

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 26, 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 10:03 a.m. The meeting was recessed by Council President Peters at 11:59 a.m.

The meeting was reconvened by Council President Peters at 2:04 p.m. with Council Members Maienschein and Madaffer not present. Council President Peters recessed the meeting at 3:36 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:43 p.m. with Council Member Maienschein not present. Council President Peters recessed the meeting at 5:24 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 5:35 p.m. with Council Member Maienschein not present. Council President Peters recessed the regular meeting at 5:48 p.m. to reconvene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 6:13 p.m. with Council Member Maienschein not present. Council President Peters recessed the regular meeting at 6:16 p.m. to reconvene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 6:17 p.m. with Council Member Maienschein not present. Council President Peters recessed the regular meeting at 6:23 p.m. to reconvene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 6:27 p.m. with Council Member Maienschein not present. Council President Peters recessed the regular meeting at 6:30 p.m. for the purpose of a break. Council President Pro Tem Young reconvened the regular meeting at 6:33 p.m. with Council President Peters, Council Members Maienschein and Madaffer not present, and thereafter reconvened the Redevelopment Agency. Council President Pro Tem Young recessed the regular meeting at 6:37 p.m. to convene the Housing Authority. Council President Pro Tem Young adjourned the meeting at 6:37 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-notpresent-Excused by R-301966;no

(6) Council Member Frye-present

(7) Council Member Madaffer-not present

(8) Council Member Hueso-present

Clerk-Maland (gs/dlc)

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-not present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-not present
- (8) Council Member Hueso-not present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Jim Varnadore commented on external home improvements in City Heights.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-2:

Don Stillwell commented on having prayer before every council meeting.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-3:

Hud Collins commented on developing a funding plan.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-4:

Theresa Quiroz commented on service cuts.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:36 a.m. – 10:37 a.m.)

PUBLIC COMMENT-5:

Wendy Christakes and Barbara Mackenzie commented on medical marijuana.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-6:

John Byrom commented on medical marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:42 a.m. – 10:43 a.m.)

PUBLIC COMMENT-7:

Al Strohleim commented on a drunk driving incident in Pacific Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. – 10:45 a.m.)

PUBLIC COMMENT-8:

Milly Strodtman commented on former-Mayor Pete Wilson.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:49 a.m.)

PUBLIC COMMENT-9:

Jarvis Ross commented on the new form of government.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-10:

Ron Boshun commented on the actions of Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:53 a.m. – 10:55 a.m.)

PUBLIC COMMENT-11:

Stewart Payne commented on the Balboa Stadium at San Diego High School.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-12:

Sherri Lightner commented on her treatment by Council during a land use item.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-13:

Phil Hart commented on the material contained in the Kroll report.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:03 a.m. – 11:04 a.m.)

PUBLIC COMMENT-14:

Julie Dillon and Michael Madigan commented on the efforts of Council surrounding the financial situation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:05 a.m. – 11:07 a.m.)

PUBLIC COMMENT-15:

Art Salzberg commented on the homeless in San Diego.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-16:

Bob McElroy commented on the budget for “Take Back the Streets” program.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-17:

Jesus Nieto commented on illegal lodging tickets of the homeless.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:12 a.m. – 11:14 a.m.)

PUBLIC COMMENT-18:

John McNab commented on Navy Broadway Complex item heard at Council last week.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:15 a.m. – 11:17 a.m.)

PUBLIC COMMENT-19:

Susan Gloudeman commented on an injunction for gang members.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:18 a.m. – 11:19 a.m.)

PUBLIC COMMENT-20:

Edgar Hernandez, Roberto Guerrero, and Ismael Diaz de Leon commented on the discontinuation of the swimming programs.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:20 a.m. – 11:23 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Hueso commented on a press conference announcement of a missing Navy Veteran found on Sunday, and is now home resting.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:33 p.m. – 2:34 p.m.)

COUNCIL COMMENT-2:

Council Member Atkins announces Sunday, October 1, 2006, San Diego AIDS Walk.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:34 p.m. – 2:35 p.m.)

COUNCIL COMMENT-3:

Council Member Madaffer refers to public comments regarding budget process this year and asks Ms. Tevlin for referral.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:36 p.m. – 2:36 p.m.)

COUNCIL COMMENT-4:

Council Member Frye announces this Saturday, September 30, 2006, Barnes & Noble in Hazard Center is hosting book fair event with percentage of proceeds donated to Mission Valley Library.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:39 p.m. – 2:29 p.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

08/07/2006
08/08/2006 – Special Meeting
08/08/2006

FILE LOCATION: MINUTES

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

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



ITEM-31: Hoover High School Boys' Varsity Basketball Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-298) ADOPTED AS RESOLUTION R-301926

Recognizing and celebrating the amazing athletic accomplishments of Hoover High School Boys' Varsity Basketball team and wishing them the best of luck in the upcoming season;

Proclaiming September 26, 2006, to be "Hoover High School Boys' Varsity Basketball Day" in the City of San Diego.

FILE LOCATION: AGENDA

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

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



[ITEM-32:](#) Filipino-American Heritage Month.

COUNCIL PRESIDENT PRO TEM YOUNG’S RECOMMENDATION:

Adopt the following resolution:

(R-2007-282) ADOPTED AS RESOLUTION R-301927

Proclaiming the month of October 2006 as “Filipino-American Heritage Month” in the City of San Diego.

FILE LOCATION: AGENDA

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

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

ITEM-50: Wireless Communication Facility Ordinance – Amended Per Coastal Commission.

(Citywide.)

CITY COUNCIL’S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/11/2006, Item 202, Subitem-A. (Council voted 7-0. Council President Peters-ineligible):

(O-2007-27) ADOPTED AS ORDINANCE O-19545 (New Series)

Amending Chapter 14, Article 1, Division 4, of the San Diego Municipal Code, by amending Sections 141.0405 and 141.0420, pertaining to Wireless Communication Facilities Regulations.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

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

* ITEM-100: Second Amendment to Consultant Agreement with Dokken Engineering for State Route 163 and Friars Road.

(Mission Valley Community Area. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-260) ADOPTED AS RESOLUTION R-301928

Authorizing the Mayor, or his representative, to execute, for and on behalf of the City of San Diego, the Second Amendment to the Agreement with Dokken Engineering for additional professional engineering services for State Route 163 and Friars Road;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$150,000 from CIP-52-455.0, State Route 163 and Friars Road of which \$86,915 is from Fund 38981, Regional Surface Transportation Program Funding, \$53,959 is from Fund 79529, Mission Valley Urban Community Funds, and \$9,126 is from Fund 63022, Private and Other Contributions to CIP, for the purpose of executing the Second Amendment to Agreement, contingent upon the City Auditor and Comptroller first certifying that the funds are available in the City Treasury;

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

Declaring this activity is exempt from California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

STAFF SUPPORTING INFORMATION:

The proposed project would provide improvements to the State Route 163 and Friars Road interchange and along Friars Road in order to accommodate traffic within the interchange area in accordance with the Community Plan. The design of the project would be done in two phases.

Phase I consists of the preparation of a Caltrans Project Report and Environmental Clearance, which includes mapping, development and analysis of preliminary design alternatives, preparation of environmental documents and geotechnical reports, value engineering analysis and project estimates. Phase II would include the preparation of construction documents (plans, specifications and estimates) and construction design support of the recommended alternative.

On June 3, 2003, per RR-298019, the City Council approved a consultant agreement with Dokken Engineering to provide a Project Report and Environmental Clearance for the State Route 163 and Friars Road project. On March 14, 2005, per RR-300220, the City Council approved the First Amendment to the Agreement for additional work that was not included in the Original Agreement due to expanded project boundaries. In addition, the level of environmental document required was upgraded from a Mitigated Negative Declaration (MND) to an Environmental Impact Report (EIR). The EIR is a combined document to address both CEQA and NEPA requirements and calls for extensive coordination between the City, Caltrans, and FHWA.

This Second Amendment is needed due to several unforeseen circumstances. At the request of City Traffic Engineers, expanded traffic studies have been conducted and must be incorporated into the Project Report, EIR, and environmental technical studies. The upgrade to an EIR and additional review cycles has lengthened the project schedule by almost one year, requiring additional meetings during this period. This delay in the schedule also calls for revising cost estimates due to construction material cost increases.

FISCAL CONSIDERATIONS:

The current appropriation for this project is \$2,913,936.28. Funding for this action in the amount of \$150,000 is available from CIP-52-455.0, State Route 163 and Friars Road, Fund 38981, Regional Surface Transportation Program Funding, Fund 63022, Private and Other Contributions to CIP (from H.G. Fenton), and Fund 79529, Mission Valley Urban Community Funds.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Original Agreement adopted on June 03, 2003, per RR-298019. First Amendment adopted on March 14, 2005, per RR-300220.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

A public scoping meeting was held on November 28, 2005 to introduce the project and gather public comments as part of the EIR process. Presentations were made to the Mission Valley Unified Planning Committee and Linda Vista Community Planning Group to introduce the project and get feedback. Both community groups are in full support of the project.

KEY STAKEHOLDERS:

Mission Valley Community Planning Group, Linda Vista Community Planning Group, Serra Mesa Community Planning Group, and Dokken Engineering.

Boekamp/Haas

Aud. Cert. 2700168.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:27 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-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* [ITEM-101](#): Balboa Park Informational Kiosk Donation and Operating Agreement.

(See Report to the City Council No. 06-130. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-235) RETURNED TO THE MAYOR

Authorizing the Mayor, or his designee, to accept on behalf of the City of San Diego, a donation of up to five interactive informational kiosks in Balboa Park from the Friends of Balboa Park, a California nonprofit corporation;

Authorizing the Mayor, or his designee, to execute a Donation and Operating Agreement between the City and Friends of Balboa Park;

Authorizing the acceptance of the donation, contingent upon the proposed operator of the kiosks, a contractor of Friends of Balboa Park, being in good standing and fully qualified to do business in California, and otherwise being approved by the Mayor, or his designee.

STAFF SUPPORTING INFORMATION:

Installation of information kiosks is recommended in the Balboa Park Master Plan and the subsequent Central Mesa Precise Plan, both adopted by City Council. The Friends of Balboa Park, a non-profit group whose mission is to preserve and promote Balboa Park's resources, have expressed an interest in meeting this need.

The Friends are proposing to install up to five kiosks in phases, with a minimum of two installed in the first phase. Kiosks will be located at the Plaza de Panama, the east end of El Prado, Laurel Street near Sixth Avenue, the Palisades and Inspiration Point.

FISCAL CONSIDERATIONS:

The Friends of Balboa Park have raised sufficient funds through donations to construct the initial phase of kiosks at no cost to the City. The Friends will retain ownership of all system software, content and electronic components. Their revenue projections are included as Exhibit "B" in the Donation and Operating Agreement. The City will retain ownership of the external kiosk structures and utilities serving them. The responsibilities of the respective parties are enumerated in Exhibit "G" of the Donation and Operating Agreement.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

City Council adopted the Balboa Park Master Plan on July 25, 1989 (Resolution No. R-274089). City Council adopted the Central Mesa Precise Plan on October 20, 1992 (Resolution No. R-280920). There has been no previous Council or Committee action with regard to this specific project.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On November 14, 2001, the Park and Recreation Board's Design Review Committee recommended approval of the general design and appearance of the kiosks.

On October 6, 2005, the Park and Recreation Board's Balboa Park Committee recommended the approval of the general design and appearance of the kiosks, and of the Donation and Operating Agreement.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

This project has been presented to the Balboa Park Cultural Assembly and the Balboa Park Cultural Partnership and has received the endorsement of both groups. It is anticipated that the kiosks will have a positive impact on the institutions and Park visitors by providing information and services that are not available at this time.

Medina/Martinez

Staff: Gary Stromberg - (619) 235-1157
Jacqueline Lindsay - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:27 a.m.)

MOTION BY COMMON CONSENT TO RETURN TO THE MAYOR FOR FURTHER REVIEW. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-102: Appropriation and Expenditure of Funds for Carmel Valley Skate Park.

(Carmel Valley Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-117) ADOPTED AS RESOLUTION R-301929

Authorizing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to amend the Fiscal Year 2007 Capital Improvements Program budget to increase CIP-29-877.0, Carmel Valley Skate Park, by the amount of \$400,000;

Authorizing the appropriation and expenditure of an amount no to exceed \$400,000 from Fund No. 79002, Carmel Valley North Facilities Benefit Assessment, CIP-29-887.0, Carmel Valley Skate Park, solely and exclusively, to provide funds for project design including consultant costs, City staff costs, and other associated costs;

Declaring the expenditure of funds for the consultant is contingent on subsequent award of the consultant contract by the City Council;

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

STAFF SUPPORTING INFORMATION:

The proposed Carmel Valley Skate Park will be located at the northwest corner of El Camino Real and Elijah Court next to the new Northwestern Area Police Station at 12780 El Camino Real in the community area of Carmel Valley in Council District 1.

On December 7, 2004, the City awarded a design-build contract for the Northwestern Area Police Station and Community Service Center (CSC) to be constructed at the intersection of El Camino Real and Elijah Court in Carmel Valley, CIP-36-059.0. In the original design-build proposal, this project was to include a CSC. The CSC was eliminated from the project and 26,000 square feet of the site became available for another use.

The community expressed a desire in using this site to develop a new skate park. The site is located near the Carmel Valley Community Park. The initial funding of \$50,000 in Fund No. 390662, Sub Area II Planned Developer Impact Fee (PDIF) was approved previously by the Council to allow the Park and Recreation Department to study the viability of placing a skate park at this location.

The increase of funding with this action will allow the Park and Recreation Department to acquire a consultant to design the skate park. It has been determined that this site is a feasible location for a skate park and the Park and Recreation Department will solicit additional community input prior to initiating design of the skate park.

FISCAL CONSIDERATIONS:

Funding for this action is available from Fund No. 79002, Carmel Valley North Facilities Benefit Assessment.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On August 1, 2005, City Council adopted Resolution R-300716 amending Fiscal Year 2006 Capital Improvement Program by adding CIP-29-887.0, Carmel Valley Skate Park and increasing the budget amount by \$50,000 from CIP-29-887.0, Carmel Valley Skate Park in Fund No. 390662, Sub Area II PDIF, for the initiation of this project.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On July 27, 2004, the Carmel Valley Community Planning Board voted (11-0-0) to remove the community service Center from the Police Station design due to the cost exceeding what was available in the Facilities Benefit Assessment.

On May 10, 2005, the Carmel Valley Community Planning Board appointed a Skate Park Subcommittee to discuss the idea of a skate park as a response to several community requests.

Once the project is funded, Park and Recreation Department staff will initiate public outreach through design process per City Council Policy 600-33.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

Carmel Valley Recreation Council
Carmel Valley Community Planning Group
Skate Park Subcommittee of the Carmel Valley Community Planning Group
Carmel Valley Skate Park Focus Group

Penera/Martinez/Froman

Aud. Cert. 2700079.

Staff: Reza Taleghani - (619) 533-3422
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:27 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-not present, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-103: Supporting the San Onofre State Park and Opposing the Construction of the Proposed Foothill-South Toll Road.

(See letter dated May 16, 2006; Map of toll road to San Onofre State Beach; letter dated January 17, 2006; and Smart Mobility July 2005 Report.)

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-53) FAILED

Endorsing the Commission's November 18, 2005 Resolution 66-2005 and requesting that the Foothill/Eastern Transportation Corridor Agency immediately and permanently withdraw its plans to construct a toll road with an alignment through the San Onofre State Beach;

Determining that no funds of the City shall be appropriated for the Foothill-South Road, including funds for the acquisition of bonds, because the proposed toll road is not a sound environmental investment and is inconsistent with California's compelling interest in preserving its State Parks;

Directing the City Clerk to send a copy of this Resolution and communicate its contents to the Commission, the Foothill/Eastern Transportation Corridor Agency, the Governor of the State of California, the Resources Agency of California, the California Department of Parks and Recreation, the Attorney General of the State of California, the Treasurer of the State of California, and the California Department of Transportation.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/28/2006, NR&C voted 4 to 0 to forward to City Council for consideration the resolution opposing the construction of the proposed Foothill-South Toll Road.
(Councilmembers Faulconer, Atkins, Frye, and Hueso voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:24 a.m. – 11:58 a.m.;
2:04 p.m. – 2:33 p.m.)

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

* ITEM-104: Holding Harmless and Defending SANDAG Against Challenges Related to
TransNet Funded Projects.

(Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-224) ADOPTED AS RESOLUTION R-301930

Agreeing to hold harmless and defending the San Diego Association of Governments (SANDAG), acting as the San Diego Regional Transportation Commission, against challenges related to the City's TransNet funded Capital Improvement Program projects.

STAFF SUPPORTING INFORMATION:

On August 4, 2006, the SANDAG Board of Directors, acting as the San Diego Regional Transportation Commission, conditionally approved the City's multi-year program of projects eligible to use TransNet funds.

It was brought to the City's attention that SANDAG's Policy 031 requires each local agency to pass a resolution to hold harmless and defend SANDAG against challenges related to the City's TransNet funded projects. SANDAG's approval of the City's program on August 4, 2006 was conditioned upon the City providing a Council approved Hold Harmless Resolution within 60 days. The Hold Harmless Resolution is attached.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

If the resolution is not adopted then the Fiscal Year 2007 TransNet funding may be withheld by SANDAG.

Boekamp/Haas

Staff: Dave Zoumaras - (619) 533-3138
Jeremy A. Jung - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:27 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-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-105: Settlement of Property Damage Claim of Kedar Pyatt, et al.

(District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-227) ADOPTED AS RESOLUTION R-301931

Authorizing the sum of up to, but not to exceed \$980,118.48 to be paid from the Public Liability Fund (81140) in settlement of each and every claim against the City of San Diego, its agents and employees, resulting from the Property Damage claims of Kedar Pyatt, et al;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$327,471.62 payable to Luth and Turley, Inc.;

Authorizing the City Auditor and Comptroller to issue additional checks up to, but not exceeding \$20,000 for any additional property damage claims brought by Pyatt, et al;

Authorizing the use of storm water funds to fund this settlement.

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all claims arising out of storm drain flooding which occurred on February 23, 2005 at 2747 Caminito Prado & Via Capri.

FISCAL CONSIDERATIONS:

Settlement will be paid from the Public Liability Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This settlement will be heard in closed session.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

N/A

Bych/Goldstone

Aud. Cert. 2700104.

Staff: Mike Gomez - (619) 236-7096
Carmen A. Brock - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:27 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-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-106: National Preparedness Month – September 2006.

(Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-274) ADOPTED AS RESOLUTION R-301932

Proclaiming September 2006, as National Preparedness Month; and urging all our citizens to understand we have a personal responsibility for the safety of our families, our neighbors and our nation.

Encouraging all persons to increase their knowledge and awareness of proper safety measures to follow during any emergency or disaster to better protect themselves, their families, and neighbors in an emergency situation.

STAFF SUPPORTING INFORMATION:

San Diego County and the State of California have experienced the destructive effects of natural disasters ranging from severe winter storms, devastating wild fires, and major earthquakes resulting in loss of millions of dollars. Proclaiming September 2006, as National Preparedness Month will support promotional activities throughout San Diego County to educate and empower citizens to prepare for and respond to emergencies including natural disasters and potential terrorist attacks. Being prepared means being ready for any kind of emergency, be it severe weather conditions, utility disruptions or a manmade disaster. The goal of the resolution is to raise public awareness and to urge City of San Diego citizens to understand we all have a personal responsibility for the safety of our families, neighbors, and our nation.

FISCAL CONSIDERATIONS:

Not applicable.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Not applicable.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Not applicable.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The citizens of San Diego will benefit from promotional activities designed to increase public awareness of disaster preparedness activities. The loss of life and property damage can be greatly reduced if emergency preparedness measures are taken before, during and after a major emergency. A better prepared community, including the business community, will unburden first responders and other emergency services personnel and allow them to engage in high priority life saving activities. It will also speed recovery and reduce economic loss.

Olen

Staff: Jill Olen - (619) 236-7169
Nooria Faizi - Deputy City Attorney

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:27 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-not present, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-107: Appointment of City Water Director Jim Barrett to the San Diego County Water Authority Board of Directors.

(See memorandum from Mayor Sanders dated 9/5/2006.)

MAYOR SANDER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-278) ADOPTED AS RESOLUTION R-301933

Council confirmation of the appointment by the Mayor of the City of San Diego of City Water Director Jim Barrett, to serve as a member of the San Diego County Water Authority Board of Directors, for a term ending February 24, 2007.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:27 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-not present, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-108: Jim Santangelo Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-256) ADOPTED AS RESOLUTION R-301934

Commending Jim Santangelo for his outstanding achievement of being named “Johns Labor Leader of the Year 2006” and thanking him for his commitment to the community;

Proclaiming September 19, 2006, to be “Jim Santangelo Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:27 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-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-109: James M. Westfall Day.

COUNCILMEMBER ATKINS’ RECOMMENDATION:

Adopt the following resolution:

(R-2007-257) ADOPTED AS RESOLUTION R-301935

Commending James M. Westfall for his outstanding achievement on receiving the “Johns Fellowship Award 2006” and thanking him for his continued commitment to the community;

Proclaiming September 19, 2006, to be “James M. Westfall Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:27 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-not present, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-110: Karibu – The Center for Social Support and Education 10th Anniversary Celebration Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-255) ADOPTED AS RESOLUTION R-301936

Commending Karibu – The Center for Social Support and Education for ten years of service to the undeserved women, men, and youth of all cultures impacted by HIV/AIDS in the City of San Diego;

Proclaiming September 23, 2006, to be “Karibu – The Center for Social Support and Education 10th Anniversary Celebration Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:27 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-not present, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-111: Arthur Ollman Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-262) ADOPTED AS RESOLUTION R-301937

Commending Arthur Ollman for his accomplishments and service to the Museum of Photographic Arts and wishing him all the best in his retirement;

Proclaiming November 1, 2006, to be “Arthur Ollman Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:27 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-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-112: Burkett & Wong Engineers Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-252) ADOPTED AS RESOLUTION R-301938

Proclaiming September 21, 2006, to be "Burkett & Wong Engineers Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:27 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-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-113: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2006-1034) ADOPTED AS RESOLUTION R-301939

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

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

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:27 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-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-114: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-71) ADOPTED AS RESOLUTION R-301940

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

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

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:27 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-not present, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-330: Memorandum of Understanding (MOU) Between the City of San Diego and the County of San Diego Regarding the Continued Presence of the Chargers in San Diego.

MAYOR SANDERS' RECOMMENDATION:

Take the following actions:

(R-2007-) ADOPTED AS RESOLUTION R-301941

Adopt the proposed MOU between the City and County to cooperatively work together and to consider establishment of a collaborative intergovernmental structure or agreement to address all reasonable, fiscally responsible alternatives to assure the continued presence of the Chargers in San Diego;

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

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Time duration: 2:41 p.m. – 3:35 p.m.)

MOTION BY MADAFFER TO ADOPT THE PROPOSED MEMORANDUM OF UNDERSTANDING, INCORPORATE THE LANGUAGE AS PROPOSED BY THE INDEPENDENT BUDGET ANALYST AND DELETE THE WORDS "IN THE FOLLOWING ORDER," THE LAST PARAGRAPH ON THE LAST PAGE. DIRECT THE CITY ATTORNEY TO PREPARE THE APPROPRIATE RESOLUTION. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-nay, Madaffer-yea, Hueso-yea.



ITEM-331: Transitional Housing for Seniors Program Funding – Core Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project.

(See Centre City Development Corporation Report No. CCDC-06-30/CCDC-06-13. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2007-230) ADOPTED AS RESOLUTION R-301942

Authorizing the Mayor, or his designee, to enter into a contract in an amount not to exceed \$282,000 with Senior Community Centers of San Diego to administer the Transitional Housing for Seniors Program, provided that the terms of the contract are approved as to form and legality by the Office of the City Attorney, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the City's obligations under the contract are, or will be, on deposit in the City Treasury;

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

Subitem-B: (R-2007-231) ADOPTED AS RESOLUTION R-301943

Amending the budget for the Senior Transitional Housing Program Fund No. 19658 by increasing the budget amount by \$282,000, to pay for leasing costs for the Transitional Housing for Seniors Program;

Authorizing the City Auditor and Comptroller to appropriate and expend funds from Fund No. 98446, to pay for leasing costs for the Transitional Housing for Seniors Program, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are available;

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

SUPPORTING INFORMATION:

The Transitional Housing for Seniors Program is managed by the City of San Diego Department of Community and Economic Development ("Department") and provides homeless seniors with vouchers to rent rooms at housing facilities. The Department has entered into a contract with Senior Community Centers of San Diego, a non-profit service provider, to lease rooms for homeless seniors.

The Program serves a critical need for temporary housing for homeless seniors and has assisted almost 495 seniors move from the streets towards more permanent housing.

FISCAL CONSIDERATIONS:

Funds in the amount of \$282,000 are available from the Horton Plaza Low and Moderate Income Housing Fund.

CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:

On July 26, 2006, the Centre City Development Corporation Board voted unanimously in favor of the staff recommendation.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Program was discussed at public hearings regarding the Fiscal Year 2007 Redevelopment Agency budget.

Royal/Graham

NOTE: See the Redevelopment Agency Agenda of September 26, 2006, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:25 p.m. - 5:35 p.m.)

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



ITEM-332: Line of Credit with Bank of America N.A. for the North Park
Redevelopment Project Area.

(See Redevelopment Agency Report No. 06-43/RTC-06-126. Greater North Park
Community Area. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-265) ADOPTED AS RESOLUTION R -301944

Approving the financing of a portion of the costs of the North Park
Redevelopment Project by means of the Agency drawing on a Line of Credit not
to exceed \$10,000,000 pursuant to a Credit Agreement with Bank of America,
N.A. to be secured by a subordinate pledge of the North Park Tax Increment;

Declaring this activity is covered under the Environmental Impact Report for the
North Park Redevelopment Project (SCH No. 93121105, dated April 1995,
adopted on January 28, 1997, by Resolution No. R-288303); Secondary Study for
the North Park Parking Garage (September 15, 2003, Resolution No. R-03727,
dated 2/10/04) and Secondary Study for the North Park Theatre (February 25,
2002, Resolution No. R-296398, dated 4/23/02). The activity is adequately
addressed in the environmental document and there is no change in circumstance,
additional information, or project changes to warrant additional environmental
review. Because the prior environmental documents adequately covered this
activity as part of the previously approved project, the activity is not a separate
project for purposes of CEQA review per CEQA Guidelines Sections 15060(c)(3)
and 15378(c).

STAFF SUPPORTING INFORMATION:

On February 15, 2006, a Request for Proposals for a \$10 million line of credit for the North Park
Redevelopment Project Area was issued. Three proposals were received from investment banks
and two were received from commercial banks. A line of credit with a commercial bank is the
recommended financing structure, based on lower costs and ease to implement, given the current
rating suspension, the unavailability of audited financial statements, and lack of interest by bond
insurers to provide a proposal for North Park long-term tax allocation bonds.

The \$10 million non-revolving line of credit carries a term of two years, and is secured by a subordinate pledge of the non-housing tax increment revenues generated within the North Park Redevelopment Project Area, net of the amounts needed to service the outstanding Series 2000 and Series 2003 tax allocation bonds. Interest-only payments are required on a quarterly basis, in arrears, and are expected to begin in January 2007. The Agency must use the proceeds of any future bond issuance for the North Park Project Area to first repay the line of credit. Because of the project activities to be funded, the line of credit will be available as both a taxable and tax-exempt borrowing. The interest cost for the taxable portion is LIBOR plus 120 basis points, with the interest cost for the tax-exempt portion to be 62.347% of LIBOR plus 90 basis points. Based on the one-year LIBOR rate as of September 7, 2006, the taxable rate would be 6.60%, with the tax-exempt portion at 4.27%. Approximately 75% of the line of credit is expected to be funded on a tax-exempt basis, in an amount totaling \$7,534,337, with the balance of \$2,465,663 to be funded on a taxable basis. The Agency expects to draw \$8.2 million immediately from the line of credit to fully repay the developer advances related to the North Park Theatre and Parking Structure, and to fund the increased costs of the land acquired for the Parking Structure project.

FISCAL CONSIDERATIONS:

There is no fiscal impact to the City or the City's General Fund by this action to implement a line of credit borrowing for the Redevelopment Agency. All payments and related costs will be made from tax increment generated by the North Park Redevelopment Project Area. Estimated maximum debt service on the line of credit is approximately \$40,000 per month, or \$485,000 for a twelve-month period. Assuming the entire \$10 million line of credit is drawn down, the effective annual rate of borrowing is estimated at 4.84%, based on LIBOR rates as of September 7, 2006. The fees related to consultants for this transaction include bond counsel fees in an amount not to exceed \$10,000 financial advisory fees in an amount not to exceed \$15,000 and B of A counsel fees of approximately \$15,000.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

At its meeting of January 24, 2006, the Redevelopment Agency authorized the issuance of an RFP to secure a bank line of credit in the amount of \$10 million to provide funding for the North Park Redevelopment Project Area.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

At its regular meeting on September 13, 2005, the North Park Project Area Committee (PAC) adopted a motion (6/1/1) to support the pledge of tax increment funds for the North Park Project Area to refinance the Redevelopment Agency's obligations for the completion of the North Park Theatre and North Park Parking Facility.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Business entities involved in this transaction are - Bank of America N.A. (Lender); Kathleen C. Johnson, Attorney at Law (Bank's counsel); Best Best & Kreiger (bond counsel); and Kitahata & Company (financial advisor).

Ostrye/Waring

Staff: Elaine Duval - (619) 533-5429
Carol A. Leone - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of September 26, 2006, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:48 p.m. – 6:17 p.m.)

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



ITEM-333: Termination of the San Diego Model School Development Agency.

(See Redevelopment Agency Report No. 06-39/HA-06-017/RTC-06-117.
Mid-City Community Area. District 3.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-232) ADOPTED AS RESOLUTION R-301945

Authorizing the dissolution of the San Diego Model School Development Agency, in accordance with the provisions of Section 38 of the Joint Exercise of Powers Agreement.

NOTE: See the Redevelopment Agency Agenda of September 26, 2006, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:23 p.m. – 6:29 p.m.)

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



ITEM-334: Affordable Housing Fund FY 2007 Annual Plan.

(See San Diego Housing Commission Report CCR-06-003. Citywide.)

(Continued from the meeting of September 12, 2006, Item 331, at the request of
Councilmember Atkins, for further review.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-121) ADOPTED AS AMENDED AS RESOLUTION R-301946

Approving the San Diego Affordable Housing Fund FY 2007 Annual Plan;

Declaring this activity is not a "Project" and is therefore not subject to the
California Environmental Quality Act (CEQA) per CEQA Guidelines
Section 15060(c)(2).

SUPPORTING INFORMATION:

In June 2003, the San Diego City Council revised Municipal Code Chapter 9, Article 8, Division 5 to create an Affordable Housing Fund (AHF). The AHF is a permanent and annually renewable source of revenue to meet part of the housing needs of the City's very low, low, and median income households. The AHF is composed of both the Inclusionary Housing Fund (IHF) and the San Diego Housing Trust Fund (HTF). Section 98.0507 of the Municipal Code requires that each year an AHF Annual Plan be prepared that describes the programs to be funded, the intended beneficiaries of the programs, and the anticipated revenues and allocation of those revenues, including the amount of funds budgeted for administrative expenses, exclusive of legal fees.

Change in where funds may be used

The AHF FY2007 Annual Plan proposes additional guidelines regarding the investment of Inclusionary Housing In-Lieu fees. These guidelines would allow funds for rental housing production to be invested in the Community Planning Area (CPA) of origin or within 3 miles of CPA origin (and within the same Council District). For projects that are farther than 3 miles from the CPA of origin or outside the Council District of origin, fund investment can be approved by the City Council, acting as the Housing Authority.

These guidelines will also allow the Housing Commission to "sweep" funds from CPAs with less than \$100,000 available for investment to create a city-wide home purchase program and to fund the new Balanced Communities Program.

Changes in the Model Programs

The FY 2007 Model Programs have been updated to reflect current programs, practices, and funding source information. Proposed changes include the following:

- Add a new Land Banking Program (page A-4)
- Add a new Balanced Communities Program (page A-5)
- Revisions to the Homeownership and Rehabilitation Programs (pages A-6 through A-18)
- Add Permanent Supportive Housing operating support (page A-19)

FISCAL CONSIDERATIONS:

The AHF Annual Plan budget for FY 2007 is \$18,924,814 which is comprised of Housing Trust Fund and Inclusionary Housing Fund estimated revenues and is incorporated into the Housing Commission's approved FY 2007 Budget. The Housing Commission or City Council can redirect the distribution of funds among housing activities or modify specific model programs. However, any redistribution of funds would be subject to the AHF Ordinance requirements and limitations regarding the percentage of funds that can be allocated to benefit recipients with very low, low, and median incomes.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This item was approved by the Housing Commission on May 26, 2006.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Housing Commission staff attended community group meetings in Linda Vista, San Ysidro, Southeastern San Diego, and the Community Planners Committee during March and early April to solicit and collect suggestions on the programs to be funded by the Affordable Housing Fund. All comments and suggestions were considered in the preparation of the AHF Annual Plan.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

The beneficiaries of the AHF programs are low to median-income households in the City of San Diego. Residential developers and financial institutions may also be impacted by program changes. Should all anticipated FY 2007 revenues be collected and allocated as proposed, the estimated affordable housing production impact would be: 1) 400 transitional housing beds and 175 permanent supportive housing units for very low-income, formerly homeless individuals and families; 2) 150 loans and grants to very low-income home owners for rehabilitation and preservation of single family homes and mobile homes; 3) 10 low-income homebuyers assisted; 4) 60 median-income condo conversion renters assisted in buying; 5) 50 rental units created for very low-income families; 6) 175 rental units created for low-income families; and 7) 45 units created to provide permanent or transitional housing for extremely low-income persons with special needs.

Fisher/Morris

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:01 p.m. – 5:24 p.m.)

MOTION BY ATKINS TO ADOPT THE RESOLUTION AS AMENDED WITH THE EXCEPTION THAT \$86,000 CAN ONLY BE USED IN LINDA VISTA. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-335: Qualcomm Building “N” Helistop.

Matter of approving, conditionally approving, modifying or denying an application for Conditional Use Permit for an elevated Helistop on a 475,218 square foot, ten-story research & development building, approximately 190 feet in height on a 30.12-acre site located at 5665 Morehouse Drive between Lusk Boulevard, Mira Mesa Boulevard, Scranton Road and Barnes Canyon Road.

(Project Number 73455/Conditional Use Permit No. 224802. Mira Mesa Community Plan Area. District 5.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-246) CONTINUED TO MONDAY, OCTOBER 10, 2006

Adoption of a Resolution adopting the findings with respect to Conditional Use Permit No. 224802;

That Conditional Use Permit No. 224802 is granted to Qualcomm, Incorporated, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

OTHER RECOMMENDATIONS:

Planning Commission on May 25, 2006, voted 6-0-0 to approve; no opposition.

Yeas: Schultz, Garcia, Chase, Griswold, Ontai, Otsuji.

Not present: Steele.

The Mira Mesa Community Planning Group has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

The Qualcomm Building "N" Helistop project proposes to construct a helicopter landing area on the roof of a ten-story, 475,218 square-foot research and development building at 5665 Morehouse Drive, at the intersection of Morehouse Drive and Lusk Boulevard.

The ten-story research and development building is currently under construction along with a seven-story parking garage. The San Diego Municipal Code (SDMC) Section 126.0303(c) requires a Conditional Use Permit to be processed for a helicopter landing facility.

FISCAL CONSIDERATION:

All costs associated with the processing of this project are paid by the applicant.

PREVIOUS PLANNING COMMISSION ACTION:

On May 25, 2006, the Planning Commission voted 5-0-0 to recommend to the City Council approval of the project with one modification to Condition No. 20 of the draft Conditional Use Permit. In summary, the revision to the condition stipulates that the required noise study which

must be submitted prior to the end of the first year of operation, must also include an assessment of the number of evening and nighttime operations; helicopter idling times; and, a measurement of a single peak noise event. The draft permit provided for City Council includes the recommended Planning Commission condition of approval.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On September 19, 2005, the Mira Mesa Community Planning Group voted 12-1-1 to approve the proposed project with the conditions that the approach and departure patterns avoid the Wateridge and Pacific Ridge residential projects to the north; no fueling be permitted; and, the project receive Federal Aviation Administration (FAA) approval. The permit has been conditioned for flight paths to avoid nearby residential areas and no fueling activities will occur at the helistop facility. Also, the Federal Aviation Administration (FAA) has indicated in their letter dated June 29, 2006, that they do not object to the establishment of the landing facility, provided their conditions are met. The FAA conditions have also been included in the draft permit for City Council consideration.

KEY STAKEHOLDERS:

Qualcomm, Incorporated, Owners

Broughton/Waring/ST

NOTE: This activity is categorically exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15311 Accessory Structures.

Staff: Sandra Teasley – (619) 446-5271
Shannon M. Thomas – Deputy City Attorney

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:40 p.m. – 2:40 p.m.)

MOTION BY FRYE TO CONTINUE TO MONDAY, OCTOBER 10, 2006, FOR FURTHER REVIEW. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-336: Pacific Coast Office Building.

Matter of the appeal filed by Randy Berkman, Lynn Mulholland, James A. Peugh, and Ellen Shively applies only to the environmental determination on an application for a Site Development Permit to construct an approximate 10,000 square foot office building on an approximate five-acre site containing environmentally sensitive lands, located east of the southerly terminus of Scheidler Way, south of the 3300 block of Camino Del Rio South in the MV-CO zone of the Mission Valley Planned District.

(See Report to the City Council No. 06-125. Mission Valley Community Area. District 6.)

STAFF'S RECOMMENDATION:

Take the following actions:

(R-2007-) GRANTED APPEAL, ADOPTED AS RESOLUTION
R-301947

Deny the appeal and uphold the Environmental Determination (Mitigated Negative Declaration No. 54384;

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

OTHER RECOMMENDATIONS:

Planning Commission on June 15, 2006, voted 4-2 to approve; was opposition.

Ayes: Steele, Ontai, Schultz, Otsuji

Nays: Chase, Garcia

Not present: Grisworld

The Mission Valley Community Planning Organization has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

The only issue before the Council is the appeal of the environmental determination. A Mitigated Negative Declaration (MND) was prepared for the project in accordance with the California Environmental Quality Act (CEQA).

As stated in Section III (Determination) of the MND:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas: Biological resources, Land Use/MSCP, and Paleontological Resources. Subsequent revisions in the project proposal create the specific mitigation identified in Section V (Mitigation, Monitoring and Reporting Program) of this Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effect previous identified, and the preparation of an Environmental Impact Report will not be required. In addition, the Initial Study includes discussions regarding other environmental issues such as Geologic Conditions, Human Health/Public Safety, Historical Resources (Archaeology), Landform Alteration/Visual Quality, Development Features/Visual Quality, Land Use, and Water Quality issues which staff considered during the environmental review, however, no significant impacts were identified.

Pursuant to Section 211151(c) of the CEQA statutes, Ms. Ellen Shively, Ms. Lynn Mullholland, Mr. Randy Berkman, and Mr. James A. Peugh filed an appeal of the City of San Diego Hearing Officer's certification of the MND for the Pacific Coast Office Building project, and of the Planning Commission's validation of the Hearing Officer's certification. It should be noted that the appellants have also stated that they are preserving their right to appeal the project. However, the City Attorney's office has determined that all project appeal rights have been exhausted. The only issue before the Council is the appeal of the environmental determination.

The appeal, received June 29, 2006, is lengthy, with the issue areas somewhat intermixed. To focus on the environmental issues only, staff has highlighted the issue areas pertaining to the environmental document and have provided responses to the five main topics of discussion raised in the appeal that relate to the environmental document.

These issue areas include 1) Land Use (development above the 150-foot contour line); 2) Land Use (coastal sage scrub/erosion potential); 3) Landform Alteration; 4) Visual Quality (Development Features); and 5) Health and Safety.

Information about the project has been included in this report to provide a context for Council's discussion of the Mitigated Negative Declaration. Any project details and conditions discussed relate to an already approved project, and they cannot be changed.

Staff believes that MND No. 54384 adequately addresses the project's potential impacts, and that implementation of the MMRP would avoid or reduce such impacts to below a level of significance.

As alternative actions for consideration, the Council can either 1) GRANT the appeal, set aside the environmental determination, and REMAND the matter to the Development Services Director for reconsideration, with direction or instruction the City Council deems appropriate - or- 2) GRANT the appeal and make a superceding environmental determination or CEQA findings. If Council chooses this alternative, staff respectfully requests direction from Council regarding the existence of substantial evidence, as required by Section 21082.2 of the California Public Resources Code, supporting a fair argument that the project would result in significant environmental effects.

FISCAL CONSIDERATIONS:

All costs associated with the processing of this appeal are paid by the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On June 15, 2006, the Planning Commission voted 4-2-0 to DENY the appeal and UPHOLD the Hearing Officer's Decision.

On April 19, 2006, the Hearing Officer, CERTIFIED Mitigated Negative Declaration No. 54384 and APPROVED Site Development Permit/Mission Valley Planned District Permit No. 158004.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On September 7, 2005, the Mission Valley Community Planning Organization voted 15-0-0 to recommend approval of the project.

On January 3, 2006, the Normal Heights Planning Group voted 10-0-0 to recommend denial of the project.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Dr. Robert Pollack, Pacific Coast Office Building LLC, Applicant.

Broughton/Waring/ABJ

Staff: Anne B. Jarque – (619) 687-5961

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:42 p.m. - 5:00 p.m.;
5:35 p.m. - 5:48 p.m.;
6:18 p.m. - 6:22 p.m.)

Testimony in favor of appeal by Randy Berkman, Jim Peugh, Ellen Shively, Gail Thompson, Lynn Mulholland, Eric Bowlby and Alan Hunter.

Testimony in opposition of appeal by Mike McDade, Dr. Robert Pollack, Robert Vacchi and Doug Childs.

Motion by Frye to grant the appeal and set aside the environmental determination (mitigated negative declaration no. 54384). Remand the matter to the previous decision maker with direction to review the alternatives to reduce the impacts. Failed. Yeas-3,4,6. Nays -1,2,7,8. 5-not present.

MOTION TO RECONSIDER BY MADAFFER. SECOND BY COUNCIL PRESIDENT PETERS. PASSED BY THE FOLLOWING VOTE: Peters-yea, Faulconer-yea, Atkins-yea, young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY FRYE TO GRANT THE APPEAL AND SET ASIDE THE ENVIRONMENTAL DETERMINATION (MITIGATED NEGATIVE DECLARATION NO. 54384). REMAND THE MATTER TO THE PREVIOUS DECISION MAKER WITH DIRECTION TO REVIEW THE ALTERNATIVES TO REDUCE THE IMPACTS. DIRECT THE CITY ATTORNEY TO PREPARE THE APPROPRIATE RESOLUTION PURSUANT TO SECTION 40 OF THE CHARTER. Second by Council President Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Pro Tem Young at 6:37 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 6:37 p.m.)