

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MARCH 10, 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 Pro Tem Faulconer at 10:10 a.m. The meeting was recessed by Council President Pro Tem Faulconer at 11:30 a.m. to convene into Closed Session and thereafter for the noon recess to reconvene the regular Council Meeting at 2:00 p.m.

The meeting was reconvened by Council President Pro Tem Faulconer at 2:02 p.m. with Council Member Emerald and Council President Hueso not present. Council President Pro Tem Faulconer recessed the regular meeting at 2:14 p.m. to convene the Redevelopment Agency. The regular meeting was reconvened by Council President Pro Tem Faulconer at 2:15 p.m. with Council President Hueso not present. Council President Pro Tem Faulconer recessed the meeting at 2:19 p.m. to reconvene the Redevelopment Agency. Council President Pro Tem Faulconer reconvened the regular meeting at 2:20 p.m. with Council President Hueso not present. Council President Pro Tem Faulconer convened a Joint Public Hearing with the Redevelopment Agency at 3:19 p.m. Council President Pro Tem Faulconer reconvened the regular meeting at 3:20 p.m. with Council President Hueso not present. Council President Pro Tem Faulconer recessed the meeting at 4:58 p.m. to reconvene the Redevelopment Agency. Council President Pro Tem Faulconer reconvened the regular meeting at 5:17 p.m. with Council President Hueso not present. The meeting was adjourned by Council President Pro Tem Faulconer at 5:24 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-not 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-not present
- (8) Council Member Hueso-not present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on prayer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:32 a.m. – 10:33 a.m.)

PUBLIC COMMENT-2:

Dorothy Lazenby commented on senior housing violations.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:33 a.m. - 10:36 a.m.)

PUBLIC COMMENT-3:

Hud Collins commented on City finances.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:36 a.m. - 10:39 a.m.)

PUBLIC COMMENT-4:

Robert M. Stader Jr. and Mary Jane Aalam commented on the seal pool.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. - 10:43 a.m.)

PUBLIC COMMENT-5:

Rudy Reyes and Lori Saldaña commented on medical cannabis.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-6:

Steve Bruce commented on ending starvation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m. – 10:50 a.m.)

PUBLIC COMMENT-7:

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

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. – 10:53 a.m.)

PUBLIC COMMENT-8:

Phil Hart commented on the airport.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:53 a.m. – 10:56 a.m.)

PUBLIC COMMENT-9:

Nathaniel Perez Hatcher Jr. commented on fiscal matters.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-10:

Izean Rim Jr. commented on public safety.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:00 a.m. – 11:01 a.m.)

PUBLIC COMMENT-11:

Crickett Bradburn commented on a memorial.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:01 a.m. – 11:04 a.m.)

PUBLIC COMMENT-12:

Jarvis Ross commented on the Development Services Department.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:06 a.m.)

PUBLIC COMMENT-13:

Katheryn Rhodes commented on Rose Canyon.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-14:

Rosalind Winstead commented on public input and transparency.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:13 a.m. – 11:14 a.m.)

PUBLIC COMMENT-15:

David Ross commented on the displaced in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:14 a.m. – 11:16 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Emerald commented on Rudy Reyes' Non-Agenda Public Comment. She also thanked the San Diego Municipal Employees Association for the recent Blood Drive.

FILE LOCATION: MINUTES

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

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



[ITEM-30:](#) Bill Nemeec Day.

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

Adopt the following resolution:

(R-2009-854)

ADOPTED AS RESOLUTION R-304710

Proclaiming March 10, 2009, as “Bill Nemeec Day” in the City of San Diego, and congratulating Bill Nemeec on his retirement as President of the San Diego Police Officers Association and his ongoing public service to the People and City of San Diego.

FILE LOCATION: AGENDA

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

MOTION BY YOUNG 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-not present.



[ITEM-31:](#) Sony Online Entertainment Day.

COUNCILMEMBER DEMAIO'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-859) ADOPTED AS RESOLUTION R-304711

Recognizing Sony Online Entertainment for its commitment to economic growth and community service;

Proclaiming March 16, 2009, to be "Sony Online Entertainment Day" in the City of San Diego.

FILE LOCATION: AGENDA

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

MOTION BY DEMAIO 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-not present.



[ITEM-32:](#) United for a Hate Free San Diego Day.

COUNCIL PRESIDENT HUESO'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-908) ADOPTED AS RESOLUTION R-304712

Proclaiming March 10, 2009, to be "United for a Hate Free San Diego Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:29 a.m.)

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

- * ITEM-50: California Department of Public Health Safe Drinking Water State Revolving Fund Loan Application.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/24/2009, Item 50. (Council voted 8-0):

(O-2009-93) ADOPTED AS ORDINANCE O-19837 (New Series)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a Safe Drinking Water State Revolving Fund Loan, Funding Agreement, Amendments, Reimbursement Claims, and Final Release form for the Project;

Authorizing the Mayor, or his designee, to designate revenues from Water Fund rates, charges and assessments, and financing proceeds as the dedicated source of revenue required under the Funding Agreement in an amount not to exceed \$33,275,113, and this dedication shall remain in full force and effect until such Funding Agreement is fully discharged, unless modification or change of such dedication is approved by the State of California;

Authorizing the City Engineer, or other registered engineer designated by the Mayor, to execute the Budget and Expenditure Summary and Certificate of Project Completion forms;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend an amount not to exceed \$12,000,000 for reimbursement by a State Revolving Fund loan and certifying that funds are available contingent upon the loan being secured;

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

Authorizing the \$12,000,000 loan to be repaid over 20 years at a 2.3086 percent rate;

Declaring that this activity is covered under the Alvarado Water Treatment Plant Upgrade & Expansion Environmental Impact Report LDR No. 98-0130, that there is no change in circumstance, additional information or project changes to warrant additional environmental review and that this Project is not a separate project for purposes of review under the California Environmental Quality Act (CEQA), per CEQA Guidelines Sections 15060(c)(3) and 15378(c).

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:22 a.m.)

CONSENT MOTION BY DEMAIIO 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-not present.

- * ITEM-51: Fire Sprinkler Retrofitting for High Rise Buildings. (Centre City Community Area. District 2.)

(See memorandum from the City Attorney dated 2/19/2009 and Independent Budget Analyst Report No. 09-05.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/24/2009, Item 330. (Council voted 7-1. Councilmember Young voted nay):

(O-2009-92 Rev.) ADOPTED AS ORDINANCE O-19838 (New Series)

Amending Chapter 5, Article 5, Division 9, of the San Diego Municipal Code by amending Section 55.0903, pertaining to Fire Protection and Prevention, to read as follows:

It is unlawful for any owner of a high-rise building to allow any person to occupy any portion of a high-rise building after February 1, 2010, where occupancy has been authorized pursuant to this section, except where: (1) the occupant is performing minimal maintenance to prevent the high-rise building from being in an unsafe condition; or (2) the occupant is performing construction or maintenance to the building related to the installation or maintenance of an automatic fire sprinkler system; or (3) an approved fire sprinkler system has been completely installed.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:22 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-not present.

- * ITEM-52: Petrie Residences, Changing 0.55 Acres Located at 3520 Dove Court (North of Walnut Avenue/Eagle Street). (Uptown Community Plan Area. District 2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/24/2009, Item 340, Subitem F. (Council voted 8-0):

(O-2009-101) ADOPTED AS ORDINANCE O-19839 (New Series)

Changing 0.55 acres located at 3520 Dove Court, within the Uptown Community Plan Area, in the City of San Diego, California, from the RS-1-1 Zone into the RS-1-4 and RS-1-7 Zones, as defined by the San Diego Municipal Code. Section 131.0403; and repealing Ordinance No. O-17306 (New Series), adopted May 30, 1989, 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: 10:29 a.m. – 10:22 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-not present.

- * ITEM-100: Awarding a Contract to Metcalf and Eddy for Engineering Consultant Services for the Design of the Metropolitan Biosolids Center (MBC) Additional Biosolids Storage Silos 9 and 10.

(See Engineering and Capital Projects Department's 12/31/2008, Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-879) ADOPTED AS RESOLUTION R-304713

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with Metcalf and Eddy for engineering and consultant services for the design of the Metropolitan Biosolids Center Additional Biosolids Storage Silos 9 and 10, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$883,233 from CIP-45-984.0, MBC Additional Biosolids Storage Silos Nos. 9 and 10, Sewer Fund 41509, solely and exclusively, to provide funds for the Agreement with Metcalf and Eddy for engineering and consultant services for the design of the Metropolitan Biosolids Center Additional Biosolids Storage Silos 9 and 10;

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

Declaring that the above activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3) because the activity is categorically exempt as an existing facility pursuant to State CEQA Guidelines Section 15301.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/07/2009, NR&C voted 4 to 0 to approve. (Councilmembers Lightner, DeMaio, Frye, and Emerald 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 biosolids from the Point Loma Wastewater Treatment Plant (PLWTP) and the North City Water Reclamation Plant (NCWRP) are dewatered and transferred to a Biosolids Storage and Loading Facility which houses eight (8) storage silos and two (2) truck loading bays. These dewatering, storage and truck loading operations are core plant functions which are critical to system-wide operations and the ability to maintain these operations at a capacity level that matches or exceeds process demands. To comply with the demand, all eight existing silos should be in operation. Failure to meet excess demand will result in permit compliance issues.

The mechanical equipment associated with the storage silos and truck loading operations is over 10 years old and recent increases in the frequency of repairs to the associated equipment indicate that the equipment is nearing the end of its useful life. In order to restore reliability to these critical biosolids storage and truck loading processes, while processing the required capacity levels needed to avoid spills, additional storage must be incorporated. This additional storage will allow for the needed equipment replacement and silo retrofitting needed for the eight existing silos while continuing to process all the biosolids. It will also provide additional biosolids storage capacity for anticipated higher future needs.

This contract will provide the following consultant design and construction support services:

- Installation of new Area-86 Silos Nos. 9 and 10 including all appurtenant equipment (silo cake feeders, conveyors, cake pumps, and hydraulic systems);
- Installation of new cake piping, valves, foul air ducting, dampers and auxiliary piping connecting the new silos to the existing silo systems;
- Installation of all structural foundations and supports including access stairs, ladders, platforms, catwalks, lifting equipment and safety tie-offs for the new silo systems;
- Installation of all electrical equipment, wiring/conduits and all control/instrument devices and systems compatible with MBC's Distributed Control System (DCS).

The City of San Diego advertised for Professional Consultant Services for Design and Construction Assistance Services for the MBC Additional Biosolids Storage Silos. Three firms responded to the advertisement. Interviews were conducted on April 22, 2008, in conformance with Council Policy 300-7 and Administrative Regulation 25.6 and Metcalf & Eddy (M & E) was selected.

EQUAL OPPORTUNITY CONTRACTING INFORMATION:

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: \$235,620.00 Certified Firms (30.47%)
\$23,762.00 Other Participation (3.08%)

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

FISCAL CONSIDERATIONS:

The total estimated project cost for the professional design services and construction support is \$883,233.00 and is available in CIP-45-984.0, MBC - Additional Biosolids Storage Silos Nos. 9 and 10, Fund 41509, Sewer, for this purpose. This project is funded in Fiscal Year 2009. The project cost for the sewer portion of \$883,233.00 may be reimbursed approximately 80% by current or future debt financing.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS:

The Committee on Natural Resources and Culture on January 7, 2009, consent motion by Councilmember Emerald, second by Councilmember Lightner. 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. 2900577.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:22 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-not present.

- * ITEM-101: Consultant Agreement with Brown and Caldwell for Preparation of the 2010 Urban Water Management Plan (UWMP).

(See Water Department's January 8, 2009, Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-803) ADOPTED AS RESOLUTION R-304714

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Consulting Agreement with Brown and Caldwell, for consulting services as related to the preparation of the 2010 Urban Water Management Plan (UWMP) and related services for the Water Department in an amount not to exceed \$400,000;

Authorizing the expenditure of an amount not to exceed \$400,000 in Water Fund 41500, Org. No. 8310, 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 not a project and is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2).

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/28/2009, NR&C voted 3 to 1 to approve. (Councilmembers Lightner, DeMaio, and Frye voted yea. Councilmember Emerald voted nay.)

SUPPORTING INFORMATION:

The City of San Diego Water Department (City) is required by the Urban Water Management Planning Act (Act), California Water Code Sections 10610 through 10657, to prepare and adopt an Urban Water Management Plan (UWMP) every five years, in years ending in five and zero.

This Plan is to be filed with the Department of Water Resources (DWR) and is used as a water resources planning tool to ensure a safe and adequate water supply over a 25-year planning horizon. Completion of this Plan helps ensure the City is eligible for funding from various State agencies to be used for projects that develop local water supplies. If a UWMP is not submitted and accepted, the City will not be eligible for State funding opportunities.

The City issued a Request for Proposals for the 2010 UWMP Consulting Services on August 21, 2008, and advertised in the San Diego Daily Transcript and on the City's website. Two (2) firms submitted proposals on October 1, 2008. On October 27, 2008, the firms were interviewed by a selection panel that consisted of staff from the Water Department and a representative from the San Diego County Water Authority. Brown and Caldwell 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 primary task of the consultant will be to research, develop and prepare the 2010 UWMP for the City. The "Guidebook for the Urban Water Management Plan" (Guidebook), developed by DWR, will be used in the preparation and filing of the 2010 UWMP. The consultant will be responsible for satisfying the requirements of the Guidebook to the complete satisfaction of DWR, and in providing to the City the 2010 UWMP which satisfies the City's obligation under the Act. In addition, the consultant will perform work which will support the 2010 UWMP, including updating portions of the Long-Range Water Resources Plan (LRWRP) relating to water resources planning and supply diversification. The consultant will also provide technical

reports related to the latest issues which affect the risk, reliability and quality of our water supplies such as global warming, greenhouse gases, energy efficiency, drought and other regional water supply issues. The work on the updated LRWRP and technical reports will be folded into and/or summarized in the appropriate sections of the 2010 UWMP.

Brown and Caldwell has the expertise, experience and personnel necessary to provide the professional services. The City will pay Brown and Caldwell for performance of all Professional Services rendered in accordance with the Agreement, in an amount not to exceed \$400,000.

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).

FISCAL CONSIDERATIONS:

Funding for the \$400,000 is available from the Water Department Fund 41500, Organization Number 8310.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was discussed and approved by The Committee on Natural Resources and Culture (NR&C) by a vote of 3-1, on January 28, 2009.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

As part of the adoption of the 2010 UWMP, the City will conduct meetings for internal and external stakeholders. On January 12, 2009, the Independent Rates Oversight Committee (IROC) voted to support this agreement.

KEY STAKEHOLDERS:

As an initiative to meet the goals of the state guidelines, the City water rate payers are stakeholders. In addition, City staff, regional water agencies and the water industry will use this plan as a water resources planning tool to understand the City's water planning and to ensure a safe and adequate water supply over a 25-year planning horizon.

Ruiz/Jarrell

Aud. Cert. 2900576.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:22 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-not present.

- * ITEM-102: Change Order No. 1 with Burtech Pipeline, Inc., for Water Group 3000 – Sewer Main Replacement. (Kensington-Talmadge Community Area. District 3.)

(See Engineering and Capital Projects Department's 1/21/2009, Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-849) ADOPTED AS RESOLUTION R-304715

Approving Change Order No. 1, dated December 12, 2008, issued in connection with the contract between City and Burtech Pipeline, Inc., in an amount not to exceed \$954,830.25 for the construction of Water Group 3000;

Authorizing the expenditure of an amount not to exceed \$1,174,830.25 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacements, solely for the construction, contingency, and Project related costs, for Change Order No. 1 and other related costs of Water Group 3000 (Water Group 705), 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 City Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves;

Declaring that this activity is covered under Project No. LDR File No. 42-0889, dated January 27, 2003. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental document adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of California Environmental Quality Act (CEQA) review per CEQA Guidelines Sections 15060(c)(3) and 15378(c).

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:

Water Group 3000 is part of the City of San Diego's cast iron Water Main Replacement Program as mandated by Department of Health Services Compliance Order No. 04-14-96-022 - and is currently in construction with Burtech Pipeline, Incorporated. Water Groups 464B and 753 are located in the Centre City Community and Water Group 705 is located in the Kensington-Talmadge community. These projects include the replacement of approximately 9,963 total linear feet of water mains: 3,600 linear feet (0.67 miles) for Water Group 464B; 3,825 linear feet (0.72 miles) for Water Group 705; and 2,538 linear feet (0.48 miles) for Water Group 753. It also includes installing curb ramps and street resurfacing. Originally these projects were intended to be advertised individually. In order to expedite their construction, they were grouped under one construction contract known as Water Group 3000. The total cost for construction of Group 3000 is \$2.6 million for 1.91 miles of water main replacement.

During installation of water mains along Natalie Drive, the contractor discovered badly deteriorated sewer lateral connections. Further investigation by MWW Operations resulted in a recommendation for the immediate replacement of approximately 3,367 linear feet (0.64 miles) of the deteriorated 8-inch sewer main, along the same alignment of the water main. Immediate replacement is necessary in order to avoid imminent failure of the existing pipeline and surrounding right-of-way improvements. Not replacing it will increase the chances of sewer spills, sewer back-ups, and could jeopardize the integrity of the surrounding infrastructure.

The streets affected by construction operations of Water Group 705 portion of this project are Constance Drive, Natalie Drive, Adams Avenue, and Madison Avenue, as shown on the attached location map. In order to make this change order effort economically advantageous, this sewer main replacement construction change order will be work added to the water main replacement of Water Group 705 already in progress. By doing so, a considerable reduction in inconveniences to the community would be realized by utilizing the existing contractor and their familiarity with the area's field conditions. Also, by completing this work at present, the need to return for future infrastructure work will be eliminated.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego - Prevailing wages does not apply to this Contract.

Goals: The original subcontracting goals were as follows: 16% Mandatory Subcontractor Participation Goal, 5% Advisory Participation Goal Disadvantaged Business Enterprise (DBE), 1% Advisory Participation Goal Disabled Veteran Business Enterprise (DVBE), 10% Advisory Participation Goal Other Business Enterprise (OBE).

Other: Staff will continue to monitor adherence to the Nondiscrimination Ordinance and compliance with SCOPe on all pending and future change orders.

FISCAL CONSIDERATIONS:

The total estimated cost of this sewer main replacement construction Change Order No. 1 is \$1,174,830.25. Sewer funding of \$1,174,830.25 is available in CIP-44-001.0, Annual Allocation-Sewer Main Replacements, Fund 41506, Sewer, for this purpose. The project costs for the sewer portion of \$1,174,830.25 may be reimbursed approximately 80% by current or future debt financing. This project is scheduled to be funded in Fiscal Year 2009. No future funding is anticipated.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTIONS:

Water Group 3000 project was presented to the Natural Resources and Culture Committee for information only on February 21, 2007; Council Resolution (R-303441), dated March 14, 2008, awarded the contract for Water Group 3000. 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 Kensington Committee in January 2003. Residents and businesses were notified by mail prior to construction beginning by the contractor through hand distribution of notices and will again be notified prior to start of work for the sewer replacement project.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

The key stakeholders are the general contractor, Burtech Pipeline, Inc., and the community. The community will encounter minor inconveniences during construction. After completion, residents will experience improved reliability of the water and sewer distribution system.

Boekamp/Jarrell

Aud. Cert. 2900609.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:22 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-not present.

* ITEM-103: Water Easement Exchange with Port District - North Harbor Drive. (Centre City Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-910) ADOPTED AS RESOLUTION R-304716

Authorizing the Mayor, or his designee, to accept an Easement Deed, executed by the San Diego Unified Port District, donating a water easement across that portion of Municipal Tide Lands Tract No. 1, according to Map No. 564, as detailed on City Engineer Drawing No. 345666-D;

Authorizing the Mayor, or his designee, to execute and deliver a Quitclaim Deed in favor of the San Diego Unified Port District, conveying all of the City's right, title, and interest in and to that portion of the water easement crossing Municipal Tide Lands Subdivision Tract No. 1, transferred to the San Diego Unified Port District by Map 564, filed on May 28, as Document No. 76-164686, as detailed on City Engineer Drawing No. 34666-D.

STAFF SUPPORTING INFORMATION:

The Water Main Replacement, Group 3008 Project is part of a program established by the City of San Diego and the California Department of Public Health mandating the eventual replacement of all cast iron water mains currently in service throughout the City. The exchange of water easement rights requested in this item is necessary to facilitate construction of the Group 3008 project, which calls for the replacement of existing cast iron lines that are old and deteriorated. Existing 16" cast irons lines will be replaced with a 16" PVC line, which will lend increased reliability to the water service in the area. Once the new service is in place, the existing line will be physically abandoned and slurry-filled, and the existing easement rights will be abandoned and quitclaimed to the Port.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City Council adopted Resolution Nos. R-304372 and R-304373 on November 18, 2008, thereby approving the Plans and Specifications, and authorizing the advertise and award process for Water Main Replacement Group 3008, as well as declaring that a Mitigated Negative Declaration (Project No. 130739) had been reviewed and completed.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This Project was presented to the Paradise in Progress Review Group, Paradise in Progress Workshop, and numerous coordination meetings and presentations have taken place for over a year with the San Diego Airport Authority, Centre City Development Corporation, Port of San Diego, and the Port Tenant's Association. Additionally, the contractor will be required to hire a public information consultant throughout the duration of the project, to keep everyone updated on progress, answer questions, and provide notifications prior to construction activities. Further, area residents and businesses will be notified by the City's Engineering and Capital Projects Department at least one (1) month prior to construction commencing, and again ten (10) days before by the Contractor, through hand distribution of Notices.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The San Diego Unified Port District and their numerous tenants along the project corridor will benefit greatly from the water main replacement, and the City of San Diego will eliminate the potential maintenance burden of the old line.

Barwick/Goldstone

Staff: Stephen Geitz - (619) 236-6311
Brock Ladewig - Deputy City Attorney

FILE LOCATION: Deed File - F-10350

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:22 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-not present.

- * ITEM-104: Authorize City Officials to Perform Actions Necessary to Obtain Certain Federal and State Financial Assistance for Catastrophic Events. (Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-837) ADOPTED AS RESOLUTION R-304717

Authorizing the Mayor, the Chief Operating Officer, the Fire Chief, and the Office of Homeland Security Program Manager to execute, for and on behalf of the City, applications and documents for the purpose of obtaining certain federal and state financial assistance to the California Office of Emergency Services;

Authorizing as agents the Mayor, the Chief Operating Officer, the Fire Chief, and the Office of Homeland Security Program Manager, for and on behalf of the City, to provide to the California Office of Emergency Services for all matters pertaining to such federal and state disaster assistance the assurances and agreements required;

Authorizing the Mayor, the Chief Operating Officer, the Fire Chief, and the Office of Homeland Security Program Manager to execute, for and on behalf of the City, applications and documents for the purpose of obtaining certain federal and state financial assistance to the California Emergency Management Agency;

Authorizing as agents the Mayor, the Chief Operating Officer, the Fire Chief, and the Office of Homeland Security Program Manager, for and on behalf of the City, to provide to the California Emergency Management Agency for all matters pertaining to such federal and state disaster assistance the assurances and agreements required;

Declaring that this is a universal resolution and is effective for all open and future disasters;

Rescinding Resolution No. R-303296, adopted January 8, 2008;

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:

This resolution updates and replaces Resolution No. R-303296, adopted on January 8, 2008, which authorized designated City officials to execute and file, on behalf of the City, applications and documents for the purpose of obtaining certain federal financial assistance under Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988, and/or state financial assistance under the California Disaster Assistance Act. This action is needed to update the Authorized Agents with the recent change in the City's organization structure. The California Governor's Office of Emergency Services requires a resolution designating City officials under the Strong Mayor form of government, who are authorized to execute and file, for and on behalf of the City, applications and documents for the purpose of obtaining financial assistance to assist the City in recovering costs associated with a declared local emergency.

FISCAL CONSIDERATIONS:

Funding received from financial assistance programs directly support the City's ability to respond to and recover from a catastrophic event.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):

Not applicable.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Resolution No. R-303296 approved by the Council on January 8, 2008.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Not applicable.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Citizens of San Diego
City of San Diego Office of Homeland Security
State of California Governor's Office of Emergency Services
Federal Emergency Management Agency
U.S. Department of Homeland Security (DHS)

Jarman/Goldstone

Staff: Donna Faller - (619) 533-6763
Rachel C. Lipsky - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:22 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-not present.

* ITEM-105: Authorize City Officials to Accept, Appropriate, and Expend Certain Grant Funds related to Homeland Security. (Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-855) ADOPTED AS RESOLUTION R-304718

Authorizing as the City's authorized agent the Mayor, Chief Operating Officer, Fire Chief, or the Program Manager for the Office of Homeland Security, to accept, appropriate and expend grant funds from the FY07 Homeland Security Grant Program, the FY08 Emergency Management Performance Grant, the FY07

Public Safety Interoperable Communications Grant Program and the FY08 Homeland Security Grant Program;

Authorizing the Mayor, Chief Operating Officer, Fire Chief, or Program Manager for the Office of Homeland Security to take all necessary steps to secure the grant funds, and to execute and submit all documents necessary to comply with the FY07 Homeland Security Grant Program, the FY08 Emergency Management Performance Grant, the FY07 Public Safety Interoperable Communications Grant Program and the FY08 Homeland Security Grant Program grant requirements;

Declaring that this activity is not a "project" and is therefore not subject to CEQA per CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

This resolution updates and supercedes Resolution R-303807 for the FY07 PSIC grant adopted on June 10, 2008, Resolution R-303753 for the FY08 EMPG Grant adopted on May 30, 2008, Resolution R-302490 for the FY07 HSGP Grant adopted on April 2, 2007, and Resolution R-304213 for the FY08 HSGP grant adopted on October 17, 2008, which authorized designated City officials to execute and file, on behalf of the City, to apply for, accept, appropriate and expend grant funds and to take all necessary actions to secure the grant funds and execute all agreements necessary to comply with the grant program requirements. The California Governor's Office of Homeland Security requires a resolution designating specific City officials to act on behalf of the governing body.

Jarman/Goldstone

Staff: Donna Faller - (619) 533-6763
Lori M. Thaker - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:22 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-not present.

- * ITEM-106: Memorandum of Understanding Between the City of San Diego, the County of San Diego, and the San Diego County Water Authority for Integrated Regional Water Management Planning.

(See Water Department's January 8, 2009, Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-816) ADOPTED AS RESOLUTION R-304719

Authorizing the Mayor, or his designee, to execute a Memorandum of Understanding (MOU) between the City of San Diego, the County of San Diego, and the San Diego County Water Authority, for a term not to exceed five years, to implement the Integrated Regional Water Management Plan and Grant Program (Program) and pursue State Propositions 84 and 1E grant funding;

Authorizing the Mayor, or his designee, to execute amendments to the MOU as necessary to administer the Program;

Authorizing the Mayor, or his designee, to take all necessary actions to implement and secure Program grant funding, including conducting negotiations and executing documents necessary for receipt, expenditure, and/or distribution of funds awarded as a result of participating in this Program;

Authorizing the expenditure of an amount not to exceed \$300,000 from Water Fund 41500, Organization 861, solely and exclusively, for the purpose of pursuing additional State Propositions 84 and 1E grant funding pursuant to the MOU, 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 appropriate reserves;

Declaring that this activity is not a project and is therefore not subject to the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15060(c)(2) and that individual projects that receive grant funding will be subject to further CEQA review and approval.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/28/2009, NR&C voted 4 to 0 to move the staff recommendation forward and to require this item to come back to the NR&C Committee with a list of projects to be included for funding. (Councilmembers Lightner, DeMaio, Frye, and Emerald voted yea.)

SUPPORTING INFORMATION:

Proposition 50 was approved by the voters in 2002 and provided approximately \$390 million for IRWM Planning statewide. Identified as a key initiative in the California Department of Water Resources' (DWR) 2005 Water Plan, IRWM Planning is intended to offer an integrated, balanced and consensus approach to ensuring the long-term viability of water supplies, water quality and natural resources throughout the State.

Per the requirement of Proposition 50 IRWM Program guidelines, three entities (two of which must have statutory control of water supplies) formed a Regional Water Management Group (RWMG) for the San Diego region in 2005: the City, the County Water Authority and the County of San Diego. Per the terms of the 2005 MOU, each of these organizations provided \$300,000 plus staff resources to prepare the region's first IRWM Plan and submitted the region's application for grant funding in 2007. The Water Authority serves as lead agency among the three and secured the \$900,000 consultant contract which has since been exhausted.

In July 2008, the region was awarded the maximum \$25 million of Proposition 50, Chapter 8 grant funds to help fund 19 critical projects in the region. Of the \$25 million, \$4,550,515 will directly benefit Water Department conservation and water recycling programs and \$257,732 will benefit a Storm Water Department project. Several other projects also benefit the City such as Reservoir Watershed property acquisitions at San Vicente and El Capitan. The Water Authority anticipates signing an implementation agreement with the California Department of Water Resources once the current State budget freeze passes. The City will, in turn, enter into an agreement with the Water Authority to receive the grant funding for City managed projects. Resolution Number R-300517 adopted by Council on June 13, 2005, authorizes the Water Department Director to secure IRWM Program Funding related to Proposition 50, including executing documents necessary for receipt, expenditure, and/or distribution of funds awarded as a result of participating in the Program.

Proposition 84 was approved by the voters in 2006 and provides an additional \$1 billion for IRWM Planning statewide. Additionally, California voters passed Proposition 1E in 2006 which provides \$300 million statewide for flood management and storm water projects identified in an IRWM Plan. The City and other RWMG members are interested in renewing their leadership role and updating the region's 2007 IRWM Plan to align with Propositions 84 and 1E funding guidelines; solicit and select projects; and, submit a grant application(s) to DWR. A new MOU is required to address this new effort. Each of the three RWMG partners is committed to providing an additional \$300,000 to accomplish these tasks for a total of \$900,000 and staff resources.

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).

FISCAL CONSIDERATIONS:

Funding for the \$300,000 is available from the Water Department Fund 41500, Organization Number 861.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On June 13, 2005, the City Council adopted Resolution R-300517 authorizing the City Manager to execute the initial MOU and authorizing the expenditure of \$100,000 to cover the City's equal share of the funding to implement the initial MOU. On June 26, 2007, City Council adopted Resolution R-302766 authorizing the Mayor to execute Amendment No. 1 to the MOU, and authorizing the expenditure of \$200,000 to cover the City's equal share of the funding to implement the Amendment. On December 18, 2007, the City Council authorized the Mayor to adopt the 2007 San Diego Regional Water Management Plan with Resolution R-303237. On January 28, 2009, this item was presented to the Natural Resources & Culture Committee. By a vote of 4-0, the NR&C Committee approved the staff recommendation and supported moving the item forward for Council deliberation with the understanding that this item would come back to the NR&C Committee prior to the submittal of the grant application with the list of recommended projects identified for funding.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The RWMG created the Regional Advisory Committee (RAC) to provide for community participation in the IRWM Planning process. The RAC consists of 27 community members from diverse water supply, water quality and watershed groups from the greater San Diego area. The RAC bi-monthly meetings are posted and open to the public. On January 12, 2009, this Agreement was reviewed and supported by the Independent Rates Oversight Committee (IROC).

As part of the update to San Diego's IRWM Plan for Proposition 84 funding, City staff will participate in outreach sessions throughout the greater San Diego region. For more information, see: www.sdirwmp.org.

KEY STAKEHOLDERS:

City of San Diego residents, Water Authority member agencies, and the Regional Advisory Committee.

Bruce/Barrett

Aud. Cert. 2900578.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:22 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-not present.



ITEM-107: General Fund User Fee Policy. (Citywide.)

(See Chief Financial Officer's memorandum dated 2/25/2009, memorandum (Proposed) dated 2/12/2009, memorandum (General) dated 2/12/2009, and PowerPoint dated 2/12/2009; Independent Budget Analyst Report No. 09-08; and Report to the City Council No. 09-014.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-912) ADOPTED AS AMENDED AS RESOLUTION R-304723

Approving Report No. 09-014 of the Financial Management Department and the User Fee Policy.

BUDGET AND FINANCE COMMITTEE'S RECOMMENDATION:

On 2/25/2009, Budget voted 3 to 0 to 1) Approve the User Fee Policy; 2) Present all proposed fee increases to the Budget and Finance Committee before going to Council; 3) Identify efficiencies that might lower a fee from its baseline cost; and 4) Return to the Budget and Finance Committee on 9/09/2009, with a draft comprehensive Fee Study. (Councilmembers Gloria, Young, and DeMaio voted yea. Councilmembers Faulconer and Emerald not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:37 p.m. – 4:58 p.m.)

MOTION BY GLORIA TO ADOPT AS AMENDED TO APPROVE THE GENERAL FUND USER FEE POLICY AS PRESENTED BY THE CHIEF FINANCIAL OFFICER WITH THE EXCEPTION THAT THE TWO SENTENCES ON PAGE 5 (000427 OF THE OFFICIAL DOCKET MATERIAL) READING: "REVISIONS TO THE FEES SHALL INCORPORATE SAVINGS FROM EFFICIENCY REFORMS. DEPARTMENTS SHALL INCLUDE THESE EFFICIENCY SAVINGS IN THEIR COST ANALYSIS TO DETERMINE FEES," BE REMOVED FROM THE POLICY AND INCORPORATE THE INDEPENDENT BUDGET ANALYST'S SUGGESTION TO ADD THE FOLLOWING LANGUAGE ON PAGE 5 (000427 OF THE OFFICIAL DOCKET MATERIAL): "THE FEE PROPOSALS THEN SHALL BE REVIEWED BY THE BUDGET AND FINANCE COMMITTEE WITH SUBSEQUENT APPROVAL BY THE CITY COUNCIL," AT PAGE 000425 UNDER ANNUAL REVIEW PROCESS. Second by Lightner. Passed by the following vote: Lightner-yea, Faulconer-nay, Gloria-yea, Young-yea, DeMaio-nay, Frye-yea, Emerald-yea, Hueso- not present.

* ITEM-108: Appointment and Reappointments to the Board of Library Commissioners.

(See memorandum from Mayor Sanders dated 2/17/2009, with resume attached.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2009-858) ADOPTED AS RESOLUTION R-304720

Council confirmation of the following appointment and reappointments by the Mayor of the City of San Diego, to serve as members of the Board of Library Commissioners, for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Alan Ziegus (Downtown San Diego, District 2) (Replacing Susan Lew, who is not seeking reappointment)	March 1, 2010
Salvatore Giametta (Little Italy, District 2) (Reappointment)	March 1, 2011
Katie Sullivan (Scripps Ranch, District 5) (Reappointment)	March 1, 2011

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:22 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-not present.

* ITEM-109: Reappointments to the Board of Building Appeals and Advisors.

(See memorandum from Mayor Sanders dated 2/18/2009.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2009-905) ADOPTED AS RESOLUTION R-304721

Council confirmation of the following reappointments by the Mayor of the City of San Diego, to serve as members of the Board of Building Appeals and Advisors, for terms ending as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
James Arnold (Rancho Peñasquitos, District 1) (Reappointment)	Disabled Community Representative	March 1, 2011
Cameron Duncan (Bay Park, District 6) (Reappointment)	Structural Engineer	March 1, 2011

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:22 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-not present.

* ITEM-110: Mid-City Little League Day.

COUNCILMEMBER GLORIA'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-885) ADOPTED AS RESOLUTION R-304722

Commending the Mid-City Little League for its 60 years of service to the San Diego community;

Proclaiming March 7, 2009, to be "Mid-City Little League Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:22 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-not present.



ITEM-330: Awarding Bid Contract for Furnishing Cationic Polymer for Water Treatment.

(See memorandum from Beryl Bailey Rayford dated 10/16/2008.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-723) ADOPTED AS RESOLUTION R-304724

Authorizing the Mayor, or his designee, to award and execute, for and on behalf of the City, an Agreement with Polydyne, Inc., per Bid No. 9387-08-W, for the purpose of furnishing cationic polymer as may be required for a one year period, for a total estimated cost of \$514,269.20 in the first year, with options to renew

the Agreement for four (4) additional one (1) year periods, for a total expenditure not to exceed \$3,909,340.52;

Authorizing the expenditure of an amount not to exceed \$514,269.20 from Water Fund 41500, Department 760, in the first year, with options to renew the Agreement for four (4) additional one (1) year periods with a potential price escalation not to exceed 20% of prices in effect at the end of each prior Agreement year, provided the Water Department accepts the option years within the maximum escalation per year, for a total expenditure over five years not to exceed \$3,909,340.52;

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 statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301.

STAFF SUPPORTING INFORMATION:

Bid 9387-08-W for the purchase of Cationic Polymer closed on June 13, 2008. Bids were requested for each of the City's three water treatment plants (Alvarado, Miramar, and Otay). Three (3) bids were received and the apparent low bidders were Polydyne for Alvarado and Miramar Water Treatment Plants and Ciba Specialty Chemical, Inc., for Otay Water Treatment Plant. Since Ciba's contract was for less than \$500,000, it is processed through an open purchase order request. Cationic polymer is used in the treatment process to enhance coagulation and as a filter aid to maximize particle removal through the treatment process. The bid is provided with the options to renew the contract for four (4) additional one (1) year periods with the price escalation not to exceed 20% of prices in effect at the end of each prior contract year.

FISCAL CONSIDERATIONS:

Authorizing the expenditure for this bid contract from the Water Fund 41500, Department 760, estimated at \$514,269.20 in the first year and total for five years shall not exceed \$3,909,340.52.

PREVIOUS COUNCIL COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable): Not applicable.

Ruiz/Barrett

Aud. Cert. 2900425.

Staff: Jim Fisher - (619) 527-7431
Raymond C. Palmucci - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:07 p.m.)

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-not present.



ITEM-331: Soledad Mountain Road Emergency Repair Project . (La Jolla Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-907) ADOPTED BY RESOLUTION R-304725

Authorizing the total expenditures for the Soledad Mountain Road and Desert View Drive Repair Projects, CIP-52-805.0, in an amount not to exceed \$27,235,975, on Work Order No. 992019;

Authorizing an increase to the Fiscal Year 2009 Capital Improvements Program budget in an amount not to exceed \$4,481,459 in Fund No. 38919, CIP-52-805.0, Soledad Mountain Road Emergency Repair;

Authorizing the City Comptroller to accept, appropriate, and expend an additional amount not to exceed \$4,481,459 from Fund No. 38919, CIP-52-805.0, Soledad Mountain Road Emergency Repair, bringing the total not to exceed amount to \$24,481,459 from grant funding sources;

Ratifying the Sole Source Consultant Agreement with Helenschmidt Geotechnical, Inc., and the amendments thereto, on file with the City Clerk as Document Nos. C-14414, C-14840-1, and C-14840-2, for the Soledad Mountain Road Emergency Repair Project, in the total amount of \$2,315,527 for Geotechnical Consultant Services related to the repair of damage caused by the landslide on Mount Soledad Road;

Authorizing the Mayor, or his designee, to negotiate and execute one or more amendments to the Construction Contract with Hazard Construction Company in a cumulative amount not to exceed \$2,315,749 consisting of \$1,386,425 for the repair of Soledad Mountain Road and \$929,324 for the repair of Desert View Drive; provided that the City Comptroller first furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$1,386,425 from Fund No. 38919, FHWA, CIP-52-805.0, Soledad Mountain Road Emergency Repair, solely and exclusively, to provide funds for the Construction Contract with Hazard Construction Company; provided that the City Comptroller furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$929,324 from Fund No. 18903, OES, CIP-52-805.0, Desert View Drive Alley (Job Order 528051), solely and exclusively, to provide funds for the Contract with Hazard Construction Company; provided that the City Comptroller furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Comptroller to transfer current and prior year General Fund expenditures in an amount not to exceed \$1,500,000 from Job Order 992019, Soledad Mountain Road, to CIP-52-805.0, Soledad Mountain Road Repair;

Authorizing the City Comptroller to appropriate and expend an amount not to exceed \$2,000,000 from Fund No. 30307, Prop 42, CIP-52-805.0, Soledad Mountain Road Repair, solely and exclusively, to provide the City's matching grant funds;

Authorizing the City Comptroller to transfer an amount not to exceed \$829,336 from Fund No. 30300, TransNet, CIP-59-021.0, Transportation Grant Matches, to CIP-52-805.0, Soledad Mountain Road Repair, solely and exclusively to provide the City's matching grant funds, provided that the City Comptroller furnishes one or more certificates demonstrating that the funds necessary for this transfer are, or will be, on deposit with the City Treasurer;

Authorizing the City Comptroller to appropriate and expend an amount not to exceed \$829,336 from CIP-52-805.0, Soledad Mountain Road Repair, solely and exclusively, for design, construction, and related project costs;

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

Declaring that the above activities are statutorily exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15269(a) as activities taken to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as the result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed. (BID-K084200)

STAFF SUPPORTING INFORMATION:

On October 3, 2007, a landslide occurred along the 5700 block of Soledad Mountain Road. On October 5, 2007, by Resolution R-303041, the City Council declared a state of emergency for the site. On December 18, 2007, by Resolution R-303265, the City Council authorized the Mayor to enter into contracts with consultants and contractors to repair the landslide and to apply for any available state and federal grant funding. The City initially estimated the landslide repair cost at \$20 million. All grant and contract authorizations were based on this preliminary estimate. However, during the course of construction, results of geotechnical investigations and subsequent damage assessments have resulted in a revised estimate of \$27,235,795. Due to the emergency nature of the Project, the City sole sourced a Geotechnical Consulting Contract to Helenschmidt Geotechnical Inc., for \$966,000 and a Construction Contract to Hazard Construction Company for \$15 million to immediately start evaluation and construction activities. In order to proceed with the emergency work, temporary funding was identified until

such time that state and federal funding were approved for the Project and reimbursements were received. Accordingly, on December 18, 2007, Resolution R-303265, and on June 25, 2008, R-303894, the City Council approved \$7.5 million and 2.27 million, respectively, to partially fund the emergency construction.

Immediately after the landslide occurred, staff applied for state and federal funding for the project to repair the landslide area and restore the roadways. The final estimated costs to repair Soledad Mountain Road and the Desert View Drive Alley are approximately \$18.235 million and \$9 million, respectively. The Federal Highway Administration (FHWA) and the California Office of Emergency Services (OES) approved funding for the project. The FHWA, OES, and City cost shares are based on a pre-established formula. FHWA will pay 100% of the cost incurred in the first 180 days of the Soledad Mountain Road repair, and 88.5% thereafter. The State will pay 75% of the portion that is not paid by FHWA to complete the Soledad Mountain Road repair. As to the repair of the alley, the State will pay 75% and the City is responsible for the remaining 25% of the cost. The City's share to complete the Project (the road and the alley) is estimated at \$2,829,336 of which \$2,000,000 has been appropriated in the Project and this action will appropriate the remaining \$829,336. In addition, this action will increase the Construction Contract by \$2,310,000 and the Consultant Contract by \$1,349,527.

This action also requests to increase the previously approved grant ceiling level for the Project by \$4,481,459 to a total of \$24,481,459. These amounts then will match the revised cost estimate and the grant submittal approved by FHWA and OES.

The Soledad Mountain Road repair was substantially completed and the road was re-opened for traffic on October 16, 2008. It is anticipated that the repair will be completed in the second quarter of 2009, including repair and reopening of Desert View Drive Alley.

The request to ratify the Project Contracts is pursuant to San Diego Municipal Code Chapter 2, Section 22.3212, "Contracts Not Required to be Competitively Bid", Subsection C, "A contract to remedy an emergency that affects public health or safety."

FISCAL CONSIDERATIONS:

Prior City Council Action (R-303265) authorized the appropriation and expenditure of grant funds in an amount not to exceed \$20,000,000 for the Soledad Mountain Road Repair Project. This action will increase the authorization, appropriation and expenditure of funds in the Project to \$27,235,795, as reflected in FHWA and OES grant approvals.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Resolution R-303041, dated October 4, 2007, the City of San Diego declared a state of emergency related to the landslide;
- Resolution R-303265, dated December 18, 2007, Soledad Mountain Road Repair added to Capital Improvement Program as CIP-52-805.0; appropriated funds for construction; ratified construction contract; authorized the Mayor, or designee, to apply for grant funding for the Project;
- Resolution R-303894, dated June 28, 2008, increased budget of CIP-52-805.0 by \$2,270,000.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Community outreach efforts are continuous to keep the residents in the area informed about the landslide situation.

KEY STAKEHOLDERS:

- The State of California
- Community members
- Hazard Construction Company
- Helenschmidt Geotechnical, Inc.

Boekamp/Jarrell

Aud. Cert. 2900583.

Staff: Marnell Gibson - (619) 533-5213
Thomas C. Zeleny- Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:07 p.m. – 2:11 p.m.)

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



ITEM-332: Historic Balboa Theatre (868 Fourth Avenue) – Request to Bid Fourth Floor Build Out. (Horton Plaza Redevelopment Project. District 2.)

(See Centre City Development Corporation Report No. CCDC-09-04/09-03.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-909) ADOPTED AS RESOLUTION R-304726

Authorizing the Redevelopment Agency of the City of San Diego (Agency), by and through the Centre City Development Corporation, to administer and manage the construction of the proposed Fourth Floor Build Out (Improvements) of the Historic Balboa Theatre at 868 Fourth Avenue in the Horton Plaza Redevelopment Project Area (Project Area);

Finding and determining:

- a) That the construction of the Improvements in the Horton Plaza Redevelopment Project Area for which the Agency proposes to pay the cost of using Agency funds from the Project Area 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 Improvements is available to the community;
- c) That the payment of Agency funds for the cost of construction of the Improvements will assist in the elimination of blighting conditions within the Project Area;
- d) That the proposed Improvements are consistent with the Implementation Plan adopted for the Project Area 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 and incorporated herein by this reference.

Finding and determining that this activity is covered under the Final Master Environmental Impact Report for the Centre City Redevelopment Project and addressing the Centre City Community Plan and related documents, certified by the Redevelopment Agency by Resolution No. R-2081, adopted April 28, 1992, and certified by the City Council by Resolution No. R-279875 on April 28, 1992, and the Environmental Secondary Study for the Proposed Balboa Theatre Rehabilitation dated January 31, 2001, (Secondary Study), in accordance with and pursuant to the California Environmental Quality Act of 1970 (CEQA) and State and local regulations and guidelines adopted pursuant thereto, that assesses the environmental impacts of the rehabilitation of Balboa Theatre, certified by the Agency on March 27, 2001, by Resolution No. R-03314. The effects of the proposed activity were adequately addressed in the previous environmental document and secondary study, and the proposed activity is within the scope of the project described therein. Therefore, pursuant to CEQA Guidelines Section 15168, no further environmental documentation is required.

SUPPORTING INFORMATION:

The Theatre reopened on January 31, 2008, under the management of San Diego Theatres, Inc., (SDT) under a Cooperation Agreement executed between the Agency and SDT (Document No. 4206, dated 11/05/2007, filed in the Office of the Agency). Pursuant to Section 2, subsection 2.2 of said Agreement, the Agency is obligated to complete the fourth floor build out no later than 24 months after the public opening of the Theatre. The Cooperation Agreement between the Agency and SDT defines the roles and responsibilities of each party in the rehabilitation, operation and management of the Theatre. The Agency retains fee title to the Theatre and has the right to transfer title to the Theatre and assign the Lease to the City. The Cooperation Agreement provides that the Agency would be responsible for: the renovation of the Theatre; the payment of any and all property insurance premiums; and the cost of any and all major capital replacements or capital improvements to the Theatre. The fourth floor will be utilized as additional public assembly space that can accommodate up to 115 patrons to be used in conjunction with a theatrical performance or special event. The space will contain a small pantry to support food and beverage operations, and a men's and women's restroom.

FISCAL CONSIDERATIONS:

Agency funds in the amount of \$399,300 are available in the Agency Fiscal Year 2009 Horton Plaza Redevelopment Project Balboa Theatre budget.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):

This Project will utilize the Subcontracting Outreach Program (SCOPE). The mandatory subcontracting outreach percentage for this Project will be determined by the City's Engineering and Capital Improvement Projects Department. 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).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Kaiser/Anderson

NOTE: See the Redevelopment Agency Agenda of March 10, 2009, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:14 p.m.)

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



ITEM-333: Date Street Storm Drain Improvements (India to California Streets) – Request to Bid. (Little Italy Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)

(See Centre City Development Corporation Report No. CCDC-09-01.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-756) ADOPTED AS RESOLUTION R-304727

Authorizing the Redevelopment Agency of the City of San Diego (Agency), by and through the Centre City Development Corporation, to administer and manage the design and construction of the proposed Date Street Storm Drain Improvements (Improvements) from India to California Streets in the Little Italy Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project Area (Project Area);

Finding and determining:

- a) That the design and construction of the Improvements from India to California Streets in the Little Italy Redevelopment District of the Expansion Sub Area of the Project Area for which the Agency proposes to pay the cost of using Agency funds from the Project Area 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 Improvements is available to the community;
- c) That the payment of Agency funds for the cost of design and construction of the Improvements will assist in the elimination of blighting conditions within the Project Area;
- d) That the Improvements are consistent with the Implementation Plan adopted for the Project Area 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.

Authorizing the City to accept the Improvements upon completion of the project;

Finding and determining that this activity is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301, Existing Facilities, Class 1(c); that this activity does not fall within any of the classes of projects for which a categorical exemption may not be applied (Cal. Pub. Resources Code Section 21084); that this activity triggers none of the exceptions to the application of a categorical exemption set forth in CEQA Guidelines Section 15300.2; and that the application of the categorical exemption set forth under CEQA Guidelines Section 15301, Existing Facilities, Class 1(c), is appropriate for this activity;

Finding and determining that this activity is statutorily exempt from CEQA pursuant to State CEQA Guidelines Section 15282(k) as set forth in California Public Resources Code Section 21080.21.

SUPPORTING INFORMATION:

The new improvements will consist of modification of an existing storm drain underground box and removal of inadequate storm drain pipes; new concrete storm drain pipe, sized from 18” to 30” in diameter, the majority of the new pipe 24” in diameter, the new pipe length totaling approximately 466 feet; construction of two new storm drain underground boxes; modifying to

prevent utility conflict with the new storm drain pipe; trench repair and asphalt street overlay the length of the storm drain work on Date Street (India Street to the west end of the Date Street cul de sac); and construction of two new pedestrian ramps at the northwest and southwest corners of Date and Kettner Streets.

FISCAL CONSIDERATIONS:

Agency funds in the amount of \$370,845 are available in the Redevelopment Agency Fiscal Year 2009 Little Italy District Budget.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):

This Project will utilize the Subcontracting Outreach Program (SCOPE). The mandatory subcontracting outreach percentage for this Project will be determined by the City's Engineering and Capital Improvement Projects Department. 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).

PREVIOUS ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On March 19, 2008, the proposed Project was unanimously approved by the Centre City Advisory Committee as part of the FY08-09 Budget for Redevelopment Projects administered by the Corporation. The Little Italy Association strongly supports this project to improve the existing substandard storm drain system on Date Street, India to California streets, to City of San Diego ("City") standards.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Kaiser/Anderson

Aud. Cert. 2900480.

NOTE: See the Redevelopment Agency Agenda of March 10, 2009, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:15 p.m. – 2:19 p.m.)

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



ITEM-334: Second Amendment to Ballpark Cooperation Agreement – East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. (Districts 2 and 8.)

(Centre City Development Corporation Report Nos. CCDC-09-07/CCDC-09-04.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-860 Rev. Copy) ADOPTED AS AMENDED WITH DIRECTION
AS RESOLUTION R-304728

Recognizing that the City Council has received and heard all oral and written objections to the proposed additional payment by the Redevelopment Agency (Agency) toward the cost of the land for and/or the installation and construction of the Baseball Park and Related Improvements, and to other matters pertaining to this transaction, and that all such oral and written objections are hereby overruled;

Finding and determining that:

- The additional payment of funds for the cost of the debt service on the financing of the Baseball Park and Related Improvements for which the Agency proposes to pay under the Second Amendment to Ballpark Cooperation Agreement is of benefit to the Centre City Redevelopment Project Area and the immediate neighborhood in which the Project Area is located, as described in Section III of the Summary;

- No other reasonable means of financing the additional payment for the debt service on the financing of the Baseball Park and Related Improvements under the Second Amendment to Ballpark Cooperation Agreement are available to the community, as described in Section IV of the Summary;
- The additional payment of funds for the cost of the debt service on the financing of the Baseball Park and Related Improvements will assist in the elimination of one or more blighting conditions inside the Project Area, as described in Section V of the Summary; and
- The additional payment of funds for the cost of the debt service on the financing of the Baseball Park and Related Improvements is consistent with the Implementation Plan for the Project Area adopted pursuant to Section 33490 of the California Community Redevelopment Law, as described in Section VI of the Summary.

Consenting to the additional payment by the Agency up to \$56,596,750 toward the debt service of the Ballpark Bonds for Fiscal Years 2009-2013, as described in the Second Amendment to Ballpark Cooperation Agreement;

Approving the Second Amendment to Ballpark Cooperation Agreement;

Authorizing the Mayor, or his designee, to execute the Second Amendment to Ballpark Cooperation Agreement on behalf of the City;

Authorizing the Mayor, or his designee, on behalf of the City, to sign all documents necessary and appropriate to carry out and implement the Second Amendment to Ballpark Cooperation Agreement, and to administer the City's obligations, responsibilities, and duties to be performed under the Second Amendment to Ballpark Cooperation Agreement;

Finding and determining that the City of San Diego has previously certified the information contained in the Environmental Impact Report referenced by SCH No. 98121003, dated September 13, 1999, adopted on October 26, 1999, by Council Resolution No. R-292363 (EIR), that this activity is covered under and adequately addressed in said EIR, that there is no change in circumstance, additional information, or project changes to warrant additional environmental review pursuant to the California Environmental Quality Act (CEQA), and that this activity is not a separate project for purposes of CEQA review pursuant to State CEQA Guidelines Section 15060(c)(3).

SUPPORTING INFORMATION:

On February 22, 2000, the Agency entered into a Ballpark Cooperation Agreement (“Agreement”) between the Redevelopment Agency and the City of San Diego which authorized the Agency to pay for and implement certain activities for the development of the Baseball Park and Related Improvements. In May 2001, a First Amendment to the Agreement was entered into increasing the Agency’s investment in the Ballpark. The development of the \$454 million Baseball Park was financed with \$95 million of downtown redevelopment tax increment funds, \$206 million from the City of San Diego, of which \$46 million was derived from redevelopment, and private funding by the Padres of \$153 million. Today, the City has approximately \$153 million outstanding in Lease Revenue Refunding Bonds, Series 2007A (“Ballpark Bonds”) relating to financing the Ballpark. The Ballpark Bonds have an annual debt service of approximately \$11.3 million.

The City experienced declining revenues in Fiscal Year 2008 and, with the continuation of slow economic growth, a further reduction of City revenues is expected in Fiscal Year 2009. To mitigate the City’s financial constraints a Second Amendment is proposed that provides payments from the Agency to the City for a portion of the debt service on the Ballpark Bonds. In addition, another agenda item for action is a Repayment Agreement proposed that will provide a long-term schedule for the repayment of CDBG funds to the City from the Agency.

FISCAL CONSIDERATIONS:

The payment proposed in the Second Amendment totals \$56.6 million from the Agency to the City over a five year period during Fiscal Years 2009-2013 to cover debt service in the Ballpark Bonds of approximately \$11.3 million annually. Due to the tax-exempt nature of the bonds, the source of funds for the payments made by the Agency to the City associated with debt service on the bonds will be tax increment.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE): None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On January 14, 2009, Centre City Advisory Committee voted unanimously for approval of staff recommendations.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Kaiser/Anderson

NOTE: This is a Joint Public Hearing with the Redevelopment Agency. See the Redevelopment Agency Agenda of March 10, 2009, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:20 p.m. – 3:19 p.m.)

Testimony in opposition by J. Nathaniel Howard.

Testimony in favor by Gary Smith, Joyce Summer, Robert McNamara, Rob Lankford, Shirley Horton and Bill Sauls.

MOTION BY DEMAIO TO ADOPT THE FINDINGS AS RECOMMENDED BY STAFF IN THE CENTRE CITY DEVELOPMENT CORPORATION REPORT DATED MARCH 4, 2009, AND TO APPROVE THE SECOND AMENDMENT TO BALLPARK COOPERATION AGREEMENT. Second by Faulconer. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-not present.

MOTION BY DEMAIO TO ADOPT AS AMENDED WITH DIRECTION TO INSTRUCT THE CENTRE CITY DEVELOPMENT CORPORATION TO BRING BACK TO COUNCIL AND THE REDEVELOPMENT AGENCY THE ISSUE OF A LONG-TERM REPAYMENT PLAN FOR CDBG AND DEBT SERVICE FOR PETCO PARK AS WELL AS THE REPORT BACK ON THE REVENUE CAP. Second by Faulconer. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-not present.



ITEM-335: Liberatore Residence, Project No. 113555. Appeal of the Planning Commission's decision to approve a Neighborhood Use Permit, Site Development Permit, and a Variance to allow the construction of new Guest-Quarters over a partially underground garage on a 5,836 square-foot lot with an existing single family residence, and to allow for a deviation from the regulations of the Municipal Code. (Peninsula Community Plan Area. District 2.)

Matter of the appeal by William A. Ladd and Anita Busquets, of the Planning Commission's decision in approving an application for a Neighborhood Use Permit (NUP), a Site Development Permit (SDP), and a Variance (VAR) for the construction of a new 1,340 square-foot, two story structure consisting of a 688-square-foot Guest-Quarters above a 652-square-foot, partially underground two-car garage on a 5,836 square-foot site with an existing 1,567 square-foot single family residence, and to allow for a variance from the underlying RS 1-7 zone requirements to allow for street access. The project site is located at 3371 Valemont Street in the RS-1-7 Zone, within the Peninsula Community Plan and Local Coastal Program Land Use Plan.

(See Report to Planning Commission No. PC-08-106/Negative Declaration No. 113555/Site Development Permit No. 470555/Neighborhood Use Permit No. 381871/Variance No. 470554.)

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A: (R-2009-960) GRANTED APPEAL AND OVERTURNED THE DECISION OF THE PLANNING COMMISSION TO CERTIFY THE NEGATIVE DECLARATION, ADOPTED AS RESOLUTION R-304729

Granting or denying the appeal and upholding or overturning the decision by the Planning Commission certifying Negative Declaration (ND) No. 113555;

Certifying that the information contained in Negative Declaration No. 113555, 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 Administrative Code 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 said report, together with any comments received during the public review process, has been reviewed and considered by the City of San Diego City Council;

That the City of San Diego City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Negative Declaration is hereby approved;

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;

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

Subitem-B: (R-2009-958) GRANTED APPEAL AND DENIED NEIGHBORHOOD USE PERMIT, SITE DEVELOPMENT PERMIT AND VARIANCE, ADOPTED AS RESOLUTION R-304730

Granting or denying the appeal and upholding or overturning the decision of the Planning Commission granting Neighborhood Use Permit No. (NUP) No. 381871, Site Development Permit (SDP) No. 470555, and Variance (VAR) No. 470554, with appropriate findings to support Council action;

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

OTHER RECOMMENDATIONS:

Planning Commission on November 6, 2008, voted 4-1-0 to approve.

Ayes: Golba, Griswold, Ontai, Naslund

Nay: Schultz

Recusing: Otsuji

Not present: Smiley

The Peninsula Community Planning Group has recommended denial of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Appeal of the Planning Commission's Decision to approve a Neighborhood Use Permit, Site Development Permit, and Variance to allow the construction of new Guest-Quarters over a partially underground garage on a lot with an existing single family residence at 3371 Valemont Street within the Peninsula Community Planning Area.

STAFF RECOMMENDATION:

DENY the appeal and APPROVE Neighborhood Use Permit No. 381871, Site Development Permit No. 470555, and Variance No. 470554, and CERTIFY Negative Declaration No. 113555.

EXECUTIVE SUMMARY:

The proposed project is located at 3371 Valemont Street, in the RS-1-7 Zone (single family residence), within the Roseville Heights neighborhood of the Peninsula Community Plan and Local Coastal Program Land Use Plan. The issue before the City Council is an appeal of the Planning Commission's decision to allow for the construction of new Guest-Quarters over a partially underground garage on a 5,836 square-foot lot with an existing single family residence, and to allow for a driveway deviation from the regulations of the Municipal Code.

The site is currently developed with a 1,567 square-foot one-story single dwelling unit that was constructed in 1954, which would remain. Access to the property is currently only from the Valemont/Ullman alley, with a one-car garage and a 15-foot long driveway located at the southern front of the single-family residence. The lot is rectangular with a steep gradient from the southern portion of the property down to the north with an elevation change of 41 feet. The site does not include any sensitive biological resources.

The proposed project would extend the Valemont Street public right-of-way as a private driveway to access the site at the north end of the property. This driveway would provide vehicle access to the proposed garage at the north side of the property.

A Neighborhood Use Permit is required for the construction of a two-story, detached, guest-quarters and a garage. A Site Development Permit is required to allow for construction of a private driveway in the public right-of-way where the applicant is not the record owner of the property where the driveway is proposed. A Variance is required to permit street access which does not conform with the applicable development regulations that prohibit access from a street for properties with access to an alley and less than 150 feet of total frontage.

The intent of the regulation is to reduce the rate at which cars pull in and out of driveways, thereby reducing pedestrian and vehicular interaction. The intent is also to increase on-street parking spaces.

An appeal of the Planning Commission's decision was filed asserting "Findings Not Supported" and variance findings for the proposed project cannot be made. Staff has provided a response to each issue in the City Council Report and continues to support the project.

FISCAL CONSIDERATIONS:

None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

None. This action is an appeal of a Process Four Planning Commission decision to approve the project.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

1. On November 6, 2008, the Planning Commission voted 4-1-2 to approve the project.
2. On September 20, 2007, after debate, the Peninsula Community Planning Group voted 8-1-3 to deny the project. Board members denied the project primarily on the basis the requested variance had no benefits to the public. In addition, some members needed more information and had some legal concerns.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Federico Liberatore, Owner
Skip Shaputnic, Architect

Broughton/LI

LEGAL DESCRIPTION:

The project site is located at 3371 Valemont Street in the RS-1-7 zone of the Peninsula Community Plan and Local Coastal Program Land Use Plan, the Coastal Height Limit Overlay Zone, and the Airport Approach Overlay Zone.

NOTE: Negative Declaration No. 113555 has been prepared for this project pursuant to the California Environmental Quality Act (CEQA). The City of San Diego has conducted an Initial Study and determined that the proposed project will not have a significant environmental effect and the preparation of an Environmental Impact Report is not required.

Staff: Laila Iskandar – (619) 446-5297

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:21 p.m. – 4:37 p.m.)

Testimony in favor by William Ladd, Niki Krutop, Dee Krutop and Matthew DeVol.

Testimony in opposition by Matt Peterson, Fred Liberatore, Carl Trautvetter, Jay Shumaker, Kay Steward, James Meyer, Nicholas Wilson, Vincent Balch, Cydney Shinn, Les Faulder and Simon Reynolds.

MOTION BY GLORIA TO ADOPT THE RESOLUTION IN SUBITEM A TO GRANT THE APPEAL AND OVERTURN THE DECISION OF THE PLANNING COMMISSION CERTIFYING THE NEGATIVE DECLARATION; AND TO ADOPT THE RESOLUTION IN SUBITEM B TO GRANT THE APPEAL AND TO DENY THE NEIGHBORHOOD USE PERMIT, THE SITE DEVELOPMENT PERMIT AND THE VARIANCE WITH FINDINGS NO. 1 AND NO. 2 UNABLE TO BE MADE. Second by Faulconer. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-nay, Hueso-not present.

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: 5:17 p.m. – 5:18 p.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Pro Tem Faulconer at 5:24 p.m. in honor of the memory of:

Zenola Maxie as requested by Council Member Young; and
Don King as requested by Council Member Frye.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 5:18 p.m. – 5:24 p.m.)