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# CITY OF SAN DIEGO COUNCIL DOCKET



## COUNCIL PRESIDENT

**Ben Hueso • Eighth District**

## COUNCIL PRESIDENT PRO TEM

**Kevin Faulconer • Second District**

## COUNCILMEMBERS

**Sherrri Lightner • First District**  
**Todd Gloria • Third District**  
**Anthony Young • Fourth District**  
**Carl DeMaio • Fifth District**  
**Donna Frye • Sixth District**  
**Marti Emerald • Seventh District**

**Andrea Tevlin**  
**Independent**  
**Budget Analyst**

**Jan Goldsmith**  
**City Attorney**

**Liz Maland**  
**City Clerk**

**Council Chambers, 12<sup>th</sup> Floor, City Administration Building**

**Tuesday, October 12, 2010**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, OCTOBER 12, 2010, AT 10:00 AM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.**

**OTHER LEGISLATIVE MEETINGS**

The **SAN DIEGO REDEVELOPMENT AGENCY** 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 Redevelopment Agency Secretary at (619) 236-6256. Internet access to the agenda is available at:  
<http://www.sandiego.gov/redevelopment-agency/index.shtml>

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF COUNCIL MINUTES**

The Council Minutes of the following meetings will be approved by Unanimous Consent unless pulled for discussion:

09/06/2010 - Adjourned  
09/07/2010  
09/13/2010  
09/14/2010  
09/20/2010  
09/21/2010

SPECIAL ORDERS OF BUSINESS

ITEM-30: National Disability Employment Awareness Month.

**MAYOR SANDERS' AND COUNCIL PRESIDENT HUESO'S RECOMMENDATION:**

Adopt the following resolution:

(R-2011-225)

Proclaiming October 2010, to be "National Disability Employment Awareness Month" in the City of San Diego.

ITEM-31: Virginia Glass Day.

**COUNCILMEMBER YOUNG'S RECOMMENDATION:**

Adopt the following resolution:

(R-2011-251)

Proclaiming October 12, 2010, to be "Virginia Glass Day" in the City of San Diego.

ITEM-32: National Arts and Humanities Month.

**COUNCIL PRESIDENT HUESO'S RECOMMENDATION:**

Adopt the following resolution:

(R-2011-254)

Proclaiming October 2010, to be "National Arts and Humanities Month" in the City of San Diego.

**ADOPTION AGENDA, CONSENT ITEMS**

The Consent items listed beginning on the next page 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 the start of the meeting.

**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 consider requests for continuance in the morning or afternoon, based on when the item was noticed to be heard.

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

\* ITEM-50: Managed Competition Guide and Independent Review Board.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances which were introduced on 9/27/2010, Item 200. (Council voted 6-1. Councilmember DeMaio voted nay. Councilmember Faulconer not present):

Subitem-A: (O-2011-26)

Adopting the Managed Competition Guide dated \_\_\_\_\_, as policies and procedures to implement San Diego Charter Section 117(c), as negotiated by the City, as a public agency employer pursuant to the Meyers-Milias-Brown Act with recognized employee organizations, the American Federation of State, County, and Municipal Employees Local 127 and the San Diego Municipal Employees' Association, placed on file with the City Clerk as Document No. \_\_\_\_\_, and fully incorporated herein by reference, including but not limited to the "Reservation of Rights" language contained in the Introduction Section of the Managed Competition Guide;

Declaring that if any term, phrase, clause, sentence, portion, or provision in the Managed Competition Guide, placed on file with the City Clerk as Document No. \_\_\_\_\_, and fully incorporated herein by reference, is found to be in conflict with any provision of the San Diego Charter, including but not limited to Charter Section 117(c) or Charter Section 28, or to be invalid for any reason, by a decision of a court of competent jurisdiction or by any other legal adjudicative process, such decision shall not affect the validity of the remaining portions of the Managed Competition Guide, which can be given effect without the invalid provision. To this end, the provisions of the Managed Competition Guide are hereby declared to be severable.

Subitem-B: (O-2011-27) (Cor. Copy)

Amending Chapter 2, Article 2, of the San Diego Municipal Code by repealing Division 37, in its entirety; by amending Chapter 2, Article 2, by creating a new Division 37; and by adding new Sections 22.3701 through 22.3705, all relating to the Managed Competition Independent Review Board;

This Ordinance amends San Diego Municipal Code Chapter 2, Article 2, Division 37 to: (1) set forth the Mayor's authority to establish the Managed Competition Independent Review Board to advise whether a City department's proposal or an independent contractor's proposal will provide specified services to the City most economically and efficiently while maintaining service quality and protecting the public interest (Section 22.3701); (2) describe the appointment process and composition of the Managed Competition Independent Review Board (Section 22.3702); (3) describe the terms of the Managed Competition Independent Review Board Members (Section 22.3703); (4) list the qualifications of the Managed Competition Independent Review Board Members (Section 22.3704); and (5) discuss the removal of Managed Competition Independent Review Board Members (Section 22.3705).

\* ITEM-51: Amend San Diego Municipal Code Section 23.0603 Regarding Seniority.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 9/28/2010, Item 50. (Council voted 6-0. Councilmembers Faulconer and Young not present):

(O-2011-6)

Amending Chapter 2, Article 3, Division 6, of the San Diego Municipal Code, by amending Section 23.0603, relating to Seniority;

This Ordinance amends Chapter 2, Article 6, Division 6, of the San Diego Municipal Code, by amending Section 23.0603, which contains Rule V, Section 3 of the Rules of the Civil Service Commission to revise the City's Layoff Policy to include the Fire Fighter III classification.

\* ITEM-52: Proposed Amendment to San Diego Municipal Code Section 26.06 to Ensure the Small Business Advisory Board Does Not Lose a Majority of Its Members in Any Year.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 9/28/2010, Item 51. (Council voted 6-0. Councilmembers Faulconer and Young not present):

(O-2011-13)

Amending Chapter 2, Article 6, Division 00, of the San Diego Municipal Code, by amending Section 26.06, relating to the Small Business Advisory Board;

This ordinance amends the San Diego Municipal Code Section 26.06 to increase the number of members of the Small Business Advisory Board whose term may expire in any one year from five members to six members so that not more than a majority of the terms of the eleven total members expire in any one year.

- \* ITEM-53: Mission Beach Planned District Ordinance and Local Coastal Program Amendment. (Mission Beach Community Plan Area. District 2.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 9/28/2010, Item 335, Subitem B. (Council voted 6-0. Councilmembers Faulconer and Young not present):

(O-2011-14 Cor. Copy)

Amending Chapter 15, Article 13, Division 1 of the San Diego Municipal Code by amending Sections 1513.0103, 1513.0104, 1513.0105; Amending Chapter 15, Article 13, Division 2 by amending Section 1513.0202 and by repealing Section 1513.0203; Amending Chapter 15, Article 13, Division 3 by amending Sections 1513.0303, 1513.0304, 1513.0306, and 1513.0307; Amending Chapter 15, Article 13, Division 4 by amending Sections 1513.0401, 1513.0402, 1513.0403 and 1513.0404 all relating to the Mission Beach Planned District;

Certifying that a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage;

Certifying that this ordinance shall not take effect until the date the California Coastal Commission unconditionally certifies these provisions as a local coastal program amendment;

Instructing the City Clerk to insert the effective date of this ordinance, once known, in the blank spaces provided in Municipal Code Sections 1512.0403(b)(3)(A)(v) and 1513.0403(b)(3)(B)(ii).

ADOPTION AGENDA, CONSENT ITEMS  
ORDINANCES TO BE INTRODUCED:

\* ITEM-54: Request to Exempt One Program Manager Position from the Classified Service.

(See memorandum from Hadi Dehghani dated 8/10/2010.)

**CITY ATTORNEY'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2011-25)

Introduction of an Ordinance exempting from the Classified Service the position of Program Manager in the Office of the City Attorney, performing the duties described in the August 10, 2010, Memorandum, and declaring it to be in the Unclassified Service of the City of San Diego, pursuant to San Diego Charter Section 117(a)(17), after having been reviewed on August 5, 2010, and commented upon favorably by the Civil Service Commission, as meeting the San Diego Charter criteria for exemption from the Classified Service, and after having considered and reviewed the finding of the Civil Service Commission, as set forth in the Memorandum to the Council President and City Council, from Hadi Dehghani, Personnel Director, on behalf of the Civil Service Commission, dated August 10, 2010.

**SUPPORTING INFORMATION:**

On August 5, 2010, the City of San Diego Civil Service Commission approved a request to exempt one Program Manager position in the Office of the City Attorney from the Classified Service.

The Program Manager is a new position in the Office of the City Attorney. It will be a critical position in terms of facilitating the goals and objectives of the department. The responsibilities of the Program Manager include reviewing, recommending, implementing, and managing information technology policies and procedures; managing the Department's two new electronic legal case management systems; overseeing the department's utilization of crime information systems; managing electronic discovery requests; preparing complex reports and making presentations; and, training and managing professional staff.

The exemption would give the City Attorney the ability to recognize the experience and skills, as well as the risks and demands inherent in performing the duties of the position in terms of consequences of error, through a more flexible salary structure, and thereby be in a better position to retain and recruit critical personnel filling the position.

The scope of duties of the position is consistent with San Diego Charter Section 117, which states that the Unclassified Service shall include "[m]anagerial employees having significant responsibilities for formatting or administering departmental policies and programs."

FISCAL CONSIDERATIONS:

None, due to the swapping/elimination of two vacant Assistant City Attorney positions.

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

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: Not applicable.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: None.

Lanzafame

Staff: Tanya Tomlinson - (619) 533-5811  
Joan F. Dawson - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:

\* ITEM-100: As-Needed Civil Engineering Agreement with PBS&J. (Citywide.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2011-201)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an As-Needed Civil Engineering Agreement with PBS&J, for as-needed professional civil engineering services, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$2,000,000 over three years for the purpose of providing funds for the above referenced Project, provided that the City Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,000 from WBS B-00947, Juniper Street Sidewalk, Fund 400002, Capital Outlay Fund, for the purpose of executing this Agreement, and meeting minimum contract requirements, provided that the City Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

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

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 6/23/2010, LU&H voted 4 to 0 to approve. (Councilmembers Lightner, Faulconer, Gloria, and Young voted yea.)

**SUPPORTING INFORMATION:**

The City utilizes As-Needed Engineering Consultants Services to perform various engineering support services for the timely execution of its CIP projects on an on-going basis. As-Needed consultants provide professional services within specific disciplines for various projects Citywide. In order to design a project, the City may exercise different options. One option is to utilize consultants (i.e., engineers and/or architects). Factors such as workload, required expertise and schedule weigh into the decision to determine how to provide the project design.

Because the amount of time required to develop a scope, advertise, schedule interviews, evaluate, and award a contract is somewhat lengthy, the use of as-needed contracts proves very beneficial in the timely procurement of the required services. Task orders are issued for projects on an as-needed basis based on workload and expertise required.

This Agreement will retain the services of a civil engineering design firm to provide professional civil engineering design services on an as-needed, hourly fee basis. The maximum contract cost shall not exceed \$2,000,000 and the contract has a maximum duration of three years. Currently the City has limited capacity to provide civil engineering design services. The City advertised the Contract and issued the Request for Proposals for As-Needed Civil Engineering Design Services on July 23, 2009. The Request for Proposal was advertised in the San Diego Daily Transcript, The San Diego Voice and Viewpoint, La Prensa, Asian Journal and in the City's website. Eight firms responded to the advertisement. Based on their qualifications and the evaluation criteria listed in the request for proposal five firms were shortlisted to be interviewed by the selection panel. On January 20, 2010, the shortlisted firms were interviewed in conformance with Council Policy 300-7. PBS&J was ranked as highly qualified.

This Agreement provides civil engineering design services for the design of various Capital Improvement Projects. These services may include the design and preparation of construction documents for roadway improvement projects, water, sewer and storm drain pipeline projects, pump station projects and other miscellaneous projects.

FISCAL CONSIDERATIONS:

The City agrees to issue a task order(s) with the minimum aggregate value of \$1,000 to PBS&J. Funding for this minimum guaranteed amount of \$1,000 will come from WBS B-00947, Juniper Street Sidewalk, Fund 400002, Capital Outlay Fund. The maximum contract amount shall not exceed \$2,000,000. Funding for future tasks will be funded by the CIP projects requiring these services.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):

Funding Agency: City of San Diego

Goals: 20% Voluntary (MBE/WBE/DBE/DVBE/OBE)

Sub-consultant Participation: Due to the nature of this as-needed contract, the participation will be reviewed based upon the issuance of individual tasks. PBS&J has identified the following firms as likely to be used on tasks: AIRX Utility Surveyors, DLT&V Systems Engineering, Houston & Harris, Ninyo & Moore, RF Yeager Engineering and Snipes-Dye Associates.

This Agreement is subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-18173, Sections 22.2701 through 22.2708) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Approved by the LU&H Committee on June 23, 2010.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

City staff and the consultant will work with the communities as applicable for projects receiving services by this Agreement.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Upon approval of the Agreement, PBS&J could receive up to \$2,000,000.

Boekamp/Jarrell

Comp. Cert. 3000003427.

Staff: James Nagelvoort - (619) 533-3616  
Ryan P. Kohut - Deputy City Attorney

\* ITEM-101: San Diego Sports Arena Operating Sublease Agreement. (Midway/Pacific Highway Corridor Community Area. District 2.)

(See Report to the City Council No. 10-125.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2011-206)

Authorizing the Mayor, or his designee, to execute and deliver, for and on behalf of the City of San Diego, the Fifth Amendment to Operating Sublease;

Authorizing the Mayor, or his designee, to execute and deliver, for and on behalf of the City of San Diego, the Agreement Affecting Surviving Provisions of Second Restated Memorandum of Understanding (MOU);

Consenting to AEG Management SD, LLC (AMSD) granting the naming rights to the San Diego Sports Arena to San Pasqual Casino Development Group, Inc., a wholly-owned entity of the San Pasqual Band of Mission Indians, doing business as "Valley View Casino and Hotel," and to the identification signage of the San Diego Sports Arena as "Valley View Casino Center."

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 9/15/2010, LU&H voted 3 to 0 to approve. (Councilmembers Lightner, Faulconer, and Gloria voted yea. Councilmember Young not present.)

**SUPPORTING INFORMATION:**

The San Diego Sports Arena opened in 1966. Arena Group 2000 acquired its interest in the Arena Operating Agreement in 1992. The current operator of the San Diego Sports Arena, AEG Management SD, LLC (AMSD) acquired its interest in the Sports Arena in September 2008. AMSD is controlled by Arena Group 2000 and Anschutz Entertainment Group, Inc. (AEG). AEG controls major sport franchises including the Los Angeles Lakers and the Los Angeles Galaxy, and owns the Staples Center in Los Angeles. In the past two years AMSD has spent an additional \$3.5 million in capital improvements on the Sports Arena including a new arena club and new lower level seating. Under the terms of the existing Operating Sublease Agreement, the City receives percentage rent revenue from parking income, Kobey's Swap Meet and incidental uses such as telecommunication subleases but not for activities inside the arena such as ticket sales and concessions. Revenue in recent years has averaged \$389,000 in 2008, and \$405,000 in 2009, and is expected to increase approximately 15% to \$465,750 in 2010. The Operating Agreement currently expires on May 7, 2017.

In 2002, the Operating Sublease was amended to revise the premises to delete the Sports Arena Retail Pad Ground Lease area which consists of Chili's, ARCO and Chick-Fil-A. A new thirty (30) year ground lease was entered into between the City and AMSD for the Retail Pad Ground Lease area which expires April 30, 2032. Revenue in recent years has averaged \$100,300 in 2008, and \$108,300 in 2009. The 2002 Amendment also clarified disputes regarding Naming Rights and provided that the City would receive 10% of naming rights revenues, subject only to the City's consent to: (a) the person or entity acquiring the naming rights; and (b) the identification signage.

AMSD also leases Sports Arena Square (previously occupied by Black Angus) which is currently on a month-to-month holdover. Revenues in recent years have averaged \$469,000 in 2008, and \$327,757 in 2009.

The proposed Fifth Amendment to the Operating Sublease for the Sports Arena includes the parking lot and Kobey's Swap Meet and would not obligate itself with respect to any of the other properties operated by AMSD.

AMSD and the City are also parties to a Memorandum of Understanding (MOU) which anticipated the development of a new sports arena and expired on March 28, 1997, but with surviving provisions. As partial consideration for the Operating Sublease Amendment, certain surviving provisions of the MOU regarding a forced sale or purchase of AMSD's leasehold interest to, or by the City will expire on May 7, 2017.

The Operating Sublease gave AMSD the right to sell the naming rights to the San Diego Sports Arena, subject only to the City's consent to: (a) the person or entity acquiring the naming rights; and (b) the identification signage. AMSD has entered into a Naming Rights Agreement with San Pasqual Casino Development Group, Inc., a wholly-owned entity of the San Pasqual Band of Mission Indians, doing business as "Valley View Casino and Hotel," to change the name of the San Diego Sports Arena to "Valley View Casino Center." The Naming Rights Agreement is for a five (5) year term. Pursuant to the Operating Sublease, the City will receive approximately \$30,000 per year (i.e., 10% of AMSD's gross receipts for the naming rights), plus annual escalations for five years. The Naming Rights Agreement also requires AMSD to make improvements to the parking lot (paving, lighting, and landscaping) which are estimated to cost \$300,000 to \$400,000.

#### FISCAL CONSIDERATIONS:

The City would receive in excess of \$1,000,000 in rent from the Sports Arena for the three (3) year lease extension. The Naming Rights Agreement would generate approximately \$156,950 over the next five (5) years to the City.

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

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item will be heard at the LU&H Committee meeting on September 15, 2010.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The proposed Lease Amendment and name change will have minimal or no impact to the community.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The City of San Diego will benefit from the proposed improvements to the Sports Arena.

Sandoval/Jarrell

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

\* ITEM-102: FY 2010 State Homeland Security Grant Program. (Citywide.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2011-241)

Authorizing the Mayor, Chief Operating Officer, Chief Financial Officer, Fire Chief, or the Office of Homeland Security Program Manager, for and on behalf of the City, to accept, appropriate, and expend as the City's authorized agents up to \$849,978 in FY 2010 State Homeland Security Program (SHSP) funding from the California Emergency Management Agency via the County of San Diego Office of Emergency Services.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:**

On 9/22/2010, PS&NS voted 3 to 0 to approve. (Councilmembers Lightner, Gloria, and Young voted yea. Councilmember Emerald not present.)

**SUPPORTING INFORMATION:**

The State Homeland Security Grant Program (SHSP) is a component of the Department of Homeland Security's 2010 Homeland Security Grant Program. Activities implemented under the SHSP must support terrorism preparedness by building or enhancing capabilities that relate to the prevention of, protection from, response to, and recovery from terrorism in order to be considered eligible. Many capabilities which support terrorism preparedness simultaneously support preparedness for other hazards and catastrophic incidents. The activities must also align with the national, state and urban area strategic objectives. Strengthening preparedness planning, expanding capabilities in improvised explosive device attack deterrence, prevention and protection, and maximizing information sharing are high priorities across all levels of strategic objectives.

The City is directly receiving \$849,978 awarded through the County of San Diego as the core county for the San Diego region under the FY 2010 SHSP. The funding allocated to the City supports the San Diego Police Department, Fire-Rescue Department, and the Office of Homeland Security by providing the means to enhance their preparedness, prevention and response capabilities.

The San Diego Police Department will fund equipment and training to strengthen its communications capabilities, enhance information sharing, collaboration and law enforcement investigations, and improve protection of critical infrastructure and response capabilities.

Fire-Rescue's specialized technical rescue team will participate in regional exercises to enhance their response to all hazards, including those requiring the capability to coordinate and conduct search and rescue efforts.

The Office of Homeland Security will utilize equipment, training, and exercise funds to enhance catastrophic incident response capabilities by improving voice and data communications systems within the Emergency Operations Center (EOC), and providing training and exercises to increase EOC staff skills and proficiencies.

FISCAL CONSIDERATIONS:

There is no non-federal match or cost share required for grants under the State Homeland Security Grant Program covered by this resolution. However, this grant is reimbursable in nature requiring the City to expend funds prior to requesting reimbursement. Reimbursement claims will be processed by the Office of Homeland Security as they are received from the departments to ensure reimbursements are received as quickly as possible.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):

This Agreement is not subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-18173, Sections 22.2701 through 22.2708). This Agreement is subject to the City's Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Public Safety and Neighborhood Services approved on September 22, 2010.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: Not applicable.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The San Diego Police Department, the Fire-Rescue Department, and the Office of Homeland Security will benefit from enhanced capabilities to prepare for, prevent against, respond to, and recover from threats or acts of terrorism, major disasters, and other emergencies. These enhanced capabilities will benefit the citizens of San Diego and their communities through better prepared and equipped first responders for any incident impacting the City whether terrorist related or as a result of a natural hazard.

Faller/Mainar

Staff: Donna Faller - (619) 533-6763  
Noah J. Brazier - Deputy City Attorney

\* ITEM-103: Grant Administration of "Operation Stonegarden." (San Diego County and all cities within.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2011-100)

Authorizing the Mayor, or his representative, to make application to the San Diego County Sheriff's Office (SDSO), and to take all necessary actions to secure funding for an amount up to \$2,430,651 pertaining to Operation Stonegarden;

Authorizing the Chief Financial Officer to establish a special interest-bearing fund for the grants, if required;

Authorizing the Chief Financial Officer to accept up to \$2,430,651 or the actual amount of funding authorized by the SDSO;

Authorizing the Chief Financial Officer to appropriate and expend up to \$2,430,651 or the actual amount of funding authorized by the SDSO, for the purpose of implementing the Operation Stonegarden, including any amendments, extensions, renewals, or subsequent funding for a period of five years, provided funding is made available by the SDSO;

Authorizing the Chief of Police to administer and operate this program.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:**

On 9/22/2010, PS&NS voted 3 to 0 to approve. (Councilmembers Lightner, Gloria, and Young voted yea. Councilmember Emerald not present.)

**SUPPORTING INFORMATION:**

Operation Stonegarden is a regional law enforcement approach that provides operational and equipment funds to address border-related crimes and increase law enforcement activities along the US-Mexico border areas. The Operation Stonegarden grant provides an opportunity for federal, state and local law enforcement to collaborate on intelligence based, proactive policing to combat illegal activities throughout San Diego County.

The San Diego Police Department via Purchasing and Contracting has entered into a contractual Agreement with the San Diego County Sheriff's Office (SDSO) in which SDSO will reimburse SDPD for Overtime (\$1,366,940), Equipment (\$859,051), Mileage (\$130,500) and Flight Costs (\$74,160).

Operation Stonegarden is a Federal grant which has been awarded to the San Diego County Sheriff's Office. They have sub contracted a portion of the funds to San Diego Police Department (SDPD) as well as several other law enforcement agencies within the County. The sub award to SDPD via the Sheriff has been approved by the Federal grantor.

The funds which will be reimbursed to SDPD are from SDSO via Cal EMA via the Department of Homeland Security "Operation Stonegarden."

FISCAL CONSIDERATIONS:

None. All expenses resulting from this action are grant funded. There is no requirement for continued expenditures or services once grant funding is depleted or terminated.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):

This Agreement is not subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-18173, Sections 22.2701 through 22.2708). This Agreement is subject to the City's Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Signed Agreement via Purchasing and Contracting. Item was reviewed and approved at PS&NS on 9/22/10.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Ramirez/Goldstone

Staff: Brian Hojnacki - (619) 531-2434  
John C. Hemmerling - Deputy City Attorney

\* ITEM-104: COPS Child Sexual Predator Program. (County of San Diego and all cities within.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2011-96)

Authorizing the Mayor, or his representative, for and on behalf of the City, to apply for and to take all necessary actions to secure funding for an amount of \$403,434 in grant funds from the 2010 COPS Child Sexual Predator Program;

Authorizing the Chief Financial Officer to accept, appropriate, and expend \$403,434 in grant funds if the grant funding is secured, or an amount greater than or lesser than \$403,434 that may be awarded to the Department by the U.S. Department of Justice, for the purpose of implementing the 2010 COPS Child Sexual Predator Program;

Authorizing the Chief Financial Officer to establish a special interest-bearing fund for the grant, if required;

Authorizing the Chief of Police to administer and operate the 2010 COPS Child Sexual Predator Program.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:**

On 9/22/2010, PS&NS voted 3 to 0 to approve. (Councilmembers Lightner, Gloria, and Young voted yea. Councilmember Emerald not present.)

**SUPPORTING INFORMATION:**

The San Diego Police Department is committed to working in a problem solving partnership as a participating agency in the San Diego County Sexual Assault Felony Enforcement (SAFE) Task Force. Over the past seven years, this partnership has become a well-established part of the San Diego County law enforcement community. Through this partnership, we have brought an effective combination of information sharing between law enforcement, investigative expertise, and technological resources to enhance our ability to monitor sex offenders. Public protection and prevention of future acts of sexual violence are at the core of our mission when monitoring registered sex offenders in the community.

According to the California Department of Justice, Megan's Law Database, approximately 40% of the 4,000 sex offenders residing in San Diego County register addresses in the City of San Diego.

The San Diego Police Department currently has one full-time detective assigned to the SAFE Task Force and responsible for the 1,600 registered sex offenders in the City of San Diego. Through the funding from this grant, the Department will provide an additional full-time detective to the SAFE Task Force. A second full-time detective assigned to the SAFE Task Force would enhance the ability of the Department, and the SAFE Task Force, to address a greater number of community issues, and more effectively monitor and arrest when appropriate, the 4,000 sex offenders residing in San Diego County.

The proposed project anticipates the funding for one detective's salary to be assigned full-time to the SAFE Task Force. Additionally, the proposed project anticipates funding the vehicle maintenance and gas of two department vehicles assigned to the detectives at the SAFE Task Force. Also, two desktop computers will be purchased and the installation of adequate network software will be installed at the SAFE Task Force headquarters at the Department of Justice.

The proposed project anticipates the funding to purchase covert Global Positioning System (GPS) vehicle trackers, and laptop computers with wireless-internet to effectively track and monitor the targeted vehicles in the field. Additionally, the laptops will allow detectives to track and monitor sex offenders who are required to wear GPS anklet devices as a condition of their supervised release into the community. This equipment, through the funding of this grant, would greatly enhance efforts to monitor, locate, arrest, and prosecute known sex offenders.

The proposed project anticipates an overtime budget to conduct compliance audit sweeps and insure compliance of offenders at night and on the weekends. This is when there is the highest probability of contacting residents. Furthermore, an overtime budget for members of the Department Sex Offender Unit to attend community meetings at night and on the weekends, when community groups most commonly gather, and training classes for local law enforcement.

The amount applied for via the grant application to the US Department of Justice (DOJ) is \$403,434. As with all grant requests the amount awarded can be more or less than applied for depending on available funding. No positions associated with this grant will be retained past the expiration of the grant award. The application submitted to the Department of Justice indicates we would. The Department of Justice has confirmed we can change this designation if SDPD is awarded the funds.

FISCAL CONSIDERATIONS:

None. All expenditures will be reimbursed via the grant award.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):

U.S. Department of Justice is a public entity created under authority of law, and as such, is exempt from submitting Work Force Reports. Refer to San Diego Municipal Code Section 22.2703(c). This Agreement is not subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-18173, Sections 22.2701 through 22.2708). This Agreement is subject to the City's Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was presented at the Public Safety and Neighborhood Services Committee on September 22, 2010, and was approved.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Ramirez/Goldstone

Staff: Brian Hojnacki - (619) 838-2593  
Linda L. Peter - Deputy City Attorney

\* ITEM-105: Appointments and Reappointments to the Commission for Arts and Culture.

(See memorandum from Mayor Sanders dated 9/16/2010.)

**MAYOR SANDERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2011-220 Cor. Copy) (Rev. 10/6/10)

Council confirmation of the following appointments and reappointments by the Mayor of the City of San Diego, to serve as members of the Commission for Arts and Culture, for terms expiring as indicated:

<b><u>NAME</u></b>	<b><u>TERM ENDING</u></b>
Sheryl White (Del Mar) (Replacing Randy Robbins, who is termed out)	August 31, 2012
Odelia "Dea" Hurston (Hillcrest, District 3) (Reappointment)	August 31, 2012
Colette Carlson-Royston (La Jolla, District 1) (Reappointment)	August 31, 2012
Sharletta Richardson (Mira Mesa, District 5) (Reappointment)	August 31, 2012
Victoria Reed (La Jolla, District 1) (Reappointment)	August 31, 2012
Garet Clark (Mission Hills, District 2) (Reappointment)	August 31, 2012
Judy McDonald (Kensington, District 3) (Reappointment)	August 31, 2012

**NAME**

**TERM ENDING**

Robert H. Gleason  
(Kensington, District 3)  
(Reappointment)

August 31, 2012

Bennet Peji  
(Serra Mesa, District 6)  
(Reappointment)

August 31, 2012

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

- \* ITEM-106: Excusing Councilmember Marti Emerald from attending the City Council Meetings of September 7, 2010, September 13, 2010, and September 20, 2010; and the Budget and Finance Committee Meeting of September 15, 2010.

**COUNCILMEMBER EMERALD'S RECOMMENDATION:**

Adopt the following resolution:

(R-2011-239)

Excusing Councilmember Marti Emerald from attending the regularly scheduled City Council Meetings of September 7, 2010, September 13, 2010, and September 20, 2010; and the Budget and Finance Committee Meeting of September 15, 2010, due to illness.

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

- \* ITEM-107: The 25th Anniversary of the San Diego Supercomputer Center.

**COUNCILMEMBER LIGHTNER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2011-232)

Proclaiming October 12, 2010, to be "The 25th Anniversary of the San Diego Supercomputer Center Day" in the City of San Diego.

- \* ITEM-108: Fall Prevention Awareness Week.

**COUNCILMEMBER GLORIA'S RECOMMENDATION:**

Adopt the following resolution:

(R-2011-192)

Proclaiming October 19<sup>th</sup> through October 25<sup>th</sup>, 2010, to be "Fall Prevention Awareness Week" in the City of San Diego.

\* ITEM-109: Raymond Uzeta Day.

**COUNCIL PRESIDENT HUESO'S RECOMMENDATION:**

Adopt the following resolution:

(R-2011-233)

Proclaiming October 16, 2010, to be "Raymond Uzeta Day" in the City of San Diego.

\* ITEM-110: San Ysidro Women's Club Day.

**COUNCIL PRESIDENT HUESO'S RECOMMENDATION:**

Adopt the following resolution:

(R-2011-249)

Proclaiming October 1, 2010, to be "San Ysidro Women's Club Day" in the City of San Diego.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTIONS:

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

ITEM-330: Authorizing Application for Grant Funds for North Ocean Beach Gateway Project. (Ocean Beach Community Area. District 2.)

(See memorandum from Darren Greenhalgh dated 9/23/2010.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2011-224)

Authorizing the Mayor, or his representative, for and on behalf of the City of San Diego, to make application to the State of California for \$100,000 in Roberti-Z'berg-Harris Per Capita Funds under the California Clean Water, Clear Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, for Phase I Construction of North Ocean Beach Gateway Project, S-01057 (Project);

Authorizing the Mayor, or his representative, to take all necessary actions to secure funding from the State of California for the Project;

Authorizing the Chief Financial Officer to accept up to \$100,000, if the grant funding is secured;

Authorizing the Chief Financial officer to establish a special interest-bearing account for the grant, if required;

Authorizing an increase of up to \$100,000 in Fiscal Year 2011 Capital Improvement Budget in CIP S-01057, North Ocean Beach Gateway Project, Roberti-Z'berg-Harris Per Capita Funds;

Authorizing the Chief Financial Officer to appropriate and expend up to \$100,000 from CIP S-01057, North Ocean Beach Gateway, for the purpose of Phase I construction of the Project, contingent upon receipt of a fully executed grant agreement;

Authorizing the Chief Financial Officer, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**STAFF SUPPORTING INFORMATION:**

The North Ocean Beach Gateway Project, CIP S-01057, will provide a (passive) park incorporating a decorative plaza and walkways that provide pedestrian access into the adjacent Robb Field Community Park.

The improvement will also act as a “Gateway” for automobile, bike and pedestrian users entering the Community of Ocean Beach from the north. The 12,900 square-foot project will be constructed in phases. Phase I improvements include: hardscape plaza, “entry signature” and street trees, lighting, landscaping, paving, bicycle rack, signage and American with Disabilities Act (ADA) improvements. Phase II will include a connecting ADA walkway to Robb Field, lighting, retaining “art” wall, benches, public art display locations and native landscaping.

The North Ocean Beach Gateway Project is located at the corner of Sunset Cliffs Boulevard and West Point Loma Boulevard. Funding for the park has been made available from the Ocean Beach Community Development Corporation and Roberti-Z’berg-Harris Per Capita Funds which will fund Phase I of the park construction.

**FISCAL CONSIDERATIONS:**

The total project estimate for Phase I CIP S-01057, North Ocean Beach Gateway Project, is \$722,188. Funds in the amount of \$130,000 are available from the Ocean Beach Community Development Corporation and \$241,000 in Roberti-Z’berg-Harris Per Capita funds under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002, and have been previously allocated to this project. The additional funds requested in this action, \$100,000 in Roberti-Z’berg-Harris Per Capita Funds under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, are required for construction. Additional Roberti-Z’berg-Harris Per Capita funds under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 funding recently became available for City projects. This is one of a few projects that qualify to use these funds prior to the expiration deadline.

**EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):**

This Agreement is not subject to the City’s Equal Opportunity Contracting (San Diego Ordinance No. O-18173, Sections 22.2701 through 22.2708). This Agreement is subject to the City’s Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

The North Ocean Beach Gateway Project went before the City Council to transfer funds into the budget and to certify the Environmental Document on June 15, 2010, Resolution No. R-305901.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Ocean Beach Community Development Council, Robb Field Recreation Council, and Ocean Beach Planning Group have expressed support for this project in their previous meetings. The Ocean Beach Community Development Council raised \$30,000 thru brick and tile sales for the construction of Phase I.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The Ocean Beach Community Development Council, Robb Field Recreation Council, Ocean Beach Planning Group, residents of Ocean Beach, recreational users and visitors from others parts of the City and beyond. No adverse impacts have been identified.

Boekamp/Jarrell

Staff: Darren Greenhalgh - (619) 533-6600  
Christina L. Rae - Deputy City Attorney

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

ITEM-331: Second Amendment to the Barrio Logan Community Plan Update Planning Consultant Contract Agreement with Moore, Iacofano and Goltsman, Planning Consultants. (Barrio Logan Community Area. District 8.)

(See memorandum from William Anderson dated 7/20/2010.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2011-97)

Authorizing the Mayor, or designee, to execute Amendment No. 2 to the Agreement between the City of San Diego and Moore, Iacofano and Goltsman, Planning Consultants for Land Use Planning and Transportation/Mobility Planning Services;

Authorizing the City Auditor and Comptroller to disburse \$35,640 from Horton Plaza Redevelopment Funds, Fund No. 200358, to fund the Second Amendment for the additional traffic forecasting and analysis to be completed in accordance with the Amendment.

**STAFF SUPPORTING INFORMATION:**

On March 6, 2008, the City and Moore Iacofano and Goltsman, Inc., Planning Consultants (MIG) entered into an Agreement to provide professional services to assist in the development of a new community plan for the Barrio Logan Community Planning Area. As part of the update process, City staff and MIG are working closely with the community of Barrio Logan to ensure that they are fully engaged in the update of the community plan. The update is anticipated to identify a collective vision for the community, create a plan for future development, provide adequate buffers between incompatible land uses, reduce traffic conflicts including truck traffic, provide for pedestrian-oriented design principals, encourage affordable and market rate housing and provide for adequate public facilities.

The First Amendment to the contract (approved on October 13, 2009) was to provide a detailed evaluation of truck traffic in Barrio Logan, suggesting routes for truck travel, and improvements along those routes. This information was requested by the Barrio Logan Stakeholder Committee and community participants in order to better understand truck traffic impacts within the Barrio Logan community.

The requested Second Amendment to the contract would provide a higher level of traffic forecast analysis that is based on the overall square footage of uses rather than acreage which was used during the first evaluation.

Due to recent State laws (SB 32 and SB 375) pertaining to the evaluation of impacts associated with Greenhouse Gas Emissions that was passed during the same period the original traffic forecast was being completed, a new method for evaluating traffic modeling was developed by City staff that evaluates uses based on the floor area and square footage rather than overall acreage of a parcel. Therefore, this change will require the transportation consultant to conduct additional traffic forecast work in order to evaluate the future intensity of development so the environmental impact report can adequately assess, analyze and provide potential mitigation measures.

FISCAL CONSIDERATIONS:

On April 10, 2007, the San Diego Redevelopment Agency authorized the expenditure of up to \$1,500,000 from the Horton Plaza Redevelopment Project budget for the Barrio Logan Plan update. Furthermore, the City received \$250,000 through the Caltrans Environmental Justice Grant Program as well as \$350,000 through the California Pollution Control Financing Authority's Sustainable Communities grant program, for the Barrio Logan Plan update effort. The total amount of the First Amendment was \$18,000 and was funded through the \$250,000 from the Caltrans Environmental Justice Grant Program. The Second Amendment request totals \$35,640 and would be paid for through the Horton Plaza Redevelopment Project budget that was approved on April 10, 2007. This activity is not a "project" and is therefore not subject to CEQA pursuant to CEQA Guidelines Section 15060(c)(3).

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):

This Agreement is subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-18173, Sections 22.2701 through 22.2708) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On March 6, 2008, the City and Moore Iacofano and Goltsman, Inc., Planning Consultants (Consultant) entered into an Agreement to provide professional services to assist in the development of a new community plan for the Barrio Logan Community Planning Area, which is on file in the Office of the Purchasing and Contracting Department as Agreement #8964-08-Z-RFP and at the Office of the City Clerk as Document No. R-04237. The First Amendment to this contract was approved by the City Council on October 13, 2009, and can be referenced by Resolution No. R-305321.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The City Planning and Community Investment Department (CPCI) established a Barrio Logan Community Plan Update Stakeholders Committee (BLSC) comprised of twenty-five primary members and eight ex-officio members. The primary members are comprised of five residential tenants, three residential property owners, three non-resident property owners, four business owners, three industrial representatives/owners, as well as seven non-profit/community organizations.

Since April 2008, the CPCI Department and the consultant team have been working closely with the BLSC and other interested members of the community to gather input throughout the planning process.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

MIG planning consultants, Kimley-Horn and Associates transportation and mobility consultants, as well as the community stakeholder community members.

Anderson/Goldstone

Comp. Cert. PR 10010562.

Staff: Lara Gates - (619) 236-6006  
Andrea Contreras Dixon - Deputy City Attorney

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

ITEM-332: Amendments to Condition 13 of the Costa Verde North and Costa Verde South Tentative Maps to allow the option to pay an in-lieu fee to satisfy the Inclusionary Housing Ordinance. (University Community Planning Area. District 1.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2010-724)

Amending Condition 13 of Costa Verde North Tentative Map No. 216983, to provide the Subdivider with the option to pay an in-lieu fee to satisfy the Inclusionary Housing Ordinance, as follows:

**AFFORDABLE HOUSING CONDITIONS:**

13. Prior to the recordation of the Final Map, the Subdivider shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13, of the Land Development Code). The Subdivider has the option of satisfying the requirements of the Inclusionary Housing Ordinance by entering into an agreement with the San Diego Housing Commission to either pay the applicable in-lieu fee, or by setting aside at least 10 percent of the units for households with an income at or below 100 percent AMI.

If the in-lieu fee is paid before recordation of the Final Map, the Subdivider shall pay the sum of \$1,171,920.75 (669,669 s.f. x \$1.75).

**NOTE:** Subitem A is not subject to the Mayor's veto.

Subitem-B: (R-2010-725)

Amending Condition 13 of Costa Verde South Tentative Map No. 216966, to provide the Subdivider with the option to pay an in-lieu fee to satisfy the Inclusionary Housing Ordinance, as follows:

13. Prior to the recordation of the Final Map, the Subdivider shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13, of the Land Development Code). The Subdivider has the option of satisfying the requirements of the Inclusionary Housing Ordinance by entering into an agreement with the San Diego Housing Commission to either pay the applicable in-lieu fee, or by setting aside at least 10 percent of the units for households with an income at or below 100 percent AMI.

If the in-lieu fee is paid before recordation of the Final Map, the Subdivider shall pay the sum of \$1,104,937.75 (631,393 s.f. x \$1.75).

**NOTE:** Subitem B is not subject to the Mayor's veto.

**STAFF SUPPORTING INFORMATION:**

On October 2, 2009, the Superior Court of the County of San Diego issued a Writ of Mandate declaring Condition 13 of the Costa Verde North (Project No. 71264) and Costa Verde South (Project No. 71257) Tentative Maps to be contrary to law in that those Maps should have been reviewed under the regulations in effect, and, therefore, the applicant has the option to pay an in-lieu fee to satisfy the Inclusionary Housing Ordinance. The Costa Verde North (651 units) and Costa Verde South (606 units) Tentative Maps are condominium conversion projects approved by the City Council (on appeal) on October 13, 2008.

The Costa Verde North project is located at 8720-8950 Costa Verde Boulevard, and the Costa Verde South project is located at 8510-8550 Costa Verde Boulevard, both within the University Community Planning area.

When originally reviewing these condominium conversion projects, City staff imposed a condition (Condition 13 of both Tentative Maps) requiring the applicant to set aside at least 10 percent of the units on site as affordable. This requirement was based on Municipal Code Section 142.1306(c), a new Section added to the Inclusionary Housing Ordinance on July 5, 2006, requiring all condominium conversion projects of 20 units or more to provide affordable housing units on site.

The applicant opposed this condition throughout the hearing and appeal process, arguing that the Subdivision Map Act requires the City, when reviewing tentative map applications, to apply only those ordinances in effect at the time the tentative map was deemed complete. The Costa Verde North and Costa Verde South projects were deemed complete on June 2, 2005, prior to the effective date of new Municipal Code Section 142.1306(c), requiring on-site affordable units. In June of 2005, the City's Inclusionary Housing Ordinance allowed all condominium conversion projects the option of either paying an in-lieu fee, or setting aside 10 percent of the units as affordable.

The Costa Verde applicant petitioned the Superior Court of the County of San Diego, arguing that Condition 13 of the Tentative Maps was imposed unlawfully by the City. The Superior Court agreed with the applicant, and directed the City to revise Condition 13 of the Tentative Maps accordingly. Therefore, Condition 13 of both the Costa Verde North and Costa Verde South Tentative Maps will now read as follows:

COSTA VERDE NORTH - CONDITION 13: Prior to the recordation of the Final Map, the Subdivider shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). The Subdivider has the option of satisfying the requirements of the Inclusionary Housing Ordinance by entering into an agreement with the San Diego Housing Commission to either pay the applicable in-lieu fee, or by setting aside at least 10 percent of the units for households with an income at or below 100 percent AMI. If the in-lieu fee is paid before recordation of the Final Map, the Subdivider shall pay the sum of \$1,171,920.75 (669,669 s.f. x \$1.75).

COSTA VERDE SOUTH - CONDITION 13: Prior to the recordation of the Final Map, the Subdivider shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13, of the Land Development Code). The Subdivider has the option of satisfying the requirements of the Inclusionary Housing Ordinance by entering into an agreement with the San Diego Housing Commission to either pay the applicable in-lieu fee, or by setting aside at least 10 percent of the units for households with an income at or below 100 percent AMI. If the in-lieu fee is paid before recordation of the Final Map, the Subdivider shall pay the sum of \$1,104,937.75 (631,393 s.f. x \$1.75).

FISCAL CONSIDERATIONS:

None with this action.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On October 13, 2008, the City Council approved both the Costa Verde North (Project No. 71264) and Costa Verde South (Project No. 71257) Tentative Maps, with Condition 13 requiring the provision of on-site affordable housing units. There has been no previous Council or Committee actions regarding amendments to Condition 13. City Attorney staff will update Council in Closed Session on this litigation prior to City Council's open session action on this item.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This action is required pursuant to a Writ of Mandate from the Superior Court of the County of San Diego, and requires immediate City Council action. No Planning Commission hearing is required.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The applicants for this project include Costa Verde North Village, LLC; and Costa Verde Developers, LLC.

Westlake/Goldstone

Staff: Mike Westlake - (619) 446-5220  
Andrea Contreras Dixon - Deputy City Attorney

**NOTE:** See Item 335 in today's docket for a companion item.

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

ITEM-333: Interim Leash-Free Dog Park and Block Improvements (Block Bounded by G Street, Park Boulevard, Market Street and Eleventh Avenue) – Request to Bid – East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment. (District 2.)

(See Centre City Development Corporation Report No. CCDC-10-40/CCDC-10-13; and PowerPoint dated 9/28/2010.)

(Continued from the meeting of September 28, 2010, Item 332, at the request of Councilmember Gloria, for full City Council.)

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

Adopt the following resolution:

(R-2011-172)

A Resolution of the City Council of the City of San Diego (i) Authorizing the Redevelopment Agency of the City of San Diego (Agency), by and through the Centre City Development Corporation (CCDD), to administer and manage the construction of the Interim Leash-Free Dog Park and Block Improvements (Improvements) located on the block bounded by G Street, Park Boulevard, Market Street, and Eleventh Avenue in the East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project Area; (ii) Making certain findings and determinations related to the expenditure of Agency Funds for the construction of the Improvements, in accordance with California Health and Safety Code Section 33445; (iii) Agreeing to accept the portion of the Improvements located within the public right-of-way upon completion; and (iv) Consenting to the Agency's payment for the cost of construction of the Improvements.

**SUPPORTING INFORMATION:**

The proposed Project is the development of an Interim Leash-Free Dog Park and Improvements to an existing adjacent surface parking lot and certain Public Right-of-Way (“Project”). The proposed dog park is an approximately 16,500 square-foot area located on the eastern portion of the block bounded by Park Boulevard, Eleventh Avenue, and Market Street and G Street, while the existing parking lot will remain on the western portion of the block and be upgraded to be in conformance with requirements of the City of San Diego’s Centre City Planned District Ordinance (“Centre City PDO”). Amenities of the dog park will include separate areas for large and small dogs, seating, shade structures, trash receptacles, lighting and drinking fountains for both people and dogs.

The scope of work will also include improvements within the public right-of-way by the addition of a van accessible parking space along Park Boulevard, sidewalk repairs along Market Street and Eleventh Avenue and the removal of nuisance plant materials along Eleventh Avenue.

FISCAL CONSIDERATIONS:

Within the Agency's Fiscal Year 2011 Budget for the Project Area, Agency funds in the amount of \$343,098 are available in the Parks and Open Space line item for the improvements to the Park and \$273,180 are available in the East Village Public Improvements line item for the improvements to the surface parking lot and to the public right-of-way.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):

This Project will utilize the Subcontracting Outreach Program (SCOPE). The mandatory subcontracting outreach percentage for this Project will be determined by the City's Engineering and Capital Improvement Projects Department. This Project is subject to the City's Equal Opportunity Contracting Program (San Diego Ordinance No. O-18173, San Diego Municipal Code Sections 22.2701 through 22.2708) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On June 16, 2010, the Centre City Advisory Committee (CCAC) voted 18-0, with one recusal, and the Project Area Committee (PAC) voted 17-0, with one recusal, to support the staff recommendation to recommend approval of the Project.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Construction of the Interim Leash-Free Dog Park and Block Improvements are intended to serve residents of downtown, especially those in East Village.

Alessi/Goldstone

Comp. Cert. 3000003565.

Staff: Mark Caro - (619) 533-7138  
Elisa A. Cusato - Deputy City Attorney

**NOTE:** See the Redevelopment Agency Agenda of October 12, 2010, for a companion item.

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

ITEM-334: Broadway Median Improvement & Lighting Project (Broadway from Kettner Boulevard to Third Avenue) – Request to Bid – Columbia Sub Area of the Centre City Redevelopment Project and Horton Plaza Redevelopment Project. (District 2.)

(See Centre City Development Corporation Report No. CCDC-10-36/CCDC-10-11; and PowerPoint dated 9/28/2010.)

(Continued from the meeting of September 28, 2010, Item 334, at the request of Councilmember DeMaio, for full City Council.)

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

Adopt the following resolution:

(R-2011-157)

A Resolution of the City Council of the City of San Diego (i) Authorizing the Redevelopment Agency of the City of San Diego (Agency), by and through the Centre City Development Corporation, to administer and manage the construction and installation of the Broadway Median Improvement and Lighting Project (Improvements) located on Broadway from Kettner Boulevard to Union Street in the Columbia Sub Area of the Centre City Redevelopment Project Area and from Union Street to Third Avenue of the Horton Plaza Redevelopment Project Area; (ii) Making certain findings and determinations related to the use of the Agency's Tax Increment Funds for the construction of the Improvements, in accordance with California Health and Safety Code Section 33445; (iii) Agreeing to accept the Improvements upon completion; and (iv) Consenting to the Agency's payment for the cost of construction and installation of the Improvements.

**SUPPORTING INFORMATION:**

The Project will consist of the installation of duplex electrical receptacles to the median palm tree planting wells. The Project would enhance the functionality of Broadway's use as a special event space, for ceremonial purposes, as well as provide an opportunity for holiday lighting. The Project proposes the addition of duplex receptacles to the median palm tree planting wells to serve as outlets to support maintenance activities and additional lighting. The Downtown San Diego Partnership maintains the medians under their Clean & Safe Program and will be responsible for payment of charges for the use of electrical power.

FISCAL CONSIDERATIONS:

Agency funds in the amount of \$10,350 are available in the Fiscal Year 2011 Centre City Redevelopment Project Broadway Median Improvement Lighting Budget, and \$6,900 are available in the Horton Plaza Redevelopment Project Sidewalks and Other Public Improvements Budget for a total amount not to exceed \$17,250.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):

This Project is restricted to City approved Emerging Local Business Enterprises (ELBEs). Should no ELBEs be available, it will be restricted to Small Local Business Enterprises. Voluntary subcontracting percentages for this Project are developed by Engineering and Capital Projects and approved by Equal Opportunity Contracting.

This Project is subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-18173, Sections 22.2701 through 22.2708) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: None.

Alessi/Goldstone

Comp. Cert. 3000003555.

Staff: Gary Bosse - (619) 533-7163  
Elisa A. Cusato - Deputy City Attorney

**NOTE:** See the Redevelopment Agency Agenda of October 12, 2010, for a companion item.

ADOPTION AGENDA, DISCUSSION, HEARINGS  
NOTICED HEARINGS:

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

ITEM-335: Costa Verde Inclusionary Housing Ordinance Variance, Costa Verde (North and South), Project No. 206871. Appeal by applicant of Planning Commission's denial of the Variance. (University Community Plan Area. District 1.)

Matter of the appeal by Paul E. Robinson, of Hecht Solberg Robinson Goldberg & Bagley LLP, attorneys for applicant, from the decision by the Planning Commission denying a Variance from the City's Inclusionary Affordable Housing Regulations, pursuant to Municipal Code Sections 142.1304. The subject properties include nine residential buildings, together known as Costa Verde North (651 units) and Costa Verde South (606 units), located at 8510-8550 and 8720-8950 Costa Verde Boulevard in the RS-1-14 Zone within the University Community Plan area of Council District 1. The applicable City's Inclusionary Housing Ordinance requires the applicant to either set aside 10 percent of these units as affordable, or to pay a fee in-lieu of providing those affordable units, for future condominium conversions. The applicant is requesting to set the in-lieu fee amount at the amount required when the project was deemed complete, and to be allowed to pay that amount at the sale of the first individual unit, rather than at the recordation of the Final Map.

This activity is adequately addressed in Mitigated Negative Declaration No. 85-0783, Mitigated Negative Declaration No. 87-0991, and Addendum (to Mitigated Negative Declaration No. 87-0991) No. 89-1403 and is part of a series of subsequent discretionary actions, and therefore not considered to be a separate project for purposes of CEQA review as defined in State CEQA Guidelines Section §15378(c). Pursuant to Section 15162 of CEQA, there is no change in circumstance, additional information or project changes to warrant additional environmental review. Additionally and alternatively, this activity falls under the previous categorical exemption from CEQA pursuant to CEQA Guidelines, Section 15301(k) (Existing Facilities).

(Variance No. 758951, Costa Verde North/Variance No. 758755, Costa Verde South.)

**STAFF'S RECOMMENDATION:**

Take the following actions:

Subitem A:

Granting or denying the appeal and upholding or overturning the Planning Commission's decision to deny Variance No. 758951, Costa Verde North;

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

Subitem B:

Granting or denying the appeal and upholding or overturning the Planning Commission's decision to deny Variance No. 758755, Costa Verde South;

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

**OTHER RECOMMENDATIONS:**

Planning Commission on August 12, 2010, voted 5-1-1 to deny the variance.

Ayes: Naslund, Golba, Otsuji, Lydon, Smiley

Nays: Ontai

Not present: Griswold

The University Community Planning Group on July 13, 2010, voted 12-0-1 to recommend denial of this Variance request.

**STAFF SUPPORTING INFORMATION:**

REQUESTED ACTION:

Granting of an appeal of the Planning Commission's decision to deny an Inclusionary Housing Ordinance Variance for the Costa Verde North and South condominium projects.

STAFF RECOMMENDATION:

Grant the appeal and approve Variance Nos. 758951 (Costa Verde North) and 758755 (Costa Verde South).

**EXECUTIVE SUMMARY OF ITEM BACKGROUND:**

Costa Verde North is an existing 651-unit residential development project located on 9.1 acres at 8720-8950 Costa Verde Boulevard, within the University Community Planning area. This project was constructed in 1999. The 651 residential units are accommodated within four 4-story buildings, and include 331 one-bedroom units; 308 two-bedroom units; and 12 three-bedroom units.

Costa Verde South is an existing 606-unit residential development project located on 8.6 acres at 8510-8550 Costa Verde Boulevard, within the University Community Planning area. This project was constructed in 1999. The 606 residential units are accommodated within five 4-story buildings, and include 283 one-bedroom units; 303 two-bedroom units; and 20 three-bedroom units.

The Costa Verde condominium projects are subject to the City's Inclusionary Housing Ordinance, and have been conditioned to meet their affordable housing requirement by either setting aside at least 10 percent of the units at 100 percent of area median income, or by paying an in-lieu fee. The Inclusionary Housing Ordinance and adopted Procedures Manual require that the in-lieu fee be paid prior to Final Map, but also allow the option to delay payment of the in-lieu fee until sale of the first unit. When payment of the in-lieu fee is deferred, the in-lieu fee is subject to adjustment based on the current rate in effect at the time of sale of the first unit.

The Inclusionary Housing Ordinance also allows applicants to seek relief from the affordable housing requirements through a process entitled "Variance." This procedure allows the Planning Commission to approve Variances on a case-by-case basis if the findings can be met.

The Request: Costa Verde is requesting a Variance to lock the in-lieu fee rate at \$1.75 per square foot (a total of \$2,276,858.50) with payment deferred until the sale of the first condominium unit. Without this Variance, Costa Verde would be required to pay an in-lieu fee based on the rate in effect at the time of the sale of the first condominium unit, which is likely to be significantly higher than the currently effective rate of \$1.75 per square foot. Conversely, without the Variance, the City could potentially lose the entire \$2,276,858.50 in-lieu fee due to ongoing litigation with Costa Verde.

Planning Commission Hearing: On August 12, 2010, the Planning Commission voted to deny the Variance because they were unable to make all of the necessary Variance findings pursuant to Municipal Code section 142.1304. On August 18, 2010, the applicant filed an appeal of the Planning Commission's decision. The reasons for the appeal (see attached appeal) cited by the appellant included the statement that the Variance is appropriate under financial hardship grounds, and that the inclusionary requirement has no nexus with the Costa Verde projects.

#### FISCAL CONSIDERATIONS:

All costs associated with the processing of this Variance are funded through a deposit account maintained by the applicant. Fiscal impacts associated with denial of the Variance are difficult to assess, but could potentially range anywhere from receiving no in-lieu fees at all (if a Costa Verde lawsuit is successful) to the collection of an additional \$3-\$5 million in fees (depending on the outcome of the lawsuit and the fee in effect at the sale of the first condominium unit).

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

On August 12, 2010, the Planning Commission of the City of San Diego voted 5-1-1 to deny the Variance as they could not make all of the findings required for approval pursuant to the San Diego Municipal Code.

On July 13, 2010, the University Community Planning Group voted 12-0-1 to recommend denial of this Variance request because of concerns regarding establishing a precedent, and because they did not agree that a financial hardship would exist for Costa Verde without the Variance.

**KEY STAKEHOLDERS:**

The City of San Diego.

The Housing Commission.

Costa Verde North Village, LLC.

Costa Verde Developers, LLC.

Goldstone/Westlake

**LEGAL DESCRIPTION:**

The Costa Verde North project is located on a 9.17 acre site at 8720-8950 Costa Verde Boulevard in the RS-1-14 Zone of the University Community Plan area within the Costa Verde Specific Plan area and is more particularly described as Lots 1 and 2 of Costa Verde, Map No. 12045.

The Costa Verde South project is located on a 8.6 acre site at 8510-8550 Costa Verde Boulevard in the RS-1-14 Zone of the University Community Plan area within the Costa Verde Specific Plan area and is more particularly described as Lots 3, 4 and 5 of Costa Verde, Map No. 12045.

**NOTE:** This activity is addressed in MND No. 85-0783, MND No. 87-0991, and Addendum (to MND No. 87-0991) No. 89-1403, and is part of a series of subsequent discretionary actions, and therefore not considered to be a separate project for purposes of CEQA review as defined in CEQA Section §15378(c). Pursuant to Section 15162 of CEQA, there is no change in circumstance, additional information or project changes to warrant additional environmental review. Additionally and alternatively, this activity falls under the previous categorical exemption from CEQA pursuant to CEQA Section 15301(k)(Ex Fac).

Staff: Jeannette Temple (619) 557-7908  
Andrea Dixon – Deputy City Attorney

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

**NOTE:** Companion item is today's City Council Agenda Item No. 332, "Amendments to Condition 13 of the Costa Verde North and Costa Verde South Tentative Maps to allow the option to pay an in-lieu fee to satisfy the Inclusionary Housing Ordinance."

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTIONS:

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

ITEM-336: FY 2011 Homeless Emergency Winter Shelter Program. (District 2.)

(See San Diego Housing Commission Report to the City Council No. CCR 10-005; and memorandum from the San Diego Housing Commission dated 9/27/2010.)

**SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2011-194)

Declaring that a homeless shelter crisis exists in the City of San Diego, in accordance with California Government Code Section 8698.2(a)(1);

Approving the FY 2011 Homeless Emergency Winter Shelter Program (Program), as described in San Diego Housing Commission Report to City Council No. CCR-10-005, upon certification of funds availability by the City Auditor and Chief Financial Officer;

Designating the property located at \_\_\_\_\_ as the temporary site location of the Single Adult Shelter for the FY 2011 Homeless Emergency Winter Shelter Program.

**SUPPORTING INFORMATION:**

Weather conditions during the winter season have the potential to negatively affect the health and safety of individuals subjected to long-term or constant exposure. According to the Fiscal Year 2010 homeless profile compiled by the Regional Task Force profile, there were an estimated 4,526 homeless persons living in the City of San Diego last winter. Of these, 2,049 persons were living on the streets, 595 persons were living in emergency shelter, and 1,882 persons were living in transitional housing.

**FISCAL CONSIDERATIONS:**

Attachment B shows the sources and uses of funds for the FY 2011 Program.

There is no impact to the General Fund from these actions. On April 6, and May 24, 2010, through (City Council Resolution R-305741 and City Council Resolution R-305864), Council approved acceptance and expenditure of \$660,147 in Emergency Shelter Grant (ESG) Funds and \$856,809 in Community Development Block Grant funds from the U.S. Department of Housing and Urban Development (HUD). The San Diego Housing Commission (SDHC) budget was approved on May 11, 2010, in which \$445,000 was budgeted for the Homeless Programs, including the Winter Shelter Program (see Attachment B). Subject to HUD approval, which has been requested, the ESG funds will be directly administered by SDHC, as will SDHC's own funds.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- The City Council approved an RFP for Winter Shelter Program Operations on March 23, 2010.
- There was no response to this RFP; the operation reverted to the current operator, Alpha Project of San Diego.
- Oversight of the Winter Shelter Program was transferred to the San Diego Housing Commission on June 29, 2010.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Staff met or communicated with representatives of the East Village Association (EVA), Metropolitan Area Providers of Social Services (MAPSS), Regional Continuum of Care (RCCC), area businesses and others to solicit suggestions and feedback on possible sites and operating plans.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key stakeholders include residents and businesses in the downtown area and in the Midway area, homeless individuals and families, Alpha Project, and Village Veterans of San Diego (VVSD) as program operators. Program partners include the County of San Diego's Health and Human Services Department, Mental Health Services (health care workers and case managers), and various non-profit and veteran agencies that provide support services to the City's Homeless Shelter Program. The most significant projected impact will be a decrease in the number of persons without shelter in the winter months of 2010-2011.

Vaughan/Goldstone

Staff: Cissy Fisher - (619) 578-7585  
Andrea Contreras Dixon - Deputy City Attorney

NON-DOCKET ITEMS

**NOTE:** During the course of the Council meeting, Councilmember Donna Frye requested under San Diego Municipal Code section 2.5, Non-Agenda Items, and California Government Code section 54954.2, to immediately docket for consideration sending the Governor a Letter of Opposition to the Legislation Waiving the Cap for the Downtown Redevelopment Area.

ITEM - ND-1: Request to Docket Today and Send the Governor a Letter of Opposition to the Legislation Waiving the Cap for the Downtown Redevelopment Area (Citywide District(s): ALL)

**STAFF SUPPORTING INFORMATION:**

The action by the State Legislature to Waive the Cap for the Downtown Redevelopment Area took place with no notice to the San Diego taxpaying public or this Redevelopment Agency. This action would direct and authorize the City Attorney to draft a resolution sending the Governor a Letter of Opposition to the recent legislation waiving the cap for the Downtown Redevelopment Area.

FISCAL CONSIDERATIONS: N/A

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION (describe any changes made to the item from what was presented at committee): N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Hadley

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT