

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, JULY 14, 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 Peters at 2:05 p.m. The meeting was adjourned by Council President Peters at 2:42 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 (sr)

FILE LOCATION:            MINUTES



ITEM-1: ROLL CALL

Clerk Maland called the roll:

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

FILE LOCATION: MINUTES



ITEM-10: INVOCATION

Invocation was given by Steve Cashman of Horizon Christian Fellowship.

FILE LOCATION: MINUTES



ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Faulconer.

FILE LOCATION: MINUTES

CLOSED SESSION ITEMS:

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

**CS-1 *City of San Diego v. Sunroad Enterprises et al.*  
San Diego Superior Court Case No. GIC 877054**

**REFERRED TO CLOSED SESSION OF TUESDAY, JULY 15, 2008**

DCA Assigned: C. Brock

San Diego Superior Court Case No. GIC 877054 was initiated by the City Attorney to abate the public nuisance created by Sunroad Enterprises' construction of a 12 story, 180 foot building which was declared a "hazard" to air navigation at the City's Montgomery Field Airport by the Federal Aviation Administration (FAA). Sunroad Enterprises cross-complained against the City claiming the City issued permits for the building and is responsible for any monetary loss Sunroad may incur. The City Attorney and outside counsel, Latham & Watkins, will discuss the status of the pending litigation and associated costs.

FILE LOCATION: AGENDA

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

**Council President Peters closed the hearing.**

**CS-2 *Grace Church of North County v. City of San Diego, et al.*  
United States District Court Case No. 07-CV-419H (RBB)**

**REFERRED TO CLOSED SESSION OF TUESDAY, JULY 15, 2008**

DCA Assigned: C. Fitzgerald

Grace Church of North County, Plaintiff in this matter, filed an action in the Southern District Court alleging constitutional violations arising from the approval by the Planning Commission for a Conditional Use Permit for a time shorter than was requested. City Attorney's Office will provide a status of the litigation.

FILE LOCATION: AGENDA

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

**Council President Peters closed the hearing.**

**Public employment - performance evaluation, pursuant to California Government Code Section 54957(b)(1):**

**CS-3 Title: City Clerk**

**REFERRED TO CLOSED SESSION OF TUESDAY, JULY 15, 2008**

FILE LOCATION: AGENDA

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

**Council President Peters closed the hearing.**

**CS-4 Title: Independent Budget Analyst**

**REFERRED TO CLOSED SESSION OF TUESDAY, JULY 15, 2008**

FILE LOCATION: AGENDA

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

**Council President Peters closed the hearing.**

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

**CS-5 *Friends and Concerned Citizens of University City, et al. v. City of San Diego*  
SDSC No. 37-2007-00078058-CU-TT-CTL**

**REFERRED TO CLOSED SESSION OF TUESDAY, JULY 15, 2008**

This litigation is regarding a proposed development at Costa Verde. Outside counsel will brief the City Council on the status of this matter per a requirement in the engagement contract that the City Council be updated monthly in Closed Session.

FILE LOCATION: AGENDA

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

**Council President Peters closed the hearing.**

ITEM-200: Office of Homeland Security Business Process Reengineering (BPR) Study.

(See Report to the City Council No. 08-100.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-1191) ADOPTED AS RESOLUTION R-303920

Accepting the San Diego Office of Homeland Security Business Process Reengineering (BPR) Report.

**STAFF SUPPORTING INFORMATION:**

The City of San Diego Office of Homeland Security (SD-OHS) oversees the City's homeland security, emergency management, and disaster preparedness programs. This oversight includes responsibility for:

- Coordinating disaster planning, recovery, and mitigation efforts;
- Providing preparedness training for City employees and operational readiness of the Emergency Operations Center (EOC) and alternate EOC;
- Integrating City-wide emergency plans in a collaborative environment both internally and externally;
- Ensuring the flow of information to the public and business community to assist in emergency preparation and response;
- Interfacing with County, State and federal jurisdictions and agencies; and

- Securing and managing grants from federal and State agencies related to homeland security, emergency management, disaster preparedness, response, recovery, and mitigation.

This Business Process Reengineering (BPR) study provided an avenue for SD-OHS to evaluate its current model of administrating preparedness, response, and recovery programs, and providing grant administration responsibilities (current regional grant funds equal \$20.8 million). The focus was on creating a comprehensive view of how these activities are and should be performed. Since SD-OHS is a relatively new department, some areas of the study were focused on creating new processes for the department rather than making current processes more effective.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Department included a number of internal and external stakeholders with background and familiarity with the Department's operations.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The City has reviewed this BPR study with the appropriate labor organization, and no further Meet and Confer action is necessary. The Office of Homeland Security will realize operational efficiencies and effectiveness that will improve the City's preparedness, emergency management/response, and grant management processes. City residents will be beneficiaries of these improvements.

Faller/Olen

Staff: Donna Faller – (619) 533-6763  
Lori M. Thacker – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:16 p.m.)

MOTION BY YOUNG 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-201: Storm Water Pollution Prevention Business Process Reengineering (BPR) Study.

(See Report to the City Council No. 08-103.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2009-16)                      ADOPTED AS RESOLUTION R-303921

Accepting the eight recommendations of the Storm Water Pollution Prevention Business Process Reengineering (BPR) Study, as described in detail in Report to the City Council No. 08-099;

Declaring that the above activity is not a project and therefore is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3).

**STAFF SUPPORTING INFORMATION:**

To support the Mayor's BPR initiative, Storm Water Pollution Prevention conducted a BPR of its operations. The Storm Water Pollution Prevention BPR Steering Committee focused on how to make operations more efficient while maintaining, or in most cases enhancing, core functions in order to keep pace with new and increased storm water quality regulations.

Storm Water Pollution Prevention BPR activities included business process mapping, process analysis, developing improvement ideas, benchmarking, and examining best business practices. As a result of the BPR study, a series of recommendations were developed for improving the efficiency and effectiveness of the Storm Water Pollution Prevention group.

In future years, increased staff and resources will be required to address new and increased storm water quality regulations. In addressing these increased responsibilities, the BPR effort sought to identify the most efficient, cost-effective manner in which to "ramp up" the City's storm water pollution prevention efforts. Therefore, although necessary increases in staff and resources are anticipated in the future, the BPR recommendations decrease the amount of additional resources needed in future fiscal years.



PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Staff included the Municipal Employees Association (MEA) in the BPR effort, as well as a number of external stakeholders with background and familiarity with the City's storm water pollution prevention functions. Staff also conducted benchmarking on many aspects of operations with other similar municipalities, including the counties of Los Angeles and Orange.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key stakeholders include commercial businesses and industries, including the building industry, residential homeowners, citizens of the City and other jurisdictions in the San Diego region, and environmental organizations. This BPR study's recommendations are not subject to Meet & Confer.

Sierra/Jarrell

Staff: Mario Sierra - (619) 525-8686  
Frederick M. Ortlieb - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:36 p.m.)

MOTION BY FRYE TO ADOPT. 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-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: 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 4, 2008, the City Clerk has fixed 5:00 p.m. on Thursday, August 21, 2008, as a reasonable date prior to such election after which no arguments for or against City Propositions may be submitted to the City 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-253: The list of ticket users for the City Suites at Qualcomm Stadium and Petco Park will be posted on the City Clerk's website quarterly. This information will also be available for viewing by the public in the Office of the City Clerk.

**REPORT OUT OF CLOSED SESSION:**

None.

**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

The meeting was adjourned by Council President Peters at 2:42 p.m. in honor of the memory of:

Hal Glenn at the request of Council Member Atkins.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:36 p.m. – 2:42 p.m.)