

THE CITY OF SAN DIEGO, CALIFORNIA
 MINUTES FOR REGULAR COUNCIL MEETING
 OF
 TUESDAY, JUNE 19, 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 10:01 a.m. with Council Member Madaffer not present. A presentation was given by Job Nelson from the Mayor's Office regarding updates on pending legislation at 10:44 a.m. Council President Peters recessed the meeting at 11:18 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:23 a.m. with Council Member Madaffer not present. Council President Peters recessed the meeting at 11:23 a.m. to convene the Housing Authority. Council President Peters reconvened the meeting at 12:02 p.m. with Council Member Madaffer not present. The meeting was adjourned by Council President Peters at 12:02 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:03 p.m. with Council Member Madaffer not present. The meeting was adjourned by Council President Peters at 2:34 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-Excused by R-302697; no reason given

(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-not 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: 10:21 a.m. – 10:23 a.m.)

PUBLIC COMMENT-2:

Joy Sunyata commented on the Winter Shelter for the homeless.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

PUBLIC COMMENT-3:

Al Strohleim commented on alcohol usage on public beaches on the 4th of July.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

PUBLIC COMMENT-4:

Daniel Coffey commented on the City Attorney budget.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-5:

Linda Warr commented on homelessness.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-6:

Verne Gammon commented on social and financial support for the homeless.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-7:

Steve Bruce commented on an annual world summit for children.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-8:

Chris Christensen commented on condominium conversions.

FILE LOCATION: AGENDA

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

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Frye commented on CS-1 from the Closed Session meeting on Monday, June 18, 2007

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:12 a.m. – 10:14 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

APPROVED

Approval of Council Minutes for the meetings of:

04/30/2007
05/01/2007

FILE LOCATION: MINUTES

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

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



ITEM-31: Brian Bennett Day.

MAYOR SANDERS' AND COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1206) ADOPTED AS RESOLUTION R-302741

Recognizing and saluting Brian Bennett for his invaluable service to the citizens of the City of San Diego and proclaiming June 19, 2007 to be “Brian Bennett Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:07 a.m.)

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

ITEM-32: Marc Sorensen Day.

COUNCILMEMBER MAIENSCHHEIN’S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1027) ADOPTED AS RESOLUTION R-302742

Proclaiming June 19, 2007, to be “Marc Sorenson Day” in the City of San Diego in recognition of the many community services that he has provided to the citizens of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:08 a.m. – 10:11 a.m.)

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

- * ITEM-50: Aztec Budget Inn Redevelopment Rezone Located at 6050 El Cajon Boulevard.
(College Community Plan Area. District 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/4/2007, Item 202, Subitem D.
(Council voted 8-0):

(O-2007-133) ADOPTED AS ORDINANCE O-19628 (New Series)

Changing a 0.75-acre site, located at 6050 El Cajon Boulevard, in the College Area Community Plan Area, in the City of San Diego, California, from the RM-3-8 Zone into the RM-3-9 Zone, as defined by San Diego Municipal Code Section 131.0406, and repealing Resolution No. R-301263, adopted February 28, 2006, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

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



ITEM-51: 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.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 6/5/2007, Item 335, Subitems A-Q. (Council voted 7-0. Councilmember Maienschein not present):

Subitem-A: (O-2007-138) ADOPTED AS ORDINANCE O-19629 (New Series)

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) ADOPTED AS ORDINANCE O-19630 (New Series)

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) ADOPTED AS ORDINANCE O-19631 (New Series)

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) ADOPTED AS ORDINANCE O-19632 (New Series)

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) ADOPTED AS ORDINANCE O-19633 (New Series)

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) ADOPTED AS ORDINANCE O-19634 (New Series)

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) ADOPTED AS ORDINANCE O-19635 (New Series)

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) ADOPTED AS ORDINANCE O-19636 (New Series)

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) ADOPTED AS ORDINANCE O-19637 (New Series)

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) ADOPTED AS ORDINANCE O-19638 (New Series)

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) ADOPTED AS ORDINANCE O-19639 (New Series)

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) ADOPTED AS ORDINANCE O-19640 (New Series)

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) ADOPTED AS ORDINANCE O-19641 (New Series)

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) ADOPTED AS ORDINANCE O-19642 (New Series)

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) ADOPTED AS ORDINANCE O-19643 (New Series)

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) ADOPTED AS ORDINANCE O-19644 (New Series)

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) ADOPTED AS ORDINANCE O-19645 (New Series)

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).

FILE LOCATION: F-10107

COUNCIL ACTION: (Time duration: 10:49 a.m. – 10:54 a.m.)

MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea (nay on 51i), Madaffer-not present, Hueso-yea.

* ITEM-100: Awarding a Contract to Brenntag Pacific, Inc. for Furnishing Caustic Soda for Water and Wastewater Treatment.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1126) ADOPTED AS RESOLUTION R-302743

Authorizing the Mayor, or his designee, to award and execute a Contract with Brenntag, the lowest responsible and reliable bidder, per Bid No. 8383-07-T, to furnish caustic soda, 50 percent solution, as may be required for a one-year period from the date of Contract award in an amount not to exceed \$1,796,690.85, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$1,796,690.85, solely and exclusively, for Contract purposes, from Water Fund 41500, Department 760, estimated at \$1,657,720.28; and Metropolitan Wastewater Fund 41508, Department 771, estimated at \$129,044.10 over Fiscal Years 2007 and 2008; and from Sewer Fund 41506, Department 775 estimated at \$9,926.47 over Fiscal Year 2007;

Authorizing the Mayor, or his designee, to exercise options to renew the Contract for four (4) additional one (1) year periods, with the potential price escalation not to exceed 50 percent of prices in effect at the end of each prior Contract year, if the Water Department and Metropolitan Wastewater Department accepts the option years within the maximum 50 percent per year escalation, contingent upon said funds being available for Contract budgeting and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

Declaring this activity is not a "project" as defined by the California Environmental Quality Act (CEQA) and therefore is not subject to CEQA State Guidelines Section 15060 (c)(2).

STAFF SUPPORTING INFORMATION:

Water and Metropolitan Wastewater Departments require caustic soda for water treatment processes at the City's three water treatment plants (Miramar, Alvarado and Otay) and at wastewater facilities of Point Loma, Pump Station 1, Pump Station 2, Peñasquitos Pump Station, and Pump Station 65. This chemical is used for pH control and effluent neutralization.

Specifically, this contract will furnish the City of San Diego Water and Metropolitan Wastewater Departments with caustic soda, 50% in solution, to be delivered to the above facilities, as ordered by the City, for a total one-year estimated tonnage of 4,525 tons, with options to renew for four (4) additional one-year periods of similar tonnage. The delivered product must also meet all purity standards specified in the bid contract. Brenntag Pacific, Inc. was the lowest cost of seven responsive and responsible bidders.

FISCAL CONSIDERATIONS:

FY 2007/2008 estimated cost: \$1,657,720.28, funded by the FY 2007/2008 budget in Fund 41500, Department 760 of the Water Department/Operations Division, an enterprise funded by regional water ratepayers; \$129,044.10, funded by the FY 2007/2008 budget in Fund 41508, Department 771 of the Metropolitan Wastewater Department, an enterprise funded by regional wastewater ratepayers; and \$9,926.47 in Fund 41506, Department 775, an enterprise funded by municipal wastewater ratepayers.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None for this bid.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Bids were solicited from sixteen (16) vendors on August 15, 2006; bids closed on September 8, 2006. Letter of intent to award was issued on December 14, 2006; no protests have been received by Purchasing to date.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Bid awarded to Brenntag Pacific, Inc. of Chula Vista, CA. Over 1.5 million regional users of water and wastewater treatment have a stake in the systems' safe and reliable treatment of water and wastewater, and full compliance with all County, State and Federal regulations, in part made possible by the correct application of treatment chemicals, including caustic soda.

Barrett/Haas

Aud. Cert. 2700712 (total of 3 pages).

Staff: Jim Fisher - (619) 527-3156
Raymond C. Palmucci - Deputy City Attorney

FILE LOCATION: CONT - Brenntag Pacific, Inc.

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

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

* ITEM-101: Consultant Agreement with Estrada Land Planning for San Ysidro Mobility Plan.

(San Ysidro Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1197) ADOPTED AS RESOLUTION R-302744

Authorizing the Mayor to execute, for and on behalf of the City, an agreement with Estrada Land Planning, to provide transportation planning services for the San Ysidro Mobility Plan in an amount not to exceed \$205,000, under the terms and conditions set forth in the Agreement (the Project), together with any reasonably necessary modifications, amendments,

extensions, or renewals thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement;

Authorizing the expenditure of an amount not to exceed \$205,000 from Fund 38333, Account No. 4222, J.O. 296033, 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;

Declaring this activity is statutorily exempt from CEQA pursuant to State Guidelines Section 15262.

STAFF SUPPORTING INFORMATION:

The City of San Diego has received grant funding from the California Department of Transportation (Caltrans) to conduct transportation planning in the San Ysidro community planning area.

The City conducted a competitive bidding process and selected Estrada Land Planning to provide the professional outreach and transportation planning services and develop a community - endorsed San Ysidro Mobility Plan which will balance the needs of and integrate pedestrian and bicycle travel, vehicular activity, transit and parking along the major corridors of San Diego's San Ysidro community. This action will approve the consultant agreement to conduct the work.

The goals for the mobility study will include identification of strategies and improvement measures that improve traffic circulation, address parking demand, and promote walkability, bicycling, and improved accessibility to transit use for residents, visitors, and business people in the San Ysidro community.

FISCAL CONSIDERATIONS:

A total (not to exceed) \$205,000 would be made available for consulting work on the project.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On January 10, 2002, by Resolution R-296033, the City Council voted to authorize the application, and to accept and execute, should the application be awarded, an Environmental Justice Transportation planning grant from Caltrans. On September 18, 2003, Caltrans awarded the City \$242,460 for the grant.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

The City Planning and Community Investment Department has coordinated with the San Ysidro Community Planning Group and the San Ysidro Transportation Collaborative (SYTC) to secure grant funding for the San Ysidro Mobility Plan. The Department and its consultants will work closely with the SYTC, the San Ysidro Community Planning group, and interested residents and stakeholders throughout the planning process for the Mobility Plan.

KEY STAKEHOLDERS and PROJECTED IMPACTS:

Estrada Land Planning and other stakeholders listed above; including the San Ysidro Community Planning Group, the San Ysidro Transportation Collaborative, and interested residents.

Anderson/Waring

Aud. Cert. 2700788.

Staff: Theresa Millette - (619) 235-5206
Shirley R. Edwards – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

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

- * ITEM-102: Consultant Agreement with Camp Dresser and McKee (CDM) Inc. for the San Pasqual Groundwater Conjunctive Use Study.

(See Executive Summary Sheet dated 5/18/2007. San Pasqual Community Area. District 5.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-1182)ADOPTED AS RESOLUTION R-302745

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Consulting Agreement with CDM, for consulting services for the Project in an amount not to exceed \$950,000;

Authorizing the expenditure of an amount not to exceed \$950,000 in Water Fund 41500, Misc. 4222, solely and exclusively, for the purpose of providing funds for the above Consulting Agreement and Project related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15306.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/4/2007, NR&C voted 3 to 0 to approve. (Councilmembers Faulconer, Frye, and Hueso voted yea. Councilmember Maienschein not present.)

SUPPORTING INFORMATION:

In December 2002, the City Council adopted the Long-Range Water Resources Plan 2002-2030 (LRWRP) which evaluated water supply alternatives for meeting the City's current and future water needs.

The initial phase of the LRWRP is to develop and implement, by 2010, a water resources strategy that includes water conservation, recycled water, groundwater storage, groundwater desalination and water transfers.

One of the priority groundwater projects is conjunctive use in San Pasqual Basin. The San Pasqual Basin has a high potential for a conjunctive use project based on preliminary evaluations of the basin. Conjunctive use is the concept of recharging imported water into the aquifer for recovery during peak demands, dry periods or emergency conditions.

PROJECT DESCRIPTION

The feasibility study and pre-design report for conjunctive use facilities in the San Pasqual Basin (Basin) includes: identification of the configuration and the storage and production capacity of the underground aquifer; pre-design plans and cost estimates and economic analyses; hydro-geological investigations including geological mapping, geophysics and investigation drilling and installation of monitoring well(s); identification and evaluation of CEQA environmental impacts including water quality requirements; evaluation of the impact of blended water (imported and groundwater) on basin water quality; identification of permitting requirements; determination of California Department of Health Services (CDHS) approval requirements; development of a groundwater flow, fate, and transport model for the Basin; and an operational feasibility analysis to measure the performance of water recharge, storage, and recovery capability. The estimated start date for this study is July 2007 and is scheduled to be completed within three years.

The objective of the feasibility study is to determine if the ultimate project can be built. The ultimate project will provide for the storage and recovery of up to 10,000 AFY of imported water. The project will consist of recharging raw water into the eastern portion of the Basin. Stored water will be recovered by means of extraction wells for conveyance for City use.

FISCAL CONSIDERATIONS:

The total not-to-exceed contract amount of the Agreement is \$950,000. This action will make \$950,000 available in Water Fund 41500, Misc. 4222.

PREVIOUS COUNCIL/COMMITTEE ACTION:

On December 9, 2002, the City of San Diego adopted the Long-Range Water Resources Plan (LRWRP) by Resolution R-2003-657 in which the San Pasqual Basin was identified as a potential groundwater supply.

The Council adopted Policy 600-45 (R-300588) on June 27, 2005, by unanimous vote with all present, to comprehensively protect the water, agricultural, biological and cultural resources within the San Pasqual Valley. On May 16, 2006, the City Council adopted a resolution to prepare a Groundwater Management plan for the San Pasqual Basin. On February 27, 2007, the City Council adopted a resolution to conduct a groundwater desalination demonstration study in the San Pasqual Basin. On June 4, 2007, Natural Resources and Culture Committee approved the action.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

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

KEY STAKEHOLDERS:

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

Barrett/Haas

Aud. Cert. 2700782.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

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

- * ITEM-103: Modernization of Elevators at the City Administration Building (CAB) and Evan V. Jones Parking Facility (Parkade).

(Downtown Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1191) ADOPTED AS RESOLUTION R-302746

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award a contract for the modernization of elevators at the City Administration Building (CAB) and a contract for the modernization of elevators at the Evan V. Jones Parking Facility (Parkade), each to the lowest responsible and reliable bidder, in the combined amount not to exceed \$1,500,000;

Authorizing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to amend the Capital Improvement Program budget for Fiscal Year 2007 to add CIP-37-071.0, Modernization of Elevators at CAB and Parkade;

Authorizing the City Auditor and Comptroller to transfer \$1,500,000 from Fund No. 100, Department 601, to Fund No. 360221, CIP-37-071.0, Modernization of Elevators at CAB and Parkade;

Authorizing the expenditure of an amount not to exceed \$1,500,000 from Fund No. 630221, CIP-37-071.0, Modernization of Elevators at CAB and Parkade, solely and exclusively, to provide funds for the above projects and related costs;

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

Declaring the above activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301(d), as the repair and maintenance of existing facilities or mechanical equipment to meet current standards of public health and safety.

STAFF SUPPORTING INFORMATION:

The four elevators at the City Administration Building (CAB) and the four elevators at the Evan V. Jones Parking facility (Parkade) were modernized in 1987 and 1982 respectively. Both are heavily used by City staff and the public. Technological advancement through the years has rendered the elevator controllers obsolete and difficult to maintain. The number of maintenance calls due to inoperability has increased over the last several years and this increase is expected to continue if the elevators are not modernized and brought up to current technological standards. In addition, some parts are difficult to obtain due to parts obsolescence wherein the original elevator manufacturer no longer supports nor manufactures parts for these elevators.

The level of concern with elevator down time is heightened during Council meetings and special events at the City Administration Building, Civic Center Theater, or the Concourse.

Recently there have been numerous elevator entrapments, outages and repair problems for both facilities. It is recommended that immediate replacement through modernization of the elevators be approved for the continued safety and convenience of all patrons of the City Administration Building and Parkade.

The major components that will be considered in this modernization program include hoist machines, controllers, dispatching systems, motor controls, governors, door operators, hall door operating components, car and hall signal and operating fixtures as well as pit and hoistway equipment. Also to be evaluated is compliance with American with Disabilities Act and any updates to comply with new elevator and building codes.

FISCAL CONSIDERATIONS:

Funding for this project will be obtained from the Citywide Deferred Maintenance account (Fund 100, Department 601). Total estimated project cost is \$1,500,000.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The City Council has previously approved the modernization for CAB (1986).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The City staff will work with the community during the performance of this modernization project.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

City staff and the public who use the elevators in the CAB and Parkade.

Sierra/Haas

Aud. Cert. 2700793.

Staff: Rolland Stanley - (619) 525-8500
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

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

* ITEM-104: Martin Luther King, Jr. Community Park Play Area Upgrades.

(See memorandum from Council President Pro Tem Young dated 4/6/2007.
Southeastern San Diego Community Area. District 4.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1172) ADOPTED AS RESOLUTION R-302747

Authorizing and directing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to amend the Fiscal Year 2007 Capital Improvement Program budget to add CIP-29-951.0, Martin Luther King Jr. Community Park - Play Area Upgrades;

Amending the Fiscal Year 2007 Capital Improvement Program Budget by adding CIP-29-951.0, Martin Luther King Jr. Community Park - Play Area Upgrades;

Amending the Fiscal Year 2007 Capital Improvements Program Budget for CIP-29-951.0, Martin Luther King, Jr. Community Park - Play Area Upgrades, in Fund No. 79511, Southeastern Development Impact Fee Funds, by increasing the budget amount by \$500,000;

Authorizing the City Auditor and Comptroller to appropriate and expend \$500,000 from CIP-29-951.0, Martin Luther King, Jr. Community Park - Play Area Upgrades, in Fund No. 79511, Southeastern Development Impact Fee Funds, solely and exclusively, for the purpose of providing funds for the project improvements, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

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

STAFF SUPPORTING INFORMATION:

Martin Luther King, Jr. Community Park is located in the Southeastern San Diego Community, and the park was developed in the 1970's and 1980's. A new senior center was built in the park in 2006. Existing park facilities and amenities are sport fields, tennis courts, swimming pools, recreation and senior center buildings, two tot lots, turf, and landscaping.

The existing children's play area equipment is in need of upgrade to comply with state and federal safety and accessibility guidelines. This project proposes improvements and upgrades to one of the two play areas that is located near the park entrance at Skyline Drive and adjacent to the pool facility. The project will include the replacement of playground equipment, upgrades to the play area and accessibility improvements.

FISCAL CONSIDERATIONS:

The total project cost is estimated at \$500,000 which is fully requested from the Southeastern DIF Fund. Additional operating costs are not anticipated as a result of these upgrade improvements.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

As part of the Park & Recreation Department review process, this project will be presented to the Martin Luther King Recreation Council, Design Review Committee and Park & Recreation Board upon preparation of the concept plans.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Martin Luther King Recreation Council Community members and park visitors.

LoMedico/Reynolds

Aud. Cert. 2700759.

Staff: Carol Wood - (619) 525-8217
Shannon Thomas - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

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

- * ITEM-105: Grant Application to State of California for Construction of Park De La Cruz/38th Street Canyon and Future Phases.

(Mid-City/City Heights Community Area. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1185 Cor. Copy) ADOPTED AS RESOLUTION R-302748

Authorizing the Mayor, or designee, for and on behalf of the City, to make an application to the State of California for \$107,000 in Roberti-Z'berg Harris Per Capita or Per Capita funds under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 for the construction of Park De la Cruz Phase II/38th Street Canyon and Future Phases (Project);

Authorizing the Mayor, or designee, to take all necessary actions to secure funding from the State of California for Park De la Cruz Phase II/38th Street Canyon and Future Phases (Project);

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

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

Amending Fiscal Year 2007 Capital Improvements Program Budget by increasing CIP-29-684.0, Park De la Cruz Phase II by \$215,000, contingent upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$108,000 from CIP-20-013.0, Grant Match Funding, to CIP-29-684.0, Park De la Cruz Phase II and Future Phases, within Fund 630221, Grant Match Funding, contingent upon receipt of a fully executed grant agreement;

Authorizing in addition to previously approved funds, the appropriation and expenditure of an amount not to exceed \$215,000 from CIP-29-684.0, Park De la Cruz Phase II and Future Phases for construction of Park De la Cruz Phase II/38th Street Canyon, for the purpose of providing funds for the Project, 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 City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves;

Declaring that this project has been previously exempted under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15304 (Minor Alterations to Land). This action adds additional funding to the project. There will be no additional environmental impacts associated with this action.

STAFF SUPPORTING INFORMATION:

Park De La Cruz II/38th Street Canyon Park includes a 2.0 acre park expansion to the existing Park De la Cruz Neighborhood Park, CIP 29-684.0. This requested action will provide Proposition 40 funding for the construction of park improvements at Park De la Cruz Phase II/38th Street Canyon and Future Phases.

Project improvements for Park De La Cruz Phase II/38th Street Canyon Park include a prefabricated comfort station, pedestrian/bicycle paths, interpretive nodes, landscaping, a children's playground, security lighting, picnic furniture, and other park improvements.

In March 2002, California voters approved Proposition 40, the \$2.6 billion 2002 State Resources Bond "Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002" (bond). On December 8, 2003, the Mayor and City Council approved Resolution R-298699, which included a distribution of the \$11,063,430 Per Capita/RZH Per Capita funds to each Council District, with a portion of the funding set

aside for projects with citywide and regional impact. On February 20, 2004, the City entered into an umbrella contract with the State of California for the 2002 Resources Bond Act Per Capita/RZH Per Capita Grant Program.

This action authorizes the Mayor, or his representative, to apply for \$107,000, a portion of the 2002 Resources Bond Per Capita or RZH Per Capita funding allocated to Council District 3, to be used for park improvements and construction of Park De la Cruz Phase II/38th Street Canyon and Future Phases.

The action also authorizes the transfer of \$108,000 Grant Match Funds to act as the City's portion of the project funding as required by the grant. A future Council action will be processed for the authorization of the construction phase of the project.

FISCAL CONSIDERATIONS:

CIP-29-684.0, Park De La Cruz Phase II/38th Street Canyon and Future Phases has funding from the Land and Water Conservation Fund (LWCF) in the amount of \$272,960; also from the California Department of Transportation as part of the Federal TEA-21 Funds in the amount of \$685,250; HUD Section 108 Funds in the amount of \$150,000, which will be added to the project; Park Bond Proposition 40 Funds in the amount of \$107,000 and City matching funds of \$108,000, for a total of \$215,000 which will be added to the project via this Resolution; and from Mid-City Special Park Fees and Grants in the amount of \$425,714. The total Phase II project funding for the Park De la Cruz/38th Street Canyon Park and Future Phases is \$1,598,924; with HUD Funding \$1,748,924.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

- Council Action authorizing the application for and expenditure of State Grant funds for the development of 38th Street Canyon Park and amendment of the CIP budget, Resolution R-296595, adopted June 4, 2002.
- Council Action authorizing the execution of the Cooperative agreement with CALTRANS to construct improvements at Teralta Neighborhood Park and Park De La Cruz and accept the Federal TEA-21 Funds from the California Department of Transportation; the expenditures as needed from CIP-29-684.0, Park De La Cruz, and CIP-29-685.0, Teralta Neighborhood Park; and amendment of the CIP budget, Resolution R-298852, adopted on February 09, 2004.
- Council Action authorizing the execution of the first amendment to the existing agreement with Parterre for professional landscape architectural services in CIP-29-684.0, Park De la Cruz Phase II/38th Street Canyon and Future Phases and CIP-29-6850, Teralta Neighborhood Park Development, in the amount of \$228,591; the expenditure of \$114,296 from CIP-29-684.0, Park De la Cruz/38th Street Canyon and Future Phases and \$114,295 from CIP-29-685.0, Teralta Neighborhood Park-Development, Resolution R-301797, adopted on August 5, 2006.

- Council Action authorizing the reallocation of approximately \$150,000 in HUD Section 108 loan funds from the Euclid Avenue Revitalization Project to the Park De la Cruz/38th Street Canyon and Future Phases for the purpose of funding a portion of the children's play area, Resolution R-302254, adopted on January 17, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

As a part of the Park & Recreation Department review process, the Park De La Cruz/38th Street Canyon Park and Future Phases was reviewed and approved by:

- City Heights Recreation Council - June 21, 2005;
- Design Review Committee (DRC) - October 12, 2005;
- Subcommittee for the Removal of Access Barriers (SCRAB) - October 13, 2005;
- Park & Recreation Board - November 17, 2005.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key stakeholders include the City Heights Recreation Council and community members in City Heights. Additional stakeholders include Parterre, prime consultant, and their subconsultants: Nasland Engineering, Kanrad Engineering, Inc., Geocon Incorporated and Graphic Solutions.

LoMedico/Reynolds

Aud. Cert. 2700748.

Staff: Carol Wood - (619) 525-8217
Shannon Thomas - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

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

* ITEM-106: Coastal Law Enforcement Action Network v. City of San Diego, et al.

(Torrey Pines City Park Community Area. District 1.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1099) ADOPTED AS RESOLUTION R-302749

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, as referenced in the Settlement Agreement adopted by the City Council on _____, 2007.

SUPPORTING INFORMATION:

The City Council voted in closed session to enter into a settlement agreement with the Plaintiffs in the above-referenced litigation. The settlement agreement requires the City to (1) pay the Plaintiff \$20,000; and (2) enforce the lease agreement for the Torrey Pines Gliderport, including any restoration of native vegetation required by the California Coastal Commission; and in the event City's lessee fails to comply, terminate the lease and turn off all irrigation on the property, cap all run-off pipes on the property, and obtain and comply with permits for all unpermitted structures or their removal, consistent with the requirements of the Coastal Act; and (3) prepare a General Development Plan for the Torrey Pines City Park, within 18 months, taking into consideration the historic value of the property; and (4) establish a Torrey Pines City Park Advisory Board whose members shall be appointed within 90 days of the date of the agreement and who shall include representatives of the following Gliderport user groups: (a) paragliders, (b) hanggliders, (c) sailplane gliders, and (d) radio-controlled model sailplane gliders as well as at least two representatives from non-profit environmental groups. Subsequent to closed session, in response to concerns raised by City staff, the Plaintiffs agreed to amend the time-frames for preparing the General Development Plan and establishing the Advisory Board to three years and 120 days, respectively.

FISCAL CONSIDERATIONS:

The settlement agreement requires the payment of \$20,000. It also requires enforcement of the lease, preparation of a General Development Plan, and the creation of the Torrey Pines City Park Advisory Board which will all also have associated costs. A funding source for the General Development Plan is needed.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The City Council unanimously voted to authorize the approval of a settlement agreement in Closed Session on May 1, 2007. Motion by Council President Peters, second by Councilmember Madaffer.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Community participation will commence in the implementation process.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

When implementation is complete, the Torrey Pines City Park will be brought into conformance with the law and the public will have the benefit of a long term plan for the park as well as an opportunity to contribute to that plan.

Heumann/Reynolds

Aud. Cert. 2700764.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

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

* ITEM-107: Paul Geis Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1142) ADOPTED AS RESOLUTION R-302750

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

Proclaiming June 19, 2007, to be "Paul Geis Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

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

* ITEM-108: Appointment of Lorin Stewart to the Commission for Arts and Culture.

(See memorandum from Mayor Sanders dated 5/15/2007.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1224) ADOPTED AS RESOLUTION R-302751

Appointing Lorin Stewart, residing in Rancho Peñasquitos, District 1, for a term ending August 31, 2007, replacing Faye Russell whose term expired;

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

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

* ITEM-109: Appointment of Mark K. Dillon to the Human Relations Commission.

(See memorandum from Mayor Sanders dated 5/31/2007.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1193) ADOPTED AS RESOLUTION R-302752

Confirming the appointment by the Mayor of the City of San Diego of Mark K. Dillon, to serve as a member of the Human Relations Commission, for a term ending as indicated.

NAME

TERM ENDING

Mark K. Dillon
(City of Poway)
(Replacing Julia Legaspi, who does
not seek reappointment.)

July 22, 2010

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

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

* ITEM-110: Appointment of Michael C. Smiley to the Planning Commission.

(See memorandum from Mayor Sanders dated 6/1/2007, with resume attached.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1194 Cor. Copy) ADOPTED AS RESOLUTION R-302753

Confirming the appointment by the Mayor of the City of San Diego of Michael C. Smiley, to serve as a member of the Planning Commission, for a term ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Michael C. Smiley (Tierrasanta, District 7) (Replacing Steve Laub, whose term expired)	January 28, 2010

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

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

* ITEM-111: 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-2007-862) ADOPTED AS RESOLUTION R-302754

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: 10:14 a.m. – 10:19 a.m.)

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



ITEM-112: 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-2007-879) ADOPTED AS RESOLUTION R-302755

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

COUNCIL ACTION: (Time duration: 10:54 a.m. – 11:03 a.m.)

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



ITEM-330: Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit
Assessment.

(See Report to the City Council 07-109 and Rancho Peñasquitos Public Facilities
Financing Plan and Facilities Benefit Assessment, FY 2008. Rancho Peñasquitos
Community Plan Area. District 1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2007-1200) ADOPTED AS RESOLUTION R-302757

Approving the document entitled "Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2008."

Subitem-B: (R-2007-1201) ADOPTED AS RESOLUTION R-302758

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

LAND USE AND HOUSING COMMITTEE RECOMMENDATION:

On June 13, 2007, LU&H voted 3-0-1 to approve Staff's recommendation. (Councilmembers Madaffer, Young and Atkins voted yea. Councilmember Hueso was not present.)

SUPPORTING INFORMATION:

REQUESTED ACTION:

Council authorization to approve the Rancho Peñasquitos Public Facilities Financing Plan, Fiscal Year 2008; adopt a Resolution of Intention to designate an area of benefit; adopt a Resolution of Designation; approve the setting of Development Impact Fees (DIF) consistent with the Facilities Benefit Assessments (FBA) in Rancho Peñasquitos; and authorize the City Auditor and Comptroller, upon the direction of the Financial Management Director, to modify individual Capital Improvement Program project budgets in accordance with the Council approved update to the Financing Plan.

STAFF RECOMMENDATION:

Approve the Rancho Peñasquitos Public Facilities Financing Plan -Fiscal Year 2008; rescind the existing Facilities Benefit Assessments and Development Impact Fees and establish new Facilities Benefit Assessment and Development Impact Fees for Rancho Peñasquitos.

EXECUTIVE SUMMARY:

Rancho Peñasquitos is nearing full community development and much of the infrastructure is already in place. The remaining needed facilities are in the Transportation and Park and Recreation categories and estimated costs for these facilities have been adjusted for increased costs and to reflect scope changes in the projects. The objective of the FBA program is to insure that sufficient funds will be available to construct those needed facilities. The FBA will be collected at the building permit issuance stage of development and deposited into a special interest earning fund for Rancho Peñasquitos. The 7% assessment rate increase is a result of increases in the cost of materials, construction and inflation.

The proposed assessments for Fiscal Year 2008 are as follows:

<u>LAND USE</u>	<u>CURRENT ASSESSMENT</u>	<u>PROPOSED ASSESSMENT PER UNIT/ACRE in FY 2008 DOLLARS</u>
SINGLE FAMILY	\$19,997	\$21,397
MULTI-FAMILY	\$13,998	\$14,978
COMMERCIAL	\$119,982	\$128,382

FISCAL CONSIDERATION:

Adoption of this revised Public Facilities Financing Plan and Facilities Benefit Assessment will continue to provide a funding source for the public facilities identified in the Rancho Peñasquitos Financing Plan.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The Public Facilities Financing Plan was at the Land Use & Housing Committee meeting on June 13, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Rancho Peñasquitos Planning Group will vote on the draft Rancho Peñasquitos Public Facilities Financing Plan on June 6, 2007. The LU&H Committee will be apprised of the planning group's vote prior to the LU&H meeting.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

All property owners with remaining new development are listed on the Rancho Peñasquitos Public Facilities Financing Plan - Fiscal Year 2008 Assessment Roll, page 145, and will

have received notice and a copy of this document in the mail. These property owners will have liens placed on their property and will be required to pay Facilities Benefit Assessments upon any building permit issuance when developing their property. Any redevelopment which increases the intensity of existing uses may be subject to an impact fee per Attachment 2.

Waring/Anderson/CS

Staff: Charlette Strong - (619) 533-3683
Elizabeth C. Coleman – Deputy City Attorney

FILE LOCATION: STRT-FB-13 (33)

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:10 p.m.)

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



ITEM-331: Stebbins Residence.

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

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

(Continued from the meeting of May 22, 2007, Item 334, at the request of the City Attorney, for further review.)

NOTE: Hearing open. No testimony taken on 5/22/07.

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 4, 2007

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

Certifying that the information contained in Mitigated Negative Declaration No. 51076, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administrative Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City of San Diego City Council;

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

That pursuant to California Public Resource Code, Section 21081.6, the City of San Diego City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference;

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

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

Subitem-B: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 4, 2007

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

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

Subitem-C: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 4, 2007

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

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

OTHER RECOMMENDATIONS:

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

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

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

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

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

STAFF RECOMMENDATION:

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

EXECUTIVE SUMMARY

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

The project site is within the 100-year floodplain and is therefore considered environmentally sensitive land. The property is relatively flat with an elevation of 8 feet above mean sea level and does not include any sensitive topographical or biological resources. The site is neither within nor adjacent to Multi-Habitat Planning Area (MHPA) lands. A Mitigated Negative Declaration dated November 2, 2006, has been prepared for this project in accordance with State CEQA guidelines, and a Mitigation, Monitoring and Reporting Program is required for Archaeological Resources to reduce any potential impacts to below a level of significance.

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

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

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

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

FISCAL CONSIDERATIONS:

None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

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

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

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

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

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

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

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

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

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

David Stebbins, Owner/Applicant

Waring/Escobar-Eck/LI

LEGAL DESCRIPTION:

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

Staff: Laila Iskandar – (619) 446-5297

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:03 p.m. - 2:05 p.m.)

MOTION BY FAULCONER TO CONTINUE THIS ITEM TO TUESDAY, SEPTEMBER 4, 2007, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.



ITEM-332: 3502 Jackdaw Street (Hill Residence).

Matter of approving, conditionally approving, modifying or denying an application to amend HRP/RPOZ Permit No. 88-0742 which allowed development of a 1,785 sq. ft. single-family residence with attic; and carport with reduced setbacks. Said amendment to include variances to maintain existing height and floor area ratio conditions which exceed those permitted in the approved HRP/RPOZ Permit. This project also includes a request to

vacate an unimproved portion of Walnut Street, and expand an existing Encroachment Removal Agreement. The property is zoned RS-1-7 (Single-Family Residential) addressed as 3502 Jackdaw Street, and located at the northwest corner of Jackdaw and Walnut Streets, legally described as Lot 13 in Block 437 of the Subdivision of the east half and the south quarter of Pueblo Lot 1122, Map No. 381.

(Hillside Review and Resource Protection Overlay Zone Permit No. 32731/Variance No. 209653/Encroachment Removal Agreement No. 209658. Uptown Community Plan Area. District 2.)

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A: (R-2007-) CONTINUED TO MONDAY, SEPTEMBER 10, 2007

Adoption of a Resolution certifying findings with respect to HRP/RPOZ Permit No. 32731, Variance No. 209653; and Encroachment Maintenance and Removal Agreement No. 209658 supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

That Hillside Review and Resource Overlay Zone Permit No. 32731, Variance No. 209653 and Encroachment Maintenance and Removal Agreement No. 209658 to remedy and authorize the existing height and design conditions previously created by the applicant without benefit of the necessary permits is granted to Steven M. and Sandi M. Hill, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof;

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

Subitem-B: (R-2007-) CONTINUED TO MONDAY, SEPTEMBER 10, 2007

Adoption of a Resolution ordering not vacated the street right-of-way located adjacent to 3502 Jackdaw Street, and legally described as Lot 13, Block 437, of the Subdivision of the east half and the south quarter of Pueblo Lot 1122, Map No. 381 in connection with Hillside Review and Resource Protection

Overlay Zone Permit No. 209653, Variance No. 209653, and Encroachment Maintenance and Removal Agreement No. 209658, as more particularly described in the legal description marked as Exhibit "A" and shown in the drawing marked as Exhibit "B";

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

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

OTHER RECOMMENDATIONS:

Planning Commission on April 21, 2005, voted 4-2 to approve; was opposition.

Ayes: Steele, Garcia, Schultz, Otsuji

Nays: Chase, Ontai

Not present: Griswold

Uptown Planners has taken a vote resulting in a mixed recommendation for the project. Please refer to the Planning commission Report No. PC-04-182.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Approval of a permit amendment, three variances, and encroachment into the unimproved public right-of-way of Walnut Avenue to allow existing improvements associated with a single family residence to remain. The project is located at 3502 Jackdaw Street in the Uptown Community Plan area.

STAFF RECOMMENDATION:

1. APPROVE Hillside Review Permit/Resource Protection Ordinance Permit No. 32731, Variance No. 209653, and Encroachment Removal Agreement No. 209658; and
2. DENY Public Right-of-Way Vacation No. 209656.

EXECUTIVE SUMMARY:

The application was deemed complete on January 11, 1999, and is therefore subject to the Municipal Code in effect at that time. The site is located at 3502 Jackdaw Street in the

Uptown Community Plan area. The 25 foot by 100 foot rectangular lot slopes approximately 30 feet down from the street. The majority of the parcel is within the Hillside Review Overlay Zone (Old Code). Previous approvals in 1989 authorized the construction of the property with two variances for yard setbacks. A soils investigation during initial grading determined that removal of undocumented full material was necessary. This resulted in modifications to the foundation design and lowered the measurement of grade approximately five feet. This resulted in the residence observing a height of approximately 38 feet, rather than 33 feet approved with the original permit. Furthermore, changes to the foundation design using retaining walls to support the structure in lieu of caissons resulted in a previously open area beneath the structure being enclosed. Regulations require this enclosed area be included in the floor area measurement of the residence which now exceeded that allowed in the permit. A permit amendment and variance is required to remedy these conditions.

In 1990, an Encroachment Maintenance and Removal Agreement (EMRA) was approved to allow encroachments into the unimproved public right-of-way of Walnut Avenue, immediately south of the residence. These encroachments extend fifteen feet into the right-of-way and include a concrete walkway and steps which provide access to the residence and landscaping. In 1998, a Notice of Violation was issued to the owner citing non-compliance with the approved HRP/RPOZ Permit No. 88-0742.

In 1999, the owner submitted the current application to amend the approved HRP/RPOZ Permit No. 88-0742 in an effort to legalize the existing height and gross floor area. The application includes a request to modify the existing structure to add additional floor area and an EMRA to legalize existing encroachments in the public right-of-way beyond those approved in the 1990 EMRA. As an alternative to an EMRA, the project includes a request to vacate a portion of the undeveloped Walnut Avenue right-of-way.

Staff recommends approval of Hillside Review Permit/Resource Protection Ordinance Permit No. 32731, Variance No. 209653 and Encroachment Removal Agreement No. 209658 and recommends denial of Public Right-of-Way Vacation No. 209656.

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(1) "Existing Facilities".

FISCAL CONSIDERATIONS:

No cost to the City. All costs are recovered through a deposit account funded by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On April 21, 2005, the Planning Commission of the City of San Diego voted 4:2:0 to recommend approval of Hillside Review and Resource Overlay Zone Permit No. 32731, amending HRP/RPOZ Permit No. 88-0742, and Variance No. 209653 to maintain the existing as-built and enclosed under-floor area of the residence; and to recommend denial of a Variance to enclose an existing carport for use as a garage; Street/Public Right-of-Way Vacation No. 209656; and Encroachment Removal Agreement No. 209658, requiring the area that was disturbed be revegetated and returned to the state it was in prior to being encroached upon without permission, with a minimum maintenance period from one to three years.

On October 3, 2000, the Uptown Planners voted 5:3:1 to recommend denial of the street vacation. On May 1, 2001, the Uptown Planners voted 11:0:1 to recommend approval of the project, minus the street vacation.

KEY STAKEHOLDERS:

Steve M. and Sandy M. Hill, Owners/Applicant

Waring/Escobar-Eck/JSF

NOTE: The City of San Diego as Lead Agency under CEQA has determined that the action is exempt pursuant to Article 19 of the Guidelines for Categorical Exemptions, Section 15301(1), Existing Facilities.

Staff: John Fisher – (619) 446-5231

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:10 p.m. -2:31 p.m.)

Testimony in opposition by Michael Herman.

Testimony in favor by Sandi Hill.

MOTION BY FAULCONER TO CONTINUE THIS ITEM TO MONDAY, SEPTEMBER 10, 2007, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.



[ITEM-S500](#): Central Avenue Mini Park Acquisition – Caltrans Excess Land.

(Mid-City/City Heights Community Area. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-223) ADOPTED AS RESOLUTION R-302756

Authorizing the Mayor, or his designee, for and on behalf of the City, to accept a Director's Deed, executed by the State of California Department of Transportation, for the opportunity purchase of an approximately 0.37-acre parcel of land (APN 454-161-36-42) (Parcel) located in City Heights as a public property;

Authorizing the Mayor, or his designee, to apply for and accept a \$56,000 grant from the Per Capita Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002;

Authorizing the City Auditor and Comptroller to establish a special, interest-bearing fund for the grant, contingent upon receipt of a fully-executed grant agreement;

Reallocating One Hundred Thirty-Five Thousand Dollars (\$135,000) from Fund 630221, General Fund Contributions to the CIP, from CIP-20-013.0, Park & Rec Grant Match Funding, to CIP-29-002.0, Central Avenue Mini Park - Acquisition, contingent upon the City Auditor and Comptroller first certifying that the funds are, or will be, on deposit with the City Treasurer;

Increasing the Fiscal Year 2007 Capital Improvements Program Budget within CIP-29-002.0, Central Avenue Mini Park - Acquisition, by Two Hundred Seventy-Six Thousand Two Hundred Dollars (\$276,200), contingent upon the City Auditor and Comptroller first certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to appropriate One Hundred Fifty Thousand Dollars (\$150,000) from Fund 10529, Infrastructure Improvement Fund, to CIP-29-002.0, Central Avenue Mini Park - Acquisition, and Fifty-Six Thousand Dollars (\$56,000) from the Per Capita Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 grant fund to CIP-29-002.0, Central Avenue Mini Park - Acquisition, and Seventy Thousand Two Hundred Dollars (\$70,200) from Fund 39094, Mid-City Park Development Fund, to CIP-29-002.0, Central Avenue Mini Park - Acquisition, contingent upon the City Auditor and Comptroller first certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to expend amounts not to exceed One Hundred Seventy-Nine Thousand Dollars (\$179,000) from Fund 39094, Mid-City Park Development Fund, One Hundred Fifty Thousand Dollars (\$150,000) from Fund 10529, Infrastructure Improvement Fund, One Hundred Thirty-Five Thousand Dollars (\$135,000) from Fund 630221, General Fund Contributions to CIP, and Fifty-Six Thousand Dollars (\$56,000) from the Per Capita Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, for a total expenditure not to exceed Five Hundred Twenty Thousand Dollars (\$520,000) for the purpose of purchasing the Parcel, contingent upon the City Auditor and Comptroller first 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.

STAFF SUPPORTING INFORMATION:

The State of California Department of Transportation (Caltrans) has designated certain excess State lands for sale, one being Disposal Parcel No. 13909-01-01 totaling 16,096 square feet or 0.37 acres, located at 3648 Central Avenue east of I-15 and just south of the pedestrian bridge over I-15, at an offering price of \$520,000, as described in the Caltrans Director's Deed and shown on Director's Deed Map DD13909-01-01 (Right of Way Map No. 55519.) The City Park and Recreation Department desires to acquire the land to develop as a future park to service the urban, park-deficient Mid-City community. Real Estate Assets staff has reviewed the sales data provided by Caltrans and determined that the value established by the state is representative of the market value.

The closing on the purchase of the 0.37 acre parcel is subject to both City Council approval and approval of the City's purchase Proposal by the California Transportation Commission in December 2005. All future actions associated with development of this property will be subject to additional environmental analysis pursuant to CEQA.

In July 2000 and July 2001 respectively, legislative action authorized the California Department of Parks and Recreation to release the Per Capita and RZH Per Capita portions of the 2000 Park Bond (Prop 12). San Diego's allocation of \$14,152,697 is under contract with the State, and based upon Mayoral and City Council approval. This action authorizes the Central Avenue Mini Park Acquisition - Caltrans Excess Land Project be funded, in part, with \$56,000 of Proposition-12 RZH Per Capita dollars allocated to Council District 3. The funds will be used for the acquisition of land for the future Central Avenue Mini-Park.

FISCAL CONSIDERATIONS:

These actions will appropriate a total of \$411,200 to CIP-29-002.0, Central Avenue Mini Park - Acquisition, comprised of \$70,200 from Mid City Special Park Fees (Fund No. 39094), \$150,000 from City Heights Redevelopment Project Area Tax Increment Fund (Fund No. 98200), \$135,000 in Park and Recreation Grant Mach Funding, CIP-20-013.0 (Fund No. 630221) and \$56,000 from the California Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Act of 2000, contingent upon receipt of a fully executed grant agreement, and authorize an expenditure of a total of \$520,000 from CIP-29-002.0, Central Avenue Mini Park - Acquisition, for the acquisition of the 0.37 acre Caltrans excess property for future park purposes.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Subsequent to escrow closing on the subject property, the Park and Recreation Department will initiate the public input process, consistent with Council Policy 600-33, COMMUNITY NOTIFICATION AND INPUT FOR CITY-WIDE PARK DEVELOPMENT PROJECTS, to determine the appropriate use of the park land.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Key stakeholders include the residents of City Heights who are deficient in population-based park land per General Plan recommendations by 142 acres. This acquisition will reduce the park deficiency in the City Heights Community.

Barwick/Waring

Aud. Cert. 2700825.

Staff: Lane MacKenzie - (619) 236-6050
Brock Ladewig – Chief Deputy City Attorney

FILE LOCATION: F-10105

COUNCIL ACTION: (Time duration: 11:03 a.m. – 11:17 a.m.)

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

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 2:34 p.m. in honor of the memory of:

Dennis Dilno as requested by Council Member Atkins; and
Vic Kops as requested by Council Member Faulconer.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 2:31 p.m. - 2:34 p.m.)