

**THE COMMITTEE ON PUBLIC SAFETY AND NEIGHBORHOOD SERVICES  
OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO**

**ACTIONS FOR  
WEDNESDAY, OCTOBER 18, 2006, AT 2:00 P.M.**

**COUNCIL COMMITTEE ROOM (12TH FLOOR), CITY ADMINISTRATION  
BUILDING  
202 C STREET, SAN DIEGO, CALIFORNIA**

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NON-AGENDA PUBLIC COMMENT : None.

COMMITTEE COMMENT: None.

CITY ATTORNEY, IBA, AND MAYORAL STAFF COMMENT: None.

ADOPTION AGENDA

Approval of the Record of Action Items for September 20, 2006.

ACTION: Approved by common consent.

ITEM-1: REQUEST TO HEAR AN APPEAL relative to hearing officer's decision regarding Public Pay Telephone Abatement Notice & Order: Orion Payphones, LLC.

(See John Rivera's October 5, 2006, letter; Lois J. Stewart's July 12, 2006, and October 11, 2006, letters; Scott D. Fulkerson's July 7, 2006, letter)

ACTION: Motion by Council President Pro Tem Young, second by Councilmember Hueso to deny the appeal based on the grounds set forth in San Diego Municipal Code section 33.0505(D):

- I. The Appellant was not denied the opportunity to make a full and complete presentation to the Hearing Officer:
  - A. Record shows Permittee was given proper notice of the hearing;
  - B. Record shows the Permittee was allowed to testify without limitation at the Administrative Hearing; and

**ACTIONS**  
**Committee on Public Safety & Neighborhood Services**  
**October 18, 2006**

- 2 -

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- C. Record does not show that Permittee was disallowed from presenting any documentary or other evidence at the Administrative Hearing.
  
- II. There has been no showing that any new evidence is now available that is relevant to this issue that was not available at the time of the Hearing Officer's hearing:
  - A. No allegation of any new evidence set forth in written appeal to this body or otherwise.
  
- III. The Hearing Officer's decision was not arbitrary; the evidence that was presented to the Hearing Officer supports the decision of the Hearing Officer:
  - A. The evidence established that the payphones were a public nuisance under Municipal Code 54.0501;
  - B. The department followed the abatement procedures set forth in Municipal Code 540406; and
  - C. The Department followed the mitigation procedures set forth in 540506(b) in that removal of the payphones was the only reasonable alternative.
  
- IV. The appeal does not present a city-wide issue on which guidance of the committee on public safety and neighborhood services is required and the matter is not of city-wide significance:
  - A. This issue is limited to this particular Permittee.
  
- V. The Hearing Officer's decision is not in conflict with adopted Council Policy or the Municipal Code:
  - A. As previously discussed, the abatement is appropriate under Municipal Code 54.0506(b)(8) which contemplates the complete removal of phones including all supporting equipment.

VOTE:4-0; Maienschein-yea, Faulconer-yea, Young-yea, Hueso-yea

**ACTIONS**  
**Committee on Public Safety & Neighborhood Services**  
**October 18, 2006**

- 3 -

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ITEM-2: Update from the San Diego Police Department on POLICE STAFFING.

(See San Diego Police Department's October 2006, Staffing Report)

ACTION: Informational report. No action taken.

ITEM-3: Informational report from the COMMUNITY EMERGENCY RESPONSE TEAM (CERT) VOLUNTEER MEMBERS regarding Capabilities And Plans For The Future.

(See Kevin Lee's October 18, 2006, Scripps Ranch CERT PowerPoint with notes; Qualcomm Real Estate and Facilities CERT of October 18, 2006 PowerPoint)

ACTION: Informational report. No action taken.

ITEM-4: Update from the SAN DIEGO FAMILY JUSTICE CENTER.

(See Report to City Council No. 06-150)

ACTION: Informational report. No action taken.

ITEM-5: Update from HOMELAND SECURITY.

(See Report to City Council No. 06-151)

ACTION: Informational report. No action taken.

Brian Maienschein  
Chair