

THE CITY OF SAN DIEGO, CALIFORNIA
 MINUTES FOR REGULAR COUNCIL MEETING
 OF
 TUESDAY, JULY 17, 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 10:06 a.m. Council President Peters recessed the meeting at 11:03 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:07 a.m. with all Council Members present. The meeting was recessed by Council President Peters at 11:38 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:04 p.m. with Council Member Atkins and Council Member Hueso not present. Council President Peters recessed the meeting at 2:28 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 2:30 p.m. with all Council Members present. Council President Peters recessed the meeting at 3:31 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:37 p.m. with Council Member Maienschein not present. Council President Peters recessed the meeting at 3:57 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 4:02 p.m. with Council Member Maienschein not present and thereafter reconvened the Redevelopment Agency. Council President Peters reconvened the regular meeting at 4:10 p.m. with Council Member Maienschein not present. The meeting was adjourned by Council President Peters at 4:16 p.m. to convene in Closed Session.

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 (dlc/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:

Linda Smith commented on smoking and the metal detector in the City Administration Building.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:12 a.m. – 11:14 a.m.)

PUBLIC COMMENT-2:

Don Stillwell commented on prayer and flag salute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:14 a.m. - 11:16 a.m.)

PUBLIC COMMENT-3:

Hud Collins commented on the pension and financial crisis.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:16 a.m. - 11:19 a.m.)

PUBLIC COMMENT-4:

Referred to Mayor: Reg Finch commented on the San Diego Flight Lease Museum.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:19 a.m. - 11:23 a.m.)

PUBLIC COMMENT-5:

Al Strohlein commented on alcohol in Pacific Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:23 a.m. - 11:26 a.m.)

PUBLIC COMMENT-6:

Joy Sunyata commented on the "Red Beret" award.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:26 a.m. - 11:29 a.m.)

PUBLIC COMMENT-7:

Phil Hart commented on Wal-Mart.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:29 a.m. - 11:32 a.m.)

PUBLIC COMMENT-8:

Jarvis Ross commented on Mission Bay and the Naval Training Center.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:32 a.m. - 11:35 a.m.)

PUBLIC COMMENT-9:

Steve Bruce commented on an annual world summit for children in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:35 a.m. - 11:38 a.m.)

COUNCIL COMMENT:

None.

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-30: 2007 San Diego 33rd Annual Lesbian, Gay, Bisexual and Transgender (LGBT) Pride Month.

**MAYOR SANDERS', COUNCIL PRESIDENT PETERS', AND
COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1278 Cor. Copy) ADOPTED AS RESOLUTION R-302834

Recognizing the many civic contributions of the Lesbian, Gay, Bisexual and Transgender (LGBT) community in San Diego County, and encouraging all people to share in the pride of our City's diverse citizenry by participating in the 33rd Annual San Diego LGBT Pride community celebration, parade, festival, and arts and culture programs;

Proclaiming July 2007, to be "Lesbian, Gay, Bisexual, Transgender Pride Month" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:19 a.m. – 11:03 a.m.)

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



ITEM-31: American Cancer Society, Relay for Life-Southeastern San Diego Day.

COUNCIL PRESIDENT PRO TEM YOUNG’S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1283) ADOPTED AS RESOLUTION R-302836

Proclaiming July 17, 2007, as “American Cancer Society, Relay for Life-Southeastern San Diego Day” and urging our citizens to join together, with your friends and neighbors on this special day to walk, celebrate, remember, and to help create a world free from cancer.

FILE LOCATION: AGENDA

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

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

- * ITEM-100: Inviting Bids for Fiscal Year 2007 Cast Iron Main Replacement Projects Water Group 530.

(See Executive Summary sheet dated 2/14/2007; Engineering and Capital Projects' February 21, 2007, PowerPoint.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-1298) ADOPTED AS RESOLUTION R-302837

Approving the plans and specifications for the construction of Water Group 530 as advertised by Purchasing and Contracting Department, or Work Order No. 183321;

Authorizing the Mayor, or his designee, to establish contract funding phases and execute a contract with the lowest responsible and reliable bidder, providing 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 in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$2,586,283 from Water Fund 41506, CIP-73-083.0, Annual Allocation - Water Main Replacement solely for the construction, contingency, 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 use of City Forces in an amount not to exceed \$311,786 from Water Fund 41500, CIP-73-083.0 Annual Allocation -Water Main Replacement for the construction of Sub CIP-73-847.0, Water Group 530;

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 subject to the California Environmental Quality Act pursuant to CEQA Guidelines 15378(c). This activity is a subsequent discretionary approval covered under Project No. 94-0663, Water Group 530. This activity is adequately addressed in the environmental document and there is

no change in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15177. (BID-K082632C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

Information only. No vote or action taken.

SUPPORTING INFORMATION:

Water Group 530 is part of the City of San Diego's Cast Iron (CI) Water Main Replacement Program as mandated by Department of Health Services Compliance Order No. 04-14-96-022. This project is located in the Peninsula community. It includes the replacement of approximately 5,200 linear feet of existing 6, 8 and 12-inch old and deteriorated cast iron (CI) water mains, water services and fire hydrants originally installed in 1939, and 400 linear feet of asphalt concrete (AC) water mains installed in 1967. This project includes installing curb ramps and street resurfacing. Rosecrans Street will be affected by the construction operations as shown on the project location map.

As indicated in the Engineer's Project Cost Estimate for the use of City Forces it is estimated to be more economical than if done by contract. In addition, the Department of Health Services (DHS) under the California Safe Drinking Water Act requires certified operators to perform this type of work (work on live water mains) to ensure the integrity of the water system.

Water Group 530 was reviewed pursuant to CEQA §21166 and §15162 of the CEQA Guidelines. It was determined that there were no substantial changes to the project or to circumstances surrounding the project. No additional information has been provided that was not known and could not have been known at the time the environmental document was certified. The only change to the project was the reduction of the scope of work which negated the potential impacts to paleontological resources. In summary, since none of the above mentioned events have occurred, a subsequent or supplemental environmental document was not prepared. However, contract documents include current mitigation requirements for paleontology because the original MND was previously adopted on May 14, 1998.

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$2,596,598, including \$10,315 previously authorized by R-292772. Of the \$2,586,283 requested for the project, \$439,026.70 will be financed with proceeds from the Subordinated Water Revenue Notes, Series 2007A and \$1,541,089.60 from currently anticipated to be a follow on water revenue debt issuance in Fiscal Year 2008. The

remaining \$573,426.70 will be cash funded. Funds are available in Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for this purpose. This project will be phase-funded in FY 07 and FY 08. No future funding is anticipated. Auditors Certificate to be issued prior to contract award.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS:

The subject was presented to NR&C Committee for information only on February 21, 2007. The City of San Diego, as Lead Agency under CEQA, has prepared and completed a Mitigated Negative Declaration and a Mitigation, Monitoring and Reporting Program covering the environmental impact, Dept. 94-0663, dated May 19, 1995 and adopted May 4, 1998; R-290050.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

During design, this project was presented to the community at the Peninsula Community Planning Committee on February 11, 1999. Nearby residents will be notified by mail by the City's Engineering and Capital Projects Department at least one (1) month before construction begins and again ten (10) days before construction begins by the contractor through hand distribution of notices. Traffic control plans have been prepared for this project and will be implemented during construction. Once financing has been approved, the community will be updated on the project.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

The citizens of the City of San Diego will encounter inconveniences during construction. After completion, residents will experience improved reliability of the water distribution system.

Boekamp/Haas

FILE LOCATION: CONT-ARRIETA CONSTRUCTION, INC.

COUNCIL ACTION: (Time duration: 11:08 a.m. – 11:12 a.m.)

CONSENT MOTION BY HUESO 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-101: Water Easement Vacation in Duck Pond Ranch Map No. 14570 and Mesa Verde Estates Unit No. 2, Map No. 14283.

(Del Mar Mesa Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1271) ADOPTED AS RESOLUTION R-302838

**SDMC § 125.1040 FINDINGS FOR A PUBLIC SERVICE EASEMENT
ABANDONMENT**

- (a) There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated;
- (b) The public will benefit from the action through improved utilization of the land made available by the abandonment;
- (c) The abandonment is consistent with any applicable land use plan; and
- (d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists.

Vacating the water easement located within portions of Lots 7, 8, 13, 17, 18 & "A" of Map No. 14283, and Lots 2, 3, 13 & 17 of Map No. 14570, and the SE 14, SE ¼, NW ¼, Sec. 22, T14S, R3W, SBBM, as shown on Drawing No. 20273-B, under the summary abandonment of easement vacation, San Diego Municipal Code Section 125.1010 (c) (3);

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

STAFF SUPPORTING INFORMATION:

The water easement being vacated is shown on Engineering Drawing No. 20273-B. The easement was granted by separate instrument recorded September 23, 1970 as File/Page No. 172776 O.R.

This vacation removes the easement from within single family residence lots, common area lots and a city-owned open space lot. City staff has requested this vacation as this water easement is no longer necessary because the water lines originally planned for this easement have been constructed in dedicated public right-of-way.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

There is no community opposition to this action.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Bouganvillea Estates Homeowners Association, Samuel H. Wood and Terryl Gavre; Christopher M. Romine and Debbie A Romine, Trustees of the Romine Family Trust dated November 14, 2000; Earl H. Maas III and Patricia Winslow Maas, Trustees of the Maas Trust dated May 17, 2002; and Lance Altenau and Tina Altenau, Michael Schimpf, Cynthia Schimpf, White/Nydahl Trust dated June 19, 2001, Michael J. Girdnerthe City of San Diego, Thomas F. Walsh and Carol E. Walsh, Sea Breeze Properties LLC and Sea Breeze Investments LLC.

Manis/Waring

Staff: G. Bollenvach - (619) 446-5417
Nina M. Fain - Deputy City Attorney

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

FILE LOCATION: DEED F-10108

COUNCIL ACTION: (Time duration: 11:08 a.m. – 11:12 a.m.)

CONSENT MOTION BY HUESO 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-102: Sewer Easement Vacation in Parcel 1 of Parcel Map 20078.

(Greater Golden Hill Community Area. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1272) ADOPTED AS RESOLUTION R-302839

**SDMC § 125.1040 FINDINGS FOR PUBLIC SERVICE EASEMENT
ABANDONMENT**

- (a) There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated;
- (b) The public will benefit from the action through improved utilization of the land made available by the abandonment;
- (c) The abandonment is consistent with any applicable land use plan; and
- (d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists.

Vacating the portion of sewer easement located within Parcel 1 of Parcel Map 20078, as shown on Drawing No. 20485-B, under the summary abandonment of public service easements, San Diego Municipal Code Section 125.1010 (c) (3);

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

STAFF SUPPORTING INFORMATION:

This easement vacation is located in the Golden Hill Community Plan area in Council District 3. This vacation is located in private property on the southwest corner of Dale Street and Hawthorn Street. This project consists of vacating a portion of an existing sewer easement that was granted at no cost to the City on February 25, 1930 in Book 1751, Page 31 of Deeds as shown on Engineering Drawing No. 20485-B. This easement has never been used for the purpose for which it was dedicated, and there is a structure that was built in over the easement in 1956. There are no other public facilities located within the easement; there is no present or prospective public use of the existing easement in its present location.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

There is no Community Planning Group opposition to this action.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Baymont Enterprises, LLC (C.R. Stovall, Sally I. Semm, Jonathan Early and Jacqueline Early)

Broughton/Waring

Staff: G. Bollenbach - (619) 446-5417
Nina M. - Deputy City Attorney

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

FILE LOCATION: DEED F-10109

COUNCIL ACTION: (Time duration: 11:08 a.m. – 11:12 a.m.)

CONSENT MOTION BY HUESO 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-103: Applying for and Accepting Grant Funds from State Victim Compensation and Government Claims Board to Fund Criminal Restitution Compact Restitution Specialist Position in City Attorney's Office, Criminal Division.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1128) ADOPTED AS RESOLUTION R-302840

Authorizing the City Attorney to apply for, accept, appropriate and expend a grant in an amount not to exceed \$150,388.42 from the State Victim Compensation and Government Claims Board to fund the Criminal Restitution Compact Restitution Specialist position in the City Attorney's Office, Criminal Division, for the two-year period of July 1, 2007 through June 30, 2009, on the terms and conditions outlined in Standard Agreement Number VCGC-7073;

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

Agreeing to hold the State of California, its officers, agents and employees, harmless from any liability arising out of the performance of the grant agreement, including court actions or damages, as detailed in the Standard Agreement Number VCGC-7073, and certifying that the City will not use the grant to supplant local expenditures.

SUPPORTING INFORMATION:

The City Attorney has been notified by the State Victim Compensation and Government Claims Board that the City Attorney's Office has been awarded a grant in an amount not to exceed \$150,388.42 for a legal assistant to perform the duties outlined in the attached grant agreement. This grant will cover the position for two years, from July 1, 2007 through June 30, 2009. The State Victim Compensation and Government Claims Board and the City Attorney's Office entered an agreement for the purpose of ensuring that restitution fines and orders are properly administered in accordance with applicable statutes. A previous, Fiscal Year 2006-2007 agreement was authorized and accepted by the City Council on May 9, 2005 by Resolution No. 300398.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Office of the City Attorney

Jacobo

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:08 a.m. – 11:12 a.m.)

CONSENT MOTION BY HUESO 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-104: Three actions related to Authorization to Extend the Project Area Committees (PAC) One Year and to Notice and Conduct the 2007 PAC Elections for Three Redevelopment Project Areas.

(College Area, City Heights, Uptown, Old Town, Mission Valley, Linda Vista, Peninsula, Midway/Pacific Highway Corridor Community Areas. Districts 2, 3, 4, 6, and 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2008-3) ADOPTED AS RESOLUTION R-302841

Authorizing a one-year extension of the City Heights Redevelopment Project Area Committee and directing the Redevelopment Agency staff to notice and conduct the annual Project Area Committee (PAC) Election in 2007.

Subitem-B: (R-2008-4) ADOPTED AS RESOLUTION R-302842

Authorizing a one-year extension of the College Community Redevelopment Project Area Committee and directing the Redevelopment Agency staff to notice and conduct the annual Project Area Committee (PAC) Election in 2007.

Subitem-C: (R-2008-5) ADOPTED AS RESOLUTION R-302843

Authorizing a one-year extension of the North Bay Redevelopment Project Area Committee and directing the Redevelopment Agency staff to notice and conduct the annual Project Area Committee (PAC) Election in 2007.

STAFF SUPPORTING INFORMATION:

California Community Redevelopment Law, California Health and Safety Code Section 33385, requires the legislative body of a city to call upon residents and existing community organizations in a redevelopment project area to form a PAC if, there is a substantial number of low or moderate-income residents within the project area, and the redevelopment plan contains authority for the agency to acquire property, by eminent domain, on which anyone resides; or the redevelopment plan contains one or more public projects that will displace a substantial number of low or moderate-income residents.

Each PAC serves as an advisory body to the Redevelopment Agency on policy matters affecting the residents of the project area. The Agency is required to consult with the PAC for at least three years after the redevelopment plan is adopted, subject to one year extensions by the legislative body.

Each PAC is elected and conducts its business in accordance with its specific PAC Formation Procedures ("Procedures") that were adopted individually by the City Council.

The Procedures address the purpose and authority of the PAC, define the PAC's composition and membership, establish eligibility requirements for the term of membership and set procedures for conducting elections.

In accordance with the College Community, City Heights and North Bay PAC Procedures, Agency staff must seek authorization from the City Council to extend the Redevelopment PAC for one year, notice and conduct the PAC elections.

FISCAL CONSIDERATIONS: None with this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: On July 26, 2006 the City Council of the City of San Diego approved R-301665, R-301664, and R-301663 to extend the North Bay, College Community, and City Heights PAC's respectively for one year.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: The North Bay PAC voted 13-0-0 on June 7, 2007, to recommend a one year extension and authorize the annual election of the PAC. The City Heights Redevelopment Project Area voted 13-0-0 on June 11, 2007, to recommend a one year extension and authorize the annual election of the PAC. The College Community PAC meeting held on June 5, 2007 did not make a recommendation in regards to extending the PAC due to a lack of a quorum.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):
City Heights, College Community and North Bay Redevelopment PACs.

Weinrick/Waring

Staff: Lydia Goularte-Ruiz - (619) 236-6539
Alex Sachs - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:08 a.m. – 11:12 a.m.)

CONSENT MOTION BY HUESO 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-105: Settlement of Property Damage Claim of Shamsii Liaghat.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-13) ADOPTED AS RESOLUTION R-302844

A Resolution approved by the City Council in Closed Session on Tuesday, June 5, 2007, by the following vote: Council President Peters-yea; Faulconer-yea; Atkins-yea; Council President Pro Tem Young-not present; Maienschein-not present; Frye-yea; Madaffer-yea; Hueso-yea.

Authorizing to pay the total sum of \$182,500 from Public Liability Fund 81140 in the settlement of each and every claim against the City, its agents and employees, resulting from property damage claim of Shamsii Liaghat (Superior Court Case No. GIC 863896, Dr. Shamsii Liaghat v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$182,500 made payable to Shamsii Liaghat and attorney of record, Donald T. Whitson.

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all claims brought by Shamsii Liaghat.

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 June 5, 2007 the City Council approved the settlement amount of \$182,500. City Councilmember Faulconer moved, Madaffer second; voted 6-0 passed, absent were Councilmember Mainschein and Councilmember Young.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Bych/Goldstone

Aud. Cert. 2700871.

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

Staff: Mike Gomez – (619) 236-7096
Joe B. Cordileone – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:08 a.m. – 11:12 a.m.)

CONSENT MOTION BY HUESO 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-106: Reappointments to the Commission on Arts and Culture.

(See memorandum from Mayor Sanders dated 6/26/2007.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1321) ADOPTED AS RESOLUTION R-302845

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

<u>NAME</u>	<u>TERM ENDING</u>
Garet Clark (Mission Hills, District 2) (Reappointment)	August 31, 2008

Judy McDonald
(Kensington, District 3)
(Reappointment) August 31, 2008

Victoria Reed
(La Jolla, District 1)
(Reappointment) August 31, 2008

Colette Carson-Royston
(La Jolla, District 1)
(Reappointment) August 31, 2008

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:08 a.m. – 11:12 a.m.)

CONSENT MOTION BY HUESO 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-107: Appointments and Reappointments to the Human Relations Commission.

(See memorandum from Mayor Sanders dated 5/10/2007.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1322) ADOPTED AS RESOLUTION R-302846

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

<u>NAME</u>	<u>TERM ENDING</u>
Thomas Felkner (Bankers Hill, District 2) (Replacing Christine Fletcher, who has resigned)	July 22, 2010
Teresa Oyos (Rolando, District 7) (Replacing Karen Marshall, who has resigned)	July 22, 2011
Carolina Ramos (Southcrest, District 8) (Replacing George Khoury, who has resigned)	July 22, 2010
Gary Lynn (San Carlos, District 7) (Reappointment)	July 22, 2011
Nicole Murray Ramirez (La Jolla, District 1) (Reappointment)	July 22, 2011
Lorraine Johnson (Rolando, District 4) (Reappointment)	July 22, 2011

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:08 a.m. – 11:12 a.m.)

CONSENT MOTION BY HUESO 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-108: Appointments and Reappointment to the Mission Bay Park Committee.

(See memorandum from Mayor Sanders dated 6/25/2007.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1323) ADOPTED AS RESOLUTION R-302847

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

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Jeton Prince (Pacific Beach, District 2) (Replacing Catherine Strohle, who has resigned)	Pacific Beach Community Planning Representative	March 1, 2008
Jarl Turner (Mission Valley, District 6) (Appointment)	Council District 6 Representative	March 1, 2009
Rick Bussell (Bay Park, District 6) (Reappointment)	Park & Recreation Board Member	March 1, 2009

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:08 a.m. – 11:12 a.m.)

CONSENT MOTION BY HUESO 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-109: Bishop Gilberto E. Chavez Day.

COUNCILMEMBER HUESO'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1294) ADOPTED AS RESOLUTION R-302848

Proclaiming June 24, 2007, to be "Bishop Gilberto E. Chavez Day" in the City of San Diego in recognition of his dedication to the Diocese of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:08 a.m. – 11:12 a.m.)

CONSENT MOTION BY HUESO 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-330: Mayor's Response to the San Diego County Grand Jury Report on Water for the City of San Diego.

(See Mayor Sanders' letter dated 7/2/2007.)

MAYOR SANDERS' RECOMMENDATION:

Take the following actions:

HEARING HELD/DIRECTION GIVEN

- 1) Discussion of Mayor's response to San Diego County Grand Jury Report entitled "Water for the City of San Diego Revisited."
- 2) City Council's review Mayor's response and either:
 - a. Adopt the Mayor's response or
 - b. Prepare a separate City Council response.

SUPPORTING INFORMATION:

After a review of the May 16, 2007 San Diego County Grand Jury's report entitled "Water for the City of San Diego Revisited", the Mayor has prepared a response. Since the report calls for a separate response from City Council, it is recommended that the City Council review the Mayor's response and either join in the Mayor's response or prepare a separate response on behalf of the City Council

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:15 p.m. – 2:28 p.m.)

MOTION BY FRYE TO ACCEPT THE MAYOR'S RESPONSE AND TO DIRECT THE INDEPENDENT BUDGET ANALYST TO ADD THE ISSUE OF WATER REUSE TO THE COUNCIL'S RESPONSE AND SEND THAT TO THE GRAND JURY. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-331: Response of the Mayor to the Grand Jury Report Titled "San Diego City Real Estate Assets".

(See Mayor Sanders' letter dated 7/6/2007 and 2006-2007 San Diego County Grand Jury's Report.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-18) ADOPTED WITH DIRECTION AS
RESOLUTION R-302849

Affirming and joining with the Mayor in his response to the findings and recommendations of the 2006-2007 San Diego County Grand Jury in its report dated May 10, 2007, and titled "San Diego City Real Estate Assets" contained in the Mayor's letter to the Presiding Judge of the San Diego County Superior Court dated July 6, 2007.

SUPPORTING INFORMATION:

After review of the May 7, 2007, San Diego County Grand Jury's report entitled "San Diego City Real Estate Assets", the Mayor has prepared a response. Since the report calls for a separate response from City Council, it is recommended that the City Council review the Mayor's response and either join in the Mayor's response or prepare a separate response on behalf of the City Council.

Waring

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:31 p.m. – 2:32 p.m.)

MOTION BY MADAFFER TO ADOPT WITH DIRECTION TO THE INDEPENDENT BUDGET ANALYST TO FORWARD THE SUPPLEMENT TO THE GRAND JURY WITH THE RECOMMENDATION OF THE ADDITION THAT THE LAND USE AND HOUSING COMMITTEE DISCUSSED THIS AT THEIR MEETING ON JULY 11, 2007, AND TOOK ACTION. 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-332: Response of the City Council to the Grand Jury Report Titled "San Diego City Real Estate Assets".

(See Independent Budget Analyst Report IBA-07-71.)

INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-24) ADOPTED WITH DIRECTION AS
RESOLUTION R-302850

Approving and adopting as its own the response to the 2006-2007 San Diego County Grand Jury in its report dated May 10, 2007, and titled "San Diego City Real Estate Assets," prepared by the Independent Budget Analyst (Council's Response);

Authorizing and directing the City Council President, on behalf of the City of San Diego and the City Council, to execute and deliver the Council's Response to the Presiding Judge of the San Diego County Superior Court no later than August 9, 2007.

SUPPORTING INFORMATION:

The San Diego County Grand Jury issued a report on May 7, 2007, entitled "San Diego City Real Estate Assets". Certain of the Grand Jury findings and recommendations were directed solely to the City Council. The Independent Budget Analyst has prepared the response for the Council to review and approve for submittal to the Grand Jury.

Tevlin

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:31 p.m. – 2:32 p.m.)

MOTION BY MADAFFER TO ADOPT WITH DIRECTION TO THE INDEPENDENT BUDGET ANALYST TO FORWARD THE SUPPLEMENT TO THE GRAND JURY WITH THE RECOMMENDATION OF THE ADDITION THAT THE LAND USE AND HOUSING COMMITTEE DISCUSSED THIS AT THEIR MEETING ON JULY 11, 2007, AND TOOK ACTION. 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-333: Fiscal Year 2008 Community Parking District Program.

(City Heights, College, Cortez Hill, Downtown, East Village, El Cajon Boulevard, Golden Hill, Hillcrest, La Jolla, Mid-City, Mission Hills, Ocean Beach, Pacific Beach, University Heights, and Uptown Community Areas. Districts 1, 2, 3, 7, and 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1324) ADOPTED AS RESOLUTION R-302851

Approving the FY 2008 Implementation Plan for the Downtown Community Parking District, and the FY 2008 Implementation Plans and Budgets for the Uptown, Mid-City, La Jolla, Old Town, and Pacific Beach Community Parking Districts, as follows:

<u>Association</u>	<u>CPD</u>	<u>Document No.</u>
Centre City Development Corporation	Downtown	RR-_____
Uptown Partnership, Inc.	Uptown	RR-_____
El Cajon Blvd. Business Improvement Association	Mid-City	RR-_____
Greater Golden Hill Community Development Corporation	Mid-City	RR-_____
University Heights Community Development Corporation	Mid-City	RR-_____
Promote La Jolla, Inc.	La Jolla	RR-_____
Old Town San Diego Chamber of Commerce	Old Town	RR-_____
Discover Pacific Beach	Pacific Beach	RR-_____

Authorizing the City Auditor and Comptroller to transfer \$2,276,892 in parking meter revenues from General Fund 100 to the Community Parking District (CPD) Funds, contingent upon certification of funds availability by the City Auditor and Comptroller, as follows: \$1,476,280 to the Downtown CPD Fund (Fund No. 70302); \$595,487 to the Uptown CPD Fund (Fund No. 70303); \$91,281 to the Mid-City CPD Fund (Fund No. 70304); and \$113,844 to the CPD Program Administration Costs Fund (Fund No. 70301);

Authorizing the City Auditor and Comptroller to appropriate \$3,202,091 within the Uptown CPD Fund (Fund No. 70303) and \$831,769 within the Mid-City CPD Fund (Fund No. 70304) for the operation of the FY 2008 CPD Program in the Uptown and Mid-City Community Parking Districts, as reduced by the City Auditor and Comptroller to reflect any FY 2007 agreement expenditures incurred in FY 2007 not already deducted from each CPD Fund, and as increased or reduced by the City Auditor and Comptroller for year-end adjustments to each CPD Fund to reflect actual parking meter revenues collected in FY 2007;

Authorizing the City Auditor and Comptroller to appropriate and expend \$3,857,491 from the Downtown CPD Fund (Fund No. 70302) for the operation of the FY 2008 CPD Program in the Downtown Community Parking District, as reduced by the City Auditor and Comptroller to reflect any FY 2007 CPD-related expenditures incurred in FY 2007 not already deducted from the Downtown CPD Fund, and as increased or reduced by the City Auditor and Comptroller for year-end adjustments to the Downtown CPD Fund to reflect actual parking meter revenues collected in FY 2007;

Authorizing the City Auditor and Comptroller to appropriate and expend \$113,844 from the CPD Program Administration Costs Fund (Fund No. 70301) for the City's administration of the CPD Program.

STAFF SUPPORTING INFORMATION:

Community Parking Districts (CPD's) are authorized under City Council Policy 100-18, adopted on March 4, 1997 and amended on November 15, 2005. The Policy establishes a "Community Parking District Program," that allows communities, with the approval of the City Council, to implement parking solutions in neighborhoods that face serious parking challenges. At present, the City has six Community Parking Districts: Downtown, Uptown, Mid-City, La Jolla, Old Town, and Pacific Beach.

Each CPD has a designated Advisory Board responsible for developing plans and expending allocated revenue. The advisory boards operate either through a nonprofit business improvement association or a nonprofit community development corporation, which contracts with the City to develop Implementation Plans, manage CPD funds, and fulfill the community's parking goals as stated in each Implementation Plan. The Mid-City CPD was established with three sub-districts and is managed by each area's respective organization: El Cajon Boulevard Business Improvement Association, Greater Golden Hill Community Development Corporation, and University Heights Community Development Corporation.

Council Policy 100-18 allows each CPD to retain 45 percent of parking meter revenues collected within its boundaries. At this time, however, only three CPD's generate parking meter revenue within their respective boundaries: Downtown, Uptown, and Mid-City. The remaining CPD's (La Jolla, Old Town, and Pacific Beach), established by Resolution on July 27, 2005, do not have parking meters or other parking revenues generated within their respective geographic boundaries.

The CPD funds are dedicated for improvements and activities that increase the availability, supply, and effective use of parking to residents, visitors, and employees. Funds may be accumulated over time for future capital improvements, or may be used for improving parking management, increasing parking supply (parking structures, surface lots, etc.), marketing, signage, printed materials, web sites, landscaping, and security.

The FY 2008 operating agreements to administer the Uptown, Mid-City, La Jolla, Old Town, and Pacific Beach Community Park Districts will be brought before City Council for approval on or before July 31, 2007.

FISCAL CONSIDERATIONS:

This action authorizes the transfer of \$2,276,892 of parking meter revenues from General Fund 100 to the CPD Program Administration Costs Fund (Fund No. 70301) and the Downtown, Uptown, and Mid-City CPD Funds (Fund Nos. 70302 -70304). In addition, this action authorizes the appropriation of (and in the case of the Downtown CPD Fund and the Program Administration Costs Fund, the expenditure of) the total amounts in those Funds (which include all revenues carried over from previous fiscal years and the current transfer of funds), as adjusted for FY 2007 CPD-related expenditures not yet deducted from the CPD Funds, and as adjusted to reflect actual parking meter revenues collected in FY 2007. Accordingly, there is no net fiscal impact to the City.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Each year, the City Council approves the Implementation Plans and Budgets for the CPD's and authorizes the appropriation and expenditure of CPD funds, which occurred most recently in July 2006 (R-301669).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Each CPD Advisory Board holds regular monthly meetings and publishes newsletters which are distributed to community residents and business owners. In addition, CPD representatives sit on the citywide Parking Advisory Board and provide updates at meetings that are noticed and open to the public.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Direct beneficiaries of this action include the agencies that administer each CPD: Centre City Development Corporation; Uptown Partnership, Inc.; El Cajon Blvd. Business Improvement Association; Greater Golden Hill Community Development Corporation; University Heights Community Development Corporation; Promote La Jolla, Inc.; Old Town San Diego Chamber of Commerce; and Discover Pacific Beach. Also, motorists faced with parking issues within the CPD's may benefit from this action.

Anderson/Waring

Aud. Cert. 27000838.

Staff: Melisa Tintaocalis - (619) 236-6476
Michael D. Neumeyer - Deputy City Attorney

FILE LOCATION: STRT-L-28(2008)(32)

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:09 p.m.)

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



ITEM-334: Hillside Drive Residence Easement Agreement, Project No. 87275.

(See Report to the City Council No. 07-118. La Jolla Community Area.
District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1285) ADOPTED AS RESOLUTION R-302852

Granting of a nonexclusive, subsurface easement (Easement) to Country Club Drive, LLC, a Nevada limited liability company (CCD), for the installation, maintenance, and repair of a tie-back anchor system beneath the La Jolla Natural Park;

Authorizing the Mayor, or his designee, to execute and deliver a Grant of Easement and Agreement by and between the City and CCD;

Authorizing the City Auditor and Comptroller to accept an easement fee in the amount of \$2,500 for the grant of the Easement, and deposit said fee into Fund 302453, Capital Outlay Fund, Revenue Account 78335.

STAFF SUPPORTING INFORMATION:

This is a request for approval of an Easement Agreement for the installation, maintenance and repair of a proposed tie back anchor system for the foundation of a single-family residence, with a portion of the tie back anchor system to be located within adjacent dedicated City Park Land. This single-family home was previously approved by City Council through Coastal Development Permit and Hillside Review Permit, Project No. 37375. The subject tiebacks would be drilled in a manner so that no visual or functional aspect of the city's property would be disrupted. All of the entry holes for drilling for the tiebacks will occur or originate within the building footprint of the proposed house. Those tiebacks would be between 20-60 feet underground at the beginning of the encroachment on City land. The tiebacks would be undetectable above ground and will not create a negative visual or functional impact on the City Park Land during or subsequent to construction. If this request for an Easement Agreement is denied by City Council, then the applicant/property owner would have to develop their property by utilizing a caisson foundation system.

FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are paid from a deposit account maintained by the applicant. The fair market value for the Easement as determined by Real Estates Assets Department is \$2,500 to be paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The Coastal Development Permit and Hillside Review Permit, Project No. 37375, was approved on appeal by City Council on October 5, 2004, by Resolution No. 299734.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On April 8, 1999, the Planning Commission denied an appeal and approved the subject project by a vote of 6 to 0, with one additional condition. A condition requiring the applicant to enter into a Hold Harmless Agreement with the City was added to the permit due to potential geologic hazards of the site.

The La Jolla Community Planning Association voted 10-0-0 to recommend approval of the proposed project at their meeting of July 10, 1997.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Matthew C. DiNofia, Managing Partner of La Jolla Development Group LLC.

Escobar-Eck/Waring

Staff: Glenn Gargas - (858) 446-5142
Brock Ladewig – Chief Deputy City Attorney

FILE LOCATION: F-10117

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:14 p.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-nay,
Madaffer-yea, Hueso-yea.



ITEM-335: Streetscape Improvements Project San Ysidro.

(San Ysidro Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-850) ADOPTED AS RESOLUTION R-302853

Declaring that the Council finds it appropriate to accept tax increment monies to fund the installation of streetscape improvements within the San Ysidro Redevelopment Project Area and that such use of tax increment for the streetscape improvements is:

- a) Consistent with the Project Area's Five-Year Implementation Plan, adopted pursuant to Section 33490;

- b) A benefit to the San Ysidro Redevelopment Project Area;
- c) Appropriate because no other reasonable means of financing the improvements is available to the community; and
- d) Appropriate because the public improvements will assist in the elimination of one or more blighting conditions inside the Project Area. All of these findings are more fully described in Attachment 1.

Declaring that the City accepts the transfer of funds from Redevelopment Agency to Capital Improvements Program Budget No. 52-293.0, Fund 10269, Redevelopment Agency Contributions to San Ysidro Projects, for the purpose of installing City-owned streetscape improvements;

Declaring that the City authorizes a \$600,000 increase in the Fiscal Year 2007 Capital Improvements Program Budget, CIP-52-293.0, Fund 10269;

Declaring that the City authorizes the appropriation and expenditure of \$600,000 for the streetscape improvements Project from CIP-52-293.0, Fund 10269, contingent upon the City Auditor and Comptroller first certifying funds for this action are available;

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

STAFF SUPPORTING INFORMATION:

The requested actions under this item will provide funding for the construction of new streetscape improvements within the San Ysidro Redevelopment Project Area, in areas surrounding Camino de la Plaza Boulevard and East San Ysidro Boulevard, just north of the San Ysidro Port of Entry. The subject streetscape improvements will generally include new sidewalks, curbs and gutters, streetlights, fencing, and street furniture.

San Ysidro's Port of Entry is the busiest international land crossing in the world. On a daily basis, thousands of visitors walk the southern-most area of San Ysidro for shopping, tourist services, and/or in passing to and from Tijuana, Mexico. San Ysidro's public infrastructure, including sidewalks, curbs, and other improvements, is deficient and/or defective in many areas, particularly in the surrounding areas of the border crossing station. These blighting conditions present an unattractive and deficient walking environment for San Ysidro's pedestrians.

Design for the subject improvements has been completed and approval for construction funding is sought under this action item. The new streetscape improvements will help remove blight and create a safe, walkable environment for San Ysidro's residents and merchants, and help stimulate community and economic development for this border community.

Construction is projected to take place in Fiscal Year 2008 and total construction costs are estimated to be \$600,000. The budget for CIP-39-091.0, originally approved in 2003, will increase by \$600,000 as a result of this action. Maintenance of the improvements will be provided by San Ysidro Business Improvement District (SYBID) through an agreement between the City and SYBID.

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

FISCAL CONSIDERATIONS:

Total construction costs are estimated at approximately \$600,000 (pre-bid estimate). San Ysidro tax increment will be used to pay up to \$600,000 for the subject improvements.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Agency and Council actions for general streetscape improvements in San Ysidro - July 29, 2003.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

1. Numerous meetings with San Ysidro Business Association (SYBA) for identification of streets cape deficiencies.
2. San Ysidro Planning and Development Group - Unanimous vote in favor of this item on March 15, 2005.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

None with this action.

Weinrick/Anderson

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

NOTE: See the Redevelopment Agency Agenda for July 17, 2007, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:31 p.m. – 2:31 p.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-yea, Hueso-yea.



ITEM-336: First Amendment to the Agreement with Hawkins, Delafield & Wood for Arbitrage Services.

CITY AUDITOR AND COMPTROLLER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2007-114) INTRODUCED; TO BE ADOPTED ON
TUESDAY, JULY 31, 2007

Introduction of an Ordinance authorizing the Mayor to execute a First Amendment to the Agreement between the City of San Diego and Hawkins, Delafield & Wood, for arbitrage rebate compliance services for one additional year.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

SUPPORTING INFORMATION:

On January 8, 2002, the City of San Diego ("City") entered into an agreement ("Agreement") with Hawkins, Delafield & Wood ("Arbitrage Consultant") to provide arbitrage rebate compliance services. The agreement stated the City had the option to extend the contract for four (4) additional one year terms, but in no event shall they exceed five (5) years. The City exercised the option to extend the agreement for four additional years. However, prior to the end of the final year, the Request for Proposal process was not done thus resulting in the lapse of the agreement without the selection of a new consultant. A sole source request to continue to use the Arbitrage Consultant has been approved by the Purchasing Department of the City of San Diego. The Auditor's Office intends to initiate a Request for Proposal (RFP) with Purchasing & Contracting for these services six (6) months prior to the expiration of this one year contract extension.

The Arbitrage Consultant services are needed immediately to enable the City to meet its bond covenant requirements and IRS obligations. The arbitrage consultant has been performing these calculations for the City for the past five years and has the expertise and experience with the various bond issuances to complete the arbitrage calculations and analysis in the most efficient and rapid manner.

During the past five years, the arbitrage consultant has been responsive and has provided an excellent work product in all phases of the scope of services, which included arbitrage liability calculations, providing legal opinions, preparing the arbitrage rebate report and ongoing support to City staff involved in the various bond issuances. Since the arbitrage consultant has the history of all previous arbitrage rebate calculations, and they also have the processes in place to complete the calculations currently required, amending the Agreement to continue to work with them would be more cost effective and efficient, and potentially minimize the likelihood of errors and potential penalties to the City.

This City Council action would extend the term of the Agreement for an additional one year. Total compensation under this proposed Amendment is not to exceed \$40,000 for services per agreement.

FISCAL CONSIDERATIONS:

The costs associated with this agreement are paid for from the funds associated with the various bond issuances.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None required.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Hawkins, Delafield & Wood LLP.

McCraner/Goldstone

Aud. Cert. 2700777.

Staff: Bryce Collins - (619) 236-6873
Mark Blake - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:15 p.m. - 2:15 p.m.;
4:10 p.m. - 4:15 p.m.)

MOTION BY MADAFFER TO INTRODUCE. 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-337: First Amendment to the Agreement with Bond Logistix, LLC for Arbitrage Services.

CITY AUDITOR AND COMPTROLLER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2007-123) INTRODUCED; TO BE ADOPTED ON
TUESDAY, JULY 31, 2007

Introduction of an Ordinance authorizing the Mayor to execute the First Amendment to the Agreement between the City of San Diego and Bond Logistix, LLC, for arbitrage rebate compliance services for one additional year.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

SUPPORTING INFORMATION:

On March 22, 2002, the City of San Diego ("City") entered into an agreement ("Agreement") with Bond Logistix, LLC ("Arbitrage Consultant") to provide arbitrage rebate compliance services. The agreement stated the City had the option to extend the contracts for four (4) additional one year terms, but in no event shall they exceed five (5) years. The City exercised the option to extend the agreement for four additional years. However, prior to the end of the final year, the Request for Proposal process was not done thus resulting in the lapse of the agreement without the selection of a new consultant. A sole source request to continue to use the Arbitrage Consultant has been approved by the Purchasing Department of the City of San Diego.

The Auditor's Office intends to initiate a Request for Proposal (RFP) with Purchasing & Contracting for these services six (6) months prior to the expiration of this one year

contract extension.

The Arbitrage Consultant services are needed immediately to enable the City to meet its bond covenant requirements and IRS obligations. The arbitrage consultant has been performing these calculations for the City for the past five years and has the expertise and experience with the various bond issuances to complete the arbitrage calculations and analysis in the most efficient and rapid manner.

During the past five years, the arbitrage consultant has been responsive and has provided an excellent work product in all phases of the scope of services, which included arbitrage liability calculations, providing legal opinions, preparing the arbitrage rebate report and ongoing support to City staff involved in the various bond issuances. Since the arbitrage consultant has the history of all previous arbitrage rebate calculations, and they also have the processes in place to complete the calculations currently required, amending the Agreement to continue to work with them would be more cost effective and efficient, and potentially minimize the likelihood of errors and potential penalties to the City.

This City Council action would extend the term of the Agreement for an additional one year. Total compensation under this proposed Amendment is not to exceed \$40,000 for services per agreement.

FISCAL CONSIDERATIONS: The costs associated with this agreement are paid for from the funds associated with the various bond issuances.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None required.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: Bond Logistix, LLC.

McCraner/Goldstone

Aud. Cert. 2700776.

Staff: Bryce Collins - (619) 236-6863
Mark Blake - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 4:15 p.m. - 4:15 p.m.)

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



ITEM-338: Tucker Self-Storage.

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

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

(Continued from the meeting of May 22, 2007, Item 333, at the request of Councilmember Madaffer, for further review).

NOTE: Hearing open. No testimony taken on May 22, 2007.

STAFF'S RECOMMENDATION:

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

Subitem-A: (R-2007-930) NOTED AND FILED

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 67993, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed

and considered by this Council in connection with the approval of a rezone, public right-of-way vacation, and site development permit for the Tucker Self-Storage Project;

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

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

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

Subitem-B: (O-2007-121) NOTED AND FILED

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

Subitem-C: (R-2007-931) DENIED PERMIT; ADOPTED AS RESOLUTION
R-302936

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

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

Subitem-D: (R-2007-932) NOTED AND FILED

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

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

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

OTHER RECOMMENDATIONS:

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

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

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

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

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

STAFF RECOMMENDATIONS:

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

EXECUTIVE SUMMARY:

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

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

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

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

Through these project features the objectives of the community plan to protect surrounding uses from visual impacts and visual appearance through aesthetic improvements and urban design will be implemented.

The project requires a rezone from RS-1-1, IH-2-1 and IP-2-1 to the IL-2-1 zone. The IL-2-1 zone allows for light industrial uses. The Public Right-of Way Vacation is for property which was formerly part of an Interstate 15 off-ramp and is no longer needed for public use. A Site Development Permit is required due to impacts to Environmentally Sensitive Lands. Approximately 2.36-acres of Coastal sage scrub habitat and 0.53-acres of Non-native Grassland will be impacted by the proposed project.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

See fiscal considerations statement above.

PLANNING COMMISSION ACTION:

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

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

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

KEY STAKEHOLDERS:

Andy Krutzsch, Applicant

Waring/Escobar-Eck/PG

LEGAL DESCRIPTION:

The site is in the RS-1-1, IP-2-1, IH-2-1 and the Airport Environs Overlay Zones, within the Tierrasanta Community Plan area. The project entails a 55-year ground lease of the property pursuant to the Settlement Agreement in the case of TRP LIMITED V. CITY OF SAN DIEGO,

ET AL, SCC No. 578191, approved by City Council Resolution No. 274804 on December 4, 1989. The project site is more particularly described as Parcel A and B of Lot 2, of Map No. 825.

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

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:33 p.m. - 3:31 p.m.;
3:37 p.m. - 3:55 p.m.)

Testimony in opposition by Scott Hasson, Wayne Holtan, Theresa Ososkie, Neill Thornton, David Oates, Fred Zuckerman, Donna Jackson, Richard Rees, Sue Taylor, Elaine Moser, Janet Brown, Kelly Miller, and Linda Kleiner.

Testimony in favor by Steve Laub, Jeffrey Garland, and Adrian Kwiatkowski.

MOTION BY MADAFFER TO OPPOSE THE APPLICANT'S AND STAFF'S RECOMMENDATION AND DENY THE SITE DEVELOPMENT PERMIT. Second by Frye. Passed by the following vote: Peters-nay, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-nay.

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: 2:07 p.m. - 2:08 p.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 4:16 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 4:16 p.m. - 4:16 p.m.)