# AGENDA FOR THE REGULAR COUNCIL MEETING OF MONDAY, JULY 7, 2008, AT 2:00 P.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**

A Special Meeting of 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

ITEM-1:	ROLL CALL.
ITEM-10:	INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

# **NON-AGENDA PUBLIC COMMENT**

Non-agenda public comment is taken on Tuesday pursuant to San Diego Municipal Code Section 22.0101.5.

# 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.

# === LEGISLATIVE SCHEDULE ===

Adoption Agenda, Discussion, Committee Items

ITEM-150:Implementing Proposition C; Appointing a Member of the City Council to<br/>Serve on the Screening Committee that will Recommend New Public<br/>Member Candidates to be Considered for the City's Audit Committee.<br/><br/>AUDIT COMMITTEE'S RECOMMENDATION: On 6/23/2008, Audit<br/>voted 3 to 0 to accept the report and direct the Independent Budget<br/>Analyst to initiate scheduling before the City Council.

Adoption Agenda, Discussion, Other Legislative Items

- ITEM-200: Waiving Council Policy 000-21 to Allow City Council to Consider Ballot Propositions for Inclusion on the November 2008 Ballot on July 15 instead of July 7. <u>COUNCIL PRESIDENT PETERS' RECOMMENDATION:</u> Take the action.
- ITEM-201:Response of the City Council to the Grand Jury Report Titled "San Diego<br/>Development Services Department: Professionals in a Maze."INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:<br/>Adopt the resolution.

Noticed Hearings, Discussion

ITEM-202:Martinez Street Name Change, Project No. 119430. Martinez Ranch Road<br/>to be changed to Hixson Mesa Way in tribute to Mr. Robert Hixson.<br/>(Otay Mesa Community Plan Area. District 8.)STAFF'S RECOMMENDATION:<br/>Adopt the resolution.

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

In accordance with the San Diego City Council Permanent Rules 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. Public testimony on Closed Session items is taken in Open Session on Mondays, except when there is no Monday meeting. Public testimony on Closed Session may take place any time after public testimony, but is typically held on Tuesdays at 9:00 a.m. 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) Allow for 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-250:	Submission of Ballot Proposals
ITEM-251:	Ballot Propositions forwarded to City Council
ITEM-252:	Notice of Pending Final Map Approval – Essex Place.
ITEM-253:	<b>Notice</b> of Pending Final Map Approval – 3934 Hamilton St. Condominiums.
ITEM-254:	Notice of Pending Final Map Approval – 2113 Balboa Avenue.
ITEM-255:	<b>Notice</b> of Pending Final Map Approval – 2015 Robinson Avenue Condominiums.
ITEM-256:	Notice of Pending Final Map Approval – Sunroad Centrum Residential.
ITEM-257:	Notice of Pending Final Map Approval – 4545 Georgia.

# NON-DOCKET ITEMS

# ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

# ADJOURNMENT

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=== EXPANDED CITY COUNCIL AGENDA ===

# ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

# COMMITTEE ON AUDIT, RESOLUTIONS:

ITEM-150: Implementing Proposition C; Appointing a Member of the City Council to Serve on the Screening Committee that will Recommend New Public Member Candidates to be Considered for the City's Audit Committee.

?View referenced exhibit back-up material.

(See Independent Budget Analyst Report No. 08-67.)

# **TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2008-1205)

Confirming the appointment of \_\_\_\_\_\_\_ to serve as the Councilmember representative on the Screening Committee, pursuant to Charter Section 39.1 of the City Charter.

## **AUDIT COMMITTEE'S RECOMMENDATION:**

On 6/23/2008, Audit voted 3 to 0 to accept the report and direct the Independent Budget Analyst to initiate scheduling before the City Council. (Councilmembers Faulconer, Atkins, and Young voted yea.)

# **SUPPORTING INFORMATION:**

On June 3, 2008, voters approved Proposition C which, in part, provided new City Charter language to address the responsibilities and composition of the City's Audit Committee. New language in City Charter Section 39.1 calls for a reconfigured Audit Committee comprised of two members of the City Council (one to serve as Chair of the Committee) and three public members. On June 23, 2008, the current Audit Committee received Report #08-67 from the IBA suggesting a process for implementing the provisions of Proposition C.

The City Clerk expects the new voter approved City Charter language to become effective in mid July. In order to implement new City Charter Section 39.1 as it relates to a reconfigured Audit Committee, it will be necessary for the City Council to establish a Screening Committee as described in Proposition C. The Screening Committee is charged with vetting the qualifications of public member Audit Committee candidates and recommending a pool of at least two candidates (for each of three new public member positions) for the City Council to consider for appointment.

# ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)

COMMITTEE ON AUDIT, RESOLUTIONS: (Continued)

ITEM-150: (Continued)

# **<u>SUPPORTING INFORMATION:</u>** (Continued)

The Screening Committee is to be comprised of "a member of the City Council, the CFO, the IBA, and two outside financial experts appointed by the other three members of the Screening Committee and confirmed by the City Council."

In order to implement the Audit Committee provisions of Proposition C, the first step is for the City Council to adopt a resolution appointing a member of the City Council to serve on the Screening Committee. The Council President will have requested nominations from the City Council for this appointment prior to the scheduled Council meeting. Once the City Council has confirmed their Screening Committee appointee, the IBA anticipates the outside financial experts will be recommended and docketed for confirmation by the City Council on July 28<sup>th</sup>.

The IBA has suggested that the Screening Committee be established before the legislative summer recess to allow for candidate solicitation, review of qualifications and final recommendation of public member Audit Committee candidates for City Council consideration in September 2008. This resolution would initiate the process for establishing the Screening Committee described in Proposition C and represent the first step in reconfiguring the City's Audit Committee.

FISCAL CONSIDERATIONS: None.

# PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On June 23, 2008, the Audit Committee unanimously adopted a motion accepting IBA Report #08-67 and directing the IBA to docket necessary actions for City Council consideration to facilitate establishment of a Screening Committee prior to the Legislative summer recess.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

# KEY STAKEHOLDERS AND PROJECTED IMPACTS: None.

Kawar/Tevlin

## ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ITEM-200: Waiving Council Policy 000-21 to Allow City Council to Consider Ballot Propositions for Inclusion on the November 2008 Ballot on July 15 instead of July 7.

?View referenced exhibit back-up material.

(See memorandum from Council President Peters dated 6/26/2008.)

# **COUNCIL PRESIDENT PETERS' RECOMMENDATION:**

Take the following action:

Waiving Council Policy 000-21 to allow Council to take up proposed ballot measures for the November 2008 ballot on July 15, 2008, instead of July 7, 2008;

Directing the City Attorney to prepare the appropriate resolutions and/or ordinances in accordance with Charter Section 40.

# ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

## **RESOLUTIONS:**

ITEM-201: Response of the City Council to the Grand Jury Report Titled "San Diego Development Services Department: Professionals in a Maze."

?View referenced exhibit back-up material.

(See Independent Budget Analyst Report No. 08-68.)

# **INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-1196)

Approving and adopting as its own the response to the 2007-2008 San Diego County Grand Jury Report filed April 16, 2008, and titled "San Diego Development Services Department: Professionals in a Maze," as set forth in IBA Report No. 08-68 dated June 25, 2008;

Authorizing and directing the City Council President, on behalf of the San Diego City Council, to execute and deliver the above-described response to the Presiding Judge of the San Diego County Superior Court no later than July 15, 2008.

## ADOPTION AGENDA, DISCUSSION, HEARINGS

## NOTICED HEARINGS:

ITEM-202: Martinez Street Name Change, Project No. 119430. Martinez Ranch Road to be changed to Hixson Mesa Way in tribute to Mr. Robert Hixson. (Otay Mesa Community Plan Area. District 8.)

?View referenced exhibit back-up material.

Martinez Ranch Road is a two-lane local street approximately 375 feet in length, lying between Bristow Court and Britannia Court within the Martinez Ranch Business Park, within the Otay Mesa Community Plan Area. The developer of the Martinez Ranch Business Park, Capella Development, has submitted an application for a street name change to allow Martinez Ranch Road to be changed to Hixson Mesa Way in tribute to Mr. Robert Hixson, a notable member of the Otay Mesa community.

## **STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-1116)

Adoption of a Resolution certifying that Martinez Ranch Road, more particularly shown on Drawing No. 20611-B, attached hereto as Exhibit "A", is hereby changed to Hixson Mesa Way;

That the City Clerk shall cause a certified copy of this resolution, with Exhibit "A", attested by her under seal, to be recorded in the Office of the County Recorder;

That the City Clerk shall forward a copy of this resolution to the San Diego County Board of Supervisors pursuant to California Government Code Section 34092;

That this action is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(C)(3).

# **OTHER RECOMMENDATIONS:**

The Otay Mesa Planning Committee voted 9-0-1 to approve the project on September 19, 2007.

# ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

# NOTICED HEARINGS: (Continued)

ITEM-202: (Continued)

# **STAFF SUPPORTING INFORMATION:**

<u>REQUESTED ACTION:</u> Should the City Council approve a street name change allowing Martinez Ranch Road to be changed to Hixson Mesa Way.

STAFF RECOMMENDATION: Approve Street Name Change No. 405145.

#### **EXECUTIVE SUMMARY:**

Martinez Ranch Road is a two-lane local street approximately 375 feet in length, lying between Bristow Court and Britannia Court within the Martinez Ranch Business Park, within the Otay Mesa Community Plan Area. The Martinez Ranch Business Park was subdivided according to Map No. 12488 (filed with the County Recorder November 11, 1989). A portion of Martinez Ranch Road was recently completed; surrounding property is undeveloped, though mass grading for Lots 2 and 5 of Martinez Ranch Business Park is underway.

The developer of the Martinez Ranch Business Park, Capella Development, has submitted the application for the street name change in tribute to Mr. Robert Hixson, a long-time member of the Otay Mesa business community and currently the chair of the Otay Mesa Planning Committee. A petition seeking support of the street name change was approved by 100 percent of the affected property owners. The proposal meets all criteria outlined under Council Policy 600-12.

#### FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are recovered from a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None with this action.

<u>COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:</u> The Otay Mesa Planning Committee voted 9-0-1 to approve the project on September 19, 2007.

# ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

# NOTICED HEARINGS: (Continued)

ITEM-202: (Continued)

# **STAFF SUPPORTING INFORMATION:** (Continued)

#### **KEY STAKEHOLDERS:**

Applicant (Christopher S. McKellar, Capella Development); Adjacent property owners (Clark J. Gardner III, R & M Alvarez Partnership, LP., Michael Melideo Trust / Peter Melideo Trust, Hilda V. Edeen Trust, Lebata, Inc., Innovative Oil & Gas Development & Trading Co. Inc., IMS Group LLC, Chrome, Inc.).

Broughton/Anderson/PJF

**<u>NOTE</u>**: This activity is not a "project" and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060(C)(3).

- Staff: Patricia J. Fitzgerald (619) 446-5107 Shirley R. Edwards – Deputy City Attorney
- **<u>NOTE</u>**: This item is not subject to Mayor's veto.

## **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-250: 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 City Clerk's Office has established the following administrative guidelines for the November 4, 2008, election:

		DAYS BEFORE	
DAY	DATE	ELECTION	EVENT
Friday	6/20/08	137	LAST DATE (10:00 a.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	6/25/08	132	Rules Committee review
Monday	7/7/08	120	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	7/7/08	120	Council is expected to consider moving the consideration of proposals to Council Docket of 7/15/08
Tuesday	7/15/08*	112	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	7/28/08	99	Council adopts ordinances prepared by City Attorney
Friday	8/8/08	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/21/08	75	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.

\*originally scheduled for 7/7/08

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-251: BALLOT PROPOSITIONS FORWARDED TO CITY COUNCIL

#### ?View referenced exhibit back-up material.

The Rules Committee has voted to forward to City Council three ballot propositions (New Pension Plan for Non Safety Employees; Mission Bay Park and Regional Parks Improvement Funds Charter Amendment; Salary Setting Ordinances), for consideration for placement on the November 2008 ballot.

The Council is expected to consider items for the November 2008 ballot at its meeting on July 15, 2008.

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-252: Notice of Pending Final Map Approval – Essex 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 "Essex Place" (T.M. No. 301502/PTS No. 152466), located on the north side of Essex Street between Vermont Street and Richmond Street 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.

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-253: Notice of Pending Final Map Approval – 3934 Hamilton St. 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 "3934 Hamilton St. Condominiums" (T.M. No. 305157/PTS No. 152001), located on the west side of Hamilton Street between Lincoln Avenue and University Avenue 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.

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-254: Notice of Pending Final Map Approval – 2113 Balboa Avenue.

#### ?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 "2113 Balboa Avenue" (T.M. No. 123896/PTS No. 96342), located on the north side of Balboa Avenue between Noyes Street and Olney 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.

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-255: Notice of Pending Final Map Approval – 2015 Robinson Avenue 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 "2015 Robinson Avenue Condominiums" (T.M. No. 146010/PTS No. 154913), located on the southeast corner of Robinson Avenue and Florida Street 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.

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-256: Notice of Pending Final Map Approval – Sunroad Centrum Residential.

#### ?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 "Sunroad Centum Residential" (T.M. No. 329293/PTS No. 121321), located on the east side of Highway 163 between Lightwave Avenue and Spectrum Center Boulevard in the Kearny Mesa Community Plan Area in Council District 6, 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.

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-257: Notice of Pending Final Map Approval – 4545 Georgia.

#### ?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 "4545 Georgia" (T.M. No. 248946/PTS No. 153290), located on the east side of Georgia Street between Madison Avenue and Monroe Avenue 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.

#### NON-DOCKET ITEMS

## ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

## ADJOURNMENT