

THE CITY OF SAN DIEGO, CALIFORNIA  
 MINUTES FOR REGULAR COUNCIL MEETING  
 OF  
 TUESDAY, FEBRUARY 27, 2007  
 AT 10:00 A.M.  
 IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Council President Peters at 10:04 a.m. The meeting was recessed by Council President Peters at 11:17 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 2:23 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 2:25 p.m. with all Council Members present. Council President Peters recessed the meeting at 2:30 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the regular meeting 2:35 p.m. with all Council Members present. Council President Peters recessed the meeting at 2:36 p.m. to convene the Housing Authority and thereafter the Redevelopment Agency. Council President Peters reconvened the regular meeting at 2:38 p.m. with all Council Members present. Council President Peters recessed the meeting at 3:37 p.m. for the purpose of a break. Council President Peters reconvened the regular meeting at 3:44 p.m. with Council Member Hueso not present. Council President Peters recessed the meeting at 3:46 p.m. to reconvene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 3:47 p.m. with Council Member Madaffer not present. Council President Peters recessed the meeting at 3:48 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:56 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 4:15 p.m.

**ATTENDANCE DURING THE MEETING:**

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

- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

Clerk-Maland (pr/dlc)

FILE LOCATION: MINUTES



ITEM-300:

ROLL CALL

Clerk Maland called the roll:

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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Al Strohlein commented on alcohol and the 4th of July in Pacific Beach.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-2:

Susan Gloudeman commented on business tax and small businesses.

FILE LOCATION: AGENDA

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

**PUBLIC COMMENT-3:**

Ron Boshun commented on Council actions.

FILE LOCATION: AGENDA

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

**PUBLIC COMMENT-4:**

Don Stillwell commented on violations of the Brown Act in relation to public transportation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. - 10:53 a.m.)

**PUBLIC COMMENT-5:**

Referred to the Mayor: Dale Shockley commented on Risk Management and the denial of industrial leave to City employees.

FILE LOCATION: AGENDA

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

**PUBLIC COMMENT-6:**

Gerald Blank and Rich Beach commented on the proposed Resolutions for Montgomery Field and the Sunroad building.

FILE LOCATION: AGENDA

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

**PUBLIC COMMENT-7:**

Phil Hart commented on the San Diego Chargers' desire for a new stadium.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:03 a.m. - 11:06 a.m.)

**PUBLIC COMMENT-8:**

Katheryn Rhodes commented on ministerial apartments to discretionary condos.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:07 a.m. - 11:09 a.m.)

**PUBLIC COMMENT-9:**

Jacqueline Siegel commented on arts and culture in the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:09 a.m. - 11:13 a.m.)

**COUNCIL COMMENT:**

**COUNCIL COMMENT-1:**

Council Member Atkins wished to invite the public to the San Diego Indie Music Fest in North Park on March 3, 2007. Council Member Atkins also acknowledged the birthday of Council Member Madaffer and Officer Lessa as well.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:13 a.m. - 11:15 a.m.)

COUNCIL COMMENT-2:

Council Member Madaffer thanked the Mayor's staff and the Engineering Dept. for working on the intersection of Waring Rd. and Greenbrier where two students from Lewis Middle School were injured when they were hit by a car.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:15 a.m. - 11:16 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



ITEM-30: April Penera Day.

**COUNCIL PRESIDENT PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2007- ) ADOPTED AS RESOLUTION R-302382

Proclaiming February 27, 2007 to be "April Penera Day" in the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:28 a.m.)

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



ITEM-31: Macedonio Arteaga Day.

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

Adopt the following resolution:

(R-2007-766) ADOPTED AS RESOLUTION R-302383

Proclaiming February 27, 2007, to be “Macedonio Arteaga Day” in the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:34 a.m.)

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

ITEM-50: Joint Use Agreement with the San Diego Unified School District for Future Thurgood Marshall Middle School.

(Scripps Miramar Ranch Community Area. District 5.)

(Continued from the meeting of February 6, 2007, Item 51, at the request of Councilmember Maienschein, for further review.)

**STAFF’S RECOMMENDATION:**

Introduce the following ordinance:

(O-2007-53)                      INTRODUCED; TO BE ADOPTED  
ON TUESDAY, MARCH 20, 2007

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego (City), the lease and Agreement between the City and San Diego Unified School District (District), for the construction, operation and maintenance of turfing fields, restroom, parking lot, drinking fountains, backstops, and recreational facilities at Thurgood Marshall Middle School in the Scripps Miramar Ranch Community Planning Area;

Authorizing the addition of CIP-29-920.0, Future Thurgood Marshall Middle School, to the Fiscal Year 2007 Capital Improvements Program;

Authorizing a \$2,059,000 increase in the Fiscal Year 2007 Capital Improvements Program Budget in CIP-29-920.0, Future Thurgood Marshall Middle School, by \$1,370,000 in Special Park Fee, Fund No. 11230, \$480,000 from CIP-29-717.0, Fairbrook Neighborhood Park-Acquisition, Fund No. 11230, \$33,702 in Village and Country Settlement, Fund No. 10604, and a total of \$175,298 from Miramar Ranch North Development Agreement Funds 392110 (\$24,192), 392131 (\$21,210), 392133 (\$23,901), 392143 (\$23,691), 392162 (\$2,962), and 392164 (\$79,342);

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$2,059,000 from CIP-29-920.0, Future Thurgood Marshall Middle School, for the purpose of reimbursement to District for the construction of facilities as described in the Future Thurgood Marshall Middle School Joint Use Agreement;

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

**NOTE:** 6 votes required.

**STAFF SUPPORTING INFORMATION:**

The proposed facilities at Future Thurgood Marshall Middle School will be developed and maintained through this twenty-five (25) year no fee lease and Joint Use Agreement with the San Diego Unified School District.

The San Diego Unified School District has the responsibility for the construction of the facilities and will be reimbursed by the City in an amount of \$2,059,000. The City is responsible for the maintenance of the Joint Use Area as described in the Joint Use Agreement.

The construction of Future Thurgood Marshall Middle School began in November of 2004 and is scheduled to be completed before the end of FY 2007.

Future Thurgood Marshall Middle School is within Scripps Miramar Ranch Community area and is bound by Avenue of Nations to the north, Alliant International University to the east and United States Marine Corps property to the south. The terms for the agreement allow for the design, construction, operation, and maintenance of turfed fields, comfort station, parking lot, drinking fountains, backstops, and recreation facilities.

The City and District have been cooperating in the use of numerous recreational facilities in accordance with the City-District Recreation Agreement of September 1948, and the Memorandum of Understanding (MOU) between the City and District for the Development and Maintenance of Joint Use Facilities adopted by the San Diego City Council on October 7, 2002, (Resolution No. R-297149) and by the District's Board of Education on October 8, 2002. The terms of proposed agreement are consistent with the 1948 Recreation Agreement and MOU. The District's Board of Education approved this Joint Use Agreement on December 12, 2006.

**FISCAL CONSIDERATIONS:**

The maintenance cost at the 4.52 acres of joint use fields is estimated to be \$38,420 annually. These maintenance costs will come from the City's General Fund since their fields will be used to help satisfy the Scripps Miramar Ranch requirements for population based parks. It is anticipated the construction of these fields will be completed in FY 2008; therefore, this funding will be requested during the FY08 budget process.

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

None.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The community has been actively involved in defining the items in the agreement with SDUSD and endorses the content of the lease and Joint Use Agreement.

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

Scripps Ranch Recreation Council  
Scripps Ranch Planning Group  
Miramar Ranch North Planning Group  
Scripps Ranch Civic Association  
San Diego Unified School District  
Design/Build Contractor: Soltek Pacific  
Bridging Document Consultant: Trittipo

Penera/Martinez

Aud. Cert. 2700499.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:37 a.m.)

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

\* ITEM-51: First Amendment to Agreement with URS Corporation for the Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway Project.

(Mira Mesa Community Area. District 5.)

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2007-99) INTRODUCED; TO BE ADOPTED ON  
TUESDAY, MARCH 20, 2007

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a First Amendment to the Agreement with URS Corporation for additional professional environmental services, under the terms and conditions set forth in the document on file in the Office of the City Clerk, for CIP-52-676.0, Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway, in the amount of \$63,900, Fund 79006, Mira Mesa Facilities Benefit Assessment (FBA);

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$63,900 from CIP-52-676.0, Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway, Fund 79006, Mira Mesa Facilities Benefit Assessment (FBA), for the purpose of executing the

aforementioned first amendment, contingent upon the City Auditor and Controller first certifying that the funds are, or will, be available in the City Treasury;

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

**NOTE:** 6 votes required.

**STAFF SUPPORTING INFORMATION:**

Mira Sorrento Place is located in District 5 between Scranton Road and Vista Sorrento Parkway at the existing on/off ramps to the Interstate 805 freeway in accordance with the community plan. The construction of Mira Sorrento Place has been completed. The work included on-site revegetation/landscaping as mitigation for upland habitat that was impacted by the construction of the project. The Mitigated Negative Declaration No. 1662/41-1031, Project No. 1662, requires that the on-site revegetation plan for upland impacts include a habitat monitoring and reporting program that shall occur for at least five (5) years following the completion of the revegetation/landscaping.

The habitat monitoring and reporting program is required to document the status and insure the success of the on-site restoration effort. URS is the design consultant on the project and will provide the required monitoring and reporting services for the next 5 years, once this agreement is approved.

**FISCAL CONSIDERATIONS:**

The cost of this First Amendment to the Agreement with URS is \$63,900, which increases the total consultant agreement to \$823,108. Sufficient funds to cover this additional cost are available in CIP-52-676.0, Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway, Fund # 79006, Mira Mesa Facilities Benefit Assessment (FBA).

**PREVIOUS COUNCIL/COMMITTEE ACTION:**

May 30, 2000, Resolution Number R-293184, Agreement with Dames and Moore Group Company (now URS Corporation) for the purpose of providing professional services.  
September 2, 2003, Resolution Number R-298344, approving the plans and specifications; authorizing establishment of phase funding and award of public works contract; and taking related actions.

November 3, 2003, Resolution Number R-298569, approval of eminent domain action to acquire the right-of-way and easement through Parcels #341-010-04 and 341-352-21.

May 10, 2004, Resolution Number R-299183, transfer of funds for the Mira Sorrento Place Reclaimed Water Pipeline.

April 4, 2005, Resolution Number R-300270, First Amendment to the Agreement with SFPP/Kinder Morgan for the relocation of one 16" and one 10" petroleum product pipelines.  
October 31, 2005, Resolution Number R-300990, transfer of funds for the purpose of right-of-way and easement settlement cost.  
March 14, 2006, Resolution Number R-301257, transfer of funds within Fund No. 79006.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

Detailed community outreach efforts were conducted during the design and construction of the project. No additional public outreach is needed for this action.

**KEY STAKEHOLDERS:**

URS

Boekamp/Haas

Aud. Cert. 2700500.

Staff: Jamal Batta - (619) 533-3769  
Jeremy A. Jung - Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 10:34 a.m. – 10:37 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-yea, Hueso-yea.

\* ITEM-100: Agreement with RBF Consulting for the San Pasqual Brackish Groundwater Desalination Demonstration Project.

(See Executive Summary Sheet (Undated). San Pasqual Community Area. District 5.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2007-778) ADOPTED AS RESOLUTION R-302384

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an agreement with RBF Consulting for the San Pasqual Brackish Groundwater Desalination Demonstration Project (Agreement), in an amount not to exceed \$2,800,170, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase Agreement scope or cost and which the Mayor, or duly authorized City representative, shall deem necessary from time to time in order to carry out the purposes and intent of the Agreement;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,300,000 from Water Fund 41500, CIP-73-347.0, CIP Program Management, and an amount not to exceed \$847,024.77 from Water Fund 41500, CIP-73-230.0, Annual Allocation-Variou Lakes and Docks, to Water Fund 41500, CIP-75-932.0, Groundwater Asset Program;

Authorizing the appropriation and expenditure of an amount not to exceed \$3,075,000 from Water Fund 41500, CIP-75-932.0, Groundwater Asset Program (San Pasqual Groundwater Desalination Demonstration Project), for the purpose of funding the Agreement and project-related costs;

Authorizing the use of City Forces in the amount of \$120,000 from Water Fund 41500, CIP-75-932.0, Groundwater Asset Program (San Pasqua1 Groundwater Desalination Demonstration Project);

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

Declaring this activity is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15306 because this activity consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 10/11/2006, NR&C voted 4 to 0 to approve. (Councilmembers Faulconer, Atkins, Frye, and Hueso voted yea.)

**SUPPORTING INFORMATION:**

In December 2002, the City Council adopted the Long-Range Water Resources Plan 2002-2030 (LRWRP) which evaluated water supply alternatives for meeting the City's current and future water needs. The initial phase of the LR WRP is to develop and implement, by 2010, a water resources strategy that includes water conservation, recycled water, groundwater storage, groundwater desalination and water transfers.

One of the priority groundwater desalination projects is a Brackish Groundwater Desalination Demonstration Project in the San Pasqual Valley basin. The San Pasqual Basin has a high potential for both desalination and conjunctive use projects based on preliminary evaluations of the basin. Brackish groundwater desalination consists of extracting and desalinating native groundwater via reverse osmosis (RO) treatment for potable uses. Conjunctive use is the concept of recharging imported water to the aquifer during periods of high availability and less expensive supply, for recovery during dry periods or emergency conditions.

The up to 250 acre-foot a year (AFY) temporary San Pasqual Brackish Groundwater Desalination Demonstration Project will test the use of brackish groundwater from the San Pasqual Basin. The proposed location for the project is the decommissioned San Pasqual Water Reclamation Plant (SPWRP) on Highland Valley Road. The proposed timeline for development of the Demonstration Project is up to four (4) years. The purpose of this project is to demonstrate, at the 250 AFY scale, whether the basin is capable of producing potable quality water, and to determine the feasibility of ultimately implementing an approximately 5,000 AFY desalination facility. The project shall address issues impacting feasibility such as: basin sustainability, environmental constraints/issues, well configuration, and connection to the City's potable water system.

The City of San Diego has conducted several desalination research projects, and has been active in the Desalination Research and Innovation Partnership (DRIP) program administered by the Metropolitan Water District of Southern California (MWD). Past research conducted by the City includes investigation of a new generation of membranes for groundwater desalination, development of costs for groundwater desalination and reclamation plants, use of desalting membranes for reclamation, and seawater desalination using membranes.

**FISCAL CONSIDERATIONS:**

The total amount of this project is \$3,075,000. Funds in the amount of \$2,147,024.77 are being transferred from the Lakes and Docks CIP-73-230.0 and from the Program Management CIP-73-347.0. This action will make \$3,075,000 available in Water Fund 41500, CIP-75-932.0 - Groundwater Asset Development Program. This transfer does not impact either CIP as work on the Lakes and Docks is essentially complete and sufficient funds remain in Program Management to complete work to be authorized later this Fiscal Year. This project will be reimbursed in part by a Department of Water Resources Prop. 50, Chapter 6(a) Grant for the San Pasqual Brackish Groundwater Desalination Project in the amount of \$1,500,000.

**PREVIOUS COUNCIL/COMMITTEE ACTION:**

On December 9, 2002, the City of San Diego adopted the Long-Range Water Resources Plan (LRWRP) by Resolution R-2003-657 in which the San Pasqual Basin was identified as a potential groundwater supply. The Council adopted Policy 600-45 (R-300588) on June 27, 2005, by unanimous vote with all present, to comprehensively protect the water, agricultural, biological and cultural resources within the San Pasqual Valley. On May 16, 2006, the Council adopted Resolution R-2006-933 authorizing the execution of the Proposition 50 grant agreement for San Pasqual and San Diego formation Brackish Water Desalination projects. Professional services agreement with RBF Consulting and authorization of the expenditure of \$3,075,000 for the development of the San Pasqual Brackish Groundwater Desalination Demonstration Project were presented and approved at the NR&C Meeting of October 11, 2006.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The Water Department has been actively involved in the San Pasqual/Lake Hodges Planning Group for the past three years. In addition, the City will conduct regular stakeholder meetings consistent with San Pasqual Valley Vision Plan.

**KEY STAKEHOLDERS:**

There are local, intergovernmental, and industry/regulatory agency stakeholders within the San Pasqual Valley. Local stakeholders include the City lessees who practice agriculture within the Valley, San Pasqual/Lake Hodges Community Planning Board, Rancho Bernardo Chamber of Commerce, San Diego County Farm Bureau, and San Dieguito River Park Citizens Advisory Board. Intergovernmental stakeholders include the Cities of Escondido and Poway, the City of San Diego Council District 5, the City of San Diego Agricultural Board, the Rancho Bernardo Community Council, and the San Dieguito River Valley Regional Open Space Park Joint Powers Authority. Industry/regulatory agency stakeholders include the Regional Water Quality Control Board, the Industrial Environmental Association, U.S. Fish and Wildlife Service, California Department of Fish and Game, and the U.S. Army Corps of Engineers.

Barrett/Haas

Aud. Cert. 2700494.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:37 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-yea, Hueso-yea.

\* ITEM-101: Consultant Agreement with Raftelis Financial Consultants Inc. for Valuation of City's Capacity Rights in the All-American Canal.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-753) ADOPTED AS RESOLUTION R-302385

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, an agreement with Raftelis Financial Consultants, Inc. for valuation of the City's capacity rights in the All-American Canal (Agreement), in an amount not to exceed \$49,950, together with any reasonably necessary modifications or amendments which do not increase agreement scope or cost and which the Mayor, or duly authorized City representative, shall deem necessary from time to time in order to carry out the purposes and intent of the agreement;

Authorizing the expenditure of an amount not to exceed \$49,950 from Water Fund 41500, Department 760, Org. 8400, for the purpose of funding the agreement;

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

Declaring that this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment.

**STAFF SUPPORTING INFORMATION:**

The AAC is owned by the United States and is administered by the United States Bureau of Reclamation. The City of San Diego, pursuant to a contract with the United States, owns capacity rights in the AAC, a unique asset which, due to historic circumstances, the City has never been able to utilize. The City's capacity rights may be of value to the Water Fund. An appraisal is needed in order to effectively evaluate those rights. The City currently does not have an appraisal of its capacity rights, and due to the unique nature of the City's rights, traditional valuation services are considered insufficient.

In accordance with Administrative Regulation 25.70, the City solicited price quotations from three potential sources and received two responses. Raftelis Financial Consultants, Inc. was selected as the most qualified consultant with expertise in performing valuations of unique assets.

**FISCAL CONSIDERATIONS:**

The total amount of this project is \$49,950. Funds are budgeted and available.

**PREVIOUS COUNCIL/COMMITTEE ACTION:** None.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:** Not applicable.

**KEY STAKEHOLDERS:**

City Water Department ratepayers.  
Raftelis Financial Consultants Inc.

Barrett/Haas

Aud. Cert. 2700531.

