

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 20, 2008
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Pro Tem Madaffer at 10:03 a.m. Council President Pro Tem Madaffer recessed the meeting at 11:34 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:39 a.m. with all Council Members present. The meeting was recessed by Council President Peters at 11:53 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:11 p.m. with all Council Members present. Council President Peters recessed the meeting at 3:31 p.m. for the purpose of a break. Council President Peters reconvened the regular meeting at 3:37 p.m. with Council Member Madaffer not present. Council President Peters recessed the meeting at 3:37 p.m. to convene for a special meeting as the Redevelopment Agency. Council President Peters reconvened the regular meeting at 5:21 p.m. with all Council Members present. Council President Peters recessed the meeting at 5:25 p.m. for the purpose of a break. Council President Peters reconvened the regular meeting at 5:28 p.m. with Council Member Atkins and Council Member Maienschein not present. Council President Peters recessed the meeting at 5:28 p.m. to convene the Housing Authority. Council President Pro Tem Madaffer reconvened the regular meeting at 6:03 p.m. with Council President Peters and Council Member Maienschein not present. The meeting was adjourned by Council President Pro Tem Madaffer at 6:16 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Hueso-present

Clerk-Maland (dlc/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:

Don Stillwell commented on prayer and the flag salute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:40 a.m. – 9:41 a.m.)

PUBLIC COMMENT-2:

Nancelle Lauffer commented on the homeless, poor and the mentally ill.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:41 a.m. - 9:44 a.m.)

PUBLIC COMMENT-3:

Ray Lutz commented on citizens' oversight.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:44 a.m. - 9:47 a.m.)

PUBLIC COMMENT-4:

Alberto Velasquez commented on the janitors negotiations.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:47 a.m. - 9:49 a.m.)

PUBLIC COMMENT-5:

Estella Pablo commented on living wages.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:53 a.m. - 9:55 a.m.)

PUBLIC COMMENT-6:

Referred to Mayor's Office: Tim Houlton commented on the Golden Hill Maintenance Assessment District Appeal.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:56 a.m. - 9:59 a.m.)

PUBLIC COMMENT-7:

Pansy Hilliard spoke on a request for the City Attorney.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:00 a.m. - 10:00 a.m.)

PUBLIC COMMENT-8:

Ted Patrick commented on killing in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:00 a.m. - 10:03 a.m.)

PUBLIC COMMENT-9:

Homer Barrs commented on Mission Valley Village.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:03 a.m. - 10:06 a.m.)

PUBLIC COMMENT-10:

Izean Rim Jr. commented on public safety.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:06 a.m. - 10:09 a.m.)

PUBLIC COMMENT-11:

Carlos Ramirez commented on an eviction.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-12:

Thomas Glasser commented on continuing attacks.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:16 a.m. - 10:19 a.m.)

PUBLIC COMMENT-13:

Joy Sunyata commented on the May revise.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-14:

Jarvis Ross commented on election day.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. - 10:25 a.m.)

PUBLIC COMMENT-15:

David Ross commented on the displaced in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. - 10:28 a.m.)

PUBLIC COMMENT-16:

Barbara Winton commented on various concerns.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m. - 10:30 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

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:

4/14/2008

4/15/2008

4/21/2008

4/22/2008

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 9:01 a.m. – 9:02 a.m.)

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



[ITEM-31:](#) Anna Tatár Day.

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

Adopt the following resolution:

(R-2008-1021) ADOPTED AS RESOLUTION R-303700

Recognizing Ana Tatár for her dedication to promoting literacy and a love of reading, furtherance of diversity and civic engagement, and outstanding service to our community;

Proclaiming May 20, 2008, to be “Ana Tatár Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:02 a.m. – 9:12 a.m.)

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



[ITEM-32:](#) National Public Works Association Week.

**COUNCIL PRESIDENT PETERS' AND COUNCIL PRESIDENT PRO TEM
MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-1030) ADOPTED AS RESOLUTION R-303706

Proclaiming May 20 through May 27, 2008, to be “National Public Works Association Week” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:12 a.m. – 9:19 a.m.)

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



ITEM-33: Foundation for Change Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-902) ADOPTED AS RESOLUTION R-303707

Commending Foundation for Change for its services to the San Diego community
over the past twenty-five years;

Proclaiming May 20, 2008, to be “Foundation for Change Day” in the City of San
Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:12 a.m. – 9:19 a.m.)

MOTION BY ATKINS 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-50: Second Amendment to the Agreement with Martinez + Cutri Corporation for Professional Services for the Logan Heights Branch Library. (Southeastern San Diego Community Area. District 8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the ordinance which was introduced on 3/11/2008, Item 60, Subitem A. (Council voted 6-0. Council President Peters and Council President Pro Tem Madaffer not present):

(O-2008-107) ADOPTED AS ORDINANCE O-19752 (New Series)

Authorizing the Mayor, or his designee, to execute, for and on behalf of said City, a Second Amendment to the Agreement with Martinez + Cutri Corporation for professional design services for the Logan Heights Branch Library (Project) in an additional amount not to exceed \$165,000, for a total contract amount of \$915,000, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer, and under the terms and conditions set forth in the Second Amendment to the Agreement;

Authorizing the additional expenditure of \$165,000 from CIP-35-101.0, Logan Heights Branch Library, Fund No. 18522, Section 108 Logan Heights Library, for the Second Amendment to the Agreement with Martinez + Cutri Corporation for the Project;

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

Declaring that this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(c). This activity is a subsequent discretionary approval adequately covered under the Finding of No Significant Impact/Negative Declaration No. 42-0267 (Logan Heights Branch Library). The activity is adequately addressed in the environmental document and there are no changes in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15162.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

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



ITEM-100: Inviting Bids for the Construction of Fault Crossing Retrofit to Large Pipeline & Landslide/Liquefaction Pipeline Mitigation Project. (University City, Rancho Peñasquitos, Old Town, Little Italy, Midtown, Downtown, Mira Mesa, Mission Valley, Grantville, and Barrio Logan Community Areas. Districts 1, 2, 5, 6, 7, and 8.)

(See Engineering and Capital Projects Department's 10/10/2007 Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-822) ADOPTED AS RESOLUTION R-303708

Approving the plans and specifications for the construction of Fault Crossing Retrofit to Large Pipeline & Landslide/Liquefaction Pipeline Mitigation (Project), on Work Orders No. 188931/188941;

Authorizing the Mayor, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$3,818,091.84, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$3,818,091.84 from CIP-73-284.0, Miramar Treatment Plant Upgrade Expansion to CIP-73-910.0 Annual Allocation, Seismic Upgrade within Fund 41500, Water;

Authorizing the expenditure of an amount not to exceed \$3,818,091.84 from CIP-73-910.0, Annual Allocation, Seismic Upgrade, Fund 41500, Water, 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 City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Declaring that this activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, as repair and maintenance of existing facilities. (BID-K084280C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/2/2007, NR&C voted 3 to 0 to approve. (Councilmembers Peters, Faulconer, and Frye voted yea. Councilmembers Maienschein and Hueso not present.)

SUPPORTING INFORMATION:

The Fault Crossing Retrofits to Large Pipelines and Landslide/Liquefaction Pipeline Mitigation Capital Improvements Project received a grant for \$3 million from the Federal Emergency Management Administration (FEMA). The effective dates of the FEMA funding are from February 1, 2006 through January 31, 2009. The Seismic Retrofit Project allows water service

restoration from a large magnitude earthquake. Overall risks to the population is reduced or avoided and disaster-related damage costs reduced. Six mains cross liquefiable soils in Serra Mesa, Mission Valley East, and Grantville. Of the total 14 sites, four (4) were designed by RBF Consulting. The general requirement contract (GRC), Orion Construction Corporation completed construction of these sites in March 2008. Psomas designed all remaining sites. Three (3) Psomas designed sites will be constructed by October 2008, by the GRC contractor, Burtech Pipeline, Inc.

This request for Council action will approve the advertising, bidding, and award of construction for the remaining seven (7) pipelines of the Seismic Retrofit project. All 14 pipelines receive FEMA Grant funding.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: FEMA/City of San Diego

Goals: 40% Small Business Goal; 10% Small Disadvantaged Business Goal; 10% Women-Owned Business Goal; 3% HubZone Business Goal; 3% Disadvantaged Veteran Business Goal: All goals are mandatory.

Subcontractor: Not yet identified. However, the Contractor/subcontractor must also comply with applicable federal and state laws relating to Equal Opportunity Employment, as well as an additional requirements imposed by the federal agency or agencies providing funds for this project. Failure to comply with these items will lead to the bid being declared non-responsive and, therefore, may be rejected.

Local Business & Employment: Proposed contractors/subcontractors acknowledge that the City of San Diego seeks to promote employment and business opportunities for local residents and firms on all City contracts. Proposed contractors/subcontractors will to the extent legally possible, solicit applications for employment, and bids and proposals for subcontracts for the work associated with the bid from local residents and firms as opportunities occur. Proposed contractor/subcontractors agree to hire qualified local residents and firms whenever feasible.

Other: "This agreement is subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-1873, Sections 22.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517). Once the contractor/subcontractors are identified, the Equal Opportunity Contracting Program will provide an analysis of the workforce reports and other required documentation. Staff will monitor projects for continued adherence to federal, state and local contracting requirements.

FISCAL CONSIDERATIONS:

The total estimated cost for Seismic Upgrades is \$5,816,351.80, of which \$1,998,260.10 was previously authorized. Funding for this project is available for transfer from Fund 41500, CIP-73-284.0, Miramar Treatment Plant Upgrade Expansion to CIP-73-910.0, Annual Allocation Seismic Upgrade, Fund 41500, due to project savings in the Miramar Treatment Plant Upgrade Expansion. The remaining total project cost of \$3,818,091.84 maybe reimbursed approximately 80% by current or future debt financing. FEMA is providing \$3 million in grant funding. Auditor's Certificate will be provided prior to contract award. No future funding is anticipated.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS:

On May 3, 2005, Council executed Resolution Number R-300373 for a federal grant supporting the Seismic Retrofit of Water Transmission Pipelines. On January 24, 2007, the Natural Resources and Culture Committee approved Psomas as designer of the 10 sites which was approved by the City Council on March 20, 2007, Resolution Number R-302424. On November 2, 2007, the Natural Resources and Culture Committee approved the plans, specifications and execution of construction contract to the lowest and reliable bidder. On April 14, 2008, the Independent Rate Oversight Committee approved the financing by a vote of 8-1.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Community outreach occurred in the project's design phase. Outreach will continue as citizens or businesses are impacted by construction. Impacted are the Admiral Baker Golf Course, City of San Diego Park and Recreation Department, Metropolitan Transit System, Mission Valley Shopping Mall. Notification will be sent prior to construction; door hangers and fact sheets will be distributed. The project is advertised in San Diego area newspapers. Information is available on the City of San Diego website and the CIP hot line.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Key stakeholders are the City of San Diego Water and Engineering and Capital Projects Departments, Psomas, United States Environmental Protection Agency, California Department of Public Health, and water rate payers.

Boekamp/Jarrell

Aud. Cert. 2800739.

FILE LOCATION: CONT-TC Construction Co, Inc.

COUNCIL ACTION: (Time duration: 10:37 a.m. – 10:41 a.m.)

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

- * ITEM-101: Two actions related to Awarding Contract Agreement for Design Build 555 Water Project – Water Groups 903CI, 904CI and 905CI to Ortiz Corporation. (Clairemont Mesa, Encanto, and Southeastern San Diego Community Areas. Districts 4, 6, and 8.)

(See Engineering and Capital Project Department's 4/16/2008, Executive Summary Sheet.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2008-997 Cor. Copy) ADOPTED AS RESOLUTION R-303709

Authorizing the Mayor, or his designee, to award a contract to Ortiz Corporation for the design and construction of the Project in an amount not to exceed \$7,449,817.76, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure estimated in an amount not to exceed \$10,242,239.34 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, of which \$4,135,852.14 is for Water Group 903CI, \$3,611,749.01 is for Water Group 904CI, and \$2,494,638.19 is for Water Group 905CI solely for the design, construction, contingency, and Project related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for the expenditure, under the established contracting phases are, or will be, on deposit with the City Treasurer, as follows:

Phase I, \$2,760,506.58 in FY 08, Water Funds for execution of Design Build 555 Water Project, as follows:

- Water Group 903CI: \$984,352.80
- Water Group 904CI: \$986,981.13
- Water Group 905CI: \$789,172.65

Authorizing the use of City Forces in Water Fund 41500, CIP-73-083.0 Annual Allocation - Water Main Replacement for the design and construction of the Project within Water Group 903CI in an amount not to exceed \$130,000, Water Group 904CI in an amount not to exceed \$105,000, and Water Group 905CI in an amount not to exceed \$85,000, for the total amount not to exceed \$320,000;

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

Subitem-B: (R-2008-998) ADOPTED AS RESOLUTION R-303710

Declaring that the Addendum to a Mitigated Negative Declaration, Project No. 132158, dated September 24, 2007 (Addendum) for Design Build Water Project - Water Groups 903CI, 904CI and 905CI (the Project), on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations 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 revisions to the Project now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Project 132158 Addendum, a copy of which is on file in the Office of the City Clerk and incorporated herein by this reference, is approved;

Adopting the Addendum to a Mitigated Negative Declaration, No. 132158;

Declaring that pursuant to California Public Resources Code Section 21081.6, the 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;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/23/2008, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

Design Build 555 Water Project is part of the City of San Diego's continuing Annual Capital Improvements Water Main Replacement Program. Water Groups 903CI, 904CI and 905CI are being combined into one project as Design-Build 555 Water Project. The Design-Build firm will prepare the final design plans showing the water mains to be replaced in place and the new alignment to provide adequate clearance from existing sewer mains pursuant to the City's standards. The Design-Build project delivery method proposed for this project will utilize a qualified team of both designer and constructor, working together in partnership, to ensure this project is delivered in a manner that meets all the City's requirements. This method was utilized to assist the City in meeting California Department of Public Health mandates for Fiscal Year 2008.

Request for Qualifications (RFQ) for the project was advertised in San Diego Daily Transcript on October 24, 2007. The City's Design- Build Nominating Committee reviewed eight Statement of Qualification (SOQ) packages and short - listed four Design-Build firms based on the SOQ evaluation criteria. In response to City's Request for Proposal (RFP), all four short listed firms submitted both technical and price proposals for the project. The selection panel reviewed the technical proposals and interviewed the firms on January 22 and 23, 2008. The price proposals were then opened on January 31, 2008. The final selection, using the weighted criteria included in the RFP (RFP Evaluation Criteria), was completed, and Ortiz Corporation was selected as the apparent successful design-build firm for the project.

The project is located in the Communities of Clairemont Mesa, Encanto, and Southeastern San Diego. Water Group 903CI includes the replacement of 9,877 linear feet of existing 8-inch,

12-inch, and 16-inch old and deteriorated Cast Iron (CI) water mains originally installed in 1950. Water Group 904CI includes the replacement of 8,505 linear feet of existing 8-inch and 12-inch old and deteriorated CI water mains originally installed in 1950. Water Group 905CI includes the replacement of 5,424 linear feet of existing 8-inch and 12-inch old and deteriorated CI water mains originally installed in 1951. The project also includes installing curb ramps and street slurry seal. The streets affected by construction operations are: Clairemont Drive, Deerpark Drive, Burgener Boulevard, Grandview Street, Huxley Street, Cowly Way, August Street, Manzanares Street, La Paz Drive, Martine Avenue, National Avenue, South 30th Street, and South 31st Street as shown on the location maps.

Ortiz Corporation will prepare traffic control plans for all streets and will implement them during construction, after review and approval by the City.

EQUAL OPPORTUNITY CONTRACTING:

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

Goals: All City Design-Build projects, valued at \$25,000 or more, have a voluntary Subcontractors/Subconsultant participation goal of 15% (MBE, DBE, DVBE or Other), which was included in the RFQ. Ortiz Corporation's Subcontractors/Subconsultant participation level exceeds this 15% goal as shown on their Subcontractors/Subconsultants list: Allied Geotechnical Engineers Inc./Asian Pacific Male, Statewide Stripes Inc./Hispanic Male - DBE (3%); G. Scott Asphalt Inc., Katz & Associate - DVBE (7%); Tierra Environmental Services - MBE (1%); Koch & Armstrong, Southwest Signal, NRC Environmental Services, RBF Consulting - Other (14.5%).

Other: A Work Force Report was also submitted. Ortiz Corporation has fewer than 15 administrative employees as shown in the Work Force Analysis Report and, therefore, these are exempt from the employment category goals. However, Ortiz Corporation has 26 construction work force employees and, the Construction Trade Analysis Report shows no discrepancies and no under representation. Although not required, Ortiz Corporation also submitted an Equal Employment Opportunity (EEO) Policy Statement and Plan for implementing this policy. Staff will monitor the Plan and adherence to the Nondiscrimination Ordinance.

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$10,281,732.76. Funding of \$39,493.42 was previously authorized by Mayor Action (PA-700). Funding for Phase I - FY08 is available from enterprise fund in CIP-73-083.0, Annual Allocation - Water Main Replacement, Fund 41500, Water, for this purpose. The project cost may be reimbursed approximately 80% by current or future debt financing. This project will be phased funded FY08 - FY10. The Auditor's Certificate will be provided prior to the award of Phase I - FY 08. No future funding is anticipated.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS:

The Committee on Natural Resources and Culture on April 23, 2008, consent motion by Council President Peters, second by Councilmember Atkins. Vote to approve 4-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Design-Build firm will employ a subconsultant, Katz & Associates, to conduct community outreach during design and construction as part of the contract scope of work. During the design phase, Design-Build 555 Water Project - Water Groups 903CI, 904CI and 905CI will be presented to the Communities of Clairemont Mesa, Encanto, and Southeastern San Diego. Residents and businesses will also be notified at least one (1) month before construction begins, and again ten (10) days before construction begins by the Contractor through hand distribution of notices.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Residents in the area will encounter minor inconveniences during construction. A community outreach program will be implemented during design and construction. After completion, residents will experience improved reliability of the water distribution system. No new fees or regulations are proposed.

Boekamp/Jarrell

Aud. Cert. 2800741.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

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

- * ITEM-102: As-Needed Agreement with Tran Consulting Engineers for Professional Civil Design Services. (Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-996) ADOPTED AS RESOLUTION R-303711

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Five-Year Agreement with Tran Consulting Engineers to provide for as-needed professional design engineering services for the City of San Diego, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount of at least \$25,000 and less than or equal to \$2,000,000 (dependent on the work requested of Tran Consulting Engineers via Task Order) for the above agreement, provided that the City Auditor and Comptroller first furnishes one or more certificates for each Task Order demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

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

STAFF SUPPORTING INFORMATION:

The City desires to retain the services of a professional civil engineering firm to provide the professional civil engineering design services on an as-needed, hourly fee basis. The total contract cost shall not exceed \$2,000,000 for a period of five years from the date of execution by the City, whichever comes first.

Eighteen firms responded to the City's advertisement. On September 7, 2007, the Consultant Interview Panel nominated seven firms to participate in the final selection process. In conformance with Council Policy 300-7, these firms were interviewed on November 8, 2007 and November 9, 2007, and the firm of Tran Consulting Engineers was selected as the most qualified firm to provide the five years of as- needed professional engineering consulting services.

The City will utilize the expertise of Tran Consulting Engineers to deliver projects that include professional engineering services in a timely and efficient manner.

Tran Consulting Engineers has the expertise, experience and personnel necessary to provide the professional services. These services will include: Preparing reports, studies, and construction documents, performing civil and geotechnical engineering, and may require other associated services including, but not limited to, structural engineering, surveying, and pipe cleaning and televising. The sub-consultants for this consultant services agreement are Ninyo & Moore (geotechnical engineering), Aguirre & Associates (surveying and data management), and Interline Engineering (sewer closed circuit televised inspection and cleaning).

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego

Goals: 15% Voluntary (MBE/WBE/DBE/DVBE/OBE)

Sub-consultant Participation: Due to the nature of this as-needed contract, the sub-consultant participation will be reviewed based upon issuance of individual tasks. Tran has identified that the following firms are likely to be used on tasks: Ninyo & Moore, Aguirre & Associates, Interline Engineering. Additionally, Tran Consulting Engineers is certified as a small business with the State of California's Office of Small Business and DVBE Services.

Other: Prior to award, a work force report and, if necessary, an Equal Opportunity Plan shall be submitted. Staff will monitor the Plan and adherence to the Nondiscrimination Ordinance. Information will be collected based upon each task that is issued.

FISCAL CONSIDERATIONS:

The City will pay Tran Consulting Engineers for performance of all professional services rendered in accordance with this agreement, in an amount not to exceed \$2,000,000. The City agrees to issue at least one task order with the minimum aggregate value of \$25,000, to Tran Consulting Engineers. Funding for the minimum guaranteed amount of \$25,000 will come from CIP-37-064.1, Bird Rock Elementary ADA Upgrades, Fund 302453, Capital Outlay, for this purpose. Future tasks will be funded from various City Departments' budgets.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The City staff will work with the community (if applicable) when these professional engineering services are rendered.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Upon approval of the agreement, Tran Consulting Engineers could receive up to \$2,000,000.

Boekamp/Jarrell

Aud. Cert. 2800745.

Staff: James Nagelvoort - (619) 533-3616
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

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

* ITEM-103: Landscape Maintenance Agreement Between the City of San Diego and the State of California. (Otay Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1016) ADOPTED AS RESOLUTION R-303712

Approving the Landscape Maintenance Agreement;

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, the Landscape Maintenance Agreement with the California State Department of Transportation;

Authorizing the City Auditor and Comptroller to expend \$79,578 from Fund 70244, Otay International Maintenance Assessment District for the purpose of operation, repair and maintenance costs related to existing landscaping on relocated or reconstructed City streets and SR905 located within the Otay International Maintenance Assessment District as set forth in the Landscape Maintenance Agreement.

STAFF SUPPORTING INFORMATION:

The City entered into an Agreement R-300903 with the State of California (State) on October 10, 2005 in which the City agreed and consented to certain adjustments to the local street and road system required for the development of a portion (11-SD-905, PM 11.50) of State Highway Route 905 (SR905) within the jurisdictional limits of the City.

That portion of freeway has now been completed or is nearing completion, and the City and State of California mutually desire to clarify the divisions of maintenance responsibility for local City streets and roads and landscaped areas lying within and adjacent to the final freeway limits.

The City will accept title to the portions of the relocated or reconstructed City streets lying outside the freeway limits upon relinquishment by the State. Upon receipt of written notice to the City from the State that freeway construction work has been completed, the City will resume control and maintenance over each of the relocated or reconstructed City streets except for those portions adopted as part of the new freeway structure.

FISCAL CONSIDERATIONS:

Funds for this action are available in Fund 70244 (Otay International Center Maintenance Assessment District) in the amount of \$79,578 which is a portion of the District's total annual landscape maintenance budget of \$153,017 in Fiscal Year 2008. The District is entitled to a contribution of \$15,328 from the Gas Tax Fund. These funds are included in the Proposed Fiscal Year 2008 budget.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Staff is in contact with the Otay International Center Advisory Committee to provide updates on the status of this project.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The key stakeholders in this area are the State of California, City of San Diego, and Otay International Center Maintenance Assessment District. The key stakeholders support this action.

LoMedico/Heap

Staff: Clay Bingham - (619) 533-6724
Kimberly K. Harris - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

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

* ITEM-104: Coastal Rail Trail Project CIP-58-162.0. (Torrey Pines and University Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-899) ADOPTED AS RESOLUTION R-303713

Authorizing the Mayor, or his designee, to execute and accept, for and on behalf of the City, an amendment to the Local Agency-State Agreement for Federal Aid Project, No. CML-5004(131) in connection with the Coastal Rail Trail Project, under the terms and conditions set forth in Program Supplement No. 171-M1;

Authorizing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to increase the Fiscal Year 2008 Capital Improvement Program budget by increasing CIP-58-162.0, Coastal Rail Trail Project, by the amount of \$787,100;

Authorizing the City Auditor and Comptroller to accept funds for the above project in the amount of \$696,820 from the Congestion, Mitigation & Air Quality Program and deposit same into Fund No. 38693, CMAQ Funds; and \$90,280 from the TransNet Bicycle Program, and deposit same into Fund No. 30301, TransNet Bicycle Program;

Authorizing the City Auditor and Comptroller to transfer the amount of \$686,820 from Fund No. 38693, CMAQ Funds, to CIP-58-162.0, Coastal Rail Trail Project; and \$90,280 from Fund No. 30301, TransNet Bicycle Program; both to CIP-58-162.0, Coastal Rail Trail Project;

Authorizing the expenditure of an amount not to exceed \$787,100 from CIP-58-162.0, Coastal Rail Trail Project, solely and exclusively, to provide funds for preliminary engineering under the above Program Supplement, provided that the City Auditor and Comptroller 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 City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice from the administering department;

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

STAFF SUPPORTING INFORMATION:

The Coastal Rail Trail Project, CIP-58-162.0, provides for a bicycle facility between the San Diego - Del Mar City limit and Downtown San Diego. This Project is a part of a larger multi-jurisdictional project, which proposes a bikeway along the coast in the cities of Oceanside, Encinitas, Solana Beach, Carlsbad, Del Mar, and San Diego based on the project study report dated October 2000 by Chapin Land Management, Inc. and Transtech Engineering, Inc. It is intended to provide regional connectivity for both commuting bicyclists and recreational activities.

The City of San Diego received from Caltrans and SANDAG a total of \$712,900 in Congestion Mitigation Air Quality (CMAQ) and Proposition A Bike Ways funds to start the preliminary engineering design work for the northerly ten (10) miles (from the Gilman Drive/I-5 Intersection to the Sorrento Valley Road/Carmel Valley Road intersection) of the City of San Diego's portion of the Coastal Rail Trail. The City of San Diego entered into a phase funded engineering design contract with URS Corporation totaling \$1,170,503.76 (Phase I for \$589,977.59, Phase II for \$580,526.17). Only Phase I of the engineering design has been awarded to date.

Staff has been working with SANDAG and Caltrans to secure additional funding required for the engineering design. Caltrans and SANDAG have authorized additional funds towards the preliminary engineering design work for the project in the amount of \$787,100. This action will authorize the Mayor, or his representative, to execute and accept for and on behalf of the City of San Diego, the Program Supplement for the additional funds that is required for The City of San Diego to continue the engineering design work.

FISCAL CONSIDERATIONS:

The total additional funding is \$787,100 comprised of \$696,820 in Congestion Mitigation & Air Quality (CMAQ) funds and \$90,280 in TransNet Bicycle Program funds.

PREVIOUS COUNCIL/COMMITTEE ACTION:

- Council Resolution # R-295633, dated October 29, 2001, accepted \$631,130 in CMAQ funding and \$81,770 in TransNet Bikeway funds; and
- Council Resolution # R-299459, dated July 19, 2004, authorized the phase funded Agreement with URS Corporation.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Public outreach will be conducted during the engineering design process.

KEY STAKEHOLDERS:

- Caltrans
- SANDAG

Boekamp/Jarrell

Staff: Marnell Gibson - (619) 533-5213
Ryan Kohut - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

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



* ITEM-105: Rosa Parks Elementary School-Safe Routes to School Project. (Mid-City/City Heights Community Area. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1000) ADOPTED AS RESOLUTION R-303714

Amending the Fiscal Year 2008 Capital Improvements Program Budget for CIP-62-265.0, Rosa Parks Elementary School-Safe Routes to School Project, by increasing the budget amount by \$62,000;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$62,000 from CIP-68-017.0, School Traffic Safety Improvements, Fund 30300, Transnet to CIP-62-265.0, Rosa Parks Elementary School-Safe Routes to School Project (Project);

Authorizing the appropriation and expenditure of an amount not to exceed \$62,000 from CIP-62-265.0, Rosa Parks Elementary School-Safe Routes to School Project, Fund 30300, Transnet, for the purpose of providing funds, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is covered under Project No. 86332, Rosa Parks Elementary School Safe Routes to School (CEQA Exemption Section 15301(c), dated 11/10/2005 and 15303, dated 7/26/2004, Resolution R-299748). 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. Therefore, the activity is not a separate project for purposes of CEQA review pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The purpose of the Rosa Parks Elementary School-Safe Routes to School Project is to improve pedestrian safety in the vicinity of the school. The project area includes portions of Euclid Avenue, Chamoune Avenue, Wightman Street, Landis Street and Dwight Street, in the City Heights community of the Mid-City Community Planning Area. This project includes the installation of school crossing signs, curb pop-out, curb ramps, colored asphalt-filled raised medians, street lights, colored asphalt loading zone, enhancement of crosswalks, reconfiguration of school driveway, community outreach, community workshop, student and parent assemblies, and distribution of educational materials to students and parents at Rosa Parks Elementary School.

This Council action would authorize additional funding in the amount of \$62,000 for project administration-related costs for the Rosa Parks Elementary School-Safe Routes to School project. This additional funding is required to cover the costs of furnishing and installing four new street lights which were added to the project as an additive alternate, and to cover increased staff costs. The increased staff costs were incurred as part of extensive outreach and education efforts during the course of construction, as required by the Rosa Parks Elementary School Safe Routes To School Grant.

FISCAL CONSIDERATIONS:

With the action, the total project cost is increased to \$557,000. Of this amount, \$430,200 was a grant from the State of California Safe Routes to School (SR2S) Program. \$64,800 was previously appropriated from Fund 30300, Transnet to CIP-62-265.0, Rosa Parks Elementary School-Safe Route To School. The remaining funds of \$62,000 are available in CIP-68-017.0, School Traffic Safety Improvements, Fund No. 30300, Transnet.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Council Resolution R-299748 dated October 11, 2004 authorized the acceptance and appropriation of State funds from the State of California Safe Routes to School (SR2S) Program, California Department of Transportation Funding Authorization, in the amount of \$430,200, and authorized the transfer of funds in the amount of \$64,800 from Transnet Fund No. 30300, CIP-68-017.0 - School Traffic Safety Improvements, to the Rosa Parks Elementary School-Safe Routes to School Project, Transnet Fund No. 30300, CIP-62-265.0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On May 5, 2003, the City Heights Area Planning Committee unanimously approved a motion supporting the City of San Diego Planning Department's submittal of a Safe Routes to School Grant to the State of California for the Rosa Parks Elementary School-Safe Routes to School Project.

Input was received from the following stakeholders through on-site meetings, a community work shop, a walkability audit and a "Walk To School Day" event:

- Rosa Parks Elementary School Staff
- San Diego Unified School District Police
- Parents/guardians of students attending Rosa Parks Elementary School
- Students attending Rosa Parks Elementary School
- Parent Safety Patrol Group
- Vietnamese Parents Association
- Black Parents Association
- San Diego Police Department - Juvenile Services Division
- City Heights Area Planning Committee (CHAPC)

Post-construction activities included a series of public assemblies for students and parents, where educational materials were distributed to promote pedestrian and traffic safety.

All communication with stakeholders was presented and distributed in bilingual format when requested.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

School: Rosa Park Elementary School Students, Parents, and Staff, San Diego Unified School District Police, Parent Safety Patrol Group, Vietnamese Parents Association, and Black Parents Association

Community: CHAPC and community members

Other: San Diego Police Department - Juvenile Services Division

EQUAL OPPORTUNITY CONTRACTING (EOC):

This action item does not have EOC requirements as it is only associated with in-house engineering services.

Boekamp/Jarrell

Aud. Cert. 2800749.

Staff: Nazie Mansury - (619) 533-4618
Ryan Kohut - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

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



ITEM-106: Donations to the San Diego Fire-Rescue Department.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1033) ADOPTED AS RESOLUTION R-303715

Authorizing the Mayor, or his designee, to accept, expend, and appropriate the amount not to exceed \$247,740.02 in donations into Fund No. 10365-Public/Private Partnership to be used by the San Diego Fire-Rescue Department to help fund public safety resources.

STAFF SUPPORTING INFORMATION:

Wildfires know no boundaries. Every citizen in San Diego and the surrounding rural areas were impacted in some way by the firestorms of 2007. When the firestorms occur in San Diego, there will always be multiple fires burning throughout the southern California region, if not the entire state, stretching the state's well developed mutual aid system to the limit.

The San Diego region needs to begin today to prepare for the next catastrophic wildfire event. Collectively we need to do everything we can to reduce the potential threat, better prepare our homes to be as fire safe as possible and then secure sufficient ground and aerial resources to respond strategically and effectively to combat large wildfires in the absence of mutual aid assistance.

Following the devastating wildfires in 2007, 165 individuals and companies made donations to the San Diego Fire-Rescue Department to help fund public safety resources. To date, \$247,740.02 has been donated. Thanks to their commitment to the community, San Diego will be better prepared for emergencies in the future.

FISCAL CONSIDERATIONS:

The total value of donations to the San Diego Fire-Rescue Department is \$247,740.02.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: All.

Jarman/Olen

Staff: Jenny Wolff - (619) 236-7002
William J. Gersten - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 9:32 a.m. – 9:33 a.m.)

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



* ITEM-107: Acquisition of Lot 22 in Block 33 of Lexington Park, An Unimproved Vacant Residential Lot, for Azalea Park Expansion. (City Heights Community Area. District 3.)

(See memorandum from Councilmember Atkins dated 2/11/2008.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-788) ADOPTED AS RESOLUTION R-303716

Authorizing the Mayor, or his designee, to accept a Grant Deed, affecting all of Lot 22 in Block 33 of Lexington Park in the City of San Diego, County of San Diego, State of California, according to Map thereof, No. 1696, filed in the Office of the County Recorder June 15, 1917;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend an amount up to Three Hundred Seventy-Five Thousand (\$375,000) of 2000 Resources Bond Roberti-Z'berg-Harris Per Capita Fund, for property acquisition adjacent to Azalea Community Park, contingent upon receipt of a fully executed grant deed.

STAFF SUPPORTING INFORMATION:

The Mid City community of City Heights is currently 134.87 acres deficient in useable population-based park acreage per General Plan recommendations. The City Park and Recreation Department desires to acquire this approximately 0.34 useable acres of land and develop it as an extension to the existing 6.67 acre Azalea Neighborhood Park. The parcel is contiguous to the existing Azalea Neighborhood Park and will add valuable park acreage to this urban community. Park improvements to this parcel may include, but are not limited to the following: multi-purpose turfed areas, walkways, security lighting, picnic areas, benches, landscaping, irrigation and ADA/Title 24 accessible parking. Subsequent to escrow closing, Engineering and Capital Projects will initiate the public input process consistent with Council Policy 600-33: Community Notification and Input for City-Wide Park Development Projects, to determine appropriate community-supported uses for the parcel.

In July 2001, legislative action authorized the California Department of Parks and Recreation to release the Roberti-Z'berg-Harris (RZH) Per Capita portions of the 2000 Park Bond. San Diego's allocation is under contract with the State, and based on Mayoral and City Council approval, the funds were divided among the eight council districts to complete park capital improvement projects and land acquisitions throughout the City. This action authorizes the acquisition of land adjacent to Azalea Community Park to be funded with 2000 Park Bond RZH Per Capita dollars allocated to Council District 3.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The community has been involved in the briefings of the project's progress for the past two years.

KEY STAKEHOLDS & PROJECTED IMPACTS (if applicable):

Community of Azalea Park

Barwick/Anderson

Staff: Lane MacKenzie - (619) 236-6050
Todd Bradley - Deputy City Attorney

FILE LOCATION: F-10252

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

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

- * ITEM-108: Ridge Manor 20SD Conversion – Easement Grant to San Diego Gas & Electric.
(Navajo Community Area. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1003) ADOPTED AS RESOLUTION R-303717

Authorizing the Mayor, or his designee, to execute, for and on behalf of The City of San Diego, an easement deed conveying to San Diego Gas & Electric Company, a corporation, an easement for the purpose of constructing, repairing, maintaining and using underground facilities and appurtenances for the transmission of electricity, affecting a portion of Lot 396 San Carlos Estates Unit No. 10, according to Map thereof No. 5052, filed in the Office of the County Recorder of said County of San Diego, as more particularly described in said easement deed.

STAFF SUPPORTING INFORMATION:

As part of the City's utility undergrounding program, (Council Policy 600-08), existing aboveground utility facilities will be relocated underground. In order to accomplish the relocation, San Diego Gas & Electric Company (SDG&E) has requested an easement for a pad-mounted switch, transformer, and fuse cabinet which is necessary for the conversion. The easement will provide the necessary rights for SDG&E to relocate as requested by the City's undergrounding program. The total area of the easement is approximately 770 square feet. The easement has been valued by City valuation staff to be worth \$1,800. Since this project is a California Public Utilities Code 20A conversion, the cost of which is paid by the City, no compensation is requested for this easement.

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This area has been declared by Council Resolution as part of an Underground Utility District.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Conversion of overhead facilities to underground facilities benefits the public health, safety or general welfare.

Sandoval/Anderson

Staff: Lane MacKenzie - (619) 236-6050
Todd Bradley - Deputy City Attorney

FILE LOCATION: F-10253

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

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

* ITEM-109: Biennial Review: City Clerk Conflict of Interest Codes.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1019) ADOPTED AS RESOLUTION R-303718

Directing all local agencies for which the City Council serves as code-reviewing body and for which Conflict of Interest Codes have previously been adopted, to review all existing Codes and determine whether their Codes should be amended;

Directing each City department, agency, board and commission subject to a Code, to review its Code and provide to the City Clerk by August 22, 2008, either a written statement that no amendment is required, or an amended Code for the Council's approval.

SUPPORTING INFORMATION:

Government Code Section 87306.5 states that, no later than July 1 of each even- numbered year, “code reviewing bodies” are required to direct each local agency, under their jurisdiction, which has previously adopted a conflict of interest code (Code) to review that agency’s Code. Under this law, the term “local agencies” includes not only City departments, but also City-owned corporations, certain City boards and commissions, and certain other local agencies (for example, the Housing Commission), for whom the City Council serves as code reviewing body.

Government Code Section 87306.5 also requires local agencies to submit a biennial report identifying changes in their Code, or a statement that their Code is not in need of an amendment. The biennial reports are submitted to the applicable code reviewing body.

Following receipt of either the biennial report identifying Code changes, or a statement that no amendment is needed from each local agency, the Clerk will prepare a report summarizing the submittals. Revised conflict of interest codes will then be submitted to the City Council for approval.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable): N/A

Maland

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

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

* ITEM-110: Rabbi Laurie Coskey Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-1001) ADOPTED AS RESOLUTION R-303719

Congratulating Rabbi Laurie Coskey for receiving the 2008 CHARO and San Diego Human Relations Commission Awards and thanking her for all of her work to improve the lives of many San Diegans;

Proclaiming May 14, 2008, to be "Rabbi Laurie Coskey Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

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

* ITEM-111: San Diego Lawn Bowling Club Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-979) ADOPTED AS RESOLUTION R-303720

Congratulating the San Diego Lawn Bowling Club on its 75th anniversary;

Proclaiming May 10, 2008, to be "San Diego Lawn Bowling Club Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

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

* ITEM-112: Communities of Council District Three Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-978) ADOPTED AS RESOLUTION R-303721

Recognizing the communities of the City of San Diego's Council District Three;

Proclaiming April 24, 2008, to be "Communities of Council District Three Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

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

* ITEM-113: Catherine Stephenson Day.

COUNCIL PRESIDENT PRO TEM MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-992) ADOPTED AS RESOLUTION R-303722

Proclaiming May 5, 2008, to be "Catherine Stephenson Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

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

* ITEM-114: Excusing Council President Pro Tem Jim Madaffer from Attending the City Council Meeting on Monday, May 5, 2008.

COUNCIL PRESIDENT PRO TEM MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1017) ADOPTED AS RESOLUTION R-303723

Excusing Council President Pro Tem Jim Madaffer from attending the regularly scheduled City Council Meeting of May 5, 2008, because he was out of town on official business.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

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

- * ITEM-115: Excusing Council President Pro Tem Jim Madaffer from Attending the Special City Council Budget Hearing on April 30, May 1, and May 2, 2008.

COUNCIL PRESIDENT PRO TEM MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-994) ADOPTED AS RESOLUTION R-303724

Excusing Council President Pro Tem Jim Madaffer from attending the Special City Council Budget Hearings held on April 30, May 1, and May 2, 2008.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

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



ITEM-330: Response to the Report from the Independent Oversight Monitor.

(See memorandum from the Independent Budget Analyst dated 5/5/2008.)

(Continued from the meeting of May 6, 2008, Item 330, at the request of Councilmember Frye, for further review.)

MAYOR SANDERS' RECOMMENDATION:

Take the following actions:

(R-2008-1118 Rev.) ADOPTED AS RESOLUTION R-303728

Authorizing the Council President to co-sign the response prior to its submittal to the Securities and Exchange Commission;

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

SUPPORTING INFORMATION:

The 2006 Report of the Audit Committee of the City of San Diego (the "Kroll Report") and the Cease and Desist Order of the United States Securities and Exchange Commission issued in November 2007 established an Independent Monitor/Consultant to oversee and report on the City of San Diego's implementation of remedial actions included in the Kroll Report's recommendations and as required by the SEC. Mr. Stanley Keller with the firm Edwards Angell Palmer & Dodge LLP was contracted to serve as this Independent Monitor in January 2007.

Mr. Keller issued the First Annual Report of the Independent Consultant to the City of San Diego, dated March 25, 2008.

The Mayor's office, with input from the Office of the Independent Budget Analyst and the Disclosure Practices Working Group, has prepared a response to Mr. Keller's report. This response is being provided for review by the City Council with a request for the Council President to be authorized to co-sign the response prior to its submittal to the United States Securities and Exchange Commission.

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Jay Goldstone

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:28 p.m.)

MOTION BY FAULCONER TO ADOPT WITH CHANGES AS RECOMMENDED BY COUNCIL MEMBER ATKINS. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.



ITEM-331: Sunroad Centrum Park Development Agreement with Sunroad Centrum Partners, L.P to Provide Park for Residents of the City. (Kearny Mesa Community Area. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1024) ADOPTED AS RESOLUTION R-303725

Authorizing the Mayor, or his designee, to execute and deliver, for and on behalf of the City of San Diego, the Sunroad Centrum Park Development Agreement with the Sunroad Centrum Partners, L.P. for the purpose of providing a park to the residents in the area and the people of the City of San Diego under the terms and conditions set forth in the Agreement.

STAFF SUPPORTING INFORMATION:

Sunroad Centrum, L.P. and the City entered into a Second Amendment to the Development Agreement on November 25, 2002. The Second Amendment relates to the approval of 570 additional residential units within the New Century Center Master Plan Area, approved by City Council on November 12, 2002. In the Second Amendment, both parties agreed that prior to building permit issuance for the 999th residential unit within the project, Sunroad would meet, or assure through agreement and letter of credit acceptable to the City, the mitigation for population based park and recreation needs.

Sunroad is entering into this park development agreement on the condition that the City accepts the following mitigation for park and recreation needs: 1) Sunroad shall provide a total of 3.42 acres of land for park and recreation needs; within this acreage, Sunroad shall provide a minimum of 2.0 contiguous, useable acres of land within their development in a configuration to support active recreational programming, and the remaining 1.42 acres of land will be developed as a contiguous, useable area for active recreation acceptable to the City; 2) Sunroad shall provide the funding for the design and construction of the required public recreational facilities on the provided acreage; and 3) Sunroad shall provide their pro rata share of the cost of constructing a 15,000 square foot recreation building and swimming pool. This park development agreement requires Sunroad Centrum Partners, L.P. to provide the design and construction of the 2.0-acre park for the amount of \$1,600,000, and then deed the park property to the City at no cost to the City.

FISCAL CONSIDERATIONS:

The total project cost for park design and construction is estimated to be \$1,600,000 which will be paid by Sunroad Centrum Partners, L.P.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution No. RR-289452, New Center Master Plan, November 18, 1997

Ordinance No. OO-18448, Original Agreement, December 2, 1997

Ordinance No. OO-18867, First Amendment to Agreement, October 16, 2000

Resolution No. RR-297295, Second Master Plan Amendment, November, 12, 2002

Ordinance No. OO-19123, Second Amendment to Agreement, November 25, 2002

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None to date. However, the Park Design process will be consistent with Council Policy 600-33, (Community Notification and Input for City-Wide Park Development Projects).

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Stakeholders: Residents of the Sunroad Centrum Development and users within 1/2 mile of this proposed neighborhood park.

EQUAL OPPORTUNITY CONTRACTING COMMITMENT:

This development agreement is subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-18173, Section 22.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

To support its Equal Opportunity Contracting commitment, the City has established voluntary participation levels. The goals for this contract are 20% Voluntary Subcontractor Participation Goal, 15% Voluntary Subconsultant Participation goal. Goals are achieved by contracting with any combination of Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Disadvantaged Business Enterprise (DBE), Disabled Veteran Business Enterprise (DVBE), or Other Business Enterprise (OBE) level. Attainment of the participation level goal is strongly encouraged but strictly voluntary.

Prior to award, a workforce report or an Equal Opportunity (EEO) Plan will be submitted to the Program Manager of the City of San Diego Equal Opportunity Contracting Program (EOCP) for approval. Staff will monitor the plan and adherence to the Nondiscrimination Ordinance.

Anderson

Staff: Deborah Sharpe - (619) 525-8261
John H. Serrano - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:42 a.m. – 10:50 a.m.)

MOTION BY FRYE 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-332:](#) Affordable Housing Fund FY 2009 Annual Plan. (Citywide.)

(See San Diego Housing Commission Report No. CCR-08-02.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1011) ADOPTED AS RESOLUTION R-303729

Approving the San Diego Housing Commission's Affordable Housing Fund
Fiscal Year 2009 Annual Plan.

SUPPORTING INFORMATION:

In June 2003, the San Diego City Council revised Municipal Code Chapter 9, Article 8, Division 5 to create an Affordable Housing Fund. The AHF is a permanent and annually renewable source of revenue to address the housing needs of the City's very low, low, and median-income households. The AHF includes revenues from both the Inclusionary Housing Fund (IHF) and the San Diego Housing Trust Fund (HTF). Section 98.0507 of the Municipal Code requires an AHF Annual Plan to be prepared each year that describes the programs to be funded, the intended beneficiaries of the programs, and the anticipated revenues and allocation of those revenues, including the amount of funds budgeted for administrative expenses, exclusive of legal fees.

Proposed Changes to Homebuyer Programs

Some of the Housing Commission's First Time Homebuyer programs are available to households which earn 100% of Area Median Income (AMI). On March 14, 2008, the Housing Commission recommended a proposed amendment to the San Diego Housing Trust Fund Ordinance that would increase the income limit of these programs to 120% AMI. The proposed amendment will be presented to the Land Use & Housing Committee and, if accepted, to the City Council. Should the amendment be made to the HTF Ordinance, the First Time Homebuyer programs that are currently limited to households earning 100% of AMI would be available to moderate-income households earning 120% of AMI.

In the Housing Commission's Business Plan, staff proposes to use HTF monies for foreclosure prevention grants. The one-time grants would be up to \$5,000 to households earning less than 80% AMI that demonstrate the grant will be sufficient to correct past-due mortgage payments.

FISCAL CONSIDERATIONS:

The AHF Annual Plan FY09 budget is \$12,984,862, which is comprised of HTF and IHF estimated revenues and is incorporated into the Housing Commission's proposed FY09 Budget.

The Housing Commission or City Council can redirect the proposed distribution of funds among housing activities or modify specific model programs. However, any redistribution of funds subject to the Affordable Housing Fund Ordinance requirements and limitations regarding the percentage of funds that can be allocated to benefit recipients with very low, low, and median incomes.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

City Council has adopted a funding plan each year in accordance with the Municipal Code.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Housing Commission staff attended community group meetings in Otay Mesa, Uptown, University City and the Community Planners Committee during March and April, and a public meeting was held at the Housing Commission to solicit suggestions on the programs to be funded by the AHF. Any comments and suggestions received will be considered in the preparation of the AHF Annual Plan. A summary of public comments is included as Attachment 2.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

The beneficiaries of AHF programs are very low, low, and median-income households in the City of San Diego. Residential developers and financial institutions may also be impacted by program changes. Should all anticipated FY09 revenues be collected and allocated as proposed, the estimated affordable housing production impact would be 1) 500 transitional housing beds and 175 permanent supportive housing units for very low-income, formerly homeless individuals and families; 2) 80 loans and grants to very low- to moderate-income home owners for rehabilitation and preservation of single family and mobile homes; 3) 45 low-income to moderate-income homebuyers assisted; 4) 100 rental units created for very low-income families; and 5) 20 units created to provide permanent or transitional housing extremely low-income persons with special needs.

Fisher/Vaughan

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:24 p.m. – 5:25 p.m.)

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



ITEM-333: Re-Loan of City Funds to Redevelopment Agency for Appropriate Project Expenses in the Fiscal Year 2009 Redevelopment Agency Budget. (Southeastern San Diego Community Area. Districts 4 and 8.)

(See Redevelopment Agency Report No. RA-08-15/RTC-08-072.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1004 Rev. Copy) **ADOPTED AS AMENDED AS
RESOLUTION R-303730**

Accepting a Sales Tax (Fund 10227) loan repayment from the Redevelopment Agency in the amount of \$400,000 from the Southcrest Redevelopment Project Area to the City's Sales Tax Fund 10227;

Accepting a Capital Outlay Fund (Fund 302453) loan repayment from the Redevelopment Agency in the amount of \$815,000 from the Southcrest Redevelopment Project Area to the City's Capital Outlay Fund 302453;

Authorizing the transfer of \$400,000 from the City's Sales Tax Fund 10227 to the Redevelopment Agency for the Gateway Center West Project Area as an interest bearing Sales Tax loan to provide funds for appropriate project expenses in the Fiscal Year 2009 Redevelopment Agency Budget;

Authorizing the transfer of \$815,000 from the City's Capital Outlay Fund 302453 to the Redevelopment Agency for the Central Imperial Redevelopment Project Area as an interest bearing Capital Outlay Fund loan to provide funds for property acquisition expenses in the Fiscal Year 2009 Redevelopment Agency Budget;

Directing the City Auditor and Comptroller to record the aforementioned transfers from the City as interest bearing loans to the Redevelopment Agency to be repaid as soon as practicable from tax increment or other appropriate revenues, from the respective project areas;

Declaring that the activities set forth herein are not a "project" and are therefore exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The proposed action calls for the adoption of the Administrative Budgets of SEDC and CCDC, and the Project Budgets for the Redevelopment Projects administered by SEDC, CCDC, and the City Redevelopment Division of the City Planning & Community Investment Department. The action also calls for loan repayments from the Southcrest Redevelopment Project Area to the City and subsequent reloans thereof to the Gateway Center West and Central Imperial Redevelopment Project Areas. Also included is the annual determination that the planning and administrative expenses included in the Agency's Low and Moderate Income Housing Funds are necessary and in proportion to the funding for production, improvement and preservation of affordable housing, as well as the approval of the Agency's Low and Moderate Income Housing Policy and Guidelines.

FISCAL CONSIDERATIONS:

The Fiscal Year 2009 consolidated Redevelopment Agency budget is \$320.3 million. The Agency anticipates \$360.0 million in carryover funds, for a total expenditure plan of \$680.3 million. Within the FY 2009 budget, \$167.3 million is allocated to capital projects, \$40.9 million is allocated to low and moderate income housing projects, \$18.9 million to administration, \$29.4 million allocated to tax-sharing agreements/requirements, and \$63.8 million is to be appropriated for debt service and loan repayments, and reserve requirements.

PREVIOUS AGENCY, COUNCIL and/or COMMITTEE ACTION:

On March 19, 2008, the Centre City Advisory Committee (“CCAC”) unanimously approved the proposed CCDC budget. On March 26, 2008, the CCDC Board voted to approve CCDC Fiscal Year 2009 Budget including recommendations from the Centre City Advisory Committee. On April 23, 2008, the CCDC Budget/Finance and Administration Committee approved a modification to the CCDC Program Budget reflecting a \$5 million repayment to the City and a \$1.5 million increase to the North Embarcadero Visionary Plan project. On April 23, 2008, the SEDC Board unanimously approved the SEDC Fiscal Year 2009 Budget.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Residents and businesses within and near the project areas of the Redevelopment Agency will benefit from the enhanced quality of life resulting from the investment of resources in projects, including public improvements, planned for implementation with the resources contained in the proposed budget.

Weinrick/Anderson

Staff: Scott Mercer - (619) 236-6242
Huston Carlyle - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of May 20, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:21 p.m. – 5:23 p.m.)

MOTION BY FAULCONER TO ADOPT AS AMENDED BY OMITTING THE \$815,000 LOAN REPAYMENT FROM THE REDEVELOPMENT AGENCY TO THE CITY’S CAPITAL OUTLAY FUND; AND OMITTING THE TRANSFER OF \$815,000 FROM THE CITY’S CAPITAL OUTLAY FUND TO THE REDEVELOPMENT AGENCY. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-recused.



ITEM-334: Two actions related to Sabre Springs Public Facilities Financing Plan and Facilities Benefit Assessment Fiscal Year 2009. Adopt a Resolution of Designation for the FBA in Sabre Springs; and approve the setting of Development Impact Fees (DIF) consistent with the FBA in Sabre Springs for those developments which have never been assessed or otherwise agreed to pay an FBA. (Sabre Springs Community Area. District 5.)

(See Report to City Council No. 08-010. Sabre Springs Public Facilities Financing Plan and Facilities Benefit Assessment Fiscal Year 2009, January 2008 DRAFT.)

(First Public Meeting was held on April 15, 2008, Item 335.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2008-838) ADOPTED AS RESOLUTION R-303726

Resolution of the Council of the City of San Diego designating an Area of Benefit in Sabre Springs and the boundaries thereof, confirming the description of public facilities projects, the community financing plan and capital improvement program with respect to public facilities projects, the method for apportioning the costs of the public facilities projects among the parcels within the area of benefit and the amount of the facilities benefit assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in facilities benefit assessments, and proceedings thereto, and ordering of proposed public facilities project in the matter of one facilities benefit assessment area.

Subitem-B: (R-2008-839) ADOPTED AS RESOLUTION R-303727

Resolution of the Council of the City of San Diego approving the Development Impact Fee Schedule for properties within Sabre Springs.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 9/19/2007, LU&H voted 4 to 0 to approve. (Councilmembers Madaffer, Atkins, Young, and Hueso voted yea.)

OTHER RECOMMENDATIONS:

The Carmel Valley Planning Group (CVPG) on July 10, 2007, voted (11-0) in support of the proposed financing plan with qualifications.

The Sabre Springs Planning Group on January 16, 2008, voted (8-0) to support the proposed Sabre Springs Public Facilities Financing Plan – Fiscal Year 2009.

SUPPORTING INFORMATION:

REQUESTED ACTION:

(1) Approve the Sabre Springs Public Facilities Financing Plan – Fiscal Year 2009; (2) Adopt a Resolution of Intention to designate an area of benefit for a Facilities Benefit Assessment (FBA) in Sabre Springs; (3) Adopt a Resolution of Designation for the FBA in Sabre Springs; and (4) Approve the setting of Development Impact Fees (DIF) consistent with the FBA in Sabre Springs for those developments which have never been assessed or otherwise agreed to pay an FBA.

STAFF RECOMMENDATION:

Approve the Sabre Springs Public Facilities Financing Plan - Fiscal Year 2009; rescind the existing Facilities Benefit Assessments (FBA) and Development Impact Fees (DIF) and establish new FBA and DIF for Sabre Springs.

EXECUTIVE SUMMARY:

The proposed financing plan details the public facilities that will be needed through the ultimate development of Sabre Springs and for the projected population at full community development. The community of Sabre Springs is almost entirely developed, with one remaining undeveloped parcel. There is also only one remaining public facilities project, a Class I bicycle path. The estimated cost of this project is \$1,600,000, with FBA funding of \$1,100,000 (69%) and SANDAG funding of \$500,000 (31%). The development of the remaining parcel, and the completion of the bicycle project, are both anticipated in FY 2009.

The goal of the FBA is to ensure that funds will be available in sufficient amounts to provide community facilities when needed. The proposed assessments for FY 2009 are as follows:

LAND USE	CURRENT ASSESSMENT	PROPOSED ASSESSMENT
SINGLE FAMILY UNITS	\$3,965	\$4,243
MULTI-FAMILY UNITS	\$2,776	\$2,970
COMMERCIAL (per 1,000 sq. ft.)	\$693	\$741
INDUSTRIAL (per 1,000 sq. ft.)	\$350	\$375

The FBA will be collected at the building permit issuance stage of development and deposited into a special interest earning fund for Sabre Springs.

Council has previously directed that the same assessment rates are appropriate DIFs for all properties in Sabre Springs that have never been assessed or otherwise agreed to pay Facilities Benefit Assessments. Therefore, it is recommended that the above proposed Fiscal Year 2009 Assessments also be adopted as DIF for Sabre Springs.

FISCAL CONSIDERATIONS:

Adoption of this revised Public Facilities Financing Plan will continue to provide a funding source for the public facilities identified in Sabre Springs.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The Land Use and Housing Committee voted unanimously to approve the FY 2009 Sabre Springs Public Facilities Financing Plan on February 20, 2008.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On January 16, 2008, the Sabre Springs Planning Group voted (8-0) to support the proposed Sabre Springs Public Facilities Financing Plan - Fiscal Year 2009.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

All property owners with remaining new development are listed on the Sabre Springs Public Facilities Financing Plan - Fiscal Year 2009 Assessment Roll, beginning on page 73. These property owners will be mailed a notice of the public hearing and copy of the financing plan. The owners will have liens placed upon their property and will be required to pay Facilities Benefit Assessments (FBA) upon any building permit issuance when developing their property. Any redevelopment that increases the intensity of existing uses may be subject to an impact fee per Attachment 2.

Anderson/Gabriel/AA

NOTE: This plan is a financing measure and is exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

Staff: Angela Abeyta – (619) 533-3674
Jana Garmo – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:42 a.m. – 10:42 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-335: Linda Vista/Clairemont Mesa Open Space-Rezoning; the proposed actions are the result of a January 8, 2007, City Council action to initiate the proposed legislative actions. Amendments to the Linda Vista and Clairemont Mesa Community Plans, Rezone No. 445143 (RS-1-7 to OP-2-1); Dedication of 13.04 acres of Park Land. (Linda Vista/Clairemont Mesa Community Plan Areas. District 6.)

Matter of approving, conditionally approving, modifying or denying an application for a Rezone of approximately 6.64 acres of City-owned properties from RS-1-7 to OP-2-1, Dedicate the 6.64 acres as park land, Dedicate an additional 6.64 acres (adjacent, City-owned land) as park land, and an Amendment to the Progress Guide and General Plan and Linda Vista/Clairemont Mesa Community Plans to adjust the boundaries of both planning areas and redesignate 0.93 acres from Open Space to School and 6.64 acres from School and Park/Open Space to Open Space, in order to preserve open space areas for the lasting enjoyment and benefit of the people of the City of San Diego.

The subject site is located along the northern boundary of the Linda Vista Community Planning Area and the southern boundary of the Clairemont Mesa Community Planning Area between Armstrong Street to the east and Genesee Avenue to the west. This land is currently owned by the City of San Diego but is not being used for park purposes. The proposed action would result in a net gain of approximately 13.04 acres of dedicated park land.

(Report to Planning Commission No. PC-140/Amendment to the Progress Guide and General Plan/Community Plan Amendment/Rezone No. 445143/Park Dedication.)

STAFF'S RECOMMENDATION:

Introduce the ordinances in Subitems A and B; and adopt the resolution in Subitem C:

Subitem-A: (O-2008-143) INTRODUCED, TO BE ADOPTED TUESDAY,
JUNE 10, 2008

Introduction of an Ordinance of the Council of the City of San Diego authorizing of setting aside and dedicating City-owned land in the City of San Diego.

Subitem-B: (O-2008-145) INTRODUCED, TO BE ADOPTED TUESDAY,
JUNE 10, 2008

Introduction of an Ordinance of the Council of the City of San Diego changing 6.64 acres located on Map Z-178, Document No. 273438, within the Linda Vista and Clairemont Mesa Community Plan Areas, in the City of San Diego, California, from the Residential-Single Unit Zone (RS-1-7 Zone) into the Open Space - Park Zone (OP-2-1 Zone), as defined by San Diego Municipal Code Section 131.0302, and repealing Ordinance No. O-13457, adopted on February 15, 1932, of Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-C: (R-2008-950) ADOPTED AS RESOLUTION R-303731

Adoption of a Resolution adopting an Amendment to the Progress Guide and General Plan and the Linda Vista Community Plan and the Clairemont Mesa Community Plan to adjust the Community Plan boundaries and redesignate approximately 7.57 acres of land in support of the dedication of additional park land.

OTHER RECOMMENDATIONS:

Planning Commission on November 15, 2007, voted 5-0-2 to approve.

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

The Clairemont Mesa Planning Committee has recommended approval of this project.
The Linda Vista Planning Committee has recommended denial of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Approve Rezone No. 4455143, amendments to the Linda Vista and Clairemont Mesa Community Plans, and the dedication of 13.0436 acres of Park Land.

STAFF RECOMMENDATION:

Approve the requested actions.

EXECUTIVE SUMMARY:

On January 8, 2007, the City Council initiated amendments to the Linda Vista and Clairemont Mesa Community Plans to adjust the Community Plan boundaries and designate the City-owned land as Open Space; initiate the rezoning of the City-owned land to an Open Space zone; and direct staff to prepare an ordinance that would dedicate in perpetuity the area designated/zoned Open Space as park land.

The City of San Diego is the applicant and, upon direction of the City Council, is proposing the following actions:

- Rezone 6.64 acres (City-owned) from RS-1-7 to OP-2-1.
- Dedicate 6.64 acres as park land.
- Dedicate an additional 6.40 acres (adjacent, City-owned land) as park land.
- Shift 6.64 acres from the Clairemont Mesa Community Plan to the Linda Vista Community Plan.
- Shift 0.93 acres (recently acquired by the Community College District) from the Linda Vista Community Plan to the Clairemont Mesa Community Plan.
- Redesignate 6.64 acres from School and Park/Open Space to Open Space.
- Redesignate 0.93 acres from Open Space to School.

As part of the City's ongoing effort to preserve and protect its urban canyons, the proposed rezone, General/Community Plan Amendment, and park dedication would result in a net gain of approximately 6.64 acres of designated open space and 13.04 acres of dedicated park land. The proposed actions will implement the very purpose of the City's Open Space Zones, to protect lands for outdoor recreation, education, and scenic and visual enjoyment; to control urban form and design; and to facilitate the preservation of environmentally sensitive lands.

FISCAL CONSIDERATIONS:

The preparation of the proposed legislative action was funded by the San Diego Community College District, as a condition of the adoption of Council Resolution R-302251.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On January 8, 2007, the City Council initiated amendments to the Linda Vista and Clairemont Mesa Community Plans, the rezoning of City-owned property from RS-1-7 to OP-2-1, and the dedication of park land, as described above.

On November 15, 2007, the Planning Commission, by a 5-0-0 vote, unanimously recommended that the City Council adopt the proposed legislative actions.

On January 17, 2008, the Park and Recreation Board, by a vote of 6-0-1, recommended that the City Council approve the proposed park dedication.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

On April 17, 2007, the Clairemont Mesa Planning Committee voted 12-0-0 to support the proposed rezone, General/Community Plan Amendments and park dedication. On June 25, 2007, the Linda Vista Planning Committee voted 7-3-0 to recommend denial of the proposed rezone, General/Community Plan Amendments and park dedication. Additionally, on May 8, 2007, the Linda Vista Recreation Council voted 6-0-0 to not support the proposal, on May 16, 2007, the Tecolote Canyon Citizen's Advisory Committee voted 9-0-0 to support the proposal, and on June 27, 2007 the Kearny Mesa Park Recreation Board voted 12-0-0 to not support the proposal.

KEY STAKEHOLDERS and PROJECTED IMPACTS:

The Linda Vista Planning Committee, the Clairemont Mesa Planning Committee, the Tecolote Canyon Citizen's Advisory Committee, the Linda Vista Recreation Council, the Kearny Mesa Park Recreation Board, and interested community members.

Wright/Anderson/BS

NOTE: This activity is categorically exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15308.

Staff: Brian Schoenfisch – (619) 533-6457
Marianne Greene – Deputy City Attorney

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

COUNCIL ACTION: (Time duration: 2:28 p.m. – 3:06 p.m.)

Testimony in opposition by Gail Cole, Margarita Castro, Dustin Young, and Donna Erickson.

Testimony in favor by Brooke Peterson, Doug Beckham and Billy Paul.

MOTION BY FRYE TO INTRODUCE THE ORDINANCES IN SUBITEM A AND B; AND TO ADOPT THE RESOLUTION IN SUBITEM C. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-336: Scripps Mercy Hospital, an amendment to the Uptown Community Plan, a Rezone, Public Right-of-Way Summary Vacations, Public Right-of-Way Dedications, Easement Vacations, Easement Dedications, a Site Development Permit and a Conditional Use Permit amendment. (Uptown Community Plan Area. District 3.)

Matter of approving, conditionally approving, modifying or denying an application for an Amendment to the Uptown Community Plan, a Rezone, Public Right-of-Way Summary Vacations, Public Right-of-Way Dedications, Easement Vacations, Easement Dedications, a Site Development Permit and a Conditional Use Permit amendment. The project generally includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a sewer access road and central energy plant, and the expansion of the emergency department, including deviations from the development regulations at Scripps Mercy Hospital, on the general block bounded by Washington Avenue, 4th Avenue, 5th Avenue and 6th Avenue located at 4077 5th Avenue. The project site is located within the MR-800B and NP-1 Zones of the Mid-City Communities Planned District and within the RS-1-4 Zone and contains environmentally sensitive lands. The site is also located in the Airport Environs Overlay Zone, the FAA Notification Area for Lindbergh Field, and the Transit Area Overlay Zone within the Uptown Community Plan.

(Report to Planning Commission No. PC-08-040/MND No. 94392/MMRP/ Amendment to the Progress Guide and General Plan/Uptown Community Plan No. 33363/Rezone No. 525271/Site Development Permit No. 531932/Conditional Use Permit Amendment No. 304755/Public Right-of-Way Summary Vacation No. 525320 and 525326/Public Right-of-Way Dedication Nos. 525322 and 525327/Easement Dedication No. 525329/Easement Vacation Nos. 525323, 525331, 525330, 525324 and 525332/Project No. 94392.)

STAFF'S RECOMMENDATION:

Introduce the ordinance in Subitem A; and adopt the resolutions in Subitems B, C, D, E, and F:

Subitem-A: (O-2008-150) INTRODUCED, TO BE ADOPTED TUESDAY,
JUNE 10, 2008

Introduction of an Ordinance of the Council of the City of San Diego changing 20.85 acres located at 4077 Fifth Avenue, within the Uptown Community Plan Area, in the City of San Diego, California, from the MR-800B and the RS-1-4 Zones into the CN-1A, the OC-1-1 Zones, as defined by San Diego Municipal Code Sections 1512.0301, 131.0403, 131.0203, 1512.0305; and repealing Resolution No. R-301263 adopted March 14, 2006, of the Resolutions of the City of San Diego insofar as the same conflict herewith.

Subitem-B: (R-2008-1012) ADOPTED AS RESOLUTION R-303732

Adoption of a Resolution approving a Community Plan Amendment to the Progress Guide and General Plan and the Scripps Mercy Hospital Plan to redesignate in the Uptown Community.

Subitem-C: (R-2008-1013) ADOPTED AS RESOLUTION R-303733

Adoption of a Resolution vacating Public Rights-of-Way by summary proceedings, supported by minutes, maps and exhibits, all of which are incorporated by reference.

Subitem-D: (R-2008-1014) ADOPTED AS RESOLUTION R-303734

Adoption of a Resolution vacating public service easements by summary proceedings, supported by minutes, maps and exhibits, all of which are incorporated by reference.

Subitem-E: (R-2008-1015) ADOPTED AS RESOLUTION R-303735

Adoption of a Resolution certifying that Mitigated Negative Declaration LDR No. 94392, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with this project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the Office of the City Clerk and incorporated by reference, is approved;

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

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

Subitem-F: (R-2008-1039 Rev. Copy) **ADOPTED AS AMENDED AS
RESOLUTION R-303736**

Adoption of a Resolution adopting the findings with respect to the Conditional Use Permit No. 304755 is granted to Scripps Health, a California Non-Profit Benefit Corporation, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

OTHER RECOMMENDATIONS:

Planning Commission on April 3, 2008, voted 4-0-2 to recommend approval; was opposition.

Ayes: Griswold, Otsuji, Ontai, Schultz
Not present: Naslund, Smiley
One vacancy

The Uptown Community Planning Group has recommended approval of the project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Approval of modifications to the existing Scripps Mercy hospital, construction of a new public sewer access road within an adjacent canyon and a variety of street and easement vacations and dedications on a 19.25-acre site located at 4077 5th Avenue, within the Uptown Community Plan.

STAFF RECOMMENDATION:

CERTIFY Mitigated Negative Declaration No. 94392 and **ADOPT** the Mitigation Monitoring Reporting Program.

ADOPT an ordinance to approve Rezone 525271 rezoning the property from the RS-1-4 and MR-800B Zones, to the CN-1A and the OC-1-1 Zones; and

APPROVE the Amendments to the Progress Guide and General Plan, and the Uptown Community Plan No. 333363, Site Development Permit No. 531932, Conditional Use Permit Amendment No. 304755, Public Right-of-Way Vacation Nos. 525320 and 525326, Public Right-of-Way Dedication Nos. 525322 and 525327, Easement Dedication No. 525329 and Easement Vacation Nos. 525323, 525331, 525330, 525324 and 525332.

EXECUTIVE SUMMARY:

The Scripps Mercy Hospital project proposes the construction of a new 18,000 square-foot Central Energy Plant; Expansion of the existing Emergency Department to 28,000 square-feet; Construction of a new six-level parking structure; Improvements to two existing surface parking lots; Construction of a new public sewer access road within an adjacent canyon; Demolition of an existing day-care center; and a variety of street and easement vacations and dedications located between Washington Avenue, 4th Avenue, 5th Avenue and 6th Avenue.

The project requires an amendment to the Progress Guide, and General Plan, and the Uptown Community Plan, a Rezone, a Site Development Permit, a Conditional Use Permit Amendment, Public Right-of-Way Vacations, Public Right-of-Way Dedications, an Easement Dedication and Easement Vacations to accomplish these modifications to the existing hospital site.

The proposed rezone to accommodate the project would included a net result of 18.41 acres from residential (RS-1-4 and MR-800B) to Commercial (CN-1A) and 2.44 acres from residential (RS-1-4 and MR-800B) to an open space conservation zone (OC-1-1). The Plan Amendment is required to change the land use designation for 2.19 acres from Open Space to Institutional (Hospital), 0.40 acres from High Residential (4-73 du/ac) to Open Space, and 0.04 acres from Institutional (Hospital) to Open Space.

An amendment to Conditional Use Permit No. 88-1062 is required for the proposed additions to the hospital. A Site Development Permit is required for impacts to Environmentally Sensitive Lands (ESL) and for two deviations requested from the applicant. The first deviation would relieve the applicant from the requirement to construct a street wall within 6 feet of the property line.

The second would allow the two small surface parking lots to cover 100 percent of the lot where the code allows a maximum 20 percent lot coverage. When considering the project as a whole, the two requested deviations are minor in scope and provide for a more attractive design than could be achieved through the strict conformance with the development regulations.

FISCAL CONSIDERATIONS:

Project costs are paid by the applicant through a deposit account.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On April 3, 2008, the Planning Commission approved the proposed project by a vote of 4-0 with Griswold, Otsuji, Ontai, and Schultz in favor. Commissioner Smiley and Naslund were not present and one seat is vacant.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

At their April 3, 2007, meeting, the Uptown Planners voted 12-0-1 to recommend approval of the proposed project with specific recommendations, which have been incorporated into the project and are fully discussed in Planning Commission Report No. PC-08-040.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Scripps Health, A California Non- Profit Benefit Corporation (Owner/Applicant); Lynne Heidel of Worley Schwartz Garfield & Prairie, Latitude 33 (Applicant Representatives); The City of San Diego; Chuck Bahde; and Melanie Branca.

Broughton/Anderson/PG/RM

LEGAL DESCRIPTION:

The site is bounded to the south by Washington Street, to the west by Fifth Avenue, to the east by Sixth Avenue, and to the north by Montecito Way. The site is in unmarked section of Township 16 South, Range 3 West in the City and County of San Diego.

NOTE: The City of San Diego as Lead Agency under CEQA has prepared and completed a Mitigated Negative Declaration, Project No. 94392, dated February 6, 2008, covering this activity.

Staff: Renee Mezo - (619) 446-5001
Rachel Lipsky - Deputy City Attorney

NOTE: Subitems B, C, D, E and F of these items are not subject to Mayor's veto.

FILE LOCATION: SUBITEM A: NONE
SUBITEM B, C, D, E & F: MEET

COUNCIL ACTION: (Time duration: 3:06 p.m. – 3:31 p.m.)

MOTION BY ATKINS TO INTRODUCE THE ORDINANCE IN SUBITEM A; AND TO ADOPT THE RESOLUTIONS IN SUBITEM B, C, D AND E; AND TO ADOPT THE RESOLUTION AS AMENDED IN SUBITEM F THAT PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE APPLICANT SHALL ENTER INTO A LANDSCAPE EASEMENT AND MAINTENANCE AGREEMENT FOR ANY AND ALL REQUIRED LANDSCAPE AND REVEGETATION THAT IS LOCATED OFFSITE SATISFACTORY TO THE DEVELOPMENT SERVICES DEPARTMENT; AND TO MAKE A FINDING WITH RESPECT TO THE PROPOSED SEWER ACCESS ROAD THAT THERE IS AN INDIVIDUALIZED DETERMINATION THAT THE ACCESS ROAD IS RELATED IN BOTH NATURE AND EXTENT TO THE IMPACT OF THE PROPOSED DEVELOPMENT. 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: Preparation of Salary Ordinance for FY 2008-2009.

(See memorandum from the City Attorney dated 4/18/2008.)

(Continued from the meeting of May 13, 2008, Item 60, at the request of Councilmember Atkins, for further review.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the ordinance in Subitem A, which was introduced as amended on 4/21/2008, Item S400. (Council voted 6-2. Councilmembers Young and Frye voted nay.) [Councilmembers Peters, Faulconer, and Maienschein voted nay on the portion relating to the car allowance]. Adopt the resolutions in Subitems B, C, and D:

Subitem-A: (O-2008-134 Rev. 3) CONTINUED TO TUESDAY, MAY 27, 2008

Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2008-2009.

Subitem-B: (R-2008-851) CONTINUED TO TUESDAY, MAY 27, 2008

Approving in accordance with the terms and conditions the classifications of personnel in the classified service of the City of San Diego eligible for premium or regular rate overtime as set forth in Attachment "A", effective from July 1, 2008 through June 30, 2009, pursuant to the authority of Section 9 of the Annual Salary Ordinance.

Subitem-C: (R-2008-852) CONTINUED TO TUESDAY, MAY 27, 2008

Amending the classifications previously designated by the Council as appropriately assigned to employee representation units, to reflect additions of new classes, removal of deleted classes, and changes to titles, such amendments to be as contained in the listing of job classifications and appropriate units, as set forth in Attachment "A".

Subitem-D: (R-2008-853) CONTINUED TO TUESDAY, MAY 27, 2008

Establishing and adopting a Cafeteria Benefits Plan (Plan) for all designated eligible employees for Fiscal Year 2009 (Attachment "B"), providing therein dollar sums certain for each eligible employee, to be allocated to benefits as are designated in the Plan, pursuant to Section 16 of the Annual Salary Ordinance No. O-_____, and upon the recommendation of the Mayor;

Authorizing the Mayor to execute agreements with the appropriate organizations providing the benefits designated in the Plan;

Declaring the funds appropriated for this Plan shall be as set forth in the annual appropriation ordinance.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 9:39 a.m. – 9:40 a.m.)

MOTION BY FRYE TO CONTINUE TO TUESDAY, MAY 27, 2008, FOR FURTHER REVIEW. Second by Maienschein. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-nay.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Pro Tem Madaffer at 6:16 p.m. in honor of the memory of:

Lionel Van Deerlin as requested by Council Member Faulconer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:04 p.m. – 6:16 p.m.)