

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JUNE 5, 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 10:03 a.m. Council President Peters recessed the meeting at 11:00 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:05 a.m. with Council Member Maienschein not present. The meeting was recessed by Council President Peters at 11:59 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:05 p.m. Council President Peters recessed the meeting at 4:36 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 4:41 p.m. with Council Member Maienschein not present. Council President Peters recessed the meeting at 5:25 p.m. to convene the Housing Authority and thereafter the Redevelopment Agency. Council President Peters reconvened the meeting at 6:30 p.m. with Council Member Maienschein not present. The meeting was adjourned by Council President Peters at 6:35 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: 10:34 a.m. – 10:36 a.m.)

PUBLIC COMMENT-2:

Joy Sunyata commented on City of San Diego customer service.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:36 a.m. - 10:38 a.m.)

PUBLIC COMMENT-3:

Laura Riebau commented on access to the City Administration Building for the June 4, 2007 council meeting at 2:00 p.m.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-4:

Chris Clifford commented on the Redevelopment Agency Tax Plan.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-5:

Phil Hart commented on the City Library and on Sunroad.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. - 10:48 a.m.)

PUBLIC COMMENT-6:

Katheryn Rhodes commented on the Sunroad Project.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. - 10:51 a.m.)

PUBLIC COMMENT-7:

Ron Boshun commented on Council actions.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-8:

Joseph Braverman commented on voting.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-9:

Virginia Kirby-Smith commented on Pacific Beach sidewalk hazards.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:57 a.m. - 10:59 a.m.)

COUNCIL COMMENT:

None.

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



ITEM-30: Lou Scanlon Day.

**COUNCILMEMBER FAULCONER'S, COUNCILMEMBER ATKINS', AND
COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1042) ADOPTED AS RESOLUTION R-302679

Commending Lou Scanlon for his passionate commitment to law enforcement and thanking him for his dedication to the City of San Diego;

Proclaiming June 5, 2007, to be "Lou Scanlon Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:03 a.m. – 10:12 a.m.)

MOTION BY ATKINS TO ADOPT. 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-50: Centerpointe at Grantville Rezone.

(Navajo Community Plan Area. District 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/15/2007, Item 332, Subitem C. (Council voted 6-1. Councilmember Frye voted nay. Councilmember Maienschein not present):

(O-2007-102) ADOPTED AS ORDINANCE O-19627 (New Series)

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.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:32 a.m.
2:43 p.m. – 2:47 p.m.)

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

ITEM-51: Proposed Final Consent Decree in San Diego Baykeeper/Surfrider v. City of San Diego and USA v. City of San Diego.

(See Sewer Spill Lawsuits Power Point Presentation.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/22/2007, Item 330. (Council voted 6-0. Councilmember Frye recused. Councilmember Maienschein not present):

(O-2007-134) ADOPTED AS ORDINANCE O-19626 (New Series)

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.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:27 a.m. – 10:32 a.m.)

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

* ITEM-52: Amending Chapter 2, Article 6, Division 18 of the San Diego Municipal Code Relating to the Parking Advisory Board.

(Citywide.)

That same day, the City Council adopted Resolution Nos. R-300584, R-300585, and R-300586, in which the City Council authorized the formation of three new Community Parking Districts - the Old Town, Pacific Beach, and La Jolla Community Parking Districts, respectively. However, the City Council did not adopt any ordinance that day that would increase the membership on the Board from 14 members to 17 members to reflect the three new Community Parking Districts. As a result, although representatives from the three new Community Parking Districts have been attending the monthly Parking Advisory Board meetings since that time, they have not been permitted to vote, nor has their presence qualified to constitute a quorum, due to the language in Section 26.1802 limiting Board membership to 14 members.

Accordingly, the present ordinance is necessary to amend Section 26.1802 to increase the membership on the Board from 14 members to 17 members. In addition, the present ordinance: reorganizes Section 26.1802 into five subsections, lettered (a) through (e); reorganizes into Section 26.1802(a) all provisions relating to how the membership of the Board is to be constituted; reorganizes into Section 26.1802(b) all provisions relating to the start and end dates of terms for initial appointments; reorganizes into Section 26.1802(c) all provisions relating to the duration of terms and the filling of vacancies; requires that nine members of the Board shall constitute a quorum and that the concurring vote of at least nine members shall be required to take any action; clarifies that the Board shall review and comment on all parking policies and programs, not compliance issues; and makes other needed changes in grammar and punctuation to clarify the meaning of Sections 26.1801, 26.1802, and 26.1803.

FISCAL CONSIDERATIONS:

This action has no impact on City revenues or expenditures. The Board members serve without compensation, and the increase of three additional members does not impact the City's resources dedicated to this Board.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

O-19337, amending Chapter 2, Article 6 of the San Diego Municipal Code by adding Division 18, relating to the Parking Advisory Board (November 29, 2004).

R-300587, confirming eleven mayoral appointments to the Board (June 27, 2005).

R-300584, R-300585, and R-300586, authorizing the formation of three new Community Parking Districts: the Old Town, Pacific Beach, and La Jolla Community Parking Districts, respectively (June 27, 2005).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Parking Advisory Board conducted an initial review of the draft ordinance at the Board's meeting on September 21, 2006. Copies of the draft ordinance were distributed to the Parking Advisory Board members and those in attendance for their review and comment. On April 19, 2007, the Board reviewed the final strike-out version of the ordinance and approved the final version by consensus.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Direct beneficiaries of this action include the new Community Parking Districts (La Jolla, Old Town, and Pacific Beach Community Parking Districts) and the agencies that manage these districts (Promote La Jolla, Old Town Chamber of Commerce, and Discover Pacific Beach).

Kessler/Waring

Staff: Melisa Tintocalis - (619) 533-5370
Michael D. Neumeyer - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:27 a.m. – 10:32 a.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE. 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-100: Two actions related to Award Design Build Contract to Bellingham Marine Industries for Lifeguard Headquarters Boat Dock Replacement Project.

(Mission Beach Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2007-1166 Cor. Copy) ADOPTED AS RESOLUTION R-302680

Declaring the information contained in the final document, including any comment received during the public review process, has been reviewed and considered by this Council in connection with the Project;

Declaring that pursuant to California Public Resources Code Section 21081.6 the City Council adopts the Findings, Recommendations and Conditions, as contained in the Commission's staff report or alternations to implement the changes to the Project as required by the Commission in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto as Exhibit A and is incorporated herein by reference;

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

Subitem-B: (R-2007-1085) ADOPTED AS RESOLUTION R-302681

Authorizing the City Auditor and Comptroller to accept and deposit funds into Fund 100 for the 2005 Winter Storm Disaster Assistance from the Federal Emergency Management Agency (FEMA), acting through the Governor's Office of Emergency Services, in an amount not to exceed \$715,000 for the purpose of funding the Capital Improvement Project CIP-33-508.0, Lifeguard Headquarters Boat Dock Replacement Project and Project related expenses;

Authorizing an increase of \$715,000 in Fiscal Year 2008 CIP Program Budget in CIP-33-508.0, Lifeguard Headquarter Boat Dock, Fund 630221, Contribution from 100/General Fund;

Authorizing the City Auditor and Comptroller to transfer and appropriate an amount not to exceed \$715,000 from 100/General Fund to 630221 Fund, Contribution to CIP from 100/General Fund, contingent upon receipt of funds from FEMA;

Authorizing the Mayor, or his designee, to establish contract funding phases and to execute a Design-build contract with Bellingham Marine Industries, for the Lifeguard Headquarters Boat Dock Replacement (Project), in an amount not to exceed \$1,948,569, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$2,715,000 from CIP-33-508.0, Lifeguard Headquarters Boat Dock Replacement Project, for the purpose of funding the Project, including the funding of this agreement in the following manner:

Phase 1 \$1,301,251 from FY 2007 CIP Budget

Phase 2 \$647,318 from FY 2008 appropriations contingent, upon the Approval of the FY 2008 Budget, and provided the City Auditor and comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasurer;

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

STAFF SUPPORTING INFORMATION:

The lifeguard service boat dock is located at 2581 Quivira Ct., San Diego CA 92109, at the end of Quivira Ct., on Hospitality Point in Mission Bay. The existing boat dock was constructed in 1960, and was severely damaged during the winter storms of 2005. Due to its deteriorated and unsafe conditions, the dock has been condemned and is no longer in use.

The existing dock was totally inadequate in meeting the operational needs of the lifeguard fleet which has grown to 16 boats. Therefore this project will replace the damaged dock with a new facility which will provide equipment and space for all of the operational needs of the lifeguard services, such as a jib crane, diesel & gas fuel station, outdoor shower, boat lifts, compressor, utility & storage boxes, lockers, eyewash, ladder, work bench, maintenance slip with overhead protection, lights, phone, electric power, gangway, new concrete piles, guardrails, and other items.

This is a phase funded project, Phase I will provide for the design of the proposed dock, obtaining all of the required permits, the demolition of the existing dock and fabrication of the concrete dock. Phase II will provide for the installation, and construction of the proposed boat dock.

On May 12, 2005, the City of San Diego submitted an application to the Federal Emergency Management Agency (FEMA) requesting financial assistance in the amount of \$715,000 for the design and reconstruction of the damaged lifeguard boat dock. On December 30, 2005, the Governor's Office of Emergency Services (OES) approved the financial assistance as an improved project for repairs to the boat dock, and allow the City to commence the repairs funded by this application as a reimbursable account.

On January 9, 2007, the Engineering & Capital Project department interviewed three design build firms and Bellingham Marine Industries Inc. was selected to perform this task. Staff recommends the City to enter into an agreement with this firm for this purpose.

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$2,715,000. \$2,000,000 is currently available in CIP-33-508.0, Lifeguard Headquarters Boat Dock Replacement Project, \$1,000,000 from Fund No. 630221, Contributions from 100 Fund/General Fund, and \$1,000,000 from Fund No. 10502, Mission Bay Reserve Fund. \$715,000 will become available as a reimbursement from FEMA.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORT:

The subject project was presented as an action item before the Mission Bay Park Committee on Tuesday, September 5, 2006, and received a unanimous approval. Also, it was introduced to the Park and Recreation Design Review Board as an informational item.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

The key stakeholders are the City of San Diego Lifeguard Services, Fire Department, and San Diego Police. After the completion of the dock, our lifeguard, fire, and police staff will have more effective access to the new and improved facility. During the construction phase, all businesses within one thousand foot radius of the dock will be notified. Bellingham Marine Industries Inc. is the design build team selected to lead all required services on this project.

Oskoui/Haas

Aud. Cert. 2700706.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:32 a.m.)

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

* ITEM-101: Contract Agreement with EDAW Inc. for Professional Services for the Endangered Species Recovery Project.

(University and Otay Mesa Community Areas. Districts 1, 8, and City (Proctor Valley, Otay Lakes, Marron Valley) and County owned property located in the County of San Diego.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1134) ADOPTED AS RESOLUTION R-302682

Authorizing the Mayor to execute, for and on behalf of the City, an agreement with EDAW, Inc., to provide professional services for Vernal Pool Analysis, Recommendation and Restoration Services for an amount not to exceed \$494,500, with additional services not to exceed \$9,506, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$504,006 from Fund 38559, Job Order 301911, for the purpose of providing funds for the above referenced Project;

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

STAFF SUPPORTING INFORMATION:

The City of San Diego has successfully competed for grant funding through the SANDAG TransNet Environmental Mitigation Program for monies to help implement land management requirements of the Multiple Species Conservation Program (MSCP) Subarea Plan. The grant, approved by Council Resolution R-301911 on September 19, 2006, will provide habitat management and restoration for seven rare, threatened or endangered species within the Multi-Habitat Planning Area (MHPA) in accordance with the U.S. Fish and Wildlife Service Recovery Plan for Vernal Pools of Southern California and Recovery Plan for the Quino Checkers pot Butterfly.

The City has selected EDAW, Inc. through the RFP process as the best qualified firm to complete the tasks outlined in the Notice to Proceed on Agreement (5000687) between the San Diego Association of Governments (SANDAG) and the City of San Diego for Multi-Agency Vernal Pool Management and Restoration (signed October 18, 2006). Total compensation to EDAW, Inc. is \$504,006: \$494,500 is the fixed amount for full compensation of work described in this agreement, with additional services not to exceed the \$9,506. Up to \$10,000 of City staff time for grant and/or contract administration is also covered by the grant, which totals \$514,006.

Management of endangered species on public open space lands in San Diego has been hindered by a lack of funding in recent fiscal years, and the City has worked in collaboration with SANDAG, County, California Department of Fish and Game, and U.S. Fish and Wildlife Service to fund and administer this project to increase management of these sensitive and unique ecosystems in areas of high priority to the stakeholders. Management actions executed by EDAW, Inc. will include fencing to limit illegal trespass, removal of invasive species and non-native grass thatch, repair of micro-topography altered by off-highway vehicle trespass, and reintroduction of endangered and threatened species in areas of local extirpation.

Previous efforts have included over \$250,000 in grants (R-296555) to fund the compilation and management of a vernal pool database, preparation of a citywide Vernal Pool Inventory and Draft Citywide Vernal Pool Management Plan, all of which are vital to long-term vernal pool preservation. This contract will restore, enhance and manage endangered species habitat at a maximum of eight sites; three in the City of San Diego, three on City-owned lands in the County and two on County-owned lands. All lands proposed for restoration, enhancement and management are conserved as open space within the City or County's MSCP Subarea Plan.

FISCAL CONSIDERATIONS:

The contract is funded through a SANDAG grant in the amount of \$514,006, including \$504,006 for this professional services contract and \$10,000 of grant/contract administration costs allocated for City staff.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

City Council approval of SANDAG TransNet EMP grant to fund this contract (R-301911), a State Grant for the preparation of a comprehensive Citywide Vernal Pool Inventory and Citywide Vernal Pool Management Plan (R-296555), and adoption of the City's Multiple Species Conservation Program (R-28455).

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

The grant project was developed in conjunction with the U.S. Fish and Wildlife Service, California Department of Fish and Game, and the County of San Diego. Public input was obtained during the preparation of the Vernal Pool Inventory at a workshop on November 6, 2003. This professional services contract implements some of those recommendations.

KEY STAKEHOLDERS and PROJECTED IMPACTS (if applicable):

U.S. Fish and Wildlife Service, California Department of Fish and Game, County of San Diego, EDAW, Inc.

Anderson/Waring

Aud. Cert. 2700744.

Staff: Betsy Miller - (619) 533-4543
Andrea Contreras Dixon - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:32 a.m.)

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

- * ITEM-102: Option to Renew Contract with SRM Contracting and Paving for the Asphalt Overlay Group III, FY 07.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1130) ADOPTED AS RESOLUTION R-302683

Authorizing the City Auditor and Comptroller to transfer the amount of \$3,419,857 from Citywide Deferred Maintenance Fund No. 100 to Fund No. 630221, CIP-59-001.0, Annual Allocation – Resurfacing City Streets;

Authorizing the City Auditor and Comptroller, in accordance with annual appropriation ordinance, to amend the Fiscal Year 2007 Capital Improvement Program budget to increase CIP-59-001.0, Annual Allocation – Resurfacing City Streets, in Fund No. 630221 by the amount of \$3,419,857;

Authorizing the Mayor, or his designee, to exercise, for and on behalf of the City, the option to renew the contract with SRM Contracting and Paving for additional asphalt overlay of approximately 10 miles of City Streets, in the amount of \$3,878,007, provided the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$4,088,348, solely and exclusively, for the above option to renew the contract, project contingency, and related costs, to be expended as follows: \$4,038,348 from CIP-59-001.0 Annual Allocation – Resurfacing City Streets, Fund 30300; \$33,750 from Sewer Fund No. 41506; and \$16,250 from Water Fund No. 41500; all 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 with the City Treasurer;

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

Declaring that the above activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301(c), as the repair, maintenance, or minor alteration of existing streets, sidewalks, gutters, and similar facilities.

STAFF SUPPORTING INFORMATION:

On February 20, 2007, City Council Resolution R-302357 authorized the advertising and award of "Asphalt Overlay Group II, FY 07", Bid # K073614-C. The contract was awarded to SRM Contracting and Paving, in the amount of \$3,910,540. The contract documents offered bidders the option of renewing and extending this contract at the same unit prices, terms and conditions, for one year only. The lowest responsive bidder, SRM Contracting & Paving, has indicated that they are willing to exercise this option. The Street Division has had favorable results with the current contract and now wishes to exercise this optional contract extension with no increase in last year's prices.

This option contract provides for asphalt overlay of approximately 8.6 miles of streets citywide. Locations for overlay are chosen using the city's pavement management system, and considering the following criteria: overall condition index, age, oxidation, cracking, amount of patching, amount of traffic, and avoiding conflict with planned underground utility work. Failed areas of the pavement will be removed and repaired prior to asphalt overlay, and existing asphalt adjacent to curbs and gutters will be milled down to maintain curb height and proper drainage. Approximately 3,800 tons of asphalt will be removed and recycled for use in other street maintenance activities. This contract also includes the installation of curb ramps, which will be placed at affected locations in accordance with ADA requirements.

FISCAL CONSIDERATIONS:

Funding in the amount of \$4,088,348 for the contract and related administration costs is available as follows: \$3,419,857 from Citywide Deferred Maintenance Fund 100; \$618,491 from CIP-59-001.0, Fund 30300; \$33,750 from Fund 41506; and \$16,250 from Fund 41500.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution R-302357, adopted on February 20, 2007, authorized the advertising and award of the original contract.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The list of streets to receive asphalt overlay is attached.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The Prime contractor is SRM Contracting and Paving, and the sub contractors are Pavement Recycling Systems Inc., Hammer Construction, Statewide Stripes Inc., and HMS Construction.

Sierra/Haas

Aud. Cert. 2700754.

Staff: Mary Wolford - (619) 527-7515
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: W.O. 590010/SRM Contracting & Paving

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:32 a.m.)

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

* ITEM-103: First Amendment to the Exchange Agreement with the City of Carlsbad for the Clairemont Mesa/SR-163 Interchange Project.

(Sorrento Valley, Mira Mesa, and Kearny Mesa Community Areas. Districts 1, 5, and 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1009) ADOPTED AS RESOLUTION R-302684

Authorizing the Mayor to execute, for and on behalf of the City, a First Amendment to the Cooperative Agreement with the City of Carlsbad, RR-30067-2, dated June 27, 2005, for fund transfer and completion of the Clairemont Mesa/SR-163 Interchange Project ("Project") under the terms and conditions set forth in this First Amendment to the Cooperative Agreement with the City of Carlsbad;

Amending the Fiscal Year 2007 Capital Improvements Program Budget by decreasing CIP-52-392.0, Carroll Canyon Road Extension Project, Special Interest Bearing Fund 38996 by \$2,300,000 and increasing CIP-52-745.0, Clairemont Mesa Boulevard/SR-163 Interchange Project, Fund 38996 by \$2,300,000;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$2,300,000 from CIP-52-392.0, Carroll Canyon Road Extension Project, Special Interest Bearing Fund 38996 to CIP-52-745.0, Clairemont Mesa Boulevard/SR-163 Interchange Project, Fund 38996;

Authorizing the expenditure of an additional amount not to exceed \$2,300,000 from CIP-52-745.0, Clairemont Mesa Boulevard/SR-163 Interchange Project, Fund 38996, solely and exclusively, for the purpose of reimbursing the State of California for the construction of the Project and other Project related costs, contingent upon the City Auditor and Comptroller first furnishing 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 funds, if any, to the appropriate reserves;

Declaring this activity is not a "project" and is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

On January 16, 2007, the City of San Diego entered into a fund exchange agreement to swap the City of San Diego's Regional Surface Transportation Program (RSTP) funds with the City of Carlsbad's local funds for an amount of \$6,600,000. The proposed actions would utilize a portion of the funds, estimated at \$2,300,000, to be used for the construction of Clairemont Mesa Boulevard/SR-163 interchange project. The following explanation is given for supporting the proposed resolutions:

On June 27, 2005, the City of San Diego entered into a cooperative agreement with the State of California for Phase I of the construction of Clairemont Mesa Boulevard/SR-163 interchange improvements. Phase I consists of bridge widening on Clairemont Mesa Blvd. and ramp realignment of the east side of interchange. Subsequent to the execution of the cooperative agreement, bids were received for the project. The low bid was 17% over the engineers estimate and it was determined that additional funds estimated in the amount of \$2,300,000, are needed.

The City of San Diego requested additional funds from SANDAG and was informed no new regional funds were available. SANDAG recommended that the City of San Diego utilize funding available in Carroll Canyon Road to address the funding shortfall for Clairemont Mesa Boulevard/SR-163 interchange project. Carroll Canyon Road was in the early design stage and it would be approximately 18 months to 2 years before being ready for construction. Also, Carroll Canyon Road has a large construction funding gap (\$20 million or more) that will need additional funding in the future. It was recommended to proceed with Clairemont Mesa Boulevard/SR-163 interchange project that was ready to go and to mitigate construction costs which continue to increase.

Therefore, by authorizing these actions, the City of San Diego will be able to address the shortage of construction funds for the Clairemont Mesa Boulevard/SR-163 interchange project and does not impact the design of Carroll Canyon Road extension project.

FISCAL CONSIDERATIONS:

A total amount not to exceed \$2,300,000 would be allocated and expended for Clairemont Mesa Boulevard/SR-163 Interchange Project, CIP-52-745.0.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Cooperative Agreement for the construction of Clairemont Mesa Boulevard/SR-163 Interchange Project between the City of San Diego and the State of California, Resolution Number RR-300607-2 dated June 27, 2005. Fund Exchange Agreement between City of San Diego and City of Carlsbad, Resolution Number R-302290, dated January 16, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On October 16, 2006, the City of San Diego staff met with the Mira Mesa Community Planning Group and informed them of the transference of funds between projects and indicated the City of San Diego would seek additional construction funds for the project.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

State of California; City of San Diego; City of Carlsbad.

Boekamp/Haas

Aud. Cert. 2700678.

Staff: Dave Zoumaras - (619) 533-3138
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:32 a.m.)

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

* ITEM-104: Project SWELL Ongoing Copyright and License Agreement with the City of Oceanside.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1100) ADOPTED AS RESOLUTION R-302685

Authorizing the Mayor, or his designee, to enter into a Copyright and License Fee Agreement with the City of Oceanside in Fiscal Year 2007 for the term of five years maximum for the Project SWELL 6th Grade Curriculum, and authorizing the Mayor to enter into the same agreement for future grade level curricula when requested for use in the City of Oceanside School District;

Authorizing the City Auditor and Comptroller to accept and deposit a Copyright License Fee in the amount of \$10,750 for the 6th grade curricula from the City of Oceanside into the Think Blue Fund (Fund No. 105081) in the Fiscal Year 2007;

Authorizing the City Auditor and Comptroller to appropriate and expend \$10,750 for the 6th grade curricula for the Think Blue Fund (Fund No. 105081) to San Diego Coastkeeper;

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

STAFF SUPPORTING INFORMATION:

The City of San Diego Storm Water Pollution Prevention Division is responsible for reducing the effects of storm water pollution or urban runoff on the City's recreational waters. In addition to water quality monitoring, enforcement activities, regional watershed coordination and oversight of the City's municipal activities, the Division is also responsible for public outreach and changing the pollution related behaviors of residents, businesses, industries and school-aged children.

In an effort to increase the awareness and affect behavioral changes within the community regarding storm water pollution, the Storm Water Pollution Prevention Division initiated an extensive San Diego specific K-12 curriculum development effort on behalf of San Diego City Schools and in conjunction with San Diego Coastkeeper. Currently, the City of San Diego works with San Diego Coastkeeper on Project SWELL (Stewardship: Water Education for Lifelong Leadership), which enhances the existing science curriculum in San Diego City Schools. Project SWELL currently reaches more than 20,000 4th, 5th and 6th graders.

On August 15, 2006, the Council approved the Project SWELL Licensing and Fee Agreement with the City of Oceanside, (R-301830) for the 5th Grade Curriculum. Based on the success of the 5th grade curriculum, the City of Oceanside wants to purchase the Project SWELL curriculum for the 6th grade and have the ongoing option of purchasing additional Project SWELL curricula in existence and those in development. Future purchase requests would require payment of approximately \$10,750 per grade level to the City of San Diego's Think Blue fund (#105081). The funds would then be expended to San Diego Coastkeeper for the Licensing fee and customization of each curriculum. The fees would be deposited, appropriated and expended from the Think Blue Fund (#105081).

The Agreement will provide funding for payment to San Diego Coastkeeper for the Project SWELL Copyright and Licensing Fee, which provides water quality and environmental education for elementary school children throughout San Diego in accordance with the requirements of The Municipal Permit (Order No. 2007-0001).

FISCAL CONSIDERATIONS:

The City will accept Copyright and Licensing Fees from the City of Oceanside, appropriate and expend funds into and from the Think Blue Fund (#105081) in the amount of \$10,750 for the 6th grade curricula. The fees would be used to reimburse San Diego Coastkeeper for costs incurred in the preparation and customization of the specific curricula per the Project SWELL Copyright and Licensing Agreement between the City of San Diego, San Diego Coastkeeper and the City of Oceanside.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution No. R-301830 was adopted by the Council on April 7, 2006, for Project SWELL (Stewardship: Water Education for Lifelong Leadership) Copyright Assignment and Agreement with San Diego Coastkeeper. Resolution # RR-301830 was adopted by Council on August 15, 2006, authorizing SWPP Division to enter into a Copyright and Licensing Fee agreement and to accept funds for Project SWELL 5th Grade Curriculum from the City of Oceanside.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

San Diego Coastkeeper is actively promoting the Project SWELL curricula in the community and via their website at www.sdcoastkeeper.org to raise contributions and solicit partnerships in order to fund Project SWELL development costs. The City of San Diego has information about Project SWELL curricula posted on the Think Blue website at: www.ThinkBlue.org.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

City of San Diego, San Diego Coastkeeper and the City of Oceanside.

Sierra/Haas

Staff: Chris Zirkle - (619) 525-8644
Frederick M. Ortlieb - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:32 a.m.)

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

- * ITEM-105: Cooperative Agreement with the National Park Service Rivers, Trails & Conservation Assistance Program and Budget Amendment with State Department of Water Resources.

(City Heights-Eastern, Southeastern San Diego, Encanto, and Barrio Logan Community Areas. Districts 3, 4, 7, and 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1155 Cor. Copy 2) ADOPTED AS RESOLUTION R-302686

Authorizing the Mayor, or designee, for and on behalf of the City, to execute a Cooperative Agreement between the City of San Diego and the National Park Services for the acceptance of \$85,000 in grant funds for Chollas Creek South Branch Phase One Implementation (Project), under the terms and conditions set forth in the Agreement;

Authorizing the Mayor, or designee, to take all necessary actions to secure funds from the National Park Service for the Project;

Authorizing the City Auditor and Comptroller to establish an interest-bearing fund for the receipt of the grant funds;

Amending the Fiscal Year 2008 Capital Improvements Program Budget by increasing CIP-37-446.0, Chollas Creek South Branch Phase One Implementation, Fund No. 38232, National Park Service Chollas Creek Grant by \$85,000, contingent upon receipt of a fully executed grant agreement;

Authorizing the appropriation and expenditure of an amount not to exceed \$85,000 from CIP-37-446.0, Chollas Creek South Branch Phase One Implementation, Fund No. 38232, National Park Service Chollas Creek Grant, contingent upon receipt of a fully executed grant agreement, and provided that 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 designee, to extend the term of an existing agreement with the State of California Department of Water Resources under the Urban Creek Restoration and Flood Control Act to use the remaining \$165,000 in grant funds from that agency;

Authorizing the Mayor to execute, for and on behalf of the City, an agreement in an amount not to exceed \$250,000 with Groundwork San Diego, for the purpose of administering and completing the stream restoration at 38th and Alpha Streets, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$250,000 from CIP-37-446.0, Chollas Creek South Branch Phase One Implementation, for the purpose of providing funds for the purpose of administering and completing the stream restoration at 38th and Alpha Streets, contingent upon the City Auditor and Comptroller first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(3) ("Not a Project") as defined by the State CEQA Guidelines Section 15378.

STAFF SUPPORTING INFORMATION:

The City of San Diego has been designated a Groundwork USA Pilot Community and is now eligible to receive funding from the Environmental Protection Agency's (EPA) Brownfields Program. To build on their commitment to improve green space opportunities and reclaim Brownfield's for community benefit and economic redevelopment, the City convened the Groundwork San Diego-Chollas Creek Steering Committee representing citizens, neighborhood groups, businesses, nonprofits, civic groups and the City to oversee the implementation of the Chollas Creek Enhancement Program. Based on the completion of a feasibility study and strategic plan, the City, National Park Service (NPS), EPA and the Groundwork San Diego Steering Committee deemed the Groundwork model to be appropriate and endorsed the establishment of Groundwork San Diego.

The objective of this Cooperative Agreement is to support the development of Groundwork San Diego and its projects and programs that facilitate community led conservation and stewardship of parks, natural areas and other public lands, brown field remediation and green space improvements.

Additionally, in 2003, the City of San Diego received funding in the amount of \$362,000 from the State of California Department of Water Resources under their Urban Streams Restoration Program to implement demonstration stream restoration projects at two segments of Chollas Creek in Southeastern San Diego: 38th and Alpha and Euclid and Market Streets., pursuant to the adopted Chollas Creek Enhancement Program. Approximately \$165,000 remains from this grant and the City of San Diego wishes to contract with Groundwork San Diego to expend these funds on additional stream restoration at the 38th and Alpha site.

FISCAL CONSIDERATIONS:

Funding for the \$250,000 Groundwork San Diego, will be provided through two sources. The National Park Service will provide administrative funding to Groundwork San Diego in the amount of \$85,000 through this Cooperative Agreement and the State of California Department of Water Resources will provide continued program funding in the amount of \$165,000.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On January 28, 2003, the City Council adopted Resolution number R-297569, giving the City Manager the authority to apply for, accept and expend grant funds from the State of California Department of Water Resources, Urban Streams Restoration Program in order to implement the Chollas Creek Enhancement Program. The grant was for \$362,000 of which \$165,000 remains unspent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Prior to applying for the initial grant of \$362,000 in 2002, numerous meetings were held with the Southeastern San Diego Planning Committee and the Southcrest Recreation Council to develop plans for a wetlands restoration project along a segment of Chollas Creek at 38th and Alpha. Subsequently and more recently, additional meetings have been held with the Southcrest Recreation Council and residents in the vicinity of 38th and Alpha to develop plans and priorities for the remaining \$165,000 in grant funds.

KEY STAKEHOLDERS & PROJECTED IMP ACTS (if applicable):

Key Stakeholders: Groundwork San Diego, Southcrest Recreation Council, City of San Diego Park and Recreation Department, property owners, Southeastern Economic Development Corporation and residents near 38th and Alpha.

PROJECTED IMPACTS:

Revegetation with native plants of the area near Chollas Creek streambank. An area between two trails previously planted but washed out in winter rains plus provision of fencing along southern edge of park to reduce dumping of debris and large objects.

Anderson/Waring

Aud. Cert. 2700739.

Staff: Scott Kessler - (619) 236-6405
Andrea Contreras Dixon - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:32 a.m.)

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

* ITEM-106: Coastal Low Flow Diversion Program – La Jolla Ecological Reserve Area of Special Biological Significance (ASBS 29).

(La Jolla Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1094) ADOPTED AS RESOLUTION R-302687

Amending the Fiscal Year 2007 Capital Improvement Program Budget by adding CIP-12-160.0, La Jolla Ecological Reserve Area of Special Biological Significance (ASBS 29)(Project).

Amending the Fiscal Year 2007 Capital Improvements Program Budget for CIP-12-160.0, La Jolla Ecological Reserve Area of Special Biological Significance (ASBS 29), Fund No. 630221, by increasing the budget amount by \$920,000.

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$920,000 from Fund No. 100, General Services, Storm Water Pollution Prevention Division Operating Fund to CIP-12-160.0, La Jolla Ecological Reserve Area of Special Biological Significance (ASBS 29), Fund No. 630221, Contributions from 100 Fund, for the purpose of funding the Project.

Authorizing the appropriation and expenditure of an amount not to exceed \$920,000 from CIP-12-160.0, Fund No. 630221, solely and exclusively, for the purpose of providing funds for the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer.

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

Declaring that this activity is not a "project" and is therefore exempt from CEQA pursuant to State Guidelines Section 15060(c)(2).

STAFF SUPPORTING INFORMATION:

The goal of the La Jolla Ecological Reserve Area of Special Biological Significance (ASBS 29) is to address stringent storm drain discharge water quality standards required by the California Ocean Plan's Areas of Special Biological Significance requirements in the La Jolla Shores area. The State Water Resources Control Board (State Board) has designated the La Jolla Ecological Reserve Area of Special Biological Significance (ASBS 29), located along La Jolla Shores, as one of thirty-four Areas of Special Biological Significance (ASBS), considered to be the most valuable coastal waters in the State. The federal Clean Water Act requires coastal states to have and routinely update an Ocean Plan for maintenance of water quality standards. The Ocean Plan (and State Board) has prohibited storm water waste discharges (dry and wet weather runoff) to ASBS No. 29.

The UC Regents-University of California San Diego (UCSD), the City of San Diego and San Diego Coastkeepers are partnering on a long-term program to implement Best Management Practices (BMPs) to control non-storm water discharges and reduce or eliminate pollutant sources that drain into both the San Diego La Jolla Ecological Reserve (ASBS 29) and the San Diego Marine Life Refuge (ASBS 31) as designated by the State Water Resources Control Board.

The City of San Diego has 17 storm drain system outfalls that discharge directly into ASBS 29. Seven of the outfalls have diversion systems in place and send low flows to the sanitary sewer system. Staff performed field surveys and documented that there are four additional outfalls that have flows during dry weather periods. This project will address three of the four outfalls that have continuous discharges into the ASBS. The remaining six outfalls were documented to have no dry weather flows; however, these outfalls would convey pollutants to the ASBS if an upstream sewage spill or wash down occurs. City staff continues to apply for additional grant funding that would construct a low flow diversion at the last outfall that has flow to the ASBS.

FISCAL CONSIDERATIONS:

The Storm Water Pollution Prevention Division's Fiscal Year 2007 approved budget includes \$920,000 for La Jolla Ecological Reserve Area of Special Biological Significance (ASBS 29). Funds in the amount of \$920,000 for this action are available in Fund 100, General Services, Storm Water Pollution Prevention Division Operating Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Approved Fiscal Year 2007 budget for Storm Water Pollution Prevention Division.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Storm Water Pollution Prevention Division will be offering stakeholder participation and public outreach support to the Engineering and Capital Projects Department staff. City staff will involve community members and all other affected City departments and agencies in the design of the project.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key Stakeholders: City of San Diego, Community of La Jolla, UC Regents-UCSD, San Diego Coastkeepers, California SWRCB.

Projected Impacts: The approval of this action will allow the City to begin the community and stakeholder outreach, project design, and eventually construction of improvements to address La Jolla Ecological Reserve Area of Special Biological Significance (ASBS 29) as required in the California Ocean Plan.

Boekamp/Haas

Aud. Cert. 2700709.

Staff: Dave Zoumaras - (619) 533-3138
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:32 a.m.)

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

* ITEM-107: Grant from California State Library Services and Technology Act (LSTA) for San Diego SchoolRoom Project.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1023) ADOPTED AS RESOLUTION R-302688

Authorizing the Mayor, or his designee, to apply for, accept, appropriate and expend Library Services and Technology Act grant funds from the California State Library for Fiscal Year 2007, 2008, and 2009 for the purpose of implementing the San Diego SchoolRooms project;

Authorizing the City Auditor and Comptroller to establish a fund for the purpose of handling accounting for the revenue and expenditures of Library Services and Technology Act grant funds for the San Diego SchoolRooms Project;

Authorizing the Mayor, or his designee, to submit all documents, negotiate, and execute all agreements necessary, including any amendments, to comply with the grant requirements, and to carry out and administer all obligations, responsibilities, and duties under the grant.

STAFF SUPPORTING INFORMATION:

The Library Services and Technology Act (LSTA) is a federal grant program administered in California by the State Library. Each year the State Library awards grants on a competitive basis, and the Library Department has regularly and successfully applied for and received LSTA grants. The Library has limited funding for programs and community outreach in the General Fund budget. LSTA grants allow the Library to produce projects that involve the community and enrich their lives. The "San Diego SchoolRooms Project" provides an important resource to students in San Diego to assist in the successful completion of homework assignments, which in turn is critical to academic achievement.

The Library Department proposes to implement an online resource for students called the SchoolRooms system, which has been developed by Sirsi/Dynix, the provider of the department's integrated library system.

The software creates a portal to online resources and services to meet the homework assistance needs of San Diego students and their parents. The project will significantly enhance the capacity of the Library to offer tested, relevant resources to students completing homework assignments. The specific objectives of the project are to: 1) provide access for students in San Diego, to a K-12 online portal through the San Diego Public Library which will allow students to search libraries, interactive educational media and the Web to find resources hand-selected by educators to meet the needs of these students; 2) provide such access to approximately 130,000 students annually; 3) encourage the utilization by students of other resources available to them for homework help through the San Diego Public Library; and 4) evaluate the effectiveness of the portal in helping students accomplish homework goals.

FISCAL CONSIDERATIONS:

Through the LSTA grant, the Library Department will apply for \$133,000 in FY 2007 from the California State Library to lease the SchoolRooms homework assistance program from SIRSI/Dynix. The Library Department will apply for additional funds in FY 2008 and 2009 to continue the program. Stafftime to implement the program will be provided as in-kind services by the Library Department.

PREVIOUS COUNCIL COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The San Diego Unified School District (the District) has entered into an agreement with the San Diego Public Library to market the SchoolRooms resource to principals, teachers, and students in the District. The service will also be marketed utilizing the various community publications and Web sites hosted by the Library.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

The primary stakeholders for the San Diego SchoolRooms Project are students in the San Diego Unified School District. However, the resource will be available to all holders of City library cards. Therefore it is also anticipated that the resource will be used by parents who seek guidance in helping their children complete homework assignments. Sirsi/Dynix is an additional stakeholder, along with the San Diego Public Library and California State Library.

Tatar/Kummerman

Staff: Carol Young - (619) 236-5889
Catherine M. Bradley – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:32 a.m.)

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

* ITEM-108: Department of Homeland Security-Federal Emergency Management Agency's (FEMA) Assistance to Firefighters Grant.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1105) ADOPTED AS RESOLUTION R-302689

Authorizing the Mayor, or his representative, to make application to the Department of Homeland Security – FEMA’s U.S. Fire Administration for \$1,431,700 from the Assistance to Firefighters Grant Program for the acquisition of a fully equipped Type I Heavy Rescue Apparatus;

Authorizing the Mayor, or his representative, to take all necessary actions to secure grant funding from the Department of Homeland Security - FEMA's U.S. Fire Administration for a fully equipped Type I Heavy Rescue Apparatus;

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

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the grant.

STAFF SUPPORTING INFORMATION:

The U.S. Fire Administration administers the Assistance to Firefighters Grant Program for the Department of Homeland Security, Federal Emergency Management Agency. The intent of this program is to provide grant funding to local fire departments to protect the public and firefighting personnel from fire and to effectively respond to an all-hazards environment.

This action authorizes the Mayor to pursue grant funding through the Federal Emergency Management Agency's U.S. Fire Administration for the purchase of a fully equipped Type I Heavy Rescue Apparatus.

The County of San Diego covers 4,255 square miles with a resident population of 2,813,833. Yet, there is only one Type I Heavy Rescue unit south of Riverside, and that vehicle is located in Chula Vista. In the event of a medium to large-scale incident, the City of San Diego, as well as San Diego County, lacks sufficient rescue capability to respond effectively.

The primary mission of a Type I Heavy Rescue unit is the search, rescue/extrication and initial medical stabilization of trapped victims. Structural collapse is most often the cause of the entrapment of victims, but victims may also be trapped in transportation accidents, mines, collapsed trenches and on cliffs. This asset may also be needed for a variety of emergencies or disasters, including earthquakes, storms, floods, dam failures, or terrorist events. This heavy rescue apparatus will be approximately 36 feet long, carry up to six firefighters and include an extensive inventory of equipment. Staffed with personnel trained in the techniques required to

conduct rescue operations, and equipped with the necessary tools and equipment, this apparatus would be available on a 24/7 basis. Adding a Type I Heavy Rescue unit to San Diego Fire-Rescue will significantly enhance the City's response capability, ultimately improve service delivery and provide for the overall safety of firefighters and the community.

FISCAL CONSIDERATIONS:

If the grant is approved and secured, the City would receive \$1,145,360 from the Department of Homeland Security, Federal Emergency Management Agency. Total project cost is \$1,431,700. The required match for the grant is 20% of the total project cost, which would be \$286,340. The Department will pursue other grants to use as matching funds.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

If awarded the grant and once the heavy rescue unit is placed into service, San Diego Fire-Rescue will conduct an outreach effort to include the media and key stakeholders.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders include the City of San Diego, citizens and visitors in San Diego, as well as San Diego firefighters. Additionally, the residents, visitors and firefighters of San Diego County and the cities within San Diego County are key stakeholders.

Jarman/Olen

Staff: Monica Orton - (619) 533-4304
William J. Gersten - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:32 a.m.)

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

* ITEM-109: Ratification of the 2007 Barrio Logan Project Area Committee (PAC) Election.

(Barrio Logan Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1140) ADOPTED AS RESOLUTION R-302690

Approving the persons elected as members of the Project Area Committee for the Barrio Logan Redevelopment Project, as noted by the City Clerk's verification of the election results of May 17, 2007;

Declaring the Council concurs that the election results of May 16, 2007 are valid and binding in accordance with the procedures adopted by Resolution No. R-296209;

Declaring this activity is not a "project" and is therefore not subject to CEQA pursuant to the State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The Formation Procedures for the Barrio Logan Redevelopment PAC is the primary document that provides a framework to administer the PAC's annual elections. On December 8, 2003, the City Council approved with Resolution No. R-298704, the amendments to the Formation Procedures for the Barrio Logan Redevelopment Project Area Committee (Procedures). The amended Procedures required that the City Council direct Redevelopment Agency staff to notice and conduct the annual elections. With the authorization of City Council, R-302555, adopted April 24, 2007, Redevelopment Agency Staff noticed and conducted the May 16, 2007 Barrio Logan PAC elections. Seven (7) out of the thirteen (13) seats of the Barrio Logan PAC were vacant and available to be filled at the election. The council has previously ratified the annual PAC election results (1990 through 2006) in accordance with the Barrio Logan PAC Formation Procedures.

The PAC annual election was held on May 16, 2007, to fill seven (7) vacancies on the PAC. The vacant categories included: Three (3) - Business Owners, Two (2) - Residential Tenants, One (1) - Residential Owner-Occupant, and One (1) - Community Organization.

The results of the May 16, 2007 PAC Election are listed in Exhibit A.

FISCAL CONSIDERATIONS:

None with this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

With the authorization of City Council, R-302555, adopted April 24, 2007, Redevelopment Agency staff noticed and conducted the May 16, 2007 Barrio Logan PAC elections.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Election Notices for the May 16, 2007 PAC Election were posted in four places within the Project Area. The San Diego Community College District Continuing Education Campus (Cesar Chavez Campus in Barrio Logan), Logan Heights Family Health Center, Perkins Elementary School and Barrio Station. In addition, the Election Notice was posted on the Redevelopment Division's website as well as mailed to all residents and property owners in the Project area.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Barrio Logan Community.

Weinrick/Waring

Staff: Sam Johnson - (619) 236-6265
Carol A. Leone - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:32 a.m.)

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

ITEM-110: Settlement of Property Damage Claims of Fairway Views, L.L.C. and La Jolla Country Club.

(District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1104) ADOPTED AS RESOLUTION R-302691

A Resolution approved by the City Council in Closed Session on Tuesday, March 27, 2007, by the following vote: Council President Peters-not present; Faulconer-yea; Atkins-yea; Council President Pro Tem Young-not present; Maienschein-yea; Frye-yea; Madaffer-yea; Hueso-yea;

Authorizing the Mayor, or his designee, to pay from the Water Utility Fund in an amount not to exceed \$70,116.73, \$34,966.90 to Fairway Views L.L.C. and \$35,149.83 to La Jolla Country Club, a Mutual Benefit Nonprofit Corporation, in settlement of each and every claim against the City, its agents and employees, resulting from their property damage claims arising out of a water main break;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$34,996.90 payable to Fairway Views L.L.C. and one check in the amount of \$35,149.83 payable to La Jolla Country Club, a Mutual Benefit Nonprofit Corporation;

Declaring this activity is not a project and therefore is exempt from CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all claims brought by Fairway Views L.L.C. and La Jolla Country Club.

FISCAL CONSIDERATIONS:

Settlement will be paid from the Water fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The City Council voted in Closed Session on March 27, 2007, in the matter of Fairway Views L.L.C. and La Jolla Country Club v. City of San Diego to authorize settlement of the claims in the amount of \$34,996.90 and \$35,149.83 with a motion by Councilmember Frye - a second by Councilmember Madaffer. The item passed 6 to 0 with Council President Pro Tem Young and Council President Peters absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A.

Byche/Goldstone

Aud. Certs. 2700671 and 2700672.

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

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:33 a.m.)

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

* ITEM-111: Settlement of Personal Injury Claim of Robert C. Cervantes.

(District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1151) ADOPTED AS RESOLUTION R-302692

A Resolution approved by the City Council in Closed Session on Tuesday, April 17, 2007, by the following vote: Council President Peters-yea; Faulconer-not present; Atkins-yea; Council President Pro Tem Young-yea; Maienschein-not present; Frye-yea; Madaffer-not present; Hueso-yea;

Authorizing the sum of \$100,000 to be paid from the Public Liability Fund (81140) in settlement of each and every claim against the City, its agents and employees, arising from the Litigation;

Authorizing the City Auditor and Comptroller to issue a check in the amount of \$100,000 payable to Robert Reynolds Attorney Client Trust Account.

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all claims brought by Robert C. Cervantes.

FISCAL CONSIDERATIONS:

Settlement will be paid from the Public Liability Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This item was considered in Closed Session on April 17, 2007 the City Council approved the settlement amount of \$100,000. City Council voted 5-0 to approve. The motion was made by Council President Pro Tem Young with a second by Council President Peters. Councilmembers Faulconer, Madaffer, and Maienschein were absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A.

Byche/Goldstone

Aud. Cert. 2700760.

Staff: Leroy Hostetler - (619) 236-6619
Jane M. Boardman - Deputy City Attorney

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:32 a.m.)

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

* ITEM-112: Tom Romstad Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1098) ADOPTED AS RESOLUTION R-302693

Commending Tom Romstad for his passionate commitment to City planning and redevelopment and thanking him for his dedication to the City of San Diego;

Proclaiming May 11, 2007, to be "Tom Romstad Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:32 a.m.)

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

* ITEM-113: Richard Leja Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1138) ADOPTED AS RESOLUTION R-302694

Commending and thanking Richard Leja for his commitment to the City of San Diego;

Proclaiming June 1, 2007, to be "Richard Leja Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:32 a.m.)

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

* ITEM-114: North Park Family Health Center Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1137) ADOPTED AS RESOLUTION R-302695

Commending the North Park Family Health Center for its passionate commitment to providing quality health care to San Diegans who are uninsured and underserved;

Proclaiming May 30, 2007, to be "North Park Family Health Center Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:32 a.m.)

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

* ITEM-115: Dian Black Day.

**COUNCILMEMBER FRYE’S AND COUNCILMEMBER MADAFFER’S
RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1141) ADOPTED AS RESOLUTION R-302696

Proclaiming June 5, 2007, to be “Dian Black Day” in the City of San Diego and commending Dian for the countless hours of community volunteer work that she has given the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:32 a.m.)

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

- * ITEM-116: Excusing Councilmember Madaffer from Attending the Closed Session and City Council Meetings of June 18, June 19, and June 25, 2007.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1148) ADOPTED AS RESOLUTION R-302697

Excusing Councilmember Jim Madaffer from attending the regularly scheduled City Council and Closed Session meetings of June 18, June 19, and June 25, 2007.

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

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:32 a.m.)

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

- * ITEM-117: Excusing Councilmember Madaffer from Attending the May 16, 2007 Budget Review Committee Meeting.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1097) ADOPTED AS RESOLUTION R-302698

Excusing Councilmember Jim Madaffer from attending the regularly scheduled Budget Review Committee meeting of May 16, 2007.

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

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:32 a.m.)

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

* ITEM-118: Excusing Councilmember Madaffer from Attending the Budget and Finance Committee Meeting of June 20, 2007.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1149) ADOPTED AS RESOLUTION R-302699

Excusing Councilmember Jim Madaffer from attending the regularly scheduled Committee on Budget and Finance meeting of June 20, 2007.

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

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:32 a.m.)

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

* ITEM-119: 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-2007-861) ADOPTED AS RESOLUTION R-302700

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: 10:24 a.m. – 10:32 a.m.)

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

* ITEM-120: 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-2007-878) ADOPTED AS RESOLUTION R-302701

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: 10:24 a.m. – 10:32 a.m.)

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



ITEM-330: 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, May 14, 2007, Item S400, and May 22, Item S500, last continued at the request of Councilmember Faulconer, to allow KPMG to be present.)

CITY AUDITOR AND COMPTROLLER'S RECOMMENDATION:

Take the following actions:

(R-2007-1133 Cor. Copy) ADOPTED AS RESOLUTION R-302703

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: MEET

COUNCIL ACTION: (Time duration: 11:05 a.m. - 11:56 a.m.
2:11 p.m. - 2:39 p.m.)

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



ITEM-331: Amendments to the San Diego Municipal Code Eliminating the Surplus Undistributed Earnings (“Waterfall”) as Codified in San Diego Municipal Code Section 24.1502 and as Referred to in Sections 24.1501, 24.1503, 24.1504, and 24.1507, all relating to the City Employees’ Retirement System.

(See Report from the City Attorney dated 2/2/2007; memorandum from Mayor Sanders and Council President Peters dated April 5, 2007; and Independent Budget Analyst Reports No. 07-05, 07-26, and 07-43.)

(Continued from the meetings of April 10, 2007, Item 332, April 17, 2007, Item S500, May 1, 2007, Item 331, and May 14, 2007, Item 200, last continued at the request of the City Attorney, for further review.)

CITY COUNCIL’S RECOMMENDATION:

Adopt the following ordinance which was introduced on 3/5/2007, Item 203. (Council voted 8-0):

(O-2007-93) RETURNED TO THE CITY ATTORNEY

Amending Chapter 2, Article 4, Division 15, of the San Diego Municipal Code, by repealing Section 24.1502, and amending Sections 24.1501, 24.1503, 24.1504, and 24.1507, all relating to the “Waterfall”.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:47 p.m. - 4:36 p.m.)

MOTION BY MADAFFER TO RETURN TO THE CITY ATTORNEY AND TO BRING BACK THE ITEM WITH ALTERNATE LANGUAGE CONSISTENT WITH THE INDEPENDENT BUDGET ANALYST'S AND SAN DIEGO CITY EMPLOYEES' RETIREMENT SYSTEM'S RECOMMENDATIONS. 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-332: Appointment of Clyde L. Fuller to the Ethics Commission.

(See memorandum from Mayor Sanders dated 4/30/2007.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1131) ADOPTED AS RESOLUTION R-302683

Council confirmation of the appointment by the Mayor of the City of San Diego of Clyde L. Fuller, to serve as a member of the San Diego Ethics Commission, for a term ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Clyde L. Fuller (Pacific Beach, District 2) (Replacing April Riel, who has resigned) (Category-candidate for elective Office/Republican)	June 30, 2009

FILE LOCATION: MEET

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

MOTION BY FAULCONER 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-333: Nomination to the San Diego Unified Port District Board of Commissioners.

(See memorandum from Councilmember Faulconer, Councilmember Atkins, Councilmember Madaffer, and Councilmember Hueso dated 5/2/2007.)

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1025) ADOPTED AS RESOLUTION R-302704

Confirming the appointment of Laurie J. Black, to the San Diego Unified Port District Board of Commissioners, for a term ending January 2, 2009:

<u>NAME</u>	<u>TERM ENDING</u>
Laurie J. Black (Mission Hills, District 2) (Replacing Victor Vilaplana, who resigned)	January 2, 2009

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:11 p.m.)

MOTION BY FAULCONER TO CONFIRM THE APPOINTMENT OF LAURIE J. BLACK. 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-334:](#) Affordable Housing Fund FY 2008 Annual Plan.

(See San Diego Housing Commission Report No. CC07-001. Citywide.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1144 Rev.) ADOPTED AS AMENDED AS RESOLUTION
R-302705

Approving the San Diego Affordable Housing Fund Fiscal Year 2008 Annual
Plan.

SUPPORTING INFORMATION:

In June 2003, the San Diego City Council revised Municipal Code Chapter 9, Article 8, Division 5 to create an Affordable Housing Fund (AHF). The AHF is a permanent and annually renewable source of revenue to meet part of the housing needs of the City's very low, low, and median income households. The AHF is composed of both the Inclusionary Housing Fund (IHF) and the San Diego Housing Trust Fund (HTF). Section 98.0507 of the Municipal Code requires that each year an AHF Annual Plan be prepared that describes the programs to be funded, the intended beneficiaries of the programs, and the anticipated revenues and allocation of those revenues, including the amount of funds budgeted for administrative expenses, exclusive of legal fees.

Geographic Distribution Update

The AHF FY08 Annual Plan proposes changing guidelines regarding the investment of Inclusionary Housing In-Lieu fees. The Housing Commission currently has authority to invest Inclusionary Housing In-Lieu funds in the Community Planning Area (CPA) of origin, or within 3 miles of CPA origin (and within the same Council District). For projects that are more than 3 miles from the CPA of origin or outside the Council District of origin, fund investment is to be approved by the City Council, acting as the Housing Authority.

However, affordable housing projects have not been proposed in all CPAs and most CPAs do not have sufficient funding to support possible projects without additional subsidy. The proposed guidelines will allow funds to be invested citywide consistent with other funding programs. The recommended changes will ensure that funds are utilized in a timely manner and in response to project funding demands.

The Housing Commission will continue to support balanced communities by offering incentives to developers who build in areas of the City where resident income is higher and typically have fewer affordable housing units. In addition, the Housing Commission will give funding priority to developers who have projects in CPAs with available Inclusionary Housing Funds. Currently, projects located in the CPAs of Carmel Valley, Centre City, Linda Vista, Mission Valley, and University City would receive funding priority over other project applications.

FISCAL CONSIDERATIONS:

The AHF Annual Plan budget for FY08 is \$12,304,148 which is comprised of HTF and IHF estimated revenues and is incorporated into the Housing Commission's approved FY08 Budget.

The City Council can redirect the distribution of funds among housing activities or modify specific model programs. However, any redistribution of funds would be subject to the Affordable Housing Fund Ordinance requirements and limitations regarding the percentage of funds that can be allocated to benefit recipients with very low, low, and median incomes.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Housing Commission staff attended community group meetings in Kensington-Talmadge, Encanto, Mission Valley, and the Community Planners Committee during April and May to solicit and collect suggestions on the programs to be funded by the Affordable Housing Fund. All comments and suggestions were considered in the preparation of the AHF Annual Plan.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

The beneficiaries of the AHF programs are low to median-income households in the City of San Diego. Residential developers and financial institutions may also be impacted by program changes. Should all anticipated FY08 revenues be collected and allocated as proposed, the estimated affordable housing production impact would be: 1) 400 transitional housing beds and 175 permanent supportive housing units for very low-income, formerly homeless individuals and families; 2) 120 loans and grants to very low-income home owners for rehabilitation and preservation of single family homes and mobile homes; 3) 10 low-income homebuyers assisted; 4) 35 median-income condo conversion renters assisted in buying; 5) 50 rental units created for very low and low income families; 6) 20 units created to provide permanent or transitional housing for extremely low-income persons with special needs.

Fisher/Morris

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:42 p.m. - 5:14 p.m.)

MOTION BY ATKINS TO ADOPT THE RESOLUTION AS AMENDED TO INCLUDE HIGHER PRIORITY ON MOBILE HOME PARKS. AND DIRECT STAFF TO PROVIDE A SEMI-ANNUAL FUNDING REPORT TO BE DOCKETED ON THE HOUSING AUTHORITY AGENDA. 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-335: Seventeen actions related to Acquisition of Real Properties for Seventeen Redevelopment Project Areas in Compliance with Health & Safety Code Section 33342.7 (SB 53).

(See Report to the City Council No. 07-096. Barrio Logan, Centre City, Clairemont Mesa, College Area, Greater North Park, Kensington-Talmadge, Linda Vista, Mid-Cities, Midway/Pacific Corridor, Mission Valley, Navajo, Old Town, Otay Mesa/Nestor, Peninsula, San Ysidro, Skyline-Paradise Hills, Southeastern San Diego, Tierrasanta, and Uptown Planning Community Areas. Districts 2, 3, 4, 6, 7, and 8.)

STAFF'S RECOMMENDATION:

Introduce the following ordinances:

Subitem-A: (O-2007-138) INTRODUCED; TO BE ADOPTED
TUESDAY, JUNE, 19, 2007

Introduction of an Ordinance describing the City of San Diego Redevelopment Agency's program to acquire property within the Barrio Logan Redevelopment Project Area by eminent domain;

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

Subitem-B: (O-2007-139) INTRODUCED; TO BE ADOPTED
TUESDAY, JUNE, 19, 2007

Introduction of an Ordinance describing the City of San Diego Redevelopment Agency's program to acquire property within the Central Imperial Redevelopment Project Area by eminent domain;

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

Subitem-C: (O-2007-140) INTRODUCED; TO BE ADOPTED
TUESDAY, JUNE, 19, 2007

Introduction of an Ordinance describing the City of San Diego Redevelopment Agency's program to acquire property within the Centre City Redevelopment Project Area by eminent domain;

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

Subitem-D: (O-2007-141) INTRODUCED; TO BE ADOPTED
TUESDAY, JUNE, 19, 2007

Introduction of an Ordinance describing the City of San Diego Redevelopment Agency's program to acquire property within the City Heights Redevelopment Project Area by eminent domain;

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

Subitem-E: (O-2007-142) INTRODUCED; TO BE ADOPTED
TUESDAY, JUNE, 19, 2007

Introduction of an Ordinance describing the City of San Diego Redevelopment Agency's program to acquire property within the College Community Redevelopment Project Area by eminent domain;

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

Subitem-F: (O-2007-143) INTRODUCED; TO BE ADOPTED
TUESDAY, JUNE, 19, 2007

Introduction of an Ordinance describing the City of San Diego Redevelopment Agency’s program to acquire property within the College Grove Redevelopment Project Area by eminent domain;

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

Subitem-G: (O-2007-144) INTRODUCED; TO BE ADOPTED
TUESDAY, JUNE, 19, 2007

Introduction of an Ordinance describing the City of San Diego Redevelopment Agency’s program to acquire property within the Crossroads Redevelopment Project Area by eminent domain;

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

Subitem-H: (O-2007-145) INTRODUCED; TO BE ADOPTED
TUESDAY, JUNE, 19, 2007

Introduction of an Ordinance describing the City of San Diego Redevelopment Agency’s program to acquire property within the Gateway Center West Redevelopment Project Area by eminent domain;

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

Subitem-I: (O-2007-146) INTRODUCED; TO BE ADOPTED
TUESDAY, JUNE, 19, 2007

Introduction of an Ordinance describing the City of San Diego Redevelopment Agency's program to acquire property within the Grantville Redevelopment Project Area by eminent domain;

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

Subitem-J: (O-2007-147) INTRODUCED; TO BE ADOPTED
TUESDAY, JUNE, 19, 2007

Introduction of an Ordinance describing the City of San Diego Redevelopment Agency's program to acquire property within the Horton Plaza Redevelopment Project Area by eminent domain;

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

Subitem-K: (O-2007-148) INTRODUCED; TO BE ADOPTED
TUESDAY, JUNE, 19, 2007

Introduction of an Ordinance describing the City of San Diego Redevelopment Agency's program to acquire property within the Linda Vista Shopping Center Redevelopment Project Area by eminent domain;

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

Subitem-L: (O-2007-149) INTRODUCED; TO BE ADOPTED
TUESDAY, JUNE, 19, 2007

Introduction of an Ordinance describing the City of San Diego Redevelopment Agency's program to acquire property within the Mount Hope Redevelopment Project Area by eminent domain;

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

**Subitem-M: (O-2007-150) INTRODUCED; TO BE ADOPTED
TUESDAY, JUNE, 19, 2007**

Introduction of an Ordinance describing the City of San Diego Redevelopment Agency’s program to acquire property within the North Bay Redevelopment Project Area by eminent domain;

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

**Subitem-N: (O-2007-151) INTRODUCED; TO BE ADOPTED
TUESDAY, JUNE, 19, 2007**

Introduction of an Ordinance describing the City of San Diego Redevelopment Agency’s program to acquire property within the North Park Redevelopment Project Area by eminent domain;

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

**Subitem-O: (O-2007-152) INTRODUCED; TO BE ADOPTED
TUESDAY, JUNE, 19, 2007**

Introduction of an Ordinance describing the City of San Diego Redevelopment Agency’s program to acquire property within the Naval Training Center Redevelopment Project Area by eminent domain;

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

Subitem-P: (O-2007-153) INTRODUCED; TO BE ADOPTED
TUESDAY, JUNE, 19, 2007

Introduction of an Ordinance describing the City of San Diego Redevelopment Agency's program to acquire property within the Southcrest Redevelopment Project Area by eminent domain;

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

Subitem-Q: (O-2007-154) INTRODUCED; TO BE ADOPTED
TUESDAY, JUNE, 19, 2007

Introduction of an Ordinance describing the City of San Diego Redevelopment Agency's program to acquire property within the San Ysidro Redevelopment Project Area by eminent domain;

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

STAFF SUPPORTING INFORMATION:

California Health & Safety Code Section 33342.7 (SB 53-Kehoe), which became law on January 1, 2007, requires a legislative body that adopted a redevelopment plan on or before January 1, 2007, to adopt an ordinance on or before July 1, 2007, describing the agency's program to acquire property by eminent domain.

Although all of the San Diego Redevelopment Agency's seventeen redevelopment plans already provide a description of the Agency's program for acquiring property by eminent domain, in an abundance of caution, the Agency's special legal counsel has recommended that, in order to comply with the requirements of the law, the City Council as legislative body adopt the requested ordinances restating each redevelopment plans' program for acquiring property by eminent domain.

Of the Agency's seventeen redevelopment project areas eleven currently have eminent domain authority, and the remaining six had eminent domain authority which has expired (Attachment 1). This action does not affect the substantive power of eminent domain or change what is currently provided in the seventeen redevelopment plans.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL ACTION: None.

COMMUNITY PARTICIPATION & PUBLIC OUTREACH EFFORTS:

Each of the Project Area Committees (PAC) were briefed on SB 53 and were requested to make a recommendation to the City Council. On April 3, 2007, the College Community PAC voted 8-0-0 to recommend the City Council adopt a draft ordinance to comply with SB 53. On April 10, 2007, the North Park PAC voted 6-0-1 to recommend the City Council adopt a draft ordinance to comply with SB 53. On April 11, 2007, the North Bay PAC voted 10-0-1 to recommend the City Council adopt a draft ordinance to comply with SB 53. On April 18, 2007, the Centre City Advisory Committee voted 20-0-0 to recommend the City Council adopt a draft ordinance to comply with SB 53. On April 18, 2007, the Centre City PAC voted 18-0-1 to recommend the City Council adopt a draft ordinance to comply with SB 53. On April 26, 2007, the Crossroads PAC voted 7-0-1 to recommend the City Council adopt a draft ordinance to comply with SB 53. On May 14, 2007, the City Heights PAC voted 12-3-0 to recommend the City Council adopt a draft ordinance to comply with SB 53.

Weinrick/Waring

Staff: Michael Fortney - (619) 236-6267
Huston Carlyle – Chief Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 5:14 p.m. - 5:25 p.m.)

MOTION BY ATKINS TO INTRODUCE THE ORDINANCES IN SUBITEMS A THROUGH Q. 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-336:](#) La Jolla Mesa Vista Underground Utility Assessment District.

(See Report to Council No. -07-094. La Jolla Community Plan Area. District 2.)

NOTE: Second Hearing will be held on July 23, 2007.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2007-1159) ADOPTED AS RESOLUTION R-302706

Adoption of a Resolution of the Council of the City of San Diego making findings on a petition requesting initiation of proceedings to form an assessment district and making appointments therein.

Subitem-B: (R-2007-1160) ADOPTED AS RESOLUTION R-302707

Adoption of a Resolution of the Council of the City of San Diego adopting a map showing the proposed boundaries of a proposed assessment district.

Subitem-C: (R-2007-1161) ADOPTED AS RESOLUTION R-302708

Adoption of a Resolution of the Council of the City of San Diego declaring intention to order the conversion of certain overhead electric and communications facilities to underground locations in a proposed assessment district; Declaring the improvements to be of special benefit; And describing the district to be assessed to pay the costs and expenses thereof and taking other actions in connection therewith.

Subitem-D: (R-2007-1162) ADOPTED AS RESOLUTION R-302709

Adoption of a Resolution of the Council of the City of San Diego preliminary approving the report of the assessment engineer related to an assessment district, setting the time and place for a public hearing and ordering the initiation of assessment ballot procedures for such assessment district.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTIONS:

In accordance with Council Policy 800-03, "Public Infrastructure Financing Assessment Districts and Community Facilities," a property owner petition containing a sufficient number of signatures was filed with the City to initiate assessment district proceedings for formation of the proposed La Jolla Mesa Vista Undergrounding Utilities Assessment District. The City Council is requested to adopt the resolutions that would begin the legislative action required to form the proposed district.

STAFF RECOMMENDATION:

Consider the resolutions to initiate the proceedings to form the LJMV.

EXECUTIVE SUMMARY: (ALSO SEE FULL STAFF REPORT)

Certain property owners within the La Jolla Mesa Vista (LJMV) neighborhood have expressed interest in forming a special assessment district where they would pay to underground their utilities by means of special assessments. In May 2006, at the request of property owners, City staff assisted in formulating a petition (the "Petition") to be circulated among the affected property owners requesting that district formation proceedings under the Municipal Improvement Act of 1913 be initiated on their behalf. The Petition contained a cost estimate for the project and a boundary map of the proposed district. This Petition was signed in favor of initiating formation proceedings by property owners representing 77% of the land area proposed to be assessed, exceeding the 75% level required pursuant to Council Policy 800-03.

As described in more detail in the full staff report for this item, the City's Surcharge Program is used to underground utilities for residential areas. The City's Master Plan for undergrounding currently estimates that the complete undergrounding of all residential areas will take approximately 50 years and currently estimates funding will not be allocated for the LJMV neighborhood until 2028.

The 1913 Act provides for a local agency to form an Assessment District to finance certain infrastructure, including the undergrounding of overhead utility lines, upon a successful petition signed by owners of property who want the improvement. If an Assessment District is formed, the City may levy assessments that can be utilized to directly fund the public improvements. Pursuant to the 1913 Act, the San Diego Improvement District Procedural Ordinance and other applicable provisions of state law, the assessments that are levied upon each parcel must be based upon the direct and special benefit received by the property. As required by the 1913 Act, the City hired a registered certified professional engineer (the "Assessment Engineer"), to prepare the Preliminary Engineer's Report.

This report, which is included as an attachment to the full staff report for this Item, includes the plans and specifications for the improvements, an estimate of the costs of the improvements and design and district formation costs, a diagram of the boundaries of the proposed LJMV District, and the apportionment of the total assessment to the parcels within the district, based on the special benefit each parcel would receive from the improvements.

If the proposed resolutions are adopted, a public hearing date would be set for July 23, 2007 on formation of the proposed district and ballots related to the proposed levy of assessment would be mailed to each property owner. At the public hearing, the City Council would receive public testimony and the City Clerk would count the returned ballots. The proceedings would be terminated by ballot protest from property owners representing more than fifty percent (50%) of the total proposed assessments on those parcels for which ballots have been returned. If there is no majority protest, the City Council may adopt a resolution confirming the proposed assessments. Notwithstanding the ballot results, the City Council retains final discretion in authorizing formation of the district.

FISCAL CONSIDERATIONS:

The estimated total project cost is \$1,070,412. In accordance with City Council Policy 600-08, the City Council has previously allocated \$380,000 towards the project. The 56 LJMV property owners within the proposed district will bear the remaining costs of the project, estimated at \$690,412. These costs will be apportioned to each property pursuant to the benefit apportionment methodology contained in the Engineer's Report for the proposed district. Based on the Engineer's Report, the average assessment per parcel would be approximately \$12,300. The table below provides a summary of the project costs (see full Staff Report for additional information):

Project Costs

Project Construction Cost	987,912
Design Cost	12,500
Assessment District Formation Costs*	<u>70,000</u>
Total Estimated Project Cost	\$1,070,412

Breakdown of Funding Sources:

City Contribution - FY 2005 City Council Allocation	280,000
City Contribution - FY 2006 Council Allocation	100,000
La Jolla Mesa Vista Assessment District	<u>\$690,412</u>
Total Estimated Project Cost	\$1,070,412

- Includes Assessment Engineer costs (\$26,500); outside legal counsel (\$15,000); and City staff costs –City Engineering & Capital Projects, Debt Management Department, and City Attorney's Office (\$25,000); and a contingency (\$3,500).

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

1) Allocation of Underground Conversion Projects for Fiscal Year 2005, Resolution R-300051, January 11, 2005, Managers Report 05-001, provided for \$280,000 in cost sharing for the LJMV project, and 2) Allocation of Underground Conversion Projects for Fiscal Year 2006, Resolution R-300572, June 21, 2005, Managers Report 05-149, provided for \$100,000 in cost sharing for the LJMV project.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

At the request of district proponents, Debt Management staff and the City Attorney's Office helped formulate the Petition that was circulated by a primary district proponent. In addition, on January 4, 2006 and January 25, 2007, the Underground Program Manager and the Debt Management Department, respectively, sent letters to the LJMV property owners providing information regarding the project and the proceedings being undertaken by the City. The Underground Program Manager met with the community at two different locales and times to provide information and answer questions regarding the underground process and information regarding the assessment district formation process. The Debt Management Department will send another letter to the LJMV property owners in late May, which would include updated information regarding the project and the proceedings.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Property owners within the proposed La Jolla Mesa Vista Underground Utility Assessment District. Business entities involved in the formation of the district include Bureau Veritas North America, Inc. (Assessment Engineer) and Best, Best and Krieger LLP (Outside Legal Counsel).

Goldstone/Kommi/Haas/Boekamp

LEGAL DESCRIPTION:

The proposed project would affect Lamplight Drive, Moonlight Lane, and Candlelight Drive all of which would be located in the developed public right of way. The proposed project is located in the La Jolla Community Plan.

NOTE: This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines, Section 15302(d), and Public Utilities Commission General Order 131-D, dated August 11, 1995.

Staff: Chuck Wilcox – (619) 533-4519
Jennifer Carroll – (619) 236-6946
Mark D. Blake – Chief Deputy City Attorney

FILE LOCATION: STRT-K-328 (38)

COUNCIL ACTION: (Time duration: 2:39 p.m. – 2:43 p.m.)

MOTION BY FAULCONER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, 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: 10:25 a.m. – 10:26 a.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 6:35 p.m. in honor of the memory of:

Ronald H. Kendrick as requested by Council Member Faulconer; and
Emery Kealiikane Kauanui as requested by Council President Peters.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 6:31 p.m. - 6:35 p.m.)