

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, FEBRUARY 20, 2007
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING.....	4
ATTENDANCE DURING THE MEETING	4
ITEM-1: ROLL CALL.....	5
ITEM-10: INVOCATION	5
ITEM-20: PLEDGE OF ALLE.....	5
NON-AGENDA COMMENT	5
COUNCIL COMMENT	8
INDEPENDENT BUDGET ANALYST COMMENT	8
CITY ATTORNEY COMMENT	8
ITEM-30: Approval of Council Minutes	8
ITEM-31: Carcinoid Cancer Awareness Day	9
ITEM-32: Reverend Art Cribbs Day.....	9
CLOSED SESSION ITEMS.....	10
ITEM-50: Proposed Amendments to the Newsrack Ordinance.....	13
ITEM-51: Amendments to Chapter One of the San Diego Municipal Code Relating to Administrative Enforcement Remedies	14
ITEM-52: Exempting the Program Manager Position from Classified Service	14
ITEM-60: Two actions related to Appropriation of Fiscal Year 2007 Proposition 42 Funds and Inviting Bids for the Asphalt Overlay Group II, FY 07	16

ITEM-100:	Change Order No. 1 for Pipeline Rehabilitation Phase C-1 Contract.....	19
ITEM-101:	San Diego State University (SDSU) Foundation Participation Agreement for the Design and Construction of Sorority Row Sewer Mains.....	22
ITEM-102:	Agreement with the San Diego Unified Port District for Fiscal Year 2007 Purchase of Media for the Public Service Announcements for the Storm Water Pollution Prevention Education Program.....	25
ITEM-103:	NOTE: This item has been pulled from the docket	27
ITEM-104:	Consultant Agreement with RBF Consulting for Hillcrest Corridor Mobility Plan.	27
ITEM-105:	Birney Elementary School Joint Use Improvements Project.....	29
ITEM-106:	La Mirada Elementary School Joint Use Improvements	32
ITEM-107:	Nobel Athletic Area and Library – Easement Grant to SDG&E	35
ITEM-108:	NOTE: This item has been pulled from the docket	37
ITEM-109:	Settlement of Personal Injury Claim of Mary Pacold.....	37
ITEM-110:	Settlement of Property Damage Claim of City Heights Square, L.P.....	38
ITEM-111:	Settlement of Property Damage Claim of Michelle and William Merrill	40
ITEM-112:	Amending the 2007 Legislative Calendar Related to Meetings of the Rules and Budget Committees on February 28, 2007 and March 7, 2007	41
ITEM-113:	San Diego Indie Music Fest.....	42
ITEM-114:	San Diego Tet Festival Day	43
ITEM-115:	Excusing Councilmember Maienschein from Attending the City Council Meeting of January 29, 2007.....	43
ITEM-116:	Excusing Council President Pro Tem Young from Attending the City Council Meeting and Closed Session Meeting on January 30, 2007	44

ITEM-117-:	Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.....	45
ITEM-118:	Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City	45
ITEM-330:	Fleet Services Business Process Reengineering Final Report	46
ITEM-331:	Otay Mesa – FY 2007, Public Facilities Financing Plan and Facilities Benefit Assessment.....	49
ITEM-332:	1619 J Street, San Diego.....	52
ITEM-333:	Two actions related to 4452 Dawson Avenue Tentative Map and Easement Vacation	54
ITEM-334:	Nineteen actions related to Phase I Reformat of Planned District Ordinances.....	58
ITEM-350:	Notice of Pending Final Map Approval – Windansea Luxury Condos.....	68
ITEM-351:	Notice of Pending Final Map Approval – Rhodes Crossing (Revised).....	68
	REPORT OUT OF CLOSED SESSION	69
	NON-DOCKET ITEMS	69
	ADJOURNMENT.....	70

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:05 a.m. The meeting was recessed by Council President Peters at 11:02 a.m. for the noon break.

The meeting was reconvened by Council President Peters at 2:04 p.m. Council President Peters recessed the meeting at 2:08 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 2:10 p.m. with Council Member Madaffer not present. The meeting was adjourned by Council President Peters at 2:44 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-Excused by R-302435; no reason given
 - (8) Council Member Hueso-present
- Clerk-Maland (gs/dlc)

FILE LOCATION: MINUTES



ITEM-1:

ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-not present
- (8) Council Member Hueso-present



ITEM-10:

INVOCATION

Invocation was given by Anthony Hughes of Bethel African Methodist Church.

FILE LOCATION:

MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Faulconer.

FILE LOCATION:

MINUTES

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Al Strohleim commented on the Ethics Commission and moving the "drunk tank" to Pacific Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:27 a.m. – 10:29 a.m.)

PUBLIC COMMENT-2:

Ron Boshun commented on the actions of Council.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-3:

Clair Thelin commented on La Jolla beautification.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-4:

Cordell Thomas commented on recently leaving a non-profit organization.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:37 a.m. – 10:40 a.m.)

PUBLIC COMMENT-5:

Jarvis Ross commented on issues with Development Services Department.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:41 a.m. – 10:42 a.m.)

PUBLIC COMMENT-6:

Phil Hart commented on the Audit Committee.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-7:

Lisa Irving-Ramirez commented on working for the City of San Diego as a disabled person.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m. – 10:49 a.m.)

PUBLIC COMMENT-8:

Linda Woodbury, Raymond Trybus, Betty Bacon, and Linda Hermanson commented on employees of the Ethics Commission.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. – 10:56 a.m.)

PUBLIC COMMENT-9:

Loretta Moore, Lee Morton, and Sarah Young commented on disabled services.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:57 a.m. – 11:00 a.m.)

COUNCIL COMMENT:

None.

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



[ITEM-30:](#) Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

APPROVED

12/04/2006
12/05/2006
12/06/2006 - Special Meeting
12/11/2006 - Adjourned
12/12/2006 - Adjourned
12/18/2006 - Adjourned
12/19/2006 - Adjourned
12/25/2006 - Adjourned
12/26/2006 - Adjourned

FILE LOCATION: MEET

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

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



ITEM-31: Carcinoid Cancer Awareness Day.

COUNCILMEMBER FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-769) ADOPTED AS RESOLUTION R-302355

Proclaiming February 23, 2007, to be "Carcinoid Cancer Awareness Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:11 a.m.)

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

ITEM-32: Reverend Art Cribbs Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-782) ADOPTED AS RESOLUTION R-302356

Commending Reverend Art Cribbs for his passionate commitment to the spiritual growth and general well-being of all the citizens of the City and thanking him for the many hours he has volunteered toward community building;

Proclaiming February 20, 2007, to be "Reverend Art Cribbs Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:21 a.m.)

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

CLOSED SESSION ITEMS:

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

**CS-1 *Center for Biological Diversity, et al. v. Berg, et al.*
U.S. District Court Case No. 98cv2234**

REFERRED TO CLOSED SESSION OF WEDNESDAY, FEBRUARY 21, 2007

DCA Assigned: G. Schaefer

The matter involves a lawsuit involving protection of seven vernal pools species in accordance with the Endangered Species Act in which a federal district court judge rendered a final amended decision and injunction on December 15, 2006. The injunction requires compliance by the City and other parties to the lawsuit. There is a pending appeal by a group of builders of the court's decision and a pending motion to clarify the scope of the injunction. The City Attorney's Office needs to update the Mayor and Council regarding the status of the litigation and appeal.

FILE LOCATION: MEET

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

Council President Peters closed the hearing.

**CS-2 *La Jolla Alta Master Council v. City of San Diego*
San Diego Superior Court Case No. GIC 822281**

REFERRED TO CLOSED SESSION OF WEDNESDAY, FEBRUARY 21, 2007

DCA Assigned: J Boardman

This matter is a lawsuit filed by the La Jolla Alta Master Council for inverse condemnation and declaratory and injunctive relief. In closed session, the City Attorney will brief the Council on the status of the litigation.

FILE LOCATION: MEET

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

Council President Peters closed the hearing.

**CS-3 *Friends of Rose Canyon et al. v. City of San Diego*
San Diego Superior Court Case No. GIC 874140**

***Las Palmas Condominium Owners' Association et al. v. City of San Diego*
San Diego Superior Court Case No. GIC 872000**

REFERRED TO CLOSED SESSION OF WEDNESDAY, FEBRUARY 21, 2007

DCA Assigned: C. Brock

The above lawsuits arise from the City Council's certification of the Environmental Impact Report (EIR) for the University City North/South Transpiration Corridor Study, Project No. 27445, the adoption of findings and statements of over-riding considerations related to the EIR, and the Council's legislative decision to approve and direct staff to implement the Regents Road Bridge Alternative and undertake the implementation of an amendment to the University City Community Plan to delete the Genesee Road widening alternative. Case evaluations and settlement assessment will be presented by outside counsel, Kevin P. Sullivan.

FILE LOCATION: MEET

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

Council President Peters closed the hearing.

- CS-4 (a) *United States of America v. City of San Diego*,
U.S. District Court No. 03-CV-1349-K
(b) *San Diego BayKeeper/Surfrider Foundation v. City of San Diego*,
U.S. District Court No. 01-CV-0550-B

REFERRED TO CLOSED SESSION OF WEDNESDAY, FEBRUARY 21, 2007

DCA Assigned: T. Zeleny

Each of these lawsuits alleges violations of the Federal Clean Water Act due to sewer system overflows experienced by the City from December 1996 to the present. For judicial economy, both cases were consolidated and the parties have been exploring potential resolutions. The City Attorney will present the Mayor and City Council with an update on the status of the litigation and the proposed final consent decree. Approval to enter into a final settlement is not being sought at this time.

FILE LOCATION: MEET

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

Council President Peters closed the hearing.

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-5 **Agency Negotiator:** Scott Chadwick, J. Rod Betts, Lisa Briggs, Rich Snapper, Jessica Falk Michelli, William Gersten, and Debora Buljat

Employee Organizations: Local 145 International Association of Firefighters AFL-CIO, San Diego Police Officers Association, and Deputy City Attorney Association

REFERRED TO CLOSED SESSION OF WEDNESDAY, FEBRUARY 21, 2007

DCA Assigned: W. Gersten/D. Buljat

Discuss with Council pending substantive negotiations with employee unions (Police Officers Association, International Association of Firefighters Local 145, and the Deputy City Attorney's Association).

FILE LOCATION: MEET

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

Council President Peters closed the hearing.

* ITEM-50: Proposed Amendments to the Newsrack Ordinance.

(See Report to the City Council No. 07-017. Citywide.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 1/30/2007, Item 334. (Council voted 7-0. Council President Pro Tem Young not present):

(O-2007-24 Rev. Copy) ADOPTED AS ORDINANCE O-19578
(New Series)

Amending Chapter 6, Article 2, Division 10, of the San Diego Municipal Code, by amending Sections 62.1001, 62.1002, 62.1003, 62.1004, 62.1005, 62.1007, 62.1009, 62.1010, 62.1011, 62.1012, 62.1013, and adding Sections 62.1006, 62.1008, 62.1014, 62.1015, 62.1016, 62.1017, 62.1018, 62.1019, 62.1020, and 62.1021, all relating to regulating Newsracks within the public right-of-way.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:26 a.m.)

CONSENT MOTION BY ATKINS 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-not present, Hueso-yea.

- * ITEM-51: Amendments to Chapter One of the San Diego Municipal Code Relating to Administrative Enforcement Remedies.

(See Report from the City Attorney dated 9/18/2006.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/6/2007, Item 330. (Council voted 7-0. Council President Pro Tem Young not present):

(O-2007-89 Cor. Copy) ADOPTED AS ORDINANCE O-19579
(New Series)

Amending Chapter I, Article 2, Divisions 4, 6, 7, 8, and 9 of the San Diego Municipal Code by amending Sections 12.0412; 12.0501; and 12.0603; by amending Section 12.0604 and amending and renumbering part of Section 12.0604 to Section 12.0606 and Section 12.0607; by amending Section 12.0605; by retitling and amending Section 12.0606 and renumbering Section 12.0606 to Section 12.0608; by adding Sections 12.0609, 12.0610, 12.0611, 12.0612, 12.0613, and 12.0614; by amending Section 12.0702; by amending Section 12.0806; by amending Sections 12.0902, 12.0903, 12.0904, 12.0907, and 12.0908; all pertaining to enforcement authority, procedures, and remedies to administratively enforce the San Diego Municipal Code.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:26 a.m.)

CONSENT MOTION BY ATKINS 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-not present, Hueso-yea.

- * ITEM-52: Exempting the Program Manager Position from Classified Service.

(See memorandum from Rich Snapper dated 1/12/2007.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2007-95) INTRODUCED, TO BE ADOPTED ON TUESDAY,
MARCH 6, 2007

Introduction of an Ordinance exempting the position of Program Manager for the Debt Management Department from the classified service and declaring to be in the unclassified service of the City of San Diego, pursuant to Section 117(a)17 of the City Charter, after having been reviewed and commented upon favorably by the Civil Service Commission on January 11, 2007, as meeting the Charter criterion for exemption from the classified service, and after having considered and reviewed the memorandum from the Personnel Director to the Mayor and Council dated January 12, 2007.

STAFF SUPPORTING INFORMATION:

On January 11, 2007, the Civil Service Commission approved the request to exempt the Program Manager position in Debt Management from the classified service.

Debt Management is requesting reclassification of 1.00 budgeted Information Systems Administrator (Working Title - Utilities Finance Administrator) to a Program Manager (Working Title - Debt Services Manager) due to the reorganization of the department and expansion in the responsibilities of the position. The position will have management responsibilities on financing functions including overseeing financing products of the supervising economists/analysts, reporting obligations related to securities issuances, and enhanced disclosure practices. The scope of the duties will be consistent with Charter Section 117, which states that the Unclassified Service shall include "managerial employees having significant responsibilities for formulating and administering Department policies and programs. Each such position shall be exempt from the Classified Service by ordinances, upon the initiation of the appropriate appointing authority and after receiving advisory review and comment of the Civil Service Commission and the approval of the City Council."

PREVIOUS COUNCIL COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: Not Applicable.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable): None.

Kommi

Staff: Lakshmi Kommi - (619) 236-6928
Catherine M. Bradley – Chief Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:26 a.m.)

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

* ITEM-60: Two actions related to Appropriation of Fiscal Year 2007 Proposition 42 Funds and Inviting Bids for the Asphalt Overlay Group II, FY 07.

(Districts 2, 3, 4, 7, and 8.)

STAFF'S RECOMMENDATION:

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

Subitem-A: (O-2007-92 Cor. Copy) INTRODUCED, TO BE ADOPTED ON
TUESDAY, MARCH 6, 2007

Introduction of an Ordinance amending Ordinance No. O-19522 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," by accepting and appropriating an additional \$4,513,653 in by accepting Proposition 42 Motor Vehicle Fuel Tax Revenue from the State of California and increasing the appropriation in the General Fund in an amount not to exceed \$6,037,844 for Streets Division Operating Budget.

Subitem-B: (R-2007-712) ADOPTED AS RESOLUTION R-302357

Authorizing the City Auditor and Comptroller to increase by \$3,475,809 the Fiscal Year 2007 Capital Improvement Program Budget in CIP 59-001.0, Annual Allocation - Resurfacing City Streets Fund 30307, Proposition 42;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$4,379,805, of which \$3,475,809 is from CIP-59-001.0, Annual Allocation - Resurfacing City Streets, Fund 30307, Proposition 42, \$843,754 from CIP-37-028.0, Annual Allocation - Utilities Underground Program, Fund 30101, Underground Surcharge Fund, \$40,745 from Sewer Revenue Fund 41506, and \$19,497 from Water Department Fund 41500, for the construction contract and related project costs, contingent upon the City Auditor and Comptroller first certifying that funds are, or will be, on deposit with the City Treasurer;

Approving the plans and specifications for "Asphalt Overlay Group II, FY 07" that have been, or will be, advertised by the Contract Administrator for bids, on Work Order No. 576510;

Authorizing the Mayor to execute a construction contract with the lowest responsible and reliable bidder for an amount not to exceed \$3,910,540, of which \$3,109,782 is from CIP-59-001.0, Annual Allocation - Resurfacing City Streets, Fund 30307, Proposition 42; \$740,516 from CIP-37-028.0 Annual Allocation - Utilities Underground Program, Fund 30101, Underground Surcharge Fund; \$40,745 from Fund 41506, Sewer Revenue Fund; \$19,497 from Fund 41500, Water Department Fund, contingent upon the City Auditor and Comptroller first certifying that funds are, or will be, on deposit with the City Treasurer;

Authorizing the Mayor to execute a contract extension option when additional funding becomes available, contingent upon the City Auditor and Comptroller first certifying that the funds are, or will be, on deposit with the City Treasurer;

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

Declaring this activity is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, as the repair and maintenance of existing facilities. (BID-K073614C)

STAFF SUPPORTING INFORMATION:

In 2002, the voters approved Proposition 42, the Transportation Congestion Improvement Act of 2002. This California Constitutional amendment requires that sales and similar taxes upon the consumption of motor vehicle fuel deposited in the State General Fund to be transferred to the Transportation Investment Fund, and then those funds are to be distributed by formula to various transportation projects, including street and highway maintenance performed by cities.

Since the FY 07 budget was adopted, the City has received unanticipated Proposition 42 monies from the State in the amount of \$4,513,653. The General Services Department-Street Division is requesting approval to appropriate the additional unanticipated \$4,513,653 for the purpose of funding the FY 07 Street Resurfacing Program.

This action will also authorize the advertising and award of this contract which is the second of two FY 07 asphalt overlay contracts. To allow for more efficient routing by the contractor and better pricing, the first contract included streets primarily north of Interstate 8. This contract will focus on the areas south of Interstate 8, and will provide for the repair and resurfacing of approximately 14.2 miles of asphalt streets. Of this total, 11.6 miles are part of the City's annual street maintenance program for FY 07. In partnership with the Engineering and Capital Projects Department, 2.6 miles of streets which have recently had the overhead utilities placed underground will receive asphalt overlay to restore the pavement. Locations for the annual street maintenance program are chosen through the City's pavement management system, using the following criteria: age, oxidation, cracking, amount of patching, amount of traffic, and avoiding conflict with planned underground utility work. Failed areas of the pavement will be removed and repaired prior to resurfacing, and asphalt adjacent to curbs and gutters will be milled down to maintain curb height and proper drainage. Approximately 3,800 tons of asphalt will be removed and recycled for use in other street maintenance activities. This contract also includes the installation of curb ramps, which will be placed at affected locations in accordance with ADA requirements.

The master list of streets in the resurfacing plan for FY 07 was presented to the Councilmembers for review in October of 2006. A list of locations to be included in this contract will be provided to the Councilmembers during the Council staff briefing, which may be revised prior to construction in order to coordinate with any construction conflicts that may arise. Construction for this project is expected to begin in May 2007, and take approximately 5 months to complete. In addition, to the construction contract of \$3,910,540, and the project contingency of \$117,316, the following administrative costs are included: \$156,422 for Design and Project Management; \$195,527 for Contract Inspection, Materials Testing & Surveying, for a total project cost of \$4,379,805.

FISCAL CONSIDERATIONS:

\$9,513,653 of Proposition 42 funding for Fiscal Year 2007 is available, and of this total, \$3,475,809 will be transferred into CIP-59-001.0, Fund 30307, Resurfacing City Streets, and \$6,037,844 will be transferred into Fund 100, Street Division Operating Fund. The FY 07 Street Division Operating Fund will be increased by \$6,037,844. \$4,379,805 in funds for the asphalt overlay project are available as follows: \$3,475,809 from CIP Fund 30307, Resurfacing City Streets, \$843,754 from Underground Surcharge Fund 30101, \$40,745 from Sewer Revenue Fund

41506, and \$19,497 from Water Department Fund 41500. The Proposition 42 funding in Fund 30307 must be fully expended by the end of FY 08.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Council previously authorized the acceptance of \$2,515,496.77 of FY 06 Prop 42 into the FY 07 CIP-59-001.0 Resurfacing of City Streets.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The list of streets to receive asphalt overlay on this contract is part of the FY 07 master resurfacing plan. Street lists and maps will be provided at the Council Staff Briefing.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Citizens will be notified by the contractor when paving will begin on their street.

Sierra/Haas

Aud. Cert. 2700510.

Staff: Mary Wolford - (619) 527-7515
Timothy J. Miller - Deputy City Attorney

FILE LOCATION: NONE; CONT-Superior Ready Mix Concrete

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:26 a.m.)

CONSENT MOTION BY ATKINS TO INTRODUCE THE ORDINANCE IN SUBITEM A AND ADOPT THE RESOLUTION IN SUBITEM B. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-100: Change Order No. 1 for Pipeline Rehabilitation Phase C-1 Contract.

(See MWWD's Executive Summary Sheet dated 1/8/2007. Citywide.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-694) ADOPTED AS RESOLUTION R-302358

Approving Change Order No. 1, issued in connection with the Pipeline Rehabilitation Phase C-1 contract between the City of San Diego and WIT Pipeline Rehabilitation, in the amount of \$798,252;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,100,000 within Fund No. 41506, to be transferred as follows: \$377,008 from CIP-40-933.0, Annual Allocation - MWW Trunk Sewers; \$170,000 from CIP-46-196.6, Balboa Trunk Sewer; \$390,000 from CIP-46-195.0, Belt Street Trunk Sewer; \$40,000 from CIP-46-196.9, Montezuma Trunk Sewer; \$110,000 from CIP-46-197.6, USIU Trunk Sewer; and \$12,992 from CIP-45-934.0, Vactor Cleanings Disposal Site; all to CIP-46-050.0, Annual Allocation - Pipeline Rehabilitation;

Authorizing the expenditure of an amount not to exceed \$1,100,000 from Fund No. 41506, CIP-46-050.0, Annual Allocation - Pipeline Rehabilitation, solely and exclusively, to provide funds for the above Change Order No. 1, contingency and related costs and services in connection with the Pipeline Rehabilitation Phase C-1 contract;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department;

Declaring this activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15301 and 15302, as repair and reconstruction of existing sewer structures and facilities.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/24/2007, NR&C voted 4 to 0 to approve. (Councilmembers Faulconer, Maienschein, Frye, and Hueso voted yea.)

SUPPORTING INFORMATION:

Pipeline Rehabilitation Phase C-1, currently under construction, is part of an ongoing series of projects to improve the condition of the overall sewerage system and comply with EPA requirements. This 20 mile contract, performing work throughout the City, was awarded to WIT Pipeline Rehab at a cost of \$11,297,710.50. Construction began August 3, 2006. Concurrently with this project, MWW has been actively pursuing solutions to the flow limitations that exist

at Sewer Pump Station (SPS) 79. The pump station capacity is being exceeded daily during normal dry weather conditions, requiring the installation of an engine driven pump for use on a short term basis. It has been MWWD's intent to perform necessary improvements or upgrades to SPS 79 in such a manner that the proposed development activities within the Pacific Highland Ranch area are not restricted due to pump station capacity. In November 2006, while cleaning and televising a 10 inch pipeline which flows into SPS 79, it was revealed that excessive inflow and infiltration (I&I) was occurring through both the pipe and manholes. The majority of this pipeline is below sea level and the ground water is continuously infiltrating into the sewer system during both dry and wet weather conditions. It is estimated that as much as 50% of the flow in this pipe could be from I&I. With the rainy season upon us it was considered an emergency to stop the I&I in order to prevent a potential sewer overflow during a significant rain event. A change order to the existing rehab contract was the most expedient and cost effective way to stop the I&I prior to any significant rain occurring. The contractor shifted his resources and was able to begin the work the last week of November to rehabilitate 7,210 feet of pipe and 31 manholes. The contractor and the City have been coordinating and working with the Fairbanks Ranch Country Club in which a major portion of this pipeline crosses. The negotiated change order has a cost of \$798,252 bringing the contract value to \$12,095,962.50 as well as a time extension of 65 calendar days. An additional \$301,748 is requested for in-house labor, construction management, and contingency replacement for increases to unit bid quantities.

FISCAL CONSIDERATIONS:

This request is for \$1,100,000, of which \$377,008 is available in Fund 41506, CIP-40-933.0, \$170,000 is available in Fund 41506, CIP-46-196.6, \$390,000 is available in Fund 41506, CIP-46-195.0, \$40,000 is available in Fund 41506, CIP-46-196.9, \$110,000 is available in Fund 41506, CIP-46-197.6, and \$12,992 is available in Fund 41506, CIP-45-934.0. This action can potentially be funded from future bond issues.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On 2/21/2006, the City Council adopted Resolution R-301250 authorizing MWWD to advertise, bid, and award a contract to the lowest responsible bidder for approximately 20 miles of pipeline rehabilitation for the Phase C-1 project, for a total Project cost of \$12,561,745. This contract was the third in a series of MWWD contracts to meet the EPA requirements to rehabilitate sewer pipelines.

This item was reviewed and approved by the Natural Resources & Culture Committee on January 24, 2007. Numerous questions were asked and responded to, resulting in a unanimous approval of this item.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

All residences and businesses in the affected areas are notified prior to beginning any pipeline cleaning and rehabilitation work.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Fairbanks Ranch Country Club is cooperating in this effort to minimize disruptions to their daily operations.

Ferrier/Haas

Aud. Cert. 2700476.

FILE LOCATION: Cont.-WIT Pipeline Rehabilitation

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:26 a.m.)

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

* ITEM-101: San Diego State University (SDSU) Foundation Participation Agreement for the Design and Construction of Sorority Row Sewer Mains.

(See Metropolitan Wastewater Department's April 28, 2006 Executive Summary Sheet. College Community Area. District 3.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-17) ADOPTED AS RESOLUTION R-302359

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an agreement to reimburse SDSU for design and construction of sewer mains associated with SDSU's Sorority Row project, under the terms and conditions set forth in the Participation Agreement;

Authorizing the expenditure of an amount not to exceed \$316,040 from Sewer Fund No. 41506, CIP-45-975.0, Annual Allocation - Developer Projects, SDSU Foundation Sorority Participation Agreement, sublet CIP-45-975.1, solely and exclusively, to provide reimbursement under the above agreement;

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).

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/26/2006, NR&C voted 4 to 0 to approve. (Councilmembers Faulconer, Atkins, Frye, and Hueso voted yea.)

SUPPORTING INFORMATION:

As a condition of the development of the Sorority Row project, described in the site plan attached hereto as Exhibit "A" ("Development"), San Diego State University (SDSU) Foundation (the Developer) was required to make improvements to the public wastewater system at College Avenue, Cresita Drive, and College Place adjacent to Sorority Row in San Diego. The public wastewater system improvements include the installation of 1,438 linear feet of new 8" PVC sewer main and the abandonment of 167 linear feet of existing 6" sewer main and 166 linear feet of existing 8" sewer main.

The City of San Diego had a planned Capital Improvement Project (CIP), described in the site plan attached hereto as Exhibit "A", to replace sewer mains in the same area and on SDSU Foundation Sorority Row property.

Several sewer mains crossed the Sorority Row site and precluded the efficient use of the property. As part of the development process, a new alignment was proposed which diverted sewage flows away from a canyon sewer and moved the sewer main off the Sorority Row property and into the public right-of-way. This alignment is consistent with the City's goal to relocate sewers from environmentally sensitive areas.

The sewer main work needed to be completed as the first item of work for the Sorority Row project, and the Developer moved forward with the construction without an agreement with the City for reimbursement of the City portion of the work.

The new alignment required a short section of easement through an adjacent vacant property. The owner of that parcel conditioned sale of the easement on immediate construction of the sewer so his plans to build a home would not be interrupted. The Developer proceeded based on

the urgency of obtaining the easement and based on mutual benefit to both the City and the Developer.

All sewer work has been completed to the satisfaction of the City Engineer. The Developer has paid for 100% of the sewer improvements including the work required as a condition of their project, acquisition costs for the new easement, as well as the work the City intended to perform under a future CIP project. The Developer is requesting reimbursement of a total of \$316,040 for the construction of 841 linear feet of new 8" sewer mains offsite of the development area. The City is under no obligation to approve the subject Participation Agreement and payment of the \$316,040; the Developer understood the risk of proceeding prior to City Council authorization. However, staff recommends 100% reimbursement of the costs for the offsite improvements given the benefits to the City of the sewer main replacement and relocation work.

FISCAL CONSIDERATIONS:

The total cost of this project is \$316,040. Funding is available for this project in Sewer Fund 41506, CIP-45-975.0, Annual Allocation - Developer Projects.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This action was reviewed and approved by the Natural Resources & Culture Committee on July 26, 2006.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Developer contacted and briefed the community on the project.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

SDSU Foundation

Ferrier/Haas

Aud. Cert. 2600777.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:26 a.m.)

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

- * ITEM-102: Agreement with the San Diego Unified Port District for Fiscal Year 2007
Purchase of Media for the Public Service Announcements for the Storm Water
Pollution Prevention Education Program.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-737) ADOPTED AS RESOLUTION R-302360

Authorizing the Mayor, or designee, to execute, for and on behalf of the City, an agreement with the San Diego Unified Port District of San Diego for the purchase of media for the Public Service Announcements (PSAs) for the Storm Water Pollution Prevention Education Program;

Authorizing the Mayor, or designee, to accept funds from the San Diego Unified Port District to the Think Blue Education Fund No. 105081 in the amount of \$10,000 upon receipt of fully executed agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$10,000 from the Think Blue Education Fund No. 105081, for the purchase of media for the Storm Water Pollution Prevention Education Program PSAs upon receipt of a fully executed agreement with San Diego Unified Port District;

Finding that this activity is not a project pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(4) and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The City of San Diego is one of 18 municipal jurisdictions, along with the County of San Diego, Port of San Diego and the Airport Authority, which are jointly regulated by the Municipal Storm Water Permit (Order No. 2001-01) from the San Diego Regional Water Quality Control Board. The Municipal Storm Water Permit requires each Co-permittee to undertake specific storm water pollution prevention, abatement, enforcement and education activities. In the City of San Diego, all education, outreach and public advocacy programs designed to achieve compliance with the Municipal Storm Water Permit are implemented by the Think Blue Campaign in the Storm Water Pollution Prevention Division of the Metropolitan Wastewater Department. Furthermore, the new Municipal Storm Water Permit, which will be issued in Fiscal Year 2007, would require

continued outreach and education efforts towards residents, businesses and other members of the general public, with an emphasis on watershed awareness.

In previous fiscal years, the City of San Diego has had Agreements for the Unified Port District of San Diego to contribute financially towards the purchase of media for the Think Blue PSAs for the purposes of Education and Outreach. For Fiscal Year 2007, the amount provided by the Unified Port District of San Diego shall not exceed \$10,000.

FISCAL CONSIDERATIONS:

The City will receive funds in the amount not to exceed \$10,000 from the San Diego Unified Port District for Fiscal Year 2007, for the production of PSAs for the Storm Water Pollution Prevention Education Program.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

In March of 2006, Council previously approved Agreements to allow the City to accept funds from the Unified Port of San Diego for the Think Blue Storm Water Pollution Prevention Education Program (Resolution # R-301306).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Production of PSAs furthers the education and outreach efforts of the Think Blue Storm Water Pollution Prevention Program and the Think Blue Campaign, which endeavors to change the polluting behaviors of residents, business and industry across the region in accordance with the requirements of the Municipal Storm Water Permit (Order No. 2001-01).

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Key stakeholders include San Diego residents, businesses, and industry in all council districts across the region. Included in these stakeholders are non-profit agencies such as Coastkeeper, Surf rider Foundation, I Love a Clean San Diego, Port of San Diego, County of San Diego, the Regional Airport Authority and the remaining Municipal Co-permittees.

Ferrier/Haas

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:26 a.m.)

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

* ITEM-103: **NOTE:** This item has been pulled from the docket.

* ITEM-104: Consultant Agreement with RBF Consulting for Hillcrest Corridor Mobility Plan.

(Uptown Community Area. Districts 2 and 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-760) ADOPTED AS RESOLUTION R-302361

Authorizing the Mayor to execute, for and on behalf of the City of San Diego, an Agreement with RBF Consulting, for transportation planning services under the terms and conditions set forth in the Agreement (the Project), together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$375,000 from CIP-52-757.0, Hillcrest Corridor Mobility Study for the Project;

Authorizing the expenditure of an amount not to exceed \$375,000 from CIP-52-757.0, for the purpose of providing funds for the above referenced Project;

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

Declaring that this activity is statutorily exempt from CEQA, pursuant to State Guidelines Section 15262.

STAFF SUPPORTING INFORMATION:

The City of San Diego has received grant funding from the California Department of Transportation (Caltrans) and the San Diego Association of Governments (SANDAG) to conduct transportation planning along the 4th, 5th, and 6th Avenue corridors in the Uptown community. The City conducted a competitive bidding process and selected RBF Consulting to provide professional transportation planning services and develop a community-endorsed 'Hillcrest Corridor Mobility Plan' which will contain strategies to integrate transit, vehicular, bicycle and pedestrian travel along the corridors. This action will approve the consultant agreement to conduct the work.

FISCAL CONSIDERATIONS:

A total of \$375,000 would be made available for consulting work on the project from CIP-52-757.0.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On September 12, 2005, by Resolution No. R-300808, the City Council voted to allocate \$245,130 from Caltrans and \$50,000 from Uptown Development Impact Fees to CIP-52-757.0 (Hillcrest Corridor Mobility Plan).

On October 24, 2005, by Resolution No. R-300957, the City Council voted to allocate \$120,000 from SANDAG to CIP-52-757.0 (Hillcrest Corridor Mobility Plan).

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

The City Planning and Community Investment Department has coordinated with the Uptown Partnership to secure grant funding for the Hillcrest Corridor Mobility Plan. The Department and its consultants will work closely with the Uptown Partnership, Uptown Planners and other interested stakeholders throughout the planning process.

KEY STAKEHOLDERS and PROJECTED IMPACTS (if applicable):

RBF Consulting
Counts Unlimited, Inc.
Fehr & Peers
IBI Group

Anderson/Waring

Aud. Cert. 2700520.

Staff: Mary P. Wright - (619) 533-4528

Shirley R. Edwards – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:26 a.m.)

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

* ITEM-105: Birney Elementary School Joint Use Improvements Project.

(See memorandum from Councilmember Atkins and Councilmember Faulconer dated 10/13/2006. Uptown Community Area. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-759) ADOPTED AS RESOLUTION R-302362

Amending the Fiscal Year 2007 Capital Improvement Program Budget by adding CIP-29-919.0, Birney Elementary School Joint Use Improvements (Project);

Amending the Fiscal Year 2007 Capital Improvements Program Budget for CIP-29-919.0, Birney Elementary School Joint Use Improvements, Fund No. 79512, Uptown Developer Impact Fees, by increasing the budget amount by \$500,000;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$500,000 from CIP-29-919.0, Birney Elementary School Joint Use Improvements, Fund No. 79512, Uptown Developer Impact Fees, for the purpose of design and construction of improvements at Birney Elementary School Joint Use Improvements;

Authorizing the Mayor, or his designee, for and on behalf of the City, to make an application to the State of California for \$200,000 in Roberti-Z'berg-Harris Per Capita or Per Capita funds under the California Clean Water, Clean Air, Safe

Neighborhood Parks, and Coastal Protection Act of 2002 funding for the construction of the Project;

Authorizing the Mayor, or his designee, for and on behalf of the City, to take all necessary actions to secure funding from the State of California for the Project;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds if the grant is secured;

Authorizing the City Auditor and Comptroller to establish interest-bearing fund for the grant;

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

Amending the Fiscal Year Capital Improvements Program Budget in CIP-29-919.0, Birney Elementary School Joint Use Improvements, 2002 Resources Bond Roberti-Z'berg-Harris Per Capita or Per Capita funding by increasing the budget amount to \$200,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$200,000 from CIP-29-919.0 Birney Elementary School Joint Use Improvements, 2002 Resources Bond Roberti-Z'berg-Harris Per Capita or Per Capita funding for construction of the Project, contingent upon receipt of a fully executed grant agreement;

Declaring this activity is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301.

STAFF SUPPORTING INFORMATION:

Birney Elementary School is located at 4345 Campus Avenue, at the corner of Campus Avenue and Meade Avenue, in the Uptown Community Planning Area. The Uptown Community Planning Area is park deficient; therefore, this project will help to satisfy the community's and San Diego Unified School District's (SDUSD's) recreational and athletic programmatic needs. The proposed improvements include the design and construction of approximately 1.6 acres of joint use facilities consisting of a natural turf, multi-purpose sports field and ADA/accessibility upgrades to comply with current state and federal safety and accessibility requirements.

The City and SDUSD have been cooperating in the use of numerous recreational facilities in accordance with the City- SDUSD Recreation Agreement of September 1948, and the Memorandum of Understanding Between the City and SDUSD for the Development and Maintenance of Joint Use Facilities (MOU) adopted by the San Diego City Council on October 7, 2002 (Resolution No. R-297149) and by the SDUSD's Board of Education on October 8, 2002. Prior to the construction of the proposed improvements, the City and SDUSD will enter into a twenty-five (25) year no fee lease and joint use agreement.

This project will go through the Park and Recreation Department approval process and will be presented to the University Heights Recreation Council. Funding for design and construction of the turf fields will be provided by the City. San Diego Unified School District (SDUSD) is providing the land.

These contributions will be used to calculate maintenance responsibilities and parity, pursuant to the terms of the MOU. This action will add Uptown Developer Impact Fees to the project for the purpose of design and construction of Birney Elementary School Joint Use Improvements. This action will also authorize the application to the State of California for 2002 Resources Bond Per Capita funding.

In March 2002, California voters approved Proposition 40, the \$2.6 billion 2002 State Resources Bond "Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002 (bond). On December 8, 2003, the Mayor and City Council approved Resolution R-298699, which included a distribution of the \$11,063,430 Per Capita / RZH Per Capita funds to each Council District, with a portion of the funding set aside for projects with citywide and regional impact. On February 20, 2004, the City entered into an umbrella contract with the State of California for the 2002 Resources Bond Act Per Capita / RZH Per Capita Grant Program.

This action authorizes the Mayor or his representative to apply for \$200,000, a portion of the 2002 Resources Bond Roberti-Z'berg-Harris Per Capita or Per Capita funding allocated to Council District 3, to be used for construction of Birney Elementary School Joint Use Improvements.

FISCAL CONSIDERATIONS:

The total project cost is \$770,000, which includes \$70,000 for construction contingencies. Funding in the amount of \$500,000 is available from Fund No.79512, Uptown Developer Impact Fees; funding in the amount of \$200,000 from 2002 Resources Bond Roberti-Z'berg-Harris Per Capita or Per Capita funding will be applied for from the State of California. Additional funds of \$70,000 for construction contingency will be identified at a later date, prior to advertising the project. Maintenance costs are unknown at this time.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

At this time, no community public outreach has been completed. Public outreach and participation will occur during the development of the General Development Plan.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key Stakeholders include the City of San Diego Park and Recreation Department, the San Diego Unified School District, the University Heights Recreation Council and the community members in the Uptown Community of University Heights, Rick Engineering, Inc.

Project impacts include increasing park acreage in a park deficient community in the Uptown Planning Area. The project will also increase playability of the field for the San Diego Unified School District.

Penera/Martinez

Aud. Cert. 2700460.

Staff: April Penera - (619) 525-8223
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:26 a.m.)

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

* ITEM-106: La Mirada Elementary School Joint Use Improvements.

(See memorandum from Councilmember Hueso dated 12/13/2006. San Ysidro Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-719) ADOPTED AS RESOLUTION R-302363

Authorizing the City Auditor and Comptroller to transfer the amount of \$110,000 to San Ysidro Developer Impact Fee Fund No. 79518, CIP-29-657.0, La Mirada Elementary School Joint Use Improvements from Fund No. 79518, San Ysidro Developer Impact Fee Funds;

Authorizing the appropriation and expenditure of an amount not to exceed \$110,000 from Fund No. 79518, San Ysidro Developer Impact Fee Funds, CIP-29-657.0, La Mirada Elementary School Joint Use Agreements, for the purpose of providing an accessible path of travel from San Ysidro Activity Center to the La Mirada Joint Use field, solely and exclusively for the purpose of providing funds for the La Mirada Elementary School Joint Use Improvements Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures 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;

Declaring this project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301.

STAFF SUPPORTING INFORMATION:

A Joint Use agreement was executed with the San Ysidro School District by the City Council in July 2002, for the Joint Use Area at La Mirada Elementary School. The General Development Plan (GDP) was approved by the Park and Recreation Board in January 2003. The Phase I improvements, which included a multi-use soccer/football field and a running track, were completed in December 2004.

In March 2002, California voters approved Proposition 40, the \$2.6 billion 2002 State Resources Bond "Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002." Proposition 40 established a number of competitive grant programs.

In May 2006, the State of California awarded a Youth Soccer and Recreation Development competitive grant in the amount of \$570,775 to the City of San Diego for construction of Phase II improvements. Additional funding for construction of an accessible ramp from the San Ysidro Activity Center to the Joint-Use Field was a condition of the grant. This current action will contribute the additional funds for construction of the accessible ramp.

FISCAL CONSIDERATIONS:

Total project funding for Phase II of the Joint Use Improvements will be \$680,775. No additional cost to operate and maintain this project are anticipated with the construction of the accessible ramp.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Previously, the Council authorized the City Auditor and Comptroller to appropriate and expend \$570,775 from the State of California grant under the Youth Soccer and Recreation Development Program. This competitive grant was established under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 (also known as Proposition 40).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Working with the San Ysidro School District and the San Ysidro Recreation Council, publicly noticed workshops were held to develop the General Development Plan (GDP) for the joint use area. The GDP was approved by the Park and Recreation Board in January 2003. The first phase of construction was completed in December 2004.

The Phase II improvements to the La Mirada Joint Use Area are supported by the San Ysidro School District and the San Ysidro Recreation Council.

STAKEHOLDERS AND PROJECTED IMPACTS:

San Ysidro Recreation Council
San Ysidro School District
Students at La Mirada Elementary School
La Mirada Elementary School Joint Use Area users
Schmidt Design Group – the consultant

Medina/Martinez

Aud. Cert. 2700483.

Staff: April Penera - (619) 525-8223
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:26 a.m.)

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

* ITEM-107: Nobel Athletic Area and Library – Easement Grant to SDG&E.

(University Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-139) ADOPTED AS RESOLUTION R-302364

Authorizing the Mayor, or designee, to execute, for and on behalf of the City of San Diego, an easement deed in favor of San Diego Gas & Electric Company, a corporation (SDG&E), conveying an easement and right of way to be used for underground facilities and appurtenances, affecting a portion of Lot 1304 of the Pueblo Lands of the City of San Diego, according to Miscellaneous Map thereof No. 36, filed in the Office of the San Diego County Recorder, and as more particularly described in the Easement Deed;

Authorizing an interfund transfer of \$987.55 from CIP-29-718.0, Fund 30244, and \$987.56 from CIP-35-098.0, Fund 30244, into Fund 100, Revenue Account No. 77438, for labor costs and miscellaneous expenses related to the processing of a Right-of-Entry Permit and Easement Deed in favor of SDG&E.

STAFF SUPPORTING INFORMATION:

In order to provide electric services to the Nobel Athletic Area and Library (Site Development Permit No. 9680), SDG&E needs an easement for underground facilities and appurtenances. In an effort to provide an accurate easement description, the easement will be surveyed by the City's contractor post-construction in the as-built condition. SDG&E will then record an "Amendment

to Easement" with the County Recorder using the surveyed legal description and B-drawings to substitute this "Blanket Easement."

FISCAL CONSIDERATIONS:

To cover READ'S labor costs and expenses related to processing a Right of Entry Permit and Easement Deed, a fee of \$942.25 is to be transferred into Fund 100, Revenue Account No. 77438, Property Processing Fees, from CIP-29-718.0 (Nobel Athletic Area) Fund 30422 and \$942.26 from CIP-35-098.0 (North University Community Library) Fund No. 30422.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On October 13, 2004, the Planning Commission granted to the City of San Diego Engineering & Capital Projects Site Development Permit No. 9680, for construction of a library, recreation center, multipurpose fields, multiuse playground and children's play area on a 30.2 acre site.

A Mitigated Negative Declaration (MND) for the project was prepared to address the environmental effects identified in the Initial Study.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Nobel Athletic Area & Library received public comments addressing the findings of the MND and the Initial Study for the project; however, none was required for this easement.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

San Diego Gas & Electric Company.

Barwick/Waring

Staff: Steve Geitz - (619) 236-6311
Brock Ladewig - Deputy City Attorney

FILE LOCATION: F-10037

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:26 a.m.)

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

* ITEM-108: **NOTE:** This item has been pulled from the docket.

* ITEM-109: Settlement of Personal Injury Claim of Mary Pacold.

(District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-700 Cor. Copy) ADOPTED AS RESOLUTION R-302365

A Resolution approved by the City Council in Closed Session on Tuesday, January 30, 2007, by the following vote: Council President Peters-yea; Faulconer-yea; Atkins-yea; Council President Pro Tem Young-not present; Maienschein-yea; Frye-yea; Madaffer-yea; and Hueso-yea.

Authorizing the Mayor to pay the sum of \$130,000 to Mary Pacold, arising out of each and every claim against the City, resulting from her personal injury claim;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$130,000, made payable to Mary Pacold, in settlement of said claims, with said funds to be payable from the General Fund.

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all claims brought by Mary Pacold.

FISCAL CONSIDERATIONS:

Settlement will be paid from the Public Liability Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This item was heard in closed session on January 30, 2007. A motion was made by Council Member Madaffer with a second by Council President Peters to accept plaintiff Mary Pacold's settlement offer in the amount of \$130,000 (Vote 7 to 0) Council President Pro Tem Young not present.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

N/A

Byche/Goldstone

Aud. Cert. 2700469.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

Staff: Janice Ellis - (619) 236-7705
Michael J. Herrin - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:26 a.m.)

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

* ITEM-110: Settlement of Property Damage Claim of City Heights Square, L.P.

(District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-758) ADOPTED AS RESOLUTION R-302366

A Resolution approved by the City Council in Closed Session on Tuesday, November 21, 2006, by the following vote: Council President Peters-yea; Faulconer-yea; Atkins-yea; Council President Pro Tem Young-yea; Maienschein-not present; Frye-yea; Madaffer-yea; and Hueso-yea.

Authorizing the Mayor, or his designee, to pay the total sum of \$180,264 in full and final settlement of each and every claim against the City of San Diego, its agents and employees, resulting from Claim No. LP06-0705-2384 by City Heights Square, L.P., for damages which occurred on or about June 11, 2006;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$180,264, made payable to CITY HEIGHTS SQUARE, L.P., in settlement of said claims, with said funds to be payable from the Water Utility Fund;

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

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all claims brought by City Heights Square, L.P.

FISCAL CONSIDERATIONS:

Settlement will be paid from the Water Utility Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On November 21, 2006, the City Council voted 7-0 in Closed Session to authorize payment in full of the claim by City Heights Square in the amount of \$180,264, to be paid from the Water Fund. The motion was made by Council President Scott Peters with a second by Councilmember Jim Madaffer. Councilmember Maienschein was absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Byche/Goldstone

Aud. Cert. 2700490.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

Staff: James Coldren - (619) 236-5598
Raymond C. Palmucci - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:26 a.m.)

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

* ITEM-111: Settlement of Property Damage Claim of Michelle and William Merrill.

(District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-699) ADOPTED AS RESOLUTION R-302367

A Resolution approved by the City Council in Closed Session on Monday, January 22, 2007, by the following vote: Council President Peters-not present; Faulconer-yea; Atkins-yea; Council President Pro Tem Young-yea; Maienschein-not present; Frye-yea; Madaffer-yea; and Hueso-yea.

Authorizing the sum of \$67,550.41 to Luth & Turley, in full settlement of all claims by Luth & Turley arising out of property damage to Michelle & William Merrill's residence;

Authorizing the City Auditor and Comptroller to issue a check in the amount of \$67,550.41 payable to Luth & Turley.

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all claims arising from a sewer blockage, which resulted in a sewer backup to the Merrill residence.

FISCAL CONSIDERATIONS:

Settlement will be paid from the Municipal Sewer Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This item was heard in Closed Session on January 22, 2007. A motion was made by Council District 2 and seconded by Council District 6, to accept plaintiff Michelle & William Merrill's settlement offer in the amount of \$67,550.41 (Vote 6 to 0) Council Districts 1 and 5 not present.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

N/A

Byche/Goldstone

Aud. Cert. 2700461.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

Staff: Debra Benoit - (619) 533-6555
Michael J. Herrin - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:26 a.m.)

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

* ITEM-112: Amending the 2007 Legislative Calendar Related to Meetings of the Rules and Budget Committees on February 28, 2007 and March 7, 2007.

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-752) ADOPTED AS RESOLUTION R-302368

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period January 1, 2007 through December 31, 2007, as follows:

1. To show on February 28, 2007, at 9:00 a.m., a meeting of the Committee on Budget and Finance, instead of the currently scheduled Committee on Rules, Open Government and Intergovernmental Relations meeting; and
2. To show on March 7, 2007, at 9:00 a.m., a meeting of the Committee on Rules, Open Government and Intergovernmental Relations, in place of the currently scheduled Committee on Budget and Finance meeting.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:26 a.m.)

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

* ITEM-113: San Diego Indie Music Fest.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-764) ADOPTED AS RESOLUTION R-302369

Commending San Diego Indie Music Fest for their outstanding contribution of arts and culture to the City of San Diego and community of North Park;

Proclaiming March 3, 2007 to be "San Diego Indie Music Fest Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:26 a.m.)

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

* ITEM-114: San Diego Tet Festival Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-763) ADOPTED AS RESOLUTION R-302370

Proclaiming February 10, 2007, to be "San Diego Tet Festival Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:26 a.m.)

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

* ITEM-115: Excusing Councilmember Maienschein from Attending the City Council Meeting of January 29, 2007.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-765) ADOPTED AS RESOLUTION R-302371

Excusing Councilmember Brian Maienschein from attending the regularly scheduled City Council meeting on January 29, 2007, due to illness.

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

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:26 a.m.)

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

* ITEM-116: Excusing Council President Pro Tem Young from Attending the City Council Meeting and Closed Session Meeting on January 30, 2007.

COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-756) ADOPTED AS RESOLUTION R-302372

Excusing Council President Pro Tem Tony Young from attending the regularly scheduled City Council meeting and Closed Session meeting on January 30, 2007, due to illness.

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

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:26 a.m.)

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

* ITEM-117-: 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-2007-651) ADOPTED AS RESOLUTION R-302373

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

FILE LOCATION: Gen'l

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:26 a.m.)

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

* ITEM-118: 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-2007-690) ADOPTED AS RESOLUTION R-302374

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

FILE LOCATION: Gen'l

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:26 a.m.)

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

ITEM-330: Fleet Services Business Process Reengineering Final Report.

(See Report to the City Council No. 07-022. Citywide.)

(Continued from the meeting of January 30, 2007, Item 330, at the request of Councilmember Madaffer, for further review.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-722) RETURNED TO THE MAYOR

Accepting the Mayor's Report to Council, dated January 22, 2007;

Authorizing and directing the City Auditor and Comptroller and the City Attorney to prepare the necessary documents, as required, to implement the recommended Fleet Services BPR organizational and budgetary changes;

Authorizing the City Auditor and Comptroller, pursuant to the BPR Ordinance, to adjust the expenditure and revenue appropriations of the General Services Department/Equipment Division Fleet Services for Fiscal Year 2007 on a prorated basis to reflect the Fleet Services BPR reorganization plan, as set forth in the Mayor's Report to Council and shown on a full-year basis in the Detail of Budget Impacts ("Crosswalk");

Authorizing and directing the City Auditor and Comptroller, with the assistance of the City Attorney, to prepare an ordinance amending the FY 2007 Appropriations Ordinance, as and if necessary, in accordance with the Mayor's Report to Council and for the approval of the City Council;

Declaring the above activity is not a project pursuant to CEQA Guidelines Section 15378(b)(5) because it is an organizational and/or administrative act of local government which will not result in direct or indirect physical changes in the

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

STAFF SUPPORTING INFORMATION:

The Chief Operating Officer was the Project Sponsor and the General Services Department was the Project Lead. The Fleet Services Reengineering Study was a comprehensive assessment of the fleet operations within the three separate Departments of General Services, Police and Fire-Rescue.

