

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, SEPTEMBER 4, 2007 AT 10:00 A.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**OTHER LEGISLATIVE MEETINGS**

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7532.

Internet access to the agenda is available at:

<http://sdhc.net/AuthorityAgenMinRpts.shtml>

- ITEM-1:                   ROLL CALL.
- ITEM-10:                 INVOCATION.
- ITEM-20:                 PLEDGE OF ALLEGIANCE.

**=== LEGISLATIVE SCHEDULE ===**

**Special Orders of Business**

- ITEM-30:                 Approval of Council Minutes.
- ITEM-31:                 San Diego Jazz Week.  
**COUNCILMEMBER FAULCONER’S RECOMMENDATION:** Adopt  
the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Special Orders of Business (Continued)

ITEM-32: Scott D. Fulkerson Day.  
COUNCILMEMBER ATKINS' RECOMMENDATION: Adopt the resolution.

ITEM-33: Bob Kennedy Day.  
COUNCILMEMBER MADAFFER'S RECOMMENDATION: Adopt the resolution.

**NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

**MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT**

**UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)**

**REQUESTS FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items

- ITEM-50: Beneficial Use of Digester Gas (BUDG) – Agreements with BOC Merchant Production, Inc. (Peninsula Community Area. District 2.)  
CITY COUNCIL’S RECOMMENDATION: Adopt the ordinance which was introduced on 7/31/2007, Item 50.
- ITEM-51: 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.)  
CITY COUNCIL’S RECOMMENDATION: Adopt the ordinance which was introduced on 7/31/2007, Item 331.
- ITEM-52: 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.)  
CITY COUNCIL’S RECOMMENDATION: Adopt the ordinance which was introduced on 7/31/2007, Item 332.
- ITEM-53: Approving Sole Source Agreements with Macias, Gini & O’Connell for Fiscal Years 2006 and 2007 Comprehensive Annual Financial Report (CAFR) Audits.  
CITY COUNCIL’S RECOMMENDATION: Adopt the ordinance which was introduced on 7/24/2007, Item 334, Subitem B.
- ITEM-54: Conversion of G Street to One-Way Operation within the Downtown Quiet Zone. (Centre City Community Area. District 2.)  
CITY COUNCIL’S RECOMMENDATION: Adopt the ordinance which was introduced on 7/31/2007, Item 337, Subitem B.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items (Continued)

- ITEM-55: 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.  
CITY COUNCIL’S RECOMMENDATION: Adopt the ordinances which were introduced on 7/31/2007, Item 341, Subitems C and D.
- ITEM-56: Twelfth Amendment to Lease Between the City of San Diego and Civic Center Associates, LLC to Add Space Leased at Civic Center Plaza Building Located at 1200 Third Avenue. (Centre City Community Area. District 2.)  
STAFF’S RECOMMENDATION: Introduce the ordinance.
- ITEM-57: Establishment of a Two-Hour Metered Parking Zone on 3800 Block of Vermont Street. (Uptown Community Area. District 3.)  
STAFF’S RECOMMENDATION: Introduce the ordinance.
- ITEM-100: **NOTE:** This item has been taken off the docket.
- ITEM-101: Two actions related to Inviting Bids for Water Group 3002. (La Jolla and College Community Areas. Districts 1 and 7.)  
NATURAL RESOURCES AND CULTURE COMMITTEE’S RECOMMENDATION: Information only. No action taken.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-102: Two actions related to Inviting Bids for Pump Station Upgrades – Group IV – Comfort Stations Project. (Mission Bay Park, Harbor Island, and Chollas Community Areas. Districts 2 and 4.)  
NATURAL RESOURCES AND CULTURE COMMITTEE’S RECOMMENDATION: On 10/06/2004, NR&C voted 4 to 0 to approve City Manager’s recommendations regarding the substantive aspects of the project, with direction to the City Manager to include the department’s best management practices in the environmental documentation when it comes forward to full Council.
- ITEM-103: Two actions related to Inviting Bids for Water Group 3001. (Peninsula Community Area. District 2.)  
NATURAL RESOURCES AND CULTURE COMMITTEE’S RECOMMENDATION: Information only. No action taken.
- ITEM-104: Amendment No. 1 to the Agreement with the National Environmental Safety and Health Training Association (NESHTA).  
STAFF’S RECOMMENDATION: Adopt the resolution.
- ITEM-105: First Amendment to Agreement with Vasquez + Marshall & Associates for Downtown Fire Station No. 1. (Centre City Community Area. District 2.)  
STAFF’S RECOMMENDATION: Adopt the resolution.
- ITEM-106: Second Amendment to Participation Agreement with Metropolitan Transit System for Design and Construction of Wastewater Mains at San Ysidro Boulevard/Border Village Drive. (San Ysidro Community Area. District 8.)  
STAFF’S RECOMMENDATION: Adopt the resolution.
- ITEM-107: Procurement of Peroxide Regenerated Iron-Sulfide Control PRI-SC/PRI-CEPT (Hydrogen Peroxide) from U.S. Peroxide. (Point Loma Community Area. District 2.)  
STAFF’S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-108: Reallocation of Funding Sources for the Agreement with Tran Consultant Engineers for Televising Sewer Main Annual Contract 2004. (Citywide.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-109: Balboa Park Information Kiosk Funding. (Balboa Park Community Area. District 3.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-110: Grant Application to the California Department of Conservation-Division of Recycling for Trash and Recycling Containers at Four City Parks. (Mission Trails Regional Park and Shoreline Parks, (Sunset Cliffs Natural Park, Ocean Beach and La Jolla Shores/Kellogg Park) Community Areas. Districts 1, 2, and 7.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-111: Grant Application to the California Department of Conservation-Division of Recycling to Purchase Trash and Recycling Containers for Special Events.  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-112: Mira Mesa Banner District Program. (Mira Mesa Community Area. District 5.)  
COUNCILMEMBER MAIENSCHIEIN'S RECOMMENDATION: Adopt the resolution.
- ITEM-113: Easement Grant to the San Diego Association of Governments (SANDAG) for the Construction, Operation, and Maintenance of Public Bus Rapid Transit Center in the Community of Sabre Springs/Peñasquitos. (Sabre Springs/Peñasquitos Community Area. District 5.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-114: Façade Easement for the John Ginty House. (Centre City Community Area. District 2.)  
STAFF'S RECOMMENDATION: Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items (Continued)

- ITEM-115: Settlement of Personal Injury Subrogation Claim of Specialty Risk Services. (District 2.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-116: Settlement of Personal Injury Claim of Paul Anthony Lopez, et al. (District 2.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-117: Partial Settlement of the Property Damage Claim of John Trunkey. (La Jolla Community Area. District 1.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-118: Reverend Robert C. Ard Day.  
MAYOR SANDERS', COUNCIL PRESIDENT PRO TEM YOUNG'S, AND COUNCILMEMBER ATKINS' RECOMMENDATION: Adopt the resolution.
- ITEM-119: Jamie Barton Day.  
COUNCILMEMBER ATKINS' RECOMMENDATION: Adopt the resolution.
- ITEM-120: Dave Konstantin Day, 2007 Honoree for Clairemont Family Day.  
COUNCILMEMBER FRYE'S RECOMMENDATION: Adopt the resolution.
- 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 resolution.
- ITEM-122: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.  
TODAY'S ACTION IS: Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Discussion, Other Legislative Items

**NOTE: This item may be taken in the morning session if time permits.**

ITEM-330: Approval of Participation and Administration Agreements in San Diego City Employees' Retirement System (SDCERS) Group Trust.  
SAN DIEGO CITY EMPLOYEES' RETIREMENT SYSTEM'S RECOMMENDATION: Take the actions.

**NOTE: This item may be taken in the morning session if time permits.**

ITEM-331: City of San Diego's Participation in Amicus Curiae Brief in the Case of *In Re: Marriage Cases*.  
COUNCILMEMBER ATKINS' RECOMMENDATION: Take the actions.

**The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.**

ITEM-332: In the Matter of the First Report to the Securities and Exchange Commission (SEC) by the San Diego Independent Monitor dated June 7, 2007.  
COUNCIL PRESIDENT PETERS' RECOMMENDATION: Report from the Independent Monitor, Council discussion and possible Council action regarding the First Report to the SEC by the San Diego Independent Monitor dated June 7, 2007.

ITEM-333: City Response to July 23, 2007 Securities and Exchange Commission Letter.  
MAYOR SANDERS' RECOMMENDATION: Take the actions.

ITEM-334: Two actions related to Consultant Agreement – Regents Road Bridge and Limited Roadway Changes Project. (University Community Area. District 1.)  
STAFF'S RECOMMENDATION: Adopt the resolution in Subitem A and introduce the ordinance in Subitem B.

=== LEGISLATIVE SCHEDULE (Continued) ===

Noticed Hearings, Discussion

**The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.**

ITEM-335: Stebbins Residence, demolition of an existing one story duplex, and the construction of a three story-single family residence. Located at 5166 West Point Loma Boulevard. Ocean Beach Community Area. (Dist. 2)

Matter of the appeal by Randy Berkman and Landry Watson, of the Planning Commission's decision in approving an application for a Coastal Development Permit (CDP) and a Site Development Permit (SDP) for the demolition of an existing one-story duplex, and the construction of a new 1,749 square-foot, three-story single family residence above an 816 square-foot basement garage on a 2,500 square-foot site and to allow for deviation from the regulations for Special Flood Hazard Areas, to permit development of the residential structure at 7.1 feet below the Base Flood Elevation where two(2) feet above the Base Flood Elevation is required. The property is located at 5166 West Point Loma Boulevard in the RM 2-4 Zone, Coastal Overlay Zone (appealable-area), Coastal Height Limit Overlay Zone, First Public Roadway, Beach Parking Impact Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, and the 100-year Flood-plain Overlay Zone, within the Ocean Beach Precise Plan and Local Coastal Program Land Use Plan (LPL).

STAFF'S RECOMMENDATION: Take the actions.

ITEM-336: Carmel Highlands Village, Proposed Subdivision of a Vacant 21-Acre Site, Construction of a 169-Unit Condominium Complex, One Single-Family Lot and a Commercial Center. Located at 5384 Carmel Mountain Road. Carmel Valley Community Plan Area. (District 1.)

Matter of approving, conditionally approving, modifying or denying an application for a Vesting Tentative Map (VTM) No. 221310, (amending VTM No. 96-0737), a Site Development Permit in accordance with the Carmel Valley Planned District Ordinance, the transfer of 3.06 acres from the applicants to the City of San Diego, the transfer of 0.18 acres, in fee simple from the City to the applicant and the abandonment of three separate public easements on the property. In addition, the project proposes the subdivision of a vacant 21-acre site, the construction of a 169-Unit Condominium Complex, one single-family lot and a Commercial Center. The site is located at 5384 Carmel Mountain Road at the intersection of Carmel Mountain Road and Carmel County Road. The project site is in the CVPD-OS/SF2/MF1/NC zones of the Carmel Valley Planned District, within the Carmel Valley Community Plan.

STAFF'S RECOMMENDATION: Adopt the resolutions.

**CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT**

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the **Special Closed Session Agenda for Tuesday, September 4, 2007. The public will have the opportunity to speak to these items at 8:45 a.m. and Council will adjourn into Closed Session following any speakers.**

The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

**NOTE:** Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

**Information Item - No Action Required - The City Council shall:**

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Public Notices

- ITEM-350: Submission of Ballot Proposals
- ITEM-351: **Notice** of Pending Final Map Approval – West Laurel Studios.
- ITEM-352: **Notice** of Pending Final Map Approval – Rainier Place.
- ITEM-353: **Notice** of Pending Final Map Approval – Montecito Point.
- ITEM-354: **Notice** of Pending Final Map Approval – Yonge Street Condominiums.
- ITEM-355: **Notice** of Pending Final Map Approval – 909 Diamond St. Villas.
- ITEM-356: **Notice** of Pending Final Map Approval – 3747 32<sup>nd</sup> Street.
- ITEM-357: **Notice** of Completion and Acceptance of Subdivision Improvement Agreement.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

**=== EXPANDED CITY COUNCIL AGENDA ===**

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

- ▶ [View referenced exhibit back-up material \(Part 1 of 2\).](#)
- ▶ [View referenced exhibit back-up material \(Part 2 of 2\).](#)

**TODAY'S ACTION IS:**

Approval of Council Minutes for the meetings of:

01/02/2007 – Adjourned  
06/11/2007  
06/12/2007  
06/18/2007  
06/19/2007  
06/25/2007  
06/26/2007  
07/02/2007 – Adjourned  
07/03/2007 – Adjourned  
07/09/2007  
07/10/2007  
07/16/2007  
07/17/2007  
07/18/2007 – Special Meeting

SPECIAL ORDERS OF BUSINESS (Continued)

ITEM-31: San Diego Jazz Week.

[▶ View referenced exhibit back-up material.](#)

**COUNCILMEMBER FAULCONER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-159)

Proclaiming the week of September 2, 2007, to be "San Diego Jazz Week" in the City of San Diego.

ITEM-32: Scott D. Fulkerson Day.

[▶ View referenced exhibit back-up material.](#)

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2008-121)

Commending Scott Fulkerson for his service to the City of San Diego;

Proclaiming September 4, 2007, to be "Scott D. Fulkerson Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS (Continued)

ITEM-33: Bob Kennedy Day.

[▶ View referenced exhibit back-up material.](#)

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-153)

Declaring September 4, 2007, to be "Bob Kennedy Day" in the City of San Diego in recognition of his immeasurable and dedicated service.

**NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

**MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT**

**UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)**

**REQUEST FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

**ADOPTION AGENDA, CONSENT ITEMS**

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (\*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to or at 10:00 a.m.

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

Items 50, 51, 52, 53, 54, and 55.

**ORDINANCES TO BE INTRODUCED:**

Items 56 and 57.

**RESOLUTIONS TO BE ADOPTED:**

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, and 122.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

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

▶ [View referenced exhibit back-up material \(Part 1 of 3\).](#)

▶ [View referenced exhibit back-up material \(Part 2 of 3\).](#)

▶ [View referenced exhibit back-up material \(Part 3 of 3\).](#)

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

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/31/2007, Item 50. (Council voted 7-0. Councilmember Maienschein not present):

(O-2008-2)

Authorizing the Mayor, or his designee, to execute, 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.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION: (Continued)

- \* ITEM-51: Agreements for Financial Advisory, Special Tax Consultant, and Bond Counsel Services Related to Communities Facilities District No. 3 (Liberty Station), Series B Financing.

[▶ View referenced exhibit back-up material.](#)

(Peninsula Community Planning Area. District 2.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/31/2007, Item 331. (Council voted 7-0. Councilmember Maienschein not present):

(O-2008-12 Cor. Copy 2)

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 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 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 Section 99 of the City Charter.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION: (Continued)

- \* ITEM-52: 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).

[▶ View referenced exhibit back-up material.](#)

(Black Mountain Ranch Community Area. District 1.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/31/2007, Item 332. (Council voted 7-0. Councilmember Maienschein not present):

(O-2008-13 Cor. Copy)

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 Section 99 of the City Charter.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION: (Continued)

- \* ITEM-53: Approving Sole Source Agreements with Macias, Gini & O'Connell for Fiscal Years 2006 and 2007 Comprehensive Annual Financial Report (CAFR) Audits.

[▶ View referenced exhibit back-up material.](#)

(See Report to the City Council 07-121, memorandum from Greg Levin dated 7/18/2007, and 2004 CAFR Presentation dated 7/24/2007.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/24/2007, Item 334, Subitem B. (Council voted 7-0. Councilmember Maienschein not present):

(O-2008-14)

Approving a sole source agreement with Macias, Gini & O'Connell and expenditure in an amount not to exceed \$1,114,830 for the audit of the Fiscal Year 2006 CAFR;

Approving a sole source agreement with Macias, Gini & O'Connell and expenditure in an amount not to exceed \$1,159,710 for the audit of the Fiscal Year 2007 CAFR;

Authorizing the City Auditor and Comptroller to appropriate, transfer, and expend up to \$688,000 from the Unallocated Reserve to the appropriate fund to pay the General Fund portion of these expenditures that exceed previously budgeted amounts.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION: (Continued)

\* ITEM-54: Conversion of G Street to One-Way Operation within the Downtown Quiet Zone.

[▶ View referenced exhibit back-up material.](#)

(See Centre City Development Corporation CCDC Report 07-34/RTC-07-133.  
Centre City Community Area. District 2.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/31/2007, Item 337, Subitem B.  
(Council voted 7-0. Councilmember Maienschein not present):

(O-2008-5)

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.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION: (Continued)

- \* ITEM-55: 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.

[▶ View referenced exhibit back-up material.](#)

(See Centre City Development Corporation Report CCDC-07-29/CCDC-07-15. Districts 2 and 8.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances which were introduced on 7/31/2007, Item 341, Subitems C and D. (Council voted 7-0. Councilmember Maienschein not present):

Subitem-A: (O-2008-6)

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-B: (O-2008-9 Rev. 1)

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.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

- \* ITEM-56: Twelfth Amendment to Lease Between the City of San Diego and Civic Center Associates, LLC to Add Space Leased at Civic Center Plaza Building Located at 1200 Third Avenue.

[▶ View referenced exhibit back-up material.](#)

(Centre City Community Area. District 2.)

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2008-1)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute and deliver, for and on behalf of the City of San Diego, a Twelfth Amendment to Lease (Amendment) amending that certain Lease dated October 21, 1991, by and between the City Of San Diego, as tenant, and Civic Center Associates, LLC, a California limited liability company, as landlord, and relating to the addition of approximately 19,890 square feet of office space to the Lease premises located in the Civic Center Plaza building at 1200 Third Avenue, San Diego, California, under the terms and conditions set forth in the Amendment;

Authorizing and directing the City Auditor and Comptroller to expend up to \$350,254.90 in Fiscal Year 2008 as required under the Amendment, and to make such fund transfers and re-allocations as may be necessary and prudent to effect such payment.

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

**STAFF SUPPORTING INFORMATION:**

Redevelopment and City Planning & Community Investment (CPCI) relocated from 600 B Street to the 14<sup>th</sup> floor of Civic Center Plaza (CCP) under an existing sublease with San Diego Data Processing. While the total square footage is slightly larger at CCP, rent cost is reduced by \$84,885 in FY08 and yields aggregate savings through the end of the lease term of \$719,330 over the rent cost at 600B.

CCP Suite 424 will be used to enhance the Treasurer's operations by providing additional office space in CCP close to existing operations. While subleased from SDDPC this space was used by the City Attorney's office, which has since relocated to the basement of COB.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

\* ITEM-56: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

FISCAL CONSIDERATIONS:

Rent for the existing CCP lease is significantly below market. Moving staff to CCP, reduces the City's overall rent cost. The total funding for this additional space in FY08 is \$350,254.90. There are no increases in the rent through the end of the term. Rent for suite 424 is in the approved FY08 budget under Fund 100, Department 601 (General Fund-Citywide).

Funding for CPCI's half of the 14<sup>th</sup> floor is in the FY08 budget under Fund 100, Department 065. Redevelopment's half of the 14<sup>th</sup> floor is funded in the FY08 budget under Fund 10275, Department 10275.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The effected departments are in closer working proximity to other department staff and CAB, which increases operational efficiencies.

Barwick/Waring

Aud. Cert. 2800045.

Staff: Diane Bartko - (619) 236-6191  
Brock Ladewig – Chief Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

- \* ITEM-57: Establishment of a Two-Hour Metered Parking Zone on 3800 Block of Vermont Street.

[▶ View referenced exhibit back-up material.](#)

(Uptown Community Area. District 3.)

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2008-15)

Introduction of an Ordinance authorizing the establishment of a two-hour time limit metered parking zone to be effective everyday between 8:00 AM and 6:00 PM, Sundays and certain holidays excepted, on the 3800 Block of Vermont Street between University Avenue and the alley south of University Avenue.

**STAFF SUPPORTING INFORMATION:**

This action will authorize the establishment of a two-hour time limit metered parking zone to be effective everyday between 8:00 AM and 6:00 PM, Sundays and certain holidays excepted on the east side of Vermont Street between University Avenue and the Alley south of University Avenue. This has been requested by the fronting businesses and is consistent with Council Policy 200-4 and is permitted under CVC Section 22508.

The 3800 block of Vermont Street is a two-lane 51-foot wide street with parallel parking permitted on both sides of the street. Currently, two parking meters exist on both sides of Vermont Street just south of University Avenue and the remaining curb space is unregulated. In order to increase turnover and available parking, the business owners on 3875 and 3877 Vermont Street and 1201 University Avenue whose frontage is on Vermont have signed a petition requesting the proposed zone.

The installation of additional two-hour time limit metered parking would result in higher turnover of parking spaces and prevent the extended parking of vehicles, thus allowing parking for the patrons of the businesses in the area.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

\* ITEM-57: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

**FISCAL CONSIDERATIONS:**

\$1,650. The proposed parking meter zone would require the installation of four parking meters estimated to cost \$2,800, and new pavement markings to delineate the parking spaces estimated to cost \$200. Funds are not budgeted for the pavement markings for this project. However, Street Division will reprioritize other maintenance needs in order to complete this project. Funding for the parking meters will be shared on a 55% - 45% basis between the General Services Department's budget and the Uptown Partnership, Inc. from parking meter revenues.

The total cost to the City is estimated to be \$1,650. It is expected that these meters will result in revenues of \$2,430 per year to the City.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:** None.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The property owners adjacent to the proposed parking meter zone on Vermont Street have submitted a petition in support of this action. In addition, the Uptown Planners community Planning Group is in support of this proposal.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

Businesses and residents on this block of Vermont Street, other parking users, and Uptown Planners.

Boekamp/Haas

Aud. Cert. 2800031.

Staff: Deborah Van Wanseele - (619) 533-3012  
Michael P. Calabrese - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

\* ITEM-100: **NOTE:** This item has been taken off the docket.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-101: Two actions related to Inviting Bids for Water Group 3002.

▶ [View referenced exhibit back-up material.](#)

(Executive Summary Sheet dated February 14, 2007; Engineering and Capital Projects' PowerPoint. La Jolla and College Community Areas. Districts 1 and 7.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2007-1318)

Approving the plans and specifications for the construction of Water Group 3002 as advertised by the Purchasing and Contracting Department, on Work Order No. 185141/185471;

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 \$6,777,266 from Water Fund 41500, CIP-73-083.0, Annual Allocation – Water Main Replacement for the construction of Water Group 3002 of which \$4,650,752 is for construction, of which \$1,893,976 is for Project related costs, and \$232,538 is for contingency, 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 Water Fund 41500, CIP-73-083.0 Annual Allocation – Water Main Replacement for construction of projects within Water Group 3002: Sub CIP-73-855.1, Water Group 540A for \$218,750 and; Sub CIP-73-857.7, Water Group 550 for \$338,222 for the total amount not to exceed \$557,072;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves. (BID-K083704C)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-101: (Continued)

Subitem-B: (R-2007-1319)

Certifying that Mitigated Negative Declaration, Project No. 25342, dated January 22, 2007 (Addendum) for Water Group 540A, which is within Water Group 3002 (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 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 the 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 25342 Addendum;

Certifying and adopting the Addendum for the Project;

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;

Declaring that the activity in Water Group 550 within the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15301 as this Project involves repair of existing facilities;

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 Project.

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

Information only. No action taken.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-101: (Continued)

**SUPPORTING INFORMATION:**

Water Group 3002 is part of the City of San Diego's Cast Iron Water Main Replacement Program as mandated by Department of Health Services Compliance Order No. 04-14-96-022. This project consists of Water Group 540A and Water Group 550. Originally these projects were intended to be advertised individually and are located in different areas within the City of San Diego. As such, they were reviewed as individual projects for compliance with the California Environmental Quality Act (CEQA). Water Group 550 was determined to be exempt from CEQA. In order to expedite their construction, they have been grouped under one construction contract known as Water Group 3002.

Water Group 540A is located in the La Jolla area. It includes the abandonment of approximately 2,380 linear feet (all cast iron) of 4, 6, 8 and 12-inch deteriorated water mains, the addition of approximately 1,342 linear feet of new 8-inch water mains, and the replacement of approximately 5,502 (4,552 linear feet of cast iron and 950 linear feet of asbestos cement) of existing 6, 8, 12 and 16-inch old and deteriorated water mains, water services and fire hydrants. It also includes the relocation of a pressure relief and reducing station, curb ramps and street resurfacing. The streets affected by construction operations within the projects are: La Jolla Shores Drive, Caminito Del Collado, Calle Chiquita, Avenida De Las Ondas, Calle Del Cielo, Calle Del Oro, Poole Street and Azul Street as shown on the Location Map.

Water Group 550 is located in the College area. It includes the replacement of approximately 7,851 linear feet of existing 8 and 12-inch old and deteriorated cast iron water mains, water services, and fire hydrants. It includes installing curb ramps and street resurfacing. The streets affected by construction operations within the projects are: Seminole Drive, El Cajon Boulevard, 67th Street, Richard Street, Julie Street, Cleo Street, Lenore Drive, and Judson Way as shown on the Location Map.

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 \$6,777,266. Of the \$6,777,266 for the projects, \$1,611,883 will be financed with proceeds from the Subordinated Water Revenue Notes, Series 2007A and \$3,579,660.80 from currently anticipated to be a follow on water revenue debt issuance in Fiscal Year 2008.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-101: (Continued)

**SUPPORTING INFORMATION:** (Continued)

The remaining \$1,585,722.20 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 phase funding in FY08. No future funding is anticipated. An Auditor's Certificate will be issued prior to contract award.

**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 design, Water Group 540A was presented to the La Jolla Committee Planning Association on February 7, 2000. Due to funding uncertainty during design, Water Group 550 was not presented to the College Area Community Council. Once financing has been approved, the community will be updated for Water Group 540A and a presentation will be made for Water Group 550 if needed. In addition, residents and businesses will be notified by mail by the City's Engineering and Capital Projects Department at least one (1) month before construction begins and again ten (10) days before construction begins by the Contractor through hand distribution of notices. Traffic control plans have been prepared for this project and will be implemented during construction.

**KEY STAKEHOLDERS & PROJECTED IMPACTS:**

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

Boekamp/Haas

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-102: Two actions related to Inviting Bids for Pump Station Upgrades – Group IV – Comfort Stations Project.

[▶ View referenced exhibit back-up material.](#)

(See memorandum from Richard G. Mendes dated 9/30/2004. Mission Bay Park, Harbor Island, and Chollas Community Areas. Districts 2 and 4.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2008-99)

Approving the plans and specifications for the construction of the Citywide Pump Station Upgrades – Group IV – Comfort Stations (the Project) on Work Order No. 140061;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award a contract for the project to the lowest responsible and reliable bidder, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the contract are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$2,493,282, of which \$2,407,680 will be funded from the Sewer Fund 41506, CIP-41-929.0, Pump Station Upgrades Group IV – Comfort Stations, and \$85,602 will be funded from Fund 41506, CIP-46-193.0, Annual Allocation – Muni Pooled Contingency for the purpose of providing funds for project contingency provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K083944C)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-102: (Continued)

Subitem-B: (R-2008-100)

Certifying that Mitigated Negative Declaration, LDR No. 31233, dated September 3, 2004 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 declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said declaration, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the Pump Station Upgrades Project – Group IV – Comfort Stations (Project);

Finding that the Project revisions now mitigate potentially significant effect on the environment previously identified in the Initial Study and therefore, approving Mitigated Negative Declaration LDR No. 31233;

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 effect on the environment, pursuant to California Public Resources Code section 21081.6;

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 Project.

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

On 10/06/2004, NR&C voted 4 to 0 to approve City Manager's recommendations regarding the substantive aspects of the project, with direction to the City Manager to include the department's best management practices in the environmental documentation when it comes forward to full Council. (Councilmembers Zucchet, Frye, Madaffer, and Inzunza voted yea. District 4-vacant.)

**SUPPORTING INFORMATION:**

The Citywide Pump Station Upgrade Projects involve four separate groups of construction contracts, totaling 22 sewer pump stations. Citywide Pump Station Upgrades - Group IV - Comfort Stations involves electrical, mechanical, and miscellaneous upgrades of eight sewer pump stations that serve comfort stations in the Mission Bay and Harbor Island areas of the City and the trailers at the City's Chollas Operations Center.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-102: (Continued)

**SUPPORTING INFORMATION:** (Continued)

Specifically, it involves station 46 at Chollas; station numbers 52 and 53 on Harbor Island; and station numbers 54, 55, 56, 57, and 58 along the east side of Mission Bay. The upgrades include: the addition of water supply shut-off solenoid valves, radio telemetry systems, new pumps, passive odor-control systems, concrete paving, jib cranes, flow meters, ventilation systems, safety measures, control panels, wet-well level monitoring systems, and inverter upgrades for motor protection.

All of these pump stations are identified in the Final Consent Decree as required projects.

A Final Mitigated Negative Declaration (MND), including an Initial Study Discussion, was prepared in 2004.

**FISCAL CONSIDERATIONS:**

The total of this request is \$2,493,282 of which \$2,407,680 will be available in Sewer Fund 41506, CIP-41-929.0, Pump Station Upgrades, and \$85,602 will be available in Sewer Fund 41506, CIP-46-193.0, Annual Allocation – Muni Pooled Contingency, contingent upon the approval of the Fiscal Year 2008 Capital Improvement Program and Appropriation Ordinance. The project costs may be bond reimbursed approximately 80% by current or future debt financings. An Auditor's Certificate will be issued prior to contract award.

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

This action was reviewed and approved by the Natural Resources and Culture Committee on October 6, 2004.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

MWWD staff will present these projects to the Mission Bay Park Committee as an informational item prior to the award of the contract. The Committee has been advised of these projects previously and is a proponent of the projects. MWWD staff will continue to coordinate this project with staff from the Park and Recreation Department.

Pre-construction notices will give the public notice of the upcoming rehabilitation, and temporary facilities will be provided for the public during temporary shut-downs, if required.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-102: (Continued)

**SUPPORTING INFORMATION:** (Continued)

**KEY STAKEHOLDERS & PROJECTED IMPACTS:**

- Those who enjoy Mission Bay Park, Harbor Island, and those who use the applicable trailers at the Chollas yard.
- Park and Recreation Department - MWWD is working with them to sufficiently coordinate and facilitate the project.
- MWWD will be able to better monitor and prevent sewer spills, minimize station downtime, and respond more quickly to alarms through the implementation of this CIP.

Ferrier/Haas

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-103: Two actions related to Inviting Bids for Water Group 3001.

[▶ View referenced exhibit back-up material.](#)

(Peninsula Community Area. District 2.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2008-142)

Approving the plans and specifications for the construction of Water Group 3001 as advertised by Purchasing and Contracting Department, on Work Order No. 183701/186541;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award the project contract to the lowest responsible and reliable bidder for the project, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$4,810,779 from Water Fund 41506, CIP-73-083.0, Annual Allocation – Water Main Replacement, solely for the 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 for a total amount not to exceed \$357,247, from Water Fund 41500, CIP-73-083.0, Annual Allocation – Water Main Replacement, for the construction of projects within Water Group 3001, Sub CIP 73-849.9, Water Group 688 for \$143,492, and Sub CIP-73-859.0, Water Group 726 for \$213,755, for the total amount not to exceed \$357,247;

Authorizing the City Auditor and Comptroller upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.  
(BID-K083705C)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-103: (Continued)

Subitem-B: (R-2008-143)

Declaring that the Addendum to a Mitigated Negative Declaration, Project No. 131266, dated August 2, 2007 (Addendum) for Water Group 726, which is within Water Group 3001 (the Project) 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.);

Declaring that the Addendum 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 the Council in connection with the approval of the project;

Finding that revisions to the Project now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, approving Project 131266 Addendum;

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 effect on the environment, pursuant to California Public Resources Code Section 21081.6;

Declaring that the activity in Water Group 668 within the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15282(k) as the repair and replacement of an existing pipeline which is less than one mile in length; and

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 project.

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

Informational only. No action taken.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-103: (Continued)

**SUPPORTING INFORMATION:**

Water Group 3001 is part of the City of San Diego's Cast Iron (CI) Water Main Replacement Program as mandated by Department of Health Services Compliance Order No. 04-14-96-022. This project includes Water Group 668 and Water Group 726. This project is located in the Peninsula area. Originally these projects were intended to be advertised individually. In order to expedite their construction, they have been grouped under one construction contract known as Water Group 3001. This project includes the addition of 250 linear feet (LF) of 8-inch water mains, the replacement of approximately 9,250 LF (7,830 LF of CI and 1,420 LF of Asbestos Cement) of existing 6 and 8-inch old and deteriorated water mains with new 8-inch and 16-inch water mains. It also includes installing curb ramps and street resurfacing. The streets affected by Water Group 668 construction operations within this project are: Osprey Street, Barcelona Drive, Calaveras Drive, Cornish Drive, Novara Street and Piedmont Drive as shown on the location map. The streets affected by Water Group 726 construction operations within this project are: Udall Street, Tennyson Street, Alicia Drive, and Atascadero Drive, San Clemente Street, and Wabaska Court, west of Nimitz Boulevard, as shown on the location map.

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 \$4,810,779. Of the \$4,810,779 for the projects, \$3,367,545.30 will be financed with proceeds from the Subordinated Water Revenue Notes, Series 2007A. The remaining \$1,443,233.70 will be cash funded. Funding is available in Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for this purpose. No future 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 design, Water Group 668 and Water Group 726 were presented to the Peninsula Committee Planning Board on August 15, 2002. Once financing is approved, the community will be updated on the project.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-103: (Continued)

**SUPPORTING INFORMATION:** (Continued)

In addition, residents and businesses will be notified by mail by the City's Engineering and Capital Projects Department at least one (1) month before construction begins and again ten (10) days before construction begins by the Contractor through hand distribution of notices. Traffic control plans have been prepared for this project and will be implemented during construction.

**KEY STAKEHOLDERS & PROJECTED IMPACTS:**

- Residents in this area will encounter inconveniences during construction. After completion, residents will experience improved reliability of the water distribution system.
- Bureau Veritas aka Berryman and Henigar is the Consultant designer for Water Group 726.

Boekamp/Haas

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-104: Amendment No. 1 to the Agreement with the National Environmental Safety and Health Training Association (NESHTA).

[▶ View referenced exhibit back-up material.](#)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-91)

Approving the Amendment No. 1 to the Agreement with the National Environmental Safety and Health Training Association (Amendment 1) and authorizing the Mayor, or his designee, to execute the Amendment to increase the not-to-exceed amount of the Agreement by \$115,000, from \$180,000 to \$295,000, and to increase the term of the Agreement by 18 months to a revised term of 48 months, for additional English to Spanish translation of selected material from technical manuals;

Authorizing the expenditure of an amount not to exceed \$115,000 from Sewer Operating Fund 41506, for the purpose of funding the Amendment;

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 categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15306 as data collection, research and resource evaluation activities that do not result in a serious or major disturbance to an environmental resource.

**STAFF SUPPORTING INFORMATION:**

The City of San Diego and the State Water Resources Control Board (SWRCB) have worked together over the past several years to assist Mexican authorities in the planning and development of industrial pretreatment and wastewater treatment projects along the California/Baja California border. This work is to improve the operation of the International Wastewater Treatment Plant and to benefit the environment of the border region, including the ocean environment.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-104: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

As a part of this effort, SWRCB requested the City to translate from English to Spanish sections of a series of technical training manuals related to industrial pretreatment and wastewater treatment. The requested services included a series of workshops in Tijuana, Baja California to present the translated training materials to Baja California wastewater workers.

To fulfill the State's request, the City procured the professional consulting services of the National Environmental, Safety and Health Training Association (NESHTA). NESHTA controls the copyrights of the materials identified by the SWRCB to be translated. In addition, NESHTA is unique in that it has successfully provided such services on a recent, similar project for the City of San Diego.

As stated in a letter, dated June 11, 2003, from the SWRCB to Scott Tulloch, former Metropolitan Wastewater Department Director, all of the costs to the City for this work will be fully reimbursed by the State of California under the State's Defensive Measures Special Appropriation. MWWD staff established a scope of work with SWRCB and it was agreed that the cost of the project should not exceed \$180,000. In a letter, dated December 13, 2006, from the SWRCB to Scott Tulloch, approval was given to use remaining State Defensive Measures monies, limited to \$115,000, to allow translation of additional materials. Thus, MWWD seeks to amend the Agreement with NESHTA in order to increase the scope of work; the not-to-exceed amount by \$115,000, from \$180,000 to \$295,000; and the term of the Agreement by 18 months to a revised term of 48 months.

**FISCAL CONSIDERATIONS:**

The total of this request is \$115,000 and is available in Sewer Operating Fund 41506. This action will increase the value of the Agreement from \$180,000 to \$295,000. The State Water Resources Control Board (SWRCB) will fully reimburse the City for the costs incurred by the City under the Agreement with NESHTA.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:** N/A**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:** N/A**KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):**

- State Water Resources Control Board which seeks to improve the planning and development of industrial pretreatment and wastewater treatment projects along the California/Baja California border.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-104: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

- NESHTA which has the capability and resources to provide the translated materials necessary to improve industrial pretreatment and wastewater treatment projects along the California/Baja California border.

Bertch/Haas

Aud. Cert. 2700859.

Staff: Alan C. Langworthy - (619) 758-2300  
James W. Lancaster - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-105: First Amendment to Agreement with Vasquez + Marshall & Associates for Downtown Fire Station No. 1.

[▶ View referenced exhibit back-up material.](#)

(Centre City Community Area. District 2.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-149)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a First Amendment to the Agreement with Vasquez + Marshall & Associates, for Architectural Services for Downtown Fire Station No. 1, 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 shall deem necessary from time to time in order to carry out the purposes and intent of this Project and Agreement;

Authorizing a \$162,612 increase in the Fiscal Year 2008 Capital Improvement Program Budget in CIP-33-093.0, Downtown Fire Station No. 1, Fund No. 99044, Fire Stations;

Authorizing the appropriation and expenditure of an amount not to exceed \$162,612 from CIP-33-093.1, Downtown Fire Station No. 1, Fund 99044, Fire Stations, for the purpose of providing funds for the First Amendment with the Consultant;

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 (an amendment to an existing agreement) is not a "project" and is therefore not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3); while the overall activity is exempt from CEQA pursuant to CEQA Guidelines Section 15268(b), as the activity of rehabilitating Fire Station No. 1 is ministerial in nature.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-105: (Continued)

**STAFF SUPPORTING INFORMATION:**

Downtown Fire Station No. 1 is a 32 year old facility located on the first floor of the San Diego City Operation/Development Services Building. It is the largest Downtown fire station providing service to the entire community and handling over 12,000 calls for fire and medical assistance during the past year. The City hired Vasquez + Marshall & Associates through a phase funded agreement to provide professional services to prepare plans for the fire station remodeling. Phase I, which has been completed, provided for conceptual plans, and Phase II, which was nearing completion, provided for construction documents.

The scope for the improvements of the Downtown Fire Station No. 1 changed recently due to proposed future redevelopment plans of City buildings, including the building which houses Fire Station No. 1. Currently, Downtown contains only one other fire station within boundaries (Station No. 4 at Eight Avenue and J Street). Two new fire stations are planned but will not be constructed and become operational for several years.

Rehabilitation to Fire Station No. 1 will help maintain a safe and livable downtown environment, by allowing the City to ensure appropriate levels of fire services proportionate to population and activity level within coming years.

The scope of the project was modified to rehabilitate the Fire Station versus a complete remodel. A portion of the original work by the consultant may be reused for the new scope, such as the original research and base maps. However, the new scope will require additional services to design and specify different floor layouts, materials, modified asbestos abatement plans to include only portions to be disturbed, new electrical plans, the mechanical/ventilation system has to be studied and modified to make sure it is adequate for the new configuration, the kitchen area will have to be redesigned to match the existing size of the kitchen, and ADA restroom will have to be provided at a different location, etc.

**FISCAL CONSIDERATIONS:**

The total consultant's fee for professional services required for this First Amendment is \$162,612. Funds for this purpose are available in CIP-33-093.1, Downtown Fire Station No. 1, Fund No. 99044, Dept. No. 97743, Org. No. 4005.

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

- On July 22, 2003, City Council adopted Resolution R-298235 for Phase I of the phased-funded consultant agreement with Vasquez + Marshall & Associates for the remodel of Downtown Fire Station No. 1.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-105: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

- On April 4, 2005, the City adopted Resolution RR-300268 to receive funds from CCDC to fund Phase II of the consultant agreement with Vasquez + Marshall & Associates.
- On March 27, 2007, the City adopted Resolutions: RR-302472 and RR- 302473 to meet safety codes and authorize the expenditure of funds needed to rehabilitate Fire Station No. 1 in an amount not to exceed \$1.5 million.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

Fire Staff that work in the station.  
Vasquez + Marshall & Associates

Oskoui/Boekamp/Haas

Aud. Cert. 2800141.

Staff: Afshin Oskoui - (619) 533-3102  
Christina L. Bellows - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-106: Second Amendment to Participation Agreement with Metropolitan Transit System for Design and Construction of Wastewater Mains at San Ysidro Boulevard/Border Village Drive.

[▶ View referenced exhibit back-up material.](#)

(San Ysidro Community Area. District 8.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1301)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Second Amendment to the Participation Agreement with the Metropolitan Transit System (formerly Metropolitan Transit Development Board) for design and construction of wastewater mains at San Ysidro Boulevard/Border Village Drive, under the terms and conditions set forth in the Second Amendment;

Authorizing the expenditure of an amount not to exceed \$68,394.36 from Sewer Fund No. 41506, CIP-44-001.0, Sewer Main Replacements, San Ysidro MTDB Sewer Main Relocation Project, solely and exclusively, to provide funds for the above Second Amendment;

Declaring that 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 entered into a Participation Agreement with the Metropolitan Transit District (MTDB) for the relocation of sewer facilities as part of MTDB's San Ysidro Trolley Station Enhancement project. The work consisted of the abandonment of the existing sewer, located in an easement along the railroad tracks behind the commercial buildings fronting San Ysidro Boulevard, and the construction of new sewer facilities on San Ysidro Boulevard and Border Village Drive per City Council Resolution RR-297018 dated September 3, 2002, in the amount of \$903,890.

During construction, underground facilities were discovered requiring additional design and post-design services including geotechnical testing, tunneling, and drainage revisions. On February 9, 2004, the City Council passed Resolution RR-298851 authorizing additional funding of \$217,000 for construction and contingencies.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-106: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

This action also amended the participation agreement. MTDB was authorized an additional \$190,783.76 bringing the contract total to \$1,094,673.76.

During the construction work for replumbing the buildings along San Ysidro Blvd. to the new sewer, it was discovered that the replumbing would require more work than originally anticipated. In addition to an increase in construction services, the buildings required additional design and post-design services including revision to the plans, and in the case of the "Price Buster Warehouse", night work was required so not to disrupt the daytime operations of the warehouse.

This action will amend the participation agreement for a not to exceed amount of \$68,394.36 bringing the total contract cost to \$1,163,068.12.

FISCAL CONSIDERATIONS:

The total of this request is \$68,394.36 and is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacements bringing the total contract cost to \$1,163,068.12. The project costs may be bond reimbursed approximately 80% by current or future debt financings.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On September 3, 2002, the City Council adopted Resolution No. RR-297018 authorizing the Participation Agreement with MTDB for the construction of new sewer facilities on San Ysidro Boulevard and Border Village Drive, and on February 9, 2004, the City Council adopted Resolution No. RR-298851 authorizing Amendment No. 1 in the amount of \$190,783.76 in additional funding for the project.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

All public outreach efforts, such as community presentations and construction updates, were done by MTDB.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Metropolitan Transit District (MTDB)

Ferrier/Haas

Aud. Cert. 2700874.

Staff: Allan Navarro - (858) 292-6459  
Thomas C. Zeleny - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-107: Procurement of Peroxide Regenerated Iron-Sulfide Control PRI-SC/PRI-CEPT (Hydrogen Peroxide) from U.S. Peroxide.

[▶ View referenced exhibit back-up material.](#)

(Point Loma Community Area. District 2.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-136)

Approving Bid Number 87-07-C for the procurement of chemical supplies and services for Peroxide Regenerated Iron-Sulfide Control from U.S. Peroxide (the U.S. Peroxide Procurement) for an initial period of one year, with the option to renew for four additional one year periods, in an amount not-to-exceed \$1,934,500 for the first year, 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 for the first year and for the option periods if the options are exercised;

Authorizing the expenditure of an amount not to exceed \$1,934,500 from Sewer Fund 41508, Dept. 771, solely and exclusively, for the first year of the U.S. Peroxide Procurement, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378(a) because this activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-107: (Continued)

**STAFF SUPPORTING INFORMATION:**

U.S. Peroxide completed a full-scale demonstration study, conducted in the summer of 2006. This study provided the use of an upstream addition of ferrous chloride (FeC12) at Pump Station 1 followed by a downstream addition of hydrogen peroxide (H2O2) at Pump Station 2 and then again at the influent to the Point Loma Wastewater Treatment Plant for the purpose of regenerating spent iron ferric sulfide (FeS). The study showed that it was cost effective, saving up to \$250,000 per year in chemical costs.

**FISCAL CONSIDERATIONS:**

The not-to-exceed amount of \$1,934,500 for the first year is available in the FY 2008 MWWD operating budget, Sewer Fund 41508. This action is funded from the sewer revenue rates only.

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

None. (N.A. for the less expensive pilot test.)

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The initial demonstration study was presented to the Metro Commission and the Public Utilities Advisory Commission (PUAC) in April 2006. Recommendations from both were to proceed with this study.

**KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):**

The regional ratepayers for the Metropolitan Wastewater System may benefit from reduced treatment expense.

US Peroxide, LLC

Ferrier/Haas

Aud. Cert. 2800082.

Staff: Lori Vereker - (858) 614-4539  
James W. Lancaster - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-108: Reallocation of Funding Sources for the Agreement with Tran Consultant Engineers for Televising Sewer Main Annual Contract 2004.

[▶ View referenced exhibit back-up material.](#)

(Citywide.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-94)

Reallocating the funding sources for the Tran Agreement by decreasing funding source CIP-46-169.0, East Mission Gorge Force Main Project, in the amount of \$268,929, and increasing funding source Sewer Operating Fund No. 41506, Department 773, in the amount of \$268,929 to provide inspections of other large diameter pipe for cleaning assessment purposes to meet the Consent Decree requirements.

**STAFF SUPPORTING INFORMATION:**

Per Resolution Number R-299327, adopted June 14, 2004, \$300,000 of the \$2,053,691 contract with Tran Consultant Engineers (TCE) was allocated to CIP-46-169.0, East Mission Gorge Force Main Project for the inspection of this force main. However, the Metropolitan Wastewater Department (MWWD) and TCE did not agree on the procedure necessary and the cost of the proposed inspection of the force main. Only \$31,071 was spent on their effort to address environment safeguards, operational and safety plans and the coordination with MWWD's Wastewater Treatment and Disposal Division which operates the East Mission Gorge Pump Station. The remaining \$268,929 shall be applied toward CCTV operational inspections of large diameter pipe for cleaning assessment purposes to meet the Consent Decree requirements.

**FISCAL CONSIDERATIONS:**

The total amount of this request is \$268,929 and is available in Sewer Operating Fund 41506, Department 773. This action is funded from sewer revenue rates only.

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

- R-299327 dated June 14, 2004, Televising Sewer Mains Annual Contract-2004 Tran Consulting
- R-300213 dated March 14, 2005, Amendment #3
- R-301174 dated January 23, 2006, Amendment #7

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-108: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

None needed for this action.

**KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):**

Tran Consulting Engineers.

No impact with this action.

Ferrier/Haas

Aud. Cert. 2700860.

Staff: Larry Sherry - (858) 654-4247  
James W. Lancaster - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-109: Balboa Park Information Kiosk Funding.

▶ [View referenced exhibit back-up material.](#)

(See memorandum from Councilmember Atkins dated 1/20/2004. Balboa Park Community Area. District 3.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-120)

Authorizing the City Auditor and Comptroller to appropriate and expend funds in the amount of \$50,000 from Fund No. 60253, Balboa Park Inspiration Point Landscape, Job Order 602535, Design and Installation of Five Kiosks for the construction of the Balboa Park Information Kiosk Project, via the Friends of Balboa Park, contingent upon the Auditor and Comptroller first certifying that the funds are, or will be, on deposit with the City Treasurer;

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

Declaring that this project has been previously exempted under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures. This action involves transfer of funds for project construction only. There is no additional environmental impact associated with this action.

**STAFF SUPPORTING INFORMATION:**

The Balboa Park Central Mesa Precise Plan calls for the installation of information kiosks at various locations in the Central Mesa area of Balboa Park. The Friends of Balboa Park, a non-profit 501(c)(3) organization, has undertaken the installation of these kiosks as one of their many projects. A Donation and Operating Agreement between the City and the Friends of Balboa Park was recently approved by City Council for the installation, operation and maintenance of the kiosks.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-109: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

On January 20, 2004, Councilmember Atkins, Council District 3, requested that \$50,000 from Fund No. 60253, Balboa Park Inspiration Trust Fund, be set aside for the design and construction of the kiosks in conjunction with the Friends of Balboa Park. The current estimated cost of construction is approximately \$370,000. The \$50,000 will be applied to actual construction cost only. Upon authorization, staff will issue a purchase order to the Friends of Balboa Park, and reimburse up to \$50,000 in construction expenses upon receipt of invoices and valid documentation of expenses.

**FISCAL CONSIDERATIONS:**

Upon approval of the resolution, the City will contribute \$50,000 toward the construction of the kiosks and the Friends will contribute approximately \$320,000 toward the construction of the kiosks. The Friends of Balboa Park will be responsible for the operation of the kiosks and for a majority of the maintenance of the kiosks. The City will be responsible for minor exterior maintenance of the kiosks, such as graffiti abatement and cleaning.

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

- On July 25, 1989, City Council adopted the Balboa Park Master Plan (Resolution No. R-274089).
- On October 20, 1992, City Council adopted the Balboa Park Central Mesa Precise Plan (Resolution No. R-280920).
- On March 27, 2007, City Council approved Resolution R-302426 authorizing the Donation and Operating Agreement between the City and the Friends of Balboa Park for the Balboa Park Information Kiosk project.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

- On November 14, 2001, the Park and Recreation Board's Design Review Committee recommended approval of the design and locations of the kiosks.
- On October 6, 2005, the Park and Recreation Board's Balboa Park Committee recommended approval of the design and location of the kiosks and the Donation and Operating Agreement.
- On November 30, 2006, the Historical Resources Board's Design Assistance Subcommittee recommended approval of the design and location of the kiosks.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-109: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

This project has been presented to the Balboa Park Cultural Partnership and the Balboa Park Cultural Assembly, and has received endorsement from both groups. Other stakeholders include Estrada Land Planning as the design consultant and Kiosk Arts LLC as the maintenance and management subcontractor to the Friends of Balboa Park.

LoMedico/Reynolds

Aud. Cert. 2800054.

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-110: Grant Application to the California Department of Conservation-Division of Recycling for Trash and Recycling Containers at Four City Parks.

[▶ View referenced exhibit back-up material.](#)

(Mission Trails Regional Park and Shoreline Parks (Sunset Cliffs Natural Park, Ocean Beach and La Jolla Shores/Kellogg Park) Community Areas. Districts 1, 2, and 7.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-132 Cor. Copy)

Authorizing the Mayor, or his designee, to apply for and take all necessary actions to secure funding in the amount of \$149,736.05 from the California Department of Conservation Division of Recycling, to purchase and install trash and recycling containers in Mission Trails Regional Park, Sunset Cliffs Natural Park, Ocean Beach Park, and La Jolla Shores/Kellogg Park;

Authorizing 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 subject to approval by the Mayor of final grant terms;

Authorizing the Environmental Services Department Director to administer and operate the program when such grant funds are received;

Declaring that the above activity (applying for and expending grant funds) is not a project and therefore is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3); and that the above activity (placing recycling and trash bins in public parks and providing educational programs) is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15301, 15303, 15306, and 15311.

**STAFF SUPPORTING INFORMATION:**

This project is a partnership between the City of San Diego's Environmental Services Department (ESD) and Park and Recreation Department (P&R), to develop and implement a comprehensive recycling and litter reduction program at target San Diego parks.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-110: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

The project would include installation of special recycling and refuse containers, provision of collection equipment and a comprehensive public education and outreach campaign to promote "away from home" recycling in four of the most popular City parks: Mission Trails Regional Park, the second largest urban park in the nation; Sunset Cliffs Natural Park, a dedicated regional resource based park included in the City of San Diego's Multiple Species Conservation Plan; Ocean Beach and La Jolla Shores/Kellogg Park, two of the most popular beaches in the City; The selected areas are very well attend throughout the year, have a need for recycling infrastructure and will serve as pilot programs and models for future expansion of the City's efforts to extend recycling at all its parks and shoreline areas. The selected areas will significantly increase general awareness about recycling in the City, and assist the City in meeting state mandated recycling goals. The selected areas are also very popular tourist points, which will assist in projecting and solidifying nationally and internationally, the image of the City of San Diego as an environmentally responsible;

**FISCAL CONSIDERATIONS:**

ESD is eligible for \$149,736.05 from a DOC funded grant pursuant to Public Resources Code (PCR), Division 12.1, Chapter 7, Section 14581(a)(6). ESD will be responsible for \$49,810 in matching funds, from the Recycling Enterprise Fund. These matching funds are budgeted in ESD'S FY08 budget. Some revenues will be realized from the recycling containers located at Mission Trails Regional Park. The revenues received cannot be estimated at this time because they are dependent on the participation by park visitors, the contamination, and the recycling markets. In addition, this is a pilot program.

**PREVIOUS COUNCIL COMMITTEE ACTION:**

As a result of previous Council approvals, in 2000 ESD received \$6,840,000 from a DOC grant to expand automated recycling collections to a minimum of 190,000 City of San Diego single-family homes, which allowed for the City's expansion of the very successful curbside recycling program. In 2004, ESD worked in a partnership with Keep California Beautiful on a \$50,000 grant they received for purchasing recycling containers for Balboa Park, Horton Plaza and UTC shopping malls.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The special recycling and refuse bins proposed on this project have been successfully used at other cities such as Solana Beach, Encinitas, Oceanside, Lancaster, San Clemente and Long Beach, among many others. All these cities have experienced enhancement in the communities' cleanliness and safety, which are also our goals. The expectation is that communities will benefit from the program by:

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-110: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

1. Eliminating or minimizing litter problem at the selected locations.
2. Reducing vandalism of recycling and refuse bins.
3. Enhancing public safety by decreasing confrontations between staff and scavengers.

An educational/outreach campaign is also planned, involving proper container signage and a possible media event documenting the kick-off of the program at each community;

**KEY STAKEHOLDERS:**

The program includes close evaluation of the use and convenience of the containers for each site. A community survey will be conducted to assess the program's strengths and weaknesses and to address public concerns and suggestions. ESD will work with P&R staff, Mission Trails National Park Foundation, Sunset Cliffs Natural Park Recreation Council, La Jolla Park and Recreation Council and La Jolla Town Council to evaluate the program and look for ways to improve it and expand it to all City parks and shoreline areas.

Aud. Cert. 2800133.

Staff: Kip Sturdevan - (858) 573-1214  
Michael P. Calabrese – Chief Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-111: Grant Application to the California Department of Conservation-Division of Recycling to Purchase Trash and Recycling Containers for Special Events.

[▶ View referenced exhibit back-up material.](#)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-133 Cor. Copy)

Authorizing the Mayor, or his designee, to apply for and take all necessary actions to secure funding in the amount of \$122,297.62 from the California Department of Conservation - Division of Recycling, to purchase trash and recycling containers for special events, as defined in San Diego Municipal Code Section 22.4003, held within City limits;

Authorizing the City Auditor and Comptroller, subject to approval by the Mayor of final grant terms, 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 Environmental Services Department Director to administer and operate the program when such grant funds are received;

Declaring that 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:**

This project is a partnership between the City of San Diego's ESD and San Diego Urban Corps, to provide assistance to special event organizers by offering free recycling and trash containers and signs at special events throughout all districts within the City. The project would include the purchase of ClearStream collapsible recycling and trash containers which are easily transportable to and from events, as well as a smaller number of recycling containers to possibly be used at long-term events such as soccer competitions, golf tournaments, etc. Urban Corps would store all containers and has devised a check-in/check-out procedure for which the event organizers can use the containers at no cost.

State Law AB 2176 requires that recycling is taking place at special events and large venues which the City is required to report on every year.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-111: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

The lack of recycling containers secured by the City for special events has been a hindrance to many of the special event organizers. This grant would help those organizers comply with the law at no cost to their budget. These containers would also send a message to the public attending their event(s) that recycling is happening throughout the City and at all events requiring any type of City issued permit. Many of the special events held throughout San Diego are in areas that are also very popular tourist points, which will assist in projecting and solidifying San Diego as an environmentally responsible city.

**FISCAL CONSIDERATIONS:**

ESD is eligible for \$122,297.62 from a DOC funded grant pursuant to Public Resources Code (PCR), Division 12.1, Chapter 7, Section 14581(a)(6).

**PREVIOUS COUNCIL COMMITTEE ACTION:**

As a result of previous council approvals, in 2000 ESD received \$6,840,000 from a DOC grant to expand automated recycling collections to a minimum of 190,000 City of San Diego single-family homes, which allowed for the City's expansion of the very successful curbside recycling program. In 2004, ESD worked in partnership with Keep California Beautiful on a \$50,000 grant they received for purchasing recycling containers and signage for Balboa Park, and Horton Plaza and UTC shopping malls.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The special ClearStream recycling and trash containers proposed for this project have been successfully used in other municipalities such as the County of San Diego, Clackamas County and the cities of Eugene and Portland, Oregon. These cities have experienced increased participation and enhancement in the communities' overall recycling goals.

An educational/outreach campaign is also planned, involving proper container signage and a possible media event documenting the kick-off of the program.

**KEY STAKEHOLDERS:**

ESD and Urban Corps will continually evaluate the program and look for ways to improve and expand it.

Heap/Haas

Aud. Cert. 2800134.

Staff: Kip Sturdevan - (858) 573-1214

Michael P. Calabrese – Chief Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-112: Mira Mesa Banner District Program.

[▶ View referenced exhibit back-up material.](#)

(Mira Mesa Community Area. District 5.)

**COUNCILMEMBER MAIENSCHWEIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-59)

Repealing Resolution No. R-294107, passed on November 14, 2000, and reestablishing a new Mira Mesa Banner District. The new District will be limited to Mira Mesa Boulevard and said project will be reviewed by the Mira Mesa Planning Group 12 months after installation.

**SUPPORTING INFORMATION:**

This is a request to approve a resolution repealing the old Mira Mesa Banner District, as adopted per Resolution Number R-294107, and reestablishing a new Mira Mesa Banner District. The new District will be limited to Mira Mesa Blvd. The project will also be reviewed by the Mira Mesa Town Council and Mira Mesa Planning Group 12 months after installation.

**FISCAL CONSIDERATIONS:**

Mira Mesa Town Council will pay for costs associated with processing this District.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:** None.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:** None with this action.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

The Mira Mesa Planning group and Mira Mesa Town Council both support the banner district.

Nguyen/Witmond

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-113: Easement Grant to the San Diego Association of Governments (SANDAG) for the Construction, Operation, and Maintenance of Public Bus Rapid Transit Center in the Community of Sabre Springs/Peñasquitos.

[▶ View referenced exhibit back-up material.](#)

(See letter from Gary L. Gallegos dated 7/26/2007. Sabre Springs/Peñasquitos Community Area. District 5.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-106)

Declaring that an easement in the City-owned, approximate 1.331-acre parcel of land (Parcel, APN 316-420-04) located in the southwest quadrant of the intersection of Ted Williams Parkway and Sabre Springs Parkway in the City and County of San Diego, California, and more particularly described in the Grant of Easement and Agreement (Grant), is required for a public purpose;

Declaring the Council deems the granting of an easement in the Parcel to the San Diego Association of Governments, a legislatively-created regional government agency (SANDAG), at no charge to be used solely for the construction, operation, and maintenance of a public bus rapid transit center for the City's Sabre Springs/Peñasquitos community, planned to consist of eight bus bays, associated transit furnishings, and requisite park-and-ride facilities, to be fair and equitable and in the public interest;

Authorizing the Mayor, or his designee, to execute and deliver, on behalf of the City of San Diego, the Grant to SANDAG.

**STAFF SUPPORTING INFORMATION:**

The 1.331 acres has been in use as a Park & Ride Facility by Caltrans since it was acquired in 1991. The granting of this easement for this site to SANDAG will maintain the original intent of its acquisition. The deed will contain a reversionary clause, stating that if and when the property ceases to be used for a public transportation facility that it will revert back to the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-113: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

The San Diego Association of Governments (SANDAG) plans to construct a bus rapid transit (BRT) center in the community of Sabre Springs/Peñasquitos within the City of San Diego. Specifically, SANDAG would construct a 5.64-acre transit center consisting of eight bus bays, associated transit furnishings, and requisite park-and-ride facilities. The California Department of Transportation (Caltrans) would build an access road and Direct Access Ramp (DAR) to connect the transit center with the I-15 Managed Lanes project. The Sabre Springs/Peñasquitos transit center would become an integral piece of the I-15 Managed lanes/transit corridor.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

- Sabre Springs Community Planning Group comments to the MND - February 2002 Public workshop on March 25, 2004
- Presentation to the Sabre Springs Community Planning Group - Spring 2005 & 2007.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

The construction of this transit center would increase transit opportunities, provide direct connections to local transit routes, and encourage mass transit as well as shared rider ship in the San Diego region, particularly along the I-15 corridor.

Barwick/Waring

Staff: David Sandoval - (619) 236-5542  
Brock Ladewig – Chief Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-114: Façade Easement for the John Ginty House.

[▶ View referenced exhibit back-up material.](#)

(Centre City Community Area. District 2.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1269)

Authorizing the Mayor, or his designee, to accept, for and on behalf of the City of San Diego, an Architectural Façade Easement for the John Ginty House located at 1568 Ninth Avenue, on all four façade of the residence, as described in the Grant of Architectural Façade Easement;

Authorizing the City Auditor and Comptroller to collect an initial processing fee of \$500 and an annual \$300 inspection fee for City services render to this easement.

Staff: David Sandoval - (619) 236-5548  
Todd Bradley - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-115: Settlement of Personal Injury Subrogation Claim of Specialty Risk Services.

[▶ View referenced exhibit back-up material.](#)

(District 2.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-101 Cor. Copy)

A Resolution approved by the City Council in Closed Session on Tuesday, July 24, 2007, by the following vote: Council President Peters-yea; Faulconer-yea; Atkins-yea; Council President Pro Tem Young-not present; Maienschein-not present; Frye-yea; Madaffer-yea; Hueso-yea.

Authorizing the City Auditor and Comptroller to issue a check in the sum of \$85,000 made payable to Specialty Risk Services in full settlement of the lawsuit and of all claims;

Authorizing the City Council to appropriately transfer funds of \$85,000 from ~~the General Fund unallocated reserves to the Public Liability Fund 41506~~ MWWD Funding.

**STAFF SUPPORTING INFORMATION:**

The proposed settlement would resolve all claims arising from the Personal Injury Subrogation Claim.

**FISCAL CONSIDERATIONS:**

Settlement will be paid from MWWD Funding.

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

This item was considered in closed session on July 24, 2007, the City Council approved the settlement amount of \$85,000. City Council voted 6 to 0. The motion was made by Councilmember Hueso with a second by Councilmember Atkins. Councilmember Maienschein and Councilmember Young were absent.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:** N/A

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-115: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:** N/A

Hsu/Goldstone

Aud. Cert. 2800128.

**NOTE:** The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

Staff: Janice Ellis - (619) 236-7705  
Bonny Hsu - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-116: Settlement of Personal Injury Claim of Paul Anthony Lopez, et al.

[▶ View referenced exhibit back-up material.](#)

(District 2.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-996)

A Resolution approved by the City Council in Closed Session on Tuesday, March 27, 2007, by the following vote: Council President Peters-yea; Faulconer-yea; Atkins-yea; Council President Pro Tem Young-not present; Maienschein-yea; Frye-yea; Madaffer-not present; Hueso-not present.

Authorizing the City Auditor and Comptroller to issue five checks in the sum total of \$85,000, in full settlement of this lawsuit and of all claims to be paid by issuing five checks as follows:

1. \$1,940 to Accent noted as "agent for Sante Health and Blue Shield for David Lopez"
2. \$2,560 to Paul and Estela Lopez for minor David Lopez
3. \$1,075 to Accent noted as "agent for Sante Health and Blue Shield for Alex Lopez"
4. \$2,425 to Paul and Estela Lopez for minor Alex Lopez
5. \$77,000 to Paul and Estela Lopez and attorney Francisco Sanchez, Jr.

Authorizing the City Council to appropriately transfer funds of \$85,000 from the General Fund Unallocated Reserves to the Public Liability Fund 81140

**STAFF SUPPORTING INFORMATION:**

The proposed settlement would resolve all claims brought by Paul Anthony Lopez, et al.

**FISCAL CONSIDERATIONS:**

Settlement will be paid from the Public Liability Fund.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-116: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This item was considered in closed session on March 27, 2007, the City Council approved the settlement amount of \$85,000. City Councilmember Atkins moved, Faulconer seconded; voted 5-0 passed, absent were Councilmembers Madaffer, Young, and Hueso.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Riley/Goldstone

Aud. Cert. 2800068.

**NOTE:** The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

Staff: John Riley - Deputy City Attorney (619) 236-7263

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-117: Partial Settlement of the Property Damage Claim of John Trunkey.

[▶ View referenced exhibit back-up material.](#)

(La Jolla Community Area. District 1.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-107)

A Resolution approved by the City Council in Closed Session on Tuesday, July 17, 2007, by the following vote: Council President Peters-yea; Faulconer-yea; Atkins-yea; Council President Pro Tem Young-yea; Maienschein-not present; Frye-yea; Madaffer-yea; Hueso-not present.

Authorizing the Mayor to pay from the Water Utility Fund up to, but not exceeding \$50,000 as partial settlement of expenses related to the Property Damage claim of John Trunkey arising from a water main break;

Authorizing the City Auditor and Comptroller to issue checks in various amounts up to, but not exceeding \$50,000 to various payees.

**STAFF SUPPORTING INFORMATION:**

The proposed partial settlement would allow the payment of accruing costs while the claim is being investigated and settled.

**FISCAL CONSIDERATIONS:**

The partial settlement will be paid from the Water Utility fund.

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

This item will be heard in Closed Session. In the Closed Session of July 17, 2007, the City Council voted 6 to 0 with Councilmembers Maienschein and Hueso absent. The motion was made by Council President Peters and the second by Councilmember Madaffer.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:** N/A

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-117: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:** N/A

Bych/Goldstone

Aud. Cert. 2800051.

**NOTE:** The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

Staff: James Coldren - (619) 236-5598  
Christine M. Fitzgerald - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-118: Reverend Robert C. Ard Day.

[▶ View referenced exhibit back-up material.](#)

**MAYOR SANDERS', COUNCIL PRESIDENT PRO TEM YOUNG'S, AND  
COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2008-109)

Commending Reverend Robert C. Ard for his thirty-five years of service to the San Diego community and his forty-seven years of marriage;

Proclaiming July 28, 2007, to be "Reverend Robert C. Ard Day" in the City of San Diego.

\* ITEM-119: Jamie Barton Day.

[▶ View referenced exhibit back-up material.](#)

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2008-116)

Commending Jamie Barton for his years of service to the San Diego labor community;

Proclaiming September 8, 2007, to be "Jamie Barton Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-120: Dave Konstantin Day, 2007 Honoree for Clairemont Family Day.

[▶ View referenced exhibit back-up material.](#)

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-97)

Proclaiming August 4, 2007, to be "Dave Konstantin Day" in the City of San Diego and commending Dave Konstantin for his tireless civic and personal commitment to the Community of Clairemont in the City of San Diego.

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

[▶ View referenced exhibit back-up material.](#)

(District 8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2007-1213)

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

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

[▶ View referenced exhibit back-up material.](#)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2007-1232)

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

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

**NOTE: This item may be taken in the morning session if time permits.**

ITEM-330: Approval of Participation and Administration Agreements in San Diego City Employees' Retirement System (SDCERS) Group Trust.

[▶ View referenced exhibit back-up material.](#)

(Continued from the meetings of June 18, 2007, Item 200; June 26, 2007, Item S400; and July 10, 2007, Item 339; last continued at the request of City Attorney, for further review.)

**SAN DIEGO CITY EMPLOYEES' RETIREMENT SYSTEM'S RECOMMENDATION:**

Take the following actions:

Approving the attached Participation and Administration Agreement between SDCERS and the Unified Port District; and

Approving the attached Participation and Administration Agreement between SDCERS and the Airport Authority; and

Approving the attached Participation and Administration Agreement between SDCERS and the City of San Diego;

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

**SUPPORTING INFORMATION:**

Along with the City, the Port and the Airport Authority participate in SDCERS under City Charter Section 149 and San Diego Municipal Code Sections 24.1801 et seq. These provisions allow a public agency to contract with SDCERS to participate in the SDCERS Trust Fund, after the City Council makes a finding that the public agency is eligible and approves the contract between the agency and SDCERS. In 2002, the City Council found that the Port and the Airport Authority were eligible to participate in SDCERS under Charter Section 149, and approved the initial contracts between SDCERS and each agency.

Under Charter Section 149 and Municipal Code Section 24.1806, all funds contributed by a contracting public agency and its employees must be held in trust and used only to pay benefits and necessary expenses related to administering the retirement benefits of that agency.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ITEM-330: (Continued)

**SUPPORTING INFORMATION:** (Continued)

In order to carry out the intent of these provisions, and prevent the use of any contracting agency's plan assets to pay the liabilities associated with another agency's plan, tax counsel advised SDCERS to establish a Group Trust, within which SDCERS would administer each public agency's plan as a separate trust. Based on this advice, on March 16, 2007, the SDCERS Board unanimously approved a "Declaration of Trust" establishing the SDCERS Group Trust effective July 1, 2007. At that same time, the Board unanimously approved the three attached Participation and Administration Agreements with the City, the Port and the Airport Authority.

The Port and Airport Authority Boards have unanimously approved their respective Participation and Administration Agreements. Municipal Code Section 24.18020(j) requires that the Participation and Administration Agreements between SDCERS and each contracting public agency be approved by the City Council by Resolution.

A Council vote to approve the Participation and Administration Agreements of the City, Port, and Airport will ensure that the plan assets associated with each plan sponsor currently participating in SDCERS are unavailable to satisfy the liabilities of each other plan sponsor's plan. Both the Port and Airport Boards have made it clear that the participation of their assets in the SDCERS Group Trust is critical to their continued participation in SDCERS. If the City Council does not approve their Participation and Administration Agreements, the Port and Airport may be forced to seek out another pension alternative to SDCERS.

**FISCAL CONSIDERATIONS:**

There is no financial impact associated with this action.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:** None.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:** N/A

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

The key stakeholders are the City, Port, and Airport Authority, as well as their employees and retirees. Council approval of the three SDCERS Group Trust Participation and Administration Agreements will assure the employees and retirees of all three agencies that the assets in their retirement plans are safe from claims by or against the other SDCERS-administered plans.

Hebrank/Wescoe

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

**NOTE: This item may be taken in the morning session if time permits.**

ITEM-331: City of San Diego's Participation in Amicus Curiae Brief in the Case of *In Re: Marriage Cases*.

[▶ View referenced exhibit back-up material.](#)

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Take the following actions:

Declaring the City of San Diego's support for eliminating discrimination against same sex couples in the State of California's civil marriage laws, acknowledging the initiative of the City and the County of San Francisco in its appeal to the California Supreme Court, and directing the City Attorney to sign on to the *amicus curiae* brief in support of San Francisco in a timely manner so as to comply with the Court's September 17, 2007 deadline.

**SUPPORTING INFORMATION:**

The California Supreme Court is currently considering the case of *In Re: Marriage Cases* which involves several lawsuits filed in March 2004 on behalf of same sex couples denied the ability to marry in California, many of whom had applied to obtain marriage licenses in San Francisco during the period when San Francisco was issuing such licenses to all couples, regardless of sexual orientation. Before these couples could marry, the California Supreme Court ordered San Francisco Mayor Gavin Newsom to stop issuing licenses to same sex couples. At the same time, the state Supreme Court invited litigation to resolve the constitutional issues presented by the discrimination against same sex couples in the state's civil marriage laws.

In 2005, San Francisco Superior Court Judge Richard Kramer ruled that it was unconstitutional to deny same sex couples the right to marry because it violated California's equal protection guarantees and the fundamental right to marry, which has been recognized through a long line of jurisprudence, including landmark cases eliminating statutory prohibitions against interracial marriage. As a general proposition, rights deemed fundamental may not be restricted without a compelling governmental justification. In the current case, the state argues that the traditional exclusion of same sex couples from marriage and the desire of the majority of Californians to maintain that discrimination is its justification.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ITEM-331: (Continued)

**SUPPORTING INFORMATION:** (Continued)

The Superior Court decision was overturned by the California Court of Appeal in 2006. In eight *amicus curiae* (friend-of-the-court) briefs filed with the Court of Appeal, more than 250 religious and civil rights organizations urged the court to end the discrimination in state law against same sex couples. Among these amici were the California NAACP, the Mexican American Legal Defense and Educational Fund (MALDEF), the United Church of Christ, the Union for Reform Judaism, the Unitarian Church, and the California Council of Churches.

The case has now been appealed to the California Supreme Court and a number of local governments will submit an *amicus* brief on or before September 17, 2007, urging the Court to overturn the Court of Appeal.

The essence of the argument in the local government brief is that government's duty to treat all equally is not trumped by any compelling, or even rational, governmental goal. The *amicus* brief argues that the mere desire to exclude a traditionally disfavored group - even a desire that is popular and of long standing - can never be a constitutionally sufficient reason to deprive Californians of any right conferred by the laws of this state. The brief further asserts that the creation of a separate, but somewhat less equal, institution for same sex couples -- that is, domestic partnership -- does not fulfill the state's obligation to equal protection. Not only is domestic partnership an inferior institution because it provides fewer rights and obligations than marriage in a variety of ways, it is also inferior in that it does not carry with it the societal imprimatur of approval and support for a couple's commitment to each other that is associated with marriage.

Current local government signers of the *amicus brief* include the cities of Los Angeles, San Jose, Oakland and Berkeley and San Mateo and Santa Clara Counties. The addition of San Diego, the state's second largest city, to the list of municipalities signing the brief would not only be extremely persuasive to the Court, it will also be persuasive with other local governments currently considering whether or not to join the case as an *amicus*.

**FISCAL CONSIDERATIONS:**

There is no financial impact associated with this action.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:** None.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:** N/A

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ITEM-331: (Continued)

**SUPPORTING INFORMATION:** (Continued)

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

The key stakeholders are the City, parties to the litigation, and same sex couples throughout the state who wish to marry. Council approval of this action will enhance the likelihood that these couples will receive equal treatment under California law.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

**The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.**

ITEM-332: In the Matter of the First Report to the Securities and Exchange Commission (SEC) by the San Diego Independent Monitor dated June 7, 2007.

[▶ View referenced exhibit back-up material.](#)

(See memorandum from Councilmember Atkins dated 7/30/2007, letter from Kelly C. Bowers dated 7/23/2007, and Initial Report of Independent Consultant dated 6/7/2007.)

**COUNCIL PRESIDENT PETERS' RECOMMENDATION:**

Report from the Independent Monitor, Council discussion and possible Council action regarding the First Report to the SEC by the San Diego Independent Monitor dated June 7, 2007.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

**The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.**

ITEM-333: City Response to July 23, 2007 Securities and Exchange Commission Letter.

[▶ View referenced exhibit back-up material \(Part 1 of 2\).](#)

[▶ View referenced exhibit back-up material \(Part 2 of 2\).](#)

(See letter from Jay M. Goldstone dated 8/7/2007 and Power Point Presentation regarding Response to Securities and Exchange Commission Letter from Audit Committee dated 8/6/2007.)

**MAYOR SANDERS' RECOMMENDATION:**

Take the following actions:

Authorizing the Mayor to submit City's Response to July 23, 2007 Securities and Exchange Commission letter;

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

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

**The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.**

ITEM-334: Two actions related to Consultant Agreement – Regents Road Bridge and Limited Roadway Changes Project.

[▶ View referenced exhibit back-up material \(Part 1 of 2\).](#)

[▶ View referenced exhibit back-up material \(Part 2 of 2\).](#)

(See memoranda from City Attorney dated 7/24/2007 and 4/04/2007; memorandum from Kevin P. Sullivan and William J. Schwartz, Special Counsel dated 7/13/2007; and letter from American Society of Civil Engineers dated 7/27/2007. University Community Area. District 1.)

(Continued from the meeting of July 31, 2007, Item 333, at the request of the Mayor's Office, for further review.)

**STAFF'S RECOMMENDATION:**

Adopt the resolution in Subitem A and introduce the ordinance in Subitem B:

Subitem-A: (R-2008-110)

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).

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:  
(Continued)

ITEM-334: (Continued)

Subitem-B: (O-2008-16 Cor. Copy)

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.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:  
(Continued)

ITEM-334: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

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.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:  
(Continued)

ITEM-334: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

**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

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

**The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.**

ITEM-335: Stebbins Residence, demolition of an existing one story duplex, and the construction of a three story-single family residence. Located at 5166 West Point Loma Boulevard. Ocean Beach Community Area. (Dist. 2)

▶ [View referenced exhibit back-up material \(Part 1 of 3\).](#)

▶ [View referenced exhibit back-up material \(Part 2 of 3\).](#)

▶ [View referenced exhibit back-up material \(Part 3 of 3\).](#)

Matter of the appeal by Randy Berkman and Landry Watson, of the Planning Commission's decision in approving an application for a Coastal Development Permit (CDP) and a Site Development Permit (SDP) for the demolition of an existing one-story duplex, and the construction of a new 1,749 square-foot, three-story single family residence above an 816 square-foot basement garage on a 2,500 square-foot site and to allow for deviation from the regulations for Special Flood Hazard Areas, to permit development of the residential structure at 7.1 feet below the Base Flood Elevation where two(2) feet above the Base Flood Elevation is required. The property is located at 5166 West Point Loma Boulevard in the RM 2-4 Zone, Coastal Overlay Zone (appealable-area), Coastal Height Limit Overlay Zone, First Public Roadway, Beach Parking Impact Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, and the 100-year Flood-plain Overlay Zone, within the Ocean Beach Precise Plan and Local Coastal Program Land Use Plan (LPL).

(See Report to City Council No. 07-091/Mitigated Negative Declaration No. 51076/Coastal Development Permit (CDP) No. 147134/Site Development Permit (SDP) No. 389939/Project No. 51076. Ocean Beach Community Area. District 2.)

(Continued from the meetings of May 22, 2007, Item 334, and June 19, 2007, Item 331, last continued at the request of the applicant, for further review.)

**NOTE:** Hearing open. No testimony taken on 5/22/07. Hearing open. No testimony taken on June 19, 2007.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: (Continued)

**STAFF'S RECOMMENDATION:**

Take the following actions:

Subitem-A: (R-2007- )

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision by the Planning Commission certifying Mitigated Negative Declaration (MND) No. 51076, and adopting Mitigation Monitoring and Reporting Program (MMRP);

Certifying that the information contained in Mitigated Negative Declaration No. 51076, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administrative Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City of San Diego City Council;

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

That pursuant to California Public Resource Code, Section 21081.6, the City of San Diego City Council hereby 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, a copy of which is attached hereto and incorporated herein by reference;

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.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: (Continued)

Subitem-B: (R-2007- )

Adoption of a Resolution granting or denying the appeal and granting or denying Coastal Development Permit (CDP) No. 147134, with appropriate findings to support Council action;

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

Subitem-C: (R-2007- )

Adoption of a Resolution granting or denying the appeal and granting or denying Site Development Permit (SDP) No. 389939, with appropriate findings to support Council action;

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

**OTHER RECOMMENDATIONS:**

Planning Commission on March 1, 2007, voted 6-0-1 to approve; with opposition.

Ayes: Schultz, Garcia, Griswold, Ontai, Otsuji, Naslund  
(One vacancy)

The Ocean Beach Community Planning Group has been notified of this project and has not taken a position.

**STAFF SUPPORTING INFORMATION:**

REQUESTED ACTION:

This is an appeal of the Planning Commission's decision to approve a Coastal Development Permit (CDP), and Site Development Permit (SDP) to allow the demolition of an existing duplex, and the construction of a new three-story single family residence above a basement garage, including a deviation from the regulations for Special Flood Hazard Areas.

STAFF RECOMMENDATION:

DENY the appeal and APPROVE Coastal Development Permit No. 147134, and Site Development Permit No. 389939, and CERTIFY Mitigated Negative Declaration No. 51076, and ADOPT the Mitigation, Monitoring, and Reporting Program.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

EXECUTIVE SUMMARY

The project is located at 5166 West Point Loma Boulevard within the Ocean Beach Precise Plan. The issue before the City Council is the appeal of the Planning Commission's decision to allow the demolition of a one-story duplex, and the construction of a new three-story single-family residence above a basement garage, and allow for a deviation from the regulations for Special Flood Hazard Areas.

The project site is within the 100-year floodplain and is therefore considered environmentally sensitive land. The property is relatively flat with an elevation of 8 feet above mean sea level and does not include any sensitive topographical or biological resources. The site is neither within nor adjacent to Multi-Habitat Planning Area (MHPA) lands. A Mitigated Negative Declaration dated November 2, 2006, has been prepared for this project in accordance with State CEQA guidelines, and a Mitigation, Monitoring and Reporting Program is required for Archaeological Resources to reduce any potential impacts to below a level of significance.

In addition, the following environmental issues were considered in depth during the environmental review of the project and determined NOT to be potentially significant: Geology, Visual Effects/Public Views, Historical Resources (Architecture), Air Quality/Public Safety, and Neighborhood Character, however, no significant impacts were identified.

The requested deviation is to allow development of the residential structure, to be at 7.1 feet below the Base Flood Elevation where two (2) feet above the Base Flood Elevation is required.

Staff believes that MND No. 51076 adequately addresses the project's potential impacts, and that implementation of the MMRP would avoid or reduce such impacts to below a level of significance.

An appeal of the Planning Commission's decision was filed asserting factual error, conflict with other matters, and findings not supported, new information, and city-wide significance (Attachment 13). Staff has provided a response to each issue and continues to support the project.

FISCAL CONSIDERATIONS:

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

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On February 8, 2007, the Planning Commission requested a continuance of the subject project to a date certain of March 1, 2007 to address specific issues related to flood-proofing of the proposed structure.

The applicant responded to these issues at the March 1, 2007 Planning Commission, hearing, resulting in unanimous approval by the Planning Commission.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Ocean Beach Planning Board met on July 5, 2006. There were two motions presented concerning this property and neither one passed.

The first motion was to approve the project as presented. The motion failed by a vote of 4-4-0

The subsequent motion was to deny the project as presented due to the bulk and scale. This motion also failed by a vote of 4-4-0.

Various board members noted that the new residence would represent a significant improvement over the existing duplex, and would improve the character of the general neighborhood. In addition, the change from a duplex to a single family residence would reduce density in the area.

Various board members noted concerns about the height of the project, and that other properties on the block might be re-developed to similar heights, altering the character of the neighborhood. Their concern is that subsequent development might create a corridor of tall buildings on the block. The suggestion was to restrict the project to two stories.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

David Stebbins, Owner/Applicant

Waring/Escobar-Eck/LI

**LEGAL DESCRIPTION:**

The project site is Lot 14 of Block 90, of Ocean Bay Beach map No. 1189.

Staff: Laila Iskandar – (619) 446-5297

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

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

**The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.**

ITEM-336: Carmel Highlands Village, Proposed Subdivision of a Vacant 21-Acre Site, Construction of a 169-Unit Condominium Complex, One Single-Family Lot and a Commercial Center. Located at 5384 Carmel Mountain Road. Carmel Valley Community Plan Area. (District 1.)

[▶ View referenced exhibit back-up material \(Part 1 of 2\).](#)

[▶ View referenced exhibit back-up material \(Part 2 of 2\).](#)

Matter of approving, conditionally approving, modifying or denying an application for a Vesting Tentative Map (VTM) No. 221310, (amending VTM No. 96-0737), a Site Development Permit in accordance with the Carmel Valley Planned District Ordinance, the transfer of 3.06 acres from the applicants to the City of San Diego, the transfer of 0.18 acres, in fee simple from the City to the applicant and the abandonment of three separate public easements on the property. In addition, the project proposes the subdivision of a vacant 21-acre site, the construction of a 169-Unit Condominium Complex, one single-family lot and a Commercial Center. The site is located at 5384 Carmel Mountain Road at the intersection of Carmel Mountain Road and Carmel County Road. The project site is in the CVPD-OS/SF2/MF1/NC zones of the Carmel Valley Planned District, within the Carmel Valley Community Plan.

(Project No. 72522/MMRP/Final Addendum to an Environmental Impact Report (EIR) and a Subsequent EIR No. 91-0834 and Subsequent EIR No. 96-0736/Easement Abandonment No. 423680/Vesting Tentative Map (VTM) No. 221330 (Amending VTM No. 96-0707)/Site Development Permit (SDP) No. 423678. Carmel Valley Community Plan Area. (District 1.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2008-102)

Adoption of a Resolution certifying that the Addendum to Environmental Impact Report and Subsequent Environmental Impact Report No. 72522, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resource Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations 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 an easement abandonment, vesting tentative map and site development permit for the Carmel Highlands Village project;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: (Continued)

Subitem-A: (Continued)

That pursuant to California Public Resource Code section 21081 and California Code of Regulations Section 15091, the City Council adopts the findings made with respect to the project, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference;

That pursuant to California Code of Regulations Section 15093, the City Council adopts the Statement of Overriding Considerations, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference, with respect to the project;

That pursuant to California Public Resource 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, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

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.

Subitem-B: (R-2008-103)

Adoption of a Resolution authorizing the Mayor or his designee to authorize and empowered to execute, for and on behalf of the City of San Diego, a Grant Deed, on file in the Office of the City Clerk, in favor of Pardee Homes, LLC, a California Corporation, conveying a portion of Lot 70 of Carmel Crest Estates in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 13877, recorded in the Office of the Recorder of San Diego County, November 24, 1999.

Subitem-C: (R-2008-104)

Adoption of a Resolution certifying finds supported by the minutes, maps and exhibits, with respect to Vesting Tentative Map No. 221310 (Amending Vesting Tentative Map No. 96-0707) and Easement Abandonment No. 423680;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: (Continued)

Subitem-C: (Continued)

That pursuant to California Government Code section 66643(g), the following streets and easements, located within the project boundaries as shown in Tentative Map No. 221310, shall be vacated, contingent upon the recordation of the approved final map for the project;

That Vesting Tentative Map No. 221310 (Amending Vesting Tentative Map No. 96-0707) and Easement Abandonment No. 423680 is granted to Pardee Homes, LLC, a California Corporation, Applicant/Subdivider and Project Design, Engineer, subject to the attached conditions which are made a part of this resolutions by this reference.

Subitem-D: (R-2008-105)

Adoption of a Resolution certifying finds supported by the minutes, maps and exhibits, with respect to Site Development Permit No. 423678;

That Site Development Permit No. 423678 is granted to Pardee Homes, LLC, a California Corporation, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Subitem-E: (R-2008-113)

Adoption of a Resolution vacating certain streets and easement;

That pursuant to California Government Code Section 66434(g), the following streets and easements, located within the project boundaries as shown in Tentative Map No. 221310, shall be vacated, contingent upon the recordation of the approved final map for the project;

That the resolution shall not become effective unless and until Vesting Tentative Map No. 221310 has been approved by the City Council;

The City Clerk shall cause a certified copy of this resolution, attested by her under seal, to be recorded in the Office of the County Recorder.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: (Continued)

**OTHER RECOMMENDATIONS:**

Planning Commission on June 7, 2007, voted 5-0-0 to approve.

Ayes: Garcia, Ontai, Griswold, Otsuji, Naslund

Nays: None.

Not Present: Schultz

The Carmel Valley Community Planning Group has voted unanimously to recommend approval of this project.

**STAFF SUPPORTING INFORMATION:**

**REQUESTED ACTION:** Approval of a development project for the construction of 169-unit condominium complex, one single-family lot and a Commercial Center. The site is located at 5384 Carmel Mountain Road, at the intersection of Carmel Mountain Road and Carmel County Road.

**STAFF RECOMMENDATION:**

1. Recommend the City Council **Certify** Addendum No. 72522, and Adopt the Mitigation Monitoring and Reporting Program; and
2. Recommend the City Council **Approve** Easement Abandonment No. 423680, Vesting Tentative Map No. 221330 (amending VTM No. 96-0707), and Site Development Permit No. 423678.

**EXECUTIVE SUMMARY:**

The Carmel Highlands Village project is located within the Precise Plan area of Carmel Valley Neighborhood Ten. The project proposes the subdivision of a vacant 21-acre site, the construction of a 169-unit condominium complex, one single-family lot and a Commercial Center. A 12-acre portion of the site is designated by the Carmel Valley Neighborhood 10 Precise Plan for Low-Density Residential development with a density range of 5 to 15 dwelling units per acre. The remainder of the site is designated as Neighborhood Commercial, Very-Low Density Residential and Open Space. The Precise Plan allocates residential density between 98 and 189 dwelling units for the Low-Density Residential portion of the site. The project site is in the CVPD-OS/SF2/MF1/NC Zones of the Carmel Valley Planned District, within the Carmel Valley Community Plan.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

The project site is covered by a Development Agreement (DA) between the City of San Diego and Pardee Construction Company (Pardee Homes). The Agreement was negotiated and entered into by the City Council on September 8, 1998, the effective date was November 3, 1998.

The project consists of: 32, two-story buildings with attached garages; one approximately 6,600-square foot recreational building; one single-family lot; 28,040-square feet of commercial space within five buildings; and associated Open Space. The project would include the transfer of 3.06 acres, Lot B, from the applicant to the City of San Diego for open space purposes. The project would also include the transfer of 0.18 acres, Lot D, in fee simple from the City to the applicant for brush management purposes.

Staff has reviewed the proposed project and has determined that all issues identified through the review process have been resolved in conformance with the adopted City Council policies and regulations of the Land Development Code. Staff recommends the City Council approve the project as proposed.

**FISCAL CONSIDERATIONS:**

No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:** None.

**PLANNING COMMISSION DECISION:**

The subject project was originally heard by the Planning Commission on May 10, 2007. Public testimony was heard on this item. The item was continued by the Planning Commission until June 7, 2007, to allow the applicants an opportunity to revise the project and to work with staff on the issues raised by the Commission. The Commissioners directed the applicants to work with staff to evaluate the following issues: Affordability; Sustainability; Land Use Planning and Design; and Landscaping. The applicants met with staff several times to discuss their proposed changes. During the initial Planning Commission hearing on May 10, 2007, the City Planning & Community Investment Department determined the project fell short of achieving the neighborhood design concepts of the 1975 Carmel Valley Community Plan for Neighborhood 10. The modifications made after the original Planning Commission hearing resulted in the City Planning & Community Investment Department's support of the revised project.

**YEAS:** Garcia, Otsuji, Griswold, Ontai, Naslund, **NAYS:** N/A,  
**ABSTAINING:** Commissioner Shultz was not present

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

On July 11, 2006, the Carmel Valley Community Planning Board initially voted 12:0:0 to approve the proposed actions, with concerns as delineated in the Planning Commission Report No. PC-07-072. At the Planning Commission hearing on June 7, 2007 no one appeared in opposition to the project. During the June 7, 2007 Planning Commission hearing the applicants were directed by the Commissioner's to present the revised project to the Carmel Valley Community Planning Board prior to the City Council hearing. On July 10, 2007, the applicants presented the revised project to the Carmel Valley Community Planning Board. The Board voted 12:0:0 in favor of the proposed project, without recommendations. There is no known opposition to the project in the community.

**KEY STAKEHOLDERS:**

Pardee Homes.

Escobar-Eck/DJ

**LEGAL DESCRIPTION:**

The project site is located 5384 Carmel Mountain Rd at the intersection of Carmel Mountain Road and Carmel County Road, in the Carmel Valley Planned District Community (APNs 308-030-45 and 50, and 308-092-16, City and County of San Diego, 92130).

Staff: Derrick Johnson – (619) 446-5238  
Andrea Contreras Dixon - Deputy City Attorney

**NOTE:** Subitems A, C, D, and E are not subject to Mayor's veto.

**CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT**

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the **Closed Session Agenda for Tuesday, September 4, 2007, scheduled to commence immediately following the conclusion of the regular open session meeting today.**

The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

**NOTE:** Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

**Information Item - No Action Required - The City Council shall:**

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-350: SUBMISSION OF BALLOT PROPOSALS

[▶ View referenced exhibit back-up material.](#)

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.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-351: **Notice** of Pending Final Map Approval – West Laurel Studios.

[▶ View referenced exhibit back-up material.](#)

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 “West Laurel Studios” (T.M. No. 377076/PTS No. 126213), located on the southeast corner of Laurel Street and Kettner Boulevard in the Centre City Community Plan Area in Council District 2, 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.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-352: **Notice** of Pending Final Map Approval – Rainier Place.

[▶ View referenced exhibit back-up material.](#)

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 “Rainier Place” (T.M. No. 323037/PTS No. 95244), located on the south side of Rainier Place between Mission Gorge Road and Holabird Street in the Navajo 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.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-353: **Notice** of Pending Final Map Approval – Montecito Point.

[▶ View referenced exhibit back-up material.](#)

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 “Montecito Point” (T.M. No. 10274/PTS No. 965730), located on the north side of Montecito Way between Third Avenue and Fourth Avenue in the Uptown Community Plan Area in Council District 3, 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.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-354: **Notice** of Pending Final Map Approval –Yonge Street Condominiums.

[▶ View referenced exhibit back-up material.](#)

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 “Yonge Street Condominiums” (T.M. No. 197126/PTS No. 96305), located at the northerly terminus of Yonge Street in the Peninsula Community Plan Area in Council District 2, 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.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-355: **Notice** of Pending Final Map Approval – 909 Diamond St. Villas.

[▶ View referenced exhibit back-up material.](#)

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 “909 Diamond St. Villas” (T.M. No. 301491/PTS No. 123736), located on the south side of Diamond Street between Bayard Street and Cass Street in the Pacific Beach Community Plan area in Council District 2, 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.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-356: **Notice** of Pending Final Map Approval – 3747 32<sup>nd</sup> Street.

[▶ View referenced exhibit back-up material.](#)

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 “3747 32<sup>nd</sup> Street” (T.M. No. 291658/PTS No. 129555), located on the east side of 32<sup>nd</sup> Street between Landis Street and North Park Way in the Greater North Park Community Plan area in Council District 3, 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.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-357: **Notice** of Completion and Acceptance of Subdivision Improvement Agreement.

[▶ View referenced exhibit back-up material.](#)

Notice is hereby given that the Mayor of the City of San Diego intends to file a “Notice of Completion and Acceptance of Subdivision Improvement Agreement” indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

<u>SUBDIVISION</u>	<u>COMMUNITY AREA</u>
Carmel Del Mar Neighborhood 5 Unit 10	Carmel Valley
Carmel Del Mar Neighborhood 5 Unit 11	Carmel Valley
Carmel Valley Neighborhood 1 Unit 12A	Carmel Valley
Carmel Valley Neighborhood 1 Unit 12B	Carmel Valley

The certification shall be recorded with the County Recorder 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director of Development Services or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT