

THE CITY OF SAN DIEGO, CALIFORNIA  
 MINUTES FOR REGULAR COUNCIL MEETING  
 OF  
 TUESDAY, MAY 22, 2007  
 AT 9:00 A.M.  
 IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Council President Peters at 10:00 a.m. Council President Peters recessed the meeting at 11:06 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:12 a.m. with all Council Members present. The meeting was recessed by Council President Peters at 11:58 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:06 p.m. with all Council Members present and thereafter the Redevelopment Agency. Council President Peters reconvened the meeting at 2:09 p.m. with all Council Members present. Council President Peters recessed the meeting at 2:12 p.m. to reconvene the Redevelopment Agency and thereafter the regular meeting with all Council Members present. Council President Peters recessed the meeting at 4:09 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 4:15 p.m. with all Council Members present. Council President Peters recessed the meeting at 4:16 p.m. to reconvene the Redevelopment Agency and thereafter the Housing Authority. Council President Peters reconvened the meeting at 4:50 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 4:50 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-not 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: 10:27 a.m. - 10:29 a.m.)

**PUBLIC COMMENT-2:**

Hud Collins commented on the pension and financial crisis.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. - 10:32 a.m.)

**PUBLIC COMMENT-3:**

Verne Gammon commented on the homeless situation in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:32 a.m. - 10:35 a.m.)

**PUBLIC COMMENT-4:**

Joy Sunyata commented on public speaking in Council meetings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. - 10:38 a.m.)

**PUBLIC COMMENT-5:**

John Leek commented on scientific polls regarding the Children's Pool.

FILE LOCATION: AGENDA

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

**PUBLIC COMMENT-6:**

Jarvis Ross commented on the Naval Training Center and airport land use.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:41 a.m. - 10:44 a.m.)

**PUBLIC COMMENT-7:**

Marvin Winters commented on storm water.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. - 10:47 a.m.)

**PUBLIC COMMENT-8:**

Ron Boshun commented on Council actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m. - 10:51 a.m.)

**PUBLIC COMMENT-9:**

Phil Hart commented on redevelopment processes.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. - 10:54 a.m.)

**PUBLIC COMMENT-10:**

Chris Christensen commented on condominium conversions.

FILE LOCATION: AGENDA

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

**PUBLIC COMMENT-11:**

Steve Bruce commented on yearly summits for children and on "thecount.org" website.

FILE LOCATION: AGENDA

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

**PUBLIC COMMENT-12:**

Joseph Braverman commented on volunteers in social services.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:00 a.m. - 11:03 a.m.)

**COUNCIL COMMENT:**

**COUNCIL COMMENT-1:**

Council Member Atkins announced in place of the Natural Resources and Culture Committee meeting, the Budget and Finance Committee meeting will be held on Wednesday, May 23rd at 2:00 p.m. on the 12th floor in the City Council Committee room.

FILE LOCATION: MINUTES

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

**COUNCIL COMMENT-2:**

Council President Peters announced San Diego's multi-block Ballpark District as being one of the winners of the Urban Land Institute's annual award for excellence and Market Creek Plaza as being one of the finalists for the award.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:04 a.m. - 11:06 a.m.)

**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

03/26/2007  
03/27/2007  
04/02/2007 – Adjourned  
04/03/2007 – Adjourned  
04/09/2007 – Special Meeting  
04/09/2007  
04/10/2007  
04/16/2007  
04/17/2007

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:00 a.m. - 10:00 a.m.)

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



ITEM-31: Emergency Medical Services Week.

**MAYOR SANDERS' AND COUNCILMEMBER MAIENSCHIN'S  
RECOMMENDATION:**

Adopt the following resolution:

(R-2007-925) ADOPTED AS RESOLUTION R-302659

Recognizing the value and the accomplishments of San Diego Medical Services Enterprise as the emergency medical services provider for the citizens of San Diego;

Proclaiming May 20-26, 2007, to be “Emergency Medical Services Week” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:01 a.m. - 10:03 a.m.)

MOTION BY MAIENSCHIEIN 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: Sharren L. Carr Day.

**COUNCIL PRESIDENT PETER’S AND COUNCILMEMBER ATKINS’  
RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1052) ADOPTED AS RESOLUTION R-302660

Commending Sharren L. Carr for her passionate commitment to Neighborhood Code enforcement and thanking her for her dedication to the City of San Diego;

Proclaiming May 22, 2007, to be “Sharren L. Carr Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:04 a.m. - 10:16 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-33: Honoring the 2007 Class of Exemplary Students Inducted into the 4<sup>th</sup>  
Council District Walls of Excellence.

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

Adopt the following resolution:

(R-2007-1077) ADOPTED AS RESOLUTION R-302661

Proclaiming May 22, 2007, to be "Walls of Excellence Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:16 a.m. - 10:24 a.m.)

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

\* ITEM-50: Second Amendment to Agreement with the San Diego Community College  
District (SDCCD) for the Mira Mesa Recreational Complex.

(Mira Mesa Community Area. District 5.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 5/8/2007 Item 60, Subitem A.  
(Council voted 8-0):

(O-2007-71) ADOPTED AS ORDINANCE O-19621 (New Series)

Authorizing the Mayor, or his representative, to execute, for and on behalf of the City of San Diego, the Second Amendment to Agreement between the City of San Diego and the San Diego Community College District (SDCCD) to reimburse the SDCCD for the construction of three parking areas to be constructed by the SDCCD as part of the Hourglass Field House - Parking Areas, a joint use project in the Mira Mesa Community;

Stating for the record that this is not a Project, 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: 10:25 a.m. - 10:27 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-yea, Frye-yea, Madaffer-yea, Hueso-yea.



**ITEM-51:** Tourism Marketing District Procedural Ordinance.

(See Independent Budget Analyst Report No. 07-47. Citywide.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 5/8/2007, Item S500. (Council voted 6-1. Councilmember Frye voted nay. Councilmember Hueso not present):

(O-2007-101 Cor. Copy 2) ADOPTED AS ORDINANCE  
O-19622 (New Series)

Amending Chapter 6, Article 1, of the San Diego Municipal Code by adding Division 25, titled San Diego Tourism Marketing District Procedural Ordinance, and adding Sections 61.2501, 61.2502, 61.2503, 61.2504, 61.2505, 61.2506, 61.2507, 61.2508, 61.2509, 61.2510, 61.2511, 61.2512, 61.2513, 61.2514, 61.2515, 61.2516, 61.2517, 61.2518, 61.2519, 61.2520, 61.2521, 61.2522, 61.2523, 61.2524, 61.2525, 61.2526, and 61.2527, all relating to Procedures for Establishing a Tourism Marketing District.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:12 a.m. - 11:23 a.m.)

MOTION BY HUESO TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-nay, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

\* ITEM-52: First Amendment to Agreement with Actuarial Service Company, P.C.

(See Independent Budget Analyst Report No. 07-6 and memorandum from Jay M. Goldstone dated 5/1/2007.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced, as amended, on 4/30/2007, Item 202. (Council voted 5-3. Council President Pro Tem Young, Councilmembers Maienschein, and Hueso voted nays.):

(O-2007-129 Rev.) ADOPTED AS ORDINANCE O-19623 (New Series)

Amending Ordinance No. O-19522 (New Series) entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2006-2007 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year," by authorizing the City Auditor and Comptroller to appropriate and to transfer up to \$690,000 from the City's General Fund Unallocated Reserve to the General Fund, Department 601, to pay for actuarial services rendered by Actuarial Service Company, P.C. in connection with evaluation of the actuarial soundness of the City's Retirement System.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:25 a.m. - 10:27 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-nay, Maienschein-nay, Frye-yea, Madaffer-yea, Hueso-nay.

- \* ITEM-100: Agreement with Diamond Contractors, LLC for the Chollas Creek Water Quality Protection and Habitat Enhancement Project.

(Southeastern San Diego Community Area. District 4.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1096)            ADOPTED AS RESOLUTION R-302662

Authorizing the Mayor, or his designee, to execute an agreement with Diamond Contractors, LLC, a subsidiary of Jacobs Center for Neighborhood Innovation, for the joint funding and construction of the Chollas Creek Water Quality Protection & Habitat Enhancement Project Improvements (Agreement), to be performed by a licensed contractor to be retained by Diamond Contractors, LLC;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$69,500 from 100/General Fund to Fund 630221, Contribution from 100/General Fund;

Authorizing an increase of \$69,500 in the Fiscal Year 2007 Capital Improvement Program Budget in CIP-32-054.0, Chollas Creek Enhancement Project, Fund 630221, Contribution from 100/General Fund;

Authorizing the expenditure of an amount not to exceed \$1,565,500, solely and exclusively, for the purpose of providing funds for the above Agreement, consisting of the previously authorized funds of \$1,396,000 from Prop 13 State Grant CIP Fund 30244, CIP-32-054.0, Chollas Creek Enhancement, \$100,000

from Sewer Fund 41506, CIP-40-933.0, Annual Allocation, MWWD Trunk Sewers and \$69,500 from CIP-32-054.0, Chollas Creek Enhancement Project, 630221 Fund, Contribution from 100/General Fund, provided the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Mayor, or his designee, to execute a General Utility, Public Access and Drainage Easements and an Agreement for Trail Maintenance and Covenant Running with the Land with Youth Park, LLC, a California Limited Liability Company; and a Public Access and Drainage Easements and an Agreement for Trail Maintenance and Covenant Running with the Land with MBJ Partners, LLC, a California Limited Liability Company;

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

Declaring this activity is covered under Mitigated Negative Declaration No. 59312, adopted February 23, 2006, by Resolution No. R-301240. 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. As the prior environmental document adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3).

**STAFF SUPPORTING INFORMATION:**

The City of San Diego received a \$2,244,000 State Proposition 13 grant for improvements to Chollas Creek and related water quality education and monitoring (RR-299303, June 7, 2004). The project would help address the requirements of the Regional Water Quality Control Board's Municipal Storm Water Permit, and implement a portion of the Chollas Creek Enhancement Program adopted by City Council on May 14, 2002. Project components include: removal of concrete sections of the channel and widening of the creek bed; creation of native riparian habitat; creation of a public trail and benches; and installation of educational signage. Improvements are designed to alleviate flooding, reduce erosion and channel maintenance needs, improve community character by creating a natural linear park-like setting, and improve water quality. Work would occur on private and City property.

In May 2006, the City completed a public advertisement of the Project's construction contract, and the lowest bid received (\$2,092,276) exceeded the City's funding available for the project (\$1,565,500) by \$526,776 (see Fiscal Considerations section below for an explanation of available funding).

Diamond Contractors, LLC, of the Jacobs Center for Neighborhood Innovation, a California Non-Profit (hereafter referred to as "Jacobs Foundation"), later approached the City and offered to construct the project according to the plans and specifications, and accept the responsibility for paying for any costs beyond the City's available funding. The City would execute an agreement with the Jacobs Foundation via a sole source procurement (see attached Sole Source Certification Memo).

The project improvements are located on private and City property. The project would require establishment of a total of four set asides on the City-owned portion of the project site, including: one set aside for public access to the trail alignment, one set aside for drainage maintenance access, and two set asides for sewer maintenance access. The project would also require execution of general utility, public access, and drainage easements on the privately-owned portions of the project site to allow for sewer maintenance access, public access to the trail alignment, and access for creek/storm drain channel maintenance, respectively. Finally, the project would require execution of two Agreements for Trail Maintenance and Covenants Running with the Land with the private property owners, who have agreed to maintain the trail, landscaping, signage and other improvements within both the Public Access Easement area on the privately-owned portion of the project site, and the public access Set Aside area on City-owned portion of the project site.

**FISCAL CONSIDERATIONS:**

The original total estimated cost of this project, including contingency, was \$1,690,000. \$1,690,000 was previously approved by Council Resolution No. R-301239, adopted February 23, 2006, from the following sources: \$1,396,000 in State Proposition 13 grant funding from Fund 30244, CIP-32-054.0; \$144,000 in State Proposition 46 Grant funding from Fund 38336, CIP-37-446.0; and, \$150,000 from Sewer Fund 41506, CIP-40-933.0 Annual Allocation - MWWD Trunk Sewers. \$1,565,500 is now available for this project from the following sources: \$1,396,000 in State Proposition 13 grant funding from Fund 30244, CIP-32-054.0; \$100,000 from Sewer Fund 41506, CIP-40-933.0 Annual Allocation - MWWD Trunk Sewers; and, \$69,500 from the General Services Department, Storm Water Pollution Prevention Division Fiscal Year 2007 Operating Budget, Fund 100.

In addition, the Jacobs Foundation has agreed to construct the project according to the plans and specifications, and accept the responsibility for paying any costs beyond the City's available funding (\$1,565,500).

The Jacobs foundation has also agreed to accept the responsibility for permanent maintenance of the public trail, landscaping, signage and other improvements within both the Public Access Easement area on the privately-owned portion of the project site, and the public access set aside area on City-owned portion of the project site.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On February 21, 2006, City Council approved the plans and specifications for the Project, authorized the Mayor to expend an amount not to exceed \$1,690,000, and certified Mitigated Negative Declaration No. 59312, dated June 16, 2005 (R-301239, R-301240, February 23, 2006).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The project has been reviewed and supported in concept by the Encanto Neighborhoods Community Planning Group. In addition to attending two Encanto Neighborhoods Community Planning Group meetings, City staff also held two community workshops, and gathered input at a total of four Euclid-Market Action Team and Coalition for Neighborhood Councils community group meetings.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Grant partners: San Diego Coastkeeper, the Environmental Health Coalition, and Cities of Lemon Grove, La Mesa (RR-299303, June 7, 2004). Construction contractors: Diamond Contractors, LLC, Snypes-Dye, Cats Excavating, Incorporated.

Sierra/Haas

Aud. Cert. 2700740.

Staff: Chris Zirkle - (619) 525-8644  
Raymond C. Palmucci - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:25 a.m. - 10:27 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-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-101: Mission Beach Park Security Camera System.

(Mission Beach Community Area. District 2.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1049) ADOPTED AS RESOLUTION R-302663

Authorizing the Mayor, or designee, for and on behalf of the City, to make an application to the State of California for an additional \$35,000 (for a total of \$80,000, \$45,000, (Fund No. 38252) of which was authorized by Resolution No. R-302334, adopted on February 14, 2007), in Roberti-Z'berg-Harris Per Capita or Per Capita funds under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, for the purchase and installation of a monitored security camera system at Mission Beach Park;

Authorizing the Mayor, or designee, to take all necessary actions to secure funds from the State of California for the Mission Beach Park Security Camera System;

Authorizing the City Auditor and Comptroller, to accept, appropriate and expend \$35,000 (for a total of \$80,000, \$45,000, (Fund No. 38252), of which was authorized by Resolution No. R-302334, adopted on February 14, 2007), if grant funding is secured;

Authorizing the City Auditor and Comptroller to appropriate and expend the additional \$35,000, (for a total of \$80,000, \$45,000, (Fund No. 38252), of which was authorized by Resolution R-302334, adopted on February 14, 2007), of 2002 Resources Bond Roberti-Z'berg-Harris Per Capita or Per Capita funding, from the Mission Beach Park Security Camera System grant, for the purchase and installation of a monitored security camera system at Mission Beach Park, contingent upon receipt of a fully executed grant agreement;

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

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

**STAFF SUPPORTING INFORMATION:**

As a result of recent high profile criminal activity in the Mission Beach and Mission Bay areas, the Mayor and Council District 2 have been working with concerned community residents to identify safety enhancing features for the parks and public areas in the neighborhood. A monitored security camera system would be beneficial.

In addition to the use of \$80,000 in park bond funds allocated to Council District 2, the San Diego Police Foundation will donate \$30,000 directly to the vendor handling the camera system, Dotworkz Pro Shop, which reflect funds received from generous community donations specified for this project.

To date, the Park and Recreation Department has secured \$45,000 in grant funding for this project. This action authorizes the Mayor, or his representative, to apply for an additional \$35,000 for a total of \$80,000, of 2002 Resources Bond Roberti-Z'berg-Harris Per Capita or Per Capita funding, a portion of the 2002 Resources Bond Per Capita funding which has been allocated to Council District 2. These funds, along with the direct payment of \$30,000 by the Police Foundation to Dotworkz Pro Shop, will be used to install monitored security cameras in Mission Beach (Belmont) Park.

The installation of a security camera system on park property in Mission Beach will provide video security as a police force multiplier to reduce crime in the community of Mission Beach. The cameras will remotely monitor the Mission Beach (Belmont) Park and surrounding parking areas. This video tool will enhance the police response, aid in the apprehension of violators, permit historical research to locate and arrest violators and likely reduce crime in the surrounding area.

**FISCAL CONSIDERATIONS:**

Funding for installation of the cameras is fully identified:

- Total 2002 Resources Bond Funding: \$80,000
- Donation from Police Foundation: \$30,000
- Total Estimated Cost of Camera System: \$110,000

The donation funding provided by the Police Foundation of \$30,000 will be paid directly to the Sole Source approved (#1403) vendor, Dotworkz Pro Shop, as approved by Purchasing Agent, Tammy Rimes on October 6, 2006. The remaining \$80,000 will be paid from 2002 Resources Bond funding.

Monitoring will be conducted as a collateral duty by the regularly scheduled telephone support unit at the Police Department's Northern Division Area Station, and will not require additional annual funding. Maintenance of the equipment will be absorbed within the Police Department's annual maintenance budget, requiring no additional budget allocation.

**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 (bond). On December 8, 2003, the Mayor and City Council approved Resolution R-298699, which included a distribution of the \$11,063,430 Per Capita/RZH Per Capita funds to each Council District, with a portion of the funding set aside for projects with citywide and regional impact. On February 20, 2004, the City entered into an umbrella contract with the State of California for the 2002 Resources Bond Act Per Capita/RZH Per Capita Grant Program.

Council Action authorizing the application, acceptance, appropriation and expenditure of State grant funds in the amount of \$45,000 for the Mission Beach Park Security Camera System in the Mission Beach Park area, Resolution Number R-302334, adopted on February 14, 2007.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The Mayor and Councilmember Faulconer have worked closely with the Mission Beach community to identify solutions to criminal activities in the Mission Beach Park area. This project is the result of a united effort to provide increased security in the area. The following community groups have been involved in the process:

Mission Beach Town Council  
Mission Beach Neighborhood Watch.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

Mission Beach Town Council  
Mission Beach Neighborhood Watch.

LoMedico/Reynolds

Staff: Barbara Chipps - (619) 533-6518  
Shannon Thomas - Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 10:25 a.m. - 10:27 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-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-102: Recreation Easement Vacation in Del Mar Mesa Estates Unit No. 2, Map No. 14081.

(Del Mar Mesa Community Area. District 1.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1029) ADOPTED AS RESOLUTION R-302664

Vacating the recreation easement located within Lots 11, 13, and 14 of Del Mar Estates Unit No. 2, Map No. 14081, as more particularly described in the legal description marked as Exhibit "A", and shown on Drawing No. 20469-1-B, marked as Exhibit "B";

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

**STAFF SUPPORTING INFORMATION:**

This project is located in the Del Mar Mesa Community Plan area north of and parallel to Del Mar Mesa Road. The recreation easement being vacated is shown on Engineering Drawing No. 20469-1-B. It was granted and dedicated at no cost to the City on the final map Del Mar Mesa Estates Unit No. 2 Map No. 14081 for the purpose of an equestrian trail as specified in the Del Mar Mesa Specific Plan and as a condition of the Tentative Map. The southwesterly terminus is located at a dangerous road crossing near the curve of Del Mar Mesa Road and has been deemed to be inconsistent with the best interest of the community and the Specific Plan. The existing easement has been replaced within Lot 14 with a pedestrian and non-motor vehicle right-of-way easement of approximately equal value per Document No. 2006-0820587 recorded November 17, 2006 as shown on Engineering Drawing No. 20469-2-B. There is no present or prospective public use of the existing easement in its present location that can be anticipated.

**FISCAL CONSIDERATIONS:**

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

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

N/A

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The Del Mar Mesa Community Planning Group is in favor of this action.

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

Douglas A. Brown and Lorna L. Mildice.

Broughton/Waring

Staff: Gerri Bollenbach - (619) 446-5417  
Roopal Shah - Deputy City Attorney

**FILE LOCATION:** DEED F-

**COUNCIL ACTION:** (Time duration: 10:25 a.m. - 10:27 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-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- \* ITEM-103: Amending the 2007 Legislative Calendar related to Meetings of the Budget Review Committee and Natural Resources and Culture Committee on May 23, 2007.

**COUNCIL PRESIDENT PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1095)            ADOPTED AS RESOLUTION R-302665

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period January 1, 2007 through December 31, 2007, to add a meeting of the Budget Review Committee on May 23, 2007, at 2:00 p.m., and to adjourn the meeting of the Committee on Natural Resources and Culture currently scheduled at that date and time;

Directing the City Clerk to post and publish, as necessary, the notice of such meetings with the date, time, and location thereof and make necessary preparations and arrangements therefore.

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

**FILE LOCATION:**            MEET

**COUNCIL ACTION:**            (Time duration: 10:25 a.m. - 10:27 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-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-104: San Diego Fire-Rescue Day.

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

Adopt the following resolution:

(R-2007-1045)            ADOPTED AS RESOLUTION R-302666

Commending the San Diego Fire-Rescue Foundation for its commitment and dedication in assisting those that make the ultimate sacrifice to save lives;

Proclaiming March 15, 2007, to be "San Diego Fire-Rescue Day" in the City of San Diego.

FILE LOCATION:            AGENDA

COUNCIL ACTION:            (Time duration: 10:25 a.m. - 10:27 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-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-105: Terry Dimattio Day.

**COUNCILMEMBER FAULCONER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1063)            ADOPTED AS RESOLUTION R-302667

Offering its most sincere gratitude and proclaiming June 2, 2007, to be "Terry Dimattio Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. - 10:27 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-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-106: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2007-860) ADOPTED AS RESOLUTION R-302668

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

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

COUNCIL ACTION: (Time duration: 10:25 a.m. - 10:27 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-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-107: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2007-877)            ADOPTED AS RESOLUTION R-302669

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

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

COUNCIL ACTION:            (Time duration: 11:32 a.m. - 11:37 a.m.)

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

ITEM-203: Business Process Re-engineering Information Reports.

(See Reports to City Council No. 07-081 Rev., 07-079 Rev., and 07-078 Rev.)

**MAYOR SANDER'S RECOMMENDATION:**

HEARING HELD

Informational Reports only for the following:

- Street Division Business Process Reengineering Final Report
- Engineering Business Process Reengineering Final Report
- Publishing Services Business Process Reengineering Final Report

FILE LOCATION:            MEET

COUNCIL ACTION:            (Time duration: 11:38 a.m. - 11:57 a.m.)



ITEM-330: Proposed Final Consent Decree in San Diego Baykeeper/Surfrider v. City and USA v. City.

**CITY ATTORNEY'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2007-134)                   INTRODUCED, TO BE ADOPTED ON  
TUESDAY, JUNE 5, 2007

Introduction of an Ordinance authorizing the Mayor, or his representative, to execute, for and on behalf of the City, the proposed Final Consent Decree, in final settlement of litigation entitled United States v. City of San Diego (Case No. 03-CV-1349K) and San Diego Baykeeper, et al. v. City of San Diego (Case No. 01-CV-0550B).

Authorizing the expenditure of an amount not to exceed \$20,000 from Sewer Fund 41506, solely and exclusively, for plaintiffs attorney's fees and costs, based on invoices to be submitted to, and approved by, the City Attorney's Office.

Declaring that this activity and those required by the proposed Final Consent Decree are either not "projects" pursuant to Section 15060(c)(3) of the State CEQA Guidelines; categorically exempt from CEQA pursuant to Sections 15301(b) and 15302(c) of the State CEQA Guidelines as maintenance, repair, or replacement of existing sewer facilities; addressed in Environmental Impact Report Project No. 6020, Canyon Sewer Cleaning Program and Long-Term Sewer Maintenance Program, Mitigated Negative Declaration Project No. 63654, Citywide Pipeline Projects, or other environmental document; or will be subject to environmental review once the activity is identified with sufficient specificity to allow for such review, pursuant to Section 15004 of the State CEQA Guidelines which provides direction to lead agencies on the appropriate timing for environmental review.

**SUPPORTING INFORMATION:**

On March 29, 2001, San Diego Baykeeper and Surfrider Foundation filed Case No. 01-CV-0550-B against the City of San Diego in Federal Court alleging repeated violations of the Clean Water Act due to sewer system overflows.

On July 3, 2003, the State of California (Regional Water Quality Control Board) filed a similar action against the City of San Diego in Case No. 03-CV-1381-B. The United States of America (Environmental Protection Agency) also filed a similar action on July 9, 2003, in Case No. 03-CV-1349-K. The cases were consolidated into one proceeding on September 3, 2003.

On January 31, 2005, the Mayor and City Council approved a final settlement with the State of California in Resolution No. R-300023. The proposed Final Consent Decree presented here will settle the lawsuits filed by San Diego Baykeeper, Surfrider Foundation, and the Environmental Protection Agency. The City is currently operating under a Second Partial Consent Decree approved by the parties and the Court, which expires on June 30, 2007.

The proposed Final Consent Decree would require the City to continue to take steps to reduce sewage spills. Requirements include upgrades and repairs to 27 sewer pump stations and 250 miles of sewer pipe, including 17 trunk sewers. In addition, the City will be required to clean at least 1,500 miles of sewer pipe each year. The estimated cost of complying with the proposed Final Consent Decree is \$108 million per year in capital costs, plus an additional \$46.5 million per year in operation and maintenance costs, through Fiscal Year 2013.

The City has been taking the steps necessary to position itself to comply with the proposed Final Consent Decree. On February 26, 2007, the City Council adopted Resolution R-302378, which increased sewer rates by 8.75% in each of Fiscal Years 2007 and 2008, and by 7% in each of Fiscal Years 2009 and 2010, to fund the obligations imposed by the proposed Final Consent Decree. On April 9, 2007, the City Council adopted Resolution R-302501, which approved short-term financing for the Metropolitan Wastewater Department to provide additional funding for the proposed Final Consent Decree.

Upon entry of the proposed Final Consent Decree, San Diego Baykeeper/Surfrider will be entitled to its outstanding attorney's fees and costs. To date, the City has paid \$419,923.44 in plaintiffs attorney's fees and costs. Plaintiffs estimate that by the time the proposed Final Consent Decree is entered, it will have less than \$20,000 in attorney's fees and costs outstanding. This action will authorize payment of those fees and costs, upon review and approval by the City Attorney's Office.

**FISCAL CONSIDERATIONS:**

Plaintiffs attorney's fees not to exceed \$20,000 are available in the Sewer Revenue Fund.

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

First Partial Consent Decree approved by City Council on April 5, 2005 in Closed Session.  
Second Partial Consent Decree approved by City Council on June 16, 2006 by Resolution No. R-301520.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

San Diego Baykeeper/Surfrider

Zeleny/Haas

Aud. Cert. 2700725.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:24 a.m. - 11:31 a.m.)

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

ITEM-331: Installation of Streetlights - San Ysidro.

(San Ysidro Community Area. District 8.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-662 Cor.Copy) ADOPTED AS RESOLUTION R-302670

Finding and determining that the installation of streetlights within the San Ysidro Redevelopment Project Area, for which the Agency proposes to contribute funding and that the improvements consistent with the implementation plan adopted pursuant to Section 33490, and is of benefit to the Project Area; that no other reasonable means of financing the improvements is available to the community; that payment of funds for the costs of the improvements will assist in the elimination of one or more blighting conditions inside the Project Area, as more particularly described in Attachment 1;

Authorizing the Mayor, or designee, to accept up to \$300,000 from San Ysidro Redevelopment Funds from the Agency for the purpose of the installation of streetlights within the San Ysidro Redevelopment Project Area;

Approving a \$300,000 increase in Fiscal Year 2007 Capital Improvements Program budget CIP-52-293.0, Fund 10269;

Declaring this activity is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301(c).

**STAFF SUPPORTING INFORMATION:**

The requested actions will allow for the installation, replacement, and/or repair of various cobra streetlights within the San Ysidro Redevelopment Project Area. Approximately 50 to 60 new streetlights may be installed in the community by summer 2008, with a total project cost of up to \$300,000 (see Attachment 1 - Project Budget). The new streetlights will remove blight and create a safe, walkable environment for San Ysidro residents, visitors, and merchants, and help generate economic vitality for this small border community.

San Ysidro has a deficient inventory of streetlights which has contributed to the existence of blight and unsafe lighting conditions within the community. Agency staff has worked with community representatives and the Office of Council District 8 to identify areas in San Ysidro that are in need of new streetlights. After touring the community and developing an inventory of streetlights, it was determined that specific business and residential sectors require new streetlights. The following are general target areas for new streetlights in San Ysidro: East San Ysidro Boulevard, West Olive Drive, Border Village Road, Beyer Boulevard, Bolton Hall Road, Sunset Lane, Smythe Avenue, Alverson Road, Virginia Avenue, West Park Avenue and Seward Avenue (see Attachment 2 – Project Map).

Finally, pursuant to California Community Redevelopment Law (CCRL) Section 33445, the Agency is legally authorized to pay for the installation of public improvements if special findings can be made by the Agency. Attachment 3 - Special Findings provides the necessary findings to satisfy the requirements under CCRL Section 33445.

**FISCAL CONSIDERATIONS:**

The total estimated project cost is \$300,000 - to be funded by San Ysidro tax increment.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None with this action.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

1. Numerous meetings with San Ysidro Business Association (SYBA) for identification of streetlight deficiencies.
2. San Ysidro Planning and Development Group - Vote in favor of this item on February 20, 2007.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

None with this action.

Weinrick/Anderson

Staff: Robert Chavez - (619) 533-5368  
Carol A. Leone - Deputy City Attorney

**NOTE:** See the Redevelopment Agency agenda of May 22, 2007, for a companion item.

FILE LOCATION: MEET

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

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

ITEM-332: Revisions to Council Policy 600-24 Titled "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups".

(See Reports to the City Council No. 06-155; 07-092 (not available at the Committee); and Darcy Ashley's comparison chart. Citywide.)

**TODAY'S ACTION IS:**

Take the following actions:

(R-2007-1139)                      ADOPTED AS AMENDED AS RESOLUTION R-302671

Amending Council Policy 600-24 titled "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups", including a standardized bylaws shell.

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

On 10/25/2006, LU&H voted 4 to 0 to refer to the City Council amendments to Council Policy 600-24 to reference the bylaws shell with its standardized provisions, and to include an additional section which allows a process for Community Planning Groups to apply for variances, with the right to appeal to the Land Use and Housing Committee. (Councilmembers Faulconer, Atkins, Madaffer, and Hueso voted yea.)

**SUPPORTING INFORMATION:**

Revisions to Council Policy 600-24 are proposed to reflect input received from the Land Use and Housing Committee (LU&H), address the applicability of the Brown Act and make other clarifying changes.

On October 25, 2006, LU&H considered a report from the City Planning & Community Investment Department (CPCI) on the recognized community planning group bylaw update process. The primary discussion centered on whether bylaws should be standardized among planning groups and how planning groups could deviate from the bylaw shell. By a 4-0 vote, LU&H voted to refer revisions to Council Policy 600-24 to the City Council including a reference to the bylaws shell with its standardized provisions and direction to include a process for planning groups to apply for variances with the right to appeal to LU&H. Two days following LU&H, the City Attorney issued a Memorandum of Law opining that recognized community planning groups are subject to California's Open Meeting Law, the Ralph M. Brown Act because they are legislative bodies created by the City Council.

Following the LU&H meeting and receipt of the Memorandum of Law, CPCI began working with the Attorney's Office on draft revisions to Council Policy 600-24 and the bylaws shell to reflect changes discussed at LU&H and the applicability of the Brown Act. In addition, other minor changes were made to reorganize the Policy and shell for clarity and reflect the new strong Mayor form of governance.

Draft changes to Council Policy 600-24 and the bylaws shell were provided to CPC in March and April 2007. At their April 24, 2007 meeting, CPC reviewed the proposed changes and provided staff with comments and suggested changes. As a result, staff has incorporated many of the suggested changes into the Council Policy and bylaws shell. Changes were provided to the City Attorney's Office on May 1, 2007 for review. However, final Attorney comments were not received as of the date this report was written.

Upon adoption of an amended Council Policy 600-24 and standardized bylaws shell, staff will begin working with recognized community planning groups on revisions to their bylaws. In addition, part time administrative staff will be utilized to assist planning groups with reporting requirements under the Brown Act.

**FISCAL CONSIDERATIONS:**

Costs associated with providing assistance to all recognized community planning groups to revise their bylaws to come into compliance with the amended Council Policy 600-24 provisions will be managed as part of the CPCI work program, with possible delay to other program elements. Part time administrative staff will be utilized for ongoing administrative support of the planning groups to reduce the budgetary impacts of the new requirements.

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

On October 25, 2006, the Land Use and Housing Committee voted 4-0 to refer revisions to Council Policy 600-24 to the City Council to reference the bylaws shell with its standardized provisions, and to include a process for community planning groups to apply for variances with the right to appeal to LU&H.

On October 17, 2005, the City Council voted to adopt Resolution R-300940 to amend Council Policy 600-24 and direct that planning group bylaws be amended to reflect the revised Council Policy by April of 2007.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

City staff worked closely with community planning groups and the CPC on revisions to Council Policy 600-24 that were approved in October of 2005. Proposed revisions to incorporate LU&H direction, the Brown Act and other changes were given to the CPC on March 27, 2007 and April 24, 2007. Staff discussed the proposed changes with CPC at their April 24, 2007 meeting. As a result, staff agreed to make many of the changes to the Council Policy and bylaws shell suggested by CPC.

KEY STAKEHOLDERS and PROJECTED IMPACTS:

Key stakeholders in this effort are existing and prospective community planning group members who will work on and operate under revised community planning group bylaws. In addition, the revisions will positively affect City departments, project applicants and the general public who interact with community planning groups by providing more standardized operating procedures.

Anderson/Waring

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:12 p.m. - 2:27 p.m.  
2:28 p.m. - 4:09 p.m.)

MOTION BY MADAFFER TO ADOPT THE RESOLUTION AS AMENDED TO INCLUDE THE FOLLOWING: 1) COUNCIL SHALL HEAR ALL DEVIATIONS REQUESTED BY PLANNING GROUPS ON OR BEFORE NOVEMBER 20, 2007; 2) DEVELOP A PROCESS FOR ONGOING AMENDMENTS WITH THE CITY ATTORNEY AND COMMUNITY PLANNERS COMMITTEE; 3) AMEND THE LANGUAGE IN ARTICLE 9, SECTION 3(A), FIRST PARAGRAPH, BY CHANGING THE WORD "SHALL" TO "MAY" BEFORE THE WORDS "CONDUCT INVESTIGATION;" 4) CHANGE THE VOTING PROCEDURE TO FOLLOW ROLL CALL VOTE AND REFLECT THE NAMES FOR AND AGAINST WHEN A VOTE IS NOT UNANIMOUS. 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-333: Tucker Self-Storage.

Matter of approving, conditionally approving, modifying or denying an application to Rezone the property from the RS-1-1, IH-2-1 and IP-2-1 zones to the IL-2-1 zone; Public Right-of Way Vacation, and Site Development Permit to construct a 120,183-square foot self storage facility on a 3.35-acre site located at 9765 Clairemont Mesa Boulevard in the Tierrasanta Community Plan area.

(MND/SDP No. 205536//R-O-W No. 231224/RZ No. 231223/Project No. 67993. Tierrasanta Community Plan Area. District 7.)

(Continued from the meeting of April 23, 2007, at the request of Councilmember Madaffer, for further review.)

**NOTE:** Hearing open. No testimony taken on April 23, 2007.

**STAFF'S RECOMMENDATION:**

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

Subitem-A: (R-2007-930) CONTINUED TO TUESDAY, JULY 17, 2007

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 67993, 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.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a rezone, public right-of-way vacation, and site development permit for the Tucker Self-Storage Project;

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

That pursuant to California Public Resource 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, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

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

Subitem-B: (O-2007-121) CONTINUED TO TUESDAY, JULY 17, 2007

Introduction of an Ordinance of the Council of the City of San Diego changing 3.35 acres located at 9765 Clairemont Mesa Boulevard, in the Tierrasanta Community Plan Area, in the City of San Diego, California, from the RS-1-1 (Residential-Single Unit), IP-2-1 (Industrial-Park), and IH-2-1 (Industrial-Heavy) Zones into the IL-2-1 (Industrial-Light) Zone, as defined by San Diego Municipal Code Section 131.0603, and repealing Ordinance No. O-16187 (New Series), adopted April 2, 1984, of Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-C: (R-2007-931) CONTINUED TO TUESDAY, JULY 17, 2007

Adoption of a Resolution certifying findings supported by minutes, maps and exhibits, all of which are incorporated herein by this reference with respect to Site Development Permit No. 205536;

That Site Development Permit No. 205536 is granted to the City of San Diego, Owner/Andy Krutzsch, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Subitem-D: (R-2007-932) CONTINUED TO TUESDAY, JULY 17, 2007

Adoption of a Resolution certifying that the public right-of-way easement in connection with Site Development Permit No. 205536, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20397-B, marked as Exhibit "B," and on file in the Office of the City Clerk, which are by this reference incorporated herein and made a part hereof, is ordered vacated;

That said street vacation is conditioned upon the recordation of a two parcel, Parcel Map. In the event this condition is not completed within two years following the adoption of this resolution, then this resolution shall become void and be of not further force or effect;

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:**

Planning Commission on February 15, 2007, voted 6-0-1 to recommend approval; was opposition.

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

On August 16, 2006, the Tierrasanta Community Council and Planning Group considered the project and voted 8-8-0. This tie vote resulted in no official action by the community planning group.

**STAFF SUPPORTING INFORMATION:**

**REQUESTED ACTION:**

Approval of a Rezone, Site Development Permit and Public Right-of-Way Vacation to construct three self storage buildings totaling 120,183-square feet on a 3.35-acre site at 9765 Clairemont Mesa Boulevard in the Tierrasanta Community Plan area.

**STAFF RECOMMENDATIONS:**

1. CERTIFY Mitigated Negative Declaration No. 67993 and ADOPT the Mitigation, Monitoring and Reporting Program;
2. APPROVE Rezone No. 231223;
3. APPROVE Public Right of Way Vacation No. 231224; and
4. APPROVE Site Development Permit No. 205536.

**EXECUTIVE SUMMARY:**

The proposed 3.35-acre vacant site is located east of Interstate 15 and south of Clairemont Mesa Boulevard, with military property to the north, commercial uses to the south and open space to the east within the Tierrasanta Community Plan area.

The project entails a 55-year ground lease with the City of San Diego pursuant to the Settlement Agreement in the case of TRP LIMITED V. CITY OF SAN DIEGO, ET AL, AND SCC No. 578191, approved by City Council Resolution No. 274804 on December 4, 1989. The settlement agreement allows Mr. Krutzsch, in exchange for relinquishing any claim of title to the disputed property, to lease the property for a commercial or industrial development.

This self storage project proposes two three-story buildings and one four-story building. Each building includes an office, lobby, and reception area on the first floor. Fifteen parking spaces and two loading spaces will be provided on-site.

The Tierrasanta Community Plan does not designate a specific land use to the site, however, the Industrial Element of the plan states that approximately three developable acres may be added to the existing six-acre, "industrial" designated site to the south of the project site, after the Interstate 15 interchange has been completed and Clairemont Mesa Boulevard has been aligned. Both right-of-way facilities have been completed, therefore, the proposal meets the intent of the Industrial Element of the community plan. In addition to this project's location adjacent to the freeway and existing industrial development, the proposed project would be buffered from multi-family residential development to the east by an existing open space easement. The project also would incorporate a mix of varying building materials and landscape screening that would serve to break up the bulk and mass of the proposed structures. Faux windows are located along the north elevation of the eastern most structure of the project, closest to Clairemont Mesa Boulevard. Varying roof lines and staggered setbacks would also be incorporated to further articulate the building façade along Clairemont Mesa Boulevard. Through these project features the objectives of the community plan to protect surrounding uses from visual impacts and visual appearance through aesthetic improvements and urban design will be implemented.

The project requires a rezone from RS-1-1, IH-2-1 and IP-2-1 to the IL-2-1 zone. The IL-2-1 zone allows for light industrial uses. The Public Right-of Way Vacation is for property which was formerly part of an Interstate 15 off-ramp and is no longer needed for public use. A Site Development Permit is required due to impacts to Environmentally Sensitive Lands.

Approximately 2.36-acres of Coastal sage scrub habitat and 0.53-acres of Non-native Grassland will be impacted by the proposed project.

**FISCAL CONSIDERATIONS:**

This project emanated from a quiet title action in the case of TRP Limited v. City of San Diego, et al., SCC 578191, filed in 1986 over a dispute between the City of San Diego and Mr. Krutzsch as to the ownership of the subject property. The settlement agreement allows Mr. Krutzsch to ground lease the property for a commercial or industrial development.

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

See fiscal considerations statement above.

**PLANNING COMMISSION ACTION:**

On February 15, 2007, the Planning Commission voted 6-0-1 to approve the project as proposed with the following recommendations: signage is to be located only in the areas and no larger than shown in the applicant's photo simulation; use a more native planting around the retaining walls and overall use native vegetation comparable to the open space.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

On August 16, 2006, the Tierrasanta Community Council and Planning Group voted 8:8:0, a tie vote. A tie vote of the planning group results in no official action. As summarized in their minutes, the project was supported because, it presented the least possible impacts in terms of traffic, noise and light that would exist were any other type of project planned. The false windows, granite facing and roof-top parapet makes the project look more like an office building than a typical self storage facility. Opposition to the project centered on visual impacts, rezoning and the use at the location.

**KEY STAKEHOLDERS:**

Andy Krutzsch, Applicant

Waring/Escobar-Eck/PG

**LEGAL DESCRIPTION:**

The site is in the RS-1-1, IP-2-1, IH-2-1 and the Airport Environs Overlay Zones, within the Tierrasanta Community Plan area. The project entails a 55-year ground lease of the property pursuant to the Settlement Agreement in the case of TRP LIMITED V. CITY OF SAN DIEGO, ET AL, SCC No. 578191, approved by City Council Resolution No. 274804 on December 4, 1989. The project site is more particularly described as Parcel A and B of Lot 2, of Map No. 825.

Staff: Patricia Grabski – (619) 446-5277  
Shirley Edwards – Chief Deputy City Attorney

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:27 p.m. - 2:27 p.m.)

MOTION BY MADAFFER TO CONTINUE TO TUESDAY, JULY 17, 2007, FOR FURTHER REVIEW. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-334: Stebbins Residence.

Matter of the appeal by Randy Berkman and Landry Watson, of the Planning Commission’s decision in approving an application for a Coastal Development Permit (CDP) and a Site Development Permit (SDP) for the demolition of an existing one-story duplex, and the construction of a new 1,749 square-foot, three-story single family residence above a 816 square-foot basement garage on a 2,500 square-foot site and to allow for deviation from the regulations for Special Flood Hazard Areas, to permit development of the residential structure at 7.1 feet below the Base Flood Elevation where two(2) feet above the Base Flood Elevation is required. The property is located at 5166 West Point Loma Boulevard in the RM 2-4 Zone, Coastal Overlay Zone (appealable-area), Coastal Height Limit Overlay Zone, First Public Roadway, Beach Parking Impact Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, and the 100-year Flood-plain Overlay Zone, within the Ocean Beach Precise Plan and Local Coastal Program Land Use Plan (LPL).

(See Report to the City Council No. 07-091/Mitigated Negative Declaration No. 51076/Coastal Development Permit (CDP) No. 147134/Site Development Permit (SDP) No. 389939/Project No. 51076. Ocean Beach Community Area. District 2.)

**STAFF'S RECOMMENDATION:**

Take the following actions:

Subitem-A: (R-2007- ) CONTINUED TO TUESDAY, JUNE 19, 2007

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision by the Planning Commission certifying Mitigated Negative Declaration (MND) No. 51076, and adopting Mitigation Monitoring and Reporting Program (MMRP);

Certifying that the information contained in Mitigated Negative Declaration No. 51076, 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 Administrative Code 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 the City of San Diego City Council;

That the City of San Diego City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Negative Declaration is hereby approved;

That pursuant to California Public Resource Code, Section 21081.6, the City of San Diego City Council hereby 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, a copy of which is attached hereto and incorporated herein by reference;

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;

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

Subitem-B: (R-2007- ) CONTINUED TO TUESDAY, JUNE 19, 2007

Adoption of a Resolution granting or denying the appeal and granting or denying Coastal Development Permit (CDP) No. 147134, with appropriate findings to support Council action;

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

Subitem-C: (R-2007- ) CONTINUED TO TUESDAY, JUNE 19, 2007

Adoption of a Resolution granting or denying the appeal and granting or denying Site Development Permit (SDP) No. 389939, with appropriate findings to support Council action;

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

**OTHER RECOMMENDATIONS:**

Planning Commission on March 1, 2007, voted 6-0-1 to approve; with opposition.

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

The Ocean Beach Community Planning Group has been notified of this project and has not taken a position.

**STAFF SUPPORTING INFORMATION:**

**REQUESTED ACTION:**

This is an appeal of the Planning Commission's decision to approve a Coastal Development Permit (CDP), and Site Development Permit (SDP) to allow the demolition of an existing duplex, and the construction of a new three-story single family residence above a basement garage, including a deviation from the regulations for Special Flood Hazard Areas.

**STAFF RECOMMENDATION:**

DENY the appeal and APPROVE Coastal Development Permit No. 147134, and Site Development Permit No. 389939, and CERTIFY Mitigated Negative Declaration No. 51076, and ADOPT the Mitigation, Monitoring, and Reporting Program.

**EXECUTIVE SUMMARY**

The project is located at 5166 West Point Loma Boulevard within the Ocean Beach Precise Plan. The issue before the City Council is the appeal of the Planning Commission's decision to allow the demolition of a one-story duplex, and the construction of a new three-story single-family residence above a basement garage, and allow for a deviation from the regulations for Special Flood Hazard Areas. The project site is within the 100-year floodplain and is therefore considered environmentally sensitive land.

The property is relatively flat with an elevation of 8 feet above mean sea level and does not include any sensitive topographical or biological resources. The site is neither within nor adjacent to Multi-Habitat Planning Area (MHPA) lands. A Mitigated Negative Declaration dated November 2, 2006, has been prepared for this project in accordance with State CEQA guidelines, and a Mitigation, Monitoring and Reporting Program is required for Archaeological Resources to reduce any potential impacts to below a level of significance.

In addition, the following environmental issues were considered in depth during the environmental review of the project and determined NOT to be potentially significant: Geology, Visual Effects/Public Views, Historical Resources (Architecture), Air Quality/Public Safety, and Neighborhood Character, however, no significant impacts were identified.

The requested deviation is to allow development of the residential structure, to be at 7.1 feet below the Base Flood Elevation where two (2) feet above the Base Flood Elevation is required.

Staff believes that MND No. 51076 adequately addresses the project's potential impacts, and that implementation of the MMRP would avoid or reduce such impacts to below a level of significance.

An appeal of the Planning Commission's decision was filed asserting factual error, conflict with other matters, and findings not supported, new information, and city-wide significance (Attachment 13). Staff has provided a response to each issue and continues to support the project.

FISCAL CONSIDERATIONS:

None with this action. 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:

On February 8, 2007, the Planning Commission requested a continuance of the subject project to a date certain of March 1, 2007, to address specific issues related to flood-proofing of the proposed structure.

The applicant responded to these issues at the March 1, 2007, Planning Commission hearing, resulting in unanimous approval by the Planning Commission.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Ocean Beach Planning Board met on July 5, 2006. There were two motions presented concerning this property and neither one passed.

The first motion was to approve the project as presented. The motion failed by a vote of 4-4-0

The subsequent motion was to deny the project as presented due to the bulk and scale. This motion also failed by a vote of 4-4-0.

Various board members noted that the new residence would represent a significant improvement over the existing duplex, and would improve the character of the general neighborhood. In addition, the change from a duplex to a single family residence would reduce density in the area.

Various board members noted concerns about the height of the project, and that other properties on the block might be re-developed to similar heights, altering the character of the neighborhood. Their concern is that subsequent development might create a corridor of tall buildings on the block. The suggestion was to restrict the project to two stories.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

David Stebbins, Owner/Applicant

Waring/Escobar-Eck/LI

**LEGAL DESCRIPTION:**

The project site is Lot 14 of Block 90, of Ocean Bay Beach map No. 1189.

Staff: Laila Iskandar – (619) 446-5297

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

**FILE LOCATION:** NONE

**COUNCIL ACTION:** (Time duration: 2:09 p.m. - 2:11 p.m.)

Testimony in opposition to the continuance by Louis Wolfsheimer.

MOTION BY FAULCONER TO CONTINUE TO TUESDAY, JUNE 19, 2007, FOR FURTHER REVIEW BY THE CITY ATTORNEY'S OFFICE. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-S500: Pursuant to the San Diego Municipal Code Section 22.0710, the City Auditor and Comptroller's Office is Requesting a Hearing on the City's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ending June 30, 2003.

(See Report to the City Council 07-065 and City of San Diego's Fiscal Year 2003 Comprehensive Annual Financial Report.)

(Continued from the meetings of April 23, 2007, Item 202, May 7, 2007, Item 201, and May 14, 2007, Item S400, last continued at the request of Councilmember Faulconer, for further review.)

**CITY AUDITOR AND COMPTROLLER'S RECOMMENDATION:**

Take the following actions:

(R-2007- ) CONTINUED TO TUESDAY, JUNE 5, 2007

Receiving and filing the Fiscal Year 2003 City's Comprehensive Annual Financial Report (CAFR);

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

**SUPPORTING INFORMATION:**

Consistent with the remedial recommendation contained in the Report of the Audit Committee of the City of San Diego (Kroll Report) dated August 8, 2006, staff has provided numerous drafts of the CAFR to the City Council for their review and comment prior to the April 16, 2007 City Council meeting where this document will be discussed. At this meeting staff is recommending that it be received by the City Council as final. This document has been approved by the City's Disclosure Practices Working Group (DPWG) and the certificate of approval has been attached to this agenda item.

The public may obtain a copy of the City's 2003 CAFR on the City website at no charge.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:  
October 16, 2006 Council Meeting.

Levin/Goldstone

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:24 a.m. - 10:25 a.m.)

MOTION BY FAULCONER TO CONTINUE THIS ITEM TO TUESDAY, JUNE 5, 2007, FOR KPMG TO BE PRESENT. Second by Madaffer Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-S501: 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 and Independent Budget Analyst Report No. 07-51. Southeastern San Diego Community Area. Districts 4 and 8.)

(Continued from the meeting of May 15, 2007, Item 331, at the request of Council President Pro Tem Young, for further review.)

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

Adopt the following resolution:

(R-2007-1075) CONTINUED TO TUESDAY, JUNE 12, 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 22, 2007, for a companion item.

**FILE LOCATION:** NONE

**COUNCIL ACTION:** (Time duration: 2:08 p.m. - 2:09 p.m.)

MOTION BY HUESO TO CONTINUE TO TUESDAY, JUNE 12, 2007, FOR FURTHER REVIEW. Second by Madaffer. 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: 10:24 a.m. - 10:24 a.m.)

**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

The meeting was adjourned by Council President Peters at 4:50 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 4:50 p.m.)