

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, APRIL 27, 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 2:01 p.m. The meeting was adjourned by Council President Hueso at 2:45 p.m.

ATTENDANCE DURING THE MEETING:

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

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-not present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by City Clerk Elizabeth Maland.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council President Pro Tem Faulconer.

FILE LOCATION: MINUTES

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Young thanked Southwestern College for inaugurating him into the Southwestern Hall of Fame.

FILE LOCATION: MINUTES

ITEM-200: Establishment of East Village Business Improvement District. (East Village Community Area. District 2.)

NOTE: Public Meeting will be held on May 26, 2009
Public Hearing will be held on June 23, 2009

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-1055) ADOPTED AS RESOLUTION R-304830

Adoption of a Resolution of the Council of the City of San Diego declaring its intention to establish the East Village Business Improvement District pursuant to the Parking and Business Improvement Area Law of 1989.

STAFF SUPPORTING INFORMATION:

EXECUTIVE SUMMARY OF ITEM BACKGROUND:

An effort to establish the East Village Business Improvement District (EVBID) has been ongoing for a number of months under the auspices of the East Village Association. The proposed EVBID includes most of the East Village Planning Area. The purpose of establishing the EVBID is to provide resources to promote the businesses in the community, provide assistance to the businesses, create and host special events, and enhance the neighborhood. The proposed assessment methodology would create three categories of business based on the number of employees or the number of hotel/motel rooms and the assessments would range from \$250 up to \$600 annually.

A Business Improvement District (BID), as authorized by California law, is a government-designated assessment area formed with the support of businesses to improve their business conditions. BID assessments are collected at the same time as the City's Business Tax but are accounted for separately by the City. All BID assessments are returned to the District from which they were collected to be used for improvement programs operated by the business membership and shaped by the needs of the district's businesses.

The City Council has adopted Council Policy 900-07 on Business Improvement Districts to clarify the process by which BIDs may be established or modified. The policy states that establishment of a BID should be supported by 20% of eligible businesses within the proposed District as demonstrated by a petition. In Fall 2008, City staff received a number of petitions in support of establishing the EVBID and verified that the 20% threshold had been met. In accordance with Council Policy 900-07, City staff then conducted a mailed ballot procedure in January/February of 2009 to determine the level of support among the affected businesses in the

proposed District for establishing the District and levying annual assessments. Council Policy 900-07 also provides that if a majority of those responding, when measured both numerically and when weighted by the amount of the proposed assessment, support the establishment then City Council may proceed with the public hearing process to establish the BID. A majority of responding businesses within the proposed District supported the establishment and the proposed levying of assessments (numerically 56.5% / weighted 58.6%). Pursuant to the Parking and Business Improvement Area Law of 1989 and the Ralph M. Brown Act a multi-step hearing process at Council is required and certain mailing and noticing requirements must occur. The noticing and hearings provide affected business owners the opportunity to speak for or against the District and for Council to determine if a majority protest exists (more than 50% of assesses, by value, oppose establishing the district).

FISCAL CONSIDERATIONS:

Approximately \$140,000 of assessments would be collected annually from businesses in the East Village BID and disbursed back to the BID through a management agreement with a non-profit representing the assessed businesses. It is anticipated that assessments would be levied and collected starting September 1, 2009, if approved by Council. There would be nominal costs incurred in noticing the public meeting/hearing. Otherwise, there is no net fiscal impact.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):

The 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: No previous action regarding the proposed East Village BID.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

East Village Association mailed letters and sent e-mails to BID businesses to notify them of the meetings concerning the proposed establishment of the East Village BID. All businesses holding a business tax certificate within the proposed District also received a ballot and information concerning the proposed establishment and assessment methodology.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Businesses within the BID are the key stakeholders of this action and would be impacted by the levying of the annual assessment in the amount of \$250 to \$600 per year depending on the business category.

Anderson/Goldstone/MDB

NOTE: This activity is not a "project" and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

Staff: Meredith Dibdon-Brown – (619) 236-6485

Adam R. Wander - Deputy City Attorney

FILE LOCATION: L-33 2010 (32)

COUNCIL ACTION: (Time duration: 2:01 p.m. – 2:08 p.m.)

MOTION BY FAULCONER 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-yea.

ITEM-201: Fiscal Year 2010 Regional Transportation Congestion Improvement Program Development Impact Fee. (All Districts.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-1067) ADOPTED AS RESOLUTION R-304831

Finding in accordance with Mitigation Fee Act as set forth in California Government Code Section 66000, et seq., as follows:

- (a) The purpose of the Regional Transportation Congestion Improvement Program (RTCIP) Development Impact Fees (DIF) as fully stated in the SANDAG policy and expressed in the TransNet Extension Ordinance and Expenditure Plan (Commission Ordinance 04-01) is that new development shall contribute towards the RAS through the RTCIP. The purpose of the RTCIP DIF is to implement this policy. The RTCIP DIF advances the public interest by enabling SANDAG to fund improvements to transportation infrastructure required to accommodate new development as more fully set forth in the Nexus Study.
- (b) That the RTCIP DIF shall be used to fund expanded facilities on the RAS to serve new development, including: roadway widening; roadway extension; traffic signal coordination and other traffic improvements; freeway interchanges and related freeway-improvements; railroad grade separations; and improvements required for regional express bus and rail transit as more fully set forth in the Nexus Study.
- (c) That the Nexus Study further establishes a reasonable relationship between the RTCIP DIF's use and the type of development project on which the RTCIP DIF is imposed.

(d) That the City of San Diego will restrict the RTCIP DIF revenues to capital projects that expand capacity on the RAS to serve new development; that improvements funded by the RTCIP DIF will expand a region-wide arterial system accessible to the additional residents associated with new developments; and that SANDAG determined the planned projects identified in the Nexus Study will expand the capacity of the Regional Arterial Systems (RAS) to accommodate the increased trips generated by new development; thus there is a reasonable relationship between the use of the fee revenues and the residential types of new development that will pay the fee.

(e) That the Nexus Study further establishes a reasonable relationship between the need for the RAS and related transportation facility improvements (as defined in the Regional Transportation Plan [RTP]) and the type of development project on which the RTCIP DIF is imposed.

(f) That new dwelling units are indicators of the demand for transportation improvements needed to accommodate growth; that as additional dwelling units are created, the occupants of these structures generate additional vehicle trips and place additional burdens on the transportation system; that the need for the RTCIP DIF is based on SANDAG transportation model projections of growth that show an increase in vehicle hours of delay on the RAS primarily as a result of new development even with planned improvements to that system; thus providing a reasonable relationship between the residential development and the need for improvements.

(g) That the Nexus Study further establishes a reasonable relationship between the amount of the RTCIP DIF and the cost of the RAS and related transportation facility improvements (as defined in the RTP) attributable to the development on which the RTCIP DIF is imposed.

(h) That the reasonable relationship between the RTCIP DIF for residential development and the cost of the facilities attributable to that development is based on the estimated vehicle trips the development will add to the RAS; and that the fee for a residential development is based on the number and type of new dwelling units; thus, the RTCIP DIF schedule ensures a reasonable relationship between the RTCIP DIF for residential development and the cost of the RAS improvements facilities attributable to that development.

(i) A two percent (2%) increase to the current RTCIP DIF is appropriate based on the SANDAG Analysis.

Approving and adopting a two percent (2%) increase to the current RTCIP DIF resulting in an RTCIP DIF increase per multi-family unit from \$1,865 to \$1,902 and per single family unit from \$2,331 to \$2,378, effective July 1, 2009;

Declaring that this activity is not subject to CEQA pursuant to State Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

In November 2004, voters approved Proposition A to extend the TransNet half-cent sales tax for transportation projects through 2048. Passage of Proposition A resulted in the establishment of the Regional Transportation Congestion Improvement Program (RTCIP). The RTCIP, an element of the TransNet Extension Ordinance, requires each city and the County of San Diego to collect an exaction from the private sector for each new housing unit constructed within their jurisdiction. These exactions help ensure future development contributes its proportional share of the funding needed to pay for the Regional Arterial System (RAS) and related regional transit and transportation facility improvements, as defined in the most recent Regional Transportation Plan (RTP) adopted by SANDAG.

Key components of the RTCIP include:

- Beginning July 1, 2008, each local jurisdiction must contribute \$2,000 from exactions imposed on new development for each additional residential unit;

- Beginning July 1, 2008, City of San Diego communities which demonstrate a Maintenance of Effort in contributing an average \$2,000 through payment of a FBA will not be required to pay an additional average \$2,000 RTCIP fee upon building permit issuance;

- Although the RTCIP does not specify a revenue source for this contribution, it was anticipated that collection of this revenue would occur through imposition of a development impact fee imposed upon additional residential units upon building permit issuance;

- Revenues must be expended within the parameters defined under the Mitigation Fee Act (California Government Code Sections 66000 through 66025) and in a manner consistent with the expenditure priorities in the most recently adopted RTP;

- The Independent Taxpayer Oversight Committee, created by SANDAG for the TransNet Program, is responsible for reviewing local agency implementation of the RTCIP; and,

- If a local agency does not comply with the RTCIP, the agency can lose TransNet sales tax funding for local roads and other forms of transit and transportation improvements in the RTP funded by TransNet.

The City Council adopted, on April 15, 2008, a resolution approving and adopting the Regional Transportation Congestion Improvement Program, associated nexus study and development impact fees.

The RTCIP development impact fee went into effect July 1, 2008.

The RTCIP requires that the City take specific administrative actions each year to ensure that the

City is in compliance with the RTCIP section of the TransNet Ordinance. The City of San Diego has successfully implemented the actions required to date.

One of the RTCIP administrative actions required by the Ordinance is that the development impact fee be increased annually. Based on SANDAG staff's analysis of construction cost trends over the past year, the fee adjustment is 2.0 percent. The City of San Diego RTCIP fee per multi-family unit will increase from \$1,865 to \$1,902 and per single family unit from \$2,331 to \$2,378. The FY 2010 RTCIP fee will go into effect July 1, 2009.

FISCAL CONSIDERATIONS:

Revenue is collected and deposited into a special interest-bearing fund for appropriation to transportation projects as identified as eligible under RTCIP criteria and the CIP Prioritization Policy.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE): None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The City Council adopted, on April 15, 2008, a Resolution approving and adopting the Regional Transportation Congestion Improvement Program, associated nexus study and development impact fees.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On March 20, 2009, the City of San Diego submitted to SANDAG's Independent Taxpayers Oversight Committee a letter confirming that the program approved and submitted to ITOC last year is still in effect and has not materially changed. On March 27, 2009, SANDAG's Board of Directors approved a 2% increase to the existing RTCIP fee for Fiscal Year 2010.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

All property owners with new residential building activity which is not exempted through affordable housing or Maintenance of Effort provisions will be required to pay a RTCIP fee of \$1,902 for each new multi-family unit and \$2,378 for each new single family unit.

Anderson/Goldstone

Staff: Pam Bernasconi - (619) 533-3677
Jana L. Garmo - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:15 p.m.)

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

ITEM-202: Downtown Parking Pilot Program Time Extension. (Cortez Hill, Downtown, East Village, Little Italy, and the Marina Community Areas. District 2.)

STAFF'S RECOMMENDATION:

Introduce the following Ordinance in Subitem A; and adopt the resolution in Subitem B:

Subitem-A: (O-2009-132) INTRODUCED, TO BE ADOPTED ON TUESDAY,
MAY 12, 2009

Introduction of an Ordinance amending Chapter 8, Article 6, by amending Section 86.11, of the San Diego Municipal Code, relating to Parking Meter Rates, authorizing the City Manager to establish a range for hourly parking meter rates from \$0.50 to \$1.25 within the Downtown Parking Pilot Program, as described in Resolution No. RR-299867, effective November 22, 2004, and terminating on October 31, 2009.

Subitem-B: (R-2009-1074) ADOPTED AS RESOLUTION R-304832

Extending the Downtown Parking Pilot Program [Pilot], established pursuant to Council Resolution R-299867, through October 31, 2009;

Recognizing that the Downtown Parking Management Group [DPMG] as the advisory group to Centre City Development Corporation, which is the City Council appointed Parking Advisory Board for the Downtown Community Parking District;

Declaring that DPMG shall continue to directly collaborate with City staff and make recommendations on parking meter rates, time limits, and locations of meters and use of new meter technology within the Pilot area, and may also make recommendations on other parking matters pursuant to Council Policy 100-18.

STAFF SUPPORTING INFORMATION:

On November 24, 2004, City Council approved the Downtown Parking Pilot Program [Pilot]. The goal of the Pilot was to provide information and sample techniques that would optimize the use of on-street parking in the downtown area that could later be applied citywide. The Pilot

authorized the Downtown Parking Management Group [DPMG] to work with City staff as the advisory body to test on-street parking management strategies as well as explore the use of new parking meter technology in selected parts of East Village, Marina, Cortez, and Little Italy. The management strategies include adjusting the hourly parking meter rates and parking time limits as well as using multi-space pay stations in place of mechanical single-head meters.

The new strategies have allowed the DPMG to adjust time limits from one-hour to nine-hour durations and to modify meter rates from \$.50 to \$1.25 per hour to achieve a target utilization rate of 85 percent (15 percent vacancy) -- the optimal point at which parking supply is maximized yet there remains a sufficient level of parking available to motorists. In addition, 50 multi-space pay stations were installed allowing motorists to pay with credit cards, coins and prepaid value cards. The new pay stations are controlled remotely and offer the flexibility needed to adjust time restrictions and rates based on demand during peak seasons and special events. Reports by the DPMG and City staff have demonstrated an increase in on-street parking utilization rates and the associated parking revenue. The Pilot is scheduled to sunset on April 30, 2009.

In order to allow the Pilot to continue until City Council approves a proposal to enhance the utilization of on-street metered parking spaces, staff requests an extension of the Pilot until October 31, 2009. Further, staff requests that City Council recognize the Downtown Parking Management Group (DPMG) as the advisory group to the Centre City Development Corporation, which is the City Council appointed Parking Advisory Board for the Downtown Community Parking District, and that the DPMG may continue to directly collaborate with City staff and make recommendations on parking meter rates, time limits, locations of meters, and use of new technology within the Pilot area, and may also make recommendations on other parking matters pursuant to Council Policy 100-18.

FISCAL CONSIDERATIONS:

There is no negative fiscal impact to the City by extending the Downtown Parking Pilot Program.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Council District 2 formed the Downtown Parking Management Group to implement ideas from the City Manager's Parking Task Force on March 18, 2004 (Report No. 04-061). The City Council later passed Resolution R-299867 on November 29, 2004, and Ordinance O-19343 on December 12, 2004, granting the City Manager the authority to vary the time limits and meter rates for the Pilot within the test areas identified in the DPMG Report #1 (East Village, Marina, Cortez, and Little Italy). The Pilot was previously extended to November 26, 2007, by Ordinance Number O-19493 on May 19, 2006, and then to April 30, 2009, by Ordinance Number O-19675 on November 5, 2007. This item was also considered in part at the Council Meeting of March 30, 2009.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The DPMG represents community stakeholders from the Downtown Residents Group, Cortez Residents, Gaslamp Quarter Association, Downtown San Diego Partnership, Centre City Advisory Committee, San Diego Padres, Little Italy, East Village, and the Centre City Development Corporation. They hold monthly meetings, open to the public and attended by City staff and interested community members.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The Downtown Residents Group, Cortez Residents, Gaslamp Quarter Association, Downtown San Diego Partnership, Centre City Advisory Committee, San Diego Padres, Little Italy, East Village, and the Centre City Development Corporation.

Anderson/Goldstone

Staff: Meredith Dibden Brown - (619) 236-6485
Jana L. Garmo - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:20 p.m.)

MOTION BY FAULCONER 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-yea.

ITEM-S400: Third Amendment to Agreement with the San Diego County for Strategic National Stockpile (SNS) and Cities Readiness Initiative (CRI) Activities. (Citywide.)

(See memorandum from Tracy Jarman dated 4/23/2009.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-997) ADOPTED AS RESOLUTION R-304833

Authorizing the Mayor, Chief Financial Officer, Fire Chief, and Office of Homeland Security Program Manager, for and on behalf of the City of San Diego, to accept and

expend funds from the County of San Diego pursuant to Amendment No. 3 of the Agreement for Strategic National Stockpile and Cities Readiness Initiative Activities;

Authorizing the Mayor, Chief Financial Officer, Fire Chief, and Office of Homeland Security Program Manager to take all necessary actions to negotiate and execute all agreements necessary to comply with the County of San Diego's Strategic National Stockpile and Cities Readiness Initiative Activities agreement with the City of San Diego;

Authorizing the City Comptroller to accept, appropriate and expend an amount not to exceed \$160,000 in funds in accordance with the terms of the CRI, the Agreement between the City and the County for CRI activities, and other associated agreements and to enhance local bioterrorism preparedness;

Authorizing the City Comptroller to deposit \$160,000 in funds into existing CRI Fund No. 18885;

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 is the Third Amendment to existing County Contract No. 518250 (City Clerk Document C-14136) and is valued at \$160,000. The contract amendment will fund City efforts to exercise and participate in planning activities pertaining to the City's Mega-Point of Dispensing (POD) Plan and Mega-POD Field Operations Guide (FOG). Specifically, the City will participate in exercise planning activities; conduct a Mega-POD exercise; complete all specified data collection related to the Mega-POD exercise; and update the Mega-POD Plan and FOG based on a formal After Action Report. These activities will assist the County of San Diego in exercising, reviewing, and updating strategies to dispense vaccines, pharmaceuticals, and other medical supplies to the public during certain public health emergencies (bioterrorism or naturally occurring). This amendment adjusts the contract deliverables identified in Amendments No. 1 and No. 2 (City Clerk Document C-14516) to County Contract No. 518250. This project is funded by a Federal Centers for Disease Control and Prevention (CDC) Grant for the Cities Readiness Initiative Program, CFDA # 93.282. Under this amendment, up to \$70,000 is cost-reimbursable for equipment purchases required to implement the plan. A set amount of \$90,000 is for the completion of all fixed price deliverables. These funds will support any overtime costs for City staff to participate in planning and exercise activities. Any unexpended portion of the \$90,000 fixed amount to the City will be used to purchase redundant communications equipment for the City Emergency Operations Center (EOC) and provide for maintenance up to 5 years for that equipment. Specific communications equipment to be considered for purchase includes: antennas and wiring to accommodate Radio Amateur Civil Emergency Service (RACES);

uninterruptible power supply (UPS) backup systems; 800 megahertz handheld radios and associated antennas/wiring; and satellite phones and associated antennas/wiring.

FISCAL CONSIDERATIONS:

Fiscal Impact: There is no match required for the receipt of these funds. The County will reimburse the City for required equipment purchases up to \$70k.

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

R-300675 adopted July 18, 2005 titled Bioterrorism Preparedness Activities Agreement

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders are the residents of San Diego County. The City will have increased capabilities for mass distribution of vaccine or antibiotic prophylaxis to employees and citizens in the event of a large scale bioterrorism event.

Faller/Jarman

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:44 p.m. – 2:41 p.m.)

MOTION BY EMERALD 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-yea.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned at 2:45 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:45 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego