

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JUNE 23, 2008
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 2:06 p.m. Council President Peters recessed the meeting at 3:35 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:44 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 7:13 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 (sr)

FILE LOCATION: MINUTES



[ITEM-1:](#) ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-not present

FILE LOCATION: MINUTES



[ITEM-10:](#) INVOCATION

Invocation was given by City Clerk, Liz Maland.

FILE LOCATION: MINUTES



[ITEM-20:](#) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Frye.

FILE LOCATION: MINUTES

CLOSED SESSION ITEMS:

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

**CS-1 *Stephen Cicero v. City of San Diego*
San Diego Superior Court Case No. 37-2008-00085133-CU-PT-CTL**

REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 24, 2008

EACA Assigned: D. McGrath

This matter is a lawsuit filed by the above Plaintiff seeking to invalidate the City of San Diego Ordinance No. O-19747 which established the General Fund Deferred Maintenance Capital Improvement Financing. In Closed Session, the Mayor will request the retention of outside legal counsel to assist in this action.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:30 p.m. - 3:31 p.m.)

Council President Peters closed the hearing.

**CS-2 *County of San Diego v. Redevelopment Agency of the City of San Diego, et al.*
San Diego County Superior Court Case No. GIC 850455
(Consolidated with San Diego County Superior Court Case No. GIC 850829)**

REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 24, 2008

DCA Assigned: G. Spitzer

This litigation regards the validity of City Council's adoption of the Grantville Redevelopment Plan, Ordinance No. O-19380. The City Council and the Redevelopment Agency will confer with the City Attorney regarding settlement and the status of litigation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:30 p.m. - 3:31 p.m.)

Council President Peters closed the hearing.

**CS-3 *Scottsdale Insurance Company v. City of San Diego dba: Mission Bay Mobile Home Park*
San Diego Superior Court Case No. 37-2008-00083941-CU-IC-CTL**

REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 24, 2008

DCA Assigned: M. Severson

The *Scottsdale Insurance Company v. City of San Diego* matter is an action filed by Scottsdale Insurance Company for declaratory relief, reimbursement, equitable subrogation and contribution in relation to insurance benefits paid in the *De Anza Cove Homeowners Association, Inc. v. City of San Diego* litigation. In Closed Session, the City Attorney will brief the City Council on the status of this matter, and request the retention of outside counsel to handle this litigation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:30 p.m. - 3:31 p.m.)

Council President Peters closed the hearing.

**CS-4 *Alison Terry v. City of San Diego*
U. S. District Court Case No. 06CV1459 JAH (CAB)**

REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 24, 2008

DCA Assigned: J. Cordileone

This is a lawsuit alleging gender discrimination against the Lifeguard Service by a female seasonal lifeguard. The plaintiff in this lawsuit against the City of San Diego has made a written settlement offer which the City Attorney wishes to present to the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:30 p.m. - 3:31 p.m.)

Council President Peters closed the hearing.

**Conference with Legal Counsel - anticipated litigation - significant exposure to litigation,
pursuant to California Government Code Section 54956.9(b)(1) and 54956.9(b)(3)(C):**

CS-5 Tolling of potential litigation by Verizon Wireless against the City

REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 24, 2008

DCA Assigned: C. Fitzgerald

At a hearing on April 14, 2008, the City Council voted to deny the following applications involving telecommunication towers: (1) an application for a Conditional Use Permit, No. 292627, and a Site Development Permit, No. 450714, for facilities at the north side of Mt. Ada Road, between Mt. Rias Place and Mt. Albertine Avenue, more particularly described as a portion of Parcel B, Parcel Map No. 227, in the CC-1-3 zone of the Clairemont Mesa Community Plan area ("Mt. Ada Site"); and (2) an application for a Conditional Use Permit, No. 296127, and a Planned Development Permit, No. 453612, for facilities at the north side of Highway 94 at 30th Place, more particularly described as Lot 2, Hilltop, Map 5357 and Lots 15 to 18, Block 97, E.W. Morse Subdivision, Map 547, in the MF-3000 zones ("30th Place Site"). Verizon Wireless has threatened legal action to challenge these denials. City Attorney's Office will provide information regarding potential litigation and tolling agreement relating to the claims.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:30 p.m. - 3:31 p.m.)

