

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JUNE 19, 2006
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING.....	2
ATTENDANCE DURING THE MEETING	2
ITEM-1: ROLL CALL.....	2
ITEM-10: INVOCATION	3
ITEM-20: PLEDGE OF ALLEGIANCE.....	3
CLOSED SESSION.....	3
ITEM-150: No Smoking Ordinance for San Diego’s Parks and Beaches	5
ITEM-200: Fiscal Year 2006 Year-End Budget Adjustments.....	5
ITEM-201: Inviting Bids for the Construction of Sewer Group 751.....	7
ITEM-202: Business Improvement District Budgets for Fiscal Year 2007.....	10
ITEM-203: Resolution on Pending State Legislation (AB 2987 Statewide Cable TV Franchise) and its Potential Significant Policy and Fiscal Impacts on Cities.....	12
ITEM-204: Spruce Street Right-of-Way Vacation	13
ITEM-250: Notice of Pending Final Map Approval – 3511 Sixth Avenue.....	16
ITEM-251: SUBMISSION OF BALLOT PROPOSALS.....	17
ITEM-S400: Memorandum of Understanding for La Jolla Storm Water Planning Grant	18
REPORT OUT OF CLOSED SESSION	20
NON-DOCKET ITEMS	20
ADJOURNMENT.....	20

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 2:08 p.m. Council President Peters recessed the meeting at 3:16 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:22 p.m. with all Council Members present. Council President Peters recessed the meeting at 4:34 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 4:35 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 4:36 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 (ek)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Maland called the roll:

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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Daniel Wiedenhoff of
Mid-City Christian Fellowship.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Maienschein.

FILE LOCATION: MINUTES

CLOSED SESSION:

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

**CS-1 *Building Industry Association of San Diego County, Inc. v City of San Diego*
San Diego Superior Court Case No. GIC 817064**

REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 20, 2006

DCA: D. Karlin

In this matter, the Building Industry Association of San Diego County, Inc., challenges the City of San Diego's Inclusionary Affordable Housing Regulations [Ordinance], codified at Chapter 14, Article 2 of the San Diego Municipal Code [SDMC]. The Building Industry Association asserts various claims against the validity of the Ordinance, including claims the Ordinance's waiver provision is insufficient under prevailing constitutional standards. In closed session, the City Attorney will update the City Council on the status of the litigation and discuss proposed amendments to the Ordinance.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:30 p.m. – 4:30 p.m.)

Council President Peters closed the hearing.

CS-2 *LA JOLLANS FOR CLEAN GOVERNMENT, INC., a California non-profit corporation, SALLY FULLER, an individual, and DONNA REICHERT, an individual, Plaintiffs, v. LA JOLLA COMMUNITY PLANNING ASSOCIATION, INC., a California non-profit corporation.*
San Diego Superior Court Case No. GIC 865370.

REFERRED TO OPEN SESSION OF TUESDAY, JUNE 20, 2006

This case was filed by the plaintiffs on May 4, 2006 alleging the La Jolla Community Planning Association violated and continues to violate the Brown Act and provisions of their bylaws. The La Jolla Community Planning Association is a City of San Diego recognized advisory board, and is governed by Council Policy 600-24. In closed session the Mayor and City Council will discuss litigation and may take action to indemnify or defend the La Jolla Community Planning Association.

CLOSED SESSION COMMENT-1:

David Little commented on the planning process as it pertains to this case.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:30 p.m. – 4:33 p.m.)

Council President Peters closed the hearing.

ITEM-150: No Smoking Ordinance for San Diego's Parks and Beaches.

(See Report from Council President Peters and Councilmember Madaffer dated 5/16/2006 and memorandum from William Lansdowne dated 5/12/2006.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2006-132) INTRODUCED, TO BE ADOPTED
ON TUESDAY, JULY 11, 2006

Introduction of an Ordinance amending Chapter 4, Article 3, Division 10, of the San Diego Municipal Code, by amending Sections 43.1001, 43.1002, and 43.1003, and by amending Chapter 6, Article 3, Division 1, Section 63.0102, all relating to the smoking and disposal of tobacco products at public parks and beaches.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/24/2006, NR&C voted 4 to 0 to forward to the full City Council for further discussion. (Councilmembers Faulconer, Atkins, Frye, and Hueso voted yea.)

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:10 p.m. – 3:16 p.m.)

MOTION BY MADAFFER TO INTRODUCE. 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-200: Fiscal Year 2006 Year-End Budget Adjustments.

(See Report to the City Council No. 06-068.)

STAFF'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-2006-150 Cor. Copy 2) INTRODUCED AND ADOPTED AS
ORDINANCE O-19498 (New Series)

Introduction and adoption of an Ordinance amending Ordinance No. O-19396 (New Series) entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2005-2006 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" as follows:

- a. Increase General Fund appropriations up to the amount of \$11.3 million as identified in the Report, from Citywide General Fund savings and/or excess revenues; and
- b. Increase the Non-General Fund appropriation for the net amount of \$1.3 million or as necessary to cover QUALCOMM Stadium's Fund deficit; and
- c. Transfer General Fund monies between departments to offset projected department deficits, and to the Allocated Reserve to fund projects that will not be completed in the current fiscal year; and
- d. Authorize the carryover of Council Districts 1 through 8 available budget of approximately \$245,000 to the Infrastructure Improvement Fund; and
- e. Authorize the carryover of available budget balances from the PC Replacement Fund in Council District 1 and 8 in the amount of \$16,500 for Council District 1 and \$27,500 for Council District 8 to the Infrastructure Improvement Fund; and
- f. Authorize an adjustment of the Fiscal Year 2006 allocation to Community Parking Districts within the Citywide Program Expenditures budget; and
- g. Appropriate, transfer and carryover within the General Fund, certain sums between departments and programs, and between various other funds, as specified and set forth in the Report; and
- h. Amend the Annual Fiscal Year 2006 Budget to increase appropriation of contributing funds from appropriate available sources, and make any additional appropriation adjustments and fund transfers that may be necessary to reconcile revenues to expenditures, not to exceed one percent

of each department's original appropriation or \$100,000, whichever is greater, above and beyond the aforementioned increases.

NOTE: 6 votes required pursuant to City Charter Section 17.

Staff: Marissa Perez - (619) 236-5597
Mark D. Blake - Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:22 p.m. – 4:05 p.m.)

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

ITEM-201: Inviting Bids for the Construction of Sewer Group 751.

(See Executive Summary Sheet dated 3/10/2006. Peninsula and Midway-Pacific Highway Community Areas. District 2.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2006-1000) ADOPTED AS RESOLUTION R-301538

Approving the plans and specifications for the construction of Sewer Group 751 (Project) on Work Order No. 177681;

Authorizing the Mayor to execute a construction contract with the lowest responsible and reliable bidder for the Project, contingent upon the City Auditor and Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$400,000 from Fund 41506, CIP-40-928.0, South Pacific Highway Trunk Sewer, an amount not to exceed \$700,000 from CIP-40-931.0, South Mission Valley

Trunk Sewer, an amount not to exceed \$500,000 from CIP-46-194.2, La Jolla/Pacific Beach Trunk Sewer-Chelsea Street, and an amount not to exceed \$200,000 from CIP-46-106.0, Annual Allocation Sewer Pump Station to Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement;

Authorizing the expenditure of an amount not to exceed \$3,912,043 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement, exclusively for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure 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;

Finding that this activity is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15282(k) because this Project involves the installation of new pipeline under one mile in length.
(BID-K062247C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/17/2006, NR&C voted 3 to 0 to approve. (Councilmembers Faulconer, Atkins, and Frye voted yea. Councilmember Hueso not present.)

SUPPORTING INFORMATION:

Sewer Group 751 is part of the City of San Diego's continuing Annual Sewer Main Replacement Program. This project is located in the Peninsula and Midway-Pacific Highway communities. This project includes the replacement of approximately 4,951 linear feet of existing 6 and 8-inch old and deteriorated sewer mains and sewer laterals with new 8 inch sewer mains. The streets affected by construction operations within this project are: Meadow Grove, Evergreen, North Evergreen, Madrid, Malaga, Locust, Shadowlawn, Ranleigh, Seville, Azalea, Wisteria Streets, Oleander Drive, and easements within Michaelmas, Rosecrans, Azalea and Hyacinth Drive as shown on the Location Map. Traffic control plans for Rosecrans have been prepared by the City's design consultant. Contractor will prepare traffic control plans for other streets (where needed) and will implement them during construction after review and approval by the City.

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$3,912,043. Funding is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement for this purpose. This item provides full funding for Sewer Group 751.

PREVIOUS COUNCIL COMMITTEE ACTION:

The Committee on Natural Resources and Culture on May 17, 2006, consent motion by Councilmember Faulconer, second by Councilmember Atkins. Vote to approve 3-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This project was presented to the Peninsula Community Group in their meeting on October 16th, 2003. Also, the Group Chair was again notified of the current plans and asked for comments on March 8, 2004. A third letter to update the Community on the project status was sent to the Group Chair on March 8, 2006. In addition, residents and businesses will be notified at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again, ten (10) days before construction begins by the Contractor through hand distribution of notices.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Residents in this area will encounter minor inconvenience during construction. After completion, residents will experience improved reliability of the sewage system.

Boekamp/Haas

Aud. Cert. 2600782.

Staff: Dave Zoumaras - (619) 533-5100
Eric A. Swenson - Deputy City Attorney

FILE LOCATION: CONT-ORTIZ CORPORATION

COUNCIL ACTION: (Time duration: 4:06 p.m. – 4:06 p.m.)

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

ITEM-202: Business Improvement District Budgets for Fiscal Year 2007.

(Centre City, College Area, Greater North Park, La Jolla, Mid-City, Midway, Mission Beach, Ocean Beach, Old San Diego, Pacific Beach, San Ysidro, Southeast San Diego, and Uptown Community Areas. Districts 1, 2, 3, 4, 7, and 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-1050) ADOPTED AS RESOLUTION R-301539,
WITH DIRECTION

Accepting the Fiscal Year 2007 Budget Reports for the existing Business Improvement Districts.

Subitem-B: (R-2006-1051) ADOPTED AS RESOLUTION R-301540,
WITH DIRECTION

Resolution of Intention to levy and collect Annual Assessments from Businesses within the existing Business Improvement Districts for Fiscal Year 2007, and noticing the public hearing.

STAFF SUPPORTING INFORMATION:

Business Improvement Districts (BIDs) are authorized by State law to assess businesses for the cost of certain benefits that will benefit those businesses. The City created each of the BIDs by adopting an ordinance which details the street ranges to be included in the BID, the categorization of the types of businesses, and in some cases the size of the businesses as determined by the number of employees. The assessment levels, as determined by these factors, is also detailed in the ordinance.

Under State law the City Council must annually review and approve the proposed budget for the BID assessments. Additionally, the City Council must annually authorize the levying of the assessments as established in the respective ordinances and hold a noticed public hearing on the matter. Once approved the BID assessments are collected by the City Treasurer at the same time and in the same manner as the City's business tax. The City then contracts with non-profit business associations, whose membership includes the businesses in the respective districts, for

management of the BIDs. The funds collected from each BID are accounted for separately in the City's accounting system.

There are 18 active business (tenant-based) BIDs within the City: Adams Avenue, City Heights, College Area, Diamond, Downtown, El Cajon Boulevard Central, El Cajon Boulevard Gateway, Gaslamp, Hillcrest, La Jolla, Little Italy, Midway, Mission Hills, North Park, Ocean Beach, Old Town, Pacific Beach, and San Ysidro.

FISCAL CONSIDERATIONS:

Approximately \$1.3 million is collected annually by the City in BID assessments from approximately 12,000 businesses in the City's 18 BIDs. These funds are accounted for separately in the City's accounting system and are provided to the non-profit business associations under an operating agreement. Generally funds are remitted on a reimbursement basis to manage BID programs in the respective areas though working capital advances are permitted under certain circumstances. State law also provides that the budget shall identify any surplus or deficit revenue to be carried over from a previous fiscal year. These funds are identified in the budget as estimated unexpended assessments to be carried forward and estimated outstanding operating advances. In approving the budgets the City Council appropriates the assessments to be collected and the prior year surplus funds.

The City does not retain any of the assessments for administrative or other purposes. Therefore, there is a zero net fiscal impact of collecting and disbursing the assessments.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This is an annual process so the previous Council action was taken in June and July of 2005 to approve the budgets, levy the annual assessments and execute the BID operating agreements with the respective non-profit business associations.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Each BID holds regular meetings and publishes regular newsletters which are distributed to the businesses in the respective BIDs. Organizational budgets and work plans are developed by the respective boards and approved at the meetings.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Businesses within the respective BIDs are the key stakeholders and beneficiaries of community improvements and business marketing and development. Residents and property owners may also benefit from public improvements and enhanced business services.

Kessler/Waring/MDB

Staff: Meredith Dibden Brown – (619) 533-7530
Deputy City Attorney - Michael D. Neumeyer

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:06 p.m. – 4:10 p.m.)

MOTION BY ATKINS TO ADOPT, WITH DIRECTION BY COUNCIL MEMBER MAIENSCHIN THAT THE CITY ATTORNEY PROVIDE A LEGAL OPINION IN THE FORM OF A MEMORANDUM AS TO WHAT CONSTITUTES DUE DILIGENCE REGARDING THIS ITEM. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-203: Resolution on Pending State Legislation (AB 2987 Statewide Cable TV Franchise) and its Potential Significant Policy and Fiscal Impacts on Cities.

(See letter from Mayor Sanders dated 4/21/2006; memorandum dated 4/14/2006 and letter dated 6/2/2006 from Councilmember Madaffer.)

INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-1098) ADOPTED AS RESOLUTION R-301541

Urging the Legislature of the State of California to amend AB 2987.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:10 p.m. – 4:17 p.m.)

MOTION BY MADAFFER 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-204: Spruce Street Right-of-Way Vacation.

The project proposes the vacation of an unimproved portion of Spruce Street right-of-way in the Uptown Community Plan area. The portion of the public right-of-way proposed to be vacated is 80 feet wide by 200 feet deep located between Falcon Street and Goldfinch Street.

ZONE DESCRIPTIONS

Below are brief descriptions of the current and proposed permitted uses of the above property. Full and complete information should be obtained by referring to the appropriate Municipal Code Sections.

The proposed right-of-way vacation is within the RS-1-7 Zone of the City of San Diego Land Development Code. The RS-1-7 Zone is a single-family designation which permits one dwelling unit on each legal lot regardless of the lot size. The proposed right-of-way vacation would not affect the permitted density of the neighborhood and no additional dwelling units could be developed as a result of the vacation action.

(Public R-O-W Vacation No. 45894/Project No. 19603. Uptown Community Plan Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-1005) ADOPTED AS RESOLUTION R-301542

Adoption of a Resolution certifying findings with respect to Public-Right-of-Way Vacation Permit No. 45894;

Ordering vacated the undeveloped portion of the unimproved portion of Spruce Street located just west of Falcon Street and east of Goldfinch Street, as described in the legal description marked as Exhibit "A," and shown on Drawing No. 20212-B, marked as Exhibit "B," and on file in the Office of the City Clerk;

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

That this activity is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3).

OTHER RECOMMENDATIONS:

This request is for a Summary Street Vacation which does not require a Planning Commission recommendation pursuant to Municipal Code Section No. 125.0940.

The Uptown Planners Community Planning Group has recommended denial of this project.

STAFF SUPPORTING INFORMATION:

PROJECT DESCRIPTION:

The project proposes the vacation of an unimproved portion of the Spruce Street right-of-way, within the Uptown Community Plan Area. This Public Right-of-Way Vacation is being requested by the adjacent property owner at 3206 Falcon Street.

The right-of-way proposed for vacation is 80 feet wide and 200 feet in length and is located between Goldfinch Street and Falcon Street, west of Reynard Way. This section of right-of-way is currently unimproved except for an existing sewer line and overhead utility poles. Staff has concluded that the purpose and intent for which the public right-of-way was originally dedicated has not been met. The area to be vacated has never been utilized as a street and would not provide a logical connection to any other street. The portion of Spruce Street which is proposed to be vacated is impassable to pedestrian and vehicle traffic and does not provide access to any abutting properties or rights-of-way. General utility easements will be reserved to facilitate the existing sewer and power lines.

The proposed vacation meets all of the criteria that would allow a decision maker to affirm the required findings. The portion of the street proposed to be vacated does not provide access to any of the abutting properties and the adjacent hillside makes it unlikely that the street would be improved in the future to a degree that would facilitate vehicular access. The abutting property owners would benefit from the closure by regaining the vacated portion of the right-of-way for which they own the underlying fee title. The proposed vacation would not adversely affect the Uptown Plan and the proposed vacation would not affect existing access to properties.

REGULATORY FRAMEWORK

The Land Development Code establishes a process for approving applications to vacate public rights-of-way and includes the applicable findings that a decision maker must make to approve the requested vacation (Attachment 6).

The findings generally establish that there is no present or prospective use for the right-of-way, either for the use for which it was intended, or a public use of a similar nature; that the public will benefit from the vacation by the improved use of the land; that the vacation will not adversely affect the applicable land use plan; and that the public facility for which the right-of-way was originally acquired will not be detrimentally affected by the vacation. As described in Section 125.0910(b) and 125.0940(c) of the Municipal Code, this section of right-of-way is eligible to be summarily vacated, therefore, a recommendation by the Planning Commission is not required.

COMMUNITY PLAN:

The subject site is designated for Low Density Residential and Open Space by the Uptown Community Plan. The Community Plan states that unimproved street right-of-ways should be vacated only when determined that the right-of-way will not be needed in the future for public access to individual parcels or to public open space, to provide public parking, to provide open space for public use, or to maintain views of open space from the public right-of-way (pg. 170). The area where the street vacation is proposed is unimproved (Appendix C, pg. 216). Staff has determined that the unimproved right-of-way cannot be used for the purposes listed above and has no views into designated Open Space. Therefore, the request for the street vacation at this site would not adversely affect the community plan.

PLANNING COMMISSION RECOMMENDATION:

The project is considered a summary vacation and therefore does not require a Planning Commission Recommendation.

FISCAL CONSIDERATIONS:

There is no fiscal impact. The project is processed through a fee paid for by the applicant.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On September 3, 2002, a motion by the Uptown Community Planning Group to approve the proposed right-of-way vacation failed by a vote 6-9-0. No subsequent motion to deny the project was recorded.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Stakeholders—Ms. Bernadette Minuto, Applicant (Attachment 4) and the three adjacent property owners listed below:

3174 Falcon Street:	John Destefano and Lara S. Spiegel.
3205 Goldfinch Street:	Mary Adamo, Dorothy Delesalas and Josephine Abrahamson.
3173 Goldfinch Street:	Ronald E. Colby Trust.

Waring/Halbert/JPH

LEGAL DESCRIPTION:

The proposed Street Vacation would allow the vacation of Spruce Street within the following Lots and Blocks of Horton's Addition Map: 0.09-acre of Lot G, Block 374; 0.09-acre of Lot L, Block 368; 0.09-acre of Lot F, Block 374, and 0.09-acre of Lot A, Block 368.

NOTE: This activity is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3)(General Rule).

Staff: Patrick Hooper – (619) 557-7992
David E. Miller – Deputy City Attorney

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

FILE LOCATION: DEED F-9993

COUNCIL ACTION: (Time duration: 4:18 p.m. – 4:30 p.m.)

Testimony in favor by Carmel Martinez, Joseph Delasalas and Robert Jones.

MOTION BY FAULCONER 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-250: **Notice** of Pending Final Map Approval – 3511 Sixth Avenue.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "3511 Sixth Avenue" (T.M. No. 40146/PTS No. 93427), located on the east side of Sixth Avenue between Upas Street and Walnut Avenue in the Uptown Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-251: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 7, 2006 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	6/16/2006	144	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	6/21/2006	139	Rules Committee review of ballot proposals
Monday	6/26/2006	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee

Monday	7/10/2006	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	7/31/2006	99	Council adopts ordinances prepared by City Attorney
Friday	8/11/2006	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/24/2006	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4050.

ITEM-S400: Memorandum of Understanding for La Jolla Storm Water Planning Grant.

(See memorandum from Chris Zirkle dated 6/12/2006. La Jolla Community Area. District 1.)

(Continued from the meeting of June 12, 2006, Item S400, at the request of Council President Peters, for further review.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-981) ADOPTED AS RESOLUTION R-301543

Authorizing the Mayor, or his designee, to execute a Memorandum of Understanding between the City of San Diego, San Diego Coastkeeper, and the Scripps Institute of Oceanography for Storm Water Planning in La Jolla (MOU), together with any modifications or amendments thereto that in the opinion of the Mayor are reasonably necessary to accomplish the purposes of the MOU and do not increase the City's costs under the MOU;

Authorizing the Mayor, or his designee, to take all necessary actions to implement the MOU and secure Program grant funding, including conducting negotiations and executing documents necessary for receipt, expenditure, and/or distribution of funds awarded as a result of participating in the Program;

Authorizing the City Auditor and Comptroller to establish one or more special interest-bearing funds for the Program grant(s);

Authorizing the City Auditor and Comptroller to appropriate and expend Program grant monies, contingent upon receipt of one or more fully executed Program grant agreements;

Declaring this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(b)(2).

STAFF SUPPORTING INFORMATION:

The State of California Water Quality Resources Control Board (State Board) has established 34 "Areas of Special Biological Significance" (ASBS) offshore of the California Coast. Two adjacent ASBS exist off the coast of La Jolla Shores and the Scripps Institution of Oceanography (SIO) within the City's jurisdiction. Discharges of storm water into ASBS are prohibited by the Ocean Plan; however, City staff is currently preparing an application for an exception to this prohibition.

On October 20, 2005, the State Board approved an Integrated Coastal Watershed Management Planning Grant (Prop 50) in the amount of \$500,000 for SIO to study sources and solutions to storm water quality issues within the ASBS and watersheds. The City of San Diego and San Diego Baykeeper (now known as San Diego Coastkeeper) were listed in the grant proposal as entities which would participate in the grant activities. Some of the grant activities support the exception application and include: sampling runoff for contaminants, sampling receiving waters for contaminants, characterizing land uses and storm water flows within the ASBS watersheds, development of Best Management Practices, and public education/outreach.

The proposed Memoranda of Understanding clarify relationships between the co-signers, specify the grant activities that each of the co-signers will undertake, and specify the distribution of grant proceeds. Of the \$500,000 in grant proceeds, Scripps will pass \$172,933 through to the City of San Diego and, of that, the City will pass through \$32,000 to Coastkeeper for its work. Grant match requirements would be paid by SIO. City staff is available to monitor revenues and expenditures and to work on the grant, including administration of consultant contracts. Accounts to track grant revenues and expenditures would be established once the agreements are executed by all parties.

Haas/Tulloch/CZ

Staff: Chris Zirkle - (619) 525-8644
Timothy J. Miller - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:17 p.m. – 4:17 p.m.)

MOTION BY MADAFFER 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.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 4:36 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 4:36 p.m.)