Participation in this comprehensive review included representatives from all three of the current fleets, labor representatives from MEA and AFSCME Local 127, plus customers and support departments.

The informational Report to the City Council Numbered 06-196 and dated December 20, 2006, did not provide full details on Fleet Services' "most efficient organization" (MEO) proposal. This was in recognition that Fleet Services might have been selected for managed competition soon and the need to protect City employees against unfair advantage from competing firms. Since then, it has been determined that Fleet Services will implement its full MEO as soon as possible. Once Fleet Services experiences a year of consolidation and MEO implementation, plus any further improvements and cost reductions, a decision will be made whether Fleet Services warrants exemption from managed competition.

As this BPR involves position reductions and changes in working conditions, this proposal is subject to Meet and Confer with MEA, Local 127, and POA. The BPR proposal is therefore tentative and subject to the outcome of Meet and Confer. Meet and Confer discussions are presently underway.

The Fleet Services BPR has resulted in a plan that will implement improvements and cost-effective measures, as noted in the following highlights:

1. Consolidation of the City's three fleet organizations into one Fleet Services Division within the General Services Department.
2. Expansion of a variety of specialized expertise to the public safety fleets: acquisition and fitting, management information system, parts management, safety and budgeting.
3. Expansion of the structured vehicle replacement program to the public safety fleets.
4. A more efficient repair/maintenance process.
5. Consolidation of towing and road call services.
6. Closure of the General Services' Central Operations Station.
7. Operations Station's specialization of vehicles and worker expertise.

8. Elimination of Alternative Work Schedules and Voluntary Furlough participation.

FISCAL CONSIDERATIONS:

The BPR proposal eliminates 44 positions from the budget, which is 15% of the total positions. The annualized impact of this BPR proposal on the budget is \$3.2 million in salary and fringe, which is 15% of the personnel budget. There are no projected savings in non-personnel costs at this time. The actual impact will depend on a variety of factors, including the exact implementation date and Meet & Confer.

The following is a summary of the personnel reductions:

- Of the 44 positions to be eliminated, 24 are vacant and 20 have incumbents.
- Elimination of 27 positions from General Services, 15 positions from Police, and 2 positions from Fire-Rescue.
- Reduction of 2 of 3 unclassified positions, which reduces the total number of second level or higher supervisory positions from 6 to 4.
- Proposed ratio of Local 127 and MEA represented positions to be 83% and 17%, respectively, which is only a 1% change from the current ratio of 82% and 18%.

The General Services/Equipment Division Hauling program (3.0 positions), the Police Vehicle Wash/Clean/Fuel service (11.0 positions), and Custodial services have been determined to be non-core functions and are proposed for elimination. The Hauling function has been absorbed by the Water Department's Operations Division and the General Services Department's Street Division. The proposal assumes that Police Officers will fuel their own vehicles and drive them through the automated vehicle washers, as indicated by the Police Chief in a recent meeting on the Fleet BPR recommendations. Custodial services are slated to be transferred to General Services Facilities Division as part of the citywide consolidation of the custodial function.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

City customer departments will have improved and more efficient service delivery. The resulting cost savings will benefit the City.

Sierra/Haas

Staff: Daro Quiring - (619) 527-7560
Timothy J. Miller - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:21 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-yea, Frye-yea, Madaffer-not present, Hueso-yea.



ITEM-331: Otay Mesa – FY 2007, Public Facilities Financing Plan and Facilities Benefit Assessment.

(See Report to the City Council No. 07-030. Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment Fiscal Year 2007, October 18, 2006 DRAFT. Otay Mesa Community Area. District 8.)

(Second Public Hearing was held on January 8, 2007, Item 203, First Public Hearing was held on November 13, 2006, Item 203.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-746) ADOPTED AS RESOLUTION R-302375 (This item was superceded by Resolution R-302248 on January 8, 2007)

Resolution of the Council of the City of San Diego setting the time and place for holding a public hearing regarding the Council's Intention to Designate an Area of Benefit in Otay Mesa.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Council authorization to adopt a Resolution of Intention to designate an area of benefit; adopt a Resolution of Designation; approve the setting of Development Impact Fees consistent with the FBA in Otay Mesa; and authorize City Auditor and Comptroller to modify individual Capital Improvement Program project budgets.

STAFF RECOMMENDATION:

Rescind the existing Facilities Benefit Assessments and Development Impact Fees and establish new Facilities Benefit Assessment and Development Impact Fees for Otay Mesa.

EXECUTIVE SUMMARY:

The Otay Mesa Public Facilities Financing Plan for Fiscal Year 2007 was approved by the City Council on November 13, 2006, by Resolution R-302040. The Public Facilities Financing Plan details the public facilities that will be needed through the ultimate development of Otay Mesa. Otay Mesa is an area in the earlier stage of development where significant infrastructure construction is yet to occur. This plan revises and updates the Fiscal Year 2005 Plan, which had been approved on August 3, 2004.

The proposed assessments for Fiscal Year 2007 are as follows:

<u>LAND USE</u>	<u>CURRENT ASSESSMENT</u>	<u>PROPOSED ASSESSMENT per UNIT/ACRE in FY 2007</u>
SINGLE-FAMILY UNIT	\$13,610	\$20,687
MULTI-FAMILY UNIT	\$9,527	\$14,481
WEST COMMERCIAL ACRE	\$78,260	\$118,954
WEST INDUSTRIAL ACRE	\$27,220	\$41,374
EAST COMMERCIAL ACRE	\$82,217	\$124,970
EAST INDUSTRIAL ACRE	\$27,132	\$41,240
OTAY INTERNATIONAL CENTER (INDUSTRIAL)	\$27,132	\$41,240
OTAY INTERNATIONAL CENTER (BUSINESS)	\$79,749	\$121,218
OTAY INTERNATIONAL CENTER (COMMERCIAL)	\$106,060	\$161,211

The objective of the FBA is to insure that funds will be available in sufficient amounts to provide community facilities when needed. The FBA will be collected at the building permit issuance stage of development and deposited into two separate special interest earning funds for Otay Mesa. The Otay Mesa Public Facilities Financing Plan for Fiscal Year 2007 identifies significant cost increases to the remaining projects to be funded by the FBA. The cost increases necessitate a revision in the rate of the assessment resulting in an increase of 52%.

Should the City Council not approve the proposed increase in the facilities benefit assessments, then the existing fees would remain in place and new development would not be contributing its proportional share for new facilities identified in the Otay Mesa Community Plan. Alternative

funding sources would have to be identified to fund the share of the identified facilities attributable to new development.

FISCAL CONSIDERATION:

Adoption of the Resolution of Designation will continue to provide a funding source for the public facilities identified in Otay Mesa.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On November 13, 2006, R-302040, the City Council voted unanimously to approve the Otay Mesa Public Facilities Financing Plan for Fiscal Year 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On October 18, 2006, the Otay Mesa Community Planning Group considered the Otay Mesa Public Facilities Financing Plan for Fiscal Year 2007. The planning group voted unanimously to support the financing plan and the increased assessment. On January 8, 2007, the City Council unanimously approved Resolution R-302248 to declare its intention to designate an area of benefit and set the time and place for a public hearing on January 30, 2007. Time constraints precluded noting for this date.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

All property owners with remaining new development are listed on the Otay Mesa Public Facilities Financing Plan, Fiscal Year 2007 Assessment roll, starting on page 249 and were mailed a copy of the draft Plan on October 20, 2006. These property owners will have liens placed on their property and will be required to pay Facility Benefit Assessments upon any building permit issuance when developing their property. Any redevelopment, which increases the intensity of existing uses, may be subject to an impact fee per Attachment 2.

NOTE: This plan is a financing measure and is exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

Waring/Anderson/FVJ

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

FILE LOCATION: FB-3 (33)

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:07 p.m.)

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

ITEM-332: 1619 J Street, San Diego.

Matter of the appeal by Brad Smith, from the decision of the Historical Resources Board in approving the historical site designation of the property located at 1619 J Street in the City of San Diego.

(See Report to the City Council No. 06-165. Historical Resources Board Report No. HRB-06-015. East Village and Centre City Community Plan Areas. District 2.)

(Continued from the meeting of 11/21/2006, Item 331 at Councilmember Faulconer's request, to allow for further review.)

NOTE: Hearing open. No testimony taken on 11/21/06.

STAFF'S RECOMMENDATION IS:

Take the following action:

(R-2007-) RETURNED TO MAYOR

Granting or denying the appeal and upholding or overturning the action of the Historical Resources Board;

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

OTHER RECOMMENDATIONS:

The Historical Resources Board on May 25, 2006, voted as noted below; was opposition.

MOTION BY BOARDMEMBER SEWELL TO DESIGNATE THE SANFORD B. MEYERS SPEC HOUSE #1 LOCATED AT 1619 J STREET UNDER CRITERION A.

Second by Boardmember Marshall. Vote: 8-1-0. Motion passes.

MOTION BY BOARDMEMBER SEWELL TO DESIGNATE THE SANFORD B. MEYERS SPEC HOUSE #1 LOCATED AT 1619 J STREET BASED ON STAFF RECOMMENDATION UNDER CRITERION C.

Second by Boardmember Marshall. Vote: 8-1-0. Motion passes.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Consider the appeal of the decision of the City's Historical Resources Board to designate the Sanford B. Myers Spec House #1 located at 1619 J Street as a historical resource.

STAFF RECOMMENDATION:

Deny the appeal and do not reject or modify the historical resource designation of the Sanford B. Myers Spec House #1 located at 1619 J Street.

EXECUTIVE SUMMARY:

This item is before the City Council as an appeal of the Historical Resources Board (HRB) decision of May 25, 2006, to designate the Sanford B. Myers Spec House #1 located at 1619 J Street as a historical resource (HRB #751), with a vote of 8 in favor, 1 opposed and 0 abstentions. The property was designated under HRB Criterion A as one of only three homes of a similar style remaining in East Village (which experienced an evolution in architectural style and land use uncommon in San Diego) and HRB Criterion C as a representative example of working class, transitional, Craftsman vernacular residential architecture during the third phase of development in East Village beginning in 1906 and ending in 1921.

The HRB considered all of the information presented to it and in doing so, gave weight to compelling arguments that resulted in designation. There has been no new evidence submitted to refute the designation, no evidence to show that the information the HRB received was wrong, and no evidence presented as to any violations of bylaws or procedures. Therefore, staff recommends that the appeal be denied based on the fact that no material information has been provided in support of the findings that the City Council needs to make in order to overturn the decision of the HRB.

FISCAL CONSIDERATIONS:

None with this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

The Sanford B. Myers Spec House #1 located at 1619 J Street was designated as a historical resource (HRB #751) by the Historical Resource Board (HRB) at a noticed public hearing on May 25, 2006, with a vote of 8 in favor, 1 opposed and 0 abstentions.

McCullough/Waring/KS

Staff: Kelley Saunders – (619) 533-6508

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:04 p.m. – 2:05 p.m.)

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



ITEM-333: Two actions related to 4452 Dawson Avenue Tentative Map and Easement Vacation.

Matter of approving, conditionally approving, modifying or denying an application of a Map Waiver to allow the conversion two existing residential units to be converted to condominiums, including a request to waive the requirement to underground the existing overhead utilities on a 0.11-acre site located at 4452 Dawson Avenue, between Monroe Avenue and El Cajon Boulevard in the RM-1-1 Zone of the Central Urbanized Planned District. The project would also allow the vacation for an unused sewer easement located at the rear of the property adjacent to the alley.

Should the condominium conversion project should be approved, tenants may be required to vacate the premises. No units may be sold in this building unless the conversion is approved by the City and until a public report is issued by the Department of Real Estate. Each tenant has the exclusive right to contract for the

purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.

(Tentative Map No. 403494/Easement Vacation No. 380216. Mid-City Communities Plan Area. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2007-730) ADOPTED AS RESOLUTION R-302376

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are herein incorporated by reference, with respect to Tentative Map No. 403494;

That Tentative Map No. 403494 is granted to Susan Haaland, Applicant/Subdivider and Severin Engineering, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

Subitem-B: (R-2007-731) ADOPTED AS RESOLUTION R-302377

Adoption of a Resolution adopting the findings with respect to Public Right-of-Way Vacation No. 380216;

That the sewer easement located in Lot 29 and the northern half of Lot 28 in Block Two of Alhambra Park Addition, according to Map No. 1488, as more particularly described in the legal description marked as Exhibit "A," and on file in the Office of the City Clerk, which is by this reference incorporated herein and made a part hereof, is ordered vacated;

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

That this activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, thus, the activity is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) of the State CEQA Guidelines.

OTHER RECOMMENDATIONS:

Planning Commission on December 14, 2006, voted 4-1-2 to approve; was opposition.

Ayes: Otsuji, Ontai, Naslund, Garcia
Nays: Griswold
Not present: Schultz
(Vacant seat)

The Kensington-Talmadge Community Planning Group has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Approval of a Tentative Map to allow the conversion of two (2) residential units to condominiums, a waiver of the requirement to underground the existing overhead utilities and an Easement Vacation to allow the vacation of an unused sewer easement on the site.

STAFF RECOMMENDATION:

1. **Approve** Tentative Map No. 403494; and
2. **Approve** Easement Vacation No. 380216; and
3. **Approve** waiver of the requirement to underground the existing overhead utilities.

EXECUTIVE SUMMARY:

As described in the attached Planning Commission Report, approval of this project would allow the conversion of two single family residential structures on one lot into condominiums and the vacation of an unused sewer easement which is located at the rear of the property, adjacent to the alley. Typically, a two-unit condominium conversion would not be heard by the City Council; however, the sewer easement vacation included in the project scope requires a Process 5, City Council decision.

This Tentative Map project is subject to the condominium conversion regulations effective June 13, 2006, with the exception of the parking regulations, based on the City Council's specific adoption language for the "new" condominium conversion regulations. Accordingly, this project

has been reviewed against the new regulations and the Building Conditions Report and landscape plan have been reviewed and accepted by City staff. The CEQA environmental exemption determination appeal period for this project has passed and no appeal has been filed.

On December 14, 2006, the Planning Commission voted 5-1 to recommend approval of the project on consent, with Commissioners Schultz, Otsuji, Ontai, Naslund and Garcia voting in favor of the project and Commissioner Griswold voting in opposition to the project.

FISCAL CONSIDERATIONS:

None. All costs associated with processing this project are paid by the applicant through a deposit account.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On July 12, 2006, the Kensington-Talmadge Community Planning Committee voted unanimously to approve the project, with conditions as described in the attached Planning Commission Report.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Wayne and Susan Haaland, Owners/Applicants.

Waring/Escobar-Eck/PG

NOTE: This activity is exempt from CEQA pursuant to Section 15301(k) (existing facilities) of the State CEQA Guidelines.

Staff: Paul Godwin – (619) 446-5103
Shirley R. Edwards – Deputy City Attorney

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

FILE LOCATION: F-10038

COUNCIL ACTION: (Time duration: 2:06 p.m. – 2:07 p.m.)

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

ITEM-334: Nineteen actions related to Phase I Reformat of Planned District Ordinances.

Matter of approving, conditionally approving, modifying or denying proposed ordinances that would amend the format of the City's Planned District Ordinances (PDOs). The Phase I Planned District Ordinance Reformat project involves conversion of the PDOs from Chapter 10, Article 3, Divisions 1-7, 9-15, 17, 20-22 including the General Provisions (Div 1), Old Town (Div 2), La Jolla Shores (Div 3), Gaslamp Quarter (Div 4), Mission Beach (Div 5), Carmel Valley (Div 6), Golden Hill (Div 7), Barrio Logan (Div 9), Mount Hope (Div 10), Otay Mesa (Div 11), La Jolla (Div 12), West Lewis (Div 13), Cass Street (Div 14), Mid-City Communities (Div 15), Southeastern San Diego (Div 17), Marina (Div 20), Mission Valley (Div 21), and San Ysidro (Div 22); into the format of the Land Development Code in Chapter 15, Articles 1-4 and 7-20 including General Provisions (Art 1), Barrio Logan (Art 2), Carmel Valley (Art 3), Cass Street (Art 4), Gaslamp (Art 7), Golden Hill (Art 8), La Jolla (Art 9), La Jolla Shores (Art 10), Marina (Art 11), Mid City (Art 12), Mission Beach (Art 13), Mission Valley (Art 14), Mount Hope (Art 15), Old Town (Art 16), Otay Mesa (Art 17), San Ysidro (Art 18), Southeastern San Diego (Art 19), West Lewis (Art 20). Additionally, Sections 111.0101 and 141.0302 of the Land Development Code would be amended to update the PDO section references from Ch 10 to Ch 15. No substantive changes are involved. Draft ordinances and tracking logs are available for review at www.sandiego.gov/development-services/industry/codes.shtml#amend

(See Report to the City Council No. 07-033. Citywide.)

STAFF'S RECOMMENDATION:

Introduce the following ordinances:

Subitem-A: (O-2007-65) INTRODUCED, TO BE ADOPTED ON
TUESDAY, MARCH 6, 2007

Introduction of an Ordinance of the Council of the City of San Diego repealing Chapter 10, Article 3, Division 1, of the San Diego Municipal Code, and amending Chapter 15, Article 1, Division 1 titled "General Provisions for Planned Districts," by adding Sections 151.0101, 151.0102, and 151.0103; Division 2 titled "Permits and Procedures For Planned Districts," Sections 151.0201, 151.0202, 151.0203, and 151.0204; Division 3 titled "Zones for Planned Districts," Section 151.0301; and Division 4 titled "General and Supplemental

Regulations,” Section 151.0401, all relating to the General Provisions for Planned Districts.

Subitem-B: (O-2007-68) INTRODUCED, TO BE ADOPTED ON
TUESDAY, MARCH 6, 2007

Introduction of an Ordinance of the Council of the City of San Diego repealing Chapter 10, Article 3, Division 2, of the San Diego Municipal Code, and amending Chapter 15, by adding Article 16, Division 1 titled “General Rules,” Sections 1516.0101, 1516.0102, 1516.0103, 1516.0104, and 1516.0105; Division 2 titled “Permits and Procedures,” Sections 1516.0201, 1516.0202, 1516.0203, and 1516.0204; Division 3 titled “Zoning and Subdistricts,” Sections 1516.0301, 1516.0302, and 1516.0303; Division 4 titled “General and Supplemental Regulations,” Sections 1516.0401, 1516.0402, 1516.0403, 1516.0404, and 1516.0405, all pertaining to the Old Town San Diego Planned District.

Subitem-C: (O-2007-78) INTRODUCED, TO BE ADOPTED ON
TUESDAY, MARCH 6, 2007

Introduction of an Ordinance of the Council of the City of San Diego repealing Chapter 10, Article 3, Division 3, of the San Diego Municipal Code, and amending Chapter 15, Article 10, Division 1 titled “General Rules,” Sections 1510.0101, 1510.0102, 1510.0103, 1510.0104, 1510.0105, 1510.0106, 1510.0107, and 1510.0108; Division 2 titled “Permits and Procedures,” Sections 1510.0201, and 1510.0202; Division 3 titled “Zones,” Sections 1510.0301, 1510.0302, 1510.0303, 1510.0304, 1510.0305, 1510.0306, 1510.0307, 1510.0308, 1510.0309, 1510.0310, 1510.0311, 1510.0313, and 1510.0314; Division 4 titled “General and Supplemental Regulations,” Sections 1510.0401, 1510.0402, and 1510.0403, all relating to the La Jolla Shores Planned District.

Subitem-D: (O-2007-64) INTRODUCED, TO BE ADOPTED ON
TUESDAY, MARCH 6, 2007

Introduction of an Ordinance of the Council of the City of San Diego repealing Chapter 10, Article 3, Division 4, and amending Chapter 15, by adding Article 7, Division 1 titled “General Rules,” Sections 157.0101, 157.0102, 157.0103, and 157.0104; Division 2 titled “Permits and Procedures,” Sections 157.0201, 157.0202, 157.0203, 157.0204, 157.0205 and 157.0206; Division 3 titled “Zoning

and Subdistricts,” Sections 157.0301, 157.0302 and 157.0303; Division 4 titled “General and Supplemental Regulations,” Sections 157.0401, 157.0402, 157.0403, 157.0404, and 157.0405, all relating to the Gaslamp Planned District.

Subitem-E: (O-2007-80) INTRODUCED, TO BE ADOPTED ON
TUESDAY, MARCH 6, 2007

Introduction of an Ordinance of the Council of the City of San Diego repealing Chapter 10, Article 3, Division 5, of the San Diego Municipal Code, and amending Chapter 15, by adding Article 13, Division 1 titled “General Rules,” Sections 1513.0101, 1513.0102, 1513.0103, 1513.0104, and 1513.0105; Division 2 titled “Permits and Procedures,” Sections 1513.0201, 1513.0202, and 1513.0203; Division 3 titled “Zones and Subdistricts,” Sections 1513.0301, 1513.0302, 1513.0303, 1513.0304, 1513.0305, 1513.0306, and 1513.0307; Division 4 titled “General and Supplemental Regulations,” Sections 1513.0401, 1513.0402, 1513.0403, and 1513.0404, all relating to the Mission Beach Planned District.

Subitem-F: (O-2007-62) INTRODUCED, TO BE ADOPTED ON
TUESDAY, MARCH 6, 2007

Introduction of an Ordinance of the Council of the City of San Diego repealing Chapter 10, Article 3, Division 6, of the San Diego Municipal Code, and amending Chapter 15, by adding Article 3, Division 1 titled “General Rules,” Sections 153.0101, 153.0102, and 153.0103; Division 2 titled “Permits and Procedures,” Sections 153.0201 and 153.0202; Division 3 titled “Zones,” Sections 153.0301, 153.0302, 153.0303, 153.0304, 153.0305, 153.0306, 153.0307, 153.0308, 153.0309, 153.0310, 153.0311, 153.0312, 153.0313, and 153.0314; Division 4 titled “General Supplemental Regulations,” Sections 154.0401, 154.0402 and 154.0403, all relating to the Carmel Valley Planned District.

Subitem-G: (O-2007-76) INTRODUCED, TO BE ADOPTED ON
TUESDAY, MARCH 6, 2007

Introduction of an Ordinance of the Council of the City of San Diego repealing Chapter 10, Article 3, Division 7, and amending Chapter 15, by adding Article 8, Division 1 titled “General Rules,” Sections 158.0101, 158.0102, 158.0103, and 151.0104; Division 2 titled “Permits and Procedures,” Sections 158.0201, 158.0202, 158.0203, 158.0204, 158.0205, 158.0206, and 158.0207; Division 3

Introduction of an Ordinance of the Council of the City of San Diego repealing Chapter 10, Article 3, Division 20, of the San Diego Municipal Code, and amending Chapter 15, by adding Article 11, Division 1 titled "General Rules," Sections 1511.0101, 1511.0102, 1511.0103, and 1511.0104; Division 2 titled "Permits and Procedures," Sections 1511.0201, 1511.0202, 1511.0203, and 1511.0204; Division 3 titled "Zoning and Subdistricts," Sections 1511.0301 and 1511.0302; Division 4 titled "General and Supplemental Regulations," Sections 1511.0401, 1511.0402, 1511.0403, and 1511.0404, all relating to the Marina Planned District.

Subitem-Q: (O-2007-81) INTRODUCED, TO BE ADOPTED ON
TUESDAY, MARCH 6, 2007

Introduction of an Ordinance of the Council of the City of San Diego repealing Chapter 10, Article 3, Division 21, and amending Chapter 15, by adding Article 14, Division 1 titled "General Rules," Sections 1514.0101, 1514.0102, 1514.0103, and 1514.0104; Division 2 titled "Permits and Procedures," Sections 1514.0201, 1514.0202, 1514.0203, 1514.0204, and 1514.0205; Division 3 titled "Zoning and Subdistricts," Sections 1514.0301, 1514.0302, 1514.0303, 1514.0304, 1514.0305, 1514.0306, and 1514.0307; Division 4 titled "General and Supplemental Regulations," Sections 1514.0401, 1514.0402, 1514.0403, 1514.0404, 1514.0405, 1514.0406, 1514.0407, 1514.0408, and Appendixes B through E, all relating to the Mission Valley Planned District.

Subitem-R: (O-2007-69) INTRODUCED, TO BE ADOPTED ON
TUESDAY, MARCH 6, 2007

Introduction of an Ordinance of the Council of the City of San Diego repealing Chapter 10, Article 3, Division 22, of the San Diego Municipal Code, and amending Chapter 15, by adding Article 18, Division 1 titled "General Rules," Sections 1518.0101, 1518.0102, and 1518.0103; Division 2 titled "Permits and Procedures," Sections 1518.0201, 1518.0202, and 1518.0203; Division 3 titled "Zoning," Sections 1518.0301 and 1518.0302; Division 4 titled "General and Supplemental Regulations," Sections 1518.0401 and 1518.0402, and Appendixes A, B and C, all relating to the San Ysidro Planned District.

Subitem-S: (O-2007-74) INTRODUCED, TO BE ADOPTED ON
TUESDAY, MARCH 6, 2007

Introduction of an Ordinance of the Council of the City of San Diego amending Chapter 11, Article 1, Division 1 of the San Diego Municipal Code by amending Section 111.0101, pertaining to the title "Land Development Code," and by amending Chapter 14, Article 1, Division 3 titled "Residential Use Category-Separately Regulated Uses," by amending Section 141.0302, pertaining to Companion Units.

OTHER RECOMMENDATIONS:

Planning Commission on April 19, 2001, voted 6-0 to recommend approval; no opposition.

Ayes: Garcia, Brown, Butler, Steele, Skorepa, Stryker
Not present: Anderson

This is a matter of City-wide effect. All Community Planning Groups with Planned District Ordinances in their respective Communities were notified of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Introduce and adopt the Phase I reformat of the City's Planned District Ordinances (PDOs) that involves conversion of the PDOs from Chapter 10, Article 3, Divisions 1-7, 9-15, 17, 20-22 into the format of the Land Development Code in Chapter 15, Articles 1-4 and 7-20.

STAFF RECOMMENDATION:

Introduce and adopt the Phase I reformat of the Planned District Ordinances.

EXECUTIVE SUMMARY:

In accordance with the Mayor's goal for consistent development regulations and predictable permit processes, the PDO regulations have been reorganized into a format consistent with the LDC, to facilitate consolidation into a single regulatory framework as part of the two-phase PDO project. Approval of Phase I is the action currently requested and does not include any substantive changes. Phase I is a straightforward reorganization of the PDOs from the old Chapter 10 zoning code into a new format consistent with the Land Development Code (Chapter 15). The Phase I reformat allows for comparative analysis of the duplicative administrative, permit process, zoning, and supplemental regulations between the 19 PDOs and the LDC.

Phase II is anticipated to occur during the comprehensive community plan update process. In consideration of community input, staff will make recommendations regarding which PDO regulations should be folded into the LDC, and identify where new zones or regulations should be created to preserve truly unique resources, with an overall goal to consolidate the duplicative mini codes into a single regulatory framework in the Land Development Code.

FISCAL CONSIDERATIONS:

The Phase I reformat of the Planned District Ordinances is a part of the Land Development Code Update work program for Fiscal Year 2006-2007. Work on this project was funded as an overhead expense in the Development Services Department's (enterprise fund) budget. The LDC section is currently staffed with two full-time Senior Planner positions (account: Dept 1316, Org 1633, Job 1193). The Phase I reformat is anticipated to improve efficiency and reduce costs for the Department by organizing the existing PDO regulations into a more user friendly format at an overall cost savings for the City.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Land Use and Housing: On March 29, 2006, staff provided an informational report to the Land Use and Housing Committee regarding the Mayor's prioritization of the LDC work program, which listed the Phase I reformat of the PDOs as a priority. Prior to the strong mayor form of government, LU&H reviewed and provided input regarding specific items on the work program including the Phase I reformat. The LU&H Council Committee also determined the Phase I reformat to be a priority at previous Committee hearings (February 15, 2000, March 28, 2001, and March 10, 2004).

Planning Commission: On April 13, 2001, the Planning Commission voted unanimously to recommend approval of the Phase I reformat of the PDOs.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Phase I reformat will improve use of the existing regulations with no substantive changes. In 2001, LDC staff members attended community planning group meetings to discuss the two-phase PDO work program individually with each planning group. Staff presented the Phase I reformat of the Planned District Ordinances to the Community Planners Committee, Code Monitoring Team, Planning Commission, and Land Use and Housing Committee and received unanimous support. Links were posted to the Development Services Department website to facilitate public review of the proposed ordinances months in advance of the Council hearing.

Staff provided informational presentations to the Uptown Planners Committee on September 5, 2006, and to the Pacific Beach Planning Group subcommittee on October 13, 2006, regarding the West Lewis and Cass Street PDOs which have been identified as potential Phase II pilot projects. For each PDO update under Phase II, the LDC team will research, analyze, and prepare reports

on the issues, and coordinate public outreach for input and feedback, before bringing the Phase II PDO Updates forward to the City Council for approval. Following City Council approval, the Phase II PDO updates in the coastal zone will require Coastal Commission certification. Since there are no substantive changes included in Phase I, the reformat will not be required to be certified by the Coastal Commission.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Potential stakeholders include community groups, consultants, property owners, development industry, public interest groups, land use professional associations, utilities, and government agencies (including redevelopment agencies). The Phase I reformat of the Planned District Ordinances will improve the use of existing PDO regulations. The reformat will also facilitate a comparative analysis of the PDOs for consideration in Phase II to determine which PDOs can be transitioned to citywide zoning for additional simplification and streamlining improvement.

The Phase II analysis will be conducted along with the General Plan and associated Community Plan updates to ensure that the updated PDOs implement the long term policy vision for the communities and are consistent with the Mayor's goal for consistent development regulations and predictable permit processes.

Waring/Escobar-Eck/AL

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

Staff: Amanda Lee – (619) 446-5367
Shannon M. Thomas – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:07 p.m. – 2:34 p.m.)

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

ITEM-350: **Notice of Pending Final Map Approval – Windansea Luxury Condos.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Windansea Luxury Condos” (T.M. No. 7282/PTS No. 14119), located on the south side of Bonair Street between Neptune Place and La Jolla Boulevard in the La Jolla Community Plan Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

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



[ITEM-351](#): **Notice of Pending Final Map Approval – Rhodes Crossing (Revised).**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Rhodes Crossing” (T.M. No. 98-0559/PTS No. 36993), located adjacent to Carmel Mountain Road and Camino Del Sur in the Torrey Highlands Rancho Bernardo Community Plan Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City

Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

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

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters 2:44 p.m. in honor of the memory of:

Faye Ann Rice as requested by Council Member Atkins;
Judge Jay Michael Bollman as requested by Council Member Atkins;
P.J. Skill as requested by Council Member Maienschein;
Tim Allen as requested by Council Member Maienschien;
Wayne Newton Rogers as requested by Council Member Frye; and
Denise Daly as requested by Council President Peters.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:35 p.m. – 2:44 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego