

THE CITY OF SAN DIEGO, CALIFORNIA  
 MINUTES FOR REGULAR COUNCIL MEETING  
 OF  
 MONDAY, JULY 7, 2008  
 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 Pro Tem Madaffer at 2:02 p.m. Council President Pro Tem Madaffer recessed the meeting at 2:57 p.m. to convene the Redevelopment Agency. Council President Pro Tem Madaffer reconvened the regular meeting at 3:00 p.m. The meeting was adjourned by Council President Pro Tem Madaffer at 3:00 p.m.

**ATTENDANCE DURING THE MEETING:**

- (1) Council Member Peters-not present-Excused by Resolution R-303997; due to vacation
- (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 (sr)

FILE LOCATION:                      MINUTES



ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-not 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 Pastoral Care Leader Matt Sauer of Horizon Christian Fellowship.

FILE LOCATION: MINUTES



ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Hueso.

FILE LOCATION: MINUTES

COUNCIL COMMENT:

COUNCIL COMMENT 1:

Council Member Faulconer commented on staff efforts at the beaches and bays over the 4<sup>th</sup> of July weekend.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:04 p.m. - 2:06 p.m.)



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

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

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2008-1205) ADOPTED AS RESOLUTION R-303897

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

**AUDIT COMMITTEE'S RECOMMENDATION:**

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

**SUPPORTING INFORMATION:**

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

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

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

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

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

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

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

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: None.

Kawar/Tevelin

FILE LOCATION: MEET

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

MOTION BY YOUNG TO ADOPT THE RESOLUTION APPOINTING KEVIN FAULCONER TO SERVE AS THE COUNCIL MEMBER REPRESENTATIVE ON THE SCREENING COMMITTEE. Second by Maienschein. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



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

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

**COUNCIL PRESIDENT PETERS' RECOMMENDATION:**

Take the following action:

(R-2009-68) WAIVED; ADOPTED AS RESOLUTION R-303898

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

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:21 p.m.)

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



ITEM-201: [Response of the City Council to the Grand Jury Report Titled “San Diego Development Services Department: Professionals in a Maze.”](#)

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

**INDEPENDENT BUDGET ANALYST’S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-1196 REV.) ADOPTED AS AMENDED AS RESOLUTION R-303899

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

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:48 p.m.)

MOTION BY HUESO TO ADOPT THE INDEPENDENT BUDGET ANALYST’S RECOMMENDATION AND ADDRESS THE ISSUES AND CONCERNS RAISED DURING THE BUDGET PROCESS ON RECOMMENDATION 08-31. Second by Madaffer. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



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



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

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-1116)            ADOPTED AS RESOLUTION R-303900

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

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

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

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

**OTHER RECOMMENDATIONS:**

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

**STAFF SUPPORTING INFORMATION:**

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

**STAFF RECOMMENDATION:** Approve Street Name Change No. 405145.

EXECUTIVE SUMMARY:

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

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

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None with this action.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

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

KEY STAKEHOLDERS:

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

Broughton/Anderson/PJF

**NOTE:** This activity is not a “project” and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060(C)(3).

Staff: Patricia J. Fitzgerald – (619) 446-5107  
Shirley R. Edwards – Deputy City Attorney

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

FILE LOCATION: F-10288

COUNCIL ACTION: (Time duration: 2:49 p.m. – 2:57 p.m.)

MOTION BY HUESO TO ADOPT. Second by Young. Passed by the following vote:  
Peters-not present, 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 City Clerk's Office has established the following administrative guidelines for the November 4, 2008, election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	6/20/08	137	LAST DATE (10:00 a.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	6/25/08	132	Rules Committee review
Monday	7/7/08	120	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	7/7/08	120	Council is expected to consider moving the consideration of proposals to Council Docket of 7/15/08

Tuesday	7/15/08*	112	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	7/28/08	99	Council adopts ordinances prepared by City Attorney
Friday	8/8/08	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/21/08	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4025.

\*originally scheduled for 7/7/08

**ITEM-251: BALLOT PROPOSITIONS FORWARDED TO CITY COUNCIL**

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

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

**ITEM-252: Notice of Pending Final Map Approval – Essex Place.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Essex Place” (T.M. No. 301502/PTS No. 152466), located on the north side of Essex Street between Vermont Street and Richmond Street in the Uptown Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Anne Hoppe at (619) 446-5290.

**ITEM-253: Notice of Pending Final Map Approval – 3934 Hamilton St. 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 “3934 Hamilton St. Condominiums” (T.M. No. 305157/PTS No. 152001), located on the west side of Hamilton Street between Lincoln Avenue and University Avenue in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Anne Hoppe at (619) 446-5290.

ITEM-254: **Notice** of Pending Final Map Approval – 2113 Balboa 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 “2113 Balboa Avenue” (T.M. No. 123896/PTS No. 96342), located on the north side of Balboa Avenue between Noyes Street and Olney Street in the Pacific Beach Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Anne Hoppe at (619) 446-5290.

ITEM-255: **Notice of Pending Final Map Approval – 2015 Robinson Avenue 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 “2015 Robinson Avenue Condominiums” (T.M. No. 146010/PTS No. 154913), located on the southeast corner of Robinson Avenue and Florida Street in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Anne Hoppe at (619) 446-5290.

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

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Sunroad Centrum Residential” (T.M. No. 329293/PTS No. 121321), located on the east side of Highway 163 between Lightwave Avenue and Spectrum Center Boulevard in the Kearny Mesa Community Plan Area in Council District 6, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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



Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Anne Hoppe at (619) 446-5290.

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

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4545 Georgia” (T.M. No. 248946/PTS No. 153290), located on the east side of Georgia Street between Madison Avenue and Monroe Avenue in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the

date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Anne Hoppe at (619) 446-5290.

**REPORT OUT OF CLOSED SESSION:**

None.

**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

The meeting was adjourned by Council President Pro Tem Madaffer at 3:00 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 3:00 p.m. – 3:00 p.m.)