

THE CITY OF SAN DIEGO, CALIFORNIA
 MINUTES FOR REGULAR COUNCIL MEETING
 OF
 TUESDAY, MAY 15, 2007
 AT 9:00 A.M.
 IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING..... 4

ATTENDANCE DURING THE MEETING 4

ITEM-300: ROLL CALL..... 5

NON-AGENDA COMMENT 5

INDEPENDENT BUDGET ANALYST COMMENT 8

CITY ATTORNEY COMMENT 8

ITEM-30: Thomas N. Fat Day 8

ITEM-31: San Diego Tourism Week..... 9

ITEM-32: Michael W. Murphy Day 9

* ITEM-50: Lease Purchase Agreement with IBM Credit LLC..... 10

* ITEM-51: Increase to the Fiscal Year 2007 Water Department Capital Improvement
 Program Budget 11

* ITEM-52: Amending the No Smoking Ordinance for San Diego’s Parks and Beaches to
 Include Beach Boardwalks, Seawalls, Piers and Cabrillo Bridge in Balboa Park 12

ITEM-53: Amending Chapter 6, Article 3, of the San Diego Municipal Code by adding
 Language that Clarifies the Meaning of the Land/Water Distinction as
 Characterized within Section 55.1 of the City Charter 13

* ITEM-100: Declaring Palm Street Improvements an Emergency Project and Authorize
 Construction Contract Award to Cass Construction, Inc..... 14

* ITEM-101: Inviting Bids for the Construction of San Clemente Canyon Mitigation Project. 16

* ITEM-102: Change Order No. 1 for the Construction of the San Diego Museum of Art Roof
 Replacement (Project)..... 19

* ITEM-103: Exchange Agreement with San Diego Unified School District for the Fay Avenue Realignment Project.....	21
* ITEM-104: Lighted Crosswalk on Girard Avenue	23
* ITEM-105: Kearny Mesa Community Park – Sidewalk Improvements.....	25
* ITEM-106: Driver Feedback Sign on Carmel Mountain Road.....	27
* ITEM-107: Appointment of Karen L. Howard to the Southeastern Economic Development Corporation Board of Directors	29
* ITEM-108: Appointments and Reappointments to the Balboa Park Committee.....	30
* ITEM-109: Reappointments to the Board of Library Commissioners.....	33
* ITEM-110: Reappointment of Delia H. Talamantez to the Civil Service Commission	34
* ITEM-111: Reappointments to the Commission for Arts and Culture	34
* ITEM-112: Dr. Joyce M. Gattas Day.....	35
* ITEM-113: Relay for Life Day	36
* ITEM-114: Excusing Council President Pro Tem Young from the Rules, Open Government and Intergovernmental Relations Committee Meeting of April 25, 2007	37
* ITEM-115: Excusing Councilmember Maienschein from the City Council Meeting of April 17, 2007	37
* ITEM-116: Excusing Councilmember Maienschein from the City Council Meeting of April 25, 2007	38
ITEM-330: Re-loan of City CDBG Funds to Redevelopment Agency	38
ITEM-331: Approval of the Issuance of 2007 Tax Allocation Bonds, Notes or Loans in the Total Amount of \$42,000,000 to Finance and Refinance Portions of the Costs of Three Redevelopment Projects	41
ITEM-332: Centerpointe at Grantville.....	42

ITEM-S500: Accepting a CDBG Loan Repayment from the Redevelopment Agency of the City from the CCDC Project Area to the City CDBG Fund.....	49
ITEM-S501: Fiscal Year 2008 Social Services Program.....	52
REPORT OUT OF CLOSED SESSION	55
NON-DOCKET ITEMS	55
ADJOURNMENT.....	55

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:03 a.m. Council President Peters recessed the meeting at 10:19 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 10:44 a.m. with Council Member Maienschein not present. The meeting was recessed by Council President Peters at 11:34 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:02 p.m. with Council Members Maienschein and Hueso not present. Council President Peters recessed the meeting at 2:03 p.m. to simultaneously convene the Redevelopment Agency with the regular meeting. Council President Peters reconvened the regular meeting at 2:06 p.m. with Council Member Maienschein 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 3:11 p.m. with Council Member Maienschein not present and thereafter reconvened the Redevelopment Agency. Council President Peters reconvened the regular meeting at 6:37 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 6:42 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 (mz/sr)

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:

Don Stillwell commented on prayer and the flag salute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:06 a.m. – 11:08 a.m.)

PUBLIC COMMENT-2:

Bryan Pease commented on protecting the San Diego seals.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-3:

Joy Sunyata commented on public speaking in Council meetings.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-4:

Hud Collins commented on the City of San Diego pension and financial crisis

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:14 a.m. – 11:17 a.m.)

PUBLIC COMMENT-5:

Ron Boshun commented on Council actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:18 a.m. – 11:21 a.m.)

PUBLIC COMMENT-6:

Rosalind Winstead commented on discrimination regarding equal opportunity policies.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:21 a.m. – 11:25 a.m.)

PUBLIC COMMENT-7:

Phil Hart commented on the City of San Diego budget process.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:25 a.m. – 11:28 a.m.)

PUBLIC COMMENT-8:

Paola Tresco commented on apartment building issues in Ocean Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:28 a.m. – 11:31 a.m.)

PUBLIC COMMENT-9:

John Pilch commented to include the reason for excusing Council Members absent from Council meetings in the minutes.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:30 a.m. – 11:31 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



[ITEM-30:](#) Thomas N. Fat Day.

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1074) ADOPTED AS RESOLUTION R-302604

Recognizing Thomas N. Fat for his 30 years of civic leadership and commending him for his tireless work as a champion for the City and citizens of San Diego;

Proclaiming May 15, 2007, to be "Thomas N. Fat Day" in the City of San Diego.

FILE LOCATION: AGENDA

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

MOTION BY MADAFFER TO ADOPT. 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-31:](#) San Diego Tourism Week.

**COUNCIL PRESIDENT PETERS' AND COUNCILMEMBER FAULCONER'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1044) ADOPTED AS RESOLUTION R-302615

Declaring May 14-20, 2007, to be "San Diego Tourism Week" in San Diego in recognition of the importance of the visitor industry to San Diego's economy and quality of life.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:15 a.m. – 10:16 a.m.)

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



[ITEM-32:](#) Michael W. Murphy Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-892) ADOPTED AS RESOLUTION R-302616

Commending Michael Murphy for his passionate commitment to Sharp HealthCare and thanking him for the many hours he has devoted toward the health care needs of San Diego residents;

Proclaiming May 15, 2007, be "Michael W. Murphy Day" in the City of San Diego.

FILE LOCATION: AGENDA

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

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

* ITEM-50: Lease Purchase Agreement with IBM Credit LLC.

(See Report to the City Council No. 07-060 and memorandums from Mayor Sanders dated 4/18/2007 and 4/12/2007. Citywide.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/24/2007, Item S505, Subitem A. (Council voted 6-2. Councilmembers Maienschein and Frye voted nay):

(O-2007-125 Cor. Copy 2) ADOPTED AS ORDINANCE
O-19618 (New Series)

Authorizing a Master Lease Agreement for the purpose of financing the acquisition of the Enterprise Resource Planning System in a principal amount not to exceed \$29.5 million and taking other actions in connection therewith.

NOTE: 6 votes required.

FILE LOCATION: MEET

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

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

- * ITEM-51: Increase to the Fiscal Year 2007 Water Department Capital Improvement Program Budget.

(See Report to the City Council No 06-194.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/24/2007, Item S504, (Council voted 7-0. Councilmember Atkins not present):

(O-2007-117) ADOPTED AS ORDINANCE O-19619 (New Series)

Amending the Fiscal Year 2007 Capital Improvements Program Budget for the Water Department by increasing the budget amount by an amount not to exceed \$17,000,000;

Authorizing the City Auditor and Comptroller to appropriate \$17,000,000 from the Water Department Un-appropriated Fund Balance in Water Fund 41500; of which \$12,000,000 is for CIP-73-083.0, Annual Allocation - Water Main Replacements; and \$5,000,000 in CIP-75-926.0, Water CIP Reserve;

Authorizing the appropriation and expenditure of an amount not to exceed \$12,000,000 from the Water Department Un-appropriated Fund Balance in Water Fund 41500, contingent upon the approval and award of one or more contracts to perform such work, solely and exclusively, for the purpose of accelerating the program for bid and award of projects to meet the State Department of Health services mandate for replacement of cast iron water mains;

Authorizing the appropriation of an amount not to exceed \$5,000,000 from the Water Department Un-appropriated Fund Balance in Water Fund 41500, solely and exclusively, for the purpose of replenishing CIP-75-926.0, the Water CIP Reserve;

Declaring that this activity is not a project subject to the California Environmental Quality Act (CEQA), because it is a government fiscal activity which is excluded from the definition of a project pursuant to State CEQA Guidelines Section 15378(b)(4), and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

NOTE: 6 votes required.

FILE LOCATION: MEET

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

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

- * ITEM-52: Amending the No Smoking Ordinance for San Diego's Parks and Beaches to Include Beach Boardwalks, Seawalls, Piers and Cabrillo Bridge in Balboa Park.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/1/2007, Item 50. (Council voted 8-0):

(O-2007-88 Cor. Copy 2) ADOPTED AS ORDINANCE
O-19620 (New Series)

Amending Chapter 4, Article 3, Division 10, of the San Diego Municipal Code by amending Sections 43.1001, 43.1002, 43.1003, 43.1004, 43.1005, 43.1006, 43.1007, 43.1008, 43.1009, and 43.1010, and by amending Chapter 6, Article 3, Division 00, Section 63.20.16, all relating to the regulation of smoking and prohibiting the use of tobacco products on City-owned fishing piers, on boardwalks, seawalls, and the Cabrillo Bridge in Balboa Park.

FILE LOCATION: MEET

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

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

ITEM-53: Amending Chapter 6, Article 3, of the San Diego Municipal Code by adding Language that Clarifies the Meaning of the Land/Water Distinction as Characterized within Section 55.1 of the City Charter.

(See memorandum from the City Attorney dated 11/13/2006. Districts 2 and 6.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2007-131 Cor. Copy)

CONTINUED TO MONDAY,
JULY 16, 2007

Introduction of an Ordinance amending Chapter 6, Article 3, Division 25, of the San Diego Municipal Code by amending Section 63.25.1, relating to Public Works and Property, Public Improvement and Assessment Proceedings.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/15/2006, NR&C voted 3 to 0 to forward this item to full City Council for action. (Councilmembers Faulconer, Frye, and Hueso voted yea. Councilmember Atkins not present.)

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:59 a.m. – 10:59 a.m.)

MOTION BY MADAFFER TO CONTINUE TO MONDAY, JULY 16, 2007, AT THE REQUEST OF THE MAYOR'S OFFICE FOR CLARIFICATION REGARDING LAND/WATER DISTINCTIONS WITHIN THE CITY CHARTER. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-nay, Madaffer-yea, Hueso-yea.

- * ITEM-100: Declaring Palm Street Improvements an Emergency Project and Authorize Construction Contract Award to Cass Construction, Inc.

(Uptown Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-934) ADOPTED AS RESOLUTION R-302617

Declaring the damage to the storm drain, and consequently, the failure of the slope at the cul-de-sac on Palm Street near 4th Avenue to constitute an emergency within the meaning of the City of San Diego Charter Section 94 and that the repair of the drain and slope was necessary to remediate that emergency;

Ratifying the award of the contract for the construction of Palm Street Improvements to Cass Construction, Inc. in the amount of \$698,735;

Declaring that this activity is exempt from CEQA pursuant to State CEQA Guidelines Section 15269(c).

STAFF SUPPORTING INFORMATION:

Due to slope erosion during the heavy rain storms of 2004, an 18" CMP storm drain outfall collapsed along with a good portion of the hillside that washed into Maple Canyon. In addition, the existing roadway was undermined, which resulted in cracks developing within the roadway and existing parking lot north of the roadway. The failed outfall is at the end of Palm Avenue which dead ends between two business buildings. There was an immediate risk of losing a portion of the parking lot, which grew to threaten a northerly business building if the slope erosion was not contained. This project was determined to be an emergency and was split into two phases, temporary and permanent repairs. For the temporary repair and in an effort to stabilize the existing slope and prevent any immediate threat to the street and/or surrounding buildings and parking lot, an interim repair was implemented by a GRC contractor in March 2005, following recommendation of a geotechnical engineer firm. Despite the temporary repair and stabilization efforts, the risk of further slope failure and resulting potential threat of considerable damage to surrounding properties remains high. Consequently, completing permanent repairs before the next heavy rainfall is imperative.

FEMA approved funding for this project with a construction completion date of March 31, 2007. Construction funds became available on January 2007. Due to the urgent nature of the project and the need to meet FEMA construction deadline, this project was declared to constitute an emergency within the meaning of the City of San Diego Charter Section 94. The City invited 13 qualified contractors to the job site to bid the project. Cass Construction, Inc. was the low responsive bidder. Construction commenced on January 10, 2007, and was finished by mid March 2007.

This request will declare this an emergency project and ratify award of contract for \$698,735 to Cass Construction, Inc. to construct the second (permanent repair) phase of the project due to the potential threat to the slope, street, parking lot, and surrounding buildings should heavy rains fall.

FISCAL CONSIDERATIONS:

The total project cost is \$1,110,000 (AC 2700505 for construction contract (PA700) \$698,735; R-302178 adopted December 15, 2006 increased budget by \$860,000). The work will be completed under Job Order 130073. This action does not impact funding of existing projects.

PREVIOUS COUNCIL COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Coordination with 2900 4th Avenue property owner.

KEY STAKEHOLDERS:

Cass Construction, Inc.
Harris & Associates
EDAW, Inc.
Geotechnics, Inc.

Boekamp/Haas

Staff: Jamal Batta - (619) 533-3769
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: CONT–Cass Construction, Inc.

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

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

* ITEM-101: Inviting Bids for the Construction of San Clemente Canyon Mitigation Project.

(Clairemont Mesa Community Area. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-995) ADOPTED AS RESOLUTION R-302618

Approving the plans and specifications for the San Clemente Canyon Mitigation Project (Project), on Work Order No. 764131;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award the contract for the Project to the lowest responsible and reliable bidder, 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 expenditure of an amount not to exceed \$876,000 from Sewer Fund 41506, Dept. 776, Org. 722, solely and exclusively, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds 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 not subject to the California Environmental Quality Act pursuant to CEQA Guidelines 15378(c). This activity is a subsequent discretionary approval covered under EIR Project Number 6020, Canyon Sewer Cleaning Program. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15177. (BID-K073842)

STAFF SUPPORTING INFORMATION:

The San Clemente Canyon Mitigation Project involves the creation of 2.18 acres of wetland habitat and 3.31 acres of upland habitat located on various City of San Diego owned parcels within San Clemente Canyon. The two areas selected for use as mitigation sites are located within Marian Bear Memorial Park. The Regents East Site is located approximately 600 feet east of the Regents Avenue East parking area, south of San Clemente Creek. The Genesee East site is located approximately 4,000 feet east of the Genesee Parking area, south of San Clemente Creek.

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

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

FISCAL CONSIDERATIONS:

The total not to exceed authorization is \$876,000. Funds have been budgeted in the FY 07 operating budget and are available in Sewer Fund 41506, Dept. 776, Org. 722, for this project. This project is part of the existing operation and maintenance program and is not dependent on future financing proceeds. Funding will be from sewer revenue rates only.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

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

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

MWWD has worked in close consultation with the Marian Bear Recreation Council. The project was approved by the Rec. Council at their meeting on January 11, 2006. The project was also presented to the Clairemont Mesa Planning Committee on March 21, 2006.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

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

Ferrier/Haas

Aud. Cert. 2700664.

Staff: Laura Ball - (858) 292-6417
James W. Lancaster - Deputy City Attorney

FILE LOCATION: W.O. 764131

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

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

- * ITEM-102: Change Order No. 1 for the Construction of the San Diego Museum of Art Roof Replacement (Project).

(Balboa Park Community Area. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1030) ADOPTED AS RESOLUTION R-302619

Approving Change Order No. 1, dated March 8, 2007, issued in connection with the contract between the City of San Diego and Premier Roofing, Inc., for the construction of the San Diego Museum of Art Roof Replacement (Project), said contract having been filed in the Department of Purchasing and Contracting as Document No. K073622; and the changes therein set forth, amounting to a net increase in the contract price of \$322,031;

Authorizing the expenditure of an amount not to exceed \$322,031 from CIP-38-003.0, Museum of Art Roof Replacement, for the purpose of executing this construction change order, 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;

Declaring that this activity is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines under Section 15301(d), as repairs and restoration of existing facility.

STAFF SUPPORTING INFORMATION:

On November 3, 2006, the City Council authorized the addition of CIP-37-035.0, Roof Replacements (Resolution No. R-302012) to the Fiscal Year 2007 Capital Improvement Program, and the expenditure of funds for this purpose. The Museum of Art Roof Replacement Project is one of the roof replacement projects which were budgeted to be performed under CIP-37-035.0, Sublet No. 38-003.0, Museum of Art Roof Replacement. The Museum of Art roof is old, leaking, and deteriorated, raising concerns affecting health, safety, and possible property damage.

Based on further investigation and evaluation of the existing roof, it was determined that additional areas of the existing roof need repair. Five existing HVAC units also need to be replaced and friable asbestos was discovered on some roof areas. This additional scope of work was included in the contract documents as an "Additive Alternate" pending funding approval. A contract was awarded to Premier Roofing, Co. in the amount of \$994,100 to perform work on the original scope of work. An additional \$322,031 is available to perform the "Additive Alternate" to replace additional portions of the museum's roof.

The total cost estimate for the Museum of Art roof replacement project is \$1,631,131 of which \$1,316,131 is for the construction contract with Premier Roofing. The remaining funds are for project contingency, project management and construction inspection.

FISCAL CONSIDERATIONS:

Funding for this project is available in the Museum of Art Roof Replacement Project, CIP-38-003.0.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

City Council Resolution No. R-302012, dated November 3, 2006, Fiscal Year 2007 Capital Improvement Program Amended Budget.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

City Staff has met with the museum's management to provide project information and to coordinate construction phases with museum activities.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

This action will result in a positive impact to the Museum and its visitors by improving the facility.

Oskoui/Haas/Boekamp

Aud. Cert. 2700656.

Staff: Afshin Oskoui - (619) 533-3102
Christina L. Bellows - Deputy City Attorney

FILE LOCATION: CONT-Premier Roofing, Inc.

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

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

- * ITEM-103: Exchange Agreement with San Diego Unified School District for the Fay Avenue Realignment Project.

(La Jolla Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1066) ADOPTED AS RESOLUTION R-302620

Authorizing the Mayor, or his designee, pursuant to the terms and conditions of that certain "Master Agreement," dated October 8, 2002, by and between the City of San Diego (City) and the San Diego Unified School District (District), and adopted by the Council on October 7, 2002, by Resolution No. R-297156, to execute and deliver, for and on behalf of the City, an "Exchange Agreement" with the District, and to take all actions necessary to complete the exchange of approximately 26,173 square feet of the City's right-of-way property which adjoins the District's La Jolla High School property, for approximately 26,172 square feet of District property for the realignment of Fay Avenue, north of Nautilus Street, under the terms and conditions set forth in that certain Exchange Agreement.

STAFF SUPPORTING INFORMATION:

By Resolution R-297156, adopted October 7, 2002, the City Council authorized the execution of an agreement entitled "Master Agreement," between the City of San Diego (City) and the San Diego Unified School District (District), for the future exchange, purchase, and/or disposition of property interests between the City and District. Pursuant to the terms of the Master Agreement, separate and individual "Exchange Agreements" would be executed to effectuate the exchange of property rights.

This action seeks authorization to enter into an Exchange Agreement for the exchange of property rights required for the Fay Avenue Realignment Project. On the merits of the Participation Agreement for the Realignment of Fay Avenue, adopted March 27, 2001, as Resolution R-294687, District property amounting to 26,172 square feet was graded and improved as street right of way for the realignment of Fay Avenue, north of Nautilus Street.

In exchange, the City agreed to vacate 26,173 square feet of right-of-way, which adjoined the District's La Jolla High School property, to accommodate the District's construction of a science building and aquatics center. All improvements were completed in 2001; this action seeks authorization to complete the exchange of the affected property rights.

FISCAL CONSIDERATIONS:

In accordance with the terms of the Master Agreement, the property rights to be exchanged were appraised by an independent third-party appraiser. The agreed-upon value (i.e. "the ultimate value of an asset", as defined within Section 2.3 of the Master Agreement) of the City property is \$495,000, and the agreed-upon value of the District property is \$220,000. In further accordance with the Master Agreement, the \$275,000 differential in value shall be reflected in a ledger, Attachment "B" to the Master Agreement (the "Master Ledger"). This Ledger is attached as Exhibit "C" to the subject Exchange Agreement.

Accumulated debits and credits reflected in the ledger, when summed, shall reflect the net debit or credit position of the City or District, with the ledger to be exchanged and reconciled annually. At any given time, the difference between the two sides of the ledger may not exceed \$500,000. Per Resolution R-297156, adopted October 7, 2002, funds in the amount of \$500,000 have been appropriated and transferred from Capital Outlay Revolving Fund 30245, to the newly-created Capital Outlay Fund for the Acquisition and Disposition of Real Property Interests Fund 302454.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

- R-294687, adopted 3/27/2001, authorized Participation Agreement for Fay Avenue Realignment;
- R-294688, adopted 3/27/2001, approved Plans and Specifications for Fay Avenue Realignment;
- R-294689, adopted 3/27/2001, certified Mitigated Negative Declaration (MND) No. 40-0692, dated 3/12/2001, related to the Fay Avenue Realignment;
- R-297156, adopted 10/7/2002, authorized Master Agreement, and the appropriation and transfer of \$500,000 from Capital Outlay Revolving Fund 30245, to the Capital Outlay Fund for the Acquisition and Disposition of Real Property Interests Fund 302454 (AC No. 2300369).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Fay Avenue Realignment Project received public comments addressing the findings of the Initial Study and MND for the project, at the time the above-stated Council actions went forward. However, no community participation and/or public outreach was required for the subject Exchange Agreement action.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

San Diego Unified School District.

Approval of this action will result in a \$275,000 credit to the City of San Diego, as reflected in the ledger associated with this Exchange Agreement.

Sandoval/Waring

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

FILE LOCATION: MEET

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

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

* ITEM-104: Lighted Crosswalk on Girard Avenue.

(La Jolla Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1055) ADOPTED AS RESOLUTION R-302621

Authorizing and directing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to amend the Fiscal Year 2007 Capital Improvement Program Budget to increase CIP-61-001.0, Traffic Control and Calming Measures, by the amount of \$12,000;

Authorizing the City Auditor and Comptroller to accept, for and on behalf of the City, a contribution from the Gillespie School of \$12,000 for the installation of a lighted crosswalk adjacent to the school at 7380 Girard Avenue, and when received, to deposit it into Fund No. 63022, Private and Developer Contributions to CIP, CIP-61-001.0, Traffic Control and Calming Measures;

Authorizing the expenditure of an amount not to exceed \$12,000 from Fund No. 63022, Private and Developer Contributions to CIP, CIP-61-001.0, Traffic Control and Calming Measures, solely and exclusively, to provide funds to install a lighted crosswalk on Girard Avenue adjacent to the Gillespie School, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit in the City Treasury;

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

Declaring that this activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, as the construction or installation of a small structure or facility.

STAFF SUPPORTING INFORMATION:

This action will allow the City of San Diego to accept a contribution by The Gillispie School toward the design and construction of a lighted crosswalk adjacent to The Gillispie School located at 7380 Girard Avenue in La Jolla.

The Gillispie School has agreed to contribute \$12,000 toward the installation of the lighted crosswalk. The Engineering and Capital Projects Department has \$12,000 available in Fiscal Year 2007 Traffic Control and Calming Measures Annual Allocation (CIP-61-001.0) to cover the remaining of the total estimated project cost of \$24,000. The proposed lighted crosswalk is

similar to the existing lighted crosswalks at various intersections on La Jolla Boulevard. The purpose of the lighted crosswalk is to enhance pedestrian safety by improving drivers' awareness of pedestrians in the crosswalk. The lighted crosswalk will be activated by its users via pedestrian push buttons which will be installed on either side of the street. The proposed location of this lighted crosswalk has been evaluated by City staff and its installation is recommended.

FISCAL CONSIDERATIONS:

The total estimated project cost is \$24,000. The Gillispie School is contributing \$12,000 toward the lighted crosswalk. City funds are available in CIP-61-001.0, Traffic Control and Calming Measures Annual Allocation.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None with this action.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Staff has met with members of the community and The Gillispie School.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The Gillispie School

Boekamp/Haas

Staff: Deborah Van Wanseele - (619) 533-3012
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: MEET

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

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

* ITEM-105: Kearny Mesa Community Park – Sidewalk Improvements.

(Kearny Mesa Community Area. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1053) ADOPTED AS RESOLUTION R-302622

Authorizing and directing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to amend the Fiscal Year 2007 Capital Improvement Program Budget to add CIP-29-948.0, Kearny Mesa Community Park-Sidewalk Improvements;

Amending the Fiscal Year 2007 Capital Improvements Program Budget for CIP-29-948.0, Kearny Mesa Community Park - Sidewalk Improvements by increasing the budget amount by \$70,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$70,000 from CIP-29-948.0 Kearny Mesa Community Park – Sidewalk Improvements, Fund 18542, Community Development Block Grant Fund 2007, for the design and construction of ADA Sidewalk Improvements at the Kearny Mesa Community Park, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is exempt by California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301, Existing Facilities.

STAFF SUPPORTING INFORMATION:

In an effort to make the existing sidewalk leading from the parking area to the ball fields and comfort station accessible, Council District 6 identified funding through CDBG the sidewalk improvement. The existing sidewalk will be removed and replaced with an accessible route per the current ADA regulations.

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Stakeholders: Park users.

Lomedico/Reynolds

Aud. Cert. 2700702.

Staff: Jim Winter - (619) 533-3040
Shannon Thomas - Deputy City Attorney

FILE LOCATION: MEET

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

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

* ITEM-106: Driver Feedback Sign on Carmel Mountain Road.

(Carmel Valley Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1057) ADOPTED AS RESOLUTION R-302623

Authorizing and directing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to amend the Fiscal Year 2007 Capital Improvement Program budget to increase CIP-61-001.0, Traffic Control and Calming Measures, by the amount of \$12,000;

Authorizing the City Auditor and Comptroller to accept, a contribution from the Carmel Valley Neighborhood 10 North Homeowners Association of \$12,000 for the installation of a driver feedback sign on Carmel Mountain Road, and when received, to deposit it into Fund No. 63022, Private and Developer Contributions to CIP, CIP-61-001.0, Traffic Control and Calming Measures;

Authorizing the expenditure of an amount not to exceed \$12,000 from Fund No. 63022, Private and Developer Contributions to CIP, CIP-61-001.0, Traffic Control and Calming Measures, solely and exclusively to provide funds to install a driver feedback sign on Carmel Mountain Road, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit in the City Treasury;

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

Declaring this activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, as the construction or installation of a small structure or facility.

STAFF SUPPORTING INFORMATION:

This action will allow the City of San Diego to accept a contribution by the Carmel Valley Neighborhood 10 North Homeowners Association toward the installation of a driver feedback sign on Carmel Mountain Road facing eastbound traffic between Harvest Run Drive and Amberglades Lane.

The Carmel Valley Neighborhood 10 North Homeowners Association has agreed to contribute \$12,000 toward the installation of the driver feedback sign. This sign is a traffic calming device that may be installed on streets where speeding vehicles are a major concern. This sign may be effective in reminding motorists that they are speeding and may encourage them to slow down. The sign has a built-in radar system that detects the speed of approaching vehicles and allows it to display that speed or use that information to display a predetermined message. The sign is programmable so that more than one message may be displayed, such as "YOUR SPEED XX,"

“SLOW DOWN,” or “SPEED LIMIT XX,” depending on the vehicles approaching speed. The proposed location of this sign has been evaluated by City staff and its installation is recommended.

FISCAL CONSIDERATIONS:

The total estimated project cost is \$12,000. The Carmel Valley Neighborhood 10 North Homeowners Association is contributing \$12,000 toward the installation of a driver feedback sign.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None with this action.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Staff has met with members of the community and the Carmel Valley Neighborhood 10 North Homeowners Association.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Carmel Valley Neighborhood 10 North Homeowners Association.

Boekamp/Haas

Staff: Deborah Van Wanseele - (619) 533-3012
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: MEET

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

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

* ITEM-107: Appointment of Karen L. Howard to the Southeastern Economic Development Corporation Board of Directors.

(See memorandum from Mayor Sanders dated 4/27/2007.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1068) ADOPTED AS RESOLUTION R-302624

Confirming the appointment by the Mayor of the City of San Diego, of Karen L. Howard, to serve as a member of the Board of Directors of the Southeastern Economic Development Corporation (SEDC), after a full and complete public discussion and deliberation, for a term ending as indicated below, and electing Karen L. Howard to the SEDC Board of Directors.

<u>NAME</u>	<u>TERM ENDING</u>
Karen L. Howard (Skyline Hills, District 4) (Replacing Agnes Benson, whose term expired)	May 25, 2009

FILE LOCATION: MEET

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

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

* ITEM-108: Appointments and Reappointments to the Balboa Park Committee.

(See memorandum from Mayor Sanders dated April 12, 2007.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1048) ADOPTED AS RESOLUTION R-302625

Council confirmation of the following appointments and reappointments by the Mayor of the City of San Diego, to serve as members of the Balboa Park Committee, for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Jennifer Ayala (Downtown, District 2) (Replacing Joyce Summer, whose term expired) (Representing Downtown Community Planning Group)	March 1, 2008
Dr. Mick Hager (County of San Diego) (Replacing Dr. Jeffrey Kirsch, whose term expired) (Representing "large institution in Balboa Park")	March 1, 2009
David Kinney (North Park, District 3) (Replacing Nancy Rodriguez, whose term expired) (Representing "small or mid-sized institution in Balboa Park")	March 1, 2009
Mike McDowell (County of San Diego) (Replacing Mike Stepner, whose term expired) (Designated Vice-Chair)	March 1, 2008
Patti Roscoe (So. Mission Hills, District 2) (Replacing Darlene Gould Davies, whose term expired) (Balboa Park/Council District 3 nomination)	March 1, 2008
Vicki Granowitz (Southpark, District 3) (Reappointment) (Representing North Park Planning Committee)	March 1, 2009

Paul Rucci
(Loma Portal, District 2)
(Reappointment)
(Balboa Park/Council District 3 nomination) March 1, 2009

Sungill Kim
(Normal Heights, District 3)
(Reappointment)
(Representing Balboa Park/Morley Field
Recreation Council) March 1, 2009

Laurie Burgett
(Golden Hill, District 3)
(Reappointment)
(Representing Golden Hill Planning Committee) March 1, 2009

Michael Singleton
(Mission Hills, District 2)
(Reappointment)
(Representing Uptown Planners) March 1, 2009

Donald Steele
(Clairemont, District 6)
(Reappointment)
(Balboa Park/Council District 3 nomination) March 1, 2009

FILE LOCATION: MEET

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

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

* ITEM-109: Reappointments to the Board of Library Commissioners.

(See memorandum from Mayor Sanders dated 4/26/2007.)

MAYOR SANDER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1069) ADOPTED AS RESOLUTION R-302626

Council confirmation of the following reappointments by the Mayor of the City of San Diego, to serve as members of the Board of Library Commissioners, for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Judy McCarty (San Carlos, District 7) (Reappointments)	March 1, 2009
Mary Anne Baca Pintar (La Jolla, District 1) (Reappointment)	March 1, 2009
Katie Sullivan (Scripps Ranch, District 5) (Reappointment)	March 1, 2009

FILE LOCATION: MEET

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

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

* ITEM-110: Reappointment of Delia H. Talamantez to the Civil Service Commission.

(See memorandum from Mayor Sanders dated April 13, 2007.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1046) ADOPTED AS RESOLUTION R-302627

Council confirmation of the following reappointment by the Mayor of the City of San Diego, to serve as a member of the Civil Service Commission, for a term ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Delia H. Talamantez (Mission Hills, District 2) (Reappointment)	January 9, 2012

FILE LOCATION: MEET

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

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

* ITEM-111: Reappointments to the Commission for Arts and Culture.

(See memorandum from Mayor Sanders dated April 25, 2007.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1047) ADOPTED AS RESOLUTION R-302628

Council confirmation of the following reappointments by the Mayor of the City of San Diego, to serve as members of the Commission for Arts and Culture, for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Tom DiZinno (Bankers Hill, District 2) (Reappointment)	August 31, 2008
Bennett Peji (Serra Mesa, District 6) (Reappointment)	August 31, 2008
Randy Robbins (Hillcrest, District 3) (Reappointment)	August 31, 2008

FILE LOCATION: MEET

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

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

* ITEM-112: Dr. Joyce M. Gattas Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1041) ADOPTED AS RESOLUTION R-302629

Commending Dr. Joyce M. Gattas for her passionate commitment to the visual arts and congratulating her for being this year's recipient of the San Diego Art Institute/Museum of the Living Artist's 49th Annual International Award Exhibition;

Proclaiming April 28, 2007, to be “Dr. Joyce M. Gattas Day” in the City of San Diego.

FILE LOCATION: AGENDA

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

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

* ITEM-113: Relay for Life Day.

COUNCILMEMBER MAIENSCHIEIN’S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1010) ADOPTED AS RESOLUTION R-302630

Proclaiming May 19, 2007 to be “Relay for Life Day” in the City of San Diego.

FILE LOCATION: AGENDA

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

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

- * ITEM-114: Excusing Council President Pro Tem Young from the Rules, Open Government and Intergovernmental Relations Committee Meeting of April 25, 2007.

COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1067) ADOPTED AS RESOLUTION R-302631

Excusing Council President Pro Tem Tony Young from attending the regularly scheduled Rules, Open Government and Intergovernmental Relations Committee meeting of April 25, 2007.

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

FILE LOCATION: AGENDA

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

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

- * ITEM-115: Excusing Councilmember Maienschein from the City Council Meeting of April 17, 2007.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1064) ADOPTED AS RESOLUTION R-302632

Excusing Councilmember Brian Maienschein from attending the regularly scheduled City Council meeting of April 17, 2007 due to illness.

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

FILE LOCATION: AGENDA

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

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

* ITEM-116: Excusing Councilmember Maienschein from the City Council Meeting of April 25, 2007.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1065) ADOPTED AS RESOLUTION R-302633

Excusing Councilmember Brian Maienschein from attending the regularly scheduled City Council meeting of April 25, 2007, due to a family medical emergency.

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

FILE LOCATION: AGENDA

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

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



ITEM-330: Re-loan of City CDBG Funds to Redevelopment Agency.

(See Redevelopment Agency Report No. RA-07-14/RTC-07-075. Southeastern Community Area. Districts 4 and 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1073) ADOPTED AS RESOLUTION R-302634

Accepting a CDBG loan repayment from the Redevelopment Agency in the amount of \$800,000 from the Southcrest Redevelopment Project Area to the City CDBG Fund;

Accepting a CDBG loan repayment from the Redevelopment Agency in the amount of \$400,000 from the Central Imperial Redevelopment Project Area to the City CDBG Fund;

Authorizing the transfer of \$600,000 from the City CDBG funds to the Redevelopment Agency for the Gateway Center West Project Area as an interest bearing CDBG loan to provide funds for appropriate project expenses in the Fiscal Year 2008 Redevelopment Agency Budget;

Authorizing the transfer of \$200,000 from the City CDBG funds to the Redevelopment Agency for the Dells Imperial Study Area as an interest bearing CDBG loan to provide funds for appropriate project expenses in the Fiscal Year 2008 Redevelopment Agency Budget;

Authorizing the transfer of \$400,000 from the City CDBG funds to the Redevelopment Agency for the Southcrest Project Area as an interest bearing CDBG loan to provide funds for appropriate project expenses in the Fiscal Year 2008 Redevelopment Agency Budget;

Directing the City Auditor and Comptroller to record the aforementioned transfers from the City as interest bearing CDBG loans to the Redevelopment Agency to be repaid as soon as practicable from tax increment or other appropriate revenues, from the respective project areas;

Declaring that the activities set forth herein are not a "project" and are therefore exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The Redevelopment Agency's Fiscal Year 2008 combined budget is \$336.9 million. In addition, an estimated \$285.9 million in revenue is anticipated to carry over from the prior year for a total of \$622.9 million. The Agency's major source of revenue is tax increment, which is generated from the growth in the assessed value of properties within each project area. The Fiscal Year 2008 budget includes \$149.4 million in tax increment revenue.

FISCAL CONSIDERATIONS:

The Fiscal Year 2008 budget is \$336.9 million. The Agency anticipates \$285.9 million in carryover funds, for a total expenditure plan of \$622.9 million. Within the FY 2008 budget, \$124.3 million is allocated to capital projects, \$112.4 million is allocated to low and moderate income housing projects, \$19.6 million to administration, \$24.0 million allocated to tax-sharing agreements/requirements, and \$56.7 million is to be appropriated for debt service and loan repayments, and reserve requirements.

AGENCY CORPORATION ACTIONS:

On March 28, 2007, the CCDC Board unanimously approved the CCDC Fiscal Year Budget. On April 25, 2007, the SEDC Board unanimously approved the SEDC Fiscal Year 2008 Budget.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On March 21, 2007, the Centre City Advisory Committee ("CCAC") unanimously recommended approval of the CCDC Fiscal Year 2008. The City Redevelopment project area committees are provided budget updates and information at their regularly scheduled meeting.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Residents and businesses within and near the project areas of the Redevelopment Agency will benefit from the enhanced quality of life resulting from the investment of resources in projects, including public improvements.

Weinrick/Anderson/Waring

Staff: Scott Mercer – (619) 533-5429
Huston Carlyle – Chief Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of May 15, 2007, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:37 p.m. – 6:38 p.m.)

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

ITEM-331: Approval of the Issuance of 2007 Tax Allocation Bonds, Notes or Loans in the Total Amount of \$42,000,000 to Finance and Refinance Portions of the Costs of Three Redevelopment Projects.

(See Southeastern Economic Development Corporation Report SEDC-07-004. Southeastern San Diego Community Area. Districts 4 and 8.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1075) CONTINUED TO TUESDAY, MAY 22, 2007

Approving the issuance and sale by the Redevelopment Agency of the City of San Diego of Tax Allocation Bonds, notes or loans in one or more series to finance and refinance portions of the costs of three Redevelopment Projects in the City of San Diego known as the Southcrest Redevelopment Project, the Central Imperial Redevelopment Project, and the Mount Hope Redevelopment Project; subordinating certain payments therefrom; and approving related matters.

NOTE: See the Redevelopment Agency Agenda of May 15, 2007, for a companion item.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:03 p.m. – 2:06 p.m.)

MOTION BY YOUNG TO CONTINUE TO TUESDAY, MAY 22, 2007, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-332: Centerpointe at Grantville.

Matter of approving, conditionally approving, modifying or denying an application for a Community Plan Amendment to redesignate the land use from Commercial and Industrial to Mixed-Use; a Rezone to rezone a portion of the property from the existing IL-3-1 and CC-4-2 zones to RM-3-9 and CO-1-1; a Site Development Permit for a Pedestrian Bridge over an on-site public alley; for affordable/in-fill housing with deviations from the development regulations of the underlying zone; and for development within the Community Plan Implementation Overlay Zone (CPIOZ) Type A that does not comply with the development standards in the applicable Community Plan; and a Vesting Tentative Map for condominium purposes.

The approximately 22.2-acre site covers an entire block, surrounded by Vandever Avenue to the north, Mission Gorge Road to the east, Twain Avenue to the south, and Fairmount Avenue to the west. The site is currently zoned IL-3-1 and CC-2-4 and is located within the Navajo Community Plan and the Community Plan Implementation Overlay Zone (Type A), within the Grantville Redevelopment Project Area and Council District 7. The requested approvals are to allow for the demolition of six existing service-commercial, industrial, and office buildings containing a total of approximately 180,630 square feet; the construction of seven new buildings, including 4 multi-family residential, 2 mixed-use multi-family residential and retail, and 1 mixed-use office, retail, and multi-family residential; the remodeling of one existing office building of approximately 54,800 square feet, to include new ground floor retail uses; the development of community recreation space, including approximately 55,000 square feet of common open space and approximately 2,800 linear feet of pathways; and construction of a pedestrian bridge over the onsite alley.

(Project No. 80450. Navajo Community Plan Area. District 7.)

(Continued from the meeting of March 20, 2007, Item 357, at the request of the City Attorney, for further review.)

NOTE: Hearing open. No testimony taken.

STAFF'S RECOMMENDATION:

Adopt the resolutions in Subitems A, B, D, and E; and introduce the ordinance in Subitem C:

Subitem-A: (R-2007-800) ADOPTED AS RESOLUTION R-302635

Adoption of a Resolution certifying that Supplemental Environmental Impact Report (SEIR) No. 80450, which includes a Statement of Overriding Conditions and a Mitigation Monitoring and Reporting Program, 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 a site development permit, vesting tentative map, community plan amendment and rezone for the Centerpointe at Grantville project;

That the Council finds, except where otherwise stated in the Statement of Overriding Considerations, that project revisions together with the Mitigation Monitoring and Reporting Program, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference, avoid or substantially lessen potentially significant effects on the environment identified in the Initial Study and therefore that said Supplemental Environmental Impact Report, on file in the Office of the City Clerk and incorporated herein by reference is hereby approved;

That the Council finds that the measures for avoiding or substantially lessening potentially significant environmental effects as found in the Mitigation Monitoring and Reporting Program are fully enforceable through permit conditions, agreements or other measures;

That the City Council has considered other mitigation measures and project alternatives in the Supplemental Environmental Impact Report and finds specific economic, legal, social technological, or other considerations make infeasible these other mitigation measures or project alternatives;

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 Council finds there are significant environmental effects which are identified in the Supplemental Environmental Impact Report which are not avoided or substantially lessened as noted in the Statement of Overriding Considerations, a copy of which is attached hereto, as Exhibit B, and incorporated herein by reference;

That pursuant to California Public Resources Code Sections 21083 and CEQA Guidelines 15083, the City Council finds that it has balanced, as applicable, the economic, legal, social, technological, or other benefits of the proposed project against it as unavoidable environmental risks in approving this project;

That the City Council finds that the specific economic, legal, social, technological, or other benefits of the proposed project outweigh the unavoidable adverse environmental effects, and therefore, the adverse environmental effects are considered acceptable as supported by the Statement of Overriding Considerations and substantial evidence in the record;

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 and said NOD SHALL MENTION THE Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program.

Subitem-B: (R-2007-801) ADOPTED AS RESOLUTION R-302636

Adoption of a Resolution amending the Navajo Community Plan, attached hereto, a copy of which is on file in the Office of the City Clerk;

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

Subitem-C: (O-2007-102) INTRODUCED; TO BE ADOPTED ON
TUESDAY, JUNE 5, 2007

Introduction of an Ordinance of the Council of the City of San Diego changing approximately 13 acres, located within the block surrounded by Vandever Avenue, Fairmount Avenue, Twain Avenue, and Mission Gorge Road, within the Navajo Community Plan Area, in the City of San Diego, California, from the IL-3-1 and CC-4-2 Zones into the RM-3-9 and CO-1-1 Zones, as defined by San Diego Municipal Code Sections 131.0603 and 131.0507, and repealing Ordinance Numbers O-11590 and O-11587 (New Series), adopted May 8, 1975, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-D: (R-2007-802) ADOPTED AS AMENDED AS RESOLUTION
R-302637

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 Site Development Permit No. 270199;

That Site Development Permit No. 270199 is granted to Mission Corporate Industrial Center, L.P., a California Limited Partnership; Mission Corporate Center, L.L.C., a California Limited Liability Company; and Parma Property Company, Inc., a California Corporation Owners and Coastal Development Company, a California Corporation, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Subitem-E: (R-2007-803) ADOPTED AS RESOLUTION R-302638

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are herein incorporated by reference with respect to Vesting Tentative map No. 251403;

That Vesting Tentative Map No. 251403 is granted to Coastal Development Company, Applicant/Subdivider and Nasland Engineering, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

OTHER RECOMMENDATIONS:

Planning Commission on January 11, 2007, voted 5-0-2 to recommend approval; no opposition.

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

The Navajo Community Planning Group has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Approval of a Community Plan Amendment for a 22.2-acre site and approval of a 12-acre mixed-use project that would provide approximately 588 multi-family dwelling units, including 10% (59) affordable units and 135,228 square feet of office and retail uses within the block bound by Vandever Avenue, Fairmount Avenue, Twain Avenue, and Mission Gorge Road in the Navajo Community Planning Area.

STAFF RECOMMENDATION:

Recommend that the City Council: Certify Supplemental Environmental Impact Report (No. 80450) to the Grantville Redevelopment Project Program Environmental Impact Report; Adopt the Statement of Overriding Considerations, and Adopt the Mitigation, Monitoring, and Reporting Program; Approve amendments to the Progress Guide and General Plan, and the Navajo Community Plan, No. 251399; Approve Rezone No. 251401; Approve Site Development Permit No. 270199; and Approve Vesting Tentative Map No. 251403.

EXECUTIVE SUMMARY:

The approximately 22.2-acre site covers an entire block, surrounded by Vandever Avenue to the north, Mission Gorge Road to the east, Twain Avenue to the south, and Fairmount Avenue to the west. The site is currently zoned IL-3-1, Light Industrial, and CC-4-2, Community Commercial, (proposed to be rezoned to RM-3-9 & CO-1-1) and is located within the Navajo Community Plan and the Community Plan Implementation Overlay Zone (Type A), within the Grantville Redevelopment Project Area and Council District 7 (See Attachment 2). The subject block is surrounded by commercial and light industrial uses to the north and south, across Vandever and Twain Avenues; by office and light industrial to the west, across Fairmount Avenue; and by

general commercial uses to the east, across Mission Gorge Road. More specifically, the project site is located within a land use environment of existing industrial and service commercial/fast food uses. Off-site properties consist of two-story office buildings on the west side of Fairmount Avenue; mostly one-story commercial and industrial buildings south of Twain Avenue and north of Vandever Avenue; and a strip retail center, fast food restaurants and automotive sales and services on the east side of Mission Gorge Road. Although the project site is within the Grantville Redevelopment Project Area, no assistance has been requested from the City's Redevelopment Agency at this time.

The Centerpointe at Grantville project would involve an amendment to the Navajo Community Plan for the entire block (approximately 22 acres) surrounded by Vandever Avenue, Fairmount Avenue, Twain Avenue, and Mission Gorge Road, and approval of a Rezone, Site Development Permit, and Vesting Tentative Map for the approximately 12-acre project site to allow a mixed-use development of 588 multi-family dwelling units, including 59 affordable units, and approximately 135,228 square feet of office, retail, and restaurant space.

One existing 54,800-square-foot four-story commercial building would be retained on the project site and five existing service commercial, industrial, and office buildings containing a total of approximately 180,630 square feet would be removed. Please see the Report to the 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 5 to 0 with one recusal, with the addition of the following condition:

The Applicant shall implement the Conceptual Sustainability Plan Guidelines contained in Sheets A and B of Site Development Permit No 270199 by noting on project plans for each phase of any grading or building permit, the specific Elements of Sustainable Design and Energy Efficiency ("Elements") listed in Sheets A and B that will be implemented by the current phase of the project. Proposed Elements shall be described in writing and illustrated in plan view and detail for the current phase of development. Development Services Department staff shall review the plans and determine whether the proposed Elements adequately comply with the objectives of Sheets A and B and whether alternative methods could accomplish similar sustainable design and energy efficiency objectives.

The majority of the discussion focused on transportation issues; more specifically, linkage to the Grantville Trolley Station. The Commission discussed the need for a city-lead, joint public private effort to establish a shuttle which would provide service from the greater Grantville area businesses, including the Kaiser Hospital and medical offices, to the Grantville Trolley Station.

On May 15, 2006, the Navajo Community Planning Group voted 9-5-1 to approve the project design and entitlement as proposed.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The owners are Mission Corporate Industrial Center L. P., a California Limited Partnership; Mission Corporate Center, LLC, a California Limited Liability Company; and Parma Property Company, Inc., a California Corporation, and applicant is Coastal Development Company, a California Corporation.

Waring/Escobar-Eck/DS

LEGAL DESCRIPTION:

The project site is contained within a city block bounded by Mission Gorge Road on the east, Twain Avenue on the south, Fairmount Avenue on the west, and Vandever Avenue on the north, within the Navajo Community Plan area, and in the Grantville Redevelopment area and is more particularly described as Lots 2 & 3 of Padre Center, Map No. 5147; and Parcels 1, 2, and 3, map No. 18793.)

Staff: Daniel Stricker – (619) 446-5251

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

FILE LOCATION: Subitems A, B, D, and E – MEET; Subitem C - NONE

COUNCIL ACTION: (Time duration: 2:10 p.m. – 3:04 p.m.)

Testimony in opposition by Brian Peterson, Larry Barker, Alan Hunter, and Charles Little.

Testimony in favor by Jay Wexler and John Pilch.

MOTION BY MADAFFER TO ADOPT THE RESOLUTIONS IN SUBITEMS A, B, AND E, AND INTRODUCE THE ORDINANCE IN SUBITEM C TO BE ADOPTED ON TUESDAY, JUNE 5, 2007; ALSO TO ADOPT THE RESOLUTION IN SUBITEM D AS AMENDED BY ADDING THAT AN AGREEMENT FOR INFRASTRUCTURE CONTRIBUTION WOULD BE PAYABLE ON THE ISSUANCE OF THE FIRST BUILDING PERMIT, STANDARD CONDITION ON “YES” VOTE FOR THE MAINTENANCE ASSESSMENT DISTRICT, AND ADDITIONAL LANGUAGE BY COUNCIL MEMBER MADAFFER REGARDING SUPPORT FOR A COMMUNITY SHUTTLE SYSTEM AS FOLLOWS: APPLICANT AGREES AS A CONDITION TO THE RECORDATION OF THE MAP AND ZONE CHANGES THAT THEY AND THEIR SUCCESSORS AND ASSIGNS AGREE TO PARTICIPATE IN AN ANTICIPATED INTRA-COMMUNITY SHUTTLE/TRANSPORTATION SYSTEM FOR GRANTVILLE (DESIGNED TO LINK KEY EMPLOYMENT AND HOUSING NODES WITHIN THE GRANTVILLE AREA). APPLICANT FURTHER AGREES THAT THEY AND THEIR SUCCESSORS AND ASSIGNS WILL VOTE IN THE AFFIRMATIVE FOR BOTH THE FORMATION AND SUBSEQUENT ASSESSMENT VOTE OF ANY “MAINTENANCE ASSESSMENT TYPE DISTRICT” THAT WOULD OR COULD BE USED TO MAINTAIN AND OPERATE AN INTRA-COMMUNITY SHUTTLE SYSTEM AND THEY FURTHER AGREE TO VOTE FOR BOTH THE FORMATION AND SUBSEQUENT ASSESSMENT VOTE OF ANY “MAINTENANCE ASSESSMENT TYPE DISTRICT” THAT WOULD OR COULD BE USED FOR ENHANCED LANDSCAPING, LIGHTING, AND OTHER PUBLIC IMPROVEMENTS WITHIN THE RIGHT-OF-WAYS OF THE GRANTVILLE COMMUNITY AREA (IF NOT ONE AND THE SAME FOR THE SHUTTLE SYSTEM). Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-nay, Madaffer-yea, Hueso-yea.



[ITEM-S500](#): Accepting a CDBG Loan Repayment from the Redevelopment Agency of the City from the CCDC Project Area to the City CDBG Fund.

(See Report to the City Council No. RA-07-15/RTC-07-090 (Revised) and memorandum from Mayor Sanders dated 5/10/2007.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-1101) NOTED AND FILED

Accepting a CDBG loan repayment from the Redevelopment Agency in the amount of \$3,781,193 from the Centre City Redevelopment Project Area to the City CDBG Fund;

Authorizing and directing the City Auditor and Comptroller to record the aforementioned transfer to the City and to take any additional action, as needed, to implement the acceptance of said \$3,781,193, in accordance with the direction given herein;

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

SUPPORTING INFORMATION:

In Report to the City Council No. 07-085, dated May 2, 2007, City Planning and Community Investment (Department) set forth its funding recommendations for the FY 2008 Social Services Program. The report stated a current need to reduce thirteen of the nineteen programs by \$567,179, with a 5% reduction in funding to four of the programs, a 34% reduction in funding to seven of the programs, and a 100% reduction in funding to two of the programs.

On May 8, 2007, Item 332, "Fiscal Year 2008 Social Services Program," was heard before the City Council. At the hearing, the City Council passed the following motion made by Councilmember Frye: 1) to authorize the City Auditor and Comptroller to accept the funding appropriations from the City's CDBG entitlement grant, Emergency Shelter Grant, and the San Diego Housing Commission for the FY 2008 Social Services Program; 2) to direct the City Attorney and appropriate staff, to prepare an ordinance to have the Redevelopment Agency, specifically the Centre City Development Corporation (CCDC), to pay back to the City of San Diego the amount of \$2.183 million in CDBG funds previously borrowed by CCDC from the City, to be used toward the FY 2008 Social Services Program and other CDBG eligible projects; 3) to continue Item 332 for further discussion to May 15, 2007; and 4) to notice a separate item on the Supplemental Agenda for May 15, 2007, to discuss the repayment of CDBG funds by CCDC to the City for the above mentioned purpose.

It appears that the intent of the City Council was to consider funding the FY 2008 Social Services Program with \$567,179 to ensure each of the nineteen programs are funded at FY 2007 levels, the larger repayment amount of \$3,781,193 (compared to the \$2.183 million originally requested by Council) is necessary. The \$3,781,193 is program income, as defined in 24 C.F.R. 570.500(a) since it is a payment of “principal and interest on loans made using CDBG funds.” As such, the City, under 24 C.F.R. 570.201(e)(1), is limited to using only 15 percent of the \$3,781,193 (or \$567,179) for the FY 2008 Social Services Program.

In addition, Section 570.201(e)(1) requires that the City receive the \$3,781,193 during the current Fiscal Year (on or before June 30, 2007) to be able to use these funds for the FY 2008 Social Services Program. Accordingly the present action requests that the CCDC annual budget for FY 2007 be amended to include the payment of the \$3,781,193 to the City.

FISCAL CONSIDERATIONS:

Adoption of the resolutions will result in reallocation of \$3,781,193 within the Centre City Redevelopment Project Budget, and will transfer said amount to the City of San Diego to be placed in its CDBG fund for uses consistent therewith. If the City accepts the funds and proceeds to allocate them to CDBG eligible programs, the City will lose the interest on the funds that would have accrued if the transfer of funds had not occurred.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City Council direction, based upon the motion adopted at its May 8, 2007 meeting.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

Carlyle

NOTE: See the Redevelopment Agency Agenda of May 15, 2007, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:39 p.m. - 6:39 p.m.)

MOTION BY COMMON CONSENT TO NOTE AND FILE THIS ITEM. Passed by the following vote: Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-S501: Fiscal Year 2008 Social Services Program.

(See Report to the City Council No. 07-085 and memorandums from Mayor Sanders dated 5/10/2007 and 5/2/2007. Citywide.)

(Continued from the meeting of May 8, 2007, Item 332, at the request of Councilmember Frye, for further discussion.)

NOTE: Testimony taken on Tuesday, May 8, 2007; public hearing for this item is closed.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1035) ADOPTED AS AMENDED AS RESOLUTION R-302639

Authorizing the City Auditor and Comptroller to accept the funding appropriations from the City's CDBG entitlement grant, Emergency Shelter Grant, and the San Diego Housing Commission for the FY 2008 Social Services Program, contingent upon adoption of the FY 2008 Appropriation Ordinance and certification of funds availability by the City Auditor and Comptroller;

Approving the funding recommendations for the FY 2008 Social Services Program, set forth in Report to the City Council No. 07-085, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the Mayor, or designee, to negotiate and execute agreements with those programs approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to appropriate and expend the CDBG, Emergency Shelter Grant, and San Diego Housing Commission funds for those programs approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller.

STAFF SUPPORTING INFORMATION:

The City has a long history of allocating funding to social service programs in two broad categories: (1) City initiated social service programs that are funded to address identified social needs (e.g. Homeless Emergency Shelter Program and Therapeutic Recreation Services); and (2) To support worthy social programs that were not City initiated, but provide benefits to City residents (e.g. Being Alive and Casa Familiar).

For decades under the City Manager form of government, the City Council – through various Council Representatives – initiated social service funding recommendations prior to bringing forward the adoption of the Social Services Program Budget to the City Council. This practice was last utilized in FY 2002. The City Council then directed the City Manager to develop a formal selection process that was successfully utilized in Fiscal Years 2003 through 2005. While the process established by the City in 2002 is still being used, since that time the program has experienced sharp reductions in funding that resulted in the elimination of the competitive process in Fiscal Year 2006. Subsequently, each year program staff has given the highest funding priority to “City-Initiated Programs”, before providing support to the other programs being considered. The fiscal reality of the Program is that funding has been decreasing each year. Overall program funding fell from a high of \$6.4 million in FY 2002 to a low of \$3.0 million in FY 2008. The steady decline of funding makes balancing a social service budget difficult as there is an abundance of worthy social programs serving City residents.

Fiscal Year 2008 federal funding has decreased by a modest \$8,324 from the current fiscal year. In addition, the San Diego Housing Commission, who has traditionally allocated \$445,000 for homeless shelter programs, will be unable to make this contribution toward the Homeless Emergency Shelter Program in the upcoming fiscal year. The loss of this funding results in the need to absorb the \$445,000 through the Social Service Program budget, which will significantly reduce the funding levels for the proposed programs. In addition to funding decreases, the Mayor’s funding proposal includes recommendations for the two City homeless shelter programs to receive 3% increases (\$38,855) to address the escalation of operational costs recognized in the current fiscal year. Also included in the increase is \$75,000 to purchase new tent skins to replace the aging and deteriorating skins that have been used for the winter shelter’s homeless program since 1998.

In summary, the reduction of federal funds (-\$8,324), the loss of Housing Commission homeless shelter funding (-\$445,000), the need to cover a one-time expense of \$75,000 to purchase new tent skins for the homeless shelters, and the need to increase the City homeless shelter programs by a combined \$38,855 results in a need to reduce remaining programs by \$567,179.

FISCAL CONSIDERATIONS:

There is no impact to the General Fund from this action. Funding for each program is available either from the City's CDBG entitlement grant, ESG, or the SDHC.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The application for federal entitlement grants (which includes the City's CDBG entitlement grant and ESG) is referred to as the Consolidated Plan. The Consolidated Planning process includes a community input process where staff presented the Plan and requested feedback from each community planning group that represents low and moderate income communities. Further, the process was brought before the Land Use and Housing City Council Committee and the San Diego Housing Commission for discussion. The City of San Diego did not issue a "Notice of Funding Availability" for FY 2008 Social Services Program funding due to reduced funding available.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Residents of low and moderate income communities; community based organizations; community planning groups; and other community development organizations.

Kessler/Anderson

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:39 p.m. – 6:40 p.m.)

MOTION BY MADAFFER TO ADOPT THE RESOLUTION AS AMENDED BY ADDING THE FUNDING RECOMMENDATIONS FOR THE FISCAL YEAR 2008 SOCIAL SERVICES PROGRAM AS SET FORTH IN THE DOCUMENT SUBMITTED BY COUNCIL MEMBERS MADAFFER AND ATKINS ENTITLED "FISCAL YEAR 2008 SOCIAL SERVICES PROGRAM FUNDING RECOMMENDATIONS." Second by Atkins. 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:

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: 11:06 a.m. – 11:06 a.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 6:42 p.m. in honor of the memory of:

Frank Goldsmith as requested by Council Member Maienschein.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:40 p.m. - 6:42 p.m.)