Staff: Marsi Steirer - (619) 533-4112  
Lori W. Girard - Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 10:34 a.m. – 10:37 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-yea, Hueso-yea.

\* ITEM-102: Appropriation and Expenditure of Grant Funding for Pershing/Redwood Drive Improvements.

(Greater North Park Community Area. District 3.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-805)            ADOPTED AS RESOLUTION R-302386

Authorizing the acceptance of the Community-Based Transportation Planning Grant in the amount of \$150,000;

Authorizing the Mayor, or his designee, to execute the program supplement agreement, agreement amendments, and any other documents necessary to execute the Community-Based Transportation Planning Grant Program, in an amount not to exceed \$150,000;

Authorizing the City Auditor and Comptroller to establish a special interest bearing fund for the Community-Based Transportation Planning Grant;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2007 Capital Improvements Program Budget for CIP-52-696.0, Pershing/Redwood Drive Improvements by \$150,000 from the Community-Based Transportation Planning Grant Program, contingent upon receipt of a fully executed agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend \$150,000 from CIP-52-696.0, Pershing/Redwood Drive Improvements, Community-Based Transportation Planning Grant Program, for the purpose of preparing a study to improve the intersection of Pershing Drive and Redwood Drive, contingent upon receipt of a fully executed grant agreement and upon receipt of certification that the necessary funds are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer \$47,000, Transnet Funds, from CIP-58-077.0, Via de la Valle Bikeway, to CIP-52-696.0, Pershing/Redwood Drive Improvements;

Authorizing the City Auditor and Comptroller to appropriate and expend the amount of \$47,000, Transnet Funds, from CIP-52-696.0, Pershing/Redwood Drive Improvements, for the purpose of preparing a study to improve the intersection of Pershing Drive and Redwood Drive, contingent upon receipt of certification that the necessary funds are available;

Authorizing the City Auditor and Comptroller, upon the direction of the Mayor, or his designee, to reallocate the funding sources between Transnet and Commercial paper funded projects as may appropriate to maximize the use of Transnet cash and reduce the use of Commercial Paper funding for CIP-52-696.0, Pershing/Redwood Drive Improvements;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer any excess funds from CIP-52-696.0, Pershing/Redwood Drive Improvements, to the appropriate reserves;

Declaring this activity (funding actions for planning studies) is statutorily exempt from CEQA pursuant to State CEQA Guidelines Section §15262.

**STAFF SUPPORTING INFORMATION:**

The Pershing Drive corridor serves as a major connection between Downtown San Diego and North Park. Being within Balboa Park and adjacent to a residential area, the pedestrian demands are high, particularly at the intersection with 28th Street and along Redwood Street. However, the existing intersections lack the features necessary to adequately serve the pedestrian needs of the area. In response to these issues and the concerns expressed by area residents, staff examined the feasibility of changes to the intersections, including the implementation the T intersection configuration described in the East Mesa Community Precise Plan. Due to a lack of funding and community opposition to the installation of a T intersection with an all-way stop sign, permanent changes to the intersection were postponed until a significant investigation of the area could be conducted. As an interim measure, a revised striping arrangement for the intersection was implemented in the Spring of 2002, which has helped to temporarily alleviate some of the traffic issues.

In 2006, the State of California approved a grant application in the amount of \$150,000 for the development of a comprehensive transportation plan for this area as part of their Community-Based Transportation Planning Program.

Since this grant amount represents only a portion of the resources needed for the investigation of the entire corridor, staff recommended and Caltrans agreed that the first phase of the effort should focus on the Pershing/Redwood/28th Street intersection, which represents the most

immediate need for the area. The investigation for the remainder of the corridor would be part of subsequent grant applications.

The study will investigate the area of the Pershing Drive, 28th Street, and Redwood Street to develop permanent solutions for the traffic issues including the needs of motorists, pedestrians, and bicyclists. The work will include public outreach, community workshops, development of conceptual drawings for potential solutions, and a final report with detailed recommendations.

**FISCAL CONSIDERATIONS:**

To date, \$77, 484 has been spent on the preliminary investigations and implementation of the interim traffic improvements. The cost of the current study is \$197,000, which includes \$150,000 from the Community-Based Transportation Planning Grant and \$47,000 for the City matching funds required by the grant program. For the City matching funds, \$47,000 of TransNet funds is available from CIP-58-077.0, Via de La Valle Bikeway project, which is now complete. No expenditures are anticipated to be incurred against commercial paper at this time. In an effort to defer the issuance of commercial paper, available cash in the amount of \$47,000 will be identified through our cash management process.

**PREVIOUS COUNCIL COMMITTEE ACTION:**

November 14, 2005 (R-301025) - Council authorized to submit the Community-Based Transportation Planning Grant application.

May 2005 - \$12,516 was transferred to CIP-39-226.0, North Park Pershing Portal Project (R-300399).

December 13, 2004 - \$120,000 was transferred to CIP-52-406.0, Thorn Street Median Project, as part of FY 06 CIP budget. (R-300957)

February 8, 2001 - City Council allocated \$180,000 Transnet funds for the Pershing/Redwood Drive Improvements Project as part of FY 02 CIP budget.

FY 02 - City Council allocated \$30,000 CAPOUT (Capital Outlet Fund) for the Pershing/Redwood Drive Improvements Project as part of FY 02 CIP budget.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

Greater North Park Community Planning Committee.

**KEY STAKEHOLDERS:**

Greater North Park Community Planning Committee

Greater North Park Community Planning Committee Traffic Committee

Park and Recreation Department

Boekamp/Haas

Aud. Cert. 2700552.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:37 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-yea, Hueso-yea.

\* ITEM-103: Solid Waste Local Enforcement Agency (LEA) Waste Tire Enforcement Grant Application.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-761) ADOPTED AS RESOLUTION R-302387

Authorizing the submittal of an application to the CIWMB for a Waste Tire Enforcement Grant for a period of July 1, 2007 until June 30, 2012;

Authorizing the Mayor, or his designee, to execute, in the name of City of San Diego, all necessary applications, contracts, payment requests, agreements, and amendments hereto for the purposes of securing grant funds and to implement and carry out the purposes specified in the application;

Authorizing the LEA to accept, expend and administer any amendments, extensions, renewals, or future funding of this appropriation for a period of up to five years, provided funding is made available by the CIWMB;

Directing the City Auditor and Comptroller to create a separate fund for the grant monies;

Declaring this activity is exempt from CEQA Guidelines Section 15061(b)(3).

**STAFF SUPPORTING INFORMATION:**

The LEA is requesting the non-competitive grant funds to continue the ongoing inspection, surveillance, enforcement programs and other activities and projects designed to prevent illicit tire disposal and to assure a high level of compliance with applicable state laws and regulations. This grant will allow the LEA to continue its effective waste tire enforcement program, to provide regulatory guidance to waste tire businesses and, when necessary, to take enforcement action to remedy threats to public health and safety and the environment. Additionally, the LEA is proposing to expand its waste tire program regionally to include the cities of Chula Vista and Imperial Beach. Please find the attached resolution authorizing the LEA to execute this program in these jurisdictions.

The LEA has provided a model waste tire enforcement program that has been recognized and duplicated throughout the state. Also, the grant has been a springboard for obtaining other grant monies for cleaning up waste tires and trash in the Tijuana River Valley and for coordinating broader environmental issues with federal, state, and local agencies in the United States and Mexico.

**FISCAL CONSIDERATIONS:**

NOT A MATCHING GRANT. Up to \$164,833 may be available for reimbursement from the CIWMB Waste Tire Fund. The program is funded through the state's collection of a \$1.75 fee on the purchase of new tires. The LEA does NOT collect fees from stakeholders to support this program. The amount of the grant has increased based on anticipated costs to include additional work in Chula Vista and Imperial Beach.

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

As a result of previous council approvals, the LEA has received this grant annually and has been implementing it since 1999. However, with this application the LEA will be requesting a five (5) year approval from the CIWMB to implement the program continuously starting June 30, 2007 through June 30, 2012.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The program also includes outreach to the regulated community through the development and distribution of literature and public presentations to stakeholder groups.

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

The program includes annual or biannual inspections of new and used tire dealers, vehicle fleets, automotive dismantlers, car dealerships and rental agencies, and registered waste tire haulers as well as response to public complaints and agency referrals.

Escobar/Waring

Staff: Bill Prinz - (619) 533-3696  
Kimberly Ann Davies - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:37 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-yea, Hueso-yea.



ITEM-104: Additions to the Regional Arterial System.

(Citywide.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-747) ADOPTED AS RESOLUTION R-302388

Authorizing the Mayor, or his designee, to submit to the San Diego Associations of Governments (SANDAG) a list of requested additions to the Regional Arterial System, for inclusion in the 2007 Regional Transportation Plan (RTP).

**STAFF SUPPORTING INFORMATION:**

As part of the Regional Transportation Plan (RTP) created by the San Diego Association of Governments (SANDAG), the Regional Arterial System (RAS) is a collection of larger local roadways that are considered by SANDAG to make significant contributions to the effectiveness of the regional transportation system. The RAS supplements the region's freeways by providing alternative routes during times of congestion, providing for mass transit, and allowing for efficient travel across local agencies boundaries. As part of the 2007 update to the RTP and the provisions of the TransNet extension, SANDAG has revised the criteria for regional arterials and requested that each local agency submit any changes. These changes do not require the removal of any existing roadways from the RAS. However, staff has developed a list of proposed

additions to the RAS as shown in Attachment A of this report. This list of roadway segments is based on the new SANDAG criteria, the latest travel patterns, and current projections for future projects.

**FISCAL CONSIDERATIONS:**

This action has no direct costs associated with it. However, as part of the TransNet measure extension, future transportation projects will need to be part of the RAS in order to be eligible for funding from the Regional Transportation Congestion Improvement Program (RTCIP), which draws its funding from voter approved regional development fee. Implementation of this regional fee collection process within the City will be part of a future action.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:** None.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

Although no direct outreach was performed as part of this action, the recommended additions to the RAS were drawn primarily from the existing community plans.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

San Diego Association of Governments.

Boekamp/Haas

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

**FILE LOCATION:** MEET

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

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

\* **ITEM-105:** 2007 Project Area Committee (PAC) Election Results for the North Park Redevelopment Project Area.

(See memorandum from Janice Weinrick dated 2/13/2007. North Park Community Area. District 3.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-779)            ADOPTED AS RESOLUTION R-302389

Ratifying the election results of February 13, 2007, for the North Park Redevelopment Project Area Committee (PAC);

Declaring 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 SUPPORTING INFORMATION:**

Council authorized a one-year extension of the PAC and directed Redevelopment Agency staff to notice and conduct an election for the North Park Redevelopment Area PAC in 2007 by Resolution No. R-302181 on December 5, 2006.

On February 13, 2007, the North Park PAC conducted its Annual Election and meeting in accordance with the PAC Formation Procedures and PAC Bylaws. Five vacancies were available to be filled at the Annual Election. The categories included: Two (2) Residential Tenants, One (1) Residential Owner-Occupant, One (1) Business Owner and One (1) Community Organization.

The results of the February 13, 2007 PAC Election are listed in Exhibit A.

As of the time of the writing of this report, no protests or communications regarding the North Park PAC election have been received. If any protests or communications are submitted, they will be reported to the Council and made available for public review at the Public Hearing. In accordance with the PAC Formation Procedures, City Council ratification of the Annual Election results is required.

**FISCAL CONSIDERATIONS:**

None. Administration of the Project Area Committee is funded through the Redevelopment Agency Annual Project Budget.

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

Council authorized a one-year extension of the PAC and directed Redevelopment Agency staff to notice and conduct an election for the North Park Redevelopment Area PAC in 2007 by Resolution No. R-302181 on December 5, 2006.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

Approximately 11,700 election notices and Project Area maps were mailed to all residential owner-occupants, property owners, tenants, businesses and community organizations. The mailings included information about the PAC as well as general information about redevelopment. In addition to the mailings, approximately 6,120 door hangers were distributed, a notice was published in the January issue of the North Park News and approximately 30 notices were posted in the Project Area at locations including public schools, businesses, the North Park Recreation Center and the North Park Library.

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

The North Park community.

Weinrick/Anderson

Staff: Michelle Rosenthal - (619) 533-5449  
Kendall D. Berkey - Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 10:34 a.m. – 10:37 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-yea, Hueso-yea.

 \* **ITEM-106:** Appointment and Reappointment to the San Diego Convention Center Corporation Board of Directors.

(See memorandum from Mayor Sanders dated 1/4/2007.)

(Continued from the meeting of February 6, 2007, Item 110, at the request of Councilmember Hueso, for further review.)

**MAYOR SANDERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2007-728 Cor. Copy 2) ADOPTED AS RESOLUTION R-302390

Council confirmation of the following appointment and reappointment by the Mayor of the City of San Diego, to serve as members of the San Diego Convention Center Corporation, for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Alexis S. Gutierrez (Pacific Beach, District 2) (Replacing Chris Frahm, whose term expired)	December 1, 2009
Cheryl Fisher (Resides in the County of San Diego) (Reappointment)	December 1, 2009

Stating that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that Cheryl Fisher is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Commission, therefore, a conscious exception to Council Policy 000-13 is hereby declared.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:37 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-yea, Hueso-yea.



\* [ITEM-107:](#) Appointment to the Commission on Gang Prevention and Intervention.

(See memorandum from Mayor Sanders dated 1/30/2007.)

**MAYOR SANDERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2007-777) ADOPTED AS RESOLUTION R-302391

Council confirmation of the appointment by the Mayor of the City of San Diego, to serve as a member of the City of San Diego Commission on Gang Prevention and Intervention, for a term ending as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Scott Silverman (La Jolla, District 1) (Replacing Elias Vazquez, who resigned)	District 3, Member	July 1, 2007

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:37 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-yea, Hueso-yea.

\* ITEM-108: Westfield Appreciation Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2007-795) ADOPTED AS RESOLUTION R-302392

Recognizing and celebrating the generosity and community spirit demonstrated by Westfield Corporation on behalf of the Hoover High School Boys Varsity Basketball Team;

Proclaiming February 27, 2007, to be "Westfield Appreciation Day" in the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:37 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-yea, Hueso-yea.

\* ITEM-109: Annie Leibovitz Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2007-774) ADOPTED AS RESOLUTION R-302393

Commending Annie Leibovitz for her artistic accomplishments and welcoming her to the San Diego Museum of Art in beautiful Balboa Park;

Proclaiming February 15, 2007 to be “Annie Leibovitz Day” in the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:37 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-yea, Hueso-yea.

\* ITEM-110: Coalition for Reproductive Choice Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2007-757) ADOPTED AS RESOLUTION R-302394

Recognizing The San Diego Coalition for Reproductive Choice and commending it for its work to support, protect and educate the public about reproductive freedom;

Proclaiming January 22, 2007, to be “Coalition for Reproductive Choice Day” in the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:37 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-yea, Hueso-yea.



\* [ITEM-111](#): Black History Month.

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

Adopt the following resolution:

(R-2007-808) ADOPTED AS RESOLUTION R-302394

Proclaiming the month of February 2007 as “Black History Month” in the City of San Diego and commending and thanking all African-Americans who have contributed to the rich and prosperous history of our nation.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:37 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-yea, Hueso-yea.

\* ITEM-112: Excusing Councilmember Frye from Attending the January 29, 2007 City Council Meeting.

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-792)            ADOPTED AS RESOLUTION R-302396

Excusing Councilmember Donna Frye 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:            MEET

COUNCIL ACTION:            (Time duration: 10:34 a.m. – 10:37 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-yea, Hueso-yea.



**ITEM-330:**    First Implementation Agreement to the Disposition and Development Agreement with Veterans Village of San Diego for Veterans Village Project and Associated Actions.

(See Redevelopment Agency Report No. RA-07-05/RTC-07-004. Midway Pacific Highway Corridor Community Plan Area. District 2.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-713)            ADOPTED AS RESOLUTION R-302397

Recognizing that Council has received and heard all oral and written objections to the proposed First Implementation Agreement, to the proposed sale of the Property pursuant thereto, and to other matters pertaining to this transaction, and that all such oral and written objections are overruled;

Finding and determining that the consideration to be paid by the Developer for the sale of the Property as described in the First Implementation Agreement and Attachments thereto is not less than the fair reuse value at the use and with the covenants and conditions and development costs authorized by the First Implementation Agreement and Amended Attachments;  
Finding and determining that the sale of the Property will assist in the elimination of blight in the North Bay Redevelopment Project Area, will provide housing for low and very low-income persons and is consistent with the Project Area Redevelopment Plan;

Approving the sale of the Property and the First Implementation Agreement which establishes the terms and conditions for the sale and development of the Property;

Authorizing the City Clerk to deliver a copy of this resolution to the Executive Director and members of the Agency;

Declaring a Mitigated Negative Declaration, Project No. 3787, was prepared for the project in accordance with California Environmental Quality Act (CEQA) Guidelines. This project is adequately addressed in that document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental documents adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of CEQA or NEPA.

**STAFF SUPPORTING INFORMATION:**

On September 2, 2003, the Redevelopment Agency (Agency) entered into a Disposition and Development Agreement (DDA) with Vietnam Veterans of San Diego for the development of a multi-phase residential treatment facility for homeless veterans in the North Bay Redevelopment Project Area (Project Area). The site is located at 4141 Pacific Highway.

The project is proposing to construct 112 transitional living units comprised of 96 very low income beds at or below 50% area median income (AMI) and 16 low income units at 60% AMI as well as construct an employment center/admissions building. The proposed Agreement states that the Agency will subsidize the affordable units in an amount not to exceed \$4,350,000. The Agency's contribution to the improvement, specifically \$1,300,000 is proposed to be structured as a forgivable loan at zero percent interest, for a term of 65 years. If VVSD complies with all the requirements of the agreement, the loan will be forgiven. The remaining \$3.05 million will be used for land acquisition and relocation expenses.

The \$4,350,000 financing gap is proposed to be financed from the North Bay Redevelopment Project area and Naval Training Center Redevelopment Project area.

With this action, the Agency will be requested to authorize the offer and acquisition of a property owned by Wells-Kemper L.P. Wells-Kemper L.P. has indicated their willingness to sell their property for the project. The Agency will be required to provide relocation assistance to all affected occupants. The Agency will purchase the parcel and lease to the current tenants until conditions warrant its conveyance to VVSD. Staff anticipates that these actions should be completed by April of 2007.

In addition, the Phase II property is proposed to be conveyed to VVSD for the purchase price of \$1 and associated conveyance costs as outlined in the Summary Re-use Analysis (33433 Report). The project also requires the approval of a Replacement Housing Plan. VVSD plans to demolish 87 existing rehabilitation beds and replace them onsite with 112 transitional rehabilitation beds.

**FISCAL CONSIDERATIONS:**

Total Agency funding will not exceed \$4,350,000. A total of \$4,200,00 is available from the North Bay Redevelopment Project Area. In addition, \$150,000 will be provided from the Naval Training Center Redevelopment Project Area. The \$4,200,000 contribution from the North Bay funds is proposed to be applied to fulfill the Division's \$15,000,000 commitment under the original \$55,000,000 NOFA program.

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

On September 2, 2003, the Agency entered into a DDA with VVSD for the development of Veterans Village. On September 2, 2003, the City Council certified that the Mitigated Negative Declaration, LDR No. 3787, had been completed in compliance with the National Environmental Policy Act and California Environmental Quality Act. On December 14, 2006, the Affordable Housing Collaborative Executive Loan Committee reviewed the proposal and voted to recommend the project.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The Midway Community Planning Group voted unanimously to recommend approval of the project on May 6, 2003, by a vote of 12-0-0. On November 1, 2006, the PAC voted 6-0 with one member recused, to recommend the funding for the First Implementation Agreement. The PAC reviewed and voted 16-0 with one member recused, to approve the Replacement Housing Plan at their December 6, 2006 meeting.

**KEY STAKEHOLDERS & PROJECTED IMPACTS:**

<u>Role</u>	<u>Firm/Contact</u>	<u>Ownership</u>
Veteran's Village of San Diego (VVSD)	Vietnam Veterans of San Diego (dba) Veterans Village of San	501 (c)(3) Nonprofit Phil Landis, Chair

	Diego Contact: Al Pavich	Mike Madigan, Vice Chair Will Hays, Secretary
Development Manager	The Trimble Company Contact: Kent Trimble	Kent Trimble
Architect	Fehlman Labarre Architects Contact: Mike Labarre	Mike Labarre
Community Relations	L.J. Black Consulting Contact: Laurie Black	Laurie Black

The proposed project meets critical needs for homeless housing identified in the City's Comprehensive Homeless Policy (000-51) by creating additional transitional housing for the homeless.

Ostrye/Waring

Staff: James Davies - (619) 533-5373  
Carol A. Leone - Deputy City Attorney

**NOTE:** See the Redevelopment Agency agenda of February 27, 2007, for a companion item.

**FILE LOCATION:** MEET

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

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



**ITEM-331:** Two actions related to Historic Balboa Theatre Rehabilitation – Request to Take Such Actions as Necessary to Provide for the Fabrication and Installation of the Marquee Canopy and Vertical Blade Sign.

(See the Centre City Development Corporation Report CCDC-07-03. Horton Plaza Redevelopment Project. District 2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2007-806) ADOPTED AS RESOLUTION R-302398

Finding and determining that the fabrication and installation of the marquee canopy and vertical blade sign for the Historic Balboa Theatre for which the Agency proposes to pay is of benefit to the Horton Plaza Redevelopment Project;

Finding and determining that no other reasonable means for financing the Project are available to the community and that the Project will assist in eliminating one or more blighting conditions inside the Project Area, and that the Project is consistent with the Centre City and Horton Plaza Implementation Plans for July 2004-June 2009, on file in the Office of the Secretary to the Agency pursuant to California Health and Safety Code Section 33490, all as described in Attachment A;

Declaring the City Council has previously reviewed and considered the information contained in the Master Environmental Impact Report for the Centre City Redevelopment Project, which includes the Horton Plaza Redevelopment Project and the Balboa Theatre, and the Environmental Secondary Study prepared for the rehabilitation of the Balboa Theatre.

Subitem-B: (R-2007-793) ADOPTED AS RESOLUTION R-302399

Stating for the record that the City Council has previously reviewed and considered the information contained in the environmental documents collectively referred to as MEIR/SEIR, and the Secondary Study, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with the approval of the fabrication and installation of the marquee canopy and vertical blade sign for the Historic Balboa Theatre;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above fabrication and installation of the marquee canopy and vertical blade sign for the Historic Balboa Theatre.

**SUPPORTING INFORMATION:**

The Notice to Proceed for the construction of the final renovation phase of the Theatre was effective June 12, 2006. The procurement strategy for the fabrication and installation of the marquee and vertical blade sign has always been for the Corporation to have a direct contract with the sign contractor. This strategy was implemented due to a desire to have direct control over the quality of the fabrication and installation, as well as a fiscal/budget strategy. If the project is not approved, the Balboa Theatre exterior will be missing a significant architectural character defining element.

**FISCAL CONSIDERATIONS:**

Funds are available in the Fiscal Year 2007 Horton Plaza Redevelopment Project Balboa Theatre budget. The estimated project cost is \$500,000.

**CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:**

On January 31, 2007, the Centre City Development Corporation Board approved this item.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

In 2003, at the initiation of the design, the design team performed a program and budget development process via a series of work sessions with the stakeholders. These work sessions provided the stakeholders, which included CCDC, San Diego Theatres, potential user groups, technical representatives, and public representatives, a forum to define the mission, design goals, program requirements, budget goals, and schedule objectives. Ultimately these goals were incorporated in the Project Planning Guide.

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

The key stakeholders for the project are the proposed future operator, San Diego Theatres, and the future arts organizations that will use the Theatre. The marquee canopy and vertical blade sign are the architectural components that clearly identify the building as a theatre from the street. The marquee canopy also contains an electronic reader board that will provide announcements of the performances at the Theatre.

Bosse/Graham

**NOTE:** See the Redevelopment Agency Agenda of February 27, 2007 for a companion item.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 3:47 p.m. – 3:47 p.m.)

**MOTION BY FAULCONER TO ADOPT THE RESOLUTION IN SUBITEMS A AND THE RESOLUTION IN SUBITEM B. 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-332:** Wightman Street Neighborhood Park Request for Grant Amendment and  
Request for Special Park Fees.

(See Report to the City Council No. 07-037. City Heights and Mid-City  
Community Areas. District 7.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-524) CONTINUED TO TUESDAY, MARCH 27, 2007

Authorizing the Mayor, or his representative, to request approval from the State of California Department of Parks and Recreation to amend the project location in grant contract number UP-37-002 to 5024 Wightman Street (Project) and request for Special Park Fees;

Amending the Fiscal Year 2007 Capital Improvement Program Budget by adding CIP-29-925.0, Wightman Street Neighborhood Park Acquisition and Development;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$2,363,000 from CIP-29-596.0, Fox Canyon Park Acquisition and Development, to CIP-29-925.0, Wightman Street Neighborhood Park Acquisition and Development, contingent on receipt of State of California approval for the project location at Wightman Street;

Authorizing the City Auditor and Comptroller to de-appropriate \$686,000 from CIP-29-596.0, Fox Canyon Neighborhood Park, to be returned to Special Park Fee, Fund No. 39094;

Authorizing the appropriation and expenditure of an amount not to exceed \$686,000 from Special Park Fee, Fund No. 39094 to CIP-29-925.0, Wightman Street Neighborhood Park Acquisition and Development, solely and exclusively, for the purpose of providing funds for Wightman Street Neighborhood Park 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;

Declaring the above expenditure of \$686,000 from Special Park Fee, Fund No. 39094 to CIP-29-925.0, Wightman Street Neighborhood Park Acquisition and Development is contingent on appropriate approval and award of one or more contracts if said project will not be performed by City forces, and provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under such contracts are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$167,000 from General Services/Streets Division (Gas Tax) funding in Fund No. 100, Department No. 534, Organization No. 2755, Object No. 4209 and Job Order No. 001240 to Fund No. 630221, Contributions from Fund No. 100;

Amending the Fiscal Year 2007 Capital Improvement Program Budget by increasing the budget amount by \$167,000 in CIP-29-596.1, Fox Canyon Neighborhood Park-Ontario Avenue, Fund No. 630221, Contributions from 100 Fund;

Declaring the appropriation and expenditure of an amount not to exceed \$167,000 from CIP-29-596.1; Fox Canyon Neighborhood Park Ontario Avenue, Fund No. 630221, Contributions from Fund No. 100, 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 to de-appropriate \$167,000 from CIP-29-596.1, Fox Canyon Neighborhood Park-Ontario Avenue, Fund No. 630221, to be returned to Special Park Fee, Fund No. 39094;

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

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

**STAFF SUPPORTING INFORMATION:**

A State Park grant in the amount of \$2,363,000 was awarded to the City of San Diego for the construction of Fox Canyon Park in the City Heights Neighborhood. The grant requires a willing seller; however, the City could not justify the sellers' requested price, for the proposed property. The City has therefore withdrawn its offer to purchase the property.

The City Heights area is park deficient; so the City sought other properties, in the neighborhood, that might fulfill the requirements of the State Park Grant. The City acquired the Wightman Street Property (Metzger Property) through Council action on August 8, 2006. This new parcel is within 680 feet of the original Fox Canyon Park parcel, is adjacent to Auburn Creek, similar to the original parcel, and serves the same neighborhood. Park Planning and Development Division must resubmit this new location to the State Department of Parks and Recreation for their approval; the approval is not guaranteed.

The Park and Recreation Board has discussed the idea of transferring the Mid-City Special Park Fees and the Grant monies to the Wightman Street Property at the September, October and November 2006 Board Meetings. At the January 18<sup>th</sup> Park and Recreation Board a motion was passed in favor of the Wightman Street Park site. A second motion was passed requesting follow-up on an alternate funding source for the Ontario Avenue Design Development from Mid City Special Park Fees to a more compatible funding source. The Mayor's Office has identified General Services/Streets Division (Gas Tax) Funds for this.

The Fox Canyon park site will remain in consideration as a potential park. Once a determination is made regarding the development of Ontario Avenue, and if the site is available, the City will consider purchasing it to continue the "String of Pearls" concept along Chollas Creek.

**FISCAL CONSIDERATIONS:**

Funding is available in CIP-29-596.0, Fox Canyon Neighborhood Park, Fund 39034, Special Park Fees, because the Fox Canyon Neighborhood Park project will no longer be completed. Additional funding in the amount of \$2,363,000 from the State Parks Urban Parks Grant may be available, subject to approval from the State of California for a re-scope of the Fox Canyon Neighborhood Park to Wightman Street Neighborhood Park. In addition, funds in the amount of \$167,000 (includes interest), Fund 100, General Services/Streets Division (Gas Tax) Fund is also available for Fox Canyon Park-Ontario Avenue.

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

- 12/01/03 Council approved \$30K Community Development Block Grant for Pre-Acquisition services (Resolution R-298643)
- 12/07/03 Council approved application to the State for \$2,363,000 through the Urban Park Act of 2001. (Resolution R-298701)
- 06/21/04 Council authorized \$900,000 from Mid-City Special Park Fees for acquisition and development of Fox Canyon. (Resolution R-299371)

- 06/13/05 Council authorized funding for the purchase of the Fox Canyon Parcel. (Resolution R-300516)
- 12/05/05 Planning Commission approved the Site Development Permit for Fox Canyon Park. (PC-05-358)
- 03/21/06 Council approved the Mitigated Negative Declaration for Fox Canyon Park. (Resolution R-301321)
- 08/08/06 Council approves the purchase of Wightman Street Property.
- 11/27/06 Council approves a motion to rescind the Mitigated Negative Declaration and Site Development Permit for the Fox Canyon Neighborhood Park and Road.
- 11/30/06 Park and Recreation Board approves a motion to pursue both park properties.
- 01/18/07 Park and Recreation Board approves a motion to transfer State Grant to Wightman Street site.  
Park and Recreation Board approves a motion to pursue alternate funding for Ontario Street design development.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

- 05/10/05 Fox Canyon Community Input at Pro Kids Golf with Councilman Madaffer.
- 06/06/05 City Heights Planning Group
- 06/09/05 Euclid Revitalization Committee
- 07/06/05 City Heights Planning Group
- 08/22/05 Public Notice of Draft Mitigated Negative Declaration
- 10/12/05 Planning Commission Hearing Officer: certified MND and approved Site Development Permit
- 12/01/05 Planning Commission
- 02/06 Ontario Rd. Task Force (three meetings)
- 03/21/06 City Council (appeal of the Mitigated Negative Declaration)

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

The Fox Canyon Neighborhood Association, the Chollas Creek Neighborhood Association, the Colina del Sol Recreation Council, City Heights Planning Group, Euclid Revitalization Committee, Fox Canyon Task Force, Project Design Consultants.

Penera/Reynolds

Aud. Cert. 2700354.

Staff: April Penera - (619) 525-8265  
Peter A. Mesich - Deputy City Attorney

**FILE LOCATION:** MEET

COUNCIL ACTION: (Time duration: 2:38 p.m. - 3:45 p.m.;  
3:48 p.m. - 4:09 p.m.)

MOTION BY MADAFFER TO CONTINUE TO TUESDAY, MARCH 27, 2007 FOR FURTHER REVIEW . Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-333: Four actions related to 47<sup>th</sup> Street Self Storage.

Matter of approving, conditionally approving, modifying, or denying an application for a General Plan & Progress Guide and Southeastern San Diego Community Plan Amendment to allow moving and household storage facilities within Specialized Commercial land use category of the Lincoln Park Neighborhood via a Planned Development Permit; a Site Development Permit for industrial development within the Southeastern San Diego Planned District, and for Sustainable Development which deviates from the applicable development regulations; and an Easement Abandonment to abandon a slope easement that is no longer necessary to construct a 162,327 square foot self storage building with 43,828 additional square feet of basement on a vacant 1.87 acre site with deviations to floor area (2.0 where 0.5 is allowed), lot coverage (0.57 where 0.5 is allowed) & landscaping (tree distribution) at 930 S 47<sup>th</sup> Street within the Encanto Community of the Southeastern Community Planning Area, and the Southeastern San Diego Planned District, within City Council District 4. Mitigated Negative Declaration No. 82503.

(MND No. 82503/MMRP/PDP No. 260654/SDP No. 260818/PG&GP & SESDCP No. 260655/Easement Abandonment No. 392085. Project No. 82503. Southeastern San Diego Community Plan Area. District 4.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2007-748) ADOPTED AS RESOLUTION R-302400

Adoption of a Resolution certifying that Mitigated Negative Declaration LDR No. 82503, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental quality Act of 1970 (California

Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Site Development Permit No. 260818/Planned Development Permit No. 260654, Easement Abandonment No. 390285, and amendments to the Progress Guide and General Plan and Southeastern San Diego Community Plan No. 260655 for the 47<sup>th</sup> Street Self-Storage Project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the Office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2007-749)                      ADOPTED AS RESOLUTION R-302401

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference, with respect to SDP No. 260818 and PDP No. 260654;

That Site Development Permit No. 260818 and Planned Development Permit No. 260654 is granted to 47<sup>th</sup> Street Self-Storage, LLC, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Subitem-C: (R-2007-750)                      ADOPTED AS RESOLUTION R-302402

Adoption of a Resolution amending the Southeastern San Diego Community Plan No. 260655;

Amending the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

Subitem-D: (R-2007-751)                      ADOPTED AS RESOLUTION R-302403

Adoption of a Resolution certifying findings for Public Service Easement Abandonment San Diego Municipal Code Section 125.0150;

That the slope easements, as described in the legal description attached hereto as Exhibit "A," and as more particularly described on Drawing No. 20628-B, attached hereto as Exhibit "B," and said Exhibits also on file in the Office of the City Clerk, is ordered vacated and Easement Abandonment No. 392085 is therefore granted;

That the City Clerk shall cause a certified copy of this resolution, along with Exhibits "A" and "B," attested by her under seal, to be recorded in the Office of the County Recorder.

**OTHER RECOMMENDATIONS:**

Planning Commission on January 11, 2007, voted 6-0 to recommend approval of the proposed project based on staff's recommendation, with the addition of two conditions, which have been added to the permit; no opposition.

Ayes: Naslund, Garcia, Schultz, Griswold, Ontai, Otsuji  
(1 vacancy)

On June 19, 2006, the Encanto Neighborhoods Community Planning Group voted 14-0-0 to approve the project as proposed. On June 12, 2006, the Southeastern San Diego Planning Committee voted 11-0-0 to approve the project as proposed.

**STAFF SUPPORTING INFORMATION:**

**REOUESTED ACTION:**

Approval of the development of a 206,155 square-foot self storage facility on a vacant 1.87 acre site at 930 47<sup>th</sup> Street, in the Specialized Commercial land-use designation of the Lincoln Park Neighborhood of the southeastern San Diego Community Planning Area.

**STAFF RECOMMENDATION:**

Recommend that the City Council: **Certify** Mitigated Negative Declaration No. 82503 and **Adopt** the Mitigation, Monitoring, and Reporting Program; **Approve** amendments to the

Progress Guide and General Plan, and the Southeastern San Diego Community Plan, No. 260655; **Approve** Planned Development Permit No. 260654; **Approve** Site Development Permit No. 26081 8; and **Approve** Easement Abandonment No. 392085.

**EXECUTIVE SUMMARY:**

The vacant 1.87-acre rectangular project site is located at 930 47<sup>th</sup> Street, between Logan Avenue and Solola Avenue, east of Interstate 805. The site is located in the Lincoln Park neighborhood of the Encanto Neighborhoods section of the Southeastern San Diego Community Plan and is designated Specialized Commercial. The site is located in the Southeastern San Diego Planned District Ordinance and is zoned CSF-3 (Commercial, commercial strip development with parking in the front or side of the building). Surrounding land uses include multi-family to the south and east, commercial to the north, and Interstate 805 to the west.

The 47<sup>th</sup> Street Self-storage project would involve an amendment to the Progress Guide and General Plan and the southeastern San Diego Community Plan, a Planned Development Permit, Site Development Permit, and Easement Abandonment to allow the development of a 206,155 square-foot self-storage facility.

The proposed community plan amendment would add language to the southeastern San Diego community plan permitting moving and self-storage uses under the Specialized Commercial land use designation at the subject site only. No changes are proposed to the community plan land use map. Please see the Community Plan Analysis Section of the attached Planning Commission Report (Attachment 4) for further detail.

**FISCAL CONSIDERATIONS:**

All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:** Not applicable.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

On January 11, 2007, the Planning Commission recommended approval of the Staff recommendation by a unanimous vote of 6 to 0 with no abstentions, with the addition of the following conditions:

1. Prior to issuance of any construction permits, landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards shall take into account more drought tolerant, native species within the plant palette to replace the abundance of ornamental plant species currently proposed on the Landscape Development Plan (Exhibit "A").

2. Prior to the issuance of building permits, the applicant's construction documents shall reflect the use of sustainable and/or recycled construction materials.

On June 19, 2006, the Encanto Neighborhoods Community Planning Group voted 14-0-0 to approve the project as proposed. On June 12, 2006, the Southeastern San Diego Planning Committee voted 11-0-0 to approve the project as proposed. See Attachments 18 and 19 of the attached Planning Commission Report (Attachment 4).

Staff at the Southeastern Economic Development Corporation (SEDC) reviewed the project for the proposed development of a moving and household storage facility to be located at 47<sup>th</sup> Street south of Logan Avenue. The site is located within SEDC's area of influence and is immediately south of the Central Imperial Redevelopment Project Area. SEDC is in support of the proposed use for this site given the constraints of adjacency to Interstate 805 and the sloping terrain, and the project's provision of an adequate buffer between the I-805 and the residents directly across the street.

