

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE ===

Adoption Agenda, Discussion, Committee Items

- ITEM-330: Four actions related to Submitting to the Voters a Ballot Proposition Relating to Changing the City Charter from a Council-Manager Form of Governance to a Mayor-Council Form of Governance for a Five Year Trial Basis.
RULES, FINANCE, AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION: On 06/16/2004, RULES voted 4 to 1: 1) To support the current Strong Mayor-Strong Council draft proposal with the typographical corrections suggested by the City Attorney's Office and to forward this item to the full Council and to direct the City Attorney bring to the full Council an analysis of the substantive public comments made at the June 16th hearing, including but not limited to, the proposed language for Section 265 (b).
- ITEM-331: Four actions related to Submitting to the Voters a Ballot Proposition Relating to Amending City Charter Sections 40 and 41(d) to Authorizing the Ethics Commission to Retain Legal Counsel Independent of the City Attorney.
RULES, FINANCE, AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION: On June 16, 2004, RULES voted 5 to 0 to support the current Ethics Commission Independent Attorney draft proposal and to forward this item to the full City Council.
- ITEM-332: Naval Training Center Boat Channel. Peninsula Community Planning Area. (Dist. 2)
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 6/9/2004, NR&C voted 5 to 0 to approve the City Manager's recommendations and direct the City Manager to: (a) As part of the negotiation process, incorporate comments as outlined in the May 25, 2004 letter submitted by the San Diego Bay Council; (b) To the extent allowable and possible, ensure dialogue with the San Diego Bay Council and other stakeholders occurs throughout the negotiation process.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Discussion, Other Legislative Items

- ITEM-333: Informational Report on Proposition 46 and Other Sources of Funding for Affordable Housing Programs. (Cont. from 6/15/2004, Item S501.)
SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:
Adopt the resolution.

Noticed Hearings

- ITEM-334: Business Improvement District Budgets for Fiscal Year 2005. Centre City, College Area, Greater North Park, La Jolla, Mid-City, Midway, Mission Beach, Ocean Beach, Old San Diego, Pacific Beach, San Ysidro, Southeast San Diego, and Uptown Community Areas. (Dists. 1, 2, 3, 4, 7, and 8.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.
- ITEM-335: Two actions related to North University City Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2005. University Community Plan Area. (Dist. 1)
LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:
On 5/19/2004, LU&H voted 5 to 0 to approve the City Manager's recommendation and direct the City Manager to continue to explore other ways to phase the projects within the facilities finance plan and still do all the projects.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Noticed Hearings (Continued)

ITEM-336: NTC Historic Buildings Relocation (No. 9735). Peninsula Community Plan Area. (Dist. 2)

Matter of the appeal by McMillin-NTC, LLC from the decision of the Planning Commission in denying an application for Site Development Permit No. 57640 to allow the relocation of three (3) existing historic utility buildings from their current location within the NTC Historic District to a new location within the NTC Historic (Buildings Nos. 158, 159 and 207). The project is located easterly of Truxton Road, between Womble Road and Roosevelt Road, within the Mixed-Use Subarea of the NTC Precise Plan and Local Coastal Program, within the CR-1-1 zone, Airport Environs Overlay, Coastal Overlay Zone, within the Peninsula Community Plan area.

CITY MANAGER'S RECOMMENDATION: Adopt the resolution in subitem A; and adopt the resolution in subitem B to grant the appeal and to overturn the decision of the Planning Commission and to grant the permit.

ITEM-337: Increase in Loan and Bond Financing for the Beyer Courtyard Apartments. San Ysidro Community Area. (Dist. 8)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION: Adopt the resolution.

ITEM-338: Two actions related to Fourth Amendment to Development Agreement with Catellus Development Corporation. Columbia Subarea of the Centre City Redevelopment Project. (Dist. 2)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION: Introduce the ordinance in Subitem A and adopt the resolution in Subitem B.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

COMMITTEE ON RULES, FINANCE, AND INTERGOVERNMENTAL RELATIONS,
ORDINANCES TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING
AND ADOPTION:

ITEM-330: Four actions related to Submitting to the Voters a Ballot Proposition Relating to Changing the City Charter from a Council-Manager Form of Governance to a Mayor-Council Form of Governance for a Five Year Trial Basis.

(See memorandum from Mayor Murphy dated 6/10/2004; letters from Harry Mathis dated 6/16/2004 and David A. Potter dated 6/15/2004. The following were not available at Committee: City Attorney Report No. RC-2004-14 dated June 21, 2004 and City Clerk's Office Report No. 04-02;)

TODAY'S ACTIONS ARE:

Introduce and adopt the following ordinance in Subitem A, and consider Subitems B, C, and D:

Subitem-A: (O-2004-149)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide General Election to be held on November 2, 2004, one proposition amending the City Charter by adding Article XV entitled "Strong Mayor Trial Form of Governance," and by adding Sections 250 through 295, all relating to modifying the existing City Manager Form of Governance for a trial period of time to test implementation of a new Form of Governance commonly known as a Strong Mayor Form of Government.

Subitem-B:

In the matter of Council direction regarding the City Attorney's impartial analysis of the ballot measure.

Subitem-C:

In the matter of Council direction regarding the City Manager's fiscal analysis of the ballot measure.

Subitem-D:

In the matter of Council direction regarding authorship of the ballot argument.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)
COMMITTEE ON RULES, FINANCE, AND INTERGOVERNMENTAL RELATIONS,
ORDINANCES TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING
AND ADOPTION: (Continued)

ITEM-330: (Continued)

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 06/16/2004, RULES voted 4 to 1:

To support the current Strong Mayor-Strong Council draft proposal with the typographical corrections suggested by the City Attorney's Office and to forward this item to the full City Council and to direct the City Attorney bring to the full City Council an analysis of the substantive public comments made at the June 16th hearing, including but not limited to, the proposed language for Section 265 (b).

(Councilmembers Peters, Maienschein, Madaffer, and Mayor Murphy voted yea.
Councilmember Atkins voted nay.)

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)
COMMITTEE ON RULES, FINANCE, AND INTERGOVERNMENTAL RELATIONS,
ORDINANCES TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING
AND ADOPTION: (Continued)

ITEM-331: Four actions related to Submitting to the Voters a Ballot Proposition Relating to Amending City Charter Sections 40 and 41(d) to Authorizing the Ethics Commission to Retain Legal Counsel Independent of the City Attorney.

(See City Clerk's Office Report No. 04-02 and memorandum from Dorothy Smith dated 6/16/2004.)

TODAY'S ACTIONS ARE:

Introduce and adopt the following ordinance in Subitem A, and consider Subitems B, C, and D:

Subitem-A: (O-2004-150)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide General Election to be held on November 2, 2004, one proposition amending the City Charter by amending Article V, Sections 40 and 41(d) regarding independent legal counsel for the City of San Diego Ethics Commission.

Subitem-B:

In the matter of Council direction regarding the City Attorney's impartial analysis of the ballot measure.

Subitem-C:

In the matter of Council direction regarding the City Manager's fiscal analysis of the ballot measure.

Subitem-D:

In the matter of Council direction regarding authorship of the ballot argument.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On June 16, 2004, RULES voted 5 to 0 to support the current Ethics Commission Independent Attorney draft proposal and to forward this item to the full City Council. (Councilmembers Peters, Atkins, Maienschein, Madaffer, and Mayor Murphy voted yea.)

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)
COMMITTEE ON RULES, FINANCE, AND INTERGOVERNMENTAL RELATIONS,
ORDINANCES TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING
AND ADOPTION: (Continued)

ITEM-331: (Continued)

CITY ATTORNEY'S SUPPORTING INFORMATION:

This proposal, if approved by the voters, would amend Charter Section 40, regarding the City Attorney, to provide that the City Attorney is the chief legal advisor for all City departments and offices, "except in the case of the Ethics Commission, which shall have its own legal counsel independent of the City Attorney." This proposal would also amend Charter Section 41 to provide that "the Ethics Commission shall be authorized to retain its own legal counsel, independent of the City Attorney, for legal support and guidance in carrying out its responsibilities and duties." For additional information, please refer to the Memorandum from Ethics Commission Chair Dorothy Smith to the Rules Committee, dated June 16, 2004.

Gwinn/James

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTION:

ITEM-332: Naval Training Center Boat Channel.

(See City Manager Reports CMR-04-122; CMR-04-062 (not available at Committee); letter from Gabriel Solmer dated 5/25/2004; and memorandum from Maureen Ostrye dated 6/21/2004 (not available at Committee). Peninsula Community Planning Area. District-2.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-970 Cor. Copy)

Authorizing the Mayor to submit a request to the Navy for conveyance of the NTC boat channel under an Early Transfer Authority.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/9/2004, NR&C voted 5 to 0 to approve the City Manager's recommendations and direct the City Manager to: (a) As part of the negotiation process, incorporate comments as outlined in the May 25, 2004 letter submitted by the San Diego Bay Council; (b) To the extent allowable and possible, ensure dialogue with the San Diego Bay Council and other stakeholders occurs throughout the negotiation process. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTION:

ITEM-333: Informational Report on Proposition 46 and Other Sources of Funding for Affordable Housing Programs.

(Continued from the meeting of June 15, 2004, Item S501, at the request of Councilmember Atkins, for further review.)

(See San Diego Housing Commission Report CCR04-002.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1039)

Accepting San Diego Housing Commission Report No. CCR04-002 regarding the allocation of Proposition 46 revenues and other sources of funding for affordable housing programs.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-334: Business Improvement District Budgets for Fiscal Year 2005.

(Centre City, College Area, Greater North Park, La Jolla, Mid-City, Midway, Mission Beach, Ocean Beach, Old San Diego, Pacific Beach, San Ysidro, Southeast San Diego, and Uptown Community Areas. Districts-1, 2, 3, 4, 7, and 8.)

CITY MANAGER=S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-1304)

Adoption of a Resolution levying an annual assessment within previously established Business Improvement Districts for July 1, 2004, through June 30, 2005 (FY 2005):

Business Improvement District:

Adams Avenue
City Heights
College Area
Diamond
Downtown
El Cajon Boulevard Central
El Cajon Boulevard Gateway
Gaslamp Quarter
Hillcrest
La Jolla
Little Italy
Midway
Mission Hills
North Park
Ocean Beach
Old Town
Pacific Beach
San Ysidro

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

Subitem-B: (R-2004-1305)

Adoption of a Resolution authorizing and empowering the City Manager to execute, for and on behalf of said City, an agreement with these associations for the respective Business Improvement Districts under the terms and conditions set forth in the Agreements on file in the Office of the City Clerk for FY 2005 as follows:

Association:**Business Improvement District:**

Adams Avenue Business Association	Adams Avenue
City Heights Business Association	City Heights
College Area Economic Development Corp.	College Area
Diamond Economic Development Corp.	Diamond-District
Downtown San Diego Partnership	Downtown Improvement Area
El Cajon Boulevard BIA	El Cajon Gateway
El Cajon Boulevard BIA	El Cajon Central
Gaslamp Quarter Association	Gaslamp
Hillcrest Association	Hillcrest
Little Italy Association	Little Italy
Mission Hills Business Improvement District	Mission Hills
North Bay Business Association	Midway
North Park Organization of Business	North Park
Ocean Beach Merchants' Association	Ocean Beach
Old Town San Diego Chamber of Commerce	Old Town
Discover Pacific Beach	Pacific Beach
Promote La Jolla, Inc.	La Jolla
San Ysidro Improvement Corporation	San Ysidro

CITY MANAGER SUPPORTING INFORMATION:

Business Improvement Districts (BIDS) are authorized by State law to assess businesses for the cost for certain activities that will benefit those businesses. These activities are generally promotional in nature. Once a BID is established the City collects the assessments and disburses them to an appropriate entity representing the district pursuant to an annual operating agreement. There are currently 18 active districts in the City of San Diego: Adams Avenue, City Heights, College Area, Diamond, Downtown, El Cajon Boulevard Central, El Cajon Boulevard Gateway, Gaslamp, Hillcrest, La Jolla, Little Italy, Midway, Mission Hills, North Park, Ocean Beach, Old Town, Pacific Beach, and San Ysidro.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

State law requires that the City Council annually adopt a budget for each BID and hold a public hearing to levy appropriate assessments. The actions being taken today are: accept the budget reports and set Tuesday, June 29, 2004 for the public hearing to levy the proposed assessment for each BID for FY 2005.

At the public hearing, the City Council may confirm the acceptance of the budget reports, adopt the resolution authorizing the assessments and authorize the City Manager to enter into agreements with the respective associations to manage the BIDs. Mission Hills has a new business association in place and the board members have participated in launching a new set of programs to better serve the Mission Hills business community.

FISCAL IMPACT:

Approximately \$1.3 million of BID assessments will be collected in FY 2005 by City on behalf of BIDs and disbursed back to the BIDs. There is no net fiscal impact.

Herring/Cunningham/MDB

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: Two actions related to North University City Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2005.

(See City Manager Report CMR-04-102. Second Draft Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2005; Friends of Rose Canyon 5/18/04, 5/19/04 letters. University Community Plan Area. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-1188)

Designating an area of benefit in North University City and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing the levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of North University City Facilities Benefit Assessment Area.

Subitem-B: (R-2004-1189)

Approving the Development Impact Fee schedule for properties within North University City.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 5/19/2004, LU&H voted 5 to 0 to approve the City Manager's recommendation and direct the City Manager to continue to explore other ways to phase the projects within the facilities finance plan and still do all the projects. (Councilmembers Peters, Zucchet, Lewis, Frye, and Inzunza voted yea.)

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: NTC Historic Buildings Relocation (No. 9735).

Matter of the appeal by McMillin-NTC, LLC from the decision of the Planning Commission in denying an application for Site Development Permit No. 57640 to allow the relocation of three (3) existing historic utility buildings from their current location within the NTC Historic District to a new location within the NTC Historic (Buildings Nos. 158, 159 and 207). The project is located easterly of Truxton Road, between Womble Road and Roosevelt Road, within the Mixed-Use Subarea of the NTC Precise Plan and Local Coastal Program, within the CR-1-1 zone, Airport Environs Overlay, Coastal Overlay Zone, within the Peninsula Community Plan area.

(See City Manager Report CMR-04-134. MND PTS No. 9735/MMRP/SDP No. 57640/PTS No. 9735. Peninsula Community Plan Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A; and adopt the resolution in subitem B to grant the appeal and to overturn the decision of the Planning Commission and to grant the permit:

Subitem-A: (R-2004-)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration PTS No. 9735 as modified June 2004, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State CEQA Guidelines thereto (California Administration Code Section 15000 et seq.), that said MND reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council prior to approving the project;

That the Council of the City of San Diego finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration is hereby approved;

That pursuant to California Public Resources Code, Section 21081.6, this Council hereby adopts the Mitigation Monitoring and Reporting Program (MMRP), or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: (Continued)

Subitem-B: (R-2004-)

Adoption of a Resolution granting or denying the appeal and granting or denying Site Development Permit No. 57640, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on January 15, 2004, voted 4 – 1 to deny; was opposition.

Ayes: Chase, Brown, Lettieri, Garcia

Nays: Ontai

Recusing: Schultz, Steele

The Peninsula Community Planning Board on November 20, 2003, voted (4-2-3) to recommend denial of the project.

The Historical Resources Board on October 23, 2003, voted (9-1-1) to recommend approval of the project.

The State Office of Historic Preservation Officer (SHPO) on November 7, 2003, approved the historic building relocations.

The Keeper of the National Historic Register, National Park Service on May 20, 2004, took no issue with the SHPO action within the subsequent 45-day comment period and formally approved the historic building relocations.

CITY MANAGER SUPPORTING INFORMATION:

The project site is located easterly of Truxton Road, between Womble Road and Roosevelt Road, within the Mixed-Use Subarea of the NTC Precise Plan, within the CR-1-1 zone and Airport Environs Overlay, Coastal Overlay Zone, within the NTC Precise Plan and Local Coastal Program area within the NTC Historic District and Peninsula Community Plan area. The project site is legally described as Parcel 5 or Parcel Map 18941. The proposed action is a request for a Site Development Permit to allow the relocation of three (3) existing accessory buildings from their current location within the NTC Historic District to a new location within the NTC Historic District to provide optimal space utilization for future adoptive reuse.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The area of potential effect is associated with Buildings 27, 28, and 29 which are part of the Naval Training Center Historic District which is a locally-designated historic district and also listed on the National Register of Historic Places. The subject buildings (Nos. 158, 159 and 207) are included on the National Register but are not locally designated.

FISCAL IMPACT:

None with this action.

Loveland/Christiansen/PJF

LEGAL DESCRIPTION:

The project site is located on Truxtun Road between Womble Road and Roosevelt Road, within the CR-1-1 zone and Mixed-Use Subarea of the NTC Precise Plan in the Peninsula Community Plan area, Airport Environs Overlay, Coastal Overlay Zone, Council District 2, and is more particularly described as Parcel 5 of Parcel Map 18941.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: Increase in Loan and Bond Financing for the Beyer Courtyard Apartments.

(See San Diego Housing Commission Report HCR04-47. San Ysidro
Community Area. District-8.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1381)

Approving the issuance of an increased principal amount of bonds by the Housing Authority of the City of San Diego, for the acquisition and construction of Beyer Boulevard Apartments, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-338: Two actions related to Fourth Amendment to Development Agreement with Catellus Development Corporation.

(See Centre City Development Corporation Report CCDC-04-23/04-13. Columbia Subarea of the Centre City Redevelopment Project. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2004-146)

Introduction of an Ordinance approving the fourth amendment to Development Agreement between the City of San Diego and Catellus Development Corporation.

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

Subitem-B: (R-2004-1370)

Approving the Replacement Agreement and Escrow Instructions between the City of San Diego, The Redevelopment Agency, Catellus Development Corporation, and the Museum of Contemporary Art.

NOTE: See the Redevelopment Agency Agenda of June 29, 2004 for a companion item.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT