

THE CITY OF SAN DIEGO, CALIFORNIA
 MINUTES FOR REGULAR COUNCIL MEETING
 OF
 MONDAY, MARCH 30, 2009
 AT 2:00 P.M.
 IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Hueso at 2:00 p.m. The meeting was adjourned by Council President Hueso at 5:17 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Lightner-present
 - (2) Council Member Faulconer-present
 - (3) Council Member Gloria-present
 - (4) Council Member Young-present
 - (5) Council Member DeMaio-present
 - (6) Council Member Frye-present
 - (7) Council Member Emerald- present
 - (8) Council Member Hueso-present
- Clerk-Maland (sr)

FILE LOCATION: MINUTES



ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Lightner-present
- (2) Council Member Faulconer-present
- (3) Council Member Gloria-present
- (4) Council Member Young-present
- (5) Council Member DeMaio-present
- (6) Council Member Frye-present
- (7) Council Member Emerald-present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES



ITEM-10: INVOCATION

Invocation was given by Liz Maland, City Clerk.

FILE LOCATION: MINUTES



ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Frye.

FILE LOCATION: MINUTES

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Crickett Bradburn commented on who we are.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:18 p.m. - 2:21 p.m.)

PUBLIC COMMENT-2:

Jarvis Ross commented on the pension debacle.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:21 p.m. - 2:24 p.m.)

CLOSED SESSION ITEMS:

Conference with Labor Negotiator, pursuant to Government Code Section 54957.6:

CS-1 Agency Negotiators: William Kay, Timothy Davis, Scott Chadwick, Judy von Kalinowski, Thom Harpole, Kim Nguyen, Woo-Jin Shim, Lourdes Silva, Valerie VanDeweghe, Javier Mainar, Brian Fennessy, David Ramirez, Robert Kanaski, Paul Cooper, Jan Goldsmith, Tanya Tomlinson, Joan Dawson, William Gersten, Lori Thacker

Employee Organizations: Local 145 International Association of Firefighters
AFL-CIO, San Diego Police Officers Association,
Municipal Employees Association, AFSCME Local 127
AFL-CIO and Deputy City Attorney Association

REFERRED TO CLOSED SESSION OF WEDNESDAY, APRIL 1, 2009

DCA Assigned: J. Dawson

Discussion with the Mayor and City Council pending contract negotiations with employee unions (Police Officers Association, International Association of Firefighters Local 145, Municipal Employees Association, AFSCME Local 127 and the Deputy City Attorney's Association).

Closed Session Comment 1:

Jarvis Ross commented on the negotiation process.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 5:06 p.m. - 5:08 p.m.)

Council President Hueso closed the hearing.



Item-30: Children and Nature Awareness Month.

COUNCILMEMBER GLORIA'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-952) ADOPTED AS RESOLUTION R-304770

Proclaiming April 2009, to be "Children and Nature Awareness Month" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:01 p.m. – 2:10 p.m.)

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



Item-31: Cesar Chavez Commemoration Committee Day.

**COUNCIL PRESIDENT HUESO'S AND COUNCILMEMBER YOUNG'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2009-931) ADOPTED AS RESOLUTION R-304772

Proclaiming March 30, 2009, to be "Cesar E. Chavez Commemoration Committee Day" for its goals and achievements in the community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

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



Item-60: Two actions related to Parking Meter Utilization Improvement.
(Citywide.)

(See Report to the City Council No. 09-027; CP&CI Department's undated report; CP&CI Department's February 17, 2009, report (Revised); and Council Policy No. 100-18.)

TODAY'S ACTIONS ARE:

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

Subitem-A: (O-2009-106) RETURNED TO THE MAYOR WITH REFERRAL TO
BUDGET COMMITTEE

Introduction of an Ordinance amending Chapter 8, Article 1, by amending Section 81.01.15; by amending Chapter 8, Article 2, by amending Sections 82.04, 82.06, 82.08, and 82.09; amending Chapter 8, Article 6, by amending Sections 86.11 through 86.17, of the San Diego Municipal Code, all relating to Parking Meter Regulations. This ordinance makes changes to the City of San Diego Municipal Code Chapter 8, Traffic and Vehicles, to establish a target on-street rate of 85

percent to optimize parking; to authorize the Mayor to set meter rates between \$0.50 and \$3.00 and to set hours of meter operation within the range of 8:00 a.m. to 2:00 a.m., Monday through Sunday to achieve the target utilization rate.

Subitem-B: (R-2009-926) RETURNED TO THE MAYOR WITH REFERRAL TO BUDGET COMMITTEE

Amending Council Policy No. 100-18 titled "Community Parking District Policy;"

Recognizing the Downtown Parking Management Group (DPMG) as an advisory group to Centre City Development Corporation acting as the Parking Advisory Board for the Downtown Community Parking District, which shall advise City staff and make recommendations on meter locations, rates, time limits, hours of operation; new parking technology; and other activities and improvements in order to address parking-related issues pursuant to Council Policy 100-18;

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

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

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 3/11/2009, LU&H voted 4 to 0 to seek input from the Community Planners Committee on the recommendations contained in the Parking Meter Utilization Plan, and refer the plan to the full City Council for action. (Councilmembers Lightner, Faulconer, Gloria, and Young voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:24 p.m. - 4:08 p.m.)

MOTION BY FAULCONER TO RETURN TO MAYOR WITH REFERRAL TO THE BUDGET COMMITTEE AND DIRECTION TO RETURN TO COUNCIL WITHIN 45 DAYS WITH CONSIDERATION OF COMMENTS MADE BY COUNCIL. Second by Young. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

- * Item-100: Continued Retention, Payment for Invoices and Future Reserve Funding for Latham & Watkins, LLP for Legal Services in *Marcus Abbe et al. v. City of San Diego*, for an additional amount not to exceed \$2,000,000.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-833)

ADOPTED AS RESOLUTION R-304773

Authorizing the City Attorney to continue the retention of Latham & Watkins, LLP, for an additional amount not to exceed \$2,000,000, to provide legal services in *Marcus Abbe, et al. v. City of San Diego*, USDC Case Nos. 05cv1629 and 06cv538 DMS (RBB) and to pay for related litigation expenses;

Authorizing the City Comptroller to expend an amount not to exceed \$2,000,000 from the Public Liability Fund, solely and exclusively, for the purpose of providing funds for the above-described legal services and litigation expenses.

Staff: George Schaefer – (619) 533-5861

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:18 p.m.)

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



Item-102: Application to the California Department of Transportation for a total of \$1,150,000 in Transportation Planning Grant Funding for Five Transportation Projects. (Linda Vista, Clairemont Mesa, Mission Valley, Pacific Beach, Greater Golden Hill, Greater North Park, and Southeastern San Diego Community Areas. Districts 2, 3, 4, 6, and 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-963 Rev.) ADOPTED AS AMENDED AS RESOLUTION R-304775

Authorizing the Mayor, or designee, for and on behalf of the City to make an application to the California Department of Transportation for a total of \$1,150,000 in Transportation Planning Grant Funding for the five transportation Projects as follow;

Authorizing the Mayor, or designee, to take all necessary actions to secure funds from CalTrans for the Projects;

Authorizing the City Comptroller to accept, appropriate and expend funds if the Transportation Planning Grant Funding is secured;

Authorizing the City Comptroller to expend matching funds in an amount not to exceed \$25,000 from CIP-52-274.0, Balboa Avenue Corridor Improvement Fund, if grant funding is secured;

Authorizing the City Comptroller to accept, appropriate and expend funds in the amount of \$7,500 of privately donated funds from the Bayside Community Center if the grant funding is secured;

Authorizing the City Comptroller to establish a special interest-bearing Fund for the Grants and donation;

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

Staff: Tait Galloway - (619) 533-4550
Shannon Thomas - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:11 p.m. - 4:26 p.m.)

MOTION BY LIGHTNER TO ADOPT THE RESOLUTION AS AMENDED BY INCLUDING THE UCSD APPLICATION TO GRANTS FUNDING REQUEST. Second by Frye. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

- * Item-103: Proposition 1C – Transit Oriented Development and Infill Infrastructure Grant Applications. (Centre City, North Park, Southeastern, and Mission George Community Areas. Districts 2, 3, 4, and 7.)

(See Report to the City Council No. 09-026.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-954) ADOPTED AS RESOLUTION R-304771

Authorizing the Mayor to support applications to the California Department of Housing and Community Development (HCD) for funding under Proposition 1C - Transit Oriented Development and Infill Infrastructure Grant Programs for housing projects that meet HCD eligibility criteria;

Authorizing the Mayor to provide a letter of legislative support for the applications of the 15th and Commercial Program, 9th and Broadway, The Boulevard at North Park, Village at Market Creek, Cedar Gateway, and Archstone Mission Gorge;

Authorizing the Mayor to take all necessary actions to secure funding from HCD for the infrastructure improvement projects;

Authorizing the City Comptroller to accept funds if grant funding is secured;

Authorizing the City Comptroller to establish a special interest-bearing fund for the grant funds;

Declaring that this activity (legislative support for Proposition 1C Fund applications) is not a "project" and is therefore not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3). Development proposals which these funds would be used for have been, or will be, subject to CEQA review.

Staff: Amy Benjamin - (619) 533-6525
Shannon Thomas - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:18 p.m.)

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

* Item-104: Picnic People Day.

COUNCILMEMBER DEMAIO'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-930) ADOPTED AS RESOLUTION R-304776

Proclaiming March 25, 2009, to be "Picnic People Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:18 p.m.)

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

* Item-105: Colon Cancer Awareness Month.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-974) ADOPTED AS RESOLUTION R-304777

Proclaiming March 2009 to be "Colon Cancer Awareness Month" in the City of San Diego, and encouraging all members of the public to learn more about how to protect themselves from this deadly disease.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:18 p.m.)

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

* Item-106: Gastroenterology Nurses and Associates Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-973) ADOPTED AS RESOLUTION R-304778

Proclaiming March 25, 2009, to be "Gastroenterology Nurses and Associates Day" in the City of San Diego, and encouraging all members of the public to learn more about how these medical professionals can help screen for and prevent colon cancer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:18 p.m.)

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



Item-200: 2008 Salary Setting Commission's Recommendation for Mayor and City Council Members.

(See Salary Setting Commission's Report dated 2/15/2008.)

SALARY SETTING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-978 Rev.) ADOPTED AS AMENDED AS RESOLUTION R-304779

Directing the City Attorney, pursuant to Section 41.1 of the City Charter, to incorporate the following amounts in the Annual Salary Ordinance for Fiscal Year 2010 to be effective July 1, 2009, having rejected the Commission's recommendation for any salary increase for Fiscal Year 2009:

Mayor \$ _____

Councilmembers \$ _____

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:33 p.m. - 4:52 p.m.)

MOTION BY YOUNG TO ADOPT THE RESOLUTION AS AMENDED BY MAINTAINING THE CURRENT ANNUAL SALARY OF \$75,386 FOR CITY COUNCIL MEMBERS AND \$100,464 FOR THE MAYOR. Second by Gloria. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.



Item-330: Ratification of the 2009 San Ysidro Project Area Committee (PAC) Election and Adoption of the Amended and Restated Procedure for Formation and Election of the Project Area Committee for the San Ysidro Redevelopment Project Area. (San Ysidro Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2009-944) CONTINUED TO TUESDAY, APRIL 14, 2009

Finding the election results of March 4, 2009, with respect to the Project Area Committee (PAC) for the San Ysidro Redevelopment Project, are valid and binding in accordance with the Formation Procedure adopted by Resolution No. R-304593, and that all relevant provisions of the Formation Procedure were followed;

Declaring that the PAC, including those persons who received the highest number of votes in their respective categories and listed on the City Clerk's Office's verification of election results attached as Exhibit A, is hereby approved as constituting a representative PAC for the San Ysidro Redevelopment Project;

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

Subitem-B: (R-2009-945) CONTINUED TO TUESDAY, APRIL 14, 2009

Adopting the Restated Formation Procedure set forth in attached Exhibit A;

Authorizing and directing the Redevelopment Agency of the City of San Diego (Agency), through its staff and consultants, to implement the Restated Formation Procedure in the manner required by law;

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

Staff: Sam Johnson - (619) 236-6265
Kevin J. Reisch - Deputy City Attorney

Testimony in opposition to the item by Victor Esparza, Bruno Bosardi, Esperanza Coleman, and Jonathan Brown.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 4:27 p.m. - 4:31 p.m.)

MOTION BY FRYE TO CONTINUE TO TUESDAY, APRIL 14, 2009, FOR FURTHER REVIEW. Second by Hueso. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.



Item-331: 8111 Camino Del Oro Tentative Map, Project No. 152137. Appeal of a decision by the Planning Commission to approve an application for a Coastal Development Permit and Tentative Map to convert 17 existing residential units into 14 condominium units and a waiver to underground existing overhead utilities. The 0.30 acre site is located at 8111 Camino Del Oro between La Vereda and Camino Del Sol. (La Jolla Shores Planned District of the La Jolla Community Plan Area. District 1.)

Matter of the appeal by Cory J. Briggs, Briggs Law Corporation, on behalf of Affordable Housing Coalition of San Diego County and Citizens for Responsible Equitable Environmental Development of a decision by the Planning Commission to approve an application for a Coastal Development Permit and Tentative Map to convert 17 existing residential units into 14 condominium units and a waiver to underground existing overhead utilities. The 0.30 acre site is located at 8111 Camino Del Oro between La Vereda and Camino Del Sol.

Should the condominium conversion project be approved, tenants may be required to vacate the premises. No units may be sold in this building unless the conversion is approved by the city and until after a public report is issued by the Department of Real Estate. Each tenant has the exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.

If you are an existing tenant within this project, you may have rights to certain benefits as outlined in San Diego Municipal Code Section 144.0503. To learn more information regarding these benefits, please contact the Housing Commission at (619) 578-7580, or find the details on their website at: <http://www.sdhc.net/haotherprog1h.shtml>.

This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) on March 28, 2008. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on September 9, 2008. The scope of the subject hearing only includes the project, and not the environmental determination.

The final decision by the City of San Diego is not appealable to the California Coastal Commission. If you want to receive a Notice of Final Action, you must submit a written request to the City Project Manager listed above.

STAFF'S RECOMMENDATION:

Take the following action:

Subitem A: (R-2009-) DENIED APPEAL AND APPROVED TENTATIVE MAP; ADOPTED AS RESOLUTION R-304780

Granting or denying the appeal and upholding or overturning the Planning Commission's decision to approve Tentative Map No. 538143 including the request to waive the requirement to underground existing overhead utilities to convert eight existing residential units to condominiums, with appropriate findings to support Council action;

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

Subitem B: (R-2009-) DENIED APPEAL AND GRANTED COASTAL
DEVELOPMENT PERMIT, ADOPTED AS
RESOLUTION R-304781

Granting or denying the appeal and upholding or overturning the Planning Commission's decision to approve Coastal Development Permit No. 538144 to convert eight existing residential units to condominiums, with appropriate findings to support Council action;

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

NOTE: This item was originally placed on the docket as one item. It has been corrected and now contains Subitem A and Subitem B.

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15301 (Existing facilities).

Staff: Helene Deisher – (619) 446-5223
Marianne Greene – Deputy City Attorney

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

Testimony in opposition to the appeal by Matt Peterson.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:53 p.m. – 5:05 p.m.)

MOTION BY LIGHTNER TO DENY THE APPEAL AND UPHOLD THE PLANNING COMMISSION'S DECISION TO APPROVE THE COASTAL DEVELOPMENT PERMIT AND TENTATIVE MAP, INCLUDING THE REQUEST TO WAIVE THE REQUIREMENT TO UNDERGROUND EXISTING OVERHEAD UTILITIES AS AMENDED WITH THE CORRECTION TO THE RESOLUTION ON PAGE 2, ITEM 1 REMOVE "UNDERLYING." Second by Gloria. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Hueso at 5:17 p.m. in honor of the memory of:

Dr. Judith Starr Rauner at the request of Council Member Gloria;
David Hargrove at the request of Council Member Young; and
The Honorable Judge William Mudd at the request of Council Member Emerald.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 5:08 p.m. - 5:17 p.m.)