

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 22, 2008
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:01 a.m. The meeting was recessed by Council President Peters at 11:53 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Pro Tem Madaffer at 2:03 p.m. with Council President Peters and Council Member Hueso not present. Council President Pro Tem Madaffer recessed the meeting at 3:38 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:43 p.m. with all Council Members present. Council President Peters recessed the meeting at 4:53 p.m. to convene as the Housing Authority. Council President Pro Tem Madaffer reconvened the regular meeting at 5:25 p.m. with Council President Peters and Council Member Faulconer not present. The meeting was adjourned by Council President Pro Tem Madaffer at 5:28 p.m. into Closed Session to discuss pending and potential litigation matters.

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/mz)

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-not 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:

Hud Collins commented on the pension, financial crisis and the war.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-2:

Referred to Police Department: John Hammerstrand commented on a parking sign citation.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-3:

Phil Hart commented on city finances.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-4:

Wesley Baugh commented on the San Diego Police Department.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:32 a.m. - 10:35 a.m.)

PUBLIC COMMENT-5:

Referred to Mayor: John Monti commented on the appointment of Boyd Long as Assistant Fire Chief.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. - 10:38 a.m.)

COUNCIL COMMENT:

None.

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code Section 54956.9(a):

**CS-1 *San Diego Police Officers' Association v. Michael Aguirre, et al.* [POA1]
United States District Court Case No. 05-CV-1481 H**

EACA Assigned: D. McGrath

***Marcus Abbe, et al. [190+ Individual Police Officers] v. City of San Diego* [POA2]
United States District Court Case No. 05 CV 1629 DMS**

DCA Assigned: G. Schaefer

***Erica Aaron, et al. v. Michael Aguirre, et al.* [POA3]
United States District Court Case No. 06 CV 1451**

EACA Assigned: D. McGrath

***Lopez, et al. v. City of San Diego* [POA4 Motorcycles]
San Diego Superior Court Case No. 869054**

DCA Assigned: K. Zlotnik

***Sloan, et al. v. City of San Diego* [POA5 K -9's]
San Diego Superior Court Case No. 848641**

DCA Assigned: K. Zlotnik

***San Diego Police Officers' Association v. Aguirre, City of San Diego, et al.* [POA6]
San Diego Superior Court Case No. 37-2007-000075432-CU-MC-CTL**

EACA Assigned: D. McGrath

CS-1 (Continued)

San Diego Police Officers' Association v. City of San Diego [POA7]
San Diego Superior Court Case No. 37-2007-00082592-CU-OE-CTL

REFERRED TO CLOSED SESSION OF TUESDAY, JANUARY 22, 2008

EACA Assigned: D. McGrath

In Closed Session, counsel for the City of San Diego, Peter Benzian of Latham & Watkins, Rodney Perlman and Don McGrath of the City Attorney's Office will update the City Council on the current status of all of the POA litigation in both State and Federal Courts, as well as funding for outside counsel in these matters.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 5:25 p.m. – 5:26 p.m.)

Council President Pro Tem Madaffer closed the hearing.

CS-2 ***City of San Diego v. Willkie Farr and Gallagher, LLP***
San Diego Superior Court Case No. 37-2007-00072584-CU-BT-CTL

REFERRED TO CLOSED SESSION OF TUESDAY, JANUARY 22, 2008

EACA Assigned: D. McGrath

This is a lawsuit filed by the City of San Diego against Willkie Farr and Gallagher, LLP. In Closed Session, the City Council will meet with Executive Assistant City Attorney Don McGrath, II, and Bryan Vess regarding the prosecution of the lawsuit, as well as retention of outside counsel.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 5:25 p.m. – 5:26 p.m.)

Council President Pro Tem Madaffer closed the hearing.

**CS-3 *AFSCME Local 127 v. City of San Diego* [PERB]
Public Employment Relations Board Case No. LA-CB-352-M**

REFERRED TO CLOSED SESSION OF TUESDAY, JANUARY 22, 2008

EACA Assigned: D. McGrath

This is a complaint filed by AFSCME Local 127 against the City of San Diego relating to Propositions B and C as to managed competition. In Closed Session, the Mayor's office and Mark Pulliam of Latham & Watkins will brief the City Council on the litigation's status, as well as funding for Latham & Watkins' continued representation in this matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 5:25 p.m. – 5:26 p.m.)

Council President Pro Tem Madaffer closed the hearing.

**CS-4 *McGuigan v. City of San Diego*
San Diego Superior Court Case No. GIC849883
California Court of Appeal Case No. D050291**

***Newsome, III, v. San Diego City Employees Retirement System, et al.*
San Diego Superior Court Case No. GIC856841**

REFERRED TO CLOSED SESSION OF TUESDAY, JANUARY 22, 2008

EACA Assigned: D. McGrath

In Closed Session, outside counsel for the City of San Diego and Executive Assistant City Attorney Don McGrath will update the City Council on the current status of this litigation, as well as funding for outside counsel's continued representation in the McGuigan matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 5:25 p.m. – 5:26 p.m.)

Council President Pro Tem Madaffer closed the hearing.

**CS-5 *James M. Chapin and Penny Castleman v. Michael Aguirre and City of San Diego*
United States District Court Case No. 05CV1906R (POR)**

REFERRED TO CLOSED SESSION OF TUESDAY, JANUARY 22, 2008

DCA Assigned: W. Chung

This is an employment matter for Mr. Chapin and Ms. Castleman against Michael Aguirre and the City of San Diego. Deputy City Attorney Walter C. Chung and outside counsel, Richard A. Paul, will update the Mayor and City Council on the status of the litigation and request that the Mayor and City Council consider a proposed settlement of this case in closed session.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 5:25 p.m. – 5:26 p.m.)

