

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, JANUARY 29, 2007  
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 2:02 p.m. Council President Peters recessed the meeting at 3:20 p.m. for the purpose of break. Council President Peters reconvened the meeting with Council Member Maienschein and Council Member Frye not present. The meeting was adjourned by Council President Peters at 3:59 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-not present
  - (6) Council Member Frye-not present-Excused by R-302396-due to illness
  - (7) Council Member Madaffer-present
  - (8) Council Member Hueso-present
- Clerk-Maland (gs)

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-not present
- (6) Council Member Frye-not present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-not 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 Madaffer.

FILE LOCATION: MINUTES

CLOSED SESSION ITEMS:

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

- CS-1** *Howard DeYoung & Citizens for the Recreation Use of Pueblo Land v. The City of San Diego, et al.*  
**San Diego Superior Court Case No. GIC 849647**

**REFERRED TO CLOSED SESSION OF TUESDAY, JANUARY 30, 2007**

DCA Assigned: J. Riley

Plaintiff presents for the City's consideration an offer of settlement. The City Attorney will advise the Council on the status of this litigation and Plaintiff's offer to settle.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:05 p.m.)

**Council President Peters closed the hearing.**

- CS-2** *Center for Biological Diversity, et al. v. Berg, et al.*  
**U.S. District 98cv2234**

**REFERRED TO CLOSED SESSION OF TUESDAY, JANUARY 30, 2007**

DCA Assigned: G. Schaefer

The matter involves a lawsuit involving protection of seven vernal pools species in accordance with the Endangered Species Act in which a federal district court judge rendered a final amended decision and injunction on December 15, 2006. The injunction requires compliance by the City and other parties to the lawsuit. There is a pending appeal by a group of builders of the court's decision and a pending motion to clarify the scope of the injunction. The City Attorney's Office needs to update the Mayor and Council regarding the status of the litigation and appeal.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:05 p.m.)

**Council President Peters closed the hearing.**

**CS-3 *Friends of Rose Canyon et al. v. City of San Diego*  
San Diego Superior Court Case No. GIC 874140**

***Las Palmas Condominium Owners' Association et al. v. City of San Diego*  
San Diego Superior Court Case No. GIC 872000**

**REFERRED TO CLOSED SESSION OF TUESDAY, JANUARY 30, 2007**

DCA Assigned: C. Brock

The above lawsuits arise from the City Council's certification of the Environmental Impact Report [EIR] for the University City North/South Transpiration Corridor Study, Project No. 27445, the adoption of findings and statements of over-riding considerations related to the EIR, and the Council's legislative decision to approve and direct staff to implement the Regents Road Bridge Alternative and undertake the implementation of an amendment to the University City Community Plan to delete the Genesee Road widening alternative. Authority to settle all claims will be requested.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:05 p.m.)

**Council President Peters closed the hearing.**

**CS-4 *SDCERS v. Michael J. Aguirre, et al.*  
Case No. GIC841845  
And related Cross-Action  
Consolidated with Cases GIC 851286 and GIC 852100**

**REFERRED TO CLOSED SESSION OF TUESDAY, JANUARY 30, 2007**

CA M. Aguirre

In closed session the City Attorney will discuss a potential settlement of the case and the potential retention of outside counsel for settlement purposes only.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:05 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-5 *Mary Pacold vs. City of San Diego*  
Claim No. LX06-0534-1960**

**REFERRED TO CLOSED SESSION OF TUESDAY, JANUARY 30, 2007**

DCA Assigned: M. Herrin

This is a personal injury case in which plaintiff contends that she was knocked off her mountain bike, as a result of a dangerous condition of a city street at the intersection of Genesee and Nobel Drive. The City Attorney requests that the Mayor and City Council consider a possible settlement of the case in Closed Session

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:05 p.m.)

**Council President Peters closed the hearing.**



ITEM-200: City Council Budget Priorities for Fiscal Year 2008.

**INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-755) ADOPTED AS RESOLUTION R-302315

Endorsing and accepting IBA Report 07-14 on Budget Strategy and Priorities (Report);

Requesting the Mayor to provide the service level impact for programs and services that are recommended for funding reductions in the Fiscal Year 2008 Proposed and Final Budgets;

Requesting the Mayor to provide critical information related to the Five Year Financial Outlook and the FY 2008 budget process as described in the Report;

Directing the Independent Budget Analyst (IBA) to deliver the results of the City Council Strategic Budget Prioritization Process conducted on January 17, 2007, to the Mayor;

Directing the IBA to deliver by February 1, 2007, a copy of the Report, together with individual City Council Budget Priorities Memoranda, to the Mayor for his consideration;

Adopting and shall be conveyed to the Mayor the "time out" approach, as described in the Report.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:26 p.m. – 3:59 p.m.)

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

ITEM-201: Second Annual Report on Internal Controls.

(See City Auditor and Comptroller's Second Annual Report on Internal Controls dated 1/1/2007.)

**CITY AUDITOR AND COMPTROLLER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-707 Cor. Copy)      ADOPTED AS RESOLUTION R-302316

Accepting the City Auditor and Comptroller's Second Annual Report on Internal Controls, dated January 1, 2007.

**SUPPORTING INFORMATION:**

Pursuant to San Diego Municipal Code Section 22.0708, Annual Report on Internal Controls, the City Auditor and Comptroller, in coordination with the Mayor, shall conduct an annual evaluation of the City's internal financial controls and submit a written report of the findings to the City Council on or before January 1 of every year. The Report shall be docketed for an open session hearing within thirty (30) days thereafter.

The Report concludes that the internal controls over financial reporting have improved over last year.

**FISCAL CONSIDERATIONS:**

None.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

City Ordinance O-19320 was adopted by the City Council in October 2004 to achieve a high standard of quality in and efficacy of the City's financial and disclosure practices. The First Annual Report was issued on January 1, 2006 and accepted by Council in January 2006. This is the Second Annual Report pursuant to the Ordinance.



KEY STAKEHOLDERS AND PROJECTED IMPACTS:

To ensure accurate financial statements, to improve the timeliness of financial reporting, and to obtain favorable financing terms the City must improve its internal controls. Processes and procedures in the City Auditor and Comptroller's Office as well as in many departments are being addressed.

Tomanek

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:06 p.m. – 3:20 p.m.)

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

ITEM-250: **Notice** of Pending Final Map Approval - 1964 Missouri 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 "1964 Missouri Street" (T.M. No. 160761/PTS No. 89808), located on the north side of Missouri Street east of Lamont Street in the Pacific Beach Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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-251: Notice of Pending Final Map Approval – Rhodes Crossing.**

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 “Rhodes Crossing” (T.M. No. 98-0559/PTS No. 36993), located adjacent to Carmel Mountain Road and Camino Del Sur in the in the Torrey Highlands Rancho Bernardo 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.

**REPORT OUT OF CLOSED SESSION:**

None.

**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

The meeting was adjourned by Council President Peters at 3:59 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 3:59 p.m.)