

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JULY 19, 2005
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Pro Tem Atkins at 10:12 a.m. Mayor Pro Tem Atkins recessed the meeting at 11:24 a.m. for the purpose of a break. Mayor Pro Tem Atkins reconvened the meeting at 11:32 a.m. with Deputy Mayor Zucchet and Council Member Inzunza not present and the Mayor vacant and thereafter convened the Redevelopment Agency. Mayor Pro Tem Atkins reconvened the regular meeting at 11:33 a.m. with Deputy Mayor Zucchet and Council Member Inzunza not present and the Mayor vacant. Mayor Pro Tem Atkins recessed the meeting at 12:00 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Pro Tem Atkins at 2:08 p.m. with Deputy Mayor Zucchet and Council Member Inzunza not present and the Mayor vacant. Mayor Pro Tem Atkins recessed the meeting at 2:20 p.m. to convene the Redevelopment Agency and thereafter the Housing Authority. Mayor Pro Tem Atkins reconvened the regular meeting at 2:47 p.m. with Deputy Mayor Zucchet and Council Member Inzunza not present and the Mayor vacant. Mayor Pro Tem Atkins recessed the meeting at 3:57 p.m. for the purpose of a break. Mayor Pro Tem Atkins reconvened the meeting at 4:09 p.m. with Deputy Mayor Zucchet and Council Member Inzunza not present and the Mayor vacant. Mayor Pro Tem Atkins recessed the meeting at 4:50 p.m. for the purpose of a break. Mayor Pro Tem Atkins reconvened the meeting at 4:57 p.m. with Deputy Mayor Zucchet and Council Member Inzunza not present and the Mayor vacant. Mayor Pro Tem Atkins adjourned the meeting at 5:56 p.m. into Closed Session in the twelfth floor Committee Room to discuss existing and pending litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor-vacant
- (1) Council Member Peters-present
- (2) Council Member Zucchet-not 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 Inzunza-not present

Clerk-Maland (gs/ek)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (M) Mayor Murphy-vacant
- (1) Council Member Peters-present
- (2) Council Member Zucchet-not 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 Inzunza-not present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Ron Boshun commented on the actions of City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:15 a.m. – 10:17 a.m.)

PUBLIC COMMENT-2:

Dan Beeman commented on the City's troubles.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:18 a.m. – 10:20 a.m.)

PUBLIC COMMENT-3:

Hud Collins commented on solutions for the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:24 a.m.)

PUBLIC COMMENT-4:

Sandy Summers commented on domestic terrorism.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. – 10:27 a.m.)

PUBLIC COMMENT-5:

John Quigley commented on KPMG's breach of contract.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:30 a.m.)

PUBLIC COMMENT-6:

Judie Italiano commented on concerns expressed by City employees.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:31 a.m. – 10:33 a.m.)

PUBLIC COMMENT-7:

Phil Hart commented on the vacancies in District 2 and 8.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:36 a.m.)

PUBLIC COMMENT-8:

Noel Neudeck commented on the new green line trolley.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:37 a.m. – 10:39 a.m.)

PUBLIC COMMENT-9:

Clive Richard commented on filling the vacancies as soon as possible.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:42 a.m.)

PUBLIC COMMENT-10:

Richard Castle commented on the litigation threatening San Diego Police Officers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:45 a.m. – 10:48 a.m.)

PUBLIC COMMENT-11:

Robert Cronk commented on pension benefits.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:49 a.m. – 10:49 a.m.)

PUBLIC COMMENT-12:

Andy Berg commented on appointing a temporary mayor.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. – 10:51 a.m.)

PUBLIC COMMENT-13:

Jarvis Ross commented on current challenges facing the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:52 a.m. – 10:55 a.m.)

PUBLIC COMMENT-14:

Edna Carroll commented on the pension crisis.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:56 a.m. – 10:58 a.m.)

PUBLIC COMMENT-15:

Kathryn Burton commented on the leadership of City Attorney Michael Aguirre.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:59 a.m. – 11:00 a.m.)

PUBLIC COMMENT-16:

Linda Smith commented on a program to help reduce violent gangs.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:02 a.m. – 11:02 a.m.)

PUBLIC COMMENT-17:

Lowell Waxman commented on the political attacks aimed at City employees.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:03 a.m. – 11:06 a.m.)

PUBLIC COMMENT-18:

Muhammed Abdullah commented on the attacks on September 11.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:07 a.m. – 11:10 a.m.)

PUBLIC COMMENT-19:

James Lett commented on the pension crisis.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:11 a.m. – 11:11 a.m.)

PUBLIC COMMENT-20:

Johnnie Perkins commented on the legal action filed by City Attorney Michael Aguirre.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:12 a.m. – 11:12 a.m.)

PUBLIC COMMENT-21:

Keith Pratt commented on the incompetence of Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:13 a.m. – 11:15 a.m.)

COUNCIL COMMENT:

None.

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-101: Inviting Bids for the General Requirements Contract–C27, Landscape and Habitat Maintenance.

(See memorandum from Scott Tulloch dated 7/7/2005.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-921) ADOPTED AS RESOLUTION R-300678

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental for General Requirements Contract C-27, Landscape and Habitat Maintenance, on Work Order No. 002008;

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder for as needed landscape and habitat maintenance services for a minimum of \$50,000 and not to exceed \$1,000,000 for one year;

Authorizing the expenditure of an amount not to exceed \$1,000,000 in total from Fund 41506, solely and exclusively, for the purpose of funding the General Requirements Contract C-27, Landscape and Habitat Maintenance, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K05110)

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego has been entering into General Requirements Contracts (GRC) for almost 10 years. The GRC contracts were formerly referred to as Job Order Contracts or "JOC" Contracts. The primary objective for having GRC Contracts, is to provide quick turnaround and to execute emergency maintenance, repair, and general construction activities. MWWD has historically issued four types of GRCs: General Engineering, Building Modifications, Electrical Systems, and Mechanical Systems.

MWWD would like to issue a new contract under the GRC Contract format/process which would include Landscape and Habitat Maintenance activities as a result of our extensive, ongoing canyon maintenance program. This contract will provide landscape maintenance, construction, repairs, installation, irrigation, and erosion control; collect native seeds as-needed; procure and apply appropriate herbicides and pesticides as necessary; repair or restore native habitat and assume maintenance activities of existing City projects. This work may require grading, excavation, weeding, disposal or recycling of greenery, refuse removal and disposal, hydro-seeding, various forms of fencing, signage, and other miscellaneous tasks. This work will be assigned based on the type of work, location, and necessity. This action is for the approval to advertise and award General Requirements Contract - C27 Landscape/ Habitat Maintenance, in an amount not to exceed \$1,000,000.

Each GRC is competitively procured. The contractor bids a factor or a multiplier which applies to all prices in a predetermined unit price book which is part of the contract documents. The contractor with the lowest factor and responsible bid is awarded the contract. The City is under no obligation to pay the contractor for more than a \$50,000 minimum contract obligation. Therefore, the contractor has an incentive to deliver quality work in a timely manner in order to get additional work and task orders. The specific tasks to be executed under this contract have not yet been identified. All task orders are issued as needed and are executed in accordance with the California "Subletting and Subcontracting Fair Practices Act" (Public Contract Code Section 4100 et seq). Under this contracting system, a contractor that conducts or participates in bid shopping or bid peddling shall not receive any additional task orders under this contract, and such conduct shall be grounds for default by the City. The continuation of the GRC will enable MWWD to achieve its objective of rapidly engaging contractors in critical and necessary work while lowering cost and meeting on-going regulatory requirements.

FISCAL IMPACT:

Funds in the amount of \$1,000,000 for this contract are available from Fund No. 41506 in Fiscal Year 2006.

Mendes/Tulloch/BW

Staff: Ann Sasaki – (858) 292-6469
Thomas C. Zeleny – Deputy City Attorney

FILE LOCATION: W. O. 002008

COUNCIL ACTION: (Time duration: 11:52 a.m. – 11:56 a.m.)

MOTION BY YOUNG TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

ITEM-107: Lease Renewal Agreement with La Jolla Youth, Inc., for the Operation and Maintenance of a Youth Soccer and Youth Sports Facility.

(La Jolla Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-6 Cor. Copy) ADOPTED AS RESOLUTION R-300679

Authorizing the City Manager, or designee, to execute for and on behalf of the City of San Diego, a 10-year lease agreement with three five-year options to extend with the La Jolla Youth, Inc., for the operation and maintenance of a youth soccer field and youth sports facility, at 3908 Torrey Pines Road in La Jolla, with an administrative fee of \$2,712.50 per year with an annual CPI adjustments, under the terms and conditions set forth in that lease agreement;

Waiving Council Policy 700-41 regarding the use of the RFP process for the lease of City-owned land.

CITY MANAGER SUPPORTING INFORMATION:

Since January 1979, La Jolla Youth, Inc. has leased and maintained a 6.41 acre parcel at 3908 Torrey Pines Road in La Jolla. The property is used for youth soccer and other youth sports and is currently improved with a small field house consisting of offices, a meeting room and locker rooms, turf for two soccer fields, an irrigation system and a parking lot for 24 vehicles. City Ordinance No. 0-15696 dated April 5, 1982, dedicated the property in perpetuity for park and recreational purposes. To address ongoing issues regarding insufficient parking and restroom facilities, La Jolla Youth, Inc. has agreed to construct additional parking and a comfort station on the property. La Jolla Youth, Inc. has proposed entering into a new lease for the property. The terms of the lease are as follows:

TERM: 10 years with three 5-year options to extend based upon a new development plan, approved by the City Manager, presented six months prior to each extension.

FEE: Annual administrative fee with an annual CPI adjustment. The fee for 2005 is \$2,712.50.

CAPITAL IMPROVEMENTS: One comfort station and additional parking during the initial term in accordance with the general development plan. Within 180 days after the commencement of the lease, the lessee must install a temporary restroom trailer on the property, which will remain until a comfort station has been constructed.

USES: Operation and maintenance of a youth soccer and other youth sports facility including organizing, training, conditioning, coaching, practicing, competing, observing, mentoring and promoting youth soccer.

SIZE: 6.41 acres.

This property is dedicated park and can only be used for park purposes unless the dedication is removed by a 2/3 vote of the electorate. If this were to occur, the fair market value of the unimproved land if available for highest and best private use (residential) was estimated by City staff as of April 26, 2005, to be \$16,000,000.

FISCAL IMPACT:

\$2,712.50 per year, subject to annual CPI adjustments, will be deposited into the General Fund.

Herring/Griffith/CLY

Staff: Craig Gibson – (619) 236-6727
Elisa A. Cusato – Deputy City Attorney

FILE LOCATION: LEAS – La Jolla Youth, Inc.

COUNCIL ACTION: (Time duration: 11:44 a.m. – 11:51 a.m.)

MOTION BY PETERS TO ADOPT THE RESOLUTION AS MODIFIED BY INTERLINEATION AND READ INTO THE RECORD BY DEPUTY CITY ATTORNEY HILDA MENDOZA: 1) ON PAGE 1, RECITAL C, AFTER THE WORDS “AND PROVIDE” ADD “ADEQUATE”; 2) ON PAGE 3, SECTION 1.7, DELETE THE SECOND SENTENCE “ANY CHANGES IN THE SCHEDULE SHALL

BE SUBJECT TO THE PRIOR WRITTEN APPROVAL OF THE CITY MANAGER.”; 3) ON PAGE 4, SECTION 1.14, AFTER THE WORDS “NOISE ABATEMENT” ADD “AMPLIFIED SOUND, INCLUDING AIR HORNS, SHALL BE PROHIBITED ON THE PREMISES.”; 4) ON PAGE 5, SECTION 2.2, SUBSECTION C, REPLACE THE WORDS “OR BE IN THE PROCESS OF CONSTRUCTING THE IMPROVEMENTS” WITH “THE PARKING LOT”; 5) ON PAGE 5, SECTION 2.2, SUBSECTION C, DELETE THE WORDS “FOR THOSE IMPROVEMENTS TO BE CONSTRUCTED”; 6) ON PAGE 5, SECTION 2.2, SUBSECTION C, DELETE THE WORDS “AND EACH EXTENSION TERM”; 7) ON PAGE 9, SECTION 3.6, AFTER THE WORDS “PROPOSED PROGRAMS,” ADD THE WORDS “INCLUDING THOSE FOR CAPITAL IMPROVEMENTS”; AND 8) ON PAGE 39, SECTION 9.5, REPLACE THE WORD “DUSK” WITH “SUNSET”. Second by Madaffer. Passed by the following vote: Peters-yea, Zuchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

ITEM-200: Fiscal Year 2005-2006 Appropriation Ordinance.

(See City Manager Report CMR-05-159.)

CITY MANAGER’S RECOMMENDATION:

Hold the first public hearing of the ordinance.

(O-2006-) HEARING HELD

An ordinance adopting the Annual Budget for the Fiscal Year 2005-2006 and appropriating the necessary money to operate the City of San Diego for said Fiscal Year.

NOTE: Today’s action is the first public hearing. See Item 338 on the docket of Tuesday, July 19, 2005, for the second public hearing and the introduction and adoption of the Ordinance.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 5:20 p.m. – 5:51 p.m.)

ITEM-201: Additional Payment of the Fiscal Year 2005 Retiree Health Care Balance.

CITY MANAGER'S RECOMMENDATION:

Hold the first public hearing of the ordinance:

(O-2006-3) HEARING HELD

An Ordinance amending Ordinance No. O-19301 (New Series) as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2004-2005 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year," by increasing General Fund appropriations from projected franchise fee revenues in excess of estimates in an amount not to exceed \$318,186 of surplus General Fund revenue and increasing Non-General Fund department appropriations from fund balances or reserves in an amount not to exceed \$181,814 to fund the unfunded portion of the Fiscal Year 2005 retiree health care liability;

Authorizing and directing the City Auditor and Comptroller to transfer an amount not to exceed \$500,000 from the contributing funds to the Retiree Health Insurance Fund to cover retirement health care expenditures. The City Auditor and Comptroller is further authorized to reimburse the Retiree Health Insurance Fund in an amount not to exceed \$500,000 to cover retirement health care expenditures.

NOTE: Today's action is the first public hearing. See Item 339 on the docket of Tuesday, July 19, 2005, for the second public hearing and the introduction and adoption of the Ordinance.

CITY MANAGER SUPPORTING INFORMATION:

The Mayor and City Council passed Ordinance O-19354 on February 1, 2005 which provided the following:

"Whereas, in City Manager's Report 04-218, dated September 30, 2004, the City Manager discussed support of the recommendation from the Pension Reform Committee that retiree health care costs no longer be funded in a manner that reduces assets of the retirement fund (Retirement Fund); and

Whereas, as indicated in City Manager's Report No. 05-023, dated January 21, 2005, based on current projections of monthly health care insurance premiums, the cost of retiree health care is estimated to be \$14.4 million for Fiscal Year 2005; and

Whereas, the balance in the 401(h) health care trust account will be exhausted by mid-January 2005 and an estimated \$6.5 million is needed to be covered by other sources for retiree health care costs; and

Whereas, pursuant to City Manager's Report No. 05-023, it is recommended that the \$6.5 million be paid by City departments proportionally based upon the number of retirement eligible employees; Now, Therefore,

Be it resolved, by the Council of the City of San Diego, that the City Auditor and Comptroller is authorized to: (i) increased General Fund appropriations from projected sales tax revenues in excess of estimates in an amount not to exceed \$4.1 million of surplus General Fund revenue and increase Non-General Fund department appropriations from fund balances or reserves in an amount not to exceed \$2.4 million to fund the unfunded portion of the Fiscal Year 2005 retiree health care liability; and (ii) transfer and amount not to exceed \$6.5 million from contributing funds to the Retirement Fund (as set forth in Attachment A to this Resolution) for the purpose of providing funds to cover retirement health care expenditures in excess of available amounts in the 401(h) account, as described in City Manager Report No. 05-023.

Be it Further Resolved, that the expenditure of an amount not to exceed \$6.5 million from the Retirement Fund is authorized for the purpose of providing funds to cover retirement health care expenditures."

Based on current information an additional \$500,000 will be needed to fully fund the retiree health care costs for Fiscal Year 2005. This is based on the actual amount of the June vendor payment and retiree reimbursements.

As indicated in the Fourth Quarter Adjustment City Manager's Report, revenue projections indicated at that time that an estimated \$300,000 of additional surplus General Fund revenue remained available after all year-end adjustments outlined in the report. This is the funding that will be applied to the General Fund's portion of the additional retiree health care payment.

If these monies are not approved to be appropriated and transferred to the Retiree Health Insurance Fund for reimbursement of retiree health care costs, an alternative funding source will need to be identified.

Ewell/Villa

Aud. Cert. 2501152.

Staff: Martin Kane – (619) 236-6070
Mark D. Blake – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 5:51 p.m. – 5:52 p.m.)



ITEM-330: Ratification of the 2005 Election Results for the Barrio Logan
Redevelopment Project Area Committee (PAC).

(See memorandum from Bonnie Stone dated 6/9/2005. Barrio Logan Community
Area. District 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1328) ADOPTED AS RESOLUTION R-300680

Ratifying the election results of May 18, 2005, for the Barrio Logan
Redevelopment Project Area Committee.

CITY MANAGER SUPPORTING INFORMATION:

The Formation Procedures for the Barrio Logan Redevelopment PAC provides the framework to administer the annual PAC elections. On December 8, 2003, the City Council approved, with Resolution No. R-298704, the amendments to the Formation Procedures for the Barrio Logan Redevelopment Project Area Committee (PAC Formation Procedures). The amended PAC Formation Procedures require the City Council to direct Redevelopment Agency Staff to notice and conduct the annual election. In accordance with the PAC Formation Procedures, City Council ratification of the annual election results is required. The City Council has ratified the annual PAC election results every year since the formation of the PAC in 1990.

With the authorization of City Council, R-300360 adopted April 19, 2005, Redevelopment Agency Staff noticed and conducted the May 18, 2005 Barrio Logan PAC election. Six of the thirteen seats of the Barrio Logan PAC were vacant and available to be filled at the election. As a result of the election, six members were elected. The names and categories represented by the six elected members nominated for ratification by the City Council are as follows:

Residential Tenant: Georgette Gomez
Residential Tenant: Miguel Sotelo
Business Owner: Walter Barrett
Business Owner: Brad J. Bittner
Residential Owner-Occupant: Delma Rouston
Community Organization: Marta E. Flores

See memorandum from Bonnie Stone of the City Clerk's Office, verifying the election results of May 18, 2005.

Oppenheim/Cunningham/RG

Staff: Rudy Gonzalez – (619) 533-4254
Rachel H. Witt – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:19 a.m. – 11:19 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.



ITEM-331: First Amendment to the Agreement between the City of San Diego and Representatives of the Homeless Regarding the Homeless Assistance Element of the San Diego Naval Training Center Reuse Plan.

(Midway Pacific Highway Corridor Community Plan Area. Districts 2 and 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-8) ADOPTED AS RESOLUTION R-300691

Approving the First Amendment to the Agreement between the City of San Diego and Representatives of the Homeless Regarding the Homeless Assistance Element of the San Diego Naval Training Center Reuse Plan;

Authorizing the City Manager, or his designee, to execute the First Amendment to the Agreement between the City of San Diego and Representatives of the Homeless Regarding the Homeless Assistance Element of the San Diego Naval Training Center Reuse Plan.

CITY MANAGER SUPPORTING INFORMATION:

In 1993, the US Government authorized the closure of the Naval Training Center (NTC), located within the City of San Diego. The City was recognized as the Local Redevelopment Authority (LRA) responsible for the redevelopment of NTC. The City Council created the NTC Reuse Committee to advise the Council regarding matters pertaining to the reuse of NTC. This Reuse Committee created a number of subcommittees, in particular the formation of a Homeless Subcommittee.

On July 1, 1996, the City Council established parameters with the Homeless Subcommittee to support a financing and implementation plan that would establish up to 150 off-site transitional housing units in Council District 2. It was agreed that the City would spend \$50,000 for each of the 150 units, equivalent to Seven Million, Five Hundred Thousand Dollars (\$7,500,000) on projects proposed by members of the Homeless Subcommittee in District 2. Seven local homeless providers were identified to participate in the Homeless Assistance Agreement, including San Diego Youth & Community Services (SDYCS). SDYCS was allocated \$1,600,000 to be used on their young adult housing program. They are requesting to use the remaining funds allocated in the Agreement outside District 2. The First Amendment to the Agreement will authorize the SDYCS to use their remaining allocation outside District 2.

The San Diego Youth and Community Services (SDYCS) is a nonprofit that provides services to runaway and homeless youth, young families, seniors, and young adults that have aged out of the foster care system. They are currently in the process of acquiring an eight unit apartment complex in Normal Heights located in District 3. The project will provide 6 - 2 bedroom units

and 2 - 1 bedroom units for young mothers and youth that have aged out of the foster care system. They plan to use the remaining funds in the amount of \$1,116,887 from the Agreement for this purpose. The total project cost is estimated at \$1.6 million. As the project moves forward, Staff will return to Council for the allocation of funding.

FISCAL IMPACT:

None with this action. As the project moves forward, staff will return to Council for the approval of the allocation of funding.

Oppenheim/Fischle-Faulk/LGR

Staff: Lydia Goularte-Ruiz – (619) 533-5170
Rachel H. Witt – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:19 p.m.)

MOTION BY PETERS TO ADOPT. Second by Frye. Passed by the following vote:
Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-not present, Mayor-vacant.



ITEM-332: Three actions related to Transitional Housing for Seniors Program Funding.

(See Centre City Development Corporation Report CCDC-05-27/CCDC-05-13.
Core Redevelopment District of the Expansion Sub Area of the Center City
Redevelopment Project. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-2) ADOPTED AS RESOLUTION R-300681

Amending the budget for the Senior Transitional Housing Program Fund No. 19658 by increasing the budget amount by \$272,000 to pay for leasing costs for the Transitional Housing for Seniors Programs;

Authorizing the City Auditor and Comptroller to appropriate and expend funds from Fund No. 19658 to pay for leasing costs for the Transitional Housing for Seniors Program, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are available.

Subitem-B: (R-2006-3) ADOPTED AS RESOLUTION R-300682

Authorizing the City Manager, or his designee, to enter into a contract in an amount not to exceed \$272,000 with Senior Community Centers of San Diego to administer the Transitional Housing for Seniors Program, provided that the terms of the contract are approved as to form and legality by the Office of the City Attorney and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the City's obligations under the contract are, or will be, on deposit in the City Treasurer.

Subitem-C: (R-2006-4) ADOPTED AS RESOLUTION R-300683

Finding and determining that, based upon the information set forth in Attachment No. 1, the use of funds from the Centre City Redevelopment Project Area Low and Moderate Income Housing Set-Aside Fund to provide leasing of housing units outside of the Centre City Redevelopment Project Area will be of benefit to the Centre City Redevelopment Project Area.

NOTE: See the Redevelopment Agency agenda of 7/19/2005 for a companion item.

Aud. Cert. 2600004.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:19 a.m. – 11:20 a.m.)

MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.



ITEM-333: Paseo de Mission Hills.

Matter of the appeals by Mission Hills Heritage and Michael Wells of the decision by the Planning Commission approving an application for Process 4 Vesting Tentative Map (VTM) and a Process 4 Site Development Permit (SDP) for the Paseo de Mission Hills project. The proposed project includes the construction of a 61-unit residential condominium complex with 5,113 square feet of retail space, and a 4,721 square foot retail/office building. The scope of work includes the restoration of two existing buildings with 8 affordable residential rental units above office and retail space. The VTM is required for the condominiums. The SDP is required for development within the Mid-City Planned District Ordinance and due to requested deviations to the regulations of the underlying zone (setbacks, height, diagonal plan dimension, and architectural features) and deviations from the Affordable Housing Density Bonus provisions. The proposed project will conform to the Council Policy 600-27(A) criteria for the Affordable/In-Fill Housing Expedite Program. The 1.17 acre project site is located on the north side of the 800 block of W. Washington Street in the MR-1000 and CN-2A zones of Mid-City Communities Planned District within the Uptown Community Planning area and Council District 2.

(See City Manager Report CMR-05-080. MND/MMRP/VTM No. 113679/SDP No. 113680. Uptown Community Plan Area. District 2.)

(Continued from the meeting of April 19, 2005, Item 330, at the request of Councilmember Inzunza to allow for further Council discussion.)

NOTE: The Public Testimony Portion of the Hearing is closed. Public testimony was taken on April 19, 2005.

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A to deny the appeals and to uphold the decision of the Planning Commission, and grant the permit; adopt the resolution in subitem B; and adopt the resolution in subitem C to grant the map:

Subitem-A: (R-2005-) CONTINUED TO TUESDAY, AUGUST 2, 2005

Adoption of a Resolution granting or denying the appeals and upholding or overturning the decision of the Planning Commission in approving the project, and granting or denying Site Development Permit No. 113680, with appropriate findings to support Council action.

Subitem-B: (R-2005-) CONTINUED TO TUESDAY, AUGUST 2, 2005

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration No. 40292 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 guidelines thereto (California Administration Code Section 15000 et seq.), that the report 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 the City Council;

That the City Council 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, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, 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;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-C: (R-2005-) CONTINUED TO TUESDAY, AUGUST 2, 2005

Adoption of a Resolution granting or denying Vesting Tentative Map No. 113679, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on January 27, 2005, voted 4-1 to approve staff's recommendation which includes a condition for the restoration of the two potentially historical existing buildings; was opposition.

Ayes: Ontai, Otsuji, Schultz, Garcia
Nays: Chase
Recusing: Steele
Vacant: Chairperson

The Uptown Planners on October 5, 2004, voted 10-3-1 to recommend approval of the proposed project with conditions.

CITY MANAGER SUPPORTING INFORMATION:

Background

The proposed project site is located on the north side of the 800 Block of West Washington Street, bounded by Goldfinch Street, Falcon Street, and Fort Stockton Drive. The proposed project site is located within the Mid-City Communities Planned District, and is currently zoned MR-1000 and CN-2A. The northeast corner of the project site/block (Lots 17-24), bounded by Fort Stockton Drive and Falcon Street, is zoned MR-1000 (Residential – Multiple Unit; 1 dwelling unit per 1,000 square-feet of lot area). The remaining portion of the site/block (Lots 1 – 16) is zoned CN-2A (Mixed Use/Residential – Multiple Unit; 1 dwelling unit per 800 square-feet of lot area). The project as zoned, allows for a total of 59 units, however, the proposal includes an affordable housing density bonus request, which would allow up to an additional 25 percent density bonus. The project is only requesting an approximately 17 percent increase in density to allow for the development of ten additional units for a total of 69 units.

The proposed project site is located within the Uptown Community Plan that designates the 0.71 – acre portion of the site for Mixed Use allowing 44-73 dwelling units per acre (dus/acre), and Medium to High Density Residential at 29-44 dus/acre on the 0.46-acre north-eastern portion of the site. According to the Land Use Element of the Community Plan, the proposed project, occupying 1.17-acres, could accommodate between 45 and 72 dwelling units.

The surrounding development consists of a mixture of one- and two-story commercial structures; and two-, three-, and four-story multi-family structures. Currently, the south side of West Washington Street is developed with retail, office, restaurant, and a neighborhood bar. The development on the west side of Goldfinch Street contains two restaurants, retail, and commercial office uses. The development to the north of the project site on Fort Stockton Drive contains two single-family residences that have been converted into retail uses and a three-story structure over parking garage, multi-family complex. The development at the northeast corner of Falcon Street consists of a two-story structure over garage, multi-family complex, and the Mission Hills Commons complex is located directly to the east of the project site.

FISCAL IMPACT:

None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Frazier/Halbert/JAP

LEGAL DESCRIPTION:

The project site is located on the block bounded by Washington Street on the south, Fort Stockton Street on the north, Goldfinch Street on the west, and Falcon Street on the east, in the MR-1000 and CN-2A zones of the Mid-City Planned District Ordinance within the Uptown Community Plan area and is more particularly described as Lots 1, 2, 3, 4, 5, 6, the southerly 10 feet of lot 10, lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 in Block 54 of Arnold & Choate's addition.

Staff: Jeffrey A. Peterson--(619) 446-5237.

FILE LOCATION: LUP - Paseo de Mission Hills 07/19/05 (05)

COUNCIL ACTION: (Time duration: 2:47 p.m. – 3:56 p.m.;
4:22 p.m. – 4:49 p.m.)

Testimony in opposition by Barry Hager, John Ford and Michael Wells.

Testimony in favor by Lynne Heidel, Mark Steele, Ian Epley and Ginny Ollis.

Motion by Peters to adopt the resolution in Subitem A to deny the appeals and to uphold the decision of the Planning Commission, grant the permit; adopt the resolution in Subitem B; and adopt the resolution in Subitem C to grant the map. Second by Young. Vote not taken.

Motion by Maienschein to continue to August 2, 2005 to allow the parties to resolve differences regarding the design of the project. Second by Frye. Failed. Yeas-4,5,6. Nays-1,7,3. Not present-2,8. M-vacant.

MOTION BY PETERS TO RECONSIDER A CONTINUANCE TO AUGUST 2, 2005 TO ALLOW THE PARTIES TO RESOLVE DIFFERENCES REGARDING THE DESIGN OF THE PROJECT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

MOTION BY PETERS TO CONTINUE TO AUGUST 2, 2005 TO ALLOW THE PARTIES TO RESOLVE DIFFERENCES REGARDING THE DESIGN OF THE PROJECT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.



ITEM-334: San Diego Jewish Academy.

Matter of approving, conditionally approving, modifying or denying a rezone from Agriculture Residential (AR-1-1) to Residential Single Unit (RS-1-14) and Open Space-Conservation (OC-1-1) for a 19.16 acre site at 11860 Carmel Creek Road within the Carmel Valley Community Plan.

The rezone from Agriculture Residential (AR-1-1) to Residential Single Unit (RS-1-14) and Open Space-Conservation (OC-1-1) is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on this rezone application will be with the California Coastal Commission. The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment.

If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the Development Services Department, Attention: John S. Fisher, Development Project Manager, 1222 First Avenue, MS 302, San Diego, CA 92101 before the close of the City Council public hearing.

(RZ No. 156452/Project No. 52184. Carmel Valley Community Plan Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2005-148) INTRODUCED, TO BE ADOPTED ON MONDAY,
AUGUST 1, 2005

Introduction of an Ordinance of the Council of the City of San Diego changing 19.16 acres located at 11860 Carmel Creek Road, within the Carmel Valley Community Plan Area, in the City of San Diego, California, from the Agriculture Residential (AR-1-1) Zone (previously referred to as the A-1-5 or A-1-10 Zones) into the Residential Single Unit (RS-1-14) Zone (previously referred to as the R1-5000 Zone), and Open Space-Conservation (OC-1-1) Zone, as defined by San Diego Municipal Code Sections 131.0403 and 131.0203, and repealing Ordinance No. O-18451 (New Series), adopted December 9, 1997, of Ordinances of the City of San Diego insofar as the same conflicts herewith.

OTHER RECOMMENDATIONS:

Planning Commission on June 16, 2005, voted 5-0 to approve staff's recommendations; no opposition.

Ayes: Steele, Chase, Schultz, Griswold, Ontai
Not present: Garcia, Otsuji

The Carmel Valley Community Planning Group has recommended approval of the project.

CITY MANAGER SUPPORTING INFORMATION:

The 19.16 acre site, within the Carmel Valley Community Plan area and located at 11860 Carmel Creek Road is south of the Carmel Valley Creek, the Carmel Valley Restoration and Enhancement Project (CVREP) and Shaw Ridge Road. The property has been developed in accordance with Resource Protection Ordinance, Coastal Development and Conditional Use Permit No. 98-0837 for the purposes of a private educational academy. The southerly portion of the site is encumbered by an existing conservation easement, document number 2000-0032738, for the purposes of preservation. The site is currently being used in accordance with the terms and conditions of the original permit.

The rezone of the 19.16 acres from Agriculture Residential (AR-1-1) to Residential Single Unit (RS-1-14) and Open Space –Conservation (OC-1-1) would not allow any additional development of the site. All development of the site has occurred in conformance with the previous permit issued in 1999. The purpose of the rezone is to place the open space into a current open space zone and to increase the value of the property for financing purposes. Currently the site, zoned as an agricultural zone, has a very low value to financial institutions for the purposes of lending. Rezoning the site to open space and residential will increase the value of the property to lending institutions. The San Diego Jewish Academy would be able to acquire increased financing from lending institutions for future improvements and program expansions.

No additional entitlements are requested in connection with the rezone application. No additional development rights would be granted by the approval of the rezoning of the site.

City staff recommends the City Council APPROVE the Rezone No. 156452.

FISCAL IMPACT:

No cost to the City. All costs are recovered through a deposit account funded by the applicant.

Oppenheim/Halbert/JSF

LEGAL DESCRIPTION:

Applicant is requesting a rezone to one of the parcels located on the SDJA K-12 private school site. The 19.16-acre parcel is situated at the easterly end of the SDJA campus. The northerly 10.44 acres would be rezoned from AR-1-1 to RS-1-14 (Single-family Residential), and the southerly 8.72-acres from AR-1-1 to OC-1-1 (Open Space-Conservation). The area proposed for rezoning to RS-1-14 is entirely built out with the Academy facilities and no further development is proposed. The area proposed for rezoning to OC-1-1 is under an existing conservation easement which would preclude any development in this area.

NOTE: This project is exempt from Environmental Review pursuant to Section 15060(c)(3) of the California Environmental Quality Act.

Staff: Derrick Johnson– (619) 446-5238.

FILE LOCATION: LUP – San Diego Jewish Academy, 7/19/05 (65)

COUNCIL ACTION: (Time duration: 11:20 a.m. – 11:20 a.m.)

MOTION BY MADAFFER TO INTRODUCE. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.



ITEM-335: Two actions related to Business Improvement District Budgets FY 2006.

(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-2005-1085) ADOPTED AS RESOLUTION R-300684

Adoption of a Resolution confirming the Fiscal Year 2006 Budget Reports for the existing Business Improvement Districts, and levying annual assessments.

Business Improvement District:

Document Number:

Adams Avenue	RR-_____
City Heights	RR-_____
College Area	RR-_____
Diamond	RR-_____
Downtown	RR-_____
El Cajon Boulevard Central	RR-_____
El Cajon Boulevard Gateway	RR-_____
Gaslamp	RR-_____
Hillcrest	RR-_____
La Jolla	RR-_____
Little Italy	RR-_____
Midway	RR-_____
Mission Hills	RR-_____
North Park	RR-_____

Ocean Beach	RR-_____
Old Town	RR-_____
Pacific Beach	RR-_____
San Ysidro	RR-_____

That the adoption of this Resolution shall constitute the levy of assessments for each existing District during Fiscal Year 2006 as referenced in the respective Budget Reports.

Subitem-B: (R-2005-1086) ADOPTED AS RESOLUTION R-300685

Adoption of a Resolution authorizing the execution of Fiscal Year 2006 operating agreements for the existing Business Improvement Districts.

<u>Association:</u>	<u>Business Improvement District:</u>	<u>Document No:</u>
Adams Avenue Business Association	Adams Avenue	RR-_____
City Heights Business Association	City Heights	RR-_____
College Area Economic Development Corp.	College Area	RR-_____
Diamond Economic Development Corp.	Diamond-District	RR-_____
Downtown San Diego Partnership	Downtown Improvement Area	RR-_____
El Cajon Boulevard BIA	El Cajon Gateway	RR-_____
El Cajon Boulevard BIA	El Cajon Central	RR-_____
Gaslamp Quarter Association	Gaslamp	RR-_____
Hillcrest Association	Hillcrest	RR-_____
Promote La Jolla, Inc.	La Jolla	RR-_____
Little Italy Association	Little Italy	RR-_____
Mission Hills Business Improvement District	Mission Hills	RR-_____
North Bay Business Association	Midway	RR-_____
North Park Organization of Business	North Park	RR-_____
Ocean Beach Merchants' Association	Ocean Beach	RR-_____
Old Town San Diego Chamber of Commerce	Old Town	RR-_____
Discover Pacific Beach	Pacific Beach	RR-_____
San Ysidro Improvement Corporation	San Ysidro	RR-_____

CITY MANAGER SUPPORTING INFORMATION:

Business Improvement Districts (BIDS) are authorized to State law to assess businesses for the cost of 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.

These are currently 18 active districts in the City of San Diego: Adams Avenue, City Heights, College Area, Diamond, Downtown, El Cajon Blvd. Central, El Cajon Blvd. Gateway, Gaslamp, Hillcrest, La Jolla, Little Italy, Midway, Mission Hills, North Park, Ocean Beach, Old Town, Pacific Beach, and San Ysidro.

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, July 19, 2005, for the public hearing to levy the proposed assessment for each BID for FY 2006.

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.

FISCAL IMPACT:

Approximately \$1.3 million of BID assessments will be collected in FY 2006 by City on behalf of BIDs and disbursed back to the BIDs. There is no net fiscal impact.

Oppenheim/Cunningham/MDB

Staff: Meredith Dibden-Brown – (619) 533-7530

FILE LOCATION: STRT-L-25 Business Improvement District Budgets FY 2006

COUNCIL ACTION: (Time duration: 11:58 a.m. – 12:00 p.m.)

Testimony in opposition by Dan Beeman.

MOTION BY PETERS TO ADOPT. Second by Young. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.



ITEM-336: Amendments to the San Pasqual Valley Plan and Rezone of Portions of the San Pasqual Valley from AR-1-1 to AG-1-1.

Matter of approving, conditionally approving, modifying or denying an application for a Rezone of 9,832 acres of City-owned properties from AR-1-1 to AG-1-1 and a Progress Guide and General Plan/San Pasqual Valley Plan Amendment in order to implement the San Pasqual Valley Vision Plan directives intended to protect the Valley's water resources, preserve its rural character and encourage appropriate agricultural uses.

(San Pasqual Community Plan Area. District 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in Subitem A; and introduce the ordinance in Subitem B:

Subitem-A: (R-2005-1406) ADOPTED AS RESOLUTION R-300686

Adoption of a Resolution amending to the San Pasqual Valley Plan, a copy of which is on file in the office of the City Clerk;

That the Council adopts the amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

Subitem-B: (O-2005-150) INTRODUCED, TO BE ADOPTED ON MONDAY,
AUGUST 1, 2005

Introduction of an Ordinance changing 9,832 acres located on map C-923, within the San Pasqual Community Plan Area, in the City of San Diego, California, from the Agricultural-Residential Zone (AR-1-1 Zone) into the Agricultural-General Zone (AG-1-1 Zone), as defined by San Diego Municipal Code Section 131.0302, and repealing Ordinance No. O-9317, adopted November 30, 1965, of ordinances of the City of San Diego insofar as the same conflicts herewith.

OTHER RECOMMENDATIONS:

Planning Commission on June 16, 2005, voted 5-0-0- to approve; no opposition.

Ayes: Steele, Chase, Schultz, Grisward, Ontai

Not present: Garcia, Otsuji

The San Pasqual Planning Group and Rancho Bernardo Planning Board have recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

In order to protect the San Pasqual Valleys vital water resources, preserve its rural character, and encourage appropriate agricultural uses, in 2004, San Diego City Councilmember Brian Maienschein (District 5) drafted the San Pasqual Vision Plan. The San Pasqual Vision Plan contains ten directives that address various issues facing the San Pasqual Valley. The intent of the Plan is to protect the Valley's vital water resources, its sustainable agricultural opportunities, rural character, cultural and historic resources, and low-impact recreational opportunities as well as to establish the responsibility of the City to manage these lands. On August 4, 2004, the Land Use and Housing Committee voted 4-0-0 to support the City Manager's Recommendation for work to begin on the implementation of Directives #1 and #2 of the San Pasqual Vision Plan. Directive #1 calls for staff to prepare a Council Policy that will reinforce the goals of the Vision Plan by setting forth a series of implementation measures that will protect and preserve the natural resources of the San Pasqual Valley. On May 4, 2005, the Committee on Natural Resources and Culture voted 4-0-0 to recommend that the City Council adopt the Council Policy. The Council Policy is scheduled for a City Council hearing on June 27, 2005.

Directive #2 calls for staff to amend the San Pasqual Valley Plan to strengthen language that describes the types of land uses envisioned for the Valley and those that are not appropriate. It also directs staff to implement a rezone of all City-owned parcels in the San Pasqual Valley from AR-1-1 to AG-1-1. On January 11, 2005, the City Council voted unanimously to initiate the community plan amendment and rezone process. In the time since the initiation, city staff has worked closely with the San Pasqual and Rancho Bernardo communities in defining the community plan amendment and rezone effort. The proposal establishes strict limitations on development within the valley and provides the framework to further protect the valley's natural resources. The proposed rezone of approximately 9,832 acres, along with the proposed community plan amendment and additional directives set forth in the Vision Plan, are intended to ensure the permanent protection of the San Pasqual Valley's natural resources and rural character. On June 16, 2005, the Planning Commission voted 5-0-0 to recommend the City Council approve the community plan amendment and rezone.

FISCAL IMPACT:

The preparation of a rezone and general/community plan amendment was accommodated by the General Fund budget of the Planning Department.

Mendes/Goldberg/BS

LEGAL DESCRIPTION:

The plan area is located 26 miles north of downtown San Diego, and extends from Lake Hodges Reservoir eastward to Clevenger Canyon at the narrow eastern reach of the San Pasqual Valley.

Staff: Brian Schoenfisch - (619) 533-6457

FILE LOCATION: LUP – San Pasqual Valley Plan and Rezone of Portions of the San Pasqual Valley from AR-1-1 to AG-1-1 Amendments

COUNCIL ACTION: (Time duration: 11:20 a.m. – 11:23 a.m.)

MOTION BY MAIENSCHIN TO ADOPT THE RESOLUTION IN SUBITEM A; AND INTRODUCE THE ORDINANCE IN SUBITEM B. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.



ITEM-337: Two actions related to Mission Valley FY 2006 Public Facilities Financing Plan.

(See City Manager Report CMR-05-139 and Mission Valley Public Facilities Financing Plan, FY 2006 Draft. Mission Valley Community Area. District 6.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2005-1317 Cor. Copy) ADOPTED AS RESOLUTION R-300692,
WITH DIRECTION TO AMEND THE
ERRATA SHEET

Approving the document titled “Mission Valley Public Facilities Financing Plan, FY 2006.”

Subitem-B: (R-2005-1316) ADOPTED AS RESOLUTION R-300693

Rescinding the existing Development Impact Fees (DIF) for the Mission Valley Community.

Declaring that the DIF fee schedule contained in the Mission Valley Public Facilities Financing Plan, Fiscal Year 2006, as adopted and approved by Resolution No. R-2005-1317, to be an appropriate and applicable DIF fee schedule for all properties within the Mission Valley Community area.

Declaring that the Docket Supporting Information (City Manager's Report No. 05-139), including all exhibits and attachments thereto, and the text contained in the Mission Valley Public Facilities Financing Plan, Fiscal Year 2006, a copy of which is on file in the Office of the City Clerk, are incorporated by reference into this Resolution as support and justification for satisfaction of findings required pursuant to California Government Code Sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed.
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 6/15/2005, LU&H voted 5 to 0 to approve the City Manager's recommendations. (Councilmembers Peters, Atkins, Young, Frye, and Inzunza voted yea.)

Staff: Cheryl Robinson – (619) 533-3679
David Miller – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:10 p.m. – 4:22 p.m.)

Testimony in opposition by David Watson.

Testimony in favor by Johnnie Perkins and Janay Kruger.

MOTION BY FRYE TO ADOPT WITH DIRECTION THAT ON THE ERRATA SHEET DATED JULY 19, 2005, UNDER THE PARK & RECREATION SECTION, THE CITY MANAGER AND THE CITY ATTORNEY DEVISE AND ADD LANGUAGE REQUESTED BY THE BUILDING INDUSTRY ASSOCIATION THAT EXPLAINS HOW THE PARK FEE FOR EXISTING NON-RESIDENTIAL SQUARE FEET IN MISSION VALLEY WAS CALCULATED IN ORDER TO DISTINGUISH WHAT THE NEW DEVELOPMENT AND THE NEW FEES ARE GOING TO PAY FOR UNDER THE MISSION VALLEY PUBLIC FACILITIES FINANCING PLAN. ONCE THAT NUMBER IS CALCULATED AND DETERMINED, THAT INFORMATION WILL BE INSERTED INTO THE PLAN WITHOUT AFFECTING THE PROGRESS OF THE PLAN AND ITS IMPLEMENTATION.

COUNCIL MEMBER FRYE ALSO DIRECTED THAT THIS CALCULATION BE INCLUDED IN ALL FUTURE PUBLIC FACILITIES PLANS IN ORDER FOR THE PUBLIC AND DEVELOPERS TO UNDERSTAND THE DIFFERENCE BETWEEN THE NEW DEVELOPMENT THAT THEY ARE PAYING FOR AND THE OLD DEVELOPMENT FOR WHICH THEY ARE NOT PAYING.

Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

ITEM-338: Fiscal Year 2005-2006 Appropriation Ordinance.

(See City Manager Report CMR-05-159.)

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-2006-) CONTINUED TO MONDAY, JULY 25, 2005

Introduction and adoption of an Ordinance adopting the Annual Budget for the Fiscal Year 2005-2006 and appropriating the necessary money to operate the City of San Diego for said Fiscal Year.

NOTE: Today's action is the second public hearing and the introduction and adoption of the Ordinance. See Item 200 on the docket of Monday, July 18, 2005, for the first public hearing.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:16 a.m. – 11:18 a.m.)

MOTION BY PETERS TO CONTINUE ITEMS 338 AND 339 TO MONDAY, JULY 25, 2005, TO HOLD THE SECOND PUBLIC HEARING. Second by Madaffer. Passed by the following vote: Peters-yea, Zuchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

ITEM-339: Additional Payment of the Fiscal Year 2005 Retiree Health Care Balance.

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-2006-3) CONTINUED TO MONDAY, JULY 25, 2005

Introduction and adoption of an Ordinance amending Ordinance No. O-19301 (New Series) as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2004-2005 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year," by increasing General Fund appropriations from projected franchise fee revenues in excess of estimates in an amount not to exceed \$318,186 of surplus General Fund revenue and increasing Non-General Fund department appropriations from fund balances or reserves in an amount not to exceed \$181,814 to fund the unfunded portion of the Fiscal Year 2005 retiree health care liability;

Authorizing and directing the City Auditor and Comptroller to transfer an amount not to exceed \$500,000 from the contributing funds to the Retiree Health Insurance Fund to cover retirement health care expenditures. The City Auditor and Comptroller is further authorized to reimburse the Retiree Health Insurance Fund in an amount not to exceed \$500,000 to cover retirement health care expenditures.

NOTE: Today's action is the second public hearing and the introduction and adoption of the Ordinance. See Item 201 on the docket of Monday, July 18, 2005, for the first public hearing.

Staff: Martin Kane – (619) 236-6070
Mark D. Blake – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:16 a.m. – 11:18 a.m.)

MOTION BY PETERS TO CONTINUE ITEMS 338 AND 339 TO MONDAY, JULY 25, 2005, TO HOLD THE SECOND PUBLIC HEARING. Second by Madaffer. Passed by the following vote: Peters-yea, Zuchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.



ITEM-S500: California Terraces Neighborhoods 13/14.

Matter of approving, conditionally approving, modifying or denying amendments to the Progress Guide and General Plan, the Otay Mesa Community Plan and the California Terraces Precise Plan, Rezone, Vesting Tentative Map, Planned Development and Site Development Permits to combine two commercial lots to allow construction of approximately 24,000 square-feet of commercial use and 644 multi-family residential units.

(PG&GP-CPA-PP No. 8905/RZ No. 8906/VTM No. 6450/PDP No. 8076/SDP No. 6451/Project No. 4987. Otay Mesa Community Plan Area. District 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A and E; introduce the ordinance in subitem B; grant the map in subitem C; and grant the permits in subitem D:

Subitem-A: (R-2005-1355) ADOPTED AS RESOLUTION R-300687

Adoption of a Resolution amending the Otay Mesa Community Plan;

And amending the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

Subitem-B: (O-2005-145) INTRODUCED, TO BE ADOPTED ON MONDAY,
AUGUST 1, 2005

Introduction of an Ordinance changing a portion of property, located at the northeast corner of Ocean View Hills Parkway and Otay Mesa Road within the Otay Mesa Community Plan Area, in the City of San Diego, California, from the RM-3-7 Zone (previously referred to as the R-1000 Zone) into the CC-1-3 Zone (previously referred to as the CA Zone), and from the CC-1-3 zone (previously referred to as the CA Zone) to the R-3-7 Zone (previously referred to as the R-1000 Zone) as defined by San Diego Municipal Code Sections 131.0406 and 131.0507 and repealing Ordinance No. O-18063 (New Series), adopted March 25, 1994, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-C: (R-2006-113 Cor. Copy 2) GRANTED MAP, ADOPTED AS RESOLUTION
R-300688

Adoption of a Resolution granting or denying Vesting Tentative Map No. 6450, with appropriate findings to support Council action.

Subitem-D: (R-2006-114 Cor. Copy 2) GRANTED PERMITS, ADOPTED AS RESOLUTION
R-300689

Adoption of a Resolution granting or denying Planned Development Permit No. 8076 and Site Development Permit No. 6451, with appropriate findings to support Council action.

Subitem-E: (R-2005-1358) ADOPTED AS RESOLUTION R-300690

Adoption of a Resolution certifying that Addendum to the California Terraces Precise Plan Environmental Impact Report SCH No. 8502215 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 guidelines thereto (California Code of Regulations section 15000 et seq.), that the report 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 in connection with the approval of the amendment to the Progress Guide and General Plan, Otay Community Plan and California Terraces Precise Plan, a rezone, a vesting tentative map, and a planned development permit/site development permit for the California Terraces project;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, 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, a copy of which is attached hereto, as Attachment A, and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

OTHER RECOMMENDATIONS:

Planning Commission on April 21, 2005, voted 5-0 to recommend approval; no opposition.

Ayes: Ontai, Otsuji, Schultz, Garcia, Chase

Recusing: Steele

Not present: Griswold

The Otay Mesa Community Planning Group, on July 21, 2004, voted 10:0:0 in support of the project with no conditions.

CITY MANAGER SUPPORTING INFORMATION:

The subject project is a 45.1-acre (21.8-acre net) portion of the California Terraces Precise Plan, known as Planning Areas 13 and 14. The California Terraces Precise Plan and Vesting Tentative Map was approved in 1994 and included development of a 664.8 acre site in the western portion of Otay Mesa with 4,118 residential dwelling units, 24.4 acres of commercial uses, 153.4 acres of open space, four school sites totaling 53.6 acres, three parks totaling 26.2 acres, and public utilities. The Precise Plan area is between Interstate 805 (I-805) and Heritage Road, with the western boundary approximately one-quarter mile east of I-805 and the eastern boundary approximately three-quarters mile west of Heritage Road.

The proposed project requires approvals of amendments to the Progress Guide and General Plan, the Otay Mesa Community Plan and Precise Plan Amendments, a Rezone, a Vesting Tentative Map, a Planned Development Permit and a Site Development Permit to combine two separate commercial parcels at the southwest corner of the site to consolidate commercial development. The remainder of the site would be developed with 644 multi-family dwelling units consistent with the adopted California Terraces Precise Plan and Vesting Tentative Map. A 0.3-acre Brush Management Zone 2 would be created, as well as 1.7-acres of open space, and 8.3-acres Vernal Pool Preserve and 0.6-acres of slope area.

FISCAL IMPACT: All staff costs associated with the processing of this project are paid by the applicant.

Oppenheim/Halbert/PXG

LEGAL DESCRIPTION:

The 45.2 acre project area is located at the northeast corner of Ocean View Hills Parkway and Otay Mesa Road within the RM-3-7 and RM-2-6 zones, Community Plan Implementation Overlay Zone, California Terraces Precise Plan and is more particularly described as a Portion of the SW ¼ of the SW ¼ and a portion of the SE ¼ of the SW ¼ of Section 29, Township 18S, Range 1W, San Bernardino Meridian.

Staff: Patricia Grabski – (619) 446-5277.

FILE LOCATION: LUP – California Terraces Neighborhoods 13/14,
7/19/05 (65)

COUNCIL ACTION: (Time duration: 11:56 a.m. – 11:57 a.m.)

MOTION BY PETERS TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND E; INTRODUCE THE ORDINANCE IN SUBITEM B; ADOPT THE RESOLUTION IN SUBITEM C, GRANTING THE MAP; AND ADOPT THE RESOLUTION IN SUBITEM D, GRANTING THE PERMITS. Second by Young. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-nay, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.



[ITEM-S501](#): Waiver of Attorney-Client Privilege and the Work Product Doctrine.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-) CONTINUED TO MONDAY, JULY 25, 2005

Declaring that the protections of the Attorney-Client Privilege and the Work Product Doctrine are waived as to the reports prepared for the City by the law firm Procopio Cory Hargreaves & Savitch relating to the City's defense obligations for defendants named in the People v. Grissom, et al action and the separate Cross-Complaint action related to the San Diego City Employees' Retirement System which have been brought by the City Attorney.

Directing the City Attorney to prepare the necessary Resolution associated with the action.

CITY MANAGER SUPPORTING INFORMATION:

From time to time the City Council has waived the Attorney-Client privilege and the protection of the Attorney Work-Product Doctrine with respect to certain materials. This may be done in order to respond to subpoenas or requests for documents or information.

The City Attorney has filed two civil complaints on matters related to the San Diego City Employees' Retirement System; People v. Grissom, et al (Case No. GIC 850246) and a Cross-Complaint action involving the Board of Administration of the Retirement System (Case No. GIC841845).

Defendants named in these actions have tendered requests for the City of San Diego to provide for their legal representation consistent with the Resolution of Indemnification approved by the City Council on November 18, 2002 (Resolution Number R-297335) or the provisions of Government Code Section 995 (defense of any civil action on account of an act or omission in the scope of his or her employment as an employee of the City). The City Manager has requested the law firm of Procopio Cory Hargreaves and Savitch to provide a legal analysis of the City's defense obligations.

The firm's reports on these two cases have been prepared, and are otherwise subject to the Attorney-Client Privilege and the protection of the Attorney Work-Product Doctrine. Therefore, they can not be released without the City Council first waiving those protections. In order to allow a public discussion of the representation requests, which are included on this agenda as Supplemental Items S502 and S503, the City Manager is requesting that the City Council waive the applicable privileges for the reports.

Ewell

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:57 p.m. – 5:19 p.m.)

MOTION BY PETERS TO CONTINUE TO JULY 15, 2005 TO ALLOW THE CITY ATTORNEY TIME TO PROVIDE THE COUNCIL WITH A WRITTEN OPINION ON THIS ITEM. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

ITEM-S502: Provision of Defense for Defendants in Case No. GIC 850246 – People v. Grissom, et al.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-) CONTINUED TO MONDAY, JULY 25, 2005

Declaring that the City of San Diego shall defend, indemnify and hold harmless the individuals named in the Civil Complaint, People of the State of California (Plaintiff) v. Lawrence Grissom; Ronald L. Saathoff; John A. Torres; Sharon K. Wilkinson; Terri A. Webster; Cathy Lexin; Bruce Herring; Loraine Lee Chapin (Case No. GIC 850246);

Directing the City Attorney to prepare the necessary Resolution associated with the action.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego City Attorney has filed a Civil Complaint in the Superior Court of California under the Political Reform Act of 1974. The Complaint (People of The State of California (Plaintiff) v. Lawrence Grissom; Ronald L. Saathoff; John A. Torres; Sharon K. Wilkinson; Terri A. Webster; Cathy Lexin; Bruce Herring; Loraine Lee Chapin (Defendants - Case No. GIC 850246) relates to actions of specific members of the Board of Administration of the San Diego City Employees' Retirement System and requests "recovery of economic benefit wrongfully received and injunctive relief setting aside official action" of the Board.

A request has been tendered on behalf of the defendants named in this action for the City of San Diego to provide for their legal representation consistent with the Resolution of Indemnification approved by the City Council on November 18, 2002 (Resolution Number R-297335) or the provisions of Government Code Section 995 (defense of any civil action on account of an act or omission in the scope of his or her employment as an employee of the City). Government Code Section 995.2.b specifies that upon receiving a written request, the public entity shall, within 20 days, inform the employee whether a defense will be provided.

At the request of the City Manager, the law firm of Procopio Cory Hargreaves and Savitch has prepared a legal analysis of the City's defense obligations for the named defendants in the case. The report is subject to Attorney Client Privilege.

Based on the firm's assessment the City Manager requests that the City Council make a determination whether the City will declare its intent to defend, indemnify and hold harmless the individuals named in the civil complaint based on the findings of the report.

If the Council declares the intent to provide a defense, the City Manager will retain and oversee outside Counsel up to his authorization limit of \$250,000.

Ewell

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:57 p.m. – 5:19 p.m.)

MOTION BY PETERS TO CONTINUE TO JULY 15, 2005 TO ALLOW THE CITY ATTORNEY TIME TO PROVIDE THE COUNCIL WITH A WRITTEN OPINION ON THIS ITEM. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.



ITEM-S503: Provision of Defense for San Diego City Employee's Retirement System (SDCERS) Board of Administration in Cross Complaint Case No. GIC 841845.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-) CONTINUED TO MONDAY, JULY 25, 2005

Declaring that the City of San Diego shall defend, indemnify and hold harmless the 21 individuals named in the Civil Cross-Complaint, San Diego City Employees' Retirement System, by and through its Board of Administration, (Plaintiff) v. San Diego City Attorney Michael J. Aguirre; the City of San Diego (Defendants) (Case No. GIC 84145);

Directing the City Attorney to prepare the necessary Resolution associated with the action.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego City Attorney has filed a civil cross-complaint in the Superior Court of California (San Diego City Employees' Retirement System, by and through its Board of Administration, (Plaintiff) v. San Diego City Attorney Michael J. Aguirre; the City of San Diego (Defendants) (Case No. GIC 841845).

The complaint alleges that specific actions of members of the Board of Administration of the San Diego City Employees' Retirement System represent a breach of trust and fiduciary duty, and fraud through both negligent as well as intentional misrepresentation. The suit requests "declaratory relief" on a number of matters including terminating the 1998 MOU with the SDCERS Board and voiding the provisions of Manager's Proposals I and II.

Defendants named in this action have tendered a request for the City of San Diego to provide for their legal representation consistent with the Resolution of Indemnification approved by the City Council on November 18, 2002 (Resolution Number R-297335) or the provisions of Government Code Section 995 (defense of any civil action on account of an act or omission in the scope of his or her employment as an employee of the City). Government Code Section 995.2.b specifies that the public entity shall, within 20 days, inform the employee whether a defense will be provided.

At the request of the City Manager, the law firm of Procopio Cory Hargreaves and Savitch has prepared a legal analysis of the City's defense obligations for the named defendants in the case. The report is subject to Attorney Client Privilege. Based on the firm's assessment the City Manager requests that the City Council make a determination whether the City will declare its intent to defend, indemnify and hold harmless the individuals named in the civil complaint based on the findings of the report.

If the Council declares the intent to provide a defense, the City Manager will retain and oversee outside Counsel up to his authorization limit of \$250,000.

Ewell

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 4:57 p.m. – 5:19 p.m.)

MOTION BY PETERS TO CONTINUE TO JULY 15, 2005 TO ALLOW THE CITY ATTORNEY TIME TO PROVIDE THE COUNCIL WITH A WRITTEN OPINION ON THIS ITEM. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Pro Tem Atkins at 5:56 p.m. in honor of the memory of:

Paul Barnett as requested by Council Member Brian Maienschein; and
Steve McWilliams as requested by Mayor Pro Tem Toni Atkins.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 5:52 p.m. –5:56 p.m.)