

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 29, 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 10:03 a.m. Council President Peters recessed the meeting at 11:24 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:28 a.m. with Council Members Atkins and Hueso not present. The meeting was recessed by Council President Peters at 12:02 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:04 p.m. with Council Member Faulconer, Council President Pro Tem Madaffer and Council Member Hueso not present. Council President Peters recessed the meeting at 3:30 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:35 p.m. with all Council Members present. Council President Peters recessed the meeting at 3:37 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 3:39 p.m. The meeting was adjourned by Council President Peters at 5:35 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-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-not present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

John Baker commented on San Diego Police.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. – 10:45 a.m.)

PUBLIC COMMENT-2:

Pastor James Ward presented a video and commented on inner city youth.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:45 a.m. - 10:47 a.m.)

PUBLIC COMMENT-3:

Linda Smith commented on various concerns.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:57a.m. - 10:59 a.m.)

PUBLIC COMMENT-4:

Don Stillwell commented on prayer and the flag salute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:59 a.m. – 11:02 a.m.)

PUBLIC COMMENT-5:

Linda Warr commented on City Attorney Aguirre.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-6:

Hud Collins commented on the pension, finance and the war.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:08 a.m.)

PUBLIC COMMENT-7:

Ron Boshun commented on the actions of Council.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-8:

Jarvis Ross commented on a private property.

FILE LOCATION: AGENDA

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

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins announced that she will be leaving the morning session early to attend a funeral in her district but will be back for the afternoon meeting.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:32 a.m. – 10:33 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-30: Hossein Ruhi Day.

**COUNCIL PRESIDENT PETERS' AND COUNCILMEMBER FRYE'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2008-590) ADOPTED AS RESOLUTION R-303357

Proclaiming January 29, 2008, to be "Hossein Ruhi Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:03 a.m. – 10:15 a.m.)

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

ITEM-31: Dr. Ruth Riedel Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-534) ADOPTED AS RESOLUTION R-303358

Commending and thanking Dr. Ruth Riedel for the impact she has had on the City of San Diego and the improvements she has helped create through her work with the Alliance Healthcare Foundation;

Proclaiming January 29, 2008, to be "Dr. Ruth Riedel Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:15 a.m. – 10:20 a.m.)

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

ITEM-32: Doug Beckham Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-487) ADOPTED AS RESOLUTION R-303359

Proclaiming January 29, 2008, to be "Doug Beckham Day" in the City of San Diego, and commending and thanking Doug for his leadership and commitment in serving the residents of Linda Vista.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:27 a.m.)

MOTION BY FRYE 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: Appropriation of Funds and Third Amendment to Agreement with Dokken Engineering for the State Route 163 and Friars Road Project. (Mission Valley Community Area. District 6.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2008-72) INTRODUCED, TO BE ADOPTED ON
TUESDAY, FEBRUARY 13, 2008

Introduction of an ordinance authorizing the appropriation of an amount not to exceed \$145,000 from Job Order 179309, State Route 163 and Friars Road Interchange, to CIP-52-455.0, State Route 163 and Friars Road (Project), within Fund No. 63022, Private and Other Contributions;

Authorizing the appropriation of an amount not to exceed \$155,000 from Job Order 990348, Miscellaneous Transportation Improvements, to CIP-52-455.0, State Route 163 and Friars Road, within Fund No. 63022, Private and Other Contributions;

Authorizing a \$300,000 increase in the Fiscal Year 2008 Capital Improvements Program Budget in CIP-52-455.0, State Route 163 and Friars Road, Fund No. 63022, Private and Other Contributions;

Authorizing the Mayor, to execute, for and on behalf of the City, an agreement with Dokken Engineering, for professional engineering services for CIP-52-455.0, State Route 163 and Friars Road, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$761,000 from CIP-52-455.0, State Route 163 and Friars Road, of which \$300,000 is from Fund No. 63022, Private and Other Contributions, and \$461,000 is from Fund No. 30300, TransNet, for the purpose of executing this Third Amendment to the Agreement for the above referenced Project;

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

Declaring that this activity is not a "project" and is therefore not subject to CEQA pursuant to State CEQA Guidelines Sections 15061(c)(3). This determination is predicated on Section 15004 of the Guidelines, which provides direction to lead agencies on the appropriate timing for environmental review.

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

STAFF SUPPORTING INFORMATION:

The proposed project would provide for the modifications to State Route 163 and Friars Road interchange in order to improve traffic circulation within the interchange area. The design of the project has been divided into two phases. The first phase consists of the preparation of a Caltrans Project Report and Environmental Clearance, which includes mapping development and analysis of preliminary design alternatives, preparation of environmental documents and geotechnical reports, value engineering analysis and preliminary project estimates. The second phase consists of the preparation of construction documents (plans, specifications, and estimates).

On June 3, 2003, per RR-298019, the City Council authorized to enter into a consultant agreement with Dokken Engineering to prepare a Project Report and Environmental Clearance documentation.

On March 14, 2005, per RR-300220, the City Council authorized to enter into the First Amendment to Agreement for the purposes of upgrading the environmental document from a Mitigated Negative Declaration to an Environmental Impact Report and providing the technical studies for the expanded project boundaries.

On September 26, 2006, per RR-301928, the City Council authorized to enter into the Second Amendment to the Agreement for the purposes of providing additional traffic analysis, engineering support, and additional coordination meetings for the Environmental Impact Report and Project Study Report.

The Third Amendment to the Agreement is for additional services due to the following: Development Services Department staff reviewed the traffic study and identified additional road improvements that will be needed to accommodate future traffic volumes and prevent queuing on Friars Road. The additional road and signal improvements are along Frazee Road to the North and South of Friars Road and the driveway access to the Cheesecake Factory. These additional areas require base mapping not previously done, revisions to the project graphics, and analysis in the technical reports.

- Caltrans and City had recently completed its review of the draft National Environmental Policy Act's (NEPA) and California Environmental Quality Act's (CEQA) document. Typically this is prepared as a joint report, which is how the document was prepared. After the review by Caltrans and City staff, it was determined that the draft EIR document should be written as a separate document. This is anticipated to streamline the approval process. However, it will take a significant design effort to separate and revise the existing draft document.
- Lastly, as part of the review of the draft EIR it was discovered that there were project issues which had not been previously known or addressed at the time the Consultant's scope of work was prepared. This additional work includes in the following revisions to technical studies and/or plans: geotechnical, traffic, utility, cultural and visual impact studies, landscaping plans, updated biological assessment and jurisdictional delineation reports, a water quality technical report and offsite mitigation and wetland restoration plan. In addition, the extra work takes into account that the EIR will be done in separate NEPA/CEQA documents as stated above.

In addition, the "private and other contributions" fund is money from developers which have been collected by City of San Diego to be used for improvements in the Mission Valley area. It was decided to use a portion of the money from this fund to help offset the additional design costs for the project.

FISCAL CONSIDERATIONS:

City of San Diego Council previously authorized \$1,667,900 for this project. Funding for the Third Amendment to the Agreement in the amount of \$761,000 is available from CIP-52-455.0, State Route 163 and Friars Road of which \$300,000 is in Fund 63022, Private and Other Contributions and \$461,000 is in Fund 30300, TransNet. With this action the total consultant contract will be increased to \$2,425,900.

PREVIOUS COUNCIL COMMITTEE ACTION:

Consultant Agreement, RR-298019 dated June 3, 2003; First Amendment, RR-300220 dated March 14, 2005; Second Amendment, RR-301928 dated September 26, 2006.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

A public scoping meeting was held on November 28, 2005 to introduce the project and gather public comments as part of the EIR process. Presentations were made to the Mission Valley Unified Planning Group and Linda Vista Community Planning Group to introduce the project and receive feedback. Both community groups are in full support of the project.

KEY STAKEHOLDERS:

Mission Valley Unified Planning Group and Linda Vista Community Planning Group City of San Diego, Caltrans, Dokken Engineering, Helix Environmental, LLG Engineers, Estrada Land Planning and TY Lin.

Jarrell/Haas

Aud. Cert. 2800464.

Staff: Marnell Gibson - (619) 533-5213
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:32 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-100: Reo Drive Streetscape - Phase II. (Paradise Hills Community Area. District 4.)

(Continued from the meeting of January 15, 2008, Item 103, at the request of Councilmember Faulconer, for further review.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-518) ADOPTED AS RESOLUTION R-303360

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$450,000 from Fund 30300, TransNet, CIP-52-409.0, 43rd Street and Logan/National Avenue Intersection, to Fund 30300, TransNet, CIP-39-233.0, Reo Drive Streetscape;

Authorizing the appropriation and expenditure of an amount not to exceed \$450,000 from Fund 30300, TransNet, CIP-39-233.0, Reo Drive Streetscape, solely and exclusively for the purpose of providing funds for the Reo Drive Streetscape (Project), provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Approving the plans, specifications and cost estimate for the construction of CIP-39-233.0, Reo Drive Streetscape (Project Contract);

Authorizing the Mayor, after advertising for bids in accordance with the law, to award the Project Contract to the lowest responsible and reliable bidder in an amount not to exceed \$1,122,496, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3).

STAFF SUPPORTING INFORMATION:

The Reo Drive Streetscape project consists of roadway improvements along Reo Drive between Albemarle Street and Cumberland Street. The proposed project is consistent with the Skyline/Paradise Hills Community Plan.

The project was divided into two phases. Phase I work, completed on November 2004, consisted of roadway slurry seal and striping; installation of enhanced crosswalks, streetlights, street trees, and curb ramp pop-outs at mid block & end intersections. Phase II work will widen Reo Drive by 28 feet between Albemarle and Cumberland Street; install new curb & gutter, sidewalks, streetlights and additional street trees; relocate sewer, water, and storm drain facilities; and incorporate diagonal street parking and street slurry seal.

The Reo Drive Streetscape Project is 100% designed and has construction funding gap of \$450,000. The final design of the 43rd Street and Logan/National Avenue Intersection Project is on-going and is scheduled to be complete in June of 2008. At this time construction funding has not yet been identified. In order to maximize the use of Transnet funds available, staff is

proposing to transfer \$450,000 from 43rd Street and Logan/National Avenue Improvement to the Reo Drive Streetscape project so that one project can proceed with construction. With the proposed action, there will be adequate funds remaining in the 43rd Street and Logan/National Avenue Intersection Project to complete the final design as scheduled.

FISCAL CONSIDERATIONS:

The total project cost is \$1,935,115. An additional \$450,000 is required to fund the project through construction completion. Funds are available from Fund No. 30300, Transnet, CIP-52-409.0, 43rd Street and Logan/National Avenue Intersection.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

- Adopted July 31, 2000, Resolution No. R-293581, adding CIP-39-233.0, Paradise Hills.
- Revitalization Project to the Capital Improvement Program.
- Adopted January 14, 2002, Resolution No. R-295934, Grant Deed Street Easement.
- Adopted May 14, 2004, Resolution No. R-299184, Accepting Federal Grant Funding.
- Adopted July 25, 2005, Resolution No. R-300698, Accepting SANDAG Grant Funding.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Skyline/Paradise Hills Planning Committee has been contacted and coordinated with on this project. City staff has provided the committee with periodic progress reports throughout the various phases of design.

KEY STAKEHOLDERS:

City of San Diego, Skyline/Paradise Hills Community.

Boekamp/Jarrell

Aud. Cert. 2800440.

Staff: Marnell Gibson - (619) 533-5213
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:32 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-101: Authorization to Change Proposed Location of Chollas Creek Workforce Housing Grant. (Southeastern Encanto Community Area. Districts 4 and 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-594) ADOPTED AS AMENDED AS RESOLUTION R-303361

Authorizing the Mayor, or his representative, to make application to California Department of Housing and Community Development (HCD) for amendment to the Workforce Housing Standard Agreement No. 04-WFH-052 to revise the Scope of Work (Exhibit A of the Agreement) to allow \$144,000 of grant funds previously designated for improvements to Segments 2A and 8 of the Chollas Creek South Branch Implementation Program to be expended equally between planning or habitat restoration projects at Segment 7 (within District 8) and for anyone of the following Segments (within District 4):

Potential Council District 4 Sites:

- Segment 1 - Gompers Outdoor Learning Laboratory - Habitat restoration and equipment purchase for outdoor science lab;
- Segment 2A - Science Education Center - Habitat restoration from Guymon Street to Market Creek;
- Segment 3 - City Water Department Parcel east of 47th Street at Castana - Habitat restoration;
- Segment 4 - between 47th Street and the culvert under I-805 - Habitat restoration; or
- Segment 5 - Jackie Robinson YMCA - Habitat restoration, planning and studies.

Authorizing the Mayor, or his representative, to take all necessary actions to secure funding from the HCD for planning and habitat restoration within Council Districts 4 and 8;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend funds if Workforce Housing Grant Funds are secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the Workforce Housing Grant pursuant to the terms of the Workforce Housing Standard Agreement No. 04-WFH-052, as amended;

Authorizing the addition of CIP-37-446.0, Chollas Creek South Branch Phase I, Planning and Habitat Restoration to Segments 7 and Segment 1, 2A, 3, 4, or 5, to the Fiscal Year 2008 Capital Improvements Program;

Authorizing a \$144,000 increase in the Fiscal Year 2008 Capital Improvements Program Budget, CIP-37-446.0, Chollas Creek South Branch Phase I, Planning and Habitat Restoration to Segments 7 and Segment 1, 2A, 3, 4, or 5;

Authorizing the City Auditor and Comptroller to appropriate and expend \$144,000 from CIP-37-446.0, Chollas Creek South Branch Phase I, Planning and Habitat Restoration to Segments 7 and Segment 1, 2A, 3, 4, or 5 contingent upon receipt of a fully executed amended grant agreement;

Authorizing the Mayor, or his representative, to make application for Proposition 84 and Wetlands Recovery Project funding using the \$144,000 of available Workforce Housing Grant funds as local matching funds for the application(s), contingent upon receipt of the grant funds pursuant to an executed amended Workforce Housing Standard Agreement;

Authorizing that the Mayor, or his representative, to execute right-of-entry documents to allow the proposed improvements to be completed on the Chollas Creek Segments selected by the Council, as appropriate;

Authorizing the Mayor, or his representative, to negotiate and execute a sole source contract with Groundwork San Diego not to exceed \$144,000 for the purpose of administering and completing planning and habitat restoration under the terms and conditions of the Workforce Housing Standard Agreement No. 04-WFH-052, as amended, in Council Districts 4 and 8, utilizing the funds in CIP-37-446.0, Chollas Creek South Branch Phase I, Planning and Habitat Restoration, contingent upon the City Auditor and Comptroller certifying that the funds are available;

Declaring that the contract with Groundwork San Diego shall be contingent upon Groundwork San Diego obtaining all necessary licenses and permits required for the performance and completion of its obligations under the contract;

Authorizing the City Auditor and Comptroller, upon advice from the administering City Department, to return unexpended Workforce Housing Grant funds remaining at the end of the contract period or termination date to the HCD with accrued interest within thirty (30) days of the contract termination or expiration date;

Authorizing the City Auditor and Comptroller upon advice from the administering City Department, to return grant funds not expended within 90 days of receipt by the City to the HCD with accrued interest;

Declaring that this activity (executing an Amendment to an Agreement and expenditure Grant funds) is not a "project" and is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(2). Any project for which the fund expenditure will be used would be subject to site specific CEQA review.

STAFF SUPPORTING INFORMATION:

In October of 2005, the California Department of Housing and Community Development (HCD) awarded the City \$618,686 from the Workforce Housing Reward Grant (WFH) Program. On October 10, 2005, the City Council adopted Resolution No. R-300909 allocating these funds to four projects including \$144,000 for improvements at Chollas Creek, Segments 2A and 8 as identified in the Chollas Creek Enhancement Program. Segment 2A, Science Education Center, is at the intersection of Euclid Avenue and Market Street, and Segment 8, Southcrest - 252 Corridor, is at the intersection of 38th and Alpha. Improvements at these sites have either other funding identified and allocated (Segment 8) or require further site planning (Segment 2A).

Consequently, the City Planning and Community Investment (CPCI) Department is proposing to amend the Workforce Housing Standard Agreement No. 04-WFH-052 to allow funds previously identified for improvements to Segments 2A and 8 to be used for habitat restoration or planning projects to Segment 7 - Chollas Walk in Council District 8 and one other site in Council District 4 (either 1, 2A, 3, 4 or 5), to be selected by City Council.

CPCI is also proposing that a sole source contract be negotiated and executed with Groundwork San Diego, a not-for-profit organization. The Workforce Housing Standard Agreement No. 04-WFH052 requires that the grant funds be expended by June 30, 2008. Consequently, CPCI believes that Groundwork San Diego is the only source from which the City will be able to procure the needed services to perform under the Workforce Housing Standard Agreement No. 04-WFH-052 as amended, and there is no permissible substitute within the time constraints of the contract. If the work is not complete by the June 30, 2008 deadline, the City will lose the funding. CPCI is also proposing to work with Groundwork San Diego and the Urban Corps of San Diego to leverage these grant funds to obtain funds for additional improvements and removal of non-native vegetation.

Due to the short time frame by which these funds must be expended and the limited amount of this funding, the scope of work would be limited to planning and habitat restoration. If the Jackie

Robinson YMCA site in Council District 4 is selected as a site, the funds would be utilized for background studies required for a subsequent grant application.

FISCAL CONSIDERATIONS:

The \$144,000 will be provided through HCD's Workforce Housing Reward Grant Program.

PREVIOUS COUNCIL and/or COMMITTEE ACTION

On October 10, 2005, the City Council adopted Resolution Number R-300909, giving the City Manager the authority to apply for, accept and expend grant funds from the State Department of Housing and Community Development pursuant to their Workforce Housing Reward Grant Program. The grant was for \$618,686 of which \$144,000 was identified for Chollas Creek improvements at Segments 2A and 8.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

CPCI and Groundwork San Diego have partnered with numerous organizations and groups in undertaking habitat restoration and cleanup projects in Chollas Creek. District 4 Chollas Creek work has been supported by many organizations, including GWSDCC, Wetlands Recovery Project, San Diego City Schools, Friends of Canyons, Encanto Planning Group, Jacobs Foundation, SEDC, and the Jackie Robinson YMCA. GWSDCC will include these and its new Green Team and Student Stream Stewards in all restoration activity.

KEY STAKEHOLDERS and PROJECTED IMPACTS (if applicable):

All of the organizations and groups listed above are stakeholders in Chollas Creek. Other stakeholders include key permit agencies including the State Water Quality Control Board, Army Corps of Engineers and State Department of Fish and Game. Primary impacts would be a cleaner creek in those segments where cleanup and habitat restoration are focused.

Wright/Anderson

Staff: Myles Pomeroy - (619) 235-5219

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:33 a.m. – 10:39 a.m.)

MOTION BY YOUNG TO ADOPT STAFF'S RECOMMENDATION ON SEGMENT FIVE. 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-102: Appointments and Reappointments to the Community Forest Advisory Board.

(See memorandum from Mayor Sanders dated 1/7/008, with resumes attached.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2008588) ADOPTED AS RESOLUTION R-303362

Council confirmation of the following appointments and reappointments by the Mayor of the City of San Diego, to serve as members of the Community Forest Advisory Board, for terms ending as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Patrick Caughey (Solana Beach) (Replacing Marty Poirer, who is termed out)	Landscape Architect	December 31, 2010
Karen Davis (Point Lom, District 2) (Replacing Mike Singleton, who is termed out)	District 2 Representative	December 31, 2008
Victoria Heithaus (North Park, District 3) (Replacing Jeanne Zagrodnik, who has resigned)	District 3 Representative	December 31, 2010
Sidney Joseph Jones (College Area, District 7) (Replacing Walter Odening, who is termed out)	District 7 Representative	December 31, 2009
Stephen Lamprides (Webster, District 4) (Replacing Jolaine Harris, who is termed out)	District 4 Representative	December 31, 2009
Gail Roberts (La Mesa) (Replacing Leslie Ann Ryan, who has resigned)	Artist	December 31, 2009
Jon Becker (Rancho Peñasquitos) (Reappointment)	District 1 Representative	December 31, 2009
Daniel Simpson (El Cajon) (Reappointment)	Certified Arborist	December 31, 2009

Tershia D'Elgin (Golden Hill, District 8) (Reappointment)	District 8 Representative	December 31, 2008
Craig Jones (Scripps Ranch, District 5) (Reappointment)	District 5 Representative	December 31, 2008
Vicki Estrada (South Park, District 3) (Reappointment)	Chair	December 31, 2010
Mary Johnson (Serra Mesa, District 6) (Reappointment)	District 6 Representative	December 31, 2010

Declaring that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointments and reappointments, it is determined that Patrick Caughey, Gail Roberts, and Daniel Simpson are residents of San Diego County, but not the City of San Diego, and have unique qualifications to serve as members of the Commission, therefore, conscious exceptions to Council Policy 000-13 are hereby declared.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:32 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: Appointments and Reappointments to the Historical Resources Board.

(See memorandum from Mayor Sanders dated 1/7/2008, with resumes attached.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-589) ADOPTED AS RESOLUTION R-303363

Council confirmation of the following appointments and reappointments by the Mayor of the City of San Diego, to serve as members of the Historical Resources Board for terms ending as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Gail Garbini (Talmadge, District 3) (Replacing Laura Burnett, who is termed out)	Landscape Architecture	March 1, 2009
Paul Johnson (Bankers Hill, District 2) (Replacing Don Harrison, who has resigned)	Architectural History	March 1, 2009
John Lemmo (Mission Valley, District 6) (Replacing Robert Vacchi, who has resigned)	Law (Chair)	March 1, 2010
Priscilla Ann Berge (Kensington, District 3) (Reappointment)	History	March 1, 2009

its prior settlement agreement with the Plaintiff and to appoint a Park and Recreation Department liaison for the Torrey Pines City Park to work with the community and serve as liaison to the Torrey Pines City Park Advisory Board. It requires the Plaintiff to comply with the terms of its prior settlement agreement with City and to dismiss the litigation with prejudice.

SUPPORTING INFORMATION:

The City Council voted in closed session to enter into a settlement agreement with the Plaintiffs in the above-referenced litigation. The settlement agreement requires the City's lessee of the Torrey Pines Gliderport to (1) reimburse the City for its \$20,000 payment to the Plaintiff which was required by a prior settlement agreement between the City and the Plaintiff in this matter, (2) pay CLEAN \$5,000, and (3) obtain permits for all unpermitted development or for their removal. It requires the City to comply with the terms of its prior settlement agreement with the Plaintiff and to appoint a Park and Recreation Department liaison for the Torrey Pines City Park to work with the community and serve as a liaison to the Torrey Pines City Park Advisory Board. It requires the Plaintiff to comply with the terms of its prior settlement agreement with City and to dismiss the litigation with prejudice.

FISCAL CONSIDERATIONS:

The settlement agreement requires the payment of \$20,000 to the City.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The City Council unanimously voted to authorize the approval of a settlement agreement between the Plaintiff and the City only in Closed session on May 1, 2007 and in Open session on June 19, 2007. Motion by Council President Peters, second by Councilmember Madaffer. The City Council unanimously voted to authorize the approval of the instant settlement agreement between all parties in Closed Session on December 4, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Community participation will commence in the implementation process.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

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

Dickenson/Goldstone

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:32 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: Adoption of the City's 2008 State and Federal Legislative Program.

(See Intergovernmental Relations Department's December 3, 2007 report; Intergovernmental Relations Department's December 6, 2007, Power Point. Report to the City Council No. 08-004.)

TODAY'S ACTION IS:

Take the following actions: ADOPTED AS RESOLUTION R-303365

Approving the state and federal legislative, budgetary and regulatory priorities for the City of San Diego for Calendar Year 2008;

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

**RULES OPEN GOVERNMENT AND INTERGOVERNMENTAL RELATIONS
COMMITTEE'S RECOMMENDATION:**

On 12/6/2007, Rules voted 4-1, to refer this item to the City Council incorporating the comments of the Rules Committee members. (Councilmembers Peters, Young, Mienschein, and Frye voted-yea. Councilmember Madaffer not-present.

SUPPORTING INFORMATION:

The Intergovernmental Relations Department (IRD) is charged with developing the City's Draft Annual Legislative Program for approval by the City Council. The Legislative Program is the City's proactive list of legislative, budgetary or regulatory priorities for the upcoming year in both Sacramento and Washington D.C.

The 2008 legislative and administrative sponsorship priorities include: storm water pollution prevention, water reliability, wildfire prevention, state grant notification, transportation and border funding. The program also highlights continuing legislative and funding priorities including: implementation of the statewide infrastructure bonds, the Point Loma waiver, gang prevention funding, homeland security funding and the renewal of the community boundary correction.

FISCAL CONSIDERATIONS:

No fiscal impact.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The 2008 Legislative Program was unanimously approved 4-0 by the Rules Committee on December 6, 2007. The report was amended to include gang prevention and intervention as a continuing priority by the Committee.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: Not Applicable.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: Not Applicable.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:32 a.m.)

MOTION BY FRYE TO ADOPT STAFF'S RECOMMENDATION WITH DIRECTION TO SUPPORT THE STATE AND FEDERAL LEGISLATIVE, BUDGETARY AND REGULATORY PRIORITIES FOR THE CITY OF SAN DIEGO FOR CALENDAR YEAR 2008 WITH INCLUSION OF THE FOLLOWING:

- GANG PREVENTION MEASURES;
- PROPOSITION 1C FUNDS, PRIOR TO APPLYING FOR 1C FUNDS A CITY COUNCIL HEARING SHALL BE REQUIRED TO PRIORITIZE PROJECTS;
- SUPPORT THE "TOILET TO TAP" PILOT PROGRAM;
- SUPPORT ELIMINATING THE SUNSET PROVISION FOR THE SAN DIEGO RIVER CONSERVANCY,
- WHEN APPLYING FOR GRANTS, ENSURE MORE COMMUNICATION AND PARTICIPATION WITH THE COMMUNITY INVOLVED OR IMPACTED AND PROVIDE INFORMATION ON THE MONITORING REQUIREMENTS COSTS FOR THE GRANT MONEY;
- PROVIDE ANALYSIS ON CHANGING THE LAW FOR THE BORDER DEVELOPMENT ZONE.
- DIRECT THE CITY ATTORNEY TO PREPARE THE APPROPRIATE RESOLUTIONS IN ACCORDANCE WITH CHARTER SECTION 40. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-not present, Atkins-not present, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-331: Revision to Council Policy 700-02 - Community Development Block Grant Program (CDBG). (Citywide.)

(See City Planning Department's CDGB Organization Checklist; and City Planning Department's January 16, 2008, Power Point.)

TODAY'S ACTION IS:

Take the following actions:

(R-2008-584) ADOPTED AS RESOLUTION R-303367

Approve revisions to Council Policy 700-02 (Community Development Block Grant (CDBG) Program) by making the following changes:

- Delete paragraph #6 from the existing Council Policy 700-02.
- Add the following language:
 1. No allocation of CDBG funds will be made to a project for which a CDBG application has not been received by the City.
 2. No allocation of CDBG funds will be made to a project of less than \$25,000, unless funding at a lesser amount is necessary to complete a project already in progress.
 3. A Community Based Development Organization (CBDO) certification process will be conducted in an effort to fund eligible project activities, as defined in the applicable U.S. Department of Housing and Urban Development regulations.
 4. No allocation of CDBG funds will be made to a subrecipient project in the category of "Planning," except for those subrecipients certified by the City as a Community Based Development Organization.

5. All CDBG applicants shall attend mandatory workshops hosted by City staff during the annual CDBG application period.
6. All CDBG funds allocated to projects shall be used within three years of the date of the allocation, or such funds will be reprogrammed by the City Council.

BUDGET AND FINANCE COMMITTEE'S RECOMMENDATION:

On 1/16/2008, Budget & Finance voted 3-0 to accept the report and staff recommendations; direct staff to incorporate recommendations into Council Policy 700-02 (Community Development Block Grant Program) and forward to the City Council for consideration. (Councilmembers Faulconer, Atkins, and Frye voted yea. Councilmembers Madaffer and Hueso not present.)

SUPPORTING INFORMATION:

In August 2007, the City received notice from the U.S. Department of Housing and Urban Development (HUD) of its concerns regarding the City's compliance with HUD regulations, and in response, it was determined, among other things, that Council Policy No. 700-02 would need to be amended. On November 19, 2007, the City's Economic Development Division reviewed the aforementioned concerns with the Audit Committee. On December 6, 2007, January 9, 2008, and January 16, 2008, the Budget and Finance Committee accepted the above revisions to Council Policy No. 700-02.

FISCAL CONSIDERATIONS:

No additional expenses are anticipated in FY 2009. Certain budgeted revenues and expenses will be re-allocated with no net effect.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Presentation to Audit Committee on November 19, 2007; Presentation to Budget and Finance Committee on December 6, 2007; Presentation to Budget and Finance Committee on January 9, 2008.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Residents of low and moderate income communities, community-based organizations, community planning groups; and other community development organizations.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:04 p.m. – 3:30 p.m.)

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



ITEM-332: Amending the San Diego Municipal Code Relating to Regulation of Oversized Vehicles. (La Jolla, Pacific Beach, Mission Beach, Peninsula, Clairemont Mesa, and Linda Vista Community Areas. Districts 1, 2, and 6.)

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Take the following actions:

Hearing Held with Direction

Request that the Mayor, or his designee, provide a written report to the City Council and the City Attorney within 60 days to present a fiscal analysis of the draft Oversized Vehicle Ordinance, including but not limited to the cost of signage, enforcement, administration, permit fees, potential funding sources, and any of the Mayor's preferred alternatives to the draft ordinance;

Request that the City Attorney, or his designee, prepare the appropriate ordinances and resolutions within 30 days after receipt of the report from the Mayor, so that the City Council can consider whether to implement the oversized vehicle regulations.

SUPPORTING INFORMATION:

Offering its residents and visitors a multitude of recreational opportunities, San Diego is proud of its attractive beaches, bays, and parkland. Travelers come to enjoy San Diego's coastal living, bringing recreational vehicles ("RVs") as well as trailer hitches to haul boats and aquatic sportcraft.

Although San Diegans are pleased to share these regional assets and appreciate the benefits that accrue to local businesses as a result of the tourist industry, the proliferation of oversized vehicles and trailers has risen to a level that must be addressed by ordinance. This public safety and quality of life issue is of particular concern in residential areas, where owners park large and often unsightly RVs in front of residents' homes for weeks or even months at a time, taking up precious parking spaces, blocking view corridors, and restricting access to driveways and alleys.

Currently, there is a 72-hour rule that applies to all vehicles, including these recreational and oversized vehicles. It stipulates that a vehicle may not remain in the same parking spot for a period longer than 72 hours at a time. In theory, this municipal code provision should control the problem, but in practice it has proven woefully inadequate.

Enforcement of this law is extraordinarily challenging for police and parking enforcement officers and frustrating for residents. First, enforcement is complaint-driven, meaning a resident has to report the offending vehicle in order to initiate the process. When a resident reports that a vehicle is in violation, he or she can expect a significant delay before an officer is able to arrive on site to observe the vehicle. This is due to the sheer volume of complaints the police department receives about this issue, and the accompanying backlog. Then the officer must wait at least another 72 hours before returning to check on the vehicle. Again, because of the backlog, officers are rarely able to return within that period of time. Only when the officer returns may a ticket be issued, although officers often issue warnings instead, which do little but to educate a violator how best to avoid citation in the future. This means that vehicles must be parked in the same spot for at least one week before the process can begin, though in practice, it routinely takes far longer.

Second, persistent violators are aware of the parameters of the existing municipal code provision. Some serial violators undermine the intent of the law by first waiting to be observed by the officer called to the scene and then moving 1/10 mile, the minimum required by the law in order to avoid citation. This does nothing to protect homeowners from a practically permanent stationing of RVs on their streets. Although living in one's vehicle is also illegal under the current municipal code, the police report that they are also often unable to enforce this provision; savvy violators take refuge under constitutional protections pertaining to search and seizure by refusing to respond when the officer knocks.

Although this problem is prevalent throughout the City, it is a particularly troublesome issue for coastal neighborhoods. Families who live in areas near the beach and bay report that their residential streets are often crowded with extended-stay oversized vehicles. Their guests are unable to locate parking spaces within a reasonable distance from their homes, residents experience difficulty navigating around oversized vehicles parked on both sides of the street, have trouble exiting their own driveways, and are pinned into their parking spaces. On several occasions, RV owners have exhibited aggressive and dangerous behavior when confronted by residents or police and asked to move their vehicles. These circumstances threaten public safety and diminish the quality of life in San Diego's residential neighborhoods.

It is possible to balance the interests of residents and oversized vehicle operators with an ordinance that allows oversized vehicles via permit. The attached draft ordinance takes into account the efforts of other cities that have done so successfully, such as Del Mar and Coronado

For some time, the Councilmembers who receive the highest volume of complaints about oversized vehicles have attempted to address this persistent issue. The Land Use & Housing Committee heard a presentation on the issue of oversized vehicle regulation in December 2004. In April 2005, the draft ordinance was presented to the committee but did not adequately address the committee members' concerns. The committee formed a working group to analyze the issue, consisting of proponents and opponents of the ordinance and including representatives from the San Diego Police Department and traffic enforcement officers, among other City staff and community members. The working group presented its proposal to the Citywide Parking Advisory Board ("PAB") in May 2006, at which time the PAB requested that a pilot program be implemented. The draft ordinance before Council today incorporates the goals expressed throughout the community process: to restrict the overnight parking of oversized vehicles on City streets while allowing a reasonable number of permits.

In developing a manageable area for a pilot program, the City should consider including areas that are most impacted by the proliferation of these vehicles. Given that the coastal communities and the area around Tecolote Canyon seem to experience the worst impact from oversized vehicles, it makes sense to initiate a pilot program there to determine if a new form of regulation can fairly and effectively control the problem.

Today's action is to request that the Mayor provide the City Council with a report on the potential fiscal impact of such oversized vehicle regulations. It also asks the Mayor to provide the City Attorney with any information needed to complete the task of writing ordinances and resolutions necessary for the implementation of oversized vehicle regulations, such as information pertaining to the costs of enforcement, signage, and permitting.

Kinsley

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:39 p.m. – 5:28 p.m.)

MOTION BY FRYE TO REQUEST THE MAYOR OR HIS DESIGNEE TO PROVIDE A WRITTEN REPORT TO THE CITY COUNCIL AND TO THE CITY ATTORNEY WITHIN 60 DAYS TO PRESENT A FISCAL ANALYSIS OF THE DRAFT OVERSIZED VEHICLE ORDINANCE, INCLUDING BUT NOT LIMITED TO THE COST OF SIGNAGE, ENFORCEMENT, ADMINISTRATION, PERMIT FEES, POTENTIAL FUNDING SOURCES, AND ANY OF THE MAYOR'S PREFERRED ALTERNATIVES TO THE DRAFT ORDINANCE; AND TO REQUEST THE CITY ATTORNEY OR HIS DESIGNEE TO PREPARE THE APPROPRIATE ORDINANCES AND RESOLUTIONS WITHIN 30 DAYS AFTER RECEIPT OF THE REPORT FROM THE MAYOR, SO THE CITY COUNCIL CAN CONSIDER WHETHER TO IMPLEMENT THE OVERSIZED VEHICLE REGULATIONS; AND TO REQUEST THE MAYOR GIVE THE COUNCIL THE OPTION OF ADOPTING THE ORDINANCE BOTH FOR THE PILOT PROGRAM AREA AS WELL AS CITYWIDE. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-333: Appointment of Mary Lewis to Auditor/Comptroller (Chief Financial Officer).

(See memorandum from Mayor Sanders dated 1/7/2008.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-602) ADOPTED AS RESOLUTION R-303366

Confirming the Mayor's appointment of Mary Lewis, to serve as the City Auditor and Comptroller (Chief Financial Officer), for the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:14 a.m. – 11:23 a.m.)

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



ITEM-334: Barrio Logan Community Plan Update Planning Consultant Contract Agreement. (Barrio Logan Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-592) ADOPTED AS RESOLUTION R-303368

Authorizing the City Auditor and Comptroller to transfer \$791,000 from Redevelopment Agency fund 98410-Horton Plaza PHII to City fund 10293 "RDA Contribution to City Planning and Community Investment" for the purpose of executing an agreement with Consultant;

Authorizing the Mayor, or designee, to execute an agreement with Consultant in the amount of \$791,000 for professional services to assist in implementing the update to the Barrio Logan Community Plan and corresponding zoning regulations;

Authorizing the appropriation and expenditure of \$791,000 from fund 10293 “RDA Contribution to City Planning and Community Investment” for the purpose of executing the agreement with Consultant, contingent upon the City Auditor and Comptroller first certifying funds for this action are available;

Declaring that this activity is not a “project” and is therefore not subject to the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The City of San Diego conducted a competitive bidding process for the selection of a planning consultant for the Barrio Logan Community Plan update. As a result of the competitive bidding process, the City has selected Moore, Iacofano and Goltsman, Inc. (MIG) planning consultants to provide professional planning services to develop a new community plan and zoning regulations. As part of the process, City staff and MIG will ensure that the community of Barrio Logan will be fully engaged in the update of the community plan and zoning program. The update is anticipated to identify a collective vision for the community, create a plan for future development, provide adequate buffers between incompatible land uses, reduce traffic conflicts, provide for pedestrian-oriented design principals, encourage affordable and market rate housing and provide for adequate public facilities.

FISCAL CONSIDERATIONS:

On April 10, 2007, the San Diego Redevelopment Agency authorized the expenditure of up to \$1,500,000 from the Horton Plaza Redevelopment Project budget for the Barrio Logan Plan update (AC 2700648/R-2007-91). Costs associated with this planning consultant contract will be paid for with the Horton Plaza Redevelopment funds. An environmental consultant and economic consultant will be hired under separate contracts to prepare the necessary analysis and documents to support the plan update effort.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

The City Planning & Community Investment Department (CPCI) established a Barrio Logan Community Plan Update Stakeholders Committee (BLSC) comprised of twenty five voting members and eight ex-officio non-voting members (Attachment A). The voting members are comprised of five residential tenants, three residential property owners, three non-resident property owners, four business owners, three industrial representatives/owners as well as seven non-profit/community organizations. The CPCI Department and the planning consultants will work closely with the BLSC and other interested members of the community to gather input throughout the planning process.

KEY STAKEHOLDERS and PROJECTED IMPACTS (if applicable):

MIG planning consultants and subconsultants; the Barrio Logan Community Plan Update Stakeholder Committee members; and general members of the Barrio Logan community. Projected impacts will be studied as part of the Barrio Logan Community Plan Update process.

Wright/Anderson

Aud. Cert. 2800435.

Staff: Lara Gates - (619) 236-6006
Carol A. Leone - Deputy City Attorney

NOTE: See the Redevelopment Agenda of January 29, 2008 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:39 p.m. – 3:39 p.m.)

MOTION BY HUESO 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-335: 1244 Oliver Tentative Map. Appeal of Planning Commission's decision approving a Coastal Development Permit and Tentative Map including a request to waive the requirement to underground the existing utilities and convert an existing, 9 residential dwelling unit apartment complex into 9 residential condominium units on a 0.143 acre site. (Pacific Beach Community Area, District 2.)

Matter of the appeal by Robert J. Bateman, San Diego Land Surveying & Engineering, Inc. from the decision by the Planning Commission approving a Coastal Development Permit and Tentative Map including a request to waive the requirement to underground the existing utilities and to convert an existing, 9 residential dwelling unit apartment complex into 9 residential condominium units on a 0.143 acre site. The property is located at 1244 Oliver Avenue, in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone and within the Pacific Beach Community Plan Area.

Should the condominium conversion project be approved, tenants may be required to vacate the premises. No units may be sold in this building unless the conversion is approved by the city and until after a public report is issued by the Department of Real Estate. Each tenant has the exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right. If you are an existing tenant within this project, you may have rights to certain benefits as outlined in San Diego Municipal Code Section 144.0503. To learn more information regarding these benefits, please contact the Housing Commission at (619) 578-7580, or find the details on their website at: <http://www.sdhc.net/haotherprog1h.shtml>.

This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) on October 11, 2005 and the opportunity to appeal that determination ended October 25, 2005. The scope of the subject appeal hearing only includes the project, and not the environmental determination.

(Continued from the meeting of January 15, 2008, Item 335, at applicant's request.)

NOTE: Hearing open. No testimony taken on 1/15/2008.

Take the following actions:

Subitem-A: (R-2008-00) CONTINUED TO TUESDAY, MARCH 4, 2008

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision by the Planning Commission approving Coastal Development Permit No. 457937, with appropriate findings to support Council action;

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

Subitem-B: (R-2008-00) CONTINUED TO TUESDAY, MARCH 4, 2008

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision by the Planning Commission approving Tentative Map No. 254536 and the request to waive the requirement to underground existing overhead utilities, with appropriate findings to support Council action;

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

OTHER RECOMMENDATIONS:

Planning Commission on September 27, 2007, voted 5-1-1 to approve the project with added conditions; was opposition.

Ayes: Naslund, Schultz, Ontai, Otsuji, Smiley

Nays: Griswold

Not Present: Garcia

The Pacific Beach Community Planning Committee has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Appeal of the Planning Commission's decision to approve a Coastal Development Permit, Tentative Map and waiver from the requirement to underground existing overhead utilities to convert nine existing apartments to condominiums at 1244 Oliver Avenue within the Pacific Beach Community Plan area. The applicant is appealing the Tentative Map condition requiring that the physical improvements recommended in the Building Conditions Report be completed prior to the Final Map.

STAFF RECOMMENDATION:

Deny the appeal and approve Coastal Development Permit No. 457937, Tentative Map No. 254536 and waive requirement to underground existing overhead utilities, with the current Tentative Map conditions requiring implementation of the Building Conditions Report and Landscape Concept Plan, prior to recordation of the of the Final Map.

EXECUTIVE SUMMARY:

The application for a Coastal Development Permit, Tentative Map and waiver from the requirement to underground existing overhead utilities was deemed complete on September 28, 2005. At that time, the condominium conversion regulations did not require a Building Conditions Report or landscape improvements. The environmental determination for this project was made on October 11, 2005, and the opportunity to appeal that determination expired on October 25, 2005.

This project's environmental determination was not appealed and thus the new condominium conversion regulations approved by City Council on July 5, 2006, which became effective in the Coastal Zone on June 14, 2007, are applicable to this project. In accordance with the current regulations, the applicant provided a Building Conditions Report and Landscape Concept Plan. Both of these documents have been reviewed for conformance with the applicable regulations within the Land Development Code (Chapter 14, Article 4, Division 5), and have been accepted by staff as conforming to the regulations.

On September 27, 2007, (Continued from August 30, 2007) the Planning Commission approved the project with a condition (condition No. 28 of the Tentative Map, Attachment 8, page 7 of the Planning Commission Report) requiring building and landscape improvements which are required to be completed prior to recordation of the Final Map. The appellant is objecting to this condition for the following reasons as stated in their appeal with staff responses in italics;

STAFF SUPPORTING INFORMATION:

- 1) The project was deemed complete in September of 2005.
That statement is true. However, the Condominium Conversion regulations were amended by City Council on July 5, 2006, which became effective in the Coastal Zone on June 14, 2007, making the new requirements applicable to this project.

- 2) Requirements for Building Conditions Reports, Landscaping Plans and Mandatory Improvements prior to Final Map approval were not required or anticipated.

That statement was true at the time this project was deemed complete. However, the amendment to the Condominium Conversion regulations added those requirements.

- 3) Owner has plans to hold the property long-term and does not wish to evict tenants to complete work for Final Map approval within three years.

How the physical improvements are phased or completed is the responsibility and prerogative of the property owner, provided that the owner complies with Tenants rights under the law and the criteria established by the San Diego Housing Commission. With physical improvements and or building maintenance to any building with existing tenants there will almost always be some degree of inconvenience to the tenants.

City staff's recommendation is to deny the appeal and approve the project with the approved Tentative Map conditions.

FISCAL CONSIDERATIONS:

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

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On September 27, 2007, the Planning Commission voted 5-1-1 to approve the project with added conditions.

On April 26, 2006, the Pacific Beach Community Planning Group voted 15-0-0 to approve the project.

STAFF SUPPORTING INFORMATION:

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Owner and Applicant William G. Clarke and Joanne E. Clarke, Co-Trustees of the Clarke Trust and the property's tenants.

Anderson/Broughton

NOTE: This project is exempt from the California Environmental quality Act (CEQA) pursuant to Article 19, 15301 (k), as "Existing Facilities." This project is not pending an appeal of the environmental determination. The exemption determination for this project was made on October 11, 2005; and the opportunity to appeal that determination ended on October 25, 2005.

Staff: Glenn Gargas – (619) 446-5142

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:36 p.m. – 3:36 p.m.)

MOTION BY FAULCONER TO CONTINUE TO TUESDAY, MARCH 4, 2008, AT THE REQUEST OF THE APPLICANT FOR FURTHER REVIEW. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-336: Soledad Mountain Road Undergrounding Utility District. In the matter of holding a public hearing and forming the District. (La Jolla Community Plan Area. District 2.)

On January 7, 2008, Item 201, the Council took the following actions:
Amended the Annual Allocation-Undergrounding of Utilities, project allocation for 2007 Calendar Year by removing the projects known as Sunset Cliffs Blvd (Coronado Ave to Newport Ave) and Fanuel Street (Grand to Reed) estimated at \$1,587,844 and replacing with Soledad Mountain Road (Pacifica to Ridgeway Row) at an estimated cost of \$2,337,695; and set January 29, 2008 for a public hearing to consider creating an Underground Utility District.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-591) ADOPTED AS RESOLUTION R-303369

Adoption of a Resolution establishing the Mount Soledad Underground Utility district for the La Jolla Planning Area.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Amend the Annual Allocation-Undergrounding of Utilities, project allocation for 2007 Calendar Year by removing the projects known as Sunset Cliffs Blvd (Coronado Ave to Newport Ave) and Fanuel Street (Grand to Reed) estimated at \$1,587,844 and replacing with Soledad Mountain Road (Pacifica to Ridgeway Row) at an estimated cost of \$2,337,695; setting January 29, 2008 for a public hearing to consider creating an Underground Utility District (District) and create said District.

STAFF RECOMMENDATION:

Amend the Annual Allocation of projects for 2007, set a public hearing date and adopt a resolution to create the District.

EXECUTIVE SUMMARY:

As part of the reconstruction efforts associated with the landslide that affected Soledad Mountain Road, SDG&E desires to place electric facilities underground between Pacifica Drive to just south of Palomino Circle at an estimated cost of \$647,799 which would be funded through CPUC Rule 20A. SDG&E proposes that although it would be funded through the use of Rule 20 funds, SDG&E would not count those expenditures towards its required Rule 20 expenditure obligations as described in its franchise agreement with the City of San Diego.

Council District Two desires to extend the area to be undergrounded by extending the northern boundary to where the pole line terminates just south of Ridgeway Row. This additional segment would be funded with Rule 20A funds by amending the 2007 Annual Allocation of Projects to remove two projects that are of near estimated costs and replacing them with this project. Staff would recommend replacing the projects in the 2009 Annual Allocation of projects.

Staff has informed SDG&E that the undergrounding of utilities cannot be allowed in any way to delay the reconstruction efforts. SDG&E will coordinate their work with the roadway reconstruction so as not to cause any delays.

In accordance with San Diego Municipal Code (SDMC), Chapter 6, Article 1, Division 5, *Underground Utilities Procedural Ordinance* these actions will create the Soledad Mtn Rd, from Pacifica Dr to Ridgeway Row Underground Utility District and will underground all overhead utilities within the designated District.

The formation of this district will require by Ordinance the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary. The expense of the underground installation and removal of overhead facilities within the right-of-way (street and sidewalk area) will be the responsibility of the utility companies in accordance with California Public Utilities Commission (CPUC) Rules and Tariffs.

Replacement of street lighting, building permits, building and field engineering inspections, associated utility coordination of construction activities, and project management associated with these improvements, will be financed through City of San Diego Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from San Diego Gas & Electric (SDG&E).

By Ordinance, creation of this Underground Utility District will require all property owner(s) within said District to perform all necessary trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service, including all necessary permits. However, per agreement with the City of San Diego, SDGE will offer to property owner(s) within the Underground Utility District, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities, at no cost to the property owner(s). In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form (PTE) and ensure their properties meet minimum conformance as outlined in the SDMC. Namely, that their electrical panels: (1) are deadfront operated, (2) have a grounding rod: and (3) have appropriate operating clearances.

FISCAL CONSIDERATIONS:

The estimated construction cost of \$2,263,489 for electrical utility work within the public right-of-way and private property, will be financed through the use of SDG&E Rule 20 (A), as directed by the CPUC, Case 8209. Costs to convert AT&T and cable television are financed directly by AT&T and the cable companies per applicable CPUC tariffs and City franchise agreements.

Other indirect costs such as administration, street light replacement, minor street improvements, and other related work is estimated at \$74,206 and will be financed through Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from SDG&E. These expenditures have been approved or will be approved by subsequent actions.

PREVIOUS COUNCIL COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

With notification of the Public Hearing, property owners and residents will be mailed an informational brochure about the City's Undergrounding Program including information as to how to contact and get more information via the Underground Program Information Line and the Underground Program via the internet, where they can access a monthly project status and sign up for email updates from the Underground Program Staff.

During construction, e-mails will be periodically sent to those signed up, information regarding the status of their project, where the contractor is working and where he will be working next. Residents are provided door hangers with the contractors' names and contact number and the City's contact name, number and internet address prior to work occurring on private property. Community Planning groups are added to all customer contact mailings and are notified of pre-construction meetings to discuss community issues directly with the contractor. Customer satisfaction surveys are used throughout the process and at project completion to identify systemic issues and improve customer service.

KEY STAKEHOLDERS:

Residents, businesses, and utility companies.

Jarrell/Boekamp/NB

NOTE: This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines, Section 15302(d), and Public Utilities Commission General Order 131-D dated August 11, 1995.

Staff: Nathan Bruner – (619) 533-3777
Peter Mesich – Deputy City Attorney

FILE LOCATION: STRT-K-329 (38)

COUNCIL ACTION: (Time duration: 5:28 p.m. – 5:30 p.m.)

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

ITEM-S500: Comprehensive Cleanup Services. (Rancho Bernardo Community Area. District 5.)

CITY COUNCIL'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-2008-85) ADOPTED AS ORDINANCE O-19711

Introduction and adoption of an Ordinance 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.

NOTE: Today's action is the second public hearing and introduction and adoption of the Ordinance. See Item 331 on the docket of Tuesday, January 22, 2008, for the first public hearing.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:28 a.m. – 11:32 a.m.)

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

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 5:35 p.m. in honor of the memory of:

Patricia Laughlin as requested by Council Member Atkins.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 5:31 p.m. – 5:35 p.m.)