

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, APRIL 21, 2009
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING	4
ATTENDANCE DURING THE MEETING	4
ITEM-300: ROLL CALL	5
NON-AGENDA COMMENT	5
COUNCIL COMMENT	9
INDEPENDENT BUDGET ANALYST COMMENT	9
CITY ATTORNEY COMMENT	9
ITEM-30: There is no Item 30 on today’s agenda	10
ITEM-31: Tom Hebrank Day.....	10
ITEM-32: Pathways to Peace Day	11
ITEM-33: Reconsideration of Agreement with Flow Science Incorporated for Limnology and Reservoir Detention Study of San Vicente Reservoir for the Indirect Potable Reuse/Reservoir Augmentation Demonstration Project	11
ITEM-50: Third Amendment to Consultant Agreement with Kennedy/Jenks Consultants for Specific Canyon Trunk Sewers Group 2	12
ITEM-100: Awarding Bid Contract to Basic Chemical Solutions LLC for Furnishing Caustic Soda for Water and Wastewater Treatment MWD-9045	15
ITEM-101: Awarding Bid Contract to Kemira Water Solutions Inc., for Furnishing Ferric Chloride for Water and Wastewater Treatment MWD-9046	17
ITEM-102: Conversion of the East-West Portion of Levant Street to One-Way Westbound Operation from Linda Vista Road to the North-South Portion of Levant Street ..	20

ITEM-103:	Normal Street – Angle Parking and Metered Parking Zone	23
ITEM-104:	Consultant Agreement with CH2M Hill to Provide As-Needed Civil Engineering Service.....	26
ITEM-105:	Settlement of Property Damage Claim of Christopher Starvos and Stefan Chilcote	28
ITEM-106:	Appointments and Reappointments to the Sustainable Energy Advisory Board ...	29
ITEM-107:	Agreement with FOCUS Psychological for Psychological Services to Police Department	31
ITEM-108:	University of California, San Diego Week	33
ITEM-330:	Lease Payment for the Certificates of Participation (Balboa Park and Mission Bay Park Capital Improvements Program), Series 1996A	34
ITEM-331:	Third Amendment to an Agreement with Laguna Mountain Environmental, Inc., for As-Needed Archeological Monitoring	36
ITEM-332:	Housing Enhancement Loan Program in the Southeastern Economic Development Corporation (SEDC) Area of Influence	39
ITEM-333:	Agreement with Flow Science Incorporated for Limnology and Reservoir Detention Study of San Vicente Reservoir for the Indirect Potable Reuse/Reservoir Augmentation Demonstration Project	41
ITEM-334:	Doti Point Views, Project No. 1481.....	44
ITEM-S500:	Resolution Approving All Tentative Agreements with Recognized Employee Organizations (Municipal Employees Association (“MEA”), AFSCME Local 127, Deputy City Attorneys Association (“DCAA”), International Association of Firefighters (“IAFF”) Local 145, and San Diego Police Officers Association (“SDPOA”)).....	50
ITEM-S501:	Preparation of Salary Ordinance for Fiscal Year 2010	52
	REPORT OUT OF CLOSED SESSION	54
	NON-DOCKET ITEMS	54

ADJOURNMENT..... 54

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Hueso at 10:06 a.m. Council President Hueso recessed the meeting at 11:31 a.m. to convene into Closed Session and thereafter to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Hueso at 2:01 p.m. with Council Member Gloria not present. Council President Hueso recessed the regular meeting at 2:28 p.m. to convene a special Redevelopment Agency meeting, thereafter to convene as the Housing Authority. Council President Hueso reconvened the regular meeting at 3:13 p.m. with all Council members present. The meeting was adjourned by Council President Hueso at 3:15 p.m.

ATTENDANCE DURING THE MEETING:

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

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Lightner-present
- (2) Council Member Faulconer-present
- (3) Council Member Gloria-present
- (4) Council Member Young-present
- (5) Council Member DeMaio-present
- (6) Council Member Frye-present
- (7) Council Member Emerald-not present
- (8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on prayer at Council meetings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. – 10:46 a.m.)

PUBLIC COMMENT-2:

Hud Collins commented on the City's finances.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-3:

Gary Samuel Wright commented on mental health.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:53 a.m.)

PUBLIC COMMENT-4:

Diane Wendell commented on police officers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:54 a.m. – 10:56 a.m.)

PUBLIC COMMENT-5:

Dalana Pursel commented on police officers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:57 a.m. – 10:58 a.m.)

PUBLIC COMMENT-6:

Crickett Bradburn commented on legal notices.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:58 a.m. – 10:59 a.m.)

PUBLIC COMMENT-7:

Reginald Tisdale commented on the Metropolitan Transit System.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-8:

Izean Rim Jr. commented on the homeless and the mentally ill.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:03 a.m. – 11:06 a.m.)

PUBLIC COMMENT-9:

Verne Gammon commented on personal history.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:07 a.m. – 11:10 a.m.)

PUBLIC COMMENT-10:

John Graham commented on health care and the shortage of police officers.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-11:

Phil Hart commented on Council procedures.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:12 a.m. – 11:14 a.m.)

PUBLIC COMMENT-12:

Leo Porter commented on an official song for the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:15 a.m. – 11:18 a.m.)

PUBLIC COMMENT-13:

Jarvis Ross commented on the salary increases of elected officials.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:19 a.m. – 11:20 a.m.)

PUBLIC COMMENT-14:

Rudy Reyes commented on medical marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:21 a.m. – 11:23 a.m.)

PUBLIC COMMENT-15:

David Ross commented on an incident with police officers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:24 a.m. – 11:25 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Emerald commented on Public Safety & Neighborhood Services Committee researching medical cannabis.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:25 a.m. – 11:26 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-30: There is no Item 30 on today's agenda.

* ITEM-31: Tom Hebrank Day.

COUNCILMEMBER DEMAIO'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-1021) ADOPTED AS RESOLUTION R-304814

Recognizing Tom Hebrank for his commitment to community service and the betterment of the City of San Diego;

Proclaiming April 21, 2009, to be "Tom Hebrank Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:32 a.m.)

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

ITEM-32: Pathways to Peace Day.

MAYOR SANDERS' AND COUNCIL PRESIDENT HUESO'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-970) ADOPTED AS RESOLUTION R-304815

Proclaiming April 21, 2009, to be "Pathways to Peace Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:06 a.m. – 10:14 a.m.)

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

ITEM-33: Reconsideration of Agreement with Flow Science Incorporated for Limnology and Reservoir Detention Study of San Vicente Reservoir for the Indirect Potable Reuse/Reservoir Augmentation Demonstration Project.

COUNCILMEMBER LIGHTNER'S RECOMMENDATION:

Take the following action:

(R-2009-) CONTINUED TO TUESDAY, JULY 7, 2009

Reconsidering the Council action of March 24, 2009, Item 330, for the Agreement with Flow Science Incorporated for Limnology and Reservoir Detention Study of San Vicente Reservoir for the Indirect Potable Reuse/Reservoir Augmentation Demonstration Project, which was adopted on April 1, 2009, as Resolution R-304764.

NOTE: If the matter is to be reconsidered, time has been reserved for the item to be heard later today in the agenda as Item 333.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:29 a.m.)

MOTION BY LIGHTNER TO CONTINUE TO TUESDAY, JULY 7, 2009, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Lightner-yea, Faulconer-nay, Gloria-yea, Young-yea, DeMaio-nay, Frye-yea, Emerald-yea, Hueso-yea.

- * ITEM-50: Third Amendment to Consultant Agreement with Kennedy/Jenks Consultants for Specific Canyon Trunk Sewers Group 2. (Mira Mesa, Scripps Ranch, and Navajo Community Areas. Districts 5 and 7.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2009-97) INTRODUCED, TO BE ADOPTED ON TUESDAY,
MAY 5, 2009

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute the Third Amendment to the Agreement with Kennedy/Jenks Consulting for the purpose of extending the Agreement an additional four (4) years from the expiration of the existing contract for additional design, construction, as-built and consulting services for the Project, under the terms and conditions set forth in the Third Amendment to the Agreement;

Declaring that this activity is statutorily exempt from the California Environmental Quality Act [CEQA] pursuant to CEQA Guidelines Section 15262 because it involves only feasibility or planning studies for future action;

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

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/27/2008, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

On September 9, 2002, the City entered into an Agreement with Kennedy/Jenks Consultants with Document Number RR-297031. The Agreement, in the amount of \$2,351,534, included pre-design, design and construction support work associated with the Specific Canyon Trunk Sewers Group 2 project. Group 2 consists of trunk sewers at Scripps Ranch, Lake Murray, and Mission Village. On October 26, 2005 a "NO COST" Amendment No. 1 was filed in the Office of the City Clerk as Document No. C-13454, which revised an insurance provision to reflect industry practice.

There is no remaining work for Mission Village. The design is near completion for both Lake Murray and USIU and construction is scheduled for FY 2010 and FY 2011, respectively. The existing contract with Kennedy/Jenks is currently over five years and requires a time extension to complete the activities required for design completion. Amendment No. 2, approved by Council on April 15, 2008, extended the contract an additional year until September 8, 2008.

This request is for a "NO COST" time extension for four (4) additional years from the expiration date of the existing contract. The contract expires on September 9, 2008. This amendment will enable Kennedy/Jenks Consultants to complete the design for the Lake Murray and USIU Trunk Sewer projects.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego
Goals: 15% Voluntary (MBE/WBE/DBE/DVBE/OBE)
Current Subconsultant Participation: \$245,650 (WBE/DBE) - 15.3%
\$297,089 (OBE) - 18.5%

Current Paid to Date Contract Total: \$1,715,536.35

Other: Workforce Report Submitted - based on the latest work force report a current Equal Opportunity Plan has been requested. Staff will monitor plan and adherence to Non-Discrimination Ordinance.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS:

R-297031 approved by the Council on September 9, 2002, authorized contract in the amount of \$2,351,534. Amendment No. 2 "No Cost" 1-year extension was reviewed and approved by the Natural Resources and Culture Committee on February 27, 2008, and by City Council on April 15, 2008, as Ordinance O-19738.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

Kennedy/Jenks Consultants

Boekamp/Jarrell

Staff: Marnell Gibson - (619) 533-5213
Pedro De Lara, Jr. - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:32 a.m.)

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

* ITEM-100: Awarding Bid Contract to Basic Chemical Solutions LLC for Furnishing Caustic Soda for Water and Wastewater Treatment MWD-9045.

(See Metropolitan Wastewater Department's February 11, 2009, Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-976) ADOPTED AS RESOLUTION R-304816

Authorizing the Mayor, or his designee, to award and execute a Contract with Basic Chemical Solutions, LLC, per Bid No. 9517-09-C, to furnish caustic soda, 50 percent solution, as may be required for a one-year period from the date of Contract award in an amount not to exceed \$2,376,804;

Authorizing the expenditure for the contract for caustic soda, 50% in solution, solely and exclusively, for Contract purposes from the Water Fund 41500, Department 760, estimated at \$1,997,288, and the Metropolitan Wastewater Operating Funds 41506 and 41508, Departments 771 and 775, estimated at \$379,516 provided that the City Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Mayor, or his designee, to exercise options to renew the Contract for four (4) additional one (1) year periods, if the Water Department and Metropolitan Wastewater Department accepts the option years, contingent upon said funds being allocated in the Water and Wastewater budgets for the subsequent fiscal year and provided that the City Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is exempt from CEQA pursuant to CEQA Guidelines Section 15301(b) as an operation of an existing facility to provide sewerage or other public utility service.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 3/25/2009, NR&C voted 3 to 0 to approve. (Councilmembers Lightner, Frye, and Emerald voted yea. Councilmember DeMaio not present.)

SUPPORTING INFORMATION:

The Metropolitan Wastewater and Water Departments require caustic soda at five wastewater facilities (Point Loma Wastewater Plant, Pump Station 1, Pump Station 2, Peñasquitos Pump Station, and Pump Station 65) and at three water treatment plants (Miramar, Alvarado and Otay). This chemical is used for pH and odor control and effluent neutralization. Specifically, this contract will furnish the City of San Diego Metropolitan Wastewater and Water Departments with caustic soda, 50% in solution, to be delivered to the above facilities, as ordered by the City, for a total one-year estimated tonnage of 2,875 tons, with options to renew for four (4) additional one-year periods of similar tonnage. The delivered product must also meet all purity standards specified in the bid contract. Basic Chemical Solutions, LLC, was the lowest of 14 responsive and responsible bidders.

FISCAL CONSIDERATIONS:

Partial-year FY 2009 estimated costs are within current budgets and purchase orders. Full-year costs commencing in FY 2010 could approximate the annual estimated costs shown in requested action, to be budgeted by the Water and Metropolitan Wastewater Departments, pending future budget ordinances.

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

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: This item was reviewed and approved by the Natural Resources and Culture Committee on its March 25, 2009, meeting.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Bids were solicited to fourteen (14) vendors on October 1, 2008; bids closed on October 22, 2008. Letter of intent to award was issued on December 3, 2008; no protests have been received by Purchasing and Contracts during the protest period.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Bid awarded to Basic Chemical Solutions, LLC, of Santa Fe Springs, CA. Over 2.2 million regional users of wastewater and water treatment have a stake in the systems' safe and reliable treatment of wastewater and water, and full compliance to all County, State and Federal regulations, in part made possible by the correct application of treatment chemicals, including caustic soda.

Ferrier/Barrett

Staff: Jesse Pagliaro – (858) 614-4539
John Riley – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:32 a.m.)

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

* ITEM-101: Awarding Bid Contract to Kemira Water Solutions Inc., for Furnishing Ferric Chloride for Water and Wastewater Treatment MWD-9046.

(See Metropolitan Wastewater Department's February 11, 2009, Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-977) ADOPTED AS RESOLUTION R-304817

Authorizing the Mayor, or his designee, to award and execute a Contract with Kemira Water Solutions, Inc., per Bid No. 9511-09-C, for ferric chloride, as maybe required for a one-year period from the date of Contract award in an amount not to exceed \$10,431,655 (including tax);

Authorizing the expenditure of the contract award, solely and exclusively, for Contract purposes, from Water Fund 41500, Department 760 in the amount of \$2,306,497; Metropolitan Wastewater Funds 41506 and 41508, Departments 771 and 775 combined in the amount of \$8,125,158 provided that the City Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Mayor, or his designee, to exercise options to renew the Contract for four (4) additional one (1) year periods, with the potential price escalation not to exceed 50 percent of prices in effect at the end of each prior Contract year, if the Water Department and Metropolitan Wastewater Department accepts the option years within the maximum 50 percent per year escalation, contingent upon said funds being allocated in the Water and Wastewater budgets for the subsequent fiscal year and provided that the City Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is exempt from CEQA pursuant to CEQA Guidelines Section 15301(b) as an operation of an existing facility to provide sewerage or other public utility service.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 3/25/2009, NR&C voted 3 to 0 approve. (Councilmembers Lightner, Frye, and Emerald voted yea. Councilmember DeMaio not present.)

SUPPORTING INFORMATION:

The Metropolitan Wastewater and Water Departments require ferric chloride at four wastewater facilities (Point Loma Wastewater Treatment Plant, Pump Station 2, the Metropolitan Biosolids Center and the North City Water Reclamation Plant) and at three water treatment plants (Miramar, Alvarado, and Otay). This chemical is used to coagulate particulates for sedimentation in the water and wastewater treatment processes. It is also used for biosolids dewatering and odor control processes as well. This contract will furnish the City of San Diego Metropolitan Wastewater and Water Departments with ferric chloride, to be delivered to the above facilities, as ordered by the City, for a total annual estimated tonnage of 13,930 tons, with options to renew for four (4) additional one-year periods of similar tonnage. The delivered product must also meet all purity standards specified in the bid contract. Kemira Water Solutions Inc., was the lowest of 19 responsive and responsible bidders.

FISCAL CONSIDERATIONS:

Partial-year FY 2009 estimated costs are within current budgets and purchase orders. Full-year costs commencing in FY 2010 could approximate the annual estimated costs shown in requested action, also to be budgeted by the Water and Metropolitan Wastewater Departments, pending future budget ordinances.

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

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: This item was reviewed and approved by the Natural Resources and Culture Committee on its March 25, 2009, meeting.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Bids were solicited to nineteen (19) vendors on October 6, 2008; bids closed on October 22, 2008. Letter of intent to award was issued on January 14, 2009; no protests were received by Purchasing and Contracting during the protest period.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Bid awarded to Kemira Water Solutions Inc. of Lawrence, KS. Over 2.2 million regional users of wastewater and water treatment have a stake in the systems' safe and reliable treatment of wastewater and water, and full compliance to all County, State and Federal regulations, in part made possible by the correct application of treatment chemicals, including ferric chloride.

Ferrier/Barrett

Staff: Jesse Pagliaro - (858) 614-4539
John Riley - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:32 a.m.)

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

* ITEM-102: Conversion of the East-West Portion of Levant Street to One-Way Westbound Operation from Linda Vista Road to the North-South Portion of Levant Street. (Linda Vista Community Area. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-956) ADOPTED AS RESOLUTION R-304818

Authorizing the Mayor, or his designee, to create an angle parking zone on the east side of Normal Street center median between University Avenue and Blaine Avenue; and the installation of a two-hour limited metered parking zone for the new angle parking zone on Normal Street between University Avenue and Blaine Avenue;

Declaring that this activity is exempt from CEQA pursuant to State CEQA Guidelines Section 15302.

STAFF SUPPORTING INFORMATION:

Normal Street between University Avenue and Blaine Avenue is a four-lane 110-foot wide street with angle parking zones on both sides of the street and an existing raised center median. This portion of roadway is unique in that it had once served as a trolley corridor and therefore has an unusually large curb-to-curb distance. Currently this block includes twenty (20) no time limit angle parking spaces and five (5) two-hour time limit angle parking spaces along both curbs.

It is proposed to increase the number of parking spaces by cutting into the existing raised median and adding a center median angle parking zone with one multi-space meter, that will serve the fifteen (15) parking spaces that will be adjacent to the median. These fifteen (15) spaces will have a 2-hour metered time limit. Also, the current number of no time limit parking spaces would be decreased from twenty (20) to seventeen (17) to create two (2) disabled parking spaces. The installation of angle parking is in accordance with California Vehicle Code Section 22503 and Municipal Code section 86.03. At the Community's request one multi-space parking meter will be utilized at the median to create turnover to support the businesses. The multi-space parking meter will be installed for the newly created angle parking zone at the median. The battery-operated, solar-powered meter will accept credit cards, parking debit cards, and coins and will send a report directly to City Staff on: how many cars have parked on any given day; how much money is in the meter; and if the meter has malfunctioned.

The revenue from the meter will be distributed between the City (55%) and Uptown Parking Management Group (45%) (City of San Diego Council Policy 100-18 dated Nov. 15, 2004). The remaining unrestricted parking and two-hour time limit parking will remain to suit the needs of the community. The existing parking of this block on Normal Street primarily supports the businesses along University Avenue. While these businesses rely on a high percentage of walking customers, they are benefited by the presence and visibility of increased parking. The intent is to increase the number of metered locations and create turnover to support the businesses. Currently, 2-hour time limit metered parking exists along University Avenue immediately adjacent to Normal Street. In addition, a parking study on Normal Street was completed on November 4, 2008.

It shows that the current turnover rate is low while the occupancy rates are high, with the average duration of 4.5 hours and 3.7 hours per parked vehicle, respectively, on the west and east sides of Normal Street. The establishment of a two-hour time limit metered parking zone on Normal Street between University Avenue and Blaine Avenue effective between 8:00 AM and 6:00 PM, Sundays and certain holidays excepted, is in accordance with California Vehicle Code Section 22508, Municipal Code Section 82.04 and Council Policy 200-4. Council action is needed to designate the desired angle and time limit parking zones. Subsequent to Council approval, the overall median improvement project would be implemented under the Mayor's authority as CIP 52-769.0, Normal Street Median Improvements.

FISCAL CONSIDERATIONS:

No current fiscal impact for this action. Council action is to designate the desired angle and time limit parking zones only. Subsequent to Council approval, the overall median improvement project would be implemented under the Mayor's authority as CIP 52-769.0, Normal Street Median Improvements. The meter costs will be subsidized by Community Parking District funds. Ongoing meter maintenance will be absorbed by the Office of the City Treasurer/Revenue Collections Division/Parking Meter Operations' Annual Operating Budget. The anticipated revenue from the requested, installed meter will be distributed between the City (55%) and Uptown Partnership, Inc (45%).

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):

This action does not involve the hiring of a consultant or contractor and is therefore not subject to the City's Equal Employment Opportunity Outreach Program (San Diego Ordinance No. 18173, Section 20.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517). There are no goals associated with this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Council Resolution R-302720 dated June 27, 2007 added CIP 52-769.0, Normal Street Median Improvements to Fiscal Year 2007 Capital Improvements Program Budget.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The creation of angle parking and meter zones and the median project were presented to the community. Refinements have since been made to the design to address the community concerns and City Engineering staff has been working with Uptown Partnership, Inc. and all stakeholders for consensus on the final plan. The petition in favor of creating a 2-hour time limit metered parking zone was circulated to the businesses adjacent to the intersection of Normal Street and University Avenue. The petition shows support by the majority that included thirty three (33) businesses along Normal Street. There was no opposition expressed during the signature gathering process.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Uptown Partnership, Inc., Surrounding Residents and Businesses and Hillcrest Community

Boekamp/Jarrell

Aud. Cert. 2900658.

Staff: Deborah Van Wanseele - (619) 533-3012
Ryan Kohut - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:32 a.m.)

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

ITEM-103: Normal Street – Angle Parking and Metered Parking Zone. (Hillcrest and Uptown Community Area. District 3.)

STAFF’S RECOMMENDATION:

Adopt the following resolution:

(R-2009-971) ADOPTED AS RESOLUTION R-304819

Authorizing the Mayor, or his designee, to create an angle parking zone on the east side of Normal Street center median between University Avenue and Blaine Avenue; and the installation of a two-hour limited metered parking zone for the new angle parking zone on Normal Street between University Avenue and Blaine Avenue;

Declaring that this activity is exempt from CEQA pursuant to State CEQA Guidelines Section 15302.

STAFF SUPPORTING INFORMATION:

Normal Street between University Avenue and Blaine Avenue is a four-lane 110-foot wide street with angle parking zones on both sides of the street and an existing raised center median. This portion of roadway is unique in that it had once served as a trolley corridor and therefore has an unusually large curb-to-curb distance. Currently this block includes twenty (20) no time limit angle parking spaces and five (5) two-hour time limit angle parking spaces along both curbs.

It is proposed to increase the number of parking spaces by cutting into the existing raised median and adding a center median angle parking zone with one multi-space meter, that will serve the fifteen (15) parking spaces that will be adjacent to the median. These fifteen (15) spaces will have a 2-hour metered time limit. Also, the current number of no time limit parking spaces would be decreased from twenty (20) to seventeen (17) to create two (2) disabled parking spaces. The installation of angle parking is in accordance with California Vehicle Code Section 22503 and Municipal Code Section 86.03. At the Community’s request, one multi-space parking meter will be utilized at the median to create turnover to support the businesses. The multi-space parking meter will be installed for the newly created angle parking zone at the median. The battery-operated, solar-powered meter will accept credit cards, parking debit cards, and coins and will send a report directly to City Staff on: how many cars have parked on any given day; how much money is in the meter; and if the meter has malfunctioned.

The revenue from the meter will be distributed between the City (55%) and Uptown Parking Management Group (45%) (City of San Diego Council Policy 100-18 dated Nov. 15, 2004). The remaining unrestricted parking and two-hour time limit parking will remain to suit the needs of the community. The existing parking of this block on Normal Street primarily supports the businesses along University Avenue. While these businesses rely on a high percentage of walking customers, they are benefited by the presence and visibility of increased parking. The intent is to increase the number of metered locations and create turnover to support the businesses. Currently, 2-hour time limit metered parking exists along University Avenue immediately adjacent to Normal Street. In addition, a parking study on Normal Street was completed on November 4, 2008.

It shows that the current turnover rate is low while the occupancy rates are high, with the average duration of 4.5 hours and 3.7 hours per parked vehicle, respectively, on the west and east sides of Normal Street. The establishment of a two-hour time limit metered parking zone on Normal Street between University Avenue and Blaine Avenue effective between 8:00 AM and 6:00 PM, Sundays and certain holidays excepted, is in accordance with California Vehicle Code Section 22508, Municipal Code Section 82.04 and Council Policy 200-4. Council action is needed to designate the desired angle and time limit parking zones. Subsequent to Council approval, the overall median improvement project would be implemented under the Mayor's authority as CIP-52-769.0, Normal Street Median Improvements.

FISCAL CONSIDERATIONS:

No current fiscal impact for this action. Council action is to designate the desired angle and time limit parking zones only. Subsequent to Council approval, the overall median improvement project would be implemented under the Mayor's authority as CIP-52-769.0, Normal Street Median Improvements. The meter costs will be subsidized by Community Parking District funds. Ongoing meter maintenance will be absorbed by the Office of the City Treasurer/Revenue Collections Division/Parking Meter Operations' Annual Operating Budget. The anticipated revenue from the requested, installed meter will be distributed between the City (55%) and Uptown Partnership, Inc. (45%).

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):

This action does not involve the hiring of a consultant or contractor and is therefore not subject to the City's Equal Employment Opportunity Outreach Program (San Diego Ordinance No. O-18173, Sections 20.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517). There are no goals associated with this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Council Resolution R-302720 dated June 27, 2007, added CIP-52-769.0, Normal Street Median Improvements to Fiscal Year 2007 Capital Improvements Program Budget.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The creation of angle parking and meter zones and the median project were presented to the community. Refinements have since been made to the design to address the community concerns and City Engineering staff has been working with Uptown Partnership, Inc., and all stakeholders for consensus on the final plan. The petition in favor of creating a 2-hour time limit metered parking zone was circulated to the businesses adjacent to the intersection of Normal Street and University Avenue. The petition shows support by the majority that included thirty three (33) businesses along Normal Street. There was no opposition expressed during the signature gathering process.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Uptown Partnership, Inc., Surrounding Residents and Businesses and Hillcrest Community.

Boekamp/Jarrell

Staff: Marnell Gibson – (619) 533-5213
Ryan Kohut – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:36 a.m. – 10:40 a.m.)

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

- * ITEM-104: Consultant Agreement with CH2M Hill to Provide As-Needed Civil Engineering Service. (All Districts.)

(See Water Department's February 10, 2009, Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-796) ADOPTED AS RESOLUTION R-304820

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a two-year Consulting Agreement with CH2M Hill (Agreement) for engineering consultant services for the Water Department in an amount not to exceed \$250,000.00, for the purpose of funding the Agreement over three fiscal years, consisting of: \$62,500.00 in FY2009; \$125,000.00 in FY2010; and \$62,500.00 in FY2011; and

Authorizing the expenditure of an amount not to exceed \$250,000.00 from Water Fund 41500, solely and exclusively, for the purpose of providing funds for the above Agreement and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer; and

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

Declaring that this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/25/2009, NR&C voted 4 to 0 to approve. (Councilmembers Lightner, DeMaio, Frye, and Emerald voted yea.)

SUPPORTING INFORMATION:

This As-Needed Civil Engineering Consultant Service Agreement will allow the Water Operations Division to use the expertise of on-call engineering support services to handle emergencies or complex engineering issues in the water system. On June 18, 2008, Water Operations Division interviewed three civil engineering consulting firms.

The names of these firms were provided by the Purchasing and Contracting Department from the General Civil Engineering Consultant Rotation List. Based on technical and professional qualifications, CH2M Hill was selected as the as-Needed civil engineering consultant.

This agreement will augment existing City staff and will provide expertise in hydraulics, geotechnical, mechanical, electrical and structural engineering to assist the Division in response to water system emergencies and minor engineering designs to support the operation and maintenance of the water system and associated facilities. An as-needed contract is required to provide immediate response to water system emergencies and mitigate damages resulting from the emergencies. Additionally, the as-needed contract allows the Division to obtain engineering consulting support on minor engineering designs (typically less than \$25,000.00 per task)in an efficient and timely manner.

FISCAL CONSIDERATIONS:

Funding is available from the Water Department Fund 41500 in the amount of \$250,000.00.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):

A work force report and if necessary, an Equal Opportunity Plan shall be submitted by CH2M Hill. Staff will monitor the Plan and adherence to the Nondiscrimination Ordinance.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The subject item was approved by the Natural Resources and Culture Committee at the meeting of 2/25/2009.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Water Department, Citywide water customers and CH2M Hill.

Ruiz/Barrett

Aud. Cert. 2900504.

Staff: Jafer Kazem - (619) 527-7436
Raymond C. Palmucci - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:32 a.m.)

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

* ITEM-105: Settlement of Property Damage Claim of Christopher Starvos and Stefan Chilcote.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-753) ADOPTED AS RESOLUTION R-304821

Authorizing the City Comptroller to issue a check in the amount of, but not exceeding, \$35,000, made payable to Christopher Starvos and Stefan Chilcote, in full and final settlement of all claims;

Authorizing the City Council to pay the sum of \$35,000 from the Public Liability Fund 81140.

SUPPORTING INFORMATION:

The proposed settlement would resolve all claims arising from a storm drain failure on December 28, 2004.

FISCAL CONSIDERATIONS:

Settlement will be paid from the Public Liability Fund 81140.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was considered in Closed Session on October 21, 2008, the City Council approved the settlement amount of \$35,000.00. City Council voted 7 to 1. The motion was made by Council President Peters with a second by Councilmember Atkins. Councilmember Young was absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Shanahan/Lewis

Aud. Cert. 2900461.

Staff: Don Shanahan - (619) 533-5873 - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:32 a.m.)

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

ITEM-106: Appointments and Reappointments to the Sustainable Energy Advisory Board.

(See memorandum from Mayor Sanders dated 3/25/2009, with resumes attached.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2009-1026) ADOPTED AS RESOLUTION R-304822

Council confirmation of the following appointments and reappointments by the Mayor of the City of San Diego, to serve as members of the Sustainable Energy Advisory Board, for terms ending as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Jennifer Badgley (Encanto, District 4) (Replacing James Westfall)	Labor Organization Representative	March 1, 2010
Lisa Bicker (La Jolla, District 1) (Replacing Adam Browning)	Business Community/ Chamber of Commerce Representative	March 1, 2010
Mike Turk (Pacific Beach, District 2) (Reappointment)	Building Industry Representative	March 1, 2011
Alison Whitelaw (South Park, District 3) (Reappointment)	At-Large Alternate Member #2	March 1, 2011

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:32 a.m. – 10:35 a.m.)

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

ITEM-107: Agreement with FOCUS Psychological for Psychological Services to Police Department.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-989) ADOPTED AS RESOLUTION R-304823

Authorizing the Mayor, or his designee, for and on behalf of the City of San Diego, to award and execute a Contract with FOCUS Psychological Services for the period of October 1, 2008 through September 30, 2010, with three additional one-year options to renew, under the terms and conditions set forth in the Contract;

Authorizing the appropriation and expenditure of an amount not to exceed \$271,000 in general funds for the first year of this Contract;

Authorizing the appropriation and expenditure of an amount not to exceed \$284,550 in general funds for each of the remaining four years, if the Contract continues for the second year and is thereafter renewed;

Declaring that this Contract is subject to the City of San Diego's Equal Opportunity Contracting (San Diego Ordinance No. O-18173, San Diego Municipal Code Sections 22.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

STAFF SUPPORTING INFORMATION:

This contract is being awarded to FOCUS Psychological Services, who is a qualified contractor who has successfully demonstrated, over an eighteen (18) year period, the ability to provide the City of San Diego Police Department with psychological services. During this eighteen year professional association with the City, they have proven their ability to provide the service requested in "Request for Bid" number: 9451-09-G, Subject: Furnish the City of San Diego with Psychological Services Program. FOCUS submitted the sole bid that was received in response to this Request for Bid.

Law enforcement officers see more trauma and experience more crisis situations in an average year than most people experience in a lifetime. Following a traumatic incident most people suffer mild to moderate short-term effects, with a small percentage being severely affected. Those who receive no psychological intervention are far more likely to experience negative long-term effects.

The San Diego Police Department has long recognized critical incident stress as a risk factor for employees and has developed a comprehensive Critical Incident Intervention Program. A contractor such as FOCUS Psychological Services works with this program, to identify and intervene when personnel are affected by a traumatic event. The Contractor will provide a comprehensive psychological services program consisting of trauma treatment and crisis intervention, confidential counseling and psychotherapy, as well as management and special unit consultation. In addition, they will provide education and training to peer support groups and other police department units that deal with people in crisis.

The Contractor responds with the Police Department's Emergency Negotiation Team to conduct suicide interventions and provide assistance at other negotiation scenes. The former contract with this vendor for this service covered a five (5) year period and expired September 30, 2008. There was no break in service during this time and the vendor has been billing the Police Department monthly for a total annual amount not to exceed \$245,000, under the old contract that expired September 30, 2008.

For the interim period, until this contract is approved by Council, the vendor has agreed to bill according to the terms of the pending agreement, for a maximum of \$271,000 annual cost to the City of San Diego for the period effective October 1, 2008 through September 30, 2009. The new contract term shall be for a period of two (2) years, effective retroactively to October 1, 2008 and effective through September 30, 2010, with three (3) additional one (1) year period options to renew the contract.

FISCAL CONSIDERATIONS:

The total amount of this request is for an amount not to exceed \$271,000 for FY 2009 and not to exceed \$284,550 for FY 2010 through FY 2013.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

City Manager Action filed 11/18/1998. Document No. C-09072.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

FOCUS Psychological Services, Jolee Brunton, PhD.

Ramirez/Goldstone

Aud. Cert. 2900723.

Staff: Margaret Mendez - (619) 531-2126
Linda L. Peter - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:37 a.m. – 10:44 a.m.)

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

* ITEM-108: University of California, San Diego Week.

COUNCILMEMBER LIGHTNER'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-1012) ADOPTED AS RESOLUTION R-304824

Proclaiming April 20th to April 24th, 2009, to be "University of California, San Diego Week" in the City of San Diego, in recognition of the importance of higher education and research.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:32 a.m.)

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

ITEM-330: Lease Payment for the Certificates of Participation (Balboa Park and Mission Bay Park Capital Improvements Program), Series 1996A. (Balboa Park and Mission Bay Park Community Areas. Districts 2 and 3.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2009-126) RECONSIDERED/HEARING HELD

Introduction of an Ordinance amending the Appropriation Ordinance to appropriate \$92,555 from Fund Balance to the Balboa/Mission Bay Improvement Funds, Fund 102240, Dept. 1024;

Authorizing the Comptroller to expend \$92,555 from the Balboa/Mission Bay Improvement Funds, Fund 102240, Dept. 1024, to make a Special Deposit into the Lease Payment Account for the Certificates of Participation (Balboa Park and Mission Bay Park Capital Improvements Program) Series 1996A.

STAFF SUPPORTING INFORMATION:

Pursuant to Certificates of Participation (Balboa Park and Mission Bay Park Capital Improvements Program) Series 1996A Facilities Lease between the City of San Diego (the "City") and San Diego Facilities and Equipment Leasing Corporation ("Facilities Lease"), the City is required to pay semi-annual lease payments, for the use and occupancy of real property. Pursuant to the Facilities Lease Section 3.1(a), the City is required to make a Special Deposit into the Lease Payment Account of \$92,555 on May 1, 2009, to the Trustee, in addition to the scheduled lease payment, for the debt service payment on the Certificates of Participation Series 1996A. The budget for Fiscal Year 2009 Balboa/Mission Bay Improvement Funds did not include this amount for Special Deposit into the Lease Payment Account. In order to be able to make this special deposit, staff is requesting the City Council to amend the Fiscal Year 2009 Appropriation Ordinance (O-19774) to authorize the City Comptroller appropriate and expend \$92,555 from fund balance in the Balboa/Mission Bay Improvement Funds (Fund 102240, Dept. 1024) for an additional lease payment expense associated with Certificates of Participation (Balboa Park and Mission Bay Park Capital Improvement Program), Series 1996A.

FISCAL CONSIDERATIONS:

This action will result in an expenditure of \$92,555 from the fund balance in Balboa/Mission Bay Improvement Funds (Fund 102240, Dept. 1024). As of April 8, 2009, \$337,511 is available in fund balance.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Pantulu/Lewis

Aud. Cert. 2900728.

Staff: Jyothi Pantulu - (619) 236-6917
Brant Will - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:30 a.m. – 11:31 a.m.;
2:23 p.m. – 2:26 p.m.)

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

MOTION BY FRYE TO RECONSIDER THIS ITEM CHANGING THE INTRODUCTION OF THE ORDINANCE TO FIRST PUBLIC HEARING. Second by Emerald. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

MOTION BY FRYE TO HOLD THE FIRST PUBLIC HEARING. Second by Emerald. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

ITEM-331: Third Amendment to an Agreement with Laguna Mountain Environmental, Inc., for As-Needed Archeological Monitoring.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-716) ADOPTED AS RESOLUTION R-304825

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Third Amendment to an Agreement with Laguna Mountain Environmental, Inc., for consultant services and increase the maximum contract amount from \$1,400,000 to \$2,100,000, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor, or his designee, shall deem necessary from time to time in order to carry out the purposes and intent of this Project and Agreement;

Authorizing the City Auditor and Comptroller solely and exclusively, to appropriate and expend an amount not to exceed \$700,000 from CIP-37-028.0, Job Order No. 373027, Review for Various Underground Project, Fund No. 30101, Underground Surcharge-CIP, for the purpose of executing the Third Amendment to the Agreement, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

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

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

STAFF SUPPORTING INFORMATION:

In June 2005, after a competitive interview process for an as-needed archaeological monitoring consultant for the Utilities Undergrounding Program, the firm Laguna Mountain was awarded an as-needed contract not to exceed \$250,000.

The As-Needed Contract serves to streamline the ongoing archeological monitoring needs of the Utilities Undergrounding Program for a contract duration of five years. However due to several projects having major archaeological finds requiring extensive unanticipated mitigation costs, the contract reached its maximum amount near the end of calendar year 2005. In November 2005, and November 2007, First and Second Amendments to the Agreement were authorized for an additional \$1.15 million. To date, 36 tasks have been issued for services that include, records searches, archeological monitoring, Native American monitoring and mitigation work. The original Contract did not include estimates for Native American monitoring, which was not a requirement at the time. Native American monitoring costs have represented approximately 40% of the total costs to date and are sub-contracted by Laguna Mountain to Red Tail, a Certified Small Business who's owner has been identified as the Most Likely Descendant for the Kummeyay, the most largely represented tribe in the City of San Diego.

Laguna Mountain has provided excellent services for the City of San Diego at competitive prices which have not been raised, nor are expected to be raised, for the duration of this 5-year Contract.

This Third Amendment will increase the contract by an additional \$700,000 in order to meet the anticipated archeological monitoring and mitigation needs of the Utilities Undergrounding Program for the last 1½ years remaining on this Contract.

EQUAL OPPORTUNITY CONTRACTING:

Laguna Mountain, Inc., is a Certified Small Business. Laguna Mountain, Inc., currently sub-contracts approximately 40% of this contract to Red Tail, to perform Native American Archeological Monitoring when required. Red Tail is also a Certified Small Business and its owner, Clint Linton has been identified as someone who is the Most Likely Descendent (MLD) for the Kummeyay, the most largely represented tribe in the City of San Diego.

Funding Agency: UUD Surcharge Fund No. 30101
Prevailing Wages: N/A

FISCAL CONSIDERATIONS:

Funds in an amount not to exceed \$750,000.00 are available in the Undergrounding Surcharge Fund No. 30100 for this Agreement.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City Council Resolution R-301071, November 28, 2005, First Amendment to Agreement, increasing contract amount an additional \$400,000.

City Council Resolution R-303025, November 5, 2007, Second Amendment to Agreement, increasing Contract amount an additional \$750,000 and increasing the contract from 2 years to 5 years.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS:

Residents, businesses, and utility companies.

Boekamp/Jarrell

Aud. Cert. 2900412.

Staff: Marnell Gibson - (619) 533-5213
Ryan Kohut - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:25 p.m. – 2:26 p.m.)

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

ITEM-332: Housing Enhancement Loan Program in the Southeastern Economic Development Corporation (SEDC) Area of Influence. (Southeastern, Encanto, and Skyline-Paradise Hills Community Areas. Districts 4 and 8.)

(See Redevelopment Agency Report No. RA-09-07/RTC-09-046 and memorandum from Beryl Bailey Rayford dated 3/27/2009.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-884) ADOPTED AS RESOLUTION R-304826

Making certain findings relating to the use of low- and moderate-income housing tax increment (Set-Aside) funds outside of the Southcrest and Mount Hope Redevelopment Project Areas for use toward the Redevelopment Housing Enhancement Loan Program for the Redevelopment Project Areas managed by the Southeastern Economic Development Corporation (SEDC) and within SEDC's area of influence.

STAFF SUPPORTING INFORMATION:

The revised SEDC Housing Enhancement Loan Program (HELP) will continue to provide forgivable loans in amounts up to \$35,000 to assist low- and moderate-income households offset the cost of qualified improvements. The loans will continue to be used to address interior and exterior conditions of properties to repair health and safety hazards and to rehabilitate, repair and install improvements, including improvements not eligible in existing rehabilitation programs such as fencing, sidewalks and landscaping. The loans may be increased up to an additional \$10,000 for qualifying energy and water conserving landscape improvements. The Agency would enter into an Amended Agreement with the Housing Commission to continue to administer and provide outreach services for the program.

FISCAL CONSIDERATIONS:

As of June 30, 2008, there is approximately \$146,850 in carry over low- and moderate-income housing fund proceeds, accrued interest and loan repayments for use in the SEDC HELP Program.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On April 23, 2008, the SEDC Board voted to recommend the revisions to the SEDC Housing Enhancement Loan Program Guidelines, including: increase the loan amount to \$35,000, include \$10,000 for water and energy conserving improvement; expand the program to the SEDC Area of Influence; and standardize the SEDC HELP Program to be more consistent with other City of San Diego Redevelopment Project Area HELP Programs.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

Owner-occupants of one- and two- unit properties within the Southeastern Economic Development Corporation Area of Influence whose gross household income is not greater than 100% of the Area Median Income.

Weinrick/Anderson

Staff: Michele St. Bernard - (619) 236-6531
Kendall D. Berkey - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of April 21, 2009, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:28 p.m. – 2:28 p.m.)

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

ITEM-333: Agreement with Flow Science Incorporated for Limnology and Reservoir Detention Study of San Vicente Reservoir for the Indirect Potable Reuse/Reservoir Augmentation Demonstration Project.

(See Water Department's 1/14/2009, Executive Summary Sheet.)

TODAY'S ACTION IS:

NO ACTION TAKEN DUE TO THE ACTION TAKEN ON ITEM 33 OF TODAY'S COUNCIL MEETING

Authorizing the Mayor, or his designee, to execute an Agreement between the City of San Diego and Flow Science Incorporated, in an amount not to exceed \$420,000.00 to conduct the Limnology and Reservoir Detention Study of San Vicente Reservoir for the Indirect Potable Reuse/Reservoir Augmentation Demonstration Project;

Authorizing the expenditure of an amount not to exceed \$420,000 from Water Fund 41500, Organization 861, to conduct the Limnology and Reservoir Detention Study of San Vicente Reservoir for the Indirect Potable Reuse/Reservoir Augmentation Demonstration Project, provided that the City Auditor and Comptroller first furnishes a certificate certifying that funds are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15306.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

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

SUPPORTING INFORMATION:

In October and December 2007, the City Council directed the Mayor to undertake an Indirect Potable Reuse/Reservoir Augmentation Demonstration Project (Demonstration Project). Also in December 2007, the City Council directed the Water Department to add the Demonstration Project to the Integrated Regional Water Management Plan and Grant Application, which subsequently resulted in an award of \$1,072,835 in state Proposition 50 Grant Funds for the Project. In November 2008, the City Council approved a temporary water rate increase, effective January 1, 2009, to fully fund the Demonstration Project.

The Demonstration Project will provide the technical, environmental, public outreach and stakeholder involvement, regulatory, and funding requirements necessary to implement a full-scale project. An Independent Advisory Panel of scientific and technical experts will be established to advise on the development and implementation of the project. If the Demonstration Project meets regulatory requirements and provides evidence of the viability of the Indirect Potable Reuse/Reservoir Augmentation (IPR/RA) process, the City would then explore the feasibility of constructing a full-scale IPR/RA plant to send advanced treated water to San Vicente Reservoir via a 23-mile pipeline where, after blending and additional treatment, it would be distributed as potable water.

A key component of the Demonstration Project - required by the above mentioned Council directions and for approval of the project by state regulatory agencies - is a limnology and detention study of San Vicente Reservoir. The Water Department will contract with Flow Science Incorporated for the limnology and reservoir detention study. Flow Science will use highly sophisticated computer applications - three dimensional hydrodynamic modeling - for this work. Three dimensional hydrodynamic modeling is unique, specialized work. Flow Science is a proven leader in this field and has unique capabilities and experience possessed by no other firm. Flow Science has previously performed limnology studies of San Vicente Reservoir, both for the Water Department and for the San Diego County Water Authority (CWA), and is currently under contract with CWA to perform hydrodynamic modeling of the future enlarged San Vicente Reservoir.

As a result of this previous and on-going work Flow Science has data and information on San Vicente Reservoir, and its models are partially set-up for San Vicente. The cost of the limnology and reservoir detention study is \$420,000, which includes a planned budget of \$385,000 plus \$35,000 as a contingency for additional services. The total budget for the Demonstration Project is \$11,811,000.

FISCAL CONSIDERATIONS:

Funding is available from the Water Department Fund 41500, Organization Number 861.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):

This Agreement is subject to the City's Equal Opportunity Contracting (Ordinance No. O-18173, Sections 22.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (Municipal Code Sections 22.3501 through 22.3517).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On October 29 and December 3, 2007, the City Council voted (R-303095 and R-303096) to undertake an Indirect Potable Reuse/Reservoir Augmentation Demonstration Project (Demonstration Project). On December 4, 2007, the City Council directed (R-303237) the Water Department to add the Demonstration Project to the Integrated Regional Water Management Plan and Grant Application. On November 18, 2008, the City Council approved (R-304434) a temporary water rate increase to fully fund the Demonstration Project. Water staff has made three presentations on the Demonstration Project to the Independent Rates Oversight Committee (IROC), and has provided periodic updates to the Natural Resources and Culture Committee. At its January 12, 2009, meeting the IROC voted to support this consultant agreement and expenditure of the funds. On January 28, 2009, the Natural Resources and Culture Committee approved the currently requested action.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Preparation of the Water Reuse Report (March 2006) involved significant stakeholder involvement and public outreach activities. The Water Reuse Study stakeholders identified Reservoir Augmentation at the San Vicente Reservoir to be the preferred water reuse strategy. The Demonstration Project will include a sizable public outreach and education component.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The California Department of Public Health and the San Diego Regional Water Quality Control Board are the state agencies that will grant permits for the full-scale IPR/RA Project. Securing these agencies regulatory approvals is a paramount goal of the Demonstration Project. Other local water agencies (and these agencies' customers) may receive water from San Vicente Reservoir and are stakeholders for the full-scale Project.

Ruiz/Barrett

Aud. Cert. 2900624.

FILE LOCATION:

MEET

ITEM-334: Doti Point Views, Project No. 1481. A Tentative Map, Easement Abandonment (drainage easement), and a Planned Development Permit to subdivide a 3.64-acre site into 14, single-family lots for the proposed construction of 14, detached, single-family dwellings and a pocket park. The vacant site is located at the end of Doti Point Drive cul-de-sac, south of Fowler Drive and north of Alta View Drive. (Skyline-Paradise Hills Community Plan Area. District 4.)

Matter of approving, conditionally approving, modifying or denying a Tentative Map, Easement Abandonment (drainage easement), and a Planned Development Permit to subdivide a 3.64-acre site into 14, single-family lots for the proposed construction of 14, detached, single-family dwellings and a pocket park. The Planned Development Permit includes a request for deviations to lot standards, retaining wall height and building height. The vacant site is located at the end of Doti Point Drive cul-de-sac, south of Fowler Drive and north of Alta View Drive.

On January 22, 2009, the Planning Commission recommended approval of the project by a vote of 5-0-2 with the condition that the homeowner's association be responsible for the maintenance of all plantable area from the top of the lower retaining wall to the rear property lines of all lots.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2009-1004) CONTINUED TO TUESDAY, MAY 19, 2009

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 1481, 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 State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and 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 a tentative map and easement abandonment for the Doti Point Project;

Approving Mitigated Negative Declaration, with findings that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, a copy of which is on file in the Office of the City Clerk and incorporated by reference;

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, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

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.

Subitem-B: (R-2009-1005) CONTINUED TO TUESDAY, MAY 19, 2009

Adoption of a Resolution certifying findings with respect to Tentative Map and Easement Abandonment No. 6928, which are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

Vacating portions of the drainage easement located within the project boundaries as shown in Tentative Map No. 006928, pursuant to California Government Code Section 66434(g), contingent upon the recordation of the approved final map for the project;

Granting Tentative Map and Easement Abandonment No. 6928 to MLC Homes, Inc., Applicant/Subdivider and Lindvedt McColl & Associates, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

Subitem-C: (R-2009-1006) CONTINUED TO TUESDAY, MAY 19, 2009

Adoption of a Resolution certifying findings with respect to Planned Development Permit No. 187924, which are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

Granting Planned Development Permit No. 187924 to MLC Homes, Inc., Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

OTHER RECOMMENDATIONS:

Planning Commission on January 22, 2009, voted 5-0-2 to approve the project with an amendment being added that the homeowners association be responsible for all plantable area from the top of the lower wall up to the rest of the property to the top of the bank.

Ayes: Ontai, Griswold, Schultz, Naslund, Golba
Nays: None
Recusing: Otsuji, Smiley

On January 13, 2009, the Skyline-Paradise Hills Community Planning Committee voted 5-4-0 to recommend approval of the project with no conditions.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Approval of the Doti Point Views project, a 14-unit single-family development on a 3.64-acre site located on Doti Point Drive in the RS-1-7 Zone within the Skyline-Paradise Hills Community Planning Area.

STAFF RECOMMENDATION:

Certify Mitigated Negative Declaration No. 1481 and **adopt** the Mitigation, Monitoring and Reporting Program. **Approve** Tentative Map and Easement Abandonment No. 6928. **Approve** Planned Development Permit No. 187924.

EXECUTIVE SUMMARY OF ITEM BACKGROUND:

The Doti Point Views project includes a Tentative Map, Easement Abandonment and Planned Development Permit for the subdivision and development of a 3.64-acre, vacant site into 15 lots

for the construction of 14 one and two-story, single-family residences and one additional lot, Lot "A", for a pocket park site and designated open space area. The property is located at the end of Doti Point Drive between Doriana Street and Woodman Street within the Skyline-Paradise Hills Community Planning Area.

The site is designated for low density residential development and zoned RS-1-7, a city-wide single-family residential zone. The property does not contain environmentally sensitive lands. The project requires a Planned Development Permit for deviations to lot depth, retaining wall height and building height. The proposal requires a Process 5 decision by the City Council for the abandonment of a drainage easement.

Project History/Revisions:

The project was originally heard by the Planning Commission in 2005 and continued to a date uncertain. The Commissioners outlined several areas of concern including retaining wall heights, lack of useable yard areas and requests for additional information. The applicant redesigned the project including a reduction in the number of units from 16 to 14 and a reduction in retaining wall heights; provisions for increased landscape and open space areas as well as additional façade treatments. The item was rescheduled for the November 6, 2008 Planning Commission hearing.

At the November 6, 2008 hearing, two members of the Skyline-Paradise Hills Community Planning Committee spoke in opposition to the project. Issues raised included the number of units proposed, view corridors, the width of the new cul-de-sac and fire hazard concerns. The chair of the community group also expressed a concern that there had not been timely communication between the applicant, City Staff and the community group. During deliberations, the Planning Commission expressed concerns that the applicant did not fully address the site design issues outlined at the 2005 hearing relating to development intensity of the project. The Planning Commission continued the item to December 4, 2008 and directed the applicant to address issues raised at the hearing and to work with a subcommittee of the community planning group.

In response to issues raised during the November 6, 2008 hearing, the applicant revised the project to provide for expanded rear yard areas, to provide for stepped and reduced heights of retaining walls, and to provide for increased open space areas. The applicant also held several meetings with members of the subcommittee for input on the proposed revisions. In January 2009, the community group and the Planning Commission recommended approval of the project.

Deviations:

The requested deviations would allow six of the lots to provide less than the required 95 feet of depth, ranging from 79 feet to 94 feet. The project proposes stepped retaining walls behind the residences. Six of the lots would provide walls that exceed the height limit reaching a maximum combined height of 11'-6" where 6'-0" is allowed in the front setback, and 17'-0" in height in the interior side setback where 6'-0" is permitted.

The lower walls are a maximum 6'-0" in height in compliance with the regulations. The upper wall exceeds the height limitation by a range of 1'-6" to 5'-0". The third deviation would allow building height at 36 feet five inches where 30 feet is permitted. This deviation is requested as building height must be measured from pre-existing grade however actual building height when viewed and measured from finished grade will not exceed 26 feet five inches in height.

Easement Abandonment:

The project proposes to abandon a 10-foot wide drainage easement which traverses the site. The Land Development Code establishes a process for approving applications to vacate easements and includes the applicable findings that a decision maker must make to approve the requested vacation. The findings generally establish that there is no present or prospective public use for the easement, either for the use for which it was intended, or any other public use of a similar nature; that the public will benefit from the vacation by the improved use of the land; that the vacation will not adversely affect the applicable land use plan; and, that the public facility for which the right-of-way was originally acquired will not be detrimentally affected by the vacation.

The existing easement would be abandoned in place and re-routed through a new public street with the subdivision, therefore there is no prospective use for the easement and no other public use is anticipated. The vacation would facilitate the construction of detached single-family, residential development on the site, providing additional housing stock for the community. The public will benefit from the action through the improved utilization of the land. The site is zoned and designated for low density, residential development within the Skyline-Paradise Hills Community Plan.

FISCAL CONSIDERATIONS:

None associated with this action. All costs associated with the processing for this project are paid by the applicant.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE): Not applicable.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On January 22, 2009, the Planning Commission voted 5-0-2 to recommend approval of the project with one additional condition that the homeowner's association maintain the rear yard landscaping above the retaining walls of each of the lots (Reference draft Planned Development Permit No. 187924, condition no. 25).

On January 13, 2009, the Skyline-Paradise Hills Community Planning Committee voted 5-4-0 to recommend approval of the project with no conditions.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

MLC Homes Inc., Kevin Stephens, Owner
Jo MacKenzie, Applicant

LEGAL DESCRIPTION:

The project site is located within the Skyline-Paradise Hills Community Planning Area (Parcels 3 and 4 of Parcel Map No. 5943), City and County of San Diego.

Westlake/Goldstone/ST

Staff: Sandra Teasley – (619) 446-5271
Shannon Thomas – Deputy City Attorney

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:26 p.m. – 2:28 p.m.)

MOTION BY YOUNG TO CONTINUE TO TUESDAY, MAY 19, 2009, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

ITEM-S500: Resolution Approving All Tentative Agreements with Recognized Employee Organizations (Municipal Employees Association (“MEA”), AFSCME Local 127, Deputy City Attorneys Association (“DCAA”), International Association of Firefighters (“IAFF”) Local 145, and San Diego Police Officers Association (“SDPOA”))

(Continued from the meeting of April 14, 2009, Item 337, at the request of Councilmember DeMaio, for further review.)

MAYOR SANDERS’ RECOMMENDATION:

Adopt the following resolutions Approving All Tentative Agreements with Recognized Employee Organizations (Municipal Employees Association ["MEA"], Deputy City Attorneys Association ["DCAA"], and International Association of Firefighters ["IAFF"] Local 145):

Subitem-A: (R-2009-1062) ADOPTED WITH DIRECTION AS RESOLUTION
R-304827

Approving, pursuant to the authority of the MMBA and City Council Policy 300-06, the tentative agreement between the City and MEA, such approval being contingent upon and subject to ratification and approval of a simple majority of MEA members; and

Directing the City's designated representatives to jointly prepare with representatives of MEA the written MOU and present it to the City Council at a later date for final determination.

Note: 6 votes required pursuant to City Charter Section 11.2.

Subitem B: (R-2009-1060) ADOPTED WITH DIRECTION AS RESOLUTION
R-304828

Approving, pursuant to the authority of the MMBA and City Council Policy 300-06, the tentative agreement between the City and DCAA, such approval being contingent upon and subject to ratification and approval of a simple majority of DCAA members; and

Directing the City's designated representatives to jointly prepare with representatives of DCAA the written MOU and present it to the City Council at a later date for final determination.

Note: 6 votes required pursuant to City Charter Section 11.2.

Subitem-C: (R-2009-1081) ADOPTED WITH DIRECTION AS RESOLUTION
R-304829

Approving, pursuant to the authority of the MMBA and City Council Policy 300-06, the tentative agreement between the City and Local 145; and

Directing the City's designated representatives to jointly prepare with representatives of Local 145 the written MOU and present it to the City Council at a later date for final determination.

Note: 6 votes required pursuant to City Charter Section 11.2.

SUPPORTING INFORMATION:

These Resolutions are to approve any tentative agreements reached between the City and its recognized employee organizations that are mandated to be included as part of the City's Salary Ordinance, pursuant to San Diego City Charter Section 290.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:07 p.m. – 2:19 p.m.)

MOTION BY DEMAIO TO ADOPT SUBITEM A WITH DIRECTION FOR THE CITY ATTORNEY'S OFFICE TO REPORT BACK IN 30 DAYS ON A SCHEDULE FOR MUNICIPAL CODE CHANGES IN ACCORDANCE WITH THE MUNICIPAL EMPLOYEES ASSOCIATION MEMORADUM OF UNDERSTANDING. Second by Gloria. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

MOTION BY DEMAIO TO ADOPT SUBITEM B WITH DIRECTION FOR THE CITY ATTORNEY'S OFFICE TO REPORT BACK IN 30 DAYS ON A SCHEDULE FOR MUNICIPAL CODE CHANGES IN ACCORDANCE WITH THE DEPUTY CITY ATTORNEYS ASSOCIATION MEMORADUM OF UNDERSTANDING. Second by Gloria. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

MOTION BY DEMAIO TO ADOPT SUBITEM C WITH DIRECTION FOR THE CITY ATTORNEY'S OFFICE TO REPORT BACK IN 30 DAYS ON A SCHEDULE FOR MUNICIPAL CODE CHANGES IN ACCORDANCE WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 145 MEMORADUM OF UNDERSTANDING. Second by Gloria. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

ITEM-S501: Preparation of Salary Ordinance for Fiscal Year 2010.

(Continued from the meeting of April 14, 2009, Item 338, at the request of Councilmember DeMaio, for further review.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance in Subitem A and adopt the resolutions in Subitems B, C, and D:

Subitem-A: (O-2009-115) CONTINUED TO TUESDAY, MAY 5, 2009

Introduction of an Ordinance establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2010.

Subitem-B: (R-2009-1007) CONTINUED TO TUESDAY, MAY 5, 2009

Approving in accordance with the terms and conditions the classifications of personnel in the classified service of the City of San Diego eligible for premium or regular rate overtime as set forth in Attachment "A", effective from July 1, 2009 through June 30, 2010, pursuant to the authority of Section 9 of the Annual Salary Ordinance.

Subitem-C: (R-2009-1008) CONTINUED TO TUESDAY, MAY 5, 2009

Amending the classifications previously designated by the Council as appropriately assigned to employee representation units, to reflect additions of new classes, removal of deleted classes, and changes to titles, such amendments to be as contained in the listing of job classifications and appropriate units, as set forth in Attachment "A".

Subitem-D: (R-2009-1009) CONTINUED TO TUESDAY, MAY 5, 2009

Establishing and adopting a Cafeteria Benefits Plan (Plan) for all designated eligible employees for Fiscal Year 2010 (Attachment "B"), providing therein dollar sums certain for each eligible employee, to be allocated to benefits as are designated in the Plan, pursuant to Section 16 of the Annual Salary Ordinance No. O-_____, and upon the recommendation of the Mayor;

Authorizing the Mayor to execute agreements with the appropriate organizations providing the benefits designated in the Plan;

Declaring the funds appropriated for this Plan shall be as set forth in the annual appropriation ordinance.

Staff: Hadi Deghani - (619) 236-6155
Stewart H. Swett – Senior Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:23 p.m.)

MOTION BY FRYE TO CONTINUE TO TUESDAY, MAY 5, 2009, FOR FURTHER REVIEW. Second by Faulconer. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT

The meeting was adjourned by Council President Hueso at 3:15 p.m. in honor of the memory of:

Michael Stevenson as requested by Council Member Gloria.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 3:13 p.m. – 3:15 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego