

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, AUGUST 1, 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 10:02 a.m. Mayor Sanders announced a special presentation and recognized Officer Patti Clayton for her outstanding job and contribution to the Police Department and the citizens of San Diego. The meeting was recessed by Council President Peters for the purpose of a break. Council President Peters reconvened the meeting at 11:08 a.m. with all Council Members present. Council President Peters recessed the meeting at 11:30 a.m. for the purpose of the noon break.

The meeting was reconvened by Council President Peters at 2:03 p.m. with all Council Members present. Council President Peters recessed the meeting at 4:04 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 4:09 p.m. with Council Member Madaffer not present. Council President Peters recessed the meeting at 5:37 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 5:51 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 7:58 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/gS)

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:

Linda Smith expressed her concerns regarding housing for the mentally ill.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:27 a.m.)

PUBLIC COMMENT-2:

Don Stillwell commented on changes to the bus route in Allied Gardens and Grantville.

FILE LOCATION: AGENDA

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

**PUBLIC COMMENT-3:**

Ron Boshun commented on Council's actions.

FILE LOCATION: AGENDA

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

**PUBLIC COMMENT-4:**

Al Strohleim commented on the number of alcohol licenses in Pacific Beach.

FILE LOCATION: AGENDA

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

**PUBLIC COMMENT-5:**

Phil Hart commented on the City's finances.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:36 a.m. – 10:39 a.m.)

**PUBLIC COMMENT-6:**

Nick Moffit commented on a water re-use study.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:43 a.m.)

**PUBLIC COMMENT-7:**

Aaron Klein commented on medical cannabis crisis.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. – 10:45 a.m.)

**PUBLIC COMMENT-8:**

Aimee Hendle commented on marijuana dispensaries.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:45 a.m. – 10:47 a.m.)

**PUBLIC COMMENT-9:**

Jarvis Ross commented regarding the airport relocation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m. – 10:50 a.m.)

**PUBLIC COMMENT-10:**

Harry Crouch commented on domestic violence and men's rights.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. – 10:54 a.m.)

PUBLIC COMMENT-11:

Judie Italiano commented on pension analysis and assessment of pension obligation tax.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:54 a.m. – 10:57 a.m.)

COUNCIL COMMENT:

None.

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



ITEM-30: Gary Jaus Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2007-38) ADOPTED AS RESOLUTION R-301788

Recognizing Gary Jaus and commending him for his contributions to the City of San Diego and the San Diego Police Department;

Proclaiming August 1, 2006, to be “Gary Jaus Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:14 a.m.)

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



ITEM-31: Youth Takes Priority Day.

**COUNCIL PRESIDENT PRO TEM YOUNG’S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-1123) ADOPTED AS RESOLUTION R-301789

Proclaiming August 3-5, 2006, as “Youth Takes Priority Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:20 a.m.)

MOTION BY YOUNG 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-50: Proposed Reduction in the Number of Members of the Historical Resources Board (HRB)

(See Report to the City Council No. 06-092.)

**CITY COUNCIL’S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/18/2006, Item 50. (Council voted 8-0):

(O-2007-4) ADOPTED AS ORDINANCE O-19526 (New Series)

Amending Chapter 11, Article 1, Division 1 of the San Diego Municipal Code, by amending Land Development Code Section 111.0206 thereby reducing the number of Historical Resources Board members from 15 to 11, reducing the quorum requirement from 8 to 6, reducing the required votes for designation from 8 to 6, and reducing the maximum number of appointments that expire in any year from 8 to 6.

FILE LOCATION: MEET

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

CONSENT MOTION BY MADAFFER TO 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-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-51: Document Amendments Related to the 2004 Interim Financing for the Wastewater System.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/17/2006, Item 201. (Council voted 8-0):

(O-2007-1) ADOPTED AS ORDINANCE O-19527

Approving the form and authorizing the execution and delivery of a Second Supplemental Subordinated Indenture and a Second Amendment to 2004 Supplement to the Master Installment Purchase Agreement and approving certain other Agreements and actions in connection therewith.

**NOTE:** 6 votes required pursuant to Section 99.

FILE LOCATION: MEET

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

CONSENT MOTION BY MADAFFER TO 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-yea, Frye-yea, Madaffer-yea, Hueso-yea.



\* [ITEM-52](#): Funding for the Police Department Recruitment Program.

(See memorandums from Mayor Sanders dated 7/10/2006 and 7/13/2006.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/17/2006, Item S403. (Council voted 8-0):

(O-2007-12)                      ADOPTED AS ORDINANCE O-19528

Authorizing and directing the City Auditor and Comptroller to appropriate and expend \$250,000 from the General Fund Unappropriated/Unallocated Reserve and transfer said amount to the Police Department Fund No. 100, to fund Police Officer Recruitment Program for the San Diego Police Department and to take actions necessary therefore.

FILE LOCATION:                      MEET

COUNCIL ACTION:                      (Time duration: 10:57 a.m. – 10:57 a.m.)

MOTION BY MADAFFER TO 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-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-53: Fairbanks Country Villas Extension of Time, Project No. 85150.

(Torrey Highlands Community Plan Area. District 1.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/18/2006, Item 333, Subitem A. (Council voted 8-0):

(O-2006-124)                      ADOPTED AS ORDINANCE O-19529

Changing 92.72-acres located south of Carmel Valley Road, north of State Route 56, North of Torrey Meadows Drive, west of Camino Del Sur, and east of Torrey Del Mar on both sides of McGonigle Canyon, within the Torrey Highlands Subarea IV Community Plan Area, in the City of San Diego, California, from the AR-1-1 Zone (Agricultural-Residential) into the RS-1-14 Zone (Residential-Single Unit) and OC-1-1 Zone (Open Space-Conservation), as defined by San Diego Municipal Code Sections 131.0403 and 131.0203.

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

**FILE LOCATION:**                      MEET

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

CONSENT MOTION BY MADAFFER TO 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-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-54: City of San Diego Lobbying Contracts for Sacramento, CA and Washington, D.C.

(See Report to the City Council No. 06-104. Citywide.)

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2007-20) CONTINUED TO MONDAY, AUGUST 7, 2006

Introduction of an Ordinance amending an Ordinance entitled “An Ordinance Adopting the Annual Budget for the Fiscal Year 2006-2007 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year” to authorize and direct the City Auditor and Comptroller to appropriate and expend \$221,000 from the General Fund Unappropriated/Unallocated Reserve and transfer said amount to the Governmental Relations Department Fund No. 220 to fund Lobbying Contracts and to take related actions.

Aud. Cert. 2700040.

Staff: Erik Bruvold - (619) 533-3978  
Catherine Bradley – Chief Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

MOTION BY HUESO TO CONTINUE TO MONDAY, AUGUST 7, 2006, FOR FURTHER REVIEW. 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-55: Amending Various Joint Use Agreements with San Diego Unified School District.

(Citywide.)

**STAFF’S RECOMMENDATION:**

Introduce the following ordinance:

(O-2006-74 Cor. Copy) INTRODUCED, TO BE ADOPTED ON  
TUESDAY, SEPTEMBER 12, 2006

Introduction of an Ordinance amending the agreements between the City of San Diego and the San Diego Unified School District for the construction, operation, maintenance, and lease of various joint use areas in the City of San Diego.

**NOTE:** 6 votes required.

**STAFF SUPPORTING INFORMATION:**

The City and the District have been participating in Joint Use Agreements to create park and recreational opportunities for the citizens and students since 1948. The agreements typically have a term 25 years. Some of the older Agreements do not have the current language regarding obligations under state law and the American with Disabilities Act. This Amendment would amend those various Joint Use Agreements that are not close to expiration, and would incorporate the most current obligations regarding construction, as well as accessibilities to services and programs.

The San Diego Unified School Board of Education approved the Amendment of Joint Use Agreements.

**FISCAL CONSIDERATIONS:**

None.

**ENVIRONMENTAL CONSIDERATIONS:**

This activity is not a “project” and therefore is exempt from CEQA pursuant to State Guidelines Sections 15060(c)(3).

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

Council authorization of the thirty eight Joint Use Agreements.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

N/A, this is an amendment to an agreement.

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

The City of San Diego and the San Diego Unified School District.

Penera/Martinez

Staff: April Penera - (619) 525-8265  
Shannon M. Thomas - Deputy City Attorney

FILE LOCATION: NONE

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

CONSENT MOTION BY MADAFFER TO INTRODUCE THE ORDINANCE. 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-100: Inviting Bids for the Tecolote Canyon Mitigation Project.

(Clairemont Mesa Community Planning Area. District 6.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-28) ADOPTED AS RESOLUTION R-301790

Approving the plans and specifications for the Tecolote Canyon Mitigation Project, on Work Order No. 764081;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award a contract for the Tecolote Canyon Mitigation Project to the lowest responsible and reliable bidder, based on actual low cost received, in an amount not to exceed \$508,000;

Authorizing the expenditure of an amount not to exceed \$508,000 from the operating budget of Sewer Revenue Fund No. 41506, solely and exclusively, to provide funds for the Project and related costs;

Authorizing the City Auditor and Comptroller, upon completion of the Project, to return any unexpended funds to the appropriate reserve;

Stating for the record that the information contained in EIR No. 6020 (Canyon Sewer Cleaning Program), including any comments received during the public review process, has been previously reviewed and considered by this Council and

it is determined that this subsequent discretionary approval of the Tecolote Canyon Mitigation Project does not involve change in circumstances, project changes, or new information of substantial importance which would warrant any additional environmental review. (BID-K06106)

**STAFF SUPPORTING INFORMATION:**

The Tecolote Canyon Mitigation Project involves the creation of 1.69 acres of wetland habitat and 3.83 acres of upland habitat located on various City of San Diego owned parcels within Tecolote Canyon. The two areas selected for use as mitigation sites are located within Tecolote Canyon Natural Park. The Balboa Site is located west of Tecolote Creek, south of Balboa Avenue. The Grove site is located approximately 1,300 feet south of the Tecolote Golf Course, east of Tecolote Creek.

The project serves to mitigate impacts (both anticipated and existing) associated with MWWD projects located in Tecolote Canyon. It consists of site preparation, installation of erosion control measures, grading, soil export and disposal, finish grading, installation of a temporary irrigation system, revegetation, and the implementation of a long-term maintenance and monitoring period. A construction contract to install the project will be advertised in accordance with the requirements of the Municipal Code. The contract will be awarded to the lowest responsible bidder.

Timely restoration of impacts within canyons and other environmentally sensitive areas is critical to comply with the Canyon Sewer Cleaning and Long-Term Sewer Maintenance Programmatic Environmental Impact Report (PEIR) and Master Permit approved July 15, 2004. Timely mitigation of impacts associated with these activities is also required under the California Environmental Quality Act (CEQA) and by regulatory agencies. Accordingly, this project is proposed to meet these requirements.

**FISCAL CONSIDERATIONS:**

The total not to exceed authorization is \$508,000. Funds have been budgeted in the FY06 operating budget and are available in Sewer Fund 41506, Dept. 776, Org. 722, for this project. This project is part of the existing operation and maintenance program and is not dependent on future financing proceeds.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The Metropolitan Wastewater Department (MWWD) regularly implements construction, repair, or maintenance activities in accordance with Council Policies 400-13 and 400-14. The Tecolote Canyon Mitigation Project is provided for purposes of permitting and mitigating upland and wetland impacts, both anticipated and existing, associated with the Metropolitan Wastewater Department's Canyon Sewer Access and Pipeline Replacement projects located within the Peñasquitos Watershed.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

MWWD has worked in close consultation with the Tecolote Canyon Citizens Advisory Committee (CAC). The project was approved by the CAC at their meeting on July 20, 2005.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The plan has been reviewed and approved by the Development Services Department (DSD), the Planning Department's Multiple Species Conservation Program (MSCP), the Park and Recreation Department, and the permitting regulatory agencies including the Army Corps of Engineer (ACOE), Regional Water Quality Control Board (RWQCB) and California Department of Fish and Game (CDFG). This project serves to mitigate for MWWD's previous and future impacts.

Ferrier

Aud. Cert. 2600960.

Staff: Laura Ball - (858) 292-6417  
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: W.O. 764081

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

CONSENT 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.

\* ITEM-101: Inviting Bids for the Rancho Mission Canyon Wetland Enhancement Project.

(Navajo Community Planning Area. District 7.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-27)                      ADOPTED AS RESOLUTION R-301791

Approving the plans and specifications for the Rancho Mission Canyon Wetland Enhancement Project, on Work Order No. 764076;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award a contract for the Rancho Mission Canyon Wetland Enhancement Project to the lowest responsible and reliable bidder, based on actual low cost received, in an amount not to exceed \$1,061,500;

Authorizing the expenditure of an amount not to exceed \$1,061,500 from the operating budget of Sewer Revenue Fund No. 41506, solely and exclusively, to provide funds for the Project and related costs;

Authorizing the City Auditor and Comptroller, upon completion of the Project, to return any unexpended funds to the appropriate reserve;

Stating for the record that the information contained in EIR No. 6020 (Canyon Sewer Cleaning Program), including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that this subsequent discretionary approval of the Rancho Mission Canyon Wetland Enhancement Project does not involve change in circumstances, project changes, or new information of substantial importance which would warrant any additional environmental review. (BID-K06116)

**STAFF SUPPORTING INFORMATION:**

The Rancho Mission Canyon Wetland Enhancement Project involves the enhancement of approximately 9.5 acres of wetland habitat on various contiguous City of San Diego owned parcels within Rancho Mission Canyon Open Space Park.

The project serves to mitigate biological impacts (both anticipated and existing) associated with MWWDD projects located in the San Diego River watershed. The project consists of site preparation, installation of erosion control measures, installation of a temporary irrigation system, revegetation with native plants and seeds, and implementation of a long-term maintenance and monitoring period. A construction contract to install the project will be advertised in accordance with the requirements of the Municipal Code. The contract will be awarded to the lowest responsible bidder.

Timely restoration of impacts within canyons and other environmentally sensitive areas is critical to comply with the Canyon Sewer Cleaning and Long-Term Sewer Maintenance Programmatic Environmental Impact Report (PEIR) and Master Permit approved July 15, 2004. Timely mitigation of impacts associated with these activities is also required under the California Environmental Quality Act (CEQA) and by regulatory agencies. Accordingly, this project is proposed to meet these requirements.

**FISCAL CONSIDERATIONS:**

The total not to exceed authorization is \$1,061,500. Funds have been budgeted in the FY06 operating budget and are available in Sewer Fund 41506, Dept. 776, Org. 722, for this project. This project is part of the existing operation and maintenance program and is not dependent on future financing proceeds.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

The Metropolitan Wastewater Department (MWWDD) regularly implements construction, repair, or maintenance activities in accordance with Council Policies 400-13 and 400-14. The Rancho Mission Canyon Wetland Enhancement project is provided for purposes of permitting and mitigating wetland impacts, both anticipated and existing, associated with the Metropolitan Wastewater Department's Canyon Sewer Access and Pipeline Replacement projects located within the San Diego River Watershed.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

MWWDD has worked in close consultation with the Navajo Community Planning group and the Allied Gardens Community Council.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The plan has been reviewed and approved by the Development Services Department (DSD), the Planning Department's Multiple Species Conservation Program (MSCP), the Park and Recreation Department, and the permitting regulatory agencies including the Army Corps of Engineer (ACOE), Regional Water Quality Control Board (RWQCB) and California Department of Fish and Game (CDFG). This project serves to mitigate for MWWD's previous and future impacts.

Ferrier

Aud. Cert. 2600961.

Staff: Rich Grunow - (858) 614-5722  
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: W.O. 76076

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

CONSENT 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.

\* ITEM-102: Two actions related to Inviting Bids for Rose Canyon Upland and Wetland Mitigation Project.

(See Executive Summary Sheet dated 5/4/2006. University City Community Planning Area. District 1.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2006-967) ADOPTED AS RESOLUTION R-301792

Approving the plans and specifications for the Rose Canyon Upland and Wetland Mitigation Project, on Work Order No. 764080;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award a contract for the Project to the lowest responsible and reliable bidder in an amount not to exceed \$1,050,000;

Authorizing the expenditure of an amount not to exceed \$1,050,000 from the operating budget of Sewer Fund No. 41506, solely and exclusively, to provide funds for the above Project and contingency, provided that the City Auditor and Comptroller furnishes one or more certificates indicating that the funds are, or will be, on deposit with the City Treasurer;

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

Subitem-B: (R-2006-968) ADOPTED AS RESOLUTION R-301793

Stating for the record that approval of the Rose Canyon Upland and Wetland Mitigation Project is a subsequent discretionary approval of the Project addressed in EIR Project No. 6020 and is therefore not a separate project under the California Environmental Quality Act, CEQA Guidelines Sections 15060(c)(3) and 15378(c);

Stating for the record that the information contained in EIR Project No. 6020, including any comments received during the public review process, has been reviewed and considered by this Council and it is determined that this subsequent discretionary approval of the Rose Canyon Upland & Wetland Mitigation Project does not involve substantial changes or new information of substantial importance which would warrant any additional environmental review. (BID-K06107)

**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:**

The Rose Canyon Upland and Wetland Mitigation Project involves the creation of 4.37 acres of wetland habitat and 3.83 acres of upland habitat located on various contiguous City of San Diego owned parcels within Rose Canyon. The principal areas selected for use as mitigation sites are located within Tri-Canyon Regents Park located in the middle portion of Rose Canyon between Regents Road and Genesee Avenue.

The project serves to mitigate impacts (both anticipated and existing), associated with MWWDD projects located in the Peñasquitos watershed. It consists of site preparation, installation of erosion control measures, grading, soil export and disposal, finish grading, installation of a temporary irrigation system, revegetation, and the implementation of a long-term maintenance and monitoring period. A construction contract to install the project will be advertised in accordance with the requirements of the Municipal Code. The contract will be awarded to the lowest responsible bidder.

Timely restoration of impacts within canyons and other environmentally sensitive areas is critical to comply with the Canyon Sewer Cleaning and Long-Term Sewer Maintenance Programmatic Environmental Impact Report (PEIR) and Master Permit approved July 15, 2004. Timely mitigation of impacts associated with these activities is also required under the California Environmental Quality Act (CEQA) and by regulatory agencies. Accordingly, this project is proposed to meet these requirements.

**FISCAL CONSIDERATIONS:**

The total not to exceed authorization is \$1,050,000. Funds have been budgeted in the FY06 operating budget and are available in Sewer Fund 41506, Dept. 776, Org. 722, for this project. This project is part of the existing operation and maintenance program and is not dependent on future financing proceeds.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

The Metropolitan Wastewater Department (MWWDD) regularly implements construction, repair, or maintenance activities in accordance with Council Policies 400-13 and 400-14. The Rose Canyon Upland and Wetland Mitigation project is provided for purposes of permitting and mitigating upland and wetland impacts, both anticipated and existing, associated with the Metropolitan Wastewater Department's Canyon Sewer Access and Pipeline Replacement projects located within the Peñasquitos Watershed. This action was reviewed and approved by the Natural Resources and Culture Committee on May 17, 2006.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

MWWDD has worked in close consultation with the University Community Planning group, the Rose Canyon Recreation Council, and the Friends of Rose Canyon.

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

The plan has been reviewed and approved by the Development Services Department (DSD), the Planning Department's Multiple Species Conservation Program (MSCP), the Park and Recreation Department, and the permitting regulatory agencies including the Army Corps of Engineer (ACOE), Regional Water Quality Control Board (RWQCB) and California Department of Fish and Game (CDFG). This project serves to mitigate for MWWD's previous and future impacts.

Ferrier

Aud. Cert. 2600963.

Staff: Mike Elling - (858) 292-6477  
Thomas C. Zeleny - Deputy City Attorney

**FILE LOCATION:** W.O. 764080

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

CONSENT 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.

\* ITEM-103: Two actions related to Inviting Bids for the Construction of Sewer Group 664.

(See Executive Summary Sheet dated May 10, 2006. Uptown Community Area. District 2.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2006-1130) ADOPTED AS RESOLUTION R-301794

Approving the plans and specifications for the construction of Sewer Group 664 (Project), on Work Order No. 173701;

Authorizing the Mayor, after advertising for bids in accordance with law, 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 expenditure of an amount not to exceed \$1,880,322 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement, solely and 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 the 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. (BID-K062300C)

Subitem-B: (R-2006-1134) ADOPTED AS RESOLUTION R-301795

Declaring that Mitigated Negative Declaration, No. 30041 for Sewer Group 664 (the Project), on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.);

Declaring the Mitigated Negative Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Project;

Finding that revisions to the Project now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, approving said Project No. 30041 Mitigated Negative Declaration;

Adopting the Mitigated Negative Declaration, No. 30041;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto as Executive Summary Sheet and incorporated herein by this reference, pursuant to California Public Resources Section 21081.6;

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

**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 664 is part of the City of San Diego's continuing Annual Sewer Main Replacement Program. This project is located in the Uptown Community. This project includes the replacement of approximately 3,500 linear feet of existing 6 and 8-inch old and deteriorated sewer mains with new 8-inch sewer mains. The streets affected by construction operations within this project are: Hortensia St. through Wright St. and San Diego Ave. through California St., as shown on the Location Map.

**FISCAL CONSIDERATIONS:**

The total estimated cost of this project is \$1,880,322. Funding is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement for this purpose. No future funding anticipated.

**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 Uptown Committee in their meetings in November of 2003. Also, the Committees Chairs were again notified of the current plans and asked for comment in February of 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

**FILE LOCATION:** W.O. 173701

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

CONSENT 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.

\* ITEM-104: Agreement with Estrada Land Planning, Inc. for As-Needed Landscape Architectural Services.

(Citywide.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-50) ADOPTED AS RESOLUTION R-301796

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an agreement with Estrada Land Planning, Inc., for as-needed landscape architectural services at various park development projects, under the terms and conditions set forth in the As-Needed Agreement for Landscape Architectural Services;

Authorizing the expenditure of an amount not to exceed \$250,000 for the above agreement, to be funded from individual CIP projects and provided that the City Auditor and Comptroller furnishes one or more certificates demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Declaring the above activity is not a project and therefore is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378(b)(4).

**STAFF SUPPORTING INFORMATION:**

As needed contracts for consultant services can reduce the time from when a smaller project is identified to when it is completed. These contracts allow City staff to issue a task order to the consultant once a scope and fee has been agreed upon. This saves the time of interviewing consultants and processing an agreement for each project. This as-needed agreement will allow up to \$250,000 to be paid for consultant services for a term of two years.

The City's Consultant Services Coordinator provided the names of six (6) Landscape Architectural firms to be interviewed. On March 28, 2006, six (6) firms were interviewed by Associate Civil Engineers Sheila Bose, Reza Taleghani and Tina Huang from Park Planning and Development and Equal Opportunity Compliance Officer, Marlene Ackee, from Equal Opportunity Compliance Program.

The interviews were conducted in conformance with Council Policy 300-07 and it was recommended that Estrada Land Planning, Inc. be retained to provide as needed services.

**FISCAL CONSIDERATIONS:**

Total authorized expenditure per contract term of two years will not exceed \$250,000. The funding for each task will be drawn from individual CIP projects as approved via the annual budget process and/or previous authorizations via Council action.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

NA

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

NA

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

Estrada Land Planning, Inc.

Penera/Martinez

Staff: April Penera - (619) 525-8265  
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: MEET

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

CONSENT 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.

\* ITEM-105: Park De La Cruz/38<sup>th</sup> Street Canyon and Future Phases and Teralta Neighborhood Park - Development.

(Mid-City (City Heights) Community Area. District 3.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-51) ADOPTED AS RESOLUTION R-301797

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an amendment to the agreement with Parterre for professional landscape architectural services at Park De La Cruz/38<sup>th</sup> Street Canyon and Teralta Neighborhood Park, under the terms and conditions set forth in the First Amendment;

Authorizing the expenditure of an amount not to exceed \$228,591 for the above amendment, to be expended as follows: \$114,296 from Fund No. 30244, CIP-29-684.0, Park De La Cruz/28<sup>th</sup> Street Canyon & Future Phases; and \$114,295 from Fund No. 30244, CIP-29-685.0, Teralta Neighborhood Park – Development;

Declaring the above activity is not a project and therefore is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378(b)(4).

**STAFF SUPPORTING INFORMATION:**

The City and Parterre currently have a executed contract in the amount of \$116,455 for the purpose of producing General Development Plans (GDPs) for Park De La Cruz/38<sup>th</sup> Street Canyon and Future Phases & Teralta Neighborhood Park Development. The existing agreement between the City and Parterre was entered into in January 2005. The GDPs were completed by the Consultant and approved by the Park & Recreation Board on November 17, 2005. The City and the Consultant mutually desire to amend the agreement to provide additional professional services for the construction documents in the amount of \$228,591. Since the entire contract exceeds \$250,000, per Administrative Regulation (AR) 25.60, City Council approval is being requested.

Park De La Cruz/38<sup>th</sup> Street Canyon Park includes a 2.0 acre park expansion to the existing Park De La Cruz Neighborhood Park, CIP-29-684.0. Teralta Neighborhood Park - Development includes a 0.85 acre park expansion to the existing Teralta Neighborhood Park, CIP-29-685.0. This requested first amendment to the existing consultant agreement is for the preparation of construction documents for both CIP projects which will provide for the future improvements at these two locations.

Project amenities for Park De La Cruz/38<sup>th</sup> Street Canyon Park include a prefabricated comfort station, pedestrian/bicycle paths, interpretive nodes, landscaping, area for a children's playground, security lighting, picnic furniture, and other park improvements.

Project amenities for Teralta Neighborhood Park - Development include a prefabricated comfort station, pedestrian/bicycle paths, interpretive nodes, landscaping, seating, security lighting and other park improvements.

**FISCAL CONSIDERATIONS:**

CIP-29-684.0, Park De La Cruz/38<sup>th</sup> Street Canyon Park and Future Phases has funding from the Land and Water Conservation Fund (LWCF) in the amount of \$278,969; also from the California Department of Transportation as part of the Federal TEA-21 Funds in the amount of \$710,250; and from Park Fees and Match Grants in the amount of \$425,714. The LWCF requires the fund to be expended on the improvements and open for public use in March of 2007. The total phase II project cost of the Park De La Cruz/38<sup>th</sup> Street Canyon Park is \$1,408,924.

CIP-29-685.0, Teralta Neighborhood - Development, has funding from the California Department of Transportation as part of the Federal TEA-21 Funds in the amount of \$689,750; the Mid City Special Park Fees in the amount of \$33,239; Park Bond Prop. 40 State Grant in the amount of \$133,500; and the remaining portion of the Capital Outlay Funds in the amount of \$222,514. The total phase II project cost is \$1,079,003.

This request of \$228,591 expenditure from these two CIP projects is part of the anticipated scope of work preparing the construction documents for the proposed improvements.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

- Council Action authorizing the application for and expenditure of State Grant funds for the development of 38th Street Canyon Park and amendment of the CIP budget, Resolution R-296595, adopted June 4, 2002.
- Council Action authorizing the execution of the Cooperative agreement with CALTRANS to construct improvements at Teralta Neighborhood Park and Park De La Cruz and accept the Federal TEA-21 Funds from the California Department of Transportation; the expenditures as needed from CIP-29-684.0, Park De La Cruz, and CIP-29-685.0, Teralta Neighborhood Park; and amendment of the CIP budget, Resolution R-298852, Adopted on February 09, 2004.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

As a part of the Park & Recreation Department review process, the Park De La Cruz/38<sup>th</sup> Street Canyon Park and Future Phases was reviewed and approved by:

- City Heights Recreation Council - June 21, 2005;
- Design Review Committee (DRC) - October 12, 2005;
- Subcommittee for the Removal of Access Barriers (SCRAB) - October 13, 2005;
- Park & Recreation Board - November 17, 2005.

The Teralta Neighborhood Park - Development project also was reviewed and approved by:

- City Heights Recreation Council- June 21, 2005;
- Design Review Committee - October 12, 2005;
- Subcommittee for the Removal of Access Barriers, October 13, 2005;
- Park & Recreation Board, November, 17, 2005.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key stakeholders include the City Heights Recreation Council and community members in City Heights. Additional stakeholders include Parterre, prime consultant, and their subconsultants: Nasland Engineering, Kanrad Engineering, Inc., Geocon Incorporated and Graphic Solutions.

Penera/Martinez

Aud. Cert. 2700018.

Staff: April Penera - (619) 525-8265  
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: MEET

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

CONSENT 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.

\* ITEM-106: Two actions related to California State Library Services and Technology Act FY 2007 Grants.

(Central, City Heights, and Valencia Park Community Areas. Districts 2, 3, 4, and 8.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2006-1024) ADOPTED AS RESOLUTION R-301798

Authorizing the Mayor, or his designee, to accept and expend Library Services and Technology Act grant funds from the California State Library in the amount of \$25,000 for the purpose of producing the community program the "Cultural Crossroads: Refugee Voices";

Authorizing the Mayor, or his designee, to submit all documents, negotiate and execute all agreements necessary, including any amendments, to comply with the grant requirements, and to carry out and administer all obligations, responsibilities, and duties under the grant;

Authorizing the City Auditor and Comptroller, to establish a fund for the purpose of handling the accounting to facilitate the process of tracking revenue and expenditures for this Program.

Subitem-B: (R-2006-1025) ADOPTED AS RESOLUTION R-301799

Authorizing the Mayor, or his designee, to accept and expend Library Services and Technology Act grant funds from the California State Library in the amount of \$53,703 for the purpose of producing the community program the "The Changing Face of San Diego";

Authorizing the Mayor, or his designee, to submit all documents, negotiate, and execute all agreements necessary, including any amendments, to comply with the grant requirements, and to carry out and administer all obligations, responsibilities, and duties under the grant;

Authorizing the City Auditor and Comptroller, to establish a fund for the purpose of handling the accounting to facilitate the process of tracking revenue and expenditures for this Program.

**STAFF SUPPORTING INFORMATION:**

The Library Services and Technology Act (LSTA) is a federal grant program administered in California by the State Librarian. Each year the State Librarian awards grants on a competitive basis. Since 1997, when LSTA replaced the Library Services and Construction Act (LSCA) grants, the San Diego Public Library (SDPL) has regularly and successfully applied for and received LSTA grants. SDPL has limited funding for programming and community outreach available in the General Fund. LSTA grants allow the library to produce projects that involve the community and enrich their lives. Because of the tremendous growth in immigration in San Diego, the two grants for which SDPL is applying for this year are timely and important to the community.

"The Changing Face of San Diego" will target port-of-entry immigrants/refugees who are negotiating immersion in a new environment while striving to retain a sense of cultural heritage and identify, as well as the immigrant population that has resided in San Diego for a longer period. SDPL staff intends to demonstrate to refugees/immigrants how to connect to the larger pluralistic society and to the resources that will help them acculturate in their new environment.

"Refugee Voices" addresses issues faced by the City's Sub-Saharan African populations through programs at the Central Library, City Heights Branch Library, and Malcolm X Branch Library. Refugee teens need English-as-a-second-language materials, extra curricular activities, and

cultural integration, and adults need access to information to English-as-a-second-language material, healthcare, employment and citizenship. It is the aim of the program to attract both youth and adults, and educate this community as to the important resources available to them at the libraries.

**FISCAL CONSIDERATIONS:**

Through the LSTA grants, SDPL staff is requesting from the California State Library \$53,703 for "The Changing Face of San Diego" and \$25,000 for "Refugee Voices." The grant funds will be matched by the library through in-kind contributions of employee salaries and department equipment already in use. If application and acceptance of these grants is not approved, the department will be unable to provide valuable programming and materials to very needy communities within the SDPL's service area.

**PREVIOUS COUNCIL COMMITTEE ACTION:**

None.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

"The Changing Face of San Diego" program will be publicized in SDPL and the partners' websites and newsletters. Information will be sent to groups such as the South Sudanese Community Center, Sudanese Community Association, Somali Youth United, American Red Cross, San Diego Asian Youth Organization, and refugee sponsorship programs at various churches. SDPL will utilize press releases, flyers, and display advertising to further promote the project to the local media and community.

The "Refugee Voices" program includes panels, film screenings, and children's and family programs at the three library sites, which will be advertised through organizations such as the Alliance for African Assistance, the Ecumenical Council of San Diego County, and the International Rescue Committee, as well as press releases through the local media.

**KEY STAKEHOLDERS & PROJECTED IMPACTS**

Partners in "The Changing Face of San Diego" grant include the International Rescue Committee, New Americans Immigration Museum and Learning Center, and the MO'OLELO Performing Arts Company. The program will educate and provide outreach to the immigrant population in San Diego, and will also provide insight to other community members regarding issues confronting refugees and the contributions they make to San Diego.

The Media Arts Center, San Diego, who was a dedicated partner to the "Barrio Logan: Youth Voices and Community Stories" program in FY 2006, has committed to the "Refugee Voices" program in FY 2007. A multi-media approach, that includes written, visual, and aural presentations, provides outreach to the targeted community of Sub-Saharan African populations within San Diego, and also allows other community members to learn more about their culture and challenges adjusting to life in San Diego.

Tatar/Martinez

Staff: Dianne Parham - (619) 236-5893  
Catherine M. Bradley – Chief Deputy City Attorney

FILE LOCATION: MEET

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

CONSENT 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.

\* ITEM-107: Judicial Drive Undercrossing.

(University Community Area. District 1.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-42) ADOPTED AS RESOLUTION R-301800

Authorizing the City Auditor and Comptroller to appropriate and expend \$720,000 from CIP-52-678.0, Judicial Drive - Golden Haven Drive to Eastgate Mall, Fund 79001, Facilities Benefit Assessment Fund, per the terms of the Agreement with Makallon La Jolla Properties, LLC, contingent upon the City Auditor and Comptroller first certifying that the funds are available with the City Treasurer; and

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

Declaring this activity is covered under the EIR in LDR File No. 99-0647, dated October 6, 2000.

**STAFF SUPPORTING INFORMATION:**

The project provides for the construction of an undercrossing beneath La Jolla Village Drive and the construction of Judicial Drive from Golden Haven Drive to Eastgate Mall as a four-lane major street. The North University City Facilities Benefit Assessment (FBA) is providing the funding for the undercrossing, and the construction of Judicial Drive is a subdivider requirement being met by Makallon La Jolla Properties, LLC and La Jolla Crossroads 1, LLC.

Makallon La Jolla Properties, LLC, is developing La Jolla Commons, a development project located in North University City. The City Council approved the vesting map for this project on November 14, 2000 (VTM No. 99-0762) by Resolution R-294149. Makallon La Jolla Properties, LLC, is constructing the undercrossing and accepting reimbursement from the FBA Fund, as defined in the North University City Public Facilities Financing Plan, as compensation for its expenditures for the approved costs of such construction and improvements.

A reimbursement agreement between the City and Makallon La Jolla, LLC to construct the undercrossing was approved by City Council on October 14, 2002 (R-297185). Per the agreement, the projected cost was \$7,469,000. The agreement states that this project cost was based on preliminary estimate, and therefore subject to change. The additional \$720,000 was added to the project to account for the difference between the 2002 estimate and the actual cost to construct the undercrossing in 2006. In July, 2005 the City Council adopted the North University City Public Facilities Financing Plan which included the additional funding for this project (R-299403, dated June 29, 2004).

**FISCAL CONSIDERATIONS:**

Funds are available in North City Facilities Benefit Assessment Funds currently programmed for CIP-52-678.0, Judicial Drive-Golden Haven to Eastgate Mall.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

Judicial Drive Undercrossing Reimbursement Agreement (R-297185, dated October 14, 2002).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

A project presentation was given to the University City Planning Group on April 8, 2003, which allowed the community to provide input regarding the project features. Subsequently a follow up presentation was provided to the University City Planning Group on March 8, 2005. The project team went over construction schedule and potential impacts during construction.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key stakeholders are Makallon La Jolla, LLC; La Jolla Crossroads 1, LLC and University City Planning Group, FCI Constructors, Inc. This project is in compliance with the community plan.

Boekamp/Haas

Aud. Cert. 2700011.

Staff: Kris Shackelford - (619) 533-3781  
Jeremy A. Jung - Deputy City Attorney

FILE LOCATION: MEET

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

CONSENT 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.

\* ITEM-108: Support of the Sexual Predator Punishment and Control Act of 2006.

(Citywide.)

**MAYOR SANDERS', COUNCILMEMBER FAULCONER'S,  
COUNCILMEMBER MADAFFER'S, AND COUNCILMEMBER HUESO'S  
RECOMMENDATION:**

Adopt the following resolution:

(R-2007-10) ADOPTED AS RESOLUTION R-301801

Supporting the Sexual Predator Punishment and Control Act of 2006, known as "Jessica's Law";

Declaring no public funds shall be used in the campaign for Proposition 83.

**SUPPORTING INFORMATION:**

Proposition 83, commonly referred to as "Jessica's Law" qualified for the November 2006 statewide ballot via signature collection. This law, if adopted by the voters will impose much stricter mandatory sentences for sex crimes, impose a new sexual predator-free zone requirement when releasing parolees in the community and require registered sex offenders to wear a Global Positioning Satellite (GPS) tracking device for life.

If passed, it will be the most comprehensive and toughest sex offender punishment and control law in the nation. Key provisions of Jessica's Law are:

**Mandatory Minimum Sentences - 15 to 25 years to life**

- Ensures California has a mandatory minimum of 15 years to life for any offender that rapes a child under the age of 14.
- For every convicted forcible sex act, the offender will receive consecutive, full-term sentences. (For example, if an offender molests the same child three times, in the span of several hours, the offender will receive 45 years to life or 3 consecutive sentences).
- Ensures all egregious sex offenders serve at least 25 years by closing loophole in California law that allows judges to reduce sentences.
- Adds more crimes like continuous sexual abuse of a child to be charged 15-25 years to life.
- Adds the crime of kidnapping with the intent to commit a forcible sex crime and adds burglary with the intent to commit a forcible sex crime to the mandatory minimum sentencing of life with the possibility of parole.

**Ensures Sex Offenders Serve Their Full Sentence**

- Eliminates good-time and work-time credits for sex offenders.

**Electronically Monitors Sex Offenders for Life - GPS**

- Requires registered felony convicted sex offenders to wear a GPS tracking device for life.
- Requires offenders to pay for their own GPS equipment, if they are financially able.

**Strengthens Sexually Violent Predator Program**

- Creates an indeterminate term of commitment to keep sexually violent predators away from our communities.
- Reduce the number of predicate sexually violent crimes from 2 to 1.
- Requires SVP's parole period to begin discharge from the state hospital.
- Add continuous sexual abuse of a child and the attempt to commit qualifying SVP crimes to the list of offenses that qualify for sexually violent crime designations.

**Predator-Free Zones**

- Prohibits registered sex offenders from living within 2,000 feet of any school or park.
- Allows local governments to include additional sites they deem appropriate, such as a water park.

**Increases Penalties for Possession of Child Pornography**

- Allows possession of child pornography to be prosecuted as a felony.

**Protects Children from Internet Predators**

- Allows law-enforcement to act as decoys in order to engage and capture Internet predators.

**Cracks Down on Rapists that Drug Their Victims**

- Imposes an additional 5-year prison term for persons who drug their victims in the commission of specified sexual crimes, such as rape.

**Increases Parole Terms**

- Provides for parole terms of up to 10 years for the most heinous sex offenses (current law provides for parole terms from 3-5 years for various sex offenses).

FISCAL CONSIDERATIONS:

N/A

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

N/A

Bruvold

FILE LOCATION: MEET

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

CONSENT 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.

\* ITEM-109: Jacobs International Teen Leadership Institute Day.

**MAYOR SANDERS' AND COUNCIL PRESIDENT PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2007-52) ADOPTED AS RESOLUTION R-301802

Proclaiming July 18, 2006, to be “Jacobs International Teen Leadership Institute Day” in the City of San Diego in recognition of the positive global impact the Jacobs International Teen Leadership Institute brings to the City of San Diego.

FILE LOCATION: AGENDA

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

CONSENT 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.

\* ITEM-110: La Jolla Music Society Summerfest Day.

**COUNCIL PRESIDENT PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2007-15)                      ADOPTED AS RESOLUTION R-301803

Proclaiming Thursday, August 3, 2006, to be "La Jolla Music Society Summerfest Day" in San Diego for its significant contributions to San Diego's artistic and cultural identity for twenty years.

FILE LOCATION:                      AGENDA

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

CONSENT 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.

\* ITEM-111: Gina Champion-Cain Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2007-65)                      ADOPTED AS RESOLUTION R-301804

Congratulating and offering appreciation to Gina Champion-Cain, and proclaiming June 28, 2006, as "Gina Champion-Cain Day" in the City of San Diego.

FILE LOCATION:                      AGENDA

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

CONSENT 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.

\* ITEM-112: Excusing Councilmember Madaffer from Attending the City Council and Closed Session Meetings of June 27, 2006.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-55)                      ADOPTED AS RESOLUTION R-301805

Excusing Councilmember Jim Madaffer from attending the regularly scheduled City Council and Closed Session meetings on June 27, 2006.

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

FILE LOCATION:                      MEET

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

CONSENT 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.



**ITEM-330:**                      Genesee Avenue and North Torrey Pines Road Maintenance  
Assessment District.

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

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2006-794) ADOPTED AS RESOLUTION R-301806

Authorizing the City Auditor and Comptroller to establish the Genesee Avenue and North Torrey Pines Road Maintenance Assessment District Fund (Fund No. 70253);

Authorizing the City Auditor and Comptroller to appropriate and expend Fund No. 70253, Genesee Avenue and North Torrey Pines Road Maintenance Assessment District Fund;

Declaring this activity is not a project and therefore exempt from CEQA pursuant to State Guidelines Section 150609(c)(3).

Subitem-B: (R-2006-795 Cor. Copy) ADOPTED AS RESOLUTION R-301807

Adoption of a resolution approving Fiscal Year 2007 budget for the Genesee Avenue and North Torrey Pines Road Maintenance Assessment District.

Subitem-C: (R-2006-797) ADOPTED AS RESOLUTION R-301808

Adoption of a resolution considering the protests, approving assessment engineer's report, confirming the assessments, and ordering the improvements, maintenance and/or services, in the matter of the 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><b>FY 2006</b></u>	<u><b>Maximum Authorized</b></u>
<b><u>EXPENSES</u></b>		
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>	
<b>TOTAL EXPENSES</b>	<b>\$327,500</b>	<b>\$327,500</b>
<b><u>REVENUE</u></b>		
Assessments*	\$425,074	\$425,074
Gas Tax	<u>\$16,984</u>	<u>\$16,984</u>
<b>TOTAL REVENUES</b>	<b>\$442,058</b>	<b>\$442,058</b>
<b>FUND BALANCE</b>	<b>\$114,558</b>	<b>\$114,558</b>

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: STRT-M-376 (34)

COUNCIL ACTION: (Time duration: 10:06 a.m. – 10:06 a.m.;  
11:29 a.m. – 11:30 a.m.)

Council President Peters opened the hearing.

Council President Peters closed the hearing and directed the City Clerk Elizabeth Maland to tabulate the ballots.

City Clerk Elizabeth Maland announced that the election has been conducted according to the assessment proceedings. The ballots in favor exceed the ballots in opposition with a weighted majority vote in favor, and the proposed formation of the Genesee Avenue and North Torrey Pines Road Maintenance Assessment District and annual assessment has passed. Ms. Maland certified the results and submitted them to the City Council.

**MOTION BY MADAFFER TO ADOPT THE RESOLUTIONS TO OVERRULE ANY PROTESTS TO THE LEVY OF ASSESSMENTS FOR THE GENESEE AVENUE AND NORTH TORREY PINES ROAD MAINTENANCE ASSESSMENT DISTRICT, APPROVE THE SUBMITTED ASSESSMENT ENGINEER’S REPORT, APPROVE THE DISTRICT MAP, AND AUTHORIZE THE LEVY OF ASSESSMENTS ASSOCIATED WITH THIS ITEM. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-not present.**



ITEM-331: Armstrong Residence.

Matter of the appeal by the La Jolla Community Planning Association of the environmental determination associated with a Coastal Development Permit application for the construction of a two-story, 2,883 square-foot single family residence, with an attached 483 square foot, two-car garage on an existing vacant 7,812 square foot lot, located at 5746 La Jolla Mesa Drive in the RS-1-5, Coastal Overlay (non-appealable), and Coastal Height Limit Overlay Zones within the La Jolla Community Plan Area.

(La Jolla Community Plan Area. District 1.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006- ) CONTINUED TO MONDAY, SEPTEMBER 18, 2006

Adoption of a resolution to deny the appeal and Certify Negative Declaration No. 3511.

**OTHER RECOMMENDATIONS:**

Planning Commission on March 16, 2006, voted 5-0 to deny; was opposition.

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

The La Jolla Community Planning Association has recommended denial of this project.

**STAFF SUPPORTING INFORMATION:**

On March 16, 2006, Planning Commission denied an appeal of the CDP and approved the project with a vote of 5-0. On March 29, 2006, the La Jolla Community Planning Association appealed the Negative Declaration. Certification of Negative Declaration No. 3511 would complete the process for the project since the Planning Commission's action on March 16, 2006 has approved the Coastal Development Permit.

The City Council could choose to not certify the Negative Declaration and request that the City prepare a Mitigated Negative Declaration or Environmental Impact Report. The City Council is acting on the environmental determination only and not on the Coastal Development Permit.

**PREVIOUS COMMITTEE ACTION:**

**Planning Commission Decision:** On March 16, 2006, the Planning Commission voted 5-0 to deny the appeal of the project and approve the Coastal Development Permit.

**Basis for Appeal:** The environmental concerns listed by the appellant include aesthetics/neighborhood character, biology, geology/soils and land use as outlined within the Initial Study Checklist of the Negative Declaration.

**Staff Response:**

**Aesthetics/Neighborhood Character:** The project design will have a one-story appearance from the street, with the house stepping down the site similar in design to surrounding residences and would not impact the existing pine trees adjacent to the proposed residence. Proposed grading would consist of approximately 535 cubic yards of cut. The amount of grading proposed is below the threshold of CEQA significance. A Notice of Geotechnical Conditions was recorded on the land to hold the city harmless from potential damages resulting from the existing slope instability (Attachment 1). The geotechnical consultant has opined that the site can be built in a geologically safe and stable manner. The site does have a grade differential in excess of 25% gradient and therefore was evaluated under the Environmentally Sensitive Lands, Steep Hillside Regulations (Attachment 2). The definitions within the Municipal Code state that Steep Hillside means all lands that have a slope with a natural gradient of 25 percent or greater and a minimum elevation differential of 50 feet, or a natural gradient of 200 percent or greater and a minimum elevation differential of 10 feet (Attachment 3). Based on the soils reported submitted, it was determined that the entire site had been previously disturbed and therefore not subject to the Steep Hillside Regulations.

**Biology:** The biological survey report prepared for the proposed project indicated that none of the existing trees on the project site contained nests. Therefore, no impacts to nesting birds are anticipated due to the removal of existing on-site trees. The project proposes to retain six existing king palms and two existing eucalyptus trees.

**Geology/Soils:** The geotechnical consultant has opined that the site can be built in a geologically safe and stable manner. Condition No. 13 was revised at the Planning Commission hearing to require additional geotechnical review during the review of the grading plan including analysis of the impact of the project on slope stability and the adjoining properties. The geotechnical consultant has opined that the existing slope has a factor of safety less than 1.5. A

Notice of Geotechnical Conditions was recorded on the land to hold the City harmless from potential damages resulting from the existing slope instability (Attachment 1). However, once the proposed project is constructed, the site would have a factor of greater than 1.5 as stated by the geotechnical consultant within the reports submitted to staff for review. There is additional review required during the review of the grading/building plans for the proposed residence. This additional review will ensure that the proposed residence will not impact adjacent properties and that the site will have a factor of safety greater than 1.5.

**Land Use:** The 2004 La Jolla Community Plan and Local Coastal Program Land Use Plan states (page 51) that the City shall apply the Environmentally Sensitive Lands regulations to all new development on property in La Jolla having slopes with a natural gradient of 25 percent or greater and a minimum differential of 50 feet. Based on the soils reported submitted and reviewed by staff, it was determined that the entire site had been previously disturbed and therefore not subject to the Steep Hillside Regulations.

**FISCAL CONSIDERATIONS:**

There is no fiscal impact. The project includes a deposit account paid for by the applicant.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

On November 3, 2005, the La Jolla Community Planning Association voted 12-0-0 to recommend denial of the project.

**KEY STAKEHOLDERS:**

David Ferradino, Owner (Attachment 4), Thomas Armstrong Construction Inc.,  
Owner/Applicant and La Jolla Community Planning Association – Phil Merten, Appellant.

Halbert/Waring/LCB

**LEGAL DESCRIPTION:**

The proposed project is located at 5746 La Jolla Mesa Drive, between Baja Mar and Skylark Drive, within the Coastal Zone and the La Jolla Community Planning Area and is more particularly described as Parcel 1, Parcel Map 3254.

Staff: Laura Black – (619) 446-5112

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

FILE LOCATION: NONE

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

MOTION BY MADAFFER TO CONTINUE TO MONDAY, SEPTEMBER 18, 2006, FOR FURTHER REVIEW. 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-332: University City North/South Transportation Corridor Study.

Matter of approving, conditionally approving, modifying or denying an application to consider project alternatives for the University City North/South Transportation Corridor Study as analyzed in Environmental Impact Report No. 27445. The Environmental Impact Report contains seven (7) project alternatives: (1) the Genesee Avenue Widening, (2) the Regents Road Bridge, (3) the Genesee Avenue/Governor Drive Grade Separation, (4) the Regents Road Bridge and Genesee Avenue Widening, (5) the Regents Road Bridge with Genesee Avenue/Governor Drive Grade Separation, (6) the Limited Roadway Changes, and (7) the No Project Alternative. The City Council will select one of the alternatives and also consider certification of the Environmental Impact Report.

(See Report to City Council No. 06-102. University Community Plan Area. District 1.)

**MAYOR SANDERS' RECOMMENDATION:**

Take the following actions:

(R-2006- ) ADOPTED AS AMENDED AS RESOLUTION R-301787

Authorizing the Mayor to proceed with the implementation of the Regents Road Bridge Alternative;

Certifying that the information contained in Project No. 27445 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said Environmental Impact Report reflects the independent judgment of the City of San Diego as a Lead Agency;

Stating for the record that the final EIR has been considered prior to selecting the Regents Road Bridge Alternative;

Adopting the Findings and Statement of Overriding Considerations;

Adopting the Mitigation, Monitoring and Reporting Program for the Regents Road Bridge Alternative;

Initiating a community plan amendment to delete the Genesee Avenue Widening Alternative from the University Community Plan;

Directing the City Attorney to prepare the appropriate resolutions.

**SUPPORTING INFORMATION:**

The Mayor is recommending selection of the Regents Road Bridge Alternative due to the following social and economic benefits:

- Improved Connectivity within University City;
- Reduced Emergency Response Time;
- Improved Emergency Access;
- Improved Recreational Access to Rose Canyon; and
- Proportionate Distribution of Local Traffic.

The question of whether or not to build the Regents Road Bridge has been the subject of considerable discussion over the last two decades. However, connection of Regents Road across Rose Canyon has been proposed as part of the transportation plan for the University Community Plan and the preceding Master Plan since 1959. In addition to the Regents Road Bridge, Genesee Avenue has been identified in the community plan as a six-lane facility between Nobel Drive and SR-52. Currently Genesee Avenue is a four-lane road with an eighteen foot median. The 1987 community plan proposes widening to a six-lane primary arterial.

In 2003, the City decided to undertake a comprehensive study of ways to improve transportation between South and North University City. The overall goal of this study was to explore options to the Regents Road Bridge. To assist in this effort, the City hired a consulting team and established a 30-member Public Working Committee (PWC) composed of residents and representatives from local businesses and organizations. Over a period of six months, the City, its consultant and the PWC met to discuss a variety of ways to relieve congestion in the University City community. Ultimately, seven alternative approaches to relieving traffic were identified. These alternatives included various combinations of the following roadway changes: a) Widening Genesee Avenue to six lanes in accordance with the UCP; b) Connecting Regents Road across Rose Canyon with a bridge in accordance with the UCP; and/or c) Creating a grade separation at the intersection of Governor Drive and Genesee Avenue.

The grade separation concept was identified during the PWC process as means of improving traffic on Genesee Avenue by eliminating the bottleneck caused by the at grade intersection. Six combinations of these elements as well as the No Project Alternative were selected for evaluation in an Environmental Impact Report (EIR). The EIR was structured to give an equal level of analysis to each alternative to enable the decision makers to select a preferred course of action to relieving traffic congestion in the UCP area.

**FISCAL CONSIDERATIONS:**

Implementation of the Regents Road Bridge Alternative would require design and refinement of the preliminary estimates. The first stage of implementation would be design and would require future council action for a consultant agreement. A Community Plan Amendment to delete the Genesee Avenue Widening Alternative would likely be a General Fund supported activity to complete land use and other community plan level studies and process necessary to support the deletion action.

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

Consultant Agreement (R-297850) adopted April 21, 2003; First Amendment to Consultant Agreement (R-301102) adopted December 5, 2005.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The City conducted an extensive public outreach program. In addition to the PWC process, the City established a web site to pass along information and status about the study as well as published periodic newsletters. The City also hosted two public meetings in the community to convey information and receive comment on the alternatives.

**KEY STAKEHOLDERS:**

The Regents Road Bridge Alternative does not involve any property owners or businesses with a direct financial interest in the proposed alternative. The Final EIR concludes that implementation of the Regents Road Bridge Alternative would result in significant impacts related to land use and planning, biology, noise, neighborhood character/ aesthetics, landform alteration, geology/soils, recreation, hydrology/water quality, cultural resources, paleontological resources, and human health and public safety. Impacts related to neighborhood character/aesthetics, recreation and landform alternation were found to be unmitigable.

Boekamp/Haas/KS

Staff: Kris Shackelford – (619) 533-3781

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:05 p.m. – 7:57 p.m.)

Testimony in opposition by Linda Colley, Patricia Wilson, Petr Krysl, James Mayfield, Daniel Arovas, Kevin Wirsing, Deborah Knight, Mel Hinton, Eric Bowlby, Michael Beck, Marco Gonzalez, Katherine Williams, Reyna Shigetomi-Toyama, David Hopkins, Gregory Zinser, Michael White, Buzz Brewer, Karin Zirk, William Huston, Richard Ledford, Jesse Knighton, Fred Saxon, Barbara Scheidker, Charles Pratt, Shelley Plumb, Walker Fillius, Margaret Fillius, Robert Riffenburgh, Y.C. Wu, Kim Wu, Don Booth, Lyn Booth, Jerry Streichler, Jim Peugh, Karen Bender, Everett Biegeleisen, Wendy Sue Biegeleisen, Edward Smith, David Kacev, Les Kacev, Tershia d'Elgin, Chris Redfern, Pamela Colquitt, Kenneth Liebler, Alan Hamel, Meagan Beale, Marilyn Dupree, Jeanette Lancerat, Bonnie Hough, and Julie Kerr.

Testimony in favor by Harry Mathis, Marcia Munn, Miriam Brown, Peter Hekman, Robert Gleason, David Cherashore, Larry Tucker, Julie Tunnell, Clark Fernon, Jim Schmidt, Scott Alevy, Lori Salva, Deborah Horwitz, Debra Gutzmer, Ben Weinbaum, Dave Potter, Daniel Aruta, Carole Pietras, David Sanderfer, Elizabeth Hill, Steve Ziegler, Bob Parson, Dana May, Paul Anderson, E.T. Lipscomb, Chuck Sweet, John McQuown, Robert Ed Munn, Joseph Gray, Gerald Kendrick, Peter Garratt, William East, Judy Brinner, Nancy Renner, Carol Stultz, Kay Brown, Barry Braun Coggan, Elaine Jacobsen, Edward Richardson, Kevin Elliott, and Daniel Pick.

MOTION BY MADAFFER TO ADOPT THE RESOLUTION AS AMENDED TO: 1) MOVE THE MAYOR'S RECOMMENDATION; 2) DIRECT STAFF TO FIRST PREPARE FINAL DESIGN FOR THE LIMITED ROADWAY IMPROVEMENTS PORTION OF THE REGENTS ROAD BRIDGE PROJECT ALTERNATIVE AS DESCRIBED IN THE FINAL ENVIRONMENTAL IMPACT REPORT; 3) ADD A PROFESSIONAL ARCHITECT, WITH EXPERIENCE IN BUILDING AND DESIGNING BRIDGES OVER CANYONS OR LAGOONS, TO THE PROJECT TEAM IN ORDER TO PROVIDE AESTHETIC DESIGN TO THE PROJECT; 4) DIRECT THAT THE DESIGN INCLUDE TRAFFIC CALMING AND IMPROVED TRAFFIC LIGHT OPERATIONAL CHANGES ON ALL ROAD PORTIONS OF THE PROJECT; 5) THE REGENTS ROAD BRIDGE PROJECT DESIGN SHOULD IMPROVE VEHICULAR MOBILITY AND CIRCULATION, PEDESTRIAN MOBILITY AND CIRCULATION, SAFETY AND EMERGENCY ACCESS, RECREATIONAL VALUE IN THE AREA, AND BICYCLING MOBILITY AND CIRCULATION; 6) INCLUDE \$4,000,000 IN THE REGENTS ROAD BRIDGE FACILITIES BENEFIT ASSESSMENT PROJECT BUDGET TO FUND ADDITIONAL IMPROVEMENTS TO RECREATION IN THE CANYON SUCH AS LIMITING NOISE TO THE GREATEST EXTENT POSSIBLE, TRAFFIC CALMING MEASURES, WALKABILITY, PROFILE/LIGHT PENETRATION STRUCTURE DESIGN, HABITAT RESTORATION IN THE CANYON, PLUS RECREATIONAL IMPROVEMENTS SUCH AS PEDESTRIAN ACCESS AND BIKE ACCESS TO THE CANYON FROM THE NORTHERN AND SOUTHERN SIDES OF REGENTS ROAD, AND IMPROVING BIKE TRAILS IN ROSE CANYON, THAT HAVE BEEN PROGRAMMED AND INCLUDED IN THE BIKE MASTER PLAN, IN ADDITION TO OPERATIONAL CHANGES REFERENCED EARLIER IN THE MOTION, AND OTHER ELIGIBLE IMPROVEMENTS IDENTIFIED IN THE ROSE CREEK WATERSHED OPPORTUNITIES ASSESSMENT; 7) THESE IMPROVEMENTS SHOULD COME BACK TO THE COUNCIL FOR APPROVAL AT THE SAME TIME AS THE BRIDGE DESIGN; 8) FINALLY THE INTENTION IS THAT THE PROJECT BE FULLY FUNDED BY THE NORTH UNIVERSITY CITY FACILITIES BENEFIT ASSESSMENT; 9) DIRECT STAFF TO REMOVE ANY TRANSNET FUNDING FROM THE PROJECT; AND 10) DIRECT THE CITY ATTORNEY TO DRAFT A RESOLUTION FOLLOWING THIS ACTION. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-nay, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.



ITEM-333: Directing the Preparation of an Impartial Analysis and Fiscal Analysis of the Proposed Ballot Measure on Approval of Retirement Benefit Increases and Assigning Authorship of Ballot Argument.

**MAYOR SANDERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2007-57 Cor. Copy)      ADOPTED AS RESOLUTION R-301809

Directing the City Attorney to prepare an impartial analysis of the proposed ballot measure for inclusion in the voter pamphlet and to deliver said analysis to the Office of the City Clerk, Elections Section, no later than August 21, 2006;

Directing the Mayor to prepare a fiscal impact analysis of the proposed ballot measure for inclusion in the voter pamphlet and to deliver said analysis to the Office of the City Clerk, Elections Section, no later than August 21, 2006;

Authorizing the Mayor to sign and file a written argument in support of the ballot measure for inclusion in the voter pamphlet and to deliver said argument to the Office of the City Clerk, Elections Section, no later than August 24, 2006.

FILE LOCATION:              MEET

COUNCIL ACTION:              (Time duration: 11:09 a.m. – 11:28 a.m.)

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

MOTION BY MAIENSCHIN TO ADOPT THE MAYOR'S RECOMMENDATION TO DIRECT THE PREPARATION OF THE IMPARTIAL ANALYSIS AND FISCAL ANALYSIS OF THE PROPOSED MEASURE WITH THE CONSULTATION AND PARTICIPATION OF THE INDEPENDENT BUDGET ANALYST AND RESERVE ONE SPACE AS A SIGNER OF THE ARGUMENT FOR A MEMBER OF THE CITY COUNCIL. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-nay, Atkins-nay, Young-yea, Maienschein-yea, Frye-yea, Madaffer-nay, Hueso-yea.



ITEM-334: Directing the Preparation of an Impartial Analysis and Fiscal Analysis of the Proposed Ballot Measure on Use of Managed Competition and Assigning Authorship of Ballot Argument.

**MAYOR SANDERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2007-58 Cor. Copy)      ADOPTED AS RESOLUTION R-301810

Directing the City Attorney to prepare an impartial analysis of the proposed ballot measure for inclusion in the voter pamphlet and to deliver said analysis to the Office of the City Clerk, Elections Section, no later than August 21, 2006;

Directing the Mayor to prepare a fiscal impact analysis of the proposed ballot measure for inclusion in the voter pamphlet and to deliver said analysis to the Office of the City Clerk, Elections Section, no later than August 21, 2006;

Authorizing the Mayor to sign and file a written argument in support of the ballot measure for inclusion in the voter pamphlet and to deliver said argument to the Office of the City Clerk, Elections Section, no later than August 24, 2006.

FILE LOCATION:              MEET

COUNCIL ACTION:              (Time duration: 11:09 a.m. – 11:30 a.m.)

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

MOTION BY MAIENSCHIN TO ADOPT THE MAYOR'S RECOMMENDATION TO DIRECT THE PREPARATION OF THE IMPARTIAL ANALYSIS AND FISCAL ANALYSIS OF THE PROPOSED MEASURE WITH THE CONSULTATION AND PARTICIPATION OF THE INDEPENDENT BUDGET ANALYST AND RESERVE ONE SPACE AS A SIGNER OF THE ARGUMENT FOR A MEMBER OF THE CITY COUNCIL. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-nay, Atkins-nay, Young-yea, Maienschein-yea, Frye-yea, Madaffer-nay, Hueso-yea.

**REPORT OUT OF CLOSED SESSION:**

Awaiting report from the City Attorney's office.

**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

The meeting was adjourned by Council President Peters at 7:58 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 7:58 p.m.)