



**COUNCILMEMBER
MARTI EMERALD**

CITY OF SAN DIEGO

California Energy Commission

**DOCKETED
11-AFC-03**

TN # 68582

NOV 20 2012

November 1, 2012

Eric K. Solorio
Project Manager
Siting, Transmission and Environmental Protection (STEP) Division
California Energy Commission
1516 Ninth Street, MS-2000
Sacramento, CA 95814

Dear Mr. Solorio:

I am the San Diego City Councilmember who represents the area where Cogentrix proposes to build the Quail Brush Energy Generation Project. Please find attached the official meeting minutes from the September 24, 2012 City Council hearing regarding this proposed project. The City Council voted unanimously (8-0) to deny the application of the Quail Brush Energy Generation Project.

Sincerely,

Marti Emerald
Councilmember, Seventh District
City of San Diego
ME:mb
Enclosure



UNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, SEPTEMBER 24, 2012
AT 2:00 PM
IN THE COUNCIL CHAMBERS – 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Young at 2:03 p.m. The meeting was adjourned by Council President Young at 4:50 p.m.

ATTENDANCE DURING THE MEETING:

PRESENT:

CD-1 Councilmember Sherri Lightner
CD-2 Council Pres Pro Tem Kevin Faulconer
CD-3 Councilmember Todd Gloria
CD-4 Council President Tony Young
CD-5 Councilmember Carl DeMaio
CD-6 Councilmember Lorie Zapf
CD-7 Councilmember Marti Emerald
CD-8 Councilmember David Alvarez

ABSENT:

None.

CITY CLERK:

Maland (jis)

ROLL CALL:

- (1) Councilmember Lightner-present
- (2) Council President Pro Tem Faulconer-present
- (3) Councilmember Gloria-present
- (4) Council President Young-present
- (5) Councilmember DeMaio-present
- (6) Councilmember Zapf-present
- (7) Councilmember Emerald-present
- (8) Councilmember Alvarez-present

INVOCATION:

The invocation was given by City Clerk Elizabeth Maland.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Councilmember Gloria.

**MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY, CITY
CLERK COMMENT:**

COUNCIL COMMENT 1:

Councilmember Gloria invited the public to a meeting later that night (September 24, 2012) on the Utility Undergrounding Process from 6:00 to 8:30 p.m. in the Santa Fe Room at the Balboa Park Club. He commented that the public's feedback is welcome, and he will report back to Councilmember Zapf and the Land Use & Housing Committee on the undergrounding process.

COUNCIL ACTION: Start Time: 2:05PM

CLOSED SESSION ITEMS:

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

**CS-1 *Opp v. City of San Diego; Metropolitan Transit System; San Diego Transit Corporation;
Metropolitan Transit Development Board***
San Diego Superior Court Case No. 37-2011-00096401-CU-PO-CTL

REFERRED TO CLOSED SESSION OF TUESDAY, SEPTEMBER 25, 2012

DCA Assigned: J. Gilman

This matter arises from a trip-and-fall claim alleging dangerous condition of public property, which occurred at the intersection of University Avenue and Fifth Avenue on January 27, 2011. Damages include personal injury to the claimant. The City Attorney will brief the Mayor and City Council on the status of the claim and seek direction.

COUNCIL ACTION: Start Time: 4:48 PM

Council President Young closed the hearing.

CS-2 *Coastal Environmental Rights Foundation, Inc. v. City of San Diego [CERF I]*
San Diego Superior Court Case No. 37-2010-00095062-CU-TT-CTL

Coastal Environmental Rights Foundation, Inc. v. City of San Diego [CERF II]

San Diego Superior Court Case No. 37-2010-00102574-CU-TT-CTL

Coastal Environmental Rights Foundation v. City of San Diego [CERF 3]
San Diego Superior Court Case No. 37-2011-00092008-CU-TT-CTL

Coastal Environmental Rights Foundation v. City of San Diego [CERF 4]
San Diego Superior Court Case No. 37-2011-00102639-CU-TT-CTL

Coastal Environmental Rights Foundation v. City of San Diego
San Diego Superior Court Case No. 37-2012-00097775-CU-WM-CTL

REFERRED TO CLOSED SESSION OF TUESDAY, SEPTEMBER 25, 2012

DCA Assigned: G. Spitzer

These cases are challenges to the City's determinations under the California Environmental Quality Act as it relates to a Fourth of July fireworks show in La Jolla and Municipal Code Amendments for special events and park use permits. The City Attorney will update the Mayor and City Council on the status of the litigation and seek direction.

COUNCIL ACTION: Start Time: 4:48 PM

Council President Young closed the hearing.

CS-3 *Alison Terry v. City of San Diego*
U.S. District Court Case No. 06-cv-1459 MMA (KSC)

REFERRED TO CLOSED SESSION OF TUESDAY, SEPTEMBER 25, 2012

DCA Assigned: K. Zlotnik

This matter involves an employment discrimination lawsuit against the City. The City Attorney will brief the Mayor and City Council on the status of the litigation and seek direction in regard to appellate review.

COUNCIL ACTION: Start Time: 4:48 PM

Council President Young closed the hearing.

ITEM-200: Request to Initiate a Community Plan Amendment to the East Elliot Community Plan for the Quail Brush Energy Generation Project, Project No. 270282. (East Elliot Community Plan Area. District 7.)

ITEM DESCRIPTION:

This is a request to initiate a community plan amendment to the East Elliot Community Plan. In accordance with City of San Diego General Plan Policy LU-D.8, the project applicant submitted a request to initiate the community plan amendment to be decided upon by Planning Commission. Planning Commission considered the request at their July 19, 2012, regular meeting. The Planning Commission voted 4-1-2 to deny the initiation. General Plan Policy LU-D.8, also states that the applicant may submit a request to the City Clerk for the City Council to consider the initiation if it is denied by Planning Commission. In accordance with this policy, the applicant has submitted a request to the City Clerk.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-119) (Rev.Copy) ADOPTED AS RESOLUTION R-307694

Adoption of a Resolution initiating the requested East Elliot Community Plan Amendment to redesignate a portion of the Property from Open Space to Industrial; and

Anticipating a future development project that would allow development of a 100 megawatt gas-fired intermediate peaker plant, Council directs staff to consider all of the issues identified in Report No. PC-12-027 and any other issues that may be identified; and

Declaring that in accordance with Land Use and Community Planning Element of the General Plan, Policy LU-D.11, this initiation of a plan amendment in no way confers adoption of a plan amendment, that neither staff nor the Council is committed to recommend in favor or denial of the proposed amendment. This action allows the future development project to become a complete submittal and will allow staff analysis to proceed.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

All processing costs associated with the request to initiate a community plan amendment are paid from a deposit account maintained by the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Goldstone/Westlake/dm

Primary Contact\Phone: Dan Monroe\619-236-5529, MS413
City Attorney Contact: Corrine L. Neuffer

COUNCIL ACTION: Start Time: 2:07 PM

MOTION BY LORI ZAPF TO DENY REQUEST AND URGE APPLICANT TO WITHDRAW THEIR APPLICATION. Second by Marti Emerald

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Carl DeMaio, Lorie Zapf, Marti Emerald, David Alvarez;

Nay: (None);

Recused: (None);

Not Present: (None).

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

Council President Young adjourned meeting at 4:50 p.m. in honor of the memory of:

Sean Smith as requested by Councilmember Zapf.

COUNCIL ACTION: Start Time: 4:49 PM

Elizabeth S. Maland, City Clerk
City of San Diego



**COUNCILMEMBER
MARTI EMERALD**

SEVENTH DISTRICT
CITY OF SAN DIEGO
CITY ADMINISTRATION BUILDING
202 C STREET, MS 10A
SAN DIEGO, CALIFORNIA 92101

RETURN SERVICE REQUESTED

RECEIVED
BUSINESS SERVICES OFFICES

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FIRST CLASS



UNITED STATES POSTAGE
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Eric K. Solorio
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