

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MARCH 27, 2007
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING.....	3
ATTENDANCE DURING THE MEETING	3
ITEM-300: ROLL CALL.....	4
NON-AGENDA COMMENT	4
COUNCIL COMMENT	6
INDEPENDENT BUDGET ANALYST COMMENT	6
CITY ATTORNEY COMMENT	6
ITEM-30: Approval of Council Minutes	6
ITEM-31: Joetta Mihalovich Day	7
ITEM-60: Amending the San Diego Municipal Code by Amending Section 63.20.5 Titled Waste, Refuse, Fires to Clarify Regulations Pertaining to Beach Fires.....	8
ITEM-100: Amendment to the Agreement with Paul, Plevin, Sullivan & Connaughton, LLP for Consulting Services Pertaining to the Meet and Confer Process with the City’s Five Recognized Employee Organizations	11
ITEM-101: Agreement with URS Corporation Americas to Complete the Neil Good Day Center Community Benefit Impact Study.....	12
ITEM-102: Point Loma/Ocean Beach Traffic Signal Interconnect	14
ITEM-103: Vista Terrace Park Tot Lot Upgrades	16
ITEM-104: FY 2007 Homeland Security Grant Program.....	18
ITEM-105: Settlement of Personal Injury Claim of Conrad Schaefer.....	21

ITEM-106:	Two actions related to La Playa View Holdings, LLC vs. City of San Diego.....	23
ITEM-107:	Arts Education Month.....	24
ITEM-330:	University City North/South Transportation Corridor Study	25
ITEM-331:	Wightman Street Neighborhood Park Request for Grant Amendment and Request for Special Park Fees.....	27
ITEM-332:	Poe/Plum Street Vacation	32
ITEM-333:	Amendments Related to Affordable Housing Density Bonus	35
ITEM-334:	NOTE: This item has been moved to the docket of Monday, March 26, 2007, as Item 205.....	40
ITEM-S500:	Inviting Bids for the Public Works Contract of Sidewalk Replacement Group I FY 2007.....	40
ITEM-S501:	Inviting Bids for the Public Works Contract for Sidewalk Replacement Group II FY 2007.....	43
	REPORT OUT OF CLOSED SESSION	46
	NON-DOCKET ITEMS	46
	ADJOURNMENT.....	46

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council Member Atkins at 9:59 a.m. The meeting was recessed by Council Member Atkins at 11:07 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:06 p.m. with Council President Pro Tem Young and Council Member Hueso not present. Council President Peters recessed the meeting at 2:11 p.m. to convene the Housing Authority. Council President Peters reconvened the regular meeting at 2:11 p.m. with Council President Pro Tem Young not present. Council President Peters recessed the meeting at 2:47 p.m. to convene the Redevelopment Agency and thereafter the Housing Authority. Council President Peters reconvened the regular meeting at 3:04 p.m. with Council President Pro Tem Young not present. Council President Peters recessed the meeting at 3:05 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:12 p.m. with Council President Pro Tem Young not present. Council President Peters recessed the meeting at 5:15 p.m. to reconvene the Housing Authority. Council President Peters reconvened the regular meeting at 5:21 p.m. with Council President Pro Tem Young not present. The meeting was adjourned by Council President Peters at 5:23 p.m.

ATTENDANCE DURING THE MEETING:

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

FILE LOCATION: MINUTES



ITEM-300: ROLL CALL

Clerk Maland called the roll:

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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

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

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:16 a.m. – 10:18 a.m.)

PUBLIC COMMENT-2:

Dorothy Lazenby commented on issues in vacant buildings and public restrooms.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:18 a.m. – 10:22 a.m.)

PUBLIC COMMENT-3:

Hud Collins commented on the excellent work of the City Clerk and the pension and financial crisis.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:25 a.m.)

PUBLIC COMMENT-4:

Marvin Winters commented on waste water from power washing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. – 10:28 a.m.)

PUBLIC COMMENT-5:

Rudy Reyes commented on medical cannabis.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:31 a.m.)

PUBLIC COMMENT-6:

Phil Hart commented on the 2003 audit.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:31 a.m. – 10:34 a.m.)

PUBLIC COMMENT-7:

Ron Boshun commented on Council actions.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-8:

Seema Sueko commented on arts funding.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-9:

Joy Sunyata commented on making a difference in the City.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-10:

Mel Shapiro commented on the new Carmel Valley police substation and emergency response times.

FILE LOCATION: AGENDA

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

COUNCIL COMMENT:

None.

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



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

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

APPROVED

01/01/2007-Adjourned
01/02/2007-Adjourned
01/08/2007
01/09/2007
01/15/2007-Adjourned
01/16/2007
01/22/2007
01/23/2007
01/29/2007
01/30/2007

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:02 a.m.)

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



ITEM-31: Joetta Mihalovich Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-841) ADOPTED AS RESOLUTION R-302486

Proclaiming March 27, 2007, as “Joetta Mihalovich Day” in the City of San Diego in recognition of her many outstanding contributions and service to San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:03 a.m. – 10:08 a.m.)

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



ITEM-60: Amending the San Diego Municipal Code by Amending Section 63.20.5 Titled Waste, Refuse, Fires to Clarify Regulations Pertaining to Beach Fires.

(See Draft Ordinance with Strike-Out. Districts 1, 2, 6, and 8.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2007-108) INTRODUCED, TO BE ADOPTED ON
TUESDAY, APRIL 10, 2007

Introduction of an Ordinance amending Chapter 6, Article 3, Division 00 of the San Diego Municipal Code, by amending Section 63.20.5, titled Waste, Refuse, Fires, to clarify regulations pertaining to beach fires.

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

On 2/21/2007, NR&C voted 3 to 0 to approve. (Councilmembers Faulconer, Frye, and Hueso voted yea. Councilmember Maienschein not present.)

SUPPORTING INFORMATION:

Council Member Donna Frye's office received a letter dated January 30, 2007, from the Sierra Club reporting that "a group brought a fire pit and built a big bonfire" on January 27, 2007, at Children's Pool Beach in La Jolla. According to the letter, the Fire Department responded to a call regarding the fire, and allowed the fire to continue on the beach pursuant to a sign posted at the Children's Pool Beach, which states that beach fires are allowed "only in approved fire rings." Council Member Frye requested that the City Attorney's Office look into the issue and draft an ordinance accordingly for presentation to the NR&C Committee. Upon further investigation, the City Attorney's Office determined that the signs at the Children's Pool are not in accordance with the Municipal Code regulations governing beach fires. Specifically, Municipal Code Section 63.20.5(c) currently reads:

It is unlawful for any person to build, maintain, use, or be within ten (10) feet of a fire on any public beach that is not in a City-provided fire container. Fires may be built using fire materials limited to charcoal, clean wood, or paper products, none of which contains landscape debris, paint, stain, sealer, wood preservative, cloth, rubber, metal (including

nails and other hardware), asphalt, foam rubber, plastic, or any similar matter or material producing noxious fumes, odors, smoke, or leaving any type of solid residue other than ash.

Fire materials shall not exceed a height of more than twelve (12) inches above the upper edge of the fire container and must be wholly contained within the inside edge of the fire container. It is permissible to build a fire on a public beach in a portable barbecue or other similar device using fuel material authorized in Section 63.20.5(c). Coals from any portable barbecue or similar device shall either be removed from the beach area or be deposited in a City-provided fire container or designated hot coal container provided on the beach for such purposes.

Id. (Emphasis added).

The current language of the signs pertaining to beach fires at Children's Pool Beach read:

NO BEACH FIRES MIDNIGHT TO 5 AM
ALL OTHER TIMES FIRES ALLOWED
ONLY IN APPROVED FIRE RINGS
FUEL CANNOT EXCEED 12" IN HEIGHT
CLEAN, DRY WOOD OR CHARCOAL ONLY
NO PALLETS, PAINTED WOOD OR NAILS

Because the signs need to be updated, the City Attorney's Office is working with the Fire Department to develop appropriate language in order for new signs to be installed.

However, even with new signs, the Municipal Code should be amended to better clarify where beach fires are allowed and where they are prohibited. Section 63.20.5 of the Municipal Code was intended to prohibit fires except in portable barbeque devices and City-provided fire containers, which are concrete and installed permanently at beaches where fires are permitted.

Currently, the language in Section 63.20.5 does not define what a "City-provided fire container," "portable barbeque or other similar device" is for the purposes of the Municipal Code. Accordingly, the City Attorney's Office prepared an ordinance clarifying the fire regulations for beaches. The draft ordinance was presented to the Natural Resources and Culture (NR&C) Committee on February 21, 2007, for recommendation to the City Council. The draft ordinance presented at the meeting added a description of "City-provided fire container" and eliminated the language referring to "other similar" devices, in order to give the public better direction as to where and in what containers fires are allowed to be built. (See Attachment 1).

In addition, Section 63.20.5 subsection (c) was divided into three separate subsections, (c), (d), and (e), to make the beach fire regulations easier to understand and comply with. This resulted in the renumbering of subsections (c) through (i) to be renumbered as subsections (c) through (k); however, the majority of the former text remains the same notwithstanding the aforementioned clarifying terms.

Based on comments received from the public and from the Fire Department at the February 21, 2007 meeting, the NR&C Committee voted to direct the Fire Chief and the City Attorney's office to work together to make any necessary revisions, and for the revised ordinance to move forward to City Council for approval within 30 days from the NR&C meeting date. The ordinance so revised is attached hereto as Attachment 2.

FISCAL CONSIDERATIONS:

There are no fiscal considerations with this action. This is a clarification of the Municipal Code provisions pertaining to beach fires.

NATURAL RESOURCES AND CULTURE COMMITTEE RECOMMENDATION:

On February 21, 2007, NR&C Committee voted unanimously to recommend the Ordinance go forward to City Council for approval as revised taking into consideration comments made by the City's Fire Chief.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Public comments were received at the February 21, 2007 NR&C Committee meeting. Members of the public who submitted speaker slips were given the opportunity to speak on the issue.

PROJECTED IMPACTS TO CODE ENFORCEMENT:

This is a minor clarification of the Municipal Code provisions relating to beach fires. It will require no more code enforcement resources over and above that already necessary for the prevention and putting out of beach fires.

Kempczenski/Frye

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:46 a.m. – 11:07 a.m.)

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

- * ITEM-100: Amendment to the Agreement with Paul, Plevin, Sullivan & Connaughton, LLP for Consulting Services Pertaining to the Meet and Confer Process with the City's Five Recognized Employee Organizations.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-832) ADOPTED AS RESOLUTION R-302487

Approving the First Amendment to the Agreement;

Authorizing and directing the Chief Financial Officer, or designee, to execute, for and on behalf of the City, the First Amendment to the Agreement for an additional amount not to exceed \$250,000, for a total contract amount not to exceed \$500,000;

Approving a Citywide cost allocation, based on full-time employees, to pay for the consulting services under the terms and conditions set forth in the Agreement and the First Amendment to the Agreement pertaining to these expenditures.

STAFF SUPPORTING INFORMATION:

On March 24, 2006, the City entered into a Consulting Agreement (RR-301296) with Paul, Plevin, Sullivan & Connaughton, LLP (Agreement) in an amount not to exceed \$250,000 with regard to consulting services pertaining to the 2006 Meet and Confer process between the City and the five recognized employee organizations. There is now a need to amend the original Agreement to extend the term of the contract for the Meet and Confer process for 2007 and to request additional funding in an amount not to exceed \$250,000 to pay for the consulting services.

FISCAL CONSIDERATIONS: \$250,000.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On March 20, 2006, the action to approve the Consulting Agreement between the City of San Diego and Paul, Plevin, Sullivan & Connaughton, LLP (Agreement), and authorizing and empowering the Chief Operating Officer to execute, for and on behalf of the City, the Agreement in an amount not to exceed \$250,000 for consulting services pertaining to the

Meet and Confer process with the City's five recognized employee organizations, under the terms and conditions set forth in the Agreement was brought before the City Council.

The action was adopted by Resolution Number R-301296 and the date of final passage was March 24, 2006.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

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

Chadwick/Reynolds

Aud. Cert. 2700617.

Staff: Scott Chadwick - (619) 236-5587
Kimberly K. Harris - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:12 a.m.)

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

ITEM-101: Agreement with URS Corporation Americas to Complete the Neil Good Day Center Community Benefit Impact Study.

(East Village Community Area. Districts 2 and 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-799) RETURNED TO THE MAYOR

Authorizing the Mayor, or his designee, to execute an agreement with URS Corporation Americas in an amount not to exceed \$100,000 to complete the Neil Good Day Center Community Benefit Impact Study

(Project), contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to appropriate and expend \$100,000 of Fiscal Year 2006 Community Development Block Grant (CDBG) funds for the Project.

STAFF SUPPORTING INFORMATION:

The Neil Good Day Center is a day center for the homeless, located on the east side of 17th Street, just south of K Street, in the East Village community of San Diego. The site is leased by the City of San Diego from the State of California Department of Transportation (Caltrans) for the operation of the day center.

In December 2004, the Planning Commission approved an extension of Conditional Use Permit 86-0955 relating to the Neil Good Day Center, subject to specific terms and conditions. One of the required terms for the extension was the completion of a community benefit impact study.

On May 10, 2005, the City Council adopted Resolution No. R-300421, which, among other things, authorized the negotiation and execution of an agreement to complete the Neil Good Day Center Community Benefit Impact Study.

In October 2005, a Request for Proposal (RFP) was released by the City. Thereafter, URS Corporation Americas (URS) was chosen by a selection panel to be the consultant retained to complete the required study.

In Fiscal Year 2007, the City has awarded two other unrelated contracts to URS, totaling approximately \$209,000. San Diego Municipal Code Section 22.3223 states that the Mayor may enter a contract with a consultant, without first seeking Council approval, provided, among other things, that "the total amount of contract awards to the Consultant, including the current award, in any given fiscal year does not exceed \$250,000." Because the present agreement with URS to complete the required impact study is for \$100,000, the present agreement, when added to those contracts previously awarded to URS in Fiscal Year 2007, exceeds the \$250,000 threshold set forth in Section 22.3223. As a result, City Council approval is necessary to authorize the execution of the present agreement with URS.

FISCAL IMPACT:

There is no impact to the General Fund from this action. Funds are available from the Community Development Block Grant (CDBG) Program.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution No. R-300421, approving the Fiscal Year 2006 CDBG Allocations (May 10, 2005).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Residents and businesses in East Village; Neil Good Day Center staff, law enforcement personnel, as well as professional planners and/or other professional government staff, having specific knowledge of the area.

Linares/Kummerman

Aud. Cert. 2700521.

Staff: Ernie Linares - (619) 236-6719
Michael D. Neumeyer - Deputy City Attorney

FILE LOCATION: MEET

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

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

* ITEM-102: Point Loma/Ocean Beach Traffic Signal Interconnect.

(Midway, Ocean Beach, and Peninsula Community Areas. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-870) ADOPTED AS RESOLUTION R-302488

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$35,000 within Fund 30245, Capital Outlay, CIP-58-007.0,

Overhead/Other City Costs for Street Projects, to CIP-62-285.0, Point Loma/Ocean Beach Traffic Signal Interconnect;

Authorizing the City Auditor and Comptroller to appropriate and expend \$35,000, Fund 30245, Capital Outlay, from CIP-62-285.0, Point Loma/Ocean Beach Traffic Signal Interconnect, for the construction of a Traffic Signal Interconnect System in Point Loma/Ocean Beach;

Authorizing the City Auditor and Comptroller, upon the advice of the administering department, to transfer excess funds, if any, to CIP-58-007.0, Overhead/Other City Costs for Street Projects;

Declaring that this project is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that this project will not have a significant effect on the environment.

STAFF SUPPORTING INFORMATION:

This action will authorize the Mayor to transfer, appropriate, and expend \$35,000 of Capital Outlay funds available in CIP-58-007.0, Overhead/Other City Costs for Street Projects, for the construction of a traffic signal interconnect system. This \$35,000 will cover additional construction costs due to unanticipated conditions encountered during the construction of the project. The construction plans instructed the contractor to install new signal interconnect cable in existing conduit on a portion of the project. However, the contractor is not able to pull in the cable because the conduit is full and damaged in a few sections. Therefore, in order to complete the project, the contractor must trench, furnish, and install new conduit for the installation of the new signal interconnect cable.

This work also requires the installation of additional pull boxes and repairs to the adjacent sidewalk. All of this work results in the need for a construction change order.

FISCAL CONSIDERATIONS:

The total estimated project cost is \$665,000. \$630,000 of the total cost is reimbursable by Federal (CMAQ) grant funds. \$35,000 is available from Fund 30245, Capital Outlay.

PREVIOUS COUNCIL COMMITTEE ACTION:

Funding of \$630,000 was previously authorized by Council Resolution R-296856.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None.

KEY STAKEHOLDERS:

HMS Construction, Inc.

Boekamp/Haas

Aud. Cert. 2700592.

Staff: Deborah Van Wanseele - (619) 533-3012

Tim Miller - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:12 a.m.)

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

* ITEM-103: Vista Terrace Park Tot Lot Upgrades.

(San Ysidro Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-640) ADOPTED AS RESOLUTION R-302489

Amending Fiscal Year 2007 Capital Improvement Program Budget by
adding CIP-29-916.0, Vista Terrace Park Tot Lot Upgrades (Project);

Authorizing a \$240,000 increase in the Fiscal Year 2007 Capital
Improvements Program Budget CIP-29-916.0, Vista Terrace Park Tot Lot
Upgrades, in Fund No. 79518, San Ysidro Developer Impact Fee Funds;

Authorizing the City Auditor and Comptroller to appropriate and expend
an amount not to exceed \$240,000 from CIP-29-916.0, Vista Terrace Park
Tot Lot Upgrades, Fund No. 79518, San Ysidro Developer Impact Fee
Funds, for upgrading playground equipment and accessibility;

Authorizing the Mayor, or his representative, to apply to the State of California for two grants: \$101,492 in Per Capita and \$40,125 in Roberti-Z'berg-Harris Per Capita funds under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (2002 Resources Bond) for construction of Vista Terrace Park Tot Lot Upgrades;

Authorizing the Mayor, or his representative, to take all necessary actions to secure grant funding from the State of California for Vista Terrace Park Tot Lot Upgrades;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds on Vista Terrace Park Tot Lot Upgrades if grant funding is secured;

Authorizing the City Auditor and Comptroller to establish separate, special interest-bearing funds for the two grants, contingent upon receipt of fully executed grant agreements;

Authorizing a \$141,617 increase in the Fiscal Year 2007 Capital Improvements Program Budget in CIP-29-916.0, Vista Terrace Park Tot Lot Upgrades, based on \$101,492 in Per Capita and \$40,125 in Roberti-Z'berg-Harris Per Capita funding from the 2002 Resources Bond, contingent upon receipt of fully executed grant agreements;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$141,617 from CIP-29-916.0, Vista Terrace Park Tot Lot Upgrades, based on \$101,492 in Per Capita and \$40,125 in Roberti-Z'berg-Harris Per Capita funding from the 2002 Resources Bond, contingent upon receipt of a fully executed grant agreements, for the Project;

Declaring that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities.

STAFF SUPPORTING INFORMATION:

The playground equipment at the tot lot at Vista Terrace is very old, some are not functioning, and none is up to code. Upgrading the tot lot will bring it up to current standards. Upgrades include replacement of play equipment, additional signage identifying equipment for appropriate age groups, and improvements to the path of travel from the parking lot to the tot lot.

FISCAL CONSIDERATIONS:

Total project funding for these upgrades will be \$381,617. No additional operating costs are anticipated as a result of these improvements.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

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

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The San Ysidro Recreation Council identified and supports the play area improvements.

STAKEHOLDERS AND PROJECTED IMPACTS:

San Ysidro Recreation Council
Vista Terrace Park Visitors

Medina/Martinez

Aud. Cert. 2700519.

Staff: Carol Wood - (619) 525-8217
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:12 a.m.)

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

* ITEM-104: FY 2007 Homeland Security Grant Program.

(Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-871) ADOPTED AS RESOLUTION R-302490

Authorizing the Mayor, Chief Operating Officer, or the Deputy Chief Operating Officer for Public Safety/Homeland Security, for and on behalf of the City, to apply for, accept and expend grant funds from the FY 2007 Homeland Security Grant Program as the City's authorized agent;

Authorizing the Mayor, Chief Operating Officer, or the Deputy Chief Operating Officer for Public Safety/Homeland Security, to take all necessary steps to secure the grant funds, and to execute and submit all documents necessary to comply with the FY 2007 Homeland Security Grant Program requirements.

STAFF SUPPORTING INFORMATION:

The City of San Diego has been identified by the federal Department of Homeland Security (DHS) as the "core city" for the San Diego Urban Area's participation in the Federal FY 2007 Homeland Security Grant Program (HSGP), specifically the Urban Area Security Initiative (UASI). The Urban Area is defined as the 18 incorporated cities in San Diego County, unincorporated areas of the county and the related special districts. As the core city, San Diego will be the grantee and administrator of the UASI grant for the San Diego Urban Area. The FY 2007 UASI program provides financial assistance to address the unique multi-discipline planning, operations, equipment, training, and exercise needs of high-threat, high-density Urban Areas, and to assist in building and sustaining capabilities to prevent, protect against, respond to, and recover from threats or acts of terrorism, major disasters, and other emergencies.

The FY07 Homeland Security Grant Program is a competitive process requiring Urban Areas to submit applications to formally request funding in support of State and Urban Area Homeland Security Strategies and related program planning documents. For FY 2007, funding for the UASI program is based on analysis of risk (2/3 weight) and anticipated effectiveness of planned investments (1/3 weight). Risk is defined as Threat (likelihood of an attack) plus Vulnerability and Consequence (relative exposure and expected impact of an attack).

The San Diego Urban Area must submit its initial grant application to the State on March 4, 2007. We are currently working on developing the application packet. The application will address significant regional needs within the Urban Area and is projected to include investments in Interoperable Communications and Connectivity, Regional Information

and Data Sharing, Critical Infrastructure and Key Resource Protection, CBRNE/WMD Detection and Response Capabilities, Increasing Community Preparedness and Integration of Special Needs Populations, Catastrophic Event Citizen Protection, and Alerts and Warnings. The San Diego Urban Area was awarded \$7.9 million under the FY 2006 UASI grant; however, the State retained 20%, which resulted in a net award of \$6.3 million. Award notifications for the 2007 grant funds are to be announced on or about July 2, 2007.

Under the HSGP, the City of San Diego is also eligible to receive a share of the funding awarded to the County of San Diego as the core county for the San Diego region under the State Homeland Security Program and the Law Enforcement Terrorism Prevention Program. This funding is generally earmarked to promote comprehensive regional exercises, planning and coordination as well as to support critical terrorism prevention activities. The Office of Homeland Security will be requesting funds under this grant for the City's participation in exercises and other authorized activities.

All funding must be allocated in support of the goals and objectives identified in the San Diego Urban Area Homeland Security Strategy that was developed as a prerequisite to participation in the HSGP. A regional metropolitan area approach was taken in the development and implementation of this program by involving all 19 jurisdictions and mutual aid partners. While the focus of this program is weapons of mass destruction (WMD) preparedness, the benefits will be seen in all of the emergency preparedness programs in the region.

FISCAL CONSIDERATIONS:

There is no non-federal match or cost share required for grants under the HSGP covered by this resolution. However, these grants are reimbursement in nature requiring the City, as the core city in the urban area, to expend funds prior to requesting reimbursement. A cash advance process is available under this grant and will be used as appropriate for expenditures that can be completed within 120 days of receipt of funds. Due to the 90 day period from request of funds to receipt, this option will serve as a quicker method of obtaining reimbursement rather than as an actual cash advance for upfront funds.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: Not applicable.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Identified below.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The regional approach of the San Diego Urban Area's grant application impacts the 18 incorporated cities in San Diego County, the unincorporated areas of the county and the related special districts as well as contiguous jurisdictions and mutual aid partners. These

key stakeholders will derive significant improvement in response capabilities with better prepared, trained and equipped first responders.

The citizens of the San Diego region will benefit from an expanded public outreach program designed to increase public and private business involvement in emergency preparedness activities. This outreach will achieve a dramatic increase in the level of resident preparedness and self-reliance in the wake of a terrorism-related event or catastrophic natural disaster among the numerous diverse populations in the region. This program will save lives in both the general and special needs populations. A better prepared community, including the business community, will unburden first responders and other emergency services personnel and allow them to engage in high priority life saving activities. It will also speed recovery and reduce economic loss.

Olen

Staff: Donna Faller - (619) 533-6763
Nooria Faizi - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:12 a.m.)

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

* ITEM-105: Settlement of Personal Injury Claim of Conrad Schaefer.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-883) ADOPTED AS RESOLUTION R-302491

Authorizing the City Auditor and Comptroller to issue a check in the sum of \$74,000 made payable to Conrad Schaefer and Attorney Steven Gnau in full settlement of the lawsuit and of all claims;

Authorizing the City Council to appropriately transfer funds of \$74,000 from the General Fund unallocated reserves to the Public Liability Fund 81140.

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all claims brought by Conrad Schaefer.

FISCAL CONSIDERATIONS:

Settlement will be paid from the Public Liability Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This item was heard in closed session on February 6, 2007. A motion was made by Council President Peters and seconded by Councilmember Madaffer to authorize settlement in the amount of \$74,000. This item passed 7 to 0 with Councilmember Hueso absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Bych/Goldstone

Aud. Cert. 2700538.

Staff: Mike Gomez - (619) 236-7096
Bonny Hsu - Deputy City Attorney

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:12 a.m.)

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

* ITEM-106: Two actions related to La Playa View Holdings, LLC vs. City of San Diego.

(District 2.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2007-893) ADOPTED AS RESOLUTION R-302492

Authorizing the Mayor, or his designee, execute, for and on behalf of the City of San Diego, a deed conveying to Todd Sabin and Stacey Sabin a revocable easement for exclusive use of the most northerly portion of the unimproved, easterly segment of Nichols Street, and a deed conveying to Stephen Games and Sandy Games a revocable easement for exclusive use of the most Southerly portion of the unimproved, easterly segment of Nichols Street, as referenced in the Settlement Agreement adopted by the City Council on March 27, 2007.

Subitem-B: (R-2007-884) ADOPTED AS RESOLUTION R-302493

A Resolution approved by the City Council in Closed Session on Tuesday, March 6, 2007, by the following vote: Council President Peters-not present; Faulconer-yea; Atkins-yea; Council President Pro Tem Young-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Hueso-yea.

Adopting the March 27, 2007, Settlement Agreement, which requires the Plaintiffs to pay for and construct a beach access path/vista area and requires the City to grant the Plaintiffs revocable easements for the exclusive use of a portion of the City's right-of-way.

SUPPORTING INFORMATION:

This was a quiet title action by property owners whose properties abut the unimproved, waterfront segment of Nichols Street in La Playa. The terms of the settlement agreement include the Plaintiffs paying for and constructing a beach access path/vista area and the City granting the Plaintiffs revocable easements for the exclusive use of a portion of the City's right-of-way.

FISCAL CONSIDERATIONS: —

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Council authorized the approval of a settlement agreement in Closed Session on March 6, 2007, by the following vote: Yeas, Districts 2 through 8, Nays, None; Not Present, Council District 1 (Council President Scott Peters).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: —

KEY STAKEHOLDERS AND PROJECTED IMPACTS: —

Dickenson/Waring

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

FILE LOCATION: F-10050

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:12 a.m.)

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

* ITEM-107: Arts Education Month.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-867) ADOPTED AS RESOLUTION R-302494

Proclaiming March 2007, to be "Arts Education Month" in the City of San Diego, and commending Young Audiences of San Diego and San Diego Unified School District for advocating and supporting arts education.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:12 a.m.)

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



[ITEM-330](#): University City North/South Transportation Corridor Study.

(University Community Area. District 1.)

STAFF'S RECOMMENDATION:

Take the following actions: ADOPTED AS RESOLUTION R-302497

Authorizing the Mayor to proceed with the preparation of a full, separate, independent project-specific Environmental Impact Report under the provisions of CEQA and its Guidelines for the Bridge Alternative, which the Council must certify before any implementation, if any, of that Bridge Alternative is approved and commenced;

Confirming and reiterating that the EIR for the University City North/South Transportation Corridor Study ("University N/S Study") dated June 13, 2006, on file in the Office of the City Clerk and incorporated herein by reference, is certified as having been completed in compliance with CEQA, and the EIR reflects the independent judgment of the City of San Diego as Lead Agency only for the environmental review for the University N/S Study;

Declaring that the information contained in the University N/S Study EIR, together with any comments received during the public review process, was reviewed and considered by this Council prior to selecting the Bridge Alternative for preparation of a full, separate, independent project-specific EIR under CEQA. Notwithstanding the foregoing, the certification of the University N/S Study EIR and the selection of the Bridge Alternative for further environmental review are not "projects" within the meaning of CEQA, Public Resources Code Section 21065 ("CEQA project");

Rescinding the adoption of the Statement for the Bridge Alternative on file in the Office of the City Clerk, without prejudice to the later consideration and adoption, if any, of any Statement following the preparation and certification of a full, separate, independent project-specific EIR under CEQA for the Bridge Alternative;

Rescinding the adoption of the Mitigation, Monitoring and Reporting Program for the Bridge Alternative on file in the Office of the City Clerk, without prejudice to the later consideration and adoption, if any, of the Mitigation Program following the preparation and certification of a full, separate, independent project-specific EIR under CEQA for the Bridge Alternative;

Initiating the preparation of an environmental impact report for a community plan amendment to delete the Genesee Avenue Widening Alternative from the University Community Plan, which review the Council must consider and certify before any such amendment, if any, is adopted;

Rescinding the Notice of Determination filed August 4, 2006 (State Clearinghouse No. 2004031011), because this Resolution confirms that the certification of the University N/S Study EIR and the selection of the Bridge Alternative for further environmental review are not considered CEQA projects;

Directing the City Attorney to prepare the appropriate resolutions in accordance with Charter Section 40.

STAFF SUPPORTING INFORMATION:

The City Council will consider the adoption of a resolution clarifying the findings and directions given to the Mayor and City staff per Resolution Number R-301787, adopted August 21, 2006, regarding the University City North/South Transportation Corridor Study and further actions to be taken by staff following adoption of the study.

FISCAL CONSIDERATIONS: None with this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:
City Council Hearing of August 1, 2006, Resolution Number R-301787.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:
None required for this action.

KEY STAKEHOLDERS:
City of San Diego, University City Planning Group, Project Design Consultants, University City North/South Transportation Corridor Public Working Committee, UC Golden, UC Connection, Friends of Rose Canyon, San Diego Coastkeeper, and Endangered Habitats League.

Boekamp/Haas

Staff: Dave Zoumaras - (619) 533-3138

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:12 p.m.)

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



ITEM-331: 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.)

(Continued from the meeting of February 27, 2007, Item 332, at the request of Councilmember Madaffer, for further review.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-524 Cor. Copy) ADOPTED AS AMENDED AS
RESOLUTION R-302498

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 appropriated 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 close CIP-29-596.0, Fox Canyon Acquisition and Development, and CIP-29-596.1, Fox Canyon Neighborhood Park Ontario Avenue, and 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 18th 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: Stacey LoMedico - (619) 525-8265
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:13 p.m. – 5:15 p.m.)

Testimony in opposition by Bill Carey, Lisa Carey and Kathleen Babbit.

Testimony in favor by Douglas Nelson.

MOTION BY MADAFFER TO ADOPT THE RESOLUTION AS STATED

1. TRANSFER ALL FUNDS FROM FOX CANYON SITE TO WIGHTMAN SITE.
 2. REPLACE SPECIAL PARK FEES USED FROM PRELIMINARY ROAD WITH GAS TAX FUNDS.
 3. CLOSE FOX CANYON CIP.
 4. ESTABLISH CIP AT WIGHTMAN SITE.
 5. AUTHORIZE RE-SCOPE OF STATE GRANT TO DEVELOP WIGHTMAN SITE.
 6. IMMEDIATELY START PURSUING OTHER GRANTS, WITHOUT LIMITATIONS, FOR FOX CANYON, WIGHTMAN AND HOME AVENUE.
- Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-nay, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-332: Poe/Plum Street Vacation.

Matter of approving, conditionally approving, modifying, or denying the proposed vacation of an unimproved portion of Poe and Plum Streets, located in the Peninsula Community Plan area, adjacent to 3343 Poe Street. The vacation includes two 70-foot wide portions of unimproved right-of-way as follows: Plum Street, from Poe Street southerly to a previously vacated segment joining Oliphant Street; and Poe Street, from 3343 Poe Street easterly through the intersection with Plum Street. Approximately 15,345 square feet of right-of-way would be vacated, reserving easements for sewer, storm drain, general utilities, and access (approximately 2,973 square feet total).

(Project No. 55352. Peninsula Community Plan Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-701 Cor. Copy) ADOPTED AS AMENDED AS
RESOLUTION R-302499

Adoption of a Resolution certifying findings with respect to Public Right-of-Way Vacation Permit No. 161318; Vacating the portions of Poe and Plum Streets located adjacent to 3343 Poe Street, as described in the legal description marked as Exhibit "A," and as more particularly shown on Drawing No. 20302-1-B, and 20302-2-B, labeled Exhibit "B," which is by this reference incorporated herein and made a part hereof, reserving therefrom easements for sewer, water, stormdrain, general utilities and access together with ingress and egress for those purposes; and

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.

OTHER RECOMMENDATIONS:

The Peninsula Community Planning Group has recommended denial of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Should the City Council approve or deny Public Right-of-Way Vacation No. 161318, of an unimproved portion of Poe and Plum Streets, located in Council District 2, Peninsula Community Plan area, adjacent to 3343 Poe Street?

STAFF RECOMMENDATION:

Approve Public Right-of-Way Vacation No. 161318.

EXECUTIVE SUMMARY:

Project Description

The project proposes the vacation of an unimproved portion of the Plum and Poe Streets right-of-way, within the Peninsula Community Plan Area. This Public Right-of-Way Vacation is being requested by the adjacent property owner at 3343 Poe Street.

The proposed vacation includes two 70-foot wide portions of unimproved Right-of-Way as follows: Approximately 180 linear feet of Plum Street, from Poe Street southerly to a previously vacated 6,300 square foot segment adjoining Oliphant Street; and approximately 105 linear feet of Poe Street, from 3343 Poe Street easterly through the intersection with Plum Street. Approximately 15,345 square feet of right-of-way would be vacated, reserving easements for sewer, storm drain, general utilities, and access (approximately 2,973 square feet total).

Staff has concluded that the purpose and intent for which the public right-of-way was originally dedicated has not been met. The area to be vacated has never been utilized as a street and would not provide a logical connection to any other street due to the steep topography (approximately 40% slope). This topography precludes safe pedestrian access, although some people do choose to climb the steep grade (more so for recreational purposes, not a routine path of travel), leading them immediately alongside the existing house at 3343 Poe Street.

The proposed vacation meets all of the criteria that would allow a decision maker to affirm the required findings. The portion of the street proposed to be vacated does not provide access to any of the abutting properties and the adjacent hillside makes it unlikely that the street would be improved in the future to a degree that would facilitate vehicular access. The abutting property owners would benefit from the closure by regaining the

vacated portion of the right-of-way for which they own the underlying fee title. The proposed vacation would not adversely affect the Peninsula Community Plan and the proposed vacation would not affect existing access to properties.

Regulatory Framework

The Land Development Code establishes a process for approving applications to vacate public rights-of-way and includes the applicable findings that a decision maker must make to approve the requested vacation. The findings generally establish that there is no present or prospective use for the right-of-way, either for the use for which it was intended, or a public use of a similar nature; that the public will benefit from the vacation by the improved use of the land; that the vacation will not adversely affect the applicable land use plan; and that the public facility for which the right-of-way was originally acquired will not be detrimentally affected by the vacation. As described in Sections 125.0910(b) and 125.0940(c) of the Municipal Code, this section of right-of-way is

eligible to be summarily vacated, therefore, a recommendation by the Planning Commission is not required.

Community Plan

The subject site is designated for single-family development in the Peninsula Community Plan. The site is not within a designated public view corridor, and is not a designated pedestrian path. Staff has determined that the unimproved right-of-way cannot be used for the purposes listed above and has no views into designated Open Space. Therefore, the request for the street vacation at this site would not adversely affect the community plan.

PLANNING COMMISSION RECOMMENDATION:

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

FISCAL CONSIDERATIONS:

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

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On May 19, 2005, a motion carried by the Peninsula Community Planning Board to recommend denial of the proposed right-of-way vacation by a vote 5-0-1. The board recommended in favor of an Encroachment Removal Agreement rather than a Vacation (6-0-0).

KEY STAKEHOLDERS AND PROJECT IMPACTS:

Stakeholders – Mrs. Heather Nelson, Applicant

Waring/Escobar-Eck/CW

LEGAL DESCRIPTION:

Project is located at 3343 Poe Street, San Diego, California 92106 in Base Zone RS-1-7 within the Airport Approach and Coastal Height Limit Overlay Zones in Council District 2.

NOTE: This activity is exempt from CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

Staff: Cory Wilkinson – (619) 557-7900
Kimberly Ann Davies - Deputy City Attorney

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

FILE LOCATION: STRT-J-2978(39)

COUNCIL ACTION: (Time duration: 2:12 p.m. – 2:46 p.m.)

MOTION BY FRYE TO ADOPT THE RESOLUTION AS AMENDED TO ADD THAT THE APPLICANT WILL NOT BUILD A FENCE AND WILL WAIVE THEIR RIGHT TO BUILD A FENCE THAT WOULD OBSTRUCT THE PATH. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-recused, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-333: Amendments Related 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. 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, and continued from the meeting of February 27, 2007, Item 335, at the request of Councilmember Frye (and public), for further review.)

NOTE: Hearing open. No testimony taken on 1/30/07. Hearing closed. Public testimony taken on 2/27/07.

STAFF'S RECOMMENDATION:

Adopt the resolution in Subitem A and introduce the ordinance in **either** Option 1 or Option 2 in Subitem B:

Subitem-A: (R-2007-698) RETURNED TO MAYOR

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.

Option 1

Subitem-B: (O-2007-40 Cor. Copy 1) RETURNED TO MAYOR

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

(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: MEET

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

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

ITEM-334: **NOTE:** This item has been moved to the docket of Monday, March 26, 2007, as Item 205.

* ITEM-S500: Inviting Bids for the Public Works Contract of Sidewalk Replacement Group I FY 2007.

(Continued from the meeting of March 20, 2007, Item 100, at the request of Councilmember Atkins, for further review.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-840) ADOPTED AS RESOLUTION R-302495

Amending the Fiscal Year 2007 Capital Improvements Program Budget for CIP-59-002.0, Sidewalks-Replacement and Reconstruction, by increasing the budget amount by \$964,691;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$964,691 from Street Division General Operating Fund 100 to Street Division CIP-63-022.1, for the purpose of funding CIP-59-002.0, Sidewalks-Replacement and Reconstruction, contingent upon the City Auditor and Comptroller first certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the appropriation and expenditure of an amount not to exceed \$964,691 from CIP-59-002.0, solely and exclusively, for the purpose of funding a construction contract and related expenses for Sidewalk Replacement Group I, FY 07, 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;

Approving the plans and specifications for the construction of Sidewalk Replacement Group I, FY 07 (Project);

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$722,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Approving the use of City Forces on the Project for the purpose of funding a construction contract and related expenses for a cost not to exceed \$964,691;

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 the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301 because this activity is the repair of existing public facilities.

STAFF SUPPORTING INFORMATION:

This action will provide for the replacement of concrete surfaces in all Council Districts which have been damaged by parkway trees. The contractor will be required to carefully remove existing tree roots before replacing the damaged concrete. Extensive coordination is also required between the contractor and the root pruning service in order to preserve the trees. The Street Division maintains over 5,000 miles of sidewalks.

Specific sidewalk and curb/gutter locations for this project were selected from the Street Division's concrete repair backlog for tree root damaged sites. Locations which need repair are reported by City personnel, and/or residents.

Street Division uses the following factors to identify and prioritize repair locations for both contractual services and City forces work: the severity of the damage, the age of the request, other repair projects occurring at the same location, and utility conflicts. While the severity of the damage and the age of the request are the highest priorities, if best management practices dictate grouping jobs in the same geographic area, that course of action will be considered regardless of the age of the request. Damage rating factors from 1 to 4, with "1" being extensive damage to the right-of-way, "2" moderate, "3" routine, and "4" minimal damage, are also applied and considered in the prioritization.

It is projected that approximately 341 locations will be completed by this contract. Locations to be repaired include sidewalks, curbs/gutters, and curb ramps throughout the City. A list of locations will be provided to the Mayor and Council Members, which may be revised prior to construction in order to coordinate with any construction conflicts that may arise. Construction is expected to start in May of 2007 and be completed in November of 2007.

In addition to the construction contract of \$722,000, the following costs will be paid for by the Street Division Operating Fund: \$98,291 for Tree Maintenance, \$36,100 for Construction Contingency, and \$108,300 for Design, Project Management and Inspection, for a total of \$964,691.

FISCAL CONSIDERATIONS:

\$964,691 in funds for this project are available in Street Division Operating Fund 100. The Auditors Certificate will be issued prior to award.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The list of locations for sidewalk replacement on this contract will be provided at the Council Staff Briefing.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Citizens will be notified by the contractor when sidewalk replacement at their property will begin.

Sierra/Haas

Aud. Cert. 2700567.

Staff: Mohammad Sammak - (619) 527-7504
Timothy J. Miller - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:12 a.m.)

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

* ITEM-S501: Inviting Bids for the Public Works Contract for Sidewalk Replacement
Group II FY 2007.

(Continued from the meeting of March 20, 2007, Item 101, at the request
of Councilmember Atkins, for further review.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-839) ADOPTED AS RESOLUTION R-302496

Amending the Fiscal Year 2007 Capital Improvements Program Budget
for CIP-59-002.0, Sidewalks-Replacement and Reconstruction, by
increasing the budget amount by \$600,000;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$600,000 from Street Division General Operating Fund 100 to Street Division CIP-63-022.1, for the purpose of funding CIP-59-002.0, Sidewalks-Replacement and Reconstruction, contingent upon the City Auditor and Comptroller first certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the appropriation and expenditure of an amount not to exceed \$600,000 from CIP-59-002.0, solely and exclusively, for the purpose of providing funds for Sidewalk Replacement Group II, FY 07, 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;

Approving the plans and specifications for the construction of Sidewalk Replacement Group II, FY 07 (Project);

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$480,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

Declaring this activity is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301 because this activity is the repair of existing public facilities.

STAFF SUPPORTING INFORMATION:

This action will provide for the replacement of damaged concrete surfaces in all Council Districts. The Street Division maintains over 5,000 miles of sidewalks. Specific sidewalk and curb/gutter locations for this project were selected from the Street Division's concrete repair backlog. Locations which need repair are reported by City personnel, and/or residents. Street Division uses the following factors to identify and prioritize repair locations for both contractual services and City forces work: the severity of the damage, the age of the request, other repair projects occurring at the same location, and utility conflicts.

While the severity of the damage and the age of the request are the highest priorities, if best management practices dictate grouping jobs in the same geographic area, that course of action will be considered regardless of the age of the request. Damage rating factors from 1 to 4, with "1" being extensive damage to the right-of-way, "2" moderate, "3" routine, and "4" minimal damage, are also applied and considered in the prioritization.

It is projected that approximately 240 locations will be completed by this contract. Locations to be repaired include sidewalks, curbs/gutters, cross gutters, and curb ramps throughout the City. A list of locations will be provided to the Mayor and Council Members, which may be revised prior to construction in order to coordinate with any construction conflicts that may arise. Construction is expected to start in June of 2007 and be completed in October of 2007.

In addition to the construction contract of \$480,000, the following costs will be paid for by the Street Division Operating Fund: \$24,000 for Construction Contingency, and \$96,000 for Design, Project Management and Inspection, for a total of \$600,000.

FISCAL CONSIDERATIONS:

\$600,000 in funds for this project are available in Street Division Operating Fund 100. The Auditors Certificate will be issued prior to award.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The list of locations for sidewalk replacement on this contract will be provided at the Council Staff Briefing.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Citizens will be notified by the contractor when sidewalk replacement at their property will begin.

Sierra/Haas

Aud. Cert. 2700566.

Staff: Mohammad Sammak - (619) 527-7504
Timothy J. Miller - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:12 a.m.)

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

REPORT OUT OF CLOSED SESSION:

To view the list of all available City Council Closed Session Meetings Reports
refer to the link below:

<http://www.sandiego.gov/city-clerk/closedsess.shtml>

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:13 a.m. – 10:15 a.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 5:23 p.m. in honor of
the memory of:

Ernest H. Wright, Sr. as requested by Council Member Madaffer.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 5:22 p.m. – 5:23 p.m.)