Council President Peters closed the hearing.

**CS-6 Tolling of potential claims by Otay Mesa Coalition Group against the City
DCA Assigned: C. Fitzgerald**

REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 24, 2008

Pardee Homes, Integral Otay Mesa Ventures, Sunroad Otay Partners, LP, San Diego County Investors, Brown Field Technology Park, D.R. Horton Homes, Centex Homes and MNA Consulting filed a claim pursuant to the Torts Claim Act alleging claims, rights for causes of action against the City arising from an agreement relating to the Otay Mesa Community Plan Update. City denied the claims. City Attorney's Office will provide information regarding potential litigation and tolling agreement relating to the claims.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:30 p.m. - 3:31 p.m.)

Council President Peters closed the hearing.

Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code Section 54956.9(c):

CS-7 Anticipation of litigation against SDG&E and other parties responsible for causing the 2007 brush fires and resulting property damage and other losses

REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 24, 2008

DCA Assigned: C. Welch

There are six actions pending before Judge Richard E. L. Stratus in Dept. 75 of the San Diego Superior Court (*Payne v. SDG&E*, Case No. 37-2007-0081806-CU-PO-CTL; *Downing v. SDG&E*, Case No. 37-2007-00081604-CU-NP-CTL; *Malone v. SDG&E*, Case No. 37-2008-0081779-CU-PO-CTL; *Waldon v. SDG&E*, Case No. 37-2007-00079891-CU-EI-NC; and *Wood v. SDG&E*, Case No. 37-2007-00083093-CU-PO-CTL) against SDG&E alleging SDG&E power lines or other equipment caused the October 2007 fires. The City Attorney's Office anticipates it may be necessary to file a complaint (or cross-complaint if suit is filed on a claim recently asserted against the City) against

SDG&E independently in light of the City's own litigation damage and losses and information or evidence indicating SDG&E's potential legal liability for the October 2007 wildfires. The City Attorney's Office will discuss retention of Harvey Levine of Levine Steinberg Miller & Huver to evaluate the City's claims and to represent the City if suit is filed.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:30 p.m. - 3:31 p.m.)

Council President Peters closed the hearing.

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

CS-8 Property: 5036-60 Sterling Court, San Diego (south end of Winona Avenue)

REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 24, 2008

Agency Negotiator: Jim Barwick, Director, Real Estate Assets Department

Negotiating Party: Larry Zajonc

Under Negotiation: Price and terms of payment

DCA Assigned: K. Davies

Discussion of negotiations regarding the offer received from Larry Zajonc for the sale of his property to the City for a proposed park (Fox Canyon).

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:30 p.m. - 3:31 p.m.)

Council President Peters closed the hearing.



ITEM-200: Authorizing Managed Competition Consultant Support Contract and Funding.

(See Report to the City Council No. 08-092.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1181 Rev.) **ADOPTED AS AMENDED AS RESOLUTION R-303869**

Authorizing the Mayor to execute, for and on behalf of the City, an agreement with Grant Thornton LLP, for managed competition program support, under the terms and conditions set forth in the Agreement;

Declaring that the contract with Grant Thornton has an authorization to expend an amount not to exceed \$1,100,000, contingent upon the City Auditor and Comptroller first certifying that funds are available;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$400,000 in Business Office (Fund 100, Department 210) from the General Fund Appropriated Reserves (Fund 100, Department 602) to fund managed competition consultant support;

Declaring that this activity is exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061 (b)(3).

STAFF SUPPORTING INFORMATION:

Essential elements of a successful managed competition program include detailed preliminary planning and well defined, performance-based Statements of Work (SOW). In order to gain the specialized knowledge and experience necessary to support these processes, the managed competition program issued a Request for Proposals (RFP) on October 19, 2006. Four proposals were received and were evaluated separately for technical merit and price. Grant Thornton was evaluated the best value provider and was awarded a one-year contract, with four Option years. The scope of work for the consultant includes: preliminary planning including functional scoping and grouping, workload and data systems collection, market research, and determination of baseline costs; development project schedules; SOW and RFP development support; post-award support; training; and overall project support.

During the past fourteen months, the City has issued task-orders under limited notice to proceed for discrete elements of work to assist the City with program development, preliminary planning and pre-competition assessment. For Fiscal Year 2007 the City issued three task orders, expending a total of \$54,040.50. In the current fiscal year, the City has issued one task order, expending \$195,097. The total contract value to date is \$249,137.50.

This contract is an “indefinite delivery, indefinite quantity” (IDIQ) format wherein task orders are issued on an as needed basis. This contract type is used when the exact delivery times and/or quantities of services required under the contract are not known when the contract is awarded, but recurring need is anticipated. Included in the RFP was a cost comparison worksheet that dictated a set quantity of hours (6,100) and was to be completed by proposers and included as their price proposal.

This worksheet was used strictly for comparison and price proposal evaluation purposes. Therefore, despite the fact that the price proposals returned estimates in excess of the \$250,000 threshold required to bring a consulting contract to the City Council for approval, these estimates were based on an arbitrary quantity of consultant time and there was no basis to assume that this quantity of work was actually being procured.

The managed competition program has made significant progress and is now in need of more robust support to assist in SOW development. It is requested that the Council continue to provide for this program and authorize the contract.

FISCAL CONSIDERATIONS:

Funding to support this contract is requested in the amount of \$400,000 via transfer from Fiscal Year 2008 General Fund Appropriated Reserves. The remaining funding requirement will be drawn from the proposed Fiscal Year 2009 budget as approved by Council.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

- March 27, 2006 - City Council adopted Ordinance O-19474, placing on the November 7, 2006, ballot the proposition to amend Article VIII of the City Charter by adding subsection (c) regarding the use of managed competition to Section 117.
- January 9, 2007 - City Council approved Ordinance O-19565, which amended Article 2, Division 37 of the Municipal Code.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Thirty-seven potential consultants were contacted and made aware of the RFP. The RFP was advertised in the *San Diego Daily Transcript* and posted to the City's official web site.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Interested parties include:

- The voters of the City of San Diego, who expressed their enthusiasm for a managed competition program within the City of San Diego (City) through their approval of Proposition C in November 2006
- City employees
- The City's recognized labor unions
- Local businesses
- The residents and visitors of the City of San Diego

Managed competition is intended to aide the City of San Diego in ensuring that it is delivering quality services to taxpayers, residents, and visitors in the most economical and efficient means possible.

Danegger/Goldstone

Aud. Cert. 2800894.

Staff: Anna Danegger - (619) 236-6107
Michael P. Calabrese – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:40 p.m. – 5:46 p.m.)

MOTION BY MADAFFER TO AUTHORIZE A CONTRACT WITH GRANT THORNTON TO EXPEND, NOT TO EXCEED LIMIT OF \$250,000 FROM THE FISCAL YEAR 2009 BUDGET. THE CONTRACT SHALL BE LIMITED TO GENERAL SERVICES, SPECIFICALLY THE STREETS DIVISION, AND THE PROGRAMS PUT FORWARD IN THE ENVIRONMENTAL SERVICES DEPARTMENT AND ANY FURTHER WORK SHALL BE CONDUCTED THROUGH A NEW REQUEST FOR PROPOSAL PROCESS. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-nay, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.



[ITEM-201:](#) Fiscal Year 2009 Tax Appropriations Limit (Gann Limit).

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1138) ADOPTED AS RESOLUTION R-303870

Establishing the following tax appropriations limit for the City of San Diego, pursuant to the authority of California Government Code, Division 9, Title 1 (Sections 7900 et seq.):

- Established for Fiscal Year 2009 \$1,181,182,812

Certifying that the documentation upon which the tax appropriations limit herein established has been determined, which is attached as Exhibit A, has been made available for public information and review 15 days prior to the meeting at the Office of the City Clerk, pursuant to the requirements of Section 7910 of the California Government Code.

STAFF SUPPORTING INFORMATION:

In November 1979, California voters approved Proposition 4 (the Gann Initiative) and added Article XIII B to the California State Constitution. In 1980, the State Legislature added Division 9 (commencing with Section 7900) to Title I of the Government Code to implement Article XIII B. This legislation required the governing body of each local jurisdiction in California to establish a Tax Appropriations Limit on or before June 30 of each year for the following fiscal year. The Tax Appropriations Limit is based on actual appropriations during the State of California Fiscal Year 1978-1979, and adjusted each year using population and inflation adjustment factors.

On June 5, 1990, California voters approved Proposition 111, amending Article XIII B. Proposition 111 allowed local jurisdictions to choose among measures of inflation and population growth to compute the adjustment factor. The measures for inflation (price factors) include growth in the California per capita income or growth in the non-residential assessed valuation due to construction within a city; measures for population growth include population growth within the county or city. Attachment 1 presents a 10 year history of the adjustment factors and tax appropriation limits for the City of San Diego.

The proposed Tax Appropriations Limit for Fiscal Year 2009 is \$1.18 billion. In accordance with Proposition 111 guidelines, the Fiscal Year 2009 Tax Appropriations Limit was calculated by adjusting the prior year's tax appropriations limit using one of the adjustment factors. See Attachment 2 for alternative adjustment factors applicable to Fiscal Year 2009. The recommended Fiscal Year 2009 adjustment factor was calculated using the price factor based on the percent change in assessed valuation of new non-residential construction within the City (10.83%) and the population factor based on the percent growth in the County's population (1.34%), resulting in an adjustment factor of 12.32% (see Attachment 2). The use of this adjustment factor results in a Tax Appropriations Limit for Fiscal Year 2009 of \$1.18 billion, a 12.32% increase over the Fiscal Year 2008 Tax Appropriations Limit of \$1.05 billion.

The Tax Appropriations Limit does not apply to all City revenues, or all General Fund revenues, but only to proceeds of taxes including property tax, sales tax, transient occupancy tax, motor vehicle license fees, and other local taxes, less the amount paid in debt service on both voter-approved debt and qualified capital outlays¹. Other revenues, including fees, licenses and permits, rents and concessions, and inter-fund transfers are not subject to the limit. The Proposed Budget for Fiscal Year 2009 projects the tax appropriations subject to the limit to be \$838,076,591. See Attachment 3 for details on the Fiscal Year 2009 appropriations subject to the limit. The projected appropriations subject to the limit are estimated to be approximately \$343.1 million below the recommended limit.

FISCAL CONSIDERATION(S) and CHANGE IN GANN LIMIT CALCULATION:

The City Council has the option to select one of the other three adjustment factors allowed under Proposition 111 to establish the Fiscal Year 2009 Tax Appropriations Limit. As shown in Attachment 2, all of these three alternative options would result in a lower annual adjustment factor and therefore a lower Tax Appropriations Limit. A lower appropriations limit would lower the base used for calculation of the limit in future years, which could lower the City's ability to appropriate tax revenues.

During the Gann Limit calculation process for Fiscal Year 2009, an error was noticed in the previous years' methodology. Beginning in Fiscal Year 2004 and continuing through Fiscal Year 2008, the assessed valuation data used in the Gann Limit calculation were based on new non-residential construction within the County; the correct calculation should have used the City of San Diego data. This change in calculation is reflected in the Fiscal Year 2009 Gann Limit as a result of having revised Fiscal Years 2004 through 2008. This correction has no fiscal impact on the City of San Diego.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Since the inception of the Gann Initiative in 1979, the City Council has adopted a Tax Appropriations Limit annually.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

In accordance with California Law, Division 9 of the Government Code, supporting documents for the tax appropriations limit are made available to the public, at the Office of the City Clerk, 15 days prior to City Council adoption of the limit.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Not adopting the FY 2009 Tax Appropriations Limit on or before June 30, 2009, will be a violation of California Law, Division 9 of the Government Code.

¹ A fixed asset, including land, with a useful life of more than 10 years and a value that equals or exceeds \$100,000.

Tirandazi

Staff: Irina Kumits - (619) 235-5714
Lawrence Tomanek – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:45 p.m. – 5:58 p.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-202: FY 2009 Assessment Levy and Update Assessment Engineer's Reports. (Centre City, College Area, City Heights, North Park, Greater Golden Hill, Ocean Beach, Southeastern and Uptown Community Plan Areas. Districts 2, 3, 7, and 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2008-1147) ADOPTED AS RESOLUTION R-303871

Adoption of a Resolution approving the Engineer's Reports submitted in connection with the Self-Managed Maintenance Assessment Districts for Fiscal Year 2009.

Subitem-B: (R-2008-1149) ADOPTED AS RESOLUTION R-303872

Adoption of a Resolution declaring the intent to levy and collect Fiscal Year 2009 annual assessments on previously established Maintenance Assessment Districts and Property and Business Improvement District; and to authorize appropriation and expenditure of funds therefore.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

1. Approving the Assessment Engineer's Reports for each self-managed Maintenance Assessment District and Property and Business Improvement District;
2. Authorizing the levy and collection of assessments within previously established self-managed Maintenance Assessment Districts and Property and Business Improvement District for Fiscal Year 2009.
3. Authorizing the City Auditor and Comptroller to appropriate and expend the self-managed Maintenance Assessment District and Property and Business Improvement District funds for Fiscal Year 2009 for the purpose of enhanced maintenance, landscaping, and lighting services.

STAFF RECOMMENDATION:

Staff is recommending that the updated Assessment Engineer's Reports and the associated annual levy of assessments be authorized.

EXECUTIVE SUMMARY:

The purpose of a self-managed Maintenance Assessment District (MAD) is identical to other MADs in which property owners assess themselves to receive enhanced maintenance, landscaping, and lighting services. Self-managed MADs differ from the City's Park & Recreation Department managed MADs in that district property owners select, by ballot, a non-profit corporation to contract for the provision of enhanced goods and services. The San Diego Municipal Code allows non-profit corporations to administer MADs when an assessment weighted majority of district property owners support the selection of a particular non-profit corporation for their district.

The Fiscal Year 2009 assessments for the City's self-managed Maintenance Assessment Districts (MADs) and Property and Business Improvement District (PBID) are each managed by various local non-profit organizations and are overseen by the Economic Development Division of the City Planning and Community Investment Department. MADs and PBIDs are authorized by law to assess benefiting property owners for maintenance and other property related activities. These activities include maintenance of landscaped and paved medians, landscaped right-of-ways and slopes, open space, parks, ponds, flood control channels, monuments, decorative street lighting, decorative gates, signage, banners, as well as cleaning of curbs and gutters, sweeping sidewalks, provisions of security services, and monitoring.

State law requires that the City Council annually approve the assessment levy for each MAD and PBID and to update each of the districts' Assessment Engineer's Report. The resolutions associated with this action would authorize the City to place the annual assessment levy for each self-managed MAD and PBID on the FY 2009 County Property Tax roll. The resolutions also fulfill the legal requirements necessary for each self-managed MAD and PBID to provide the maintenance and other services as described in the Assessment Engineer's Reports.

The Economic Development Division currently manages eight self-managed MADs and also manages the Downtown PBID. In accordance with state law, staff is recommending that the updated Assessment Engineer's Reports and the associated annual levy of assessments be authorized.

Based on data contained in the updated Assessment Engineer's Reports, the following list provides the recommended assessment levels for each of the eight self-managed MADs and PBID in FY 2009.

<u>District</u>	<u>Assessment District Levy</u>
1. Adams Avenue MAD	\$ 50,200
2. Central Commercial MAD	\$ 218,547
3. City Heights MAD	\$ 302,095
4. College Heights MAD	\$ 270,325
5. Greater Golden Hill MAD	\$ 489,012
6. Hillcrest Commercial Core MAD	\$ 89,950
7. Little Italy MAD	\$ 746,266
8. Newport Avenue MAD	\$ 57,101
9. Downtown PBID	<u>\$5,969,272</u>
Total	\$8,192,768

This action authorizes approval of the Fiscal Year 2009 Assessment Engineer's Reports, and authorizes the levy and collection of assessments for the above MADs and PBID.

FISCAL CONSIDERATIONS:

This action refines the anticipated assessment revenue estimate for Fiscal Year 2009. The annual MAD and PBID assessment for City owned property for Fiscal Year 2009 is \$355,807.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Each year, the City Council authorizes staff to levy assessments and update the assessment Engineer's Reports. The Fiscal Year 2008 approval was obtained on July 23, 2007, per City Council Resolutions R-302858 and R-302859.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The managing non-profits meet with the property owners within each respective on a continual basis.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Key stakeholders are the business community and the property owners within the self-managed districts.

Kessler/Anderson/LO

Staff: Luis Ojeda – (619) 236-6475
Kimberly Kaelin – Deputy City Attorney

FILE LOCATION: STRT-M-517(34)

COUNCIL ACTION: (Time duration: 5:58 p.m. – 7:06 p.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-nay, Madaffer-yea, Hueso-yea.



ITEM-S400: In the Matter of Overriding the Mayor's Veto of the Council's Modifications of the Mayor's Fiscal Year 2009 Proposed Budget in Accordance with Charter Section 290(b)(2)(B).

(R-2008-1145) RECONSIDERED/OVERRIDE MAYOR'S VETO;
PREVIOUSLY ADOPTED AS R-303797

(See Mayor Sanders Line-Item Veto Message dated 6/16/2008; Independent Budget Analyst 6/4/2008 Power Point Presentation; IBA Report Nos. 08-61 and 08-57.)

On June 9, 2008, the Council approved, with certain modifications, the Mayor's FY 2009 Budget. On June 10, 2008, the FY 2009 Budget, as modified, was delivered to the Mayor to approve, veto, or modify any line item approved by the Council. On June 16, 2008, the Mayor line-item vetoed the Council modifications to the FY 2009 Budget that restored and/or added 62 positions to the budget as recommended by the Independent Budget Analyst in IBA Report No. 08-61, released on June 6, 2008. The Council has five business days within which to override any vetoes or modifications made by the Mayor, in accordance with Charter Section 290(b)(2)(B).

ADDITIONAL INFORMATION:

On June 9, 2008, Item 200, the City Council voted as follow: MOTION BY ATKINS TO ADOPT THE RESOLUTION AS AMENDED BY INCLUDING THE RECOMMENDATIONS OF THE INDEPENDENT BUDGET ANALYST. Second by Hueso. Passed by the following vote: *Peters-yea (recused on the portion related to Enterprise Resource Planning), Faulconer-nay, Atkins-yea, *Young-yea (nay on portions of the proposed budget related to Library and Parks and Recreation), Maienschein-yea, *Frye-yea (nay on the Mayor's recommendation for salary increase for public safety positions), Madaffer-nay, Hueso-yea.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:03 p.m. – 3:34 p.m.)

MOTION BY ATKINS TO OVERRIDE THE MAYOR'S LINE-ITEM VETO. Second by Young. Passed by the following vote: Peters-yea, Faulconer-nay, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-nay, Hueso-yea.



ITEM-S401: Request for Authorization to Accept, Appropriate, an Award from State Department of Transportation (DOT) for the San Ysidro Mobility Study. (San Ysidro Community Area. District 8.)

(See memorandum from William Anderson dated 6/19/2008.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1140) ADOPTED AS RESOLUTION R-303873

Authorizing the Mayor, or his designee, to accept a transportation planning special studies grant awarded by the State of California Department of Transportation (DOT);

Declaring that except where further City Council approval is required or necessary, or where additional compliance with the California Environmental Quality Act is required, the Mayor, or designee, is authorized to execute all documents, including contracts, subcontracts, agreements, extensions, renewals, and/or amendments required by the DOT, which may be necessary to carry out and administer obligations, responsibilities and duties under the Fund Transfer Agreement (FTA), contingent upon the City Auditor and Comptroller certifying that the required funds are available;

Authorizing the City Auditor and Comptroller to establish a separate interest-bearing fund for these DOT grant monies;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend an amount not to exceed \$150,000 from DOT funds for the purpose of preparing studies and related expenses consistent with the terms and conditions of the FTA, upon receipt of the fully executed FTA and the City Auditor and Comptroller certifying that the required funds are available;

Declaring that this activity is statutorily exempt from the State of California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262, as the activity constitutes feasibility and planning studies.

STAFF SUPPORTING INFORMATION:

The City Planning & Community Investment Department was awarded FY 2008 funding from a Transportation Planning Special Studies Program administered by the State of California. With the award, planning studies will be undertaken by City staff to improve mobility for the citizens of San Ysidro. City Council action is required to approve, accept and expend the grant funds.

Council action is requested to authorize and direct the Mayor and City Auditor and Comptroller to take appropriate actions to administer the grant and expend the funds. The awarded project would build on previous work studies conducted for the San Ysidro Mobility Study to develop a transportation circulation study to analyze its long-term effect on long-term economic growth, mobility and parking throughout the community of San Ysidro. The project would be managed by the City of San Diego City Planning & Community Investment Department and the Transportation Engineering Design Division of the Engineering and Capital Improvement Projects Department, in cooperation with the San Ysidro Transportation Collaborative, with

guidance and expertise from transportation consultants. This study would be an effective tool in the revitalization of San Ysidro; would help implement the City of Villages smart growth strategies for the provision of future infrastructure, housing needs, and economic prosperity; would provide valuable information for the Mi Pueblo Pilot Village; and would provide valuable information for the Government Services Administration's reconfiguration of the San Ysidro Port of Entry.

FISCAL CONSIDERATIONS:

No matching funds are required with this award. As the study would refine recommendations from the previous work conducted, no Capital Improvements Projects have been identified as of yet. No expenditure impacts would occur, and no funding is reflected in the budget.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

As part of the grant process, City staff will embark on extensive community outreach efforts to implement the project.

KEY STAKEHOLDERS and PROJECTED IMPACTS:

As part of the grant process, City staff will coordinate with the San Ysidro Transportation Collaborative to identify and work with key stakeholders throughout the process.

Wright

Staff: Theresa Millette - (619) 235-5206
Shirley R. Edwards - Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:58 p.m. – 5:58 p.m.)

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

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

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

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 4, 2008, election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	6/20/08	137	LAST DATE (10:00 a.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	6/25/08	132	Rules Committee review
Monday	6/30/08	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	7/7/08	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	7/28/08	99	Council adopts ordinances prepared by City Attorney
Friday	8/8/08	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/21/08	75	Last day to file ballot arguments with City Clerk

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

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 7:13 p.m. in honor of the memory of:

Brian Ross Black at the request of Council Member Atkins.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 7:11 p.m. – 7:13 p.m.)