

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

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:03 a.m. Council President Peters recessed the meeting at 11:19 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:25 a.m. with Council Member Young not present. The meeting was recessed by Council President Peters at 11:45 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:07 p.m. with Council Member Young and Council Member Hueso not present. Council President Peters recessed the meeting at 2:21 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 2:27 p.m. with Council Member Young not present. Council President Peters recessed the meeting at 2:27 p.m. to reconvene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 2:31 p.m. with Council Member Young not present. Council President Peters recessed the meeting at 2:32 p.m. to reconvene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 2:53 p.m. with Council Member Young not present. The meeting was adjourned by Council President Peters at 2:55 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-not present-Excused by R-304203
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Hueso-present

Clerk-Maland (dlc/mz)

FILE LOCATION: MINUTES



ITEM-300: ROLL CALL

Clerk Maland called the roll:

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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on prayer and the flag salute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. - 10:46 a.m.)

PUBLIC COMMENT-2:

Al Strohlein commented on destroying documents.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-3 :

Scott Chipman commented on the beach alcohol ban.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-4:

Nancelle Lauffer commented on the ho meless, poor and mentally disabled.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:49 a.m. - 10:50 a.m.)

PUBLIC COMMENT-5:

Joy Sunyata commented on citizens' participation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. - 10:52 a.m.)

PUBLIC COMMENT-6:

Izean Rim, Jr. commented on public safety.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:53 a.m. - 10:55 a.m.)

PUBLIC COMMENT-7:

James Lambert commented on Proposition 8.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:55 a.m. - 10:58 a.m.)

PUBLIC COMMENT-8:

Ian Trowbridge commented on CCDC.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:01 a.m. - 11:03 a.m.)

PUBLIC COMMENT-9:

Chris Christensen commented on Senate Bill 1185.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:03 a.m. - 11:06 a.m.)

PUBLIC COMMENT-10:

Elinor Rector commented on various concerns.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:06 a.m. - 11:07 a.m.)

PUBLIC COMMENT-11:

Mignon Scherer commented on various concerns.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:10 a.m. - 11:13 a.m.)

PUBLIC COMMENT-12:

Referred to City Attorneys' Office: David Ross commented on the displaced in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:19 a.m. - 11:20 a.m.)

PUBLIC COMMENT-13:

Referred to Mayor's Office: J. Nathaniel Howard commented on the 14th Amendment.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:20 a.m. – 11:21 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins welcomed students from Price Charities, Cardinals Interact Program to the City Council Meeting.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:12 p.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



ITEM-30: 2008 U.S. Open Championship Appreciation Day.

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2009-81) ADOPTED AS RESOLUTION R-303942

Recognizing the United States Golf Association, Friends of Torrey Pines, and City's Golf staff, in appreciation for their effort in securing the U.S. Open for the City of San Diego, developing a challenging championship course at Torrey

Pines, and hosting one of the most exciting and successful U.S. Opens in golf history;

Proclaiming July 22, 2008, to be “U.S. Open Championship Appreciation Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:08 a.m. – 10:17 a.m.)

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



ITEM-31: Cissy Fisher Day.

COUNCILMEMBER ATKINS’ RECOMMENDATION:

Adopt the following resolution:

(R-2008-1159) ADOPTED AS RESOLUTION R-303943

Commending Cissy Fisher for the imprint she continues to leave on the City of San Diego through her role in the execution of affordable housing projects;

Proclaiming July 22, 2008, to be “Cissy Fisher Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:18 a.m. – 10:25 a.m.)

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



ITEM-32: Calvin “Ollie” Baugh Day.

COUNCIL PRESIDENT PRO TEM MADAFFER’S RECOMMENDATION:

Adopt the following resolution:

(R-2009-34) ADOPTED AS RESOLUTION R-303944

Proclaiming July 22, 2008, to be “Calvin ‘Ollie’ Baugh Day” in the City of San Diego.

FILE LOCATION: AGENDA

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

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

* ITEM-50: Exempting a Program Manager Position from the Classified Service for the Real Estate Assets Department.

(See memorandum from Hadi Dehghani dated 5/23/2008.)

CITY COUNCIL’S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/8/2008, Item 53. (Council voted 7-0. Council President Peters not present):

(O-2008-166) ADOPTED AS ORDINANCE O-19772 (New Series)

Exempting a Program Manager position from the Classified Service and declaring the position to be in the Unclassified Service of the City of San Diego, pursuant to Section 117(a)17 of the City Charter.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:29 a.m.)

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



* ITEM-51: Amendment to the Mid-City Communities Planned District Ordinance for an Interim Height Restriction in the Uptown Community. Amending the Mid-City Communities Planned District Ordinance to establish an interim height limitation that would limit structures above a building height of 50 and 65 feet along specific portions of 5th Avenue, Robinson Avenue, University Avenue, and Washington Street north of Upas Street within the CN-1, CN-1A, CN-2A, and CV-1 zones, and above a building height of 65 feet along specific portions of 4th Avenue, 5th Avenue, and 6th Avenue south of Upas Street with the CN-1A, NP-1, CV-1, and MR-400 zones of the Uptown Community. (Uptown Community Plan Area. Districts 2 and 3.)

(See Report to the City Council No. 08-095 [not available at Committee]; and Report to the City Council No. 08-036.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/8/2008, Item 335. (Council voted 6-1. Council President Pro Tem Madaffer voted nay. Council President Peters not present):

(O-2008-164) Height Limit Version 1

ADOPTED AS ORDINANCE

O-19773 (New Series)

Amending Chapter 15, Article 12, Division 2 of the San Diego Municipal Code by amending Section 1512.0203, by amending and renumbering previous Section 1512.0204 to Section 1512.0207, and by adding new Sections 1512.0204,

1512.0205, 1512.0206, and Figure 1512.03A, all relating to structure height limits and a Process Four Mid-City Communities Development Permit requirement for structure heights in excess of 50 or 65 feet within the Uptown Community Plan Area with a sunset provision.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:29 a.m.)

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

- * ITEM-100: Federal Aviation Administration (FAA) Airport Improvement Grant and Design Services Agreement with Kimley-Horn and Associates to Rehabilitate Montgomery Field Runway 10L/28R. (Kearny Mesa Community Area. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-19) ADOPTED AS RESOLUTION R-303945

Authorizing the Mayor, or his designee, for and on behalf of the City, to apply for and accept a Federal Aviation Administration (FAA) Grant Offer in the amount of at least \$285,000 to be applied toward a contract for the design work to rehabilitate runway 10L/28R (Project);

Authorizing and directing the City Auditor and Comptroller to accept said funds and deposit them into a special interest bearing account, numbered as Fund 10521 and entitled Montgomery Field Rehabilitation of Runway 10L/28R;

Declaring that the Fiscal Year 2009 Capital Improvement Program Budget in CIP-31-313.2 shall be increased by the amount of the grant;

Authorizing the transfer of up to \$170,000 from CIP-31-001.0, Montgomery Field Annual Allocation Fund, Montgomery Field Spec Aviation Fund 10520, to CIP-31-313.2 for the Project, contingent upon the receipt of the FAA grant;

Authorizing the Mayor, or his designee, to enter into a lump sum agreement with Kimley-Horn and Associates, Inc. for the Project in an amount not to exceed \$455,000, contingent upon the receipt of the FAA grant;

Authorizing the City Auditor and Comptroller to release and expend up to \$455,000 from CIP-31-313.2 for the Project, contingent upon the receipt of the FAA grant.

STAFF SUPPORTING INFORMATION:

The Montgomery Field Airport (MYF) was constructed in the 1950s. In 1995, Runway 10L/28R was extended by 1200 feet to the east. Since the original construction of this runway, there has been no major rehabilitation work.

There have only been periodic minor repairs, patching, crack sealing and slurry seal work. The current conditions of this runway mandate immediate evaluation and complete rehabilitation to ensure safety and compliance with current design and construction standards, as set by the City of San Diego, the FAA, California Department of Transportation's Division of Aeronautics and all other regulatory and permitting agencies.

The objective of this project is to provide a design of the urgently needed rehabilitation of the Montgomery Field Airport Runway 10L/28R, to maintain the safe use of this runway by Airport users and to comply with the FAA Airports Capital Improvement Program. The FAA has provided a funding agreement in the amount of \$285,000 for the sole purpose of designing this project. The current request for consultant design fees is for a total amount not to exceed \$455,000.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: The project design cost is estimated at \$555,000. The consultant design fee is estimated at \$455,000. \$285,000 in a FAA reimbursement grant is programmed.

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

Subconsultant Participation: \$52,619 Other Firms (9.04%)

Other: Workforce Report Submitted - Equal Opportunity Plan Required.
Staff will monitor plan and adherence to Nondiscrimination Ordinance.

FISCAL CONSIDERATIONS:

The total estimated cost to construct this project is \$4,150,000. Construction will take place in three phases due to limited FAA grant funding availability. The FAA will reimburse the City for 95% of the total construction cost.

\$100,000 was previously appropriated to CIP-31-313.2 per Appropriation Ordinance #O-19652. Current project amount after this action will be \$555,000.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTIONS: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

During the design stages, this project was presented to the Airport Advisory Committee (AAC). The users of Montgomery Field Airport will be briefed at upcoming AAC meeting, by the Deputy Director of the Airports Division.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Key Stakeholders:

1. Kimley-Horn and Associates, Inc. (Prime Consultant)
2. Ninyo & Moore (Geotechnical Subconsultant)
3. Infrastructure Engineering Corporation (Constructability Review Subconsultant)
4. Roy D. McQueen & Associates (Pavements Alternatives Subconsultant)
5. Montgomery Airport users and businesses
6. FAA Tower and Runway Safety Action Team

Projected Impacts: None.

Boekamp/Jarrell

Aud. Cert. 2800856.

Staff: Darren Greenhalgh - (619) 533-6600
John H. Serrano - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:29 a.m.)

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

- * ITEM-101: Reimbursement Agreement with BMR Construction, Inc., for the Design and Construction of Landscape, Irrigation, and Median Improvements for the Park Village Maintenance Assessment District. (Rancho Peñasquitos Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1201) ADOPTED AS RESOLUTION R-303946

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, the Reimbursement Agreement with BMR Construction, Inc., for the design and construction of landscape, irrigation, and median improvements for the Park Village Maintenance Assessment District;

Authorizing the City Auditor and Comptroller to expend \$90,000 from Fund 702281, Park Village Maintenance Assessment District, for design and construction of landscape, irrigation, and median improvements for the Park Village Maintenance Assessment District as set forth in the Reimbursement Agreement.

STAFF SUPPORTING INFORMATION:

BMR Construction, Inc., has constructed landscape median improvements along Black Mountain Road as shown in plan set 32740-D (1-46), Work Order 421783, approved by the City of San Diego on June 18, 2004, and authorized for construction by Engineering Permit Number W51903. The landscape median improvements are within the boundaries of the Park Village Maintenance Assessment District.

Council Resolution R-298222, adopted on July 22, 2003, confirmed and approved a mail ballot proceeding to form the Park Village Maintenance Assessment District. In accordance with state legal requirements including Proposition 218, a majority of weighted votes were cast in favor of forming this district, which replaced a previously existing district. The new district included additional maintenance and capital activities for existing and new improvements.

The Park Village Maintenance Assessment District includes funding for a portion of the construction of the landscape median along Black Mountain Road with a reimbursement amount not to exceed \$90,000 and funding for ongoing maintenance of the median.

The total cost to construct the landscape median was \$304,307. This action would authorize the Park Village Maintenance Assessment District to reimburse BMR Construction, Inc., in the amount of \$90,000 through the reimbursement agreement.

The construction of the landscape median was completed on April 14, 2006. The one-year maintenance period ended on April 14, 2007, and the warranty period ended on April 15, 2008. Since the construction of the median was completed prior to the execution of this agreement, BMR Construction, Inc., has been required to certify that during the design, engineering, and construction of the landscape median improvements, it has complied with all of the terms and conditions listed in this agreement and such applicable laws, regulations, and ordinances as they existed during the construction of the landscape median improvements.

This action will authorize the Mayor to sign and execute the agreement between the City and BMR Construction, Inc., for the purpose of reimbursing BMR Construction, Inc., in an amount not to exceed \$90,000 for the cost of constructing these improvements.

FISCAL CONSIDERATIONS:

Funds are available in Fund No. 702281, Park Village Maintenance Assessment District, CIP-52-736.0, Black Mountain Road Median from Canyonside Community Park to Park Village Road for this purpose.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Council Resolution Number R-298222, adopted on July 22, 2003, confirmed and approved a mail ballot proceeding with a majority of weighted votes supporting additional maintenance activities in the Park Village Maintenance Assessment District, which is located in the Rancho Peñasquitos community. The maintenance assessment district provides for maintenance and construction of certain existing and new improvements, including the landscape median. The Fiscal Year 2004-2005 Appropriation Ordinance (O-19301) on July 20, 2004, authorized the creation of CIP-52-736.0, Black Mountain Road Median from Canyonside Community Park to Park Village Road.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Park Village Maintenance Assessment District Citizen's Advisory Committee supports this project with funding \$90,000 of the capital cost to construct the median and providing ongoing maintenance to the median. This capital project and maintenance of this median were included in the approved 2003 mail ballot to form the Park Village Maintenance Assessment District.

EQUAL OPPORTUNITY CONTRACTING:

Through this agreement BMR Construction, Inc., certifies that it has complied with the City of San Diego's Equal Employment Opportunity (EEO) and Equal Opportunity Contracting (EOC) requirements.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

Key stakeholders in this reimbursement agreement are the Park Village Maintenance Assessment District Citizens' Advisory Committee and the property owners within the assessment district.

LoMedico/Heap

Aud. Cert. 2800913.

Staff: Andrew Field - (619) 533-6724
Kimberly K. Kaelin - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:29 a.m.)

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

* ITEM-102: National Urban Search and Rescue (US&R) Preparedness Cooperative Agreement.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-30) ADOPTED AS RESOLUTION R-303947

Authorizing the Mayor, or his designee, to accept a Preparedness Cooperative Agreement in the amount of \$1,038,179 from Department of Homeland Security/Federal Emergency Management Agency (DHS/FEMA) Disaster Operations Directorate for San Diego Fire-Rescue Department as Sponsoring Agency for California Task Force 8 (CA-TF8) in the National Urban Search and Rescue (US&R) Response System;

Authorizing the Mayor, or his designee, to apply annually for the next five years (through FY 2013) to DHS/FEMA enabling San Diego Fire-Rescue Department to continue as Sponsoring Agency for CA-TF8 in the National Urban Search and Rescue Response System, including any amendments, extensions, augmentations or renewals of funding from DHS/FEMA;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds from this Preparedness Cooperative Agreement;

Authorizing the City Auditor and Comptroller to establish a special fund for this Preparedness Cooperative Agreement Program and future US&R Preparedness Cooperative Agreements.

STAFF SUPPORTING INFORMATION:

In February 1992, Resolution # R-279396 authorized San Diego Fire-Rescue Department (SDFD) to participate as a Sponsoring Agency for CA-TF8 in the Federal Emergency Management Agency (FEMA) National Urban Search and Rescue (US&R) Response System. US&R is a nationwide network of task forces, designed to perform search and rescue operations at major catastrophic disasters at the direction of Department of Homeland Security/FEMA. Known as California Task Force 8 (CA-TF8), San Diego's task force has been deployed to such incidents as the World Trade Center destruction and Hurricanes Katrina and Rita.

San Diego's CA-TF8 includes team members from participating agencies county-wide. SDFD manages task force activities which include search, rescue, medical and technical functions. As Sponsoring Agency, SDFD coordinates training, maintains the personnel rosters and supply/equipment cache in a constant state of readiness for deployment and ensures the efficient and timely deployment of the task force when activated by DHS/FEMA.

Since the creation of this program in 1992, program management costs, as well as supply/equipment/maintenance/training costs, have been funded by continuing agreements with DHS/FEMA. The awards are made available annually and require annual application. The most recent Disaster Preparedness agreement award of \$1,038,179 will be applied to program management, training, equipment and maintenance costs for the period from May 2008 through August 2009. Program management includes 1.00 Battalion Chief, 1.00 Administrative Aide, 1.00 Cache Manager and 1.00 Fire Captain. There are no matching requirements attached to this Preparedness Cooperative Agreement. In the event of activation, the personnel and non-personnel costs resulting from the task force deployment are reimbursed to the City of San Diego by DHS/FEMA via a claim reimbursement process, distinct from the agreement.

FISCAL CONSIDERATIONS:

\$1,038,179 has been awarded to San Diego Fire-Rescue; there are no matching fund requirements and there is no impact to the General Fund. There would also be no matching fund requirements or impact to the General Fund resulting from subsequent awards.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

In September 2007, Resolution # R-302977 authorized San Diego Fire-Rescue Department (SDFD) to continue to participate as a Sponsoring Agency for CA-TF8 in the National Urban Search and Rescue (US&R) Response System.

City Council approved Resolution # R-279396, dated February 10, 1992, authorizing San Diego Fire-Rescue Department's participation in the National Urban Search and Rescue Response System as a Sponsoring Agency, together with any reasonably necessary modifications or amendments which did not increase project scope or cost and which the City Manager would have deemed necessary in order to carry out the purposes and intent of this project and agreement, and accepting the initial award of \$46,809 which was matched at that time with \$46,809 from Fire's 1992 budget.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders include the personnel assigned to San Diego California Task Force 8, the City of San Diego and the citizens and visitors of San Diego.

Jarman/Olen

Staff: Brian Fennessy - (619) 533-4407
William J. Gersten - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:29 a.m.)

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

* ITEM-103: Two actions related to Allocation to American Red Cross and Retired Senior Volunteer Patrol (RSVP) Foundation from Council District 7 Infrastructure Fund. (Citywide.)

COUNCIL PRESIDENT PRO TEM MADAFFER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2008-1173) ADOPTED AS RESOLUTION R-303948

Allocating and authorizing the City Auditor and Comptroller to expend \$30,000 from Council District 7 Infrastructure Fund 10529 to the San Diego Chapter of the American Red Cross for the purchase of a Disaster Services Vehicle, contingent upon the City Auditor and Comptroller certifying that funds are available;

Authorizing the Mayor, or his designee, to enter into a Donation Agreement with the San Diego Chapter of the American Red Cross.

Subitem-B: (R-2008-1204) ADOPTED AS RESOLUTION R-303949

Allocating and authorizing the City Auditor and Comptroller to expend \$3,500 from Council District 7 Infrastructure Fund 10529 to Retired Senior Volunteer Patrol (RSVP) for the purchase of digital cameras and traffic cones, contingent upon the City Auditor and Comptroller certifying that funds are available;

Authorizing the Mayor, or his designee, to enter into a Donation Agreement with the RSVP.

Aud. Certs. 2800608 and 2800609.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:29 a.m.)

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

* ITEM-104: Right-of-Entry Permit and Pipeline Easement Deed to Otay Water District. (Otay Mesa Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-8) ADOPTED AS RESOLUTION R-303950

Authorizing the Mayor, or his designee, to execute a Right-of-Entry Permit authorizing access to City property for purposes of construction and maintenance of a pump station required for the delivery of treated water purchased from the City per Resolution No. RR-291138 dated January 11, 1999;

Authorizing the Mayor, or his designee, to execute an Easement Deed in favor of the Otay Water District for underground pipeline facilities and appurtenances for the transmission and distribution of water purchased from the City.

STAFF SUPPORTING INFORMATION:

On January 11, 1999, the City entered into an agreement with the Otay Water District to provide surplus treated water to Otay Water District, RR-2991138. The termination date of this agreement is December 31, 2048. Pursuant to this agreement, the Lower Otay Pump Station (LOPS) will deliver increased capacity from the City of San Diego Otay Water Treatment Plant. This increased water capacity will contribute toward meeting the future water demand for the Otay Water District's Central Area and Otay Mesa Systems. The Right-of-Entry Permit will allow access to the Lower Otay Pump Station across City property for the purpose of construction, expansion and maintenance of LOPS, the temporary engine/pump system and pipeline connections to the City's Otay III Pipeline for the duration of the Agreement to purchase treated water per Resolution No. RR-291138. The Easement granted to Otay Water district will allow the installation and maintenance of the pipeline and connections to the City's Otay III Pipeline for the transfer of water purchased from the City.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Execution of Agreement for the Purchase of Treated Water from the Otay Water Treatment Plant Between the City of San Diego and the Otay Water District RR-291138.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

Barwick/Anderson

Staff: Lane Mackenzie - (619) 236-6050
Todd F. Bradley - Deputy City Attorney

FILE LOCATION: DEED F-10285

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:29 a.m.)

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

* ITEM-105: Grant of Easement to San Diego Gas & Electric – San Vicente Reservoir. (Foster Community in Lakeside.)

STAFF’S RECOMMENDATION:

Adopt the following resolution:

(R-2009-50) ADOPTED AS RESOLUTION R-303951

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, conveying to San Diego Gas & Electric (SDG&E) an easement for the purpose of a 15-foot wide easement for the installation of poles, wires, cables and appurtenances required for the transmission and distribution of electricity affecting that portion of the Northeast Quarter of the Southeast Quarter, Lot 3, of Section 36, Township 14 South, Range 1 West, San Bernardino Meridian, together with that portion of the Northwest Quarter of the Southwest Quarter, and the Southwest Quarter of the Southwest Quarter of Section 31, Township 14 South, Range 1 East, San Bernardino Meridian;

Authorizing the City Auditor and Comptroller to collect and deposit \$1,590 into the Water Fund 41500, Revenue Account No. 77438.

STAFF SUPPORTING INFORMATION:

Easement rights are sought by SDG&E across lands owned in fee by the City of San Diego adjacent to the San Vicente Reservoir, in eastern San Diego County. SDG&E is requesting that the City grant a 15-foot-wide easement for the installation of poles, wires, cables and appurtenances required for the transmission and distribution of electricity. The project will allow for service upgrades and increased electrical capacity to serve current and future City facilities at the reservoir, as well as facilities that are currently under construction by the County Water Authority for water distribution in joint venture with the City of San Diego. The easement rights have been valued at \$24,525—however, due to the fact that the City will directly benefit from the electrical service upgrade provided by the project, the easement rights will be granted to SDG&E at no cost.

FISCAL CONSIDERATIONS:

A \$1,590 processing fee will be paid by SDG&E to cover staff labor and other costs associated with the processing of the easement deed.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The City of San Diego and the San Diego County Water Authority will benefit from the electrical upgrade, with increased capacity and reliability of service to current and future facilities.

Barwick/Anderson

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

FILE LOCATION: DEED F-10286

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:29 a.m.)

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

* ITEM-106: Drainage Easement Vacation In Lot 346 of Map No. 5011. (Navajo Community Area. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1183) ADOPTED AS RESOLUTION R-303952

Declaring that the portion of the drainage easement located within Lot 346 of San Carlos Estates Unit No. 3 Map No. 5011, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20795-B, marked as Exhibit "B is ordered summarily abandoned to unencumber his/her

property, under the procedures for the summary abandonment or vacation of public service easements,

California Streets and Highways Code Section 8330 et seq. (and specifically Sections 8333 and 8335), and San Diego Municipal Code Section 125.1010(c);

Declaring that this action is exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Existing Facilities);

Declaring the City Clerk shall cause a certified copy of this Resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder. From and after the date of recordation of this Resolution, the abandoned drainage easement shall no longer constitute a public service easement. Upon such recordation, the abandonment is complete.

STAFF SUPPORTING INFORMATION:

This project is located in the Navajo Community Plan area in Council District 7, on the west side of Norman Lane south of Madra Avenue. This project consists of vacating a portion of a drainage easement that was granted to the City over five years ago at no cost to the City. The easement has been superceded by a new drainage easement granted to the City per Engineering Drawing No. 20574-B, recorded November 29, 2006, per Document No. 2006-0848404. The new storm drain easement is required to accommodate a construction change to the grading plan approved September 30, 2005, on Engineering Drawing No. 33364-D (W.O. 423556). The easement being vacated contains no other public facilities, and there is no present or prospective public use of the existing easement in its present location.

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Although no Community Planning Group recommendation is legally required, this project was routed to the Community Planning Group and no comments were received.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

Kamal S. Sweis

Broughton/Anderson

Staff: Geraldine Bollenbach – (619)446-5417
Shirley R. Edwards – Chief Deputy City Attorney

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

FILE LOCATION: DEED F-10287

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:29 a.m.)

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

* ITEM-107: Mel Katz Day.

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

Adopt the following resolution:

(R-2008-1200) ADOPTED AS RESOLUTION R-303953

Recognizing Mel Katz for his dedication to promote a love of reading, furtherance of diversity and civic engagement, and outstanding service to our community;

Proclaiming June 26, 2008, to be “Mel Katz Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:29 a.m.)

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

* ITEM-108: Declaring a Continued State of Emergency Regarding the Wildfires.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-889) ADOPTED AS RESOLUTION R-303954

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

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

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

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:29 a.m.)

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



ITEM-109: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-53) ADOPTED AS RESOLUTION R-303955

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

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

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:29 a.m.)

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

* ITEM-110: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-1112) ADOPTED AS RESOLUTION R-303956

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

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

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:29 a.m.)

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

* ITEM-111: State of Local Emergency Declaration Regarding the Landslide on Mount Soledad.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-867) ADOPTED AS RESOLUTION R-303957

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

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

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

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:29 a.m.)

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



ITEM-330: Community Planning Group Bylaws Updates Inconsistent with Council Policy 600-24. (Carmel Valley, Midway-Pacific Highway, Mission Valley, Ocean Beach, Otay Mesa, Pacific Beach, Rancho Bernardo, Rancho Peñasquitos, San Pasqual Valley, Serra Mesa, Southeastern San Diego, University, and Uptown Community Areas. Districts 1, 2, 3, 4, 5, 6, and 8.)

(See Council Policy No. 600-24 and Community Planning Group Bylaws.)

STAFF'S RECOMMENDATION:

Take the following actions: RETURNED TO THE MAYOR

Approve, deny or approve with modifications, the Carmel Valley Community Planning Board bylaws;

Approve, deny or approve with modifications, the Midway Community Planning Advisory Committee bylaws;

Approve, deny or approve with modifications, the Mission Valley Unified Planning Organization bylaws;

Approve, deny or approve with modifications, the Ocean Beach Planning Board bylaws;

Approve, deny or approve with modifications, the Otay Mesa Community Planning Group bylaws;

Approve, deny or approve with modifications, the Pacific Beach Community Planning Committee bylaws;

Approve, deny or approve with modifications, the Rancho Bernardo Community Planning Board bylaws;

Approve, deny or approve with modifications, the Rancho Peñasquitos Planning Board bylaws;

Approve, deny or approve with modifications, the San Pasqual/Lake Hodges Planning Group bylaws;

Approve, deny or approve with modifications, the Serra Mesa Planning Group bylaws;

Approve, deny or approve with modifications, the Southeastern San Diego Planning Committee bylaws;

Approve, deny or approve with modifications, the University Community Planning Group bylaws;

Approve, deny or approve with modifications, the Uptown Planners bylaws.

STAFF SUPPORTING INFORMATION:

An update to Council Policy 600-24 titled “Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups” was approved by the City Council on May 22, 2008 (Attachment 2). The update revised the previous Council Policy to incorporate additional operating procedures as well as provisions for compliance with the Brown Act. Approval of the Council Policy update required each community planning group to update its bylaws. A bylaws shell was included with the new Council Policy in order to facilitate this process as well as to standardize preparation of bylaws for the 41 individual community planning groups. Standardization is important to assure equity among groups, reduce potential conflicts over important topics and for community planning program administration.

Council Policy 600-24 specifies that bylaws will be reviewed and approved by the offices of the Mayor and City Attorney unless there are inconsistencies with the Council Policy. In such cases, the bylaws will be forwarded to the City Council President who shall docket the matter for Council consideration. Bylaws are not valid until approved by the City.

Staff from the City Planning and Community Investment Department and Office of the City Attorney has reviewed the 39 community planning group bylaws submitted between August 2007 and March 2008. Two groups’ bylaws have not been received to date. Of the 39 bylaws submitted, 20 are consistent with Council Policy 600-24 and have been approved, or are pending approval with minor corrections. Nineteen bylaws contain inconsistencies with the Council Policy and/or the Brown Act and require City Council review. In order to divide these bylaws into manageable groups for Council review, this report addresses the 13 bylaws which deviate from the Council Policy but not the Brown Act (Attachment 1, Section I). The six bylaws that propose Brown Act deviations will be scheduled for City Council consideration later this year.

A summary of each deviation from the Council Policy is included in Attachment 1, Section II. An individual summary was also provided to each community planning group chair for guidance on how to bring bylaws into conformance with the Council Policy. During the course of the review process, many of the groups have worked with staff to eliminate inconsistencies between their bylaws and the Council Policy. As a result, the number of bylaws receiving administrative approval increased and, for bylaws requiring City Council approval, the number of specific inconsistencies with Council Policy 600-24, has been reduced.

Several groups have indicated that they are in the process of correcting their bylaws to conform to the Council Policy. Any changes to the status will be provided at the City Council meeting.

Section III quantifies deviations by topic and groups each deviation by Council Policy article number and includes the name of each community planning group proposing deviations within that article. Deviations can be compared cumulatively by topic and any issues related to magnitude or equity assessed.

FISCAL CONSIDERATIONS:

None with this action; ongoing costs associated with providing administrative assistance to all recognized community planning groups are funded as part of the CPCI Department work program.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On May 22, 2007, the City Council voted 8-0-0 to adopt Resolution R-302671 amending Council Policy 600-24 titled "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups," including a standardized bylaws shell (Attachment 2).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

City staff worked closely with community planning groups and the CPC on revisions to Council Policy 600-24 that were approved May 22, 2007.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

Key stakeholders are existing and prospective community planning group members whose bylaws contain inconsistencies with Council Policy 600-24 and require City Council review. Approval of certain deviations could set precedent for all community planning groups on standard policy (such as compliance with the Brown Act) and would impact the community planning program as a whole.

Wright/Anderson

Staff: Bernie Turgeon - (619) 533-6575

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:15 p.m. – 2:16 p.m.)

MOTION BY COMMON CONSENT TO RETURN TO THE MAYOR. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-331: Two-Year Agreement with Various Vendors to Provide Workers' Compensation Managed Care Services. (Citywide.)

(See Report to the City Council No. 08-104.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-18) ADOPTED WITH DIRECTION AS RESOLUTION
R-303958

Authorizing the award of the Agreement with Intracorp to provide the City with Workers' Compensation Medical Bill Review, Utilization Review, Preferred Provider Organization use and Injury Call-In Center services for an initial period of two years with three additional one-year renewal periods beginning August 1, 2008;

Authorizing the award of this Agreement to Intracorp, Genex, EK Health, Monitor, PacMed and Corvel to provide the City with Workers' Compensation Field Nurse Case Management for an initial period of two years with three additional one-year renewal periods beginning August 1, 2008;

Authorizing the Mayor, or his designee, to approve the three additional one-year Agreement periods for the above described services, contingent upon certification and appropriation of funds by the City Auditor and Comptroller;

Authorizing the expenditure of \$1,200,000 from the Workers' Compensation Fund 60029 for FY 2009, contingent upon certification and appropriation of funds by the City Auditor and Comptroller.

STAFF SUPPORTING INFORMATION:

The City of San Diego self-insures and self-administers its workers' compensation insurance program in accordance with the California Labor Code. The self-administration of the City's workers' compensation program is the responsibility of the Risk Management Department, which provides workers' compensation benefits to all eligible City employees and establishes programs, allowed by the Labor Code, that provide appropriate medical care.

Following an operational and best practices assessment by Deloitte & Touche, the City implemented Integrated Managed Care Services with Genex Services. That contract has expired and as a result of the request for proposal process the Risk Management Department is recommending the City contract with Intracorp to continue providing integrated managed care services. The Integrated Managed Care contract provides the following services to the City's workers' compensation program: Medical Bill Review, Medical Utilization Review, Preferred Provider Organization (PPO), Medical Case Management, and Injury Call Center services.

FISCAL CONSIDERATIONS:

The estimated one-year contract cost to the City is \$1,200,000. Funding for the contract is available from the Workers' Compensation Fund 60029.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

City employees who sustain work-related injuries or illnesses benefit from the use of State required Medical Utilization Review. Medical Utilization Review ensures that the employee receives medical treatment in accordance with the guidelines established by the State.

Bych/Lewis

Aud. Cert. 2900001.

Staff: Greg Bych - (619) 236-6651
William J. Gersten - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:32 a.m. – 11:40 a.m.)

MOTION BY FRYE TO ADOPT THE RESOLUTION WITH DIRECTION TO REMOVE THE AUTHORIZATION OF THE MAYOR OR HIS DESIGNEE TO APPROVE THE THREE ADDITIONAL 1-YEAR AGREEMENT PERIODS FOR THE ABOVE DESCRIBED SERVICES WITHOUT FIRST BRINGING IT BACK BEFORE THE CITY COUNCIL FOR APPROVAL; IN AGREEMENT WITH THE INDEPENDENT BUDGET ANALYST'S RECOMMENDATION. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-nay, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-nay, Hueso-yea.



ITEM-332: Two actions related to Midway-Pacific Highway Corridor and Old San Diego Community Plan Updates. (Midway-Pacific Highway Corridor and Old San Diego Community Areas. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2008-1167) ADOPTED AS RESOLUTION R-303965

Authorizing the City's acceptance, appropriation and expenditure of the funds from the Redevelopment Agency in an amount not to exceed \$1,600,000 for implementation of the community plan updates;

Authorizing the City Auditor and Comptroller, following completion of the Plan Updates, and upon the advice of the administering department, to transfer excess funds, if any, to Fund 98070, North Bay Redevelopment Project Area;

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

Subitem-B: (R-2008-1168) ADOPTED AS RESOLUTION R-303966

Initiating the requested amendment to the City of San Diego General Plan and update of the Midway-Pacific Highway Corridor and Old San Diego Community Plans for the purpose of facilitating a comprehensive analysis of the various plan components, elements, and policies of both community plans and preparation of any necessary revisions to adopted documents; and

Declaring that approval of initiation of the community plan amendments is not a “project” and is therefore not subject to the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15060(c)(3).

NOTE: Subitem B is not subject to the Mayor’s veto.

The City of San Diego City Planning & Community Investment (CPCI) Department is proposing a comprehensive update of the Midway-Pacific Highway Corridor and Old San Diego community plans (The Updates). The communities of Midway and Old San Diego comprise approximately 1,200 acres located in the City’s North San Diego Bay area. These communities are generally bounded to the east by Juan and Taylor streets; I-8 to the north; Midway Drive, Barnett Avenue and Pacific Coast Highway to the west; and Laurel Street to the south (Attachment 1-Map). The Updates are anticipated to identify a collective vision for each community, create a viable plan for future development, provide adequate buffers between incompatible land uses, reduce traffic conflicts, provide pedestrian-oriented design principals, encourage affordable and market rate housing opportunities, and identify public infrastructure and facilities needs. The draft scope of work for the Updates is included as Attachment 2. The draft scope of work, projected to be completed within 24 to 30 months, includes an Environmental Impact Report, Economic and Fiscal Analysis, and a Local Coastal Program (LCP) amendment. Consultants and City Staff, following an RFP process for the selection of the consultants, will complete the work on the Updates.

Portions of the Community Plan Update area are located in the City of San Diego’s North Bay Redevelopment Project Area (Project Area), which was adopted by the San Diego City Council in 1998. A key component of the Plan Update process will be to enhance viable redevelopment opportunities within this area of the North Bay Project Area, including:

- Identify and implement specific strategies designed to achieve viable redevelopment and employment opportunities;

- Create effective redevelopment strategies consistent with adopted policies of the General Plan's Economic Prosperity Element, and;
- Enhance opportunities for providing affordable and/or workforce housing.

The use of tax increment to fund the Updates is justified in that they will benefit the Project Area in several ways including improving traffic circulation, providing an economic stimulus within the area, creating viable land use strategies, creating job opportunities, and promoting affordable and workforce housing. To the extent that portions of the Updates are outside of the Project Area boundaries, because of their close proximity to the Project Area, implementation of the updates will help further the goals and objectives of the Redevelopment Plan for the Project Area.

FISCAL CONSIDERATIONS:

Total project costs are estimated at \$ 1,600,000. Funding is available from North Bay Redevelopment Project Area tax increment.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The following community groups support the proposed actions: Old San Diego Community Planning Committee (voted 9-0-0); North Bay Project Area Committee [PAC] (voted 8-0-0); and the Midway Community Planning Advisory Committee [Midway CPG] (voted 7-0-0). Both the PAC and the Midway CPG supports the Community Plan Updates with the understanding that the previous work completed for the 2004 Midway Community Plan Amendment and the Sports Arena Ad-Hoc Committee processes be the basis of how the Community Plan Update process begins.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

The key stakeholders and projected impacts associated with the Community Plan Updates will be identified during the update process.

Weinrick/Anderson

Staff: Lydia Goularte-Ruiz - (619) 236-6539
Alex W. Sachs - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of July 22, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:31 p.m. – 2:31 p.m.)

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



ITEM-333: Transitional Housing Program for Homeless Seniors - Program Funding.
(Horton Plaza Redevelopment Project Area. District 2.)

(See Centre City Development Corporation Report CCDC-08-22/CCDC-08-11.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1193) ADOPTED AS RESOLUTION R-303967

Authorizing the acceptance, appropriation, and expenditure of funds in the amount of \$287,000 from the Redevelopment Agency's FY 2009 Horton Plaza Low and Moderate Income Housing Fund No. 98446;

Authorizing the Mayor, or his designee, to negotiate and execute an agreement with Senior Community Centers to expend an amount not to exceed \$287,000 from the FY 2009 Horton Plaza Low and Moderate Income Housing Fund for the operation of the Program, contingent upon certification of funds availability by the City Auditor and Comptroller;

Declaring that this activity will not result in a direct or reasonably foreseeable indirect change in the physical environment and hence is exempt from California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines Section 15060(c)(2).

SUPPORTING INFORMATION:

The Program is sponsored by the City of San Diego (“City”) to provide homeless seniors with vouchers to rent rooms at housing facilities in downtown and surrounding neighborhoods. The Agency has provided funding support to the Program for the past six years with expenditures from the Centre City or Horton Plaza Low and Moderate Income Housing Fund. The City is requesting \$287,000 to fund leasing costs for 37 rooms and program administration for the 12-month period of July 2008 to June 2009.

FISCAL CONSIDERATIONS:

Funds in the amount of \$287,000 are available in the proposed Fiscal Year 2009 Horton Plaza Low and Moderate Income Housing Fund.

CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:

On May 28, 2008, the Centre City Development Corporation Board voted 5-0 to approve the staff recommendation.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Centre City Advisory Committee (“CCAC”) and Project Area Committee (“PAC”) discussed the item on April 16, 2008. CCAC and PAC members raised concerns on the current conditions of Sara Frances Homotel and requested staff to look into the issue and report back.

Staff presented the result of the inspections conducted on May 8 and 9, 2008 at the CCAC meeting on May 21, 2008. The CCAC voted 19-0 and the PAC voted 18-0 to approve the staff recommendation.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: None.

Kameyama/Graham/Magana

NOTE: See the Redevelopment Agency Agenda of July 22, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:27 p.m.)

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



ITEM-334: Two actions related to First Implementation Agreement to the Owner Participation Agreement with Verbena San Ysidro, L.P. for the Verbena Affordable Apartments Project Located within the San Ysidro Redevelopment Project Area. (San Ysidro Community Area. District 8.)

(See Redevelopment Agency Report No. RA-08-21/RTC-08-107.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2009-25) ADOPTED AS RESOLUTION R-303968

Finding and determining that the additional consideration to be paid toward the Project pursuant to the First Implementation Agreement to the Owner Participation Agreement (OPA) is in an amount necessary to effectuate the purposes of the Redevelopment Plan for the Project Area;

Approving the First Implementation Agreement to the OPA; a copy of the First Implementation Agreement to the OPA, when executed by the Redevelopment Agency, shall be placed on file in the Office of the City Clerk;

Finding and determining that the City of San Diego has previously certified the information contained in the Mitigated Negative Declaration (MND) for this Project, referenced by Project No. 41718 and SCH No. 2004111075, that this Project is adequately addressed in said MND, and that there is no substantial change in circumstance, additional information or project changes to warrant additional environmental review.

Subitem-B: (R-2009-26) ADOPTED AS RESOLUTION R-303969

Making certain findings relating to the use of Low and Moderate Income Housing Set-Aside Funds outside of the City Heights and North Bay Redevelopment Project Areas for the development of the Verbena Affordable Apartments Project, located within the San Ysidro Redevelopment Project Area;

Declaring that the 20% Set-Aside Funds identified above shall be utilized for the proposed development of the Verbena Affordable Apartments Project in the San Ysidro Redevelopment Project Area.

STAFF SUPPORTING INFORMATION:

On July 10, 2007, the Redevelopment Agency (the Agency) approved an Owner Participation Agreement (OPA) with Verbena San Ysidro, L.P. (the Developer) for the development of the Verbena Project, an 80-unit affordable rental housing project located at 3774 Beyer Boulevard, within the San Ysidro Redevelopment Project Area (the Project). The proposed actions under this item will allow for the Agency and Developer to enter into the First Implementation Agreement to the OPA, which would allow for an increase in Agency funding for the Project.

Subsequent to the execution of the OPA, the Developer submitted an application to the California Tax Credit Allocation Committee (TCAC) in July 2007 for 9% tax credits under the Second Round of 2007 allocations. The Developer was unsuccessful in securing 9% tax credits, and thus has proposed a new financing structure for the Project which targets State Multi-Family Housing Program (MHP) funds for supportive housing and State Affordable Housing 4% tax credits (4% tax credits). These sources are generally less competitive than 9% tax credits. However, the removal of 9% tax credit financing for the Project has resulted in a larger financial gap.

The total project cost is \$27,003,000 and is proposed to be funded with 4% tax credits, MHP funds, California Housing Finance Agency loan, Residual Receipts Loan, Affordable Housing Program (AHP) funds, a permanent loan, deferred developer fee, and Agency 20% Low and

Moderate Income Housing Set-Aside Funds. Overall, 79 units will be available for low-income families earning between 30% and 60% of Area Median Income. Of these affordable units, 28 will be designated as supportive housing units and set aside for families with at least one individual diagnosed with a developmental disability. A developmental disability may be either of the following: autism, Down Syndrome, cerebral palsy, and/or mental retardation.

FISCAL CONSIDERATIONS:

The actions under this item commit the Agency to fund an additional \$1,215,000 to the Project. The additional funding increases the total Agency funding from \$5,586,000 to \$6,801,000 or from \$70,000 to \$85,000 per unit. The additional \$1,215,000 is to be funded from the following specific sources: 1) \$350,000 from City Heights Housing Line of Credit; 2) \$350,000 from North Bay Housing Line of Credit; and 3) \$515,000 from San Ysidro Project Area.

Total Agency funding of \$6,801,000 shall be from the following two general sources: 1) \$5,884,000 from pooled Agency 20% Low to Moderate Income Housing Set-Aside funds; and 2) \$917,000 from San Ysidro Project Area 20% Low to Moderate Income Housing Set-Aside funds. Table 4 illustrates the proposed disbursement schedule for the Project.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On July 10, 2007, the Agency and City Council approved the OPA and Associated Actions for the Verbena Project. On July 25, 2006, the Agency approved the pooling of the Agency's 20% Low and Moderate Income Housing Set-Aside Funds for the purpose of funding projects such as the Verbena Project. On March 8, 2005, the City Council approved a Planned Development Permit for the Project.

OTHER RECOMMENDATIONS:

On June 26, 2008, the Affordable Housing Collaborative Executive Loan Committee (ELC) reviewed the new funding structure for the Project and voted in support (3-0) of the First Implementation Agreement. On June 15, 2007, ELC reviewed the Project and voted in support (2-1) of the OPA.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On July 15, 2008, the First Implementation Agreement was presented to the San Ysidro Community Planning Group (SYCPG); the results of that meeting can be conveyed verbally to the Agency. On August 17, 2004, and May 15, 2007, the Project was presented to the SYCPG, at which times SYCPG voted in support of the Project's concept and/or proposed financing structure. There is no Project Area Committee (PAC) in San Ysidro.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

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

Weinrick/Anderson

Aud. Cert. 2900036.

Staff: Sam Johnson - (619) 236-6265
Kendall D. Berkey - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of July 22, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:53 p.m. – 2:53 p.m.)

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



ITEM-335: Annual Special Tax Levy – Community Facilities Districts No. 1, No. 2, No. 3, and No. 4. (Black Mountain Ranch, Peninsula, and Miramar Ranch North Community Plan Areas. Districts 1, 2, and 5.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2009-7) ADOPTED AS RESOLUTION R-303959

Adoption of a Resolution of the City of San Diego acting as the legislative body of Community Facilities District No. 4 (Black Mountain Ranch Villages) authorizing the levy of Special Taxes for Fiscal Year 2008/2009.

Subitem-B: (R-2008-1210) ADOPTED AS RESOLUTION R-303960

Adoption of a Resolution of the City of San Diego acting as the legislative body of Community Facilities District No. 1 (Miramar Ranch North) authorizing the levy of Special Taxes for Fiscal Year 2008/2009.

Subitem-C: (R-2008-1211) ADOPTED AS RESOLUTION R-303961

Adoption of a Resolution of the City of San Diego acting as the legislative body of Community Facilities District No. 2 (Santaluz) authorizing the levy of Special Taxes within Improvement Area No. 1, Improvement Area No. 3, and Improvement Area No. 4, for Fiscal Year 2008/2009.

Subitem-D: (R-2008-1215) ADOPTED AS RESOLUTION R-303962

Adoption of a Resolution of the City of San Diego acting as the legislative body of Community Facilities District No. 3 (Liberty Station) authorizing the levy of Special Taxes within Improvement Area No., and Improvement Area No. 2, for Fiscal Year 2008/2009.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

City Council adoption of resolutions authorizing the annual levy of special taxes within CFD No. 1 (Miramar Ranch North)(“CFD No. 1”), CFD No. 2 (Santaluz) - Improvement Areas 1, 3, and 4 (“CFD No. 2”), CFD No. 3 (Liberty Station)(“CFD No. 3”), and CFD No. 4 (Black Mountain Ranch Villages)(“CFD No. 4”).

STAFF RECOMMENDATION:

Staff recommends adoption of the resolutions.

EXECUTIVE SUMMARY:

The City Council has previously adopted resolutions and ordinances that established CFD No. 1, CFD No. 2, CFD No. 3, and CFD No. 4 (the “Districts”). Among other things, these previous actions: authorized the issuance of limited obligation special tax bonds to finance the construction and acquisition of public infrastructure serving the Districts and/or communities impacted by development associated with the Districts; authorized the levy of a special tax to pay principal, interest and other periodic costs with respect to the bonds and/or to pay directly for the costs of authorized facilities; and approved the Rate and Method of Apportionment of Special

Taxes, which is the formula used to determine the amount of special tax to be levied on taxable parcels within each District. In addition, for those districts in which special tax bonds have been issued, the City Council, acting as the legislative body of each district, has specifically covenanted to levy the associated special tax in an amount sufficient to meet the applicable defined special tax requirement. Pursuant to the Mello-Roos Community Facilities Act of 1982, the City Council must provide for the annual levy of special taxes by adopting a resolution and filing a certified list of all parcels subject to the special tax levy with the County Auditor and Controller's office on or before August 10 of each tax year. Prior to such date, City staff confirms the parcels to be levied with the County's equalized tax roll, which is produced on or around July 1 of each year, as the special taxes are billed and collected by the County of San Diego in the same manner as ordinary ad valorem property taxes.

This City Council action would approve the Fiscal Year 2009 special tax rates and total amount of special taxes to be levied and collected on taxable properties within the boundaries of the Districts. The special taxes are calculated in accordance with each District's Rate and Method of Apportionment of Special Taxes. Special taxes to be levied against taxable parcels of land within each District for the upcoming fiscal year are reflected in the reports submitted herewith. As the special taxes for the Districts (including the pending issuance of the CFD No. 4 bonds) are designated primarily to make debt service payments on each of the Districts special tax bonds, should this action not be approved, insufficient funds would be available to meet the annual debt service obligations related to the Districts.

As stated above, the City Council acts as the legislative body of each district and through the bond issuance process has specifically covenanted to levy the associated special taxes to pay the debt service on the bonds.

FISCAL CONSIDERATIONS:

Pursuant to the Rate and Method of Apportionment of Special Taxes for each District, monies received in the form of special taxes will be used to pay debt service on each District's outstanding bonds, if any, and/or pay directly for public facilities, maintain the appropriate balance in the reserve fund for each District, if any, and pay costs incurred by the City in administering the Districts.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Each year since inception of the Districts, the special tax levies have been presented to the City Council for approval, in accordance with the Mello-Roos Community Facilities Act of 1982. Special taxes were first levied within each of the Districts as follows:

CFD No. 1 (Fiscal Year 1993), CFD No. 2 - Improvement Areas 1 and 3 (Fiscal Year 2002), Improvement Area 4 (Fiscal Year 2004), CFD No. 3 (Fiscal Year 2004) and CFD No. 4 (Fiscal Year 2004).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None required.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

- Investors who hold the associated bonds of each District who will receive principal and interest payments on the bonds payable from the special taxes.
- Property owners within each of the Districts (an aggregate of approximately 5,100) who are responsible for payment of the associated special taxes.
- Certain developers who will be reimbursed from special tax proceeds for the costs of constructing certain public facilities.

Kommi/Lewis/CW


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

Staff: Chuck Wilcox – (619) 533-4519
Brant Will – Deputy City Attorney

FILE LOCATION: STRT-CF-7 (58)

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

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

 **ITEM-336:** Fiscal Year 2009 Park and Recreation Maintenance Assessment Districts Annual Levy Approvals. Approve Assessment Engineer's Report for each Maintenance Assessment District (MAD); Declare intent to levy and collect Fiscal Year 2009 annual assessments within previously established MADs; and authorize appropriation and expenditure of funds for Fiscal Year 2009. (Citywide.)

(See Report to the City Council No. 08-108.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2009-47) ADOPTED AS RESOLUTION R-303963

A Resolution of the Council of the City of San Diego approving the assessment engineer's reports submitted in connection with the maintenance assessment districts for Fiscal Year 2009;

Pursuant to the Landscape and Lighting Act of 1972 (California Streets and Highways Code Section 22500 *et seq.*), an assessment engineer has prepared and submitted written reports (Reports) on the following Maintenance Assessment Districts;

1. Bay Terraces – Honey Drive Maintenance Assessment District
2. Bay Terraces - Parkside Maintenance Assessment District
3. Bird Rock Maintenance Assessment District
4. Black Mountain Ranch North Maintenance Assessment District
5. Black Mountain Ranch South Maintenance Assessment District
6. Calle Cristobal Maintenance Assessment District
7. Camino Santa Fe Maintenance Assessment District
8. Campus Point Maintenance Assessment District
9. Carmel Mountain Ranch Maintenance Assessment District
10. Carmel Valley Maintenance Assessment District
11. Carmel Valley Neighborhood 10 Maintenance Assessment District
12. Coral Gate Maintenance Assessment District
13. Coronado View Maintenance Assessment District
14. Del Mar Terrace Maintenance Assessment District
15. Eastgate Technology Park Maintenance Assessment District
16. El Cajon Boulevard Maintenance Assessment District

17. First San Diego River Improvement Project Maintenance Assessment District
18. Gateway Center East Maintenance Assessment District
19. Genesee Avenue & North Torrey Pines Road Maintenance Assessment District
20. Hillcrest Maintenance Assessment District
21. Kings Row Maintenance Assessment District
22. La Jolla Village Drive Maintenance Assessment District
23. Liberty Station/NTC Maintenance Assessment District
24. Linda Vista Community Maintenance Assessment District
25. Mira Mesa Maintenance Assessment District
26. Miramar Ranch North Maintenance Assessment District
27. Mission Boulevard Maintenance Assessment District
28. North Park Maintenance Assessment District
29. Ocean View Hills Maintenance Assessment District
30. Otay International Center Maintenance Assessment District
31. Pacific Highlands Ranch Maintenance Assessment District
32. Park Village Maintenance Assessment District
33. Peñasquitos East Maintenance Assessment District
34. Rancho Bernardo Maintenance Assessment District
35. Rancho Encantada/Stonebridge Estates Maintenance Assessment District
36. Remington Hills Maintenance Assessment District
37. Robinhood Ridge Maintenance Assessment District
38. Sabre Springs Maintenance Assessment District
39. Scripps Miramar Ranch Maintenance Assessment District
40. Stonecrest Village Maintenance Assessment District
41. Street Light District No. 1 Maintenance Assessment District
42. Talmadge Maintenance Assessment District
43. Tierrasanta Maintenance Assessment District
44. Torrey Highlands Maintenance Assessment District
45. Torrey Hills Maintenance Assessment District
46. University Heights Maintenance Assessment District
47. Washington Street Maintenance Assessment District
48. Webster–Federal Boulevard Maintenance Assessment District

The Reports conform to the above-referenced authorities and have been duly considered by this Council; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Reports submitted in connection with the Maintenance Assessment Districts and filed in the Office of the City Clerk are hereby approved:

<u>Maintenance Assessment District</u>	<u>Document Number</u>
1. Bay Terraces – Honey Drive	RR-_____
2. Bay Terraces – Parkside	RR-_____
3. Bird Rock	RR-_____
4. Black Mountain Ranch North	RR-_____
5. Black Mountain Ranch South	RR-_____
6. Calle Cristobal	RR-_____
7. Camino Santa Fe	RR-_____
8. Campus Point	RR-_____
9. Carmel Mountain Ranch	RR-_____
10. Carmel Valley	RR-_____
11. Carmel Valley Neighborhood 10	RR-_____
12. Coral Gate	RR-_____
13. Coronado View	RR-_____
14. Del Mar Terrace	RR-_____
15. Eastgate Technology Park	RR-_____
16. El Cajon Boulevard	RR-_____
17. First San Diego River Improvement Project	RR-_____
18. Gateway Center East	RR-_____
19. Genesee Avenue & North Torrey Pines Road	RR-_____
20. Hillcrest	RR-_____
21. Kings Row	RR-_____
22. La Jolla Village Drive	RR-_____
23. Liberty Station/NTC	RR-_____
24. Linda Vista	RR-_____
25. Mira Mesa	RR-_____
26. Miramar Ranch North	RR-_____
27. Mission Boulevard	RR-_____
28. North Park	RR-_____
29. Ocean View Hills	RR-_____
30. Otay International Center	RR-_____

- | | |
|--|----------|
| 31. Pacific Highlands Ranch | RR-_____ |
| 32. Park Village | RR-_____ |
| 33. Peñasquitos East | RR-_____ |
| 34. Rancho Bernardo | RR-_____ |
| 35. Rancho Encantada/Stonebridge Estates | RR-_____ |
| 36. Remington Hills | RR-_____ |
| 37. Robinhood Ridge | RR-_____ |
| 38. Sabre Springs | RR-_____ |
| 39. Scripps Miramar Ranch | RR-_____ |
| 40. Stonecrest Village | RR-_____ |
| 41. Street Light District No. 1 | RR-_____ |
| 42. Talmadge | RR-_____ |
| 43. Tierrasanta | RR-_____ |
| 44. Torrey Highlands | RR-_____ |
| 45. Torrey Hills | RR-_____ |
| 46. University Heights | RR-_____ |
| 47. Washington Street | RR-_____ |
| 48. Webster–Federal Boulevard | RR-_____ |

Subitem-B: (R-2009-48) ADOPTED AS RESOLUTION R-303964

A Resolution of the Council of the City of San Diego: 1) Declaring the intent to levy and collect Fiscal Year 2009 annual assessments on Maintenance Assessment Districts; and 2) To authorize appropriation and expenditure of funds therefore.

Pursuant to the Landscape and Lighting Act of 1972 (California Streets and Highways Code Sections 22500 *et seq.*), and San Diego Municipal Code Chapter 6, Article 5, Division 2 (Law), an assessment engineer has prepared and submitted written reports (Reports) for the following Maintenance Assessment Districts [Districts] which are on file with the Office of the City Clerk as follows:

<u>Maintenance Assessment District</u>	<u>Document Number</u>
1. Bay Terraces – Honey Drive	RR-_____
2. Bay Terraces – Parkside	RR-_____
3. Bird Rock	RR-_____
4. Black Mountain Ranch North	RR-_____
5. Black Mountain Ranch South	RR-_____

- 6. Calle Cristobal RR-_____
- 7. Camino Santa Fe RR-_____
- 8. Campus Point RR-_____
- 9. Carmel Mountain Ranch RR-_____
- 10. Carmel Valley RR-_____
- 11. Carmel Valley Neighborhood 10 RR-_____
- 12. Coral Gate RR-_____
- 13. Coronado View RR-_____
- 14. Del Mar Terrace RR-_____
- 15. Eastgate Technology Park RR-_____
- 16. El Cajon Boulevard RR-_____
- 17. First San Diego River Improvement Project RR-_____
- 18. Gateway Center East RR-_____
- 19. Genesee Avenue & North Torrey Pines Road RR-_____
- 20. Hillcrest RR-_____
- 21. Kings Row RR-_____
- 22. La Jolla Village Drive RR-_____
- 23. Liberty Station/NTC RR-_____
- 24. Linda Vista Community RR-_____
- 25. Mira Mesa RR-_____
- 26. Miramar Ranch North RR-_____
- 27. Mission Boulevard RR-_____
- 28. North Park RR-_____
- 29. Ocean View Hills RR-_____
- 30. Otay International Center RR-_____
- 31. Pacific Highlands Ranch RR-_____
- 32. Park Village RR-_____
- 33. Peñasquitos East RR-_____
- 34. Rancho Bernardo RR-_____
- 35. Rancho Encantada RR-_____
- 36. Remington Hills RR-_____
- 37. Robinhood Ridge RR-_____
- 38. Sabre Springs RR-_____
- 39. Scripps Miramar Ranch RR-_____
- 40. Stonecrest RR-_____
- 41. Street Light District No. 1 RR-_____
- 42. Talmadge RR-_____
- 43. Tierrasanta RR-_____
- 44. Torrey Highlands RR-_____

- 45. Torrey Hills RR- _____
- 46. University Heights RR- _____
- 47. Washington Street RR- _____
- 48. Webster–Federal Boulevard RR- _____

That the Council hereby authorizes the levy and collection of assessments in the City for the Fiscal Year 2009 pursuant to the provisions of the California Streets and Highways Code Sections 22500 *et seq.* and San Diego Municipal Code Chapter 6, Article 5, Division 2 (Law) to pay a proscribed portion of the cost of future maintenance of improvements. These improvements are more generally described in each assessment engineer report (Report), submitted in connection with the Maintenance Assessment Districts (Districts) and on file in the Office of the City Clerk as described herein;

That a full description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the District are described in the Reports submitted in connection with the Districts on file in the Office of the City Clerk as described herein;

That the maintenance and expense of the contemplated maintenance are made chargeable upon the Districts and the Council declares that certain properties within the Districts receive special benefit from the maintenance of the improvements;

That those properties within the Districts which receive a special benefit from the maintenance shall be assessed for the total amount of the maintenance costs of the Districts, plus incidental expenses thereto, to be received by the individual parcels of real property within the Districts;

That City staff may order a portion of the costs of maintenance for City-owned parcels, not to exceed \$201,701 to be paid by the City from appropriate funds;

The proposed budget for each District is as follows:

1. Bay Terraces – Honey Drive	\$	10,142
2. Bay Terraces – Parkside	\$	34,311
3. Bird Rock	\$	145,092
4. Black Mountain Ranch North	\$	191,492

5. Black Mountain Ranch South	\$	0
6. Calle Cristobal	\$	190,914
7. Camino Santa Fe	\$	237,835
8. Campus Point	\$	24,769
9. Carmel Mountain Ranch	\$	287,643
10. Carmel Valley	\$	1,774,950
11. Carmel Valley Neighborhood 10	\$	179,956
12. Coral Gate	\$	101,833
13. Coronado View	\$	18,757
14. Del Mar Terraces	\$	65,427
15. Eastgate Technology Park	\$	136,875
16. El Cajon Boulevard	\$	292,558
17. First San Diego River Improvement Project	\$	207,375
18. Gateway Center East	\$	173,603
19. Genesee Avenue & North Torrey Pines Road	\$	423,523
20. Hillcrest	\$	15,118
21. Kings Row	\$	5,984
22. La Jolla Village Drive	\$	33,199
23. Liberty Station/NTC	\$	66,205
24. Linda Vista Community	\$	150,080
25. Mira Mesa	\$	644,383
26. Miramar Ranch North	\$	1,063,150
27. Mission Boulevard	\$	45,124
28. North Park	\$	333,734
29. Ocean View Hills	\$	532,098
30. Otay International Center	\$	227,179
31. Pacific Highlands Ranch	\$	124,616
32. Park Village	\$	245,223
33. Peñasquitos East	\$	213,698
34. Rancho Bernardo	\$	364,421
35. Rancho Encantada/Stonebridge Estates	\$	0
36. Remington Hills	\$	0
37. Robinhood Ridge	\$	86,174
38. Sabre Springs	\$	98,069
39. Scripps Miramar Ranch	\$	870,880
40. Stonecrest Village	\$	473,102
41. Street Light District No. 1	\$	334,394
42. Talmadge	\$	143,316
43. Tierrasanta	\$	637,044

44. Torrey Highlands	\$ 368,976
45. Torrey Hills	\$ 1,028,936
46. University Heights	\$ 37,399
47. Washington Street	\$ 39,325
48. Webster–Federal Boulevard	\$ 0

That reference is hereby made to the Reports for a statement of the assessments upon assessable lots and parcels of land within the Districts;

That the City Auditor and Comptroller is authorized to appropriate and expend Maintenance Assessment District funds for Fiscal Year 2009 in an amount as described for each district herein.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

This City Council action is to establish the Fiscal Year 2009 assessments for the City’s Maintenance Assessment Districts (commonly referred to as MADs) that are managed by the Park and Recreation Department.

STAFF RECOMMENDATION:

Staff recommends the City Council authorize the levy and collection of assessments within previously established districts for Fiscal Year 2009; approve the annual update to the voter-approved Assessment Engineer’s Report for each district; and authorize the appropriation and expenditure of district funds for Fiscal Year 2009.

SUMMARY:

Maintenance Assessment Districts are authorized by law to assess benefiting property owners for maintenance and other service activities. These activities must provide a special benefit above the standard level of service provided by the City. Maintenance areas may include but are not limited to landscaped and paved medians, landscaped right-of-ways and slopes, open space, parks, ponds, flood control channels, monuments, decorative street lighting, decorative gates, community signage, and banners. Maintenance Assessment Districts may also provide for cleaning of curbs and gutters, sweeping sidewalks, and security services.

State law requires that the City Council annually approve each district assessment levy and Assessment Engineer’s Report. The action being taken today will allow the levy to be placed on the San Diego County Property Tax roll, and will meet the legal requirements necessary for each MAD to provide the maintenance and other services as described in the Assessment Engineer’s

Reports. There are currently 48 active districts. The following table lists the assessment district levies for the 48 active districts included in the Fiscal Year 2009 Budget, as supported by the Fiscal Year 2009 Annual Update to the Assessment Engineer's Reports. Assessment Engineer's Reports are available for review at: www.sandiego.gov/park-and-recreation/general-info/engreports.shtml.

1. Bay Terraces – Honey Drive	\$10,142	25. Mira Mesa	\$644,383
2. Bay Terraces – Parkside	\$34,311	26. Miramar Ranch North	\$1,063,150
3. Bird Rock	\$145,092	27. Mission Boulevard	\$45,124
4. Black Mountain Ranch North	\$191,492	28. North Park	\$333,734
5. Black Mountain Ranch South	\$0	29. Ocean View Hills	\$532,098
6. Calle Cristobal	\$190,914	30. Otay International Center	\$227,179
7. Camino Santa Fe	\$237,835	31. Pacific Highlands Ranch	\$124,616
8. Campus Point	\$24,769	32. Park Village	\$245,223
9. Carmel Mountain Ranch	\$287,643	33. Peñasquitos East	\$213,698
10. Carmel Valley	\$1,774,950	34. Rancho Bernardo	\$364,421
11. Carmel Valley Neighborhood 10	\$179,956	35. Rancho Encantada ¹	\$0
12. Coral Gate	\$101,833	36. Remington Hills ¹	\$0
13. Coronado View	\$18,757	37. Robinhood Ridge	\$86,174
14. Del Mar Terrace	\$65,427	38. Sabre Springs	\$98,069
15. Eastgate Technology Park	\$136,875	39. Scripps – Miramar Ranch	\$870,880
16. El Cajon Boulevard	\$292,558	40. Stonecrest	\$473,102
17. First SD River Improvement Project	\$207,375	41. Streetlight District Number One	\$334,394
18. Gateway Center East	\$173,603	42. Talmadge	\$142,316
19. Genesee/North Torrey Pines Road	\$423,523	43. Tierrasanta	\$637,044
20. Hillcrest	\$15,118	44. Torrey Highlands	\$368,976
21. Kings Row	\$5,984	45. Torrey Hills	\$1,028,936
22. La Jolla Village Drive	\$33,199	46. University Heights	\$37,399
23. Liberty Station	\$66,205	47. Washington Street	\$39,325
24. Linda Vista Community	\$150,080	48. Webster/Federal Boulevard ¹	\$0

¹ Black Mountain Ranch South, Rancho Encantada, Remington Hills and Webster/Federal Boulevard maintenance assessment districts have sufficient fund balance such that additional assessments are not needed for Fiscal Year 2009.

FISCAL CONSIDERATIONS:

The Fiscal Year 2009 MAD budget was approved by City Council on June 9, 2008, per Council Resolution No. R-303797. The estimated annual MAD assessment for City owned property for Fiscal Year 2009 is \$201,701.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Each year, the City Council authorizes staff to levy assessments. The Fiscal Year 2008 approval was obtained on August 1, 2007, per City Council Resolutions R-302854, R-302855 and R-302856.

The Proposed Fiscal Year 2009 budget, which is the foundation for determining the assessment amounts contained within the annual update, was approved by the City Council on June 9, 2008, per Council Resolution no. R-303797.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

For those districts with a community advisory committee, staff presented the budget and annual assessment rates for approval during December, January and February of this year. These rates have been included in the annual update to the Assessment Engineer's Reports as well as property and land use changes that may impact the calculation of the assessment rate.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key stakeholders in this process are the property owners that are assessed as part of the Maintenance Assessment Districts program. Citizen advisory committees, which are typically subcommittees of officially recognized planning committees, town councils, or other community based organizations, are also stakeholders in this process. As required in Municipal Code Section 65.0210(a), staff has presented the budget and proposed assessment rate to those districts that have advisory committees.

If the annual update to the Assessment Engineer's Reports is not approved and the levy of assessments not authorized, existing districts will need to rely on their reserves to fund maintenance of improvements. Reserve levels vary in each district. Once reserves are depleted, maintenance activities would cease.

Heap/LoMedico/AF

Staff: Andrew Field – (619) 533-6724
Kimberly K. Kaelin – Deputy City Attorney

FILE LOCATION: STRT-M-519 2009 (34)

COUNCIL ACTION: (Time duration: 11:41 a.m. – 11:44 a.m.)

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



ITEM-S500: Submitting to the Voters a Ballot Proposition Amending the City Charter to Provide Deputy City Attorneys with Civil Service Protection.

(See memoranda from City Attorney dated 6/30/2008 and 6/24/2008; Jay M. Goldstone dated 7/2/2008; and Deputy City Attorneys Association of San Diego (DCAA) dated 6/19/2008.)

(Continued from the meeting of 7/15/2008, Item 332, at the request of Councilmember Atkins, for further review.)

TODAY'S ACTION IS:

Take the following actions: RETURNED TO THE MAYOR

Submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide Election to be held on November 4, 2008, one proposition amending the City Charter by amending Article IV, Section 40, and amending Article VIII, Section 117, relating to requirements that certain Deputy City Attorneys be members of the City's classified service beginning on July 1, 2010;

Directing the City Attorney to prepare a ballot title and summary;

Directing an appropriate official to prepare an impartial analysis pursuant to San Diego Municipal Code section 27.0505(d) as the measure affects the organization or salaries of the Office of the City Attorney;

Directing the Mayor's Office to prepare a fiscal analysis;

Assigning authorship of the ballot argument;

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

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

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

On 6/25/2008, no action taken. Members of the Rules Committee asked that the Mayor and the City Attorney Meet and Confer on the issue.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:21 p.m.)

MOTION BY COMMON CONSENT TO RETURN TO THE MAYOR. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-S501: Submitting to the Voters a Ballot Proposition Amending the City Charter to Create a New Pension Plan for Future Non-Safety City Employees.

(See Mayor Sanders' and Council President Peters' General Members chart compromise ballot proposal; City Clerk's 6/20/08, memorandum; Mayor Sanders' 6/20/08, memorandum; Mayor Sanders' 6/25/08, Pension Reform PowerPoint; Council President Scott Peters' 6/20/08, memorandum; City Attorney's 6/19/08, memorandum regarding Ballot Measure Questions; Proposed Ordinance dated 6/24/08, with attached Comparison of Mayor's Ballot Proposal to Current Pension System; League of California Cities' memorandum with Defined Benefits Comparisons Chart; San Diego County Taxpayers Association's June 25, 2008, PowerPoint; Joseph Esuchanko's actuarial calculations.)

(Continued from the meeting of 7/15/2008, Item 333, at the request of Mayor Sanders, for further review.)

TODAY'S ACTION IS:

Introduce and adopt the following ordinance:

(O-2009-7) CONTINUED TO MONDAY, JULY 28, 2008

Introduction and adoption of an ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide Election to be held on November 4, 2008, one proposition amending the City Charter by amending Article IX, by amending Section 141, by adding Section 141.1, related to the establishment of separate retirement system benefits for non-safety employees that begin service on or after July 1, 2009;

Directing the City Attorney to prepare a ballot title and summary;

Directing the City Attorney to prepare an impartial analysis;

Directing the Mayor's Office to prepare a fiscal analysis;

Assigning authorship of the ballot argument.

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

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

On 6/25/2008, Rules voted to forward the pension reform ballot proposal as presented by Council President Peters and Mayor Sanders to:

- the full City Council for consideration on July 14, 2008;
- direct the Mayor to Meet and Confer on this proposal as legally required, and in order to possibly avoid a ballot measure;
- direct the City Attorney to prepare a draft ordinance for amending the Municipal Code in the event that a ballot measure is unnecessary; and
- include the actuarial calculations as requested by Councilmember Frye.

(Councilmembers Peters, Young, Frye, Madaffer, and Hueso voted yea. Councilmember Young voted nay regarding forwarding this item to Council for consideration as a ballot proposal.)

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:15 p.m.)

MOTION BY MADAFFER TO CONTINUE TO MONDAY, JULY 28, 2008, FOR FURTHER REVIEW. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-S502: Ballot Proposition Amending the City Charter to Designate the Use of Lease Revenues from Mission Bay Park.

(See Charter Amendment Proposed by Councilmembers Kevin Faulconer and Donna Frye.)

(Continued from the meeting of 7/15/2008, Item 334, at the request of Councilmember Faulconer, for further review.)

TODAY'S ACTION IS:

Take the following actions: CONTINUED TO MONDAY, JULY 28, 2008

Submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide Election to be held on November 4, 2008, one proposition amending the City Charter by amending Article V, Section 55, by adding Section 55.2, requiring annual lease revenue generated in Mission Bay Park that exceeds \$20 million, 75% be appropriated for public capital improvements in Mission Bay Park and 25% be appropriated for public capital improvements in current and future Regional Parks;

Directing the City Attorney to prepare a ballot title and summary;

Directing the City Attorney to prepare an impartial analysis;

Directing the Mayor's Office to prepare a fiscal analysis;

Assigning authorship of the ballot argument.

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

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

On 6/25/2008, Rules voted 5 to 0 to refer this item to the full City Council for consideration, with comments by the Rules Committee members noted. (Councilmembers Peters, Young, Frye, Madaffer, and Hueso voted yea.)

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:19 p.m.)

MOTION BY FAULCONER TO CONTINUE TO MONDAY, JULY 28, 2008, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-S503: Impasse Procedure, if necessary, for Management and AFCSME Local 127 on the Compromise Pension Ballot Proposal.

(See memorandum from Jay Goldstone dated 7/18/2008.)

STAFF'S RECOMMENDATION:

Take the following action: CONTINUED TO MONDAY, JULY 28, 2008

Scheduling an impasse procedure, if necessary, for Management and AFSCME Local 127 on the Compromise Pension Ballot Proposal.

SUPPORTING INFORMATION:

The current Memoranda of Understanding and Council Policy 300-6 provide that the City's Labor Organizations have a right to a Council hearing on any issues at impasse at the conclusion of contract negotiations. The purpose of the impasse hearing shall be to identify and specify in writing the issue or issues that remain in dispute according to Council Policy 300-6.

Staff: Scott Chadwick - (619) 236-6313

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 12:01 p.m. – 12:01 p.m.)

MOTION BY FRYE TO CONTINUE TO MONDAY, JULY 28, 2008, FOR FURTHER REVIEW. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 2:55 p.m. in honor of the memory of:

Ric DeVan as requested by Council President Pro Tem Madaffer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:54 p.m. – 2:55 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego