

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MARCH 4, 2008
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING.....	5
ATTENDANCE DURING THE MEETING.....	5
ITEM-300: ROLL CALL.....	6
NON-AGENDA COMMENT.....	6
COUNCIL COMMENT	9
INDEPENDENT BUDGET ANALYST COMMENT.....	9
CITY ATTORNEY COMMENT.....	9
ITEM-30: Approval of Council Minutes	9
ITEM-31: Bill Maheu Day.....	10
ITEM-32: Cathy Hopper Day	10
ITEM-100: Inviting Bids for the Construction Contract of Sewer and Water Group 796	11
ITEM-101: Inviting Bids for the Construction of Water Group 3000.....	15
ITEM-102: Inviting Bids for the Constructi on Contract of Water Group 549.....	19
ITEM-103: Contract Change Order Number 2 with Superior Ready Mix, dba SMR Contracting and Paving for Asphalt Overlay Group II, FY07.....	23
ITEM-104: First Amendment to the Consultant Agreement with KTU+A, Inc. for Additional Professional Design Services for Mission Bay – Fiesta Island General Development Plan.....	25
ITEM-105: Initiating a Community Plan Amendment to the Scripps Miramar Ranch Community Plan to Add a Second Fire Station.....	28

ITEM-106:	Memorandum of Understanding with Rehrig Pacific Company for Automated Refuse Collection Containers on an As-Needed Basis.....	31
ITEM-107:	Grant Application for Solid Waste Local Enforcement Agency Waste Tire Amnesty Event.....	33
ITEM-108:	Expansion of Adams Avenue Business Improvement District, declare intent to expand Adams Avenue Business Improvement District (BID) and to levy assessments.....	36
ITEM-109:	Ratification of the 2008 Project Area Committee (PAC) Election Results for the North Park Redevelopment Project Area.....	39
ITEM-110:	Settlement of Personal Injury Claims of George Corrales and Lashanda Harris .	41
ITEM-111:	Settlement of Property Damage Claim to George Isbell, Jr. and G & B Emporia, Inc.....	42
ITEM-112:	Appointments to the Balboa Park Committee.....	44
ITEM-113:	Appointment and Reappointments to the Commission for Arts and Culture.....	45
ITEM-114:	Appointments to the Past Grand Jurors Association Implementation Review Board.....	46
ITEM-115:	University Heights Preserve America Neighborhood Designation Day.....	48
ITEM-116:	Law Enforcement Preventing Youth Access to Alcohol Month.....	49
ITEM-117:	Excusing Councilmember Donna Frye from the February 6, 2008 Rules Committee Meeting	50
ITEM-330:	Contracted Emergency Medical and Fire Dispatch Services Between the City of San Diego and the City of Chula Vista.....	50
ITEM-331:	Revising the Minimum Acceptable Sale Price for the City-Owned Real Property Located at 6216 Beaumont Avenue in La Jolla.....	53
ITEM-332:	Inviting Bids for City’s Slurry Seal Contract, Group I, Fiscal Year 2008	55

ITEM-333: Funding for the Barrio Logan Redevelopment Project Area. (Southcrest and Barrio Logan Community Areas58

ITEM-334: Home in the Heights First Time Homebuyer Loan Program.....60

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.....63

ITEM-336: Roseman Residence, an application was made for a Coastal Development Permit to demolish an existing single family residence and construct a new single family residence located at 7272 Dune Lane, La Jolla, CA 92037 68

ITEM-337: Three actions related to Disposition and Development Agreement (DDA) and Associated Actions for El Pedregal Family Apartments Project.....73

ITEM-338: Adoption of the 2007 California Building Code & associated codes with local amendments, approval of the proposed changes to the Municipal Code, necessary to adopt State mandated 2007 California building standards and, necessary due to local geological, climatic and topographical conditions.....77

ITEM-S500: Declaring a Continued State of Emergency Regarding the Wildfires.....84

ITEM-S501: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.....85

ITEM-S502: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico86

ITEM-S503: State of Local Emergency Declaration Regarding the Landslide on Mount Soledad.....87

ITEM-S504: City’s 2005 Comprehensive Annual Financial Report for the Fiscal Year Ending June 30, 200587

REPORT OUT OF CLOSED SESSION.....89

NON-DOCKET ITEMS.....89

ADJOURNMENT89

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:04 a.m. Council President Peters recessed the meeting at 11:09 a.m. Council President Pro Tem Madaffer reconvened the meeting at 11:15 a.m. with Council President Peters not present. The meeting was recessed by Council President Peters at 11:54 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:07 p.m. with Council Member Faulconer and Council President Pro Tem Madaffer not present. Council President Peters recessed the meeting at 3:13 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 3:19 p.m. with all Council Members present. Council President Peters recessed the meeting at 3:20 p.m. to reconvene the Redevelopment Agency. Council President Pro Tem Madaffer reconvened the regular meeting at 3:21 p.m. with Council President Peters not present. Council President Pro Tem Madaffer adjourned the meeting at 3:21 p.m. into Closed Session in the twelfth floor conference room 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-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Nancy Lauffer commented on a solution proposition.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. - 10:46 a.m.)

PUBLIC COMMENT-2:

Theresa Quiroz commented on various topics.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. - 10:48 a.m.)

PUBLIC COMMENT-3:

Joy Sunyata commented on her red beret award.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. - 10:50 a.m.)

PUBLIC COMMENT-4:

Jana Frazier commented on office products and a contact evaluation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. - 10:53 a.m.)

PUBLIC COMMENT-5:

Phil Hart commented on auditing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:53 a.m. - 10:56 a.m.)

PUBLIC COMMENT-6:

Izean Rim, Jr., commented on public safety.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:56 a.m. - 10:59 a.m.)

PUBLIC COMMENT-7:

Homer Barrs commented on a mobile home overlay.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-8:

Bob Ilko commented on a blood drive for Jack Kriz.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:03 a.m. - 11:05 a.m.)

PUBLIC COMMENT-9:

Jarvis Ross commented on auditing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:05 a.m. - 11:07 a.m.)

COUNCIL COMMENT:

None.

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

APPROVED

Approval of Council Minutes for the meetings of:

01/28/2008

01/29/2008

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:06 a.m.)

MOTION BY ATKINS TO APPROVE. 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-31: Bill Maheu Day.

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-689) ADOPTED AS RESOLUTION R-303436

Recognizing Bill Maheu for his 27 years of service in law enforcement and public safety and commending him for his tireless work as a champion for the City and people of San Diego;

Proclaiming March 4, 2008, to be "Bill Maheu Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:14 a.m.)

MOTION BY MAIENSCHIN 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-32: Cathy Hopper Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-634 Cor. Copy) ADOPTED AS RESOLUTION R-303439

Commending Cathy for her commitment to the senior residents of San Diego;

Recognizing her significant contributions in laying a strong foundation that will allow Live Well San Diego to succeed in its mission for years to come, and proclaiming March 4, 2008, to be “Cathy Hopper Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:15 a.m. – 10:20 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-100: Inviting Bids for the Construction Contract of Sewer and Water Group 796. (Mid-City and Eastern Community Areas. Districts 4 and 7.)

(See Engineering and Capital Project’s Executive Summary Sheet dated 9/19/2007.)

TODAY’S ACTION IS:

Adopt the following resolution:

(R-2008-352) ADOPTED AS RESOLUTION R-303440

Approving the plans and specifications for the construction of Sewer and Water Group 796 as advertised by Purchasing and Contracting Department, on Work Order Nos. 178741 and 187891;

Authorizing the Mayor, or his designee, to establish contract funding phases and execute a contract with the lowest responsible and reliable bidder, provided the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$5,201,636 from Sewer Main, Sewer Fund 41506, CIP-44-001.0, Annual Allocation Sewer Main Replacement, and \$672,466 from Water Fund 41500, CIP-73-083.0 Annual Allocation - Water Main Replacements, Water Fund 41500 for the construction,

contingency, and Project related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the use of City Forces in an amount not to exceed \$105,466 from Water Fund 41500, CIP-73-083.0 Annual Allocation -Water Main Replacement for the construction of Sewer and Water Group 796;

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 covered under Project No. 63654 (Citywide Pipeline Projects, Revised Mitigated Negative Declaration, dated May 30, 2006). 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. 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 California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines, Sections 15060(c)(3) and 15378(c).

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. (BID-K082753C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

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

SUPPORTING INFORMATION:

Sewer & Water Group 796 is part of the City of San Diego's Cast Iron (CI) Water Main Replacement Program as mandated by Department of Health Services Compliance Order No. 04-14-96-022 and the Sewer Main Replacement Program as mandated by the Environmental Protection Agency (EPA). The existing mains were installed in the 1950s and the replacement of these deteriorated sewer and water mains will provide the community with a safe and reliable water distribution and wastewater collection systems.

This project is located in the Mid-City and Eastern community areas, as shown on the project location map. It includes the replacement of 13,835 feet of existing 6-inch vitrified clay sewer mains, manholes and laterals and the replacement of 1,230 feet of 8 and 12-inch deteriorated cast iron water mains, fire hydrants and water services. Impacted streets will be resurfaced and new curb ramps will be installed. As indicated in the Engineering Project Cost Estimate for the use of City Forces to perform high lining, cut and plug, and reconnecting the water mains, it is estimated to be more economical than if done by the contractor. In addition, the Department of Health Services (DHS), under the California Safe Drinking Water Act, requires certified operators to perform this type of work (work on live water mains) to ensure the integrity of the water systems.

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$5,874,102. Funding is available in the enterprise funds, CIP-44-001.0, Annual Allocation - Sewer Main Replacements, Sewer Fund 41506, and CIP-73-083.0, Annual Allocation - Water Main Replacements, Water Fund 41500, for this purpose.

The project costs for the sewer portion of \$5,201,636 may be bond reimbursed approximately 80% by current or future debt financings. Water Department revenue is dedicated for this project. The Water Department will be reimbursed from available debt financing proceeds equal to 80% of the project. The sewer portion of this project is scheduled to be phase funded over FY08 and FY09. The water portion of \$672,466 is funded in FY08. No future funding is anticipated. The Auditor's Certificate will be provided prior to contract award.

PREVIOUS COUNCIL COMMITTEE ACTIONS:

The Committee on Natural Resources and Culture on September 26, 2007, consent motion by Councilmember Hueso, second by Councilmember Faulconer. Vote to approve 4-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

During design, the Project Manager and Project Engineer presented the project to the community. Residents and businesses will be notified by mail at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution of the notices. Traffic control plans have been prepared for this project and will be implemented during the construction operations.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Residents will experience minor impacts during construction. After completion, residents will experience improved water distribution quality and sewer collection systems reliability.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego - Prevailing wages do not apply to this contract.

Goals: 11% Mandatory Subcontractor Participation Goal, 4% Advisory Participation Goal Disadvantaged Business Enterprise (DBE), 1% Advisory Participation Goal Disabled Veteran Business Enterprise (DVBE), 6% Advisory Participation Goal Other Business Enterprise (OBE)

Other: Prior to award, a workforce report, and if necessary, an Equal Opportunity Plan shall be submitted. Staff will monitor the Plan and adherence to the Nondiscrimination Ordinance. EOC staff will evaluate the bidder's compliance with SCOPe. Failure to comply with SCOPe will lead to the bid being declared non-responsive. This contract will be advertised for bids in the San Diego Daily Transcript, the City of San Diego's website, and the E-Bid Board. In addition, once implemented, the Bidder Registration Program will notify registered participants of bid opportunities. Prior to implementation of the Bidder Registration Program, the City will notify trade associations and eligible firms via fax and/or email.

Boekamp/Jarrell

FILE LOCATION: CONT-Basile Construction, Inc.

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

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

- * ITEM-101: Inviting Bids for the Construction of Water Group 3000. (Centre City and Kensington-Talmadge Community Areas. Districts 2 and 3.)

(See Engineering and Capital Projects Department's Executive Summary Report dated 2/14/2007; and Engineering and Capital Projects Department's 2/21/2007 PowerPoint.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2008-181) ADOPTED AS RESOLUTION R-303441

Approving the plans and specifications for the construction of Water Group 3000 as advertised by Purchasing and Contracting Department, on Work Order Nos. 184221, 184771, and 187291;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder for the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$5,625,556 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, solely for the construction, contingency, and Project related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the use of City Forces from Water Fund 41500, CIP-73-083.0 Annual Allocation -Water Main Replacement for the construction of projects within Water Group 3000: Sub CIP-73-853.5, Water Group 464B for \$300,000; Sub CIP-73-854.5, Water Group 705 for \$124,000; and Sub CIP-73-862.7, Water Group 753 for \$200,000 for the total amount not to exceed \$624,000;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves. (BID-K083784C)

Subitem-B: (R-2008-182) ADOPTED AS RESOLUTION R-303442

Declaring that the Addendum to a Mitigated Negative Declaration, Project No. 134420, dated August 13, 2007 (Addendum) for Water Groups 464B and 753, which are within Water Group 3000 (the Project), has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA)(California Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines theret o (California Code of Regulations Sections 15000 et seq.);

Declaring that the Addendum 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 Project;

Finding that the revisions to the Project now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, approving said Project 134420 Addendum;

Adopting Addendum, No. 134420 for the Project;

Adopting 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, pursuant to California Public Resources Code Section 21081.6;

Declaring that the activity in Water Group 705 within the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15282(k) as the repair and replacement of an existing pipeline which is less than one mile in length;

Directing the City Clerk to file a Notice 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:

Information only. No action taken.

SUPPORTING INFORMATION:

Water Group 3000 is part of the City of San Diego's cast iron Water Main Replacement Program as mandated by Department of Health Services Compliance Order No. 04-14-96-022. This project includes Water Group 464B, Water Group 705, and Water Group 753. Water Groups 464B and 753 are located in the Centre City Community and Water Group 705 is located in the Kensington Talmadge community. These projects include the replacement of approximately 9,963 total linear feet of water mains: 3,600 linear feet (0.67 miles) for Water Group 464B; 3,825 linear feet (0.72 miles) for Water Group 705; and 2,538 linear feet (0.48 miles) for Water Group 753. It also includes installing curb ramps and street resurfacing. Originally these projects were intended to be advertised individually. In order to expedite their construction, they have been grouped under one construction contract known as Water Group 3000. The streets affected by construction operations within the projects are: Broadway, C Street, 11th Avenue, Constance Drive, Natalie Drive, Adams Avenue, Madison Avenue, 16th Street, B Street, and an easement west of 16th Street as shown on the location maps.

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

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$5,625,556. Of the \$5,625,556 for the projects, \$3,937,889.20 will be financed with proceeds from the Subordinated Water Revenue Notes, Series 2007A. The remaining \$1,687,666.80 will be cash funded. Funding is available in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement for this purpose. No future funding is anticipated. An Auditor's Certificate will be issued prior to contract award.

PREVIOUS COUNCIL and/or COMMITTEE ACTIONS:

The subject item was presented to the Natural Resources and Culture Committee for information only on February 21, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

During design stages, a letter of intent was mailed to the residents and a presentation made to the Centre City Community Planning Association. Water Group 705 was presented to the Kensington Talmadge Community Planning Association in January 2003.

Nearby residents and businesses will be notified at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again, ten (10) days before construction begins by the Contractor through hand distribution of notices. Once financing has been approved, the communities will be updated on the projects.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Residents in this area will encounter inconveniences during construction. After completion, residents will experience improved reliability of the water system.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego - Prevailing wages do not apply to this contract.

Goals: 16% Mandatory Subcontractor Participation Goal, 5% Advisory Participation Goal Disadvantaged Business Enterprise (DBE), 1% Advisory Participation Goal Disabled Veteran Business Enterprise (DVBE), 10% Advisory Participation Goal Other Business Enterprise (OBE).

Other: Prior to award, a workforce report, and if necessary, an Equal Opportunity Plan shall be submitted. Staff will monitor the Plan and adherence to the Nondiscrimination Ordinance. EOC staff will evaluate the bidder's compliance with SCOPE. Failure to comply with SCOPE will lead to the bid being declared non-responsive. This contract will be advertised for bids in the San Diego Daily Transcript, the City of San Diego's website, and the E-Bid Board. In addition, once implemented, the Bidder Registration Program will notify registered participants of bid opportunities. Prior to implementation of the Bidder Registration Program, the City will notify trade associations and eligible firms via fax and/or email.

Boekamp/Jarrell

Staff: James Nagelvoort - (619) 533-5100
Pedro De Lara, Jr. - Deputy City Attorney

FILE LOCATION: CONT-BURTECH PIPELINE, INC.

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

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

* ITEM-102: Inviting Bids for the Construction Contract of Water Group 549. (College Community Area. District 7.)

(See Executive Summary Sheet dated 1/2/2008.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-553) ADOPTED AS RESOLUTION R-303443

Approving the plans and specifications for the construction of Water Group 549 as advertised by Purchasing and Contracting Department, on Work Order No. 185481;

Authorizing the Mayor, or his designee, to establish contract funding phases and execute a contract with the lowest responsible and reliable bidder providing the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the Mayor, after advertising for bids in accordance with law, to establish contract funding phases and to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$4,126,978, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$4,126,978 from CIP-73-083.0, Annual Allocation - Water Main Replacements, Fund 41500, solely and exclusively for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the use of City Forces for a cost not to exceed \$330,076 from Water Fund 41500, CIP-73-083.0 Annual Allocation -Water Main Replacement, for the construction of Water Group 549;

Authorizing the City Auditor and Comptroller to return excess funds to the appropriate account;

Declaring that this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301(c) as this Project involves repair and replacement of existing facilities. (BID-K083939)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/9/2008, NR&C voted 4 to 0 to forward to the full City Council. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

Water Group 549 is part of the City of San Diego's Cast Iron (CI) Water Main Replacement Program as mandated by Department of Health Services Compliance Order No. 04-14-96-022. This project is located in the College area. It consists of the replacement of deteriorated cast iron water mains with the installation of approximately 8,789 linear feet (1.66 miles) of new 8-inch and 12-inch water mains, water services, and fire hydrants. It also includes the installation of new curb ramps and street resurfacing. The streets that will be affected by construction operations within this project are: Shane Place, Gary Court, Gary Street, Cleo Street, Catoctin Drive, Julie Street, Richard Street, La Dorna Street, and Montezuma Road as shown on the location map.

Water Group 549 was determined to be exempt from CEQA.

As indicated in the engineer's project cost estimate for the use of City Force Work to perform high lining, cut and plug, and reconnecting the water mains, it is estimated to be more economical than if done by contract. In addition, the Department of Health Services (DHS), under the California Safe Drinking Water Act, requires certified operators to perform this type of work (on live water mains) to ensure the integrity of the water systems.

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$ 4,126,978. Funding is available in the enterprise fund, CIP-73-083.0, Annual Allocation - Water Main Replacements, Fund 41500, Water, for this purpose. Water Department revenue is dedicated for this project; 80% will be bond financed. This project is scheduled to be phase funded over FY08 and FY09. No future funding is anticipated. The Auditor's Certificate will be provided prior to contract award.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS:

The Committee on Natural Resources and Culture on January 9, 2008, consent motion by Councilmember Faulconer, second by Council President Peters. Vote to approve 4-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Due to funding uncertainty during design, Water Group 549 was not presented to the College Area Community Council. However, a letter dated November 20, 2007 was sent to the College Area Community Council to inform them on the status of the project. Once financing has been approved, the project will be presented to them, if requested. In addition, residents and businesses will be notified by mail by the City's Engineering and Capital Projects Department at least one (1) month before construction begins and again ten (10) days before construction begins by the Contractor through hand distribution of notices. Traffic control plans have been prepared for this project and will be implemented during construction.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Residents in this area will encounter inconveniences during construction. After completion, residents will experience improved reliability of the water distribution system.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego - Prevailing wages do not apply to this contract.

Goals: 11% 16% Mandatory Subcontractor Participation Goal, 4% Advisory Participation Goal Disadvantaged Business Enterprise (DBE), 1% Advisory Participation Goal Disabled Veteran Business Enterprise (DVBE), 6% Advisory Participation Goal Other Business Enterprise (OBE)

Other: Prior to award, a workforce report, and if necessary, an Equal Opportunity Plan shall be submitted. Staff will monitor the Plan and adherence to the Nondiscrimination Ordinance. EOC staff will evaluate the bidder's compliance with SCOPE. Failure to comply with SCOPE will lead to the bid being declared non-responsive. This contract will be advertised for bids in the San Diego Daily Transcript, the City of San Diego's website, and the E-Bid Board. In addition, once implemented, the Bidder Registration Program will notify registered participants of bid opportunities. Prior to implementation of the Bidder Registration Program, the City will notify trade associations and eligible firms via fax and/or email.

Boekamp/Jarrell

Staff: Marnell Gibson - (619) 533-5213
Pedro De Lara, Jr. - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

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

- * ITEM-103: Contract Change Order Number 2 with Superior Ready Mix, dba SMR Contracting and Paving for Asphalt Overlay Group II, FY07. (Balboa Park Community Area. District 3.)

(See memorandum from Beryl Rayford dated 2/8/2008.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-601) ADOPTED AS RESOLUTION R-303444

Authorizing the execution of Contract Change Order Number 2 with Superior Ready Mix, dba SMR Contracting and Paving, to repair and resurface Parking Lots 1, 2 and 3 in Balboa Park, increasing the total contract amount by \$676,528;

Authorizing the City Auditor and Comptroller, to expend \$676,528 for Contract Change Order Number 2 and related costs from Park & Recreation Special Fund 10001 and Park & Recreation General Fund 100, contingent upon the City Auditor and Comptroller first certifying that the funds are 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 that this activity is exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301.

STAFF SUPPORTING INFORMATION:

On February 20, 2007, City Council resolution R-302357 authorized the advertising and award of "Asphalt Overlay Group II, FY07". \$3,910,540 was authorized for the construction contract, \$117,316 for Construction Contingency, \$156,422 for project management costs, and \$195,527 for Construction Inspection costs, for a total project cost of \$4,379,805. The contract was awarded to Superior Ready Mix, dba SRM Contracting and Paving Inc, in the amount of \$3,910,540.

Contract Change Order #1, was approved by resolution R-302801 on July 16, 2007. Contract Change Order #1 awarded Additive Alternates #1 and #2 to Superior Ready Mix, dba SRM Contracting and Paving, increasing the total contract amount by \$1,868,995 to \$5,779,535.

Contract Change order # 2 will provide for the repair/asphalt overlay of three parking lots in Balboa Park. Parking Lot #1 is located south of Park Boulevard and west of Presidents Way, and will be resurfaced at a cost of \$346,556. Parking Lot #2 is located south of Park Boulevard and east of Presidents Way, and will be resurfaced at a cost of \$169,873 and Parking Lot #3 is located north of Park Boulevard and west of Presidents Way, and will be resurfaced at a cost of \$160,099. The pavement in these parking lots has not been resurfaced since the early 1970's and is in very poor condition, with significant cracking and numerous potholes. This action will increase the contract amount by \$676,528, for a new contract total of \$6,456,063.

This asphalt overlay contract is part of the General Services Department's annual street maintenance program. Change Order #2 allows the Park and Recreation Department to utilize this existing asphalt overlay contract for their work.

FISCAL CONSIDERATIONS:

Funding in the amount of \$525,000 is available in Special Fund 10001 and \$151,528 in General Fund 100, Department 443.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution R-302357, adopted on February 20, 2007 authorized the advertising and award of the original contract. Contract Change Order #1 was approved on July 16, 2007 by resolution R-302801.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

These repairs are not expected to significantly impact traffic. The Navy and public will be notified in advance by the posting of signs.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The prime contractor who will receive the additional funds from this change order is Superior Ready Mix, dba SRM Contracting and Paving, and the sub-contractor for these items of work is Pavement Recycling Systems, Inc.

Lomedico/Heap

Aud. Cert. 2800434

Staff: David Long (619) 235-1165
Shannon Thomas - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

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

ITEM-104: First Amendment to the Consultant Agreement with KTU+A, Inc. for Additional Professional Design Services for Mission Bay – Fiesta Island General Development Plan. (Mission Bay Park Community Area. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-600) CONTINUED TO TUESDAY, MARCH 25, 2008

Approving the transfer of funds from CIP-22-960.0, Fiesta Island Infrastructure Improvements, to CIP-22-959.0, Mission Bay - Fiesta Island General Development Plan within Fund Number 10507, Sludge Mitigation Fund, in the amount of \$175,000;

Authorizing the City Auditor and Comptroller to appropriate and expend \$175,000 from CIP-22-959.0, Mission Bay-Fiesta Island General Development Plan, for the purpose of executing the First Amendment to Consultant Agreement with KTU+A;

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a First Amendment to the Consultant Agreement with KTU+A, Inc. for additional professional design services for CIP-22-959.0, Mission Bay- Fiesta

Island General Development Plan, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this Project and Agreement;

Declaring that this activity is not a project and therefore exempt from California Environmental Quality Act (CEQA) pursuant to State Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The original agreement with KTU+A for professional consulting services for Mission Bay - Fiesta Island General Development Plan was approved by Council on October, 31, 2005.

As part of the calculation of the fees, the consultant incorrectly added the various subtotals for the sub consultants on the project. As a result, the compensation amount for the Scope of Services, Exhibit B-1, was incorrectly totaled, resulting in an error of \$41,794 less than the actual total of the various elements. The mistaken total was not discovered until after the project work had started and work was in progress.

Additionally, as work on the project has progressed; additional scopes of work items have been identified that are required to complete the project. Additional scope requirements include additional presentations to the Mission Bay Park Committee and community groups, additional detailed biological surveys, application and processing of Site Development and Coastal Development permits, increased complexity of site design requirements based on accommodating numerous competing land uses, increased labor costs associated with processing greater than anticipated public input questionnaires, emails, meetings and phone calls, and web site hosting and maintenance. A complete detailed listing of the items of work associated with the increased scope is contained on "Exhibit A-1 Additional Scope of Services" attached to the First Amendment to Consultant Agreement. The total amount requested for these additional services is \$118,017. Staff is also requesting an additional \$5,000 be allocated to cover unforeseen professional design services as the project begins the approval process. The total requested increase to the Consultant's contract is \$164,811.

The remaining \$10,189 will fund additional City staff time required to manage the project through the approval process.

FISCAL CONSIDERATIONS:

Funds in the amount of \$175,000 are available in CIP-22-960.0, Fiesta Island Infrastructure Improvements, Fund No. 01507, which provides for infrastructure improvements to support future recreational facilities on Fiesta Island in Mission Bay Park.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Original Agreement with KTU+A, Incorporated in the amount of \$290,000 was approved by City Council on October 31, 2005, RR-300993.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Two public workshops have been conducted where public input has been solicited via questionnaires, and workshop station notes, monthly updates dating back for more than a year with the Mission Bay Park Committee, a project website with feedback and questionnaire opportunities, and information presentations to:

- Clairemont Mesa Town Council (April 5),
- Clairemont Mesa Planning Committee (May 15),
- Linda Vista Community Planning Committee (April 23),
- Pacific Beach Community Planning Committee (April 25),
- Pacific Beach Town Council (May 16),
- Mission Beach Precise Planning Board (May 15),
- Mission Beach Town Council (June 13),
- Ocean Beach Planning Board (June 6)
- Peninsula Community Planning Board (May 17).

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency:	City of San Diego
Goals:	15% Voluntary (MBE/WBE/DBE/DVBE/OBE)
Subconsultant Participation:	\$ 940,000 Certified Firms (11.5%) \$3,155,000 Other Firms (37.9%)
Other:	Workforce Report Submitted - Equal Opportunity Plan required. Staff will monitor plan and adherence to Nondiscrimination Ordinance.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

KTU+A, Incorporated, Mission Bay Park and park users.

LoMedico/Goldstone

Aud. Cert. 2800493.

Staff: Paul Jacob - (619) 235-5242
Shannon Thomas - Deputy City Attorney

FILE LOCATION: NONE

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

MOTION BY FRYE TO CONTINUE TO TUESDAY, MARCH 25, 2008. 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-105: Initiating a Community Plan Amendment to the Scripps Miramar Ranch Community Plan to Add a Second Fire Station. (Scripps Miramar Ranch Community Area. District 5.)

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-693) ADOPTED AS RESOLUTION R-303796

Initiating the amendment to the Scripps Miramar Ranch Community Plan, Progress Guide and General Plan, to add a second fire station to the Scripps Miramar Ranch Community Plan Area.

SUPPORTING INFORMATION:

This is a request to initiate an amendment to the Scripps Miramar Ranch Community Plan. The community of Scripps Ranch consists of two planning areas, Scripps Miramar Ranch and Miramar Ranch North. The community is currently served by one fire station, Station 37, which is located on Spring Canyon Road in Miramar Ranch North.

Fire Station 37 was placed into service in August 2001. In FY 2002, Engine 37, which is assigned to the station, responded to 2,283 emergency incidents. With the opening of Fire Station 44 in Mira Mesa in May 2002, Engine 37's responses dropped to 699. However, since FY03 responses have increased to the current total of 1,578 in FY 2007 and the trend indicates this total will continue to climb.

While the volume of Engine 37's emergency incident activity is acceptable and provides for added capacity, the ability of Engine 37 to arrive at the scene of an emergency within the national response time standard of 5 minutes or less 90% of the time is compromised by the size of its response district. Ideally a fire station will cover an area of no more than nine square miles. However, Fire Station 37's response district is 22.5 square miles in size. In addition, because the fire station is situated at the north end of Scripps Ranch, it is difficult for Engine 37 to quickly reach emergencies which occur on the south side of the community. This difficulty is due to the combined impacts of long travel routes, relatively low road speeds and increasing traffic congestion.

Currently, Engine 37 meets the 5 minute response time standard 32% of the time whereas the City-wide average is 45%.

Based upon analysis of computer response models, it is projected that a second fire station located in the south Scripps Ranch would increase Engine 37's response time compliance within its now smaller district to 43%. Moreover, emergencies occurring in south Scripps Ranch would be more quickly reached by the engine company assigned to the new fire station. Lastly, the ability to provide the national standard for an effective fire force of 15 firefighters at a fire emergency within 9 minutes would increase from the current rate of 28% of the time to 50% as compared to the City-wide average of 59%.

On October 26, 2003, the Cedar Fire destroyed 312 homes in Scripps Miramar Ranch. A second fire station is needed to further enhance the public safety of all Scripps Ranch residents.

The plan amendment would focus on adding language to the Scripps Miramar Ranch Community Plan that states the need for an additional fire station in the community. The plan amendment initiation process is identified in Section 122.0103(a) of the Land Development Code, which states that the City Council may initiate an amendment to a land use plan by adopting a resolution. The plan amendment would focus on revising the Public Facilities and Services Element of the plan.

Identification of a project in the Scripps Miramar Ranch Public Facilities Financing Plan to build a second fire station and the allocation of funds to pay for construction cannot occur until the need for the facility is identified in the Scripps Miramar Ranch Community Plan. A location for the new fire station will not be identified in the plan amendment since the specific location has not been determined.

FISCAL CONSIDERATIONS:

Costs associated with processing the Community Plan Amendment will come from General Fund money budgeted for the Community Planning Work Program in the City Planning and Community Investment Department.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None with this action.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The Scripps Ranch Planning Group supports the initiation.

Ekard/Witmond

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:36 a.m. – 10:39 a.m.)

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

- * ITEM-106: Memorandum of Understanding with Rehrig Pacific Company for Automated Refuse Collection Containers on an As-Needed Basis.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-645) ADOPTED AS RESOLUTION R-303445

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an agreement with Rehrig Pacific Company to furnish automated refuse, recycling, and greenery containers to the City on an as-needed basis for the term June 26, 2007 through November 30, 2011, and under terms and conditions set forth in the Memorandum of Understanding;

Authorizing the expenditure of an amount not to exceed the amount budgeted per Fiscal Year from General Funds No. 100 and 10509 (refuse containers) and Recycling Fund No. 41210 (recycling and greenery containers), to provide funds for the above Memorandum of Understanding, provided that the City Auditor and Comptroller furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer. It is estimated that approximately \$800,000 will be expended in Fiscal Year 2008;

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

STAFF SUPPORTING INFORMATION:

Approved containers for automated collection of refuse, recycling and yard waste (greenery), specified in Municipal Code Section 66.0126, are required for automated collection services by City forces. With conversion from manual to automated refuse collection in the early 1990's, Council directed that one container be provided to each resident at no charge.

On November 20, 2007, Council approved a revision to the automated container policy which returned responsibility to the individual City resident or small business customer to furnish approved replacement refuse containers at the customer's expense and established a new fee of \$70 per refuse container to be charged to customers who choose to acquire a replacement container from the City. That revision also included a fee increase to \$70 for each additional

refuse container purchased from the City. Recycling containers are provided to citizens at no charge, but may be subject to a \$25 delivery fee. Up to two greenery containers are provided at no charge, but may be subject to a \$25 delivery fee. Automated refuse, recycling and greenery containers carry a 10-year warranty.

In order to meet the City's demand for the automated containers, the City has been "piggybacking" on contracts between Rehrig Pacific Company (Rehrig) and other government agencies in past years. The City of San Diego is now seeking Council approval to execute a Memorandum of Understanding (MOU) for automated collection containers on the same general terms as the contract between Rehrig and the City of Los Angeles pursuant to the "Cooperative Purchasing" provision (Article 51) of the Los Angeles contract. This cooperative purchasing agreement is in the City of San Diego's best interest because it allows the City to take advantage of the City of Los Angeles' lower per unit prices due to their high quantity purchases.

The Los Angeles contract commenced on December 1, 2001, and an extension was approved on February 21, 2007 for an additional five years. The Los Angeles contract shall expire on November 30, 2011, with one (1) remaining five (5) year optional renewal term. The City of San Diego's MOU with Rehrig would be effective retroactive to June 26, 2007 and continue until November 30, 2011. If the City of Los Angeles chooses to exercise its renewal option, the City of San Diego may choose to extend simultaneously, subject to Council approval by ordinance.

FISCAL CONSIDERATIONS:

The estimated annual requirement for automated containers for either replacement or new service is approximately 17,500 containers at an estimated cost of \$800,000. Automated refuse containers are funded by the General Funds (100 and 10509), and recycling and greenery containers are funded by the Recycling Fund (41210). These funds are currently budgeted in FY 2008.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution R-290899 dated October 20, 1998 executed a contract with Rehrig Pacific to provide Recycling Containers for the Citywide recycling expansion project that completed in 1999.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Taxpayers benefit from lower per unit costs for automated containers by taking advantage of the Cooperative Purchasing Clause in the City of Los Angeles contract with the Rehrig Pacific Company.

EQUAL OPPORTUNITY CONTRACTING (EOC):

Funding agency: City of San Diego - prevailing wages do not apply.

Goals: This contract is not subject to the Subcontracting Outreach Program (SCOPE) because it is a contract for goods/services.

Other: This is a cooperative procurement contract with the City of Los Angeles. This contract is subject to the Nondiscrimination Ordinance and the Equal Employment Opportunity (EEO) Program. EOC staff requested this contractor submit an Equal Opportunity Plan. EOC will monitor their performance and adherence to the Nondiscrimination Ordinance.

Gonaver/Heap

Staff: Charles Woolever - (858) 526-2355
Sanna R. Singer - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

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

* ITEM-107: Grant Application for Solid Waste Local Enforcement Agency Waste Tire Amnesty Event.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-681) ADOPTED AS RESOLUTION R-303446

Authorizing the Mayor, or designee, for and on behalf of the City of San Diego, to make an application to California Integrated Waste Management Board (CIWMB) for all grants for which City of San Diego Solid Waste Local Enforcement Agency is eligible;

Declaring that this authorization is effective for March 14, 2007 through March 14, 2012; time period not to exceed five years;

Authorizing the Mayor, or his designee, to execute in the name of the City of San Diego Solid Waste Local Enforcement Agency all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved grant projects.

STAFF SUPPORTING INFORMATION:

The LEA is requesting competitive grant funds for the purpose of hosting waste tire collection and recycling events. The grant will enable the LEA to plan, develop, advertise, and host waste tire recycling events in targeted neighborhoods. The LEA has been implementing the CIWMB Waste Tire Enforcement Grant Program (Enforcement Grant) since 1999. Hosting these events is an opportunity for the LEA to broaden its Enforcement Grant program by providing a viable recycling option for City residents, and to remove waste tires from the environment which pose public health and fire hazards. It is also an opportunity to gather information about local tire management issues and provide public education on this issue.

The program for these periodic one-day events is designed to provide residents with the opportunity to dispose of up to 20 passenger-size waste tires free of charge. Day laborers will unload, sort, and re-load tires into roll-off bins that will transport the waste tires to an out-of-county tire processing facility since there are no tire recycling facilities in San Diego County.

The larger events will employ San Diego Police Department special events traffic officers to ensure efficient queuing and public safety. Bilingual LEA staff will also be on-site at events to coordinate, distribute educational information, and administer demographic surveys in English and Spanish.

FISCAL CONSIDERATIONS:

In the first fiscal year of the Amnesty Grant:

	<u>Amount</u>	<u>Percent of Total Program</u>
Amnesty Grant	\$24,192	62%
Enforcement Grant	\$14,800	38%
Total	\$38,992	100%

Subsequent Amnesty Grants are expected to be funded by a combination of Amnesty Grant and Enforcement Grant funds. All expenses for this program are reimbursable to the LEA from the CIWMB Waste Tire Fund which collects \$1.75 fee on the purchase of new tires. The LEA does NOT collect fees from stakeholders to support this program.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This is the first LEA application for the Amnesty Grant, however, as a result of previous Council approvals, the LEA has received Enforcement Grants which have been implementing the Waste Tire Program since 1999.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

These events will be advertised to targeted neighborhoods. Events will include outreach to the general public about public health and safety and environmental issues resulting from improperly stored/disposed waste tires. It also includes education about tire recycling and recycled tire products.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The City of San Diego and its residents will benefit by adding a free recycling service, reducing the likelihood of illegal dumping, remove health and safety hazards from the community and diverting tires from the landfill.

Broughton/Murray

Staff: William Prinz - (619) 533-3696
Marianne Green - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

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

- * ITEM-108: Expansion of Adams Avenue Business Improvement District, declare intent to expand Adams Avenue Business Improvement District (BID) and to levy assessments. (Normal Heights, Mid-City, Kensington and Talmadge Community Plan Areas. District 3.)

NOTE: Public Meeting will be held on April 1, 2008.
Public Hearing will be held on April 29, 2008.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-707) ADOPTED AS RESOLUTION R-303447

A Resolution of the Council of the City of San Diego declaring its intention to amend Ordinance Number O-16479 (as amended by ordinance O-18087) which established the Adams Avenue Business Improvement District (BID) to expand the district to include the Kensington-Talmadge Business Core, levy assessment, and to schedule public hearing therefore.

STAFF SUPPORTING INFORMATION:

STAFF RECOMMENDATIONS: Adopt the requested actions.

REQUESTED ACTION:

At the first Council Date (Council meeting of March 4, 2008):

1. Declare intent to expand the Adams Avenue Business Improvement District (and to levy assessments), set April 1, 2008 as the noticed public meeting date, and set April 29, 2008 as the noticed public hearing date for considering protests.

At the second Council Date (Council meeting of April 1, 2008)

2. Hold public meeting and permit testimony in support of or opposition to the expansion of the Adams Avenue Business Improvement District and the levying of assessments on such business in the proposed expanded area.

At the third Council date (Council meeting of April 29, 2008)

3. Hold the public hearing and permit testimony in support of or opposition to the expansion of the Adams Avenue Business Improvement District and the levying of assessments on such business in the proposed expanded area.
4. Introduce the Ordinance expanding the Adams Avenue Business Improvement District.

STAFF RECOMMENDATION: Approve the requested actions.

EXECUTIVE SUMMARY:

An effort to expand the Adams Avenue Business Improvement District (AABID) to include the Kensington-Talmadge commercial area has been ongoing for a number of months under the auspices of the Kensington-Talmadge Business Association. The purpose of the expansion is to build on the synergy between the commercial areas along Adams Avenue and to leverage the available resources to better benefit the businesses in the area. This expansion also has the support of the Adams Avenue Business Association which manages the AABID, an area encompassing Adams Avenue from the 2400 block to I-15 and the adjoining side streets for one block north and south of Adams Avenue. The expansion would add the area along Adams Avenue between I-15 and 4248 Adams Avenue, and the adjoining side streets in the 4600 and 4700 blocks of Biona Drive, Edgeware Road, Kensington Drive, Marlborough Drive, Terrace Drive, Vista Street, and 42nd Street, and the 4100 block of Park Place.

A Business Improvement District (BID), as authorized by California law, is a government-designated assessment area formed with the support of businesses to improve their business conditions. Assessment means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and promoting activities which will benefit the businesses located and operating within a parking and business improvement area. All BID assessments are returned to the district for improvement programs operated by the business membership. BID programs can include promotional advertising and marketing programs, special events, technical assistance programs and others as designated by the needs of the district's businesses. San Diego currently has 19 designated districts located from La Jolla to San Ysidro, and Ocean Beach to the College Area.

The City Council has adopted Council Policy 900-07 on Business Improvement Districts to clarify the process by which BIDs may be established or expanded. The policy states that a proposed expansion of BID boundaries should be supported by 20% of eligible businesses within the expansion area as demonstrated by a petition. In January 2007, City staff received a number of petitions in support of expanding the AABID and verified that the 20% threshold had been met. In accordance with Council Policy 900-07, City staff then conducted a mailed ballot procedure to determine the level of support among the affected businesses in the expansion area.

Council Policy 900-07 also provides that City Council may proceed with a public hearing process to amend the BID ordinance and increase the assessment where: "an assessed value and numerical majority of those responding support the increase in the levels of assessment". A majority of the responding businesses, when counted numerically (74.5%) and when weighed by the amount of the proposed assessment (80.4%), supported the expansion of the AABID and the

levying of an annual assessment. Given the support of the affected businesses, staff is bringing the expansion to City Council for approval as required by the Parking and Business Improvement Area Law of 1989. Since this expansion of the AABID would allow the City to levy an annual assessment on the newly included businesses, a multi-step hearing and noticing process is required by the 1989 Law and the Ralph M. Brown Act and is outlined above.

FISCAL CONSIDERATIONS:

Approximately \$6,500 of additional annual assessments will be collected from the businesses of the expanded area. It is anticipated that assessments would be levied and collected starting in FY2009 once approved by Council as part of the BID Annual Appropriation Process.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The AABID was established by Ordinance No.O-16479, adopted on July 29, 1985. It was amended by Ordinance No.O-18087 on July 11, 1994, to create a third zone and increase the assessments in certain central areas of the AABID to support landscape maintenance activities.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Kensington Talmadge Business Association held community meetings on the proposed expansion and then coordinated a petition drive to have the commercial core included in the Adams Avenue BID. All businesses proposed to be assessed also received a ballot and information concerning the proposed expansion.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Businesses within the BID and the Kensington Talmadge area, along with their respective business organizations, are the key stakeholders of this action. The Kensington Talmadge businesses would be impacted by the levying of the annual assessment in the amount of \$40 to \$70 per year depending on the location of the business and the business category.

Kessler/Anderson/MDB

Staff: Meredith Dibden Brown – (619)-236-6485
Kimberly K. Harris – Deputy City Attorney

FILE LOCATION: STRT-L-29 (32)

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

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

- * ITEM-109: Ratification of the 2008 Project Area Committee (PAC) Election Results for the North Park Redevelopment Project Area. (North Park Community Area, District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-632) ADOPTED AS RESOLUTION R-303448

Approving as constituting a representative PAC the Project Area Committee (PAC) for the North Park Redevelopment Project, including those persons who received the highest number of votes in their respective categories and listed on the City Clerk's Office's verification of election results;

Finding the election results of February 12, 2008 are valid and binding in accordance with the Formation Procedures adopted by Resolution No. R-298703;

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

STAFF SUPPORTING INFORMATION:

Council authorized a one-year extension of the North Park PAC and directed Redevelopment Agency staff to notice and conduct an election for the North Park PAC in 2008 by Resolution No. R-303325 on January 15, 2008.

On February 12, 2008, the North Park PAC conducted its Annual Election and meeting in accordance with the PAC Formation Procedures and PAC Bylaws. Eight vacancies were available to be filled at the Annual Election. The categories included: two (2) Residential Tenants, two (2) Residential Owner-Occupants, two (2) Business Owners and two (2) Community Organizations.

The results of the February 12, 2008 PAC Election are listed in Exhibit A.

As of the time of the writing of this report, no protests or communications regarding the North Park PAC Annual Election have been received. If any protests or communications are submitted, they will be reported to the Council and made available for public review at the Public Hearing. In accordance with the PAC Formation Procedures, City Council ratification of the Annual Election results is required.

FISCAL CONSIDERATIONS:

None. Administration of the Project Area Committee is funded through the Redevelopment Agency Annual Project Budget.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Council authorized a one-year extension of the North Park PAC and directed Redevelopment Agency staff to notice and conduct an election for the North Park PAC in 2008 by Resolution No. R-303325 on January 15, 2008.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Approximately 12,000 election announcements and Project Area maps were mailed to residential owner-occupants, residential tenants, property owners, businesses and community organizations within the North Park Redevelopment Project Area. The mailings included information about the Annual Election, the PAC and redevelopment. In addition to this, a city-issued press release was disseminated to local media outlets, election information was posted on the North Park website, a notice was published in the January issue of the North Park News and 100 notices were posted in the Project Area at locations including public schools, businesses, the North Park Recreation Center and the North Park Library.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The North Park Community.

Weinrick/Anderson

Staff: Michelle Rosenthal - (619) 236-6268
Kendall D. Berkey - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

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

* ITEM-110: Settlement of Personal Injury Claims of George Corrales and Lashanda Harris.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-688) ADOPTED AS RESOLUTION R-303449

A Resolution approved by the City Council in Closed Session on Tuesday, 1/15/2008, by the following vote: Council President Peters-yea; Faulconer-yea; Atkins-yea; Maienschein-yea; Frye-yea; and Council President Pro Tem Madaffer-yea. Councilmember Young and Councilmember Hueso-Absent;

Authorizing the Mayor, or his designee, to pay the total sum of Seven Hundred Sixty Thousand Dollars (\$760,000) in the settlement of each and every claim against the City of San Diego, its agents and employees, in Superior Court Case No. GIC 887359; George Corrales; LaShanda Harris v. City of San Diego, et. al, resulting from a motor vehicle accident;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$700,000, made payable to George Corrales and his attorney of record, Dwight Ritter, in full settlement of the lawsuit and of all claims;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$60,000, made payable to LaShanda Harris and her Attorney, Dwight Ritter, in full settlement of the lawsuit and of all claims;

Declaring that said funds are to be payable from Fund No. 81140, Public Liability Reserve Fund.

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all claims brought by George Corrales & LaShanda Harris.

FISCAL CONSIDERATIONS:

Settlement will be paid from the Public Liability Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This settlement was heard in closed session on January 15, 2008, the City Council approved the settlement amount of \$760,000. City Council voted 6 to 0. The motion was made by Council President Pro Tem Madaffer with a second by Councilmember Atkins. Councilmember Young and Councilmember Hueso were absent.

Jones/Lewis

Aud. Cert. 2800567.

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

Staff: Charles Hopper - (619) 533-6555
Andrew Jones - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

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

* ITEM-111: Settlement of Property Damage Claim to George Isbell, Jr. and G & B Emporia, Inc.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-692) ADOPTED AS RESOLUTION R-303450

A Resolution approved by the City Council in Closed Session on Tuesday, November 6, 2007, by the following vote: Council President Peters-yea; Faulconer-yea; Atkins-not present; Council President Pro Tem Young-not present; Maienschein-yea; Frye-yea; Madaffer-yea; Hueso-not present.

Authorizing the sum of \$100,000 to be paid from the public liability fund in settlement of each and every claim against the City, its agents and employees, arising from the Litigation and the Appeal;

Authorizing the General Public Liability Fund to issue a check in the amount of \$100,000 payable to George Isbell, Jr., G & B Emporia, Inc., John B. Barriage, Esq.

SUPPORTING INFORMATION:

The proposed settlement would resolve all claims brought by George Isbell, Jr., & G&B Emporia, Inc.

FISCAL CONSIDERATIONS:

Settlement will be paid from the Public Liability Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This settlement has been heard in closed session on November 6, 2007. The City Council approved the settlement amount not to exceed \$100,000. The motion was made by Council President Peters and seconded by Councilmember Frye. It passed 5 to 0. Council President Pro Tem Young and Councilmembers Atkins and Hueso were absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Walters/Lewis

Aud. Cert. 2800569.

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: 10:21 a.m. – 10:22 a.m.)

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

* ITEM-112: Appointments to the Balboa Park Committee.

(See memorandum from Mayor Sanders dated 2/11/2008, with resumes attached.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-708) ADOPTED AS RESOLUTION R-303451

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

<u>NAME</u>	<u>TERM ENDING</u>
Jerelyn Dilno (Kensington, District 3) (Replacing Rear Admiral Eustine Paul Rucci, who has resigned)	March 1, 2009
Dr. Andrew Kahng (Del Mar Heights, District 1) (Replacing Sungill Kim, who has resigned)	March 1, 2010

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

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

* ITEM-113: Appointment and Reappointments to the Commission for Arts and Culture.

(See memorandum from Mayor Sanders dated 1/17/2008, with resumes attached.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-691) ADOPTED AS RESOLUTION R-303452

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

<u>NAME</u>	<u>TERM ENDING</u>
Joanne Hayakawa (Scripps Ranch, District 5) (Replacing Dr. Joyce Gattas, who has served the maximum number of terms)	August 31, 2009
Claire Anderson (Del Cerro, District 7) (Reappointment)	August 31, 2009
Courtney Ann Coyle (La Jolla, District 1) (Reappointment)	August 31, 2009
Lewis Klein (Golden Hill, District 8) (Reappointment)	August 31, 2009

Aida Mancillas August 31, 2009
(North Park, District 3)
(Reappointment)

Lorin Stewart August 31, 2009
(Rancho Peñasquitos, District 1)
(Reappointment)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

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

* ITEM-114: Appointments to the Past Grand Jurors Association Implementation Review Board.

(See memorandum from Mayor Sanders dated 2/8/2008, with resumes attached.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-668) ADOPTED AS RESOLUTION R-303453

Council confirmation of the following appointments by the Mayor of the City of San Diego, to serve as members to the Past Grand Jurors Association Implementation Review Board, for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Dr. David Higgins (North Park, District 3) (Appointment)	June 30, 2008

Dr. Walter Hoffmann (La Jolla, District 1) (Appointment)	June 30, 2008
Dr. James Kelly (Coronado) (Appointment)	June 30, 2008
Pamela Swain (Redwood Village, District 7) (Appointment)	June 30, 2008
Richard Matheron (Rancho Bernardo, District 5) (Appointment)	June 30, 2009
Bill Rose (Linda Vista, District 6) (Appointment)	June 30, 2009
Lillian Wagner (Clairemont, District 6) (Appointment)	June 30, 2009

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

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

* ITEM-115: University Heights Preserve America Neighborhood Designation Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-664) ADOPTED AS RESOLUTION R-303454

Stating that the University Heights Historical Society will apply for the Preserve America designation, and will protect and celebrate its heritage, use its historic assets for economic development and community revitalization, and encourage people to experience and appreciate local historic resources through education and heritage tourism programs;

Proclaiming March 4, 2008, to be "University Heights Preserve America Neighborhood Designation Day" in the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

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

* ITEM-116: Law Enforcement Preventing Youth Access to Alcohol Month.

COUNCILMEMBER MAIENSCHHEIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-659) ADOPTED AS RESOLUTION R-303455

Declaring the month of February 2008, to be "Law Enforcement Preventing Youth Access to Alcohol Month" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

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

* ITEM-117: Excusing Councilmember Donna Frye from the February 6, 2008 Rules Committee Meeting.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-690) ADOPTED AS RESOLUTION R-303456

Excusing Councilmember Donna Frye from attending the regularly scheduled Rules, Open Government and Intergovernmental Relations meeting of February 6, 2008, due to attending a meeting of the California Coastal Commission.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

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

ITEM-330: Contracted Emergency Medical and Fire Dispatch Services Between the City of San Diego and the City of Chula Vista.

STAFF'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-2008-113) ADOPTED AS ORDINANCE O-19722 (New Series)

Introduction and adoption of an Ordinance authorizing the City Auditor and Controller to add 4.0 positions to the San Diego Fire-Rescue Department (Dept. 120) and to receive from the City of Chula Vista up to \$460,000 and transfer, appropriate, and expend this money for the San Diego Fire-Rescue Department (Dept. 120) for the additional positions;

Authorizing the City Auditor and Controller to receive up to \$360,000 from the City of Chula Vista and transfer, appropriate, and expend this money for the San Diego Fire Rescue Department (Dept. 120) for the one-time expenses necessary to assume responsibility for Chula Vista fire dispatch services, specifically hardware, software, and radios;

Authorizing the Mayor, or his designee, to negotiate and execute an agreement consistent with the notice of intent executed on December 17, 2007 between the Cities of Chula Vista and San Diego;

Amending ordinance No. O-19652 (New Series) entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2008 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year" by increasing San Diego Fire-Rescue Department (Dept. 120) by 4.0 positions and \$460,000 for salary and fringe for the balance of FY 2008, and by an additional \$360,000 for the aforementioned onetime expenditures.

STAFF SUPPORTING INFORMATION:

In August 2007, due to their impending financial issues, the City of Chula Vista included the closure of their Fire Communications Center which has been operational since 2004 on their cut list. CVFD performed substantial research on the capabilities, technology and staffing models of both Heartland Communications Fire Authority and San Diego Fire-Rescue Department (SDFD) Communications Center.

After careful consideration, the recommendation of the CVFD and confirmed by the Chula Vista City Council was to contract dispatching services to SDFD Communications Center. This decision will allow the City of Chula Vista to transition a vital public safety function and generate a substantial continual budgetary savings. CVFD estimates that any potential impact to services to the community with respect to this transition can be mitigated by the service level capability that will be acquired at SDFD. Operationally, this will benefit the fire-fighting region by combining forces between the two largest cities in the county. This is a giant step towards inter-operability and regionalization of resources. Though they will remain two separate agencies, CVFD and SDFD will respond together more often, train together and provide each other with resources that they cannot always provide for themselves.

SDFD currently provides fire and medical dispatch service to 47 fire stations within the City of San Diego and 3 fire stations in the City of Poway (as a contract agency). SDFD currently dispatches approximately 108,500 incidents and processes nearly 140,000 emergency phone calls annually. CVFD responds to 15,400 emergencies a year servicing over 240,000 residents in a 52 square mile area. To accommodate the additional call volume, SDFD will need four FTE

(Full Time Equivalent) dispatcher positions. The consolidation of dispatching will increase the effectiveness of automatic aid between the south San Diego units and Chula Vista fire stations. This change will foster a much-desired regional approach to emergency management and create a system that is more efficient and responsive—for less money.

FISCAL CONSIDERATIONS:

One-time costs for installation of hardware, software and radio consoles (approximately \$360,000) will be fully paid by the City of Chula Vista. FY08 costs for personnel (approximately \$160,000 assuming a March 4th transition) will be paid by the City of Chula Vista. Future contract value is \$460,000 per year for five years. This includes cost for 4 FTE benefited Dispatcher Positions (with salary/differential/overhead and fringe), software maintenance fees for all computer interfaces and on-going radio costs. Should the contract end, the normal City position reduction process would be used to eliminate dispatcher positions.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Approval at the Chula Vista City Council meeting with opportunity for public comment was held on December 11, 2007.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

SDFD Communications Staff, SDFD Senior Staff, SDFD Operations Personnel
Significant Milestones:

Week of December 17, 2007 - Both Fire Departments, the SD Director of Purchasing and Contracting and SDFD's Deputy City Attorney representative signed a letter of intent to transition the dispatch services by March 4, 2008. This allowed implementation work to be started while the formal contract was being written and approved.

Week of January 1, 2008 - Sales order with TriTech Software Systems was signed. This allowed work to begin on the technology interfaces that was necessary for dispatching CVFD. Concurrently, the scope of work for moving CVFD's Regional Communications System (RCS) radio consoles was drafted by Motorola with help from the City's Communications Division and the County's RCS personnel.

February 5-7, 2008 - Conducted interviews to hire four new dispatchers as hourly employees (filling existing hourly vacancies). The new hires will begin their training on a part time basis. These four hourly employees will become the four Full Time Equivalents (FTEs) that are being funded by the Chula Vista Dispatch contract. Their training will be well underway when the additional workload begins on March 4, 2008.

January and February 2008 - Existing SDFD dispatchers are receiving radio and policy training which will cover the skills necessary to work the dedicated Chula Vista position. February 2008 - Scope of Work and Two-Party Agreement is being jointly drafted by attorneys and FD staff from both entities. Both parties are willing to transition the dispatching services on March 4, 2008 operating under the signed letter of intent.

Mid-February 2008 - hardware and software installation and testing for both computer and radio equipment will be on-going from mid-February through the beginning of March.

March 4, 2008 - Projected transition date of dispatch services for Chula Vista Fire Department by the City of San Diego (Go-live).

Maniar/Olen

Staff: Susan Infantino - (858) 573-1301
David M. Stotland - Deputy City Attorney

NOTE: Today's action is the second public hearing and the introduction and adoption of an Ordinance. See the docket of Tuesday, February 26, 2008, for the first public hearing.

FILE LOCATION: MEET

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

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

ITEM-331: Revising the Minimum Acceptable Sale Price for the City-Owned Real Property Located at 6216 Beaumont Avenue in La Jolla. (La Jolla Community Area. District 1.)

(See Report to the City Council No. 08-024 [not available at Committee]; Report to the City Council No. 07-070; List of Properties; and Real Estate Assets' 4/25/2007 PowerPoint.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-675) ADOPTED AS RESOLUTION R-303459

Declaring that the minimum sale price for the City-owned real property located at 6216 Beaumont Avenue, La Jolla, California 92037, and approved for sale by City Council Resolution R-302644 on May 21, 2007, is revised to be One Million Five Hundred Fifty Thousand Dollars (\$1,550,000).

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

Information only. No action taken.

SUPPORTING INFORMATION:

On May 21, 2007, City Council approved the sale of 17 properties deemed to be excess to City needs. A condition of the sale was that the properties could be sold at a price equal to or greater than the Council approved minimum price which was established by appraisal. If the properties could not be sold at the minimum price approved by Council, they would be returned to Council for further consideration prior to their disposition. To assess current market conditions, Real Estate Assets has had a property located at 6216 Beaumont Avenue, La Jolla, CA 92037, identified as "Beaumont House" updated. The updated appraisal recognized a reduction of value in the property from \$1,670,000 to \$1,550,000.

Real Estate Assets received two offers for the property that are equal to the updated appraised value. Real Estate Assets has accepted an offer of \$1,550,000 contingent upon Council approval of the sale. This is an all cash offer with no financing contingencies. If Council approves the sale, the close of escrow will occur within ten days of Council approval.

FISCAL CONSIDERATIONS:

All proceeds from the sale of properties net of cost related to their sales will be deposited in the Capital Outlay Fund as per City Charter, Article VII, unless otherwise noted in the summary sheet for the individual property.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

May 21, 2007 City Council Meeting, Land Use and Housing Committee Meeting of February 7, 2007 and Rules and Open Government Committee Meeting of April 25, 2007.

Barwick/Anderson

Staff: Jim Barwick - (619) 236-6145
Brock Ladewig – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:30 a.m. – 11:31 a.m.)

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

ITEM-332: Inviting Bids for City’s Slurry Seal Contract, Group I, Fiscal Year 2008.

STAFF’S RECOMMENDATION:

Adopt the following resolution:

(R-2008-498) ADOPTED AS RESOLUTION R-303457

Approving the plans and specifications for the City’s Slurry Seal Contract, Group I, Fiscal Year 2008, on Work Order No. 576510;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award the above contract to the lowest responsible and reliable bidder in an amount not to exceed \$6,931,680 (consisting of \$6,784,440 from Street Division General Fund No. 100, Dept 534; and \$147,240 from Underground Surcharge Fund No. 30101, CIP-37-028.0, Annual Allocation - Utilities Underground Program);

Authorizing the expenditure of an amount not to exceed \$7,890,180 for the above contract and related costs, to be expended as follows: \$7,742,940 from Street Division General Fund No. 100, Dept 534; and \$147,240 from Underground Surcharge Fund No. 30101, CIP-37-028.0, Annual Allocation - Utilities Underground Program;

Authorizing the Mayor, or his designee, to exercise an option to extend the above contract for the slurry seal of additional streets, in an amount not to exceed \$6,931,680, contingent upon the availability of additional funding and provided that the City Auditor and Comptroller furnishes one or more certificates demonstrating that the additional funding is, or will be, on deposit with the City Treasurer;

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

Declaring that the above activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301(c), as the repair, maintenance, or minor alteration of existing streets, sidewalks, gutters, and similar facilities. (BID-K084181C)

STAFF SUPPORTING INFORMATION:

This slurry seal contract, which includes 97.3 miles of slurry seal, is one of three FY 08 street maintenance contracts. Of this total, 95.3 miles are part of the City's Street Maintenance Program for FY 08 and 2.0 miles are part of the City's Utilities Underground Program in partnership with the Engineering and Capital Projects Department. Locations for the Annual Street Maintenance Program are chosen through the use of pavement condition surveys, and the City's pavement management system using the following criteria: age, oxidation, cracking, amount of patching, street classifications and average daily traffic, and avoiding conflicts with any planned underground utility work.

Slurry seal is a pavement surface treatment applied as part of a comprehensive pavement maintenance program. It is used on streets which are in good condition to protect them from deterioration. The Street Division uses rubberized emulsion aggregate slurry (REAS). This type of slurry seal coating lasts longer, resists damage from water, and retains its black color longer. Slurry sealing, when used in a timely manner, can be very effective in reducing the future need for more expensive pavement repairs.

The list of streets in the resurfacing plan for FY08 is attached, but may be revised prior to award of contract in order to avoid any construction conflicts. Construction for this project is expected to begin in March 2008 and take approximately 4 months to complete. In addition to the construction contract costs of \$6,931,680 and project contingency costs of \$190,100, the following administrative costs are also included: \$387,950 for project management, and \$380,450 for construction management, for a total project cost of \$7,890,180.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego - Prevailing wages to do not apply to this contract (No State or Federal Funding sources).

Goals: 18% Mandatory Subcontractor Participation Goal, 6% Advisory Participation Goal Disadvantaged Business Enterprise (DBE), 1% Advisory Participation Goal Disabled Veteran Business Enterprise (DVBE), 11% Advisory Participation Goal Other Business Enterprise (OBE).

Other: Prior to award, a workforce report, and if necessary, an Equal Opportunity Plan shall be submitted. Staff will monitor the Plan and adherence to the Nondiscrimination Ordinance. EOC staff will evaluate the bidder's compliance with SCOPE. Failure to comply with SCOPE will lead to the bid being declared non-responsive. This contract will be advertised for bids in the San Diego Daily Transcript, the City of San Diego's website, and the E-Bid Board. In addition, once implemented, the Bidder Registration Program will notify registered participants of bid opportunities. Prior to implementation of the Bidder Registration Program, the City will notify trade associations and eligible firms via fax and/or email.

FISCAL CONSIDERATIONS:

Funding in the amount of \$7,890,180 is available as follows: \$7,742,940 from Street Division General Fund 100, and \$147,240 from CIP-37-028.0, Annual Allocation, Utilities Underground Program, Underground Surcharge Fund 30101.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The list of streets to receive slurry seal is part of the FY 08 resurfacing plan.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

After the contract is awarded, citizens will be notified by the contractor when slurry sealing will begin on their specific street.

Sierra/Jarrell

Aud. Cert. 2800394.

Staff: Mary Wolford - (619) 527-7515
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:37 a.m. – 11:37 a.m.)

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

ITEM-333: Funding for the Barrio Logan Redevelopment Project Area. (Southcrest and Barrio Logan Community Areas. Districts 4 and 8.)

(See Redevelopment Agency Report No. RA-08-02/RTC-08-22.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-433) ADOPTED AS RESOLUTION R-303463

Accepting a Sales Tax loan repayment from the Redevelopment Agency in the amount of \$675,000 from the Southcrest Redevelopment Project Area to the City Sales Tax Fund No. 10227;

Authorizing the loan of \$675,000 from the City Sales Tax funds to the Redevelopment Agency for the Barrio Logan Project Area as an interest-bearing Sales Tax loan to provide funds for appropriate project expenses in the Fiscal Year 2008 Redevelopment Agency Budget;

Directing the City Auditor and Comptroller to record the aforementioned loan from the City as an interest-bearing Sales Tax loan to the Redevelopment Agency to be repaid as soon as practicable from tax increment or other appropriate revenues, from the Barrio Logan Redevelopment Project Area. When such repayment is forthcoming, the City intends to reinvest the repayment proceeds into public improvements within the Southcrest community, if the City Council deems that public improvements are needed in that area;

Declaring that this activity is not a “project” and is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The Barrio Logan Redevelopment Project Area is experiencing cash flow difficulties. The proposed re-loan will stabilize the Project Area’s cash flow.

FISCAL CONSIDERATIONS:

The proposed re-loan to Barrio Logan will be accomplished by the repayment of existing debt (debt to the City) from the Southcrest Redevelopment Project Area. The Southcrest Redevelopment Project Area will repay \$675,000 of debt owed to Fund 10227 (Sales Tax Revenue). This fund transfer is made possible through the use of the FY 2007 taxable bond proceeds.

It is the intent of this action that upon repayment of the proposed loan to the City by the Barrio Logan Redevelopment Project Area, the City will reinvest the proceeds into public improvements within the Southcrest community, should such public improvements be needed at the time of repayment.

PREVIOUS AGENCY, COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On January 23, 2008 this item was presented to the Board of Directors of the Southeastern Economic Development Corporation. The Board voted unanimously to recommend the Agency to support the proposed action.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The Southcrest Redevelopment Project Area will utilize taxable bond proceeds to repay the debt. As the current interest rate charged by the City is higher than the interest on the bonds, this transaction is economically beneficial to Southcrest. Additionally, the residents and businesses of the Barrio Logan Redevelopment Project Area will benefit from the continuation of redevelopment efforts within the community.

Weinrick/Smith

Staff: Scott Mercer - (619) 236-6242
Carol A. Leone - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of March 4, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:19 p.m. – 3:20 p.m.)

MOTION BY HUESO 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-334: Home in the Heights First Time Homebuyer Loan Program. (City Heights Community Area. Districts 3, 4, and 7.)

(See Redevelopment Agency Report No. RA-08-01/RTC-08-21.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-650) ADOPTED AS RESOLUTION R-303464

Stating that the Council of the City of San Diego makes the Findings of Benefit to the City Heights Redevelopment Project Area as more fully set forth in Attachment "A";

Stating that the 20% Set-Aside Funds in the amount of Nine Hundred Seventy Five Thousand Dollars (\$975,000) identified above shall be utilized for the “Home in the Heights Homebuyer Assistance Program” in the City Heights Redevelopment Project Area and City Heights Community Planning Area.

STAFF SUPPORTING INFORMATION:

In December 2001, the Redevelopment Agency approved the City Heights Redevelopment Project Area Committee’s (PAC) recommendation to allocate a portion of City Heights Redevelopment Project Area low- and moderate-income housing funds (LMIHF) to subsidize the Home in the Heights (HITH) first time home-buyer program for low and moderate income residents. The goal of the program is to make home ownership more accessible and affordable to families seeking to reside in the City Heights Redevelopment Project Area and Planning Area, with priority given to residents displaced by redevelopment projects within the Project Area.

Participants with a household income of 100% of the San Diego area median income (AMI) or less may qualify for a silent second loan amount of up to \$30,000 from the Agency. The term of the loan is twenty (20) years. Principal and interest is forgivable over the twenty (20) year period provided the participant remains an owner occupant of the home and does not refinance the first mortgage debt without permission of the Agency.

Since the HITH program inception, seventy-six (76) first time homebuyers have taken advantage of the loan to leverage the down payment costs associated with a home purchase. Extending the period of performance with a new Agreement and authorizing the additional expenditure of LMIHF for administration of the Agreement with Community Housing Works will allow the HITH program to continue funding loans and assisting low- and moderate-income households.

FISCAL CONSIDERATIONS:

This action proposes to expend \$975,000 in currently budgeted FY 2008 City Heights Redevelopment Project Area low- and moderate-income housing funds for individual second mortgages (30 loans at a maximum of \$30,000 each), loan fees and administrative costs.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On May 15, 2007, the Agency adopted the Redevelopment Agency Budget for Fiscal Year 2008, which included a line item of \$1 million for the Home in the Heights first time homebuyer program.

On June 26, 2007, the Agency approved an Amendment to the Agreement with the Community Housing Works to extend the time of performance under the prior Agreement for the Home in the Heights Program to end December 31, 2007.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH:

On December 10, 2007, the City Heights PAC approved the revised Home in the Heights program guidelines as presented by Agency staff and made several additional recommendations. Each recommendation of the PAC was incorporated into the final draft of the Program Guidelines.

KEY STAKEHOLDERS and PROJECTED IMPACTS:

Community Housing Works is a 501(c)(3) not-for-profit organization, governed by a volunteer board of directors. The Home in the Heights program will be of benefit to eligible first time homebuyers with a household income of 100% AMI or less seeking to reside in the City Heights Redevelopment Project Area or City Heights Planning Area.

Weinrick/Anderson

Staff: Michele St. Bernard - (619) 236-6531
Kendall D. Berkey - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of March 4, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:12 p.m. – 3:13 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, 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 meetings of January 15, 2008, Item 335 and January 29, 2008, Item 335; last continued at applicant's request.)

NOTE: Hearing open. No testimony taken on 1/15/2008; No testimony taken on 1/29/2008.

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A: (R-2008-xx) DENIED APPEAL AND UPHELD THE PLANNING COMMISSION'S ACTION, ADOPTED AS RESOLUTION R-303465

Grant or deny the appeal and uphold or overturn 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 resolution(s) according to Section 40 of the City Charter.

Subitem-B: (R-2008-xx) DENIED APPEAL AND UPHELD THE PLANNING COMMISSION'S ACTION, GRANTED VESTING TENTATIVE MAP, ADOPTED AS RESOLUTION R-303466

Grant or deny the appeal and uphold or overturn 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:

- 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.

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: MEET

COUNCIL ACTION: (Time duration: 2:44 p.m. – 3:12 p.m.)

Testimony in favor by Erik Schraner.

Motion by Faulconer to adopt the resolution in Subitem A to grant the appeal and overturn the decision of the Planning Commission to grant Coastal Development Permit No. 457937 and to adopt the resolution in Subitem B to grant the appeal and overturn the decision of the Planning Commission to grant Tentative Map No. 254536 with the following conditions: 1) waive the requirement to underground existing overhead utilities, 2) require the implementation of the building conditions report and landscape concept plan, prior to recordation of the final map. Second by Peters. Failed: Yeas-1, 2, 4, 8. Nays-3, 5, 6. Not Present-7.

MOTION BY FRYE TO ADOPT THE RESOLUTION IN SUBITEM A TO DENY THE APPEAL AND UPHOLD THE DECISION OF THE PLANNING COMMISSION TO GRANT COASTAL DEVELOPMENT PERMIT NO. 457937; AND TO ADOPT THE RESOLUTION IN SUBITEM B TO DENY THE APPEAL AND UPHOLD THE DECISION OF THE PLANNING COMMISSION TO GRANT TENTATIVE MAP NO. 254536 WITH THE FOLLOWING CONDITIONS: 1) WAIVE THE REQUIREMENT TO UNDERGROUND EXISTING OVERHEAD UTILITIES, 2) REQUIRE THE IMPLEMENTATION OF THE BUILDING CONDITIONS REPORT AND LANDSCAPE CONCEPT PLAN, PRIOR TO RECORDATION OF THE FINAL MAP. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-nay, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

ITEM-336: Roseman Residence, an application was made for a Coastal Development Permit to demolish an existing single family residence and construct a new single family residence located at 7272 Dune Lane, La Jolla, CA 92037. The project site encompasses 8,998 square-feet on two lots. (La Jolla Community Area, District 1.)

Matter of the appeal filed by R. Jay Engel for the City Council to consider the Environmental Determination. As listed on the Appeal Application, the reason for the appeal is based on a change in scope and inadequate evaluation of the environmental document. The project is a Process 2 approval and the project itself cannot be appealed.

A Mitigated Negative Declaration (MND) and Mitigation, Monitoring, and City Staff (Process 2) on July 16, 2007 and Planning Commission (Appeal to Planning Commission) on December 6, 2007. Since the permit, appeal rights have been exhausted, listed appellant on the Appeal to City Council is now appealing the Environmental (CEQA) Determination per Land Development Code Section 112.0520.

The project scope, which is NOT a part of the appeal, includes an approval of a Coastal Development Permit (CDP No. 159127) application to demolish an existing 2,415 square-foot, two-story family residence with attached garage and construct a new 7,786 square-foot, three-story over basement single family residence with attached garage on a 8,998 square foot site located at 7272 Dune Lane within the RS-1-7 Zone, Coastal Overlay (non-appealable), and Coastal

Height Limit Zones in the La Jolla Community Plan. No deviations or variances were requested.

The matter of the appeal applies ONLY to the environmental determination.

(See Report to City Council No. 08-018/Report to Planning Commission No. PC-07-135/Coastal Development Permit No. 159127/ MND No. 52589/MMRP/Project No. 52589).

STAFF'S RECOMMENDATION:

Take the following actions:

(R-2008-xx) DENIED APPEAL AND UPHELD THE DECISION OF THE PLANNING COMMISSION TO CERTIFY THE MITIGATED NEGATIVE DECLARATION, ADOPTED AS RESOLUTION R-303467

Grant or deny the appeal and uphold or overturn the decision by the Planning Commission certifying Mitigated Negative Declaration (MND) No. 52589, and adopting Mitigation Monitoring and Reporting Program (MMRP);

Certifying that the information contained in Mitigated Negative Declaration No. 52589, 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 Administrative Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City of San Diego City Council;

That the City of San Diego City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Negative Declaration is hereby approved;

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

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

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

OTHER RECOMMENDATIONS:

Planning Commission on December 6, 2007 voted 6-0-1 to deny the appeal and approve the project and environmental document.

Ayes: Schultz, Griswold, Ontai, Otsuji, Naslund, Smiley
Not present: Garcia

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

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Appeal of Mitigated Negative Declaration No. 52589

STAFF RECOMMENDATION:

DENY the appeal and **UPHOLD** the Environmental Determination (Mitigated Negative Declaration No. 52589).

EXECUTIVE SUMMARY:

The only issue before the Council is the appeal of the environmental determination. A Mitigated Negative Declaration (MND) was prepared for the project in accordance with the California Environmental Quality Act (CEQA). As stated in Section III (Determination) of the MND: *The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect (Paleontological Resources). Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.* In addition, the Initial Study included discussions regarding Historical-Architecture and Historical-Archaeology resources. Those environmental issues were considered during review and determined not to be significant.

Pursuant to Section 21151(c) of the CEQA statutes, Mr. R.J. Engel filed an appeal of City Staff certification of the Mitigated Negative Declaration (MND) for the Roseman Residence project, and of the Planning Commission's certification of the MND. The decision by the Planning Commission is final and all project appeal rights have been exhausted. The only issue before the Council is the appeal of the environmental determination.

The appeal, received December 16, 2007, is lengthy, with the issue areas somewhat intermixed. To focus on the environmental issues only, staff has highlighted the issue areas pertaining to the environmental document and have provided responses in the Report to City Council.

These issue areas include: 1) Both the Mitigated Negative Declaration and the historic resources report dated November 30, 2005 from Brian F. Smith & Associates did not adequately address the change in project scope; 2) Inadequate evaluation of Historical Resources with respect to historicity of the house, paleontological, architectural and archaeology resources.

Information about the project has been included in the report to provide a context for Council's discussion of the Mitigated Negative Declaration. Any project details and conditions discussed relate to an already approved project, and they cannot be changed.

Staff believes that MND No. 52589 adequately addresses the project's potential impacts, and the implementation of the MMRP would avoid or reduce such impacts to below a level of significance.

As alternative actions for considerations, the Council can either 1) GRANT the appeal, set aside the environmental determination, and REMAND the matter to the Development Services - or - 2) GRANT the appeal and make a superceding environmental determination or CEQA findings. If Council chooses this alternative, staff respectfully requests direction from Council regarding the existence of substantial evidence, as required by Section 21082.2 of the California Public Resources Code, supporting a fair argument that the project would result in significant environmental effects.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On December 6, 2007, the Planning Commission voted 6-0-1 to DENY the appeal and UPHOLD Staff's Decision.

On July 16, 2007, City Staff CERTIFIED Mitigated Negative Declaration No. 52589 and APPROVED Coastal Development Permit No. 159127.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On October 5, 2006, the La Jolla Community Planning Association voted 12-2-0 to recommend approval of the project.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Jon Roseman and Cynthia Delgado

Broughton/Anderson/AS/JR

LEGAL DESCRIPTION:

The proposed project is located at 7272 Dune Lane, between Sea Lane and Dunemere Drive, within the Coastal Zone and the La Jolla Community Planning Area on portions of Parcel 1 and 2 of Parcel Map No. 891.

Staff: Jeffrey W. Robles - Development Project Manager - (619) 446-5225
Allison Sherwood - Environmental Planner - (619) 446-5379.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:07 p.m. – 2:44 p.m.)

Testimony in favor by R. Jay Engel.

Testimony in opposition by Tony Ciani and Jon Roseman.

MOTION BY FRYE TO ADOPT THE RESOLUTION TO DENY THE APPEAL AND UPHOLD THE DECISION OF THE PLANNING COMMISSION TO CERTIFY MITIGATED NEGATIVE DECLARATION NO. 52589. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Mada ffer-not present, Hueso-yea.

ITEM-337: Three actions related to Disposition and Development Agreement (DDA) and Associated Actions for El Pedregal Family Apartments Project. (San Ysidro Community Area. District 8.)

(See Redevelopment Agency Report No. RA-08-03/RTC-08-23.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

~~Subitem A: (R-2008-655) Tb(CACTION Tb)~~

~~Certifying that the information contained in MND No. 106926 has been completed in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines and that said report reflects the independent judgment of the City of San Diego as Lead Agency;~~

~~Stating for the record, that the Mitigated Negative Declaration has been reviewed and considered prior to approving the Project and the Disposition and Development Agreement;~~

~~Adopting the Mitigation, Monitoring and Reporting Program.~~

Subitem-B: (R-2008-656 Cor. Copy) CONTINUED TO TUESDAY,
MARCH 25, 2008

Stating that the Council of the City of San Diego makes the findings of Benefit to the Naval Training Center Redevelopment Project Area as more fully set forth in Attachment "A";

Stating that the 20% Set Aside Funds identified above shall be utilized for the development and implementation of the proposed El Pedregal Family Apartments Project in the San Ysidro Redevelopment Project Area.

Subitem–C: (R-2008-657 Cor. Copy) CONTINUED TO TUESDAY,
MARCH 25, 2008

Stating that the Council has received and heard all oral and written objections to the proposed Disposition and Development Agreement (Agreement), to the proposed sale of the real property, and to other matters pertaining to this transaction, and that all such oral and written objections are overruled;

Finding and determining that all consideration to be paid pursuant to the Agreement is in amounts necessary to effectuate the purposes of the Redevelopment Plan for the Project Area;

Finding and determining that the consideration to be paid by the Developer for the sale of the real property in the Project as described in the Agreement is not less than the fair market value of the real property at its highest and best use in accordance with the Redevelopment Plan for the Project Area;

Finding and determining that the sale of the real property in the Project will assist in the elimination of blight in the Project Area, and is consistent with the Redevelopment Plan and the Third Five-Year Implementation Plan for the Project Area;

Approving the sale of the real property and the Agreement which establishes the terms and conditions for the sale and development of the real property in the Project;

Finding and determining that the City of San Diego has previously certified the information contained in the Mitigated Negative Declaration (MND) for this Project, referenced by Project No. 106926 and SCH No. 2007041131, that this Project is adequately addressed in said MND, and that there is no substantial change in circumstance, additional information, or project changes to warrant additional environmental review;

Declaring that a copy of the Disposition and Development Agreement, when executed by the Redevelopment Agency, shall be placed on file in the Office of the City Clerk.

Subitem–D: (R-2008-658 Cor. Copy) CONTINUED TO TUESDAY,
MARCH 25, 2008

Approving termination of the Owner Participation Agreement dated July 11, 2007, with SYEP Associates, a California limited partnership, for the project;

Declaring that the termination is mutually agreed upon by all parties.

STAFF SUPPORTING INFORMATION:

On July 10, 2007, the Redevelopment Agency (the Agency) approved an Owner Participation Agreement (OPA) with Global Premier Development, dba SYEP Associates (the Developer) for the development of the El Pedregal Family Apartments Project, a 45-unit affordable housing development.

The proposed actions under this item will allow for the termination of the aforementioned OPA and execution of a Disposition and Development Agreement (DDA), giving authorization for Agency acquisition of the necessary land for the development of El Pedregal, which is an option not legally available under the existing OPA. Under the proposed DDA, the cost to the Agency will remain not to exceed \$3,606,000 (residual receipts loan), as previously approved under the OPA.

The Developer is proposing the development of a new 45-unit rental housing project located at 104 Averil Road, within the San Ysidro Redevelopment Project Area. The Project shall be developed on two vacant parcels totaling 2.24 acres, and is surrounded by primarily multi-family housing, single family housing, and commercial uses. No demolition is required. The proposed Project shall include one two-bedroom unit, 20 three-bedroom units, and 24 four-bedroom units, all but one with restricted rents for 55 years to levels affordable to households earning up to 30%, 40%, 50% and 60% of Area Median Income.

The Project's design consists of two 2- and 3-story buildings with subterranean parking. The Gross Building Area is approximately 70,110-sf, with a total of 105 parking spaces, or approximately 2.0 spaces per unit. Amenities shall include rec./play facilities, computer room, multipurpose center, education programs, and picnic area. A Mitigated Negative Declaration was certified by the City for the Project on June 13, 2007. The Project Site is fully entitled.

FISCAL CONSIDERATIONS:

The total project cost is \$19,923,000 and is proposed to be funded with Affordable Housing 9% tax credits (1st Round March 2008 tax credits), private financing, deferred developer fee, Federal Home Loan Bank Affordable Housing Program funds, and Agency 20% Low and Moderate Income Housing Set-Aside Funds. Financial assumptions and considerations have been analyzed and supported by Keyser Marston Associates, and are summarized in the Summary (33433) Report and Re-use Analysis.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On July 25, 2006, the Agency approved the pooling of the Agency's 20% Low and Moderate Income Housing Set-Aside Funds for new project developments. On October 17, 2006, the Agency approved an ENA for the Project. On July 10, 2007, the Agency approved an OPA with the Developer for the Project.

OTHER RECOMMENDATIONS:

On May 24, 2007, the Agency's Affordable Housing Collaborative Executive Loan Committee (ELC) voted 4-0 in favor of the Project's concept and proposed financing structure.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On October 17, 2006, January 16, 2007, and May 15, 2007, the Project was presented to the San Ysidro Planning and Development Group (SYPDG), at which times SYPDG voted in support of the Project's concept and proposed financing structure. On February 19, 2008, the draft DDA was presented to the SYPDG as a proposed replacement document for the OPA. There is no Project Area Committee (PAC) in San Ysidro.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The Project is expected to provide significant community enhancement and valuable affordable housing for the San Ysidro Community.

Weinrick/Anderson

Staff: Xavier Del Valle - (619) 236-6260
Kendall D. Berkey - Deputy City Attorney

NOTE: This is a Special Joint Public Hearing with the Redevelopment Agency. See the Redevelopment Agency Agenda of March 4, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:21 p.m. – 3:21 p.m.)

MOTION BY HUESO TO CONTINUE TO MONDAY, MARCH 25, 2008 FOR FURTHER REVIEW. Second by Young. Passed by the following vote: Peters-recused, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-338: Adoption of the 2007 California Building Code & associated codes with local amendments, approval of the proposed changes to the Municipal Code, necessary to adopt State mandated 2007 California building standards and, necessary due to local ~~geologic, climactic and topographic~~ geological, climatic and topographical conditions. (Citywide.)

Consideration of ordinances that would adopt the 2007 editions of the California Building Code, California Fire Code, California Electrical Code, California Plumbing Code and the California Mechanical Code, ordinances that would amend the Municipal Code fire regulations in Chapter 5 Article 5; Land Development Code Chapter 12 Article 9 Division 3; Chapter 12 Article 9 Division 4; Building Regulations Chapter 14 Article 5; Electrical Regulations Chapter 14 Article 6; Plumbing Regulations Chapter 14 Article 7; new Mechanical Regulations Chapter 14 Article 8 all related to all building construction throughout the City.

(See Report to the City Council No. 08-025/Report to the Planning Commission No. PC-07-163.)

STAFF'S RECOMMENDATION:

Introduce the following ordinances:

Subitem-A: (O-2008-96 Cor. Copy) INTRODUCED WITH DIRECTION,
TO BE ADOPTED ON TUESDAY,
MARCH 25, 2008

An Ordinance of the Council of the City of San Diego amending Chapter 14, Article 5, of the San Diego Municipal Code by amending Division 1 Sections 145.0101, 145.0102, 145.0103, 145.0104, 145.0105, 145.0106, 145.0107 and adding a new Section 145.0108; by adding New Divisions 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 38; by retitling and amending Division 2, by repealing current Section 145.0201, by moving, renumbering and amending Sections 145.0202, 145.0203, 145.0204, 145.0205, 145.0206 and 145.0207 to new Divisions 15, 18, 29, 32, 33 and 34 respectively and adding New Sections 145.0201 and 145.0202; by retitling and amending Division 3 by moving, renumbering and amending current Sections 145.0301, 145.0302 and 145.0303 to Division 31 and by adding a new Section 145.0301 and repealing Section 145.0304; by moving, renumbering and amending current Division 4, Sections 145.0401, 145.0402, 145.0403, 145.0404, 145.0405, 145.0406, 145.0407, 145.0408, 145.0409, 145.0410, 145.0411, 145.0412, 145.0413, 145.0414, 145.0415, 145.0416, 145.0417, 145.0418, 145.0420, 145.0421, 145.0422, 145.0423, 145.0424, 145.0425, 145.0426 and 145.0427 to new Division 37, repealing Section 145.0419, and adding a new Division 4, Section 145.0401; by moving, renumbering and amending current Division 5, Sections 145.0501, 145.0502, 145.0503, 145.0504, and 145.0505 to new Division 38, and adding new Division 5, Section 145.0501; by adding new Division 6, Section 145.0601; by adding new Division 7, Section 145.0701; by adding new Division 8, Section 145.0801; by adding new Division 9, Section 145.0901; by adding new Division 10, Section 145.1001; by adding new Division 11, Section 145.1101; by adding new Division 12, Section 145.1201; by adding new Division 13, Section 145.1301; by adding new Division 14, Section 145.1401; by adding new Division 15, Sections 145.1501 and 145.1505, by incorporating current Section 145.0202 into new Sections 145.1507, and 145.1510; by adding new Division 16, Sections 145.1601 AND 145.1613; by adding new Division 17, Sections 145.1701 and 145.1705; by adding new Division 18, Section 145.1801, by renumbering and amending Section 145.0203 to 145.1802, and adding new Section 145.1805; by adding new Division 19, Sections 145.1901 and 145.1908; by adding new Division 20, Section 145.2001; by adding new Division 21,

Section 145.2101; by adding new Division 22, Section 145.2201; by adding new Division 23, Section 145.2301; by adding new Division 24, Section 145.2401; by adding new Division 25, Section 145.2501; by adding new Division 26, Section 145.2601; by adding new Division 27, Section 145.2701; by adding new Division 28, Section 145.2801; by adding new Division 29, by renumbering and amending Section 145.0204 to 145.2901; by adding new Division 30, Section 145.3001; by adding new Division 31, Section 145.3001; by renumbering and amending current Section 145.0301 to 145.3109 and incorporating current Sections 145.0302 and 145.0330 into Section 145.3109, by renumbering and amending current Sections 145.0305 and 145.0306 to 145.3110 and 145.3111 respectively; by adding new Division 32, Section 145.3201, and renumbering and amending current Section 145.0205 to Section 145.3203; by adding new Division 33, by incorporating and amending current section 145.0206 into new Sections 145.3301 and Section 145.3303; by adding new Division 34, by incorporating and amending current Section 145.0207 into new Sections 145.3401 and 145.3403; by adding new Division 35, Section 145.3501; by adding new Division 36 and reserving new Section 145.3601; by renumbering and amending Division 4, Sections 145.0401, 145.0402, 145.0403, 145.0404, 145.0405, 145.0406, 145.0407, 145.0408, 145.0409, 145.0410, 145.0411, 145.0412, 145.0413, 145.0414, 145.0415, 145.0416, 145.0417, 145.0418, 145.0419, 145.0420, 145.0421, 145.0422, 145.0423, 145.0424, 145.0425, 145.0426, and 145.0427 to new Sections 145.3701, 145.3702, 145.3703, 145.3704, 145.3705, 145.3706, 145.3707, 145.3708, 145.3709, 145.3710, 145.3711, 145.3712, 145.3713, 145.3714, 145.3715, 145.3716, 145.3717, 145.3718, 145.3719, 145.3720, 145.3721, 145.3722, 145.3723, 145.3724, 145.3725, and 145.3726, respectively, by renumbering Division 5, Sections 145.0501, 145.0502, 145.0503, 145.0504, and 145.05 to new Division 38, Sections 145.3801, 145.3802, 145.3803, 145.3804, and 145.3805, respectively; and adopting the 2007 California Building Code and Associated Municipal Code Amendments.

Subitem-B: (O-2008-97)

INTRODUCED WITH DIRECTION, TO BE
ADOPTED ON TUESDAY, MARCH 25, 2008

Introduction of an Ordinance of the Council of the City of San Diego amending Chapter 12, Article 9, Division 3, of the San Diego Municipal Code by amending Sections 129.0303; by amending Chapter 14, Article 6, Division 1, by amending Sections 146.0103, 146.0104, 146.0105, and 146.0106; by amending Chapter 14, Article 6, Division 2, by amending Sections 146.0202, 146.0204, and 146.0207; and adopting the 2007 California Electrical Code and Associated Municipal Code Amendments.

Subitem-C: (O-2008-98 Cor. Copy) INTRODUCED WITH DIRECTION, TO
BE ADOPTED ON TUESDAY,
MARCH 25, 2008

Introduction of an Ordinance of the Council of the City of San Diego amending Chapter 5, Article 5, of the San Diego Municipal Code, by amending Division 1 by amending Sections 55.0101, by adding Section 55.0102, amending Section 55.0103, and adding Section 55.0104; by adding a new Division 2, Section 55.0201; by adding a new Division 3, Section 55.0301, and 55.0304; by adding a new Division 4, Section 55.0401, incorporating current Section 55.2501, Subsection 2501.18; by adding a new Division 5, Section 55.0501, incorporating current Section 55.0901, Subsection 901.4.3, and current Section 55.0903, Subsection 903.2; by adding a new Division 6, Section 55.0106; by adding a new Division 7, Section 55.0701, by adding a new Division 8, Section 55.0801; by amending Division 9, by amending Section 55.0901, by repealing Section 55.0902, and amending Section 55.0903, incorporating current section 1003, Subsections 1003.2.11, 1003.2.11.1, 1003.2.11.2, 1003.2.11.3, 1003.2.11.4, 1003.2.11.5, 1003.2.11.6, 1003.2.11.7, and 1003.2.11.8; by amending Division 10, by amending Section 55.1001; by adding a new Division 11, Section 55.1101; by adding a new Division 12, Section 55.1201; by adding a new Division 13, Section 55.1301; by adding a new Division 14, Section 55.1401, by adding a new Division 15, Section 55.1501; by adding a new Division 16, Section 55.1601; by adding a new Division 17, Section 55.1701; by adding a new Division 18, Section 55.1801; by adding a new Division 19, Section 55.1901; by adding a new Division 20, Section 55.2001; by adding a new Division 21, Section 55.2101; by adding a new Division 22, Section 55.2201; by adding a new Division 23, Section 55.2301; by adding a new Division 24, Section 55.2401; by amending Division 25 by amending Section 55.2501; by adding a new Division 26, Section 55.2601; by adding a new Division 27, Section 55.2701, incorporating current Sections 55.9102, 55.9103, 55.9104 and 55.9105; by adding a new Division 28, Section 55.2801; by adding a new Division 29, Section 55.2901; by adding a new Division 30, Section 55.3001; by adding a new Division 31, Section 55.3101; by adding a new Division 32, Section 55.3201; by adding a new Division 33, Section 55.3301, incorporating current Sections 7701.1, through 7701.2.3, 7701.4, and 7701.5; by adding a new Division 34, Section 55.3401; by adding a new Division 35, Section 55.3501; by adding a new Division 36, Section 55.3601; by adding a new Division 37, Section 55.3701; by adding a new Division 38, Section 55.3801; by adding a new Division 39, Section 55.3901; by adding a new Division 40, Section 55.4001; by adding a new Division 41, Sections 55.4101; by adding a

new Division 42, Section 55.4201; by adding a new Division 43, Section 55.4301; by adding a new Division 43, Section 55.4301; b adding a new Division 44, Section 55.4401; by adding a new Division 45, Section 55.4501; by adding a new Division 46, Section 55.4601; by adding a new Division 47, Section 55.4701; by adding a new Division 48, Section 55.4301, 55.4808 and 55.4809; by adding a new Division 49, Section 55.4901; and repealing Divisions 77, 78, 81, 91, and 92; and adopting the 2007 California Fire Code and Associated Municipal Code Amendments.

Subitem-D: (O-2008-99) INTRODUCED WITH DIRECTION, TO BE
ADOPTED ON TUESDAY, MARCH 25, 2008

Introduction of an Ordinance of the Council of the City of San Diego amending Chapter 14 of the San Diego Municipal Code by adding a new Article 8, Division 1, Sections 148.0101, 148.0102, 148.0103, 148.0104, and 148.0105, and new Division 2, Section 148.0201; and adopting the 2007 California Mechanical Code and Associated Municipal Code Amendments.

Subitem-E: (O-2008-100) INTRODUCED WITH DIRECTION, TO BE
ADOPTED ON TUESDAY, MARCH 25, 2008

Introduction of an Ordinance of the Council of the City of San Diego amending Chapter 12, Article 9, Division 4, of the San Diego Municipal Code by amending Section 129.0403, by amending Chapter 14, Article 7, Division 1, by retitling Article and Division and amending Sections 147.0101, 147.0102, and 147.0103, by adding new Sections 147.0104, 147.0105, 147.0106, and by renumbering and amending Section 145.0104 to 147.0107; by amending Chapter 14, Article 7, Division 2, by adding Section 147.0204; and adopting the 2007 California Plumbing Code and Associated Municipal Code Amendments.

OTHER RECOMMENDATIONS:

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

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

This is a matter of City-wide effect. ~~All Community Planning Groups have taken a position on the item.~~

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Approval of the proposed changes to the Municipal Code necessary to adopt State mandated 2007 California building standards reasonably and necessary due to local geologic, climatic and topographic geological, climatic and topographical conditions.

STAFF RECOMMENDATION:

ADOPT ordinances to approve the proposed changes in the Municipal Code.

EXECUTIVE SUMMARY:

At its January 30, 2007 meeting, the California Building Standards Commission completed adoption of new building standards that have been published in the 2007 editions of the California Building, Electrical, Fire, Mechanical, Plumbing, Historical and Existing Building Codes. Local jurisdictions are mandated to enforce the codes locally for permit applications accepted on or after January 1, 2008.

Local amendments to the State's building standards reasonably necessary due to local ~~climatic~~ climatic, geological or topographical conditions have been developed and are proposed as amendments to chapter 5 and 14 of the Municipal Code. The findings made shall be approved by the local decision making body and be filed with the California Building Standards Commission prior to the effective date.

FISCAL CONSIDERATIONS:

Administration of the Building, Electrical, Plumbing and Mechanical regulations as well as the Fire Code for new construction or alterations to existing buildings is based upon a fee for service paid for by applicants in the development process.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On October 30, 2007, the Board of Building Appeals and Advisors unanimously voted 9:0 to recommend to the City Council approval of the proposed changes to the Municipal Code without any changes.

On November 8, 2007, the Planning Commission trailed the item until November 15, 2007. Staff will provide Planning Commission recommendation to the City Council prior to the distribution.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

A list of 36 stakeholders, which included individual design professionals as well as local industry associations, was developed and representatives were invited to comment on the proposed changes in writing, or in person at the Board of Building Appeals and Advisors. Stakeholders were also informed of the scheduled Planning Commission meeting date as well as the targeted City Council meeting date.

We have received verbal and written comments and have addressed those concerns. A list of stakeholders is attached.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

1. San Diego Restaurant Association expressed a concern about the proposed Waterless Urinal regulations in new Section 147.0206. Council to review issue under separate action in round 2.
2. The BIA expressed a concern with new Section 55.0503 on fire lane widths that have been withdrawn as well as new Section 55.0508 that relocates current fire hydrant spacing requirements when not located in the public right of way. Council to review issue under separate action in round 2.
3. The Structural engineers Association raised issues with amendments to Section 121.0403 as well as new Sections 145.3705 and 145.3706 as they apply to Unreinforced Masonry Buildings. Their concerns were accepted and corrections made.

Broughton/Anderson/Jarman/AF

NOTE: This activity is not a “project” and is therefore not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3).

Staff: Ali Fattah – (619) 446-5092
Rachel Lipsky – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:38 a.m. – 11:43 a.m.)

MOTION BY MADAFFER TO INTRODUCE THE ORDINANCES WITH DIRECTION TO PROVIDE A REPORT ON WAYS HOMEOWNERS AND PROPERTY OWNERS CAN TAKE FURTHER FIRE-PREVENTION MEASURES. 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-S500: Declaring a Continued State of Emergency Regarding the Wildfires.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-507) ADOPTED AS RESOLUTION R-303458

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: AGENDA

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

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

* ITEM-S501: 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-2008-542) ADOPTED AS RESOLUTION R-303460

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

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

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

* ITEM-S502: 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-2008-577) ADOPTED AS RESOLUTION R-303461

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

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

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

* ITEM-S503: State of Local Emergency Declaration Regarding the Landslide on Mount Soledad.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-616) ADOPTED AS RESOLUTION R-303462

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: MEET

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

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

ITEM-S504: City's 2005 Comprehensive Annual Financial Report for the Fiscal Year Ending June 30, 2005.

(See memorandum from Greg Levin dated 2/14/2008.)

CITY AUDITOR AND COMPTROLLER'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-712) CONTINUED TO TUESDAY, MARCH 11, 2008

Receiving the City's Fiscal Year 2005 Comprehensive Annual Financial Report.

SUPPORTING INFORMATION:

The City received an Audit Opinion on the CAFR dated October 26, 2007. Subsequent to the issuance of the 2005 CAFR, the City Attorney requested revisions to the disclosure in the completed CAFR. In recognition of the City Attorney's role in the governance process of the City the Mayor agreed to reopen the CAFR. This resulted in a approximate 3 month revision process and new opinion dated February 8, 2008. The revisions made to the 2005 CAFR are provided in an attachment to this summary.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:
Audit Committee approved this item on February 25, 2008.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Levin/Lewis

Staff: Greg Levin - (619) 236-6162
Mark D. Blake - Chief Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

CONSENT MOTION BY HUESO TO CONTINUE TO TUESDAY, MARCH 11, 2008.
Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Pro Tem Madaffer at 3:21 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 3:21 p.m. – 3:21 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego