

THE CITY OF SAN DIEGO, CALIFORNIA
 MINUTES FOR REGULAR COUNCIL MEETING
 OF
 DECEMBER 3, 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 2:05 p.m. Council President Peters recessed the meeting at 4:01 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 4:08 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 5:46 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 (dlc)

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 Pastor Rick Page of The Rock Church.

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. Willkie Farr and Gallagher, LLP*
San Diego Superior Court Case No. 37-2007-00072584-CU-BT-CTL**

REFERRED TO CLOSED SESSION OF TUESDAY, DECEMBER 4, 2007

EACA Assigned: D. McGrath

This is a lawsuit filed by the City of San Diego against Willkie Farr and Gallagher, LLP. In closed session, the City Council will meet with Executive Assistant City Attorney Don McGrath, II, and Bryan Vess regarding prosecution of the lawsuit.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:40 p.m. – 2:45 p.m.)

Testimony in opposition by Cindy Elrod .

Council President Peters closed the hearing.

**CS-2 *Insurance Company of the State of Pennsylvania v. City of San Diego*
United States District Court Case No. 02-CV-0693**

REFERRED TO CLOSED SESSION OF TUESDAY, DECEMBER 4, 2007

EACA Assigned: D. McGrath

This matter relates to AIG insurance carriers bad faith in its duty to defend. In closed session, the City Attorney and Kristine Wilkes of Latham and Watkins and Harry Levine will update the City Council and the Mayor on the case and fees.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:40 p.m. – 2:45 p.m.)

Testimony in opposition by Frederic Gordon.

Council President Peters closed the hearing.

**CS-3 *Harvey Furgatch v. San Diego Unified Port District, et al.*
San Diego Superior Court Case No. GIC 775242**

REFERRED TO CLOSED SESSION OF TUESDAY, DECEMBER 4, 2007

DCA assigned: J. Riley

Plaintiff alleges his lawsuit was a substantial factor in causing the termination of the purchase and sale agreement for the transfer of property (Tailgate Park) from the City to the San Diego Unified Port District. The City Council will be advised of the status of this litigation and requested to waive the privilege and disclose closed session transcripts from prior meetings for the purpose of defending this lawsuit.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:40 p.m. – 2:45 p.m.)

Council President Peters closed the hearing.

**CS-4 *Coastal Law Enforcement Action Network v. City of San Diego;*
Air California Adventure, LLC; David Jebb - (Complaint);
City of San Diego v. Air California Adventure, LLC;
Air California Adventure, Inc.; David Jebb; Maya Jebb - (Cross-complaint)
San Diego Superior Court Case No. GIC861914**

REFERRED TO CLOSED SESSION OF TUESDAY, DECEMBER 4, 2007

DCA Assigned: M. Dickenson

This matter is a challenge under the California Coastal Act relating to the City's lease of the property known as the Torrey Pines Gliderport. The City Attorney will update the Mayor and City Council on the status of the litigation and requests that the Mayor and City Council consider settlement of this case in closed session.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:40 p.m. – 2:45 p.m.)

Council President Peters closed the hearing.

CS-5 Proposed litigation against the California State University Board of Trustees

REFERRED TO CLOSED SESSION OF TUESDAY, DECEMBER 4, 2007

DCA Assigned: C. Fitzgerald

To consider initiation of litigation challenging the Final Environmental Impact Report for the SDSU 2007 Master Campus Plan Revision.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:40 p.m. – 2:45 p.m.)

Council President Peters closed the hearing.

CS-6 Proposed litigation against Aviation International, Inc.

REFERRED TO CLOSED SESSION OF TUESDAY, DECEMBER 4, 2007

DCA Assigned: J.Serrano

To consider litigation against Aviation International, Inc., a California corporation (Juan Escalante, officer), which leases City owned land at Brown Field Airport and is in default on the terms of its lease.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:40 p.m. – 2:45 p.m.)

Council President Peters closed the hearing.

**CS-7 *San Diego Navy Broadway Complex Coalition v. City of San Diego, et al.*
San Diego Superior Court Case No. GIC 880444**

REFERRED TO CLOSED SESSION OF TUESDAY, DECEMBER 4, 2007

DCA Assigned: M. Dickinson

This matter is a challenge under the California Environmental Quality Act relating to the City's environmental determinations for the Navy Broadway Complex. 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: 2:40 p.m. – 2:45 p.m.)

Council President Peters closed the hearing.

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

CS-8 Property: 6929 Curran Street, San Diego, CA. 92154

Agency Negotiator: Michael Tussey and Christian Anderson

Negotiating Parties: Aviation International Inc., President is Juan Escalante

Under Negotiation: Price and payment terms of lease.

REFERRED TO CLOSED SESSION OF TUESDAY, DECEMBER 4, 2007

DCA Assigned: J. Serrano

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:40 p.m. – 2:45 p.m.)

Council President Peters closed the hearing.

ITEM-150: Approval of the 2008 Legislative Calendar and Key Dates for Fiscal Year 2009 Budget Process.

(See Independent Budget Analyst Report No. 07-108; and memorandum from Andrea Tevlin dated 11/19/2007 [not available at Committee].)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2008-475) ADOPTED WITH DIRECTION AS
RESOLUTION R-303207

Adopting the schedule of meetings for the City Council and Standing Committees, and Council Budget Hearings of the City Council for the period of January 1, 2008 through December 31, 2008;

Subitem-B: (R-2008-478) ADOPTED AS RESOLUTION R-303208

Adopting the Fiscal Year 2009 Budget Process Key Dates.

BUDGET AND FINANCE COMMITTEE'S RECOMMENDATION:

On 11/14/2007, Budget voted 4 to 0 to recommend that the full City Council adopt the Fiscal Year 2009 Budget Process Key Dates, as detailed in Independent Budget Analyst Report No. 07-108, with the additional request that the Budget and Finance Committee Chair schedule a report on SDCERS Actuarial Valuation prior to the commencement of the FY 2009 budget process. (Councilmembers Peters, Faulconer, Frye, and Madaffer voted yea. Councilmember Atkins not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:51 p.m.)

MOTION BY MADAFFER TO ADOPT WITH DIRECTION TO CHANGE THE JANUARY 9, 2008, RULES COMMITTEE MEETING TO A BUDGET COMMITTEE MEETING. ALSO HAVE THE DOCKET FOR THE NOVEMBER CALENDAR AVAILABLE ONE WEEK EARLIER IN 2008 MAKING ALL MATERIALS DUE NOVEMBER 21, 2008, ALLOWING MORE TIME FOR REVIEW. 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-151: Navajo Public Facilities Financing Plan FY 2008. (Navajo Community Area. District 7.)

(See Report to the City Council No. 07-198 and Public Facilities Financing Plan FY 2008 Draft.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem A: (R-2008-442) ADOPTED AS RESOLUTION R-303209

Approving the Navajo Public Facilities Financing Plan, rescinding the existing Development Impact Fees for the Navajo Community and establishing New Development Impact Fees for all property within the Navajo Community;

Declaring that this activity is not a "project" as defined in the California Environmental Quality Act [CEQA] Guidelines section 15378; thus, it is not subject to CEQA pursuant to CEQA Guidelines section 15060(c)(3);

Declaring that any judicial action or proceeding to attack, review, set aside, void or annul this resolution shall be brought within 120 days.

Subitem B: (R-2008-444) ADOPTED AS RESOLUTION R-303210

Approving the document titled, "Navajo Public Facilities Financing Plan, Fiscal Year 2008";

Declaring that this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3).

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 11/7/2007, LU&H voted 4 to 0, to approve. (Councilmembers Atkins, Young, Madaffer, and Hueso voted yea.)

SUPPORTING INFORMATION:

Development Impact Fees (DIF) was established in 1987 by the City Council to mitigate the impact of new development in urbanized communities. Fees were based on the facility needs of each community. This plan updates the existing Navajo Community Facilities Summary List last updated and adopted November 10, 1998 (R-290953).

The draft FY 2008 Navajo Public Facilities Financing Plan describes the public facilities that will be needed for the Navajo Community as it develops according to the existing Community Plan. Navajo is an urbanized community; most of the community facilities and infrastructure are already in place. The remaining needed facilities are in the categories of transportation, park improvements, library and fire. The proposed fees reflect the current costs of the facilities identified in the Navajo Community Plan and are necessary to maintain existing levels of service in the community. A summary of the proposed impact fees for Navajo is as follows:

<u>Residential Units</u>		<u>Commercial and Industrial</u>	
Transportation	\$2,044 per unit	Transportation	\$292 per trip
Park & Recreation	\$2,883 per unit	Fire	\$279 per 1,000 SF
Library	\$1,360 per unit		of gross bldg area
Fire	\$ 279 per unit		
TOTAL FEE	\$6,566 per unit		

The total impact fee for residential development will increase from \$2,162 to \$6,566 per dwelling unit, primarily due to the adjusted needs and increased costs for transportation and park and recreation facilities. The estimated cost for eligible transportation facilities has increased from \$36,700,000 to \$112,859,948. An increase in the transportation fee from \$1,064 to \$2,044 per residential unit reflects increased project costs. The estimated cost for park facilities increased from \$17,935,000 to \$57,259,257, resulting in a fee increase from \$867 to \$2,883. This increase is a more accurate reflection of acreage requirements and costs to meet population based park needs within the community. The estimated cost for library facilities increased from \$4,775,000 to \$27,000,000, resulting in a fee increase from \$231 to \$1,360. A fire fee of \$279 per 1,000 square feet has been added. The estimated cost for fire facilities in the Navajo Community is \$14,603,087.

Projected cost for all projects is \$320,557,359. Eligible project costs in the amount of \$211,722,292 will serve as the basis for the DIF, which will be collected at the time building permits are issued.

Since these costs are for projects which will benefit both the existing community and future development, costs will be shared and new development will only provide their pro-rata share for DIF eligible projects. Those portions of project costs not funded by new development through

impact fees will need to be identified by future City Council actions in conjunction with the adoption of Annual Capital Improvements Program Budgets.

Alternative: Do not approve the proposed Financing Plan and DIF Schedule. This is not recommended because the new fees will ensure that new development continues to contribute its fair share for facilities identified in the Community Plan. In the absence of these fees, alternative funding sources would have to be identified to fund new development's share of identified facilities.

FISCAL CONSIDERATIONS:

Adoption of this Financing Plan will continue to provide new development's share of funding for the required public facilities.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On October 15, 2007, the Navajo Community Planning Group unanimously approved the draft Public Facilities Financing Plan with a vote of 14-0-0.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Developers of new projects on vacant sites will be subject to a higher impact fee than currently exists.

Gabriel/Anderson

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:39 p.m. – 2:39 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-200: San Diego Regional Storm Water Co-permittees Memorandum of Understanding.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2008-74) INTRODUCED, TO BE ADOPTED ON MONDAY,
JANUARY 7, 2008.

Introduction of an ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a six-year Memorandum of Understanding with the County of San Diego, as Principal Co-permittee, and other public agencies as Co-permittees, to share costs for activities necessary to comply with requirements of Regional Water Quality Control Board Order No. R9-2007-0001, under the terms and conditions set forth in the Memorandum of Understanding;

Authorizing the expenditure of an amount not to exceed \$791,936, solely and exclusively, to provide funds for the first year of the City's share of the above program costs, to be expended as follows: \$375,084.40 from Fund No. 100, Dept No. 533, Org No. 2250; and \$416,851.60 from Fund No. 10508, Dept No. 10508, Org No. 2250;

Declaring that this activity is not a "project" and is therefore exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3);

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

STAFF SUPPORTING INFORMATION:

In February 2001 the Regional Water Quality Control Board (RWQCB) issued a Municipal Permit to the Co-permittees (Order No. 2001-01) which permits and places conditions on the City's discharge of storm water from its storm water conveyance system. As required by the Municipal Permit, the City entered into a Memorandum of Understanding with the Co-permittees in 2001 (R-296020). This previous Co-permittee MOU ("2001 MOU") expired in August 2007, but has been extended to end of 2007 for limited purposes. Per the cost share of the previous MOU, City expenditures pursuant to the 2001 MOU have averaged \$350,000 annually, primarily for RWQCB-required permit application costs and regional monitoring costs.

In January, 2007 the RWQCB issued NPDES Order No. 2007-0001 (2007 Municipal Permit) to replace the 2001 Municipal Permit. The 2007 Municipal Permit also mandates a MOU between the Co-permittees. The 2007 MOU would be a six-year agreement expiring in January 2014, and would serve the same function as the 2001 MOU to ensure cooperation in program development and cost sharing.

The general MOU cost sharing formula remains unchanged: 45% based on a jurisdiction's population relative to the regional total, 45% based on a jurisdiction's relative land area, and 10% flat fee. As a result, the City and County each pay approximately 33% of the total costs. However, the 2007 MOU was updated to make more specific arrangements for coordinating work amongst Co-permittees, allow for special formulas for cost sharing on tasks as appropriate, enable Co-permittees to be reimbursed for program management support costs, and establish new rules for approving shared costs. Most notably, all shared costs and special cost-sharing formulas must be voted on and approved under the following new conditions: all Co-permittees that would bear 25% or more of the cost of the item under vote must be present, and affirmative votes must comprise at least 50% of the cost. The City, with support of the County, successfully negotiated these changes to the voting protocol to "weight" the City's vote to be more commensurate with the City's relatively large share (approximately 33%) of the costs under the MOU. With the current cost sharing formula, these new voting rules essentially mean that either the City or the County must vote "yes" for an item to pass, and the Co-permittees cannot vote unless both the City and County are present.

On July 23, 2007, the 2001 MOU was amended by the Mayor to extend its term to December 31, 2007 and keep the City in compliance with the Municipal Permit. Council approval of the 2007 MOU via ordinance is required per Charter Section 99 because the term is greater than five years (the MOU would last six years), and because City expenditures are involved.

FISCAL CONSIDERATIONS:

The 2007 MOU provides for the Co-permittees to propose annual budgets which will require each jurisdiction, including the City, to annually appropriate funds to pay its share. Therefore, City staff will request City Council approvals for each future fiscal year's budget beginning in spring of 2008 for the FY 2009 budget. For FY 2008 the City's entire share of \$791,936 program costs have been identified by the Co-permittees. Staff is requesting authorization to spend FY 2008 funds in the amount not to exceed 791,936 for the City's entire share of FY 2008 program costs.

The sources are: \$416,851.60 from the Storm Drain Fund No. 10508, and \$375,084.40 from the General Services Department, Storm Water Pollution Prevention Division Operating Fund No. 100.

The Co-permittees have chosen not to put a not to exceed cap on future fiscal year expenditures because programs for monitoring and education may be modified in future years. Further, the MOU is structured so that staff must obtain City Council approval prior to spending funds in fiscal years beyond FY 2008 (FY 2009 through FY 2014). If the requested funds are not appropriated in any fiscal year, then the City will be excluded from participation in the Co-

permittee program and the Regional Water Quality Control Board may address this as a violation of the Municipal Permit.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On January 28, 2002, City Council authorized the City Manager to enter into the 2001 MOU.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Formal public review was conducted by the RWQCB prior to the adoption of the 2007 Municipal Permit. The proposed MOU was discussed in publicly noticed meetings which have been ongoing since Spring 2007.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key stakeholders are the 21 Co-permittees who will be sharing the financial and administrative burden of adopting local programs and regulations to conform to the Municipal Permit.
Sierra/Hass

Aud. Cert. 2800386.

Staff: Drew Kleis - (619) 525-8623
Frederick M. Ortlieb - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 4:09 p.m. – 4:09 p.m.)

CONSENT MOTION BY FRYE TO INTRODUCE. 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: Appointment of Council President Pro Tem and City Council Committee Assignments for Calendar Year 2008.

(See memorandum from Council President Peters dated 11/27/2007.)

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolutions in Subitems A-D; and hold the first public hearing of the ordinance in Subitem E:

Subitem-A: (R-2008-472)

ADOPTED AS RESOLUTION R-303211

Confirming the selection by the Council President-elect of Councilmember Jim Madaffer to serve as Council President Pro Tem for the period commencing January 1, 2008 and ending December 8, 2008, pursuant to Section 22.0101.5 of the San Diego Municipal Code.

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

Subitem-B: (R-2008-473)

ADOPTED AS RESOLUTION R-303212

Confirming the following appointments by the Council President-elect to serve as Chairs, vice-chairs, and committee members of the five standing Council committees for terms commencing January 1, 2008, and lasting until December 8, 2008, pursuant to Section 22.0101.5 of the San Diego Municipal Code:

Committee on Rules, Open Government and Intergovernmental Relations

Chair : Councilmember Jim Madaffer
Vice Chair: Council President Scott Peters
Members : Councilmember Donna Frye
Councilmember Ben Hueso
Councilmember Tony Young

Committee on Land Use and Housing

Chair : Councilmember Ben Hueso
Vice Chair: Councilmember Jim Madaffer
Members : Councilmember Toni Atkins
Councilmember Brian Maienschein

Committee on Natural Resources and Culture

Chair : Councilmember Donna Frye
Vice Chair: Councilmember Kevin Faulconer
Members : Council President Scott Peters
Councilmember Toni Atkins

Committee on Public Safety and Neighborhood Services

Chair : Councilmember Tony Young
Vice Chair: Councilmember Brian Maienschein
Members : Councilmember Ben Hueso
Councilmember Kevin Faulconer

Committee on Budget and Finance

Chair : Councilmember Toni Atkins
Vice Chair: Councilmember Kevin Faulconer
Members : Councilmember Donna Frye
Councilmember Jim Madaffer
Councilmember Ben Hueso

Committee on Audit

Chair : Councilmember Kevin Faulconer
Vice Chair: Councilmember Tony Young
Member : Councilmember Toni Atkins

Ad Hoc Committee on Fire Prevention and Recovery

Chair : Councilmember Brian Maienschein
Vice Chair: Councilmember Jim Madaffer
Member : Council President Scott Peters

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

Subitem-C: (R-2008-476) ADOPTED AS RESOLUTION R-303213

Establishing a temporary rule to make the Chair of the Rules, Open Government and Intergovernmental Relations the Council President Pro Tem;

Declaring that the temporary rule shall be effective and supercede Permanent Rule 6.11.1 from adoption and continuing until December 8, 2008 or until such time that the Permanent Rules of the City Council are amended to incorporate the subject matter addressed in the temporary rule.

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

Subitem-D: (R-2008-477) ADOPTED AS RESOLUTION R-303214

Adopting temporary rules to be known as "San Diego City Council Temporary Rules Establishing the Ad Hoc Committee on Fire Prevention and Recovery";

Declaring the temporary rules shall be effective from passage and continuing until December 8, 2008 or until such time that the Permanent Rules of the City Council are amended to incorporate the subject matter addressed in the temporary rules.

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

Subitem-E: (O-2008-78)

FIRST HEARING HELD

Authorizing the City Auditor and Comptroller to add 1.0 position to the Council Administration (Dept. 029) and to transfer, appropriate, and expend \$40,000 from the FY 2008 appropriated reserve to the Council Administration (Dept. 029) for a Committee Consultant position to staff the Ad Hoc Committee on Fire Prevention and Recovery;

Amending Ordinance No. O-19652 (New Series) entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2008 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year" by increasing the Council Administration (Dept. 029) by 1.0 position and \$40,000 for salary and fringe for the balance of FY 2008.

NOTE: Today's action is the first public hearing. See the docket of Tuesday, January 8, 2008, for the second public hearing and introduction and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:51 p.m. – 3:03 p.m.)

MOTION BY ATKINS TO ADOPT THE RESOLUTIONS IN SUBITEMS A, B, C AND D AND HOLD THE FIRST PUBLIC HEARING FOR SUBITEM E. 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-202: Appointment of Mayor and City Councilmembers to Outside Organizations for Calendar Year 2008.

(See memorandum from Mayor Sanders and Council President Peters dated 11/15/2007.)

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2008-463) ADOPTED AS AMENDED AS RESOLUTION
R-303215

Declaring that Mayor Jerry Sanders shall serve as the representative to the San Diego River Conservancy and is hereby appointed to serve as representative, alternate, or liaison to the listed organizations, as indicated below, for the period commencing January 1, 2008 through December 8, 2008:

OUTSIDE ORGANIZATION

POSITION

Port Commission	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-2008-464) ADOPTED AS RESOLUTION R-303216

Appointing Council President Scott Peters 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, 2008 through December 8, 2008:

OUTSIDE ORGANIZATION

POSITION

League of Cities, San Diego County Division	Representative
Los Peñasquitos Canyon Preserve Task Force	Representative
San Diego Association of Governments-Board of Directors	Second Alternate
San Dieguito River Valley Regional Open Space Joint Powers Authority	Representative

Subitem-C: (R-2008-465) ADOPTED AS AMENDED AS RESOLUTION
R-303217

Appointing Councilmember 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, 2008 through December 8, 2008:

OUTSIDE ORGANIZATION

POSITION

City-County Joint Homeless Task Force	Representative
San Diego Metropolitan Transit System Board	Representative

San Diego Association of Governments-Bayshore Bikeway Working Group	Representative
San Diego Association of Governments-Shoreline Preservation Working Group	Representative

Subitem-D: (R-2008-466) ADOPTED AS RESOLUTION R-303218

Appointing Councilmember Toni Atkins 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, 2008 through December 8, 2008:

<u>OUTSIDE ORGANIZATION</u>	<u>POSITION</u>
City-County Joint Homeless Task Force	Representative
San Diego Metropolitan Transit System-Executive Committee	Representative
San Diego Association of Governments-Borders Committee	First Alternate
San Diego Association of Governments-Executive Committee	Second Alternate
San Diego Association of Governments-Public Safety Committee	First Alternate
San Diego Association of Governments-Housing Working Group	Representative
San Diego Association of Governments-Regional Planning Committee	Representative
San Diego Association of Governments-Transportation Committee	First Alternate

Subitem-E: (R-2008-467) ADOPTED AS RESOLUTION R-303219

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, 2008 through December 8, 2008:

<u>OUTSIDE ORGANIZATION</u>	<u>POSITION</u>
Abandoned Vehicle Abatement Service Authority	Representative
San Diego Metropolitan Transit System Board	Representative
San Diego Metropolitan Transit System-Taxi Cab Committee	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-Borders Committee	Second Alternate
San Diego Association of Governments-Public Safety Committee	Representative

San Diego Workforce Partnership	Representative
San Diego Regional Airport Authority	Representative
Service Authority for Freeway Emergencies	Representative
Southeastern Economic Development Corporation	Liaison

Subitem-F: (R-2008-468) ADOPTED AS RESOLUTION R-303220

Appointing Councilmember Jim Madaffer 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, 2008 through December 8, 2008:

<u>OUTSIDE ORGANIZATION</u>	<u>POSITION</u>
Mission Trails Regional Park	Representative
San Diego Association of Governments-Board of Directors	Representative
San Diego Association of Governments-Executive Committee	First Alternate
San Diego Association of Government s-Transportation Committee	Representative

Subitem-G: (R-2008-469) ADOPTED AS RESOLUTION R-303221

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, 2008 through December 8, 2008:

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

Subitem-H: (R-2008-470) ADOPTED AS RESOLUTION R-303222

Appointing Councilmember Brian Maienschein 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, 2008 through December 8, 2008:

<u>OUTSIDE ORGANIZATION</u>	<u>POSITION</u>
Local Agency Formation Commission	Alternate
Los Peñasquitos Canyon Preserve Taskforce	Representative

San Diego Metropolitan Transit System Board	Representative
San Dieguito River Valley Regional Open Space Joint Powers Authority	Representative

Subitem-I: (R-2008-471) ADOPTED AS RESOLUTION R-303223

Appointing Councilmember 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, 2008 through December 8, 2008:

<u>OUTSIDE ORGANIZATION</u>	<u>POSITION</u>
Abandoned Vehicle Abatement Service Authority	Representative
San Diego Metropolitan Transit System Board	Alternate
Otay River Valley Regional Park Policy Committee	Representative
San Diego Association of Governments-Borders Committee	Representative
San Diego Association of Governments-Public Safety Alternate Committee	Second
San Diego Association of Governments-Regional Planning Alternate Committee	Second
San Diego Association of Governments-Transportation Alternate Committee	Second
San Diego Workforce Partnership	Representative
Service Authority for Freeway Emergencies	Representative

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:11 p.m. – 3:12 p.m.;
5:35 p.m. – 5:41 p.m.)

MOTION BY HUESO TO ADOPT THE RESOLUTION IN SUBITEM A AS AMENDED TO ADD COUNCIL MEMBER FAULCONER AS THE LIASON FOR THE PORT COMMISSION. Second by Peters. Passed by the following vote: Peters-yea, Falconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY MADAFFER TO ADOPT THE RESOLUTION IN SUBITEM B. Second by Hueso. Passed by the following vote: Peters-recused, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY HUESO TO ADOPT THE RESOLUTION IN SUBITEM C AS AMENDED TO ADD COUNCIL MEMBER FAULCONER AS THE LIASON FOR THE PORT COMMISSION. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-recused, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY HUESO TO ADOPT THE RESOLUTION IN SUBITEM D. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-recused, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY HUESO TO ADOPT THE RESOLUTION IN SUBITEM E. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-recused, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY HUESO TO ADOPT THE RESOLUTION IN SUBITEM F. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-recused, Hueso-yea.

MOTION BY HUESO TO ADOPT THE RESOLUTION IN SUBITEM G. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-recused, Madaffer-yea, Hueso-yea.

MOTION BY HUESO TO ADOPT THE RESOLUTION IN SUBITEM H. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-recused, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY MADAFFER TO ADOPT THE RESOLUTION IN SUBITEM I. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-recused.

ITEM-203: Memorandum of Understanding with the International Association of Fire Fighters Local 145 (IAFF Local 145).

(See Report to the City Council No. 07-176.)

STAFF'S RECOMMENDATION:

Take the following actions: CONTINUED TO TUESDAY, JANUARY 8, 2008

Prepare a resolution to approve the FY 2007 Memorandum of Understanding for the International Association of Fire Fighters Local 145 (IAFF Local 145);

Declaring that this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060 (c)(3);

Directing the City Attorney to prepare the appropriate resolution in accordance with Charter Section 40.

Staff: Scott Chadwick - (619) 236-6313

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 4:09 p.m. – 4:09 p.m.)

MOTION BY HUESO TO CONTINUE TO TUESDAY, JANUARY 8, 2008, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-204: Memorandum of Understanding with the San Diego Deputy City Attorney's Association (DCAA).

(See Report to the City Council No. 07-177.)

STAFF'S RECOMMENDATION:

Take the following actions: CONTINUED TO TUESDAY, JANUARY 8, 2008

Prepare a resolution to approve the FY 2007 Memorandum of Understanding for the Deputy City Attorney's Association (DCAA);

Declaring that this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060 (c)(3);

Directing the City Attorney to prepare the appropriate resolution in accordance with Charter Section 40.

Staff: Scott Chadwick - (619) 236-6313

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 4:09 p.m. – 4:09 p.m.)

MOTION BY FRYE TO CONTINUE TO TUESDAY, JANUARY 8, 2008, FOR FURTHER REVIEW. 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-205: Acceptance of the San Diego Commission on Gang Prevention and Intervention Strategic Action Plan. (Citywide.)

(See Report to the City Council No. 07-197; and the San Diego Gang Prevention and Intervention Strategic Action Plan dated October 2007.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-459) ADOPTED AS RESOLUTION R-303224

Accepting the Strategic Action Plan and referring to the Public Safety and Neighborhood Services Committee for further discussion, monitoring, recommendations, and implementation, as appropriate.

STAFF SUPPORTING INFORMATION:

The Commission on Gang Prevention and Intervention has spent the last 10 months listening to the community about their concerns regarding gangs in their communities. The Commission conducted research, interviewed experts, participated in Listening Tours, and held a community forum - Community Solutions: Regional/Neighborhood Anti Gang Solutions (May 10, 2007). The Forum had nearly 400 attendees expressing ideas as to what they felt the City of San Diego

needed and should do to impact the youth violence and gang related crime in their communities. As a result the Commission developed five key goals for the next year for the City to support and implement:

- Goal 1** Establish an effective coordinated collaboration process to impact gang activity Citywide.
- Goal 2** Develop joint partnerships to help address the gang issues within the City of San Diego.
- Goal 3** Establish a data and research analysis process to keep the Mayor, City Council and Commission aware of key gang trends and anti-gang research on an ongoing basis.
- Goal 4** Based on existing funding, build capacity in existing, effective and promising gang prevention and intervention programs/strategies on a neighborhood basis.
- Goal 5** Develop a sustainable funding strategy for the Strategic Action plan.

FISCAL CONSIDERATIONS: To be determined.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Citywide listening in communities as well as in targeted communities such as Linda Vista, Mid City, Mira Mesa, South Bay and Southeast. Continued involvement with working groups attending the Commission meetings and updating the Commission on issues and concerns.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Youth, families, and communities in the City of San Diego.

Sharpe-Underwood/Olen

Staff: Lynne Sharpe-Underwood - (619) 236-5936
Mary T. Nuesca - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:13 p.m. – 4:01 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-206: Approving and Ratifying the FY 2008 Memorandum of Understanding with the San Diego Police Officers Association (POA).

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-354) ADOPTED AS RESOLUTION R-303225

Approving and ratifying the Fiscal Year 2008 Memorandum of Understanding for the Police Officers Association (POA).

STAFF SUPPORTING INFORMATION:

In April 2007, a tentative agreement was reached between the City of San Diego and San Diego Police Officers Association contingent upon City Council approval regarding the Memorandum of Understanding, effective July 1, 2007 through June 30, 2008.

FISCAL CONSIDERATIONS:

Costs associated with the agreement are contained in the FY 2008 budget.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

At the April 16, 2007 meeting, the Council voted to accept the Mayor's recommendation to support the Memorandum of Understanding with the Police Officers Association.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Police Officers Association

Chadwick/Reynolds

Staff: Scott Chadwick - (619) 236-6313
Michael J. Aguirre - City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:10 p.m. – 4:11 p.m.)

MOTION BY HUESO TO ADOPT. 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-207: In the Matter of Overriding the Mayor's Veto for the Recycled Water Master Plan Update 2005 pursuant to San Diego Charter Section 285.

OVERRIDEN WITH DIRECTION; PREVIOUSLY ADOPTED AS R-303096

(See Veto Memorandum from Mayor Sanders dated 11/14/2007.)

Pursuant to San Diego Charter section 285, the Council shall reconsider the Recycled Water Master Plan Updated 2005 (Resolution R-303096) adopted on October 29, 2007, and vetoed by the Mayor on November 14, 2007. If after such reconsideration, at least five members of the Council vote in favor of passage, the Recycled Water Master Plan Update 2005 shall become effective notwithstanding the Mayor's veto.

(R-2008-383) ADOPTED AS R-303096 ON OCTOBER 29, 2007

Approving the City of San Diego Recycled Water Master Plan Update 2005;

Requesting the Mayor or his designee to develop an implementation strategy and capital improvement projects consistent with the City Council's direction on Resolution No. R-303095, adopted on October 29, 2007.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:03 p.m. – 5:35 p.m.)

MOTION BY FRYE TO OVERRIDE THE MAYOR'S VETO WITH DIRECTION TO THE MAYOR'S STAFF TO PROVIDE AN UPDATE ON THE PILOT PROJECT AND COSTS TO THE NATURAL RESOURCE AND CULTURAL COMMITTEE BY FEBRUARY 2008. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-nay, Atkins-yea, Young-nay, Maienschein-nay, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-208: In the Matter of Overriding the Mayor's Veto for the Water Reuse Study pursuant to San Diego Charter Section 285.

OVERRIDEN WITH DIRECTION; PREVIOUSLY ADOPTED AS R-303095

(See Veto Memorandum from Mayor Sanders dated 11/14/2007.)

Pursuant to San Diego Charter Section 285, the Council shall reconsider the Water Reuse Study (Resolution R-303095) adopted on October 29, 2007, and vetoed by the Mayor on November 14, 2007. If after such reconsideration, at least five members of the Council vote in favor of passage, the Water Reuse Study shall become effective notwithstanding the Mayor's veto.

(R-2008-382) ADOPTED AS R-303095 ON OCTOBER 29, 2007

Accepting the 2006 Water Reuse Study;

Directing the Mayor, or his designee, to develop a plan for implementation of the NC-3 strategy, as set forth in the 2006 Water Reuse Study, for future consideration by the City Council which includes, but is not limited to, the following elements:

- 1) an independent energy and economic analysis of all water supply augmentation methods in the Long Range Water Resources Plan, and
- 2) a current flow and detention study at the San Vicente Reservoir, and
- 3) a one year indirect potable reuse demonstration project to begin on July 1, 2008.

Directing the Mayor, or his designee, to lead an effort for community education and outreach regarding the NC-3 strategy and indirect potable reuse to begin in January of 2008, ensuring that communities that have not had any prior presentations on this topic be the first to receive the education process;

Directing the Mayor, or his designee, to present an update at a City Council meeting in January of 2008 on the status of the progress on the plan for implementation of the NC-3 strategy and the community education and outreach efforts set forth in this resolution.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:03 p.m. – 5:35 p.m.)

MOTION BY FRYE TO OVERRIDE THE MAYOR'S VETO WITH DIRECTION TO THE MAYOR'S STAFF, TO PROVIDE AN UPDATE ON THE PILOT PROJECT AND COSTS TO THE NATURAL RESOURCE AND CULTURAL COMMITTEE BY FEBRUARY 2008. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-nay, Atkins-yea, Young-nay, Maienschein-nay, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-209: Public Hearing on the Proposed Establishment of a Tourism Marketing District and Levying of Assessments Pursuant to the Tourism Marketing District Ordinance.

(Scheduled pursuant to City Council's Approval of Intent to Establish a Tourism Marketing District on October 15, 2007, Item No. 205; November 20, 2007, Item No. 337.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-451) ADOPTED AS RESOLUTION R-303226

Adoption of a Resolution of the Council of the City of San Diego establishing a Tourism Marketing District (TMD); levying assessments upon the assessed businesses for a period of five (5) years; authorizing the Mayor or his designee, on behalf of the City, to enter into an agreement with the San Diego Tourism Marketing Promotion Corporation for the operation of the Tourism Marketing District; and prescribing a method for collection of assessments;

Directing the City Clerk, upon the adoption of this Resolution, to record a notice of the levying of the assessments and map of the TMD district pursuant to the San Diego Municipal Code Section 61.2512;

Declaring that this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

This is a public meeting on the Tourism Marketing District as authorized by City Council at the City Council meeting of October 15, 2007.

At the October 15, 2007 meeting, the City Council:

1. Approved the Tourism Marketing District Management Plan;
2. Declared the intent to establish Tourism Marketing District (TMD) and to levy assessments for the TMD for a maximum of 5 years and set a noticed public meeting date of November 20, 2007, and set December 3, 2007, as the noticed public hearing date for counting ballots and considering protests, and directed that the notice to affected businesses shall include a ballot whereby businesses may indicate their support of or opposition to the proposed assessment.

At the November 20, 2007 meeting the City Council:

Held a public meeting in order to take testimony on the establishment of the Tourism Marketing District and the levying of assessments.

EXECUTIVE SUMMARY:

Representatives from the hotel industry approached City officials about implementing a Tourism Marketing District in mid-2005. Industry representatives were interested in developing a new source of revenue for marketing and promotion in order to retain and expand the tourism industry in San Diego. The tourism industry is the third largest revenue generator for the San Diego economy and a key employment sector. However, future growth of the industry is dependent on additional marketing of San Diego, especially as more hotel rooms come on-line. Maintaining or increasing hotel occupancy rates will also result in enhanced TOT revenues to the City.

Earlier this year, the Tourism Marketing District Procedural Ordinance was adopted. This ordinance outlines the process for forming a Tourism Marketing District. It requires that a TMD Management Plan be developed and that petitions be obtained in support of the district (and the TMD Management Plan) from hotels representing more than 50% of the proposed assessments in order to bring the matter to City Council. The TMD Management Plan (Attachment A) and

petition was developed and distributed to 175 businesses (hotels) with 70 or more sleeping rooms. As of September 27, 2007, City Treasurer staff received and verified petitions in support of establishing a Tourism Marketing District from businesses representing more than 50% of the total proposed annual assessments.

As required by the Tourism Marketing District Procedural Ordinance, the establishment of the TMD is being brought to the City Council. Furthermore, if the Council declares its intention to establish the TMD and levy the assessment then the TMD Procedural Ordinance requires that a mailed ballot procedure be conducted by City staff and counted by the City Clerk to determine if a majority protest exists.

If the San Diego Tourism Marketing District is established and is successful then the affected hotels could vote to extend the district at the end of the initial five (5) year period, if not, then the district would lapse of its own accord.

FISCAL CONSIDERATIONS:

If the TMD is established then it is anticipated that the City will collect approximately \$25 million of TMD assessments annually which will then be disbursed back to the TMD non-profit on a reimbursement basis. Actual costs incurred by the City in administering the TMD program, but not to exceed \$300,000 annually plus a cost escalator, will be recouped from the TMD assessments. In FY 2008, approximately \$5.3 million will be reimbursed to the City from the TMD assessments for certain FY 2008 citywide TOT allocations. Additionally, the City will be reimbursed for initial start-up costs not to exceed \$60,000.

On an on-going basis, for the term of the TMD, the City would no longer provide annual funding of approximately \$10 million to the San Diego Convention and Visitors Bureau and other tourism-related organizations since funding would be provided through the Tourism Improvement District assessments rather than being funded by the City with TOT funds.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On July 19, 2006, an information only presentation was made to the Budget and Finance Committee by the San Diego Lodging Industry Association on the status of the proposed Tourism Marketing District. The TMD Procedural Ordinance was introduced at Council and had a second reading in May 2007. The ordinance was added to the SDMC on May 30, 2007 and became effective on June 29, 2007. On October 15, 2007, the City Council approved actions for the establishment of the TMD, including the TMD Management Plan and directing staff to notice the affected businesses and send a ballot whereby businesses may indicate their support of or opposition to the proposed assessment.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Both the Lodging Industry Association and the San Diego County Hotel-Motel Association have participated in the preparation of all Tourism Marketing District documents. Mr. Scott Kessler has addressed industry participants at monthly meetings of the San Diego County Hotel-Motel Association and at committee meetings of the Greater San Diego Chamber of Commerce. Meetings have also been held with representatives of the San Diego Convention and Visitors Bureau to answer questions about the Tourism Improvement District concept. Adopting the resolution of intent will require staff to notice the affected hotel business owners of the public hearings and cause a mailed ballot to occur to determine if there is a majority protest.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders are the hotels in San Diego with 70 or more rooms that would be required to pay the TMD assessment.

Kessler/Anderson/MDB

Staff: Scott Kessler – (619) 236-6405
Alex Sachs – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:38 p.m.;
4:12 p.m. - 5:02 p.m.)

MOTION BY FAULCONER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-nay, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

ITEM-250: **Notice** of Pending Final Map Approval – Lansdale Estates.

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 “Lansdale Estates” (T.M. No. 334087/PTS No. 138908), located on the north side of Lansdale Drive easterly of Dunham Way in the Carmel Valley 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.

ITEM-251: 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 proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the June 3, 2008 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
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Friday	1/18/08	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	1/23/08	132	Rules Committee review
Monday	1/28/08	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	2/4/08	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	2/25/08	99	Council adopts ordinances prepared by City Attorney
Friday	3/7/08	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	3/20/08	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.

ITEM-252: 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 5:46 p.m. in honor of the memory of:

Carmen Mae Regan as requested by Council Member Frye.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 5:41 p.m. – 5:46 p.m.)