

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JULY 24, 2006
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 2:07 p.m. Council President Peters recessed the meeting at 2:13 p.m. into Closed Session in the twelfth floor Committee Room to discuss existing and pending litigation matters. Council President Peters reconvened the meeting at 2:33 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 3:30 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
 - (2) Council Member Faulconer-present
 - (3) Council Member Atkins-present
 - (4) Council Member Young-present
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council Member Hueso-present
- Clerk-Maland (ek)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-not present

FILE LOCATION: MINUTES



ITEM-10: INVOCATION

Invocation was given by Reverend John Conrad of the Good Samaritan Episcopal Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Atkins.

FILE LOCATION: MINUTES

CLOSED SESSION:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code Section 54956.9(a):

**CS-1 *Isbell v. City of San Diego, U.S.D.C.*
United States District Court No. 98CV0688**

REFERRED TO CLOSED SESSION OF TUESDAY, JULY 25, 2006

DCA assigned: B. Walters

This matter is an action filed by George Isabell Jr. and G&B Emporia Inc. challenging the City's zoning ordinance for the location of Plaintiffs' adult entertainment business. The City Attorney will brief the City Council on the status of the matter in closed session and request appropriate action including seeking direction on settlement of the case at mandatory settlement conference requested by the federal district court.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:13 p.m.)

Council President Peters closed the hearing.

**CS-2 *Canyon Ridge Baptist Church, Inc. et al. v. City of San Diego*
United States District Court No. 5CV2313**

REFERRED TO CLOSED SESSION OF TUESDAY, JULY 25, 2006

DCA assigned: G. Spitzer

This matter regards an allegation that the Park and Recreation Department Fee Schedule and the application of the Fee Schedule violate Plaintiffs' constitutional rights. The City Attorney requests that the City Council consider a possible settlement of the case in closed session.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:13 p.m.)

Council President Peters closed the hearing.

**CS-3 *Friends of Fox Canyon v. City of San Diego, City Council of San Diego*
San Diego Superior Court Case No. GIC864623**

REFERRED TO CLOSED SESSION OF TUESDAY, JULY 25, 2006

DCA assigned: M. Dickenson

This matter involves a California Environmental Quality Act case which challenges the City Council's approval of a Mitigated Negative Declaration. The City Attorney requests that the City Council consider a possible settlement of this case in closed session.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:13 p.m.)

Council President Peters closed the hearing.

**CS-4 *City of San Diego v. Callan, et al.*
San Diego Superior Court Case No. GIC852419**

REFERRED TO CLOSED SESSION OF TUESDAY, JULY 25, 2006

EACA assigned: D. McGrath

Request to approve prior contingent fee arrangement with the Law Firm of Stanford & Associates and for a deposit of money for expert fees.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:13 p.m.)

Council President Peters closed the hearing.

**CS-5 *Anthony Purbaugh v. City of San Diego*
Claim No. LP0607050804**

REFERRED TO CLOSED SESSION OF TUESDAY, JULY 25, 2006

DCA assigned: A. Jones

This is a case for payment of cost associated with damages caused by the break of a 6 inch asbestos cement water main. The City Attorney will advise the Council President and Members of the City Council regarding the current status of this case.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:13 p.m.)

Council President Peters closed the hearing.

**CS-6 *Marcus R. Abbe, et al. v. City of San Diego, et al.*
United States District Court No. 05CV1629**

REFERRED TO CLOSED SESSION OF TUESDAY, JULY 25, 2006

EACA assigned: D. McGrath

This matter is a class action filed by numerous police officers alleging violations of the memorandum of understanding with the City of San Diego. In closed session the City Attorney will brief the Council on the status of the matter and request retention of outside counsel in the matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:13 p.m.)

Council President Peters closed the hearing.

**CS-7 *City of San Diego v. Chapin*
San Diego Superior Court Case No. GIC863096**

REFERRED TO CLOSED SESSION OF MONDAY, JULY 24, 2006

CA assigned: M. Aguirre, DCA S. Spivak, DCA C. Fitzgerald

This matter is a pending lawsuit filed by the City of San Diego against former deputy city attorney and SDCERS general counsel Loraine Chapin. The lawsuit alleges Ms. Chapin breached fiduciary duties and violated Government Code Section 1090. In closed session, the City Attorney will brief the Council on the status of the matter and request that the Council consider a proposed settlement.

CLOSED SESSION COMMENT-1:

Jarvis Ross commented on the prudence of refusing to fund Loraine Chapin's legal defense.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:12 p.m.)

Council President Peters closed the hearing.

**CS-8 CS-8 *Get Outdoors II, L.L.C. v. City of San Diego*
Federal District Court Case No. 03cv1436**

REFERRED TO CLOSED SESSION OF TUESDAY, JULY 25, 2006

DCA assigned: M. Stiffler

This case concerns the regulation of billboards in the City of San Diego. The City Attorney will advise the Council President and Members of the City Council regarding the current status of this case.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:13 p.m.)

Council President Peters closed the hearing.

**Conference with Legal Counsel - anticipated litigation - significant exposure to litigation,
pursuant to California Government Code Section 54956.9(b):**

CS-9 Shier Aviation

REFERRED TO CLOSED SESSION OF TUESDAY, JULY 25, 2006

DCA: M. Park and D. Shanahan.

This matter involves potential litigation against the City of San Diego for alleged breach of contract. In closed session, the City Attorney will report to the Council on the options to settle the threat of litigation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:13 p.m.)

Council President Peters closed the hearing.



ITEM-200: Awarding of Contract for Furnishing Various Gasoline and Diesel Fuels.

(See Report to the City Council No. 06-097.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-54) ADOPTED AS RESOLUTION R-301670

Awarding the contract to the low bidder meeting specifications, The SoCo Group, Carlsbad, California (Contractor), to provide various gasoline and diesel fuels, as may be required for a period of one year from the date of award for an estimated annual cost of \$11,541,599 (including sales tax), terms net thirty days; with option to renew the contract for four additional one-year periods; with freight price escalations not to exceed ten percent of freight prices in effect at the end of each prior contract year, per Request for Proposal No. 7325-05-Z-RFP;

Authorizing the Mayor to award the contract to the next low bidder meeting specifications, in the event the Contractor fails to perform in accordance with the contract specifications;

Authorizing the estimated remaining expenditure of \$1,331,722 for Fiscal Year 2006, of which \$307,367 is from Fund 100, Department 110, Police Department; \$159,133 is from Fund 100, Department 120, Fire Department; \$3,788 is from Fund 41500, Department 760, Water Department; and \$861,434 is from Fund 50030, Department 820, Equipment Division of General Services, solely and exclusively, for providing funds for said contract;

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

STAFF SUPPORTING INFORMATION:

Due to the constant rise in fuel prices, the City of San Diego led the effort to seek additional potential price discounts based on an economy of scale and also assist other public agencies, by issuing Request for Proposal Number 7325-05-Z-RFP as a cooperative procurement initiative, which included the City of San Diego and thirty-one (31) other various public agencies throughout the County of San Diego as listed in the Report to City Council.

In order to solicit the most possibly advanced, cost-effective fuel price solution for the City, a general price parameter with no specific price structure was stipulated.

Technical proposals were evaluated separately from price proposals, and a ranking was established by a technical committee based upon technical merit. As a result, The SoCo Group offered the highest ranked technical proposal. Price proposals were evaluated separately from technical proposals, and a ranking was established based upon fuel price data between January 1, 2004 and December 31, 2004. A one percent (1%) sales tax refund to the City of San Diego was included in the price evaluation for the Proposer located in the City of San Diego. As a result, The SoCo Group offered the lowest price proposal.

Specifically, The SoCo Group proposed to evaluate the lowest price structure for fuel products for the City based on two (2) different published indices; the West Coast Spot Market price, which represents the price of fuel prior to shipping to the San Diego fuel terminal, and the San Diego Unbranded Rack which represents the price for unbranded fuel available at the San Diego terminal. A management fee will be added to the lowest fuel price. In light of the higher fuel prices, The SoCo Group has proposed a new tiered management fee structure that lowers the fee charged to agencies if fuel costs rise. The total estimated annual savings to the City based upon this reduced management fee would be \$47,720.

As an incentive for all agencies to participate and utilize this proposal, The SoCo Group proposed a rebate program based on the overall volume purchased by the listed agencies. Assuming the City of San Diego purchases an estimated annual total of 5,100,000 gallons of fuel from the new proposal from The Soco Group, the rebate calculation would be \$7,650. With the anticipated annual management fee savings of \$47,720 and the anticipated rebate savings of \$7,650, the total anticipated savings to the City over a one (1) year period would be approximately \$55,370.

All participating agencies are responsible for finalizing and issuing their own contract award and the City of San Diego will bear no financial responsibility for these awards.

FISCAL CONSIDERATIONS:

Authorize the estimated remaining expenditure of \$1,331,722 for Fiscal Year 2006, of which \$307,367 is from Fund 100, Department 110, Police Department, \$159,133 is from Fund 100, Department 120, Fire Department, \$3,788 is from Fund 41500, Department 760, Water Department, and \$861,434 is from Fund 50030, Department 820, Equipment Division of General Services, is hereby authorized solely and exclusively for providing funds for said contract, provided the City Auditor and Comptroller, upon advice from the administering Department, is hereby authorized to transfer excess budgeted funds, if any, to the appropriate reserves.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

City Council Resolution Number R-295206 was adopted on July 24, 2001, for award of a contract to The SoCo Group for furnishing gasoline and diesel fuel for a period of one (1) year beginning August 1, 2001 through July 31, 2002, with options to renew the contract for four (4) additional one (1) year periods. This contract is currently being extended on a month-to-month basis pending award of a new contract.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Fifty-one (51) potential proposers were contacted, ranging from small business to fuel distributors and large oil companies. The request for proposal was advertised in the San Diego Daily Transcript and posted in the City of San Diego's official internet site.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Equipment Division of General Services, Fire Department, Police Department, and The SoCo Group.

Rimes/Reynold

Aud. Cert. 2600956.

Staff: Tammy Rimes - (619) 236-5921
Michael Calabrese - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:38 p.m. – 2:38 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-201: Miramar Trunk Sewer.

Matter of the appeal by City of San Diego Metropolitan Wastewater Department of the Planning Commission decision to replace and upgrade 5,456 linear feet of sewer main from 15-inch to 21-inch using the pipe bursting installation method within Rose Canyon approximately a quarter mile south of Nobel Drive, and three quarters of a mile north of Governor Drive.

(See Report No. PC-06-055, Project No. 33120, Mitigated Negative Declaration No. 33120, Site Development Permit No. 87992. University Community Plan Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the resolution in Subitem A to grant the appeal and overturn the decision of the Planning Commission and to grant the permit; and adopt the resolution in Subitem B:

Subitem-A: (R-2006-) GRANTED APPEAL, GRANTED PERMIT,
ADOPTED AS RESOLUTION R-301671,
WITH DIRECTION

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision of the Planning Commission and granting or denying the Site Development Permit No. 87992, with appropriate findings to support Council action.

Subitem-B: (R-2006-) ADOPTED AS RESOLUTION R-301672,
WITH DIRECTION

Adoption of a Resolution certifying Mitigated Negative Declaration No. 33120 and adopt the Mitigation, Monitoring and Reporting Program (MMRP).

STAFF SUPPORTING INFORMATION:

The project (Attachment B) as originally proposed was to replace/upsized approximately 5,456 linear feet of trunk sewer from 15-inch to 21-inch within Rose Canyon south of Miramar Road, to prevent sewer spills in the future. The project would be impacting 1.09 acres of wetlands and 2.46 acres of uplands. The proposed improvement would take place in the existing trenches at the same depth as the existing 15-inch main. The project also included the construction of a new

8-foot-wide maintenance access path with 35-foot-wide turn-arounds in dead-end areas (Attachment M, Report No. PC-06-055).

On April 6, 2006, the Planning Commission discussed the construction of the 8-foot wide maintenance access path and some construction alternatives for the sewer replacement/upgrade. The Commissioners considered the testimony and voted 6-1 to approve the sewer replacement/upgrade with the condition the installation method used shall be pipe bursting (Attachment J *Condition 18*). The Planning Commission also conditioned their approval on the elimination of the 8-foot wide maintenance access path with the 35-foot-wide turn-arounds (Attachment L *Item 15*). The Commissioners felt that there was no immediate urgency to providing a new access path to the existing side main manholes where there was no new proposed pipe construction on the side main.

The applicant, Metropolitan Wastewater Department (MWWD) is in agreement with the elimination of the maintenance access path and it will no longer be a part of the Miramar Trunk Sewer Project. Elimination of this access path will reduce the uplands impact by 0.75 acres and wetlands impact by 0.01 acres. Therefore, the impacts associated with the pipe trenching would be 1.71 acres uplands and 1.08 acres wetlands or a total of 2.79 acres impacted.

The applicant is appealing the decision of the Planning Commission to install the Miramar Trunk Sewer solely by pipe bursting (Attachment C) because it limits their contracting options. The applicant proposes to bid the project with the option to use either open trench or pipe bursting, and to select the low bidder. The Miramar Trunk Sewer specifications have been prepared to bid two methods of construction. The options for construction are conventional open trench, where the existing 15-inch pipe would be physically removed and replaced with the new 21-inch pipe, and pipe bursting. Pipe bursting requires somewhat smaller excavations (Attachments D and E). New manholes and lateral connections are installed afterward, using conventional construction methods. Environmental impacts under ideal installation conditions would be less using pipe bursting technology, at 0.44 acres, verses open trench replacement, at 2.79 acres.

MWWD would like to keep their contracting options open for several reasons:

1. MWWD does not have any experience in pipe bursting a project of this size. The magnitude of size increase, going from 15-inch to a 21-inch is at or near the current limit of pipe bursting technology at this time. If the contractor were to run into unforeseen site or soil conditions that make pipe bursting infeasible, the applicant might have to stop the project while they amend their permit to use another method of construction;
2. MWWD would potentially be required to limit the number of pre-qualified bidders due to the pipe bursting requirement; and

3. MWWD has limited hard bid data on the cost of pipe bursting, so allowing bids against open trench will illustrate what the market rates are. MWWD does not want to limit their flexibility.

To accommodate the concerns about environmental impacts, the applicant is recommending that the project be bid with a construction component and a mitigation component and the total lowest cost will determine which construction method to use. For example, the contractor would bid the cost for construction (either open trench or pipe bursting) and then estimate the amount of land that would be impacted, multiplied by a unit cost factor that the City would provide, to calculate the mitigation cost. The total project cost would then be calculated by adding the mitigation cost to the bid to determine best value to the City. This will be more work for the contractor, but it should show the true cost of the project.

For this particular project, the estimates show that with construction and mitigation costs taken into consideration, open trench and pipe bursting are within 3% of each other, with open trenching having a slightly higher total cost. The applicant recommends the City Council allow the opportunity to bid these two methods against each other.

FISCAL CONSIDERATIONS:

The proposed project estimated construction cost using the open trench method would be approximately \$3,096,771 (Attachment F) and approximately \$3,460,278 using the pipe bursting method (Attachment G). The estimated mitigation cost for the open trench method would be an additional \$644,000 while the estimated mitigation cost for the pipe bursting method would be an additional \$165,000. The proposed project is being funded by the Metropolitan Wastewater Department Sewer Fund No. 41506, CIP-46-194.9 Miramar Road Trunk Sewer Replacement Project.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On March 14, 2006, the University Community Planning Group (UCPG) voted 13-1-0 to recommend the project be approved for upsizing but decouple side access path. The UCPG strongly recommends using the pipe bursting method (Attachment K).

KEY STAKEHOLDERS & PROJECTED IMPACTS:

City of San Diego Metropolitan Wastewater Department.

Halbert/Waring/VL

LEGAL DESCRIPTION:

The project site appears on the United States Geological Survey 7.5 minute map, La Jolla quadrangle, in Township 15 South; Range 3 West.

Staff: Vena Lewis – (619) 446-5197.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:38 p.m. – 3:20 p.m.)

Motion by Frye to continue to Tuesday, August 1, 2006 for further review. Second by Atkins.

Motion withdrawn.

MOTION BY MADAFFER TO ADOPT THE RESOLUTION IN SUBITEM A TO GRANT THE APPEAL AND OVERTURN THE DECISION OF THE PLANNING COMMISSION AND TO GRANT THE PERMIT; AND ADOPT THE RESOLUTION IN SUBITEM B, WITH DIRECTION THAT STAFF PROVIDE THE NATURAL RESOURCES AND CULTURE COMMITTEE WITH A HISTORY OF ITS DISCUSSIONS AND WORK PERFORMED WITH THE REGIONAL BOARD AND THE MARINE CORPS BASE, THE STUDIES AND CONSULTING WORK THAT THE REGIONAL BOARD AND THE MARINE CORPS BASE HAVE PERFORMED, THE COMMITMENTS THEY HAVE MADE, AND THE DISCUSSION WITH MARINE CORPS BASE REGARDING PAYING FOR TEMPORARY COSTS.

Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 7, 2006 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	6/16/2006	144	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	6/21/2006	139	Rules Committee review of ballot proposals
Monday	6/26/2006	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	7/10/2006	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	7/31/2006	99	Council adopts ordinances prepared by City Attorney
Friday	8/11/2006	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/24/2006	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4030.

ITEM-251: ARGUMENTS SUPPORTING OR OPPOSING PROPOSITIONS

For propositions approved by the Council for submittal to the qualified voters of the City of San Diego at the General Municipal Election to be held on Tuesday, November 7, 2006, the City Clerk has fixed 5:00 p.m. on Thursday, August 24, 2006, as a reasonable date prior to such election after which no arguments for or against City propositions may be submitted to the Clerk.

Any argument for or against any City proposition shall not exceed 300 words in length and may be filed by the Council, or any member or members of the Council authorized by the Council, or

the bona fide sponsors or proponents of the measure, or any bona fide association of citizens or individual voter, or any combination of voters and associations.

All arguments must be accompanied by a statement signed by each author that the argument is true and correct to the best of his/her knowledge and belief. (Forms for this statement are available in the Office of the City Clerk.)

An argument shall not be accepted unless accompanied by the name or names of the person or persons submitting it, or if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers. No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

Arguments may be changed or withdrawn by their proponents until and including the date fixed by the City Clerk.

Arguments shall be submitted to the City Clerk at the Office of the City Clerk, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, California, 92101.

ITEM-252: **Notice** of Pending Final Map Approval - Esperanza.

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 "Esperanza" (T.M. No. 60959/PTS No. 89694), located on the northwest corner of 62nd Street and Imperial Avenue in the Encanto Neighborhoods, Southeastern Community Plan Area in Council District 4, 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 Deputy City Engineer Lee Hennes at (619) 446-5291.



ITEM-S400: In the Matter of City of San Diego v. Chapin (GIC 863096).

(See letter from City Attorney Aguirre dated 6/28/2006 and letters from Steven M. Strauss dated 7/7/2006 and 4/11/2006.)

(Continued from the meetings of July 11, 2006, Item 334, and July 18, 2006, Item S500; last continued at the request of Councilmember Faulconer, for further review.)

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Take the following actions: RETURNED TO COUNCIL DISTRICT 1

- 1) Consideration and discussion of the April 11, 2006 request by Steven Strauss that the City indemnify and defend Ms. Loraine Chapin in the above-named case pursuant to California Government Code Section 995 et seq.;
- 2) Directing the City Attorney to prepare a resolution consistent with the Council's direction in item (1) above.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:33 p.m. – 2:33 p.m.)

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 3:30 p.m. in honor of the memory of:

Tom Carter as requested by Council Member Atkins.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:21 p.m. – 3:30 p.m.)