

UNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, JULY 30, 2007  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 2:06 p.m. Council President Peters recessed the meeting at 4:08 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 4:13 p.m. with Council Member Maienschein not present. The meeting was adjourned by Council President Peters at 6:51 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
  - (2) Council Member Faulconer-present
  - (3) Council Member Atkins-present
  - (4) Council Member Young-present
  - (5) Council Member Maienschein-not present
  - (6) Council Member Frye-present
  - (7) Council Member Madaffer-present
  - (8) Council Member Hueso-present
- Clerk-Maland (mz)

FILE LOCATION: MINUTES ↷

ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-not present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Jeff Burnell of the Horizon Park Chapel.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

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

FILE LOCATION: MINUTES

CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code Section 54956.9(a):

CS-1 *McGuigan v. City of San Diego*  
San Diego Superior Court Case No. GIC 849883

REFERRED TO CLOSED SESSION OF TUESDAY, JULY 31, 2007

EACA Assigned: D. McGrath

The City Attorney's Office will update the City Council regarding the notice of Disqualification of Judge McCue and the Motion to Vacate the Arbitrator's Award and class motion challenging the award, as well as the settlement reached with Plaintiff's attorney, Michael Conger, related to same.

Closed Session Comment 1:

Daniel Coffey commented on funding for outside City Attorney fees.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 6:45 p.m. – 6:50 p.m.)

**Council President Peters closed the hearing.**

**CS-2 *Harvey Furgatch v. San Diego Unified Port District, et al.***  
**San Diego Superior Court Case No. GIC 775242**

**REFERRED TO CLOSED SESSION OF TUESDAY, JULY 31, 2007**

CDCA Assigned: H. Carlyle and DCA Assigned: J. Riley

Plaintiff alleges his lawsuit was a substantial factor in causing the termination of the purchase and sale agreement for the transfer of property (Tailgate Park) from the City to the San Diego Unified Port District. The Council will be advised of the status of this litigation and discuss whether to waive the attorney client and attorney work product privileges, in a limited scope, for the purpose of defending this lawsuit.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 6:43 p.m. – 6:45 p.m.)

**Council President Peters closed the hearing.**

**CS-3 *Jose Bautista Antero, et al v. City of San Diego, et al***  
**San Diego Superior Court Case No. GIC 879838**

**REFERRED TO CLOSED SESSION OF TUESDAY, JULY 31, 2007**

DCA Assigned: M. Herrin

This matter involves a traffic accident at the intersection of Kearny Avenue and Cesar E. Chavez Parkway, when a vehicle driven by a city employee was involved in a collision with a vehicle occupied by Plaintiffs. The City Attorney requests that the Mayor and City Council consider a possible settlement of the case in closed session.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 6:43 p.m. – 6:45 p.m.)

**Council President Peters closed the hearing.**

CS-4 *City of San Diego v. Sunroad Enterprises et al.*  
San Diego Superior Court Case No. GIC 877054

**REFERRED TO CLOSED SESSION OF TUESDAY, JULY 31, 2007**

DCA Assigned: C. Brock

Case No. GIC 877054 was initiated by the City Attorney to abate the public nuisance created by Sunroad Enterprises' construction of a 12 story, 180 foot building which has been declared a "hazard" to air navigation at the City's Montgomery Field Airport by the Federal Aviation Administration ("FAA") Sunroad Enterprises cross-complained against the City claiming the City issued permits for the building and is responsible for any monetary loss Sunroad may incur. The City Attorney and outside counsel, Latham & Watkins, will discuss the status of the pending litigation and associated costs.

Closed Session Comment 1:

Daniel Coffey commented on City Attorney opinion for Sunroad construction.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 6:45 p.m. – 6:50 p.m.)

**Council President Peters closed the hearing.**

**CS-5 *San Diego Police Officers' Association v. Michael Aguirre, et al.* [POA1]  
United States District Court Case No. 05 CV 1581 H**

**REFERRED TO CLOSED SESSION OF TUESDAY, JULY 31, 2007**

EACA assigned: D. McGrath

This matter is an action filed by the San Diego Police Officers Association for damages and declaratory relief alleging retaliation and civil rights violations. In closed session, the Executive Assistant City Attorney will brief the Mayor and City Council on the litigation's status.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 6:43 p.m. – 6:45 p.m.)

**Council President Peters closed the hearing.**

**CS-6 *Marcus Abbe, et al. [190<sup>+</sup> Individual Police Officers] v. City of San Diego* [POA2]  
United States District Court Case No. 05 CV 1629 DMS; 06 CV 0538**

**REFERRED TO CLOSED SESSION OF TUESDAY, JULY 31, 2007**

EACA Assigned: D. McGrath

Approximately 1500 current or former police officers of the San Diego Police Department have jointly sued the City in these two consolidated cases for violation of the federal Fair Labor Standards Act and the Memorandum of Understanding (“MOU”) between the City and the Police Officers Association. The Plaintiffs allege in the lawsuit that they are entitled to compensation for nonpayment of earned overtime wages and also compensation for unpaid benefits in accordance with the MOU. In closed session, the Executive Assistant City Attorney will brief the Mayor and City Council on the litigation's status.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 6:43 p.m. – 6:45 p.m.)

**Council President Peters closed the hearing.**

CS-7 *Erica Aaron, et al. v. Michael Aguirre, et al. [POA3]*  
United States District Court Case No. 06 CV 1451 H

**REFERRED TO CLOSED SESSION OF TUESDAY, JULY 31, 2007**

EACA Assigned: D. McGrath

This matter is a class action filed by numerous police officers against the City Attorney, the City of San Diego and a number of current and former City Council Members and employees alleging retaliation and civil rights violations. In closed session, the Executive Assistant City Attorney will brief the Mayor and City Council on the litigation's status.

*Closed Session Comment 1:*

Daniel Coffey commented on City Attorney's conflict of interest.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 6:45 p.m. – 6:50 p.m.)

**Council President Peters closed the hearing.**

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CS-8 *City of San Diego v. MBM Associates, et al.*  
aka FSDRIP (San Diego River Project)  
San Diego Superior Court Case No. GIC 878013

**REFERRED TO CLOSED SESSION OF TUESDAY, JULY 31, 2007**

DCA Assigned: J. Cordileone

It is a breach of contract lawsuit involving the dredging of the San Diego River. In closed session, the City Attorney will brief the Mayor and City Council on the status of the case.

Closed Session Comment 1:

Daniel Coffey commented on adoption of obligation in 1993.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 6:45 p.m. – 6:50 p.m.)

**Council President Peters closed the hearing.**



ITEM-200: Approving Real Estate Broker Commissions for the Sale of Seventeen Excess City-Owned Real Properties.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-50)                      RETURNED TO THE MAYOR

Approving a schedule of real estate brokerage commissions for the sale of seventeen excess City-owned real properties previously approved for sale by the City Council on May 21, 2007.

**STAFF SUPPORTING INFORMATION:**

On May 21, 2007, the City Council approved the sale of seventeen properties excess to the City needs. Also approved was the "payment of a real estate broker's commission relating to the sale of the Properties, in each instance, at the discretion of the Mayor or his designee, and in conformance with San Diego Municipal Code Section 22.0905".

The City's Purchasing & Contracting Department issued a Request for Statement of Qualifications (RSFQ) seeking bids for "Professional Commercial Brokerage Services". The RSFQ was advertised in the City's official newspaper, the Daily Transcript, listed on the City's web site and notices were sent to commercial real estate firms. The City received proposals from eleven companies: Grubb & Ellis, NAI San Diego, Lee Associates, Associated Realtors, Coldwell Banker Commercial, Colliers International, CBRE, Cushman & Wakefield, Inc., Wiese & Associates, Burnham and Coldwell Banker Commercial.

A Technical Evaluation Committee, consisting of members of the Real Estate Assets Department, reviewed the proposals for technical merit and ranked them according to: Qualifications and Experience of Assigned Staff; References and Past Performance; Financial Capability to Perform; Suitability and Rapport; Firms' Relevant Experience; Executive Summary; Litigation History; Interpretation and Assessment of relevant market trends, Assessment of property sale opportunities; and Development of a Comprehensive Marketing Plan.

The top five qualifiers, Burnham, Colliers International, Grubb & Ellis, CBRE and Cushman & Wakefield, Inc., were invited for one-on-one interviews resulting in all five being selected and placed on a qualified vendors list for Commercial Real Estate contracts with the City. This list is valid for two years from the award date of June 27, 2007.

A Request for Proposals (RFP) was sent to these five companies to bid on the sale of eight properties, categorized in three groups - 1) Office Buildings, 2) Vacant Land and 3) Ground Leases. Each company submitted a written proposal and presentation to the Evaluation Committee. Each proposal was rated according to its technical merits and then the final pricing structure was evaluated with the best value selected by the City. Notification of intent to award was sent out on July 12, with a protest period to end on July 23, 2007.

This action requests approval of the best value proposals which do reflect, in this case, the lowest commission percentages that were received through the bid process described above (Attachment A), for the properties.

FISCAL CONSIDERATIONS:

All commissions are paid from the proceeds of the sale of the individual properties. The commission structures are well below market value rates for both commercial and residential properties.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The sale and payment of broker commissions was approved by Council on May 21, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

Barwick/Waring

Staff: James F. Barwick - (619) 236-6145  
Brock Ladewig - Chief Deputy City Attorney

FILE LOCATION: NONE

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

MOTION BY COMMON CONSENT TO RETURN TO THE MAYOR FOR FURTHER REVIEW. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-201: Two actions related to Proposition 218 Noticing for Wastewater Rate Adjustments Related to Shames v. City of San Diego; and Proposed Water Rate Adjustments Due to San Diego County Water Authority Rate Increase.

(See Reports to the City Council No. 07-125 and 07-126.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2008-58) ADOPTED WITH DIRECTION AS RESOLUTION  
R-302882

Receiving the Report to the City Council;

Authorizing the Mayor, or his designees, to notice a public hearing on proposed sewer rate adjustments in accordance with the requirements of Proposition 218 and the procedures previously adopted by the City Council in Resolution R-302245;

Declaring the public hearing for the City Council to consider the proposed sewer rate adjustments will be held during the regularly scheduled City Council Meeting of October 8, 2007, and will be conducted in accordance with Proposition 218 and the procedures previously adopted by the City Council in Resolution R-302245.

Declaring this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(5) because this activity is an organizational or administrative activity of a government that will not result in direct or indirect physical changes in the environment.

Subitem-B: (R-2008-46) ADOPTED WITH DIRECTION AS RESOLUTION  
R-302883

Receiving the Report to the City Council;

Authorizing the Mayor, or his designees, to notice a public hearing on proposed water rate adjustments in accordance with the requirements of Proposition 218 and the procedures previously adopted by the City Council in Resolution R-302245;

Declaring the public hearing for the City Council to consider the proposed water rate adjustments will be held during the regularly scheduled City Council Meeting of October 8, 2007, and will be conducted in accordance with Proposition 218 and the procedures previously adopted by the City Council in Resolution R-302245.

Declaring this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(5) because this activity is an organizational or administrative activity of a government that will not result in direct or indirect physical changes in the environment.

**STAFF SUPPORTING INFORMATION:**

In 2005, a class action lawsuit was initiated seeking correction for perceived rate imbalances. On May 18, 2007, the Superior Court for the County of San Diego approved an agreement to settle this class action lawsuit over the City's past wastewater service rates. This rate increase action will start the Prop. 218 noticing and mailing and set the date for public hearing of the proposed rate increase. The rate increase is needed to provide sufficient revenue to meet the court settlement revenue requirement of \$40 million. It is revenue neutral to the City of San Diego during the payment period; all funds raised by this proposed rate adjustment will go towards reducing sewer service charges for eligible single family residential customers, paying plaintiff attorney fees, paying claims from former residents or provides funding for a non-profit, 501(c)(3) organization (\$20,000) to solicit donations for independent review of future sewer rate cases. After \$40 million is raised and distributed in accordance with the Court satisfying other terms of the court settlement, the rate reduction for single family residential customers will expire and the two 3.05% rate increases for all City sewer customers will sunset (about October 30, 2011).

On January 1, 2008, CWA will be increasing the rates to all their participating agencies, including the City of San Diego, for water purchases. The City intends to increase the currently effective Water system rates and fees proportionately across all customer classes in order to pass through the increased wholesale water purchase costs from CWA. The commodity fee will increase by \$0.09 per HCF of water usage for all customer classes and the base fee will increase by \$0.14 per equivalent dwelling unit, based upon meter size. For the typical single family residence customer using 14 HCF per month, the fee increases due to the CWA pass through costs will add approximately \$1.40 to the monthly water bill.

These rate increase pass-through were not part of the City Water Department's recent 4 year, 6.5% annual water rate increase approved by the City Council (Report to the City Council No. 07-039). As the CWA rate increases were not finalized or approved by the CWA Board at the time of presentation of the City Water Department's 4 year rate increase plan, CWA's rate increases were not included in the 4 year rate increase plan. The rate increase pass-throughs are considered to be cost/revenue neutral and will not affect the strategic plan presented with the 4 year water rate plan. These pass-throughs are subject to Proposition 218 noticing.

FISCAL CONSIDERATIONS:

Cost of noticing property-owners and customer base is approximately \$230,000. This cost will be shared equally by the Metropolitan Wastewater Department and Water Department.

PREVIOUS COUNCIL COMMITTEE ACTION:

On December 6, 2006, City Council approved a settlement of the suit that would give rebates to approximately 224,000 single-family ratepayers.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Proposition 218 notice will be issued upon approval of this action and will provide 45 days for public review and outreach.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Commercial, industrial, multi-family, and ineligible single-family residence account holders will see increases in their wastewater service charges over the next four years. Examples of impacts on these account types, based on average usage, are provided in the Discussion section of the Wastewater rate increases related to Shames v. City of San Diego report.

Single-family residential account holders whose residences had wastewater service prior to October 1, 2004 will have these wastewater rate increases credited back to them; additionally, they will receive a monthly credit that represents the distribution of revenues collected from all other account holders for this settlement action.

City of San Diego water and wastewater users will receive notice that the City Council will hold a public hearing on October 8, 2007 to consider adoption of the proposed adjustments to the existing wastewater and water fees and rates. This notice will also inform these users how to register a protest against either of these rate increases.

If adopted, the adjusted fees and rates would become effective November 1, 2007 (wastewater) and January 1, 2008 (water).

Bertch/Haas

Staff: Darlene Morrow - (858) 292-6384  
Raymond C. Palmucci - Deputy City Attorney

FILE LOCATION: SUBITEM A: MEET  
SUBITEM B: MEET

COUNCIL ACTION: (Time duration: 3:11 p.m. – 4:08 p.m.)

MOTION BY MADAFFER TO ADOPT THE RESOLUTIONS IN SUBITEM A AND SUBITEM B AND TO REVISE THE LANGUAGE CONTAINED IN PROPOSITION 218 - "NOTICE OF PUBLIC HEARING". ALL REFERENCES THAT READ "APPROVED BY THE CITY COUNCIL" WILL BE REVISED TO READ "APPROVED BY THE MAYOR AND CITY COUNCIL". Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-202: FY 2008 Agreements with Self-Managed Maintenance Assessment Districts. In the matter of City Council adopting a resolution authorizing actions related to seven Maintenance Agreements and associated actions.

(Centre City, College Area, City Heights, North Park, Ocean Beach, Southeastern, and Uptown Community Plan Areas. Districts 2, 3, 7 and 8.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-71 Cor. Copy) ADOPTED AS RESOLUTION R-302884

Authorizing the Mayor to execute a Maintenance Agreement for the administration of Contracts for Goods and Contracts for Services pursuant to San Diego Municipal Code section 65.0212 (Maintenance Agreement) with the Adams Avenue Business Association for the Adams Avenue Maintenance Assessment District for a one year period beginning July 1, 2007 through June 30, 2008, in accordance with the San Diego Municipal Code section 65.0212. A copy of the Maintenance Agreement for the Adams Avenue Maintenance Assessment District is on file in the Office of the City Clerk as Document No. RR \_\_\_\_\_;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$7,530 from Fund No. 70247 for administrative costs incurred by the Adams Avenue Business Association in the course of providing services under the Maintenance Agreement for the Adams Avenue Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$3,500 from Fund No. 70247 to Fund No. 70267 for administrative costs incurred by the City of San Diego (City) in the course of providing administrative services to the Adams Avenue Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

Authorizing the Mayor to execute a Maintenance Agreement with the Central Commercial District Revitalization Corporation for the Central Commercial Maintenance Assessment District for a one year period beginning July 1, 2007 through June 30, 2008 in accordance with the San Diego Municipal Code Section 65.0212. A copy of the Maintenance Agreement for the Central Commercial Maintenance Assessment District is on file in the office of the City Clerk as Document No. RR \_\_\_\_\_;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$32,780 from Fund No. 70260 for administrative costs incurred by the Central Commercial District Revitalization Corporation in the course of providing services under the Maintenance Agreement for the Central Commercial Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$8,741 from Fund No. 70260 to Fund No. 70267 for administrative costs incurred by the City in the course of providing administrative services to the Central Commercial Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

Authorizing the Mayor to execute a Maintenance Agreement with the City Heights Business Association for the City Heights Maintenance Assessment District for a one year period beginning July 1, 2007 through June 30, 2008, in accordance with the San Diego Municipal Code Section 65.0212. A copy of the Maintenance Agreement for the City Heights Maintenance Assessment District is on file in the Office of the City Clerk as Document No. RR \_\_\_\_\_;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$45,314 from Fund No. 70268 for administrative costs incurred by the City Heights Business Association in the course of providing services under the Maintenance Agreement for the City Heights Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$12,084 from Fund No. 70268 to Fund No. 70267 for administrative costs incurred by the City in the course of providing administrative services to the City Heights Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

Authorizing the Mayor to execute a Maintenance Agreement with the College Area Economic Development Corporation for the College Heights Maintenance Assessment District for a one year period beginning July 1, 2007 through June 30, 2008, in accordance with the San Diego Municipal Code Section 65.0212. A copy of the Maintenance Agreement for the College Heights Maintenance Assessment District is on file in the Office of the City Clerk as RR \_\_\_\_\_;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$41,128 from Fund No. 70266 for administrative costs incurred by the College Area Economic Development Corporation in the course of providing services under the Maintenance Agreement for the College Heights Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or 7 certificates certifying that the funds are available;



Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$10,968 from Fund No. 70266 to Fund No. 70267 for administrative costs incurred by the City in the course of providing administrative services to the College Heights Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

Authorizing the Mayor to execute a Maintenance Agreement with the Hillcrest Business Association for the Hillcrest Commercial Core Maintenance Assessment District for a one year period beginning July 1, 2007 through June 30, 2008 in accordance with the San Diego Municipal Code Section 65.0212. A copy of the Maintenance Agreement for the Hillcrest Commercial Core Maintenance Assessment District is on file in the Office of the City Clerk as Document No. RR \_\_\_\_\_;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$13,493 from Fund No. 70284 for administrative costs incurred by the ~~Central Commercial District Revitalization Corporation~~ Hillcrest Business Association in the course of providing services under the Maintenance Agreement for the ~~Central Commercial Maintenance Assessment District,~~ Hillcrest Commercial Core Maintenance Assessment District provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$3,598 from Fund No. 70284 to Fund No. 70267 for administrative costs incurred by the City in the course of providing administrative services to the Hillcrest Commercial Core Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

Authorizing the Mayor to execute a Maintenance Agreement with the Little Italy Association for the Little Italy Maintenance Assessment District for a one year period beginning July 1, 2007 through June 30, 2008, in accordance with the San Diego Municipal Code Section 65.0212. A copy of the Maintenance Agreement for the Little Italy Maintenance Assessment District is on file in the Office of the City Clerk as Document No. RR \_\_\_\_\_;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed ~~\$100,323~~ \$110,323 from Fund No. 70261 for administrative costs incurred by the Little Italy Association in the course of providing services under the Maintenance Agreement for the Little Italy Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$29,420 from Fund No. 70261 to Fund No. 70267 for administrative costs incurred by the City in the course of providing administrative services to the Little Italy Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

Authorizing the Mayor to execute a Maintenance Agreement with the Ocean Beach Main Street Association for the Newport Maintenance Assessment District for a one year period beginning July 1, 2007 through June 30, 2008, in accordance with the San Diego Municipal Code Section 65.0212. A copy of the Maintenance Agreement for the Newport Maintenance Assessment District is on file in the Office of the City Clerk as Document No. RR \_\_\_\_\_;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$8,372 from Fund No. 70241 for administrative costs incurred by the Ocean Beach Main Street Association in the course of providing services under the Maintenance Agreement for the Newport Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$3,500 from Fund No. 70241 to Fund No. 70267 for administrative costs incurred by the City in the course of providing administrative services to the Newport Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$201,811 from Fund No. 70267 for administrative costs incurred by the City in the administration of the Adams Avenue, Central Commercial, City Heights, College Heights, Hillcrest Commercial Core, Little Italy and Newport Avenue Maintenance Assessment Districts and the Downtown Property and Business Improvement District for Fiscal Year ~~2007~~ 2008, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available.

**OTHER RECOMMENDATIONS:**

Each district holds regular meetings and publishes regular newsletters which are distributed to the property owners in the respective MADs.

**STAFF SUPPORTING INFORMATION:**

**REQUESTED ACTION:**

The City Council is being asked to authorize the following actions by resolution:

1. Authorizing the Mayor to execute Agreements with the Adams Avenue Business Association, Central Commercial District Revitalization Corporation, City Heights Business Association, College Area Economic Development Corporation, Hillcrest Business Association, Little Italy Association and Ocean Beach Main Street Association for administration of Contracts for Goods and Contracts for Services for the Adams Avenue, Central Commercial, City Heights, College Heights, Hillcrest Commercial Core, Little Italy and Newport Avenue Maintenance Assessment Districts for a one year period in accordance with the San Diego Municipal Code Section 65.0212. The effective date and term of the Agreement is July 1, 2007 through June 30 2008.
2. Authorizing the expenditure of funds for administration services to be provided by Adams Avenue Business Association, Central Commercial District Revitalization Corporation, City Heights Business Association, College Area Economic Development Corporation, Hillcrest Business Association, Little Italy Association and Ocean Beach Main Street Association beginning July 1, 2007 through June 30 2008.
3. Approve the transfer of City administrative fees totaling \$201,811 from Adams Avenue, Central Commercial, City Heights, College Heights, Hillcrest Commercial Core, Little Italy, Newport Avenue Maintenance Assessment Districts and Downtown Property & Business Improvement District to fund 70267.
4. Authorizing the expenditure of funds in an amount not to exceed \$201,811 from fund 70267 for City administration of Adams Avenue, Central Commercial, City Heights, College Heights, Hillcrest Commercial Core, Little Italy, Newport Avenue Maintenance Assessment Districts and Downtown Property & Business Improvement for Fiscal Year 2008.

STAFF RECOMMENDATION:

Approve all the requested actions mentioned above.

EXECUTIVE SUMMARY:

The San Diego Municipal Code allows non-profit corporations to administer MADs when an assessment weighted majority of district property owners support the selection of a particular non-profit corporation for their district. The San Diego Municipal Code Section 65.0212 paragraph (b)(2), authorizes the City Council to approve a one year Agreement with non-profit corporations to administer the Contracts for Goods and Contracts for Services in Maintenance Assessment Districts ("MADs").

The property owner selected non-profit corporations ("Associations") have managed their annual Agreements since the inception of each MAD and wish to continue their contract with the City from July 1, 2007 through June 30 2008. This action will authorize the Mayor to execute Agreements between the City and the Associations for a period of one year beginning on July 1, 2007 through June 30 2008. The Agreements provide the following:

1. The Associations will administer Contracts for Goods and Contracts for Services and prepare financial statements for their respective Districts as provided for in the Maintenance Assessment District Ordinance, Landscape and Lighting Act of 1972, and as set forth in the Assessment Engineer's Report for the Adams Avenue, Central Commercial, City Heights, College Heights, Little Italy and Newport Maintenance Assessment Districts.
2. The Associations will perform all duties as set forth in each of their respective Agreements under Article I, section B, referred to as Specific Requirements.
3. The Associations will be compensated for administration in an amount not to exceed 15% of the total approved assessments for FY08. Projected total annual assessments for the following Assessment Districts in FY08 are \$7,541,735.

This action will also authorize the transfer of \$201,811 to fund 70267 to fund City administration (by the Economic Development Division of the City Planning and Community Investment Department) of the Adams Avenue, Central Commercial, City Heights, College Heights, Hillcrest Commercial Core, Little Italy and Newport Avenue self-managed MADS as well as the Downtown Property & Business Improvement District (PBID) for Fiscal Year 2008. Additionally, this action authorizes the expenditure of funds, in an amount not to exceed \$201,811 in Fiscal Year 2008, from fund 70267 for the administration of the above referenced

self-managed MADs and PBID by the Economic Development Division. City administrative fees in self-managed maintenance assessment districts range from a minimum of \$3,500 to a maximum of 4% of total assessments and will be used to fund engineering, auditing, payment processing, budgeting and other services related to the administration of each district.

<u>District</u>	<u>Assessment Amount</u>	<u>Non-Profit Administration Fee</u>	<u>City Administration Fee</u>
Adams Avenue MAD	\$ 50,200	\$ 7,530	\$ 3,500
Central Commercial MAD	\$218,536	\$ 32,780	\$ 8,741
City Heights MAD	\$302,095	\$ 45,314	\$ 12,084
College Heights MAD	\$274,189	\$ 41,128	\$ 10,968
Hillcrest Commercial Core MAD	\$ 89,950	\$ 13,493	\$ 3,598
Little Italy MAD	\$735,489	\$110,323	\$ 29,420
Newport MAD	\$ 55,812	\$ 8,372	\$ 3,500
Downtown PBID	\$5,815,464	N/A	\$130,000
<b>Total</b>	<b>\$7,541,735</b>	<b>\$258,940</b>	<b>\$201,811</b>

FISCAL CONSIDERATIONS:

Under the terms of the agreements, the City will be reimbursed \$201,811 for administrative services.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Approving the MAD agreements with the respective non-profit business associations is an annual process. The previous Council action was taken in August 8, 2006, and adopted as resolution R-301852.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Each district holds regular meetings and publishes regular newsletters which are distributed to the property owners in the respective MADs.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Key stakeholders are the business community and the property owners within the self managed districts.

Aud. Cert. 2800034.

Anderson/Waring/LEO

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

Staff: Luis E. Ojeda – (619) 236-6475  
Elizabeth Coleman – Deputy City Attorney

FILE LOCATION: STRT-M-514 FY08 (34)

COUNCIL ACTION: (Time duration: 2:32 p.m. – 2:37 p.m.)

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

ITEM-203: Greater Golden Hill Maintenance Assessment District.

(Greater Golden Hill Maintenance Assessment District Community Areas.  
Districts 3 and 8).

(First Public Hearing was held on June 12, 2007, Item 337.)

**STAFF RECOMMENDATION:**

Adopt the resolutions in Subitems A and B; and adopt the resolution in **either** Alternative A or Alternative B on Subitem C:

Subitem-A: (R-2008-67) ADOPTED AS RESOLUTION R-302885

Approving Fiscal Year 2008 budget for the Greater Golden Hill Maintenance Assessment District.

Subitem-B: (R-2008-68) ADOPTED AS RESOLUTION R-302886

Authorizing the City Auditor and Comptroller to establish and expend the Greater Golden Hill Maintenance Assessment District Fund.

**Alternative A:**

Subitem—C: (R-2008-69A Cor. Copy) NOTED AND FILED

Considering the protest, approving Assessment Engineer's Report, confirming the assessments, and ordering the improvements, maintenance and/or services, in the matter of the Greater Golden Hill Maintenance Assessment District.

or

**Alternative B:**

Subitem—C: (R-2008-69B Cor. Copy) ADOPTED AS RESOLUTION R-302887

Considering the protest, approving Assessment Engineer's Report, confirming the assessments, ordering the improvements, maintenance and/or services, and, if approved by ballot, authorizing the Mayor or his designee to negotiate a contract with the Greater Golden Hill Community Development Corporation pursuant to Municipal Code § 65.0212-65.0214 in the matter of the Greater Golden Hill Maintenance Assessment District.

**STAFF SUPPORTING INFORMATION:****REQUESTED ACTION:**

The City Council is being asked to authorize the following actions by resolution:

1. Propose the formation of the Greater Golden Hill Maintenance Assessment District; and Preliminarily approving the Engineer Report.
2. Authorize the intention to levy and collect assessments for Fiscal Year 2008, establish the maximum authorized assessments, and set maximum assessment indexed annually to the San Diego Regional Consumer Price Index-Urban (CPI-U) not to exceed 5%.
3. Authorize the mailing of ballots to all property owners subject to assessment.
4. Establish the time and place for a public hearing to count ballots; and

**Upon affirmative findings at the public hearing on July 30, 2007**

5. Authorize the consideration of protests, ordering the formation of the District, approve the Assessment Engineer's Report, confirm assessments, and order the improvements, maintenance, and/or services.
6. Approving the annual budget for the Greater Golden Hill Maintenance Assessment District in Fiscal Year 2008.
7. Authorize the City Auditor and Comptroller to establish an interest-bearing fund for the District.
8. If a weighted majority of returned ballots opened following the public hearing select the Greater Golden Hill Community Development Corporation, a non-profit Section 501(c)(3) organization, to administer the contracts for goods and services, authorize the Mayor or his designee to negotiate a contract with the Greater Golden Hill Community Development Corporation pursuant to Municipal Code § 65.0212-65.0214.

STAFF RECOMMENDATION:

Approve the requested actions listed above.

EXECUTIVE SUMMARY:

Recent efforts to form a potential Maintenance Assessment District in the Greater Golden Hill community began in early 2006 when the Greater Golden Hill Community Development Corporation (GGHCDC) received Community Development Block Grant (CDBG) Funds from Council Offices to explore the possible formation of a MAD. In the fall of 2006, the GGHCDC held two (2) community meetings open to residents and to the public. Public notices of these meetings were distributed and posted within the community. Nearly 100 residents attended these two community meetings. The purpose of these two (2) community meetings was to seek community input on how to make the Greater Golden Hill area safer and cleaner. Property owners and residents told the GGH CDC that they supported forming a MAD to fund services to make Greater Golden Hills cleaner, safer & greener. The public workshops resulted in the GGHCDC generating two (2) public mailings and surveys to gauge support for a potential Maintenance Assessment District among the 3,550 Greater Golden Hill property owners. Of the 650 surveys returned to date by property owners, support was expressed by 75% of property owners for forming a MAD in Greater Golden Hill. Extensive input was received from property owners who would be impacted by the proposed District as to the scope of and frequency of services desired within the community.

The GGHCDC's outreach efforts included: 1) two noticed public workshops; 2) mail surveys to all property owners who would be impacted by the proposed assessment; 3) personal visits and telephone calls with property owners; 4) e-mail notices to impacted property owners.

Additional public outreach was made by Greater Golden Hill CDC Board members who appeared under public comments before the Greater Golden Hill Planning Committee at its meeting of Tuesday, March 11, 2007, to update Planning Group members on the survey mailings and possible MAD formation efforts. A more detailed informational presentation on the potential formation of a MAD was made before the Greater Golden Hill Planning Committee at its regularly scheduled monthly meeting of Tuesday, April 11, 2007. Additional community meetings and informational mailings will be made by the Greater Golden Hill CDC over the coming months to contact each and every property owner prior to and during the public balloting period.



The City staff has retained SCI Consulting Group to prepare an Engineer's Report for the requested District. This report summarizes the proposed district, describes requested services/associated costs, provides an assessment diagram and apportions property owner assessments based on the level of benefit received. District proponents had the opportunity to review and comment on the Engineer's Report.

The City Council is being asked to authorize the eight (8) requested actions cited above, with authorizations for actions 5 through 8 contingent upon affirmative findings at the public hearing scheduled for July 30, 2007. If the City Council approves the requested actions, ballots describing the proposed district and the associated assessments will be mailed to all property owners of record within the proposed district boundaries. Property owners can mail or deliver the ballots to the City Clerk.

*Interested parties may comment at the July 30, 2007, public hearing regarding the proposed District. Ballots will be counted at the conclusion of the hearing. If a majority of property owners support formation of the District in accordance with State law, the City Council has the discretion to establish the District and levy assessments beginning in Fiscal Year 2008 as described in the Assessment Engineer's Report.*

FISCAL CONSIDERATIONS:

The annual assessment for City owned property will be \$35,160.29. Approximately \$488,890 will be assessed and collected in the Greater Golden Hill Maintenance Assessment District in FY 2008 ranging from \$36.03 to \$9,594.68 per parcel.

The proposed assessments will fund an increased level of enhanced services within the District boundaries. If the District is approved by benefiting property owners, assessments will be levied and collected to fund the annual budget.

	<u>FY 07-08</u>	<u>Maximum Authorized</u>
<b>REVENUES</b>		
Assessments	\$488,890	\$488,890
Interest	\$ 0	\$ 0
<b>TOTAL REVENUES</b>	<b><u>\$488,890</u></b>	<b><u>\$488,890</u></b>
<b>ACTIVITIES AND SERVICES EXPENSES</b>		
Personnel	\$ 0	\$ 0
Contractual	\$326,500	\$326,500
Utilities	\$ 5,000	\$ 5,000
Incidentals/Administration	\$136,340	\$136,340
Contingency Reserve	<u>\$ 21,050</u>	<u>\$ 21,050</u>
<b>TOTAL EXPENSES</b>	<b><u>\$488,890</u></b>	<b><u>\$488,890</u></b>
<b>BALANCE</b>	<b><u>\$ 0</u></b>	<b><u>\$ 0</u></b>

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The outreach efforts include: 1) two noticed public workshops; 2) mail surveys to all property owners who would be impacted by the proposed assessment; 3) personal visits and telephone calls with property owners; 4) e-mail notices to impacted property owners.

Additional public outreach was made by Greater Golden Hill CDC Board members who appeared under public comments before the Greater Golden Hill Planning Committee at its meeting of Tuesday, March 11, 2007 to update Planning Group members on the survey mailings and possible MAD formation efforts. A more detailed informational presentation on the potential formation of a MAD was made before the Greater Golden Hill Planning Committee at its regularly scheduled monthly meeting of Tuesday, April 11, 2007. Additional community meetings and informational mailings will be made by the Greater Golden Hill CDC over the coming months to contact each and every property owner prior to and during the public balloting period.

Upon preliminary approval of the Engineer's report by the City Council, notices/ballots will be prepared and mailed to all property owners of the District who will ultimately vote whether or not they support the formation of the District. Property owners will also vote whether the Greater Golden Hill Community Development Corporation, a non-profit, Section 501(c)(3) organization, or the City should administer the contracts for goods and services for the District. If this action is approved, a public hearing will be scheduled where public testimony will be heard by the City Council.



City Clerk, Elizabeth Maland announced that the election has been conducted according to the assessment proceedings. The ballots in favor exceed the ballots in opposition with a weighted majority vote in favor, and the proposed formation of the Greater Golden Hill Maintenance Assessment District has passed. City Clerk, Elizabeth Maland certified the results and submitted them to the City Council.

MOTION BY HUESO TO ADOPT THE RESOLUTIONS IN SUBITEM A, SUBITEM B, AND SUBITEM C (ALTERNATIVE B) AND TO NOTE AND FILE SUBITEM C (ALTERNATIVE A). Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-recused, Young-yea, Maienschein-not present, Frye-nay, Madaffer-yea, Hueso-yea.

ITEM-204: Business Improvement Districts – FY 2008 Annual Appropriation Process.

(Centre City, College Area, Greater North Park, La Jolla, Mid-City, Mission Beach, Ocean Beach, Old San Diego, Pacific Beach, San Ysidro, Southeastern San Diego and Uptown Community Areas. Districts 1, 2, 3, 4, 7, and 8.)

NOTE: First Public Hearing was held on July 10, 2007, Item 333.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2007-1241) ADOPTED AS RESOLUTION R-302888

Confirming the Fiscal Year 2008 Budget Reports for specified Business Improvement Districts, and levying annual assessments. The reports are on file with the Office of the City Clerk under the following document numbers:

**Business Improvement District:**

**Document Number:**

Adams Avenue

RR-\_\_\_\_\_

City Heights

RR-\_\_\_\_\_

College Area

RR-\_\_\_\_\_

Diamond

RR-\_\_\_\_\_

Downtown

RR-\_\_\_\_\_

El Cajon Boulevard Central

RR-\_\_\_\_\_

El Cajon Boulevard Gateway	RR-_____
Gaslamp	RR-_____
Hillcrest	RR-_____
La Jolla	RR-_____
Little Italy	RR-_____
Mission Hills	RR-_____
North Park	RR-_____
Ocean Beach	RR-_____
Old Town	RR-_____
Pacific Beach	RR-_____
San Ysidro	RR-_____

That the adoption of this Resolution shall constitute the levy of assessments for each specified District during Fiscal Year 2008, as referenced in the respective Budget Reports.

Subitem-B: (R-2007-1242 Rev. Copy) ADOPTED WITH DIRECTION AS  
RESOLUTION R-302889

Authorizing the Mayor to execute the Fiscal Year 2008 operating agreements for specified Business Improvement Districts. The agreements being on file with the Office of the City Clerk under the following document numbers:

<u>Association:</u>	<u>Business Improvement District:</u>	<u>Document No:</u>
Adams Avenue Business Business Association, Inc.	Adams Avenue	RR-_____
City Heights Business Association	City Heights	RR-_____
College Area Economic Development Corporation	College Area	RR-_____
Diamond Community Development Corporation	Diamond	RR-_____
Downtown San Diego Partnership Inc.	Downtown Improvement Area	RR-_____
El Cajon Boulevard Business Improvement Association	El Cajon Gateway	RR-_____
El Cajon Boulevard Business Improvement Association	El Cajon Central	RR-_____
Gaslamp Quarter Association, Inc.	Gaslamp	RR-_____
Hillcrest Business Improvement	Hillcrest	RR-_____

Association, Inc.		
Promote La Jolla, Inc.	La Jolla	RR-_____
Little Italy Association	Little Italy	RR-_____
Mission Hills Business Improvement District	Mission Hills	RR-_____
North Park Organization of Businesses, Inc.	North Park	RR-_____
Ocean Beach Merchant's Association, Inc.	Ocean Beach	RR-_____
Old Town San Diego Chamber of Commerce	Old Town	RR-_____
The Pacific Beach Community Development Corporation dba Discover Pacific Beach	Pacific Beach	RR-_____
San Ysidro Improvement Corporation	San Ysidro	RR-_____

**STAFF SUPPORTING INFORMATION:**

**REQUESTED ACTIONS:**

1. Confirm the FY 2008 Budget Reports for each specified BID and levy the annual assessments for those BID's; and
2. Authorize the Mayor to execute the FY 2008 operating agreements with the non-profit associations for the specified BID's.

**STAFF RECOMMENDATIONS:** Adopt the requested actions.

**EXECUTIVE SUMMARY:**

The California Streets and Highways Code authorizes the City to establish Business Improvement Districts (BID's), to levy and collect an assessment from businesses within the BID's, and to apply these assessments toward improvements and activities that benefit the businesses within their respective BID's. The City established each of the BID's by adopting an ordinance that details the street ranges to be included within each BID, the categorization of the types of businesses within each BID, and in some cases, the size of the businesses as determined by the number of employees. The assessment levels, as determined by these factors, are also detailed in each ordinance.

Under State law, the City Council must annually review and approve the Budget Reports for the BID's. In addition, the City Council must annually authorize the levying of the assessments as established in the respective ordinances and hold a noticed public hearing on the matter. Once authorized, the BID assessments are collected by the City Treasurer at the same time and in the same manner as the City's business tax.

The City collects approximately \$1.3 million annually in BID assessments from about 12,000 businesses; these funds are accounted for separately in the City's accounting system and are provided to non-profit associations (whose memberships include the businesses in the respective BID's) under an operating agreement. Generally, funds are remitted to the non-profit associations on a reimbursement basis to manage BID programs in the respective BID's, though working capital advances are permitted under certain circumstances. State law also provides that the Budget Reports shall identify any surplus or deficit revenues to be carried over from a previous fiscal year. These funds are identified in the Budget Reports as Estimated Unexpended Assessments to be carried forward and Estimated Outstanding Operating Advances. In approving the Budget Reports, the City Council appropriates the assessments to be collected and the prior year surplus funds.

In FY 2007, the City approved the Budget Reports for, and authorized the levying of assessments on businesses within, the following BID's: Adams Avenue, City Heights, College Area, Diamond, Downtown, El Cajon Boulevard Central, El Cajon Boulevard Gateway, Gaslamp, Hillcrest, La Jolla, Little Italy, Midway, Mission Hills, North Park, Ocean Beach, Old Town, Pacific Beach, and San Ysidro. However, due to a claim filed against the City in March 2007 by the North Bay Association of San Diego (the non-profit association for the Midway BID) and circumstances giving rise to that claim, it is recommended that the City neither levy assessments within the Midway BID in FY 2008, nor enter into an operating agreement with the North Bay Association of San Diego for the management of the Midway BID in FY 2008.

FISCAL CONSIDERATIONS:

Because the City does not retain any of the BID assessments for administrative or other purposes, there is a zero net fiscal impact for collecting and disbursing the BID assessments.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

R-301539 and R-301540 (June 19, 2006); R-301855 and R-301856 (July 18, 2006).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The non-profit associations that manage the BID's hold regular meetings and publish regular newsletters, which are distributed to the businesses within the respective BID's. Organizational budgets and work plans are developed by the respective boards and approved at their meetings.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Businesses within the respective BID's are the key stakeholders and beneficiaries of community improvements and business marketing and development. Residents and property owners may also benefit from public improvements and enhanced business services.

Waring/Anderson/MDB

Staff: Meredith Dibden Brown – (619) 236-6485  
Michael D. Neumeyer – Deputy City Attorney

FILE LOCATION: STRT-L-27 (32)

COUNCIL ACTION: (Time duration: 2:38 p.m. – 3:11 p.m.)

Testimony in favor by Tiffany Sherer, Jennifer Finnegan, Benjamin Nicholls, Joseph Kinard and Diana Spyridonidis.

MOTION BY MADAFFER TO ADOPT THE RESOLUTIONS IN SUBITEM A AND SUBITEM B WITH CHANGES TO SECTION 13.4.1 OF THE "FISCAL YEAR 2008 OPERATING AGREEMENTS" TO READ AS FOLLOWS: THE CITY, AT ITS SOLE DISCRETION, MAY IMMEDIATELY TERMINATE THIS AGREEMENT UPON WRITTEN NOTICE TO CONTRACTOR (DELIVERED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE XVII BELOW) IF: A) CONTRACTOR, OR ANY OF ITS OFFICERS OR DIRECTORS, ENGAGES IN CONDUCT THAT RESULTS IN CONTRACTOR, OR ANY OF ITS OFFICERS OR DIRECTORS, BEING CONVICTED OF A FELONY THAT MATERIALLY AND ADVERSELY AFFECTS CONTRACTOR'S PERFORMANCE OF ITS OBLIGATIONS UNDER THIS AGREEMENT, AND B) CONTRACTOR MISAPPROPRIATES FUNDS. Second by Young. Passed by the following vote: Peters-yea, Faulconer-nay, Atkins-yea, Young-yea, Maienschein-not present, Frye-nay, Madaffer-yea, Hueso-yea.



ITEM-205: Fiscal Year 2008 Tax Rate Ordinance.

(See Report to the City Council No. 07-124.)

**STAFF'S RECOMMENDATION:**

Introduce and adopt the following ordinance:

(O-2008-11)                   INTRODUCED AND ADOPTED AS  
O-19657 (New Series)

Introduction and adoption of an Ordinance Fixing a rate of taxation of six hundred nineteen hundred-thousandths (0.00619%), comprised of a tax rate of 0.00500% for the Zoological Exhibits and a tax rate of 0.00119% for the Public Safety Communications Bonds, on each one hundred dollars' valuation of taxable property (full value) within the City of San Diego for the Fiscal Year 2007-2008 and levying the rate on all taxable property, both real and personal, in the City of San Diego, pursuant to the provisions of Section 75 of the Charter of the City of San Diego, Article XIII A of the State Constitution and the state legislation adopted pursuant thereto. Included herein is the amount required to be levied by Section 77a of said Charter;

Establishing an allowance of three and one-half percent (3.5%) for anticipated delinquencies in tax payments upon real property and improvements thereon and personal property secured, other than properties of public utilities;

Establishing an allowance of one and eight-tenths percent (1.8%) for roll corrections and assessment appeal reductions upon real property and improvements thereon and personal property secured, other than properties of public utilities;

The rate is computed as follows:

**TAX REQUIREMENTS FOR 2007-2008 BUDGET**

Fund Name (Number)	Fiscal Year 2007-2008 Expenditures	Less Fund	Less		Total Tax for Secured Tax Levy	Secured Tax Rate on Each \$100 of Assessed Valuation
		Balance Available for FY 2008 Budget	Delinquent Taxes and Intangibles	Less Unsecured		
Zoological Exhibits Fund (10222)	\$8,946,525	\$1,311,522	\$229,000	\$318,986	\$7,087,017	0.00500% <sup>a</sup>
General Obligation Public Safety Communications Bond Interest & Redemption Fund (21640)	\$2,328,948	\$255,845	\$117,000	\$84,890	\$1,871,213	0.00119%
<b>TOTAL</b>	<b>\$11,275,473</b>	<b>\$1,567,367</b>	<b>\$346,000</b>	<b>\$403,876</b>	<b>\$8,958,230</b>	<b>0.00619%</b>

Declaring the taxes hereby levied shall be due and payable and shall be collected at the same time and in the same manner as State and County taxes in the County of San Diego;

<sup>a</sup>Section 77a of the City Charter requires a two-cent tax levy on each one hundred dollars (\$100.00) of assessed valuation. Subsequent to the adoption of Charter section 77a, Section 135 of the California Revenue and Taxation Code changed the definition of assessed valuation to "full value" where it had previously been 25 percent of "full value." Pursuant to Section 135(d) of the California Revenue and Taxation Code a conversion factor of one-fourth (1/4) is applied to the tax rate for purposes of translating the Charter Section 77a tax rates to the new definition. This rate will be applied to taxable property assessed a full value (\$100) for Fiscal Year 2007-2008.

**STAFF SUPPORTING INFORMATION:**

Public Safety Communications Bonds

On June 5, 1990, voters approved the issuance of \$25,500,000 of general obligation bonds for the Public Safety Communications Project. The project included new Police and Fire communications centers, new Police and Fire/Emergency Medical Services computer police field units and 800 megahertz radio systems.

It is necessary to set a tax rate to provide sufficient funds to pay scheduled principal and annual interest payments on outstanding Public Safety Communications Bonds for capital improvements to be paid off in annual installments by Fiscal Year 2012.

#### Zoological Exhibits

The zoological exhibits in Balboa Park are financed from a fixed property tax levy of \$.02 per \$100 of assessed valuation mandated in the City Charter, Section 77 A. Subsequent to the adoption of Charter section 77a, Section 135 of the California Revenue and Taxation Code changed the definition of assessed valuation to "full value" where it had previously been 25 percent of "full value." Pursuant to Section 135(d) of the California Revenue and Taxation Code, a conversion factor of one-fourth (1/4) is applied to the tax rate, which changes the rate to \$.005 for purposes of translating the Charter Section 77a tax rates to the new definition. This rate will be applied to taxable property assessed at full value (100%) for Fiscal Year 2007-2008. The following is a comparison of Fiscal Year 2007 and Fiscal Year 2008 tax rates:

<u>Purpose</u>	<u>FY 2007</u> <u>Per \$100 AV*</u>	<u>FY2008</u> <u>Per \$100 AV*</u>
Public Safety Communication Bonds (Fund 21640)	0.00124	0.00119
Zoological Exhibits (Fund 10222)	0.00500	0.00500

\* Assessed Valuation

The tax rate for the Public Safety Communications Bond is being reduced as the proposed tax is applied to a higher base due to the increase in assessed valuations. Amounts derived from the tax levy will be used to pay scheduled principal and annual interest payments on the bonds.

The Zoological Exhibits tax rate remains unchanged consistent with City Charter Section 77A.

The Charter of San Diego, Section 75 requires that an annual Tax Levy be adopted by ordinance no later than the last day of August of each year.

#### FISCAL CONSIDERATIONS:

Funding is appropriated in the Fiscal Year 2008 Annual Budget for Public Safety Communication Bonds, \$2,328,948, and for Zoological Exhibits, \$8,946,525.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: None.

Lewis/Levin/Goldstone

Staff: Julio Canizal (619) 236-5932  
Mark D. Blake – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:42 p.m. – 6:43 p.m.)

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

ITEM-206: Fiscal Year 2008 Appropriation Ordinance.

(See Draft FY 2008 Appropriation Ordinance; Council President Peters' and Councilmember Hueso's joint memo dated 7/10/2007; FY 2008 Appropriation Ordinance Power Point; Statement of FY 2008 Budgetary Principles.)

**TODAY'S ACTION IS:**

Introduce and adopt the following ordinance:

(O-2008-17) INTRODUCED AND ADOPTED AS  
O-19652 (New Series)

Introduction and adoption of an Ordinance approving the Fiscal Year 2008 Annual Appropriations Ordinance (which includes the changes recommended by the Budget and Finance Committee on July 11, 2007).

Directing the City Attorney to prepare the Appropriations Ordinance in final form for adoption on July 30, 2007.

or

Authorizing all actions necessary to prepare the Appropriations Ordinance in final form for adoption by the City Council on July 30, 2007; and

Send the City Attorney's Memorandum of Law dated July 20, 2007 to the Attorney General for a response.

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

**BUDGET AND FINANCE COMMITTEE'S RECOMMENDATION:**

On July 11, 2007, Budget and Finance Committee voted as follows:

Recommend that the City Council adopt the July 11, 2007, draft of the Statement of FY 2008 Budgetary Principles, including Service Reduction Criteria.  
(Councilmembers Atkins, Faulconer, Peters, and Madaffer voted yea. Councilmember Frye voted nay.)

Recommend that the City Council adopt the FY 2008 Appropriation Ordinance, with the following changes:

1. In Section IV (F) (4), Facilities Benefit Assessment Funds and Development Impact Fee Funds, insert "and necessary" between "sufficient" and "amount".  
(Councilmembers Atkins, Faulconer, Peters, Madaffer, and Frye voted yea.)
2. Request that the Chief Financial Officer, Independent Budget Analyst, and City Attorney review Section V Enterprise Funds and recommend whether or not to include qualifying language similar to that adopted with respect to Facilities Benefit Assessment Funds and Development Impact Fee Funds in No. 1, above.  
(Councilmembers Atkins, Faulconer, Peters, Madaffer, and Frye voted yea.)
3. Incorporate language of the July 10, 2007, Council President Peters' and Councilmember Hueso's memorandum regarding litigation expenses, deleting the title.  
(Councilmembers Atkins, Peters, and Madaffer voted yea. Councilmembers Frye and Faulconer voted nay.)

**SUPPORTING INFORMATION:**

The Fiscal Year 2008 Budget was prepared and submitted to the City Council by the Mayor. The City Council approved the budget on June 20, 2007. The Fiscal Year 2008 Budget is the basis for the development of the Annual Appropriation Ordinance (Ordinance). The Ordinance provides the legal authority for expenditure of the budget and is required by City Charter Section 71. Section 71 also provides the Ordinance shall be subject to two public hearings and must be adopted during the month of July. The first hearing before City Council is scheduled for July 23, 2007, the second on July 30, 2007. The Ordinance is not subject to Mayor veto as prescribed in City Charter Sections 280(a) (4) and 290(d).

**FISCAL CONSIDERATIONS:**

The Fiscal Year 2008 Appropriation Ordinance appropriates the Fiscal Year 2008 Budget.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

Budget and Finance Committee meeting July 11, 2007.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:** None.

**KEY STAKEHOLDERS & PROJECTED IMPACTS:** None.

Lewis/Levin/Goldstone

**NOTE:** Today's action is the second public hearing for the introduction and adoption of the ordinance. See the docket of Monday, July 23, 2007, Item 205, for the first public hearing.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 4:54 p.m. – 6:23 p.m.)

MOTION BY MADAFFER TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea (nay on Section 15), Atkins-yea, Young-yea, Maienschein-not present, Frye-yea (nay on Section 15), Madaffer-yea, Hueso-yea.

MOTION BY MADAFFER TO SEND A LETTER TO THE STATE ATTORNEY GENERAL IN THE FORM SUBMITTED BY COUNCIL ON JULY 30, 2007, REQUESTING CLARITY ON CITY ATTORNEY'S MEMORANDUM OF LAW DATED JULY 20, 2007. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-nay, Atkins-yea, Young-yea, Maienschein-not present, Frye-nay, Madaffer-yea, Hueso-yea.

ITEM-207: Increased Authorization for Outside Legal Fees.

(See Reports from the City Attorney dated 6/27/2005 and 12/21/2004.)

**MAYOR SANDERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2008-118)            ADOPTED AS RESOLUTION R-302890

Authorizing \$204,000 in additional funding for payment of outside legal counsel fees on behalf of Council President Scott Peters related to the proceedings of the ongoing financial investigations and pension related litigation;

Authorizing the City Auditor and Comptroller to appropriate \$204,000 from the funding sources identified in the cost allocation matrix and to expend these funds on outside counsel fees on behalf of Council President Peters;

Directing the City Attorney to prepare the appropriate resolution in accordance with Charter Section 40.

**SUPPORTING INFORMATION:**

The Securities and Exchange Commission (SEC), U.S. Attorney's Office and the District Attorney's Office have undertaken investigations into certain financial disclosure practices of the City of San Diego. In addition, pension-related litigation has been initiated. Over the course of the past three years certain elected officials have been asked to participate in interviews and proceedings related to these investigations and lawsuits.

In a report to the Mayor and City Council dated January 31, 2005, the City Attorney states "in our view it is appropriate for the Mayor and City Council members to have separate counsel to advise them in anticipation of a civil proceeding by the SEC". Subsequently, the City Attorney also advised that it was appropriate for these individuals to retain legal counsel with respect to pension related litigation proceedings.

The City has retained law firms on behalf of these elected officials, and funding has been authorized on three previous occasions totaling \$3,081,312. This funding was authorized and sub-allocated for individual Council members based on their anticipated expenditures. These individual allocations ranged from \$464,000 to \$668,000.

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Legal expenses for Council President Peters now exceed the \$464,000 authorized on his behalf. This item requests approval of an additional \$204,000 for current and future expenditures, bringing the total authorization for Council President Peters to \$668,000.

These legal services contracts will continue to be managed by the Mayor's Office which includes review and approval of the invoice activities and charges by Robert J. O'Neill, Judge of the Superior Court, Retired.

FISCAL CONSIDERATIONS:

This action proposes to allocate these costs across the organization, consistent with the policy approved by the City Council. This allocation, based on full time equivalent positions, is detailed in the matrix.

The City Council has previously directed certain pension related investigative and legal costs to be charged solely to the General Fund. Such an allocation unduly burdens the General Fund with the full cost of expenditures arising from pension related issues involving all Enterprise as well as General Fund activities, is not consistent with proper cost accounting, and is not supported by the Chief Financial Officer.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Council previously authorized funding for the legal fees of current and former Council members on June 28, 2005, March 28, 2006, and June 20, 2006.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None associated with this action.



KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

The law firm of Sheppard Mullin Richter & Hampton, LLP is providing legal counsel on behalf of Council President Peters.

Plank/Goldstone

Aud. Cert. 2800019.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:13 p.m. – 4:25 p.m.)

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

ITEM-208: Continuing Provisions of Legal Services for Former and Current City Officials and Staff Related to SEC, District Attorney and U. S. Attorneys Investigations.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-27) ADOPTED AS RESOLUTION R-302891

Authorizing an additional amount not to exceed \$150,000 to pay attorney's fees for the representation of past and present City employees related to their participation in interviews and proceedings, including compliance with subpoenas, and in responding to the Securities and Exchange Commission (SEC) report, related to investigations by the SEC, United States Attorneys' Office, and the San Diego District Attorney's Office;

Authorizing the City Auditor and Comptroller to allocate and expend \$150,000 across all funds using an allocation based upon full-time equivalent salaries and authorizing the City Auditor and Comptroller to appropriate and expend \$106,305 from the Public Liability Fund to cover the General Fund portion of the costs, to pay the above described attorney's fees provided that the City Auditor and

Comptroller first furnish one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Declaring that newly-represented employees or former employees must make use of legal counsel already familiar with and engaged to assist other City clients on the financial disclosures investigation matters, and that, in the event this requirement is not satisfactory to the employee or former employee, that individual shall be required to request a separate authorization for their retention of legal counsel;

Declaring that the authorization for the above attorney's fees is to be suspended if criminal charges are brought against any past or present City employee, and that the City shall reserve its right to terminate the payment of fees and seek reimbursement of fees paid in the event that criminal charges are brought against any past or present employee, or if a conviction is obtained.

**SUPPORTING INFORMATION:**

Requested action relates to additional funding for the ongoing SEC/US Attorney/District Attorney investigations.

In February of 2004, the SEC and USAO informed the City that they were undertaking investigations into certain financial disclosure practices by the City. Additionally, the District Attorney's Office has initiated its own investigation into the propriety of acts relating to the granting of pension benefits. Also, several City employees have been interviewed and subpoenaed in connection with the investigation and litigation of SDCERS v. Aguirre, et al., SDSC, Case No. GIC 841845.

These investigations remain ongoing, with each agency requesting and/or issuing subpoenas requiring City employees to appear for interview and/or testimony. For the past 6 months, City employees also were responding to the SEC report. In order to facilitate the conduct of necessary interviews and testimony, and yet provide necessary advice to affected City employees, the City Council, acting pursuant to the discretion provided by Government Code section 995.8, has determined that it is in the best interests of the City to provide independent representation to employees.

The total cost allotted for the representation thus far was \$2,975,000, apportioned among a number of represented individuals, and appropriated as a result of seven requests: \$250,000 (AC 2401177, dated June 17, 2004); \$75,000 (AC 2500664, dated November 14, 2004); \$150,000 (AC 2500688, dated on January 25, 2005); \$200,000 (AC 2500802, dated on March 7, 2005); \$350,000 (AC 2501122, on June 28, 2005); \$500,000 (AC 2600236, dated October 11, 2005);

\$450,000 (AC 2600542, dated January 18, 2006); \$250,000 (AC 2600902, dated June 13, 2006); and \$750,000 (AC 2700396, dated November 21, 2006).

Over 30 current and former City employees have requested and/or retained outside legal counsel, and have submitted bills to be reviewed and processed by the City Attorney's Office. These totals do not include elected officials, the former Mayor, Council, and their staff.

Several firms have submitted significant invoices on behalf of their clients. As of June 30, 2007, the following firms had incurred the largest expenses:

- Shartsis Friese - More than \$950,000 for clients including former City Manager Lamont Ewell and former Assistant City Attorney Les Girard;
- Wertz McDade Wallace Moot & Brower - More than \$242,000 for client Ed Ryan;
- DLA Piper Rudnick - More than \$350,000 on behalf of three clients, including two Deputy City Attorneys; and
- McKenna Long & Aldridge - More than \$300,000 on behalf of clients including former City Manager Michael Uberuaga.

It is recommended that the City Attorney continue to execute and monitor the contracts on behalf of the City for the representation of individual current and former City employees. It is also recommended that each employee be permitted to retain only one law firm for representation. To pay outstanding invoices of approximately \$150,000 for outside counsel obligations.

FISCAL CONSIDERATIONS:

The Council is being asked to authorize the expenditure of \$150,000 across all funds using an allocation based upon full-time equivalent salaries including \$106,305 from the Public Liability Fund to cover the General Fund portion of the costs.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

As described above, there have been numerous Council actions approving outside counsel fees for counsel retained related to the ongoing Securities Exchange Commission, United States Attorneys Office and District Attorneys Office investigations into City finances, and the litigation of SDCERS v. Aguirre, et al.

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COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Various law firms including the firms of Shartsis Friese; Wertz McDade Wallace Moot & Brower; DLA Piper Rudnick and McKenna Long & Aldridge.

McGrath

Aud. Cert. 2800040.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:26 p.m. – 4:30 p.m.)

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

ITEM-209: Authorize Continued Retention, Payment for Invoices and Future Reserve Funding for Latham & Watkins, LLP for Services in Otay Acquisition v. City of San Diego; National Enterprises v. City of San Diego; Border Business Park, Inc, v. City of San Diego; and Related Matters.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-52) ADOPTED AS RESOLUTION R-302892

Authorizing the City Attorney to continue the retention of Latham & Watkins, LLP, for an additional amount not to exceed \$1,245,000, to provide legal services in Otay Acquisition v. City, SDSC Case No. GIC 753247; National Enterprises v. City, SDSC Case No. GIC 730011; Border Business Park, Inc. v. City, SDSC Case No. GIC 692794; and Insurance Co. of the State of Pennsylvania, et al. v. City of San Diego, USDC Case No. 02 CV 0693;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$1,245,000 from the Public Liability Fund, solely and exclusively, for the purpose of providing funds for the above described legal services, contingent upon the City Auditor and Comptroller first furnishing one or more certificates demonstrating that the funds necessary for expenditures are, or will be, on deposit in the City Treasury.

**SUPPORTING INFORMATION:**

De La Fuente Cases:

#1 (Border Business Park v. City of San Diego, S.D. Superior Court Case No. GIC692794); #2 (National Enterprises, Inc. v. City of San Diego, S.D. Superior Court Case No. GIC730011); #3 (Otay Acquisitions LLC v. City of San Diego, S.D. Superior Court Case No. GIC753247)

After the successful appeal in Border, these three De La Fuente cases are pending in San Diego Superior Court. Latham & Watkins has filed demurrers and motions to strike the Otay and National cases. The next step will be to file motions for summary judgment or summary adjudication in all three matters. If the City does not prevail, discovery and pretrial preparation will begin. Sixty percent of the fees are currently being reimbursed by an insurance carrier.

In closed session on July 10, 2007, the Council was informed of the status of the case and the legal fees pending. The Council was informed of the need for additional funding.

Outstanding Invoices Currently Due: \$140,000.00 - Latham & Watkins

Request for Future Reserve: \$500,000.00 - Latham & Watkins

The total amount requested for these three cases in this resolution is thus \$640,000 for Latham & Watkins.

De La Fuente Cases (Insurance Coverage Issues):

#4 (Insurance Co. of the State of Pennsylvania, et al v. City of San Diego, United States District Court Case No. 02CV0693)

This case involves a defense of AIG's insurance coverage litigation seeking to avoid defense and indemnity coverage for the De La Fuente cases. AIG has appealed (for the second time) the order requiring AIG to pay the City's defense costs in the cases. The City has moved to dismiss that appeal but may need to brief the appeal for the Ninth Circuit Court of Appeal. In addition, AIG has moved for summary judgment or partial summary judgment on a number of issues in federal court and the City is defending those motions. The City seeks to recover all of the City's attorneys' fees and costs in the matter as damages in a separate bad faith case.

In closed session on July 10, 2007, the Council was informed of the status of the case and the legal fees pending. The Council was informed of the need for additional funding.

Outstanding Invoices Currently Due: \$105,000.00 - Latham & Watkins

Request for Future Reserve: \$500,000.00 - Latham & Watkins

The total amount requested for these three cases in this resolution is thus \$605,000 for Latham & Watkins.

FISCAL CONSIDERATIONS:

Authorize an additional \$1,245,000 to defend the City of San Diego in the four De La Fuente matters listed above.

*With this action, the Council will authorize the Auditor and Comptroller to appropriate \$1,245,000 from the Public Liability Fund to meet this obligation.*

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The Council has been informed in Closed Session of the invoices due and the requests for future reserves detailed above.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: Not applicable

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Latham & Watkins

Heumann

Aud. Cert. 2800023.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:30 p.m. – 4:33 p.m.)

MOTION BY HUESO TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Falconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-210: Authorizing Continued Retention, Payment for Invoices and Future Funding for Latham & Watkins, LLP & Wehner & Perlman for Legal Services in SDPOA v. Aguirre, et al.; Marcus Abbe, et al. v. City of San Diego; and Aaron, et al. v. Aguirre.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-53) ADOPTED AS RESOLUTION R-302893

Authorizing the City Attorney to continue the retention of Latham & Watkins, LLP, for an additional amount not to exceed \$2,900,000, to provide legal services in SDPOA v. Michael Aguirre, et al., USDC Case No. 05 CV 1581; Marcus Abbe, et al. v. City of San Diego, USDC Case No. 05 CV 1629; and Erica Aaron, et al. v. Michael Aguirre, USDC Case No. 06 CV 1451;

Authorizing the City Attorney to continue the retention of Wehner & Perlman for an additional amount not to exceed \$315,000, to provide legal services in SDPOA v. Michael Aguirre, et al., USDC Case No. 05 CV 1581; and Erica Aaron, et al. v. Michael Aguirre, USDC Case No. 06 CV 1451;

Authorizing the City Auditor and Comptroller to expend the amount not to exceed \$3,215,000 from the Public Liability Fund, solely and exclusively, for the purpose of providing funds for the above described legal services, contingent upon the City Auditor and Comptroller first furnishing one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

**SUPPORTING INFORMATION:**

SDPOA #1, SDPOA #2 and SDPOA #3 have been combined for billing purposes at this time.

1. **San Diego Police Officers Association v. Michael Aguirre, et al. (SDPOA #1), United States District Court Case No. 05 CV 1581**

On August 23, 2005, the San Diego Police Officers Association filed and served a complaint in this case. The case raised issues related to labor negotiations and retirement issues between the City and the POA. SDPOA #1 has now been dismissed by the United States District Court.

However, we are informed the POA intends to appeal the decision to the Ninth Circuit, which will require a reserve amount for additional, anticipated legal fees.

In closed session on July 10, 2007, the Council was informed of the status of the case and the legal fees pending. The Council was informed of the need for additional funding and that funding could come from the Public Liability Fund.

Outstanding Invoices Currently Due:	\$ 800,000 - Latham & Watkins
	\$ 65,000 - Wehner & Perlman

Request for Future Reserve:	\$ 300,000 - Latham & Watkins
Request for Future Reserve:	\$ 150,000 - Wehner & Perlman

The total amount requested for this case in this resolution is thus \$1.315 million, including \$1.1 million for *Latham & Watkins* and \$215,000 for *Wehner & Perlman*.

**2. Marcus Abbe, et al v. City of San Diego (SDPOA #2) United States District Court Case No. 05 CV 1629**

On August 16, 2005, more than 1,900 members of the San Diego Police Department filed this lawsuit, claiming they are owed more than \$100 million in compensation, including overtime pay, under the federal Fair Labor Standards Act (FLSA).

Plaintiffs have filed motions for partial summary judgment on liability issues. The City contemplates filing cross motions. Discovery is ongoing. Motions are scheduled to be heard in September. A mediation also has been scheduled. The City anticipates that defending the case through trial, if necessary, will cost an additional \$2 million in attorney fees, expert fees and costs. A tentative trial date has been set for November 2008.

In closed session on July 10, 2007, the Council was informed of the status of the case and the legal fees pending. The Council was informed of the need for additional funding and that funding could come from the Public Liability Fund.

Outstanding Invoices Currently Due:	\$ 100,000 - Latham & Watkins
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Request for Future Reserve:	\$ 1,000,000 - Latham & Watkins
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The total amount requested for this case in this resolution is thus \$1.1 million for *Latham & Watkins*.



**3. Erica Aaron, et al v. Michael Aguirre, et al (SDPOA #3), United States District Court  
Case No. 06 CV 1451**

On July 18, 2006, numerous police officers filed and served a complaint in this case, which raises issues related to SDPOA #1. This matter is still pending in United States District Court, but could be dismissed as a result of the court's decision in SDPOA #1.

No outstanding invoices are due. This request solely involves a reserve for future work on the matter.

Request for Future Reserve:	\$ 700,000 - Latham & Watkins
Request for Future Reserve:	\$ 100,000 - Wehner & Perlman

The total amount requested for this case in this resolution is thus \$800,000.

FISCAL CONSIDERATIONS:

Authorize an additional \$3,215,000 to provide defense to the City of San Diego, as well as current and former City officials and staff related to the defense of SDPOA #1 USDC Case No. 05CV1581 H, SDPOA #2 USDC Case No. 05CV152 and SDPOA #3 USDC Case No. 06CV1451.

With this action, the Council will authorize the Auditor and Comptroller to appropriate \$3,215,000 from the Public Liability Fund to meet this obligation.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The Council has been informed in Closed Session of the invoices due and the requests for future reserves detailed above. Previously, the three POA matters were billed as two separate matters. They are now combined into one matter and this is why they are included in one Executive Summary.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: Not applicable.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Latham & Watkins and Wehner & Perlman

Heumann

Aud. Cert. 2800021.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:34 p.m. – 4:47 p.m.)

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

ITEM-211: Authorizing Continued Retention, Payment for Invoices and Future Reserve  
Funding for Latham & Watkins, LLP in McGuigan v. City of San Diego.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-54) ADOPTED AS RESOLUTION R-302894

Authorizing the City Attorney to continue the retention of Latham & Watkins,  
LLP, for an additional amount not to exceed \$275,000, to provide legal services in  
McGuigan v. City of San Diego, SDSC Case No. GIC 849883;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed  
\$275,000 from the Public Liability Fund, solely and exclusively, for the purpose  
of providing funds for the above described legal services, contingent upon the  
City Auditor and Comptroller first furnishing one or more certificates  
demonstrating that the funds necessary for expenditure are, or will be, on deposit  
in the City Treasury.

**SUPPORTING INFORMATION:**

On May 30, 2006, the City Council retained Latham & Watkins LLP as outside counsel in *McGuigan v. City of San Diego*, San Diego Superior Court Case No. GIC 849883. The lawsuit was filed on behalf of a retired City employee against the City of San Diego requesting that the Court order the City to immediately pay all unfunded employer contributions from 1996 to 2005 into the retirement system.

The City settled this under funding class action lawsuit in June 2006. After extended hearings, the settlement was approved and judgment entered in December 2006. The parties then agreed to arbitrate the issue of plaintiffs' counsel's claim for attorneys' fees (counsel sought \$2 million to \$25 million in fees). In March 2007, the arbitrator awarded \$1 (one dollar) in fees to plaintiffs' counsel. Plaintiffs' counsel moved to disqualify the arbitrator, filed a motion to vacate the award and sought to have the court re-determine fees. After discovery and settlement negotiations, the parties reached an agreement to settle the fee dispute.

The Police Officers' Association has appealed the judgment on the settlement of the underlying case and the City is continuing to defend that appeal.

In closed session on July 10, 2007, the Council was informed of the status of the case and the legal fees pending. The Council was informed of the need for additional funding.

Outstanding Invoices Currently Due: \$ 225,000 - Latham & Watkins

Request for Future Reserve: \$ 50,000 - Latham & Watkins

The total amount requested for this case in this resolution is thus \$275,000 for Latham & Watkins.

**FISCAL CONSIDERATIONS:**

Authorize an additional \$275,000 to defend the City of San Diego in the *McGuigan v. City of San Diego* matter.

With this action, the Council will authorize the Auditor and Comptroller to appropriate \$275,000 from the Public Liability Fund to meet this obligation.

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PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The Council has been informed in Closed Session of the invoices due and the requests for future reserves detailed above.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: Not applicable.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Latham & Watkins

Heumann

Aud. Cert. 2800022.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:48 p.m. – 4:53 p.m.)

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

## ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the February 5, 2008 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/14/2007	144	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	9/19/2007	139	Rules Committee review
Monday	9/24/2007	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee ( <i>NB: E-127 is 10/1/2007, a legislative recess</i> )
Monday	10/8/2007	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	10/29/2007	99	Council adopts ordinances prepared by City Attorney
Friday	11/9/2007	88	Last day for City Clerk to file with Registrar of Voters all elections material
Monday	11/26/2007	71	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4025.

ITEM-251: Notice of Pending Final Map Approval – Dennery Ranch Villages 2/3.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Dennery Ranch Villages 2/3” (V.T.M. No. 307147/PTS No. 115096108297), located on east of I-805 north of Dennery Road in the Otay Mesa Community Plan Area in Council District 8, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Anne Hoppe at (619) 446-5290.

ITEM-252: Notice of Pending Final Map Approval – College Grove Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “College Grove Condominiums” (T.M. No. 172907/PTS No. 108297), located on the west side of College Grove Drive between College Avenue and College Grove Way in the Mid-City: Eastern Area Community Plan Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Anne Hoppe at (619) 446-5290.

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REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 6:51 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 6:51 p.m. – 6:51 p.m.)

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Elizabeth S. Maland, City Clerk  
City of San Diego



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UNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, JULY 31, 2007  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:07 a.m. Council President Peters recessed the meeting at 11:09 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:16 a.m. with Council Member Maienschein not present. The meeting was recessed by Council President Peters at 11:57 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:04 p.m. with Council President Pro Tem Young, Council Member Maienschein, and Council Member Madaffer not present. Council President Peters recessed the meeting at 3:13 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 3:36 p.m. with Council Member Maienschein not present. Council President Peters recessed the meeting at 3:37 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:48 p.m. with Council Member Maienschein not present. Council President Peters recessed the regular meeting at 3:49 p.m. to simultaneously convene the regular meeting with the Redevelopment Agency. Council President Peters reconvened the regular meeting at 4:36 p.m. with Council Member Maienschein not present. Council President Peters recessed the meeting at 5:08 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 5:14 p.m. with Council Member Maienschein and Council Member Madaffer not present. The meeting was adjourned by Council President Peters at 5:57 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-not present
- (6) Council Member Frye-present

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(7) Council Member Madaffer-present

(8) Council Member Hueso-present

Clerk-Maland (dlc/sr)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-not present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Linda Warr commented on Mayor Sanders.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:30 a.m.)

## PUBLIC COMMENT-2:

Connie Martin commented on the Hud Building.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:31 a.m. - 10:33 a.m.)

## PUBLIC COMMENT-3:

Don Stillwell commented on prayer and the flag salute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:36 a.m.)

## PUBLIC COMMENT-4:

Al Strohlein commented on concerns in Pacific Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:36 a.m. - 10:38 a.m.)

## PUBLIC COMMENT-5:

Ron Boshun commented on Council actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. - 10:44 a.m.)

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PUBLIC COMMENT-6:

Jarvis Ross commented on the Sunroad project.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-7:

Joy Sunyata commented on City government.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. - 10:50 a.m.)

PUBLIC COMMENT-8:

**Referred to Land Use Committee and City Attorney:** Tom Jackson commented on the La Jolla Mesa Vista Undergrounding.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-9:

Verne Gammon commented on the San Diego Unified School District.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-10:

Enrique Morores commented on a statue of Pete Wilson.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:56 a.m. - 10:59 a.m.)

PUBLIC COMMENT-11:

Phil Hart commented on Petco Park and legal fees.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:00 a.m. - 11:03 a.m.)

PUBLIC COMMENT-12:

Nick Moffit commented on parking concerns in North Park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:03 a.m. - 11:07 a.m.)

PUBLIC COMMENT-13:

Cleo Malone commented on the tobacco licensing ordinance.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:07 a.m. - 11:09 a.m.)

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COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council President Peters wished Council Member Toni Atkins a happy birthday.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:27 a.m.)

COUNCIL COMMENT-2:

Council Member Atkins welcomed Dana and Derek Price, the children of her Chief of Staff, Denise Price.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:06 p.m. - 2:07 p.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-30: Margaret Shaufelberger Day.

**MAYOR SANDERS' AND COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2008-51) ADOPTED AS RESOLUTION R-302895

Commending Lieutenant Margaret Shaufelberger for protecting and serving the San Diego community as an exceptional member of the San Diego Police Department;

Proclaiming July 31, 2007, to be "Margaret Shaufelberger Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:08 a.m. - 10:14 a.m.)

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

ITEM-31: William Tayari Howard Day.

**COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-14) ADOPTED AS RESOLUTION R-302896

Designating July 31, 2007, to be "William Tayari Howard Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:14 a.m. - 10:21 a.m.)

MOTION BY YOUNG TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Falconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

- \* ITEM-50: Beneficial Use of Digester Gas (BUDG) – Agreements with BOC Merchant Production, Inc.

(See Executive Summary Sheet date 7/25/2007; MWWD's 7/18/2007 Power Point. Peninsula Community Area. District 2.)

**TODAY'S ACTION IS:**

Introduce the following ordinance:

(O-2008-2)                      INTRODUCED; TO BE ADOPTED ON  
TUESDAY, SEPTEMBER 4, 2007

Introduction of an Ordinance authorizing the Mayor, or his designee, for and on behalf of the City, an agreement with BOC Merchant Production, Inc.;

Authorizing the Mayor, or his designee, to execute a site lease with BOC Merchant Production, Inc., under the terms of the BUDG Site Lease;

Authorizing the Mayor, or his designee, to execute an agreement with BOC Group, Inc., under the terms of the Guarantee Agreement;

Authorizing and directing the City Auditor and Comptroller to deposit funds received under the above Biogas Purchase and Sale Agreement into Sewer Revenue Fund No. 41508, Revenue Account 78317;

Declaring that this activity is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15061(b) (3) because the activity does not have the potential for causing a significant effect on the environment.

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



**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 7/18/07, NR&C voted 3-0 to approve. (Councilmembers Falconer, Frye and Hueso voted yea. Councilmember Maienschein not present.)

**SUPPORTING INFORMATION:**

The Point Loma Wastewater Treatment Plant (PLWTP) generates renewable electricity with digester gas and hydro power for its own use with excess being sold to SDG&E under a renewable energy contract. With the upgrade and expansion of the PLWTP's digestion system, the plant generally produces between one to two million standard cubic feet (SCF) per day of excess digester gas, which is 63% methane. This excess digested gas is flared by the PLWTP in low emission, temperature controlled, state of the art gas flares. Due to a number of constraints, this renewable fuel can not be economically used at the PLWTP, the main reason being that the plant's SDG&E power line is at its maximum rated export capacity. In order to determine if this PLWTP excess gas could be put to use, in March of 2006, a request for qualifications was issued for the Beneficial Use of Digester Gas (BUDG). One of the most important restrictions MWW placed on proposed projects was the City's right to terminate the arrangement at the end of the first five years so it would be coordinated with the PLWTP's EPA waiver interval. A number of companies expressed interest. One firm, BOC Merchant Production, Inc. submitted a statement of qualifications for an innovative concept to clean and compress the gas to fuel remotely located fuel cells. This renewable compressed natural gas (CNG) will be transported with BOC gas trucks that use tanks similar to those used by our regional CNG buses. BOC owned remotely located 1.2 MW fuel cells will produce electricity and heat for use by their customers that could include Qualcomm and University of California, San Diego. BOC will design, permit, install, own, operate and finance the BUDG Facility at the PLWTP and will lease land at PLWTP for their equipment and to stage and fill their gas trucks. They will operate three 1.2 MW fuel cells at host sites under separate contracts. The BOC trucks will make six round trips a day to the PLWTP.

The BUDG Project will reduce the air emissions of both carbon monoxide (CO) and oxides of nitrogen (NOx) produced by the gas by 97%. It will reduce the production of non-organic carbon dioxide (CO2) from fossil fuel power plants by over 7,000 tons per year. This project will contribute 3.9 MW of renewable energy to the City's goal of installing 50 MW of renewable electricity generation by 2013, including the 300 kW Fuel Cell Energy, Inc. fuel cell that will be installed by BOC at the PLWTP to provide electricity for the BUDG Project.

Additionally, the ultra clean fuel cells, whose by-products will be hot water and organic CO2, operate at an extraordinarily high 47% electrical efficiency and can obtain an overall "heat and power efficiency" of 65%.

BOC will pay MWWD for this renewable fuel based on its energy content. Revenues are expected to be about \$250,000/yr or \$2.5 million over the initial 10 year term of the Agreement. The Agreement includes two 5 year extension options, for a maximum term of 20 years. Over 20 years, revenues can potentially exceed \$5,000,000. Gas flow and performance incentives can increase or reduce these revenues. Additionally, if obtainable, BOC will share air emission offsets revenues and carbon credits revenues with the City, with percentages depending on where and how they are generated.

This project is time sensitive because it is driven by first come, first serve, California Self - Generation Program grants as well as Federal renewable energy tax credits that are set to expire in January 1, 2009.

FISCAL CONSIDERATIONS:

Total increase in Metro revenues is approximately \$250,000/yr. Total revenues over the ten year initial term of this agreement are approximately \$2,500,000 depending on various incentives. These revenues will be deposited in the Sewer Revenue Fund #41508, Revenue Account 78317.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This item will be presented at the July Natural Resources and Culture Committee meeting.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This project has been presented to, and was favorably received by the Peninsula Community Planning Board's Facility Subcommittee, the Peninsula Community Planning Board and the Metro Commission Technical Advisory Committee.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Stakeholders: Peninsula Community, Wastewater ratepayers  
Impacts: 6 round trips of trucks to PLWTP, lower costs through increased revenues, cleaner air, reduced power plant emissions, reduced need for additional electrical utility infrastructure.

Ferrier/Haas

Staff: Tom Alspaugh - (858) 6-4493  
Frederick M. Ortlieb - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

- \* ITEM-51: Amending Chapter 6, Article 3, of the San Diego Municipal Code by adding Language that Clarifies the Meaning of the Land/Water Distinction as Characterized within Section 55.1 of the City Charter.

(See Report to the City Council No. 07-119; memorandum from the City Attorney dated 11/13/2006; and letter from Judith A. Swink dated 5/14/2007. Districts 2 and 6.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced as amended on 7/16/2007, Item 200. (Council voted 7-0. Councilmember Madaffer not present):

(O-2007-131 Rev.) ADOPTED AS ORDINANCE O-19653 (New Series)

Amending Chapter 6, Article 3, Division 25, of the San Diego Municipal Code by amending Section 63.25.1, relating to Public Works and Property, Public Improvement and Assessment Proceedings, to clarify the meaning of the land/water distinction as characterized within Section 55.1 of the City Charter, consistent with the directions and recommendations of the Natural Resources and Culture Committee.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

- \* ITEM-52: First Amendment to the Agreement with Hawkins, Delafield & Wood for Arbitrage Services.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/17/2007, Item 336. (Council voted 7-0. Councilmember Maienschein not present)

(O-2007-114) ADOPTED AS ORDINANCE O-19654 (New Series)

Authorizing the Mayor to execute a First Amendment to the Agreement between the City of San Diego and Hawkins, Delafield & Wood, for arbitrage rebate compliance services for one additional year.

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

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 10:22 a.m. - 10:25 a.m.)

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

- \* ITEM-53: First Amendment to the Agreement with Bond Logistix, LLC for Arbitrage Services.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/17/2007, Item 337. (Council voted 7-0. Councilmember Maienschein not present):

(O-2007-123) ADOPTED AS ORDINANCE O-19655 (New Series)

Authorizing the Mayor to execute the First Amendment to the Agreement between the City of San Diego and Bond Logistix, LLC, for arbitrage rebate compliance services for one additional year.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

ITEM-54: Amendments to the Municipal Lobbying Ordinance.

(See memoranda from Mayor Sanders dated 7/26/2007; San Diego Ethics Commission dated 5/11/2007; City Attorney Report dated 7/13/2007, and City Attorney memorandum dated 7/23/2007.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 7/16/2007, Item 151. (Council voted 8-0):

(O-2007-137 Rev.) ADOPTED AS ORDINANCE O-19656 (New Series)

Amending Chapter 2, Article 7, Division 40 of the San Diego Municipal Code by retitling and amending Section 27.4001; amending Sections 27.4002 and 27.4004; repealing Section 27.4005; amending Sections 27.4006 and 27.4007; retitling and amending Sections 27.4009 and 27.4010; amending Section 27.4012; repealing Sections 27.4013 and 27.4014; amending Sections 27.4015 and 27.4016; retitling and amending Section 27.4017; adding New Section 27.4018; retitling, amending, and renumbering previous Section 27.4018 to Section 27.4019; repealing Sections 27.4020 and 27.4021; retitling and amending Sections 27.4022, 27.4023, and 27.4024; adding Section 27.4030; amending and renumbering Section 27.4025 to Section 27.4040; amending and renumbering Section 27.4026 to Section 27.4041; adding Section 27.4045; amending and renumbering Section 27.4027 to Section 27.4050; amending and renumbering Section 27.4028 to Section 27.4055; and amending Chapter 2, Article 7, Division 35 by amending Section 27.3503, all relating to the City of San Diego Municipal Lobbying Ordinance.

**SUPPORTING INFORMATION:**

The proposed amendments to the Municipal Lobbying Ordinance are reflected in the Ordinance, Alternative A, Strike-Out Ordinance, and City Attorney Digest. The proposed reforms are extensive and are explained in detail in the memo from Stacey Fulhorst dated May 11, 2007. If adopted, the proposals will:

- 1) Change the registration threshold;
- 2) Require lobbying firms and organization lobbyists to register (instead of individual lobbyists) and disclose the activities of their officers and employees;
- 3) Require the disclosure of additional information on lobbyist registration forms and quarterly disclosure reports; and
- 4) Limit gifts to City Officials from lobbying firms and organization lobbyists to \$10 per month.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: Approved by the Rules Committee on March 7, 2007.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

Public discussion at eighteen Ethics Commission meetings from November 2005 through April 2007, as well as public discussion at Rules Committee meetings on October 25, 2006, and March 7, 2007.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

Persons who are compensated to contact City Officials for the purpose of influencing municipal decisions, as well as the firms and organizations who employ such persons.

Fulhorst

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:37 a.m. - 11:46 a.m.)

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

ITEM-100: Two actions related to Inviting Bids for Water-Group 3003.

(See Executive Summary Sheet dated 2/14/2007 and Engineering & Capital Project's Power Point. Linda Vista Community Area. District 6.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2008-8)      ADOPTED AS RESOLUTION R-302897

Approving the plans and specifications for the construction of the Project as advertised by Purchasing and Contracting Department, on Work Order No. 187171;

Authorizing the Mayor, or his designee, to establish contract funding phases and execute a contract with the lowest responsible and reliable bidder, providing the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$4,000,000 from Water Fund 41506, CIP-73-083.0, Annual Allocation - Water Main Replacement, solely for construction, contingency, and Project 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 use of City Forces in an amount not to exceed \$322,560 from Water Fund 41500, CIP-73-083.0 Annual Allocation - Water Main Replacement, for the construction of the Project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves. (BID-K083757C)

Subitem-B: (R-2008-9)      ADOPTED AS RESOLUTION R-302898

Declaring that the Addendum to a Mitigated Negative Declaration, Project No. 9317, dated December 19, 2006, for Water Group 743, which is within Water Group 3003 (the Project), has been completed in compliance with the California

Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.);

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

Declaring that the Council finds that revisions to the Project now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, approving Project 9317 Addendum to a Mitigated Negative Declaration;

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

Directing the City Clerk to file a Notice Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above Project.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

Information only. No action taken.

**SUPPORTING INFORMATION:**

Water Group 3003 is part of the City of San Diego's Cast Iron Water Main Replacement Program as mandated by the Department of Health Services Compliance Order No. 04-14-96-022. Water Group 743 and a portion of Manning Canyon Accelerated Project were originally going to be advertised individually. In order to expedite their construction, they have been grouped under one construction contract known as Water Group 3003.

This project is located in the Linda Vista area. This project includes the replacement of approximately 8,606 linear feet of existing 8-inch, 10-inch and 12-inch old and deteriorated Cast Iron (CI) water mains, water services and fire hydrants originally installed in 1955. The Project also includes installing curb ramps and street slurry seal. The streets affected by construction



operations are Comstock Street, Lanston Street, Langmuir Street, Osler Street, Comstock Court, Valjean Court, Thomson Court and Roebelin Court as shown on the Location Map. The Contractor will prepare traffic control plans for all streets and will implement them during construction, after review and approval by the City.

As indicated in the Engineers' Project Cost Estimate for the use of City Forces it is estimated to be more economical than if done by contract. In addition, the Department of Health Services (DHS) under the California Safe Drinking Water Act requires certified operators to perform this type of work (work on live water mains) to ensure the integrity of the water system.

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$4,000,000. Of the \$4,000,000 for the project, \$731,500 will be financed with proceeds from the Subordinated Water Revenue Notes, Series 2007 A and \$2,364,000 from currently anticipated to be a follow on water revenue debt issuance in Fiscal Year 2008. The remaining \$904,500 will be cash funded. Funding is available in Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for this purpose. This project is scheduled to be phased funded over FY 07 and FY 08. No additional funding is anticipated.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS:

The subject item was presented to the Committee on Natural Resources and Culture for information only on February 21, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

During the design phase, Water Group 743 was presented to the Linda Vista Community Planning Committee on May 19, 2004. Once funding has been approved, the community will be notified. Residents and businesses will be notified at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again, ten (10) days before construction begins by the Contractor through hand distribution of notices.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Residents in the area will encounter inconveniences during construction. After completion, residents will experience improved reliability of the water distribution system.

Boekamp/Haas

FILE LOCATION: W.O. #187171

COUNCIL ACTION: (Time duration: 11:46 a.m. - 11:50 a.m.)

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

- \* ITEM-101: Two actions related to Inviting Bids for the Construction of Carmel Valley Community Park and Recreation Building (Project).

(Carmel Valley Community Area. District 1.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2008-19) ADOPTED AS RESOLUTION R-302899

Approving the plans and specifications for the construction of Carmel Valley Community Park and Recreation Building (Project), on Work Order No. 297640/294070;

Authorizing the Mayor, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder, for a contract amount not to exceed \$11,000,000, of which \$4,500,000 is from CIP-29-407.0, Carmel Valley Community Park South - Recreation Building, and \$6,500,000 is from CIP-29-764.0, Carmel Valley Community Park South, contingent upon the City Auditor and Comptroller first certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing an increase of \$153,000 in the Fiscal Year 2007 CIP Program Budget in CIP-29-407.0, Carmel Valley Community Park South - Recreation Building, Fund No. 10608, Torrey Reserve Gateway Development;

Authorizing the appropriation and expenditure of \$153,000 from CIP-29-407.0, Carmel Valley Community Park South - Recreation Building, Fund No. 10608, Torrey Reserve Gateway Development Fund;

Authorizing an increase of \$204,983 in Fiscal Year 2007 CIP Program Budget in CIP-29-764.0, Carmel Valley Community Park South, Fund No. 79008, Carmel Valley South FBA Fund;

Authorizing the appropriation and expenditure of \$204,983 from CIP-29-764.0, Carmel Valley Community Park South, Fund No. 79008, Carmel Valley South FBA Fund;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K083767C)

Subitem-B: (R-2008-20) ADOPTED AS RESOLUTION R-302900

Certifying that the information contained in Addendum to EIRs LDR Nos. 91-0899, 95-0381, 96-7573, 96-7929, and 96-7996, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et. seq.), that the 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 this Council in connection with the approval of the Carmel Valley Community Park South- Recreation Building;

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

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

**STAFF SUPPORTING INFORMATION:**

Carmel Valley Community Park South is located in southern portion of the Carmel Valley community. The total park site is 15 acres. The park will serve residents of Torrey Hills and those from Cannel Valley that live south of State Route 56. The park site is located at the northern end of East Ocean Air Drive, north of Carmel Mountain Road, at the intersection with Fairport Way.

The General Development Plan for the park was formulated through input gathered at five meetings with the community via the Cannel Valley Recreation Council.

It provides for 6 acres of joint use multi-purpose athletic fields with the Del Mar Union School District for their new Ocean Air Elementary School, a small fitness area, an outdoor basketball court, a 250 S.F. restroom/storage building, parking lot, 4 acres of passive area for recreational uses, a playground, a small observation deck to allow views to the Carmel Mountain Preserve, security lighting, drinking fountains, park benches, and trash receptacles. It also provides for a 16,347 S.F. recreation center designed to be energy efficient and environmentally sustainable which include meeting rooms, a kitchen, staff office space, restrooms and 11,000 S.F. gymnasium.

FISCAL CONSIDERATIONS:

All approved costs associated with the acquisition, design and construction of this park are funded through the Carmel Valley South Facilities Benefit Assessment, Fund No. 79008, Torrey Reserve Gateway Development, Fund No. 10608, Torrey Hills Park Development, Fund No. 39093, and Torrey Hill Development Agreement, Fund No. 39063, and the proceeds of the sale of 6-acres of land to the Del Mar Union School District. The cost to operate and maintain this project on an annual basis is estimated at \$614,000. This includes all staffing, labor, material, equipment, supplies, etc. The maintenance cost associated with the 6-acre joint use area will be shared equally between the City and the Del Mar Union School District. This project is a population based park and the maintenance funding source will be the general fund. A funding request by the Department will be made to the Mayor in the budget year the facility goes into operation, anticipated to be FY09.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

- The Carmel Valley Neighborhood 8A Specific Plan/Precise Plan adopted by Council on September 8, 1998, O-18572.
- The Environmental Impact Report (EIR), Reports were certified by the City Council on August 4, 1998, Resolution R-290604. An addendum to the EIR was issued by the City's Environmental Analysis Section of the Development Services Department for the development of the community park, dated September 16, 2005.
- A consultant agreement was approved by the City Council, Resolution R-297406, on December 3, 2002 which provided for the preparation of the park's General Development Plan (GDP). That consultant agreement was amended, Resolution R-299857, on November 22, 2004 to provide construction documents for the park's development. The consultant agreement was amended a second time, Resolution R-300323, on April 18, 2005 to provide construction documents for the development of the recreation center, CIP-29-407.0, Carmel Valley Community Park South - Recreation Building.
- The Carmel Valley Public Facilities Financing Plan (PFFP) for FY 2007 was approved by Council Resolution No. R-301977, on October 17, 2006.
- Joint Use Agreement with Del Mar Union School District on December 6, 2006, O-19554.

- The sale of 6-acres City owned land to the Del Mar Union School District for \$3,695,000 was approved by Council Resolution No. R-302301, on February 7, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Project design was reviewed and approved by the following at publicly noticed meetings:

- Carmel Valley Recreation Council: approved the park GDP on December 2, 2003 and Recreation Center building design on February 3, 2004.
- Northern Area Committee: approved the park GDP on December 4, 2003.
- Community Parks 1 Area Committee: approved the Recreation Center building design on April 21, 2004.
- Design Review Committee: approved the park GDP and Recreation Center building design on May 12, 2004.
- Park and Recreation Board: approved the GDP and Recreation Center building design on December 16, 2004.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The Carmel Valley South and Torrey Hills Communities  
Del Mar Union School District

LoMedico/Reynolds

Aud. Cert. 2700862.

Staff: Reza Taleghani - (619) 533-3422  
Shannon Thomas - Deputy City Attorney

FILE LOCATION: W.O. #297640/294070

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

- \* ITEM-102: Awarding a Contract to The Wackenhut Corporation for Furnishing Security Guard Services for Various City Sites.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-75)                    ADOPTED AS RESOLUTION R-302901

Approving the services and specifications for the security guard services with The Wackenhut Corporation;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award the Service contract to the low acceptable bid that best meets the City's requirements, in an amount not to exceed \$3,420,384.08, including the payment of living wages as required by San Diego Municipal Code Sections 22.4201 et seq.;

Authorizing the expenditure of an amount not to exceed \$3,420,384.08 for the above contract, to be expended as set forth in the accounting;

Authorizing the City Auditor and Comptroller, on advice of the administering department, to transfer 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 15378(b)(2) because it involves continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, and general policy and procedure making.

**STAFF SUPPORTING INFORMATION:**

In an effort to consolidate two (2) expiring security service contracts, create continuity of service, and to obtain additional potential price discounts based on economy of scale, the City of San Diego issued Bid Number 8502-07-W. The requirements of the Water Department, Library Department, City Administration Building, Development Service Center, World Trade Center, Crabtree Building, Balboa Park, Rose Canyon and 20<sup>th</sup> & "B" were included in this solicitation. The services are being performed by contracted vendors as a result of previous competitive bid processes. The awarding of this contract will not impact any City employee positions, as City employees have not performed this service in the past.

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In order to determine which bid offered best overall value for the City, a technical evaluation of all bids was conducted in accordance with the evaluation criteria which included the ability to meet Specific Provisions and Technical Specifications, Bidder Experience and Past Performance using References, Price, and Staffing. Technical ranking was combined with the corresponding price ranking to determine a final overall ranking for each bid. As a result, The Wackenhut Corporation's bid ranked the highest overall, and offers the City best overall value.

FISCAL CONSIDERATIONS:

Authorize the expenditure of \$3,420,384.08 for Fiscal Year 2008, for each Department expenditure specified, are hereby authorized solely and exclusively for providing funds for said contract, provided the City Auditor and Comptroller, upon advice from the administering Department, is hereby authorized to transfer excess budgeted funds, if any, to the appropriate reserves.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Award of a contract Bid No. 2627-00-P to The Wackenhut Corporation for furnishing security guard services for a period of one (1) year beginning April 10, 2000 through April 9, 2001, with options to renew the contract for four (4) additional one (1) year periods. Award of a contract Bid No. 3169-00-P to Rodgers Police Patrol for furnishing security guard services for a period of one (1) year beginning September 14, 2000 through September 13, 2001, with options to renew the contract for four (4) additional one (1) year periods. These contracts are currently being extended on a month-to-month basis pending award of one new contract.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Twenty six (26) potential proposers were contacted, ranging from small business and large nationwide security companies. The bid was advertised in the San Diego Daily Transcript and posted in the City of San Diego's official internet site.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Water Department, Library Department, City Administration, Community and Economic Development Department, General Services Department, Park and Recreation Department, and The Wackenhut Corporation.

Wade/Reynolds

Aud. Cert. 2800024.

Staff: Tammy Rimes - (619) 236-5921  
Sanna R. Singer - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

\* ITEM-103: General Requirements Contract for Airports Pavement Repairs at Brown Field and Montgomery Field.

(Kearny Mesa and Otay Mesa Community Areas. Districts 6 and 8.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-56) ADOPTED AS RESOLUTION R-302902

Authorizing the Mayor, or his designee, to advertise and award to the lowest responsible bidder for Airport Paving Repairs (GRC) for a period of six months, for an amount not to exceed Four Hundred Thousand Dollars (\$400,000), for as needed construction services;

Authorizing the Mayor, or his designee, in his/her discretion, to extend the GRC for a successive eighteen month period for an additional sum not to exceed One Million Six Hundred Thousand Dollars (\$1,600,000), if said funds are certified by the City Auditor and Comptroller's Office to be available, at the time needed, in Airport Enterprise Fund No. 41100;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$400,000 during the first six months of the GRC from the Airports Enterprise Fund No. 41100.

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$1,600,000 for an extended GRC, at the option of the Mayor, from Airport Enterprise Fund No. 41100, over the succeeding eighteen months of the GRC.



**STAFF SUPPORTING INFORMATION:**

The main objective of the GRC is to execute emergency, maintenance, repair, and general engineering construction projects.

This GRC will allow for an efficient and effective method of repairing the many failures on the runway, taxiway, taxi lane and apron pavement sections at both Montgomery and Brown Field. The GRC will restore the safety for the pilots, avoid potential damage to aircraft, and allow for maintenance of the pavement and any future as-needed failures that need to be repaired in a timely manner.

Additionally, the GRC will enable the Airports Division to achieve its objective of rapidly engaging contractors in critical and necessary safety related work, while lowering costs. This contract is competitively procured using a request for bids and has a pre-established maximum dollar amount not to-exceed \$400,000. When work is ordered by task, the contractor and the City representative will meet to prepare a scope of work and prepare a task order with unit prices and adjustment factors in accordance with the contract. Work is accomplished by the issuance of individual task orders to the contract.

**FISCAL CONSIDERATIONS:**

Funds in the amount of \$400,000 for this contract are available in the budget for Fiscal Year 2007 from Fund 41100, Airports Enterprise Fund. Should the contract be extended, funds for up to an additional \$1,600,000 will be contingent upon the City Auditor certifying funds are available in Fund 41100, Airports Enterprise Fund, for this purpose.

**PREVIOUS COUNCIL AND COMMITTEE ACTIONS:** None.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The users of both Brown Field and Montgomery Field have repeatedly requested that the City repair these pavement failures. For many years, the City has been unable to maintain the growing amount of pavement failures due to minimal amount of funding. The City Airport staff and the contractor will work with the users, the FAA Air Traffic Control Tower during the performance of these tasks.

**KEY STAKEHOLDERS & PROJECTED IMPACTS:**

Brown Field and Montgomery Field users

Projected Impacts: This action will allow the City to perform the required maintenance of Airport's pavement restore safety at both City Airports in a timely and cost effective manner.

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Minutes of the Council of the City of San Diego  
for the Regular Meeting of Tuesday, July 31, 2007

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Barwick/Waring

Aud. Cert. 2700805.

Staff: Mike Tussey - (858) 573-1441  
John H. Serrano - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

- \* ITEM-104: Amendment to Agreement with Unified Disaster Council (UDC) to Continue San Diego Fire-Rescue Participation in the Hazardous Materials Incident Response Team (HIRT).

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-41) ADOPTED AS RESOLUTION R-302903

Authorizing the Mayor to amend the agreement with the San Diego Unified Disaster Council to continue San Diego Fire-Rescue Department participation in the Hazardous Materials Incident Response Team from July 1, 2007 through June 30, 2009, as more particularly described in the Agreement on file in the City Clerk's Office as Document No. RR-300403.

**STAFF SUPPORTING INFORMATION:**

The Hazardous Materials Incident Response Team (HIRT) was established by a JPA by the San Diego County Unified Disaster Council (UDC) in 1986. The San Diego Fire-Rescue Department participates in this program by providing hazardous materials emergency response using HIRT to agencies that are members of the JPA. An agreement between the City of San Diego and the Unified Disaster Council was originally signed in June 1993, and amended in 1995, 1997, 1999,

2003 and 2005. The San Diego Fire-Rescue and the Unified Disaster Council propose an amendment to the existing agreement, Resolution R-300403, adopted on May 9, 2005, which expires June 30, 2007. This proposed amendment extends the contract from July 1, 2007 through June 30, 2009, and adjusts the annual payment to the City of San Diego from \$765,902 to \$838,848.

FISCAL CONSIDERATIONS:

The Unified Disaster Council through the San Diego County Office of Emergency Services (OES) will provide the City of San Diego with annual payments of \$838,848, to be invoiced in quarterly increments. Payment will be applied to the Fire-Rescue General Fund Revenue Account No. 77353. There is no other fiscal impact to the General Fund as the HIRT is already budgeted.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The City Council approved all previous agreement extensions as noted above.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

JPA members will include community participation and conduct outreach efforts as appropriate for their jurisdiction.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Members of the JPA are key stakeholders and are represented on the Unified Disaster Council. There are no projected impacts.

Jarman/Olen

Staff: Monica Orton - (619) 533-4304  
William J. Gersten - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

- \* ITEM-105: Agreement with the Bird Rock Development Corporation for the Administration of Contracts for Goods and Services in the Bird Rock Maintenance Assessment District for Fiscal Year 2008.

(See Report to the City Council 07-129. La Jolla Community Plan Area. District 1.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-70)                      ADOPTED AS RESOLUTION R-302904

Authorizing the execution of a Service Agreement with Bird Rock Development Corporation for administration of contracts for goods and contracts for services; and authorizing appropriation and expenditure of funds for administrative fees for the Bird Rock Maintenance Assessment District;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$24,750 from Fund No. 70281 for administrative costs incurred by the Bird Rock Development Corporation in the course of providing services under the Maintenance Agreement for the Bird Rock Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$10,000 from Fund No. 70281 to Fund No. 70208 for administrative costs incurred by the City of San Diego (City) in the course of providing administrative services to the Bird Rock Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available.

**STAFF SUPPORTING INFORMATION:**

**REQUESTED ACTION:**

This City Council action is to authorize the Bird Rock Development Corporation to administer the contracts for goods and services in support of the Bird Rock Maintenance Assessment District. This request is community driven.

STAFF RECOMMENDATION:

1. Authorize the Mayor to execute a Service Agreement with the Bird Rock Development Corporation for administration of Contracts for Goods and Contracts for Services for the Bird Rock Maintenance Assessment District for a twelve-month period beginning July 1, 2007, in accordance with the San Diego Municipal Code Section 65.0212.
2. Authorize the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$24,750 from Fund No. 70281, Bird Rock Maintenance Assessment District, for administrative fees incurred by the Bird Rock Development Corporation in the course of providing services under the Service Agreement, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available.

SUMMARY:

The Maintenance Assessment District Ordinance, San Diego Municipal Code Section 65.0212 paragraph (b)(2), authorizes the City Council to approve a one-year Agreement with non-profit corporations to administer the Contracts for Goods and Contracts for Services in Maintenance Assessment Districts, if the required percentage of property owners have requested it. On August 2, 2005, the majority property owners in the Bird Rock Maintenance Assessment District (District) requested that their contracts be administered by the "Bird Rock Development Corporation" (Corporation). The Corporation, doing business as "Bird Rock Community Council," wishes to enter into this Agreement with the City of San Diego from July 1, 2007 to June 30, 2008.

This action will authorize the Mayor to sign and execute the Agreement between the City and the Corporation for a period of twelve months beginning on July 1, 2007, and ending on June 30, 2008, with the following provisions:

1. The Corporation will administer Contracts for Goods and Contracts for Service and prepare financial statements for the District as provided for in the Maintenance Assessment District Ordinance, Landscape and Lighting Act of 1972, and as set forth in the Assessment Engineer's Report dated July 2007 for the Bird Rock Maintenance Assessment District.
2. The Corporation will perform all duties as set forth in the Agreement under Article I ("Scope of Services") Section B ("Specific Requirements"). The Corporation will be reimbursed for these services within fifteen (15) working days from receipt of properly prepared reimbursement requests.
3. The Corporation will be compensated for administration in an amount not to exceed 15% of the approved assessments, or \$2,062 per month.

FISCAL CONSIDERATIONS:

Funds are available in the Bird Rock Maintenance Assessment District (Fund 70281) to reimburse the Corporation for maintenance services. The total approved annual assessments for Bird Rock MAD in Fiscal Year 2008 is \$137,745. Under the terms of the agreement, the City will be reimbursed \$833 per month for administrative services from Fund 70281.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The Bird Rock Maintenance Assessment District was approved by affected property owners and was approved by City Council Resolution R-300746 on August 2, 2005.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

An advisory committee consisting of property owners within the district is in favor of the Bird Rock Development Corporation administering the contracts for goods and services. On August 2, 2005, voters approved the Bird Rock Development Corporation administering the contracts for goods and services.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key stakeholders in this area include all property owners within the boundaries of the Bird Rock Maintenance Assessment District and the Bird Rock Development Corporation (doing business as the Bird Rock Community Council).

Aud. Cert. No. 2800003.

LoMedico/Reynolds/CB

Staff: Clay Bingham – (619) 533-6724  
Elizabeth C. Coleman – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

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\* ITEM-106: "The Map" at La Jolla Kellogg Park Donation and Repairs Agreement.

(La Jolla Community Area. District 1.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-87)                      ADOPTED AS RESOLUTION R-302905

Authorizing the Mayor, or his designee, to accept on behalf of the City of San Diego, a donation from Friends of "The Map" (Friends) of a 2,300 square-foot Lithocrete Plaza ("The Map") depicting a map of the La Jolla Shores Underwater Park and Marine Reserve pursuant to the Agreement;

Authorizing the Mayor, or his designee, to execute a Donation and Repairs Agreement (Agreement) between the City and Friends;

Authorizing the Mayor, or his designated representative, to create a separate interest bearing Fund No. 10367 for the initial deposit of \$5,000.00 from Friends of the "Map" for the purpose of removal of the "Map" if necessary;

Authorizing the Mayor, or his designated representative, to expend the funds from Fund No. 10367 for the purpose of removal of the "Map" if necessary, contingent upon the Auditor's Office first certifying that funds are on deposit with the City Treasurer;

Declaring this project is exempt under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 (Existing Facilities). This project will provide paving in an area of heavy pedestrian use which is unable to sustain turf due to the heavy foot traffic. It is in a previously developed area of the park, near the existing comfort station. There are no environmental impacts associated with this action.

**STAFF SUPPORTING INFORMATION:**

This project will provide paving in an area of heavy pedestrian use which is unable to sustain turf due to the heavy foot traffic. It is in a previously developed area of the park, near the existing south comfort station at the La Jolla Shores Kellogg Park.

The Project will pave this area with Lithocrete, a cement product that can be seeded with colorful recycled glass and aggregate. "The Map" will provide an educational opportunity for the 2-3 million visitors to La Jolla Shores each year by depicting the offshore marine reserve, highlighting many of the area's features, and illustrating the bathymetry and points of interest. The "Map" will also feature the embed of approximately fifty bronze fish and marine invertebrates, which are indigenous to the La Jolla Shores area. A compass rose will orient visitors to the layout. This is a unique educational opportunity while promoting preservation of the off-shore Reserves.

"The Map" Project is supported by the La Jolla Shores Association. Friends, whose mission is to preserve and promote Kellogg Park's resources, wish to design, build and donate "The Map" to the City. Friends have hired a consultant to prepare drawings for the project, and have raised funds for its construction. "The Map" will be donated to the City, with long-term repairs being performed by Friends.

FISCAL CONSIDERATIONS:

Friends will be responsible for the cost of design, construction and long term repairs of "The Map" City agrees to maintain "The Map" on a routine basis similar to the types of maintenance generally provided for City sidewalks; City's maintenance will be limited to periodic clean-up efforts to remove dirt, sand, debris, gum and simple graffiti. There is no financial impact to the City for the routine maintenance of the project as this area is currently being maintained by the Park and Recreation Department. Friends agree to remove the "Map" if in City's opinion it has not been adequately maintained. For this purpose, Friends agrees to deposit \$5,000.00 with the City to be held in an interest bearing account for the sole purpose of removing the "Map" in case Friends defaults on its agreement to remove the "Map". The interest bearing account is needed to assure adequate funds are available in the future for this purpose.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On January 12, 1998, City Council adopted the Kellogg Park South Comfort Station project which has been constructed and in use by public (Ordinance Number 0-18459 (New Series). A portion of the existing comfort station footprint which was permitted under the original design of the comfort station to receive pavement was abandoned due to a re-designed smaller project. This heavily used pedestrian route to and from the comfort station, children's playground, and premier dive site, which is unable to sustain turf, has been chosen to be the site for "The Map."

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This project has been unanimously approved by the La Jolla Shores Association which has recommended approval of the design, location of "The Map" and the Donation and Repairs Agreement. The project has also been endorsed by Council President Scott Peters, District 1, the Sycuan Band of Kumeyaay Nation, Mr. Daniel Tucker, Chair, the Scripps Institution of



Oceanography, Birch Aquarium at Scripps, County Supervisor Pam Slater-Price, La Jolla Community Planning Association and hundreds of community members who have generously donated their professional services, expertise and funding.

KEY STAKEHOLDERS AND PROJECTED IMP ACTS:

Friends of "The Map"

La Jolla Shores Association

La Jolla Community Planning Association Council President Scott Peters, District 1 Sycuan Band of Kumeyaay Nation Scripps Institution of Oceanography Birch Aquarium at Scripps County Supervisor Pam Slater-Price Educators and Community Members

LoMedico/Reynolds

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

\* ITEM-107: Solar America Cities Grant Award from the United States of America Department of Energy.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-43) ADOPTED AS RESOLUTION R-302906

Authorizing the Mayor, or his designee to apply for and take all necessary actions to secure funding from the Solar America Cities Grant Program of the United States Department of Energy, and to negotiate final terms for acceptance of a grant to advance deployment of solar electric generation in San Diego;

Authorizing subject to approval by the Mayor of final grant terms, the City Auditor and Comptroller to accept, appropriate, and expend grant award funds, and to establish a separate non-interest bearing account for such grant funds consistent with grant requirements;

Authorizing the City Auditor and Comptroller to appropriate and expend \$200,000 from such grant funds to develop a San Diego solar implementation plan, contingent on approval by the Mayor of an agreement from the U.S. Department of Energy;

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

**STAFF SUPPORTING INFORMATION:**

The City of San Diego has made a tremendous investment in solar energy systems, and has an ongoing commitment to renewable energy in the future. The goal is to produce 50 megawatts (MW) of renewable energy within the City limits, with five (5) MW on City buildings in no more than 10 years. The City currently has 13 photovoltaic self-generation systems with a combined capacity of 1.2 MW at City-owned facilities and incentive funds reserved for an additional two (2) MW.

In January 2006, President George Bush announced his Advanced Energy Initiative, which provides for a 22-percent increase in funding for clean-energy technology research for the Department of Energy (DOE). In an effort to change how we power our homes and offices, the DOE will invest more in revolutionary solar and wind technologies. An integral part of this initiative is the DOE's Solar America Initiative (SAI). The goal of the SAI is to reduce the cost of solar photovoltaic technologies so that they become cost-competitive by 2015. The SAI represents a significant enhancement of DOE's business strategy of partnering with key stakeholders to accelerate commercialization of photovoltaic system research and development to meet aggressive cost and installed capacity goals.

The City of San Diego Environmental Services Department and the California Center for Sustainable Energy (formerly SDREO) collaborated on a SAI grant proposal that would begin to address challenges and barriers to increasing solar energy in the San Diego region. The goal is to develop a local model that can be replicated nationwide. The scope of work includes analysis of current and future solar installation locations using geographic information systems (GIS), obtaining stakeholder input, evaluating the impact of solar on property values, producing

outreach materials, and developing a solar implementation plan entitled the "Sustainable Energy 2050 Plan."

On June, 27, 2007, the DOE named thirteen Cities in the United States as inaugural Solar America Cities, including San Diego, to share \$2.6 million in funds that would facilitate the acceleration of solar adoption through innovative efforts. The DOE acknowledges the commitment of all Solar America Cities as partners in advancing solar technology at the local level. Through the DOE's financial and additional technical assistance provided by the national research labs, the City of San Diego Environmental Services Department will have exposure to national laboratories, experts in the field of city planning, technology selection, project financing, building codes, architecture and community outreach.

Our specific objectives for attaining San Diego's "Sustainable Energy 2050 Plan" are both ambitious and achievable. The technical and policy expertise from the DOE and National Research Labs, in conjunction with the insights of the City of San Diego and the California Center for Sustainable Energy, form an essential partnership for advancing solar and other distributed generation.

FISCAL CONSIDERATIONS:

The Solar America Cities Grant will fund \$200,000 of program related expenses. In kind services (City staff time) not to exceed the grant award amount will be provided by the City in conjunction with the California Center for Sustainable Energy, which is the regional implementer of the California Solar Initiative (SBI). It is anticipated that approximately 43% of the grant match requirement will be funded by the California Center for Sustainable Energy and the remaining 57% will be funded by the Energy Conservation Fund (10231).

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders are the citizens of the City of San Diego.

Heap, Jr./Haas

Staff: Tom Blair – (858) 492-6001  
Frederick M. Ortlieb - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

ITEM-108: Cost Recovery Air Medical Transportation San Diego Fire-Rescue Department Air Operations Division.

(See Report to the City Council No. 07-128.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1247)

ADOPTED AS AMENDED AS RESOLUTION R-302923

Authorizing the Mayor to direct San Diego Medical Services Enterprise (SDMSE) to bill patients and/or insurance companies for emergency air medical transportation provided by San Diego Fire-Rescue Air Operations Division helicopter(s).

**STAFF SUPPORTING INFORMATION:**

San Diego Fire-Rescue Department (SDFD) Copter 1 is classified by the County of San Diego Emergency Medical Services Division (County EMS) as an Advanced Life Support (ALS) Rescue Aircraft. An existing Memorandum of Understanding (MOU) between SDFD and County EMS allows Copter 1 to provide air medical transportation of patients to area trauma centers.

To date, no patient and/or insurance company have been invoiced for air medical transportation services provided by SDFD. Billing for air medical transportation of the sick and/or injured is necessary to minimize the fiscal impact that results from providing these services gratis.

**FISCAL CONSIDERATIONS:**

Rural/Metro, the City's Emergency Medical Services partner in San Diego Medical Services Enterprise (SDMSE) will be responsible for the billing of air medical transports performed by

San Diego Fire-Rescue helicopter(s). Billing rates are consistent with calculated hourly flight rate for Copter 1 (\$3,250 per hour).

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: None.

Jarman/Olen

Staff: William Middleton - (619) 533-4401  
William J. Gersten - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:16 a.m. - 11:37 a.m.;  
2:07 p.m. - 2:16 p.m.)

MOTION BY MADAFFER TO ADOPT THE RESOLUTION WITH DIRECTION TO REFER THE OVERALL ISSUE OF FEE RECOVERY TO THE BUDGET COMMITTEE AND TO MAKE AFFIRMATIVE FINDINGS PER THE STATUTORY EXEMPTION PURSUANT TO STATE LAW, PUBLIC RESOURCE SECTION 15273 AND 21083 FOR THE ESTABLISHMENT OF FEES AND WITH DIRECTION THAT THERE BE A SIDE AGREEMENT TO THE MEMORANDUM OF UNDERSTANDING TO FORMALIZE THE \$50 PER AIR FLIGHT BILLING WITH RURAL METRO FOR BILLING SERVICES. IN ADDITION, ON PAGE 2 OF 3 OF THE RESOLUTION ADD THE ACTUAL HOURLY RATE OF \$3,250 AFTER THE WORDS, "WHEREAS, AN HOURLY BILLING RATE." Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-109: Clarification of Council's Intent to Adopt the Negative Declaration for the Bird Rock Coastal Traffic Flow Improvements Project.

(La Jolla Community Area. District 1.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-96)                      ADOPTED AS RESOLUTION R-302907

Declaring for purposes of clarification, that the intention of the City Council, in adopting paragraph No.8 of Resolution No. R-302013 on November 3, 2006, was that the Negative Declaration dated May 25, 2005 and referenced therein, Project No. 6225, a copy of which is on file with the Office of the City Clerk, was thereby adopted pursuant to the California Environmental Quality Act and applicable regulations there under, and that the findings therein with respect to the project were thereby adopted as the findings of the City Council;

Declaring that the information contained in Project No. 6225, dated May 24, 2005, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.), and that the Negative Declaration reflects the independent judgment of the City of San Diego as Lead Agency;

Declaring that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Bird Rock Coastal Traffic Flow Improvements;

Declaring that pursuant to California Public Resources Code and California Code of Regulations, the City Council adopts Negative Declaration, Project 6225 and certifies the findings made with respect to the Project;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above Project.

**STAFF SUPPORTING INFORMATION:**

The certification of the Negative Declaration provides for the implementation of the improvements identified in the Bird Rock Area Traffic Management Plan that was approved on February 4, 2004, Manager's Report No. 04-028. The work includes roundabouts along La Jolla

Boulevard from Camino de la Costa to Colima Street and other traffic calming improvements in the Bird Rock community, which compliment the two roundabouts previously constructed as part of Barratt American's Seahaus Development. With its innovative features, this project was selected to receive \$2,000,000 from the SANDAG Pilot Smart Growth Incentive Program. The special maintenance needs of this project are covered by the Bird Rock Maintenance Assessment District.

FISCAL CONSIDERATION: None.

PREVIOUS COUNCIL ACTIONS:

- February 9, 2004 (R-298883)-Authorized the execution of the Agreement with Project Design Consultant (P.D.C.) for engineering services.
- June 25, 2005 (R-300698)-Authorized to secure, accept, appropriate, and expend funds from SANDAG for the Pilot Smart Growth Incentive Program.
- November 3, 2006 (R 302013)-Authorized to increase FY07 Budget, CIP-52-717.0, in the amount of \$1,400,000; and authorized to execute first amendment to the agreement with Project Design Consultant (P.D.C.); and authorized to approve Plans and Specifications for construction of Bird Rock Coastal Traffic Flow Improvement Project; and authorized to execute a construction contract for Bird Rock Coastal Traffic Flow Improvement Project with the lowest responsible and reliable bidder.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Bird Rock Traffic Task Force Committee, Bird Rock Beautification Committee, and the Bird Rock Community Council community groups are in full support of the project. The City has been working with these community groups throughout the planning and design development process.

Boekamp/Haas

Staff: Mike Arnold - (619) 533-3754  
Michael P. Calabrese - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

- \* ITEM-110: Grant Application to the State of California Department of Justice for the Spousal Abuser Prosecution Program (SAPP).

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1129) ADOPTED AS RESOLUTION R-302908

Authorizing the City Attorney to apply for, accept and expend a \$59,395 Spousal Abuser Prosecution Program Grant and additional program funding of \$4,404 from the State of California Department of Justice under the terms and conditions outlined in the letter dated April 20, 2007 from California Attorney General Edmund G. Brown Jr.;

Declaring that a 20 percent match by the City has and will be met through existing staff salaries;

Declaring that the Spousal Abuser Prosecution Program grant money will not be used to supplant local expenditures and the City will hold the California Department of Justice harmless from any claims that may arise from the use of SAPP grant monies.

Authorizing the City Attorney's Office to execute all aspects of the program operation, including any amendments, extensions, or renewals, provided funding is made available by the State of California, and that the City Attorney's Office will certify that the City will comply with all applicable statutory or regulatory requirements related to this program.

**SUPPORTING INFORMATION:**

On November 13, 1994, the City Attorney's Domestic Violence & Special Victims Unit received notification that they had been awarded a \$60,000 grant from the California Department of Justice for the prosecution of domestic violence cases. Over the past eleven years, the City Attorney's Office received funding which was used to enhance the advocacy and investigative efforts. Fiscal Year 2008 marks the Fourteenth year that the City Attorney's Office has been awarded funding under the Spousal Abuser Prosecution Program. For Fiscal Year 2008, \$59,395.00 is to be awarded.



An additional \$4,404 in augmented funds from a state settlement will also be granted to the City under the program. There is a 20% match requirement on the total amount, which will be met through existing staff salaries. The Deputy City Attorney, City Attorney Investigator, and the Victim Services Coordinator positions are already budgeted in Fiscal Year 2008.

This grant award is contingent upon City Council approval. The proposed resolution authorizes the City Attorney to apply for and enter into a grant agreement with the Department of Justice. It also indemnifies the Department of Justice from any claims that arise from the City Attorney's use of funds and certifies that the City will not use grant funds to supplant local expenditures.

FISCAL CONSIDERATIONS:

For Fiscal Year 2008, a total of \$63,799 has been awarded. There is a 20% match requirement on the total amount, which will be met through existing staff salaries. The City Attorney's Office total cost will be \$186,796.20, which exceeds the 20% match requirement. The City Attorney Investigator and the Victim Services Coordinator positions are already budgeted in Fiscal Year 2008.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: See Executive Summary.

Jacobo

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

- \* ITEM-111: Grant Application to the Bureau of Justice Assistance (BJA) for Family Justice Center Forensic Medical Unit.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1289)            RETURNED TO MAYOR

Authorizing the Mayor, or his designee, for and on behalf of the City, to apply to the Bureau of Justice Assistance for \$148,048 in grant funds under the Fiscal Year 2006 Congressionally Mandated Awards Program for the City of San Diego Family Justice Center Forensic Medical Unit, and to accept the funds;

Authorizing the Mayor, or his designee, for and on behalf of the City, to take all necessary actions to secure funding from the Bureau of Justice Assistance for the Forensic Medical Unit, and to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements and amendments, which may be necessary to secure funding and to carry out all obligations, responsibilities and duties of the aforementioned project;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds if grant funds are secured.

**STAFF SUPPORTING INFORMATION:**

In April 2003, the San Diego Family Justice Center launched the Forensic Medical Unit (FMU) to document injuries of victims of family violence and provide limited medical services. The FMU was launched in partnership with Sharp Grossmont Hospital and as a direct result of a grant received from the Office on the Violence Against Women (OVW). As part of the OVW Grant, the FMU established four clear goals: 1) Increase Health Services for Victims and Children; 2) Increase Documentation of External/Internal Injuries; 3) Increase Offender Accountability, and 4) Increase Community Awareness.

The FMU, as one of the original partners in the San Diego Family Justice Center, complements the whole range of intervention and prevention services being offered to domestic violence victims and their children.

By co-locating the FMU within the San Diego Family Justice Center, the FMU is providing early detection of internal injuries, mental and psychiatric symptoms; lethality assessments; referrals

for medical care; and, improved documentation of injuries, which assists the criminal justice system to provide victims of violence with timely services, increased safety of victims, improved medical documentation, and increased felony and misdemeanor convictions. The OVW grant ended in June 2006.

Funding from the FY2006 BJA Congressionally Mandated Award in the amount of \$148,048 is necessary to keep the Forensic Medical Unit in operation.

FISCAL CONSIDERATIONS:

None with this action. \$148,048 would be provided to the Forensic Medical Unit of the San Diego Family Justice Center to provide forensic documentation of injuries to victims of family violence and limited medical services.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The City of San Diego Family Justice Center and Forensic Medical Unit (a project of the San Diego Family Justice Center). Grant funds will allow continued operations of the Forensic Medical Unit at the San Diego Family Justice Center.

Strack/Olen

Staff: Gael Strack - (619) 533-6010  
Sharon B. Spivak - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

MOTION BY COMMON CONSENT TO RETURN TO MAYOR. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

- \* ITEM-112: Application for Department of Justice Grant Funds to Support Family Justice Center Projects.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1288) ADOPTED AS RESOLUTION R-302909

Authorizing the Mayor, or his designee, for and on behalf of the City, to apply to the Department of Justice Office on Violence Against Women for the \$399,980 in grant funds over a two-year period (Fiscal Year 2007 to Fiscal Year 2008) under the terms and conditions set forth in Grant Number 2006-WE-AX-0064, for the Family Justice Center and to accept those funds;

Authorizing the Mayor, or his designee, for and on behalf of the City, to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements and amendments, which may be necessary to secure funding and to carry out all obligations, responsibilities and duties of the aforementioned project;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds if the grant funding is secured.

**STAFF'S SUPPORTING INFORMATION:**

The San Diego Family Justice Center opened its doors on October 10, 2002, with unanimous support from the Mayor, City Council, City Attorney, City Manager, Police Chief, Fire Chief, and over forty community organizations.

Thanks to the leadership of the City of San Diego, the Family Justice Center has become the most significant and comprehensive public safety and social services initiative addressing domestic violence in the history of San Diego where law enforcement, prosecution, intervention, and prevention services are now available under one roof to address all aspects of family violence incidents and its touching the lives of many.

In September 2006, the City of San Diego was awarded \$399,980 from the Office on Violence Against Women to implement the "San Diego FJC Proactive Project" under its Grants to Encourage Arrest Policies and Enforcement of Protection Order.

As part of this project, the City of San Diego Family Justice Center, the Center for Community Solutions, the City Attorney's Office, the San Diego Police Department, the San Diego Probation Department and Adams & Adams Consulting will implement this project to address the gaps in services at the San Diego Family Justice Center. Through this award, the project will) hire a bi-lingual clerical assistant to assist mono-lingual Spanish speaking victims of family violence seeking services at the Family Justice Center for two years; 2) hire a deputy city attorney for one year to vertically handle violations of temporary restraining orders, stalking cases and domestic violence related charges; 3) hire a civil attorney through the Center of Community Solutions to provide legal assistance to victims at the Family Justice Center seeking protective orders for one year; 4) partner with Adams & Adams to conduct strategic planning, training and facilitation for the project for two years; 5) assemble a team of detectives to arrest fugitives and/or high risk offenders over the period of one year; 6) dedicate one deputy probation officer at the Family Justice Center for one year to monitor and revoke violations of probation after conviction, assist with gun confiscation, develop protocols and serve as a liaison for offender information during court proceedings.

FISCAL CONSIDERATIONS:

None with this action. \$399,980 would be provided to the San Diego Family Justice Center (FJC) to administer the San Diego FJC Proactive Project in collaboration with its partners.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: -

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The City of San Diego Family Justice Center, the Center for Community Solutions, the City Attorney's Office, the San Diego Police Department, the San Diego Probation Department, and Adams & Adams Consulting, will implement this project to address the gaps in services at the San Diego Family Justice Center.

Strack/Olen

Staff: Gael Strack – (619) 533-6010  
Sharon Spivak – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

\* ITEM-113: Wild Animal Park – Easement Grant to SDG&E.

(San Pasqual Community Area. District 5.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-81)                      ADOPTED AS RESOLUTION R-302910

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, conveying to SDG&E an easement for the purpose of installing a transmission and distribution of electricity and related electrical purposes, affecting a portion of the Southeast Quarter of the Northwest Quarter (SD ¼ NW ¼) of Section 33, Township 12 South, Range 1 West, San Bernardino Meridian, County of San Diego, State of California;

Authorizing the Auditor and Comptroller to collect and deposit \$1,590 from Fund 4150, Revenue Account No. 77438.

**STAFF SUPPORTING INFORMATION:**

This project is for extension of overhead lines from an existing utility pole westerly to the easterly boundary of the Wild Animal Park's leasehold to a new utility pole and then placed underground from that point westward. The easement is for poles, wires, cables, underground facilities and appurtenances for the transmission and distribution of electricity and related purposes. The length of the easement is 744.79 feet with the overhead lines comprising 384 feet and the underground lines 360.79 feet.

The easement contains approximately 0.305 acre and is north of San Pasqual Valley Road westerly of the San Pasqual Battlefield State Historic Park. The easement has been valued by City valuation staff to be worth \$5,000. Since the proposed easement solely benefits a City owned parcel and our lessee, the Wild Animal Park, SDG&E will not be charged for the proposed easement.

FISCAL CONSIDERATIONS:

A processing fee of \$1,590 was deposited into Fund 4150 Revenue Account No. 77438 in the form of a check provided by the Zoological Society of San Diego. As stated above SDG&E will not be required to compensate the City for the rights to be granted.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS:

The Zoological Society of San Diego DBA San Diego Zoo's Wild Animal Park. The Applicant proposes to purchase an easement for the purposes of installing a 700 foot long electrical line. The trench for the electrical line would be approximately 12 inches wide and 30 inches deep and about 361 feet long. The trench easement is located within eucalyptus woodland. Trench excavation will take place outside of the raptor nesting season and the California gnatcatcher breeding season (March 1 through August 15) or noise barriers will be erected to reduce construction noise to less than 60 decibels Leq (hourly average).

The overhead portion of the easement alignment is in an environmentally sensitive area where aerial lines will be less intrusive than digging and disturbing the surface and surrounding area. The easement sought is not in an underground district. There are no prohibitions to overhead lines that are not in an underground district and there is no ordinance requiring the undergrounding of utilities on City property.

Sandoval/Waring

Staff: Lane MacKenzie - (619) 236-6050  
Todd Bradley - Deputy City Attorney

FILE LOCATION: F-10116

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

- \* ITEM-114: "Arrive Alive" DUI Prevention San Diego Police Department Grant Subcontract with California Highway Patrol.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-63) ADOPTED AS RESOLUTION R-302911

Authorizing the San Diego Police Department (SDPD) and Deputy Director of Purchasing and Contracting to enter into an agreement with California Highway Patrol (CHP) for the purpose of receiving funds for officer overtime in conjunction with CHP's statewide DUI enforcement campaign;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend these grant funds from the CHP related to the "Arrive Alive" program;

Authorizing the Chief of Police, for and on behalf of the City of San Diego, to manage the grant funds and program for the purposes stated above;

Declaring this authority includes the execution of all aspects of fund and program operation; and that this authority includes any amendments, extensions, augmentations, or renewals of funding from the State of California via CHP, so long as there are no material changes to the scope and effort of the grant activities; and to certify that the City will comply with all applicable statutory or regulatory requirements;

Declaring that this authorization shall be valid for a period of up to five years, provided funding is made available by the State government;

Declaring any resources received hereunder shall not be used to supplant expenditures controlled by this body.

**STAFF SUPPORTING INFORMATION:**

The California Highway Patrol (CHP) has received a grant from the California Office of Traffic Safety (OTS) for an "Arrive Alive" program<sup>1</sup>. The grant is designed to reduce the number of alcohol related collisions, fatalities and injuries by targeting DUI enforcement details in the traffic corridor of I-5 and I-805 from the Mexican border through the entire city.



The grant provides funds for overtime for San Diego Police Department officers to participate in joint projects with CHP and other allied law enforcement agencies, and to conduct its own enforcement details.

In order to facilitate this, the City of San Diego wishes to enter into an Agreement with CHP under this grant to fund SDPD Officer over time for participating in the DUI enforcement operations.

FISCAL CONSIDERATIONS:

The San Diego Police Department will be reimbursed for overtime incurred by police officers participating in the enforcement details. All costs of this expenditure are grant funded. No City funds are required. There is no requirement to continue grant funded activities, expenditures or programs after grant funds are depleted or terminated. Federal law requires that these funds supplement and not supplant funds otherwise available to law enforcement.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

An agreement between the Department of California Highway Patrol and the City of San Diego was signed and entered into on May 4, 2007, by Purchasing and Contracting Deputy Director Tammy Rimes. It was believed Ms. Rimes' authority was sufficient to implement this Agreement. However, because the Agreement is funded by a grant, the City Auditor requires a Council Resolution.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The campaign will be conducted throughout the city with public outreach achieved through a media campaign prior to initiation of the "Arrive Alive" program.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key stakeholders are NHTSA, OTS, CHP, the San Diego Police Department and the driving public. The projected impact of a DUI enforcement campaign is a reduction in serious injury or fatal traffic collisions.

<sup>1</sup>This grant is referred to by OTS as "Arrive Live," STOP DUI," and the "I-5/I-805 DUI Corridor" grant program. For simplicity, these documents use the term "Arrive Alive." However, any current or future documents bearing any of the above titles shall be considered to be incorporated into this authority.

Lansdowne/Olen

Staff: Donna J. Warlick- (619) 531-2221  
Mary T. Nuesca - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

- \* ITEM-115: Annual Election of Crossroads Redevelopment Project Area Committee Members.

(College Area and Mid-City Communities (City Heights and Eastern). District 7.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-62) ADOPTED AS RESOLUTION R-302912

Approving the Crossroads Redevelopment Project Area Committee, consisting of persons named on Exhibit "A", as the list of Project Area Committee (PAC) members receiving the highest number of votes, including those members noted by the City Clerk's verification of the election results of June 28, 2007, as constituting a representative PAC;

Finding that the election results of June 28, 2007 are valid and binding in accordance with the procedures so adopted by Resolution No. R-298702;

Directing the Redevelopment Agency of The City of San Diego to consult with and obtain the advice of the PAC pursuant to the provisions of the California Community Redevelopment Law (California Health and Safety Code Section 33000 et seq.);

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

**STAFF SUPPORTING INFORMATION:**

Formation Procedures of the Crossroads Project Area Committee (PAC) was authorized by the City Council on April 2, 2002 and modified on December 8, 2003. The purpose of the fifteen (15) members PAC is to advise the City Council and Redevelopment Agency on matters relating to the implementation of the Crossroads Redevelopment Project Area. The City Council approved the Crossroads Redevelopment Plan on April 22, 2003, and authorized the Crossroads PAC until 2009. The City Council has previously ratified the PAC election results in accordance with the Crossroads PAC Formation Procedures.

On June 28, 2007, the Crossroads PAC conducted its Annual Election and meeting in accordance with the PAC Formation Procedures and PAC Bylaws. Seven vacancies were available to be filled at the Annual Election. The categories included: One (1) Residential Owner/Occupant from the College and City Heights Area, one (1) Residential Owner/Occupant from the Eastern Area, one (1) Business/Property Owner from the Northern Area, two (2) Business/Property Owner from the Southern Area and, two (2) Community Organization at-large.

The results of the June 28, 2007 PAC Election are listed in Exhibit A.

Three of the seven vacant positions (Residential Owner/Occupant from the College and City Heights Area and both Community Organization at-large) were filled by the election. There were no qualified candidates for the Residential Owner/Occupant from the Eastern Area, Business/Property Owner from the Northern Area, and both Business/Property Owner from the Southern Area. Based on the approved PAC Formation Procedures these vacant positions may be filled by qualified candidates that are appointed by the sitting members of the Crossroads PAC until the 2008 PAC election.

As of the time of the writing of this report, no protests or communication regarding the Crossroads PAC election have been received. However, in the category of Residential Owner/Occupant from the City Heights and College Area a tie resulted between candidates. Subsequent to the Election one of the candidates withdrew their application. If any protest or communications are submitted, they will be reported to the City Council and made available for public review at the Public Hearing. In accordance with the PAC Formation Procedures, City Council ratification of the Annual Election results is required.

**FISCAL CONSIDERATIONS:**

Administration of the Project Area Committee is funded through the Redevelopment Agency Annual Project Budget.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

City Council Ordinance No. O-19174, on April 22, 2003, authorized the Crossroads PAC for six-years. City Council Resolution No. R-298702, on December 8, 2003, modified the PAC Formation Procedures.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Approximately 9,060 Crossroads Project Area Committee Election notices and Project Area maps were mailed to all residential owner-occupants, residential tenants, property and business owners, community organizations, and interested parties with addresses within the boundaries of the Crossroads Redevelopment Project Area. The mailings also included information about the PAC as well as general information about redevelopment.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The College Business Improvement District, College Area Community and the Mid-City Communities of City Heights and Eastern Area.

Weinrick/Waring

Staff: Tracy Reed - (619) 236-6543  
Alex W. Sachs - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

- \* ITEM-116: Proposed Amendment to the Procedure for Formation of Project Area Committee for the Centre City Redevelopment Project-General.

(See Centre City Development Corporation Report CCDC-07-11. Districts 2 and 8.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-29) ADOPTED AS RESOLUTION R-302913

Approving the amendment to Section (§602) PAC Procedures to be consistent with the Downtown Community Plan neighborhood boundary lines.

**SUPPORTING INFORMATION:**

On February 28, 2006, the Downtown Community Plan ("DCP") was adopted by the Council and one of the changes that occurred was the redistricting of four neighborhood boundary lines (Little Italy, Core/Columbia, Cortez and East Village). Currently, the PAC neighborhood boundary lines coincide with those established in the 1992 Centre City Community Plan and must be updated to reflect those in the 2006 DCP.

FISCAL CONSIDERATIONS: None.

**CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:**

On May 30, 2007, the Corporation Board voted to recommend approval the proposed amendment of the PAC Procedures.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

The Project Area Committee ("PAC") and the Centre City Advisory Committee ("CCAC") supported the recommendation at their May 23, 2007 meeting, but regrets the fact that properties have been detached from the Core/Columbia and added to East Village. The impact is that two PAC members will no longer qualify for their seats because when the boundary lines change, they will either live or work in East Village, not Core/Columbia.

**BACKGROUND**

Formation of the twenty-five (25) member PAC was authorized by the Council on September 11, 1990, to advise the Council and Redevelopment Agency regarding adoption and implementation of the Centre City Redevelopment Project. On November 5, 2001, the Council unanimously approved the proposed CCAC bylaws to provide the formation of the CCAC as the official downtown planning group. This action added three additional members for a total of twenty-eight (28) members. The CCAC and PAC were approved to function as concurrent operating committees.

### DISCUSSION

On February 28, 2006, the DCP was adopted by the Council and one of the changes that occurred was the redistricting of four neighborhood boundary lines (Little Italy, Cortez, Core-Columbia and East Village). The Little Italy boundaries were extended three blocks to the east from Union Street to Front Street so public spaces such as Amici Park would be located officially in Little Italy. The Cortez neighborhood was reduced in size by six blocks due to the changes in Little Italy and Core-Columbia neighborhoods. The biggest impact was the redistricting of East Village which increased by 16 blocks while the Core/Columbia neighborhood was reduced by 13 blocks. The changes were made to address the evolving trends, observations of current conditions and neighborhood development of objectives from a land use/neighborhood organization standpoint.

The current PAC neighborhood boundary lines were derived from the 1992 Centre City Community Plan (with the exception that Core and Columbia districts were combined as one neighborhood for purposes of the PAC). The proposed changes would be to the DCP designated neighborhoods to reflect variations in function, history, topography, location, architecture, building scale, and civic icons. The updated PAC neighborhood lines should be consistent with the identity and vision of each neighborhood with the exception of keeping Core-Columbia as one neighborhood.

An unintended consequence of the redistricting of the neighborhoods is that two PAC members will no longer qualify for their seats. Since they no longer meet the neighborhood eligibility requirement. The Corporation's legal counsel has confirmed that the two members must vacate their seats once the Council amends the PAC Procedures.

### CONCLUSION

In accordance with Section (§ 900), Amendment of Procedures, of the PAC Procedures, the Council may amend procedures to make any necessary adjustments or changes to effectively form and select a representative PAC. Due to changes in the redistricting of the neighborhood boundary lines, the PAC neighborhood boundary lines should be adjusted accordingly.

Diekman/Graham

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

- \* ITEM-117: Appointment and Reappointments to the La Jolla Shores Planned District Advisory Board.

(See memorandum from Mayor Sanders dated 7/13/2007, with resumes attached.)

**MAYOR SANDERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2008-83)                      ADOPTED AS RESOLUTION R-302914

Council confirmation of the following appointment and reappointments by the Mayor of the City of San Diego to serve as members of the La Jolla Shores Planned District Advisory Board, for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Dan Goese (La Jolla, District 1) (Replacing Gail Forbes, who has resigned)	April 1, 2008
Paul Benton (University City, District 1) (Reappointment)	March 1, 2009
Susan H. Goulian (La Jolla, District 1) (Reappointment)	March 1, 2009
John McColl (La Jolla, District 1) (Reappointment)	March 1, 2009
Marvin Cohen (La Jolla, District 1) (Reappointment)	April 1, 2008
Suzanne Weissman (La Jolla, District 1) (Reappointment)	April 1, 2008

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

- \* ITEM-118: Appointments and Reappointments to the Board of Building Appeals and Advisors.

(See memorandum from Mayor Sanders dated 7/13/2007, with resumes attached.)

**MAYOR SANDERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2008-82) ADOPTED AS RESOLUTION R-302915

Council confirmation of the following appointments and 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>NAMES</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Kelly Eisenstein (Ocean Beach, District 2) (Replacing Dinesh Patel, whose term has expired)	Fire Protection Engineer	March 1, 2008
Kenneth Oh (Poway) (Replacing Scott Deal, whose term has expired)	Fire Protection Engineer	March 1, 2008
James Arnold (Rancho Peñasquitos, District 1) (Reappointment)	Disabled Community Rep.	March 1, 2009



Cameron Duncan (Bay Park, District 6) (Reappointment)	Structural Engineer	March 1, 2009
John Littrell (Point Loma, District 2) (Reappointment)	Mechanical Electrical Engineer	March 1, 2009
Eric Stenman (Scripps Ranch, District 5) (Reappointment)	At Large	March 1, 2009

Declaring a conscious exception to Council Policy 000-13 for purposes of deliberation and consideration of appointment, it is determined that Kenneth Oh is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Commission.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

\* ITEM-119: Phil LaVelle Day.

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1280) ADOPTED AS RESOLUTION R-302916

Commending Phil LaVelle for his outstanding work and professionalism in the field of journalism;

Recognizing the accomplishments of Phil LaVelle in keeping the people of San Diego informed about various political issues, and proclaiming August 10, 2007, to be "Phil LaVelle Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

\* ITEM-120: David Pierce Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2008-21) ADOPTED AS RESOLUTION R-302917

Commending David Pierce for his years of service to the San Diego community;

Proclaiming July 18, 2007, to be "David Pierce Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

\* ITEM-121: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2007-1212) ADOPTED AS RESOLUTION R-302918

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L – State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

\* ITEM-122: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2007-1231) ADOPTED AS RESOLUTION R-302919

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L – State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

ITEM-330: Pacific Coast Office Building, PTS Project No. 54384. Appeal of the Environmental Document, Mitigated Negative Declaration No. 54384.

As a property owner, tenant, or person who has requested notice, or interested citizen, you should know that a public hearing will be held by the City Council to consider an environmental determination appeal on an application for a Site Development Permit to construct an approximate 10,000 square foot office building on an approximate five-acre site containing environmentally sensitive lands, located east of the southerly terminus of Scheidler Way, south of the 3300 block of Camino Del Rio South in the MV-CO Zone of the Mission Valley Planned District. Matter of the appeal filed by Randy Berkman, Lynn Mulholland, James A. Peugh, and Ellen Shively and others applies only to the environmental determination.

(See Report to the City Council 07-122. Mission Valley Community Plan Area. District 6.)

According to the San Diego Municipal Code (SDMC), Land Development Code, Section 112.0520(d)(1)-(3), the City Council shall consider the appeal and shall, by a majority vote:

- (1) Deny the appeal, uphold the environmental determination and adopt the CEQA findings of the previous decision-maker, where appropriate;
- (2) Grant the appeal and make a superseding environmental determination or CEQA findings; or
- (3) Grant the appeal, set aside the environmental determination, and remand the matter to the previous decision-maker, in accordance with SDMC Section 112.0520(f), to reconsider the environmental determination that incorporates any direction or instruction the City Council deems appropriate.

If the City Council denies the appeal or grants the appeal under Section 112.0520(d)(2), the lower decision-maker's decision to grant the entitlements, approval or City authorization, shall become effective immediately.

If the City Council grants the appeal under Section 112.0520(d)(3), the lower decision-maker's decision to grant the entitlements, approval or City authorization shall be deemed vacated and the lower decision maker shall reconsider its environmental determination and its decision to grant the entitlements, approval or City authorization, in view of the action and, where appropriate, any direction or instruction from the City Council.

**STAFF'S RECOMMENDATION:**

Take the following actions:

Subitem-A: (R-2008- ) CONTINUED TO TUESDAY, SEPTEMBER 25, 2007;  
HEARING CLOSED

Adoption of a Resolution granting or denying the appeal and upholding or overturning the Planning Commission's decision certifying the Mitigated Negative Declaration, Project No. 54384; and certifying the associated Mitigation, Monitoring and Reporting Program;

That the City Clerk is directed 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-2008 ) CONTINUED TO TUESDAY, SEPTEMBER 25, 2007

Adoption of a Resolution granting or denying the appeal and granting or denying Site Development Permit (Mission Valley Planned District) Permit No. 158004.

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

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**OTHER RECOMMENDATIONS:**

Planning Commission on June 15, 2006, voted 4-2 to deny the appeal and approve staff's recommendation; was opposition.

Ayes: Schultz, Ontai, Otsuji, and Steele

Nays: Chase, Garcia

Not present: Griswold

The Mission Valley Community Planning Organization on September 7, 2005 voted to recommend approval of this project.

**STAFF SUPPORTING INFORMATION:**

**REQUESTED ACTION:**

This action is the appeal of the environmental document, Mitigated Negative Declaration No. 54384, prepared for a 10,000 square-foot office building located at 3517 Camino del Rio South in the Mission Valley Community Plan area.

**STAFF RECOMMENDATION:**

**DENY** the appeal and **UPHOLD** the Environmental Determination (Mitigated Negative Declaration No. 54384).

**EXECUTIVE SUMMARY:**

On September 26, 2006, the City Council voted 7-0-0 with Councilmember Maienschein absent) to approve a prior appeal of Mitigated Negative Declaration No. 54384 and remanded the issue back to the Planning Commission to reconsider the project.

As a part of the motion to approve the appeal, the City Council directed staff to "review alternatives that would reduce impacts" associated with the development. This direction was a result of public testimony wherein, it was discussed that previous project design alternatives had been submitted, reviewed and subsequently rejected by Development Services during the project review phase of the entitlement process. The Council felt that the public should be made aware of those project alternatives and have had the opportunity to comment on them. The Council therefore instructed staff to include an alternatives analysis and mandated that the revised document be recirculated for public review.

The MND was revised and recirculated pursuant to the Council direction. Various project designs were summarized along with the staff determinations that precluded these designs from further consideration. Some of the designs lessen certain impacts such as visual affect, building

scale, brush management and grading. However, these resulted in increased impacts on the hillside including a higher degree of non-compliance with the Mission Valley Planned District Ordinance and the Mission Valley Community Plan.

On May 17, 2007, the project, and the revised Mitigated Negative Declaration were reconsidered by the Planning Commission. The Commission unanimously voted to certify the environmental document and approve the project. On May 27, 2007, the environmental document was again appealed to the City Council.

The appeal asserts that the alternative designs the Council requested should not have included previous project designs already reviewed by the staff but rather, new design alternatives that further reduce the project's environmental impacts. This was not the staff interpretation of the motion. The environmental document that is the subject of this appeal is a Mitigated Negative Declaration. This type of environmental document does not typically include an analysis of project alternatives however; the staff revised the document to include an array of project designs that covered the basic design and siting options available for the property. Each of the previous designs offered potential reductions in certain impacts while at the same time created additional impacts that were considered to be of greater significance. Staff was able to conclude that the proposed design was preferable to the alternatives in that the overall project provided the least potential impacts to the site and all of the impacts identified could be mitigated to a level below significant. Additional appeal issues contend factual error, new information and that the findings cannot be supported. These issues are discussed in the Report to City Council.

FISCAL CONSIDERATIONS:

All costs associated with the processing of this appeal are paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On June 15, 2006, the Planning Commission denied an appeal of a Hearing Officer decision, certified Mitigated Negative Declaration (MND) No. 54384 and approved the Pacific Coast Office Building project. On June 29, 2006, the environmental document was appealed to the City Council. On September 26, 2006, the City Council upheld the environmental appeal and remanded the issue back to the Planning Commission for reconsideration. On May 17, 2007, the Planning Commission reheard the item, certified the Mitigated Negative Declaration and approved the project.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On May 17, 2007, the Planning Commission voted 5-0-0, with Commissioner Garcia absent to approve the project. On September 7, 2005, the Mission Valley Community Planning Organization voted 15-0-0 to recommend approval of the project. On January 3, 2006, the Normal Heights Planning Group voted 10-0-0 to recommend denial of the project.

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This appeal was filed by individuals representing: Friends of San Diego, the River Valley Preservation Project, University Heights Planning Committee and the San Diego Chapter of the Sierra Club.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Dr. Robert Pollack, Pacific Coast Office Building LLC, Applicant

Escobar-Eck/Waring/PH

**LEGAL DESCRIPTION:**

The project is located just east of the terminus of Scheidler Way, in the Mission Valley Planned District within the Mission Valley Community Planning area (Lot 1 of Nagel Tract Unit No. 2 Subdivision, Map 4737).

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 4:38 p.m. - 5:53 p.m.)

Testimony in favor of the appeal by Randy Berkman, Ellen Shively, Lynn Mulholland, Jim Peugh, Christi Hine, and Gail Thompson.

Testimony in opposition of the appeal by Robert Vacchi and Dr. Robert Pollack.

MOTION BY FRYE TO CLOSE THE PUBLIC HEARING AND TO CONTINUE TO TUESDAY, SEPTEMBER 25, 2007, TO ALLOW TIME TO COME BACK WITH FINDINGS FOR COUNCIL'S CONSIDERATION. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-not present, Hueso-yea.

ITEM-331: Agreements for Financial Advisory, Special Tax Consultant, and Bond Counsel Services Related to Communities Facilities District No. 3 (Liberty Station), Series B Financing.

(Peninsula Community Planning Area. District 2.)



**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2008-12 Cor. Copy)

INTRODUCED; TO BE ADOPTED ON  
TUESDAY, SEPTEMBER 25, 2007

Introduction of an Ordinance authorizing the City Attorney to enter into a Contract for Bond Counsel Services with Stradling Yocca Carlson & Rauth with respect to bond counsel and disclosure counsel services rendered in connection with the issuance of bonds for Communities Facilities District No. 3 (Liberty Station) in an amount not to exceed \$125,000; provided however that bond counsel shall be paid only from proceeds of the bonds and any deposits made by the developer therefore;

Authorizing the City Attorney to enter into a Contract for Financial Advisory Services with Fieldman, Rolapp & Associates in connection with the issuance of bonds for Communities Facilities District No. 3 (Liberty Station) in an amount not to exceed \$53,500, such amount to be paid as indicated in the Executive Summary of the Mayor;

Authorizing the City Attorney to enter into a Contract for Special Tax Consulting Services with David Taussig & Associates in connection with the issuance of bonds for Communities Facilities District No. 3 (Liberty Station) in an amount not to exceed \$42,500, such amount to be paid as indicated in the Executive Summary of the Mayor.

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

**STAFF SUPPORTING INFORMATION:**

Community Facilities District (CFD) No. 3 was formed in 2002 in connection with the Naval Training Center Redevelopment Project ("NTC Redevelopment Project"). Specifically, in accordance with the Mello-Roos Community Facilities Act of 1982, Council Policy 800-03, and the provisions of the Disposition and Development Agreement ("DDA") between the Redevelopment Agency of the City and McMillin-NTC, LLC ("McMillin") relating to the NTC Redevelopment Project and following public hearings and a special election conducted pursuant to the Mello-Roos Act, the City Council adopted the necessary resolutions to form CFD No. 3. In addition, the City Council authorized the levy of special taxes on taxable property interests within the district and the issuance of bonds in an amount not to exceed \$30 million. Such bond

authorization includes amounts to acquire eligible facilities, as well as amounts to cover the required debt service reserve fund and costs of formation and issuance.

The DDA gave McMillin the right to pursue formation of CFD No. 3 for the purpose of financing a portion of the public improvements that McMillin is responsible for under the DDA. These improvements include certain road improvements and the regional park improvement (the "Eligible Public Facilities"), and the costs associated with such improvements to be financed through CFD No. 3 are limited to approximately \$20.8 million as specified in the DDA.

On May 24, 2005, the City Council, acting as the legislative body of CFD No. 3, adopted a resolution authorizing and approving the issuance of a first series of CFD No. 3 Special Tax Bonds ("Series A Bonds") in a principal amount not to exceed \$16 million. In June 2005, the issuance of the Series A Bonds was put on hold due to the detection of mold in certain residential units within the Anchor Cove condominium project located within CFD No. 3. The bonds were subsequently issued in July 2006, following the issuance of a report by an independent consultant hired by the Redevelopment Agency on the testing and remediation activities performed in connection with the mold.

The Series A Bond proceeds as well as special taxes collected within CFD No. 3 that have been used to directly fund Eligible Public Facilities have provided funding for all but a nominal portion of the road improvements, Phase I of the regional park, and a portion of the funding for Phase 2 of the regional park. The remaining funding needed to complete Phase 2 of the regional park will be provided through the Series B Bond proceeds.

The Financing Team for the Project includes Fieldman, Rolapp & Associates ("Financial Advisor"), David Taussig & Associates ("Special Tax Consultant"), and Stradling Yocca Carlson & Rauth ("Bond Counsel"). As described below, previous contracts and amendments were entered into with each of the consultants for services pertaining to the district formation and Series A Bond issuance phases of the Project.

Fieldman, Rolapp & Associates - The initial agreement with the Financial Advisor was executed on November 29, 2000, and was subsequently amended five times due to unanticipated additional work and delays associated with formation of CFD No. 3 and the issuance of the first series of bonds. The fifth and last amendment to the agreement is dated December 5, 2006, and was authorized pursuant to an ordinance approved by City Council. The total contract amount, including all amendments totaled \$210,000. Following the issuance of the Series A Bonds, this contract was closed.

David Taussig & Associates - The initial agreement with the Special Tax Consultant was executed on April 6, 2001, and was subsequently amended six times due to unanticipated

additional work and delays associated with the Project. The sixth and last amendment to the agreement is dated June 29, 2005. The total contract amount, including all amendments totaled \$161,000. Following the issuance of the Series A Bonds, this contract was closed.

Stradling Yocca Carlson & Rauth ("Bond Counsel") - The initial agreement with Bond Counsel was executed on May 11, 2000, and was subsequently amended three times due to unanticipated additional work and delays associated with the Project. The third and last amendment to the agreement is dated June 27, 2006. The total contract amount, including all amendments totaled \$315,000. Following the issuance of the Series A Bonds, this contract was closed.

The City had contemplated retaining the same financing team for all phases of the Project, which includes all associated formation and financing work. Due to the complex nature of the Project and the expertise gained by the Financial Advisor, the Special Tax Consultant, and the Bond Counsel on the formation and Series A Bond issuance phases of the project, it is recommended that the City retain such consultants for the Series B Bond issuance phase of the Project.

FISCAL CONSIDERATIONS:

Pursuant to Council Policy 800-03, Section III.B.1., McMillin is required to deposit funds (eligible for reimbursement from bond proceeds) in advance to cover all costs associated with the issuance of the Series B Bonds.

To this end, McMillin has deposited funds to cover the portion of the Financial Advisor and Special Tax Consultant contracts associated with a Series B Bond issuance (\$77,000). Availability of these deposited funds is contingent upon the approval of a Mayoral Action to accept and authorize a Reimbursement Agreement between the City and McMillin. The remaining portion of the contract amounts (\$19,000) is funded by the General Fund and relates to services that would be provided by the Financial Advisor and the Special Tax Consultant under the contracts if a refunding of the Series A bonds is determined to be economically feasible and is incorporated into the issuance of the Series B Bonds; these costs would be reimbursed from bond proceeds if a refunding is executed.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Approval of Fifth Amendment to Financial Advisor Agreement (December 5, 2006; O-19556) and Third Amendment to Bond Counsel Agreement (June 27, 2006; O-19504).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None required.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The contracts would be entered into with the following business entities: Fieldman, Rolapp & Associates; David Taussig & Associates, Inc.; and Stradling Yocca Carlson & Rauth. As

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described above, McMillin is required to deposit funds to cover the contract amounts associated with the Series B Bond issuance.

Kommi/Goldstone

Staff: Alex Bragado – (619) 533-6477  
Mark D. Blake – Chief Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:50 a.m. – 11:50 a.m.)

MOTION BY FAULCONER TO INTRODUCE. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Fryc-yea, Madaffor-yea, Hucso-yea.

ITEM-332: Amendments to Agreements for Financial Advisory, Special Tax Consulting and Administration, and Bond Counsel Services for Community Facilities District No. 4 (Black Mountain Ranch Villages).

(Black Mountain Ranch Community Area. District 1.)

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2008-13 Cor. Copy) INTRODUCED; TO BE ADOPTED ON  
TUESDAY, SEPTEMBER 25, 2007

Introduction of an Ordinance authorizing the City Attorney to enter into a Contract Amendment for Bond and Disclosure Counsel Services with Stradling Yocca Carlson & Rauth with respect to bond counsel and disclosure counsel services rendered in connection with the issuance of bonds for Communities Facilities District No. 4 (Black Mountain Ranch Villages) in an amount not to exceed \$130,000; provided however that bond counsel shall be paid only from proceeds of the bonds and any deposits made by the developer therefore;

Authorizing the City to enter into an amendment to the Contract for Financial Advisory Services with Fieldman, Rolapp & Associates in connection with the issuance of bonds for Communities Facilities District No. 4 (Black Mountain Ranch Villages) in an amount not to exceed \$58,500, such amount to be paid as indicated in the Executive Summary of the Mayor;

Authorizing the City to enter into an Amendment to the Contract for Special Tax Consulting Services and Administration Services with David Taussig & Associates in connection with the issuance of bonds for Communities Facilities District No. 4 (Black Mountain Ranch Villages) in an amount not to exceed \$80,000, such amount to be paid as indicated in the Executive Summary of the Mayor.

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

**STAFF SUPPORTING INFORMATION:**

Community Facilities District (CFD) No. 4 is generally located in the Black Mountain Ranch Community Planning Area, and was formed in 2000. In accordance with the Mello-Roos Community Facilities Act of 1982 ( the "Act") and Council Policy 800-03, and following public hearings and a special election conducted pursuant to the Act, the City Council adopted the necessary resolutions to form CFD No. 4. In addition, the City Council authorized the levy of special taxes on taxable property interests within the District and the issuance of bonds in an amount not to exceed \$25 million. Such bond authorization includes amounts to acquire eligible facilities, as well as amounts to cover the required debt service reserve fund and costs of formation and issuance. In 2002, the City Council adopted a resolution to modify the Rate and Method of Apportionment of Special Taxes for CFD No. 4 and to increase the bond authorization to an amount not to exceed \$30 million. This resolution was approved following the filing of a written petition, in accordance with the Act, by an owner of more than 25% of the property within the District requesting such modifications, and following a public hearing and special election.

The district was formed following the submission of an application by Black Mountain Ranch LLC to the City for public financing of certain infrastructure (the "Eligible Public Facilities") required as a condition of the City's approval of the land uses in the area, pursuant to the approved tentative map(s) and the Public Facilities Financing Plan for Black Mountain Ranch. The Eligible Public Facilities generally include: the extension and widening of Camino Del Sur between Carmel Valley Road and Camino Del Norte, along with appurtenant underground utilities; the extension and widening of the Eastern portion of Carmel Valley Road, along with

appurtenant underground utilities; and, the construction of a sewer pump station and gravity sewer lines.

At the time CFD No. 4 was formed, the issuance of bonds was not yet feasible, and it was originally anticipated that a first series of bonds would be issued via a public offering, estimated to occur some time in 2004, after development of the project had progressed enough to provide sufficient security for the bonds. However, due to certain matters affecting the City beginning in 2004, a public offering of the bonds was impacted and work relating to the issuance of bonds was put on hold.

It is now contemplated that the City could begin the process of re-assembling the Financing Team for CFD No. 4 and commencing work on the issuance. Due to the ongoing delays in the bond issuance process associated with the City's inability to access the public bond markets, it is necessary to amend the agreements with Fieldman, Rolapp & Associates ("Financial Advisor"), David Taussig & Associates ("Special Tax-Consultant"), and Stradling, Yocca Carlson & Rauth ("Bond and Disclosure Counsel") to provide for an extension of the term and related additional compensation for each contract. With respect to the Special Tax Consultant, the amendment would also provide for an expanded scope to include on-going administration services (e.g., services relating to annual special tax calculation and preparation and assistance with annual report preparation). Additional information regarding the amendments is provided below:

- Fieldman, Rolapp & Associates - The initial agreement with the Financial Advisor was executed on November 17, 2000. This City Council action would extend the term of the agreement for an additional three years. Total compensation under this proposed amendment is not to exceed \$58,500. Total compensation under the agreement, including the amendment, is not to exceed \$110,000 for services and \$10,000 for expenses.
- David Taussig & Associates - The initial agreement with the Special Tax Consultant was executed on January 19, 2001. This City Council action would extend the term of the agreement for an additional three years, covering special tax consulting and administration services associated with CFD No. 4. Total compensation under this proposed amendment is not to exceed \$35,000 for special tax consulting services and \$45,000 for administration services. Total compensation under the agreement and the amendment is not to exceed \$118,000 for services and \$10,000 for expenses.
- Stradling Yocca Carlson & Rauth - The initial agreement with Bond and Disclosure Counsel was executed on April 16, 2001, and amended on October 8, 2002. This City Council action would authorize the City Attorney's Office to extend the term of the agreement and provide for additional compensation. Total compensation under the agreement, including the amendment is not to exceed \$130,000, including expenses.

FISCAL CONSIDERATIONS:

There is no fiscal impact to the City associated with this action. Pursuant to Council Policy 800-03, Section III.B.1, the developer is required to deposit funds (eligible for reimbursement from bond proceeds) in advance to cover all costs associated with the special tax consulting services. In addition, all costs associated with special tax administrative services are borne by the District and recovered through the annual special tax levy.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Managerial Action: Approval of Agreement with Fieldman, Rolapp & Associates, November 17, 2000 (C-10435).  
Managerial Action: Approval of Agreement with David Taussig & Associates, January 19, 2001 (C-10573).  
Managerial Action: Approval of Agreement with Stradling Yocca Carlson & Rauth, dated April 16, 2001 and amended on October 8, 2002.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None required.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The contracts would be entered into with the following business entities: Fieldman, Rolapp & Associates; David Taussig & Associates, Inc.; and Stradling Yocca Carlson & Rauth. As described above, Black Mountain Ranch LLC is required to deposit funds to cover the contract amounts.

Kommi/Goldstone

Aud. Cert. 2800036.

Staff: Elizabeth Kelly - (619) 236-6932  
Mark D. Blake - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:52 a.m. - 11:51 a.m.)

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

ITEM-333: Two actions related to Consultant Agreement – Regents Road Bridge and Limited Roadway Changes Project.

(See memoranda from City Attorney dated 7/24/2007 and 4/04/2007; and memorandum from Kevin P. Sullivan and William J. Schwartz, Special Counsel dated 7/13/2007. University Community Area. District 1.)

**STAFF'S RECOMMENDATION:**

Adopt the resolution in Subitem A and introduce the ordinance in Subitem B:

Subitem-A: (R-2008-110) CONTINUED TO TUESDAY, SEPTEMBER 4, 2007

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2008 Capital Improvements Program Budget for CIP-53-044.0, Regents Road Bridge, Fund 79001, North University City Facilities Benefit Assessment in the amount of \$2,000,000;

Authorizing the City Auditor and Comptroller to appropriate and expend \$2,000,000 for CIP-53-044.0, Regents Road Bridge, Fund 79001, North University City Facilities Benefit Assessment, for the purpose of a consultant agreement for the Regents Road Bridge and Limited Roadway Changes Project;

Authorizing the Mayor, or his designee, to amend the North University City Public Facilities Financing Plan (PFFP) for Fiscal Year 2007 by transferring \$2,000,000 in currently available funds that were originally scheduled in Fiscal Year 2009 to Fiscal Year 2007 for Project NUC-18, Regents Road Bridge, in Fund 79001, North University City Facilities Benefit Assessment;

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

Subitem-B: (O-2008-16 Cor. Copy) CONTINUED TO TUESDAY,  
SEPTEMBER 4, 2007

Introduction of an ordinance authorizing the Mayor, or his designee, to execute an agreement with Project Design Consultants, together with any reasonable necessary modifications or amendments which do not increase the project scope or cost and which the Mayor or his designee deem necessary from time to time in order to carry out the purposes and intent of this project and agreement, for the



purpose of preparing supplemental environmental document, obtaining permits, and providing design services for the Regents Road Bridge and Limited Roadway Changes Project;

Authorizing the expenditure of an amount not to exceed \$4,861,373 for the agreement, provided the City Auditor and Comptroller first certifies the necessary funds are, or will be, on deposit in the City Treasury;

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

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

#### **STAFF SUPPORTING INFORMATION:**

In accordance with Council Policy 300-7 and A.R. 25.60, Project Design Consultants (PDC) was selected among nine firms interviewed. PDC was procured to prepare the environmental document for the University North/South Transportation Corridor Study (UC N/S EIR) and to provide professional design services. The scope of services was divided into two stages. Stage I was comprised of the study of different alternatives and the preparation of California Environmental Quality Act (CEQA) document. Stage II is comprised of preparation of plans, specifications, and cost estimate for the selected alternative. Per Council Resolution R-297850, the City Council authorized the execution of an Agreement with PDC in April of 2003 for the UC N/S EIR. Subsequently, in December of 2005, the City Council also authorized the First Amendment with PDC (Council Resolution R-301102), to address unanticipated costs resulting from an expanded scope required to include two additional alternatives and compensate the consultant team for additional time and research required to respond to over three thousand comments on the draft environmental document.

The EIR that studied seven alternatives equally was certified by City Council on August 1, 2006. At the same hearing, the City Council selected the Regents Road Bridge Alternative and directed staff to move forward with the next stage (R-301787). Subsequently the City Council adopted Resolution R-302497 on March 29, 2007. This resolution re-iterated the certification of the University North/South Transportation Corridor EIR; authorized staff to proceed with the preparation of a full, separate, independent project-specific EIR for the Regents Road Bridge Alternative; and rescinded the adoption of the Statement for the Bridge Alternative, the Mitigation, Monitoring and Reporting Program and the Notice of Determination filed on

August 4, 2006. As described in the UC N/S EIR, the Bridge Alternative also included the Limited Roadway Changes.

This action will provide an authorization to enter into an agreement with PDC for design services. A separate consultant team will be procured to prepare the project-specific EIR. This Agreement with PDC, nor any amendments thereto, does not authorize, nor is it intended to authorize, the hiring, use or payment of attorney services of any kind, including those services provided through PDC or their attorneys. In addition, this action does not include any approval for construction. The project will be brought back to City Council in the future for construction authorization.

The Regents Road Bridge is a four-lane structure across Rose Canyon. The bridge is anticipated to be approximately 870 feet long and the approach roadway is approximately 1,690 feet in length. A professional architect with experience in designing bridges over canyons/lagoon is part of the design team per Council's direction. The project will incorporate design elements to improve vehicular, bicycle and pedestrian mobility and circulation. It will address safety and emergency access and enhance recreational value in the area. The Limited Roadway Changes consist of improvements at three locations: an additional eastbound left-turn lane on the southbound side of Genesee Avenue at State Route 52; an additional eastbound left-turn lane on the southbound side of Regents Road at State Route 52; and a second left-turn and right-turn lane on the westbound side of Governor Drive at Genesee Avenue.

FISCAL CONSIDERATIONS:

The current funding available in CIP 53-044.0, Regents Road Bridge, is \$3,997,958. Additional \$2,000,000 is needed to fund this Agreement and to procure a separate firm to prepare a project-specific EIR. This can be done by transferring funds originally scheduled in Fiscal Year 2009 to the Fiscal Year 2008 Capital Improvements Program in CIP 53-044.0, Regents Road Bridge, Fund 79001, North University City Facilities Benefit Assessment (NUC FBA). There is adequate fund balance in the NUC FBA to cover this activity without impacting the assessment rate.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

April 21, 2003 (R-297850)-approval of Agreement with PDC; December 5, 2005 (R-3001102)-approval of First Amendment to the Agreement; August 1, 2006 (R-301787)-Certification of the EIR and authorization to proceed with the next stage of the Regents Road Bridge Alternative; April 2, 2007 (R-302497)-Resolution to clarify the intent of Resolution R-301787.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Over the past four years, the City has focused on providing residents, businesses and other interested parties with the most current and up-to-date information about the project. In 2003 a thirty member Public Working Committee was formed to examine all potential solutions and

assisted the City in narrowing down alternatives to be studied in the EIR. In addition, a web site was established and maintained, and informational materials were distributed via mail and e-mail. A public scoping meeting and two public information sessions were held in 2003 and 2004. A six and a half hours public hearing took place on August 1, 2006, which resulted in the City Council certifying the EIR and directing staff to proceed with the Regents Road Bridge Alternative.

KEY STAKEHOLDERS:

City of San Diego, University City Planning Group, Project Design Consultants, University City North/South Transportation Corridor Public Working Committee, UC Golden, UC Connection, Friends of Rose Canyon, San Diego Coastkeeper, and Endangered Habitats League.

Boekamp/Haas

Aud. Cert. 2800037.

Staff: Dave Zoumaras - (619) 533-3138

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:06 p.m. - 2:06 p.m.)

MOTION BY FAULCONER TO CONTINUE TO TUESDAY, SEPTEMBER 4, 2007, FOR FURTHER REVIEW. Second by Peters. Passed by the following vote: Peters-yea, Falconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-recused, Madaffer-not present, Hueso-yea.

ITEM-334: Settlement Agreement with 4S Kelwood General Partnership Regarding Contributions Made to the City for Improvements to the Intersection of Camino Del Norte and Bernardo Center Drive.

(Rancho Bernardo Community Area. District 5.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-7) ADOPTED AS RESOLUTION R-302920

Authorizing and directing the Mayor, or his designee, to enter into a Settlement Agreement with 4S Kelwood General Partnership (Settlement Agreement);

Authorizing and directing the City Auditor and Comptroller to expend up to \$1,000,000 but not less than \$945,679 from the Bernardo Center Drive Interchange Fund (10586) in accordance with the Settlement Agreement;

Authorizing and directing the City Auditor and Comptroller to retain any funds paid into the Bernardo Center Drive Interchange Fund (10586) after the execution of the Settlement Agreement for future improvements along the I-15 corridor.

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

**STAFF SUPPORTING INFORMATION:**

On December 7, 1987, City Council approved a Contribution Agreement between the City and 4S Partners (R-269946) whereby 4S Partners (4S) agreed to contribute \$397,892 to the City to pay 4S's portion of improvements to the intersection of Camino Del Norte & Bernardo Center Drive (Project) and on April 3, 1989 Council authorized the establishment of an interest bearing fund (R-273126) to receive the funds for the Project. The Project was anticipated to be constructed by the City as a grade-separated intersection.

This was not constructed and in the mid-1990's the County and City amended their infrastructure plans to eliminate that particular road improvement. Kelwood General Partnership (4S) subsequently constructed an at-grade improvement at the intersection of Camino Del Norte & Bernardo Center Drive (New Project) at a cost to 4S of approximately \$3.6 million.

4S has requested the return of their original contribution made by its affiliate, plus interest. While the Contribution Agreement does not require reimbursement of 4S's original contribution, the City recognizes that 4S has completed the New Project and that the return of 4S's original contribution, plus a portion of the accrued interest, is an appropriate resolution to this matter.

To settle this matter, the City will pay to 4S an amount not less than \$945,679 of funds currently available in fund 10586, which represents the original contribution of \$397,892, plus a portion of accrued interest to date. The final amount paid to 4S will be calculated based upon the interest earnings in fund 10586 up to the time that the Auditor and Comptroller disburse the then current balance of the fund to 4S. 4S will give up all rights to funds deposited into Fund 10586, or any other fund created by the City to receive those funds, after the Settlement Agreement is executed.

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Funds subsequently due are expected to total approximately \$66,597. Such amount will be retained by the City to pay for expenses incurred in administering the Contribution Agreement with any remaining amounts earmarked for contribution to projects within the I-15 corridor.

FISCAL CONSIDERATIONS:

Funding for the Settlement Agreement in an amount not less than \$945,679 is available from the Bernardo Center Drive Interchange Fund 10586.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS and PROJECTED IMPACTS (if applicable):

Developer will be reimbursed for the original contribution, plus interest earned to date, less administrative cost.

Anderson/Waring

Aud. Cert. 2800038.

Staff: Charlene M. Gabriel - (619) 533-3187  
Brant C. Will - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:51 a.m. – 11:52 a.m.)

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

ITEM-335: FY 2008 Community Parking District Program-Agreements.

(City Heights, College, El Cajon Boulevard, Golden Hill, Hillcrest, La Jolla, Mid-City, Mission Beach, Mission Hills, Ocean Beach, Pacific Beach, University Heights and Uptown Community Areas. Districts 1, 2, 3, 7 and 8.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-80) ADOPTED AS AMENDED AS RESOLUTION R-302921

Authorizing the Mayor or his designee to execute the FY 2008 agreements with the following non-profit organizations for the operation of the FY 2008 Community Parking District [CPD] Program in the Uptown, Mid-City, La Jolla, Old Town, and Pacific Beach Community Parking Districts, contingent upon certification of funds availability by the City Auditor and Comptroller, those agreements being on file with the Office of the City Clerk under the following document numbers:

<u>Non-profit Organization</u>	<u>CPD</u>	<u>Document No.</u>
Uptown Partnership, Inc. El Cajon Blvd. Business Improvement Association	Uptown Mid-City	RR-_____ RR-_____
Greater Golden Hill Community Development Corporation	Mid-City	RR-_____
University Heights Community Development Corporation	Mid-City	RR-_____
Promote la Jolla, Inc.	La Jolla	RR-_____
Old Town San Diego Chamber of Commerce	Old Town	RR-_____
The Pacific Beach Community Development Corporation dba Discover Pacific Beach	Pacific Beach	RR-_____

Authorizing the City Auditor and Comptroller to expend \$3,202,091 from the Uptown CPD Fund (Fund No. 70303) for the operation of the FY 2008 CPD Program in the Uptown Community Parking District, as reduced by the City Auditor and Comptroller to reflect any FY 2007 agreement expenditures incurred in FY 2007 not already deducted from Fund No.

70303, and as increased or reduced by the City Auditor and Comptroller for year-end adjustments to Fund No. 70303 to reflect actual parking meter revenues collected in FY 2007, so that the total amount expended does not exceed the sum of the carryover from the FY 2007 agreement for the administration of the

Uptown Community Parking District plus the actual parking meter revenues collected within the Uptown Community Parking District in FY 2007;

Authorizing the City Auditor and Comptroller to expend \$831,769 from the Mid City CPD Fund (Fund No. 70304) for the operation of the FY 2008 CPD Program in the Mid City Community Parking District, as reduced by the City Auditor and Comptroller to reflect any FY 2007 agreement expenditures incurred in FY 2007 not already deducted from Fund No. 70304, and as increased or reduced by the City Auditor and Comptroller for year-end adjustments to Fund No. 70304 to reflect actual parking meter revenues collected in FY 2007, so that the total amount expended does not exceed the sum of the carryover from the FY 2007 agreements for the administration of the Mid-City Community Parking District plus the actual parking meter revenues collected within the Mid-City Community Parking District in FY 2007.

**STAFF SUPPORTING INFORMATION:**

Community Parking Districts [CPDs] are authorized under City Council Policy 10018, adopted on March 4, 1997 and amended on November 15, 2005. The Policy establishes a "Community Parking District Program" that allows communities, with the approval of the City Council, to implement parking solutions in neighborhoods that face serious parking challenges. At present, the City has six Community Parking Districts within Downtown, Uptown, Mid-City, La Jolla, Old Town, and Pacific Beach.

Each CPD has a designated Advisory Board responsible for developing plans and expending allocated revenue. The advisory boards operate either through business improvement associations or nonprofit community development corporations, contracting with the City, to develop an Implementation Plan, manage CPD funds, and fulfill the community's parking goals as stated in each Implementation Plan.

The Mid-City CPD was established with three sub-districts and is managed by each area's respective organization: El Cajon Boulevard Business Improvement Association, Greater Golden Hill Community Development Corporation, and University Heights Community Development Corporation. Council Policy 100-18 allows each CPD to retain forty-five percent of new parking meter revenues collected within its boundaries. At this time, however, only three CPDs generate parking meter revenue within their boundaries - Downtown, Uptown, and Mid-City.

The remaining CPDs (La Jolla, Old Town, and Pacific Beach), established by Resolution on July 27, 2005, do not currently have parking meters or other parking revenues generated within their geographic boundaries.

The CPD funds are dedicated for improvements and activities that increase the availability, supply, and effective use of parking to residents, visitors, and employees. Highlights from FY 2007 include the following: Downtown completed a successful "Pay and Display" Pilot Program which included the installation and monitoring of 50 new multi-space pay stations which resulted in a 24 percent increase in parking meter revenue. The pilot also allowed the Downtown Parking Management Group (DPMG) to successfully adjust meter rates and time limits to achieve a target occupancy rate of 85 percent for the meters within the pilot area. Uptown initiated the Normal Street Median Reconstruction Project Design which, upon completion, will add 17 new metered spaces and a new landscaped median to the district. They also re-striped the Five Points for parking which will add 25-28 on-street metered spaces in a commercial area with high parking demand.

Mid-City contracted with Walker Parking Consultants to conduct a parking study for the North Park neighborhood to develop parking management strategies that will improve the use of the North Park parking structure. La Jolla organized a community forum with parking expert Professor Donald Shoup who addressed nearly 200 residents. The CPD also drafted a parking management framework for the community that they are currently presenting to the community for feedback. Old Town and Pacific Beach were awarded a grant by the Business Improvement District Council to fund parking studies for their communities. The studies are anticipated to be complete by the end of this fiscal year.

FISCAL CONSIDERATIONS:

This action authorizes the expenditure of \$3,202,091 for Fund 70303 (Uptown CPD) and \$831,769 for Fund 70304 (Mid-City CPD) as reduced by any FY 2007 agreement expenditures incurred not already deducted from these funds and as increased or reduced to reflect actual parking meter revenues collected in FY 2007 for each CPD.

Carryover balances exist due to the fact some CPDs are accumulating funds to invest in future capital improvement projects to increase parking availability within their districts. Funds are typically remitted on a reimbursement basis.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Each year, the City Council approves the Implementation Plans and Budgets for the CPDs and authorizes the appropriation and expenditure of CPD funds. An earlier action, on July 17, 2007, will have authorized the appropriation and transfer of parking meter revenues of \$595,487 to Fund 70303 (Uptown CPD) and \$91,281 to Fund 70304 (Mid-City CPD). Pursuant to Council Policy 100-18, the amounts transferred to the CPD Funds would be added to each CPD Fund's previous year balance which includes the FY 2007 year-end adjustments.



COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Each CPD Advisory Board holds regular monthly meetings and publishes newsletters which are distributed to community residents and business owners. In addition, CPD representatives sit on the citywide Parking Advisory Board and provide updates at meetings that are noticed and open to the public.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Direct beneficiaries of this action include the agencies that administer each CPD: Uptown Partnership, Inc., El Cajon Blvd. Business Improvement Association, Golden Hill Community Development Corporation, University Heights Community Development Corporation, Promote La Jolla, Old Town Chamber of Commerce, and Discover Pacific Beach.

Anderson/Waring

Staff: Melisa Tintocalis - (619) 236-6476  
Michael D. Neumeier - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:52 a.m. – 11:56 a.m.)

MOTION BY ATKINS TO ADOPT THE RESOLUTION WITH THE FOLLOWING AMENDMENT: THE CITY, AT ITS SOLE DISCRETION, MAY IMMEDIATELY TERMINATE THIS AGREEMENT UPON WRITTEN NOTICE TO CONTRACTOR (DELIVERED IN ACCORDANCE WITH THE PROVISIONS OF DIRECTORS ENGAGES IN CONDUCT THAT RESULTS IN CONTRACTOR OR ANY OF ITS OFFICERS OR DIRECTORS BEING CONVICTED OF A FELONY THAT MATERIALLY AND ADVERSELY AFFECTS THE CONTRACTOR'S PERFORMANCE OF ITS OBLIGATIONS UNDER THIS AGREEMENT. ADD A PROVISION FOR IMMEDIATE TERMINATION FOR MISAPPROPRIATION OF FUND. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-336: Appointments to the Independent Rates Oversight Committee.

(See memorandum from Mayor Sanders dated July 23, 2007, with resumes attached.)

**MAYOR SANDERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2008-84) RETURNED TO THE MAYOR

Council confirmation of the following appointments by the Mayor of the City of San Diego to serve as members of the new Independent Rates Oversight Committee, for terms ending as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Linda Cocking (Tierrasanta, District 7) (Appointment)	Multi-family residential ratepayer representative	May 1, 2009
Christopher Greef (Allied Gardens, District 7) (Appointment)	Science Professional	May 1, 2009
Jack Kubota (Carlsbad) (Appointment)	Engineering Professional	May 1, 2009
Charles Richardson (Carmel Valley, District 1) (Appointment)	Audit and Accounting Professional	May 1, 2009
John Nelson (Crown Point/Pacific Beach, District 2) (Appointment)	Temporary Irrigation & Construction Representative	May 1, 2009
Lawrence Clemens (Rancho Santa Fe) (Appointment)	Construction Management Professional	May 1, 2011
Carl DeMaio (Rancho Bernardo, Dist. 5) (Appointment)	Finance/Municipal Finance Representative (Chair of the Committee)	May 1, 2011

Barry Newman (Escondido) (Appointment)	Law Professional	May 1, 2011
James Peugh (Point Loma, District 2) (Appointment)	Environmental Representative	May 1, 2011
Irene Stallard-Rodriguez (San Carlos, District 7) (Appointment)	Single-family residential ratepayer representative	May 1, 2011
Gail Welch (Carmel Valley, District 1) (Appointment)	Commercial and industrial ratepayer representative	May 1, 2011

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:38 p.m. – 4:38 p.m.)

MOTION BY COMMON CONSENT TO RETURN TO THE MAYOR FOR FURTHER REVIEW Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-337: Two actions related to Conversion of G Street to One-Way Operation within the Downtown Quiet Zone.

(See Centre City Development Corporation CCDC Report 07-34/RTC-07-133.  
Centre City Community Area. District 2.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution in Subitem A and introduce the ordinance in Subitem B:

Subitem-A: (R-2007-283) ADOPTED AS RESOLUTION R-302926

Approving the conversion of G Street from a two-way street to a one-way eastbound street from Pacific Highway to Front Street as part of the Downtown San Diego Quiet Zone, in accordance with the provisions of San Diego Municipal Code Section 82.19;

Approving the installation of the necessary signs, markings, and traffic signal modifications on G Street for implementation of the one-way conversion and the one-way regulation shall become effective upon the installation of the signs and markings;

Authorizing the City Clerk to deliver a copy of this resolution to the Executive Director and members of the Council;

Declaring that the Council, as Responsible Agency, under the California Environmental Quality Act (CEQA), has reviewed and considered, prior to approving the one-way conversion, the final Mitigated Negative Declaration (MND) SCH No. 2007021121, dated April 3, 2007 covering this activity, prepared by the Centre City Development Corporation as Lead Agency. Directing the City Clerk to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego relating to this project.

Subitem-B: (O-2008-5)      INTRODUCED, TO BE ADOPTED, TUESDAY,  
SEPTEMBER 4, 2007

Introduction of an Ordinance authorizing the creation of angle parking zone on G Street between Pacific Highway and Front Street, in accordance with the provisions of the California Vehicle Code Section 22503 and San Diego Municipal Code Section 86.03;

Approving the installation of the necessary signs or markings, to be made on said street, and the regulations hereinabove imposed shall become effective upon the installation of such signs or markings;

Declaring that the City of San Diego, as Responsible Agency, under the California Environmental Quality Act (CEQA), has reviewed and considered a Mitigated Negative Declaration (MND) SCH No. 2007021121, dated April 3, 2007 covering this activity, prepared by the Centre City Development Corporation as Lead Agency.

STAFF SUPPORTING INFORMATION:

Downtown San Diego has had an increase in residents adjacent to railroad tracks and crossings. As the area along the rail corridor has transitioned from industrial to residential and recreational uses, the noise associated with the sounding of locomotive and trolley horns has become a major concern to residents and hotel visitors. Train horns, especially during the nighttime hours, can have a significant negative impact on the quality of life of the residents.

On January 31, 2000, Council adopted an ordinance prohibiting the use of train whistles in downtown San Diego between the hours of 11:00 pm and 6:00 am except in emergencies. However, this has not proven to be effective. Therefore, CCDC and the City are pursuing the option through a new rule by the Federal Railroad Administration of a "Quiet Zone" designation that would prohibit the use of train horns.

The Federal Railroad Administration (FRA) has set out the regulatory procedures and technical requirements necessary for the implementation of a Quiet Zone in which train horn noise may be reduced. It is important to note that the rules limit, but not completely prohibit, the sounding of horns. Examples of continued use are the requirement to sound the horns when starting and stopping at stations, and in emergencies.

The City of San Diego and the Centre City Development Corporation (CCDC) are working towards the implementation of a Downtown San Diego Quiet Zone to improve the quality of life for downtown residents and visitors. To do so, additional safety improvements will need to be made at each of Downtown's 13 rail crossings from Park Boulevard to Laurel Street.

These improvements include but are not limited to: additional crossing gates and/or center medians to prevent wrong-way drivers from entering a crossing; pedestrian gates where visibility is limited by adjacent buildings or other structures; and traffic signal modifications, new railroad crossing signals, and presignals. Not all of these improvements will be required at all locations.

The trolley and freight tracks cross diagonally through the intersection of Kettner Boulevard and G Street. It is not possible to use options such as medians or crossing gates to meet the Quiet Zone requirements at this location. However, converting G Street to one-way eastbound from Pacific Highway to Front Street will satisfy the FRA requirement to improve safety at this location for a Quiet Zone designation. In addition, this action has been determined to have the least negative impact to traffic circulation. The former westbound travel lane will be converted to angle parking.

CCDC, on behalf of the Agency, prepared an Initial Study in accordance with the California Environmental Quality Act (CEQA) Guidelines as amended October 1998 and the San Diego

Redevelopment Agency's Procedures for Implementation of CEQA and the State CEQA Guidelines. The Agency then prepared a draft Mitigated Negative Declaration ("MND") that was advertised in the Daily Transcript on February 26, 2007, and distributed to Federal, State, County, and City agencies as well as interested groups and individuals. Based upon the Final MND, the Agency has determined that the proposed Quiet Zone and the associated roadway and/or crossing changes would not have a significant impact on the environment with implementation of the mitigation measures identified in the Final MND prepared for the project.

FISCAL CONSIDERATIONS:

This action only approves the conversion, and has no fiscal impact. The estimated \$529,000 capital cost to implement the conversion will be paid by CCDC and will be brought for action later with the entire Quiet Zone project.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On January 31, 2000, the City Council adopted Ordinance O-18744, amending the Municipal Code to create Section 85.28, prohibiting the use of train whistles in downtown San Diego between the hours of 11:00 pm and 6:00 am except in emergencies.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

- March 3, 2005: CCDC public workshop, with over 100 attendees
- December 7, 2005: CCDC Real Estate (Planning and Projects) Committee meeting
- January 18, 2006: Centre City Advisory Committee and Project Area Committee meeting
- January 25, 2006: CCDC Board meeting
- July 17, 2006: Public meeting convened by Council Member Faulconer, with nearly 300 attendees
- May 30, 2007: CCDC Board recommended (5-0) that the City Council approve the G Street One-Way Conversion and the MND

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Downtown San Diego residents and hotel guests will benefit from the reduction of train whistle noise throughout the day, but especially late at night.

Some downtown residents along the G Street corridor may need to alter travel routes because of the conversion of G Street to one-way operation.

An increase of 10 parking spaces on the north side of G Street will be provided to local residents and visitors.

Boekamp/Haas

Staff: Patti Boekamp- (619) 236-6274  
Carol A. Leone - Deputy City Attorney

**NOTE:** See the Redevelopment Agency Agenda of July 31, 2007 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:36 p.m. – 3:36 p.m.)

MOTION BY FAULCONER TO ADOPT THE RESOLUTION IN SUBITEM A AND INTRODUCE THE ORDINANCE IN SUBITEM B. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-338: Children's Museum Park Fourth Implementation Agreement to Disposition Agreement and Awarding of Construction Contract.

(See Centre City Development Corporation Report CCDC-07-26/CCDC-07-14. Marina Sub Area of the Centre City Redevelopment Project. District 2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-6) ADOPTED AS AMENDED AS RESOLUTION R-302927

Delegating the Park naming rights to the Children's Museum;

Certifying that the Agency has reviewed and considered information in the MEIR for the Centre City Redevelopment Project and Environmental Secondary Study for the Park on November 26, 2002, by Resolution No. R-03559. The Agency found the development to be consistent with governing land use plans and regulations, and therefore, would not have any significant environmental effects not previously discussed in the MEIR previously certified by the Agency.

**SUPPORTING INFORMATION:**

On April 14, 1994, the Agency and the Museum entered into an Agreement that included the requirement that the Museum fund the design of the King Promenade improvements, sidewalk improvements along Island and Front streets, and a one-acre park area immediately south of the

Museum block. The 1994 Agreement also required the Agency to pay for construction of the Park improvements and for the Museum to maintain the Park, which is estimated to be \$57,000/year. The Park will be a public park owned by the City of San Diego, and heavily programmed by the Museum.

FISCAL CONSIDERATIONS:

There are sufficient funds in the FY 08 Budget. The bids were opened May 9, 2007, and the low bid was \$2,565,585. The total Park construction cost includes an estimated \$107,805 for environmental remediation; \$100,000 for construction management costs; and 10% contingency on the low bid of \$256,558; for a total park construction budget of \$3,029,948.

CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:

On June 27, 2007, the Corporation Board of Directors voted, 6-0 (Cruz absent) to award the low bid subject to a contribution from a donor to the Museum in the amount of \$417,775, and to defer the Park naming rights associated with the Museum's contribution to the City Council. On July 11<sup>th</sup>, the Board Committee approved an Implementation Agreement to the Agreement with the Museum to accept funds in the amount of \$417,775 from the Museum for construction of the Park and requested that the Council determine whether or not it is appropriate to delegate naming rights for the Park to the Museum based upon the donor family contribution. It is anticipated that the Board will approve this recommendation at their meeting on July 25, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

As a means of facilitating the Agency's approval of the Park plans, a committee (the "Children's Museum Park Committee") was assembled in 2001 of CCDC King Promenade and Arts Advisory members and included the following participants: CCDC Board members Gil Johnson and Hal Sadler; community members Isabelle Wasserman, Margaret Porter Troupe, Danah Fayman, Dr. Dorothy Smith, Bennett Peji, Manuel Oncina, Reggie Lewis; Children's Museum representatives Kay Wagner, Marc Harris; CCDC staff members Pam Hamilton, Walter Rask, and Beverly Schroeder.

The Children's Museum Park Committee met with the Park designers to provide input on the proposed designs. Community meetings were also held to encourage the input and participation by the community in the design process for the Park.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders for the project are the Museum, existing and future residents and visitors. The projected impact of the action is the additional open space that will be created. The new Park will be maintained by the Museum.

Schroeder/Graham/Anderson



**NOTE:** See the Redevelopment Agency Agenda of July 31, 2007, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:49 p.m. – 3:11 p.m.)

MOTION BY FAULCONER TO AMEND THE RESOLUTION AND TO INCREASE THE REDEVELOPMENT AGENCY'S BUDGET BY \$417,775 FOR CONSTRUCTION OF THE CHILDREN'S MUSEUM PARK. THE SOURCE OF THE ADDITIONAL FUNDS IS ADDITIONAL TAX INCREMENT RECEIPTS RECEIVED BY THE AGENCY DURING FISCAL YEAR 2007. DIRECT STAFF TO RETURN BY NOVEMBER 2007 WITH INFORMATION RELATED TO THE CONTRIBUTION OF \$417,775 IN EXCHANGE FOR PARK NAMING RIGHTS WITH DISCLOSURE OF THE PROPOSED NAME. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-339: Accepting the Engineering Business Process Reengineering (BPR) Report.

(See Report to the City Council No. 07-127.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-61) ADOPTED AS RESOLUTION R-302928

Accepting the Engineering Business Process Reengineering (BPR) Report.

**STAFF SUPPORTING INFORMATION:**

The Mayor of the City of San Diego has commenced BPR efforts to improve efficiencies, reduce the cost of City government and to maximize the services offered to our residents. To support the Mayor's BPR initiative, the Engineering BPR Study was started in July 2006 and included a comprehensive assessment of engineering core functions and processes spread among various departments. Over a six month period, the Engineering BPR team of more than 100 City

employees and others examined the existing processes across the varied engineering functions performed throughout the City of San Diego. The detailed process review was completed for five major functions performed by engineering personnel (asset planning, design, construction, development support and operations & maintenance) over five asset classes (pipelines, buildings, parks/non-buildings, transportation/roadways, and process facilities like water and sewer treatment plants, pump stations, and reservoirs).

Upon the full Engineering BPR implementation, the proposed centralized engineering organization will be reduced by 89.5 full time equivalents (FTE) positions from the Fiscal Year 2007 budget. The staffing reductions, reclassifications, and transfers are accomplished while maintaining all core services and creating enhanced service levels in the areas of CIP preliminary and technical engineering services, transportation system engineering and operations, life cycle asset management, and centralized general requirements contracting among others.

Core engineering and management processes will be standardized across the department through the development of standard operating procedures, and improved project delivery methodology facilitating consistency and greater efficiencies with improved customer services delivered.

The functional consolidation of divisions and centralization of engineering functions enable the elimination of several supervisory and administrative support positions along with other positions identified as redundant or unnecessary based on projected baseline CIP workload in the proposed structure.

FISCAL CONSIDERATIONS:

Budgetary Impacts: The annualized savings in FY08 related to recommendations of this BPR is estimated at \$6,608,775. Additional annual savings of \$1,710,063 are expected upon full implementation of the BPR recommendations.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On June 6, 2007, an informational BPR Study was presented to the Committee on Budget and Finance of the City Council of the City of San Diego.

On June 11, 2007, the BPR Study was presented to the City Council along with the Engineering and Capital Projects Department FY08 Budget.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Departments included the labor union (MEA) in the BPR effort, as well as a number of external stakeholders with background and familiarity with the Department's operations. The Department also conducted benchmarking on many aspects of operations with other similar municipalities.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The work related impacts of this BPR has been appropriately covered through the Meet and Confer process with MEA.

Boekamp/Haas

Staff: Patti Boekamp - (619) 236-6274  
Brant C. Will - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:38 p.m. – 2:49 p.m.)

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

ITEM-340: Lifeguard Business Process Reengineering (BPR).

(See Report to the City Council No. 07-130.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-89) ADOPTED WITH DIRECTION AS  
RESOLUTION R-302929

Accepting the Lifeguard Business Process Reengineering (BPR).

STAFF SUPPORTING INFORMATION:

A careful study was conducted on current practices within the Lifeguard Division of the Fire-Rescue Department. The areas studied include: Lifeguard Staffing/Training; Administrative Assignments; Lifeguard Dispatch; and Community Education, Outreach, and Recruitment.

Lifeguard Staffing /Training

Two significant issues were identified in the area of Lifeguard Staffing/Training. First, there is a challenge for the Lifeguard Division to provide all the necessary training to the permanent workforce in light of constant staffing requirements. Overtime is usually necessary. Second, there has been a long evolution of schedules over the years as efforts have been made to address operational challenges. In particular, as daylight hours lengthen during the course of the year, 8 hour shifts are often insufficient for proper coverage. The Fire-Rescue Department is recommending two changes. First, all permanent lifeguard positions, other than lifeguards assigned to the 24-hour night crew schedules, would be converted to a year-round 4/10 work schedule. Second, utilize a specific form of the 4/10 schedule during the winter to allow all permanent Lifeguards, other than those assigned to the night crew, to receive on average of 130 hours of training. This would be a pilot program for one year.

#### Lifeguard Administrative Assignments

Currently, the lifeguard clerical staff spends approximately 180 hours annually over a two-month period processing permits related to moorings and beach bars. As Park and Recreation currently manages other permitting, processing moorings and beach bars will fit in a more synergistic manner in that department.

The Fire-Rescue Department and Park and Recreation are recommending the transfer the permitting process for beach bars and moorings to the Park and Recreation Department Permit Center.

#### Lifeguard Dispatch

Lifeguard dispatching was evaluated in conjunction with Fire dispatching with consideration given to combine functions and/or positions with Fire Communication Center (FCC). It was determined to maintain the current dispatching model for Lifeguards as Lifeguard dispatchers are responsible for a host of responsibilities beyond taking incoming calls and dispatching emergencies. Further studies will be conducted to examine the needs for technological upgrades. Additionally, Lifeguard Dispatch will be evaluated as part of the planned City-wide Dispatch BPR.

#### Lifeguard Community Outreach Education and Recruitment

The Lifeguard Division has several successful programs to reach out to the community for education and recruitment. The Junior Lifeguards is one such program. The Junior Lifeguard Program is managed by a Lifeguard Sergeant as a collateral duty during the summer season. In addition to the Junior Lifeguard Program, the Lifeguard Division has a number of formal and informal mechanisms for engaging the community and recruiting potential lifeguards. These activities are led by a Community Outreach, Education, and Recruitment position. One of the biggest challenges is the turnover of the current Outreach Coordinator and the Junior Lifeguard Sergeant. Both positions are non-operational and require skills sets distinct and separate from the public safety skills.

The Fire-Rescue Department is recommending reclassifying the Community Outreach, Education, and Recruitment position into a civilian position and having this position assume duties of the Junior Lifeguard Program management. We anticipate that with these two funding sources combined (current Lifeguard II salary and Junior Lifeguard Program revenue), we will have funds remaining to provide approximately 1,000 hours of seasonal lifeguard support to supplement recruitment and outreach activities.

#### FISCAL CONSIDERATIONS:

It is estimated that overtime costs that will be avoided by implementing the 4/10 work schedule for a full year are approximately \$384,074.00.

There will be an operational need to convert two (2) Lifeguard III positions to two (2) Lifeguard Sergeant positions at an estimated cost of \$19,436. The total estimated cost avoidance is \$364,638. After our pilot year, we will have a sense of estimated savings. These savings will be reflected in the FY09 budget.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

#### KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The work related impacts of this BPR have been appropriately covered through the Meet and Confer process with MEA. City residents and constituents will experience an increase in service levels. The resulting cost avoidance will benefit the City.

Jarman/Olen

Staff: Rick Wurts - (619) 980-1576  
William J. Gersten - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:16 p.m. - 2:37 p.m.)

Testimony in favor by Kathleen Higgins.

MOTION BY ATKINS TO ADOPT THE RESOLUTION WITH DIRECTION TO REFER THE ISSUE OF THE FULL-TIME EQUIVALENT PERMIT PROCESSING TO MOVE OVER TO THE PARK AND RECREATION DEPARTMENT. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-341: Proposed 11<sup>th</sup> Amendment to the Redevelopment Plan for the Centre City Redevelopment Project and Amendments to the Downtown Community Plan, Centre City Planned District Ordinance, Marina Planned District Ordinance, and the Mitigation Monitoring and Reporting Program of the 2006 Final Environmental Impact Report for the Downtown Community Plan, Centre City Planned District Ordinance, and Redevelopment Plan for the Centre City Project Area – Areawide.

(See Centre City Development Corporation Report CCDC-07-29/CCDC-07-15. Districts 2 and 8.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolutions in Subitems A and B; and introduce the ordinances in Subitems C and D:

Subitem-A: (R-2008-65) ADOPTED AS RESOLUTION R-302930

Approving the proposed amendments to the Downtown Community Plan;

Declaring that the provisions of the Downtown Community Plan and amendments shall not be applicable within the Coastal Zone until the day the California Coastal Commission unconditionally certifies the Downtown Community Plan, as amended, as a local coastal amendment; and until such certification, the provisions of the 1992 Centre City Community Plan, and all amendments thereto, shall be applicable within the Coastal Zone. If the Downtown Community Plan is not certified, or is certified with conditions or modifications by the California Coastal Commission and such conditions or modifications are not accepted by the City of San Diego, the provisions of the Downtown Community Plan shall be null and void within the Coastal Zone and the provisions of the 1992 Centre City Community Plan, and all amendments thereto, shall be applicable in the Coastal Zone.

Subitem-B: (R-2008-66)      ADOPTED AS RESOLUTION R-302931

Certifying that the Redevelopment Agency has reviewed and considered information contained in the proposed addendum to the final environmental impact report (final EIR) for the Centre City Redevelopment Project, the Downtown Community Plan, the Centre City Planned District Ordinance and the Tenth Amendment to the Redevelopment Plan for Centre City Redevelopment Project with respect to the Proposed 11<sup>th</sup> amendment to the Redevelopment Plan for the Centre City Redevelopment Project and amendments to the Downtown Community Plan and Centre City Planned District Ordinance.

Subitem-C: (O-2008-6)      INTRODUCED, TO BE ADOPTED  
TUESDAY, SEPTEMBER 4, 2007

Introduction of an Ordinance approving and adopting the proposed 11<sup>th</sup> Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, for the purpose of making necessary changes to consolidate the land use and project maps in order to create consistency among planning documents.

Subitem-D: (O-2008-9 REV1) INTRODUCED AS AMENDED, TO BE  
ADOPTED TUESDAY, SEPTEMBER 4, 2007

Introduction of an Ordinance Amending Sections 156.0302, 156.0303, 156.0304, 156.0305, 156.0307, 156.0308, 156.0309, 156.0310, 156.0311, 156.0313, 156.0314 and 156.0315, and Substituting New Figure B, in Chapter 15, Article 6, Division 3, relating to Land Use, FAR Bonus Programs, Urban Design, Procedures/Calculations, Parking, and Signs pertaining to revising the Centre City Planned District Ordinance.

**NOTE:** This is a Joint Public Hearing with the Redevelopment Agency. See the Redevelopment Agency Agenda of July 31, 2007 for a companion item.

FILE LOCATION: SUBITEMS A AND B: MEET  
SUBITEMS C AND D: NONE

COUNCIL ACTION: (Time duration: 3:49 p.m. - 4:36 p.m.)

Testimony in opposition by Gary Smith, Katheryn Rhodes, Paul Downey, and John Calabotta, David Hazan.

MOTION BY FAULCONER TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND B AND TO INTRODUCE THE ORDINANCES IN SUBITEMS C AND D WITH THE EXPECTATION THAT THE PROPOSED REDUCTIONS FOR THE MARKET-RATE SINGLE ROOM OCCUPANCIES AND LIVING UNITS BE BROUGHT BACK AFTER THE DOWNTOWN PARKING STUDY IS COMPLETE. DELETE THE DEFINITION OF "CONDO-HOTEL" IN SUBITEM D UNTIL STAFF GATHERS FURTHER INFORMATION AND REPORTS BACK IN TWO MONTHS. IN SUBITEM C, INCLUDE INFORMATION FROM THE ERRATA SHEET WHICH DELETES THE SENTENCE REFERRING TO THE MAP. CONTINUE THE PUBLIC HEARING ON THE HISTORICAL RESOURCES ITEM TO SEPTEMBER 25, 2007. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-342: Senior Community Centers Request for a Conditional Use Permit to Allow Senior Community Centers to Locate a social Service and Congregate Meal Facility for Seniors.

(See Centre City Development Corporation Report CCDC-07-12. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-77) ADOPTED AS RESOLUTION R-302932

Adopting the following findings with respect to Conditional Use Permit No. 2007-22:

**A. CONDITIONAL USE PERMIT - SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0305.**

**1. The proposed use or development will not adversely affect the applicable land use plan.** The facility has operated in downtown San Diego for 37 years, providing valuable services critical to the survival, health and independence of seniors living in an urban environment. The proposed relocation will not adversely affect the applicable land use plan as the Planned District Ordinance

[PDO] requires the review and approval of a CUP to address the proposed use and any issues that may conflict with the surrounding neighborhood.

**2. The proposed use or development will not be detrimental to the public health, safety, and welfare.** The proposed use will not be detrimental to, but rather contribute to, public health, safety and welfare by providing seniors with needed services and meals at little or no cost. There is a growing population of seniors in downtown and SCC is the only facility serving this population. The relocation of the existing facility will provide health services, case management and basic nutritional needs for a neglected segment of the senior population. The proposed hours of operation and conditions of approval will ensure that the use is not a detriment to the public health, safety and welfare of the surrounding neighborhood.

3. **The proposed use or development will comply to the maximum extent feasible with the regulations of the Land Development Code.** The proposed relocation of the facility is required to conform to the land use regulations of the City's Land Development Code, the Downtown Community Plan and the Centre City Planned District Ordinance, provided the proposed PDO Amendments being concurrently processed are approved, and the findings for the waiver of the 1/4 mile separation rule is approved.
  
4. **The proposed use is appropriate at the proposed location.** SCC is currently located at 928 Broadway (two blocks away) and provides seniors with a network of comprehensive integrated senior programs and supportive services. The proposed relocation site at 1122 Broadway will be located within the Employment/Residential Mixed Use District which allows the proposed use with approval of a CUP. The location is, appropriate as it is surrounded by a variety of commercial, residential and office uses. The proposed relocation site is located on the second floor of an existing office building, therefore minimizing impacts at the ground level and conveniently located to public transportation.
  
5. **The institution/facility, due to its unique operations or clientele, will not adversely impact the surrounding neighborhood and there is a demonstrated need for the institution/facility that is not being met by existing services/facilities in the Downtown Community Plan area.** SCC is the only senior social service facility and congregate meal facility in downtown San Diego providing services which include: congregate and home delivered meals, nutrition and health education, healthcare and social services, entitlement and legal counseling, and case management, all of which are critical for the survival, health, and independence of seniors living in an urban environment. SCC is vital to the health and well-being of seniors in downtown and if unable to relocate within downtown, some or all of these critical support services for seniors may cease to exist. The proposed relocation site will allow SCC to continue enhancing the quality of life for seniors, benefiting the entire downtown community.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

Declaring this activity is covered under the Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and Redevelopment Plan for the Centre City Project Area, which was certified by the Redevelopment Agency by Resolution R-04001 and by the City Council by Resolution R-301265 on March 14, 2006, and the Addendum to the FEIR for the 11<sup>th</sup> Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, Amendments to the San Diego Downtown Community Plan, Centre City Planned District Ordinance, Marina Planned District Ordinance, and Mitigation, Monitoring and Reporting Program of the FEIR for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and the Redevelopment Plan for the Centre City Project Area certified by the Redevelopment Agency by Resolution R-\_\_\_\_\_ and by the City Council by R-\_\_\_\_\_ on \_\_\_\_\_. The activity is adequately addressed in the environmental documents noted above and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental documents adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of CEQA review per CEQA Guidelines Section 15060(c)(3) and 15378 (c);

Granting Centre City Conditional Use Permit No. 2007-22 to Senior Community Centers, Permittee, under the terms and conditions set forth in the permit which is made a part of this resolution.

**SUPPORTING INFORMATION:**

Senior Community Centers ("SCC") has submitted an application for a CUP to allow for the relocation of a 12,000 square-foot Social Service Institution and Congregate Meal Facility for seniors to the second floor of the newly-constructed Smart Corner office building at 1122 Broadway. This proposal includes a request for an exemption from the ¼ mile separation requirement from other similar facilities. This request is dependent on the previous approval of the 2007 Amendments to the Centre City Planned District Ordinance (PDO).

**FISCAL CONSIDERATIONS:** None.

**CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:**

On June 27, 2007, the Centre City Development Corporation Board approved this item by a vote of 6-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On June 20, 2007, the Centre City Advisory Committee (CCAC) voted 14-6 (with 3 recusals) and the Project Area Committee (PAC) voted 12-6 (with 3 recusals) to continue to support the ¼ mile separation requirement for Social Service and Congregate Meal Facilities; however, due to the sterling history of no complaints for the Senior Community Centers, the CCAC recommends approval of CUP 2007-22, subject to conditions.

Richter/Graham/Contreras

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

**NOTE:** This is a Joint Public Hearing with the Redevelopment Agency. See the Redevelopment Agency Agenda of July 31, 2007 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:36 p.m. - 4:38 p.m.)

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

ITEM-343: Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit Assessment.

(See Report to the City Council 07-109 and Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2008. Rancho Peñasquitos Community Plan Area. District 1.)

**NOTE:** First Public Hearing was held on June 19, 2007, Item 330.

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2007-1203) ADOPTED AS RESOLUTION R-302933

Designating an area of benefit in Rancho Peñasquitos and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of one Facilities Benefit Assessment Area.

Subitem-B: (R-2007-1204) ADOPTED AS RESOLUTION R-302934

Approving the Development Impact Fee Schedule for properties within Rancho Peñasquitos.

Subitem-C: (R-2007-1205) ADOPTED AS RESOLUTION R-302935

Authorizing the Auditor and Comptroller to modify the individual CIP Program Project Budgets to conform with the adopted Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit Assessments.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On June 13, 2007, LU&H voted 3-0-1 to approve Staff's recommendation. (Councilmembers Madaffer, Young, and Atkins voted yea. Councilmember Hueso was not present.)

**SUPPORTING INFORMATION:**

**REQUESTED ACTION:**

Council authorization to approve the Rancho Peñasquitos Public Facilities Financing Plan, Fiscal Year 2008; adopt a Resolution of Intention to designate an area of benefit; adopt a Resolution of Designation; approve the setting of Development Impact Fees (DIF) consistent with the Facilities

Benefit Assessments (FBA) in Rancho Peñasquitos; and authorize the City Auditor and Comptroller, upon the direction of the Financial Management Director, to modify individual Capital Improvement Program project budgets in accordance with the Council approved update to the Financing Plan.

STAFF RECOMMENDATION:

Approve the Rancho Peñasquitos Public Facilities Financing Plan - Fiscal Year 2008; rescind the existing Facilities Benefit Assessments and Development Impact Fees and establish new Facilities Benefit Assessment and Development Impact Fees for Rancho Peñasquitos.

EXECUTIVE SUMMARY:

Rancho Peñasquitos is nearing full community development and much of the infrastructure is already in place. The remaining needed facilities are in the Transportation and Park and Recreation categories and estimated costs for these facilities have been adjusted for increased costs and to reflect scope changes in the projects. The objective of the FBA program is to insure that sufficient funds will be available to construct those needed facilities. The FBA will be collected at the building permit issuance stage of development and deposited into a special interest earning fund for Rancho Peñasquitos. The 7% assessment rate increase is a result of increases in the cost of materials, construction and inflation.

The proposed assessments for Fiscal Year 2008 are as follows:

<b>LAND USE</b>	<b>CURRENT ASSESSMENT</b>	<b>PROPOSED ASSESSMENT PER UNIT/ACRE in FY 2008 DOLLARS</b>
SINGLE FAMILY	\$19,997	\$21,397
MULTI-FAMILY	\$13,998	\$14,978
COMMERCIAL	\$119,982	\$128,382

FISCAL CONSIDERATION:

Adoption of this revised Public Facilities Financing Plan and Facilities Benefit Assessment will continue to provide a funding source for the public facilities identified in the Rancho Peñasquitos Financing Plan.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The Public Facilities Financing Plan was at the Land Use & Housing Committee meeting on June 13, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Rancho Peñasquitos Planning Group will vote on the draft Rancho Peñasquitos Public Facilities Financing Plan on June 6, 2007. The LU&H Committee will be apprised of the planning group's vote prior to the LU&H meeting.

KEY STAKEHOLDERS AND PROJECTED IMPACTS :

All property owners with remaining new development are listed on the Rancho Peñasquitos Public Facilities Financing Plan - Fiscal Year 2008 Assessment Roll, page 145, and will have received notice and a copy of this document in the mail. These property owners will have liens placed on their property and will be required to pay Facilities Benefit Assessments upon any building permit issuance when developing their property. Any redevelopment which increases the intensity of existing uses may be subject to an impact fee per Attachment 2.

Waring/Anderson/CS

FILE LOCATION: STRT-FB-13 (2008) (33)

COUNCIL ACTION: (Time duration: 3:36 p.m. - 3:37 p.m.)

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

\* ITEM-S500: Abandoned Watercraft Abatement Fund.

(Pacific Beach Community Area. Districts 2 and 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-95) ADOPTED AS RESOLUTION R-302922

Authorizing the Mayor, or his designated representative, to accept a grant from DBW equal to 90 percent of the money needed by the San Diego Fire-Rescue Department, Lifeguard Division to remove one presently existing abandoned vessel in the waters of Mission Bay;

Authorizing the Mayor, or his designated representative, to continue to apply for and accept reimbursement grants from DBW on an as needed basis through Fiscal Year 2008;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for this grant fund program;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend funds from this grant program as needed.

**STAFF SUPPORTING INFORMATION:**

The State of California, Department of Boating and Waterways, has a program: the Abandoned Watercraft Abatement Fund (AWAF), designed to help local government agencies pay for the cost of removing abandoned vessels in local waters. Such program provides a grant equal to 90% of the monies needed to remove an existing vessel.

Harbors and Navigation Code Section 525 (C) "Abandoned vessel grants" states that, "A grant awarded by the department shall be matched by a 10-percent contribution from the local agency receiving the grant." AWAF recipients are required to expend their 10 percent contribution before receiving reimbursement from the AWAF program.

The Fire-Rescue Department will have to pay for 10% of the initial cost of the operation and grant monies will not be reimbursed by the DBW until the 10% contribution is met.

The Lifeguard Division has an existing allocation in the budget to handle such operations but historically it has never been sufficient to handle the growing number of abandoned boats in the City of San Diego. This grant program would allow an increased "purchasing power" of the existing budget without the need for the City to commit to a higher budget.

**FISCAL CONSIDERATIONS:**

The matching 10% requirement is already in the Fire-Rescue Budget and consequently there will be no impact to the General Fund resulting from this and/or any subsequent awards.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:** None.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:** None.



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for the Regular Meeting of Tuesday, July 31, 2007

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KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Lifeguards and the San Diego boating community are the key stakeholders. This operation will protect the safety of mariners in the waters of the City of San Diego.

Jarman/Olen

Staff: Chief Ken Hewitt - (619) 221-8899  
William J. Gersten - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

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

REPORT OUT OF CLOSED SESSION:

To view the list of all available City Council Closed Session Meetings Reports refer to the link below:

<http://www.sandiego.gov/city-clerk/closedsess.shtml>

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:04 p.m. - 2:05 p.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 5:57 p.m. in honor of the memory of:

Charles M. Davis at the request of Council Member Faulconer; and  
Timothy Traaen at the request of Council Member Atkins.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 5:53 p.m. - 5:57 p.m.)

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Elizabeth S. Maland, City Clerk  
City of San Diego

000162

UNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR THE ADJOURNED REGULAR COUNCIL MEETING  
OF  
MONDAY, AUGUST 6, 2007  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Present: None.

Not Present: Council Members Peters, Faulconer, Atkins, Young, Maienschein, Frye, Madaffer, Hueso.

Clerk: Zumaya.

The City Council meeting of Monday, August 6, 2007, has been adjourned, pursuant to the 2007 Legislative Calendar, adopted by Resolution R-302134 on November 28, 2006.

The meeting of Monday, September 3, 2007, will be held in conjunction with the regularly scheduled meeting of Tuesday, September 4, 2007. The Closed Session Agenda for Tuesday, September 4, 2007, will commence immediately following the conclusion of the regular open session meeting. (The public portion of Tuesday's meeting will begin at 10:00 a.m.)

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Elizabeth S. Maland, City Clerk  
City of San Diego

000164

UNNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR THE ADJOURNED REGULAR COUNCIL MEETING  
OF  
TUESDAY, AUGUST 7, 2007  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Present: None.

Not Present: Council Members Peters, Faulconer, Atkins, Young, Maienschein, Frye,  
Madaffer, Hueso.

Clerk: Levenson-Cruz.

The City Council meeting of Tuesday, August 7, 2007, has been adjourned, pursuant to the 2007 Legislative Calendar, adopted by Resolution R-302134 on November 28, 2006.

The meeting of Monday, September 3, 2007, will be held in conjunction with the regularly scheduled meeting of Tuesday, September 4, 2007. The Closed Session Agenda for Tuesday, September 4, 2007, will commence immediately following the conclusion of the regular open session meeting. (The public portion of Tuesday's meeting will begin at 10:00 a.m.)

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Elizabeth S. Maland, City Clerk  
City of San Diego

000166

UNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR THE ADJOURNED REGULAR COUNCIL MEETING  
OF  
MONDAY, AUGUST 13, 2007  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Present: None.

Not Present: Council Members Peters, Faulconer, Atkins, Young, Maienschein, Frye,  
Madaffer, Hueso.

Clerk: Zumaya.

The City Council meeting of Monday, August 13, 2007, has been adjourned, pursuant to the 2007 Legislative Calendar, adopted by Resolution R-302134 on November 28, 2006.

The meeting of Monday, September 3, 2007, will be held in conjunction with the regularly scheduled meeting of Tuesday, September 4, 2007. The Closed Session Agenda for Tuesday, September 4, 2007, will commence immediately following the conclusion of the regular open session meeting. (The public portion of Tuesday's meeting will begin at 10:00 a.m.)

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Elizabeth S. Maland, City Clerk  
City of San Diego

UNNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR THE ADJOURNED REGULAR COUNCIL MEETING  
OF  
TUESDAY, AUGUST 14, 2007  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Present: None.

Not Present: Council Members Peters, Faulconer, Atkins, Young, Maienschein, Frye, Madaffer, Hueso.

Clerk: Levenson-Cruz.

The City Council meeting of Tuesday, August 14, 2007, has been adjourned, pursuant to the 2007 Legislative Calendar, adopted by Resolution R-302134 on November 28, 2006.

The meeting of Monday, September 3, 2007, will be held in conjunction with the regularly scheduled meeting of Tuesday, September 4, 2007. The Closed Session Agenda for Tuesday, September 4, 2007, will commence immediately following the conclusion of the regular open session meeting. (The public portion of Tuesday's meeting will begin at 10:00 a.m.)

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Elizabeth S. Maland, City Clerk  
City of San Diego

000169

UNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR THE ADJOURNED REGULAR COUNCIL MEETING  
OF  
MONDAY, AUGUST 20, 2007  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Present: None.

Not Present: Council Members Peters, Faulconer, Atkins, Young, Maienschein, Frye,  
Madaffer, Hueso.

Clerk: Zumaya.

The City Council meeting of Monday, August 20, 2007, has been adjourned, pursuant to the 2007 Legislative Calendar, adopted by Resolution R-302134 on November 28, 2006.

The meeting of Monday, September 3, 2007, will be held in conjunction with the regularly scheduled meeting of Tuesday, September 4, 2007. The Closed Session Agenda for Tuesday, September 4, 2007, will commence immediately following the conclusion of the regular open session meeting. (The public portion of Tuesday's meeting will begin at 10:00 a.m.)

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Elizabeth S. Maland, City Clerk  
City of San Diego

000171

UNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR THE ADJOURNED REGULAR COUNCIL MEETING  
OF  
TUESDAY, AUGUST 21, 2007  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Present: None.

Not Present: Council Members Peters, Faulconer, Atkins, Young, Maienschein, Frye,  
Madaffer, Hueso.

Clerk: Levenson-Cruz.

The City Council meeting of Tuesday, August 21, 2007, has been adjourned, pursuant to the 2007 Legislative Calendar, adopted by Resolution R-302134 on November 28, 2006.

The meeting of Monday, September 3, 2007, will be held in conjunction with the regularly scheduled meeting of Tuesday, September 4, 2007. The Closed Session Agenda for Tuesday, September 4, 2007, will commence immediately following the conclusion of the regular open session meeting. (The public portion of Tuesday's meeting will begin at 10:00 a.m.)

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Elizabeth S. Maland, City Clerk  
City of San Diego



000173

UNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR THE ADJOURNED REGULAR COUNCIL MEETING  
OF  
MONDAY, AUGUST 27, 2007  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Present: None.

Not Present: Council Members Peters, Faulconer, Atkins, Young, Maienschein, Frye,  
Madaffer, Hueso.

Clerk: Zumaya.

The City Council meeting of Monday, August 27, 2007, has been adjourned, pursuant to the 2007 Legislative Calendar, adopted by Resolution R-302134 on November 28, 2006.

The meeting of Monday, September 3, 2007, will be held in conjunction with the regularly scheduled meeting of Tuesday, September 4, 2007. The Closed Session Agenda for Tuesday, September 4, 2007, will commence immediately following the conclusion of the regular open session meeting. (The public portion of Tuesday's meeting will begin at 10:00 a.m.)

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Elizabeth S. Maland, City Clerk  
City of San Diego

000175

UNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR THE ADJOURNED REGULAR COUNCIL MEETING  
OF  
TUESDAY, AUGUST 28, 2007  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Present: None.

Not Present: Council Members Peters, Faulconer, Atkins, Young, Maienschein, Frye,  
Madaffer, Hueso.

Clerk: Levenson-Cruz.

The City Council meeting of Tuesday, August 28, 2007, has been adjourned, pursuant to the 2007 Legislative Calendar, adopted by Resolution R-302134 on November 28, 2006.

The meeting of Monday, September 3, 2007, will be held in conjunction with the regularly scheduled meeting of Tuesday, September 4, 2007. The Closed Session Agenda for Tuesday, September 4, 2007, will commence immediately following the conclusion of the regular open session meeting. (The public portion of Tuesday's meeting will begin at 10:00 a.m.)

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Elizabeth S. Maland, City Clerk  
City of San Diego

UNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR THE ADJOURNED REGULAR COUNCIL MEETING  
OF  
MONDAY, SEPTEMBER 3, 2007  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Present: None.

Not Present: Council Members Peters, Faulconer, Atkins, Young, Maienschein, Frye, Madaffer, Hueso.

Clerk: Zumaya.

Due to the observance of Labor Day, the City Council meeting of Monday, September 3, 2007, has been adjourned, pursuant to the 2007 Legislative Calendar, adopted by Resolution R-302134 on November 28, 2006.

The meeting of Monday, September 3, 2007, will be held in conjunction with the regularly scheduled meeting of Tuesday, September 4, 2007. The Closed Session Agenda for Tuesday, September 4, 2007, will commence immediately following the conclusion of the regular open session meeting. (The public portion of Tuesday's meeting will begin at 10:00 a.m.)

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Elizabeth S. Maland, City Clerk  
City of San Diego