

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, JANUARY 5, 2009  
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 Hueso at 2:07 p.m. The meeting was adjourned by Council President Hueso at 4:50 p.m.

**ATTENDANCE DURING THE MEETING:**

- (1) Council Member Lightner-present
  - (2) Council Member Faulconer-present
  - (3) Council Member Gloria-present
  - (4) Council Member Young-present
  - (5) Council Member DeMaio-present
  - (6) Council Member Frye-present
  - (7) Council Member Emerald-present
  - (8) Council Member Hueso-present
- Clerk-Maland (sr)

FILE LOCATION:            MINUTES



ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Lightner-present
- (2) Council Member Faulconer-present
- (3) Council Member Gloria-present
- (4) Council Member Young-present
- (5) Council Member DeMaio-present
- (6) Council Member Frye-present
- (7) Council Member Emerald-present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES



ITEM-10: INVOCATION

Invocation was given by Dr. Donald Barrett, Pastor, Greater Gospel Center, Church of God in Christ.

FILE LOCATION: MINUTES



ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Gloria.

FILE LOCATION: MINUTES

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Young commented on the meeting at the Center for Youth Involvement organized by the Gang Commission.

FILE LOCATION: MINUTES

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

CLOSED SESSION ITEMS:

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

**CS-1 *John Trunkey, et al. v. City of San Diego*  
Claim No. LPO7-0705-1 147**

**REFERRED TO CLOSED SESSION OF TUESDAY, JANUARY 5, 2009**

DCA Assigned: R. Palmucci

This matter involves an un-litigated claim arising out of a water main break that caused extensive damage to the La Jolla home of claimant John Trunkey on December 17, 2006. The City Attorney requests that the Mayor and the City Council be informed of a possible settlement of this claim in closed session.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:46 p.m. - 4:47 p.m.)

**Council President Hueso closed the hearing.**

**CS-2 *Michael T Uberuaga v. City of San Diego*  
United States District Court Case No. O8cvl 960 MMA (BLM)**

**REFERRED TO CLOSED SESSION OF TUESDAY, JANUARY 5, 2009**

DCA Assigned: D. Karlin

This matter involves a lawsuit filed by a former City employee requesting the City provide him a legal defense including payment of all attorney fees, costs and expenses with regard to the civil action brought by the United States Securities and Exchange Commission and investigations by the San Diego City Attorney's Office, the United States Attorney's Office for the Southern District of California and the San Diego County District Attorney's Office.

Closed Session Comment 1:

**Referred to the Mayor's office:** Dean Williams inquired if money has been spent by the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:46 p.m. - 4:47 p.m.)

**Council President Hueso closed the hearing.**



ITEM-200: Appointments of the Mayor and Councilmembers to Outside Organizations for Calendar Year 2009.

(See memorandum from Mayor Sanders and Council President Hueso dated 12/18/2008.)

**COUNCIL PRESIDENT HUESO'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2009-757 Cor. Copy 2)

ADOPTED AS AMENDED AS  
RESOLUTION R-304555

Appointing Mayor Jerry Sanders to serve as the representative to the San Diego River Conservancy and to serve as representative, alternate, or liaison to the listed organizations, as indicated below, for the period commencing January 1, 2009, through December 31, 2009:

<b><u>OUTSIDE ORGANIZATION</u></b>	<b><u>POSITION</u></b>
San Diego Unified Port District Board of Port Commissioners	Liaison
San Diego Association of Governments-Board of Directors	Representative
San Diego Association of Governments-Executive Committee	Representative
San Diego Association of Governments- Regional Planning Committee	First Alternate
San Diego River Conservancy	Representative

Subitem-B: (R-2009-758 Rev.)      ADOPTED AS AMENDED AS RESOLUTION  
R-304556

Appointing Councilmember Todd Gloria, jointly by the Mayor and City Council, to serve as representative, alternate, or liaison to the organizations listed below for the period commencing January 1, 2009, through December 31, 2009:

<b><u>OUTSIDE ORGANIZATION</u></b>	<b><u>POSITION</u></b>
City-County Joint Homeless Task Force	Representative
San Diego Metropolitan Transit System Board	Representative
San Diego Metropolitan Transit System Board-Taxi Cab Committee	Representative
San Diego Association of Governments-Board of Directors	Second Alternate
San Diego Association of Governments-Public Safety Committee	First Alternate
San Diego Association of Governments-Regional Planning Committee	First Alternate
San Diego Workforce Partnership	Representative

Subitem-C: (R-2009-759) ADOPTED AS RESOLUTION R-304557

Appointing Council President Pro Tem Kevin Faulconer, jointly by the Mayor and City Council, to serve as representative, alternate, or liaison to the organizations listed below for the period commencing January 1, 2009, through December 31, 2009:

<b><u>OUTSIDE ORGANIZATION</u></b>	<b><u>POSITION</u></b>
City-County Joint Homeless Taskforce	Representative
San Diego Metropolitan Transit System Board	Representative
San Diego Association of Governments-Bayshore Bikeway Working Group	Representative
San Diego Association of Governments- Regional Planning Committee	Second Alternate
San Diego Association of Governments- Shoreline Preservation Working Group	Representative

Subitem-D: (R-2009-760) ADOPTED AS RESOLUTION R-304558

Appointing Councilmember Tony Young, jointly by the Mayor and City Council, to serve as representative, alternate, or liaison to the organizations listed below for the period commencing January 1, 2009, through December 31, 2009:

<b><u>OUTSIDE ORGANIZATION</u></b>	<b><u>POSITION</u></b>
San Diego Metropolitan Transit System Board	Representative
San Diego Metropolitan Transit System-Executive Committee	Alternate
City-County Reinvestment Task Force	Representative
San Diego Association of Governments-Board of Directors	First Alternate
San Diego Association of Governments-Executive Committee	Second Alternate
San Diego Association of Governments-Transportation Committee	Representative
San Diego Regional Airport Authority	Representative
Southeastern Economic Development Corporation	Liaison

Subitem-E: (R-2009-761) ADOPTED AS RESOLUTION R-304559

Appointing Council President Ben Hueso, jointly by the Mayor and City Council, to serve as representative, alternate, or liaison to the organizations listed below for the period commencing January 1, 2009, through December 31, 2009:

<b><u>OUTSIDE ORGANIZATION</u></b>	<b><u>POSITION</u></b>
League of Cities, San Diego County Division	Representative
Otay River Valley Regional Park Policy Committee	Representative
San Diego Association of Governments-Board of Directors	Representative
San Diego Association of Governments-Borders Committee	Representative
San Diego Association of Governments-Executive Committee	First Alternate

Subitem-F: (R-2009-762) ADOPTED AS RESOLUTION R-304560

Appointing Councilmember Carl DeMaio, jointly by the Mayor and City Council, to serve as representative, alternate, or liaison to the organizations listed below for the period commencing January 1, 2009, through December 31, 2009:

<b><u>OUTSIDE ORGANIZATION</u></b>	<b><u>POSITION</u></b>
Abandoned Vehicle Abatement Service Authority	Representative
Los Peñasquitos Canyon Preserve Task Force	Representative
San Diego Association of Governments-Public Safety Committee	Representative
San Diego Association of Governments-Transportation Committee	Second Alternate
San Dieguito River Valley Regional Open Space JPA	Representative
Service Authority for Freeway Emergencies	Representative

Subitem-G: (R-2009-747) ADOPTED AS RESOLUTION R-304561

Appointing Councilmember Donna Frye, jointly by the Mayor and City Council, to serve as representative, alternate, or liaison to the organizations listed below for the period commencing January 1, 2009, through December 31, 2009:

<b><u>OUTSIDE ORGANIZATION</u></b>	<b><u>POSITION</u></b>
Local Agency Formation Commission	Representative
Mission Trails Regional Park	Representative
San Diego Association of Governments-Energy Working Group	Representative
San Diego Association of Governments - Shoreline Preservation Working Group	Alternate
San Diego River Conservancy	Representative

Subitem-H: (R-2009-748) ADOPTED AS RESOLUTION R-304562

Appointing Councilmember Marti Emerald, jointly by the Mayor and City Council, to serve as representative, alternate, or liaison to the organizations listed below for the period commencing January 1, 2009, through December 31, 2009:

<b><u>OUTSIDE ORGANIZATION</u></b>	<b><u>POSITION</u></b>
San Diego Metropolitan Transit System Board	Alternate
Mission Trails Regional Park	Representative
San Diego Association of Governments-Borders Committee	Second Alternate
San Diego Association of Governments-Public Safety Committee	Second Alternate
San Diego Association of Governments-Housing Working Group	Representative
San Diego Workforce Partnership	Representative

Subitem-I: (R-2009-749 Rev.) ADOPTED AS AMENDED AS RESOLUTION R-304563

Appointing Councilmember Sherri Lightner, jointly by the Mayor and City Council, to serve as representative, alternate, or liaison to the organizations listed below for the period commencing January 1, 2009, through December 31, 2009:

**OUTSIDE ORGANIZATION**

**POSITION**

Abandoned Vehicle Abatement Service Authority	Representative
Local Agency Formation Commission	Alternate
Los Peñasquitos Canyon Preserve Task Force	Representative
San Diego Metropolitan Transit System Board	Representative
San Diego Metropolitan Transit System Board-Executive Committee	Representative
San Diego Association of Governments-Borders Committee	First Alternate
San Diego Association of Governments-Transportation Committee	First Alternate
San Dieguito River Valley Regional Open Space JPA	Representative
Service Authority for Freeway Emergencies	Representative

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:12 p.m. - 2:30 p.m.)

MOTION BY FRYE TO ADOPT THE RESOLUTION IN SUBITEM A AS AMENDED BY APPOINTING THE MAYOR AS THE REPRESENTATIVE TO THE SAN DIEGO ASSOCIATION OF GOVERNMENTS - REGIONAL PLANNING COMMITTEE RATHER THAN THE FIRST ALTERNATE. Second by Young. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

MOTION BY YOUNG TO ADOPT THE RESOLUTION IN SUBITEM B AS AMENDED BY APPOINTING COUNCIL MEMBER GLORIA TO THE SAN DIEGO ASSOCIATION OF GOVERNMENTS - TRANSPORTATION COMMITTEE AS THE FIRST ALTERNATE AND REMOVING COUNCIL MEMBER GLORIA FROM THE SAN DIEGO ASSOCIATION OF GOVERNMENTS - REGIONAL PLANNING COMMITTEE AS THE FIRST ALTERNATE. Second by Frye. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-recused, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

MOTION BY YOUNG TO ADOPT THE RESOLUTION IN SUBITEM C. Second by Gloria. Passed by the following vote: Lightner-yea, Faulconer-recused, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

MOTION BY FRYE TO ADOPT THE RESOLUTION IN SUBITEM D. Second by Lightner. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-recused, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

MOTION BY LIGHTNER TO ADOPT THE RESOLUTION IN SUBITEM E. Second by Gloria. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-recused.

MOTION BY FRYE TO ADOPT THE RESOLUTION IN SUBITEM F. Second by Young. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-recused, Frye-yea, Emerald-yea, Hueso-yea.

MOTION BY GLORIA TO ADOPT THE RESOLUTION IN SUBITEM G. Second by Emerald. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-recused, Emerald-yea, Hueso-yea.

MOTION BY YOUNG TO ADOPT THE RESOLUTION IN SUBITEM H. Second by Faulconer. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-recused, Hueso-yea.

MOTION BY YOUNG TO ADOPT THE RESOLUTION IN SUBITEM I AS AMENDED BY APPOINTING COUNCIL MEMBER LIGHTNER TO THE SAN DIEGO ASSOCIATION OF GOVERNMENTS - REGIONAL PLANNING COMMITTEE AS THE FIRST ALTERNATE AND REMOVING COUNCIL MEMBER LIGHTNER FROM THE SAN DIEGO ASSOCIATION OF GOVERNMENTS - TRANSPORTATION COMMITTEE AS THE FIRST ALTERNATE. Second by Faulconer. Passed by the following vote: Lightner-recused, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.



ITEM-201: Appointing New Public Audit Committee Members.

(See Independent Budget Analyst Report No. 08-122.)

**INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:**

Adopt the following resolution:

(R-2009-750) ADOPTED AS RESOLUTION R-304564

Declaring that the following public members are appointed to the Audit Committee, for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
_____	January 5, 2011
_____	January 5, 2012
_____	January 5, 2013

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:32 p.m. - 4:41 p.m.)

MOTION TO APPOINT STEPHEN GRANT FOR A FOUR-YEAR TERM. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-nay, Emerald-nay, Hueso-nay.

MOTION TO APPOINT CHARLES SELLERS FOR A THREE-YEAR TERM. Passed by the following vote: Lightner-nay, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

MOTION TO APPOINT WADE MCKNIGHT FOR A TWO-YEAR TERM. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-nay, Young-yea, DeMaio-yea, Frye-nay, Emerald-yea, Hueso-nay.



[ITEM-202:](#) Conflict of Interest Code for the Audit Committee. (Citywide.)

(See City Attorney Report dated 12/18/2008.)

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2009-743)                    ADOPTED AS RESOLUTION R-304565

Adopting a Conflict of Interest Code for the Audit Committee, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Declaring that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Audit Committee as adopted, be placed on file in the Office of the City Clerk;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the Audit Committee shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements, and leaving office statements;

Declaring that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Audit Committee becomes effective upon the date of adoption of this resolution.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:42 p.m. - 4:44 p.m.)

MOTION BY FAULCONER TO ADOPT. Second by Young. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

ITEM-250: **Notice** of Pending Final Map Approval – Black Mountain Ranch East Clusters Unit No. 2.

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 “Black Mountain Ranch East Clusters Unit No. 2” (T.M. No. 99-1054/PTS No. 146178), located at the northerly terminus of Valle Del Sur Court, northwesterly of Carmel Valley Road and I-15 in the Black Mountain Ranch 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 Anne Hoppe at (619) 446-5290.

**REPORT OUT OF CLOSED SESSION:**

None.

**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

The meeting was adjourned by Council President Huseo at 4:50 p.m. in honor of the memory of:

Wilma Knott at the request of Council Member Gloria; and  
Brian Bennett at the request of Council Member Emerald.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:47 p.m. - 4:50 p.m.)