

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MARCH 5, 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 at 2:04 p.m. Council President Peters recessed the meeting at 3:42 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:49 p.m. with all Council Members present. Council President Peters recessed the meeting at 4:01 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 4:05 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 4:22 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 (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-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Scott Furrow of the First Baptist Church of San Diego.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council President Pro Tem Young.

FILE LOCATION: MINUTES

CLOSED SESSION ITEMS:

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

**CS-1 *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, MARCH 6, 2007

DCA Assigned: C. Brock

The above lawsuits arises from the City Council's certification of the Environmental Impact Report ("EIR") for the University City North/South Transportation Corridor Study, Project No. 27445 ("Project"), the adoption of findings and statements of overriding 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. A clarifying resolution will be discussed, as well as Petitioners' most recent settlement proposal.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:49 p.m. – 3:49 p.m.)

Council President Peters closed the hearing.

**CS-2 *Estate of Beatrice Maidson, et al. v. City of San Diego*
San Diego Superior Court Case No. GIC 857262**

REFERRED TO CLOSED SESSION OF TUESDAY, MARCH 6, 2007

DCA Assigned: R. Walters

This lawsuit arises out of a traffic accident which occurred at the intersection of Pershing Drive and Jacaranda Place. Plaintiffs allege that the intersection was a dangerous condition which was a cause of the accident. In closed session the City Attorney will discuss the status of the lawsuit.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:49 p.m. – 3:49 p.m.)

Council President Peters closed the hearing.

**CS-3 *Greg Spencer, et al., vs. City of San Diego, et al.*
U.S. District Court Case No.: 04cv2314-BEN (WMc)**

REFERRED TO CLOSED SESSION OF TUESDAY, MARCH 6, 2007

DCA Assigned: C. Morris, Assistant City Attorney; D. Bamberg; and J. Riley

In closed session, the City Attorney will advise the Council on the status of this litigation and will recommend a possible settlement of the case.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:49 p.m. – 3:49 p.m.)

Council President Peters closed the hearing.

**CS-4 *La Playa View Holdings, LLC, et al. v. City of San Diego*
San Diego Superior Court Case No. GIC 843584**

REFERRED TO CLOSED SESSION OF TUESDAY, MARCH 6, 2007

DCA Assigned: M. Dickenson

This matter is a quiet title action brought by certain landowners in the La Playa area of the City. The City Attorney will update the Mayor and City Council on the status of the litigation in closed session.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:49 p.m. – 3:49 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 *AFSCME Local 127 v. City of San Diego*
Unfair Practice Charge No. LA-CE-352-M**

REFERRED TO CLOSED SESSION OF TUESDAY, MARCH 6, 2007

DCA Assigned: D Buljat

In closed session the City Attorney will report on the unfair practice charge filed on February 13, 2007, by AFSCME Local 127 with the Public Employment Relations Board and seek authority to retain outside counsel.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:49 p.m. – 3:49 p.m.)

Council President Peters closed the hearing.

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

CS-6 Agency Negotiator: Scott Chadwick, J. Rod Betts, Lisa Briggs, Rich Snapper, Jessica Falk Michelli, William Gersten, and Debora Buljat

Employee Organizations: Local 145 International Association of Firefighters AFL-CIO, San Diego Police Officers Association, and Deputy City Attorney Association

REFERRED TO CLOSED SESSION OF TUESDAY, MARCH 6, 2007

DCA Assigned: W. Gersten/D. Buljat

Discuss with Council pending substantive negotiations with employee unions (Police Officers Association, International Association of Firefighters Local 145, and the Deputy City Attorney's Association).

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:49 p.m. – 3:49 p.m.)

Council President Peters closed the hearing.



ITEM-200: Independent Oversight Monitor Status Report.

MAYOR SANDERS' RECOMMENDATION:

Take the following action:

HEARING HELD; REPORT RECEIVED

Hear informational report from Stanley Keller, the Independent Oversight Monitor.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:41 p.m. – 3:15 p.m.)

MOTION BY MADAFFER TO RECEIVE THE REPORT. 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-201: Kroll Remediation Status Report Number 4 and Related Action.

(See memorandums from Mayor Sanders dated 2/21/2007 and Jay Goldstone dated 2/21/2007.)

MAYOR SANDERS' RECOMMENDATION:

Take the following actions:

HEARING HELD; REPORT RECEIVED; DIRECTION GIVEN

1. Hear fourth informational update report on the Kroll remediation; and
2. Directing the City Attorney to prepare an Ordinance amending the Municipal Code¹ consistent with the following changes:
 - The Chief Financial Officer will serve as the Chair of the revised Disclosure Practices Working Group (DPWG).
 - Membership in the DPWG will consist of the following five official voting members: Chief Operating Officer, Chief Financial Officer, City Attorney, Auditor General, and Independent Budget Analyst (or designees). Outside disclosure counsel serves as an ex-officio member.
 - No DPWG committee member (including the Chair) can prevent any other committee member from placing an item on the agenda.
 - The DPWG to meet periodically (on an as-needed basis) with the City's Audit Committee.

¹ San Diego Municipal Code, Chapter 2: Government, Article 2, Administrative Code, Division 41: Securities Disclosure.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:15 p.m. – 3:41 p.m.)

MOTION BY ATKINS TO RECEIVE THE FOURTH INFORMATIONAL UPDATE REPORT ON THE KROLL REMEDIATION WITH DIRECTION TO: 1) INCLUDE THE INDEPENDENT BUDGET ANALYST'S COMMENTS ON PENSION OPTIONS IN THIS REPORT; 2) INCLUDE THE INDEPENDENT BUDGET ANALYST'S RECOMMENDATION THAT INTERIM OR TEMPORARY BE DROPPED FROM REFERENCES TO THE AUDIT COMMITTEE; AND 3) PROVIDE INFORMATION ON PROFESSIONAL STANDARDS FOR AUDITING TO THE CHARTER REVIEW PROCESS. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

MOTION BY ATKINS TO CONTINUE THE PORTION OF ITEM 201 RELATED TO THE DISCLOSURE PRACTICES WORKING GROUP (DPWG) TO MONDAY, APRIL 9, 2007. 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-202: Amendments to the Appropriations Ordinance, Repeal of BPR Ordinance, and Resolutions to Clarify Budget Process Requirements.

(See Independent Budget Analyst Reports No. 07-13, 07-19, 07-22, and 07-23.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/5/2007, Item 200, Subitem A. (Council voted 5-3. Council President Peters, Councilmembers Faulconer, and Maienschein voted nay):

(O-2007-90 Rev. Copy) CONTINUED TO TUESDAY, MARCH 27, 2007

Amending Ordinance No. O-19522 (New Series) 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," by amending Paragraph 14 thereof with respect to business process reengineering and other matters connected therewith.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:06 p.m. – 2:41 p.m.)

MOTION BY YOUNG TO CONTINUE TO TUESDAY, MARCH 27, 2007, FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.



ITEM-203: Amendments to the San Diego Municipal Code Eliminating the “Waterfall” as Codified in San Diego Municipal Code Section 24.1502 and as Referred to in Sections 24.1501, 24.1503, 24.1504, and 24.1507.

(See Report from the City Attorney dated 2/2/2007.)

CITY ATTORNEY’S RECOMMENDATION:

Introduce the following ordinance:

(O-2007-93) INTRODUCED, TO BE ADOPTED ON TUESDAY,
MARCH 27, 2007

Introduction of an Ordinance amending Chapter 2, Article 4, Division 15, of the San Diego Municipal Code, by repealing Section 24.1502, and amending Sections 24.1501, 24.1503, 24.1504, and 24.1507, all relating to the “Waterfall”.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:49 p.m. – 4:21 p.m.)

MOTION BY FRYE TO INTRODUCE. 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-250: **Notice** of Pending Final Map Approval – 4224 46th Street 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 “4224 46th Street Condominiums” (T.M. No. 130866/PTS No. 76727), located on the

west side of 46th Street between Orange Avenue and El Cajon Boulevard 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.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 4:22 p.m. in honor of the memory of:

Jim Magot as requested by Council Member Faulconer.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 4:21 p.m. – 4:22 p.m.)