

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, AUGUST 7, 2006
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING.....	3
ATTENDANCE DURING THE MEETING	3
ITEM-1: ROLL CALL.....	4
ITEM-10: INVOCATION	4
ITEM-20: PLEDGE OF ALLEGIANCE.....	4
CLOSED SESSION	4
ITEM-200: Two actions related to the Pacific Highlands Ranch Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2006	7
ITEM-201: Eclipse Road and Senda Panacea Public Right-of-Way Vacation and Easement Abandonment.....	10
ITEM-202: Mission at PB Drive.....	13
ITEM-203: Response of the Mayor to the 2005-2006 Grand Jury Report – Lack of San Diego County Evacuation Preparations.....	17
ITEM-204: Response of Mayor and Chief of Police to the San Diego County Grand Jury Report on Felony Warrant Service	20
ITEM-205: Reimbursement Agreement for Black Mountain Ranch North	23
ITEM-206: Amendments to the Bylaws of the San Diego Data Processing Corporation Regarding the Composition of the Board of Directors	25
ITEM-250: SUBMISSION OF BALLOT PROPOSALS.....	27
ITEM-251: ARGUMENTS SUPPORTING OR OPPOSING PROPOSITIONS.....	28
ITEM-252: Notice of Pending Final Map Approval – 727 Robinson Avenue.....	29

ITEM-253:	Notice of Pending Final Map Approval – 4220 Thorn Street	30
ITEM-254:	Notice of Pending Final Map Approval – Shaw Lorenz	31
ITEM-255:	Notice of Pending Final Map Approval – Fashion Walk Condominiums.....	31
ITEM-256:	Notice of Pending Final Map Approval – 3773 Haines Street	32
ITEM-257:	Notice of Pending Final Map Approval – 4827 Niagara Avenue	33
ITEM-258:	Notice of Pending Final Map Approval – Bernardo Industrial Park North.....	34
ITEM-259:	Notice of Pending Final Map Approval – 4074 Florida Street.....	34
ITEM-S400:	City of San Diego Lobbying Contracts for Sacramento, CA and Washington, D.C.	35
	REPORT OUT OF CLOSED SESSION	37
	NON-DOCKET ITEMS	37
	ADJOURNMENT.....	37

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 2:05 p.m. Council President Peters recessed the meeting at 3:15 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 3:16 p.m. with all Council Members present. Council President Peters recessed the meeting at 3:17 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:20 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 5:00 p.m. into Closed Session immediately following the regular meeting in the twelfth floor Committee Room to discuss existing and pending litigation matters.

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-not present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Randy Lyle of
Horizon Christian Fellowship.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Maienschein.

FILE LOCATION: MINUTES

CLOSED SESSION:

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

**CS-1 *Mia Bonavita v. City of San Diego*
San Diego Superior Court Case No. GIC 852174**

REFERRED TO CLOSED SESSION OF MONDAY, AUGUST 7, 2006.

DCA assigned: M. Severson

This matter involves a personal injury to plaintiff on city property. In closed session the City Attorney will give a report to the Council on the recent mediation and seek authority to offer settlement.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:06 p.m. – 3:06 p.m.)

Council President Peters closed the hearing.

**CS-2 *Patricia Bryan v. City of San Diego, et al.*
San Diego Superior Court Case No. GIC 843975**

REFERRED TO CLOSED SESSION OF MONDAY, AUGUST 7, 2006.

DCA assigned: M. Severson

The matter involves a lawsuit for personal injuries sustained when Plaintiff tripped and fell on City property. The City Attorney requests that the Mayor and City Council consider a possible settlement in closed session.

CLOSED SESSION COMMENT-1:

Jeff Bryan commented on the history of lawsuits regarding Patricia Bryan.

CLOSED SESSION COMMENT-2:

Jeffrey Freedman commented on the merits of the litigation regarding Patricia Bryan.

CLOSED SESSSION COMMENT-3:

Kyle Bryan commented on the proposed settlement regarding this lawsuit.

CLOSED SESSION COMMENT-4:

Patricia Bryan commented on her role as the administrator for her mother's estate and the charges and claims brought forth in this lawsuit.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:07 p.m. – 3:14 p.m.)

Council President Peters closed the hearing.

**CS-3 *Howard DeYoung, et al. v. City of San Diego, et al.*
San Diego Superior Court Case No. GIC 849647**

REFERRED TO CLOSED SESSION OF MONDAY, AUGUST 7, 2006.

DCA assigned: J. Riley

This matter involves allegations that the City violated a 1984 settlement agreement regarding preferential tee-times at the Torrey Pines Golf Course. In closed session the City Attorney will brief the Council on the status of matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:07 p.m. – 3:07 p.m.)

Council President Peters closed the hearing.

Conference with Labor Negotiator, pursuant to Government Code Section 54957.6:

CS-4 Agency negotiator: Scott Chadwick, J. Rod Betts, Lisa Briggs, Rich Snapper, Jessica Falk Michelli William Gersten, Joe Harris, Rick Reynolds

Employee organizations: Municipal Employees Association, Local 145 International Association of Firefighters AFL-CIO, San Diego Police Officers Association, Deputy City Attorney Association, AFSCME Local 127

REFERRED TO CLOSED SESSION OF MONDAY, AUGUST 7, 2006.

DCA assigned: J. Falk Michelli

Discuss with Council the negotiations with all five labor unions (Municipal Employees Association, AFSCME Local 127, Police Officers Association, International Association of Firefighters Local 145, and the Deputy City Attorney's Association) regarding the implementing ordinances for the Mayor's Ballot proposals that would allow for the managed competition of certain City services and also require voter approval for enhancements to employee pension benefits.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:07 p.m. – 3:07 p.m.)

Council President Peters closed the hearing.



ITEM-200: Two actions related to the Pacific Highlands Ranch Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2006.

(See Report to the City Council No. 06-078. Pacific Highlands Ranch Public Facilities Financing Plan FY 2006. Pacific Highlands Ranch Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-1077 Cor. Copy 3) ADOPTED AS RESOLUTION R-301811

Designating an area of benefit in Pacific Highlands Ranch and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceeding thereto, and ordering of proposed Public Facilities Projects in the matter of Pacific Highlands Ranch Facilities Benefit Assessment Area.

Subitem-B: (R-2006-1078 Cor. Copy) ADOPTED AS RESOLUTION R-301812

Approving the Development Impact Fee (DIF) schedule for properties within Pacific Highlands Ranch.

STAFF SUPPORTING INFORMATION:

The Public Facilities Financing Plan details the public facilities that will be needed through the ultimate development of Pacific Highlands Ranch. Pacific Highlands Ranch is an area in the early stages of development where significant infrastructure construction has occurred. This plan revises and updates the Fiscal Year 2005 Plan (R-299980 dated December 7, 2004). The objective of the FBA is to insure that funds will be available in sufficient amounts to provide community facilities when needed. The FBA will be collected at the building permit issuance stage of development and deposited into a special interest earning fund for Pacific Highlands Ranch.

The Proposed Public Facilities Financing Plan and Facilities Benefit Assessment includes the prioritization of FBA funding so that all of the projects required by the 1,900 dwelling units associated with the transportation phasing plan are funded by those 1,900 dwelling units. This prioritization, along with cost increases that are a result of unprecedented rises in cost of construction and materials, necessitates a revision in the rate of the assessment resulting in an increase of 100%.

Should the City Council not approve the proposed Pacific Highlands Ranch Public Facilities Financing Plan, Fiscal Year 2006, then the existing fees would remain in place and new development would not be contributing its proportional share for new facilities identified in the Pacific Highlands Ranch (Subarea III) Plan. Alternative funding sources would have to be identified to fund the share of the identified facilities attributable to new development.

The proposed assessments for Fiscal Year 2006 are as follows:

<u>LAND USE</u>	<u>CURRENT ASSESEMENT</u>	<u>PROPOSED ASSESSMENT PER UNIT/ACRE IN FY 2006 DOLLARS</u>
SINGLE FAMILY UNITS	\$31,056	\$62,112
MULTI-FAMILY UNITS	\$21,740	\$43,480
DEL MAR HIGHLANDS ESTATES	\$21,119	\$42,237
VILLAGE ACRES	\$250,563	\$501,127
INSTITUTIONAL ACRES	\$89,088	\$178,176
EMPLOYMENT CENTER ACRES	\$167,041	\$334,081

FISCAL CONSIDERATION:

Adoption of this revised Public Facilities Financing Plan will continue to provide a funding source for the public facilities identified in the Pacific Highlands Ranch (Subarea III) Plan.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On June 13, 2006, the Carmel Valley Planning Group (CVPG) voted (7-2) to support changes to the Pacific Highlands Ranch Transportation Phasing Plan, a part of the Pacific Highlands Ranch Public Facilities Financing Plan, Fiscal Year 2006, associated with the sub-threshold conditions regarding the status of the State Route 56 North Ramps in exchange for sub-thresholds regarding the status of Fire Station 47. The CVPG also supports the addition of \$100,000 of Pacific Highlands Ranch FBA toward funding the preliminary engineering effort of the wildlife undercrossing, which is a part of the El Camino Real Widening (Half Mile Drive to San Dieguito Road) project in this plan.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

All property owners with remaining new development are listed on the Pacific Highlands Ranch Public Facilities Financing Plan, Fiscal Year 2006 Assessment Roll, starting on page 225 and will have received notice and a copy of this document in the mail. These property owners will have liens placed on their property and will be required to pay Facility Benefit Assessments upon any building permit issuance when developing their property. Any redevelopment which increases the intensity of existing uses may be subject to an impact fee per Attachment 2.

Waring/Anderson/FVJ

Staff: Frank January – (619) 533-3699
David Miller-Deputy City Attorney

FILE LOCATION: STRT-FB 20 (33)

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:11 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

Testimony in opposition by Robert Miller.



ITEM-201: Eclipse Road and Senda Panacea Public Right-of-Way Vacation and Easement Abandonment.

Matter of approving, conditionally approving, modifying or denying an application for Irrevocable Offer to Dedicate (IOD) public street vacations on Lots 6 and 7 of Vista Alegre, Map 13309 located at 7994 and 8004 Eclipse Road, and the IOD public street vacation and slope easement abandonment in Parcels 10 and 29, Map 17922, located at 12608 and 12588 Senda Panacea, both within the Rancho Peñasquitos Community Plan Area.

(Rancho Peñasquitos Community Plan Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2007-43) ADOPTED AS RESOLUTION R-301813

Adoption of a Resolution approving the findings with respect to Public Right-of-Way Vacation No. 46295 and Easement Vacation No. 345053; within the Rancho Peñasquitos Community Plan Area;

That the portions of Parcel 10 and 29 of Parcel Map 17922 located at 12608 and 12588 Senda Panacea located west of the Intersection Senda Panacea and via Escalada, as described in the legal description marked as Exhibit "A-1 and A-2," and as more particularly shown on Drawing No. 20432-B, labeled Exhibit "B", on file in the Office of the City Clerk, which is by this reference incorporated herein and made a part hereof, is ordered vacated;

That the portions of Lot 6 and 7 of Map 13309 located at 7994 and 8004 Eclipse Road located north of the intersection of Eclipse Road and Eclipse Place, as described in the legal description marked as Exhibit "A," and as more particularly shown on Drawing No. 20146-B, labeled Exhibit "B", on file in the Office of the City Clerk, which is by this reference incorporated herein and made a part hereof, is ordered vacated;

That the City Clerk shall cause a certified copy of this resolution, along with Exhibits "A" and "B", attested by under seal, to be recorded in the Office of the City Recorder.

Subitem-B: (R-2007-44) ADOPTED AS RESOLUTION R-301814

Adoption of a Resolution certifying Negative Declaration No. 12846, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administrative Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City Council;

That the City Council finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore, that said Negative Declaration is hereby approved;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

STAFF SUPPORTING INFORMATION:

The Public Right-of-Way Vacation and Easement abandonment is being requested by the property owners adjacent to the proposed vacations at Eclipse Road and Senda Panacea within the Rancho Peñasquitos Community Planning area. The right-of-way proposed for vacation at Eclipse Road is 56 feet wide and approximately 97.5 feet in length and is located north of the intersection of Eclipse Road and Eclipse Place. The right-of-way proposed for vacation at Senda Panacea is 56 feet wide and approximately 113 feet in length and is located west of the intersection of Senda Panacea and Via Escalada. Both sections of rights-of-way are currently

improved with grass landscaping and yard fencing utilized by the four developed single-family residences, and are encumbered with the Irrevocable Offers to Dedicate (IOD) and a slope easement.

City staff has concluded that the purpose and intent for which the public right-of-way was originally dedicated is no longer required. The area to be vacated has never been utilized as a street and would not provide a logical connection to any other street.

The proposed vacations and easement abandonment meet all of the criteria that would allow a decision maker to affirm the required findings. The portions of the IOD proposed to be vacated do not provide access to any of the abutting properties and the adjacent open space with protected habitat makes it highly unlikely that the streets would be improved in the future to a degree that would facilitate vehicular access. The property owners would benefit from the IOD vacations and slope easement abandonment by regaining the portions of the right-of-way for full use on their properties. The proposed vacations and easement abandonment would not adversely affect the Rancho Peñasquitos Community Plan and the proposed actions would not affect existing access to properties.

Regulatory Framework

The Land Development Code establishes a process for approving applications to vacate public rights-of-way and to abandon public service easements and includes the applicable findings that a decision maker must make to approve the requested vacation and abandonment. The findings generally establish that there is no present or prospective use for the right-of-way or easement, either for the use for which it was intended, or a public use of a similar nature; that the public will benefit from the vacation or abandonment by the improved use of the land; that the vacation or abandonment will not adversely affect the applicable land use plan; and that the public facility for which the right-of-way or easement was originally acquired will not be detrimentally affected by the vacation or abandonment. As described in Sections 125.0910(b), 125.0940(c), 125.1010(c), and 125.1030(c) of the Municipal Code, these sections of right-of-way and easements are eligible to be summarily vacated and abandoned; therefore, a recommendation by the Planning Commission is not required.

Community Plan

The subject sites are designated for Low Density (1-5 density units per developable acre) residential use in the Rancho Peñasquitos Community Plan. The areas where the street vacations are proposed are improved with grass landscaping and yard fencing utilized by the four developed single-family residences. Staff has determined that the IOD cannot be used for the purposes listed above. Therefore, the request for the street vacation and easement abandonment at the sites would not adversely affect the community plan.

FISCAL CONSIDERATIONS:

There is no fiscal impact. The project is processed through a fee paid by the applicant.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On September 9, 2005, the Rancho Peñasquitos Planning Board recommended approval of the proposed right-of-way vacations and easement abandonment by a vote of 8-5-0 with no conditions.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Stakeholders – Four co-applicants (Attachment 4) as listed below:

7994 Eclipse Road (Lot 6): Douglas Oglesby

8004 Eclipse Road (Lot 7): John and Mary Fox

12608 Senda Panacea (Parcel 10): Yici Chen Family Trust

12588 Senda Panacea (Parcel 29): Gene and Jacqueline Higgs

Halbert/Waring/TD

Staff: Tim Daly – (619) 446-5356

Peter Mesich – Deputy City Attorney

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

FILE LOCATION: DEED F-9998

COUNCIL ACTION: (Time duration: 2:12 p.m. – 2:13 p.m.)

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



ITEM-202: Mission at PB Drive.

Matter of the appeal by the Pacific Beach Community Planning Committee and by Richard S. Pearson of the Planning Commission's decision to approve an application for a Coastal Development Permit and Planned Development Permit to demolish an existing commercial building and parking lot for the construction of a mixed-use development containing 18 residential units and seven commercial retail spaces located on a 21,922-square-foot site. The proposed project will

conform to the Council Policy 900-14 criteria by generating more than 50% of the projected total energy consumption on site through renewable energy resources (i.e. photovoltaics). The property is located at 4105 and 4135 Mission Boulevard, on the northeast corner of Mission Boulevard and Pacific Beach Drive, in the CV-1-2 zone within the Pacific Beach Community Planning Area, Coastal Overlay (non-appealable Area 2), Coastal Height Limitation, Parking Impact, Transit Area Overlay zones, and Council District 2.

(Project No. 41256. Pacific Beach Community Plan Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-142) DENIED APPEAL, INCORPORATED WITHIN
RESOLUTION R-301817, WITH DIRECTION

Adoption of a Resolution denying the appeals and upholding the decision of the Planning Commission to approve the project.

Subitem-B: (R-2006-141) ADOPTED AS RESOLUTION R-301816,
WITH DIRECTION

Adoption of a Resolution certifying Mitigated Negative Declaration No. 41256, with appropriate findings to support Council action.

Subitem-C: (R-2006-142) GRANTED PERMITS, ADOPTED AS
RESOLUTION R-301817, WITH DIRECTION

Adoption of a Resolution approving Coastal Development Permit No. 116352 and Planned Development Permit No. 116353, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on June 22, 2006, voted 5-0 to approve, was opposition.

Ayes: Schultz, Garcia, Steele, Ontai, Otsuji
Recusing: Chase
Not present: Griswold

The Pacific Beach Community Planning Committee has recommended denial of this project.

STAFF SUPPORTING INFORMATION:

The proposed project site is located at 4105 and 4135 Mission Boulevard on the northeast corner of Mission Boulevard and Pacific Beach Drive. The site is located within the Pacific Beach Community Plan, the CV-1-2 Zone (Commercial-Visitor) within the Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone, and Transit Area Overlay Zone.

The proposed project site, occupying 0.503-acres, could accommodate 15 dwelling units based on the zone and 22 dwelling units based on the Pacific Beach Community Plan (PBCP). The applicant has chosen to utilize the density bonus provision in the community plan, which would allow three additional units above the density allowed by the underlying zone. The project proposes to demolish an existing single-story commercial retail building and the commercial parking lot for the construction of a mixed-use development containing 18 residential units and seven commercial retail spaces.

The proposed mixed-use development will self-generate at least 50 percent of their electrical energy needs through photovoltaic technology (solar panels). Because the project utilizes renewable technologies and qualifies as a Sustainable Building under Council Policies 900-14 and 600-27, the land use approvals have been processed through the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

Two appeal applications were received regarding the Planning Commission's decision to approve the project on June 22, 2006. The first appeal application was received from the Pacific Beach Community Planning Committee (PBCPC). The reason for the appeal was listed as 'Conflict with other matters.' The application package included a letter dated June 22, 2006, from Mark Mitchell the PBCPC Chairperson.

The second appeal application was received from Richard S. Pearson, a resident located to the east (next door) of the project site. The reason for the appeal was listed as 'Factual Error, Findings Not Supported, and City-wide Significance.' The application package included a Draft 'Summary of Some of Project Problems,' which is a modified version of the issues submitted by the appellant to the Planning Commission and submitted during the Public Review period for the Mitigated Negative Declaration (MND) prepared for the project (MND responses no. 97-130).

Staff responses to the issues raised in these appeals are attached within the Report to the City Council.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On June 22, 2006, the Planning Commission heard the proposed project and voted 5-0 to approve staff's recommendation with the addition of three conditions: 1. The proposed access from the site to the alley shall be omitted. This is a deviation to San Diego Municipal Code (SDMC) Section 142.0560(j)(7) which requires off-street parking spaces for new developments located within a Beach Impact Area of the Parking Impact Overlay Zone to be accessible from the abutting alley. 2. The proposed project shall maintain a minimum of 48 on-site parking spaces. This condition will invalidate the original proposed shared parking provision. 3. The maximum building height shall be 30-feet, which includes the roof mounted solar panels.

On July 26, 2004, the Pacific Beach Community Planning Committee (PBCPC) voted 13-0-0 to recommend denial of the project. The project was revised and resubmitted for the group's review, and on November 22, 2004, the PBCPC voted 14-0-0 to recommend denial of the revised project. On September 26, 2005, the PBCPC voted 16-0-0 in favor of sending a letter as a synopsis of the PBCPC actions and recommendations.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Pacific Beach Investment Trust (Michael E. Turk).

Halbert/Waring/JAP

Staff: Jeffrey A. Peterson – (619) 446-5237

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:21 p.m. – 4:56 p.m.)

Testimony in opposition by Mark Mitchell, Kathy Mateer, Marcie Beckett, Richard Pearson, Bill Bradshaw and James Larson.

Testimony in favor by Paul Ross, Bernie Sosna, Mike Turk, Rick Jones and Livia Borak.

MOTION BY FAULCONER TO DENY THE APPEAL AND GRANT THE PERMITS, WITH DIRECTION THAT 1) THE FOUR-BEDROOM UNITS BE REPLACED WITH THREE-BEDROOM UNITS IN THE PROJECT, BRINGING THE TOTAL NUMBER OF BEDROOMS DOWN FROM 72 TO 54, BUT THAT A HOME OFFICE MAY BE BUILT ON THE FIRST FLOOR IN LIEU OF A BEDROOM; 2) SIGNS BE PLACED THAT WOULD PROHIBIT LEFT-HAND TURNS IN AND OUT OF THE PROJECT ONTO PACIFIC BEACH DRIVE, AND SIGNS THAT WOULD PROHIBIT LEFT-HAND TURNS OFF OF PACIFIC BEACH DRIVE ONTO THE PROJECT; AND 3) THE PARKING SPACES ARE TO BE PROPERLY DIMENSIONED PER THE CODE REQUIREMENTS. Second by Frye. Passed by the following vote: Peters-yea, Falconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-203: Response of the Mayor to the 2005-2006 Grand Jury Report – Lack of San Diego County Evacuation Preparations.

(Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-107) ASOPTED AS RESOLUTION R-301818

Affirming and joining in the Mayor's response to the Grand Jury Report entitled "Lack of San Diego County Evacuation Preparations."

STAFF SUPPORTING INFORMATION:

The 2005-2006 San Diego County Grand Jury issued a report based on their investigation assessing the possibility of a tsunami caused disaster affecting San Diego's coastline and the preparedness level of both government and citizens. This report requires comment to the Presiding Judge of the Superior Court in compliance with California Penal Code Section 933(c).

San Diego County emergency response personnel have been working together on disaster and emergency preparedness for many years. These efforts are coordinated through the Unified Disaster Council, which was established in 1961 and is represented by the 19 jurisdictions within the county. The County Office of Emergency Services (OES) is the lead agency within the

operational area for regional coordination and mutual aid. They have engaged in a number of activities designed to prepare the region. County OES staff has served on the State OES Tsunami Guidance Steering Committee since 1997. A "Local Planning Guidance on Tsunami Response" was distributed to all local jurisdictions in 2000. They have developed tsunami related messages to be issued over the Emergency Alert System in the event of a tsunami watch or warning. In addition, they have posted tsunami preparedness information on their website which can be accessed at www.sdcountry.ca.gov/oes/disaster_prep/tsunami/. A number of workshops and a tabletop exercise were held in 2005. The National Weather Service will be co-hosting a Tsunami Workshop with County OES that is opened to the public on July 29, 2006, at the Town and Country Convention Center from 9:30 am to 12:30 pm.

The San Diego Fire-Rescue Department has drafted a Tsunami Action Plan. The San Diego Police Department (SDPD) currently has a general Evacuation Procedure that served it well during the Cedar Fires.

The Office of Homeland Security is currently working in partnership with the San Diego Police Department, San Diego Fire-Rescue Department, county-wide law enforcement emergency planners, mass transit and other key stakeholders to develop coordinated regional evacuation plans. The coastal plan will encompass evacuation protocols for all hazardous events to include potential tsunamis.

In addition, San Diego has Tsunami Evacuation Planning Maps that were prepared by the University of Southern California's (USC) Tsunami Research Group under a research grant awarded by the Governor's Office of Emergency Services. In order to avoid the conflict over tsunami origin, inundation projections are based on worst-case scenarios. Since the inundation projections are intended for emergency and evacuation planning, flooding is based on the highest projection of inundation regardless of the tsunami origin. Therefore, the projections are not an assessment of the probability of reaching the projected height but only a planning tool. These maps are adequate for our needs.

Since 1812, the California coast has had 14 tsunamis with wave heights higher than three feet; six of these were destructive. The worst tsunami resulted from the 1964 Alaskan earthquake and caused 12 deaths and at least \$17 million in damage to northern California. The April 25, 1992, Cape Mendocino earthquake produced a one-foot tsunami that reached Humboldt Bay in about 20 minutes after the shaking. Although not damaging, this tsunami demonstrated that a wave could reach our coastline quickly. Two general types of tsunamis could affect the coastal areas of California:

Local-source tsunami: If a large tsunami-genic earthquake occurs at or near the California coast, the first waves may reach coastal communities within minutes after the ground shaking stops. There is no time for authorities to issue a warning. Mitigation requires an understanding of

areas at risk, areas of safety, evacuation routes and a trained public that understands the need to immediately move inland or to higher ground.

Though infrequent, California has experienced local tsunamis in the past. Risk is considered high along the north coast of California, from Crescent City to Cape Mendocino; moderate south of Cape Mendocino to north of Monterey; high south of Monterey to Palos Verdes; and moderate south of Palos Verdes to San Diego. Large local tsunamis may impact the entire California coastline. Waves from an earthquake at the Cascadia Subduction Zone could reach southern California in less than 2 hours.

Distant-source tsunami: Very large earthquakes in other areas of the Pacific Rim may also cause tsunamis which could impact California's coast. The first waves would reach our coastline many hours after the earthquake occurred. Tsunami Warning Centers are responsible for alerting local officials, who may order evacuation. Effective mitigation requires an understanding of the tsunami warning system, local areas at risk, and evacuation planning.

According to the State of California's "Local Planning Guidance on Tsunami Response", there is agreement within the tsunami and emergency response communities that technology alone, automated warnings that can take up to 15 to 20 minutes to issue, cannot protect coastal inhabitants located in the immediate area of a near-source tsunami. When a large subduction zone earthquake occurs nearby, the first tsunami waves may reach coastal communities within minutes of the event. Local populations at risk should be able to recognize the signs of impending tsunami hazards, such as strong, prolonged ground shaking, and seek higher ground immediately. Communities should be informed, or determine themselves, which areas are likely to be flooded. The publication and distribution of inundation maps that define the inundation area, ongoing public education, and designation of potential evacuation routes that indicate safe regions in which to assemble evacuees, can accomplish this.

The City Office of Homeland Security unsuccessfully applied for a tsunami preparedness grant in 2005. We were advised that our grant application would be resubmitted this year provided funds are available. The initial cost for the program is estimated at \$100,000, with a time line for completion of one year. It would require sustainment funding and staffing to ensure the educational component is integrated into routine public education programs.

FISCAL CONSIDERATIONS:

None at this time.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Not applicable.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Not applicable to the general response.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Not applicable to the general response.

Olen

Staff: Jill Olen - (619) 236-7169
Kimberly K. Harris - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:42 p.m. – 2:45 p.m.)

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



ITEM-204: Response of Mayor and Chief of Police to the San Diego County Grand Jury Report on Felony Warrant Service.

(See memorandum from Mayor Sanders dated 7/20/2006. Districts-All.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-89) ADOPTED AS RESOLUTION R-301819, WITH DIRECTION

Affirming and joining in the Mayor and Chief of Police William M. Lansdowne's response to the 2005-2006 Grand Jury Report entitled "Felony Warrants – The Unsolved Problem."

SUPPORTING INFORMATION:

On June 1, 2006, the San Diego County Grand Jury released a report entitled "Felony Warrants - The Unsolved Problem. This report was critical of the level of priority and lack of service of outstanding felony warrants. The report included several findings and recommendations that

require a response from the Mayor, City Council and the Chief of Police. The goal of the Grand Jury's report was to also provide guidance and suggestions on how to reduce the number of outstanding felony warrants.

The following joint response is submitted on behalf of both the Office of the Mayor and the San Diego Police Department (SDPD) as the SDPD provides all felony warrant information to the Mayor's Office.

The Grand Jury found that little or no progress is being made in the rate of apprehension of persons with outstanding warrants. It also recommended a software program that would increase apprehensions, the use of billboards to identify wanted subjects, and joining the San Diego Regional Fugitive Task Force.

The San Diego Police Department and the fugitive task force has made progress in reducing the number of outstanding felony warrants by apprehending approximately 8,285 outstanding felony warrant suspects out of the 18,254 total cited in the Grand Jury's report.

The billboard program referenced in the report and used by Kansas City, Missouri's Police Department netted 10 arrests. This method would have minimal impact on the overall number of outstanding felony warrants.

The software program called EWarrants is currently in use by the San Diego Police Department, but is limited to desktop computers. The program will soon be available to patrol officers in the field pending a \$5,000 hardware upgrade to the Police Department's computer system.

The San Diego Police Department joined the San Diego Regional Fugitive Task Force in August of 2003, committing one sergeant and two detectives. In June of 2006, a critical staffing shortage forced the return the assigned investigators. As soon as staffing levels are more favorable, the San Diego Police Department will strongly consider rejoining the Task Force.

The Grand Jury also recommended creating a database to search all governmental systems for suspect information, sponsoring legislation to allow law enforcement access to state and federal databases and giving the apprehension of felony warrants a higher priority.

Law enforcement officials can currently search existing law enforcement databases by social security number, DMV information and other personal identifiers such as physical description, residence and associates. The Grand Jury's recommendations require further analysis, with an explanation from the Grand Jury as to the desired result from creating legislation that would integrate and allow further access to federal and state information systems.

Currently, the San Diego Police Department's primary focus is to fully staff the patrol division. A patrol officer's primary duty is public safety. In many cases their time is driven by radio calls for service, crimes in progress, arrests, and response to emergency incidents. The activities of officers in the field are prioritized to deliver the maximum level of service to the community. Felony warrant service is one of many functions that continue to be performed by this department.

FISCAL CONSIDERATIONS:

None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The citizens of San Diego County.

Lansdowne/Olen/Sanders

Staff: Lt. Shaun Donelson - (619) 531-2750
Kimberly K. Harris - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:46 p.m. – 3:06 p.m.)

MOTION BY ATKINS TO ADOPT WITH DIRECTION THAT, AS A SUPPLEMENT TO THE MAYOR'S RESPONSE, WITHIN THE NEXT BUDGET PROCESS, A DISCUSSION OF PRIORITIES BE REFERRED TO THE INDEPENDENT BUDGET ANALYST REGARDING HOW THE BUDGET, RETENTION, AND RECRUITMENT FOR THE POLICE DEPARTMENT WILL BETTER IMPACT THE EXECUTION OF OUTSTANDING FELONY WARRANTS. MISS ATKINS ALSO DIRECTED THAT PARTICIPATION IN THIS TASK FORCE SHOULD BE A PRIORITY FOR POLICE SERVICES.

ACCEPT COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION THAT THE RESPONSE TO RECOMMENDATION 06-76, APPREHENSION OF OUTSTANDING FELONY WARRANT OFFENDERS, SHOULD CONTAIN

LANGUAGE STRONGER THAN IT IS PRESENTLY STATED, AND RECOMMEND THAT THE CITY ATTORNEY, POLICE DEPARTMENT AND THE MAYOR REASSESS THE LANGUAGE TO INCLUDE THAT THE METHODS FOR APPREHENSION ARE IMPROVING EVERY DAY AND THAT AS MORE OFFICERS ARE RECRUITED, FELONY WARRANTS WILL BE MORE FULLY ADDRESSED.

ACCEPT COUNCIL MEMBER MADAFFER'S RECOMMENDATION THAT, IN ORDER TO COLLECT REVENUE, A DISCUSSION OF CONVERTING OUTSTANDING WARRANTS INTO CIVIL ASSESSMENTS BE REFERRED TO THE PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-205: Reimbursement Agreement for Black Mountain Ranch North.

(Black Mountain Ranch Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-86) ADOPTED AS RESOLUTION R-301820

Approving the Reimbursement Agreement and authorizing the Mayor, or his designated representative, to execute, for and on behalf of the City, the Reimbursement Agreement in the amount of \$165,228,113 with Subdivider for the design and construction of City Improvements;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$165,228,113 from FBA Fund 79012 in the form of FBA Credits for the reimbursement of the Total Estimated Costs pursuant to the Reimbursement Agreement in a manner consistent with the timing established in the most recently adopted Financing Plan, subject to revision by subsequent updates to the Financing Plan. All expenditures shall be contingent upon the City Auditor and Comptroller certifying where funds are necessary for reimbursement that such funds are, or will be, on deposit in the City Treasury;

Declaring that this activity is covered under LDR-96-7902 (Black Mountain Ranch, Subarea 1). The activity is adequately addressed in the environmental document and there is no change in circumstances, additional information, or project changes to warrant additional environmental review. Because the prior environmental documents adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of CEQA review pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

Black Mountain Ranch LLC (Developer) is the owner of certain properties located within the boundaries of the Black Mountain Ranch Subarea 1 Plan. This property is also located within the boundaries of the Black Mountain Ranch Facilities Benefit Assessment area. Developer's Vesting Tentative Map (VTM) conditions require them to advance substantial infrastructure improvements to serve the community. Many of these improvements are also required by the Transportation Phasing Plan incorporated as part of the FY 2006 Black Mountain Ranch Public Facilities Financing Plan and Facilities Benefit Assessment.

The financing plan identifies the public facilities and the funding sources for those facilities that will be needed through the ultimate development of the community.

San Diego Municipal Code Section 61.2215(b) allows the City Council to enter into an agreement with a developer to reimburse said developer for the costs of construction of facilities identified in the financing plan which the developer dedicates to the City upon completion. Developer desires to enter into an agreement to design, construct, and dedicate to the City certain improvements included in the financing plan and receive reimbursement in the form of cash payments from the FBA fund, or FBA credits in lieu of FBA assessments due on future building permits.

Developer has previously entered into a Joint Community Facilities Agreement (JCFA) with the Poway Unified School District to form a Community Facilities District (CFD) to provide financing for a variety of the public improvements.

This reimbursement agreement provides for: 1) the procedure for Developer to be reimbursed for constructing certain public facilities projects identified in the financing plan and; 2) the documentation required to substantiate the reimbursement amount for constructed public facility projects in the form of cash or FBA credits.

FISCAL CONSIDERATION:

The estimated total cost of improvements to be reimbursed by this agreement is \$165,228,113. Developer will utilize bond funding to pay for the project costs, and then be reimbursed for completed projects per the Agreement. Reimbursement will be in the form of

cash or FBA credits.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City has entered into a Joint Community Facilities Agreement By and Between Poway Unified School District and City of San Diego (JCFA) to provide for the formation of a CFD to finance (a) The construction of school facilities of the District; and (b) the acquisition of the city improvements constructed by or on behalf of Developer and owned and maintained by City. The JCFA was approved by the City Council on November 21, 2005, pursuant to Resolution Number R-301055. The JCFA is attached as Exhibit D.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This agreement will help provide the needed public facilities for the future residents of Black Mountain Ranch. At this time, there is no recognized community planning group in Black Mountain Ranch.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Because bonds are sold to provide facilities for the community now, the future residents of Black Mountain Ranch will benefit, even though they will repay the bonds over the next 30 years as a part of their tax bill.

Anderson/Waring

Staff: Angela Abeyta - (619) 533-3674
David E. Miller - Deputy City Attorney

FILE LOCATION: MEET

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

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



ITEM-206: Amendments to the Bylaws of the San Diego Data Processing Corporation Regarding the Composition of the Board of Directors.

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-82) ADOPTED AS RESOLUTION R-301821

Authorizing the Mayor, or his designee, to approve an amendment of the bylaws of the San Diego Data Processing Corporation (SDDPC) to state that officers and employees of the City of San Diego shall not be eligible to serve as voting members of the Board of Directors;

Authorizing the Mayor, or his designee, to approve an amendment of the bylaws of the SDDPC to state that the Board of Directors may include up to three ex-officio, non-voting members;

Authorizing the Mayor, or his designee, to approve an amendment of the bylaws of the SDDPC to state that one of the ex-officio members of the Board of Directors shall be the City of San Diego's Chief Information Officer;

Authorizing the Mayor, or his designee, to approve an amendment of the bylaws of the SDDPC to state that Directors shall be persons whose professional background or experience is in the field of technology (e.g. information technology, data processing telecommunications, science and engineering) and that the background or experience required for a Director shall be satisfied by any of the following titles or functional equivalent in substantive job duties: chief technology officer, chief information officer, chief executive officer, chief financial officer, attorney, accountant, chief operations officer, or high level business manager of an entity engaged in the field of technology, or by substantial entrepreneurial experience in Information Technology or Web applications.

SUPPORTING INFORMATION:

This action authorizes the Mayor to make amendments to the bylaws of SDDPC in three areas:

- 1) Change the composition of the Board of Directors so that officers and employees of the City of San Diego shall not be eligible to serve as voting members of the Board of Directors;
- 2) Specify that the Board of Directors may include up to three ex-officio, non-voting members one of which shall be designated for the City's Chief Information Officer; and
- 3) Directors of DPC shall be persons whose professional background or experience is in the field of technology (e.g. information technology, data processing, telecommunications, science and engineering) and that the background or experience required for a Director shall be satisfied by any of the following titles or functional equivalent in substantive job

duties: chief technology officer, chief information officer, chief executive officer, chief financial officer, attorney, accountant, chief operations officer, or high level business manager of an entity engaged in the field of technology, or by substantial entrepreneurial experience in Information Technology or Web applications.

FISCAL CONSIDERATIONS:

None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The bylaws of the SDDPC have previously been amended four times, most recently pursuant to City Manager Action Number 2, adopted on November 15, 2005. On July 13, 2004, the City Council, delegated to the City Manager its voting proxy, without limitation, over matters related to the SDDPC. Section 265 of the City Charter set forth the increased role for the Mayor of the City of San Diego and the Mayor now desires to make certain amendments to the SDDPC Fourth Amended and Restated Bylaws.

COMMUNITY PARTICIPATION & OUTREACH EFFORTS:

This is an administrative action.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

None, this is an administrative action.

Hugg/Reynolds

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:46 p.m. – 2:46 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. 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 – 727 Robinson Avenue.

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 “727 Robinson Avenue” (T.M. No. 137066/PTS No. 93116), located on the south side of Robinson Avenue between 7th Avenue and 8th Avenue in the Uptown Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-253: Notice of Pending Final Map Approval – 4220 Thorn Street.

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 “4220 Thorn Street” (T.M. No. 222675/PTS No. 101795), located on the northeast corner of Thorn Street and 42nd Street in the Mid-City: City Heights 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 Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-254: Notice of Pending Final Map Approval – Shaw Lorenz.

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 “Shaw Lorenz” (T.M. No. 40-0689/PTS No. 60641), located northeasterly of Carmel Country Road and Carmel Mountain Road in the Carmel Valley Community Plan Area in Council District 1, 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-255: Notice of Pending Final Map Approval – Fashion Walk Condominiums.

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 “Fashion Walk Condominiums” (T.M. No. 80580/PTS No. 76538), located on the north side of Friars Road west of Ulric Street in the Linda Vista 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.

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-256: Notice of Pending Final Map Approval – 3773 Haines Street.

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 “3773 Haines Street” (T.M. No. 177513/PTS No. 91652), located on the east side of Haines Street between La Playa Avenue and Mooreland Drive in the Pacific Beach Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-257: Notice of Pending Final Map Approval – 4827 Niagara Avenue.

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 “4827 Niagara Avenue” (T.M. No. 169297/PTS No. 90684), located on the south side of Niagara Avenue between Cable Street and Sunset Cliffs Boulevard in the Ocean Beach Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-258: Notice of Pending Final Map Approval – Bernardo Industrial Park North.

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 “Bernardo Industrial Park North” (T.M. No. 41-0679/PTS No. 89637), located on the south side Rancho Bernardo Road between Via Del Campo and West Bernardo Court in the Rancho Bernardo Community Plan Area in Council District 5, 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-259: Notice of Pending Final Map Approval – 4074 Florida Street.

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 “4074 Florida Street” (T.M. No. 213953/PTS No. 104173), located on the west side of Florida Street between Lincoln Avenue and Polk 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 Deputy City Engineer Lee Hennes at (619) 446-5291.



ITEM-S400: City of San Diego Lobbying Contracts for Sacramento, CA and Washington, D.C.

(See Report to the City Council No. 06-104. Citywide.)

(Continued from the meeting of August 1, 2006, Item 54, at the request of City Council, for further review.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2007-20) INTRODUCED, TO BE ADOPTED ON
TUESDAY, SEPTEMBER 12, 2006

Introduction of an Ordinance amending an Ordinance entitled “An Ordinance Adopting the Annual Budget for the Fiscal Year 2006-2007 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year” to

authorize and direct the City Auditor and Comptroller to appropriate and expend \$221,000 from the General Fund Unappropriated/Unallocated Reserve and transfer said amount to the Governmental Relations Department Fund No. 220 to fund Lobbying Contracts and to take related actions.

Aud. Cert. 2700040.

Staff: Erik Bruvold - (619) 533-3978
Catherine Bradley – Chief Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:14 p.m. – 2:42 p.m.)

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

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 5:00 p.m. in honor of the memory of:

Wendell Cutting as requested by Council Member Madaffer; and
Pamela La Verne Grady as requested by Council President Pro Tem Young.

FILE LOCATION:

MINUTES

COUNCIL ACTION:

(Time duration: 4:56 p.m. – 5:00 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego