

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, NOVEMBER 6, 2007
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:03 a.m. The meeting was recessed by Council President Peters at 12:01 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:07 p.m. with all Council Members present. The meeting was recessed by Council President Pro Tem Young at 4:00 p.m. The meeting was reconvened by Council President Peters at 4:08 p.m. with Council Member Faulconer, Council Member Atkins, and Council Member Maienschein not present. The meeting was adjourned by Council President Peters at 5:24 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
 - (2) Council Member Faulconer-present
 - (3) Council Member Atkins-present
 - (4) Council Member Young-present
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council Member Hueso-present
- Clerk-Maland (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:

Nicole Murray Ramirez commented on the Human Relations Act.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:41 a.m.)

PUBLIC COMMENT-2:

Don Stillwell commented on prayer and the flag salute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:42 a.m. – 10:45 a.m.)

PUBLIC COMMENT-3:

Ron Boshun commented on the actions of Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:45 a.m. - 10:49 a.m.)

PUBLIC COMMENT-4:

Hud Collins commented on the pension, finance and war.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:49 a.m. - 10:51 a.m.)

PUBLIC COMMENT-5:

Phil Hart commented on the alcohol ban.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-6:

Referred to Reinvestment Task Force: Jeremy Cowen, Joseph Elkins and David Dixon commented on homeowners in San Diego and the Bank Protection Act.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-7:

Referred to Council President Pro Tem Young. Jarvis Ross commented on an appeal.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:01 a.m.)

PUBLIC COMMENT-8:

Ian Trowbridge commented on the Transient Occupancy Tax (TOT) increase.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:01 a.m. - 11:04 a.m.)

PUBLIC COMMENT-9:

Elinor Rector commented on the alcohol ban.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-10:

Corey Briggs asked for clarification on the procedures for requesting a continuance.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:07 a.m. - 11:08 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Frye commented on a memo related to compliance of the IRS with regard to the Retirement Plan and the DROP Program.

FILE LOCATION: MINUTES

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

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



[Item-30:](#) KB Home Day.

**COUNCIL PRESIDENT PRO TEM YOUNG’S AND COUNCILMEMBER
MADAFFER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-294) ADOPTED AS RESOLUTION R-303146

Proclaiming November 6, 2007, to be “KB Home Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:03 a.m. – 10:08 a.m.)

MOTION BY YOUNG 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-50:](#) Amendment to the Agreement with Camp Dresser and McKee, Inc. (CDM) for Design and Construction Support Services for Miramar Water Treatment Plant Upgrade and Expansion. (Scripts Miramar Ranch C.A. District 5.)

(See Water Department's Executive Summary Sheet dated 7/6/2007; and Water Department's 7/18/2007, PowerPoint.)

Finding that this activity is covered under the Miramar Water Treatment Plant Upgrade & Expansion EIR, LDR No. 99-0704, that there is no change in circumstance, additional information or project changes to warrant additional environmental review and that this project is not a separate project for purposes of review under the California Environmental Quality Act (CEQA), per CEQA Guidelines Sections 15060(c)(3) and 15378(c).

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/18/2007, NR&C voted 3 to 0 to approve. (Councilmembers Faulconer, Frye, and Hueso voted yea. Councilmember Maienschein not present.)

FILE LOCATION: NONE

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

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

* Item-100: First Amendment to the Agreement with Psomas for Consultant Services for the Rancho Bernardo Reservoir Rehabilitation Project. (Rancho Bernardo Community Area. District 5.)

(See Water Department's Executive Summary Sheet dated September 13, 2007 and Water Department's September 26, 2007, PowerPoint.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-357)

ADOPTED AS RESOLUTION R-303147

Authorizing the Mayor to execute, for and on behalf of the City, a First Amendment to the Agreement between the City of San Diego and Psomas for professional services for expanded scope of work for the Rancho Bernardo Reservoir Rehabilitation Project in an amount not to exceed \$190,348;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$190,348 from Water Fund 41500, CIP-73-328.0 Rancho Bernardo Reservoir Rehabilitation Project, solely and exclusively, to provide funds for the work required under the First Amendment;

Declaring that this activity is not a separate project for purposes of review under the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15060(c)(3).

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/26/2007, NR&C voted 4 to 0 to approve. (Councilmembers Faulconer, Maienschein, Frye, and Hueso voted yea.)

FILE LOCATION: MEET

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

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

* Item-101: Establishing Fund and Transfer Funding for Citywide Energy Improvement Project.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-328) ADOPTED AS RESOLUTION R-303148

Authorizing the City Auditor and Comptroller to establish a new Fund 10232 for the Energy Conservation Program - Capital Improvements Project;

Authorizing the City Auditor and Comptroller to transfer \$450,000 from the Energy Conservation and Management Fund 10231 Fund balance to the newly established Fund 10232 for Citywide Energy Improvements, CIP 37-041.0;

Authorizing the City Auditor and Comptroller to de-appropriate \$450,000 from Fund 30250 from CIP 37-041.0;

Authorizing the City Auditor and Comptroller to appropriate and expend \$450,000 from CIP 37-041.0, Citywide Energy Improvements, Fund 10232, Energy Conservation Program CIP for the purpose of implementing energy efficiency projects citywide to reduce energy usage in municipal facilities;

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

Staff: Tom Blair - (858) 492-6001
Michael Calabrese - Chief Deputy City Attorney

FILE LOCATION: MEET

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

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

* Item-102: House of Spain Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-301) ADOPTED AS RESOLUTION R-303149

Proclaiming October 5, 2007, to be "House of Spain Day" in the City of San Diego.

FILE LOCATION: AGENDA

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

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



Item-330: Debt Policy.

(See Independent Budget Analyst Report No. 07-92; Chief Operating Officer's 9/18/2007 memorandum; and Report to the City Council No. 07-172 [not available at Committee].)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-85 Rev.) ADOPTED AS AMENDED AS RESOLUTION R-303152

Adopting the City of San Diego Debt Policy;

Declaring that this resolution shall go into effect immediately.

BUDGET AND FINANCE COMMITTEE'S RECOMMENDATION:

On 9/26/2007, Budget voted 4 to 0 to forward the proposed Debt Policy to the full Council for approval with the following changes/additions: 1) The Redevelopment Agency and the Housing Authority are requested to also adopt debt policies which would then be incorporated as appendices to the City Debt Policy; 2) that the policy be reviewed by Mayor's staff annually with any needed changes recommended to Budget and Finance Committee; 3) that the materials provided to the full City Council for their review when considering the proposed Debt Policy include analysis and recommendations, as appropriate, by the Independent Budget Analyst and a legal opinion from the City Attorney regarding whether the annual review of the Debt Policy should include a review of all of the City's financial obligations; 4) that operations and

maintenance costs for capital improvement projects be discussed before the time financing is proposed and a recommendation for the upcoming budget made at that time; 5) that Debt Management is requested to develop a proposed policy for Variable Rate Debt and Derivative Options for consideration by the Committee at a future time; and 6) to repeal Council Policy 800-3, Public Infrastructure Financing Assessment Districts and Community Facilities. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea. Councilmember Madaffer not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:08 a.m. - 12:01 p.m.
2:07 p.m. - 2:18 p.m.)

MOTION BY ATKINS TO ADOPT THE RESOLUTION WITH THE FOLLOWING AMENDMENTS: 1) DIRECT STAFF TO NOTE IN THE POLICY THAT A REDEVELOPMENT DEBT POLICY IS CURRENTLY BEING DEVELOPED FOR INCLUSION AND THAT THE PROPOSED POLICY BE PRESENTED TO COMMITTEE/COUNCIL BY THE END OF FISCAL YEAR 2008; 2) THAT THE HOUSING AUTHORITY MULTIFAMILY MORTGAGE REVENUE BOND PROGRAM BE REVIEWED AND UPDATED, IF NECESSARY, BEFORE THE END OF FISCAL YEAR 2008; 3) THAT IN CONJUNCTION WITH THE MAYOR'S ANNUAL REVIEW OF THE POLICY, THERE BE AN ANNUAL REPORT TO COMMITTEE/COUNCIL THAT WOULD DISCUSS THE POLICY IN THE CONTEXT OF FINANCIAL MARKET DEVELOPMENTS AND THE CITY'S ANTICIPATED FINANCING CALENDAR FOR THE COMING YEAR; 4) THAT THE CIP PRIORITIZATION POLICY BE PRESENTED TO COMMITTEE/COUNCIL BEFORE THE END OF FISCAL YEAR 2008; 5) THAT THE VARIABLE INTEREST RATE AND THE DERIVATIVES REFLECTED IN THE DEBT POLICY ARE NOT APPROVED UNTIL THEY ARE PRESENTED TO COMMITTEE/COUNCIL FOR CONSIDERATION BEFORE THE END OF FISCAL YEAR 2008; 6) INCLUDE ALL DEBT (BOTH DEBT INCLUDED IN THE DEBT POLICY AND DEBT NOT INCLUDED, SUCH AS HEALTH CARE AND PENSION) IN A DOCUMENT THAT SHALL BE REFERENCED IN AND PRESENTED WITH THE ANNUAL UPDATE OF THE DEBT POLICY. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-recused, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.



[Item-331:](#) Special District Formation and Financing Policy. (Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-86) ADOPTED AS RESOLUTION R-303153

Repealing Council Policy 800-03;

Approving the Special District Policy;

Declaring that the Special District Policy shall only apply to CFDs and Assessment Districts formed after the effective date of this resolution;

Declaring that this resolution shall go into effect immediately.

Staff: Elizabeth Kelly - (619) 236-6932
Mark D. Blake – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:18 p.m. - 2:18 p.m.)

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



[Item-332:](#) American Tower Corporation-Mt. Ada. An application for a wireless communication facility located at 6426 Mt. Ada Road between Mt. Rias Place and Mt. Albertine Avenue. (Clairemont Mesa Community Plan Area. District 6.)

Matter of approving, conditionally approving, modifying or denying an application for a wireless communication facility consisting of an existing, expired 145 foot high monopole and a 572 square foot equipment shelter, originally approved by CUP No. 83-0629, which expired on November 20, 2004. The facility is located at 6426 Mt. Ada Road between Mt. Rias Place and Mt. Albertine Avenue.

MOTION BY FRYE TO CONTINUE TO MONDAY, JANUARY 7, 2008, TO ALLOW FULL COUNCIL TO BE PRESENT TO HEAR THE ITEM. Second by Faulconer. Passed by the following vote: Peters-recused, Faulconer-yea, Atkins-not present, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.



Item-333: American Tower Corporation-30th Place. Appeal of Planning Commission's decision denying an application for a wireless communication facility located at 700 30th Place. (Southeastern San Diego Community Plan Area. District 8.)

Matter of the appeal by Robert Jystad, Channel Law Group, LLP on behalf of applicant American Tower Corporation from the decision by the Planning Commission denying an application for a wireless communication facility consisting of an existing 130 foot high monopole and a 500 square foot equipment shelter, originally approved by CUP No. 84-0469, which expired on November 20, 2004. The project site is located at 797 1/3 30th Place.

This project was determined to be categorically exempt from the California Environmental Quality Act on February 8, 2006 and the opportunity to appeal that determination ended February 23, 2006.

(Continued from the meeting of October 15, 2007, Item 203, at the request of the applicant, American Tower Corporation for report from American Tower Corporation by 10/30/07 for Council and public review.)

NOTE: Hearing open. No testimony taken on 10/15/2007.

STAFF'S RECOMMENDATION:

Take the following actions:

(R-2007-) CONTINUED TO MONDAY, JANUARY 7, 2008

Adoption of a Resolution granting or denying the appeal and upholding or overturning the Planning Commission's decision denying Conditional Use Permit No. 296127 and Planned Development Permit No. 453612;

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

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15301, Existing Facilities.

Staff: Karen Lynch-Ashcraft – (619) 446-5351

NOTE: See Item 332 on today’s docket for a companion item.

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:59 p.m. - 3:59 p.m.)

MOTION BY HUESO TO CONTINUE TO MONDAY, JANUARY 7, 2008, TO ALLOW FULL COUNCIL TO BE PRESENT TO HEAR THE ITEM. Second by Madaffer. Passed by the following vote: Peters-recused, Faulconer-yea, Atkins-not present, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.



Item-334: Amendments to Regulations Related to Affordable Housing Density Bonus. Amending the San Diego Municipal Code, Land Development Code; Certifying Supplement to Environmental Impact Report No. 96-0333, Project No. 63422 and adopting Findings and Statement of Overriding Considerations. (Citywide.)

Consideration of an ordinance that would amend the Land Development Code regulations in Chapter 14, Article 1 Division 3; and Chapter 14, Article 1, Division 7, all related to Affordable Housing Density Bonus. The City Council will also consider a resolution to certify that the information contained in the Supplement to Environmental Impact Report No. 96-0333 (Project No. 63422), has been completed in compliance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines, and that said Supplement reflects the independent judgment of the City of San Diego as Lead Agency, stating for the record that the final Supplement to EIR No. 96-0333 has been reviewed and considered prior to approving the project, certifying the final Supplement to EIR

No. 96-0333, and adopting the Findings and Statement of Overriding Considerations.

The proposed amendments to the Land Development Code constitute an amendment to City of San Diego's Local Coastal Program (LCP) and must be certified by the California Coastal Commission to be effective in the Coastal Overlay Zone. The LCP amendment will not become effective within the Coastal Overlay Zone until unconditionally certified by the California Coastal Commission. If you wish to be noticed of the Coastal Commission hearing on this issue, prior to the close of the City Council public hearing, you must submit a request in writing to City of San Diego, Development Services Department, 1222 First Avenue, MS-501, San Diego, CA 92101, Attention: Dan Joyce.

***Unless otherwise noticed or stated on the record at the hearing, if an ordinance is approved and introduced by the City Council, it will automatically be scheduled for a hearing by the City Council for final passage at 10:00 a.m. on the Tuesday two weeks after the subject hearing.**

(See Report to the City Council No. 07-162. SEIR No. 96-0333/Project No. 63422.)

(Continued from the meeting of January 30, 2007, Item 331, at the request of Councilmember Frye for further review; Continued from the meeting of February 27, 2007, Item 335 at the request of Councilmember Frye for further review; Last continued from the meeting of March 27, 2007, Item 333, by common consent to return to the Mayor for further review.)

NOTE: Hearing open. No testimony taken on 1/30/2007.
Hearing closed. Public testimony taken on 2/27/2007.

STAFF'S RECOMMENDATION:

Adopt the resolution in Subitem A and introduce the ordinance in Subitem B:

Subitem-A: (R-2008-195) ADOPTED AS RESOLUTION R-303154

Adoption of a Resolution certifying that Supplement to the Environmental Impact Report No. 96-0333 (Project No. 63422), 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.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of amendments to regulations related to the Affordable Housing Density Bonus;

That pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference;

That pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference, with respect to the project;

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-2008-19 Cor. Copy) INTRODUCED VERSION 1A AS AMENDED;
TO BE ADOPTED ON TUESDAY,
NOVEMBER 20, 2007

Introduction of an Ordinance of the Council of the City of San Diego amending Chapter 14, Article 3, Division 7, by amending Sections 143.0710, 143.0715, 143.0720, by renumbering and amending current section 143.0730 to 143.0725, by creating a new Section 143.0730, and by amending sections 143.0740, and repealing section 143.0760; and amending Chapter 14, Article 1, Division 3, by amending section 141.0310(b), all relating to the Density Bonus Regulations.

Staff: Dan Joyce – (619) 446-5388
Karen Heumann– Assistant City Attorney

FILE LOCATION: SUBITEM A: MEET
SUBITEM B: NONE

COUNCIL ACTION: (Time duration: 4:08 p.m. - 5:17 p.m.)

Testimony in favor of the appeal by Cory Briggs, Jarvis Ross, Katheryn Rhodes, John McNab, Kathleen Blavatt, Mignon Scherer, Ron Boshun, Cynthia Conger, and Kathy Evans-Calderwood.

Testimony in opposition of the appeal by Sherman Harmer, Tom Scott, and Scott Molloy.

MOTION BY MADAFFER TO ADOPT THE RESOLUTION IN SUBITEM A CERTIFYING THE SUPPLEMENT TO THE ENVIRONMENTAL IMPACT REPORT NO. 96-0333 AND ADOPTING THE STATEMENT OF OVERRIDING CONSIDERATIONS; AND INTRODUCE THE ORDINANCE IN SUBITEM B AS AMENDED WITH THE REVISIONS AS NOTED ON THE ERRATA SHEET PROVIDED. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-not present, Young-yea, Maienschein-not present, Frye-nay, Madaffer-yea, Hueso-yea.



Item-335: Navy Broadway Complex. Appeal of Environmental Determination. (Marina and Columbia Sub Areas of the Centre City Redevelopment Project. District 2.)

Matter of the Appeals of the Environmental Determination by the Centre City Development Corporation (“CCDC”) on July 25, 2007 regarding the Navy Broadway Complex project by 1) the San Diego Navy Broadway Complex Coalition and 2) Katheryn Rhodes and Conrad Hartsell. The appeals consist of challenges to the Determination that no further environmental review is required for the project under the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000 et seq.).

The Navy Broadway Complex is a nearly 15-acre site bounded by Broadway to the north, Pacific Highway to the east and Harbor Drive to the West and south (E, F, and G streets, which are currently closed to public use, pass through the site). The property is owned by the U.S. Navy and is the subject of a 1992 Development Agreement with the City of San Diego, which provides for

allowable development on the property of 3.25 million square feet of development including up to 1,650,000 square feet of office uses (including a new Navy Administration Building), 1,220,000 square feet of hotel uses, 25,000 square feet of “independent” retail uses (i.e., not associated with primary hotel or office uses), 55,000 square feet of public attraction (e.g., museum or similar) space, and a 1.9 acre Public Park at the foot of Broadway. The City Council certified an Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for this project on October 20, 1992 (“1992 Final EIR/EIS”). The project is located within the Centre City/Downtown Community Planning Area.

(See Centre City Development Corporation Report No. CCDC-07-20.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Take one of the following actions:

CONTINUED TO TUESDAY, DECEMBER 4, 2007 AT
2:00 P.M. TIME CERTAIN

Deny the appeals by the San Diego Navy Broadway Complex Coalition and Katheryn Rhodes and Conrad Hartsell, M.D.;

Uphold the environmental determination that no additional environmental review is necessary for the proposed Navy Broadway Complex project; and

Make an express finding that the information submitted by the appellants does not constitute substantial evidence of substantial changes in the project or the circumstances under which the project is undertaken, or new information of substantial importance concerning the project, that would suggest the project will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

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

Or

Grant the appeal, set aside the environmental determination, and direct CCDC and/or DSD to conduct additional environmental review with direction or instruction to the City Council as deemed appropriate;

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

Or

Grant the appeal and direct CCDC and/or DSD to prepare a new environmental document pursuant to Public Resources Section 21166. If Council chooses this alternative, CCDC respectfully requests that Council identify which subsection(s) of Section 21166 applies and what evidence exists that would lead to the preparation of a new environmental document;

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

Staff: Eli Sanchez – (619) 533-7121
Huston Carlyle – Deputy City Attorney

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:19 p.m. - 2:38 p.m.)

MOTION BY MADAFFER TO CONTINUE TO TUESDAY, DECEMBER 4, 2007, AT 2:00 P.M. TIME CERTAIN FOR FURTHER REVIEW. Second by Hueso. Passed by the following vote: Peters-nay, Faulconer-yea, Atkins-yea, Young-nay, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-S500: Amy Finley Day.

(Continued from the meeting of October 30, 2007, Item S30, at the request of Councilmember Faulconer, for further review.)

COUNCILMEMBER FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-310) ADOPTED AS RESOLUTION R-303150

Proclaiming October 23, 2007, to be "Amy Finley Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:08 a.m. – 10:12 a.m.)

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

ITEM-S501: Authorization to enter into Agreement for Comprehensive Cleanup Services for Property Damaged within the City of San Diego During the 2007 Wildfires. (Rancho Bernardo and surrounding areas affected by the fire within the City of San Diego. District 5.)

(See Report to the City Council No.07-181.)

MAYOR'S RECOMMENDATION:

Take the following action:

(R-2008-409) ADOPTED AS RESOLUTION R-303151

Authorizing the Mayor to negotiate with qualified firms and enter into an agreement for comprehensive cleanup services for property damaged within the City of San Diego during the 2007 Wildfires;

Directing the City Attorney to prepare the appropriate resolutions and/or ordinances according to Charter Section 40.

SUPPORTING INFORMATION:

The recent wildfires resulted in significant property destruction and damage within the City of San Diego. Latest damage assessments indicate that 362 homes were destroyed and another 62 homes sustained fire damage in Rancho Bernardo; property damage was also sustained in the San Pasqual Valley.

In order to address the property damage, minimize hazardous environmental impacts and speed up the recovery process for impacted residents, the City of San Diego is initiating a proactive approach to the clean-up and debris removal of those areas within the City that were affected by the recent fires. Based on the model used in the South Lake Tahoe area after the Angora fire, the City intends to create a centralized program to handle all fire related clean-up and debris removal from both public and private properties. Centralizing the clean-up and debris removal is an efficient solution given the concentration of homes in the general areas of San Pasqual and Rancho Bernardo as well as the need to coordinate efforts between City Departments---- specifically Development Services, Environmental Services, and Purchasing & Contracting.

The appropriate environmental protocols have been put into place, and the next step is this action to secure a contractor who specializes in this type of debris removal. The contractor would remove burned debris, foundations, building materials, appliances, and household contents in a coordinated manner. In addition, the contractor would be required to follow the uniform requirements for debris removal that have been developed by the County of San Diego that must be followed for all fire debris removal in San Diego.

DISCUSSION:

The benefits of a centralized program are immense. The clean-up and debris removal will be completed within a well-defined timeline, the disposal of materials is coordinated in regards to recycling and landfill coordination, the effort is environmentally well controlled to minimize secondary impacts on the community, and provides a more seamless solution for the homeowner.

It is important that the selected contractor have the resources and knowledge to complete such a project, as well as be able to ensure that all removal, transportation and disposal of solid waste be completed as defined in the California Health and Safety Code Section 25117. The scope of work includes initial site assessments, work plan development, subcontracting specific tasks, clearing and removal of all debris on the property, and ultimate disposal. At the end of the project, each residential lot will be completely cleaned and ready for the next stage of rebuilding.

Per Municipal Code 22.3212 Contracts Not Required to be Competitively Bid Sub Paragraph c:

"A contract to remedy an emergency that affects public health and safety, provided that:
(1) The Purchasing Agent immediately reports the emergency award and its justifications to the City Council, and (2) The Council by resolution acknowledges and ratifies the procurement."

Property owners that choose to enter this program will sign a Right of Entry (ROE) Permit granting the City and the contractor the right to enter into the property for purposes of inspecting, sampling, removing and clearing any or all fire-generated debris. The ROE Permit also includes an assignment of insurance provision which subrogates the resident's right for insurance reimbursement to the City of San Diego to offset the cost of this contract. The City and State will be responsible for all debris removal costs not covered by the impacted resident's homeowners insurance. Homeowners who choose to opt out of this program and want to complete the debris removal themselves are also offered the option of disposal vouchers and waivers approved by City Council on October 30, 2007, to assist with the cost of handling fire generated debris.

The debris removal activity is scheduled to begin mid November with the goal to have all debris removed by the end of the year.

FISCAL CONSIDERATIONS:

The Mayor will work with the County, State and Federal agencies, Financial Management, and the Auditor and Comptroller in order to finalize funding contributions for the clean up program. Insurance payments on behalf of impacted property owners will also offset a portion of the program costs.

The City has requested the State Office of Emergency Services (OES) provide the initial funding for all costs related to this contract. OES is authorized to fund these efforts and funds may be advanced for up to ninety percent (90%) of an applicant's approved allocation.

The OES Director has already authorized his designee to implement this action as soon as a Damage Survey Report is written and approved. It is anticipated that the State reimbursement will be seventy-five percent (75%) of which ninety percent (90%) will be fronted for this contract.

Once program funding arrangements have been finalized, staff will return to City Council to request that funds be appropriated from the General Fund Appropriated Reserve if established, or from the Unallocated General Fund Reserves to fund the City costs associated with this comprehensive cleanup program contract.

PREVIOUS COUNCIL/COMMITTEE ACTION:

The Mayor declared a State of Local Emergency regarding the wildfires on October 22, 2007. The City Council ratified that declaration on October 29, 2007. On October 30, 2007 the City Council approved the waiver of fees associated with disposal and recycling of wildfire debris for properties within the City of San Diego.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH:

Information about the fee waivers and the San Diego Fire Cleanup Program has been disseminated to visitors of the Rancho Bernardo Local Assistance Center and at a community forum held in Rancho Bernardo on November 1, 2007.

Goldstone

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:18 a.m. – 10:39 a.m.)

Motion by Atkins to Adopt. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY MADAFFER TO RECONSIDER THE PREVIOUS MOTION. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-yea, Hueso-yea.

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

REPORT OUT OF CLOSED SESSION:

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

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

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:13 a.m. - 10:14 a.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 5:24 p.m. in honor of the memory of:

Beth Montes at the request of Council Member Faulconer;
Ella Mae Wright at the request of Council Member Faulconer; and
Joyce E. Hettich at the request of Council Member Hueso.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 5:17 p.m. - 5:24 p.m.)