

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 11, 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 Pro Tem Young at 10:00 a.m.
The meeting was recessed by Council President Pro Tem Young at 11:58 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Pro Tem Young at 2:03 p.m. with Council President Peters and Council Member Hueso not present. Council President Pro Tem Young recessed the meeting at 2:06 p.m. to convene the Housing Authority and thereafter the Redevelopment Agency. Council President Pro Tem Young reconvened the regular meeting at 2:07 p.m. with Council President Peters not present. Council President Pro Tem Young recessed the meeting at 3:29 p.m. for the purpose of a break. Council President Pro Tem Young reconvened the meeting at 3:34 p.m. with Council President Peters and Council Member Atkins not present. Council President Pro Tem Young recessed the regular meeting at 4:03 p.m. to reconvene the Redevelopment Agency. Council President Pro Tem Young reconvened the regular meeting at 4:13 p.m. with Council President Peters not present and thereafter reconvened the Redevelopment Agency. Council President Pro Tem Young reconvened the regular meeting at 4:14 p.m. with Council President Peters not present. Council President Pro Tem Young recessed the regular meeting at 4:16 p.m. to reconvene the Redevelopment Agency and thereafter the Housing Authority. Council President Pro Tem Young reconvened the regular meeting at 4:39 p.m. with Council President Peters not present. The meeting was adjourned by Council President Pro Tem Young at 4:42 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-not 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-not present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on prayer and the flag salute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

PUBLIC COMMENT-2:

Homer Barrs commented on a mobile home park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. - 10:27 a.m.)

PUBLIC COMMENT-3:

Allyson Smith commented on the Amicus brief regarding same sex marriages.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:30 a.m.)

PUBLIC COMMENT-4:

Phil Hart commented on parking concerns.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m. - 10:32 a.m.)

PUBLIC COMMENT-5:

Robert Sutton and Kim Tran commented on the organization, the Blue Star Mothers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:33 a.m. - 10:37 a.m.)

PUBLIC COMMENT-6:

James Hartline commented on San Diego Fire Fighters.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-7:

Jarvis Ross commented on various current events.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-8:

Catherine Strohlein commented on alcohol abuse.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. - 10:44 a.m.)

PUBLIC COMMENT-9:

Al Strohlein commented on a riot on Labor Day.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-10:

Lani Lutar commented on IROC – the Independent Rates Oversight Committee.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m. - 10:49 a.m.)

PUBLIC COMMENT-11:

Referred to Mayor: Katheryn Rhodes commented on the FAA Part 77 Map and Airport Land Use Commission Airspace review for new construction.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:49 a.m. - 10:52 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Hueso wanted to thank the San Diego Housing Association with regard to the issue of affordable housing.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:52 a.m. - 10:54 a.m.)

COUNCIL COMMENT-2:

Council Member Frye announced an Electronic Recycling event to be held Saturday, September 15, 2007, from 8:00 a.m. to 12:00 p.m. in the Sea World parking lot.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:54 a.m. - 10:55 a.m.)

COUNCIL COMMENT-3:

Council Member Madaffer welcomed all to attend the 21st Annual Lake Murray Street Fair and 2nd Annual Duck Race held at the north side of Lake Murray, Saturday, September 15, from 9:00 a.m. to 6:00 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:56 a.m. - 10:58 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

Karen Heumann announced that the City Attorney's office presented checks to two important nonprofit agencies, the San Diego Childhood Lead Poisoning Prevention Program and Lamba Archives of San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:14 a.m. - 10:18 a.m.)

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

APPROVED

Approval of Council Minutes for the meetings of:

07/23/2007

07/24/2007

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:04 a.m. – 10:04 a.m.)

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



ITEM-31: Phyllis A. Shess Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-174) ADOPTED AS RESOLUTION R-302973

Commending Phyllis Shess for her years of service to the City of San Diego and the community of North Park;

Proclaiming September 11, 2007, to be “Phyllis A. Shess Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:06 a.m. – 10:08 a.m.)

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



[ITEM-32:](#) Eleanor A. Mang Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-156) ADOPTED AS RESOLUTION R-302974

Proclaiming September 11, 2007, to be "Eleanor A. Mang Day" in the City of San Diego, and thanking Eleanor for all of her contributions to the Clairemont Community and the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:09 a.m. – 10:14 a.m.)

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

* ITEM-100: Hickman Athletic Field Improvements. (Kearny Mesa Community Area. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-160) ADOPTED AS RESOLUTION R-302975

Authorizing and directing the City Auditor and Comptroller to amend the Capital Improvement Budget to add CIP-29-795.0, Hickman Athletic Field Improvements, in accordance with the 2008 Annual Appropriation Ordinance;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$200,000 from Fund 39223, General Dynamic Fund to CIP-29-795.0, Hickman Athletic Field Improvements;

Authorizing the expenditure of an amount not to exceed \$200,000 from CIP-29-795.0, Hickman Athletic Field Improvements, solely and exclusively, for the purpose of providing funds for consultant services to prepare construction documents for Hickman Athletic Field;

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" and therefore not subject to CEQA per CEQA Guidelines Section 15060 (c)(3). This activity will provide funding for a project consultant, design, and construction documents. There is no construction associated with this action. Any future activity involving construction will be subject to a separate review under CEQA and conditioned to comply with the provisions of CEQA.

STAFF SUPPORTING INFORMATION:

This funding will provide for consulting services to prepare construction documents for the future implementation of site improvements when funding is available. The construction documents will be based on the existing Hickman Athletic Field Master Plan, approved on June 20, 2005. This will be instrumental in estimating financial needs, and assist in applying for grants to complete the site improvements in accordance with the Hickman Fields Master Plan.

Council District Six identified the funding through General Dynamic Fund for the project. City staff will coordinate and work with the Hickman Youth Athletic Association (HYAA), lessee of the park, for the scope of work to be done. HYAA has a 25 year lease agreement with the City of San Diego; the lease will expire on June 20, 2030. HYAA maintains and implement improvements within the property. HYAA conducts and promotes non-profit youth sports activities such as baseball, tee ball and soccer. The multi sport's field is open to the public; reservation can be made by contacting the North Clairemont Recreation Center for scheduling the use of fields and other facilities at the property.

FISCAL CONSIDERATIONS:

This action authorizes the use of \$200,000, Fund 39223, General Dynamic Fund, for the purpose as stated above.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

R-262865 - Hickman Field, April 8, 1985

R-267203 - Land transfer between the United States Navy and the City, December 8, 1986

R-268447 - City/Navy Land Exchange June 1, 1987

R-289276 - MOU City and USA - October 7, 1997

Document No. 00-19390 - Lease Agreement, June 20, 2005

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Staff coordination with Hickman Youth Athletic Association.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Stakeholders: Hickman Youth Athletic Association.

Lomedico/Reynolds

Aud. Cert. 2800074.

Staff: Jim Winter - (619) 533-3040
Kimberly Ann Davies - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:21 a.m.)

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

* ITEM-101: Amendment to Residential Permit Parking Area “B”. (College Community Area. District 7.)

(See Report to the City Council No. 07-136.)

STAFF’S RECOMMENDATION:

Adopt the following resolution:

(R-2008-155) ADOPTED AS RESOLUTION R-302976

Authorizing the addition of the 6200-block of Stewart Street between 62nd Street and 63rd Street to Residential Permit Parking Area "B";

Authorizing the City Auditor and Comptroller to expend \$900 from Fund 100 for the installation of 6 regulatory sites;

Declaring that the project is the minor alteration in the use of an existing public structure with no expansion in use, and is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301.

STAFF SUPPORTING INFORMATION:

The Residential Permit Parking Program was established to mitigate the impact on residential areas of long-term commuter parking generated by a facility such as a large college, a hospital, or a major industrial center. Since the program was enacted in 1977, five Residential Permit Parking Districts have been created. Residential Permit Parking Area "B", in the San Diego State University area, was established in 1984. This would be the sixth expansion of that district. This action was initiated in response to a petition representing 69% of the affected residences. This action has the support of the College Area Community Council.

FISCAL CONSIDERATIONS:

The current fee for annual permits in Area "B" is \$14, as established by the City Council. Average permit sales in Area "B" are 2 permits per address. The maximum number of permits allowed per address is 4. The area to be added on Stewart Street contains 16 addresses. Accordingly, it is estimated that the probable annual revenue from permit sales for the 16 residences on Stewart Street would be about \$448 (based on 32 permits at \$14 per permit).

According to a recent Parking Management review, the administrative costs of Area "B" are paid for by fees collected from permit sales. Additionally, there would be an initial start-up expense for the installation of 6 regulatory signs, at a cost of \$150 per sign, for a total of \$900; this cost is being absorbed in the General Services budget.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

In accordance with the requirements of Section 86.2006 of the Municipal Code, a public hearing was held in conjunction with the monthly meeting of the College Area Community Council (CACC) on May 10, 2006. The results of the study were presented, and public comment was

offered by residents of Stewart Street and others in the community. Favorable input was received from those residents of Stewart Street present at the meeting, after which the board of the CACC voted 14-0 with 3 abstentions to approve the request to include Stewart Street in Residential Permit Parking Area "B". We are not aware of any opposition.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The proposed action would relieve the residents of the 6200-block of Stewart Street of the presence of non-resident parkers. There would be an impact on those non-resident parkers currently utilizing Stewart Street, in that they would have to find another place to park. There are no businesses in the immediate area to experience an impact on employees or customers.

Boekamp/Van Wanseele/Haas

Aud. Cert. 2800146.

Staff: Deborah Van Wanseele - (619) 533-3012
Michael P. Calabrese – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:21 a.m.)

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

* ITEM-102: Urban Search and Rescue Grant Program.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-154) ADOPTED AS RESOLUTION R-302977

Authorizing the Mayor, or his delegate, to accept a grant of \$769,500 from Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) for San Diego Fire-Rescue Department as sponsoring agency in the National Urban Search and Rescue Response System;

Authorizing the Mayor, or his delegate, to apply for annual grants from DHS/FEMA enabling San Diego Fire-Rescue Department to continue as sponsoring agency in the National Urban Search and Rescue Response System, including any amendments, extensions, augmentations or renewals of funding from DHS/FEMA;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend funds from this grant program;

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

STAFF SUPPORTING INFORMATION:

In February, 1992, Resolution R-279396 authorized San Diego Fire-Rescue Department (SDFD) to participate as a sponsoring agency in the Federal Emergency Management Agency (FEMA) National Urban Search and Rescue (US&R) Response System. US&R is a nationwide network of task forces, designed to perform search and rescue operations at major catastrophic disasters at the direction of Department of Homeland Security/FEMA. Known as California Task Force 8 (CA-TF-8), San Diego's task force has been deployed to such incidents as the World Trade Center destruction and Hurricanes Katrina/Rita.

San Diego's CA-TF-8 includes team members from participating agencies county-wide. SDFD manages task force activities which include search, rescue, medical and technical functions. As sponsoring agency, SDFD coordinates training, maintains the personnel rosters and supply/equipment cache in readiness for deployment and ensures the efficient and timely deployment of the team when activated by DHS/FEMA.

Since the creation of this program in 1992, program management costs, as well as supply/equipment/maintenance/training costs, have been funded by continuing grants from DHS/FEMA. The grants are made available annually and require annual application. The most recent grant award of \$769,500 will be applied to program management, training, equipment and maintenance costs for the period from June, 2007 through September, 2008. Program management includes 1.00 Battalion Chief, 1.00 Administrative Aide, 1.00 Cache Manager and 1.00 Fire Captain. There are no matching requirements attached to this grant. In the event of activation, the personnel and non-personnel costs resulting from the team deployment are reimbursed to the City by DHS/FEMA via a claim reimbursement process, distinct from the grant program.

FISCAL CONSIDERATIONS:

\$769,500 has been awarded to San Diego Fire-Rescue; there are no matching fund requirements and there is no impact to the General Fund. There would also be no matching fund requirements or impact to the General Fund resulting from subsequent awards.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

City Council approved Resolution R-279396, dated February 10, 1992, authorizing San Diego Fire-Rescue Department's participation in the National Urban Search & Rescue Response System as a sponsoring agency, together with any reasonably necessary modifications or amendments which did not increase project scope or cost and which the City Manager would have deemed necessary in order to carry out the purposes and intent of this project and agreement, and accepting the initial award of \$46,809 which was matched at that time with \$46,809 from Fire's 1992 budget.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Firefighting personnel within San Diego California Task Force 8 are the key stakeholders as this grant ensures their readiness for deployment to major disasters, strengthens their commitment to public safety, and enhances the reputation of the City of San Diego as a participant in nation-wide disaster preparedness.

Jarman/Olen

Staff: Deputy Chief Brian Fennessy - (619) 533-4388
William J. Gersten - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:21 a.m.)

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

- * ITEM-103: Grant Funding from U.S. Environmental Protection Agency (EPA) for Targeted Grants to Reduce Childhood Lead Poisoning.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-124) ADOPTED AS RESOLUTION R-302978

Authorizing the Mayor, or his designee, to negotiate, execute an agreement for, and accept grant funding in the amount of \$99,914 from the U.S. Environmental Protection Agency in connection with the Targeted Grants to Reduce Childhood Lead Poisoning, to be used for public education and outreach regarding prevention of and screening for childhood lead poisoning;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend U.S. EPA grant award funds in the amount of \$99,914 to be used for the above purposes, subject to execution by the Mayor, or designee, of a grant agreement;

Authorizing the City Auditor and Comptroller to establish a special non-interest bearing account for such grant funds consistent with grant requirements;

Declaring the above activity is not a project pursuant to CEQA Guidelines Section 15378(b)(2) because this activity constitutes ongoing administrative or maintenance activities and, therefore, is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The City's Lead Safe Neighborhoods Program (LSNP), coordinated by the Environmental Services Department (ESD), has been aggressively tackling the problem of lead poisoning in San Diego, since approved by City Council in the spring of 2002. During the past five years, LSNP has been developing strategies and relationships designed to tackle the issue of lead poisoning in a multi-faceted way, relying on a blend of outreach, training, lead hazard control, and code enforcement activities. Primary funding source for LSNP have been grants totaling in excess of \$10,000,000.

In November 2006, EPA announced \$3,000,000 in grant funding for eligible entities to conduct activities to reduce incidences of childhood lead poisoning in vulnerable populations, to be awarded regionally in amounts ranging from \$25,000 - \$100,000. ESD competed at the national level for this 2 year grant and has been awarded \$99,914 with a targeted start date of October 1, 2007. This grant project is called the San Diego Lead Awareness Project (SDLAP).

SDLAP focuses on lead outreach, education and training to reduce the number of children that are lead poisoned in the Target Area and to increase the rate of blood-lead level screenings in the City. SDLAP consists of a broad array of partner organizations that will be coordinated and led by the City's ESD. Grant partners consist of San Diego Housing Commission (in-kind match \$100,000); County of San Diego, Childhood Lead Poisoning Prevention Program (in-kind match \$136,698); YMCA Childcare Resource Center Services (in-kind match \$4,600); Community College District, English as Second Language Program; American Lung Association of CA, San Diego Office (in-kind match \$5,250); Bayside Community Center; and Comprehensive Health Centers (in-kind match \$16,400).

FISCAL CONSIDERATIONS:

Total Project Amount: \$389,669

EPA Grant Amount: \$99,914 (all grant funds pay for City grant related activities)

SDLAP Match Amount: \$289,755

City's Share of SDLAP Match Amount: \$26,747. In-kind labor match is from ESD Program Manager and Public Information Officer over 2 year grant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders are the citizens of the City of San Diego.

Heap/Haas

Staff: Alan Johanns - (858) 573-1262

Grace C. Lowenberg - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:21 a.m.)

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

* ITEM-104: Settlement of Property Damage Claim of James & Lisa Thomas. (District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-150) ADOPTED AS RESOLUTION R-302979

A Resolution approved by the City Council in Closed Session on Monday, July 23, 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 the Mayor to pay the sum of \$65,218.12 in settlement of each and every claim against the City, its agents and employees, resulting from the Property Damage Claim of James and Lisa Thomas;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$65,218.12, made payable to James Thomas and Lisa Thomas, d.b.a. Sandpatch, LLC.

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all claims brought by James & Lisa Thomas.

FISCAL CONSIDERATIONS:

Settlement will be paid from the MWWD Operating Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This item was heard in closed session on July 23, 2007 the City Council approved the settlement amount of \$65,218.12. City Council voted 6 to 0 to approve. The motion was made by Councilmember Madaffer and seconded by Councilmember Hueso. Councilmembers Young and Maienschein were absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Bych/Goldstone

Aud. Cert. 2800127.

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

Staff: Leroy Hostetler - (619) 236-6619
Christine M. Fitzgerald - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:21 a.m.)

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

* ITEM-105: Center on Policy Initiatives Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-114) ADOPTED AS RESOLUTION R-302980

Commending the Center on Policy Initiatives for 10 years of successful research and advocacy in the San Diego Community;

Proclaiming October 18, 2007, to be "Center on Policy Initiatives Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:21 a.m.)

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



ITEM-330: Site Location of the Single Adult Shelter FY 2008 Homeless Emergency Winter Shelter Program. (Citywide.)

(See Report to the City Council No.07-138; Site Reviewed for Winter Homeless Shelter Location dated 8/29/2007.)

STAFF'S RECOMMENDATION:

Take the following actions:

CONTINUED TO TUESDAY, OCTOBER 16, 2007

Designating a site location of the Single Adult Shelter for the FY 2008 Homeless Emergency Winter Shelter Program from the following alternative sites:

- Newton Avenue at 16th Street (1535 Newton Avenue) in the East Village Community;
- Enterprise Street between Jessop and Midway, across from the Midway Post Office in the Point Loma Community; or
- Park Boulevard at President's Way in the former Navy Hospital's lower parking lot in the Balboa Park Area;

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

STAFF SUPPORTING INFORMATION:

Homeless Services was requested to pursue alternative locations for the Single Adult Program with Real Estate Assets Department (READ). READ completed a property search to identify potential locations. After identifying and evaluating twelve (12) sites, nine (9) were eliminated as unsuitable and three (3) were seen as viable possibilities. The following minimum requirements were used to evaluate potential sites for relocation of the Single Adult Program's homeless shelter sprung structure:

- The footprint of the single adults' shelter sprung structure is 60' x 180'. For purposes of conducting shelter operations, an area of 75' (width) x 760' (length), or larger of paved, flat, relatively level space to accommodate the needed infrastructure for sanitation, food service and medical support;
- Proximity (easy walking distance) to public transportation or mass transit;
- Availability of electrical and water hookups;
- Near "core City area"; and
- Minimal disruption to the surrounding area.

In addition to the Real Estate Assets Department's evaluation of 12 sites, the Transportation Engineering Division reviewed 1/4 mile radius around the street addresses of the service providers that either provide meals or other services to homeless. The review considered street width and traffic impacts, including accessibility for fronting property and impacts from street closure and traffic detours.

Traffic Engineering determined that both the Enterprise Street location and 16th Street at Newton Avenue were acceptable locations. Eight (8) were evaluated and it was determined that the streets could not be closed to traffic without significant impacts to traffic. The Balboa parking site was not evaluated by Traffic Engineering.

For the three sites that were noted as being physically suitable for the single adult shelter's sprung structure and corresponding services, a collaborative of City staff from Homeless Services, General Services, Water Department, and Transportation Department's Streets and Electrical Divisions did site evaluation to determine infrastructure capacity.

FISCAL IMPACT:

There is no impact to the General Fund from this action. However, additional infrastructure costs would result in the need to adjust the designated line items included in the existing FY 2008 Homeless Emergency Winter Shelter Program budget.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Residents and businesses in downtown area of East Village community and residents and businesses in the Midway area.

Kessler/Anderson

Staff: Sharon Johnson - (619) 533-6525

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:58 a.m. - 11:58 a.m.;
2:08 p.m. - 3:25 p.m.;
3:35 p.m. - 3:36 p.m.)

Motion by Hueso to adopt the resolution with direction to the Mayor's staff to come back to the Council with one location, excluding the Midway site, and to include the 2,000-square-foot requirement as part of the selection criteria. Second by Atkins. No vote taken.

MOTION BY FRYE TO CONTINUE TO TUESDAY, OCTOBER 16, 2007, FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-nay.



ITEM-331: Fiscal Year 2008 Homeless Emergency Winter Shelter Program.
(Citywide.)

(See Report to the City Council No. 07-137.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-168) ADOPTED AS RESOLUTION R-302982

Finding that a significant number of persons within the City of San Diego are without the ability to obtain shelter, and that the weather conditions during the cold weather season result in a threat to the health and safety of those persons;

Declaring a homeless shelter crisis to exist in the City of San Diego, in accordance with California Government Code Section 8698.2(a)(1);

Approving the FY 2008 Homeless Emergency Winter Shelter Program (Program) (known in FY 2007 as the Homeless Emergency Shelter Program, and prior to that as the Winter Shelter Program), as described in Report to the City Council No. 07-137, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the Mayor, or his designee, to enter into a Memorandum of Understanding between the San Diego Housing Commission (SDHC) and the City of San Diego for FY 2008, under which the City shall receive a total of \$344,200 from the SDHC for the operation of the Program;

Authorizing the City Auditor and Comptroller to accept the \$344,200 from the SDHC, and to accept \$129,800 from the United Way of San Diego County (UWSDC), for the operation of the Program, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the Mayor, or his designee, to negotiate and execute agreements, and any amendments thereto, to expend the \$344,200 from the SDHC and the \$129,800 from the UWSDC for the operation of the Program, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to appropriate and expend the \$344,200 from the SDHC and the \$129,800 from the UWSDC for the operation of the Program, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend any and all additional contributions, private donations, interest earnings, and other City funds associated with the Program, for the operation of the Program;

Authorizing the Mayor, or his designee, to negotiate and execute agreements, and any amendments thereto, to expend any and all additional contributions, private donations, interest earnings, and other City funds associated with the Program, for the operation of the Program, contingent upon certification of funds availability by the City Auditor and Comptroller.

STAFF SUPPORTING INFORMATION:

As reported in the Federal Supportive Housing Program application, an estimated 3,485 homeless individuals were living in the City of San Diego in February 2007. Of those, approximately 2,000 were in year-round homeless shelters, and 520 were in the FY 2007 Homeless Emergency Shelter Program (which, at that time, included an additional 115 beds at St. Vincent de Paul Village). During the survey, volunteers counted 1,016 unsheltered homeless people on the streets. The shortage of shelter beds in the City is significant.

Added to the lack of available shelter beds are the weather conditions during the cold weather season that create the potential to adversely impact the health and safety of homeless individuals living outside on a long-term or constant basis. Given the existing shortage of available shelter beds, it is recommended that a homeless shelter crisis be declared in the City of San Diego and that the FY 2008 Homeless Emergency Winter Shelter Program (Program) be adopted to provide shelter services to approximately 400 homeless individuals.

The Program consists of three separate programs: Single Adult Shelter operated by Alpha Project for the Homeless; Veterans Shelter, operated by Veteran's Village of San Diego; and Family Emergency Shelter, administered by the County of San Diego. The City-funded portion of the Program will be for 120 days (from December 5, 2007 through April 2, 2008).

However, at the operator's request, the Single Adult Shelter will operate for a total of 154 days (from November 1, 2007 through April 2, 2008), the additional thirty-four days being provided at no cost to the City through the fund-raising efforts of the operator.

FISCAL IMPACT:

There is no impact to the General Fund from this action. This action accepts \$344,200 from the SDHC and \$129,800 from the UWSDC for the Program. An additional \$201,676 of Emergency Shelter Grant (ESG) funds was allocated to the Program by the City Council on May 15, 2007, as part of the FY 2008 Social Services Program budget (R-302639). It should be noted that the funds from the SDHC are contingent upon approvals by the Redevelopment Agency and the Housing Authority, that are scheduled on the same day as this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:
FY 2008 Social Services Program (R-302639)

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Residents and businesses in the vicinity of the shelters' locations will experience some impacts. The Veterans Shelter is in the Midway/Sports Arena area; however, the location of the Single Adult Shelter is not known at this time but will be determined by the City Council in a separate action.

Kessler/Anderson

Staff: Sharon Johnson - (619) 533-6525
Michael D. Neumeyer - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:37 p.m. - 3:52 p.m.)

Motion by Madaffer to adopt. Second by Atkins. No vote taken.

Motion by Hueso to continue. Second by Maienschein. Failed. Yeas -458. Nays-2367. Not present-1.

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



ITEM-332: Approval of Real Estate Purchase and Sale Agreement for the Acquisition of the Former Valencia Park Library Located at 101 50th Street (Southeastern San Diego Community Area. Districts 4 and 8.)

(See Southeastern Economic Development Corporation Report No. SEDC 07-009.)

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

Adopt the following resolution:

(R-2008-145 Rev.) ADOPTED AS RESOLUTION R-302983

Finding that the City-owned parcel of land located at 101 50th Street, San Diego, California, APN 630162 (Property), is required for a public purpose;

Declaring the Council deems the sale of the Property to the Redevelopment Agency of the City of San Diego for a sale price of no less than Five Hundred Thirty Thousand Dollars (\$530,000) [Sale Price] to be fair and equitable and in the public interest.

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a Real Estate Purchase and Sale Agreement (Sale Agreement);

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a Grant Deed conveying the Property to the Redevelopment Agency of the City of San Diego;

Authorizing the Mayor, or his designee, to make such changes to either or both the Sale Agreement and the Grant Deed as he deems reasonable and necessary and in the best interests of the City of San Diego, provided the Sale Price is not reduced, and subject to the approval of the City Attorney;

Authorizing the City Auditor and Comptroller to accept the Sale Price and deposit it in the appropriate Capital Outlay Fund.

SUPPORTING INFORMATION:

BACKGROUND

The relocation of the Valencia Park Library from 50th Street and Imperial Avenue to Euclid Avenue and Market Street (Malcolm X Library) offers an opportunity to purchase property for the purpose of redevelopment without the use of eminent domain.

DISCUSSION

As we continue to implement the Central Imperial Redevelopment Plan and specifically the Imperial Avenue Corridor Master Plan, SEDC is positioned to assist with the acquisition of property along the Corridor. The Valencia Park Library site is one of the properties the corporation is recommended for purchase by the Agency.

The following are the basic terms of the Agreement:

- The Purchase Price is Market Value "As Is" Condition \$530,000. The payment shall include a deposit of \$10,000 upon the opening of escrow. The deposit shall be fully refundable to the corporation if escrow is terminated anytime prior to the expiration of the due diligence period (which is 30 days from the day escrow is opened). After the expiration of the due diligence period the escrow deposit shall become non-refundable in favor of the Seller.
- In order to close escrow, SEDC shall cause to be deposited the balance of the funds due within three (3) days of written request from the escrow holder. The close of escrow is to occur on or before sixty (60) days after the opening date unless extended in writing by the parties.
- SEDC shall have access to the site to conduct its due diligence. In addition, SEDC shall have approval of the results of any and all inspections, investigations, tests, and studies.

The funds necessary for the acquisition of this property are part of the approved FY 07/08 budget approved by the City Council May 15, 2007.

CONCLUSION

The acquisition of the site at 101 50th Street will assist the corporation in meeting the goals outlined in the Imperial Avenue Corridor Master Plan which encourages this portion of Imperial Avenue to be pedestrian oriented with a mix of residential and commercial uses which are elements of the City of Villages Plan.

ALTERNATIVE

Do not approve the Purchase and Sale Agreement. This alternative would negatively impact the implementation of the Imperial Avenue Corridor Master Plan and the Central Imperial Redevelopment Project Area.

FISCAL CONSIDERATION

The \$530,000 expenditure was approved in the FY 07/08 budget by the City Council May 15, 2007.

PREVIOUS COUNCIL ACTIONS: None.

COMMUNITY PARTICIPATION & PUBLIC OUTREACH EFFORTS:

The public outreach is conducted through the SEDC Board of Directors meetings. The SEDC Board of Directors heard and recommended approval of the item on May 30, 2007.

NOTE: See the Redevelopment Agency Agenda of September 11, 2007, for a companion item.

FILE LOCATION: F-10156

COUNCIL ACTION: (Time duration: 4:15 p.m. - 4:16 p.m.)

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



ITEM-333: Installation of Streetlights along University Avenue – Crossroads
Redevelopment Project Area. (Mid-City and Eastern Community Areas. District
7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-130) ADOPTED AS RESOLUTION R-302984

Declaring that the City Council finds and determines that the installation of streetlights within the Crossroads Redevelopment Project Area, for which the Redevelopment Agency proposed to contribute funding, is consistent with the Implementation Plan for the Project Area adopted pursuant to Community Redevelopment Law Section 33490; is of benefit to the Crossroads Redevelopment Project Area; that no other reasonable means of financing the project is available to the community; and that payment of Agency funds for the costs of the improvements will assist in the elimination of one or more blighting conditions inside the Project Area;

Authorizing the Mayor, or designee, to accept the Redevelopment Agency funds in the amount of \$500,000, for CIP-52-762.0, for the installation of streetlights along University Avenue from 54th Street to 68th Street (Project) within the Crossroads Redevelopment Project Area;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds up to \$500,000 from the Redevelopment Agency for CIP-52-762.0, 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;

Amending the Fiscal Year 2008 Capital Improvements Program Budget by adding CIP-52-762.0, University Avenue Streetlights;

Amending the Fiscal Year 2008 Capital Improvements Program Budget by increasing CIP-52-762.0, Crossroads, by \$500,000;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds in an amount up to \$500,000 from CIP-52-762.0, University Avenue Streetlights, Crossroads, for the purpose of installing streetlights along University Avenue from 54th Street and 68th Street;

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

STAFF SUPPORTING INFORMATION:

The requested actions will allow for the installation of additional streetlights along University Avenue from 54th Street to 68th Street within the Crossroads Redevelopment Project Area. Approximately 47 new streetlights may be installed along University Avenue with an estimated total project cost of \$500,000. The new streetlights will create a safe, walkable environment for Eastern Area residents, visitors, and merchants, and help generate economic vitality for this vital commercial/transit corridor and remove blight.

University Avenue east of 54th Street to the City of La Mesa has a deficient inventory of streetlights which has contributed to the existence of blight, crime and unsafe lighting conditions within this vital commercial/transit corridor. Agency staff has worked with the community, property owners, merchants, San Diego Police Department, and Engineering and Capital Projects to identify locations along University Avenue that need additional streetlights. The existing street lighting within this portion of University Avenue does not meet the current City standard for commercial/transit corridor lighting requirements. This project will provide for the installation of approximately 47 additional streetlights on both sides of University Avenue from 54th Street to 68th Street.

This project is consistent with the First Five Year Implementation Plan for the Crossroads Redevelopment Project, which is recorded with the Agency as Document No. D-03613 and dated May 6, 2003. The need for this improvement was evaluated and determined several years ago and CIP-52-762.0 was established afterwards. The improvements will eliminate and prevent the spread of blight and deterioration, and redevelop the proposed Redevelopment Project Area in accordance with the General Plan, applicable community plans, and local codes and ordinances.

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

FISCAL CONSIDERATIONS:

The total estimated project cost is \$500,000, which will be funded by Agency funds. The annual maintenance and electricity cost for 47 street lights is approximately \$8,695. The general fund will assume this annual cost because the streetlights are consistent with City standards.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This project implements the goals and recommendations of the Mid-City Community Plan and the Crossroads Redevelopment Plan and is in conformance with the City's Progress Guide and General Plan.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On April 26, 2007, the Crossroads Project Area Committee (PAC) discussed this project and voted 8-0-1 to recommend the Agency fund this public improvement with Crossroad Redevelopment Project tax increment funds.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Property owners and merchants along University Avenue east of 54th Street to the City of La Mesa.

Weinrick/Anderson

Staff: Tracy Reed - (619) 236-6543
Carol A. Leone – Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda for September 11, 2007, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:14 p.m. - 4:15 p.m.)

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



ITEM-334: El Cajon Boulevard Medians – Crossroad Redevelopment Project.
(College and Eastern Community Areas. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-42) ADOPTED AS RESOLUTION R-302985

Declaring that Council finds and determines that funding the construction of the Project with tax increment funds is:

- a) A benefit to the Crossroads Redevelopment Project Area;
- b) Appropriate because no other reasonable means of financing the Project is available to the community;
- c) Appropriate because the public improvements will assist in the elimination of one or more blighting conditions within the Project Area; and

- d) Consistent with the Implementation Plan for the Project Area adopted by the Agency on May 6, 2003, on file as Document No. 0-19174 in the office of the Secretary to the Agency pursuant to California Health and Safety Code Section 33490;

Declaring that the Council amends and increases the Capital Improvement Program Budget No. 39-234.0 to include the \$250,000 in Agency public improvement contributions, provided the City Auditor and Comptroller first furnishes a certificate certifying the funds are, or will be, on deposit with the City Treasurer;

Declaring that the Council accept, appropriate and expend the funds from the Agency for the Project in the amount of \$250,000;

Declaring that this activity is categorically exempt from the California Environmental Quality Act [CEQA], pursuant to CEQA Guidelines section 15301(c), and exempt from the National Environmental Policy Act [NEPA] pursuant to 24 CFR Part 58, Section 58.34(b).

STAFF SUPPORTING INFORMATION:

Several years ago the Transportation Department received funding to initiate the planning and engineering to restore the medians along El Cajon Blvd. The project was to replace the substandard curbs and asphalt-surfaced raised medians with new curbs, color stamped concrete, landscaping and irrigation from 54th Street to 73rd Street. After the planning and engineering work was completed on this, construction was deferred until funds were identified and a maintenance assessment district was established. The College Heights Maintenance Assessment District established in April 2004.

The contract for the base bid of this project was awarded on October 30, 2006. The contractor was authorized to proceed with the base bid and three alternate bids in late January 2006. The pre-construction meeting for the project was held on March 1, 2007. The contractor commenced work on the project on March 12, 2007. The contractors anticipated completion of the project is early November 2007.

Construction is underway, however, the cost of the demolition is much higher than anticipated because of unforeseen concrete removal beneath the asphalt cap of the existing medians at several locations. The irrigation cost has increased beyond the engineer's estimate due to issues

regarding the use of mainline piping sleeves that were previously installed. Several of the piping sleeves that were installed are damaged and unusable. The current funding gap is approximately \$250,000 and the only funds available for this unanticipated cost increase are Crossroads Redevelopment Project tax increment funds.

California Community Redevelopment Law requires that certain findings be made by the Redevelopment Agency and the City Council prior to the expenditure of Agency funds for public improvements. The replacement of substandard median curbs and the installation of landscaping and irrigation will assist in the elimination of blighting conditions inside the Project Area, and that the medians and landscaping are consistent with the Redevelopment Plan and the Five-Year Implementation Plan. The landscaping will be maintained by the College Heights Maintenance Assessment District.

FISCAL CONSIDERATIONS:

If the Agency approves the additional \$250,000 requested through this action, the total Agency expenditure for this project will be \$2,340,000. Funds in the amount of \$250,000 are available from tax increment within the Crossroads Redevelopment Project. The total cost of this project is anticipated to be \$2,460,920. The funding consists of \$2,340,000 in tax increment funds, \$60,000 of Water Department funds, \$45,000 of College Heights MAD funds and \$15,920 of County of San Diego funds for the community signs.

PREVIOUS AGENCY and/or COMMITTEE ACTION:

The Redevelopment Agency provided \$340,000 of tax increment funds from the Crossroads Redevelopment Project on January 9, 2007. The City Council authorized the construction of this project on August 8, 2006. The Redevelopment Agency authorized \$1,750,000 of tax increment funds from the Crossroads Redevelopment Project on September, 14, 2004.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

The project is supported by the College Heights MAD, College Area Business Improvement District, Crossroads PAC, and College and Eastern community planning groups. Outreach efforts to these groups have been conducted on a regular basis. The Crossroads PAC will be asked to make a recommendation regarding this funding request at their July 26, 2007 meeting. Staff will inform the Agency of their recommendation.

KEY STAKEHOLDERS and PROJECT IMPACTS:

College Heights MAD, College Area BID, College Area Community Council, Eastern Area Community Planning Community and Crossroads PAC.

Weinrick/Waring

Staff: Tracy Reed - (619) 236-6543
Carol A. Leone - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of September 11, 2007, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:13 p.m. - 4:13 p.m.)

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

ITEM-335: Creation of Conflict of Interest Code for Independent Rates Oversight Committee. (Citywide.)

(See Report from City Attorney dated 7/23/2007.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1277) ADOPTED AS RESOLUTION R-302981

Adopting a Conflict of Interest Code for the Independent Rates Advisory Committee, consisting of standard language embodied in title 2, section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Adopting the Conflict of Interest Code for the Independent Rates Advisory Committee and on file with the Office of the City Clerk;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the Independent Rates Advisory Committee shall file their statements of economic interest with the City Clerk;

Declaring the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring the Conflict of Interest Code for the Independent Rates Advisory Committee becomes effective upon the date of final passage of this resolution.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:58 a.m. – 10:58 a.m.)

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



ITEM-336: Garfield Starbucks, Project No. 84191. Application to amend permits to maintain an existing 15,300 square foot, single story office-retail center and to construct a 6,206 square foot building to include a 4,366 square foot shell retail space and a 1,840 square foot Starbucks Cafe with drive-up/drive through on a 2.4 acre site located on the southeast corner of Balboa Avenue and Clairemont Drive. (Clairemont Mesa Community Area. District 6.)

Matter of approving, conditionally approving, modifying or denying an application for an amendment to Planned Commercial Development Permit No. 48 and Planned Commercial Development Permit No. 30-048-1, and rescission of Planned Commercial Development Permit No. 30-048-2, Conditional Use Permit No. 454-PC and Conditional Use Permit No. 85-0628, to maintain an existing 15,300 square foot, single story office-retail center and to construct a 6,206 square foot building to include a 4,366 square foot shell retail space and a 1,840 square foot Starbucks Cafe with drive-up/drive through on a 2.4 acre site located on the southeast corner of Balboa Avenue and Clairemont Drive.

STAFF RECOMMENDATION:

Subitem-A: (R-2007-216) ADOPTED AS RESOLUTION R-302986

Adoption of a Resolution Granting the Appeal and Approving Planned Development Permit No. 265516.

Subitem-B: (R-2007-217) ADOPTED AS RESOLUTION R-302987

Adoption of a Resolution Certifying Mitigated Negative Declaration No. 84191, and Adopt the Mitigation, Monitoring and Reporting Program

OTHER RECOMMENDATIONS:

Planning Commission on August 9, 2007, voted 4-1-2 to deny; no opposition.

Ayes: Naslund, Otsuji, Garcia, Griswold,

Nays: Ontai

Abstaining: Smiley

Not Present: Schultz

The Clairemont Mesa Community Planning Group has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Appeal of the Planning Commissions' decision to deny a Planned Development Permit to allow the construction of a 6,206 square foot retail building on the southeast corner of Balboa Avenue and Clairemont Drive within the Clairemont Mesa Community Planning Area.

EXECUTIVE SUMMARY:

The project site is located on the southeast corner of Balboa Avenue and Clairemont Drive and is zoned Commercial Neighborhood (CN) within the Clairemont Mesa Community Plan. The project site is also located within the Balboa Avenue Revitalization Action Program (RAP), adopted by the City Council on September 12, 2005.

The project consists of an existing 15,300 square foot, single-story retail/office building, with parking in the front and rear, and associated landscaping, located on the easterly portion of the 2.4 acre site. No additions or modifications are proposed to this portion of the project site. A 6,206 square foot building, to include a 4,366 square foot shell retail space and a 1,840 square foot Starbucks Café with drive-up/drive through, is being proposed. Project features include a pedestrian gateway entrance with seating area, water fountain, scored concrete and raised planter beds, street trees, and a public open area, including outdoor café seating. While the proposed café and retail uses are allowed by the underlying zone and land use plan, the drive-through proposed by this project is not allowed by the underlying zone. Therefore, a deviation is required to allow for a drive-through.

On June 21, 2007 the Planning Commission voted 6-0-1 (with one vacancy) to continue the project with direction that the applicant provide a solution that meets the objectives of the Draft Urban Design Element of the General Plan. Specifically, the Commissioners' requested that the applicant look into the possibility of moving the building closer to the corner of Balboa Avenue and Clairemont Drive and placing the parking behind the building, with the objective of making the project more pedestrian friendly. The Commissioners also requested that the proposed landscape plan and planting palette be reexamined to better accommodate local conditions and goals.

The applicant considered the recommendations of the Planning Commission and revised the proposed landscape plan to provide a wider canopy and additional screening from the adjacent streets to enhance both the pedestrian and dining experience of patrons of the Garfield Starbucks (see attached August 1, 2007 letter from Sheppard Mullin Richter & Hampton LLP).

They were not able to relocate the building closer to the intersection, meet the required parking and also provide a drive-through meeting Starbucks design principles. Starbucks' experience has been that placing its drive-through locations in such a way that would require pedestrians to walk across the drive-through lane to reach their automobiles in a parking lot creates a public safety hazard. The applicant chose to follow the recommendation of its urban design planner, who believed the applicant's design met the Draft Urban Design Element of the General Plan better than the Commission's proposed corner location because the applicant's would create a quieter, more relaxed setting for Starbucks' patrons away from the dust and commotion of the busy street corner.

On August 9, 2007, after receiving public testimony in favor of the project (there was no opposition), the Planning Commission voted 4-1-1 to deny the project. They commended the applicant on the streetscape design improvements but felt that a better design would be to push the building to the corner of the intersection and to wrap the parking behind the building. The Commissioners also felt that Starbucks would need to agree to allow some amount of pedestrian crossing over the drive-thru lane.

FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are recovered by a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On August 9, 2007 the Planning Commission voted 4-1-1 to deny the project. On March 20, 2007 the Clairemont Mesa Community Planning Group voted 10-1-0 to recommend approval of the project with one condition.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Clairemont Rental Properties, a California general partnership, Owner, and Java Acquisition Company 0013, LLC, Applicant

Escobar-Eck/Murray/LG

LEGAL DESCRIPTION:

The project site is located at 3895 Clairemont Drive in the CN-1-2 Zone within the Clairemont Mesa Community Planning Area, Clairemont Mesa Height Limit Overlay Zone (Legal Description: Parcel 1 of Parcel Map No. 5331, and Parcel 1 of Parcel Map No. 8421.

Staff: Leslie Goossens – (619) 446-5431

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:52 p.m. - 4:03 p.m.)

MOTION BY FRYE TO ADOPT THE RESOLUTION GRANTING THE PERMIT IN SUBITEM A AND CERTIFYING THE MITIGATED NEGATIVE DECLARATION IN SUBITEM B. Second by Madaffer. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-337: Actions Related to the Construction of the Bayshore Bikeway, PTS No. 1901 of a 1.8-mile Class I bikepath to be located along the Otay River Berm and the Main Street Dike and the relocation of an existing haul road utilized by the South Bay Salt Works. (Otay Mesa-Nestor Community Plan Area. District 8.)

Matter of approving, conditionally approving, modifying or denying an application for the construction and operation of a 1.8-mile Class I bikepath to be located along the Otay River Berm and the Main Street Dike and the relocation of an existing haul road utilized by the South Bay Salt Works. The bikepath would be a segment of the 24-mile Bayshore Bikeway and would connect to an existing segment at 13th Street (City of Imperial Beach) on the west side and Main Street (City of San Diego) on the east.

The bike path would be located primarily within the Metropolitan Transit System (MTS) right-of-way, on an asphalt path with 2-foot wide paved porous concrete shoulders on each side of the bikepath. A chain link fence would be erected on both sides of the bikepath along the entire alignment. The proposed project would include the placement of two steel truss bridges above the existing, unserviceable wooden trestle bridges that currently cross the Otay River at these locations. The existing wooden trestle bridges, as well as, the existing wooden railroad rails and ties, are part of the locally historically designated Coronado Railroad Belt Line (CBL) Historical Resources Board (HRB) Number 640.

The proposed project requires a Site Development Permit due to impacts to Environmentally Sensitive Lands (ESL), specifically to sensitive biological resources and for deviations to construct two steel truss bridges where structures are not permitted in special flood hazard areas and to impact Historical Resource No. 640, the Coronado Belt Line (CBL) Railroad. The impacts to the historically designated railroad are related to the removal of the existing wooden ties, capping the existing railroad rails with soil and placement of steel truss bridges on top of the existing wooden trestle bridges.

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Adoption of a Resolution certifying that the information contained in Project No. 1901 has been completed in compliance with the California Environmental Quality Act (CEQA) of 1970 and State CEQA Guidelines, and that said Environmental Impact Report (EIR) reflects the independent judgment of the City of San Diego as Lead Agency; stating for the record that the Final EIR has been reviewed and considered prior to approving the project; certifying the Final EIR; adopting the Final EIR; adopting the Findings and Statement of Overriding Considerations; and adopting the Mitigation, Monitoring, and Reporting Program.

Subitem-B: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Adoption of a Resolution approving Site Development Permit No. 3276.

Subitem-C: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Adoption of a Resolution authorizing the Auditor and Comptroller to establish a new fund to receive SANDAG Transnet Major Corridor (MC) funds.

Subitem-D: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Adoption of a Resolution authorizing the Mayor, or his representative, to accept \$3,774,000 in SANGAG MC Transnet funds to full fund CIP-58-140.0.

Subitem-E: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Resolution authorizing the Auditor and Comptroller to increase the amount of Transnet Bikeway funds (Fund 30301) by \$718,000

Subitem-F: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Resolution authorizing the increase in the FY 2008 budget of CIP-58-140.0 to \$4,802,306.13.

Subitem-G: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Resolution authorizing the deappropriation and return of previously received Federal and State funds (Fund 38683, not to exceed \$850,000) to the appropriate agencies.

Subitem-H: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Resolution authorizing the Auditor and Comptroller to return excess budgeted funds, if any, to the appropriate reserves.

Subitem-I: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Resolution authorizing the Mayor, or his representative, to expend up to \$4,802,306.13 for purposes of designing and constructing the Bayshore Bikeway, CIP-58-140.0.

Subitem-J: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Resolution authorizing the Mayor, or his representative, to accept an easement deed from M&A Gabae, CLP, for that portion of the bikeway not owned by MTS/SD&AE.

Subitem-K: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Resolution authorizing the Mayor, or his representative, to enter into a license agreement for the use of the MTS/SD&AE right-of-way for purposes of constructing and operating the Bayshore Bikeway.

Subitem-L: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 18, 2007

Resolution authorizing the Mayor, or his representative, to enter into a Construction Contract (BID No. K083903C) with the lowest responsible and reliable bidder contingent upon receipt of all permits.

OTHER RECOMMENDATIONS:

Planning Commission Board will be meeting on September 6, 2007.

The Otay Mesa-Nestor Community Planning Group voted on September 18, 2002, to approve this project with no conditions.

On August 23, 2007, HRB voted 7:0:1 to support the preservation of the bridges, those areas proposed for preservation of lines and ties in place, and the interpretive programs, with further research and consideration given to preserving more ties in place through capping and limiting the chain link fence to 3feet-6 inches.

There was clarification that there should be consideration of both technological and economic factors in determining the feasibility of capping more of the resource. Their motion to preserve the ties in place through capping has not been implemented. This situation is considered unsafe and presents significant safety issues for future users of the bike path because the wooden ties are in various states of deterioration and are expected to continue to deteriorate. If the ties were to remain in place the bike path would be expected to experience surface pavement deterioration (potholes, cracks, and surface level changes) over time, as the ties continue to deteriorate and crumble under the bike path surface, creating voids under the bike path users and an uneven path surface. The US Fish and Wildlife Service required a 7-foot security fence to provide a barrier between the bike path and adjacent sensitive habitat.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTIONS:

Approval of a Site Development Permit and associated actions for the construction and operation of the 1.8-mile long “Western Salt Segment” of the Bayshore Bikeway which is to be located along the Otay River Berm and the Main Street Dike, and the relocation of an existing haul road utilized by the South Bay Salt Works in the Otay Mesa-Nestor Community Plan area.

STAFF RECOMMENDATIONS:

1. CERTIFY Environmental Impact Report (EIR) No. 1901; ADOPT Final EIR No. 1901; ADOPT the Findings and Statement of Overriding Considerations; and ADOPT the Mitigation, Monitoring, and Reporting Program;
2. APPROVE Site Development Permit No. 3276;
3. APPROVE the Resolution authorizing the Auditor and Comptroller to establish a new fund to receive SANDAG Transnet Major Corridor (MC) funds;

4. APPROVE the Resolution authorizing the Mayor, or his representative, to accept \$3,774,000 in SANDAG MC Transnet funds to fully fund CIP-58-140.0;
5. APPROVE the Resolution authorizing the Auditor and Comptroller to increase the amount of Transnet Bikeway funds (Fund 30301) by \$718,000
6. APPROVE the Resolution authorizing the increase in the FY 2008 budget of CIP-58-140.0 to \$4,802,306.13;
7. APPROVE the Resolution authorizing the deappropriation and return of previously received Federal and State funds (Fund 38683, not to exceed \$850,000) to the appropriate agencies;
8. APPROVE the Resolution authorizing the Auditor and Comptroller to return excess budgeted funds, if any, to the appropriate reserves;
9. APPROVE the Resolution authorizing the Mayor, or his representative, to expend up to \$4,802,306.13 for purposes of designing and constructing the Bayshore Bikeway, CIP-58-140.0;
10. APPROVE the Resolution authorizing the Mayor, or his representative, to accept an easement deed from M&A Gabae, CLP, for that portion of the bikeway not owned by MTS/SD&AE;
11. APPROVE the Resolution authorizing the Mayor, or his representative, to enter into a license agreement for the use of the MTS/SD&AE right-of-way for purposes of constructing and operating the Bayshore Bikeway; and
12. APPROVE the Resolution authorizing the Mayor, or his representative, to enter into a Construction Contract (BID No. K083903C) with the lowest responsible and reliable bidder contingent upon receipt of all permits.

EXECUTIVE SUMMARY:

The proposal is for the construction and operation of a 1.8-mile Class I bike path to be located along the Otay River Berm and the Main Street Dike and the relocation of an existing haul road utilized by the South Bay Salt Works. The bike path would be a segment of the 24-mile Bayshore Bikeway and would connect to an existing bike path segment at 13th Street (City of Imperial Beach) on the west side and Main Street (City of San Diego) on the east.

The bike path would be located primarily within the Metropolitan Transit System (MTS) railroad right-of-way. The bike path would be 12-feet wide, including an 8-foot wide paved asphalt path with 2-foot wide paved porous concrete shoulders on each side of the bike path. A chain link fence would be erected on both sides of the bike path along the entire alignment. The proposed project would include the placement of two steel truss bridges above the existing, unserviceable wooden trestle bridges that currently cross the Otay River at these locations. The existing wooden trestle bridges, as well as, the existing wooden railroad rails and ties, are part of the locally historically designated Coronado Railroad Belt Line (CBL) Historical Resources Board (HRB) Number 640.

The proposed project requires a Site Development Permit due to impacts to Environmentally Sensitive Lands (ESL), specifically to sensitive biological resources and for deviations to construct two steel truss bridges where structures are not permitted in special flood hazard areas and to impact Historical

Resource No. 640, the Coronado Belt Line (CBL) Railroad. The impacts to the historically designated railroad are related to the removal of the existing wooden ties, capping the existing railroad rails with soil and placement of steel truss bridges on top of the existing wooden trestle bridges.

FISCAL CONSIDERATIONS:

All costs are recovered through CIP-58140.0, Bayshore Bikeway, which will be fully funded by Transnet Bikeway and Transnet Major Corridor funds from SANDAG.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The previously authorized funding (see below) for the Bayshore Bikeway Capital Improvement Project (CIP) No. 58.140.0 was Federal Congestion Management Air Quality (CMAQ) funds. In order to expedite the project approval process and construction to begin during the October 1st to February 15th allowable window this fall (an annual restriction based on endangered species nesting seasons), the decision was made by SANDAG to substitute additional SANDAG Transnet Bikeway and SANDAG Transnet Major Corridor (MC) funds for the Federal funds, thereby removing the need for Federal review and approval time prior to advertising for construction. The project was able to be advertised for bids in July/August, with bids opened August 8, 2007. The SANDAG Transnet MC funds were substituted from another project (SR52 Highway Improvements) which already had Federal FHWA approval required. The Transnet funds received by these actions are in addition to the City's Transnet allocation.

R-293689 (8/15/2000) Established the CIP/Accepted \$350,000 in Federal CMAQ funding for preliminary engineering C-10288 (9/25/2000) Consultant Contract with Kimley-Horn, and Associates, Inc. R-300662 (7/18/2005) Increased the Federal CMAQ funding by \$500,000 to \$850,000, and authorized Amendment #1 to Consultant Agreement with Kimley-Horn.

PLANNING COMMISSION ACTION:

This information is unavailable at this time. The Planning Commission will be acting on matter on September 6, 2007.

HISTORICAL RESOURCES BOARD ACTION:

On August 23, 2007, HRB voted 7:0:1 to support the preservation of the bridges, those areas proposed for preservation of lines and ties in place, and the interpretive programs, with further research and consideration given to preserving more ties in place through capping and limiting the chain link fence to 3feet-6 inches. There was clarification that there should be consideration of both technological and economic factors in determining the feasibility of capping more of the resource. Their motion to preserve the ties in place through capping has not been implemented. This situation is considered unsafe and presents significant safety issues for future users of the bike path because the wooden ties are in various states of deterioration and are expected to continue to deteriorate. If the ties were to remain in place the bike path would be expected to

experience surface pavement deterioration (potholes, cracks, and surface level changes) over time, as the ties continue to deteriorate and crumble under the bike path surface, creating voids under the bike path users and an uneven path surface. The US Fish and Wildlife Service required a 7-foot security fence to provide a barrier between the bike path and adjacent sensitive habitat.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Otay Mesa-Nestor Planning Group - The planning group voted to approve the project, with no conditions, on September 18, 2002.

Save Our Heritage Organization (SOHO) - The City has worked with SOHO to redesign the project to response to their input and concerns. Specific project features that have been incorporated include: 1) maintaining the existing railroad trestle bridges in their current condition and in a manner that maintains the ability to view the structures from various locations; 2) maintaining the existing steel rails in place; and 3) providing interpretive facilities regarding the history of the CBL on the proposed bikeway segment. Their request to leave the wooden ties in situ has not been implemented. This situation is considered unsafe and presents significant safety issues for future users of the bike path because the wooden ties are in various states of deterioration and are expected to continue to deteriorate. If the ties were to remain in place the bike path would be expected to experience surface pavement deterioration (potholes, cracks, and surface level changes) over time, as the ties continue to deteriorate and crumble under the bike path surface, creating voids under the bike path users and an uneven path surface.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

City of San Diego Engineering and Capital Project Department, Applicant
MTS/SD&AE, Owner
M&E Gabae, CLP, Owner
South Bay Salt Works, Lessee
Har Construction, Inc.

FISCAL IMPACT: None.

Boekamp/Haas/PG

LEGAL DESCRIPTION:

The proposed project is located in the northern portion of the Otay Mesa-Nestor Community Plan Area, west of Interstate 5, and is bordered by the City of Imperial Beach to the west and south, and the City of Chula Vista to the north.

Staff: Patricia Grabski – (619) 446-5277

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:03 p.m. - 2:04 p.m.)

MOTION BY FAULCONER TO CONTINUE THIS ITEM TO TUESDAY, SEPTEMBER 18, 2007, FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-not present.

REPORT OUT OF CLOSED SESSION:

To view the list of all available City Council Closed Session Meetings Reports refer to the link below:

<http://www.sandiego.gov/city-clerk/closedsess.shtml>

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:20 a.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Pro Tem Young at 4:42 p.m. in honor of the memory of:

Christopher Abell at the request of Council Member Atkins; and
Dwain Kantor at the request of Council Member Atkins.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:39 p.m. - 4:42 p.m.)