Council President Pro Tem Madaffer closed the hearing.

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-6 Agency negotiator: Steven Berliner, Richard Kreisler, Lisa Briggs, Scott Chadwick, Tanya Tomlinson, Thom Harpole, Abby Jarl, Hadi Dehghani, Val VanDeweghe, Jessica Falk Michelli, William Gersten, and Nooria Faizi

Employee organizations: Local 145 International Association of Firefighters
AFL-CIO, San Diego Police Officers Association,
Municipal Employees Association, AFSCME Local 127
AFL-CIO and Deputy City Attorney Association

REFERRED TO CLOSED SESSION OF TUESDAY, JANUARY 22, 2008

DCAs Assigned: W. Gersten/J. Falk Michelli/N. Faizi

Discuss with City Council pending contract negotiations with employee unions (Police Officers Association, International Association of Firefighters Local 145, Municipal Employees Association, AFSCME Local 127 and the Deputy City Attorney's Association).

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 5:25 p.m. – 5:26 p.m.)

Council President Pro Tem Madaffer closed the hearing.



[ITEM-30:](#) Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

APPROVED

12/03/2007
12/04/2007
12/10/2007 - Adjourned
12/11/2007 - Adjourned
12/17/2007 - Adjourned
12/18/2007 - Adjourned
12/18/2007 – Special Meeting
12/24/2007 – Adjourned
12/25/2007 – Adjourned
12/31/2007 – Adjourned
01/01/2008 - Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:04 a.m. – 10:08 a.m.)

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



ITEM-31: One Book, One San Diego Month.

**MAYOR SANDERS' AND COUNCIL PRESIDENT PRO TEM MADAFFER'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2008-563) ADOPTED AS RESOLUTION R-303339

Recognizing the San Diego Public Library and KPBS for their efforts to promote literacy, a love of reading, and deeper understanding about the issues that affect our community;

Proclaiming the month of January 2008, to be “One Book, One San Diego Month” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:13 a.m.)

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



[ITEM-32:](#) Dr. Jeffrey W. Kirsch Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-418) ADOPTED AS RESOLUTION R-303340

Congratulating Dr. Jeffrey Kirsch on his twenty-five year tenure as executive director of the Reuben H. Fleet Science Center;

Proclaiming January 22, 2008, to be "Dr. Jeffrey W. Kirsch Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:23 a.m.)

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

- * ITEM-50: Thirteenth Lease Amendment to Add Space to City's Existing Lease at Civic Center Plaza. (Centre City Community Area. District 2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/7/2008, Item 200. (Council voted 8-0):

(O-2008-52) ADOPTED AS ORDINANCE O-19705 (New Series)

Authorizing the Mayor, or his designee, to execute and deliver, for and on behalf of the City of San Diego, a Thirteenth Amendment to Lease (Amendment) amending the certain Lease dated October 21, 1991, by and between the City of San Diego as tenant, and Civic Center Associates, LLC, a California limited liability company, as landlord, and relating to addition of approximately 3,385 square feet of office space to the Lease premises located in the Civic Center Plaza building at 1200 Third Avenue, San Diego, California, under the terms and conditions set forth in the Amendment;

Authorizing and directing, the City Auditor and Comptroller, to expend \$30,160.35 in Fiscal Year 2008 as required under the Amendment, and to make such fund transfers and re-allocations as may be necessary and prudent to effect such payment.

NOTE: 6 votes required pursuant to Charter Section 99.

FILE LOCATION: LEASE – Civic Center Association, LLC

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:41 a.m.)

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

- * ITEM-51: Extension of Two Cooperative Agreements with Caltrans for State Route 56.
(Pacific Highlands Ranch and Torrey Highlands Community Areas. District 1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 1/8/2008, Item 57. (Council voted 8-0):

Subitem-A: (O-2008-80) ADOPTED AS ORDINANCE O-19706
(New Series)

Authorizing the Mayor, to execute, for and on behalf of the City, an agreement with Caltrans, for State Route 56/Camino Del Sur interchange landscaping, extending the termination date of the Agreement to December 31, 2009 under the terms and conditions set forth in the Agreement;

Declaring that this activity is covered under SR-56 between SR-56 West and SR-56 East, LDR 95-0099. These activities are adequately addressed in the environmental documents and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental documents adequately covered this activity as part of the previously approved projects, this activity is not a separate project for purposes of the California Environmental Quality Act (CEQA) review per CEQA Guidelines Section 15060(c)(3).

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

Subitem-B: (O-2008-83) ADOPTED AS ORDINANCE O-19707
(New Series)

Authorizing the Mayor, to execute, for and on behalf of the City, an agreement with Caltrans, for State Route 56/Camino Santa Fe Interchange Improvements, extending the termination date of the Agreement to December 31, 2009, under the terms and conditions set forth in the Agreement;

Declaring that this activity is covered under SR-56 between SR-56 West and SR-56 east as, LDR 95-0099. These activities are adequately addressed in the environmental documents and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental documents adequately covered this activity as part of the previously approved projects, this activity is not a separate project for purposes of the California Environmental Quality Act (CEQA) review per CEQA Guidelines Section 15060(c)(3).

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:41 a.m.)

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

- * ITEM-52: Extension of Cooperative Agreement with Caltrans for Preparation of an Environmental Document for SR-56/I-5 Connector Ramps. (Carmel Valley Community Area. District 1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/8/2008, Item 56. (Council voted 8-0):

(O-2008-81) ADOPTED AS ORDINANCE O-19708 (New Series)

Authorizing the Mayor, to execute, for and on behalf of the City, an agreement with Caltrans, for the preparation of an EIR/EIS for the northbound connector ramps at the SR-56/I-5 Interchange, extending the termination date of the Agreement to December 31, 2010, or to the date of the certification of the environmental document, whichever comes first under the terms and conditions set forth in the Agreement;

Declaring that this activity is not a "project" and therefore exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3). Any construction activities related to this approval will be subject to environmental review.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:41 a.m.)

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

- * ITEM-53: Amendment No. 3 with the Bureau Veritas Design Agreement for Specific Canyon Trunk Sewer Group I. (City Heights, Clairemont Mesa, and College Community Areas. Districts 3, 4, 5, 6, and 7.)

(See Metropolitan Wastewater Department's Executive Summary Sheet, dated 10/03/2007.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/8/2008, Item 58. (Council voted 8-0):

(O-2008-68) ADOPTED AS ORDINANCE O-19709 (New Series)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, Amendment No. 3 to the Agreement with Bureau Veritas North America, Inc. (formerly Berryman & Henigar);

Declaring that this activity is exempt from the California Environmental Quality Act because it is not a "project" pursuant to CEQA Guidelines Section 15378(c).

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:41 a.m.)

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

- * ITEM-54: Third Amendment to Agreement with MWH Americas, Inc. for Design Services for Otay Water Treatment Plant Upgrades Phase I and II. (Unincorporated Area of San Diego County.)

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

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/8/2008, Item 60, Subitem A. (Council voted 8-0):

(O-2008-67) ADOPTED AS ORDINANCE O-19710 (New Series)

Authorizing the appropriation and expenditure of an amount not to exceed \$1,748,579 from Water Fund 41500, CIP-73-285.0, Otay Water Treatment Plant Upgrades Phase I, and \$1,009,015 from Phase II for MWH Americas, Inc. Third Amendment to its Agreement;

Authorizing the Mayor, or his designee, to execute a Third Amendment to the Agreement with MWH Americas, Inc. for design services during the bid, award, construction, and closeout period for Otay Water Treatment Plant Upgrades Phase I and II in an amount not to exceed \$2,757,594 provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

Declaring this activity is covered under Otay Water Treatment Plant Upgrade Mitigated Negative Declaration (LDR No. 40-0932). The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Since the prior environmental document adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of CEQA review per CEQA Guidelines Sections 15060(c)(3) and 15378(c).

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:41 a.m.)

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

* ITEM-100: Granting of Utility Easements for the East Village Square Project. (East Village Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2008-603) ADOPTED AS RESOLUTION R-303341

Approving the Grant of Easement (Parcel 3-Electricity);

Declaring this activity is covered under a Final Addendum to the Final Subsequent Environmental Impact Report to the Final Master Environmental Impact Report for the Centre City Redevelopment Project and Addressing the Centre City Community Plan and Related Documents for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments, which was certified by City Council Resolution R-298679 on December 2, 2003. The activity is adequately addressed in the environmental documents noted above and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental documents adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of CEQA review per CEQA Guidelines Sections 15060(c)(3) and 15378(c).

Subitem-B: (R-2008-604)

ADOPTED AS RESOLUTION R-303342

Approving the Grant of Easement (Parcel 3 - Gas);

Declaring that this activity is covered under a Final Addendum to the Final Subsequent Environmental Impact Report to the Final Master Environmental Impact Report for the Centre City Redevelopment Project and Addressing the Centre City Community Plan and Related Documents for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments, which was certified by City Council Resolution R-298679 on December 2, 2003. The activity is adequately addressed in the environmental documents noted above and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental documents adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of CEQA review per CEQA Guidelines Section 15060(c)(3) and 15378(c).

Subitem-C: (R-2008-605)

ADOPTED AS RESOLUTION R-303343

Approving the Grant of Easement (Parcel 5 - Gas and Electricity);

Declaring this activity is covered under a Final Addendum to the Final Subsequent Environmental Impact Report to the Final Master Environmental Impact Report for the Centre City Redevelopment Project and Addressing the Centre City Community Plan and Related Documents for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments, which was certified by City Council Resolution R-298679 on December 2, 2003. The activity is adequately addressed in the environmental documents noted above and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental documents adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of CEQA review per CEQA Guidelines Section 15060(c)(3) and 15378(c).

STAFF SUPPORTING INFORMATION:

The Master Plan for East Village Square, the private development surrounding the Park at the Park at Petco Park, consisting of four parcels (two of which are improved with the historic structures referenced herein), was approved by the City Council on December 2, 2003. Subsequently the Redevelopment Agency entered into Disposition and Development Agreements to implement the Master Plan and conveyed the properties to the Padres or its designees in accordance with the terms of those agreements. The Disposition and Development Agreement for the Schieffer & Sons Building and the Candy Factory Building (the "DDA") between the Redevelopment Agency and East Village Square LLC (the "Developer") was approved on December 6, 2005 and provides for the adaptive reuse and rehabilitation of the two historic structures in accordance with the Master Plan.

The DDA contemplates that easements for utility services would be granted for the development of these parcels on such terms and conditions as may be negotiated. The proposed easements, to be granted by the City over certain restricted portions of Park at the Park, have been negotiated to present no negative impacts on the use or enjoyment of Park at the Park and are necessary to complete the development required by the DDA. Exhibit A to the staff report provides an illustration of the location of the electrical and gas easements to be granted by the Council's adoption of the three resolutions.

FISCAL CONSIDERATIONS:

There is no expense to the City or to the Redevelopment Agency in granting these easements. All costs associated with the construction and maintenance of utility facilities within the easements, and any required repairs to the surface areas of the easements or adjacent property, are borne by the Developer or SDG&E.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Master Plan for East Village Square and the Disposition and Development Agreements for the development of East Village Square were the subjects of extensive community workshops and public hearings. The proposed utility easements are consistent with the Master Plan and applicable DDA.

Proclaiming January 14, 2008 to be “Patté Awards for Theater Excellence Day”
in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:41 a.m.)

CONSENT MOTION BY MADAFFER 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-102: Honorable John J. Hargrove Day.

COUNCIL PRESIDENT PETERS’ RECOMMENDATION:

Adopt the following resolution:

(R-2008-565) ADOPTED AS RESOLUTION R-303345

Commending the Honorable John J. Hargrove for his dedication and commitment
to higher judicial standards;

Proclaiming January 17, 2008, to be “Honorable John J. Hargrove Day” in the
City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:41 a.m.)

CONSENT MOTION BY MADAFFER 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-103: Human Trafficking Awareness Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-559) ADOPTED AS RESOLUTION R-303346

Commending the Bilateral Safety Corridor Coalition and the “Rescue and Restore” Unity Coalition of Southern California for their ongoing efforts to put a stop to human trafficking and to rescue victims affected by this terrible practice;

Proclaiming January 11, 2008, to be “Human Trafficking Awareness Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:41 a.m.)

CONSENT MOTION BY MADAFFER 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-104: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-277) ADOPTED AS RESOLUTION R-303347

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L – Cont. State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:41 a.m.)

CONSENT MOTION BY MADAFFER 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-105: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-539) ADOPTED AS RESOLUTION R-303348

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L – Continued State of Emergency Due to Severe Shortage of Affordable Housing

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:41 a.m.)

CONSENT MOTION BY MADAFFER 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-106: State of Local Emergency Declaration Regarding the Landslide on Mount Soledad.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-364) ADOPTED AS RESOLUTION R-303349

Declaring a continued state of emergency to persist relative to the landslide on Mount Soledad, pursuant to California Government Code Section 8630;

Declaring that the measures previously authorized by the City Council in Resolution No. R-303041 shall continue to have full force and effect.

FILE LOCATION: GEN'L – Continued State of Emergency Regarding the Landslide on Mount Soledad

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:41 a.m.)

CONSENT MOTION BY MADAFFER 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-107: Declaring a Continued State of Emergency Regarding the Wildfires.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-504) ADOPTED AS RESOLUTION R-303350

Declaring a continued state of emergency to exist in the City of San Diego due to the wildfires which began on October 21, 2007, pursuant to California Government Code Section 8630;

Declaring that the measures previously taken by the City Council in Resolution No. R-303098 shall continue to have full force and effect.

FILE LOCATION: GEN'L – Continued State of Emergency Regarding the Wildfires

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:41 a.m.)

CONSENT MOTION BY MADAFFER 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-330: Amending the San Diego Municipal Code Relating to Wagering Limit at “No Limit” in Cardrooms.

(See Report from the City Attorney dated 11/23/2007.)

CITY ATTORNEY’S RECOMMENDATION:

Introduce the following ordinance:

(O-2008-87) INTRODUCED AS AMENDED, TO BE ADOPTED
AFTER THE ATTORNEY GENERAL’S APPROVAL

Introduction of an Ordinance amending Chapter 3, Article 3, Division 39, of the San Diego Municipal Code by amending Section 39.3923, relating to wagering in Cardrooms, to comply with current state law regarding Cardrooms in San Diego, specifically setting a legislative imposed wagering limit. This ordinance will set the wagering limit at “no limit”. This is in line with current practice in the City’s Cardrooms.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:44 a.m. – 11:01 a.m.)

MOTION BY ATKINS TO INTRODUCE THE ORDINANCE WITH THE FOLLOWING CHANGE IN SECTION 33.3911 REGULATIONS:
(C) STRIKE OUT “SEVEN” AND ADD “NINE” TABLES FOR THE PLAYING OF CARDS. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-331: Comprehensive Cleanup Services. (Rancho Bernardo Community Area.
District 5.)

STAFF'S RECOMMENDATION:

Hold the first public hearing of the ordinance:

(O-2008-85) HEARING HELD

Authorizing and directing the City Auditor and Comptroller to increase revenue and expenditure appropriations by \$3,000,000 in the FY 2008 operating budget in Environmental Services Department 513, Fund 100, for the purpose of the comprehensive cleanup services related to the October 2007 wildfires;

Authorizing the City Auditor and Comptroller to appropriate and expend \$3,000,000 from the Environmental Services Department 513, Fund 100 for purposes of the comprehensive cleanup services contracts;

Authorizing the City Auditor and Comptroller, on receipt of additional advances from the State Office of Emergency Services, to appropriate and expend such funds in an amount not to exceed \$2,200,000 for purposes of the comprehensive cleanup services contracts, contingent upon the City Auditor and Comptroller first furnishing one or more certificates demonstrating that the funds are, or will be, on deposit in the City Treasury;

Authorizing and directing the City Auditor and Comptroller to reimburse Environmental Services Department 513, Fund 100 from the October 2007 Wildfires-DR 1731 Fund 18879 in an amount not to exceed \$5,200,000 for comprehensive cleanup services;

Declaring this activity is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15269 because it constitutes funding for an emergency project.

STAFF SUPPORTING INFORMATION:

On November 6, 2007, the City Council adopted unanimously Resolution R-303151 to authorize the Mayor to negotiate and enter into the agreements for comprehensive clean up services for property damaged within the City of San Diego during the 2007 wildfires. Since this approval, the City has selected two contractors for this debris removal project; and has received an advance of funds from the State Office of Emergency Services of \$3M (Fund 18879). The total of the two contracts is \$6,509,526.

The advance from the State has been deposited into a special fund, October Wildfires - DR 1731 (Fund 18879). Invoice payments cannot be made out of this special fund which is requiring the Environmental Services Department to request an appropriation increase of \$3M in expenditures and revenue to its General Fund operating budget (Department 513) in order establish the necessary requisitions to front the costs for the contracts. The General Fund is to be reimbursed from the special fund once invoices are processed and reviewed.

FISCAL CONSIDERATIONS:

As stated in the prior action in November, staff is to return to City Council to request that funds be appropriated from the General Fund Appropriated Reserves, if established, or from the Unallocated General Fund Reserves to fund the City costs associated with this comprehensive clean up program contract.

A \$3M appropriation of revenue and expenditures will be made to the General Fund Division (513) in Environmental Services Department. This action has no impact on the General Fund since \$3M has been received for this purpose (Fund 18879). If an additional advance of funds is received from the State it is also being requested that that amount be appropriated and expended for the purposes of the clean up program, contingent upon auditors certifying funds are available.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On November 6, 2007, City Council unanimously adopted Resolution R-303151 to enter the agreement for comprehensive cleanup services for property damaged within the City of San Diego during the 2007 wildfires.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

A.J. Diani Construction Co. Inc., and Granite Construction Company.

Heap/Jarrell

Aud. Cert. 2800486.

Staff: Elmer Heap - (619) 25056
Grace C. Lowenberg - Deputy City Attorney

NOTE: Today's action is the first public hearing. See the docket of Tuesday, January 29, 2008, for the second public hearing and the introduction and adoption of the Ordinance.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:01 a.m. – 11:41 a.m.)

MOTION BY MAIENSCHIN TO HOLD THE FIRST PUBLIC HEARING. 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-332: Three actions related to Urban Runoff Management Plans and Storm Water Ordinance Amendment Regarding Storm Water Drain Discharges by Updating the List of Exceptions to Prohibited Discharges.

(See Report to the City Council No. 07-186; Storm Water Department's Power Point, dated 11/14/2007; letter from Diana Spyridonidis dated 10/19/2007; Report to the City Council No. 07-205 [not available at Committee]; memorandum from the Tom Haynes dated 1/4/2008 [not available at Committee]; and letter from Patti Krebs dated 1/7/2007.)

(Continued from the meeting of January 7, 2008, Item 150, at the request of the Mayor, for further review.)

TODAY'S ACTIONS ARE:

Introduce the ordinance in Subitem A and adopt the resolutions in Subitems B and C:

Subitem-A: (O-2008-59 Cor.) INTRODUCED, TO BE ADOPTED
TUESDAY, FEBRUARY 5, 2008

Introduction of an ordinance Amending Chapter 4, Article 3, Division 3 by amending Section 43.0305(b) of the San Diego Municipal Code regarding Storm Drain Discharge;

Amending the Municipal Code to conform to requirements of the San Diego Regional Water Quality Control Board Order Number R9-2007-0001 regarding storm water discharges by updating the list of exceptions to prohibited discharges.

Subitem-B: (R-2008-500) ADOPTED AS RESOLUTION R-303351

Adopting and enacting the Jurisdictional Urban Runoff Management Plan (JURMP), except those portions relating to amendments to the Storm Water Standards of the Land Development Manual

Adopting and enacting the Mission Bay & La Jolla Watershed Urban Runoff Management Plan;

Adopting and enacting the San Dieguito River Watershed Urban Runoff Management Plan;

Adopting and enacting the Los Peñasquitos Watershed Urban Runoff Management Plan;

Adopting and enacting the San Diego River Watershed Urban Runoff Management Plan;

Adopting and enacting the San Diego Bay Watershed Urban Runoff Management Plan;

Adopting and enacting the Tijuana River Watershed Urban Runoff Management Plan;

Adopting and enacting the new Regional Urban Runoff Management Plan;

Authorizing the Mayor, or his designee, to implement activities identified in the above management plans.

Subitem-C: (R-2008-501)

ADOPTED AS RESOLUTION R-303352

Certifying that Mitigated Negative Declaration Project No. 134590, 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 declaration reflects the independent judgment of the City of San Diego as Lead Agency; and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the City's Urban Runoff Management Plans and Storm Water Standards Manual;

Declaring that pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment and incorporated herein by reference;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/14/2007, NR&C voted 3 to 0 to approve the recommendations and forward to the full City Council, with direction that staff provide additional information regarding the benefits of over-irrigation. (Councilmembers Faulconer, Maienschein, and Frye voted yea. Councilmember Hueso not present.)

SUPPORTING INFORMATION:

The plans identify and describe the activities that the City commits to implementing to protect and improve water quality and comply with the regulatory requirements outlined the 2007 Municipal Permit. New requirements in the 2007 Municipal Permit has prompted the incorporation of significant revisions into the plans, including the identification of new activities to implement in Fiscal Years 2008 through 2013.

The Jurisdictional URMP serves two primary purposes. First, it outlines the BMPs that each department will implement to prevent or reduce urban runoff pollution. Each department will be responsible for financing and implementing the BMPs and tracking their activities. Second, the plan identifies the programs and minimum BMP requirements that the Storm Water Division will implement and enforce over the life of the 2007 Municipal Permit.

The Watershed URMPs identify the high priority pollutants and sources within the watersheds that the City has jurisdiction in and outline activities to address those pollutants and sources. The City has identified at least two education and two water quality activities to implement annually for each of its watersheds during the Five-Year 2007 Municipal Permit cycle.

The City is the sole jurisdiction within the Mission Bay & La Jolla Watershed; it is a participating jurisdiction in the following five watersheds: San Dieguito River, Los Peñasquitos, San Diego River, San Diego Bay, and Tijuana River.

The Regional URMP will serve as a framework to implement coordinated regional strategies across multiple jurisdictional boundaries. Under this plan, jurisdictions will integrate activities at a regional scale when efficient and appropriate, such as education and outreach campaigns. The County of San Diego is leading the development of this regional plan with input from the City and other jurisdictions.

The Regional and five (5) Watershed URMPs, for which the City is not the lead agency, are being developed in cooperation with other jurisdictions and will not be completed prior to Council consideration. However, the Storm Water Division has prepared for Council consideration the lists of wholly or partially City-sponsored activities to be incorporated into the plans. The Storm Water Division will begin implementation and submit final versions of all the plans to the San Diego Regional Water Quality Control Board by March 24, 2008.

The amendment to the Storm Water Ordinance will involve two groups of changes. First, the list of allowable non-storm water discharges will be updated consistent with the list from the 2007 Municipal Permit. Specifically, non-emergency fire fighting flows, diverted stream flows, and uncontaminated groundwater infiltration will be added to the list of allowable non-storm water discharges, and non-commercial car washing (e.g., charity car washing) will be removed from the list of allowable discharges to conform with the 2007 Municipal Permit (note that, although non-commercial car washing is currently listed in the City's Storm Water Ordinance, the Storm Water Division does not allow discharges from this class of activities). Certain allowable non-storm water discharges will also be modified to be permissible only if the City's minimum BMPs are implemented. The discharge categories with this condition include: three types of excess irrigation runoff (irrigation water, lawn watering, and landscape irrigation), dechlorinated swimming pool discharges, residential car washing, air conditioning condensation, water line flushing, and non-emergency fire fighting flows.

FISCAL CONSIDERATIONS:

City-wide Fiscal Year 2008 costs are estimated to be \$43 million. This estimate is derived from the Street Division's storm drain cleaning and street sweeping (\$19,966,859) and the Storm Water Division's (\$22,995,409) current budgets (less substantial cost estimates of other departments not included). Implementation of Fiscal Year 2009-2013 activities will be dependent upon Council identification and approval of funding in future annual budgets. Potential alternative funding sources, including grants, to fund specific activities will be considered by separate actions. City-wide costs for the programs are estimated at \$320 million over the 5-Year 2007 Municipal Permit cycle (less substantial expenditures to be required of other departments not included in this estimate).

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution R-296019 (January 28, 2002) approving 2002 Jurisdictional URMP. Ordinance O-18975 N.S. (September 10, 2001) regarding prior amendments to Storm Water Ordinance. The Natural Resources & Culture Committee voted 3-0 on November 14, 2007, to approve and forward the items to the full City Council.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Outreach efforts to solicit input on the draft plans, including draft minimum BMPs for municipal, commercial, industrial, and residential sites/sources, included two public workshops, multiple meetings with stakeholders, two 30-day public comment periods, an Internet comment form, and three presentations to the former Public Utilities Advisory Commission's Storm Water Sub-Committee. Public notification methods included postcard mailings, newspaper notices, e-mail notices, notices on the City's Think Blue website, media releases, and flyers distributed at City public involvement meetings.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key stakeholders include commercial businesses and industries, including the building industry, residential homeowners, citizens of the City and other jurisdictions, and environmental organizations. The Development Services Department prepared a MND, which identified the following potential impacts: historical resources (archaeology), paleontological resources, and land use (Multiple-Habitat Planning Area Land Use Adjacency).

Sierra/Jarrell

FILE LOCATION: **SUBITEM A: NONE**
SUBITEMS B & C: MEET

COUNCIL ACTION: (Time duration: 3:44 p.m. – 4:53 p.m.)

MOTION BY FRYE TO INTRODUCE THE ORDINANCE IN SUBITEM A; AND TO ADOPT THE RESOLUTIONS IN SUBITEMS B AND C. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



[ITEM-333](#): Agreement with Actuarial Service Company, P.C. for Actuarial Services.

CITY ATTORNEY'S RECOMMENDATION:

Take the following actions:

(R-2008-00) CONTINUED TO TUESDAY, FEBRUARY 5, 2008

Approve the resolution to approve the Agreement between the City of San Diego and Actuarial Service Company, P.C. for actuarial services;

Authorize the City Auditor and Comptroller to transfer \$400,000 from the General Fund Appropriated Reserves Department 602, Fund 100 of which \$200,000 will be transferred to the Office of the City Attorney Department 045, Fund 100, for payment for actuarial consulting services and \$200,000 transferred to Citywide Program Expenditures Department 601, Fund 100 for future services from the consultant;

Authorize the expense from the Office of the City Attorney for services rendered in the amount of \$61,980.95 and an additional \$138,019.05 for anticipated payment for actuarial services totaling \$200,000;

Authorize the expense from Citywide Program Expenditures up to \$200,000 for anticipated payment for actuarial services;

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

SUPPORTING INFORMATION:

The City desires to retain the Firm Actuarial Service Company, P.C. to provide actuarial consulting services with respect to issues pertinent to an evaluation of the actuarial soundness of the City's retirement system, and to conduct from time to time other actuarial analyses connected therewith (as further described in the scope of services, contained in Section 1 of the agreement).

FISCAL CONSIDERATIONS:

The City shall compensate Actuarial Service Company, P.C. based on its hourly rates for consulting services. This Agreement provides for such compensation to the consultant \$400,000 (which amount includes \$61,980.95 of work previously completed by the consultant). Authorize the City Auditor and Comptroller to appropriate \$400,000 from the appropriated reserve.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The Council has previously approved an agreement with Actuarial Service Company, P.C.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Actuarial Service Company, P.C., all City Departments.

Blake/Goldstone

Aud. Cert. 2800474.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:04 p.m. – 2:16 p.m.)

MOTION BY ATKINS TO CONTINUE TO TUESDAY, FEBRUARY 5, 2008, FOR FURTHER REVIEW. Second by Faulconer. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-334: Windansea Luxury Condos Tentative Map, application for a Coastal Development Permit, Tentative Map and Sewer Easement Vacation to create five residential condominiums currently under construction, project is located at 231 Bonair Street, within the La Jolla Community Plan area. (La Jolla Community Plan Area. District 1.)

Matter of approving, conditionally approving, modifying or denying an application for a Coastal Development Permit, Tentative Map and Sewer Easement Vacation to create five residential condominiums currently under construction. This project was previously approved by City Council on September 24, 2002, however, the Final Map did not get recorded prior to the expiration date and it is now expired. The vacation of the sewer easement was to be abandoned upon the recordation of the final map. The project is located at 231 Bonair Street, within the La Jolla Community Plan area. The site is in the RM-3-7, the Coastal Overlay (Appealable Area), the Beach Impact Area, Parking Impact Overlay, the Residential Tandem Parking Overlay, the Transit Overlay, and the Coastal Height Limit Overlay Zones.

(Report to Planning Commission No. PC-07-148/Coastal Development Permit No. 443805/Tentative Map No. 444017 and Easement Vacation No. 445335/Project No. 128934.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2008-557) ADOPTED AS RESOLUTION R-303353

Adoption of a Resolution approving the findings with respect to Coastal Development Permit No. 443805;

That Coastal Development Permit No. 443805 is granted to Bonair Street Ocean Villas, LLC, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Subitem-B: (R-2008-556) ADOPTED AS RESOLUTION R-303354

Adoption of a Resolution approving the findings with respect to Tentative Map No. 444017, and Easement Vacation No. 445335;

That pursuant to California Government Code section 66434(g), portions of Lots 4, 5, and 6, Block 1, located within the project boundaries as shown in Tentative Map No. 444017, shall be vacated, contingent upon the recordation of the approved final map for the project;

That Tentative Map No 444017 is granted to Bonair Street Ocean Villas, LLC, Applicant/Subdivider and Brent C. Moore, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

OTHER RECOMMENDATIONS:

Planning Commission on November 15, 2007, voted 7-0 to approve.

Ayes: Schultz, Garcia, Griswold, Ontai, Otsuji, Naslund, Smiley

The La Jolla Community Planning Association has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Approval to create five residential units under construction to condominium ownership with an abandonment of a sewer easement on a 0.155 acre site located at 231 Bonair Street in the RM-3-7, Coastal Overlay, Parking Impact, Residential Tandem Parking, and Transit Area Overlay Zones, within the La Jolla Community Plan area.

STAFF RECOMMENDATION:

Recommend City Council APPROVE Coastal Development Permit No. 443805, Tentative Map No. 444017 and Sewer Easement Abandonment No. 445335.

EXECUTIVE SUMMARY:

The project site is located at 231 Bonair Street, within the La Jolla Community Plan area. The site is in the RM-3-7 Zone, the Coastal Overlay (Appealable Area), the Parking Impact, the Residential Tandem Parking, the Transit Area, and the Coastal Height Limit Overlay Zones.

This project was originally approved unanimously, on September 24, 2002, by the City Council. The approved project was Coastal Development Permit No. 7283, Tentative Map No. 7282, Public Right-of-Way Use Permit No. 7281 and Easement Abandonment No. 7280, to demolish three dwelling units totaling 6,750 square feet on three lots and construction of five attached residential condominium units totaling 9,625 square feet. The approved project is three stories, above subterranean parking. The La Jolla Community Planning Association voted 8-0-1 to approve the project and the Planning Commission had recommended approval by a 7-0-0 vote. The permits were approved and had an expiration of July 24, 2005. The applicant allowed the Tentative Map and Easement Abandonment to expire.

The prior project required a Coastal Development Permit due to its location within the Coastal Overlay Zone. An Easement Abandonment was required for a sewer easement located within the boundaries of the project site. A Public Right-Of-Way permit was required for a retaining wall located within a portion of the alley right-of-way. The Tentative Map was required for the sale of the condominium units.

Mitigated Negative Declaration No. 40-0337 (PTS No. 1473) was prepared for the prior project in accordance with State CEQA guidelines. The Mitigated Negative Declaration identified potential for significant impacts to historical resources (archaeology) and geology. A Mitigation, Monitoring and Reporting Program was prepared to reduce the impacts to below a level of significance.

Building Permit No. B200123-04, was issued on April 13, 2004. The existing structures were demolished and the proposed condominium units are currently under construction.

Although the demolition was completed and the construction is under way, this project is requesting a Coastal Development Permit, Tentative Map and an Easement Abandonment because Tentative Map No. 7282 was not acted upon with a Final Map prior to the expiration date of September 24, 2005, as required by the conditions of the resolution. The vacation of the sewer easement was also conditioned to be abandoned upon the recordation of the Final Map.

There are no changes or modifications to the approved plans dated September 24, 2002, and this request represents a subdivision of ownership only.

FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On November 8, 2007, the Planning Commission voted 7-0-0 to recommend to the City Council approval of the project without any changes.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On August 7, 2007, the La Jolla Community Planning Association voted 14-0-0 to approve the project with no conditions.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Bonair Street Ocean Villas, LLC

Kristin E. Jeffrey

William Gordon & Julie B. Fiss

Ed & Laura Brubaker

Anthony E. & Christine M. Moore

Les & Madeline Wilson

Michael & Gayle Marinkovich

Stephen D. Lipkin

Broughton/Anderson/EG/JT

NOTE: This activity is categorically exempt from California Environmental Quality Act (CEQA) guidelines section 15301(k) Existing Facilities.

Staff: Edith Y. Gutierrez – (619) 446-5466
Marianne Greene – Deputy City Attorney

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:43 p.m. – 3:44 p.m.)

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

ITEM-335: Mission Hills Historic District Appeal. The matter of the appeal by Sheldon Zablou and David A. and Shirley Jo Demer of the decision of the Historical Resources Board to designate the Mission Hills Geographic/Traditional Historic District as a Historical Resource and the decision to designate their properties at 1844 Sheridan Avenue and 1819 Sheridan Avenue, respectively, as contributing resources to the District. (Uptown Community Plan Area. District 2.)

(See Report to City Council No. 07-209. Historical Resources Board Report No. 07-030.)

STAFF'S RECOMMENDATION:

Take the following actions:

(R-2008-876) DENIED APPEALS, AND UPHOLD HISTORICAL RESOURCES BOARD ACTION; ADOPTED AS RESOLUTION R-303355

Adoption of a resolution granting or denying the appeal and upholding the action of the Historical Resources Board;

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

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Consider the appeal of the July 16, 2007 decision of the City's Historical Resources Board (HRB) to designate the Mission Hills District, comprised of 75 total properties, as a historical resource. The Mission Hills District is bounded by the properties fronting on Sunset Boulevard (inclusive of 1814 Sunset Boulevard through 1898 Sunset Boulevard) to the north; the homes fronting Sheridan Avenue to Lyndon Road (inclusive of 1801 Sheridan Avenue through 1896 Lyndon Rd and 4107 Saint James Place) to the east and south; and the properties on the east side of Saint James Place to the west.

STAFF RECOMMENDATION:

Deny the appeal and do not reject or modify the historical resource designation of the Mission Hills District bounded by the properties fronting on Sunset Boulevard (inclusive of 1814 Sunset Boulevard through 1898 Sunset Boulevard) to the north; the homes fronting Sheridan Avenue to Lyndon Road (inclusive of 1801 Sheridan Avenue through 1896 Lyndon Road and 4107 Saint James Place) to the east and south; and the properties on the east side of Saint James Place to the west.

EXECUTIVE SUMMARY:

This item is before the City Council as an appeal of the HRB decision of July 16, 2007 to designate the Mission Hills District as a historical resource (HRB #821), with a vote of 7 in favor, 0 opposed and 0 abstentions. The vote occurred at the second hearing before the HRB, consistent with adopted HRB policy on the establishment of historic districts. The district was designated under three HRB designation Criteria: Criterion A as a special element of the City of San Diego and neighborhood's historical, cultural, landscaping and architectural development; HRB Criterion C as an embodiment of distinctive characteristics of various styles, types and period(s) of construction from 1908-1942; and HRB Criterion D, as a reflection of quality design and construction work of several established Master Architects and Builders.

The HRB considered all of the information presented to it and in doing so, recognized and validated the compelling arguments that resulted in designation. Since the hearings, there has been no new evidence submitted to refute the designation, no evidence to show that the information the HRB received was wrong, and no evidence presented as to any violations of bylaws or procedures. Therefore, staff recommends that the appeal be denied based on the fact that no material information has been provided in support of the Municipal Code-established findings that the City Council needs to make in order to overturn the decision of the HRB.

FISCAL CONSIDERATIONS: None with this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

A properly noticed public workshop was held on April 28, 2007. Notices of Public Hearing were sent to all property owners within the Mission Hills Historic District at least ten business days prior to each hearing before the HRB, consistent with Municipal Code requirements. All property owners have been sent public notice of the appeal hearing.

Papers/Anderson/KS

Staff: Kelley Saunders – (619) 533-6508
Marianne Greene – Deputy City Attorney

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:16 p.m. – 3:37 p.m.)

Testimony in favor of the appeal by David Demer and Penny Altmann.

Testimony in opposition of the appeal by Allen Hazard, Margaret McCann, Ronald May, Andrew Narwold, Don Mayfield, Patty Vaccariello, Priscilla Ann Berge, Bruce Coons, Bridget Wisner, George Clay, Phil Halpern, Barry Hager, Ann Garwood, Janet O'Dea, Ione Stiegler, and Leo Wilson.

MOTION BY FAUCONER TO ADOPT THE RESOLUTION TO DENY THE APPEALS AND UPHOLD THE ACTION OF THE HISTORICAL RESOURCES BOARD. Second by Atkins. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-350: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the June 3, 2008 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	1/18/08	137	LAST DATE (10:00 a.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	1/23/08	132	Rules Committee review
Monday	1/28/08	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	2/4/08	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	2/25/08	99	Council adopts ordinances prepared by City Attorney
Friday	3/7/08	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	3/20/08	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4025.



ITEM-S500: Amending the San Diego Municipal Code Regarding Composition of the Disclosure Practices Working Group (DPWG).

(Continued from the meeting of January 15, 2008, Item 330, at the request of the City Attorney, for further review.)

CITY ATTORNEY'S RECOMMENDATION:

Introduce the following ordinance:

(O-2008-84 Cor. Copy) INTRODUCED, TO BE ADOPTED ON
TUESDAY, FEBRUARY 5, 2008

Introduction of an Ordinance amending the San Diego Municipal Code by amending Chapter 2, Article 2, Division 41, Sections 22.4101 through 22.4112, relating to organization of the Disclosure Practices Working Group, pursuant to the recommendations of the Kroll Report and the Independent Consultant.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:41 a.m. - 11:45 a.m.)

MOTION BY YOUNG TO INTRODUCE THE ORDINANCE WITH THE INDEPENDENT BUDGET ANALYST'S AMENDMENT TO INCLUDE THE CITY AUDITOR AS A NON-VOTING MEMBER AND ADD THE CHIEF OPERATING OFFICER AS A MEMBER. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Pro Tem Madaffer at 5:28 p.m. in honor of the memory of:

Mr. Ross Rizzo as requested by Council Member Maienschein.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 5:27 p.m. – 5:28 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego