

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MARCH 3, 2009
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 Hueso at 10:04 a.m. The meeting was recessed by Council President Hueso at 12:01 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Hueso at 2:03 p.m. with Council President Pro Tem Faulconer not present. Council President Hueso recessed the regular meeting at 3:52 p.m. to convene the Housing Authority. Council President Hueso reconvened the regular meeting at 3:53 p.m. with all Council Members present. The meeting was adjourned by Council President Hueso at 3:56 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Lightner-present
 - (2) Council Member Faulconer-present
 - (3) Council Member Gloria-present
 - (4) Council Member Young-present
 - (5) Council Member DeMaio-present
 - (6) Council Member Frye-present
 - (7) Council Member Emerald-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 Lightner-present
- (2) Council Member Faulconer-present
- (3) Council Member Gloria-present
- (4) Council Member Young-present
- (5) Council Member DeMaio-present
- (6) Council Member Frye-present
- (7) Council Member Emerald-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: 10:22 a.m. – 10:23 a.m.)

PUBLIC COMMENT-2:

Gary Samuel Wright commented on mental health.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. - 10:26 a.m.)

PUBLIC COMMENT-3:

Hud Collins commented on potpourri.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:29 a.m.)

PUBLIC COMMENT-4:

Al Strohlein commented on public necessities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:31 a.m.)

PUBLIC COMMENT-5:

Crickett Bradburn commented on general concerns.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:31 a.m. – 10:34 a.m.)

PUBLIC COMMENT-6:

Sunshine Horton welcomed new Council Members.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. - 10:38 a.m.)

PUBLIC COMMENT-7:

Rudy Reyes commented on medical cannabis.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. - 10:41 a.m.)

PUBLIC COMMENT-8:

Izean Rim Jr. commented on public safety.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:41 a.m. - 10:42 a.m.)

PUBLIC COMMENT-9:

Jarvis Ross commented on the task force.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:42 a.m. – 10:45 a.m.)

PUBLIC COMMENT-10:

J. Nathaniel Howard commented on a boycott to the San Diego Padres.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:45 a.m. – 10:48 a.m.)

PUBLIC COMMENT-11:

Phil Hart commented on the airport and water.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. – 10:51 a.m.)

PUBLIC COMMENT-12:

Nick Moffitt commented on parking problems.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-13:

Thomas Danny Glasser commented on his beliefs.

FILE LOCATION: AGENDA

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

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Young thanked all for attending the Heritage Parade.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:08 a.m. – 11:09 a.m.)

COUNCIL COMMENT-2:

Council Member Emerald thanked Council Member Gloria for attending the Community Cares Event and announced upcoming Community Cares Events.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:09 a.m. – 11:10 a.m.)

COUNCIL COMMENT-3:

Council Member Gloria acknowledged and thanked his colleagues for attending the recent events in their districts.

FILE LOCATION: MINUTES

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

COUNCIL COMMENT-4:

Council President Hueso invited all to attend the 2nd Annual District 8 Event to be held March 5, 2009, at Case Familiar in San Ysidro.

FILE LOCATION: MINUTES

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

COUNCIL COMMENT-5:

Council Member Lightner announced updated information regarding the University City Military Jet Crash and invited the public to visit her Council District website for further detailed information.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:52 p.m. – 2:54 p.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



[ITEM-30:](#) Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

APPROVED

12/22/2008 – Adjourned
12/23/2008 – Adjourned
12/29/2008 – Adjourned
12/30/2008 – Adjourned
01/05/2009
01/06/2009
01/12/2009
01/13/2009
01/19/2009 – Adjourned
01/20/2009
01/26/2009
01/27/2009

FILE LOCATION: MINUTES

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

MOTION BY YOUNG TO APPROVE. Second by Gloria. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.



ITEM-31: Clarence Edwin “Chuck” Adams Day.

COUNCILMEMBER YOUNG’S RECOMMENDATION:

Adopt the following resolution:

(R-2009-786) ADOPTED AS RESOLUTION R-304691

Proclaiming March 3, 2009, to be “Clarence Edwin ‘Chuck’ Adams Day” in the City of San Diego in appreciation of his dedication to the community and Council District Four.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:06 a.m. – 10:11 a.m.)

MOTION BY YOUNG TO ADOPT. Second by Emerald. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.



[ITEM-32](#): Associated Students of San Diego State University Day.

COUNCILMEMBER EMERALD'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-888) ADOPTED AS RESOLUTION R-304692

Proclaiming March 7, 2009, to be "Associated Students of San Diego State University Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:17 a.m.)

MOTION BY EMERALD TO ADOPT. Second by Faulconer. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

* ITEM-50: Torrey Brooke II, Project No. 2118, Rezone of a property located at the end of La Harina Court and Bordered Roughly to the South by Adobe Bluffs Road. (Torrey Highlands Community Plan Area. District 1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/17/2009, Item 331, Subitem A. (Council voted 8-0):

(O-2009-75) ADOPTED AS ORDINANCE O-19835 (New Series)

Changing 2.132-acres located at the end of La Harina Court and bordered roughly to the south by Adobe Bluffs Road, to the west, east, and north by single-family homes in the AR-1-1 Zone, within the Torrey Highland Subarea Plan IV, in the City of San Diego, California, from the AR-1-1 Zone into the RS-1-13 Zone, as

defined by San Diego Municipal Code Sections 131.0401; and repealing Ordinance No. 18451 New Series, adopted December 9, 1997, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

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

FILE LOCATION: MEET

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

CONSENT MOTION BY DEMAIO TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Emerald. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

*ITEM-100: Inviting Bids for Famosa Accelerated Sewer and Water Replacement Project. (Peninsula Community Area. District 2.)

(See Engineering and Capital Projects Department's January 21, 2009, Executive Summary Sheet.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2009-832 Corr.) ADOPTED AS RESOLUTION R-304693

Approving the plans and specifications for the construction of Famosa Accelerated Sewer and Water Replacement (Project), as advertised by the Purchasing and Contracting Department, on Work Order Nos. 179971/188671;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to execute a construction contract with the lowest responsible and reliable bidder, provided that the City 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 Comptroller to transfer an amount not to exceed \$2,528,035.57 from CIP-44-001.0, Annual Allocation - Sewer Main Replacements, to Sewer Fund 41506, CIP-46-206.0, Annual Allocation-Accelerated Projects, solely for construction, contingency and Project related costs, provided that the City Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$2,833,015 from Sewer Fund 41506, CIP-46-206.0, Annual Allocation - Accelerated Projects, solely for construction, contingency and Project related costs, provided that the City 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 expenditure of an amount not to exceed \$4,002,737 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacements, solely for construction, contingency and Project related costs, provided that the City 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 use of City Forces in an amount not to exceed \$453,280 from Water Fund 41500, CIP-73-083.0 Annual Allocation - Water Main Replacements, solely for the construction of the Project;

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

Subitem-B: (R-2009-862) ADOPTED AS RESOLUTION R-304694

Declaring that the Revised Final Mitigated Negative Declaration, Project No. 50202 (Revised Final MND), dated October 10, 2008, for the Famosa Accelerated Sewer and Water Main Replacement Project (the Project) on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.);

Declaring that the Revised Final MND reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Project;

Finding that revisions to the Project now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Project, Revised Final MND No. 50202, a copy of which is on file in the Office of the City Clerk and incorporated herein by this reference, is approved;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this body in order to mitigate or avoid significant effects on the environment, pursuant to California Public Resources Code Section 21081.6;

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 Project. (BID-K094267C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/28/2009, NR&C voted 4 to 0 to approve. (Councilmembers Lightner, DeMaio, Frye, and Emerald voted yea.)

SUPPORTING INFORMATION:

Famosa Accelerated Sewer and Water Replacement is part of a program established by the City of San Diego and the California Department of Public Health mandating the replacement of all cast iron water mains currently in service. This project was accelerated due to the recently reported water main breaks and increased frequency of maintenance to the existing sewer mains.

This project is located in Peninsula Community Plan Area. This project includes the construction and replacement of approximately 7,838 linear feet of existing 12-inch, 10-inch, 8-inch, and 6-inch diameter sewer mains, and the replacement of approximately 11,209 linear feet of existing 12-inch, 8-inch, and 6-inch diameter water mains and all other work and appurtenances. It also includes installing curb ramps and street resurfacing.

The streets affected by the Famosa Accelerated Sewer and Water Replacement are West Point Loma Boulevard, Famosa Boulevard, Valeta Street, Montavlo Street, Mentone Street, Temecula Street, Rialto Street, Clovis Street, Camulos Street, and the surrounding alleys and streets as shown on the location map. Contractor will prepare traffic control shop drawings and implement them during construction after review and approval by the City.

EQUAL OPPORTUNITY CONTRACTING PROGRAM (EOCP):

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

Goals: 23.4% Mandatory Subcontractor Participation Goal; 2.1% Advisory Participation Goal Disadvantaged Business Enterprise (DBE), 1.6% Advisory Participation Goal Disabled Veteran Business Enterprise (DVBE), 2.1% Advisory Participation Goal Small Minority Business Enterprise, 0.5% Advisory Participation Goal Minority Women Business Enterprise, 17.1% Advisory Participation Goal Other Business Enterprise (OBE)

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

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$6,835,752. Enterprise funding of \$2,833,015 will be available in CIP-46-206.0, Annual Allocation - Accelerated Projects, Fund 41506, Sewer, of which \$2,528,035.57 will be transferred from CIP-44-001.0, Annual Allocation - Sewer Main Replacements, Fund 41506, Sewer, for this purpose. Enterprise funding of \$4,002,737 will be available in CIP-73-083.0, Annual Allocation - Water Main Replacements, Fund 41500, Water, for this purpose. The project costs for the Sewer portion of \$2,833,015 and the Water portion of \$4,002,737 may be reimbursed approximately 80% by current or future debt financing. This project will be funded in FY09. No future funding is anticipated. The Auditor's Certificate will be provided prior to contract award.

PREVIOUS COUNCIL COMMITTEE ACTION:

The Committee on Natural Resources and Culture on January 28, 2009, consent motion by Councilmember Emerald, second by Councilmember DeMaio. Vote to approve 4-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This project was presented to the Peninsula Community Planning Group on October 16, 2008, and presented to the Friends of Famosa Slough on November 19, 2008. In addition, residents and businesses will be notified at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again, ten (10) days before construction begins by the Contractor through hand distribution of notices.

KEY STAKEHOLDERS AND PROTECTED IMPACTS (if applicable):

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

Boekamp/Jarrell

Aud. Cert. 2900572.

FILE LOCATION: CONT-TC Construction, Inc.

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

CONSENT MOTION BY DEMAIO TO ADOPT. Second by Emerald. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.



* [ITEM-101](#): Amending Council Policy 900-17 Pertaining to Storefront Improvement Program. (Citywide.)

(See City Planning and Community Investment Department's undated Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-80) ADOPTED AS RESOLUTION R-304702

Amending Council Policy Number 900-17, pertaining to the Storefront Improvement Program;

Instructing the City Clerk to add the aforesaid to the Council Policy Manual.

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

On 1/28/2009, Rules voted 5 to 0 to refer to the full City Council with direction to add selection criteria to increase equity between Council Districts. (Councilmembers Faulconer, Young, Gloria, Frye, and Hueso voted yea.)

SUPPORTING INFORMATION:

Originated in 1986, the Storefront Improvement Program (SIP) provides a grant to small business or property owners as an incentive to improve their storefronts consistent with design standards for their commercial areas. The SIP has been a successful program in the Office of Small Business (OSB) and was funded initially by Industrial Development Bond proceeds and Community Development Block monies. In 1995, the City Council adopted the Small Business Enhancement Program (SBEP), with a funding appropriation based on the number of small businesses registered with The City of San Diego.

The City Council adopted Council Policy 900-17 (Storefront Improvement Program) to clarify the administration of the program. The policy states that overall program management shall be the responsibility of the Office of Small Business. The Policy also provides that the Small Business Advisory Board (SBAB) shall approve the rebate formulas for each rebate category.

The proposed policy revision will simplify the application and documentation process for business participants and align the administrative process with current Purchasing & Contracting objectives. The policy revision will also more clearly define eligibility criteria and program participant exclusions.

Two new incentive categories are proposed:

- Public Art Incentive - providing additional incentives for participants to work with artists; and
- Multi- Tenant Property Owner Incentive - providing incentives for commercial property owners to participate.

The current incentive categories of Standard and Historic would remain the same.

FISCAL CONSIDERATIONS:

This action incurs no additional costs nor creates additional revenue.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Council Policy 900-17 was previously adopted by Resolution R-295442 on September 9, 2001. On January 28, 2009, the Rules Committee reviewed and unanimously approved the draft policy revision (5-0).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This item was discussed at the SBAB meetings held on November 28, 2007 and April 23, 2008. On May 28, 2008, the SBAB approved the recommended Council Policy revision and incentive formulas.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

The key stakeholders are small business owners with valid business tax certificates and property owners who lease to three or more street-facing small business tenants.

Murray/Anderson

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:09 p.m.)

MOTION BY LIGHTNER TO ADOPT. Second by Faulconer. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

- * ITEM-102: Ratification of the 2009 Project Area Committee (PAC) Election Results for the North Park Redevelopment Project Area. (North Park Community Area, District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-880) ADOPTED AS RESOLUTION R-304695

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

Finding that the election results of February 10, 2009, are valid and binding in accordance with the Formation Procedures adopted by Resolution No. R-298703;

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

STAFF SUPPORTING INFORMATION:

Council authorized a one-year extension of the North Park PAC and directed Redevelopment Agency staff to notice and conduct an election for the North Park PAC in 2009 by Resolution No. R-304483 on December 15, 2008.

On February 10, 2009, the North Park PAC conducted its Annual Election and meeting in accordance with the PAC Formation Procedures and PAC Bylaws. Six vacancies were available to be filled at the Annual Election. The categories included: two (2) Residential Tenants, one (1) Residential Owner-Occupant, one (1) Business Owner and two (2) Community Organizations. The results of the February 10, 2009, PAC Election are listed in Exhibit A.

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

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Council authorized a one-year extension of the North Park PAC and directed Redevelopment Agency staff to notice and conduct an election for the North Park PAC in 2009 by Resolution No. R-304483 on December 15, 2008.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Approximately 2,000 election announcements and Project Area maps were mailed to residential owner-occupants, residential tenants, property owners, businesses and community organizations within the North Park Redevelopment Project Area. The mailings included information about the Annual Election, the PAC and redevelopment. In addition to this, a notice was published in the January issue of the North Park News and approximately 50 notices were posted in the Project Area at locations including public schools, businesses, the North Park Recreation Center and the North Park Library.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

The North Park community

Weinrick/Anderson

Staff: Michelle Rosenthal - (619) 236-6268
Kimberly K. Kaelin - Deputy City Attorney

FILE LOCATION: MEET

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

CONSENT MOTION BY DEMAIO TO ADOPT. Second by Emerald. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

* ITEM-103: Susan Heiser Day.

COUNCIL PRESIDENT PRO TEM FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-866) ADOPTED AS RESOLUTION R-304696

Proclaiming January 30, 2009, as "Susan Heiser Day" in the City of San Diego, and congratulating Susan on her retirement as Associate Executive Director of Associated Students after 38 years of service to the San Diego State University (SDSU).

FILE LOCATION: AGENDA

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

CONSENT MOTION BY DEMAIO TO ADOPT. Second by Emerald. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.



[ITEM-104](#): San Diego Association of Realtors Day.

**COUNCIL PRESIDENT PRO TEM FAULCONER'S AND COUNCILMEMBER
GLORIA'S RECOMMENDATION:**

Adopt the following resolution:

(R-2009-865) ADOPTED AS RESOLUTION R-304697

Proclaiming January 10, 2009, as "San Diego Association of Realtors Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:18 a.m. – 10:21 a.m.)

MOTION BY DEMAIIO TO ADOPT. Second by Faulconer. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

* ITEM-105: Declaring a Continued State of Emergency Regarding the Wildfires.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-736) ADOPTED AS RESOLUTION R-304698

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 Due to the Wildfires

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

CONSENT MOTION BY DEMAIO TO ADOPT. Second by Emerald. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

* ITEM-106: State of Local Emergency Declaration Regarding the Landslide on Mount Soledad.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-610) ADOPTED AS RESOLUTION R-304699

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: 10:17 a.m. – 10:17 a.m.)

CONSENT MOTION BY DEMAIO TO ADOPT. Second by Emerald. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

* ITEM-107: 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-2009-808) ADOPTED AS RESOLUTION R-304700

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: 10:17 a.m. – 10:17 a.m.)

CONSENT MOTION BY DEMAIIO TO ADOPT. Second by Emerald. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.



ITEM-108: 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-2009-618) ADOPTED AS RESOLUTION R-304701

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: 10:17 a.m. – 10:17 a.m.)

MOTION BY GLORIA TO ADOPT. Second by DeMaio. Passed by the following vote: Lightner-not present, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.



ITEM-330: Appropriation of San Diego Medical Services Enterprise Retained Earnings and System Savings.

(See Report to the City Council No. 08-088; EMS System Retained Earnings and Savings PowerPoint; and Independent Budget Analyst Report No. 06-61.)

TODAY'S ACTION IS:

Introduce and adopt the following ordinance:

(O-2009-70 Cor. Copy) INTRODUCED AND ADOPTED AS
ORDINANCE O-19836 (NEW SERIES)

Introduction and adoption of an Ordinance amending Ordinance No. O-19774 (New Series) Entitled “An Ordinance Adopting the Annual Budget for the Fiscal Year 2009 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year” by authorizing the appropriation of up to \$1,399,688.76 from Fund 10246, Dept. 121, Fund Balance, for the purpose of funding enhancements to the City’s EMS System and authorizing such expenditures;

Authorizing the City Comptroller to expend up to \$1,399,688.76 for the purpose of funding EMS System enhancements, as described in the executive summary.

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

On 6/19/2008, PS&NS voted 4 to 0 to refer this item to full City Council to authorize appropriation of funds as outlined within the report. (Councilmembers Faulconer, Young, Maienschein, and Hueso voted yea.)

SUPPORTING INFORMATION:

San Diego Medical Services (SDMSE) is a public/private partnership formed as a limited liability company (LLC) between the City and Rural/Metro of San Diego. On December 4, 2006, Council adopted Resolution R-302155 changing SDMSE's profit distribution policy. The company distributes profit to the partners after considering all operating expenses, ensuring a minimum \$500,000 cash reserve is maintained, and projecting expenses forward.

The City currently holds profit in the amount of \$1,674,199.25 in the EMS Special Revenue Fund. During the previous Council discussion on how profits are distributed (outlined in Resolution R-302155), it was requested that staff return to the Public Safety and Neighborhood Services Committee with a description on how this profit should be expended.

Fire-Rescue has identified EMS system needs upon which these retained earnings should be appropriated and expended. These needs include:

1. Fire Station 38 (Mira Mesa) Ambulance Crew Quarters Buildout: \$400,000
2. Quality Assurance Analysis and Reporting Tools (FirstWatch Biosurveillance): \$30,000
3. Online EMS Education Program: \$35,000
4. Equipment for Mass Decontamination of EMS Resources and Facilities: \$40,000
5. Mobile (Ambulance and Fire Apparatus) Gateways for Data Transmission: \$200,000
6. Acquire New Dynamic System Status Management Utility for Ambulances: \$295,000
7. Improve Station Alerting Systems for EMS: \$28,000
8. Improve EMS System Communication Interoperability with Lifeguards: \$45,000
9. Addition of Automated External Defibrillators (AED) to Staff Vehicles: \$100,000

In addition to retained earnings, Fire-Rescue maintains a fund balance from EMS system savings realized through staffing changes. City Manager's Report 04-219 outlines that EMS systems savings shall be allocated toward enhancements to the EMS system. Staff recommends that the savings in the amount of \$225,489.51 be appropriated toward:

1. Cardiac Monitor/Defibrillators Improvements and Upgrades
2. Improvements to the Electronic Patient Care Record Program

FISCAL CONSIDERATIONS:

No impact to the general fund. This report discusses appropriation of retained earnings and savings.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Resolution R-302155: Profit Distribution Methodology for SDMSE; Resolution R-292161; IBA Report #06-61. Heard at Public Safety and Neighborhood Services on June 19, 2008; referred to City Council to authorize appropriation of funds as outlined within the report with a 4-0 vote.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Jarman/Olen

NOTE: Today's action is the second public hearing and introduction and adoption of the Ordinance. See Item 331 on the docket of Tuesday, February 24, 2009, for the first public hearing.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:10 p.m.)

MOTION BY DEMAIO TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Faulconer. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

ITEM-331: Academy of Our Lady of Peace. Project No. 130619. Two appeals of the Planning Commission's decision approving an application for a Planned Development Permit, Site Development Permit, Conditional Use Permit and Neighborhood Development Permit to expand and modify the existing Academy of Our Lady of Peace high school by permitting: Enrollment of no more than 750 students; demolition of three single-family structures (2544 Collier Ave., 2746 Copley Ave., and 4910 Uvada Pl.); construction of a two-story classroom building; construction of a two-level parking structure; landscape renovations; associated deviations to implement the proposed development; tandem parking; and other improvements, on a 23.28-acre site located at 4860 Oregon Street (Greater North Park CommunityPlan Area. District 3.)

Matter of the appeals by Between Heights Neighborhood and North Park Planning Committee from the decision of the Planning Commission approving an application for a Planned Development Permit, Site Development Permit, Conditional Use Permit and Neighborhood Development Permit to expand and modify the existing Academy of Our Lady of Peace high school by permitting: Enrollment of no more than 750 students; demolition of three single-family structures (2544 Collier Ave., 2746 Copley Ave., and 4910 Uvada Pl.); construction of a two-story classroom building; construction of a two-level parking structure; landscape renovations; associated deviations to implement the proposed development; tandem parking; and other improvements, on a 23.28-acre site located at 4860 Oregon Street in the RS-1-7 and RS-1-1 Zones, the Transit Area Overlay Zone, and the FAA Part 77 Noticing Area, within the Greater North Park CommunityPlan Area.

(See EIR No. 130619/MMRP/Findings and Statement of Overriding Considerations/PDP No. 450668/SDP No. 450706/CUP No. 450705/NUP No. 590185-Amendment to Conditional Use Permit/Resource Protection Permit No. 92-0769.)

(Continued from the meeting of January 26, 2009, Item 200, at Councilmember DeMaio's request, for further review.)

NOTE: Hearing closed. Public testimony taken on 1/26/2009.

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem A: (R-2009-934) ADOPTED WITH MODIFICATIONS AS
RESOLUTION R-304703

Granting or denying the appeals and upholding or overturning the Planning Commission's decision certifying Environmental Impact Report (EIR) No. 130619; adoption of the Mitigation, Monitoring and Reporting Program; and adoption of the applicant's Findings and Statement of Overriding Considerations.

Directing the City Attorney to prepare the appropriate resolution(s) according to Section 40 of the City Charter.

Subitem B: (R-2009-935) ADOPTED WITH MODIFICATIONS AS
RESOLUTION R-304704

Granting or denying the appeals and upholding or overturning the Planning Commission's decision approving Planned Development Permit No. 450668, Site Development Permit No. 450706, Conditional Use Permit No. 450705, and Neighborhood Development Permit No. 590185 (Amendment to Conditional Use Permit/Resource Protection Permit No. 92-0769) 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 recommend approval of the project, with additional conditions read into the record.

Ayes: Schultz, Golba, Otsuji, Naslund, Ontai

Recusing: Griswold

Not Present: Smiley

The North Park Planning Committee, on September 16, 2008, voted 10-1-1 to recommend denial of the proposed project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

The proposed expansion and modification of the existing Academy of Our Lady of Peace high school, located at 4860 Oregon Street in the Greater North Park Community Plan Area.

STAFF RECOMMENDATION:

1. Deny the appeals;
2. Affirm the Planning Commission's certification of Environmental Impact Report (EIR) No. 130619, Adoption of the Mitigation Monitoring and Reporting Program, and Adoption of the applicant's Findings and Statement of Overriding Considerations;
3. Affirm the Planning Commission's approval of Planned Development Permit No. 450668, Site Development Permit No. 450706, Conditional Use Permit No. 450705, and Neighborhood Development Permit No. 590185 (An Amendment to RPO/CUP 92-0769).

EXECUTIVE SUMMARY:

The project site is located at 4860 Oregon Street, in the RS-1-7 and RS-1-1 Zones, the Transit Area Overlay Zone, within the Greater North Park Community Plan area. The 23.28-acre site lies on the southern rim above Mission Valley, at the north edge of North Park. The site is nestled within a single-family residential area, and accessed via residential streets. The project area is comprised of several parcels, and while addressed at 4560 Oregon Street, actually has frontage on several streets: Collier Street, Oregon Street, Copley Avenue and Uvada Place all border the property. Adams Avenue is a few blocks to the south, and I-805 is to the east.

The proposed project is a request for a Planned Development Permit, Site Development Permit, Conditional Use Permit and Neighborhood Development Permit to allow: a maximum annual enrollment of 750 students; demolition of three existing residential structures; construction of an approximately 21,059-square-foot, two-story classroom building; and construction of a new, two-level parking structure on the site. Renovation of the existing landscaping is also proposed, as well as the closing of Circle Drive.

The applicant has stated that their primary objective in proceeding with this “master plan” project is to modernize the Academy of Our Lady of Peace school and to allow the school to remain competitive in the current educational environment in San Diego.

Discretionary Actions Summarized:

Planned Development Permit: A Planned Development Permit is required for the proposed deviations for height, setback and assignment of tandem parking spaces.

Site Development Permit: A Site Development Permit is required due to the presence of environmentally-sensitive lands in the form of steep slopes. The actual property ownership area has a large quantity of sensitive steep slopes 25% or greater (808,473 square feet). The new structures are proposed to encroach less than 1,000 square feet into these areas, which is minimal and permitted by the San Diego Municipal Code.

Conditional Use Permit: A Conditional Use Permit is required to increase the maximum student enrollment on this site from 640 students to 750 students. The current maximum student enrollment permitted is 640 students (per RPO/CUP 92-0769). The applicant is currently in violation of this permit, and is subject to a Civil Penalties Administrative Enforcement Order, as further discussed within the Report to the Planning Commission No. 08-098.

Neighborhood Development Permit: A Neighborhood Development Permit is required for the provision of tandem parking on the site.

FISCAL CONSIDERATIONS: All costs associated with the processing of this project are paid by the applicant.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE): N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Planning Commission Hearings: The Planning Commission originally heard this project on September 18, 2008. After public testimony, the Planning Commission posed several questions to the applicant regarding enrollment, adaptive reuse, relocation of existing structures, and traffic issues. The Commission requested the applicant and the "Between Heights" neighborhood group work together and return to the Planning Commission on October 9, 2008, to respond to these questions. On October 9, 2008, the Planning Commission heard further testimony responding to the prior questions.

Planning Commission Decision: On October 9, 2008, the Planning Commission voted 5-0-2 (Griswold abstaining and Smiley not present) to recommend approval of the project, with additional conditions read into the record.

Appeal of Planning Commission's Decision: On October 23, 2008, both the North Park Planning Committee and Between Heights (community group) appealed the Planning Commission's decision to approve the project. Both appeals are similar; they both cite "Findings Not Supported" as the reason for the appeals, and they both list the same general basis for this conclusion.

1. Inconsistency and adversely affecting the General Plan and Land Use Plan by permitting the removal of "historic" homes, school use is inconsistent with low-density use, and failure to adequately explore adaptive reuse.
2. Detrimental to the public health, safety and welfare due to traffic issues.
3. Not beneficial to the community because students are not from the neighborhood, adaptive reuse was not adequately explored, and the school is in violation of its current Conditional Use Permit.

All these above issues were addressed within the Environmental Impact Report, and through testimony at both Planning Commission hearings. At the October 9, 2008, hearing, lengthy testimony regarding the exploration of adaptive reuse was presented and discussed. At the conclusion, the Planning Commission accepted the Environmental Impact Report, which included the additional testimony, and made the overriding considerations required to certify the EIR and approve the project.

Community Planning Group: The North Park Planning Committee voted 10-1-1 to recommend denial of the proposed project on September 16, 2008.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key Stakeholders: The Academy of Our Lady of Peace, owner (reference Attachment 10 of Report to the Planning Commission No. PC-08-098); families of current and potential students of The Academy of Our Lady of Peace; neighbors within the North Park community surrounding the school.

Projected impacts are discussed within the Environmental Impact Report, however, the major issues discussed at the public hearings are related to traffic, removal of "historic" homes, current violation of existing CUP (enrollment), and the need for a modernized school facility adequate to meet current needs.

Broughton

LEGAL DESCRIPTION:

The 23.28-acre site is located at 4860 Oregon Street in the RS-1-7 and RS-1-1 Zones, the Transit Area Overlay Zone, and the FAA Part 77 Noticing Area, within the Greater North Park Community Plan Area. The project site is legally described as: portions of Villa Lots 31, 32, 33 and 50, and all of Villa Lots 35 thru 49, Map No. 937; portions of Lots 3, 4, 5 and 6, Block R, University Heights, Map No. 1064; and all of Lots 1 and 2, Block R, University Heights, according to a Map made by G.A.D'Hemecourt in Block 8, Page 36 et seq of lis pendens.

Staff: Michelle Sokolowski – (619) 446-5278
Nina Fain – Deputy City Attorney

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:54 p.m.)

MOTION BY GLORIA TO MODIFY THE PLANNING COMMISSION'S DECISION AND DENY PLANNED DEVELOPMENT PERMIT NO. 450668 AND SITE DEVELOPMENT PERMIT NO. 450706, BASED ON THE FINDINGS AS READ INTO THE RECORD BY COUNCIL MEMBER GLORIA AND ON THE FINDINGS AND INFORMATION CONTAINED IN THE STAFF REPORT;

2) GRANT CONDITIONAL USE PERMIT NO. 450705 AND NEIGHBORHOOD DEVELOPMENT PERMIT NO. 590185, IN THE FORM, EXHIBITS, TERMS AND CONDITIONS AS SET FORTH IN PERMIT NO. 450705;

3) CERTIFY ENVIRONMENTAL IMPACT REPORT NO. 130619 REMOVING PORTIONS RELATED TO HISTORICAL RESOURCES (5.4.1.2; 5.4.3.3; 5.4.4; 5.4.5; 5.4.6);

4) ADOPT THE MITIGATION MONITORING AND REPORTING PROGRAM AND DEVELOPMENT ALTERNATIVE WITH A MODIFICATION TO THE PARKING DESCRIBED IN THAT ALTERNATIVE AS DETAILED IN THE REVISED PERMIT AND THE MITIGATION MONITORING AND REPORTING PROGRAM;

5) DO NOT INCLUDE THE STATEMENT OF OVERRIDING CONSIDERATIONS, BUT INCLUDE TWO PERMIT CONDITIONS AS FOLLOWS: A) AN AMENDMENT TO THE CONDITIONAL USE PERMIT AND NEIGHBORHOOD DEVELOPMENT PERMIT IS REQUIRED PRIOR TO THE ISSUANCE OF DEMOLITION OR RELOCATION PERMITS FOR ANY BUILDING MORE THAN 45 YEARS OLD LOCATED WITHIN PROJECT BOUNDARIES; AND B) WITHIN 60 DAYS OF APPROVAL OF THIS PERMIT, EXHIBIT "A" SHALL BE REVISED TO REFLECT THE CITY COUNCIL ACTIONS, INCLUDING IDENTIFYING BUILDINGS WHICH ARE TO REMAIN TO THE SATISFACTION OF THE DEVELOPMENT SERVICES DEPARTMENT. Second by Young. Passed by the following vote: Lightner-yea, Faulconer-nay, Gloria-yea, Young-yea, DeMaio-nay, Frye-yea, Emerald-yea, Hueso-nay.



ITEM-S500: Fiscal Year 2010 Community Development Block Grant Program (CDBG) and Emergency Shelter Grant Program (ESG) Entitlements. (Citywide.)

(See memorandum from Bill Anderson dated 2/25/2009; CDBG Program Option B-2 (current staff recommendation); Option A (staff recommendation from 2/24/2009); and Option B-1 (staff data based on Council President Hueso's 2/24/2009 comments); Report to the City Council No. 09-009; memoranda from Councilmember Lightner dated 1/30/2009, Councilmember Faulconer dated 2/5/2009, Councilmember Gloria dated 2/1/2009, Councilmember Young dated 2/3/2009, Councilmember DeMaio dated 2/3/2009, Councilmember Frye dated 2/6/2009, Councilmember Emerald dated 2/6/2009, Councilmember Hueso dated 2/5/2009; and Jay Goldstone both dated 1/30/2009.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-920) ADOPTED AS AMENDED AS RESOLUTION R-304705

Authorizing the City Comptroller to accept Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development for the City's FY 2010 CDBG Program;

Authorizing the City Comptroller to accept Emergency Shelter Grant (ESG) funds from the U.S. Department of Housing and Urban Development for the City's FY 2010 ESG Program;

Authorizing the City Comptroller to accept the funding appropriations from SDHC for the Homeless Emergency Winter Shelter Program and the Regional Taskforce on the Homeless projects, contingent upon approval by the Housing Commission Board and the Housing Authority and contingent upon certification of fund availability by the City Comptroller;

Approving the funding allocations and recommendations for the City's FY 2010 CDBG Program set forth in Option B-2, contingent upon certification of fund availability by the City Comptroller, and declare that any additional discretionary CDBG Program income that becomes available to the City will be dedicated to the Housing Commission up to and until the Housing Commission's Fiscal Year 2010 allocation reaches \$1,277,478; and furthermore declare that any additional CDBG Program income received by the City beyond \$1,277,478 will be brought back to the City Council for final determination as to its disposition;

Approving the funding allocations recommendations for the City's FY2010 ESG Program and the San Diego Housing Authority Funding appropriations;

Authorizing the Mayor, or his designee, to negotiate and execute agreements, with those agencies for which projects and programs have been approved for CDBG and ESG funding, contingent upon certification of fund availability by the City Comptroller;

Authorizing the City Comptroller to appropriate and expend the CDBG funds for the City's Funding Obligations and those projects and programs approved for CDBG and ESG funding, contingent upon adoption of the FY 2010 Appropriation Ordinance and contingent upon certification of funds availability by the City Comptroller;

Declaring that the City's Funding Obligations and those projects and programs approved for CDBG and ESG funding be incorporated into the City's FY 2010 Five-Year Consolidated Plan and Annual Action Plan;

Authorizing the Mayor, or his designee, to suspend the initiation of new HUD Section 108 Loans during FY 2010 that rely on CDBG and/or General Funds as a repayment source.

STAFF SUPPORTING INFORMATION:

The Federal Housing and Community Development Act of 1974 established the Community Development Block Grant (CDBG) Program, which is administered by the Department of Housing and Urban Development (HUD). The City of San Diego (City) has received CDBG Entitlement funds annually since its inception. The overarching goal of the CDBG Program is to develop viable urban communities through the provision of decent housing, suitable living environments, and economic activities for persons of low and moderate income. The City has not yet received confirmation from HUD of the federal entitlement amounts to be awarded to the City for FY 2010. However, HUD has indicated that the City should proceed with an allocation process to meet the existing deadlines. As such, the FY 2010 CDBG entitlement budget being presented for approval represents an estimated breakdown that includes a 10% reduction from FY 2009. Based on a 10% reduction formula, the City's CDBG entitlement grant amount for FY 2010 totals \$13,366,448 which is a \$1,486,073 reduction from Fiscal Year 2009.

Once HUD confirms the City's actual FY 2010 CDBG and ESG Entitlement Fund amounts, a second allocation hearing will be scheduled to incorporate additional increases to the funding levels being presented in this action. As with this action, additional FY 2010 CDBG Entitlement funding considerations will be limited to the 107 eligible FY 2010 CDBG Applications. In accordance with Council Policy 700-02 "Community Development Block Grant Program", each Councilmember identifies their respective funding priorities in a written memorandum, which is then submitted to the CDBG Office. The Mayor's Office puts forth funding recommendations for discretionary funding in the "Citywide" category and forwards them to the CDBG Office. Option A (Attachment 1), Option B-1 (Attachment 2), and Option B-2 (Attachment 3) are being presented as three alternatives for Council to determine and approve the City's FY 2010 CDBG Funding Obligations budget and respective funding recommendations forwarded by the Mayor and each Council office. The City is also required to make recommendations for the ESG Program. The FY 2010 ESG entitlement budget of \$598,129 represents a 10% reduction from FY 2009. For FY 2010, the recommendation is to continue to allocate the City's ESG entitlement funds to support the City's Cortez Hill Family Center and the Homeless Emergency Winter Shelter Program. In addition, SDHC has committed funds toward the Homeless Emergency Winter Shelter Program (\$380,000) and the Regional Task Force on the Homeless project (\$45,000). Acceptance of SDHC funds and approval for the funding of these projects is also being presented to Council.

FISCAL CONSIDERATIONS:

Funding available from the CDBG and ESG Entitlement Programs and the San Diego Housing Commission.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The FY 2010 CDBG and ESG application process was noticed on the City of San Diego's website, and notices were mailed to the City's CDBG mailing database which includes names and addresses of over 500 potential applicants. The Availability of Funds was also noticed in the San Diego Union Tribune newspaper and the Daily Transcript.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Residents of low and moderate income communities; community based organizations; community planning groups; and other community development organizations.

Murray/Anderson

Paul F. Prather – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:54 p.m. – 3:52 p.m.)

MOTION BY DEMAIO TO ADOPT OPTION B-2 AS AMENDED WITH THE UNDERSTANDING THAT FUNDS REDUCED FROM THE HOUSING COMMISSION WILL RECEIVE FIRST PRIORITY, IF ADDITIONAL FUNDS BECOME AVAILABLE, WITH THE REQUIREMENT THAT ADDITIONAL FUNDING BEYOND \$1,277,478 WILL BE BROUGHT BACK TO COUNCIL FOR FINAL DETERMINATION AS TO ITS DISPOSITION; THE MAYOR'S OFFICE SHALL COME BACK WITHIN ONE YEAR WITH A THREE-YEAR PLAN PROJECTING OVERHEAD COSTS AND WITH IDEAS TO REDUCE OVERHEAD COSTS; AND TO ACCOMMODATE COUNCIL MEMBERS' REQUESTS FOR CHANGES IN ALLOCATIONS AS READ INTO THE RECORD. Second by Emerald. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Hueso at 3:56 p.m. in honor of the memory of:

Mrs. Maude Warring Kennedy as requested by Council Member Emerald.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 3:53 p.m. – 3:56 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego