Neighborhood Park-Drainage Improvements, Fund No. 630221, contributions from Fund No. 100 fund;

Authoring the City Auditor and Comptroller to transfer \$34,000 of Park and Recreation Department Community Parks II Operating Budget funds (Fund No. 100, Department No. 444, Organization No. 2000, Object Account No. 4222, Job Order No. 007145) to Fund No. 630221, contributions from 100 fund;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$34,000 from CIP-29-900.0, Princess Del Cerro Neighborhood Park-Drainage Improvements, Fund No. 630221, contributions from 100 fund;

Finding that this activity is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15303(d) because this Project involves the conversion of an existing small structure.

STAFF SUPPORTING INFORMATION:

The Princess Del Cerro Neighborhood Park is an existing park located in the Del Cerro Community Planning Area. When the park was originally constructed, the drainage on the northern end of the park functioned properly. However, over the years, the drainage pipe and swale were covered with soil and debris. As a result, several of the adjacent homes experienced flooding of their back yards, during heavy rain events.

The appropriate long term, low maintenance solution, was to replace the swale with a concrete drainage ditch. Funding in the amount of \$34,000 is available from Fund No. 100, \$34,000 from Park and Recreation Department Community Parks II Operating Budget. This action requests the transfer of \$34,000 to CIP-29-900, Princess Del Cerro Drainage Improvements for the construction and inspection of these improvements.

Heffler Company is Park Planning and Development's Division's General Requirements Contractor (GRC). This contract for as-needed construction services was competitively bid and awarded according to the City's standard procedures. The GRC allows staff to authorize tasks more quickly, such as in emergency situations similar to this.

Having concerns of the adjacent homes would experience more flooding problems during this rainy season; the City Manager authorized the work, allowing the construction of the drainage repair to be completed. The work has been completed by the GRC in January of 2006.

A memorandum was distributed to City Council in December to inform the City Council that this work was authorized and that a subsequent City Council action would be required to authorize the funding.

FISCAL CONSIDERATIONS:

The total project cost is \$34,000. Funding is available via Fund No. 100 from Park and Recreation Department Community Parks II Operating Budget .

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None. (This project is to replace the existing drainage facility, no new improvements proposed).

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

This repair will prevent any negative impact to the adjacent residence by another rainy season.

Penera/Martinez

Aud. Cert. 2600774.

Staff: April Penera - (619) 525-8223
Eric A. Swenson - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:01 a.m.)

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



ITEM-103: Lease Agreement with Strategic Operations, Inc. for Office Space Located at 4705 Ruffin Road for the Police Department SWAT Administration Unit.

(Kearny Mesa Community Area. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-924) ADOPTED AS RESOLUTION R-301477

Authorizing the Mayor to execute, for and on behalf of the City of San Diego, a three-year Lease Agreement (Lease Agreement) with Strategic Operations, Inc., a California corporation, for the Police Department SWAT Administration to occupy one building located at 4705 Ruffin Road, under the terms and conditions set forth in the Lease Agreement;

Authorizing the expenditure of an amount not to exceed \$12,600 in year one; \$13,230 in year two; and \$13,891.56 in year three from General Fund 100, for the purpose of providing funds for payment of the lease.

STAFF SUPPORTING INFORMATION:

The Police Department SWAT Administration Unit was relocated to a site at 4705 Ruffin Road in February 2004 when their former location at Home Avenue and Federal Boulevard ceased operation. The Police Department continues to need the site until a new facility is constructed. Staff and Strategic Operations, Inc. have negotiated a three-year extension of the lease. The terms of the proposed lease are as follows:

TERM: Three (3) years.

USE: Police SWAT office and training facility.

SIZE: 2,160 square feet.

RENT: The initial rent of \$1,050 per month (\$0.49/sf) is for water, gas and electric utilities servicing the premises. The rent is subject to five percent (5%) annual increases. The average market rental rate for similar space in the Kearny Mesa area is \$1.00 per square foot per month according to a recent major market report for San Diego County.

SERVICES PROVIDED BY LESSOR: Water, gas, electricity.

SERVICES PROVIDED BY CITY: Any other services relating to the use of the licensed premises.

EARLY TERMINATION: City may terminate the lease with thirty days notice if funding for this purpose is discontinued.

FISCAL CONSIDERATIONS:

Rent for the space is \$12,600 in year one, \$13,230 in year two, and \$13,891.56 in year three.

PREVIOUS COUNCIL COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None involved with this type of action.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Police Department and Strategic Operations, Inc., a California Corporation (Stu Segall Studios).
No projected impacts anticipated.

Boyle/Waring

Aud. Cert. 2600760.

Staff: Gary Jones - (619) 236-6264
Brock Ladewig - Deputy City Attorney

FILE LOCATION: LEAS-Strategic Operations, Inc.

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:01 a.m.)

MOTION BY FRYE 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-yea.

* ITEM-104: Creation of a Citizen Task Force to Monitor Implementation of the Downtown
Community Plan.

**COUNCILMEMBER FAULCONER'S AND COUNCILMEMBER HUESO'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2006-973) ADOPTED AS RESOLUTION R-301478

Establishing a Downtown Community Plan Task Force consisting of thirteen
members including the chairpersons, pursuant to City Charter Section 43(b). The
Task Force shall consist of the following members, who shall all serve without
compensation:

- a. The Councilmember for Council District 2 and Council District 8, who shall
serve as co-chairs; and

- b. Nine individuals, nominated by Councilmembers as well as a representative from the Centre City Development Corporation and a representative from the Mayor's Office.

Declaring the composition of the Task Force will include, to the extent practicable, an affordable housing representative, a building industry representative, a business/commercial representative, a Centre City Development Corporation representative, a District 2 planning group member, a District 8 planning group member, an environmental representative, a homeless/social services representative, a Mayor's Office representative, a Port District/waterfront representative, and a workers' representative;

Declaring that pursuant to City Charter Section 43(b), the Downtown Community Plan Task Force will have the following defined objectives:

- a. Begin meeting six months from passage of the Downtown Community Plan, in September of 2006, and meet once every two months or as deemed necessary.
- b. Examine the following subjects as the Downtown Community Plan is implemented: affordable housing, Capital Improvements Plan update, co-location issues, floor area ratio bonus programs, homeless issues, labor issues, parking ratio requirements, and parks acquisition and maintenance.
- c. Hear presentations on the ideas, suggestions, and recommendations of a variety of experts in those areas under consideration by the Task Force, as well as representatives from community or outreach groups.
- d. Report back to the Land Use and Housing Committee for feedback on and approval of recommendations, then present approved report with recommendations to City Council.

Declaring the Task Force will sunset two years after its first meeting, or when the City Council makes a decision on the final report, whichever is sooner.

SUPPORTING INFORMATION:

At the February 28, 2006 meeting of the City Council, as part of a motion to adopt an update to the Downtown Community Plan (hereinafter "Plan"), the City Council appointed Councilmembers from Districts 2 and 8 to assemble and co-chair a committee to monitor

implementation of the Plan. As such, City Council Districts 2 and 8 have submitted for Council approval a resolution to establish the Downtown Community Plan Task Force.

DISCUSSION

The co-chairs propose the following recommendations for the Task Force as described herein:

The Task Force members are to be representative of the City of San Diego and appointed by the co-chairs. Nine members of the committee will be chosen via nominations by Councilmembers while two members will be representative of the Mayor's Office and the Centre City Development Corporation. It will include members of each of the following categories:

- Affordable housing representative
- Building industry representative
- Business/commercial representative
- CCDC representative
- District 2 planning group member
- District 8 planning group member
- Environmental community representative
- Homeless/social service representative
- Mayor's Office representative
- Port/waterfront representative
- Workers representative

This thirteen-member Task Force will monitor and potentially make recommendations to the City Council on major issues the public consistently communicated a need for monitoring. The Task Force will present a report to the Land Use and Housing Committee of the City Council with the results of its work. The issues to be addressed are:

- Parks acquisition and maintenance
- Affordable housing
- Capital Improvements Plan update
- Co-location issues
- Floor area ratio bonus programs
- Homeless issues
- Labor issues
- Parking ratio requirements

The initial meeting of the Task Force will be held in September of 2006. The Task Force will sunset two years subsequent to this meeting or sooner if its report has been approved by the Committee and the City Council.

A key aspect of a citizen's task force is the opportunity for broad public involvement. To facilitate public participation, the Task Force will open its meetings to the public and be held at the City Administration Building. The meetings will be subject to the Brown Act and will be noticed accordingly including noticing on the Internet.

To help the Task Force accomplish its goals, it is anticipated that staff for the Task Force will include the Departments under the Mayor, the Housing Commission, the City Attorney, the Independent Budget Analyst, and the Centre City Development Corporation. This staff will be needed to provide support to the Task Force in preparation of and at the meetings.

Faulconer/Hueso

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:01 a.m.)

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



* ITEM-105: Transfer and Expenditure of Funds for the Traffic Signal Modification at Frazee Road and Friars Road.

(Mission Valley Community Area. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-952) ADOPTED ASRESOLUTION R-301479

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$75,000 from Fund 63022, J.O. No. 990348, Private and Other Contributions–CIP to CIP-68-011.0, Traffic Signals Modifications/Modernization;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2006 Capital Improvement Program budget in CIP-68-011.0, Traffic Signals Modifications/Modernization by \$75,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$75,000 from CIP-68-011.0, Traffic Signals Modifications/Modernization, for the design and construction of a traffic signal modification at Frazee Road and Friars Road, contingent upon the City Auditor and Comptroller certifying that the necessary funds are 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 fund balance, Fund 63022, J.O. No. 990348, Private and Other Contributions-CIP;

Declaring this activity is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301 because this activity is the maintenance or minor modification of existing facilities.

STAFF SUPPORTING INFORMATION:

This action will authorize the Mayor to appropriate and expend \$75,000 of developer contribution funds for the modification of a traffic signal at Frazee Road and Friars Road. This location has been evaluated for the modification of the traffic signal by Transportation Engineering's staff and the modification is recommended in order to improve the efficiency and overall operation of the intersection.

FISCAL CONSIDERATIONS:

The total estimated project cost is \$75,000 which is available from Fund 63022, JO #990348, Private & Other Contributions-CIP.

PREVIOUS COUNCIL COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Transportation Engineering Division staff has received several requests from members of the community to improve the operation of the traffic signal at the intersection of Frazee Road and Friars Road.

KEY STAKEHOLDERS:

ITERIS will perform signal retiming.
Southwest Traffic Signal Service, Inc. will make the physical modifications to the traffic signals.

Boekamp/Haas

Aud. Cert. 2600747.

Staff: Deborah Van Wanseele - (619) 533-3012
Timothy J. Miller - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:01 a.m.)

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

* ITEM-106: California Restaurant Association Day.

COUNCILMEMBER FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-947 Cor. Copy) ADOPTED AS RESOLUTION R-301480

Commending, thanking, and congratulating the California Restaurant Association for its 100 years of outstanding service;

Proclaiming May 16, 2006, to be "California Restaurant Association Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:01 a.m.)

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

* ITEM-107: Starlight Theatre 60th Anniversary Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-949) ADOPTED AS RESOLUTION R-301481

Recognizing the accomplishments of Starlight Theatre and commending the regional theater for its efforts to entertain and educate the people and visitors of the City of San Diego;

Proclaiming May 6, 2006, to be "Starlight Theatre 60th Anniversary Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:01 a.m.)

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

* ITEM-108: Golden Care Workforce Institute Caregiver Appreciation Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-950) ADOPTED AS RESOLUTION R-301482

Commending Golden Care Workforce Institute for providing essential educational opportunities to our residents, for filling our community's need for caregiving professionals, and for creating the Golden Caregiver Awards;

Proclaiming May 5, 2006, to be "Golden Care Workforce Institute Caregiver Appreciation Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:01 a.m.)

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

* ITEM-109: Excusing Council President Peters from Attending the Budget Committee Meeting of May 3, 2006.

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-956) ADOPTED AS RESOLUTION R-301483

Excusing Council President Scott Peters from attending the regularly scheduled Budget Committee meeting of May 3, 2006.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:01 a.m.)

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



ITEM-330: Presentation by San Diego City Employees' Retirement System (SDCERS) Actuary Regarding the Annual Required Contribution (ARC).

(See memorandum from Councilmember Frye dated 4/26/2006.)

CONTINUED TO THE BUDGET COMMITTEE MEETING OF WEDNESDAY,
MAY 24, 2006

COUNCILMEMBER FRYE'S RECOMMENDATION:

An informational presentation by the San Diego City Employees' Retirement System (SDCERS) Actuary regarding the Annual Required Contribution (ARC).

SUPPORTING INFORMATION:

At the May 19, 2006, San Diego City Employees Retirement System (SDCERS) Board meeting, the SDCERS Actuary presented a report regarding the City of San Diego's Annual Required Contribution (ARC) to the pension system. Councilmember Frye requested that the City Council be given the same presentation (see 4/26/2006 Frye memo). The SDCERS Actuary has been asked to appear before the City Council to give a similar presentation.

Frye

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:01 a.m. – 11:12 a.m.)

MOTION BY ATKINS TO CONTINUE TO THE BUDGET COMMITTEE MEETING OF WEDNESDAY, MAY 24, 2006. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-331: Litigation Update Regarding Legal Challenges to Mount Soledad Cross and Proposition A.

(Mount Soledad Natural Park Community Area. District 1.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-971) ADOPTED AS RESOLUTION R-301484

Accepting the litigation update and report to the Mayor and Council, in the matters of Philip K. Paulson v. City of San Diego, United States District Court

Case No. 89cv820GT(POR); and Philip Paulson v. Charles Abdelnour, et al, San Diego Superior Court Case No. GIC849667;

Directing the City Attorney to file an appeal and seek a stay in the matter of Philip K. Paulson v. City of San Diego, United States District Court Case No. 89cv820GT(POR) in the Ninth District Court of Appeal;

Directing the City Attorney to continue the appeal in the matter of Philip K. Paulson v. Charles Abdelnour, et al, San Diego Superior Court Case No. GIC849667.

SUPPORTING INFORMATION:

On Wednesday, May 3, 2006, U.S. District Court Judge Gordon Thompson, Jr. issued an order to enforce an injunction calling for the removal of the cross from the Mt. Soledad War Memorial. Under Judge Thompson's order, if the City fails to remove the cross located on the War Memorial within 90 days, San Diego will be fined \$5,000 a day for every day the cross remains on city land. In order to stay Judge Thompson's order, the City will need to file an appeal with the Ninth Circuit Court of Appeals prior to the 90 day deadline.

The Mt. Soledad National War Memorial is a federally registered, multi-faceted national war memorial that recognizes veterans of both world wars and the Korean War. An integral part of the Mt. Soledad War Memorial is the cross. An overwhelming majority of San Diego residents affirmed the importance of keeping the cross as part of the War Memorial when they approved Prop. A in July 2005. It is critical that the City of San Diego exhaust all legal avenues in order to insure that this vital element of San Diego's history be preserved.

Therefore, it is recommended that the City Council authorize the City Attorney to file an appeal to Judge Thompson's May 3, 2006, order and seek as stay of the 90 day deadline and fine.

It is critical that the City support the will of over 76% of City voters by exhausting all options to maintain the War Memorial in its current form. The issue is preservation of a nationally registered War Memorial that is an integral part of San Diego history. The cross is part of that War Memorial and should be allowed to remain a part of San Diego's history and landscape.

Sanders

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:41 p.m. – 7:17 p.m.)

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

ITEM-332: Re-Loan of City CDBG Funds to Redevelopment Agency.

(See Redevelopment Agency Report No. RA-06-22/RTC-06-049. Southeastern San Diego Community Area. Districts 4 and 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-944) ADOPTED AS RESOLUTION R-301485, WITH DIRECTION

Accepting a Community Development Block Grant (CDBG) loan repayment from the Redevelopment Agency in the amount of \$400,000 from the Southcrest Redevelopment Project Area to the City CDBG Fund;

Authorizing the transfer of \$400,000 from the City CDBG funds to the Redevelopment Agency for the Central Imperial Redevelopment Project Area as an interest bearing CDBG loan to provide funds for appropriate project expenses in the Fiscal Year 2007 Redevelopment Agency Budget;

Directing the City Auditor and Comptroller to record the \$400,000 as an interest bearing CDBG loan to the Redevelopment Agency to be repaid as soon as practicable from tax increment or other appropriate revenues, from the respective project area;

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

STAFF SUPPORTING INFORMATION:

The Redevelopment Agency's Fiscal Year 2007 revenue is estimated to total \$228.74 million, and \$69.8 million in revenue will be carried over from the prior year for multi-year projects, for a grand total of \$298.5 million. The Agency's major source of revenue is tax increment, which is generated from the growth in the assessed value of properties within each project area. The Fiscal Year 2007 budget includes \$123.7 million in tax increment revenue.

FISCAL CONSIDERATIONS:

Fiscal Year 2007 expenditures total \$298.5 million, including continuing revenue. Of the total, \$124.6 million is allocated to capital projects, \$57.4 million is allocated to low and moderate income housing projects, \$23.0 million to administration, with \$27.7 million allocated to tax-sharing agreements/requirements, and \$65.8 million to be appropriated for debt service and loan repayments, and reserve requirements.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The CCDC Board approved the Fiscal Year 2007 budget at its meeting on April 26, 2006. The SEDC Board approved the Fiscal Year 2007 Budget at its meeting on April 26, 2006.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Centre City Advisory Committee approved the CCDC Fiscal Year 2007 Budget at its April 19, 2006 meeting. Efforts are underway to provide budget updates to each of the project area committees within the City Redevelopment project areas.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Residents and businesses within and near the project areas of the Redevelopment Agency will benefit from the enhanced quality of life resulting from the investment of resources in projects, including public improvements.

Ostrye/Waring

Staff: Elaine DuVal - (619) 533-5429
Eunice C. Chang – Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of 5/23/2006 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:33 p.m. – 3:33 p.m.)

MOTION BY MADAFFER TO ADOPT, WITH DIRECTION BY COUNCIL MEMBER FRYE THAT THE BUDGET ISSUE REGARDING SALARIES WILL BE CONTINUED TO MAY 30, 2006, FOR COUNCIL DISCUSSION. 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-333: Centre City Redevelopment Project Subordinate Tax Allocation Bonds, Series 2006A and Tax Allocation Housing Bonds, Series 2006B – General.

(See Centre City Development Corporation Report CCDC-06-08. Districts 2 and 8.)

(Continued from the meeting of April 25, 2006, Item 333, at the request of the City Council, for further review.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-760) ADOPTED AS RESOLUTION R-301486

Declaring that the Redevelopment Agency of the City of San Diego, in order to provide for the financing of the Centre City Redevelopment Project (Project Area), has expressed its intention to issue not greater than (i) \$79,000,000 of its obligations, entitled Redevelopment Agency of the City of San Diego Centre City Redevelopment Project Subordinate Tax Allocation Bonds, Series 2006A (Series 2006A Bonds), and (ii) \$35,000,000 of its obligations, entitled Redevelopment Agency of the City of San Diego Centre City Redevelopment Project Tax Allocation Housing Bonds, Series 2006B (Taxable) (Series 2006B Bonds, together with the Series 2006A Bonds, are collectively referred to herein as Bonds) the proceeds of which will be used to finance new projects within the Project Area.

NOTE: See the Redevelopment Agency Agenda of 5/23/2006 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:40 p.m. – 5:40 p.m.)

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

ITEM-334: Genesee Avenue and North Torrey Pines Road Maintenance Assessment District Formation.

(See Report to the City Council No. 06-041. University City Community Area. District 1.)

(Continued from the meeting of April 25, 2006, Item 330, at the request of the City Council, for further review.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-796 Cor. Copy) ADOPTED AS RESOLUTION R-301487

Resolution of Intention to form the Genesee Avenue and North Torrey Pines Road Maintenance Assessment District and to levy and collect Fiscal Year 2006 Annual Assessments on Genesee Avenue and North Torrey Pines Road Maintenance Assessment District.

STAFF SUPPORTING INFORMATION:

This action authorizes the ballot protest proceedings to form the Genesee Avenue and North Torrey Pines Road Maintenance Assessment District (District). If approved by property owner vote, this action also shall authorize the Fiscal Year 2006 assessment and budget. The purpose of the District is to fund the enhanced maintenance of landscaped and hardscaped improvements, including medians, sidewalks, bulb outs, curbs, and gutters.

FISCAL CONSIDERATION:

The City owns 11 assessable parcels in the district, resulting in \$47,443 assessment split between the General Fund in the amount of \$34,883 and the Torrey Pines Golf Course Fund in the amount of \$12,560. The district will be entitled to a contribution from Gas Tax Fund 30219 in the amount of \$16,984. Gas Tax funds are available and were approved in the Fiscal Year 2006 Budget. In September 2005, property owners along this corridor met the criteria established in City Council Policy 100-21, Funding for Maintenance Assessment District (MAD) Formation for funding provided by the City. If the vote passes, the new District will repay the MAD Formation Fund. Approximately \$425,074 would be assessed to the property owners within the District in Fiscal Year 2006.

The proposed Fiscal Year 2006 budget for the District is as follows:

	<u>FY 2006</u>	<u>Maximum Authorized</u>
<u>EXPENSES:</u>		
Personnel	\$ 15,000	\$ 33,000
Landscape Contract	\$100,000	\$190,000
Incidentals	\$ 52,500	\$ 52,500
Utilities	\$ 15,000	\$ 22,000
Capital Improvements	\$0	\$30,000
Onetime Expense	<u>\$145,000</u>	-
TOTAL EXPENSES	\$327,500	\$327,500
 <u>REVENUES:</u>		
Assessments*	\$425,074	\$425,074
Gas Tax	<u>\$16,984</u>	<u>\$16,984</u>
TOTAL REVENUES	\$442,058	\$442,058
 FUND BALANCE	 \$114,558	 \$114,558

Annual assessments were calculated by an assessment engineer for parcels within the District and are based on each parcel's equivalent benefit unit (EBU), which is equivalent to one single family dwelling unit. This rate is impacted by parcel land use, acreage of non-residential properties, and location of properties. The proposed rate would be \$85.60 per EBU for Zone 1 and \$42.80 for Zone 2. Parcels within Zone 2 (along Science Center Drive) receive a lower level of benefit due to their separation from the rest of the mesa.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

An advisory committee consisting of property owners along the Genesee Avenue and North Torrey Pines Road corridor is in favor of the district formation. As part of City Council Policy 100-21, the advisory committee petitioned all affected property owners, sent letters describing the proposed new district, and notified the University Community Planning Committee of their efforts. In addition, staff met with representatives of the Regents of the University of California; the UC Regents will continue to maintain right-of-way improvements along the arterial corridors adjacent to its property. This in-lieu maintenance will have no fiscal impact on other property owners within the district.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Key stakeholders in this area include private property owners (business parks and hotels) and the City-owned property that includes the Torrey Pines Golf Course and leaseholders.

Medina/Martinez/AWF

Staff: Clay Bingham – (619) 533-6724
Hilda Ramirez Mendoza – Deputy City Attorney

FILE LOCATION: SRT-M-376

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

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

ITEM-335: Two actions related to Third Amendment to the College Community Redevelopment Plan.

(See Redevelopment Agency Report RA-06-19/RTC-06-045. College Community Area. District 7.)

STAFF'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2006-130) INTRODUCED, TO BE ADOPTED ON
TUESDAY, JUNE 20, 2006

Introduction of an Ordinance approving and adopting the Proposed Third Amendment to the Redevelopment Plan for the College Community Redevelopment Project.

Subitem-B: (R-2006-959) ADOPTED AS RESOLUTION R-301488

Making certain findings regarding the Environmental Impacts of the Proposed Third Amendment to the Redevelopment Plan for the College Community Redevelopment Project.

STAFF SUPPORTING INFORMATION:

The purpose of the College Community Redevelopment Plan (CCRPA) is to eliminate and prevent the spread of blight and deterioration while conserving, rehabilitating and redeveloping the Project Area. The proposed amendment to the CCRPA includes:

1) Project Area Boundaries

An amendment to the CCRPA Project Area boundaries deleting three parcels from the Project Area boundaries that have been recently purchased by SDSU.

2) Land-Use and Plan Development

The proposed amendment to the CCRPA's Article V - Permitted Uses and Planning Considerations is to simplify, and in some cases clarify, the land development criteria within the CCRPA.

3) Eminent Domain Authority Extension

Extend by twelve (12) years the Agency's authority to use eminent domain within the boundaries of the CCRPA. Although the Agency has no immediate plans to use eminent domain within the CCRPA, it may be necessary in the future for the effective redevelopment of the CCRPA.

FISCAL CONSIDERATIONS:

None.

PREVIOUS AGENCY and/or COMMITTEE ACTION:

- On March 7, 2006, the College Community Project Area Committee voted 7-1 to approve the plan amendment as presented;
- On March 8, 2006, the College Area Community Council voted unanimously 17-0 to approve the plan amendment as presented;
- On April 20, 2006, the Planning Commission voted unanimously to recommend that the City Council accept the Initial Study for the Redevelopment Plan Amendment and recommend that the Redevelopment Agency and City Council approve the Redevelopment Plan Amendment.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

- On April 21, 2006, letters were mailed via first class to all property owners, business owners, residents, and tenants within the CCRPA informing them of the Joint Public Hearing;
- On April 21, 2006, certified letters were mailed to each of the taxing entities with an offer to consult the entities on the fiscal impact of the proposed CCRPA Plan Amendment; and
- On April 25th, May 4th, and May 11th a public notice on the CCRPA Plan Amendment was published in the San Diego Daily Transcript.

In accordance with San Diego Municipal Code (SDMC), Chapter 6, Article 1, Division 5, *Underground Utilities Procedural Ordinance* these actions will create the Greenbriar Avenue Underground Utility District from Waring Road to Allied Gardens Community Park and will underground all overhead utilities within the designated District.

In accordance with City Council Policy 600-08, *Underground Conversion of Utility Lines by Utility Company*, the proposed District is identified in CIP-37-028.0 and was approved per Council Resolution R-300572, as part of the FY 2006 Annual Allocation of Underground Utility Projects.

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. The expense of the underground installation and removal of overhead facilities within the right-of-way (street and sidewalk area) will be responsibility of the utility companies in accordance with California Public Utilities Commission (CPUC) Rules and Tariffs.

Replacement of street lighting, street restoration, tree replacement, pedestrian ramp installations, building permits, building and field engineering inspections, archeological monitoring, associated utility coordination of construction activities, and all associated engineering and project management associated with these improvements, will be financed through City of San Diego Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from San Diego Gas & Electric (SDG&E).

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. However, per agreement with the City of San Diego, SDG&E will offer to property owner(s) within the Underground Utility District, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities, at no cost to the property owner(s). In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form (PTE) and ensure their properties meet minimum conformance as outlines in the SDMC. Namely, that their electrical panels: (1) are deadfront operated, (2) have a grounding rod; and (3) have appropriate operating clearances.

FISCAL CONSIDERATIONS:

The estimated construction cost of \$578,168 for electrical utility work within the public right-of-way and private property, will be financed through the use of SDG&E Rule 20 (A), as directed by the CPUC, Case 8209. Costs to convert AT&T and cable television are financed directly by AT&T and the cable companies per applicable CPUC tariffs and City franchise agreements.

Other indirect costs such as administration, archaeological monitoring, street light replacement, minor street improvements, and other related work is estimated at \$36,904 and will be financed through Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from SDG&E. These expenditures have been approved or will be approved by subsequent actions.

PREVIOUS COUNCIL COMMITTEE ACTION:

City Council Resolution R-300572, FY2006 Annual Allocation of Undergrounding Projects, and associated Manager's Report 05-149.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

With notification of Public Hearing, property owners and residents will be mailed an informational brochure about the City's Undergrounding Program including information as to how to contact and get more information via the Underground Program Information Line and the Underground Program via the internet, where they can access a monthly project status and sign up for email updates from the Underground Program Staff. Prior to the start of construction affected property owner(s) and/or tenant(s) are invited to a two hour community forum regarding the project and the construction process, get project maps and schedules, and speak to utility company representatives about individual questions.

During construction, e-mails will be periodically sent to those signed up, information regarding the status of their project, where the contractor is working and where he will be working next. Residents are provided door hangers with the contractors name and contact number and the City's contact name, number and internet address prior to work occurring on private property. Community Planning groups are added to all customer contact mailings and are notified of pre-construction meetings to discuss community issues directly with the contractor. Customer satisfaction surveys are used throughout the process and at project completion to identify systemic issues and improve customer service.

KEY STAKEHOLDERS:

Residents, businesses, and utility companies.

Boekamp/Hass/NB

Staff: Nathan Bruner – (619) 533-3777
Jeremy A Jung - Deputy City Attorney

FILE LOCATION: STRT-K-326 (38)

COUNCIL ACTION: (Time duration: 2:03 p.m. – 2:04 p.m.)

MOTION BY MADAFFER 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-not present.

ITEM-337: Various Undergrounding Utility Districts.

(Various Community Areas. Districts 1, 7, and 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-876) ADOPTED AS RESOLUTION R-301490

Adoption of a resolution establishing underground utility districts.

Subitem-B: (R-2006-878) ADOPTED AS RESOLUTION R-301491

Adoption of a resolution certifying Mitigated Negative Declaration, Project No. 84358, dated January 17, 2006 (MND), which is on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Cal. Pub. Resources C. Section 21000 et seq.), as amended, and the State Guidelines thereto (Cal. Code of Reg., Tit. 14, Ch. 3), that the MND reflects the independent judgment of the City of San Diego as Lead Agency, and that the information in the MND, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the creation of the following underground utility districts:

- Waring Road/I-8 from Adobe Falls Road to Alvarado Canyon Road, as more fully described in the attachment to this resolution and more particularly shown on Drawing No. 33810-1-D
- La Jolla Mesa Drive from La Jolla Scenic South Drive to Muirlands Drive, as more fully described in the attachment to this resolution and more particularly shown on Drawing No. 33811-1-D
- K Street (Phase 1) from 19th Street to 24th Street, as more fully described in the attachment to this resolution and more particularly shown on Drawing No. 33817-1-D
- K Street (Phase 2) from 26th Street to 30th Street, as more fully described in the attachment to this resolution and more particularly shown on Drawing No. 33817-2-D

That 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, incorporated herein by reference, pursuant to California Public Resources Code Section 21081.6.

STAFF SUPPORTING INFORMATION:

In accordance with San Diego Municipal Code (SDMC), Chapter 6, Article 1, Division 5, *Underground Utilities Procedural Ordinance* these actions will create the Waring Road/I-8 from Adobe Falls Road to Alvarado Canyon Road, La Jolla Mesa Drive from La Jolla Scenic South Drive to Murlands Drive, and K Street from 19th Street to 30th Street, Underground Utility Districts and will underground all overhead utilities within the designated Districts.

In accordance with City Council Policy 600-08, *Underground Conversion of Utility Lines by Utility Company*, the proposed Districts are identified in CIP-37-028.0 and were approved per Council Resolution R-300572, as part of the FY 2006 Annual Allocation of Underground Utility Projects.

The formation of the districts will require by Ordinance the removal and/or underground conversion of certain overhead power and communications wires and poles within the established boundaries. 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. Replacements of street lighting, street restoration, tree replacement, pedestrian ramp installations, building permits, building and field engineering inspections, archeological monitoring, associated utility coordination of construction activities, and all associated engineering and project management associated with these improvements, will be finance through City of San Diego Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from San Diego Gas & Electric (SDG&E). By Ordinance, creation of the Underground Utility Districts will require all property owner(s) within said Districts 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.

However, per agreement with the City of San Diego, SDG&E will offer to property owner(s) within the Underground Utility Districts, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities, at no cost to the property owner(s). In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form (PTE) and ensure their

properties meet minimum conformance as outlined in the SDMC. Namely, that their electrical panels: (1) are deadfront operated, (2) have a grounding rod; and (3) have appropriate operating clearances.

FISCAL CONSIDERATIONS:

The estimated construction cost of \$2,848,885 for electrical utility work within the public right-of-way and private property, will be financed through the use of SDG&E Rule 20 (A), as directed by the CPUC, Case 8209. Costs to convert AT&T and cable television is financed directly by AT&T and the cable companies per applicable CPUC tariffs and City franchise agreements.

Other indirect costs such as administration, archaeological monitoring, street light replacement, minor street improvements, and other related work is estimated at \$298,334 and will be financed through Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from SDG&E. These expenditures have been approved or will be approved by subsequent actions.

PREVIOUS COUNCIL COMMITTEE ACTION:

City Council Resolution R-300572, FY2006 Annual Allocation of Undergrounding Projects, and associated Manager's Report 05-149.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

With notification of the Public Hearing, property owners and residents will be mailed an information brochure about the City's Undergrounding Program including information as to how to contact and get more information via the Underground Program Information Line and the Underground Program via the internet, where they can access a monthly project status and sign up for email updates from the Underground Program Staff. Prior to the start of construction affected property owner(s) and/or tenant(s) are invited to a two hour community forum regarding the project and the construction process, get project maps and schedules, and speak to utility company representatives about individual questions.

During construction, e-mail's will be periodically sent to those signed up, information regarding the status of their project, where the contractor is working and where he will be working next. Residents are provided door hangers with the contractors name and contact number and the City's contact name, number and internet address prior to work occurring on private property. Community Planning groups are added to all customer contact mailings and are notified of pre-construction meetings to discuss community issues directly with the contractor. Customer satisfaction surveys are used throughout the process and at project completion to identify systemic issues and improve customer service.

KEY STAKEHOLDERS:

Residents, businesses, and utility companies.

Boekamp/Hass/NB

Staff: Nathan Bruner – (619) 533-3777
Jeremy A Jung - Deputy City Attorney

FILE LOCATION: STRT-K-327 (38)

COUNCIL ACTION: (Time duration: 2:04 p.m. – 2:04 p.m.)

MOTION BY MADAFFER 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-not present.

REPORT OUT OF CLOSED SESSION:

Assistant City Attorney Karen Heumann reported that this morning in Closed Session regarding the matter of SDCERS v. City Attorney Michael Aguirre, the City Council voted 7 to 1 to delay any further discussions of whether or not to waive attorney/client privilege to provide Closed Session transcripts until after the judge rules on the City's Summary Judgment motion. The judge will make a tentative ruling on June 22, 2006. Oral argument in the case will take place on June 26, 2006, with a final ruling to follow. The Motion to Delay Consideration of a Waiver was made by Council Member Faulconer, seconded by Council Member Frye. The vote was 7 to 1 with Council Member Madaffer voting nay.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 7:17 p.m. – 7:17 p.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 7:18 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 7:18 p.m.)