**KEY STAKEHOLDERS & PROJECTED IMPACTS:**

The owner and applicant is 47<sup>th</sup> Street Self-storage, LLC. Members of the Limited Liability Corporation are Clyde Ahrens, Donna Ahrens, Nadine Ahrens, and Jack Ahrens.

Waring/Escobar-Eck/DS

**LEGAL DESCRIPTION:**

The proposed project site is located at 930 47<sup>th</sup> Street, between Logan Avenue and Solola Avenue, in the Southeastern San Diego Planned District, and the Encanto neighborhood of the Southeastern San Diego Community Planning Area and is more particularly described as a portion of Lot 61, Map 283; APNs: 552-010-11 and 552-010-12).

Staff: Dan Stricker – (619) 446-5251  
Nina M. Fain – Deputy City Attorney

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

**FILE LOCATION:** SUBITEMS A-C: MEET  
SUBITEM D: F-10039

**COUNCIL ACTION:** (Time duration: 2:26 p.m. – 2:29 p.m.)

MOTION BY YOUNG TO ADOPT THE RESOLUTIONS IN SUBITEMS A, C AND D  
AND ADOPT THE RESOLUTION GRANTING THE PERMIT IN SUBITEM B.

Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea,  
Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



**ITEM-334:** Champa’s Tentative Map and Slope Easement Vacation.

Matter of approving, conditionally approving, modifying or denying an application for a Tentative Map to create five lots with no buildings on a 1.05-acre site and to vacate a slope easement originally needed to construct 66<sup>th</sup> Street. The street has been constructed, and the easement is no longer required. The project site is located on the west side of 66<sup>th</sup> Street, between Cielo Drive and Leghorn Avenue.

(Project No. 5455/Tentative Map No. 9000/Slope Easement Vacation No. 407882. Encanto Community Plan Area. District 4.)

**STAFF’S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-702) ADOPTED AS RESOLUTION R-302404

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. 9000;

That based on the Findings hereinbefore adopted by the City Council, Tentative Map No. 9000, is hereby granted to CHAMP PHANTHAVILAY, Applicant/Owner/Permittee, subject to the attached conditions which are made a part of this resolution by reference;

Certifying that the information contained in Negative Declaration 5455 for Project No. 5455 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said Negative Declaration reflects the independent judgment of the City of San Diego as Lead Agency;

Stating for the record that the final Negative Declaration has been reviewed and considered prior to approving the project;

Adopting the Final Negative Declaration;

That the slope easement granted to the City of San Diego as described and shown and on file in the Office of the City Clerk, which are by reference incorporated herein and made 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.

**STAFF SUPPORTING INFORMATION:**

**REQUESTED ACTION:**

Approve a Tentative Map to create five lots and a vacation of a slope easement along portions of 66th Street, within the Encanto Neighborhoods area of the Southeastern San Diego Community Plan area.

**STAFF'S RECOMMENDATION:**

**APPROVE** Tentative Map No. 9000 and Slope Easement Vacation No. 407882.

**EXECUTIVE SUMMARY:**

The project is a Tentative Map to create five residential lots on a vacant 1.05-acre site, and a vacation of an existing slope easement. The proposed project is located on the west side of 66<sup>th</sup> Street, between Cielo Drive and Leghorn Avenue, in the SF-5000 zone, in the Encanto Community Planning Area within the Southeastern San Diego Planned District.

The Tentative Map is required to create the proposed five lots. The lots vary in size from 8,122 square feet to 10,131 square feet. No development is proposed for the lots at this time. Staff has reviewed the Tentative Map and has found that it complies with all California Map Act regulations and all Land Development Code requirements.

Staff has also reviewed the project and determined that the slope easement along 66<sup>th</sup> Street in front of the project is no longer required. The slope easement was originally reserved for construction of 66<sup>th</sup> Street. Since 66<sup>th</sup> Street has been constructed, the easement is no longer needed.

Storm water runoff from the project would not discharge over the slope, would now be collected at the toe of the slope, and discharged into a drainage inlet on Skyline Drive. City staff has analyzed the drainage system and determined that the inlet would have sufficient drainage capacity.

The proposal would include construction of a non-contiguous sidewalk along the project's frontage. As a result, a dedicated 12-foot wide parkway, with a five-foot wide general utility easement would be provided by the applicant. The project would also be responsible for half-width street improvements along 66<sup>th</sup> Street.

To approve the requested slope vacation, the following four findings must be made.

1. There is no present or prospective use for the purpose for which the right of way was originally acquired.
2. The public will benefit from the vacation through improved utilization of land.
3. The vacation is consistent with the General Plan or an approved Community Plan.
4. The public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation.

City staff has confirmed that there is no present or prospective use for the slope easement for which it was originally acquired and that no public use of a like nature is anticipated. The slope easement was originally reserved for construction of 66<sup>th</sup> Street. The street has been constructed, and, therefore, the slope easement is no longer needed. The neighborhood would be improved as this vacant lot would now become buildable, and curb, gutter and sidewalk would be constructed along 66<sup>th</sup> Street, where none exists today. In addition, the slope easement vacation would result in improved utilization of the land.

**FISCAL CONSIDERATIONS:**

No cost to the City. A deposit has been collected from the applicant to cover the costs associated with processing the proposed projects.

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

The slope easement is being vacated summarily with no Planning Commission recommendation.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

On July 17, 2006, the Encanto Neighborhoods Community Planning Group voted 13-0-0 in favor of the Tentative Map and Easement Vacation, with no recommendations.

Waring/Escobar-Eck/MD

**LEGAL DESCRIPTION:**

The project site located on the west-side of 66<sup>th</sup> Street, between Cielo Drive and Leghorn Avenue, in the Southeastern San Diego Planned District of the Encanto Community Planning area, Lot 11 of Encanto, Map 749.

Staff: Morris Dye – (619) 446-5201  
David Miller – Deputy City Attorney

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

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:29 p.m. – 2:30 p.m.;  
3:45p.m. – 3:46 p.m.)

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



**ITEM-335:** Two actions related to Amendments to Affordable Housing Density Bonus.

Matter of approving, conditionally approving, modifying or denying an ordinance that would amend the Land Development Code regulations in Chapter 12,

Article 6, Division 7; Chapter 14, Article 1, Division 3; and Chapter 14, Article 1, Division 7, all related to Affordable Housing Density Bonus. The City Council will also consider a resolution to certify that the information contained in the Supplement to Environmental Impact Report No. 96-0333 (Project No. 63422), has been completed in compliance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines, and that said Supplement reflects the independent judgment of the City of San Diego as Lead Agency, stating for the record that the final Supplement to EIR No. 96-0333 has been reviewed and considered prior to approving the project, certifying the final Supplement to EIR No. 96-0333, and adopting the Findings and Statement of Overriding Considerations.

The proposed amendments to the Land Development Code would apply to the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on the amendments to the Land Development Code and associated Local Coastal Program amendments will be with the California Coastal Commission. The City of San Diego must submit the amendments to the Land Development Code as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment.

If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the Development Services Department, Attention: Dan Joyce, Senior Planner, 1222 First Avenue, MS 501, San Diego, CA 92101 before the close of the City Council public hearing. If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing.

In accordance with the California Coastal Act and Guidelines, if you wish to review a draft of the amendment language or have any questions, you can contact the City Project Manager listed above.

((See Report to the City Council No. 07-021 and City Attorney memorandum dated February 23, 2007. SEIR No. 96-0333/Project No. 63422. Citywide.))

(Continued from the meeting of January 30, 2007, Item 331, at the request of Councilmember Frye, for further review.)

**STAFF'S RECOMMENDATION:**

Adopt the resolution in Subitem A and introduce the ordinance in Subitem B:

Subitem-A: (R-2007-698) CONTINUED TO TUESDAY, MARCH 27, 2007

Adoption of a Resolution certifying that Supplement to the Environmental Impact Report No. 96-0333, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Environmental Impact Report No. 96-0333;

That pursuant to California Code of Regulations Section 15093, the City Council adopts the Statement of Overriding Considerations, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference, with respect to the project;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: CONTINUED TO TUESDAY, MARCH 27, 2007

**Option 1** To view ord. please click:

<http://clerkdoc.sannet.gov/legtrain/Dockets/dkt20070227Option1>

(O-2007-40 Cor. Copy 1)

Introduction of an Ordinance of the Council of the City of San Diego amending Chapter 14, Article 3, Division 7, Sections 143.0710, 143.0715, 143.0720, 143.0725, 143.0730, 143.0740, and 143.0750, and deleting Section 143.0760; By amending Chapter 12, Article 6, Division 7, Section 126.0708, and amending Chapter 14, Article 1, Division 3, by amending Section 141.0310(b), all relating to the Affordable Housing Density Bonus Regulations.

**OR**

**Option 2** To view ord. please click:

<http://clerkdoc.sannet.gov/legtrain/Dockets/dkt20070227Option2>

(O-2007-40) **Alternative State Mandated Density Bonus Ordinance.**

Amending Chapter 14, Article 3, Division 7, Sections 143.0710, 143.0715, 143.0720, 143.0725, 143.0730, 143.0740, and 143.0750, and amending Chapter 14, Article 1, Division 3, by amending Section 141.0310(b), all relating to the Affordable Housing Density Bonus Regulations.

**OTHER RECOMMENDATIONS:**

Planning Commission on October 12, 2006, voted 5-0-0 recommend approval with additional recommendations added to the conditions; was opposition.

Ayes: Naslund, Garcia, Schultz, Griswold, Ontai

Not present: Chase, Otsuji

This is a matter of City-wide effect. The following community group has taken a position on the item:

Opposed: Community Planners Committee (CPC) – (minutes of February 22, 2005) The Committee recommended the regulations be written to implement only the state requirements and did not support the City-initiated amendments.

**STAFF SUPPORTING INFORMATION:**

**REQUESTED ACTION:**

Approval of amendments to the Land Development Code related to the City's Affordable Housing Density Bonus Regulations.

**STAFF RECOMMENDATION:**

1. **CERTIFY** Supplement to Environmental Impact Report No. 96-0333 (Project 63422) and adopt the Findings and Statement of Overriding Considerations.
2. **APPROVE** the amendments to the Land Development Code and the City's Local Coastal Program related to the City's Affordable Housing Density Bonus Regulations (Chapter 12, Article 6, Division 7; Chapter 14, Article 1, Division 3; and Chapter 14, Article 3, Division 7).

**EXECUTIVE SUMMARY:**

State law requires cities in California to grant density bonuses and development incentives to residential projects when restrictions are implemented to maintain specified affordability levels. San Diego's Municipal Code includes Affordable Housing Density Bonus regulations. However, the state has amended its affordable housing density bonus three times since 2003 with the latest amendment being implemented in January 2006. The draft regulations are intended to bring the City's regulations into compliance with current state requirements. The draft regulations also include two City-initiated amendments.

The two City-initiated amendments are a density bonus incentive for applicants that satisfy required inclusionary housing onsite rather than through payment of an in-lieu fee, and an increase to the minimum density bonus for projects that provide moderate income for-sale housing.

There are two alternative actions for consideration. First, the Council may adopt the state mandated density bonus regulations and deny or modify the City-initiated density bonus incentives and still be in compliance with state mandates. Second, the Council may deny and/or modify the state mandated provisions of the regulations. However, this action would cause the regulations to be out of compliance with state law.

**FISCAL CONSIDERATIONS:**

The costs of processing this amendment are shared by the City Planning and Community Investment Department which is funded through the general fund and the Development Services Department Code Update Section which is funded as an overhead expense in the Development Services Department's budget.

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

On May 11, 2005, the Land Use & Housing Committee voted to accept the proposed ordinance. The Committee asked that clarification be provided regarding the approval process and findings; that Intergovernmental Relations Department bring state legislation affecting local housing and land use policy to the attention of the Committee for possible review and comment prior to adoption by the state or federal legislatures; and that projects using density bonus be tracked to identify which projects take advantage of the density bonus program, the number of incentives each uses, where the projects are located, and to what extent they rely on state versus local elements of the program.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

On October 12, 2006, the Planning Commission voted 5-0-0 to recommend approval of staff recommendation with direction to investigate issues related to additional reductions in parking,

to simplify the regulations, to track the use of the program, to consider expanding the incentive program, and to remove the option of the in-lieu fee in the Inclusionary Housing Ordinance.

On April 8, 2005, the Housing Commission voted 4-0-0 to recommend approval of staff recommendation while stating that the primary goal should be to provide incentives for low and very low income housing.

On April 12, 2006, Code Monitoring Team voted 6-0-1 to recommend approval of staff recommendation.

On March 9, 2005, the Technical Advisory Committee voted 7-0-0 to recommend approval of staff recommendation with four recommendations.

On February 22, 2005, the Community Planners Committee voted 11-1-0 to oppose staff recommendation and to recommend the regulations be revised to include only the state requirements.

**KEY STAKEHOLDERS & PROJECTED IMPACTS:**

Key stakeholders include advocates for affordable housing and the building industry. The environmental document has identified potential for impacts to visual quality, transportation, and parking; and cumulative impacts to visual quality and parking.

Waring/McCullough /DJ

**LEGAL DESCRIPTION:**

The regulations are intended to apply City-wide; however, until approved by the Coastal Commission, only the existing State Density Bonus Law would apply in the Coastal Zone.

Staff: Dan Joyce – (619) 446-5388  
Shannon M. Thomas – Deputy City Attorney

**FILE LOCATION:** NONE

**COUNCIL ACTION:** (Time duration: 2:04 p.m. – 2:23 p.m.)

MOTION BY FRYE TO CONTINUE TO TUESDAY, MARCH 27, 2007 FOR FURTHER REVIEW. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



**ITEM-336:** Two actions related to the Scripps Miramar Ranch Public Facilities Financing Plan, Fiscal Year 2007.

(See Report to the City Council No. 07-038-Rev. Scripps Miramar Ranch Public Facilities Financing Plan, Fiscal Year 2007 Draft. Scripps Miramar Ranch Community Area. District 5.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2007-786)                      ADOPTED AS RESOLUTION R-302405

Approving the document entitled "Scripps Miramar Ranch Public Facilities Financing Plan and Facilities Benefit Assessment."

Subitem-B: (R-2007-788)                      ADOPTED AS RESOLUTION R-302406

Resolution of Intention to designate an area of benefit in Scripps Miramar Ranch and setting the time and place for holding a public hearing thereon.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 01/17/2007, LU&H voted 4-0 to approve the staff's recommendation. (Councilmembers Atkins, Young, Madaffer, and Hueso, voted yea.)

**SUPPORTING INFORMATION:**

**REQUESTED ACTION:**

Council authorization to approve the Scripps Miramar Ranch Public Facilities Financing Plan, Fiscal Year 2007; adopt a Resolution of Intention to designate an area of benefit; adopt a Resolution of Designation; approve the setting of Development Impact Fees (DIF) consistent with the Facilities Benefit Assessments (FBA) in Scripps Miramar Ranch; and authorize the City Auditor and Comptroller, upon the direction of the Financial Management Director, to modify individual Capital Improvement Program project budgets in accordance with the Council approved update to the Financing Plan.

STAFF RECOMMENDATION:

Approve the Scripps Miramar Ranch Public Facilities Financing Plan -Fiscal Year 2007; rescind the existing Facilities Benefit Assessments and Development Impact Fees and establish new Facilities Benefit Assessment and Development Impact Fees for Scripps Miramar Ranch.

EXECUTIVE SUMMARY:

The Public Facilities Financing Plan details the public facilities that will be needed for the ultimate development of the Scripps Miramar Ranch community, which is presently estimated to occur in the year 2011. This plan revises and updates the Fiscal Year 2005 Financing Plan (R-299740 dated October 11, 2004). The objective of the FBA program is to insure that sufficient funds will be available to construct those needed facilities. The FBA will be collected at the building permit issuance stage of development and deposited into a special interest earning fund for Scripps Miramar Ranch.

A significant change in the financing strategy for Scripps Miramar Ranch is taking place with this update. Historically, the Scripps Miramar Ranch FBA had funded transportation, fire and library projects, while park projects were funded by the Scripps Ranch Special Park Fee (SPF). The authority to collect a separate SPF is no longer in the Municipal Code. Therefore, all new park projects, and cost increases to existing park projects, are now included in the FBA, as applicable. Any new residential project will now pay an all inclusive FBA, instead of an FBA and a separate SPF.

There are significant increases in park project cost estimates since the last Financing Plan update. Currently, no basis has been developed for charging non-residential development for park and library projects. Therefore, these park increases will be spread across the remaining residential development only. Due to the limited amount of remaining residential development in Scripps Miramar Ranch, the resulting FBA rates for residential units have increased significantly.

The proposed assessments for Fiscal Year 2007 are as follows:

<b>LAND USE</b>	<b>CURRENT ASSESSMENT</b>	<b>PROPOSED ASSESSMENT PER UNIT/ACRE in FY 2007 DOLLARS</b>
SINGLE FAMILY	\$4,912	<b>\$26,125</b>
MULTI-FAMILY	\$3,438	<b>\$18,288</b>
COMMERCIAL ACRE	\$96,956	<b>\$102,253</b>
INDUSTRIAL ACRE	\$58,448	<b>\$61,642</b>
INSTITUTIONAL ACRE	\$33,448	<b>\$35,276</b>

**FISCAL CONSIDERATION:**

Adoption of this revised Public Facilities Financing Plan will continue to provide a funding source for the public facilities identified in the Scripps Miramar Ranch Financing Plan.

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

The Public Facilities Financing Plan was unanimously approved at the Land Use & Housing Committee meeting on January 17, 2007.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The Scripps Ranch Planning Group unanimously approved the Public Facilities Financing Plan on January 4, 2007, by a vote of 17-0.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS :**

All property owners with remaining new development are listed on the Scripps Miramar Ranch Public Facilities Financing Plan - Fiscal Year 2007 Assessment Roll, page 90, and will have received notice and a copy of this document in the mail. These property owners will have liens placed on their property and will be required to pay Facilities 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.

Waring/Anderson/FVJ/AA

Staff: Angela Abeyta – (619) 533-3674  
Brant C. Will - Deputy City Attorney

**FILE LOCATION:** STRT-FB-11 (FY 2007) (33)

**COUNCIL ACTION:** (Time duration: 2:30 p.m. – 2:30 p.m.)

**MOTION BY MAIENSCHIN TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND B. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.**

**REPORT OUT OF CLOSED SESSION:**

None.

**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

The meeting was adjourned by Council President Peters at 4:15 p.m. in honor of the memory of:

Tim Rutherford as requested by Council Member Faulconer;  
William Postel as requested by Council Member Maienschein; and  
Lawrence J. Fogel as requested by Council President Peters.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 4:09 p.m. – 4:15 p.m.)