

THE CITY OF SAN DIEGO, CALIFORNIA
 MINUTES FOR REGULAR COUNCIL MEETING
 OF
 TUESDAY, DECEMBER 2, 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 10:01 a.m. Council President Peters recessed the meeting at 11:25 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:29 a.m. with all Council Members present. The meeting was recessed by Council President Peters at 12:00 p.m.

The meeting was reconvened by Council President Peters at 2:07 p.m. with Council Member Maienschein not present. Council President Peters recessed the meeting at 4:15 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 4:20 p.m. with all Council Members present. Council President Peters recessed the meeting at 4:34 p.m. to reconvene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 4:38 p.m. with all Council Members present and recessed the meeting, thereafter, for the purpose of a break. Council President Peters reconvened the regular meeting for a joint public hearing with the Redevelopment Agency at 4:36 p.m. with all Council Members present. Council President Peters recessed the meeting at 5:11 p.m. to convene the Housing Authority and the regular meeting, thereafter. Council President Peters recessed the regular meeting at 5:22 p.m. to reconvene the Housing Authority. Council President Peters reconvened the regular meeting at 5:24 p.m. with all Council Members present. Council President Peters recessed the meeting at 6:46 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 6:53 p.m. with Council Member Young and Council Member Maienschein not present. The meeting was adjourned by Council President Peters at 8:05 p.m.

ATTENDANCE DURING THE MEETING:

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

- (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council Member Hueso-present
- Clerk-Maland (dlc/mz)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on prayer and the flag salute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:41 a.m.)

PUBLIC COMMENT-2:

Hud Collins commented on the fiscal crisis.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:41 a.m. - 10:44 a.m.)

PUBLIC COMMENT-3:

Al Strohleim commented on destroying files.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. - 10:47 a.m.)

PUBLIC COMMENT-4:

Steve Bruce commented on his concerns.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m. - 10:49 a.m.)

PUBLIC COMMENT-5:

Phil Hart commented on outgoing Council Members.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:49 a.m. - 10:51 a.m.)

PUBLIC COMMENT-6:

Cricket Bradburn commented on her concerns.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. - 10:54 a.m.)

PUBLIC COMMENT-7:

Miss Warr commented on her concerns.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:54 a.m. - 10:57 a.m.)

PUBLIC COMMENT-8:

Jarvis Ross commented on his reflections.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:57 a.m. - 11:00 a.m.)

PUBLIC COMMENT-9:

Joyce Summer commented on outgoing Council Members.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:00 a.m. - 11:02 a.m.)

PUBLIC COMMENT-10:

Jake Young commented on Community Development Block Grant Funds and Pro Kids Golf.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:02 a.m. - 11:05 a.m.)

PUBLIC COMMENT-11:

Izean Rim Jr. commented on public safety.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:05 a.m. - 11:08 a.m.)

PUBLIC COMMENT-12:

Jose Villodas commented on air pollutants in City Heights.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-13:

J. Nathaniel Howard commented on the San Diego Padres.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-14:

Thomas Glasser commented on an eviction.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:13 a.m. - 11:16 a.m.)

PUBLIC COMMENT-15:

Joy Sunyata commented on public participation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:16 a.m. - 11:19 a.m.)

PUBLIC COMMENT-16:

David Ross commented on the displaced in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:19 a.m. - 11:21 a.m.)

PUBLIC COMMENT-17:

Betsy Kinsley thanked Council Members.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:21 a.m. - 11:24 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council President Peters presented pins to Council Member Atkins and Council President Pro Tem Madaffer for their 15 years of service to the City. Council President Peters also welcomed his parents to the Council Meeting.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:31 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

APPROVED

Approval of Council Minutes for the meetings of:

10/13/2008

10/14/2008

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:01 a.m. – 10:01 a.m.)

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

ITEM-31: Police Captains' Day.

MAYOR SANDERS' AND COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2009-632) ADOPTED AS RESOLUTION R-304460

Commending and thanking Assistant Chief Robert Kanaski for his service to the San Diego Police Department;

Proclaiming December 2, 2008, to be "Assistant Chief Robert Kanaski Day" in the City of San Diego.

Subitem-B: (R-2009-633) ADOPTED AS RESOLUTION R-304461

Commending and thanking Captain Guy A. Swanger for his service to the San Diego Police Department;

Proclaiming December 2, 2008, to be "Captain Guy A. Swanger Day" in the City of San Diego.

Subitem-C: (R-2009-631) ADOPTED AS RESOLUTION R-304462

Commending and thanking Captain Sarah Creighton for her service to the San Diego Police Department;

Proclaiming December 2, 2008, to be "Captain Sarah Creighton Day" in the City of San Diego.

Subitem-D: (R-2009-668) ADOPTED AS RESOLUTION R-304463

Commending and thanking Captain Mary M. Cornicelli for her service to the San Diego Police Department;

Proclaiming December 2, 2008, to be “Captain Mary M. Cornicelli Day” in the City of San Diego.

Subitem-E: (R-2009-634) ADOPTED AS RESOLUTION R-304464

Commending and thanking Captain Christopher J. Ball for his service to the San Diego Police Department;

Proclaiming December 2, 2008, to be “Captain Christopher J. Ball Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:08 a.m. – 10:09 a.m.)

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

ITEM-32: Community Collaboration Day.

COUNCILMEMBER YOUNG’S RECOMMENDATION:

Adopt the following resolution:

(R-2009-638) ADOPTED AS RESOLUTION R-304465

Proclaiming December 2, 2008, as “Community Collaboration Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:30 a.m.)

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

ITEM-33: Ellen Willis Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-370) ADOPTED AS RESOLUTION R-304466

Proclaiming December 2, 2008, as "Ellen Willis Day" in the City of San Diego in recognition of the many community services she has provided to the citizens of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:21 a.m.)

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

- * ITEM-50: Special Promotional Programs (Transient Occupancy Tax Fund) Appropriation Change.

(See memorandum from Scott Kessler dated 11/17/2008.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/17/2008, Item 200, Subitem A. (Council voted 7-0. Councilmember Frye not present):

(O-2009-69) ADOPTED AS ORDINANCE O-19811 (New Series)

Authorizing the Comptroller to transfer \$142,210 in expenditure appropriations within the Special Promotional Programs (Transient Occupancy Tax Fund 10220) from the Convention Center Expansion Project Fund TOT Transfer Allocation (Dept. 921, Org. 2008) to the entity San Diego World Trade Center/Local Access to Global Markets Allocation (Dept. 922, Org. 2019);

Authorizing the Comptroller to reduce the revenue budget of the Convention Center Expansion Project Fund (Fund 102212, Dept. 102212, Org. 1000) by \$142,210.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-51: Amendments to the City's Emergency Water Regulations.

(See Report to the City Council No. 08-162; and see memorandum from Alex Ruiz dated 11/10/2008.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/10/2008, Item 202. (Council voted 6-0. Councilmembers Young and Maienschein not present):

(O-2009-59) ADOPTED AS ORDINANCE O-19812 (New Series)

Amending Chapter 6, Article 7 of the San Diego Municipal Code by repealing Sections 67.3801, 67.3802, 67.3803, 67.3804, 67.3805, 67.3806, 67.3807, 67.3808, 67.3809, 67.3810, and 67.3811 and adding new Sections 67.3801, 67.3802, 67.3803, 67.3804, 67.3805, 67.3806, 67.3807, 67.3808, 67.3809, 67.3810 and 67.3811, all relating to Water Use Restrictions and Drought Response Program;

This ordinance establishes year-round water waste provisions. This ordinance contains specific demand reduction targets for each response level. It allows the City to establish future water use allocations for customers. This ordinance allows the City to restrict the issuance of new meters at drought response Level 3 (30% demand reduction required) unless specific criteria is met, or an offset in water demand is provided. It also allows customers to apply for a hardship variance from any of these water use restrictions.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

ITEM-52: Rezoning Sycamore Landfill Master Plan Located at 8514 Mast Boulevard. (East Elliot Community Plan Area. District 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/10/2008, Item 213, Subitem F. (Council voted 5-1. Councilmember Frye voted nay. Councilmembers Young and Maienschein not present.):

(O-2009-55) ADOPTED AS ORDINANCE O-19813 (New Series)

Changing 517 acres located at 8514 Mast Boulevard, within the East Elliot Community Plan Area, in the City of San Diego, California, from the AR-1-2 and RS-1-8 Zones into the IH-2-1 Zone, as defined by San Diego Municipal Code Section 131.0604 and repealing Ordinance No. O-10864 (New Series), adopted June 29, 1972, of the ordinances of the City of San Diego insofar as the same conflict herewith.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

- * ITEM-53: Extension of Cooperative Agreement with CalTrans for Improvements to State Route 163/Clairemont Mesa Boulevard Interchange. (Kearny Mesa Community Area. District 6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/18/2008, Item 51. (Council voted 7-0. Councilmember Young not present):

(O-2009-57) ADOPTED AS ORDINANCE O-19814 (New Series)

Authorizing the Mayor to execute an Amendment to the Cooperative Agreement with CalTrans for the design of improvements to the State Route I-163/ Clairemont Mesa Boulevard Interchange, extending the termination of the Agreement by three years to December 31, 2011, under the terms and conditions set forth in the Agreement;

Declaring that this activity is covered under the EIR for the New Century Center, LDR No. 96-0165, SCH No. 96031091. This activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental document adequately covered this activity as part of the previously approved project, this activity is not a separate project for purposes of California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15060(c)(3).

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

- * ITEM-54: Extension of Cooperative Agreement with CalTrans for Improvements to I-805/La Jolla Village Interchange. (University Community Area. District 1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/18/2008, Item 53. (Council voted 7-0. Councilmember Young not present.):

(O-2009-56) ADOPTED AS ORDINANCE O-19815 (New Series)

Authorizing the Mayor to execute an Amendment to the Cooperative Agreement with CalTrans for the design of improvements to the I-805/La Jolla Village Drive Interchange, extending the termination of the Agreement by three years to December 31, 2011, under the terms and conditions set forth in the Agreement;

Declaring that the City Council has reviewed and considered an EIR/EIS, DEP File No. 91-0397, dated May 6, 1998 and adopted by Resolution No. R-290810 on October 5, 1998, covering this activity. This activity is adequately addressed in the environmental documents and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental document adequately covered this activity as part of the previously approved project, this activity is not a separate project for purposes of California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15060(c)(3).

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-55: Centre City Development Corporation Performance Audit.

(See Centre City Development Corporation Report No. CCDC-08-30.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 11/18/2008, Item 52. (Council voted 8-0):

(O-2009-62 Rev.) ADOPTED AS ORDINANCE O-19816 (New Series)

Authorizing the Mayor to enter into an Agreement with Sjoberg Evashenk Consulting, Inc., in an amount not to exceed \$344,000 to conduct a performance audit of CCDC under the terms of the Sjoberg Evashenk proposal received by the City on September 3, 2008 and on file with the City Clerk's Office;

Authorizing the City Comptroller to receive up to \$344,000 from CCDC for the purpose of funding the above-referenced agreement;

Authorizing the City Comptroller to appropriate and expend up to \$344,000, in Fund 102691, RDA City Contracts, for the purpose of funding the above-reference agreement;

Declaring that the Office of the Independent Budget Analyst will be informed regarding the progress of the performance audit through briefings at the Audit Committee.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

- * ITEM-56: Second Amendment to the Consultant Agreement with Kimley-Horn, Inc., for Genesee Avenue/Interstate-5 Overcrossing Project. (University City Community Area. District 1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/18/2008, Item 54. (Council voted 7-0. Councilmember Young not present.):

(O-2009-63) ADOPTED AS ORDINANCE O-19817 (New Series)

Authorizing the Mayor to execute, for and on behalf of the City, an Agreement (Amendment #2) with Kimley-Horn, Inc., for preliminary engineering services for the Genesee Avenue/Interstate-5 Overcrossing Project, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this Project and Agreement;

Authorizing the expenditure of an amount not to exceed \$1,590,900 from Fund 79001, North University City FBA, CIP-52-372.0, Genesee Avenue/Interstate-5 Overcrossing, for the purpose of providing funds for the above referenced Project;

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

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

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-57: Rezoning of the Property Located at 8655 Aero Drive. (Kearny Mesa Community Plan Area. District 6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/17/2008, Item 210, Subitem B. (Council voted 6-2. Councilmembers Young and Frye voted nay):

(O-2009-73) ADOPTED AS ORDINANCE O-19818 (New Series)

Changing 9.32 acres located at 8655 Aero Drive, within the Kearny Mesa Community Plan Area, in the City of San Diego, California, from the IP-2-1 Zone into the RM-3-9 Zone, as defined by San Diego Municipal Code Section 131.0406; and repealing Ordinance No. O-18478 (New Series);

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

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

- * ITEM-58: Amended Cooperative Agreement with CalTrans for Genesee Avenue/Interstate 5 Overcrossing. (University Community Area. District 1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/18/2008, Item 56. (Council voted 7-0. Councilmember Young not present.):

(O-2009-66) ADOPTED AS ORDINANCE O-19819 (New Series)

Authorizing the Mayor, or his representative, to execute for and on behalf of the City, an Amended Cooperative Agreement with Caltrans for the preparation of an environmental document for the Genesee Avenue/Interstate 5 Overcrossing (CIP-52-372.0), under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement;

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

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

- * ITEM-59: Requiring Automated External Defibrillators in Specified Newly Constructed Buildings. (Citywide.)

(Maureen O'Connor's October 16, 2008, memorandum regarding Statistical Information; Maureen O'Connor's October 16, 2008, memorandum regarding Expected Costs; San Diego Project Heart Beat's Pricing Rates; City Attorney's Draft Ordinance; AED Scope/Applicability.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 11/18/2008, Item 330. (Council voted 8-0):

(O-2009-28 Rev.) ADOPTED AS ORDINANCE O-19820 (New Series)

Amending Chapter 14, Article 5, of the San Diego Municipal Code by adding Division 39, titled Automated External Defibrillators, and by adding Sections 145.3901, 145.3905, 145.3910, 145.3915, 145.3920, 145.3925, 145.3930, and 145.3935, all related to requirements for Automated External Defibrillators in Certain Newly Constructed Buildings.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

ITEM-60: Archstone Mission Gorge, Project No. 142570. Affordable/In-Fill Housing Expedite Program project for the discontinuance and demolition of an existing 119 unit mobile home park and construction of a 444 unit residential rental condominium complex on a 10.2-acre site located at 6850 Mission Gorge Road in the Navajo Community Planning area. (Navajo Community Plan Area. District 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/18/2008, Item 335, Subitem E. (Council voted 5-1. Councilmember Young voted nay. Councilmembers Maienschein and Frye not present.):

(O-2009-64) ADOPTED AS ORDINANCE O-19821 (New Series)

Changing 11.34 acres located at 6850 Mission Gorge Road, within the Navajo Community Plan Area, in the City of San Diego, California, from the RM-3-7 (Mobile Home Park Overlay Zone) into the RM-3-7, as defined by San Diego Municipal Code Section 131.0406; and repealing Ordinance No. O-15774 (New Series), adopted July 12, 1982, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:20 p.m. – 3:49 p.m.)

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

- * ITEM-100: Agreement with Infrastructure Engineering Corporation for Professional Civil Engineering Services.

(See Water Department's September 2, 2008, Executive Summary Sheet; Water Department's October 15, 2008, PowerPoint.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-663) ADOPTED AS RESOLUTION R-304467

Authorizing the Mayor, or his designee, to award and execute, for and on behalf of the City, a Professional Services Agreement with Infrastructure Engineering Corporation (Agreement), in an amount not to exceed \$500,000 for the purpose of providing professional services to the Water Department for the Groundwater Pilot Production Wells Project (Project);

Authorizing the expenditure of an amount not to exceed \$500,000 from Water Fund 41500, CIP-75-932.0, Groundwater Asset Development Program, for Project related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines, Section 15306.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/15/2008, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

In December 2002, the City of San Diego (City) adopted the Long-Range Water Resources Plan (LRWRP) by Resolution R-2003-657. The LRWRP evaluated water supply alternatives for meeting the City's current and future water needs. The recommended approach for the LRWRP was to implement by 2010, a water resources strategy that enhances the City's water supply portfolio by developing more local supplies. To reach the groundwater development and implementation goals established by the LRWRP, the City is looking into various groundwater basins within its jurisdiction to install production wells.

The City currently does not have the resources, staffing and expertise to design and install groundwater well head equipment, treatment, and conveyance systems. A qualified and licensed consultant is being retained to provide this service. The City issued a Request for Proposals for Professional Civil Engineering Services on March 20, 2008, in the San Diego Daily Transcript and on the City's website for bid and contract opportunities. Three (3) firms submitted proposals on April 29, 2008. On May 13, 2008, the firms were interviewed by a selection panel. Infrastructure Engineering Corporation was selected as the most qualified firm following a competitive selection and procurement process completed in accordance with City Council Policy 300-7, Consultant Services Selection, and the City's Administrative Regulation 25.60, Selection of Consultants for Work Requiring Licensed Architect and Engineering Skills and Other Related Professional Services.

The City will utilize the expertise of Infrastructure Engineering Corporation to design and install well head equipment, treatment and conveyance systems for the pilot production wells. The goal of this program is to install up to four pilot production wells and associated facilities and tie them into existing Water Department facilities at different locations within the City's jurisdiction to supply up to 2,000 acre-feet per year of groundwater. These pilot wells will help in evaluating the aquifers in which they are installed to determine the feasibility of installing several wells at each location. Infrastructure Engineering Corporation has the expertise, experience and personnel necessary to provide the professional services on an as needed basis. The City will pay Infrastructure Engineering Corporation for performance of all Professional Services rendered in accordance with the Agreement, in an amount not to exceed \$500,000.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency:	City of San Diego
Goals:	15% Voluntary (MBE/WBE/DBE/DVBE/OBE)
Subconsultant Participation:	\$125,000 Certified Firms (25.0%) \$100,000 Other Firms (20.0%)
Other:	Workforce Report Submitted - Equal Opportunity Plan Required. Staff will monitor plan and adherence to Nondiscrimination Ordinance.

FISCAL CONSIDERATIONS:

The City will pay Infrastructure Engineering Corporation for performance of all Professional Services rendered in accordance with this Agreement, in an amount not to exceed \$500,000. Funding is available from the Water Fund 41500, CIP-75932.0 Groundwater Asset Development Program for this purpose. The Project cost for Water is \$500,000 and may be reimbursed up to 80% by current or future debt financing. This Project was not identified in Fiscal Year 2008 through Fiscal Year 2011 rate case. However, on September 8, 2008, the Independent Rates Oversight Committee unanimously supported funding this project. A grant application was submitted on August 15, 2008, for this project to the San Diego County Water Authority for their Local Investigative Assistance program in an amount not-to-exceed \$500,000. Grant award notifications are expected November 1, 2008.

PREVIOUS COUNCIL/COMMITTEE ACTION:

In December 2002, the City of San Diego (City) adopted the Long-Range Water Resources Plan (LRWRP) by Resolution R-2003-657. The subject item was approved by the Natural Resources and Culture Committee on October 15, 2008. There are no previous actions on this contract.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Water Department has met with and presented information to the Mount Hope Community Council, Balboa Park Committee, and Southeastern San Diego Planning Committee. The Water Department and United States Geological Survey jointly held a press conference with Channel 10 News and the San Diego Union-Tribune on February 1, 2008. The Water Department also provides project fact sheets and project information on the City's web page at www.sandiego.gov.

KEY STAKEHOLDERS:

As an initiative to meet the goals of the Long-Range Water Resources Plan, the City water rate payers are stakeholders. The Independent Rates Oversight Committee (IROC) is a key stakeholder. This item was presented to IROC on September 8, 2008, in which IROC supported funding this Project.

Ruiz/Barrett

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-101: As-Needed Agreement with URS Corporation for Professional Geotechnical Services.

(See Water Department's September 2, 2008, Executive Summary Sheet and memorandum from Jose Luis Romo dated 11/19/2008.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-522) ADOPTED AS RESOLUTION R-304468

Authorizing the Mayor, or his designee, to award and execute, for and on behalf of the City, a Professional Services Agreement with URS Corporation, in an amount not to exceed \$1,400,000 for the purpose of providing geotechnical services to the Water Department for the Project;

Authorizing the expenditure of an amount not to exceed \$1,400,000 from Water Fund 41500, CIP-75-932.0, Groundwater Asset Development Program, for Project related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/15/2008, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

In December 2002, the City of San Diego (City) adopted the Long-Range Water Resources Plan (LRWRP) by Resolution R-2003-657. The LRWRP evaluated water supply alternatives for meeting the City's current and future water needs.

The recommended approach for the LRWRP was to implement by 2010, a water resources strategy that enhances the City's water supply portfolio by developing more local supplies. To reach the groundwater development and implementation goals established by the LRWRP, the City is looking into various groundwater basins within its jurisdiction to install production wells.

The City currently does not have the resources, staffing and expertise to investigate the various groundwater basins nor install pilot production wells. A qualified and licensed consultant is being retained to provide this service. The City issued a Request for Proposals for Groundwater Geotechnical Services on March 6, 2008, in the San Diego Daily Transcript and on the City's website for bid and contract opportunities. Four (4) firms submitted proposals on April 11, 2008. On April 30, 2008, the firms were interviewed by a selection panel. URS Corporation was selected as the most qualified firm following a competitive selection and procurement process completed in accordance with City Council Policy 300-7, Consultant Services Selection, and the City's Administrative Regulation 25.60, Selection of Consultants for Work Requiring Licensed Architect and Engineering Skills and Other Related Professional Services.

The City will utilize the expertise of URS Corporation to investigate groundwater basins, and design and install pilot production wells. The goal of this program is to install up to four pilot production wells at different locations within the City's jurisdiction to supply up to 2,000 acre-feet per year of water. These pilot wells will help in the evaluation of the aquifers in which they are installed to determine the feasibility of installing several wells at each location. URS Corporation has the expertise, experience and personnel necessary to provide the professional services. The City will pay URS Corporation for performance of all Professional Services rendered in accordance with the Agreement, in an amount not to exceed \$1.4 million.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego
Goals: 15% Voluntary (MBE/WBE/DBE/DVBE/OBE)
Subconsultant Participation: \$140,000 Certified Firms (10.0%)
\$140,000 Other Firms (10.0%)
Other: Workforce Report Submitted - Equal Opportunity Plan Required. Staff will monitor plan and adherence to Nondiscrimination Ordinance.

FISCAL CONSIDERATIONS:

The City will pay URS Corporation for performance of all Professional Services rendered in accordance with this Agreement, in an amount not to exceed \$1.4 million. Funding is available from Water Fund 41500, CIP-75-932.0 Groundwater Asset Development Program for this purpose.

The project cost for Water is \$1.4 million and may be reimbursed up to 80% by current or future debt financing. This project was not identified in Fiscal Year 2008 through Fiscal Year 2011 rate case. However, on September 8, 2008, the Independent Rates Oversight Committee unanimously supported funding this project. A grant application was submitted to August 15, 2008 for this project to the San Diego County Water Authority for their Local Investigative Assistance program in an amount not-to-exceed \$500,000. Grant award notifications are expected November 1, 2008.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

In December 2002, the City of San Diego (City) adopted the Long-Range Water Resources Plan (LRWRP) by Resolution R-2003-657. The subject item was approved by the Natural Resources and Culture Committee on October 15, 2008. There are no previous actions on this contract.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Water Department has met with and presented information to the Mount Hope Community Council, Balboa Park Committee, and Southeastern San Diego Planning Committee. The Water Department and United States Geological Survey jointly held a press conference with Channel 10 News and the San Diego Union-Tribune on February 1, 2008. The Water Department also provides project fact sheets and project information on the City's web page at www.sandiego.gov.

KEY STAKEHOLDERS:

As an initiative to meet the goals of the Long-Range Water Resources Plan, the City water rate payers are stakeholders. The Independent Rates Oversight Committee (IROC) is a key stakeholder. This item was presented to IROC on September 8, 2008 in which IROC supported funding this project.

Ruiz/Barrett

Aud. Cert. 2900318.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-102: Consultant Agreement with Camp Dresser & McKee, Inc., (CDM) for Water Facilities Master Plan.

(See Water Department's September 23, 2008, Executive Summary Sheet; and Water Department's October 15, 2008, PowerPoint.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-498 Cor. Copy) ADOPTED AS RESOLUTION R-304469

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Consulting Agreement with Camp Dresser & McKee, Inc. (CDM), for consulting services as related to the Water Facilities Master Plan for the Water Department in an amount not to exceed \$1,250,000;

Authorizing the expenditure of an amount not to exceed \$1,250,000 in Water Fund 41500, CIP-73-347.1, CIP Program Management, solely and exclusively, for the purpose of providing funds for the above Consulting Agreement and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/15/2008, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

In 1993, California Department of Public Health (CDPH) surveyed San Diego's water system and a number of system deficiencies were identified.

As a result, the City and CDPH entered into a Compliance Agreement (1994) followed by a Compliance Order (1997) requiring the City to take a number of specific actions to correct water system deficiencies. In response to CDPH issues, the Water Department developed a Strategic Plan to address the City's water system current and future needs which included capital improvement projects to address the CDPH Compliance Order. The Capital Improvement Program (CIP) identified a number of projects that included repair, replacement, upgrade and expansion of the City's aging water system facilities to be completed by the end of fiscal year 2012.

As the current CIP is moving toward completion, the Water Department is seeking the assistance of a civil engineering consulting firm to prepare a Water Facilities Master Plan (WFMP) with a 20- year planning outlook. The WFMP will produce critical information regarding prioritized water infrastructure needs and will be the basis for developing the next CIP (2012 -2032). Both internal and external drivers will be taken into account. Internal drivers include system reliability, capacity, and level of service requirements; external drivers include regional supply reliability, rising energy costs, anticipated changes in water quality regulations, and current trends in the municipal water supply industry. Identified projects will be prioritized and scheduled in a manner consistent with Council Policy 800-14 on Prioritizing Capital Improvement Projects.

The City issued a Request for Proposals for Professional Civil Engineering Services on February 7, 2008. Three (3) firms submitted proposals on March 6, 2008. On May 2, 2008, the firms were interviewed by a selection panel. CDM was selected as the most qualified firm following a competitive selection and procurement process completed in accordance with City Council Policy 300-7, Consultant Services Selection, and the City's Administrative Regulation 25.60. CDM brings experience from preparing master plans for other agencies and has the structural, electrical, and mechanical engineering expertise needed to perform critical facility condition assessments. These are needed to augment staff resources to provide a complete WFMP.

This project is estimated to be complete by FY10. Tasks to be performed by CDM are as follows:

- Evaluate facility condition and estimates for remaining useful life
- Establish operational strategies to meet current and future water demands
- Update facility needs identified in raw water, groundwater and recycled water studies and projects and incorporate into the facilities master plan
- Identify projects to meet current and long-term needs
- Prioritize projects in accordance with Council Policy 800-14
- Estimate total project costs and schedules

The impact of not hiring CDM will hinder the development of the master plan as well as the future CIP.

FISCAL CONSIDERATIONS:

The total not-to-exceed contract amount of the Agreement is \$ 1,250,000. Funds in the amount of \$1,250,000 are available in Water Fund 41500, CIP-73-347.1 (CIP Program Management) for this purpose. This project is 100% cash funded. The CIP Program Management was identified in the Fiscal Year 2008 through Fiscal Year 2011 Water Department rate case (as approved in 2007). If this use is not authorized, the budgeted funds would transfer to the DRES at the end of the fiscal year.

EQUAL OPPORTUNITY CONTRACTING:

This Agreement is subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-18173, Sections 22.270 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

At the September 8, 2008, Independent Rates Oversight Committee (IROC) meeting, water staff made a presentation on this consultant agreement, and the committee voted unanimously in support of this item. This item was approved at Natural Resources and Culture Committee on October 15, 2008.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS:

City of San Diego rate payers.

Ruiz/Barrett

Aud. Cert. 2900300.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

ITEM-103: First Amendment to Consultant Agreement with KTU+A, Inc., for Mission Bay-Fiesta Island GDP. (Mission Bay Park Community Area. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-600 Cor. Copy) ADOPTED WITH DIRECTION AS
RESOLUTION R-304470

Authorizing the transfer of funds from CIP-22-960.0, Fiesta Island Infrastructure Improvements, to CIP-22-959.0, Mission Bay - Fiesta Island General Development Plan within Fund No. 10507, Sludge Mitigation Fund, in the amount of \$214,000;

Authorizing the City Comptroller to appropriate and expend \$214,000 from CIP-22-959.0, Mission Bay-Fiesta Island General Development Plan, Fund No. 10507, Sludge Mitigation Fund, for the purpose of executing the First Amendment to Consultant Agreement with KTU+A, Inc.;

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a First Amendment to the Consultant Agreement with KTU+A, Inc., in the amount of \$203,786, for additional professional design services for CIP-22-959.0, Mission Bay-Fiesta Island General Development Plan, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this Project and Agreement;

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

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

STAFF SUPPORTING INFORMATION:

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

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

Additionally, as work on the project has progressed; additional scopes of work items have been identified that are required to complete the project. Additional scope requirements include additional presentations to the Mission Bay Park Committee and community groups, additional detailed biological surveys, application and processing of Site Development and Coastal Development permits, increased complexity of site design requirements based on accommodating numerous competing land uses, increased labor costs associated with processing greater than anticipated public input questionnaires, e-mails, meetings and phone calls, and web site hosting and maintenance. Moreover, subsequent to meetings with user groups, an additional alternative will be developed for consideration. A complete detailed listing of the items of work associated with the increased scope is contained on "Exhibit A-1 Additional Scope of Services" attached to the First Amendment to Consultant Agreement. The total amount requested for these additional services is \$156,992. Staff is also requesting an additional \$5,000 be allocated to cover unforeseen professional design services as the project begins the approval process. The total requested increase to the Consultant's contract is \$203,786.

The remaining \$10,214 will fund additional City staff time required to manage the project through the approval process.

FISCAL CONSIDERATIONS:

Funds in the amount of \$214,000 are available in CIP-22-960.0, Fiesta Island Infrastructure Improvements, Fund No. 01507, which provides for infrastructure improvements to support future recreational facilities on Fiesta Island in Mission Bay Park.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

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

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

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

- Clairemont Mesa Town Council (April 5, 2007)
- Clairemont Mesa Planning Committee (May 15, 2007)
- Linda Vista Community Planning Committee (April 23, 2007)
- Pacific Beach Community Planning Committee (April 25, 2007)
- Pacific Beach Town Council (May 16, 2007)
- Mission Beach Precise Planning Board (May 15, 2007)
- Mission Beach Town Council (June 13, 2007)
- Ocean Beach Planning Board (June 6, 2007)
- Peninsula Community Planning Board (May 17, 2007)

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego

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

Subconsultant Participation: \$11,144.00 Certified Firms (2.26%)
\$227,044.00 Other Firms (46.43%)

Other: Work Force Report Submitted. Equal Opportunity Plan requested. Staff will monitor plan and adherence to Non Discrimination Ordinance.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

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

LoMedico/Heap

Aud. Cert. 2900241.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

MOTION BY FRYE ADOPT THE RESOLUTION WITH DIRECTION TO THE CITY ATTORNEY TO PREPARE DOCUMENTATION TO INCLUDE A REDESIGN OF THE PROJECT AND TO INCREASE THE BUDGET BY \$4,000 TO PROVIDE FOR AN ANALYSIS FOR THE WATER USERS FROM FIESTA ISLAND FUNDS AND TO COME BACK WITH AN ANALYSIS FOR SOUTH SHORES AND MARINERS BASIN. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-104: Second Amendment to Agreement with RMC Water & Environment for Professional Consultant Services for North City Water Reclamation Plant - Wet Weather Intermittent Stream Discharge Feasibility Study - Phase II. (University City Community Area. District 1.)

(See Report to the City Council No. 08-182.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-521 Rev.) ADOPTED AS AMENDED AS RESOLUTION R-304516

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, Amendment No. 2 to the Agreement with RMC Water & Environment, for professional consultant services in connection with the North City Water Reclamation Plant - Wet Weather Intermittent Stream Discharge Feasibility Study - Phase II, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$450,000 from Fund No. 41509, CIP-45-940.0, Wet Weather Storage Facility, is authorized, solely and exclusively, to provide funds for the above agreement;

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

STAFF SUPPORTING INFORMATION:

The objective of this feasibility study is to investigate the possibility of discharging reclaimed water from the City of San Diego's North City Water Reclamation Plant (NCWRP) to tributaries of streams during extreme wet weather events and to provide sufficient data to support a National Pollutant Discharge Elimination System (NPDES) permit application to the Regional Water Quality Control Board (RWQCB). Evaluation of such discharge potential is a necessary component of MWWD's facility master planning. An NPDES permit allowing such a stream discharge during extreme wet weather events will allow the City to defer the construction of a large holding tank by at least five years.

RMC Water and Environment (RMC) was selected per Council Policy 300-07 to complete a comprehensive feasibility study based on its prior experiences with both year-round and emergency intermittent stream discharge studies and projects. At the March 25, 2008, Council Meeting, MWWD was directed to meet with project stakeholders to discuss the project and solicit feedback before resubmitting the project for Council approval. Subsequently, the MWWD Project Team met with stakeholders on April 10, 2008; based on the stakeholders' suggestions, the feasibility study was divided into two phases.

Phase I in the amount of \$35,756 was awarded under the Mayor's authority in May 2008. RMC has completed the Phase I study which involved working closely with key stakeholders and consulting with the RWQCB to evaluate if the project is feasible. During a consultation meeting with the RWQCB it was acknowledged that more data and findings are needed to determine if an NPDES permit can be issued. RWQCB currently does not have a policy or prohibition regarding this type of extreme wet weather discharge. The Board stated that the data and findings of the study could provide a basis for the RWQCB in establishing policy for this type of discharge. In order to satisfy NPDES permit application requirements and to address questions and concerns raised during Phase I, MWWD is recommending to proceed with Phase II.

MWWD would retain RMC for Phase II. The consultant will estimate the frequency and duration of the required stream discharge, analyze hydraulic and water quality impacts, evaluate environmental impacts, identify potential discharge points, prepare planning-level drawings and cost estimates of the diversion facilities, and assist in permit compliance. The consultant will also facilitate the meetings with stakeholders and the RWQCB.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego

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

Subconsultant Participation: \$84,338 Other Firms (18%)

Other: Work Force Report Submitted. RMC's local office has fewer than 15 employees and is therefore exempt from the employment category goals.

To support their Equal Opportunity Contracting commitment, as part of their outreach efforts, RMC sent a letter to San Diego Contracting Opportunities Center (SDCOC) inviting interested subconsultants to participate on the RMC team. SDCOC forwarded the letter to 68 contractors. RMC also attended the pre-proposal meeting held by the City in September 2007 to network with potential subcontractors. One of the RMC's subconsultants in this contract, Talavera & Richardson - 3% participation, is certified as an MBE by the County and City of San Francisco, but is not yet certified by the California Unified Certification Program.

FISCAL CONSIDERATIONS:

The total amount of this request is \$450,000. Funds are available from Sewer Fund 41509, CIP-45-940.0, Wet Weather Storage Facility.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Stakeholder meetings were held on April 10, 2008, June 26, 2008, and September 18, 2008. Attendees included representatives from the Key Stakeholders listed below. The stakeholder group reviewed the scope of work for Phase II and did not object to moving forward.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

RMC Water and Environment, Marian Bear Park Recreation Council, San Diego Audubon Society, San Diego Coastkeeper, Friends of Rose Canyon, Friends of Los Peñasquitos Canyon Program, Land Conservancy Brokerage, and Coast Law Group, LLC. No significant impact is projected at the present time.

Ferrier/Barrett

Aud. Cert. 2900382.

Staff: Guann Hwang - (858) 292-6476
John Riley - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:11 p.m. – 3:14 p.m.)

MOTION BY FRYE TO ADOPT AS AMENDED TO INCLUDE THE FOLLOWING ADDITIONS AS READ INTO THE RECORD BY STAFF: 1) “IT IS THE INTENT OF THE COUNCIL THAT ANY CONTEMPLATED DISCHARGE IN THE WET WEATHER FEASIBILITY STUDY WOULD BE TEMPORARY IN NATURE AND SHOULD BE SUPERSEDED BY A COMPREHENSIVE SUSTAINABLE WASTEWATER MANAGEMENT SOLUTION SUCH AS INDIRECT POTABLE REUSE;” 2) UNDER SCOPE OF WORK, PROJECT BACKGROUND, SECOND PARAGRAPH, IT SHALL READ, “THE CITY WILL IMPLEMENT THE INDIRECT POTABLE REUSE PILOT PROJECT FROM 2009 TO 2013. IF THE PILOT PROJECT IS SUCCESSFUL, A FULL-SCALE INDIRECT POTABLE REUSE PROJECT MAY FOLLOW. IF BUILT, A FULL-SCALE INDIRECT POTABLE REUSE PROJECT WOULD ALLEVIATE THE NEED TO BUILD THE STORAGE TANK AND TUNNEL SYSTEM AND WOULD FULLY UTILIZE THE CITY’S RECLAIMED WATER BY TREATING IT TO POTABLE DRINKING STANDARDS;” AND 3) PAGE 5, TASK 8, ALTERNATIVE REVIEWS, SECOND SENTENCE IN THE PARAGRAPH IT SHALL READ, “THE CONSULTANT SHALL COORDINATE WITH THE WATER DEPARTMENT REGARDING THE INDIRECT POTABLE REUSE PILOT STUDY AND DEVELOP A MATRIX COMPARING THESE ALTERNATIVES INCLUDING PROJECT PURPOSE, TIMELINE, FLOW DIVERSION CAPABILITY AND A QUANTITATIVE REVIEW OF TECHNICAL, INSTITUTIONAL AND ENVIRONMENTAL ECONOMIC AND REGULATORY ISSUES ASSOCIATED WITH EACH ALTERNATIVE.” Second by Maienschein. Passed by the following vote: Peters-yea, Faulconer-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-105: Agreement with Jeff Katz Architecture for ADA Compliance Assessment of 212 City-Owned Facilities. (Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-586) ADOPTED AS RESOLUTION R-304471

Authorizing the Mayor to execute, for and on behalf of the City, an Agreement with Jeff Katz Architecture, for an ADA compliance assessment of 212 City-owned facilities under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement;

Authorizing the expenditure of an amount not to exceed \$680,036; \$464,209 from Community Development Block Grant (CDBG) Funding; (\$118,808.55, Fund 18539), (\$94,000.00, Fund 18540), (\$231,720.89, Fund 18542), (\$19,679.56, Fund 18543), and \$215,827.00 from the General Fund 100 for the purpose of providing funds for the above referenced Project;

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

Declaring that this activity is exempt from CEQA pursuant to CEQA Guidelines sections 15060(c)(3) and 15262 because this activity is not a project and involves only feasibility or planning studies for possible future action.

STAFF SUPPORTING INFORMATION:

The City is required by Federal law to comply with the requirements of the Americans with Disabilities Act (ADA), to bring all public facilities up to current Americans with Disabilities Act Accessibility Guidelines (ADAAG) for Buildings and Facilities, Recreational Facilities, Play Areas, Comfort Stations and Outdoor Developed Areas. In addition, all City facilities must also comply with the State of California Code of Regulations (CCR) Title 24.

This contract is being awarded to a qualified Proposer who has successfully gone through a competitive procurement process and has demonstrated an ability to perform work for similar contracts and has a proven record of success in delivering the requirements substantially similar to those of this RFP. Based on the six proposals received, this Proposer was the most responsive to the RFP requirements.

The Contractor will inspect City facilities and identify those that are in compliance or require modification to bring the City into compliance with the Federal ADA and California State CCR Title 24; perform site inspections and a needs analysis to determine which solutions will be more cost effective and provide the most accessibility to bring the City in compliance with these regulations; providing a budgetary estimate of materials and labor, with a “not to exceed” determination, to bring the City into compliance. Contractor will create and maintain a database which records the inspection and assessment information per facility, and provide City personnel access to and training on the use of the database system. Contractor will train City staff on field inspection methods and data assessment standards. Contractor will complete the inspections, assessments, database, and training requirements within 18 months from date of award of contract. A brief summary of the requirements are as follows:

1. Perform physical inspection, needs and cost analysis of City facilities identified in Attachment A. Contractor shall inspect facilities for compliance/noncompliance to ADAAG and/or CCR Title 24 and record noncompliance detail in the database furnished by Contractor.
2. Furnish a Contractor-hosted relational database software management application reporting system that identifies and records data, provides cost estimates, and tracks corrections of deficiencies of the City’s public buildings and facilities, in order to ensure the City’s compliance with the Americans with Disabilities Act (ADA) required “Self Evaluation and Transition Plan” as well as the State of California Title 24 requirements, to include on-site training and application modifications.

The objective is to make an award to a qualified Contractor that delivers the best overall value to the City.

The contract term shall be for a period of two (2) years from date of award, with options to renew the contract for three (3) additional one (1) year periods.

FISCAL CONSIDERATIONS:

The total amount of this request is \$680,036. Funds are available in General Funds \$215,827, and in CDBG Funds \$464,209.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Jeff Katz Architecture

SawyerKnoll/Goldstone

Aud. Cert. 2900328.

Staff: Susan Madison - (619) 236-5985
Rahbeka H. Harris - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-106: Extension of Cooperative Agreement with CalTrans for Improvements to I-5/Sorrento Valley Road Interchange. (Torrey Pines Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-662) ADOPTED AS RESOLUTION R-304472

Authorizing the Mayor to execute an Amendment to a Cooperative Agreement with CalTrans for the preparation of an Environmental Document and Project Report, and for preliminary engineering of improvements to the I-5/Sorrento Valley Road Interchange, extending the termination of the Agreement by three years to December 31, 2011, under the terms and conditions set forth in the Agreement;

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

STAFF SUPPORTING INFORMATION:

On January 19, 2007, the City and CalTrans entered into an Agreement with CalTrans for improvements to the Interstate 5/Sorrento Valley Road interchange. This agreement allocated \$1.5 million to the City for the preparation of an Environmental Document and a Project Report, and for preliminary engineering on the project. The termination date for this Agreement is December 31, 2008.

The project has been rescoped and will require a joint NEPA/CEQA environmental document. It has been determined that because of the rescoping, the environmental document will not be completed prior to the termination date on the Agreement. CalTrans is requesting that the termination date for the Agreement be extended to December 31, 2011, a 3-year extension.

FISCAL CONSIDERATIONS:

None with this action.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Council approved the Cooperative Agreement to fund the preparation of the Environmental Document and the Project Report, and to perform preliminary engineering on January 19, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

CalTrans is the key stakeholder in this action.

Boekamp/Jarrell

Staff: Deborah Van Wanseele - (619) 533-3012
Michael P. Calabrese – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

- * ITEM-107: Award the Design/Build Contract to J.R. Filanc Construction Company for the Metro Biosolids Center Centrate Collection Upgrades. (District 7.)

(See Engineering and Capital Projects Department's October 8, 2008, Executive Summary Sheet and memorandum from Jose Luis Romo dated 11/19/2008.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-653) ADOPTED AS RESOLUTION R-304473

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement for design/build services with J.R. Filanc Construction Company, Inc. for the Metro Biosolids Center - Centrate Collection Upgrades, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$2,203,854 from Sewer Fund No. 41509, solely and exclusively, to provide funds for the above Agreement, to be expended as follows: \$2,124,829 from CIP-45-982.0, MBC - Centrate Collection Upgrades; and \$79,025 from CIP-46-502.0, Annual Allocation - Clean Water Pooled Contingency; provided that the City Comptroller furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301(b) as the repair or minor alteration of existing sewer structures and facilities.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/15/2008, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

The City of San Diego's Metropolitan Wastewater Department (MWWD) operates the Metro Biosolids Center (MBC), a regional biosolids processing facility located adjacent to the City's Miramar Landfill in Kearny Mesa.

The MBC receives raw biosolids from the North City Water Reclamation Plant and digested biosolids from the Point Loma Wastewater Treatment Plant. These biosolids are dewatered by eight (8) dewatering centrifuges and discharged into two (2) existing Centrate (CN) collection headers. These CN headers are undersized causing overflows into the Foul Air (FA)/Odor Control System and back-ups into the centrifuges causing damage to equipment. The centrate overflow into the FA ducts results in solids accumulation and plugging problems in the FA headers reducing odor removal efficiencies. Also adding to the problem is the absence of cleanouts on the subject pipes necessary for periodic removal of centrate solids build-up.

An upgrade for this centrate collection system was completed in 2004. This upgrade connected the surcharged foul air header to the centrate main header at a downstream junction and installed an inverted U-pipe which separated and removed the centrate surcharge from the foul air headers.

In anticipation of increased biosolids load to MBC, the existing 8 dewatering centrifuges are planned for replacement with larger capacity units in 2010- 2011. As a result, larger sized centrate headers will be needed. To avoid interruption to the dewatering process, the centrate flow from a header must be diverted using the FA prior to upgrading the centrate header.

The new parallel centrate and FA pipe headers will be provided with the additional or upgraded pipe supports, including new seismic lateral braces as required. Valved hose connections for flushing and cleaning out the headers will be provided.

This project will be constructed via a design/build process.

The selection of J.R. Filanc Construction Company (Filanc) was thru a competitive selection process.

The City of San Diego Metropolitan Wastewater Department (MWWD) with ratification of the Purchasing and Contracting Department and the City Attorney's office held the competitive process to establish a short list for a Design Build Contract for Various Mechanical and Piping Projects, Specification No. 3975, for a three (3) year term or an \$8M contracts value.

This project was competed with two short listed firms, Filanc and Ahrens utilizing the selection process of Request for Proposal (RFP) as set forth in the San Diego Municipal Code, Chapter 2, Article 2, Division 33 and 34. The award was made with the evaluated bid basis taking into consideration the Technical Capabilities of the Design/Build team, including the criteria as established by the EOCP, and the Design/Build sealed bid process. The evaluation committee consisted of representatives from Engineering and Capital Projects, Equal Opportunity Contracting Departments, MWWD and a participating agency member was invited, but did not participate.

EQUAL OPPORTUNITY CONTRACTING:

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

Funding Agency: City of San Diego - Prevailing wages apply to this contract.

Sub consultant Participation: \$44,420.00 Certified Firms (2.5%)
\$684,088.00 Other Participation (38.5%)

Other: A workforce report and an Equal Opportunity Plan will be monitored and adherence to the Non-Discrimination in Contracting Ordinance.

FISCAL CONSIDERATIONS:

The total estimated project cost is \$2,203,854.00. \$2,124,829.00 will be available in CIP-45-982.0, MBC-Centrate Collection Upgrades, Fund 41509, Sewer for this purpose, and \$79,025.00 will be available in CIP-46-502.0, Annual Allocation - Clean Water Pooled Contingency, Fund 41509, Sewer for this purpose. The project cost may be reimbursed approximately 80% by current and future debt financing. No future funding is anticipated for this Project.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS:

The Committee on Natural Resources and Culture on October 15, 2008, consent motion by Council President Peters, second by Councilmember Faulconer. Vote to approve 4-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This Project was approved by the Metro Participating Agencies at the Metro Technical Advisory Committee (TAC) and the Metro Commission.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

Metro Commission and Metro Wastewater JPA

Boekamp/Jarrell

Aud. Cert. 2900317

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-108: Approval of Maintenance Agreement for the Ruffin Canyon Public Trail Tunnel. (Mission Valley Community Area. District 6.)

(See Report to the City Council No. 08-144.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-649) ADOPTED AS RESOLUTION R-304474

Authorizing the Mayor, or his designee, to execute and deliver that Grant of Maintenance Easement and Agreement with Sudberry Properties, Inc.;

Finding 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).

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/15/2008, NR&C voted 4 to 0 to support the opening of the Ruffin Canyon Public Trail Tunnel, and to forward this item to the full City Council. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

An existing, improved pedestrian tunnel traverses under Friars Road midway between Fenton Parkway and North Side Drive within the Mission Valley Community planning area. This pedestrian tunnel is identified in the Mission City Specific Plan and is recognized as critical to the establishment of a continuous pedestrian and bicycle linkage from the residential areas north of Friars Road, through commercial and office uses on the south side, and to the Trolley and the San Diego River corridor.

Currently, the tunnel is closed due to security and maintenance issues that have not, as of yet, been formerly addressed. A Maintenance Agreement for the Ruffin Canyon Public Trail Tunnel has been drafted by the City Attorney, working with Sudberry Properties (the GRANTEE), to address issues of security, liability, opening hours, and specific maintenance duties. Specifically, the agreement proposes that the GRANTEE provide security services, including a provision to unlock the tunnel gates at 5:00 a.m. and lock the gates at 10:00 p.m. seven days a week, as well as lighting the tunnel twenty-four hours a day, seven days a week.

Further, the agreement states that the GRANTEE shall maintain the tunnel in a sanitary condition, through specific maintenance services including: litter control (seven days per week); graffiti control (seven days per week); cleaning of the flooring (weekly or as needed); as well as the reporting of any material repairs, accidents, vandalism or other incidents. The City Council's approval of this Maintenance Agreement will allow for the much-anticipated opening of the Ruffin Canyon Public Trail Tunnel to take place.

FISCAL CONSIDERATIONS:

None with this action.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On October 15, 2008, the Natural Resources and Culture Committee voted 4-0 to support the opening of the Ruffin Canyon Public Trail Tunnel and forward this item to the City Council.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On April 7, 2004, the Mission Valley Unified Planning Committee voted 11-0-3 to support the public tunnel under Friars Road. On September 5, 2007, the Mission Valley Unified Planning

Committee voted 16-0-0 to again reaffirm its support for the opening of the tunnel to the public. On February 21, 2008, the Serra Mesa Planning Group voted unanimously to support the opening of the pedestrian undercrossing.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

Key Stakeholders include: Mission Valley Unified Planning Committee, Serra Mesa Planning Committee, Friends of Ruffin Canyon, Friends of Normal Heights Canyon, San Diego River Conservancy, San Diego River Park Foundation.

Wright/Anderson

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-109: Easement Grant to SDG&E for La Jolla Block 1F 20 San Diego Conversion. (La Jolla Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-543) ADOPTED AS RESOLUTION R-304475

Authorizing the Mayor, or his designee to execute an easement deed, for and on behalf of the City of San Diego, conveying to SDG&E a 360-foot easement for underground facilities, in the First Addition to South La Jolla, according to Map 891, filed in the Office of the County Recorder of San Diego County, more particularly described in said easement on file in the office of the City Clerk;

Authorizing the City Comptroller to accept and deposit \$1,590 from San Diego Gas & Electric into Fund 100; Revenue Account No. 77438.

STAFF SUPPORTING INFORMATION:

As part of the City's utility undergrounding program, (Council Policy 600-08), San Diego Gas & Electric Company (SDG&E) proposes to relocate existing pole-mounted transformers to ground pads and install various electric conduit runs. When possible, the facilities will be installed in City streets pursuant to existing franchise rules. One of the locations for the electric conduit runs is in Dune Lane, adjacent to the southern boundary of Sea Lane. Dune Lane is an alley comprised of dedicated public right-of-way and a City owned parcel, APN 351-090-05 as shown on the Assessor's map, which was designated for street purposes pursuant to Council Resolution No. R-251597, dated April 14, 1980. However, this same resolution did not dedicate the parcel in perpetuity for public street purposes, therefore, SDG&E cannot install per franchise. This action will allow SDG&E to accommodate the City's project and install the new pad and transformer along with the necessary rights of ingress, egress, and maintenance of the proposed facilities. The total area of the easement is approximately 360 square feet. SDG&E will pay a \$1,590 processing fee for the easement. Since this project is a California Public Utilities Code 20SD conversion, the cost of which is paid by the City, no compensation is requested for this easement.

FISCAL CONSIDERATIONS:

A \$1,590 processing fee will be transferred into Fund 100, Revenue Account No. 77438.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

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

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

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

Barwick/Anderson

Staff: Steve Geitz - (619) 236-6311
Todd F. Bradley - Deputy City Attorney

FILE LOCATION: F-10324

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-110: Sunset Cliffs natural Park Hillside Section Improvements Project. (Peninsula Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-669) ADOPTED AS RESOLUTION R-304476

Authorizing the Mayor, or his designee, for and on behalf of the City to make an application to the California Coastal Conservancy for grant funds of up to \$2,300,000 to complete the Sunset Cliffs Natural Park Hillside Section Improvements (Project);

Authorizing the Mayor, or his representative, to take all necessary actions to secure funding from the California Coastal Conservancy for the Sunset Cliffs Natural Park Hillside Section Improvements;

Amending the Capital Improvements Program Budget by adding CIP-29-980.0, Sunset Cliffs Natural Park Hillside Section Improvements, to the Fiscal Year 2009 Capital Improvements Program;

Authorizing the Office of the City Comptroller to establish special interest-bearing accounts for the grant funds;

Declaring that the City has or will have sufficient funds to complete Phase I (preconstruction) of the Project, including any funds beyond the Conservancy

grant funds necessary to complete the Project; and, if any facilities are constructed as a part of the Project, the City agrees to operate and maintain the project for a reasonable period, not less than the useful life of the facilities;

Authorizing the Mayor, or his representative, to accept a donation from the San Diego Foundation, Frank and Ellen Quick Fund No. 4116, in the amount of \$100,000 for the Sunset Cliffs Natural Park Hillside Section Improvements, CIP-29-980.0;

Authorizing the appropriation of an amount not to exceed \$220,000 from Job Order 063034, Fund No. 63034 Sunset Cliffs Natural Park, to CIP-29-980.0, Sunset Cliffs Natural Park Hillside Section Improvements;

Amending the Fiscal Year 2009 Capital Improvements Program Budget for CIP-29-980.0, Sunset Cliffs Natural Park Hillside Section Improvements by increasing the budget amount by \$380,000, upon receipt of fully-executed grant Agreements;

Amending the Fiscal Year 2009 Capital Improvements Program Budget for CIP-29-980.0, Sunset Cliffs Natural Park Hillside Section Improvements by increasing the budget amount by \$100,000 upon receipt of donation funds;

Amending the Fiscal Year 2009 Capital Improvements Program Budget for CIP-29-980.0, Sunset Cliffs Natural Park Hillside Section Improvements by increasing the budget amount by \$220,000 in Fund No. 63034, Sunset Cliffs Natural Park;

Authorizing the City Comptroller to accept, appropriate and expend \$380,000 in California Coastal Conservancy grant funds, \$100,000 in donation funds; and \$220,000 in Fund No. 63034, Sunset Cliffs Natural Park, for the Sunset Cliffs Natural Park Hillside Section Improvements, CIP-29-980.0, upon receipt of a fully-executed grant agreement and donation funds;

Authorizing the City Comptroller to accept, appropriate and expend an amount up to \$1,920,000 in future grant funds from the California Coastal Conservancy for the Sunset Cliffs Natural Park Hillside Improvements in CIP-29-980.0, upon receipt of fully-executed grant agreements;

Declaring that the City has or will have sufficient funds to complete future phases of the Project prior to award of a construction contract, including any funds beyond the Conservancy grant funds necessary to complete the Project; and, if any facilities are constructed as a part of the Project, the City agrees to operate and maintain the Project for a reasonable period, not less than the useful life of the facilities;

Declaring that this activity is exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The proposed project will complete improvements to the Hillside portion of the Sunset Cliffs Natural Park as identified in the Sunset Cliffs Natural Park Master Plan, which was finalized and adopted by the City in July 2005.

The project will be completed in phases, with Phase I consisting of final project design documents, environmental review and construction documents. Phase I funding is secured. Future phases will include construction of trails, habitat restoration, erosion control, removal of houses within the park, and the removal and return to natural vegetation of the softball field currently used by Point Loma Nazarene University. Once Phase I of the proposed project is completed (estimated to be Summer of 2010), the month-to-month rental residents in the houses located in the cliff area of Sunset Cliffs Natural Park will be legally notified to vacate the property in advance of Phase II construction work beginning on the site.

This request authorizes the establishment of the capital improvement project and the securing of funding for the project. The request also authorizes expenditures for Phase I of the project. Staff will work to secure funding for future phases of the project, with expenditures for construction subject to City Council approval.

The cost to complete Phase I of the project is \$560,000, with funding proposed as a \$360,000 grant from the California State Coastal Conservancy and \$180,000 from the Sunset Cliffs Natural Park fund. Additional funding secured for Phase II construction of the project includes \$40,000 from the Sunset Cliffs Natural Park fund and a \$100,000 donation from the Frank and Ellen Quick Fund of the San Diego Foundation. The Sunset Cliffs Natural Park fund is a City fund consisting of payments to the City for activity occurring within the park and restricted to supporting improvements within Sunset Cliffs Natural Park. On August 4, 2008, the Sunset Cliffs Natural Park Council voted to recommend use of the City's Sunset Cliffs Natural Park Fund for the Sunset Cliffs Natural Park Hillside Section Improvements project.

FISCAL CONSIDERATIONS:

The estimated cost of all phases of the Sunset Cliffs Natural Park Hillside Section Improvements project is \$2.6 million. This request establishes the CIP and authorizes expenditures in Phase I of the Project, estimated to cost \$560,000.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This project and requested funding are supported by the Sunset Cliffs Natural Park Council; the Friends of Sunset Cliffs; the Friends of Famosa Slough; the San Diego Chapter of the California; and the League of Women Voters of San Diego County.

STAKEHOLDERS AND PROJECTED IMPACTS:

The stakeholders in this action include the Sunset Cliffs Natural Recreation Council, Sunset Cliffs residents and current residents of houses located within the Sunset Cliffs Natural Park.

LoMedico/Heap

Aud. Cert. 2900380.

Staff: Carol Wood - (619) 525-8217
Shannon Thomas - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-111: Carmel Mountain Ranch Community Park Children's Play Area Improvements Grant. (Carmel Mountain Ranch Community Area. District 5.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-667) ADOPTED AS RESOLUTION R-304477

Authorizing the Mayor, or his designee, for and on behalf of the City to make an application to the State of California for \$256,512 in Per Capita funds under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 for the Carmel Mountain Ranch Community Park Children's Play Area Improvements (Project);

Authorizing the Mayor, or his representative, to take all necessary actions to secure funding from the State of California for the Carmel Mountain Ranch Community Park Children's Play Area Improvements;

Authorizing the Office of the City Comptroller to accept, appropriate and expend funds if grant funding is secured;

Authorizing the Office of the City Comptroller to establish a separate interest-bearing fund for the grant.

Authorizing the addition of CIP-29-981.0, Carmel Mountain Ranch Community Park Children's Play Area Improvements to the Fiscal Year 2009 Capital Improvements Program;

Authorizing an increase of \$406,512 in the Fiscal Year 2009 Capital Improvements Program Budget in CIP-29-981.0, Carmel Mountain Ranch Children's Play Area Improvements, contingent upon receipt of a fully executed grant agreement;

Authorizing the transfer of \$150,000 from CIP-37-064.0, Americans with Disability Act (ADA) Improvements Annual Allocation, Fund No. 302453 Capital Outlay to CIP-29-981.0 Carmel Mountain Ranch Community Park Children's Play Area Improvements, Fund No. 302453 Capital Outlay, contingent upon receipt of a fully executed grant agreement;

Authorizing the City Comptroller to appropriate and expend \$406,512 from CIP-29-981.0, Carmel Mountain Ranch Community Park Children's Play Area Improvements, contingent upon receipt of a fully executed grant agreement;

Declaring that this project is exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301.

STAFF SUPPORTING INFORMATION:

The children's play area at Carmel Mountain Ranch Community Park was installed when the park originally opened in 1988. In the late 1990's and early 2000's the play equipment began to deteriorate with many pieces becoming unsafe. The age of the equipment and the safety hazards it exposed park users to required the Park and Recreation Department to remove a majority of the play equipment. Due to lack of funding, new playground safety standards and accessibility requirements, the removed equipment was never replaced. The only play equipment currently existing are 4 tot swings and one slide, both of which need to be replaced. By combining the Proposition 40 funds with the Capital Outlay funds from the ADA program, there will be sufficient funding to renovate the children's play area at Carmel Mountain Ranch Community Park to meet the newer playground safety standards and provide accessibility in compliance with the Americans with Disabilities Act (ADA). These much needed improvements will be a great benefit to the Carmel Mountain Ranch and Sabre Springs communities.

In March 2002, California voters approved Proposition 40, the \$2.6 billion 2002 State Resources Bond "Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002." On December 8, 2003, the Mayor and City Council approved Resolution R-298699, which included a distribution of the \$11,063,430 Per Capita / RZH Per Capita funds to each Council District, with a portion of the funding set aside for projects with citywide and regional impact. On February 20, 2004, the City entered into an umbrella contract with the State of California for the 2002 Resources Bond Act Per Capita / RZH Per Capita Grant Program.

This action authorizes the Mayor or his representative to apply for \$256,512, a portion of the 2002 Resources Bond Per Capita funding allocated to Council District 5. The funds will be used for Carmel Mountain Ranch Community Park Children's Play Area Improvements.

This action authorizes the Auditor and Comptroller to transfer \$150,000 from CIP-37-064.0, ADA Americans with Disabilities Act Improvements Annual Allocation, Fund #302453, Capital Outlay to CIP-29-981.0, Carmel Mountain Ranch Community Park Children's Play Area Improvements.

The ADA funding will be used to provide accessible parking spaces in the existing parking lot adjacent to the play area, improve walkways to and around the play area to meet current accessibility requirements and provide resilient rubberized surfacing within the play area itself to provide a safe and accessible surface to allow equal access to the play equipment. Disability Services, within the Office of Ethics and Integrity, has allocated \$500,000 of Capital Outlay funding to the Park and Recreation Department to address accessibility issues related to the grounds within park sites, not building accessibility issues. By combining \$150,000 of the ADA annual allocation with the \$256,512 State Proposition funds for a total funding amount of \$406,512, this children's play area can become a place for community members to visit and enjoy once again.

FISCAL CONSIDERATIONS:

These improvements will not add to the overall maintenance costs of the park because the playground maintenance is already included in the Park and Recreation budget for this park. The play area improvements will occur within the existing play area footprint and accessibility improvements will occur within existing walkways and parking lots.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Carmel Mountain/Sabre Springs Recreation Council supports this project and will participate in the selection of the play experiences and the design of the play area.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The Carmel Mountain/Sabre Springs Recreation Council and citizens of the Carmel Mountain Ranch and Sabre Springs communities are the key stakeholders. Only positive impacts to the community will result from the proposed improvements.

LoMedico/Heap

Aud. Cert. 2900379.

Staff: Carol Wood - (619) 525-8217
Shannon Thomas - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-112: Scripps Ranch 12KV Circuit Switch Box-Easement Grant to San Diego Gas and Electric (SDG&E). (Scripps Ranch Community Area. District 5.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-547) ADOPTED AS RESOLUTION R-304478

Authorizing the Mayor, or his designee, to execute an easement deed, for and on behalf of the City of San Diego, conveying to San Diego Gas and Electric (SDG&E) a 224 square-foot easement for the purpose of installation of the PME-3 12KV circuit breaker box;

Authorizing the Mayor, or his designee, to execute an easement agreement for the installation of a 12KV circuit switch box, affecting that portion of Lot 58 of Scripps Ranch North Unit No. 14, according to Map 13391, filed in the Office of the County Recorder of San Diego County, as more particularly described in said easement;

Authorizing the City Comptroller to accept and deposit \$2,590 from San Diego Gas & Electric into General Fund 100; Revenue Account No. 77438.

STAFF SUPPORTING INFORMATION:

San Diego Gas and Electric Company (SDG&E) is currently involved in a program to upgrade and improve its electrical facilities to provide better reliability to its customers. SDG&E engineering studies show the need for the installation of new pad-mounted electrical equipment

along the southerly side of Scripps Ranch Boulevard, west of Miro Circle. SDG&E has requested the City to grant a 224-square foot easement to allow for their installation of the PME-3 12KV circuit switch box. The easement area will allow for the installation of equipment and preparation of work area clearances mandated by PUC regulations. The switch itself will fit within the franchise portion of Scripps Ranch Boulevard. However, it will require a work area and retaining wall which would encroach onto City Property identified as Assessors Parcel Number 3 19-662-02; improved as Miramar Overlook Park.

FISCAL CONSIDERATIONS:

SDG&E will pay fair market value of \$1,000 for the easement and a \$1,590 processing fee. Funds will be deposited into Fund 100, Revenue Account No. 77438.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

Improvement to facilities will benefit the SDG&E customers in the Scripps Ranch Area.

Barwick/Anderson

Staff: Steve Geitz - (619) 236-6311
Todd Franklin Bradley - Deputy City Attorney

FILE LOCATION: F-10325

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

- * ITEM-113: Grant Funding for Coastal Low Flow Diversion Program. (La Jolla, Mission Beach, Pacific Beach, Ocean Beach, Mission Bay Park, and Peninsula Community Areas. Districts 1 and 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-514) ADOPTED AS RESOLUTION R-304479

Amending the Fiscal Year 2009 Capital Improvements Program Budget by increasing the budget amount by \$4,786,400 of which \$2,850,700 is in State and Tribal Assistance (STAG) Grant #2, Fund 38998, and \$1,935,700 is in STAG Grant #3, Fund 38999;

Amending the Fiscal Year 2009 Capital Improvement Program Budget by adding CIP-13-503.0, Mission Bay Sewer Interceptor System and CIP-13-504.0, Low Flow Telemetry;

Authorizing the appropriation and expenditure of the following for the purpose of engineering, construction and related expenses for the projects, contingent upon receipt of fully executed grant agreements:

- \$1,833,150.00, Fund 38998, STAG Grant #2, CIP-12-160.0, La Jolla Ecological Reserve Area of Special Biological Significance;
- \$1,017,550.00, Fund 38998, STAG Grant #2, CIP-13-503.0, Mission Bay Sewer Interceptor System;
- \$1,291,029.00, Fund 38999, STAG Grant #3, CIP-12-124.0, Beach Area Low Flow Storm Diversion;
- \$24,999.00, Fund 38999, STAG Grant #3, CIP-45-938.0, Beach Area Low Flow Storm Drain Diversion Muni;
- \$619,672.00, Fund 38999, STAG Grant #3, CIP-13-504.0, Low Flow Telemetry System;

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

Declaring that this project is exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(2).

STAFF SUPPORTING INFORMATION:

The goal of the Coastal Low Flow Diversion Program is to address stringent storm drain discharge water quality standards. This is accomplished by diverting dry weather, low flow runoff from the storm drain system into the sewer system.

The City Council authorized acceptance of the State and Tribal Assistance Grant (STAG) funds from the Environmental Protection Agency (EPA) pursuant to the Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriation Act of 2000 on October 17, 2006.

These grants will cover the design and construction of low flow diversions within the La Jolla Ecological Reserve Area of Special Biological Significance (ASBS29) project; the construction of 31 diversion sites for Mission Bay Sewer Interceptor System (MBSIS); the construction of 11 low flow diversion sites in the Coastal Low Flow, Phase III project; and the design and construction of a central telemetry system for monitoring and control (SCADA) of low flow diversions.

This action will provide for the appropriation and expenditure of the previously accepted grant funds.

FISCAL CONSIDERATIONS:

Grant funds totaling \$4,786,400, of which \$2,850,700 is in State and Tribal Assistance (STAG) Grant #2, Fund 38998, and \$1,935,700 is in STAG Grant #3, Fund 38999, have been authorized for this action.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City Council Resolution, R-301962 dated 10/17/06, accepted the State and Tribal Assistance Grant (STAG) funds.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key Stakeholders: Engineering & Capital Projects, Storm Water, and Metropolitan Wastewater Departments of the City of San Diego.

Boekamp/Jarrell

Aud. Cert. 2900324.

Staff: Jamal Batta - (619) 533-7482
Frederick M. Ortlieb - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-114: Funding of Equipment Cache for Tierrasanta Community Response Team (T-CERT). (Tierrasanta Community Area. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-635) ADOPTED AS RESOLUTION R-304480

Declaring that the entire fund balance from Fund No. 392018-“Lusk-Roadrunner Park” be transferred to Fund No. 10407-“Tierrasanta CERT;”

Declaring that the entire fund balance from Fund No. 392021-“R.H.-Recycling Center” be transferred to Fund No. 10407-“Tierrasanta CERT;”

Declaring that up to \$13,782.01 be transferred from Fund No. 392018-“R.H. Community Entrance Signs” to Fund No. 10407-“Tierrasanta CERT” such that Fund No. 10407-“Tierrasanta CERT” will have a total balance of \$50,000;

Declaring that the Comptroller may appropriate and expend \$50,000 from Fund No. 10407-“Tierrasanta CERT” for the Fire-Rescue Department to purchase tools and equipment for use by T-CERT for training and when activated during an emergency and that any unexpended balances from Fund No. 10407-“Tierrasanta CERT” remain in that account for future T-CERT equipment, supplies and cache maintenance/replacement use as directed by the Fire-Rescue Department.

STAFF SUPPORTING INFORMATION:

This action will authorize the Mayor to accept, appropriate and expend a total of \$50,000 of Tierrasanta Developer Agreement (DA) Funds, for the purchase of equipment for the Tierrasanta Community Emergency Response Team (T-CERT). The DA projects (Roadrunner Park, Recycling Center, and Community Signs) have been completed and the remaining funds can be used for any general fund purpose.

The T-CERT team, with the support of Councilmember Madaffer, has requested the City to provide a cache of appropriate disaster equipment and supplies to support their team of volunteers serving the community. This funding, if approved, would supply the at-risk Tierrasanta community with vital safety supplies to be used in the event of disasters. No Fire-Rescue Department funds are available to purchase equipment caches to support CERT San Diego participant groups.

If approved, requested equipment and supplies would be purchased by the Fire-Rescue Department through City-approved vendors, at prices negotiated by the City. It is anticipated that the inventoried cache would be located in the Tierrasanta Community. The Tierrasanta Community Council has offered to serve as Fiduciary Agent, and offer oversight of the equipment cache for the T-CERT sub-committee. If chosen as Fiduciary Agent, it is anticipated the Tierrasanta Community Council will provide secured storage and inventory control for the cache at no charge to the City. This will include the submission of periodic accountability reports to the Fire-Rescue Department on the status of the cache, as owned, managed and maintained by T-CERT.

The cache equipment and supplies may not be used for any purpose other than those approved by T-CERT or by CERT San Diego. This equipment will be made available for use in the event of disasters, official CERT drills or training, as needed.

If a group is chosen to serve as Fiduciary Agent, a formal Memorandum of Agreement between the San Diego and the Fiduciary Agent will be prepared by the City Attorney's Office and will be executed prior to transfer of the cache.

FISCAL CONSIDERATIONS:

The total estimated project cost is \$50,000, which is available as a transfer from DA funds 392018 (Lusk Roadrunner Park), 392021 (R.H. Recycling Center) and 392022 (R.H. Community Entrance Signs). These projects have been completed and the remaining funds can be used as approved by Council. Note to Auditors: Please transfer out the full fund balance from 392018 and 392021 first, then calculate and transfer the final amount necessary from 392022 - such that the total of all transfers equal \$50,000.

Any funds approved for the purchase of the T-CERT equipment and supplies cache, but not expended in the initial and subsequent purchases, will remain on deposit to be used exclusively by the Fire-Rescue Department for future purchases of equipment, supplies and cache maintenance/replacement of those items provided for use by T-CERT.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Tierrasanta Community Council supports the purchase of equipment.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders are the citizens of Tierrasanta and the Fire-Rescue Department.

Jarman/Olen

Staff: Tracy Jarman - (619) 533-4301
Paul F. Prather - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

- * ITEM-115: Fiscal Year 2009 Reprogramming of Community Development Block Grant (CDBG) Funds for all Council Districts and Citywide. (All Council Districts and Citywide.)

(See Report to the City Council No. 08-178; memorandum from Beryl Railey Rayford dated 11/5/2008; memorandum from Mayor Jerry Sanders dated 11/4/2008; memorandum from Councilmember Frye dated 10/31/2008; memorandum from Council President Pro Tem Madaffer dated 10/31/2008; memorandum from Councilmember Faulconer dated 10/31/2008; memoranda from Council President Scott Peters dated 11/18/2008, 11/12/2008,

and 10/31/2008; memorandum from Councilmember Young dated 10/31/2008; memorandum from Councilmember Toni Atkins dated 10/31/2008; memorandum from Councilmember Ben Hueso dated 10/30/2008; and memorandum from Councilmember Brian Maienschein dated 10/28/2008.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-686) ADOPTED AS RESOLUTION R-304481

Declaring that the reprogramming of previously funded CDBG project balances from Citywide and each Council District which were not allocated as set forth in Report to the City Council 08-178, to new projects shall be placed back into their respective CDBG reserve accounts, contingent upon certification of funds availability by the City Comptroller;

Authorizing the City Comptroller to appropriate and expend the CDBG funds for the Projects approved for funding as set forth in Report to the City Council 08-178, contingent upon certification of funds availability by the City Comptroller;

Authorizing the Mayor, or his designee, to negotiate and execute agreements with those CDBG Projects approved for funding and submit to the U.S. Department of Housing and Urban Development (HUD) any amendments to the FY 09 Action Plan as required;

Authorizing the City Comptroller to transfer the FY08 CDBG Administration balances to FY 09 CDBG Administration, contingent upon certification of funds availability by the City Comptroller;

Authorizing the City Comptroller to transfer the FY07 Neil Good CUP allocation to be divided among Cortez Hill, Winter Shelter and the Neil Good Day Center contingent upon certification of funds availability by the City Comptroller.

STAFF SUPPORTING INFORMATION:

This action will reprogram CDBG funds for Council Districts 1, 2, 3, 4, 5, 6, 7, 8 and Citywide. All CDBG transfers are reprogrammed at the request of the respective Council member from each district and the Mayor. Some changes may be the result of cancelled projects, project savings, pending projects, utilization of reserve amounts, or a change in City priorities.

One such cancellation is the Neil Good Day CUP allocation of \$100,000. Staff requests these funds are transferred and reprogrammed for tenant improvements to city-owned facilities. They include Cortez Hill (\$15,000), Homeless Emergency Winter Shelter Program (\$20,000), and Neil Good Day Center (\$65,000). This initial proposed FY 2009 CDBG reprogramming also includes changes that ensures compliance with the revised Council Policy 700-02 "Community Development Block Grant Program".

FISCAL CONSIDERATIONS:

There is no impact to the General Fund from this action. Funds are available from the City of San Diego's Community Development Block Grant Entitlement — Fiscal Year 2009, Program Year 34.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

FY 2009 CDBG Allocation; Council Action: May 6, 2008.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This reprogramming of CDBG funds was noticed in the San Diego Union Tribune and Daily Transcript newspaper(s) from October 17, 2008 - November 4, 2008. The information was also posted on the City of San Diego's website (www.sandiego.gov/cdbg).

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Residents of low and moderate income communities, community-based organizations, community planning groups, and other community development organizations. In addition, the agencies and reserve accounts mentioned, are a list of reprogrammed projects that would be impacted.

Kessler/Anderson

Staff: Scott Kessler - (619) 236-6421
Paul F. Prather - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

- * ITEM-116: Grant Funds for State Route 905 and 125 Right-of-Way Protection Project.
(Otay Mesa Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-550) ADOPTED AS RESOLUTION R-304482

Authorizing the Mayor, or designee, to accept Federal Demonstration Grant Funds, in the amount of \$295,429 for the SR 905 and SR 125 Right-of-Way Protection Project (Project);

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds from CIP-52-396.0 (JO# 52-396.0) SR 905 and SR 125 Right-of-Way Protection Project, Fund 38601, Federal Demonstration Fund contingent upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to de-appropriate in Fund 30300, TransNet, CIP-52-396.0 (JO# 52-396.1), SR 905 and SR 125 Right-of-Way Protection Project;

Authorizing the City Auditor and Comptroller to return an amount not to exceed \$295,429 to Fund 30300, TransNet Fund Balance, for the purpose of providing funds for the Project;

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

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

STAFF SUPPORTING INFORMATION:

In December 1996, the City of San Diego entered into a Cooperative Agreement with the Department of Transportation (CalTrans) for the SR 905 and SR 125 Right-of-Way Protection Project for environmental studies.

Funding from Federal Demonstration Funds was secured through the California Department of Transportation (CalTrans) in the amount of \$1,963,429 for the project. City Council previously approved the appropriation and expenditure of \$1,668,000 of the total grant. This action will approve the appropriation and expenditure of the remaining \$295,429 in Federal Demonstration Funds allocated to the project.

The additional Federal funds will allow the de-appropriation of TransNet funds back to fund balance.

FISCAL CONSIDERATIONS: N/A.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Resolution R-287734, August 5, 1996. Accept \$668,000 Federal Demonstration Funds.
Resolution R-283824, May 9, 1994. Accept \$1,000,000 Federal Grant for SR 905 Environmental studies.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A.

KEY STAKEHOLDERS:

Department of Transportation (CalTrans)

Boekamp/Jarrell

Staff: James Nagelvoort - (619) 533-3616
Ryan Kohut - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

- * ITEM-117: Authorization to Extend the North Park Redevelopment Project Area Committee (PAC) by One Year and to Notice and Conduct the PAC Elections for 2009. (North Park Community Area. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-546) ADOPTED AS RESOLUTION R-304483

Extending the North Park Redevelopment Project Area Committee [PAC] for one year;

Directing the staff of the Redevelopment Agency of the City of San Diego to notice and conduct the annual PAC election in 2009.

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

STAFF SUPPORTING INFORMATION:

At the establishment of a Redevelopment Project Area, California Community Redevelopment Law, California Health and Safety Code Section 33385, requires the legislative body of a city to call upon residents and existing community organizations in a redevelopment project area to form a PAC if there is a substantial number of low-or moderate-income residents within the project area and the redevelopment plan contains authority for the Redevelopment Agency to acquire property by eminent domain on which anyone resides; or the redevelopment plan contains one or more public projects that will displace a substantial number of low/moderate-income residents. Each PAC serves as an advisory body to the Redevelopment Agency on policy matters affecting the residents of the project area. The Redevelopment Agency is required to consult with the PAC for at least three years after the redevelopment plan is adopted, subject to one year extensions by the legislative body.

Each PAC is elected and conducts its business in accordance with its specific PAC Formation Procedures ("Procedures") that were adopted individually by the City Council.

The Procedures address the purpose and authority of the PAC, define the PAC's composition and membership, establish eligibility requirements for the term of membership and set procedures for conducting elections. In accordance with PAC Formation Procedures for the North Park PAC, Agency staff must seek authorization from the City Council to: 1) Extend the Redevelopment PAC for one year and 2) Notice and conduct PAC Elections.

FISCAL CONSIDERATIONS:

None with this action.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On January 15, 2008, the City Council of the City of San Diego approved R-303325 to extend the North Park PAC for one year.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Not applicable.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

North Park Redevelopment Project Area Committee (PAC).

Weinrick/Anderson

Staff: Michelle Rosenthal - (619) 236-6268
Huston Carlyle – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-118: Torrey Pines Corridor Study. (La Jolla Community Area. District 1.)

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2009-665) ADOPTED AS RESOLUTION R-304484

Authorizing the Mayor, or his representative, to accept the recommendations contained in the Torrey Pines Corridor Study, dated October 2007 and provided in Attachments 1 and 2;

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

SUPPORTING INFORMATION:

The Torrey Pines Road Corridor is located within the La Jolla Community Planning area. The adjacent communities are Pacific Beach to the south, University City to the north and Clairemont to the east. La Jolla is made of approximately 5,718 acres of residential, commercial and recreational development.

Following the completion of the La Jolla Parkway/Torrey Pines Road and Hidden Valley Road/La Jolla Shores Drive/Torrey Pines Road reconfiguration in 2003, Council District 1 office and the La Jolla community organizations requested that the City Transportation Planning staff conduct a study to determine what improvements are needed on Torrey Pines Road, west of La Jolla Shores Drive, to better accommodate the traffic flow, bicycles and pedestrians that use this roadway. The corridor study conducted also included safety issues and walkability along the Torrey Pines Road corridor. The corridor limits were determined to be between La Jolla Parkway and Girard Avenue.

The Torrey Pines Road Committee, made up of residents and members of various community organizations in La Jolla was formed to work with the City's Transportation Planning staff to conduct the corridor study.

The Committee met numerous times between November 8, 2004 and November 6, 2006. The "Torrey Pines Road Corridor Study" report was produced in October 2007 and contains the recommendations of the Committee for the proposed improvements. A listing of the Committee's recommendations is included as Attachments 1 and 2.

FISCAL CONSIDERATIONS:

None with this action. Implementing these recommendations would cause the need for engineering estimates. The recommended projects will be presented on a project-by-project basis as they are budgeted in the Capital Improvements Program (CIP).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Ad Hoc Torrey Pines Road Plan Committee, made up of members from various community groups, met 16 times over two years, in coordination with City engineering staff, to create these recommendations. Groups supporting this action are: La Jolla Community Planning Association, La Jolla Shores Association, and Promote La Jolla.

KEY STAKEHOLDERS:

See above.

Peters

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-119: Mission Trails Regional Park Master Plan Update-Action Report. (Navajo, Tierrasanta, and East Elliot Community Areas. District 7.)

(See Report to the City Council No. 08-179.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-637) ADOPTED AS RESOLUTION R-304485

Accepting the Report to City Council to serve as Memorandum of Understanding between the City of San Diego and the Mission Trails Regional Park Task Force and Citizen's Advisory Committee for the purpose of proceeding with the Mission Trails Regional Park Master Plan Update and Natural Resources Management Plan.

STAFF SUPPORTING INFORMATION:

The City and Mission Trails Regional Park [MTRP] Task Force [Task Force] and Citizen's Advisory Committee (CAC), in an ongoing partnership, have been coordinating in the implementation of the Mission Trails Regional Park Master Development Plan since its adoption in 1985. It is the goal of the City, Task Force and CAC to proceed with an update to the Mission Trails Regional Park Master Development Plan to identify completed capital projects and to guide future development and preservation within the park to the benefit of the general public. In addition, a Natural Resources Management Plan needs to be prepared and incorporated into the Master Plan Update to provide City park rangers with information and tools to manage and maintain the Park's sensitive resources.

To accomplish this goal, certain City processes are required and shall be followed consistent with the City's General Plan and other land use and city council policies, to create a City-sanctioned Master Plan Update with an official standing, as outlined in a City Memorandum dated May 8, 2008 provided to the CAC. It is the intention of the parties, to hire a consultant for the preparation of the MTRP Master Plan Update and the Natural Resources Management Plan whose duties would include, but not be limited to, preparing studies and supporting documentation, developing public outreach strategies, facilitating public workshops/meeting and making presentations, creating the Master Plan Update documents, providing environmental review documents and incorporating applicable work already prepared by the CAC.

The city shall serve in the lead role during the Master Plan Update process; as such, the City shall be responsible for the following:

- a. All processes related to contract initiation, consultant selection and management, ensuring processing and approval of project-related invoices, environmental review, and acting as the primary point of contact for the plan update process; however, as set forth below, CAC representatives will be asked to assist in the consultant selection process and the consultant shall be directed to work in close coordination with the CAC Ad-Hoc Master Plan Update Subcommittee;
- b. Coordinating with various City departments and other agencies affected by the proposed update;

- c. Reviewing and approving all work completed to date by the CAC, prior to conceptual review or endorsement by any advisory or decision-making body;
- d. Renaming CIP-29-943.0 from MTRP Natural Resources Management Plan to MTRP Master Plan Update and Natural Resources Management Plan, and transferring \$472,000 from Antenna Fund, Fund No. 10580, and \$170,000 from CIP-20-010.3, Open Space Natural Resources Management and Park Master Plans, to CIP-29-943.0 for the purpose of preparing the Master Plan Update and the associated Natural Resource Management Plan; and
- e. Ensuring that every effort is made to complete the Master Plan Update and NRMP in accordance with the Preliminary Project Time Schedule.

As a major partner in this Master Plan Update process, the MTRP Task Force and CAC shall assist in the process in regards to the following:

- a. The CAC shall have the option of participating in the consultant selection interview process for the Mission Trails Regional Park Master Plan Update and Natural Resources Management Plan;
- b. The consultant shall work in close coordination with the CAC-Ad-Hoc Master Plan Update Subcommittee; the CAC shall review draft documents and on-going revisions on a regular basis as directed by the City;
- c. The Task Force agrees to endorse the use of \$472,000 from the MTRP Antenna Fund, Fund No. 10580 for CIP-29-943.0, MTRP Master Plan Update and Natural Resources Management Plan; and
- d. The CAC shall monitor the Antenna funding appropriation and expenditures.

FISCAL CONSIDERATION:

See "Preliminary Cost Estimate."

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

As part of the Master Plan Update, proposed changes to the 1985 Mission Trails Regional Park Master Development Plan have been initiated by the Citizen's Advisory Committee through public outreach efforts including 1) website postings, and 2) information and action items on the CAC and Task Force bi-monthly meetings agendas. In addition, the Master Plan Update shall document and evaluate existing conditions, and provide and refine site-specific goals and recommendations, and reflect the public input received according to established City Policy 600-33 (Community Notification and Input for Citywide Park Development Projects).

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

Mission Trails Regional Park (MTRP) users. The final MTRP Master Plan Update and the Natural Resources Management Plan will determine the projected impacts.

Koksuz/Anderson

Staff: Michelle Abella-Shon - (619) 525-8234
Shannon M. Thomas - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-120: Update of the City’s Bicycle Master Plan. (Citywide.)

STAFF’S RECOMMENDATION:

Adopt the following resolution:

(R-2009-695) ADOPTED AS RESOLUTION R-304486

Updating the City’s Bicycle Master Plan to include connectors to the State Route 56 Bike Path at Rancho del Sol Way, Torrey Meadows Drive, and Darkwood Canyon;

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

STAFF SUPPORTING INFORMATION:

A current Bicycle Master Plan is a necessary component as part of the application process for bicycle-related grant funding. The City’s current Bicycle Master Plan was adopted by Council in 2002, and is in the process of being revised but because it is more than five years old it is

considered invalid when applying for grants, including the upcoming State Bicycle Transportation Account (BTA) grants, the regional TransNet/Transportation Development Account (TDA) grants, and any other future grants.

By updating the current document and adding new projects, the City will be eligible to apply for grant funds for any projects in the current Bicycle Master Plan while the new Bicycle Master Plan is being prepared.

Staff is recommending that three projects be added to the 2002 Bicycle Master Plan: connectors to the State Route 56 Bike Path at Rancho del Sol Way, Torrey Meadows Drive, and Darkwood Canyon. These projects will provide direct connection to the SR-56 Bike Path from nearby residential areas.

Without these connections, lengthy out of direction travel is required to access the bike path. Updating the Bicycle Master Plan as described will make bicycle projects eligible for funding from various granting agencies.

FISCAL CONSIDERATIONS:

None with this action.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The current Bicycle Master Plan was adopted by Council on May 28, 2002.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Bicyclists in the San Diego region may benefit from future grant opportunities.

Boekamp/Jarrell

Staff: Deborah Van Wanseele - (619) 533-3012
Michael P. Calabrese – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-121: Conflict of Interest Code for the Water Department. (Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-382) ADOPTED AS RESOLUTION R-304487

Adopting a Conflict of Interest Code for the Water Department, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Declaring that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Water Department as adopted, be placed on file in the Office of the City Clerk;

Declaring that the persons whose positions are designated in the revised Conflict of Interest Code for the Water Department shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements, and leaving office statements;

Declaring that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Water Department becomes effective upon the date of adoption of this resolution.

STAFF SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87305.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-303718 adopted on May 27, 2008.

The Water Department Code has been revised to include new positions which had not been previously designated, remove positions previously designated but now more appropriately included in other City departments' Conflict of Interest Codes, and to update the required filing categories for each designated position.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Ruiz/Barrett

Staff: Agnes Generoso - (619) 533-7567
Sharon B. Spivak - Deputy City Attorney

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-122: Conflict of Interest Code for the Development Services Department. (Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-210) ADOPTED AS RESOLUTION R-304488

Adopting a Conflict of Interest Code for the Development Services Department, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Declaring that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Development Services Department as adopted, be placed on file in the Office of the City Clerk;

Declaring that the persons whose positions are designated in the revised Conflict of Interest Code for the Development Services Department shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements, and leaving office statements;

Declaring that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Development Services Department becomes effective upon the date of adoption of this resolution.

STAFF SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87305.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-303718 adopted on May 27, 2008.

The Development Services Department code has been revised to reflect modified positions and classification titles. Classifications were consolidated due to the reorganization of the department.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

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

Broughton

Staff: Jackie Cruz - (619) 446-5261
Sharon B. Spivak - Deputy City Attorney

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-123: Conflict of Interest Code for the Storm Water Department. (Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-381) ADOPTED AS RESOLUTION R-304489

Adopting a Conflict of Interest Code for the Storm Water Department, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Declaring that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Storm Water Department as adopted, be placed on file in the Office of the City Clerk;

Declaring that the persons whose positions are designated in the revised Conflict of Interest Code for the Storm Water Department shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements, and leaving office statements;

Declaring that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Storm Water Department becomes effective upon the date of adoption of this resolution.

STAFF SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87305.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-303718 adopted on May 27, 2008.

The Storm Water Department code has been revised to include the following sections:
Administration Section: Director and Supervising Management Analyst. Pollution Prevention Division: Deputy Director, Storm Water Environmental Specialist, Recycling Program Manager, Education Program Manager, Project Officer II and Senior Civil Engineer. Operations and Maintenance Division: Deputy Director.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Heinrichs

Staff: Juan Castruita - (858) 541-5311
Sharon B. Spivak - Deputy City Attorney

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-124: Conflict of Interest Code for the Public Safety Department. (Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-679) ADOPTED AS RESOLUTION R-304490

Adopting a Conflict of Interest Code for the Public Safety Department, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Declaring that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Public Safety Department as adopted, be placed on file in the Office of the City Clerk;

Declaring that the persons whose positions are designated in the revised Conflict of Interest Code for the Public Safety Department shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements, and leaving office statements;

Declaring that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Public Safety Department becomes effective upon the date of adoption of this resolution.

STAFF SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87305.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-303718 adopted on May 27, 2008.

The Public Safety Department Code has been revised to include the addition of the Executive Director of Commission on Gang Prevention and Intervention.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
Resolution R-303718 adopted on May 27, 2008.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Olen

Staff: Jill Olen - (619) 236-7164
Sharon B. Spivak - Deputy City Attorney

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-125: Conflict of Interest Code for the Customer Services Department. (Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-209) ADOPTED AS RESOLUTION R-304491

Adopting a Conflict of Interest Code for the Customer Services Department, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Declaring that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Customer Services Department as adopted, be placed on file in the Office of the City Clerk;

Declaring that the persons whose positions are designated in the revised Conflict of Interest Code for the Customer Services Department shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements, and leaving office statements;

Declaring that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Customer Services Department becomes effective upon the date of adoption of this resolution.

STAFF SUPPORTING INFORMATION:

The Conflict of Interest Code for Customer Services Department previously ratified by City Resolution R-302201 effective December 15, 2006.

This revision is intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-303719 adopted on May 27, 2008. The Customer Services Department's code has been revised to include a new position and to revise a position description.

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Previous City Council Resolution No. R-302201 adopted on December 15, 2006.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Brick

Staff: Diana Rhodes - (619) 533-3913
Sharon B. Spivak - Deputy City Attorney

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-126: Conflict of Interest Code for the Business Office. (Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-204) ADOPTED AS RESOLUTION R-304492

Adopting a Conflict of Interest Code for the Business Office, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Declaring that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Business Office as adopted, be placed on file in the Office of the City Clerk;

Declaring that the persons whose positions are designated in the revised Conflict of Interest Code for the Business Office shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements, and leaving office statements;

Declaring that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Business Office becomes effective upon the date of adoption of this resolution.

STAFF SUPPORTING INFORMATION:

This revision is intended to conform with Government Code Section 87305.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution number R-303719 adopted May 27, 2008. The Business Office code as been developed to:

1. Indicate the establishment of the Business Office as an independent entity reporting to the Chief Operating Officer; and
2. Transfer all Business Office staff under the Business Office code, creating new assignments as required.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Danegger/Goldstone

Staff: Anna Danegger- (619) 236-6107
Sharon B. Spivak - Deputy City Attorney

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-127: Conflict of Interest Code for the Risk Management Department. (Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-223) ADOPTED AS RESOLUTION R-304493

Adopting a Conflict of Interest Code for the Risk Management Department, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Declaring that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Risk Management Department as adopted, be placed on file in the Office of the City Clerk;

Declaring that the persons whose positions are designated in the revised Conflict of Interest Code for the Risk Management Department shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements, and leaving office statements;

Declaring that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Risk Management Department becomes effective upon the date of adoption of this resolution.

STAFF SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-303718, adopted on May 27, 2008.

The Risk Management 2006 biennial code was grouped with Business Support, which also included: Business and Support Services; Business and Grant Administration; Chief Information Officer; Human Resources; and Purchasing and Contracting. The Risk Management Department code has been revised to separate Risk Management from Business Support, change position titles, remove positions previously designated, and update the required filing categories for each designated position.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

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

Bych/Lewis

Staff: Christine Logan - (619) 236-5939
Sharon B. Spivak - Deputy City Attorney

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-128: Conflict of Interest Code for the Office of the City Auditor. (Citywide.)

CITY AUDITOR'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-383) ADOPTED AS RESOLUTION R-304494

Adopting a Conflict of Interest Code for the Office of the City Auditor, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Declaring that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Office of the City Auditor as adopted, be placed on file in the Office of the City Clerk;

Declaring that the persons whose positions are designated in the revised Conflict of Interest Code for the Office of the City Auditor shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements, and leaving office statements;

Declaring that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Office of the City Auditor becomes effective upon the date of adoption of this resolution.

SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87305.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-303718 adopted on May 27, 2008.

The Office of the City Auditor code has been prepared to include the newly created positions with the passage of Proposition C. These positions are “City Auditor” and “Principal Auditor.” These positions have been appropriately included in the conflict of interest code as well as consultants that may be utilized by the Department.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

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

Luna

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-129: Conflict of Interest Code for the Office of the City Comptroller. (Citywide.)

CITY COMPTROLLER’S RECOMMENDATION:

Adopt the following resolution:

(R-2009-207) ADOPTED AS RESOLUTION R-304495

Adopting a Conflict of Interest Code for the Office of the City Comptroller, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing

designated positions and their duties, and Appendix B showing the disclosure categories;

Declaring that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Office of the City Comptroller as adopted, be placed on file in the Office of the City Clerk;

Declaring that the persons whose positions are designated in the revised Conflict of Interest Code for the Office of the City Comptroller shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements, and leaving office statements;

Declaring that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Office of the City Comptroller becomes effective upon the date of adoption of this resolution.

SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87305.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-303718 adopted on May 27, 2008.

The City Comptroller code has been revised to include the updated department title as City Comptroller, updated position title as City Comptroller, and to delete the Assistant City Auditor and Comptroller position.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Levin/Schoen

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-130: Conflict of Interest Code for Purchasing and Contracting. (Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-221) ADOPTED AS RESOLUTION R-304496

Adopting a Conflict of Interest Code for the Purchasing and Contracting Department, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Declaring that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Purchasing and Contracting Department as adopted be placed on file in the Office of the City Clerk;

Declaring that the persons whose positions are designated in the revised Conflict of Interest Code for the Purchasing and Contracting Department shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code Section 873 02(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set

forth the deadlines for the filing of initial statements, assuming office statements, annual statements and leaving office statements;

Declaring that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Purchasing and Contracting Department becomes effective upon the date of adoption of this resolution.

STAFF SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87305.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-303718 adopted on May 27, 2008.

The Purchasing and Contracting's code has been revised to: (include new positions which had not been previously designed, remove positions previously designated but now more appropriately included in other City's department's Conflict of Interest Codes, and to update the required filing categories for each designated position.)

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Rimes/Lewis

Staff: Alice Nelson - (619) 533-4083
Sharon B. Spivak - Deputy City Attorney

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-131: Conflict of Interest Code for the Engineering and Capital Projects Department. (Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-211) ADOPTED AS RESOLUTION R-304497

Adopting a Conflict of Interest Code for the Engineering and Capital Projects Department, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Declaring that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Engineering and Capital Projects Department as adopted, be placed on file in the Office of the City Clerk;

Declaring that the persons whose positions are designated in the revised Conflict of Interest Code for the Engineering and Capital Projects Department shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements, and leaving office statements;

Declaring that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Engineering and Capital Projects Department becomes effective upon the date of adoption of this resolution.

STAFF SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87305.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-303718 adopted on May 27, 2008.

The Engineering and Capital Projects Department code has been revised to include new positions, which had not been previously designated, and remove positions and identify changes in responsibilities due to the City Council approved Engineering Services Business Process Re-engineering. The Department is also revising a disclosure category.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

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

Boekamp/Jarrell

Staff: Sabrina Tatum - (619) 533-3139
Sharon B. Spivak - Deputy City Attorney

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-132: Conflict of Interest Code for the Metropolitan Wastewater Department.
(Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-218) ADOPTED AS RESOLUTON R-304498

Adopting a Conflict of Interest Code for the Metropolitan Wastewater Department, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Declaring that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Metropolitan Wastewater Department as adopted, be placed on file in the Office of the City Clerk;

Declaring that the persons whose positions are designated in the revised Conflict of Interest Code for the Metropolitan Wastewater Department shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements, and leaving office statements;

Declaring that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Metropolitan Wastewater Department becomes effective upon the date of adoption of this resolution.

STAFF SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87305.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-303718 adopted on May 27, 2008.

The Metropolitan Wastewater Department code has been revised to address additions and deletions of designated positions within the Department and organizational and budgetary changes due to recent departmental reorganization. These changes are noted in proposed Conflict of Interest Code.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

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

Ferrier/Barrett

Staff: Richard Enriquez - (858) 292-6364
Sharon B. Spivak - Deputy City Attorney

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-133: Appointment to the Park and Recreation Board.

(See memorandum from Mayor Sanders dated 11/12/2008, with resume attached.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2009-655) ADOPTED AS RESOLUTION R-304499

Council confirmation of the following appointment by the Mayor of the City of San Diego, to serve as a member of the Park and Recreation Board, for a term ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
William Diehl (Rancho Peñasquitos, District 1) (Replacing Dan Mazzella)	March 1, 2010

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-134: Reappointments to the Community Forest Advisory Board.

(See memorandum from Mayor Sanders dated 11/12/2008.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2009-377) ADOPTED AS RESOLUTION R-304500

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

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Karen Davis (Point Loma, District 2) (Reappointment)	District 2 Representative	December 31, 2011
Craig Jones (Scripps Ranch, District 5) (Reappointment)	District 5 Representative	December 31, 2011

Declaring that the above reappointments are effective January 1, 2009.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

C. FOR COUNCIL DISTRICT NO. 3 (four-year term)

TODD GLORIA _____

STEPHEN WHITBURN _____

TODD GLORIA, having received a majority of all votes cast, is hereby declared elected to the office of Councilmember, District No. 3.

D. FOR COUNCIL DISTRICT NO. 7 (four-year term)

MARTI EMERALD _____

APRIL BOLING _____

MARTI EMERALD, having received a majority of all votes cast, is hereby declared elected to the office of Councilmember, District No. 7.

III

The number of votes cast in the City for and against each of the two propositions which appeared on the ballot as Propositions C and D, and the total number of votes cast upon each proposition, are as follows:

PROPOSITION C

For _____

Against _____

TOTAL _____

Proposition C received the affirmative vote of a majority of the qualified voters voting on such proposition and is hereby declared to have been approved.

PROPOSITION D

For _____

Against _____

TOTAL _____

Proposition D received the affirmative vote of a majority of the qualified voters voting on such proposition and is hereby declared to have been approved.

IV

The number of votes cast in each precinct for and against the proposition is recorded in the Election Returns Book, which book is a part of the records of this Council.

V

The City Clerk is directed to file the following Charter Amendments with the Secretary of State in accordance with Government Code Section 34460: adding Charter Section 55.2, designating the use of lease revenue from Mission Bay Park (Proposition C).

VI

The City Clerk shall make public the results of the canvass of the Municipal Special Election by publication of a copy of this resolution.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:17 p.m. – 5:18 p.m.)

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

* ITEM-136: Amendments to the 2009 Legislative Calendar.

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Take the following actions: (R-2009-) ADOPTED AS RESOLUTION R-304501

Amend the 2009 Legislative Calendar and direct the City Attorney to prepare a Resolution reflecting the following changes:

1. Change the Audit Committee meeting start times to 9:00 a.m. on specified Mondays.
2. Delete the Audit Committee meeting scheduled for January 5, 2009 and add an Audit Committee meeting on January 12, 2009.
3. Delete the inauguration scheduled for December 7, 2009.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

- * ITEM-137: Excusing Council President Pro Tern Jim Madaffer from Attending the Regularly Scheduled Land Use and Housing Committee Meeting of October 8, 2008.

COUNCIL PRESIDENT PRO TEM MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-564) ADOPTED AS RESOLUTION R-304502

Excusing Council President Pro Tem Jim Madaffer from attending the regularly scheduled Land Use and Housing Committee meeting of October 8, 2008, due to representing the City at a meeting regarding climate change with Senator Kehoe.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

- * ITEM-138: Candice Wiggins Day.

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2009-677) ADOPTED AS RESOLUTION R-304503

Commending Candice Wiggins for her exceptional contributions to San Diego sports;

Proclaiming November 7, 2008, to be "Candice Wiggins Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-139: John and Stacey Holley Day.

COUNCIL PRESIDENT PRO TEM MADAFFER’S RECOMMENDATION:

Adopt the following resolution:

(R-2009-560) ADOPTED AS RESOLUTION R-304504

Extending its grateful appreciation for the Holley Family for their advocacy on behalf of fallen soldiers and their families, and proclaiming October 25, 2008, as “John and Stacey Holley Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-140: Karen B. Bucey Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2009-670) ADOPTED AS RESOLUTION R-304505

Commending Karen B. Bucey for the contributions she has made to the City of San Diego;

Proclaiming December 2, 2008, to be "Karen B. Bucey Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-141: Warren J. Simon Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2009-561) ADOPTED AS RESOLUTION R-304506

Commending and thanking Warren J. Simon for the contributions he has made to the City of San Diego's Hillcrest community;

Proclaiming November 20, 2008, as "Warren J. Simon Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-142: Victor Player Month.

COUNCILMEMBER YOUNG’S RECOMMENDATION:

Adopt the following resolution:

(R-2009-636) ADOPTED AS RESOLUTION R-304507

Proclaiming the month of November 2008, as “Victor Player Month” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-143: Nonprofit Management Solutions Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-648) ADOPTED AS RESOLUTION R-304508

Proclaiming December 2, 2008, to be "Nonprofit Management Solutions Day" in the City of San Diego, and commending Nonprofit Management Solutions for the support and recognition it gives to the nonprofit organizations in the San Diego region.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-144: Declaring a Continued State of Emergency Regarding the Wildfires.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-427) ADOPTED AS RESOLUTION R-304509

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: 10:02 a.m. – 10:06 a.m.)

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

* ITEM-145: 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-2009-612) ADOPTED AS RESOLUTION R-304510

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: 10:02 a.m. – 10:06 a.m.)

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

- * ITEM-146: 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-2009-580) ADOPTED AS RESOLUTION R-304511

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: 10:02 a.m. – 10:06 a.m.)

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

- * ITEM-147: State of Local Emergency Declaration Regarding the Landslide on Mount Soledad.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-14) ADOPTED AS RESOLUTION R-304512

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: 10:02 a.m. – 10:06 a.m.)

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

ITEM-330: Two actions related to Proposed Ordinance Regulating the Sales of Vehicles in Certain Areas within the Public Right-of-Way. (Midway, Peninsula-Midway, Normal Heights, Greater North Park, City Heights, Chollas Creek, Lomita, Mountain View, Rancho Bernardo, Carmel Mountain Ranch, Clairemont Mesa, and Kearny Mesa Community Areas. Districts 2, 3, 4, 5, and 6.)

(See Manager's Report No. 04-085, Pilot Program Locations and City Attorney's Report dated January 14, 2003.)

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Introduce the following ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2009-77) INTRODUCED WITH DIRECTION; TO BE ADOPTED ON TUESDAY, JANUARY 9, 2009

Introduction of an Ordinance amending Chapter 8, Article 6, Division 00, of the San Diego Municipal Code by adding Section 86.23.1, relating to authority to remove vehicles for sale in certain areas within the public right-of-way;

This ordinance makes changes to Chapter 8, Article 6 of the City of San Diego Municipal Code relating to authority to remove vehicles for sale by adding Section 86.23.1. This new section will prohibit the display of vehicles for sale on its streets. This Section authorizes the Mayor to take various actions when the use of public streets for the private sale of vehicles adversely affects communities in the City of San Diego.

Subitem-B: (R-2009-650)

ADOPTED WITH DIRECTION AS
RESOLUTION R-304513

Authorizing the Mayor, or his designee, the expenditure of an amount not to exceed \$58,920, for the installation of signs, contingent upon the Comptroller first certifying funds are on deposit with the City Treasury;

Declaring each Council District will be responsible for their portion of the funding. The initial funding for the project will be discussed at the City Council meeting;

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

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 4/28/2004, PS&NS voted 5 to 0 to approve the City Manager's recommendation pending the City Council's Budget deliberations. (Councilmembers Zucchet, Atkins, Lewis, Frye, and Maienschein voted yea.)

On 3/26/2003, PS&NS voted to:

- Forward the City Attorney's recommendation regarding repeal of the Municipal Code Section pertaining to the City's regulation of "for sale" signs on parked vehicles to the City Council: VOTE: 5-0; Maienschein-yea; Zucchet-yea; Atkins-yea; Lewis-yea; Frye-yea.
- Develop an ordinance to address "for sale" signs on parked vehicles targeting specific streets identified by community groups and doing appropriate signing on those streets as a deterrent. Provide community planning groups an opportunity to review the draft ordinance prior to bringing it to the Public Safety and Neighborhood Services Committee. Request Governmental Relations Department include, as part of its legislative agenda, changing State law to allow City regulations of "for sale" signs on parked vehicles. VOTE: 5-0; Maienschein-yea; Zucchet-yea; Atkins-yea; Lewis-yea; Frye-yea.

SUPPORTING INFORMATION:

For the last several years, a number of residents from various communities throughout San Diego have expressed concerns about specific streets in their neighborhoods that have become used car sales areas. Oftentimes where the activity occurs are main entrance streets to the community that have high traffic volume and visibility. The Police Department's Abandoned Vehicle Abatement (AVA) Unit enforce the 72-hour parking violation ordinance in order to keep these "parked until they are sold" cars moving. However, this ordinance is only effective for vehicles parked in the exact same location for over 72 hours. Some of these linear sales have become so popular that on weekends the owners remain with the vehicles where interest and sales conversations are taking place. The residents driving the streets experience traffic congestion and have concerns about traffic safety for pedestrians and motorists alike.

According to the Department of Motor Vehicles, as staffing allows, they currently take enforcement action against unpermitted "dealers" as outlined in California Vehicle Code Section 11700. These enforcement actions are effective against prospective sellers who bring their cars to known car sales areas and then negotiate with an unauthorized street "dealer" to sell their vehicles.

This Vehicle Code section would not, however, address the conditions where prospective sellers simply bring their own vehicles to known sales areas, park them for display purposes, and then return less than 72 hours later to move their car. The actual sales transaction may not take place until later, and not on the street. According to residents, the "for sale" cars take valuable parking spaces, cause congestion, and bring safety hazards associated with people stopping in the street to window shop.

The City of San Diego had adopted an ordinance, City Municipal Code Section 86.23(a) that regulated the size and type of signs that could be used on vehicles for private sale. The ordinance is seldom enforced and has not been effective for deterring the type of activity described at the above locations. In addition, a court challenge disclosed that such an ordinance was not consistent with state and federal laws. Subsequently, the City Council amended this section to comply with the court decision.

PROPOSED ORDINANCE

Currently, any ordinance that is enacted for the purpose of controlling this type of activity must be based on the California Vehicle Code (CVC). The only section in the CVC that regulates this type of activity is CVC Section 22651.9. This section specifically describes the process for establishment of these regulations and the methods for Enforcement.

The ordinance being proposed adheres to CVC Section 22651.9 and it can be legally enforced following the processes outlined in that CVC Section. The following will be the procedures to prohibit vehicles for sale activity:

- a) An Ordinance will designate the streets that have a prohibition for vehicle sales;
- b) Signs will be posted on the designated streets prohibiting sales of vehicles;
- c) Violators will be warned by notice of a parking violation, and a list of other designated streets where the vehicle cannot be parked for sale;
- d) If the vehicle is found in violation within 30 days after the notice, but not less than 24 hours, the vehicle will be impounded.

This is the most expeditious response to the problem under the current CVC.

The advantage of this proposed ordinance is that it targets problem areas without affecting other areas. There are however, some disadvantages. It may cause the problem to be shifted to adjacent streets or neighborhoods.

In addition, a database, available 24 hours a day, must be established to track vehicles that are warned. The warning must include a list of all streets where there is parking prohibition for sale of vehicles. It requires extensive signage at each location. Enforcement must be targeted for specific locations and because this is primarily a weekend problem, enforcement would require the resources of the Police Department. In addition, when new locations have been identified, a resolution will have to be approved by the City Council and signage will be required before enforcement can occur. The warnings will also have to be updated to include the addition of new prohibited streets.

FISCAL CONSIDERATIONS:

This action requires the installation of signs at the locations at an initial cost of \$56,700 and modifications to the existing parking ticket traffic system at a cost of \$2,500. Each District that wants to participate will be responsible for providing the funding for their district. The breakdown per district is:

District 2	67 signs = \$11,000
District 3	26 signs = \$4,200
District 4	52 signs = \$8,500
District 5	141 signs = \$23,000
District 6	61 signs = \$10,000
Total	347 signs \$56,700
<u>Traffic Ticket System</u>	+ \$2,500 (District 5 will cover this cost)
Total	\$59,200

The cost of enforcement is recouped through citation revenue.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On March 26, 2003, PS&NS directed staff to:

1. Draft an Ordinance that would designate certain streets as being off limits for car sales.
2. Get input on the draft ordinance from Community Planners Committee and other interested community stakeholders.
3. Compile a list of the designated off-limit streets for Committee consideration.
4. Request that the Governmental Relations Department pursue legislation changing State law to allow City regulation of "For Sale" signs on parked vehicles.

On April 28, 2004, PS&NS voted 5-0 to approve the proposed ordinance.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Neighborhood Code Compliance Department held several meetings with residents from 12 different neighborhoods, staff representatives from the Neighborhood Code Compliance Department, Parking Management Division and the AVA Unit. The represented communities were: Carmel Mountain Ranch, City Heights, Clairemont, Linda Vista, Navajo, Pacific Beach, Rancho Bernardo, Rolando, Rolando Park, Serra Mesa, Tierrasanta, and University Heights. The group met over a period of seven months. After months of discussion with residents, it became apparent that finding a solution to the issue of on-street car sales that fit every community, and did not impact already limited parking, would be difficult.

On May 27, 2003, staff attended the Community Planners Committee (CPC) and presented a draft ordinance designed to prohibit sales of vehicles at specific locations. Staff solicited comments from the CPC as well as a list of locations where the parking restrictions should apply. The comments at the CPC acknowledged that such activity is undesirable within our communities, and in general supported the concept that some sort of action should be taken.

Smith/Witmond

FILE LOCATION: SUBITEM A: NONE
SUBITEM B: MEET

COUNCIL ACTION: (Time duration: 10:31 p.m. – 10:38 p.m.)

MOTION BY MAIENSCHIN TO INTRODUCE THE ORDINANCE IN SUBITEM A AND ADOPT THE RESOLUTION IN SUBITEM B AND REQUEST THAT THE INDEPENDENT BUDGET ANALYST FOLLOW UP TO ENSURE THAT THE PLANNING DEPARTMENT SENDS OUT LETTERS TO THE PLANNING COMMITTEE CHAIRS NOTIFYING THEM THAT STREETS CAN BE INCLUDED BY RESOLUTION. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-331: Fire Sprinkler Retrofitting for High Rise Buildings. (Centre City Community Area. District 2.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2009-79) NOTED AND FILED

Introduction of an Ordinance amending Chapter 5, Article 5, Division 10, of the San Diego Municipal Code by amending Section 55.1003, pertaining to Fire Protection and Prevention.

STAFF SUPPORTING INFORMATION:

In 1986, the Mayor and City Council passed Ordinance Number O-17172 requiring fire sprinkler retrofitting for high rise buildings. Specific exemptions were granted including all Government buildings except for those owned by the City of San Diego. In 1991, the Council extended the deadline for compliance from 1996 to 1999, unless the owner declared their intent to demolish the building by January 1, 2000. In 1995, the City passed Resolution Number R-286760 declaring the City's intent to demolish the City Administration Building (CAB) prior to January 1, 2000.

On June 5, 2001, Ordinance Number O-18946 was adopted extending the deadline for compliance with the Fire Sprinkler Retrofit Ordinance until January 1, 2004. In addition, the City Council authorized a phase funded design build contract to continue with the installation of a fire sprinkler system.

On January 13, 2004, Ordinance Number O-19254 was adopted extending the deadline for compliance with the Fire Sprinkler Retrofitting Ordinance until January 1, 2008.

On January 8, 2008, Ordinance Number O-19696 was adopted extending the deadline for compliance with the Fire Sprinkler Retrofitting Ordinance until January 1, 2009.

The current Fire Sprinkler system includes the: backflow valve, pump, transfer switches, standpipe, alarm system, and sprinklers in the basement and on the 10th, 11th, 13th, 14th, and 15th floors.

Remaining work includes the emergency backup generator, additional upgrades to the alarm system, and fire sprinklers in all the elevator lobbies and on the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, and 12th floors. The cost of this work is estimated to be in excess of \$5,000,000.

On July 31, 2007, CCDC issued a request for qualifications to redevelop the Civic Center Complex. The proposed redevelopment of the Civic Center Complex has proceeded with the peer review and financial analysis which is estimated to be complete in December. Presentations to the Centre City Development Board (CCDC), the Rules Committee and the City Council are anticipated in early 2009. If this project were to move forward the completion of the fire sprinkler system in CAB would not be necessary. Should the proposed redevelopment of the Civic Center Complex not take place, the completion of the final phase of the sprinkler system project would need to be completed. Extending the deadline for compliance with the Fire Protection and Prevention Ordinance to 2011 will allow time for the completion of the evaluation of the redevelopment process for Civic Center Complex.

FISCAL CONSIDERATIONS:

No funding is currently identified.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- 1986, the Mayor and City Council passed Ordinance Number O-17172 requiring fire sprinkler retrofitting for high rise buildings.
- 1991, the Mayor and City Council extended the deadline for compliance from 1996 to 1999, \$1,200,000 appropriation for the South Course Renovation through the FY 2006 budget process.

- 2001, Ordinance Number O-18946 was adopted extending the deadline for compliance with the Fire Sprinkler Retrofit Ordinance until January 1, 2004.
- 2004, Ordinance Number O-19254 was adopted extending the deadline for compliance with the Fire Sprinkler Retrofitting Ordinance until January 1, 2008.
- 2008, Ordinance Number O-19696 was adopted extending the deadline for compliance with the Fire Sprinkler Retrofitting Ordinance until January 1, 2009.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The City of San Diego's City Administration Building is one of the few remaining high-rise building without complete fire sprinkler protection in the City of San Diego.

Boekamp/Jarrell

Staff: Darren Greenhalgh - (619) 533-6600

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:14 p.m. – 3:16 p.m.)

Motion by Faulconer to introduce. Second by Atkins. Failed. Yea-1, 2, 3, 8.
Nay-4, 5, 6, 7.

ITEM-332: Two actions related to Amendments to Housing Trust Fund Ordinance.
(Citywide.)

(See San Diego Housing Commission Report No. CCR-08-004.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2009-72) INTRODUCED, TO BE ADOPTED
TUESDAY, JANUARY 6, 2009

Introduction of an Ordinance amending Chapter 9, Article 8, Division 5, of the San Diego Municipal Code, the San Diego Housing Trust Fund, in order to increase income limits for homebuyer programs by amending Sections 98.0503 and 98.0504;

This Ordinance amends San Diego Municipal Code Chapter 9, Article 8, Division 5, the San Diego Housing Trust Fund, in order to allow moderate income households to utilize homeownership programs funded by the Housing Trust Fund.

Subitem-B: (R-2009-656) ADOPTED AS RESOLUTION R-304518

Determining that the Addendum to Negative Declaration No. 89-1232, regarding the proposed amendments to the San Diego Housing Trust Fund, on file in the Office of the City Clerk, is approved and that the Addendum, as prepared by the City, is hereby approved, and that the information contained in the Addendum has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA), as amended, and the State CEQA Guidelines, and that said Amendment to the Negative Declaration has been reviewed and considered by this Council.

SUPPORTING INFORMATION:

The Housing Trust Fund Ordinance allows individuals and families with incomes of up to 100 percent of area median income (AMI) to use Housing Commission homebuyer programs. This change would increase the income ceiling for eligibility to 120 percent of AMI, which would correspond with eligibility requirements for Redevelopment programs.

FISCAL CONSIDERATIONS:

None with this action.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This proposal was heard and approved at the Housing Commission meeting of March 14, 2008, and approved by a unanimous vote at the Land Use and Housing Council Committee meeting of June 18, 2008. A second recommendation, to increase the maximum HTF allocation to first time homebuyer programs from ten percent to twenty percent, was not approved and consequently was omitted from this Report.

Approving, ratifying, and adopting the Negotiated Settlement Agreement, relating to the language and remedy contained in Article 44, Section A.2 of the Memorandum of Understanding effective July 1, 2005 through June 30, 2008, between the City of San Diego and AFSCME Local 127;

Directing staff to prepare necessary changes to the Employee Retirement Contribution Offset Rates for AFSCME Local 127-represented Groups in Section 14 of the FY09 Salary Ordinance for future City Council consideration, and any other changes and actions necessary to implement the terms of the Negotiated Settlement Agreement.

STAFF SUPPORTING INFORMATION:

On or about March 20, 2008, AFSCME Local 127 filed a grievance, alleging a violation of Article 44, Section A.2 of the Memorandum of Understanding (MOU) in effect from July 1, 2008 through June 30, 2008. This provision of the MOU is entitled "Use of City Savings Generated by Salary Reduction."

The City and AFSCME Local 127 met and conferred in a good faith effort to resolve this grievance, and tentatively agreed to the terms enumerated in the Negotiated Grievance Settlement Agreement, which include:

Except for 22 former employees who have left the City after June 30, 2008, any employee who was represented by AFSCME Local 127 during all or any part of the period between July 1, 2005 and June 30, 2008 shall receive a refund of the 1.9% salary reduction.

- This refund remedy is in lieu of the MOU provision. The parties agree that this not involve or require the re-establishment of the former Employee Contribution Rate Reserve initially established in 1998 and exhausted in 2006.
- Interest will be added to the amount of any employee's refund and compounded annually: FY06-3.397%, FY07-4.75% and FY08-4.969%.
- This refund constitutes ordinary income for tax purposes. This extra payment will be identified on pay checks as "1271.9% refund". These checks will be direct deposited no later than December 30, 2008, except for those that are out of the work place or separated employment with the City. The checks will be mailed to the home addresses on file.
- The amount paid will not constitute pensionable salary for any purpose related to the administration of SDCERS pension plan.

- Employee that does not have a valid home address or separated from the City needs to contact the Labor Relations Department no later than June 30, 2009, to received a refund check.

FISCAL CONSIDERATIONS:

Funds that were earmarked for the benefit of funding the Pension System now go to employees-approximately, \$4.53 million.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Except for the 22 former employees (attachment 2), who have left the City after June 30, 2008, any employee who was represented by AFSCME Local 127 during all or any part of the period between July 1, 2005 and June 30, 2008.

Chadwick/Coldstone

Staff: Scott Chadwick - (619) 236-5587
Alan S. Hersh - Deputy City Attorney

FILE LOCATION: MEET

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

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

ITEM-334: Enter into a Letter of Intent with the City of San Diego, City of Santee, and Pardee Homes to Pursue Jurisdictional Reorganization. (East Elliot Community Area. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-690) ADOPTED AS RESOLUTION R-304519

Authorizing the Mayor, or his designee, to execute and deliver the Letter of Intent related to a proposed reorganization of San Diego's and Santee's jurisdictional boundaries to move certain real property and a proposed "Castlerock" housing development Project out of San Diego's jurisdiction and into Santee's jurisdiction.

STAFF SUPPORTING INFORMATION:

The proposed non-binding Letter of Intent ("LOI") by and between the City of San Diego, the City of Santee, and Pardee Homes expresses the general intent of San Diego and Santee to pursue discussions associated with the reorganization of their jurisdictional boundaries in the event that San Diego was to approve Pardee Home's proposed 117-acre Castlerock development project and support the reorganization. On October 8, 2008, the Santee City Council voted 3-1 to entering into the LOI. The proposed Castlerock Project consists of 424 single family detached homes and is located within the East Elliott community plan area of the City of San Diego. The East Elliott Community Plan contains the language that supports annexation of the property to Santee.

The Project is currently subject to the Injunction in the case entitled *Southwest Center for Biological Diversity v. Bartel* 470 F.Supp.2d 1118 (9th Cir. 2006). As such, the Parties acknowledge and agree that all direction and principles set forth in this LOI could only take effect after the Project has been approved by San Diego. Furthermore, this LOI is expressly subject to any duties, responsibilities, and restrictions which may arise from resolution of the Injunction as it pertains to the Project.

The LOI contains principles and issues that San Diego and Santee would need to analyze in order to formulate a recommendation concerning the jurisdictional reorganization. The issues include the costs of providing and maintaining public services if the property were to remain in San Diego or to be annexed into Santee. These services include, but would not be limited to public safety, water, wastewater, parks, libraries, and trash collection. The analysis would also address any needed facilities, equipment, or agreements with other agencies to ensure acceptable police and fire response times. Issues concerning development standards, entitlements, affordable housing, and fees, tax revenue will also need to be addressed. These discussions will provide more detailed information to assist the City Council decision concerning the approval of the proposed Castlerock development Project.

The information for addressing these issues could be contained in a subsequent agreement with Santee and Pardee such as an annexation agreement and/or revenue allocation agreement that the City Council could consider as part the development project approval. The City Council will have two options for approving the development project. It could be approved with the property remaining in San Diego or it could be approved conditionally upon its detachment from San Diego and annexation into Santee. The environmental document for the project will also identify potential environmental impacts associated with alternatives for the property remaining in San Diego or being annexed into the Santee.

For the reorganization to occur, the San Diego City Council would need to approve the development project conditionally upon the reorganization occurring and entering into any applicable agreements with Santee. Santee would need to support the reorganization, and the San Diego County Local Agency Formation Commission (LAFCO) would need to approve the reorganization. To approve the Reorganization, LAFCO would need to consider different factors related to land use and the provision of public services. Primarily, LAFCO will need to determine if Santee and Padre Dam Municipal Water District could provide public services, including but not limited to public safety, water, and wastewater more efficiently than San Diego.

FISCAL CONSIDERATIONS:

There is no cost to the City to enter into the LOI. Pardee Homes has agreed to pay for all associated costs with the LOI and the potential LAFCO approval process.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On October 13, 2008, the City Council voted 7-1 to have the City Attorney's Office and City staff review the LOI and to bring this item back to the City Council.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The recommendation that would result from the LOI discussions will be presented during the public approval process for the proposed Castlerock development project for the community to provide input.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

City of Santee, Pardee Homes, and Padre Dam Municipal Water District are the key stakeholders. The environmental impacts will be addressed in the environmental document for the proposed Castlerock development project.

Wright/Anderson

Staff: Tait Galloway - (619) 533-4550
Brock Ladewig – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:18 p.m. – 3:20 p.m.)

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

ITEM-335: Proposed Scope of Services for Permanent Homeless Facility. (Citywide.)

(See San Diego Housing Commission Report No. CCR-08-09.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-694 Rev.) ADOPTED WITH DIRECTION
AS RESOLUTION R-304520

Recommending the draft RFP/Scope of Services which will be used by the Commission as a model for a final RFP open to the public, as described in City Council Report CCR 08-009;

Declaring that no further action by the Council or the Housing Authority is necessary prior to the Commission's release of the final RFP for public review and applications;

Declaring that this activity does not constitute a "project" within the meaning of the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(3) of the State CEQA Guidelines. Furthermore, this activity is exempt from review under the National Environmental Policy Act (NEPA) as no federal funds are involved in the activity at this time.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:03 p.m. – 3:08 p.m.)

MOTION BY FAULCONER TO ADOPT WITH DIRECTION TO BRING BACK A COMPREHENSIVE HOMELESS POLICY AND IDEAS ON HOW TO MAKE CHANGES WITHIN THE NEXT SIX MONTHS FOR DISCUSSION BY THE LEGISLATIVE BODY; THE HOUSING COMMISSION, CENTRE CITY DEVELOPMENT CORPORATION AND THE REDEVELOPMENT AGENCY SHALL CONTINUE TO WORK TOGETHER ON THE REQUEST FOR PROPOSAL PROCESS ON BEHALF OF THE CITY; AND CONSIDER THE COMMENTS AND RECOMMENDATIONS SUBMITTED BY ROSEMARY JOHNSTON, PRESIDENT OF THE REGIONAL TASK FORCE ON THE HOMELESS . Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-336: Third Implementation to Disposition and Development Agreement (DDA) to CentrePoint LLC for the CentrePoint Project within Crossroads Redevelopment Project Area. (Mid-City and Eastern Community Areas. District 7.)

(See Redevelopment Agency Report No. RA-08-33/RTC-08-169.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-672) ADOPTED AS RESOLUTION R-304521

Approving the Third Implementation Agreement to the DDA;

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 MND No. 74816 CentrePoint and the Crossroads Program Environmental Impact Report SCH No. 200207/002106926, 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.

STAFF SUPPORTING INFORMATION:

On July 17, 2008, CentrePoint LLC (“Developer/Owner”) submitted a letter requesting that the Agency amend the DDA to change the project from a for-sale residential project to a for-rent residential project, assign the DDA and approve the sale of the site to Trammell Crow South California Development, Inc., a Delaware corporation. Since negotiations began with the Developer/Owner they have sequentially requested to extend all existing deadlines in the current SOP by 6-months in order to allow additional time for the proposed Developer/Owner. All of these requests must be approved by the Agency Board and are addressed by this proposed Third Implementation Agreement to the Disposition and Development Agreement (“3rd Agreement”).

New Developer proposes a pedestrian-oriented mixed-use project that incorporates 312 rental units consisting of 68 townhouses, 244 residential wrap units (47 affordable) and 7,468 square feet of live/work flex space (e.g. 10 bays), and approximately 3,861 square feet of retail/commercial space. Off-street parking spaces (610) will be contained in surface lots and in an above grade parking structure. The currently approved project includes a pedestrian-oriented mixed-use project that incorporates 312 for-sale units consisting of 97 townhouses, 204 residential flats (47 affordable) and 11 live/work units, and approximately 4,000 square feet of retail space. Off-street parking spaces (610) will be contained in surface lots, tuck under garages and in an above grade parking structure.

The following revisions and additions are included under the proposed 3rd Agreement: 1) Extend the deadline of Schedule of Performance (“SOP”) for all items 6-months other than demolition of remaining building, 2) Extend the deadline of SOP for demolition of remaining building

3-months, 3) Agency's financial contribution to the project will be \$4,969,000, 4) Interest rate of Developers loan to the Agency will be 5 ½ -percent, 5) Income restriction for affordable rental units will be 65-percent AMI, 6) Record a 55-year income restriction against the affordable for-rent units, 7) Include Payment In Lieu of Property Taxes provision ("PILOT"), 8) Include language to define the purpose of the irrevocable letter of credit, 9) Incorporate revised basic concept and schematic drawings 10) Include relocation of a cell tower provision, 11) Amend several of the DDA attachments since the project will be rental.

FISCAL CONSIDERATIONS:

The Agency's contribution of \$4,969,000 will be in the form of a Developer advance/loan which will be repaid from the Crossroads Redevelopment Project Area's Low and Moderate Income Housing Fund to subsidize 47 affordable for-rent units.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

On December 8, 2005, the Crossroads PAC reviewed and discussed the terms of the currently approved DDA and voted 10-0-1 to recommend that the Agency enter into a DDA regarding a for-sale project.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The managing members of CentrePoint, LLC, are Douglas Wilson Development (Douglas P. Wilson, President and CEO) and LB El Cajon, a Lehman Brothers Entity (Harry Bruni, Managing Director). The proposed Developer is Trammell Crow Company (Dave Drake and Damon Austin). The Attorneys are Lynn Heidel and Dana Schiffman of Allen Matkins. The Architect is KTG Y Group (James Thoms CEO and Tricia Esser CFO). The Civil Engineer is Project Design Consultants (Managing Principals; Greg Shields, Bill Dick and Rex Plummer). The Planning & Community Consultant is MetroPlan LLC (Rich Miller, President).

Fifteen percent of the 312 units, or 47 units, will be affordable. This amount of affordable units complies with the Redevelopment Agency's project area-wide inclusionary requirement.

Weinrick/Anderson

Staff: Tracy Reed - (619) 236-6543
Kendall D. Berkey - Deputy City Attorney

NOTE: See the Special Redevelopment Agency Agenda of December 2, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:14 p.m. – 4:27 p.m.)

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

ITEM-337: Design and Construction of Park Improvements for the City Heights Mini Park located in the City Heights Redevelopment Project Area. (Mid-City and City Heights Community Area. District 3.)

(See Redevelopment Agency Report No. RA-08-35/RTC-08-171; and memorandum from Beryl Rayford dated 11/19/2008.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-696) ADOPTED AS RESOLUTION R-304522

Finding and determining by the Council of the City of San Diego, as follows:

- a) That the design and construction of park improvements to be constructed on designated park property (Project) located on 43rd Street between University Avenue and Polk Street (City Heights Square Mini Park) (Project Area), for which the Redevelopment Agency (Agency) proposes to fund the cost of using Agency tax increment funds, are of benefit to the Project Area and the immediate neighborhood in which the Project Area is located;
- b) That no other reasonable means of financing the Project is available to the community;
- c) That the payment of Agency funds for the Project will assist in the elimination of blighting conditions inside the Project Area;

- d) That the proposed Project is consistent with the Third Implementation Plan adopted for the Project Area by the Agency on June 15, 2004, on file as Document No. 03771 in the Office of the Secretary to the Agency, pursuant to California Health and Safety Code Section 33490; and
- e) All of the findings set forth herein above are more fully described in the Findings of Benefit attached hereto as Attachment "A" and incorporated herein by this reference.

Authorizing the Mayor, or his designee, to take all necessary actions to secure funding in an amount not to exceed \$731,500 from the Redevelopment Agency of the City of San Diego to be used toward the cost of design and construction of the park improvements;

Authorizing the City Comptroller to establish a special interest-bearing account Fund Number 10297, City Heights Redevelopment Capital Improvement Program Contributions (CH RDA CONTRIB TO CIP), for the deposit of Redevelopment Agency funds from the City Heights Redevelopment Project Area, as allocated in its Fiscal Year 2009 Budget, to be used toward the cost of design and construction of park improvements;

Authorizing the City Comptroller to accept an amount not to exceed \$731,500 from the City Heights Redevelopment Project Area and deposit said funds into Fund Number 10297, CH RDA CONTRIB TO CIP;

Amending the Fiscal Year 2009 Capital Improvement Program Budget by adding CIP-29-956.0, City Heights Square Mini Park;

Amending the Fiscal Year 2009 Capital Improvements Program Budget for CIP No. 29-956.0, City Heights Square Mini Park, Fund Number 10297, CH RDA CONTRIB TO CIP by increasing the budget amount by \$731,500;

Authorizing the City Comptroller to appropriate and expend an amount not to exceed \$731,500 from CIP-29-956.0, City Heights Square Mini Park, Fund Number 10297, CH RDA CONTRIB TO CIP, for the purpose of design and construction of park improvements;

Authorizing the City Comptroller to transfer back to the Redevelopment Agency of the City of San Diego any and all funds remaining in the Fiscal Year 2009 Capital Improvement Program Budget in CIP-29-956.0, City Heights Square Mini

Park, Fund Number 10297, CH RDA CONTRIB TO CIP, in the event the park shall not be designed and constructed by the City within eighteen months of the City's successful execution of a construction contract or upon any cost savings should the actual costs of the Project be less than \$731,500;

Declaring that this activity is not subject to California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3). This action authorizes the transfer of funds from the Redevelopment Agency of the City of San Diego to the City of San Diego. Any future activity involving construction associated with this action will be subject to a separate environmental review as required by CEQA.

STAFF SUPPORTING INFORMATION:

City Heights Square is a 2.7-acre master plan project bounded by University Avenue, Fairmount Avenue, Polk Avenue and 43rd Street and includes an affordable senior housing project, a community clinic, an office and retail project (which is proposed to be changed to a residential and commercial mixed use project pursuant to a proposed Second Implementation Agreement with the Developer), and a 5,348 square feet public mini-park. The Agency currently owns the land for the proposed mini-park. Pursuant to an existing Disposition and Development Agreement with Price Charities, the Agency will pay for the design and construction of the mini-park; the mini-park will be conveyed to the City once it is completed. Maintenance for the mini-park will be provided by the property owners of the adjacent developments. The park improvements will be managed by Engineering and Capital Projects through CIP No. 29-956.0.

FISCAL CONSIDERATIONS:

The preliminary cost estimate for the design and construction of park improvements is an amount not to exceed \$731,500, to be funded by tax increment funds from the Agency's City Heights Redevelopment Project Area as allocated in its Fiscal Year 2009 Budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The First Implementation Agreement to the DDA was approved by the Redevelopment Agency on November 13, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On October 8, 2007, the City Heights PAC voted 15-0-0 to recommend approval of the First Implementation Agreement to the DDA. Community participation in the design of the park will take place per Council Policy 600-33, Community Notification and Input for City-wide Park Development Projects.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

Property owners, residents, and visitors of the City Heights Redevelopment Project Area.

Wenrick/Anderson

Staff: Karina Danek - (619) 236-6537
Shannon Thomas - Deputy City Attorney

NOTE: See the Special Redevelopment Agency Agenda of December 2, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:31 p.m. – 4:32 p.m.)

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

ITEM-338: Sale of City-Owned Property to the San Diego Redevelopment Agency. (City Heights Community Area. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-680) RETURNED TO THE MAYOR

Authorizing the Mayor, or his designee, to sell two parcels, Assessor Parcel Numbers 447-202-31 and 447-202-32, to the City of San Diego Redevelopment Agency; and

Authorizing the City Auditor and Comptroller, or his designee, to accept and deposit \$1,383,550 into Route 209 and 274 Cooperative Agreement with the State Fund 38978, which supports CIP-52-274.0 (Balboa Avenue) and CIP-52-209.0 (Rosecrans Avenue).

STAFF SUPPORTING INFORMATION:

In May of 2001, the City Council approved a Cooperative Agreement with the State of California for the transfer of then State Route 209 (Rosecrans Ave.) and State Route 274 (Balboa Ave.) to the City of San Diego. As part of this transfer the City also accepted seven parcels of excess State land from the State Route 15/40th Street corridor project. The purpose of this acceptance was that upon the eventual sale of the parcels, that the proceeds of sale would be deposited into an infrastructure fund specifically for the maintenance of those portions of then State Route 274 and State Route 209.

This action authorizes the sale of two of the aforementioned properties to the City's Redevelopment Agency. The agency intends to use the properties in conjunction with several projects in the City Heights community.

FISCAL CONSIDERATIONS:

The purchase price of \$1,383,550 will be deposited into State Route 209 & 274 Cooperative Agreement with the State Fund 38978, which supports CIP-52-274.0 (Balboa Ave.) and CIP-52-209.0 (Rosecrans Ave.)

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City Council Resolution R-294888 adopted May 22, 2001.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The City's Transportation Department will benefit in receiving needed funding for the maintenance of Rosecrans and Balboa Avenues, and the City Heights Community will receive additional real estate necessary for future redevelopment projects.

Barwick/Anderson

Staff: David Sandoval - (619) 236-5548
Todd Bradley - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:08 p.m. – 3:11 p.m.)

MOTION BY COMMON CONSENT TO RETURN TO THE MAYOR FOR
UPDATED APPRAISALS. Passed by the following vote: Peters-yea, Faulconer-yea,
Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-339: Application for State of California Local Housing Trust Fund Program Funding.
(Citywide.)

(See San Diego Housing Commission Report No. CCR-08-008.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-689) ADOPTED BY RESOLUTION R-304523

Designating the San Diego Housing Commission's (Commission) President and
CEO, or designee, to make application to Housing and Community Development
(HCD) for an allocation of up to \$2,000,000 for City participation in the Local
Housing Trust Fund Program (LHTF Program);

Directing the President and CEO, or designee, to submit to HCD an application to
participate in the LHTF Program in response to the Notice of Funding
Availability (NOFA) issued October 24, 2008, and any subsequent NOFA's
issued, and to request a funding allocation for affordable housing activities in the
City of San Diego that are in accordance with the Housing Trust Fund and the
LHTF Program;

Declaring that if the application for funding is approved by HCD, the City of San
Diego shall use the LHTF Program funds for eligible activities in the manner
presented in the application as approved by HCD and in accordance with program
guidelines;

Authorizing the Commission to accept and administer LHTF funds on behalf of the City;

Authorizing the President and CEO, or designee, to execute in the name of the City of San Diego, the application, the Agreement, and all other documents required by HCD for participation in the LHTF Program, and any amendments thereto.

SUPPORTING INFORMATION:

On October 28, 2008, the California Department of Housing and Community Development's Local Housing Trust Fund Program (the program) released a Notice of Funding Availability (NOFA) for Matching Grants for Local Entities Bringing Investments and Innovation to Affordable Housing. The program was created by AB 1891 and is funded under the Housing and Emergency Shelter Trust Fund Act of 2006 (Proposition 1C). The application deadline is February 18, 2009, and awards will be announced starting in April 2009.

State matching funds must be used for loans for development of rental housing projects with units restricted for at least 55 years to households earning less than sixty percent of area median income (AMI) (\$47,400 for a family of four), or for down payment assistance to qualified first-time homebuyers. At least thirty percent of the total amount of the program funds and matching funds shall be expended on projects that are affordable to and restricted for extremely low-income households (up to thirty percent of AMI, or \$23,700 for a family of four).

It should be noted that use of the funds would also have to comply with local Housing Trust Fund (HTF) program rules. For example, in any fiscal year, not more than ten percent of the local HTF program funds can be spent on homebuyer assistance to median-income households.

FISCAL CONSIDERATIONS:

Should the City of San Diego's application be successful, between \$1 million and \$2 million in matching State grant funds would be available for down payment assistance to first-time homebuyers and development of affordable housing projects funded by the City's Housing Trust Fund. Local matching funds are available at this time. Funds must be committed within thirty six months of receipt.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

In November 2003, the City Council unanimously authorized an application for \$2 million in funding under the program's previous NOFA. The City of San Diego was awarded \$2 million, and all funds have been expended. The funds assisted two special purpose rental housing projects with a total of 38 rental units and a 112-bed special purpose Housing Project.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Extremely low-income to moderate-income residents of the City of San Diego.

Fisher/Vaughan

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:33 p.m. – 6:49 p.m.)

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

ITEM-340: Two actions related to Second Implementation Agreement to the Disposition and Development Agreement with City Heights Realty LLC for the City Heights Square Project – Residential and Commercial. (Mid-City and City Heights Community Areas. District 3.)

(See Redevelopment Agency Report No. RA-08-32/RTC-08-168.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2009-698) ADOPTED AS RESOLUTION R-304524

Declaring that the Council has reviewed and approves the Summary Report prepared in accordance with California Health and Safety Code Section 33433 (33433 Report);

Finding and determining, based on information received and reviewed including without limitation the information contained in the 33433 Report, that the consideration to be received by the Agency for the sale of the Acquisition Parcel pursuant to the DDA, as amended by the Second Implementation Agreement, is not less than the fair market value at its highest and best use in accordance with

the Redevelopment Plan for the City Heights Redevelopment Project adopted by the Council and the Agency on April 28, 1992, as amended by that certain First Amendment to the Redevelopment Plan adopted by the Council and the Agency on November 28, 1994, by that certain Second Amendment to the Redevelopment Plan adopted by the Council and the Agency on March 5, 1996, and by that certain Third Amendment to the Redevelopment Plan adopted by the Council and Agency on November 14, 2000, and in accordance with the Third 5-Year Implementation Plan for the City Heights Redevelopment Project adopted by the Agency on June 15, 2004;

Finding and determining that, based on information received including without limitation the information contained in the 33433 Report, the sale of the Acquisition Parcel to the Developer pursuant to the DDA, as amended by the Second Implementation Agreement, will assist in the elimination of blight in the City Heights Redevelopment Project Area and will provide housing for low income persons;

Finding and determining that, based on information received including without limitation the information contained in the 33433 Report, the sale of the Acquisition Parcel to the Developer pursuant to the DDA, as amended by the Second Implementation Agreement, is consistent with the Third 5-Year Implementation Plan for the City Heights Redevelopment Project adopted by the Agency on June 15, 2004, pursuant to California Health and Safety Code Section 33490;

Declaring that the Council has reviewed and approves the sale of the Acquisition Parcel to the Developer as set forth in the DDA, as amended by the Second Implementation Agreement, subject to and only upon the satisfaction of all conditions precedent set forth in the Second Implementation Agreement to the DDA;

Approving and consents to the Redevelopment Agency of the City of San Diego entering into the Second Implementation Agreement to the DDA with the Developer for the proposed City Heights Square mixed-use residential/commercial project; a copy of the Second Implementation Agreement to the DDA, when executed by the Agency, shall be placed on file in the Office of the City Clerk;

Finding and determining that the City of San Diego has certified and approved for this Project the information contained in that Subsequent Addendum to Mitigated Negative Declaration (MND) LDR No. 146605, that the City of San Diego

previously certified for the original project that MND No. 40960 and Addendum to MND No. 40960 (Project No. 95232), that this Project is adequately addressed in said MND and Subsequent Addendum to the MND, and that there is no substantial change in circumstance, additional information or project changes to warrant additional environmental review.

Subitem-B: (R-2009-704 Cor. Copy) ADOPTED AS RESOLUTION R-304525

Certifying that the information contained in the Subsequent Addendum to the Mitigated Negative Declaration (MND), referenced by LDR No. 146605, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA)(California Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency, and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the Project and the Second Implementation Agreement to the Disposition and Development Agreement for the City Heights Square mixed-use residential/commercial Project;

Finding and determining that there are no new significant environmental impacts not considered in the previous Mitigated Negative Declaration, referenced by MND No. 40960, and Addendum to MND No. 40960 (Project No. 95232) and that there is no substantial change in circumstance under which the Project is undertaken or additional information of substantial importance to the Project;

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

STAFF SUPPORTING INFORMATION:

The Second Implementation Agreement to the Disposition and Development Agreement (DDA) is being proposed to amend the DDA and other associated documents to, among other things, change the development to a mixed-use residential/commercial project that will provide 92 residential apartment units (including a minimum of 14 affordable units), retail and office space, covered surface parking, two levels of subterranean parking, reallocate certain remediation responsibilities related to the Agency's Acquisition Parcel and to provide for a modification of the purchase price of the Acquisition Parcel. The proposed project includes a five-story structure above two subterranean parking levels. The ground floor includes approximately 20,500 square

feet of leasable retail space and the apartment lobby. The second floor would include approximately 3,000 square feet of leasable office space, 20 residential units and recreational areas. The third through fifth floors would contain the remaining 72 apartment units. The project proposes to provide up to approximately 287 parking spaces.

FISCAL CONSIDERATIONS:

Per the original DDA, the Developer has agreed to loan the Agency funds in an amount estimated to equal the costs and expenses associated with the acquisition, relocation and preparation of the Acquisition Parcel by the Agency, specifically \$3.5 million. Per the proposed agreement, the \$586,000 purchase price for the Acquisition (Agency) Parcel will be credited against the outstanding principal balance of the \$3.5 million Developer loan at the time of closing. Also, factored into the fair market price, is an amount equal to \$264,000 which represents the estimated cost to be incurred by the Developer, to remediate, remove and transport any hazardous substances on the Acquisition Parcel. If the actual contamination value of the Acquisition Parcel is less than \$264,000, the difference will be credited against the outstanding principal balance of the Developer loan. Similarly, if the actual contamination value of the Acquisition Parcel is more than \$264,000, the difference will be added to the outstanding principal balance of the Developer loan.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

A notice of the time and place of the Redevelopment Agency and City Council joint public hearing has been published. On September 8, 2008, the City Heights Project Area Committee recommended approval of the proposed Second Implementation Agreement to the DDA by a vote of 10-0-2.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

City Heights residents and businesses. The project is estimated to generate over \$400,000 per year in new gross property tax increment, upon its completion in 2011. Additional economic development benefits include the creation of approximately 400-500 temporary construction jobs, 60 permanent retail/office jobs, 10 permanent jobs associated with the apartment operations and sales tax revenue generated through the new retail space.

Weinrick/Anderson

Staff: James Davies - (619) 236-6540
Kendall D. Berkey - Deputy City Attorney

NOTE: This is a Special Joint Public Hearing with the Redevelopment Agency. See the Special Redevelopment Agency Agenda of December 2, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:00 p.m. – 5:01 p.m.)

Testimony in opposition by Kathy Evans-Calderwood.

MOTION BY ATKINS TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND B.
Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea,
Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-341: Approval of the Issuance of Multifamily Revenue Bonds for Golden Age Garden Apartments by the California Statewide Communities Development Authority (CSCDA). (Southeastern San Diego Community Area. District 4.)

(See San Diego Housing Commission Report No. HAR-08-47.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-671) ADOPTED AS RESOLUTION R-304526

Finding, determining, and declaring that issuance by the Authority of the Bonds in the maximum principal amount of \$8,000,000 for the purposes described above is hereby approved;

Declaring the issuance and delivery of the Bonds shall be subject to the approval of and execution by the Authority of all financing documents relating thereto to which the Authority is a party and subject to the sale of the Bonds by the Authority;

Declaring the adoption of this Resolution is solely for the purpose of meeting the requirements of the provisions of the Internal Revenue Code of 1986, as amended, and shall not be construed in any other manner, with neither the City nor its staff having fully reviewed or considered the financial feasibility of the Project or the

expected operation of the Project with regards to any State of California statutory requirements, and such adoption shall not obligate, without further formal action to be taken by this Council, (i) the City to provide financing to the Borrower for the acquisition, rehabilitation and development of the Project or to issue the Bonds for purposes of such financing; or (ii) the City, or any department of the City, to approve any application or request for, or take any other action in connection with, any environmental, General Plan, zoning or any other permit or other action necessary for the acquisition, rehabilitation, development or operation of the Project.

Declaring that the City Clerk shall forward a certified copy of this Resolution and a copy of the affidavit of publication of the public hearing notice to:

Thomas A. Downey
Jones Hall, A Professional Law Corporation
650 California Street, 18th Floor
San Francisco, California 94108

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:05 p.m. – 5:16 p.m.)

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

ITEM-342: Kretowicz Residence. Project No. 138513. Appeal of the Planning Commission's decision approving an application for an addition and remodel of an existing single-family residence on a 22,725 square foot site. The request includes the improvements and additions that were constructed without obtaining an amendment to the original Coastal Commission Permit and/or obtaining building and public improvement permits pursuant to Neighborhood Code Compliance Department (NCCD) Case No. NC40952. The property is located at 7957 Princess Street. (La Jolla Community Plan Area. District 1.)

Matter of the appeal by George Krikorian from the decision of the Planning Commission approving an application for an addition and remodel of an existing single-family residence on a 22,725 square foot site. The request includes the improvements and additions that were constructed without obtaining an amendment to the original Coastal Commission Permit and/or obtaining building and public improvement permits pursuant to Neighborhood Code Compliance Department (NCCD) Case No. NC40952. The proposed project will conform to Council Policy 900-14 criteria by generating 50% or more of the projected total energy consumption on site through renewable energy resources (i.e. photovoltaics). The property is located at 7957 Princess Street in the RS-1-7 and SF Zone of the La Jolla Shores Planned District within the La Jolla Community Plan Area, Coastal Overlay Zone (Appealable Area), Coastal Height Limitation Overlay Zone, Sensitive Coastal Overlay Zone, the Beach Impact Area of the Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, and Council District 1.

A Coastal Development Permit will be processed and issued by the California Coastal Commission (as an amendment to the original coastal development permit issued by the Commission) once all of the City's actions have been completed.

The final decision by the City of San Diego is appealable to the California Coastal Commission. Appeals to the Coastal Commission must be filed with the Coastal Commission at 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108. Phone: (619) 767-2370. Appeals must be filed within 10 working days of the Coastal Commission receiving a notice of final action from the City. If you want to receive a Notice of Final Action, you must submit a written request to the City Project Manager, Jeffrey Peterson, at City of San Diego Development Services Department, 1222 First Avenue, MS 501, San Diego, California, 92101.

(Report to the City Council No. 08-173. ND Project No. 138513/SDP No. 482270/NUP No. 581890.)

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A: (R-2009-730) DENIED APPEAL/GRANTED ND/ADOPTED AS
RESOLUTION R-304527

Granting or denying the appeal and upholding or overturning the decision of the Planning Commission certifying Negative Declaration No. 138513.

Directing the City Attorney to prepare the appropriate resolution(s) according to Section 40 of the City Charter.

Subitem-B: (R-2009-731) DENIED APPEAL/GRANTED SDP/
DENIED NUP/ADOPTED AS
RESOLUTION R-304528

Granting or denying the appeal and upholding or overturning the decision of the Planning Commission granting Site Development Permit No. 482270 and denying Neighborhood Use Permit No. 581890, with appropriate findings to support Council action.

Directing the City Attorney to prepare the appropriate resolution(s) according to Section 40 of the City Charter.

OTHER RECOMMENDATIONS:

Planning Commission on October 9, 2008, voted 5-0-2 to certify Negative Declaration No. 138513; Approve Site Development Permit No. 482270; and deny Neighborhood Use Permit No. 581890.

Ayes: Naslund, Ontai, Schultz, Griswold, Golba
Recusing: Otsuji
Not present: Smiley

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Appeal of the Planning Commission's decision to approve previously constructed improvements and additions to an existing single-family residence, which includes a new trellis and jacuzzi;

and the Planning Commission's decision to deny a proposed guest quarters on a 22,725 square foot site located at 7957 Princess Street in the La Jolla Community Plan Area.

STAFF RECOMMENDATIONS:

1. **Certify** Negative Declaration No. 138513;
2. **Deny** the appeal; **Approve** Site Development Permit No. 482270; and
3. **Deny** Neighborhood Use Permit No. 581890.

EXECUTIVE SUMMARY:

The project site is located at 7957 Princess Street, the northern terminus of Princess Street, west of Spindrift Drive. The site contains three legal lots; two of the lots are within the RS-1-7 Zone and the third lot is in the SF Zone of the La Jolla Shores Planned District. The site is within the La Jolla Community Plan Area, Coastal Overlay Zone (Appealable Area), Coastal Height Limitation Overlay Zone, Sensitive Coastal Overlay Zone, the Beach Impact Area of the Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, and Transit Area Overlay Zone. The zoning designations allow for single family residential and the La Jolla Community Plan (LJCP) designates the proposed project site for single family use (5-9 dwelling units per acre). Princess Street is a public street and the cul-de-sac located at the terminus of the street is within the public right-of-way.

The property was purchased by the current applicant in 1993, and is developed with a two-story, 7,249 square foot, single family residence with an attached two car garage, and detached accessory structures. The property has undergone several improvements, modifications, and additions by the current owner that were constructed without obtaining an amendment to the original Coastal Development Permits and/or without obtaining building and public improvement permits (pursuant to Neighborhood Code Compliance Department (NCCD) Case No. NC40952). On December 26, 2007, a Civil Penalty Administrative Enforcement Order was issued by an Administrative Hearing Officer. This order required the immediate cessation of all work at the property, payment of civil penalty and costs, and all violations to be added to the plans and included in Project No. 138513 (this project).

The proposed project includes improvements, modifications, and additions to the existing single-family residence, the project site, and the accessory structures that have been previously constructed as outlined in the Planning Commission Report No. PC-08-120. The request included a new trellis addition over the second floor deck and a new jacuzzi, which includes new retaining walls and a raised platform. An existing detached accessory building is located at the terminus of Princess Street and was approved on January 28, 1969, pursuant to Building Permit No. E40921, and a portion or 1/3 of this structure is within the public right-of-way. The applicant was proposing to use the remodeled detached accessory building as a guest quarters.

However, the approval of the Neighborhood Use Permit (NUP) for guest quarters would grant habitable living space/use within the public right-of-way, which creates a life and safety issue for those living and sleeping in the structure, a liability for the City, and did not benefit a public purpose. The Planning Commission denied the request for the NUP on the reasons stated above.

Because the project utilizes renewable technologies and qualifies as a Sustainable Building under Council Policies 900-14 and 600-27, the land use approvals have been processed through the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program. The Coastal Development Permit (CDP) will be processed and issued by the California Coastal Commission (as an amendment to the original coastal development permit issued by the Commission) once all of the City's actions have been completed.

FISCAL CONSIDERATION:

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

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On October 9, 2008, the Planning Commission approved staff's alternative recommendation to Certify Negative Declaration No. 138513, Approve Site Development Permit No. 482270, and Deny Neighborhood Use Permit No. 581890. [The Motion made by Commissioner Naslund, second by Commissioner Ontai. Passed by a 5-0-2 vote with Commissioner Otsuji recusing and Commissioner Smiley not present (Resolution No. 4463-PC).]

On September 4, 2008, the La Jolla Community Planning Association voted 11-0-2 to recommend approval of the proposed project with conditions to exclude the proposed jacuzzi and the trellis on the seaward side which does not conform to the environmentally sensitive lands guidelines and forward the recommendation to the City.

KEY STAKEHOLDERS:

DUK Trust/ Ure R. Kretowicz and Diane M. Kretowicz, Owner/Applicant

Anderson/Broughton

LEGAL DESCRIPTION:

The project site is located at 7957 Princess Street in the La Jolla Community Planning Area and is more particularly described as Lots 10 & 11 of Block 3, Amalfi Subdivision, Map No. 959 and a portion of Lot 1285, Pueblo Lands, Miscellaneous Map No. 0036.

Staff: Jeff Peterson – (619) 446-5237
Marianne Greene – Deputy City Attorney

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:18 p.m. – 6:03 p.m.)

Testimony in favor by Michael McDade and George Krikorian.

Testimony in opposition by Matt Peterson, Ure Kretowicz and C.A. Marengo.

MOTION BY FAULCONER TO ADOPT THE RESOLUTION IN SUBITEM A TO DENY THE APPEAL AND UPHOLD THE DECISION OF THE PLANNING COMMISSION CERTIFYING THE NEGATIVE DECLARATION; AND TO ADOPT THE RESOLUTION IN SUBITEM B TO DENY THE APPEAL AND UPHOLD THE DECISION OF THE PLANNING COMMISSION GRANTING THE SITE DEVELOPMENT PERMIT AND DENYING THE NEIGHBORHOOD USE PERMIT WITH APPROPRIATE FINDINGS TO SUPPORT COUNCIL ACTION. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

ITEM-343: Hillel of San Diego Student Center, Project No. 149437. An application for a Site Development Permit, Easement Acquisition, and Public Right-of-Way Vacation (portion of La Jolla Scenic Drive North between Torrey Pines Road and La Jolla Scenic Way) for a two-phased development. (La Jolla Community Plan Area. District 1.)

Matter of approving, conditionally approving, modifying or denying an application for a Site Development Permit, Easement Acquisition, and Public Right-of-Way Vacation (portion of La Jolla Scenic Drive North between Torrey Pines Road and La Jolla Scenic Way) for a two-phased development to continue the use of an existing single-family dwelling for religious offices and related purposes as a Phase I entitlement; and to develop a triangular shaped parcel on the south side of La Jolla Village Drive between Torrey Pines Road and La Jolla Scenic Way with a 12,100 square-foot religious student center with a lower level garage of 17,000 square-feet of area as a Phase II entitlement. Phase I involves the continued use of a 1,792 square-foot single-family residence and garage/storage structure for religious offices and related use until such time as the proposed Phase II is developed and approved for occupancy.

Phase II involves the development of a two-level religious student center consisting of an upper level main floor use area of 12,100 square-feet and a lower subterranean garage of 17,000 square-feet for the parking of 68 vehicles, trash enclosures and elevators.

(See Report to the City Council No. 08-175.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions in subitems A, B, and C:

Subitem-A: (R-2009-659) CONTINUED TO FRIDAY, DECEMBER 5, 2008

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 149437, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended and the State guidelines thereto, (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Site Development Permit, Public Right-of-Way Vacation and Easement Acquisition for Hillel of San Diego Student Center (Project);

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

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

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

Subitem-B: (R-2009-660) CONTINUED TO FRIDAY, DECEMBER 5, 2008

Adoption of a Resolution certifying findings with respect to Site Development Permit (SDP) No. 527861, supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

Sustaining the recommendation of the Planning Commission and granting SDP No. 527861 to Robert Marshall, Trustee, Owner, and Hillel of San Diego, a California Nonprofit Corporation, (Phase I), and Hillel of San Diego, a California Nonprofit Corporation, Owner and Permittee (Phase II), under the terms and conditions set forth in the permit attached hereto and made a part hereof.

Subitem-C: (R-2009-661) CONTINUED TO FRIDAY, DECEMBER 5, 2008

Adoption of a Resolution certifying findings that:

- a) there is no present or prospective use for the public right-of-way, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated; and
- b) the public will benefit from the action through improved utilization of land made available by the vacation; and
- c) the vacation does not adversely affect any applicable land use plan or; and
- d) the public facility for which the right-of-way was originally acquired will not be detrimentally affected by this vacation; as follows:

Declaring that the Council of the City of San Diego finds that:

1. The public right-of-way easement located within La Jolla Community Plan Area in connection with Site Development Permit (SDP) No. 527861, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 00116-C, marked as Exhibit "B," and on file in the Office of the City Clerk, which is by this reference incorporated herein and made a part hereof, is vacated;

2. Said public right-of-way vacation is conditioned on the following, satisfactory to the City Engineer. In the event these conditions are not completed within the three years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.
 - a. Prior to recordation of the public right-of-way vacation, the Applicant shall cut, plug and abandon the existing public 12-inch water facilities within the La Jolla Scenic Drive North right-of-way to be vacated, in a manner satisfactory to the Water Department Director and the City Engineer.
 - b. Prior to the recordation of the public right-of-way vacation, the Applicant shall assure, by permit and bond, the design and construction of new public 16-inch water facilities and the cut, plug and abandonment of the existing public 8-inch water facilities within the La Jolla Scenic Drive North right-of-way and appropriate water easement, from La Jolla Scenic Way to Torrey Pines Road, in a manner satisfactory to the Water Department Director and the City Engineer.
 - c. Prior to recordation of the public right-of-way vacation, the Applicant shall assure, by permit and bond, the installation/replacement of fire hydrants at locations and in a manner satisfactory to the Fire Marshall, the Water Department Director and the City Engineer.
 - d. Prior to the recordation of the public right-of-way vacation, Applicant shall assure, by permit and bond, the reconnection of all existing water services still in use to the new 16-inch facilities adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.
 - e. The Applicant shall retain an acceptable water easement over the 16-inch water facilities within the vacated La Jolla Scenic Drive North right-of-way, from Cliffridge Avenue to Torrey Pines Road, for exclusive use of public water mains with no appurtenances, in a manner satisfactory to the Water Department Director and the City Engineer. The minimum easement width shall be 15-feet wide.

- f. The Applicant agrees to design and construct all required public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto.
 - g. Prior to the recordation of the public right-of-way vacation, Applicant shall assure, by permit and bond, the design and construction of the realignment of the existing 8” public sewer main at the intersection of La Jolla Scenic Drive North and Cliffridge Avenue, satisfactory to the Director of Public Utilities.
 - h. Prior to the recordation of the public right-of-way vacation the Applicant agrees to relocate all San Diego Gas and Electric Facilities into a general utilities easement to be reserved from the portion of La Jolla Scenic Drive North to be vacated.
 - i. Prior to the recordation of the public right-of-way vacation the Applicant agrees to relocate all Time-Warner Facilities into a general utilities easement to be reserved from the portion of La Jolla Scenic Drive North to be vacated.
 - j. A public access easement to the satisfaction of the City Engineer linking La Jolla Scenic Drive North and Torrey Pines Road shall be retained in perpetuity for public pedestrian and bicycle access. The area shall not be gated or otherwise obstructed to prevent free movement and public access. In addition, the project shall incorporate signage which identifies this area as public access to the satisfaction of the Development Services Director.
3. The Development Services Department shall cause a certified copy of this resolution, with attached exhibits, to be recorded in the Office of the County Recorder.
4. The City Engineer shall advise the City Clerk of the completion of the conditions listed in number 2 above. After completion of the conditions, the City Clerk shall cause a certified copy of this resolution, with attached legal description marked as Exhibit “A” and as shown on Drawing No. 00116-C, marked as Exhibit “B”, attested by the City Engineer under seal to be recorded in the Office of the County Recorder.

OTHER RECOMMENDATIONS:

Planning Commission on November 6, 2008, voted 4-1-2 to deny this project.

Ayes: Naslund, Golba, Schultz, Griswold
Nays: Otsuji
Recusing: Ontai
Not present: Smiley

The La Jolla Community Planning Association and the La Jolla Shores Planned District Advisory Board has recommended denial of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Approval of a two-phased development, with Phase I to retain the existing use of a single-family residence and garage/storage structure for religious offices and related uses; and Phase II the development of a 12,100 square-foot religious student center over a subterranean garage on a vacant 0.77-acre site on the south side of La Jolla Village Drive between Torrey Pines Road and La Jolla Scenic Way within the La Jolla Community Plan.

STAFF RECOMMENDATION:

Certify the Mitigated Negative Declaration No. 149437, and **adopt** the Mitigation Monitoring and Reporting Program; **approve** Site Development Permit No. 527861; **approve** Public Right-of-Way Vacation No. 527860; and **approve** Easement Acquisition No. 584509.

EXECUTIVE SUMMARY:

The project site is located in the Single Family Zone of the La Jolla Shores Planned District within the La Jolla Community Planning Area, Coastal Height Limit Overlay Zone, and the Campus Parking Impact Overlay Zone. Properties to the south and east are designated for residential uses (5-9 dwelling units/acre) and are currently developed with single-family homes. Properties to the north and west are designated for Public Facilities/Institutional uses, with the property to the north developed with the University of California San Diego facilities, and the property to the west, beyond Torrey Pines Road, being currently vacant.

On March 3, 2005, an almost identical project was recommended for denial by the Planning Commission by a vote of 5-0. The project was approved by City Council on May 9, 2006 by a vote of 6-2, with the addition of numerous conditions regarding parking and traffic. The approval was challenged in court, and a judge ordered the City to set aside the Mitigated Negative Declaration and the associated project approvals, other than the resolution which

authorized the sale of the site from the City of San Diego to Hillel of San Diego. The judge found that the Mitigated Negative Declaration failed to adequately evaluate the pedestrians crossing La Jolla Village Drive, and the possibility of on-site raptors. The judge sent back the approvals and the Mitigated Negative Declaration to the City of San Diego, to be reconsidered in compliance with the California Environmental Quality Act.

The judge's order was challenged by both the applicant and a group of project opponents. Given the pending status of the previous approvals, it was determined that the applicant would be allowed to resubmit a new application addressing the judge's concerns, and process it through the City's review process.

The applicant submitted the current Hillel Student Center Project on June 12, 2008. The project scope is generally the same, with the addition of 28 on-site parking spaces supplied by parking lifts, and the incorporation of a roof-mounted photovoltaic system consisting of solar panels and the installation of a fuel cell sufficient to generate at least 30 percent of the project's projected energy consumption, meeting the requirements of City Council Policy 900-14. Each of the project's technical studies was redone, and the two areas of concern raised by the judge's order were addressed in the new traffic and biology studies.

On November 6, 2006, the Planning Commission heard a staff presentation and public testimony in favor and opposition during a noticed public hearing. After considering the information presented and associated discussion, the Planning Commission voted 4:1:2 to deny the project.

FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are recovered from a deposit account maintained by the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

See the Report to City Council No. 08-175.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On September 4, 2008, the La Jolla Community Planning Association (LJCPA) passed two motions; one taking action to recommend denial of the project by a vote of 14-0-0, and the other providing direction to the President of the LJCPA regarding the project's environmental document. On September 16, 2008 the La Jolla Shores Planned District Advisory Board (LJSPDAB) voted 4-0 to deny the project. Please see the Discussion section of Attachment 1, the Report to City Council, for more detail.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

The Owners are Robert Marshall (Phase I) and Hillel of San Diego (Phase II), and the Applicant is Hillel of San Diego for both Phases.

Broughton/Anderson/DS

LEGAL DESCRIPTION:

The project site is located within the Single Family Zone of the La Jolla Shores Planned District, Coastal Height Limit Overlay Zone, Campus Parking Impact Overlay Zone and the La Jolla Community Planning Area. Legal Description: Lot 67 of La Jolla Highlands Unit No. 3, in the City of San Diego, County of San Diego, Parcel Map No. 3528 and Portion of Lot 1299, Miscellaneous Map 36, Pueblo Lands, in the City of San Diego, County of San Diego.

Staff: Dan Stricker – (619) 446-5251
Marianne Greene – Deputy City Attorney

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 6:03 p.m. – 6:33 p.m.)

MOTION BY MADAFFER TO CONTINUE TO FRIDAY, DECEMBER 5, 2008, AND REFER TO THE CITY ATTORNEY’S OFFICE FOR NOTICING CONSISTENCY REVIEW. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-nay, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

ITEM-344: City Heights Square Amendment, Project No. 146605. An application for a General/Community Plan Amendment, a Rezone and an Amendment to PDP 308092, NUP 327436, CUP 308101 and SDP 308102, to construct 92 residential units over retail on a 2.78-acre site located at 4302 University Avenue. (City Heights Neighborhood of the Mid-City Communities Plan Area. District 3.)

Matter of approving, conditionally approving, modifying or denying an application for a General/Community Plan Amendment, a Rezone and an Amendment to PDP 308092, NUP 327436, CUP 308101 and SDP 308102, to construct 92 residential units over retail on a 2.78-acre site located at 4302 University Avenue in the City Heights neighborhood of the Mid-City Communities Plan Area.

STAFF'S RECOMMENDATION:

Adopt the following resolutions in subitems A, B, and D and introduce the ordinance in subitem C:

Subitem-A: (R-2009-683 Cor. Copy) ADOPTED AS RESOLUTION R-304529

Adoption of a Resolution certifying that Subsequent Amendment to Mitigated Negative Declaration LDR No. 146605, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Planned Development Permit No. 514696, Neighborhood Use Permit No. 518933, Conditional Use Permit No. 518932, and Site Development Permit No. 519775, and the associated Community Plan Amendment, General Plan Amendment, and Rezone for the City Heights Square – Amendment project (Project No. 146605);

Declaring that the City Council finds that:

1. There are no new significant environmental impacts not considered in the previous Mitigated Negative Declaration;
2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken; and
3. There is no new information of substantial importance to the project;

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

Subitem-B: (R-2009-645) ADOPTED AS RESOLUTION R-304530

Adoption of a Resolution adopting the amendments to the Mid-City Communities Plan, a copy of which is on file in the Office of the City Clerk;

Adopting an amendment to the General Plan for the City of San Diego to incorporate the above amended plan.

Subitem-C: (O-2009-78) INTRODUCED, TO BE ADOPTED TUESDAY,
JANUARY 6, 2009

Introduction of an Ordinance changing 4.17 acres located in the block bounded by University Avenue, 43rd Street, Fairmount Avenue and Polk Avenue, within the City Heights Neighborhood of the Mid-City Communities Plan Area in the City of San Diego from the CT-2-3 and CU-2-3 Zones of the Central Urbanized Planned District, into the CU-2-4 Zone of the Central Urbanized Planned District, as defined by Chapter 15, Article 5, Division 2 of the San Diego Municipal Code; and repealing Ordinance No. O-18855 (New Series), adopted October 2, 2000, of the City of San Diego insofar as the same conflicts herewith.

Subitem-D (R-2009-646 Rev.) GRANTED PERMITS AS AMENDED/ADOPTED
AS RESOLUTION R-304531

Adoption of a Resolution based on the findings hereinbefore adopted by the City Council, granting Planned Development Permit No. 514696, Neighborhood Use Permit No. 518933, Conditional Use Permit No. 518932, and Site Development Permit No. 519775 to the referenced Owner/Permittee in the forms, exhibits, terms and conditions as set forth in Permit Nos. 514696, 518933, 518932 and 519775, copies of which are attached hereto and made a part hereof.

OTHER RECOMMENDATIONS:

Planning Commission on November 6, 2008, voted 5-0-2 to approve Staff's recommendation with one additional recommendation. (Reference Executive Summary for discussion).

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

The City Heights Area Planning Committee has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

The proposed development of 92 residential units over retail along the University Avenue frontage for the City Heights Square project, located within the City Heights neighborhood of the Mid-City Communities Plan Area.

STAFF RECOMMENDATION:

1. Certification of Subsequent Addendum to Mitigated Negative Declaration No. 146605;
2. Approval of General/Community Plan Amendment No. 518922, Rezone No. 518921, Planned Development Permit (PDP) No. 514696, Neighborhood Use Permit (NUP) No. 518933, Conditional Use Permit (CUP) No. 518932, and Site Development Permit (SDP) No. 519775 (An Amendment to PDP No. 308092, NUP No. 327436, CUP No. 308101, and SDP No. 308102).

EXECUTIVE SUMMARY:

The City Heights Square project encompasses roughly the square block bordered by University Avenue, Fairmount Avenue, 43rd Street, and Polk Avenue. It is in the City Heights Redevelopment Area, and the mixed-use project includes: a 151-unit, very-low-income affordable senior housing facility (Building 3); a medical/dental clinic (La Maestra – Building 2); a park; and a retail/office structure (Building 1) above structured parking. The original City Heights Square project (Project No. 40960) was approved by the City Council on June 28, 2005. On April 20, 2006, the Planning Commission approved an Amendment to the above project (Project No. 95232), for modifications to the Senior Residential Facility (Building 3). The original approval and subsequent amendment included four discretionary permits (PDP, NUP, SDP, CUP) which were encapsulated within one permit document.

This current amendment request (Project No. 146605) proposes to replace the approved retail and office component of the City Heights Square project (Building 1) with 92 multi-family residential apartment units above street-level retail; 14 of which are affordable units. Based on the existence of the senior facility (Building 3), no additional residential density is available at this site for new development according to the current zone and land use designations. Therefore, the proposal requires a General/Community Plan Amendment, a Rezone, and amendments to the previously-approved PDP, NUP, SDP and CUP.

General/Community Plan Amendment: The proposed General/Community Plan Amendment would change the project site's land use designation from Residential (21-25 dwelling units per acre) and Commercial and Mixed-Use (29 dwelling units per acre and up to 43 dwelling units per acre for mixed-use projects) to Commercial and Mixed-Use (73 dwelling units per acre).

Rezone: The requested rezone would allow for additional necessary residential development in the City Heights community. The rezone is requested to change the zoning of the entire project site from CU-2-3 (commercial) and CT-2-3 (commercial-transition) to CU-2-4 (commercial with higher residential density permitted) in the Central Urbanized Planned District.

Permit Amendments: Although only the Planned Development Permit (which covered the deviations from the development regulations for the site) technically requires an amendment for this current request, due to the nature of the permit document an amendment to all actions is required. As described above, the nature of the proposal requires a Community Plan Amendment and a Rezone to accomplish the proposed project.

Environmental Analysis: A Subsequent Addendum to the Mitigated Negative Declaration (Project No. 146605) was prepared for this project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. Based upon a review of the current project, it was determined that there are no new significant environmental impacts not considered within the previous Mitigated Negative Declaration; no substantial changes have occurred with respect to the circumstances under which the project is undertaken; and there is no new information of substantial importance to the project. Therefore, in accordance with Section 15164 of the State CEQA guidelines, an Addendum was prepared. All mitigation measures included in the previous Mitigated Negative Declaration No. 40960 and in the No. 95232 Addendum have been incorporated into this Subsequent Addendum.

Redevelopment Agency: Redevelopment Agency staff have prepared a Second Implementation Agreement to the Disposition and Development Agreement (DDA) with the developer for the City Heights Square Office and Retail project to reflect a change from an office and retail project to a commercial and residential project. That request is also on the City Council docket as a companion item.

Project Modifications After Planning Commission Hearing: Since the November 6, 2008, Planning Commission hearing, it has been determined that two deviations listed in the Report to the Planning Commission No. PC-08-146 are no longer required for this project. Accordingly, the draft permit provided to the City Council has been revised to eliminate these deviations: No. 3 (15-foot setback along 43rd Street) and No. 9 (off-street loading). Condition 62 of the permit provided to the City Council reflects this modification.

FISCAL CONSIDERATIONS:

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

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On November 6, 2008, the Planning Commission voted 5-0 (Griswold and Smiley not present) to recommend approval of the project as presented by staff, with an additional comment to “urge the City Council to amend or remove Condition 43 that would cause the destruction of historical resources at Euclid and University Avenues.” A discussion of this issue is provided in Attachment 2.

This issue regarding Condition 43 arose due to public testimony during the hearing regarding a conflict between policies in the Council-adopted Mid-City Communities Plan and the Euclid Avenue Revitalization Action Plan with respect to the intersection of Euclid and University Avenues, and the mitigation requirement contained in Condition 43.

On May 5, 2008, the City Heights Area Planning Committee voted 15-0-0 to recommend approval of the project with one voluntary recommendation.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

City Heights Realty, LLC (reference Attachment 16 of Report to the Planning Commission No. PC-08-146); City of San Diego Redevelopment Agency; La Maestra Family Clinic, Inc., Senior Community Centers of San Diego, Chelsea Investment Corporation (reference Attachment 16 of Report to the Planning Commission No. PC-08-146).

Broughton/Anderson/MS

LEGAL DESCRIPTION:

The project site is located at 4302 University Avenue in the Central Urbanized Planned District and the Transit Area Overlay Zone, within the City Heights Neighborhood of the Mid-City Communities Planning Area.

Staff: Michelle Sokolowski – (619) 446-5278
Adam Wander – Deputy City Attorney

NOTE: See the Special Redevelopment Agency Agenda dated December 2, 2008, for a companion item.

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

COUNCIL ACTION: (Time duration: 4:41 p.m. – 5:00 p.m.)

Testimony in opposition by Theresa Quiroz.

MOTION BY ATKINS TO ADOPT THE RESOLUTIONS IN SUBITEMS A, B AND D; INTRODUCE THE ORDINANCE IN SUBITEM C; AND TO INCLUDE THE FOLLOWING PERMIT AMENDMENTS: “IT IS THE INTENT OF THE CITY COUNCIL THAT THE IMPROVEMENTS DISCUSSED IN CONDITION 43 OF THIS PERMIT SHALL BE REVIEWED IN LIGHT OF EXISTING RIGHT-OF-WAY CONSTRAINTS AT THIS INTERSECTION (UNIVERSITY/EUCLID). IMPROVEMENTS AT THIS INTERSECTION WOULD BE ACCOMPLISHED ONLY IF FULL ENVIRONMENTAL ANALYSIS AND PUBLIC REVIEW PURSUANT TO CEQA SUPPORTS SUCH MEASURES, SUCH ANALYSIS SHALL INCLUDE ALTERNATIVES NOT INCLUDING ANY EXPANSION BEYOND THE EXISTING RIGHT-OF-WAY; AND THIS DIRECTION SHOULD BE REFLECTED IN THE NEXT PUBLIC FACILITIES FINANCING PLAN FOR THE MID-CITY COMMUNITIES AND THE NEXT MID-CITY COMMUNITIES PLAN UPDATE TO OCCUR AS SOON AS FUNDS BECOME AVAILABLE; AND TO SUPPORT, AS BEST WE CAN IN LIGHT OF THE MITIGATED NEGATIVE DECLARATION, THAT WE SUPPORT HISTORIC STRUCTURES AND THE CONSTRAINTS THAT EXIST IN THE RIGHT-OF-WAY AT THIS TIME AND TO INCLUDE ANY FUNDS TO GO TO BICYCLE AND PEDESTRIAN IMPROVEMENTS AS WELL AS FOR TURN LANES AS PART OF CONDITION 43.” Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-S500: Appropriate and Transfer Funds from the Tierrasanta Facilities Financing Plan to Kiwanis Foundation of Tierrasanta. (District 7.)

STAFF'S RECOMMENDATION:

Take the following actions:

(R-2009-706) RECONSIDERED/ADOPTED AS
RESOLUTION R-304515

Authorize the Mayor, or his designee, to negotiate and execute agreements with the Kiwanis Foundation of Tierrasanta to establish the Tierrasanta Endowment Youth Fund for the purpose of enhancing academics and athletics for the Tierrasanta Youth;

Authorize the City Comptroller to appropriate and expend the Tierrasanta Development Agreement fund balance for Fund 392023 "Regency Hills-Endowment for Community Youth" of \$341,469.40 to the Kiwanis Foundation of Tierrasanta once an MOU Agreement has been fully executed;

Authorize the City Comptroller to expend \$341,000 from Fund 392023 "Regency Hills-Endowment for Community Youth" of \$341,469.40;

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

STAFF SUPPORTING INFORMATION:

On January 9, 1989, a development agreement was entered into between the City of San Diego and Regency Hill Associates. A section entitled Extraordinary and Significant Benefits required the developer, Regency Hill Associates, to provide the City of San Diego with six separately enumerated benefits.

One of those benefits was the "Endowment for Community Youth". This benefit committed Regency Hill Associates to pay \$150,000 to the City in three installments. The funds were "to be used for the benefit of current and future youth of the Community. The funds shall be used by City in the Tierrasanta Community to enhance academics and athletics." These funds have been maintained by the City's Facilities Financing Department and are currently itemized in the Tierrasanta Public Facilities Financing Plan, No. 39023 D.A. Section 6.1(b)(4).

The principal and accrued earnings as of Fiscal Year 2009 Period 3 (9-9-08) the fund balance totals \$341,469.40. This action will implement the purpose of the established endowment by authorizing the Mayor to negotiate and execute agreements between the City of San Diego and the Kiwanis Foundation of Tierrasanta (hereafter Foundation), an Internal Revenue Code Section 501(c)(3) approved charitable organization. The MOU will transfer the current principal and earnings of the Fund (392023) to the Foundation with a right of reversion to the City. The Foundation will provide regular audit reports to the City and establish the Tierrasanta Fund for Community Youth, an advised restricted endowment fund that will be maintained, invested and distributed in manner as specified by the MOU and based on recommendations by a Tierrasanta Community based Advisory Committee established under the MOU.

FISCAL CONSIDERATIONS:

The fund balance for the Tierrasanta Development Agreement Fund 392023 (Regency Hills-Endowment for Community Youth) was \$341,469.40 will be transferred from the City of San Diego to the Kiwanis Foundation of Tierrasanta.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Not applicable.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Not applicable.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Not applicable.

Goldstone

Aud. Cert. 2900411.

Staff: Jay Goldstone - (619) 236-7080

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:06 a.m.
5:23 p.m. – 5:24 p.m.)

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

MOTION BY YOUNG TO RECONSIDER THE ITEM. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

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

ITEM-S501: Mills Act Program Reforms and Cost Recovery Fees. (Communities with structures over 45 years old. Citywide.)

(See Report to the City Council No. 08-176.)

(Continued from the meeting of 11/24/2008, Item 202, Subitem A, at the request of Councilmember Frye, due to lack of time. Only the portions relating to the threshold and projects in the pipeline have been continued.)

NOTE: Hearing closed. Public testimony taken on November 24, 2008.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2009-681 Rev. Copy 1) ADOPTED AS AMENDED AS
RESOLUTION R-304532

Approving Council Policy No. 700-46 titled "Mills Act Agreements for Preservation of Historic Property," with the following amendments listed below:

- Require a formal application process with a deadline of March 31st of each year for properties designated by December 31st of previous year;
- Require the property owner to demonstrate investment of the tax savings into the designated historic property through a 10-year tailored work plan which may include costs of rehabilitation or restoration of the historic property necessary to achieve historic designation; and

- Establish an inspection schedule for monitoring of Mills Act Program properties prior to a new agreement and every 5 years thereafter prior to the renewal date to assure compliance with contract requirements.

Instructing the City Clerk to add the aforesaid to the Council Policy Manual.

Subitem-B: (R-2009-682 Rev. Copy 1) ADOPTED WITH DIRECTION AS
RESOLUTION R-304533

Amending Council Policy No. 700-46 titled “Mills Act Agreements for Preservation of Historic Property,” as set forth in the Council Policy filed in the Office of the City Clerk;

Authorizing the adoption of the Fee Schedule provided in Report No. 08-176, a copy of which is on file in the Office of the City Clerk, and recited as follows:

- \$1,185 for the Individual Historical Resource Nomination; and
- \$590 for the Mills Act Program agreement; and
- \$492 for Mills Act Program monitoring with the initial Mills Act Program agreement and every five years thereafter; and
- \$949 for Mills Act Program enforcement, as needed.

Authorizing the City Manager to adjust the said Fee Schedule from time to time to recover increases in the administrative costs of the program.

STAFF SUPPORTING INFORMATION:

The current Mills Act Program was adopted by the City Council in July 1995 (Council Policy 700-46) as way to provide an incentive to historic property owners and bring historically significant properties under the City’s authority for preservation, at time when there were no historical resources regulations. The current program is very informal with all designated historic properties located outside Redevelopment Areas eligible for Mills Act tax reduction. Specific requirements apply within Redevelopment Areas.

Only a limited number of agreements include additional preservation or rehabilitation requirements and there is no requirement that the tax savings realized through this program be invested in the historic property.

There is no formal inspection schedule or monitoring of agreements for compliance with the contract requirements. The Mills Act Program has not been updated or modified since its initial adoption and there is a desire on the part of the City to improve accountability of the overall program and to understand and manage the fiscal impacts of the program. Staff recommends adopting several reform measures to the Mills Act Program that would allow the fiscal impacts to be managed, improve the accountability of the Program and provide cost recovery fees for the processing of designation requests, a Mills Act Program Agreement, monitoring program, and enforcement. Staff recommends the reforms and fees be applied to pending applications and that the fee be required prior to work on each aspect of the program. Additionally, a Mills Act Agreement monitoring program would be established to ensure compliance with individual contracts and the state enabling legislation for the benefit of the public.

FISCAL CONSIDERATIONS:

Without enacting the requested fees, the General Fund is paying for optional services sought by individual property owners. The requested fees will recover the staff costs of this function.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

In December 2003, Planning Department staff asked the Land Use and Housing (LU&H) Committee to support a moratorium on processing voluntary nominations while staff prepared a fee for the service. While the committee did not approve a moratorium, it did authorize staff to develop a fee proposal. During review of the Planning Department's Fiscal Year 2006 budget, the City Council directed staff to prepare a fee proposal to recover costs associated with nominations of historical resources. On June 21, 2006, the LU&H Committee forwarded the issue of fees for nominations of historical resources and Mills Act Program Agreements to the full City Council with direction for staff to develop options related to the timing of a fee and a way to accommodate those property owners who cannot afford to pay the fee.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Staff met with preservation stakeholders several times between 2004 and 2006 to discuss the fee proposal and need for more formal inspections of Mills Act properties. Historic consultants and community representatives expressed concern that any fee, other than a nominal one, would deter property owners from coming forward for historical designation. Staff presented information comparing the City's overall Mills Act program with other jurisdictions' programs and the potential for changes to the HRB Policy Subcommittee during 2006 and 2007, with a draft proposal for changes presented in January 2007. There was much public interest and concern about the proposed changes expressed at this meeting and to staff and the Mayor's Office following the meeting.

The HRB held two workshops, in April and June 2008 and a hearing in July 2008 on the issue of Mills Act reforms. Every owner of a designated historic property or of a nominated property was notified by mail of these workshops. A very significant number of people attended the workshops and hearing. Many individuals expressed opposition to some or all of the changes being proposed and there was particularly strong opposition to any change in the program that would limit the number of new contracts or add eligibility requirements for new contracts.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key stakeholders are owners of historical properties who are seeking designation and Mills Act agreements who will subject to revised policy and regulations and will be charged new or revised fees.

Anderson

Staff: Cathy Winterrowd - (619) 235-5217
Marianne Greene – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:49 p.m. – 4:09 p.m.)

MOTION BY FRYE TO ADOPT THE RESOLUTIONS WITH THE FOLLOWING AMENDMENTS: TO RAISE THE THRESHOLD LIMIT FROM \$100,000 TO \$200,000 PER FISCAL YEAR; THE NOMINATION FEE FOR ALL PIPELINE PROJECTS SHALL BE \$500; AND DIRECTION TO REPORT TO COUNCIL ON AN ANNUAL BASIS AS PART OF BUDGET DISCUSSIONS WHETHER IT EXCEEDED THE THRESHOLD OR NOT. Second by Hueso. Passed by the following vote: Peters-yea (nay on portion relating to pipeline projects' fee), Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-yea (nay on portion relating to pipeline projects' fee), Hueso-yea.

REPORT OUT OF CLOSED SESSION:

To view the list of all available City Council Closed Session Meetings Reports refer to the link below:

<http://www.sandiego.gov/city-clerk/closedsess.shtml>

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 8:03 p.m. – 8:04 p.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 8:05 p.m. in honor of the memory of:

Norma Lee Hunter as requested by Council Member Young.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 8:04 p.m. – 8:05 p.m.)