

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JULY 25, 2005
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING.....	4
ATTENDANCE DURING THE MEETING	4
ITEM-1: ROLL CALL.....	5
ITEM-10: INVOCATION	5
ITEM-20: PLEDGE OF ALLEGIANCE.....	5
NON-AGENDA COMMENT	6
COUNCIL COMMENT	9
CITY MANAGER COMMENT.....	9
CITY ATTORNEY COMMENT	9
ITEM-30: Approval of Council Minutes	10
ITEM-31: This item has been removed from the docket	10
ITEM-32: Marina Hernandez r.s.c.j. Day	10
CLOSED SESSION.....	11
ITEM-100: Consultant Agreement with Architects Mosher Drew Watson Ferguson for Professional Design Services for the Mission Hills Branch Library	17
ITEM-101: Grant Application to the State of California Department of Transportation for the San Diego Environmental Justice Livable Communities Planning Project.....	19
ITEM-102: Grant Application to the U.S. Fish and Wildlife Service for the Wetland Deviation Environmental Review Project	21
ITEM-103: Grant Applications to SANDAG for the Pilot Smart Growth Incentive Program...	23

Minutes of the Council of Monday, July 25, 2005
Table of Contents (Continued)

ITEM-104: Federal FY04 – FY05 Emergency Management Performance Grant..... 26

ITEM-105: Federal FY05 Homeland Security Grant Program..... 27

ITEM-106: The San Diego Chapter of the National Organization for Women 35th Anniversary Day 29

ITEM-107: Gay Softball World Series Week..... 29

ITEM-200: Establishment of New Rates and Fees and Adjustments to Existing Rates and Fees for Inclusion in the Rate Book of City Fees and Charges..... 30

ITEM-201: Two actions related to Approving the FY 2006 Assessment Levy for Six Self Managed Maintenance Assessment Districts and the Associated Updated Assessment Engineer’s Reports for Council Districts 2, 3, 7, and 8 33

ITEM-202: Six actions related to Fiscal Year 2006 Park and Recreation Maintenance Assessment Districts Annual Levy Approvals and Parcel Detachments..... 37

ITEM-250: **Notice** of Pending Final Map Approval - Andalucia..... 49

ITEM-251: **Notice** of Pending Final Map Approval – 7575 Eads Avenue 50

ITEM-252: **Notice** of Pending Final Map Approval - Verona 51

ITEM-253: **Notice** of Pending Final Map Approval – Sycamore Estates Phase II Unit 4 51

ITEM-254: **Notice** of Pending Final Map Approval – Sycamore Estates Phase II Unit 5 52

ITEM-255: **Notice** of Pending Final Map Approval – Sycamore Estates Phase II Unit 6 53

ITEM-256: **Notice** of Pending Final Map Approval – Sycamore Estates Phase II Unit 7 54

ITEM-257: **Notice** of Pending Final Map Approval – Sycamore Estates Phase II Unit 8 54

ITEM-258: **Notice** of Pending Final Map Approval – Sycamore Estates Phase II Unit 9 55

ITEM-259: **Notice** of Pending Final Map Approval – Sycamore Estates Phase II Unit 10 56

ITEM-260: **Notice** of Pending Final Map Approval – Sycamore Estates Phase II Unit 11 57

ITEM-S400:	Rancho Bernardo High School Softball Team CIF Champions Day	57
ITEM-S401:	Waiver of Attorney-Client Privilege and the Work Product Doctrine	58
ITEM-S402:	Provision of Defense for Defendants in Case No. GIC 850246 – People v. Grissom, et al.....	60
ITEM-S403:	Provision of Defense for San Diego City Employee’s Retirement System (SDCERS) Board of Administration in Cross Complaint Case No. GIC 841845...	61
ITEM-S404:	Six actions related to Approval of Leases for the Convention and Performing Arts Center	63
ITEM-S405:	Fiscal Year 2005-2006 Appropriation Ordinance.....	65
ITEM-S406:	Additional Payment of the Fiscal Year 2005 Retiree Health Care Balance	66
ITEM-S407:	Selection by the City Council of a New Deputy Mayor	67
ITEM-S408:	City Attorney’s Task Force for Lease and Other Contract Review.....	68
NON-DOCKET ITEMS		69
ADJOURNMENT.....		69

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Assistant City Clerk Lane at 2:02 p.m. Assistant City Clerk Lane called for a motion to nominate a Mayor Pro Tem. Motion by Peters to nominate Council Member Atkins as Mayor Pro Tem. Second by Maienschein. Passed. Yeas-1,3,4,5,6,7. Nays-None. Vacant-2,8,M. Mayor Pro Tem Atkins recessed the meeting at 3:08 p.m. to convene the Redevelopment Agency. Mayor Pro Tem Atkins reconvened the regular meeting at 3:14 p.m. with Districts 2, 8, and Mayor vacant. Deputy Mayor Atkins recessed the meeting at 3:26 p.m. for the purpose of a break. Deputy Mayor Atkins reconvened the meeting at 3:39 p.m. with Districts 2, 8 and Mayor vacant. Deputy Mayor Atkins recessed the meeting at 4:46 p.m. into Closed Session in the twelfth floor Committee Room to discuss existing and pending litigation matters. Deputy Mayor Atkins reconvened the meeting at 6:51 p.m. with Districts 2, 8 and Mayor vacant. Deputy Mayor Atkins adjourned the meeting at 7:15 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 District 2-vacant
- (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 District 8-vacant

Clerk-Lane (ek)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Lane called the roll:

- (M) Mayor-vacant
- (1) Council Member Peters-present
- (2) Council District 2-vacant
- (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 District 8-vacant

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor John Miller of
First Baptist Church of La Mesa.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Brian Maienschein.

FILE LOCATION: MINUTES

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Richard Agee commented on the decisions made in Closed Session and by boards and commissions in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:19 p.m.- 2:22 p.m.)

PUBLIC COMMENT-2:

Phil Hart commented on replacements for Council Districts 2 and 8 and the City Clerk.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:26 p.m.)

PUBLIC COMMENT-3:

Roy Taramasco commented on the Closed Session appointment of the City Attorney to represent the Pension Board.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:27 p.m.)

PUBLIC COMMENT-4:

James Clem commented on the potential receivership for the Pension Retirement System, and his contentious conversation with City Attorney Michael Aguirre.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:28 p.m. – 2:31 p.m.)

PUBLIC COMMENT-5:

James Hartline commented on the use of City property for gay pride events.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:32 p.m. – 2:34 p.m.)

PUBLIC COMMENT-6:

Roy Moskowitz commented on the City Attorney serving as counsel for the Retirement System.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:35 p.m. – 2:35 p.m.)

PUBLIC COMMENT-7:

Eddie Brown commented on abortion and the Bible.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:36 p.m. – 2:38 p.m.)

PUBLIC COMMENT-8:

Carmen Cook commented on lessons learned from the trial of two San Diego Council Members.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:39 p.m. – 2:40 p.m.)

PUBLIC COMMENT-9:

Daniel Beeman commented on the need for an independent ombudsman.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:44 p.m.)

PUBLIC COMMENT-10:

Pastor Leo Geovinetti commented on the responsibilities of the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:47 p.m.)

PUBLIC COMMENT-11:

Bard Bruce commented on the City Attorney acting as counsel for the Retirement Board.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:48 p.m. – 2:48 p.m.)

PUBLIC COMMENT-12:

Stephanie Hopping commented on Gay Pride Week.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:49 p.m. – 2:51 p.m.)

PUBLIC COMMENT-13:

Joseph Braverman commented on public funding for political campaigns and their cost.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:52 p.m. – 2:54 p.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Mayor Pro Tem Atkins invited her colleagues to join her at the Thirty-First Gay Pride Festival this weekend, which carries the theme “Equality for All, No More, No Less”, and will last for two days. Mayor Pro Tem Atkins stated that more than 100,000 people will be in attendance and that this is one of the largest public annual events in the City. The parade will begin at 11:00 a.m. with a diverse array of people from churches, businesses and community groups.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:55 p.m. – 2:55 p.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

City Attorney Michael Aguirre commented on the statements made by James Clem.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:56 p.m. – 2:59 p.m.)

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

06/20/2005

06/21/2005

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:07 p.m. – 2:07 p.m.)

MOTION BY YOUNG TO APPROVE. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-31: This item has been removed from the docket.



ITEM-32: Marina Hernandez r.s.c.j. Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-1360) ADOPTED AS RESOLUTION R-300694

Commending Sister Marina for her tireless commitment to educating and empowering the lives of those she has touched;

Proclaiming July 25, 2005, to be "Marina Hernandez r.s.c.j. Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:18 p.m.)

MOTION BY FRYE TO ADOPT. Second by Peters. Passed by the following vote:
Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, District 8-vacant, Mayor-vacant.

CLOSED SESSION:

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

CS-1 *Brown Field Aviation Ventures v. City of San Diego, et al.*
San Diego Superior Court, Case Number GIC817232

REFERRED TO CLOSED SESSION OF MONDAY, JULY 25, 2005

CDCA assigned: C. Gleeson

This action involves a lease dispute between the City of San Diego, as the owner of the real property at the Brown Field Airport, and two private parties with leasehold interests at the Airport. Plaintiffs' allege that the City has breached the Master Lease by failing to allow Plaintiffs to use the property for non-aviation related uses. In closed session, the City Attorney will update the City Council on the status of the litigation and seek direction on possible settlement of the case.

Deputy Mayor Atkins closed the hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:31 p.m. – 4:31 p.m.)

CS-2 *De Anza Cove Homeowners Association, Inc. v. City of San Diego*
San Diego Superior Court Case No. GIC 821191

REFERRED TO CLOSED SESSION OF MONDAY, JULY 25, 2005

DCA assigned: H. Wierman

This matter concerns the litigation filed by the De Anza Cove Homeowners Association against the City of San Diego seeking damages related to expiration of the prior lease and transition of the property from use as a mobile home park to park and recreational use. In closed session, the City Attorney will report on the status of the litigation, and other matters affecting the litigation.

CLOSED SESSION PUBLIC TESTIMONY:

CLOSED SESSION COMMENT-1:

Comment by Daniel Beeman who urged that discussions go forward regarding De Anza Cove to resolve the problems facing the residents.

Deputy Mayor Atkins closed the hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:31 p.m. – 4:32 p.m.)

CS-3 *San Diego City Employees' Retirement System v. San Diego City Attorney, et al.
and related Cross-Action*
San Diego Superior Court No. GIC841845

REFERRED TO CLOSED SESSION OF MONDAY, JULY 25, 2005

ACA assigned: D. McGrath

This matter is an action filed by the retirement system covering a variety of issues. The matter was stayed pending activity of the City's Audit Committee, but the stay recently expired. The City Attorney filed (but did not serve) a cross-complaint raising a variety of issues and will brief the City Council on the status of the matter in closed session, and request appropriate direction. In addition, the City Council will consider a request from certain of the named cross-defendants that the City provide a defense and indemnification in the case.

CLOSED SESSION PUBLIC TESTIMONY:

CLOSED SESSION COMMENT-1:

Virginia Silverman urged the cooperation by all persons to give the Retirement Board blanket indemnification.

Deputy Mayor Atkins closed the hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:33 p.m. – 4:39 p.m.)

CS-4 *William J. McGuigan v. City of San Diego, et al.*
San Diego Superior Court Case No. GIC849883.

REFERRED TO CLOSED SESSION OF MONDAY, JULY 25, 2005

ACA assigned: D. McGrath

This lawsuit was filed on behalf of a retired City employee against the City of San Diego requesting that the Court order the City to immediately pay all past unfunded pension liability to the retirement system. In closed session, the City Attorney will brief the City Council on the matter and request appropriate direction.

Deputy Mayor Atkins closed the hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:40 p.m. – 4:40 p.m.)

CS-5 *Michel A. Kozak v. City of San Diego et al*
United States District Court Southern District of California
Case No. 02 cv 2461 WQH (BLM)

DCA assigned: A. Jones

REFERRED TO CLOSED SESSION OF MONDAY, JULY 25, 2005

This is a police case brought under U.S.C. section 1983. The City Attorney requests that the Deputy Mayor and City Council consider a possible settlement of the case in closed session.

Deputy Mayor Atkins closed the hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:40 p.m. – 4:40 p.m.)

CS-6 *People of the State of California v. Grissom, et. al*
San Diego Superior Court No. GIC850246

ACA assigned: L. Girard

REFERRED TO CLOSED SESSION OF MONDAY, JULY 25, 2005

This matter is an action by the People of the State of California against a number of employees of the City and the retirement system. In closed session the City Council will consider a request by certain of the named individuals that the City provide a defense and indemnification in the case.

CLOSED SESSION PUBLIC TESTIMONY:

CLOSED SESSION COMMENT-1:

Daniel Beeman urged that there be no further expenditure of City funds for the purpose of indemnification.

Deputy Mayor Atkins closed the hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:41 p.m. – 4:42 p.m.)

**Conference with Legal Counsel - anticipated litigation - significant exposure to litigation,
pursuant to California Government Code section 54956.9(b):**

CS-7 *Barrett American, Inc. v. City of San Diego*

REFERRED TO CLOSED SESSION OF MONDAY, JULY 25, 2005

DCA assigned: C. Silva

This case involves an alleged overcharging of fees. In closed session, the City Attorney will brief the Mayor and City Council on the matter and seek direction.

Deputy Mayor Atkins closed the hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:43 p.m. – 4:43 p.m.)

Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9(c):

CS-8 California State University Board of Trustees

REFERRED TO CLOSED SESSION OF MONDAY, JULY 25, 2005

ACA assigned: K. Heumann and DCA C. Silva

This matter involves the SDSU Campus Master Plan Environmental Impact Report [EIR]. The City of San Diego and the Redevelopment Agency of the City of San Diego City are both responsible agencies for purposes of CEQA. The Agencies reviewed the EIR and provided comments on the draft EIR which addressed deficiencies in the EIR. In closed session, the City Attorney will brief the Council on the status of the matter and seek direction from the City Council and Redevelopment Agency.

Deputy Mayor Atkins closed the hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:43 p.m. – 4:43 p.m.)

CS-9 Number of Cases: One or more

REFERRED TO CLOSED SESSION OF MONDAY, JULY 25, 2005

ACA assigned: D. McGrath

These matters involve potential action against a variety of individuals or entities for the recovery of money. In closed session, the City Attorney will brief the City Council on the prospects for recovery and request appropriate direction.

CLOSED SESSION PUBLIC TESTIMONY:

CLOSED SESSION COMMENT-1:

Daniel Beeman requested that there be more clarity regarding the number of cases discussed in Closed Session and what the subject matters are.

Deputy Mayor Atkins closed the hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:43 p.m. – 4:43 p.m.)

CS-10 In re: Regional Water Quality Control Board San Diego Basin Plan

DCA assigned: T. Miller

REFERRED TO CLOSED SESSION OF MONDAY, JULY 25, 2005

This matter is a potential appeal to the State Water Resources Control Board regarding the Regional Water Quality Control Board's recent amendment to the San Diego Basin Plan. In closed session, the City Council will be briefed on the matter and give appropriate direction.

Deputy Mayor Atkins closed the hearing.

FILE LOCATION: AGENDA

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

Public employment, pursuant to California Government Code section 54957(b)(1):

CS-11 Title: City Clerk

REFERRED TO CLOSED SESSION OF MONDAY, JULY 25, 2005

CLOSED SESSION PUBLIC TESTIMONY:

CLOSED SESSION COMMENT-1:

Daniel Beeman urged that there be more clarity regarding what is being discussed concerning the City Clerk.

Deputy Mayor Atkins closed the hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:45 p.m. – 4:45 p.m.)

- * ITEM-100: Consultant Agreement with Architects Mosher Drew Watson Ferguson for Professional Design Services for the Mission Hills Branch Library.

(Uptown Community Area. District 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-44) ADOPTED AS RESOLUTION R-300695

Authorizing the City Manager to execute a phase funded agreement with Architects Mosher Drew Watson Ferguson, for professional design services for the Mission Hills Branch Library (Project), for a cost not to exceed \$329,893, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this Project and agreement;

Authorizing the expenditure of an amount not to exceed \$139,893 from Fund No. 102216, CIP-35-096.0 - Mission Hills Branch Library, solely and exclusively for the purpose of providing Project funds for Phase I design related services provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$190,054 from Fund No. 102216, CIP-35-096.0 - Mission Hills Branch Library, solely and exclusively for the purpose of providing Project funds for Phase II design related services provided that the City auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

CITY MANAGER SUPPORTING INFORMATION:

The proposed agreement with Architects Mosher Drew Watson Ferguson will provide the professional design services required for preparation of Bridging Documents and construction support services for a new 15,000 square foot Mission Hills Branch Library. The location of the proposed new library is located at 215 West Washington Street, (southwest corner of West Washington Street and Front Street).

In October of 2003, the land was acquired for a cost of approximately \$2.2 million. The existing branch library located at 925 West Washington Street, is 3,850 sq. ft. This is too small to provide adequate library services to the community.

In February 2004, the City advertised for professional design services. The Consultant Nominating Committee established a list of 6 firms in April of 2004, all of which were interviewed in conformance with Council Policy 300-7. Architects Mosher Drew Watson Ferguson was selected to provide the required design services.

The proposed agreement with the Architect is a two phased contract with Phase I providing the professional design services required to conduct community outreach to prepare schematic and conceptual drawings. Phase II once funded, will provide for the design development of the construction Bridging documents, and construction support services for the Mission Hills Branch Library. The current schedule anticipates construction funding becoming available in FY 2007/2008. In the event that this construction funding is delayed, the construction budget being developed with this contract may need to be adjusted to reflect construction cost escalations. Project funding may not have transferable benefits if there are scope or priority changes.

FISCAL IMPACT:

The total consultant's fee for professional design services authorized by the agreement is \$329,893 of which \$139,839 is for Phase I of the agreement and \$190,054 is for Phase II of the agreement. This agreement will be phase funded. Funding for Phase I in the amount of \$139,839 is available in CIP-35-960.0, Mission Hills Branch Library, Fund No. 102216, Dept. No. 30244, Org. No. 106.

Herring/Boekamp/AO
Aud. Cert. 2600017.

Staff: Afshin Oskoui – (619) 533-3102
Christina L. Bellows – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:00 p.m. – 3:08 p.m.)

CONSENT MOTION BY YOUNG TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



* ITEM-101: Grant Application to the State of California Department of Transportation for the San Diego Environmental Justice Livable Communities Planning Project.

(Southeastern San Diego Community Area. District 4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-38) ADOPTED AS RESOLUTION R-300696

Authorizing the City Manager or representative, to apply to the State of California Department of Transportation for an Environmental Justice Transportation Planning Grant for the San Diego Environmental Justice Livable Communities Planning Project;

Authorizing the City Manager, or representative, to submit an application to CALTRANS under the Environmental Justice Program and to take all necessary actions to secure such funding for the above referenced project;

Authorizing the City Manager, or representative, to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, and amendments which may be necessary to secure funding and to carry out all obligations, responsibilities and duties under this grant;

Authorizing the City Auditor and Comptroller to establish a separate interest bearing grant fund account as needed for the approved grant application;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend \$248,000 in CALTRANS Environmental Justice funds upon receipt of a fully executed agreement.

CITY MANAGER SUPPORTING INFORMATION:

The Planning Department and San Diego ACORN jointly submitted a grant proposal to CALTRANS for a grant under their Environmental Justice Program in November 2002. The grant was awarded and now the City and ACORN are ready to commence the work program pursuant to the grant award.

The grant would study how to enhance community livability by focusing on biking and walking with a special emphasis on developing creative approaches to overcoming the challenges of I-805 as a barrier to bicycling and pedestrian movement and completing the planning process for the Chollas Creek multiuse trail system.

Utilizing the community outreach skills of ACORN, the program would emphasize extensive door-to-door communication with community residents in two of the three Southeastern San Diego neighborhoods of Chollas View, Mount Hope and Mountain View. The Planning Department and ACORN will coordinate with the Southeastern San Diego Planning Committee and the Encanto Neighborhoods Community Planning Group in order to solicit their input on ways to enhance biking and pedestrian movement.

A further objective is to create a replicable process for increasing participation by people in lower income neighborhoods to bridge barriers to biking and walking that can be used by other jurisdictions and agencies throughout California.

FISCAL IMPACT:

\$248,000 in CALTRANS Funds through their Environmental Justice Program. ACORN would provide the required 10% local match of \$24,800.

Oppenheim/Goldberg/MP

Staff: Myles Pomeroy – (619) 235-5219
William W. Witt – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:00 p.m. – 3:08 p.m.)

CONSENT MOTION BY YOUNG TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-102: Grant Application to the U.S. Fish and Wildlife Service for the Wetland Deviation Environmental Review Project.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-48) ADOPTED AS RESOLUTION R-300697

Authorizing the City Manager, or designee, to submit an application, on behalf of the City, to the U.S. Fish and Wildlife Service for U.S. Fish and Wildlife Service grant funding for the wetland deviation environmental review (Project);

Authorizing the City Manager, or designee, to take all necessary actions to secure funds from the U.S. Fish and Wildlife Service for the Project;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend funds if the U.S. Fish and Wildlife Service grant is secured;

Authorizing the City Auditor and Comptroller to establish a separate interest-bearing account.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego, in conjunction with a working group comprised of development and environmental group representatives, developed draft amendments to the City of San Diego Municipal Code and City of San Diego Biology Guidelines, that would clarify when impacts to wetlands may be allowed within the City of San Diego. Currently, impacts to wetlands are not allowed under the San Diego Municipal Code unless the project meets certain criteria, known as deviation findings. However, the current deviation findings for impacts to wetlands are non-specific and provide little guidance to the project applicant and decision makers. The proposed

deviations would require additional findings to be made for wetlands impacts. Such required findings would clarify when impacts may be allowed and would assist staff, City decision makers, and reviewing agencies in determining when a project may impact wetlands.

The draft deviations were reviewed by the U.S. Fish and Wildlife Service and the California Department of Fish and Game in late 2003, and agency comments were incorporated into the proposed regulations in January 2004. The City of San Diego Council's Land Use and Housing Subcommittee reviewed the revised wetland deviation findings on March 10, 2004.

The subcommittee, comprised of City Council members Scott Peters, Michael Zucchet, Charles Lewis, and Donna Frye, unanimously approved adoption of the proposed findings and forwarded the changes to the Land Development Code update process work program for draft incorporation into the code and for environmental review.

As such, the wetland deviations were added to the City of San Diego Development Services' Land Development Code update process work program. However, due to budgetary constraints, the City has not been able to prepare the necessary environmental document to forward the proposed code changes to City Council. The proposed federal grant would provide funding for the necessary environmental review to bring the proposed Land Development Code revisions to City Council.

Staff from the Development Services department would provide staff time to review the environmental document and modify the land development code as part of the previously directed code update work program. The time to process the environmental review and modify the land development would be used as a partial in-kind match to the federal grant.

FISCAL IMPACT:

The proposed grant would provide \$130,000 to conduct environmental review. The City is proposing a match of \$38,499 of in-kind staff services, including \$10,874 of work previously completed to bring the proposed revisions to the Land Use and Housing Subcommittee.

Frazier/Goldberg/KG

Staff: Keith Greer – (619) 236-7258
David Miller – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:00 p.m. – 3:08 p.m.)

CONSENT MOTION BY YOUNG TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



* ITEM-103: Grant Applications to SANDAG for the Pilot Smart Growth Incentive Program.

(Clairemont Mesa, Greater Golden Hill, La Jolla, Mid-City, Midway, North Park, San Ysidro, Skyline-Paradise Hills, Southeastern, Uptown, Mission Valley, Navajo, and Pacific Beach Community Areas. Districts All.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-49) ADOPTED AS RESOLUTION R-300698

Authorizing the City Manager, or designee, to take all necessary actions to secure funds from SANDAG for the Pilot Smart Growth Incentive Program;

Authorizing the City Auditor and Comptroller to establish a separate interest bearing account for grant funds;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds up to \$17,000,000 if the Pilot Smart Growth Incentive Program Grant is secured and upon receipt of fully executed grant agreements;

Authorizing the establishment of CIP-52-755.0, Commercial Streetscape Project, and CIP-52-756.0, 25th St. Renaissance Project, contingent on the receipt of fully executed grant agreements;

Authorizing the City Manager, or his representative, to increase the FY06 Capital Improvement Program Budget in an amount not to exceed \$17 million, contingent on the receipt of fully executed grant agreements, for the following CIPs in the manner described below:

<u>CIP#</u>	<u>TITLE</u>	<u>AMOUNT</u>
39-207.0	University Avenue Mobility Project in North Park	\$2,000,000
52-717.0	Bird Rock Coastal Traffic Flow Improvement	\$2,000,000
52-274.9	Balboa Avenue Corridor Improvement	\$2,000,000

58-156.0	San Diego River Bike Path Linkages	\$ 371,000
58-127.0	I-15/Mid-City Urban Trail System	\$2,000,000
52-713.0	Alvarado Canyon Road	\$2,000,000
39-233.0	Reo Drive Skyline	\$ 447,282
52-756.0	25th Street Renaissance Project	\$1,425,000
39-216.0	Washington/Goldfinch Intersection Enhancements	\$ 684,000
58-147.0	Rose Creek Bike Bridge	\$2,000,000
58-162.0	Coastal Rail Trail	\$1,000,000
52-755.0	Commercial Street Streetscape Project	\$1,500,000

CITY MANAGER SUPPORTING INFORMATION:

The Smart Growth Incentive Program (SGIP) was originally proposed in SANDAG's Regional Transportation Plan, Mobility 2030. On April 22, 2005, SANDAG Board approved funding of \$17 million of the Federal Transportation Enhancement Funds for a Pilot Smart Growth Incentive Program (SGIP), so the public can see the benefits of smart growth projects in the region. As part of the recently adopted TransNet funding, SANDAG intends to fund an additional \$280 million for the Smart Growth Program beginning in 2008.

The program is designed to foster the kind of smart growth development described in the Regional Comprehensive Plan: "A mix of well designed, higher intensity development in the existing urbanized areas, community and town centers, and rural villages supported by transportation infrastructure that encourages a full range of transportation choices."

SANDAG has developed a set of guidelines to meet the restrictions of the Federal Transportation Enhancements (TE) Program. These guidelines also establish the application requirements, the evaluation criteria, and project selection process. Furthermore, they provide guidance on how the evaluation criteria will be applied to score and rank candidate projects.

SGIP grants are awarded on a competitive basis. Local governments, transit operators, and other public agencies are eligible to apply for these federal funds. Requested grants should range between \$200,000 and \$2 million per project. Funds are available for up to 100 percent of the total project cost. However, applicants are strongly encouraged to provide local matching funds. The program funds transportation infrastructure improvements that support smart growth development. Project types could include improvement to pedestrian, bicycle, transit facilities, traffic calming, streetscape enhancements, and other innovative smart growth-supporting infrastructure. In as much as this is a demonstration program, SANDAG is looking for larger and more visible projects that are "ready to go" or as close to construction as possible so that the public can evaluate their benefits.

The City of San Diego is applying for twelve projects in the amount of \$17,427,282. The maximum amount available under the grant program is \$17,000,000. As such, SANDAG will not be able to fund all of the grant proposals. Proposals will go through an independent ranking process administered by SANDAG and submitted for consideration to the SANDAG's Transportation and Planning Committees. The City Redevelopment Agency is proposing an additional two projects which will be acted upon by the City Council as the Redevelopment Agency under a separate action.

City staff is applying to SANDAG for all projects deemed to have a good chance for acquiring the grant funding. The geographical locations of these proposed projects are throughout the city. The staff will be resubmitting any unapproved project, as well as others that will be ready when SANDAG requests applications for Smart Growth Incentive Program funding in the future.

FISCAL IMPACT:

The proposed grant could provide up to \$17 million to implement various smart growth related projects. Matching funds are not required, but encouraged. Any other expenditures on these projects which are not fully covered by the grant request are already budgeted and/or expended by previous City Council actions.

Oppenheim/Goldberg/KG

NOTE: See the Special Redevelopment Agency Agenda of July 25, 2005 for a companion item.

Staff: Keith Greer – (619) 236-7258
David Miller – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:00 p.m. – 3:08 p.m.)

CONSENT MOTION BY YOUNG TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* [ITEM-104](#): Federal FY04 – FY05 Emergency Management Performance Grant.

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-24) ADOPTED AS RESOLUTION R-300699

Authorizing the City Manager, the Deputy City Manager, or the Director of the Office of Homeland Security to apply for, accept, and expend grant funds from the Federal FY04 and FY05 Emergency Management Performance Grants as the City’s authorized agent;

Authorizing the City Manager, the Deputy City Manager, or the Director of the Office of Homeland Security to take all necessary actions to secure the grants and to negotiate and execute all agreements necessary to comply with the Emergency Management Performance Grant.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego is an incorporated city within San Diego County. San Diego County is the recipient of federal funds under the Emergency Management Performance Grant (EMPG). The federal EMPG is passed through the State of California to each county on a population-based formula. The County of San Diego has elected to further allocate a portion of those funds to the City under a population-based formula. The City Office of Homeland Security (OHS) was created during federal FY04 and was designated as the agent for the City to receive and expend EMPG funds. The City was awarded a total of \$106,525 in federal FY04 funds of which a balance of \$22,952 was transferred from Fire and Rescue upon creation of OHS and \$87,445 in federal FY05 funds. The EMPG has a requirement for a 50 percent soft or "in kind" match by the recipient. The City match is provided through the General Fund personnel expense (PE) and associated non personnel expense (NPE) authorized under the appropriate annual City budgets for OHS. During City FY05, \$22,952 of the combined budgeted PE and NPE provides the required match. During City FY06, \$87,445 of the budgeted General Fund PE provides the required match. EMPG funds may only be expended for personnel and equipment to directly support all-hazard emergency management, including preparedness, response, recovery and mitigation activities. These activities must be approved by the Federal Emergency Management Agency (FEMA), the State of California and San Diego County prior to awards under the HMPG.

The City has submitted expenditure plans as required and the plans have been accepted by the appropriate entities. In both FY04 and FY05, the EMPG expenditure plan allocates funding to

support non-General Fund PE and NPE within OHS that is within the purpose, goals and scope of the EMPG.

FISCAL IMPACT:

The EMPG requires a 50 per cent soft or "in-kind" match from the recipient. The required match for the City is provided by a portion of the General Fund PE and NPE authorized in the City FY05 budget and a portion of the PE to be appropriated under the City FY06 budget associated with the 1.6 FTE General Funded positions authorized for OHS.

Arellano/Ghio/WFN

Staff: William F. Norris – (619) 533-6762
Jessica Falk Michelli – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:00 p.m. – 3:08 p.m.)

CONSENT MOTION BY YOUNG TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-105: Federal FY05 Homeland Security Grant Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-23) ADOPTED AS RESOLUTION R-300700

Authorizing the City Manager, the Deputy City Manager, or the Director of the Office of Homeland Security to apply for, accept, and expend grant funds from the federal FY05 Homeland Security Grant Program as the City's authorized agent;

Authorizing the City Manager, the Deputy City Manager, or the Director of the Office of Homeland Security to take all necessary actions to secure the grant and to negotiate and execute all agreements necessary to comply with the Homeland Security Grant Program.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego has been identified by the federal Department of Homeland Security (DHS) as the "core city" for the San Diego Urban Area's participation in the federal FY05 Homeland Security Grant Program (HSGP), specifically the Urban Area Security Initiative (UASI) and the Metropolitan Medical Response System Program (MMRS). The Urban Area is defined as the eighteen incorporated cities in San Diego County, unincorporated areas of the county and the related special districts. As the core city, San Diego will be the grantee and administrator of a \$13,503,618 UASI grant to the San Diego Urban Area and a \$220,764 MMRS grant to the San Diego Urban Area. The federal FY05 UASI program provides financial assistance to address the unique equipment, training, and planning needs of large, high-threat urban areas, and to assist them in building an enhanced and sustainable capacity to prevent, respond to and recover from threats or acts of terrorism.

The City also receives additional funding from homeland security grants awarded to the County of San Diego as the core county for the San Diego Urban Area. For federal FY05, this funding includes \$571,870 from the State Homeland Security Grant Program (SHSGP). The SHSGP funding is specifically earmarked to promote comprehensive regional exercises, planning and coordination.

All funding must be allocated in support of the goals and objectives identified in the San Diego Urban Area Homeland Security Strategy that was developed as a prerequisite to participation in the HSGP. A regional metropolitan area approach must be taken in the development and implementation of this program by involving core cities, core counties, contiguous jurisdictions and mutual aid partners. While the focus of this program is weapons of mass destruction (WMD) preparedness, the benefits will be seen in all of the emergency preparedness programs in the region. Funds are awarded from HSGP on a formula-based allocation approved by the Unified Disaster Council and the Urban Area Working Group.

FISCAL IMPACT:

There is no non-federal match or cost share required for grants under the HSGP covered by this resolution.

Arellano/Ghio/WFN

Staff: William F. Norris – (619) 533-6762
Jessica Falk Michelli – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:00 p.m. – 3:08 p.m.)

CONSENT MOTION BY YOUNG TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-106: The San Diego Chapter of the National Organization for Women 35th Anniversary Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-41) ADOPTED AS RESOLUTION R-300701

Commending The San Diego Chapter of the National Organization for Women for their 35 years of grassroots, volunteer efforts in the quest to secure equality for all women;

Proclaiming July 16, 2005 to be “The San Diego Chapter of the National Organization for Women 35th Anniversary Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:00 p.m. – 3:08 p.m.)

CONSENT MOTION BY YOUNG TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-107: Gay Softball World Series Week.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-52) ADOPTED AS RESOLUTION 300702

Recognizing the efforts of the "Fun in the Sun/San Diego Series 2005" Committee in successfully bringing the Gay Softball World Series to San Diego and welcoming visiting players, coaches, and spectators to America's Finest City;

Proclaiming August 14 – 20, 2005, to be "Gay Softball World Series Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:00 p.m. – 3:08 p.m.)

CONSENT MOTION BY YOUNG TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-200: Establishment of New Rates and Fees and Adjustments to Existing Rates and Fees for Inclusion in the Rate Book of City Fees and Charges.

(See City Manager Report CMR-05-121.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-27 Rev. Copy) VOLLEYBALL LEAGUES, BEACHES AND BAY AREAS, SEASON RESERVATIONS; DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY FEE; AND MT. HOPE LOW INCOME FEE ASSISTANCE PROGRAM CONTINUED TO MONDAY, SEPTEMBER 19, 2005; COLLECTION REFERRAL FEE ADOPTED AS AMENDED AS RESOLUTION R-300713

Adopting the public convenience or necessity fee included in Attachment A, a copy of which shall be maintained on file in the Office of the City Clerk, for the purpose of recovering the cost of the San Diego Police Department's "public convenience or necessity" determinations;

Declaring that the fee for this service shall be Two Hundred and Twenty Dollars (\$220), and shall be effective thirty days from and after the passage of this resolution;

Declaring that the City Manager administer a low-income fee assistance program for Mt. Hope Cemetery which is based on the Federal Government's Lower Living Standard Income Level, San Diego Index, whereby deceased City of San Diego residents qualifying under the limits and with a maximum of \$2,000 in value of personal property would receive a 50 percent reduction in the cost of following services: Lot and Perpetual Care; Opening/Closing of Grave; Grave Liner (bell); and Document Processing. This program shall be available for a maximum of 15 percent of the estimated burials in a fiscal year;

Approving the other new and revised fees in Attachment A;

Directing the City Manager to review the fees annually to ensure that all reasonable costs incurred in providing services are being recovered and to approve fee schedules whenever possible in accordance with the City of San Diego Administrative Regulation 95.25;

Finding that the establishment or modification of these rates or fees are for the purpose of meeting operating expenses, and not for the funding of capital projects for the expansion of services, and therefore is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(8) and CEQA Guidelines Section 15273;

Directing the City Clerk to amend the City Rate Book to include the fees in Attachment A.

CITY MANAGER SUPPORTING INFORMATION:

As part of the FY 06 budget process and consistent with the City's policy on budgetary cost recovery principles, the City Manager directed staff to conduct a full evaluation of the costs and revenues associated with providing City services. This effort is in accordance with the California Constitution, as well as the State Government Code which authorize local jurisdictions to impose fees, charges, and rates in order to recover costs associated with providing services and the use of facilities.

On June 7 and June 20, 2005, public hearings were held by the City Council to consider the establishment of new rates and fees and adjustments to existing rates and fees (see Manager's Report No. 05-121). The Mayor and City Council approved a number of new and revised fees,

some of which require a resolution to be approved and/or a resolution to transfer the references to the Standardized Rate Book maintained by the City Clerk, pursuant to Administrative Regulation 95.25 or San Diego Municipal Code Section 86.2013. The Resolution includes the following rates and fees: Collection Referral Fee, Residential Permit Parking, Volleyball League Season Reservation for Beach and Bay Areas, Balboa Park Botanical Building entrance fees, American Red Cross courses and specialized swim instruction, and Determination of Public Convenience or Necessity fee.

FISCAL IMPACT:

A total of \$3.2 million in new and revised cost recoverable fees was included in the FY06 proposed budget. See Attachment 1 for a summary of the projected revenue (\$2,560,718) approved by the City Council associated with the new and revised fees.

Herring/Jencks/Wormser

Staff: Patty Jencks – (619) 235-5244
Hilda Ramirez Mendoza – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:40 p.m. – 4:15 p.m.)

MOTION BY PETERS TO ADOPT AS AMENDED TO APPROVE THE COLLECTION REFERRAL FEE OF \$420,000. Second by Atkins. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

Motion by Peters to approve Residential Permit Parking Placard and Decal Fee of \$60,000. Second by Atkins. Failed. Yeas-1,3,4. Nays-5,6,7. Vacant-2,8,M.

Motion by Peters to approve Balboa Park Botanical Building Entrance Fee of \$210,000. Second by Atkins. Failed. Yeas-1,3,4,6. Nays-5,7. Vacant-2,8,M.

Motion by Peters to approve Water Safety Today Fee of \$360. Failed. Yeas-1,3,4,6. Nays-5,7. Vacant-2,8,M.

Motion by Peters to approve Basic Water Safety Fee of \$720. Failed. Yeas-1,3,4,6. Nays-5,7. Vacant-2,8,M.

Motion by Peters to approve Specialized Instruction (Aquatics) Fee of \$1,420. Failed.
Yeas-1,3,4,6. Nays-5,7. Vacant-2,8,M.

MOTION BY FRYE TO CONTINUE DETERMINATION OF RATE FEES FOR VOLLEYBALL LEAGUES, BEACHES AND BAY AREAS, SEASON RESERVATIONS FEE; PUBLIC CONVENIENCE OR NECESSITY FEE; AND MT. HOPE LOW INCOME FEE ASSISTANCE PROGRAM, TO SEPTEMBER 19, 2005, FOR FURTHER REVIEW BY THE CITY MANAGER. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-201: Two actions related to Approving the FY 2006 Assessment Levy for Six Self Managed Maintenance Assessment Districts and the Associated Updated Assessment Engineer's Reports for Council Districts 2, 3, 7, and 8.

(Centre City, College Areas, City Heights, North Park, Ocean Beach, and Southeast Community Plan Areas. Districts 2, 3, 7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-46) ADOPTED AS RESOLUTION R-300703

Resolution to levy and collect Fiscal Year 2006 annual assessments on various Maintenance Assessment Districts previously reviewed and approved in the City Budget review process on _____;

That the Council hereby authorizes the levy and collection of assessments in the City for the Fiscal Year 2006 pursuant to the provisions of the California Streets and Highway Code sections 22500 et seq. and San Diego Municipal Code Chapter 6, Article 5, Division 2 (Law) to pay a prescribed portion of the cost of future maintenance of improvements. These improvements are more generally described in the assessment engineer's reports (Reports), submitted in connection with the following Maintenance Assessment Districts (Districts) and on file in the office of the City Clerk:

1. Adams Avenue Maintenance Assessment District
2. Central Commercial Maintenance Assessment District

3. City Heights Maintenance Assessment District
4. College Heights Maintenance Assessment District
5. Little Italy Maintenance Assessment District
6. Newport Avenue Maintenance Assessment District

That the maintenance consists in general of the maintenance of those contained in the Reports, submitted in connection with the Districts, and filed in the office of the City Clerk as follows:

<u>Maintenance Assessment District:</u>	<u>Document Number:</u>
1. Adams Avenue	RR- _____
2. Central Commercial	RR- _____
3. City Heights	RR- _____
4. College Heights	RR- _____
5. Little Italy	RR- _____
6. Newport Avenue	RR- _____

That real property in the City of San Diego included within the exterior boundary lines of the maps designated as the Districts, filed in the office of the City Clerk as follows:

<u>Maintenance Assessment District:</u>	<u>Document Number:</u>
1. Adams Avenue	M- _____
2. Central Commercial	M- _____
3. City Heights	M- _____
4. College Heights	M- _____
5. Little Italy	M- _____
6. Newport Avenue	M- _____

Excepting there from all public streets, roads, alleys, avenues and highways. Reference is hereby made to the maps and the Reports for a further and more particular description of the Districts, so on file. Such maps and Reports shall govern for all details as to the extend of the Districts;

That the maintenance and expense of the contemplated maintenance are made chargeable upon the Districts, and the Council does declare that certain properties within the Districts receive special benefit from the maintenance of the improvements;

That the City Council shall assess those properties within the Districts which receive a special benefit from the maintenance for the total amount of the maintenance costs of the Districts, plus incidental expenses thereto, to be received by the individual parcels of the real property within the Districts;

That the Council may order a portion of the costs of maintenance to be paid by the City from appropriate Funds. The proposed budget for the Districts are as follows:

<u>Maintenance Assessment District:</u>	<u>Amount:</u>
1. Adams Avenue	\$ 50,198
2. Central Commercial	\$ 218,507
3. City Heights	\$ 302,095
4. College Heights	\$ 274,122
5. Little Italy	\$ 611,661
6. Newport Avenue	\$ 52,089

A statement of the assessments levied against the several lots or parcels of land as shown on the maps referred to in Section 2 above, are on file in the office of Community and Economic Development;

That reference is hereby made to the Reports for statement of the assessments upon assessable lots and parcels of land within the Districts.

Subitem-B: (R-2006-54) ADOPTED AS RESOLUTION R-300704

Resolution approving the City Engineer's Reports submitted in connection with the Maintenance Assessment Districts for Fiscal Year 2006;

That the Reports submitted in connection with the Maintenance Assessment Districts are filed in the office of the City Clerk as follows:

<u>Maintenance Assessment District:</u>	<u>Document Number:</u>
1. Adams Avenue	RR-_____
2. Central Commercial	RR-_____
3. City Heights	RR-_____
4. College Heights	RR-_____
5. Little Italy	RR-_____
6. Newport Avenue	RR-_____

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2006 assessments for the City's six self-managed Maintenance Assessment Districts (MADs) that are managed by the Economic Development Division of the Community and Economic Department. Maintenance Assessment Districts are authorized by law to assess benefiting property owners for maintenance and other property related activities. These activities include maintenance of landscaped and paved medians, landscaped right-of-ways and slopes, open space, parks, ponds, flood control channels, monuments, decorative street lighting, decorative gates, signage, banners, as well as cleaning of curbs and gutters, sweeping sidewalks, provisions of security services, and monitoring.

State law requires that the City Council annually approve the assessment levy for each Maintenance Assessment District and update the Assessment Engineer's Report. The resolutions associated with this action would authorize the City to place the annual assessment levy for each self-managed MAD on the FY 2006 County Property Tax roll.

The resolutions also fulfill the legal requirements necessary for each self-managed MAD to provide the maintenance and other services as described in the Assessment Engineer's Reports. The Economic Development Division currently manages the City's six self-managed Maintenance Assessment Districts and also manages the Downtown PBID. In accordance with State Law, staff is recommending that the updated Assessment Engineer's Reports and the associated annual levy of assessments be authorized.

Based on the data contained in the updated Assessment Engineer's Reports, the following list provides the recommended assessment levels for each of the six self-managed districts in FY 2006.

<u>District</u>	<u>Assessment District Levy</u>
1. Adams Avenue	\$50,198
2. Central Commercial	\$218,507
3. City Heights	\$302,095
4. College Heights	\$274,122
5. Little Italy	\$611,661
6. Newport Avenue	<u>\$ 52,089</u>
Total:	\$1,508,670

This action authorizes approval of the Fiscal Year 2006 Assessment Engineer's Reports, and authorizes the levy and collection of assessments for the above Maintenance Assessment Districts.

FISCAL IMPACT:

The Fiscal Year 2006 MAD budget was approved by City Council on June 13, 2005. This action refines the anticipated assessment revenue estimate for Fiscal Year 2006. The annual MAD assessment for City owned property for Fiscal Year 2006 is \$34,292.20.

NOTE: This activity is exempt from California Environmental Quality Act pursuant to State CEQA Guidelines Section 15301.

Oppenheim/Fischle-Faulk/Kawar/LO

Staff: Luis Ojeda – (619) 533-4246

FILE LOCATION: STRT-M-513 (2006) 34 – FY 2006 Assessment Levy for Six Self Managed MAD

COUNCIL ACTION: (Time duration: 3:25 p.m. – 3:25 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-202: Six actions related to Fiscal Year 2006 Park and Recreation Maintenance Assessment Districts Annual Levy Approvals and Parcel Detachments.

(Citywide. Districts All.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-33) ADOPTED AS RESOLUTION R-300705

Authorizing the detachment of specific parcels (parcels numbers 306-300-30-00 through 306-300-37-00, 306-301-01-00 through 306-301-11-00, 306-301-16-00, 306-301-17-00, 306-301-27-00, and 312-292-01-00) located within the Peñasquitos East Maintenance Assessment District which no longer receive special benefit from the maintenance of the improvements in the District and instead receive special benefit from the maintenance of the improvements in the Torrey Highlands

Maintenance Assessment District or the Black Mountain Ranch-South Maintenance Assessment District.

Subitem-B: (R-2006-34) ADOPTED AS RESOLUTION R-300706

Authorizing the detachment of specific parcels (parcels numbers 320-250-01-00 through 320-250-42-00, 320-251-01-00 through 320-251-45-00, and 320-252-01-00 through 320-252-41-00) located within the Scripps-Miramar Ranch Maintenance Assessment District which no longer receive special benefit from the maintenance of the improvements in the District.

Subitem-C: (R-2006-31 Cor. Copy) ADOPTED AS RESOLUTION R-300707

Renaming Bay Terraces Zone 5 of the Bay Terraces Maintenance Assessment District as the Bay Terraces – Honey Drive Maintenance Assessment Districts;

Renaming Bay Terrace Zone 1 of the Bay Terraces Maintenance Assessment District as the Bay Terraces – Parkside Maintenance Assessment District;

Renaming Sub-District #13 of the Mid-City Maintenance Assessment District as the El Cajon Boulevard Maintenance Assessment District;

Renaming Sub-District #12 of the Mid-City Maintenance Assessment District as the Hillcrest Maintenance Assessment District;

Renaming Sub-District #4 of the Mid-City Maintenance Assessment District as the University Heights Maintenance Assessment District;

Renaming Zone 1 of the Northwest Otay Mesa Maintenance Assessment District as the Ocean View Hills Maintenance Assessment District;

Renaming Zone 2 of the Northwest Otay Mesa Maintenance Assessment District as the Robinhood Ridge Maintenance Assessment District;

Renaming Zone 3 of the Northwest Otay Mesa Maintenance Assessment District as the Remington Hills Maintenance Assessment District;

Authorizing the levy and collection of assessments in the City for the Fiscal Year 2006 pursuant to the provisions of the California Streets and Highways Code sections 22500 et seq. and San Diego Municipal Code Chapter 6, Article 5, Division 2 (Law) to pay a proscribed portion of the cost of future maintenance of

improvements. These improvements are more generally described in the assessment engineer's report, submitted in connection with the Maintenance Assessment Districts (Districts) and on file in the Office of the City Clerk.

1. Bay Terraces – Honey Drive Maintenance Assessment District
2. Bay Terraces – Parkside Maintenance Assessment District
3. Black Mountain Ranch Maintenance Assessment District
4. Calle Cristobal Maintenance Assessment District
5. Campus Point Maintenance Assessment District
6. Carmel Mountain Ranch Maintenance Assessment District
7. Carmel Valley Maintenance Assessment District
8. Carmel Valley Neighborhood 10 Maintenance Assessment District
9. Coral Gate Maintenance Assessment District
10. Coronado View Maintenance Assessment District
11. Del Mar Terrace Maintenance Assessment District
12. Eastgate Technology Park Maintenance Assessment District
13. El Cajon Boulevard Maintenance Assessment District
14. First San Diego River Improvement Maintenance Assessment District
15. Gateway Center East Maintenance Assessment District
16. Hillcrest Maintenance Assessment District
17. Kings Row Maintenance Assessment District
18. La Jolla Village Drive Maintenance Assessment District
19. Liberty Station Maintenance Assessment District
20. Linda Vista Maintenance Assessment District
21. Mira Mesa Maintenance Assessment District
22. Miramar Ranch North Maintenance Assessment District
23. Mission Boulevard Maintenance Assessment District
24. North Park Maintenance Assessment District
25. Ocean View Hills Maintenance Assessment District
26. Otay International Center Maintenance Assessment District
27. Park Village Maintenance Assessment District
28. Peñasquitos East Maintenance Assessment District
29. Remington Hills Maintenance Assessment District
30. Robinhood Ridge Maintenance Assessment District
31. Sabre Springs Maintenance Assessment District
32. Scripps – Miramar Ranch Maintenance Assessment District
33. Stonecrest Maintenance Assessment District
34. Streetlight District No. 1 Maintenance Assessment District
35. Talmadge Maintenance Assessment District
36. Tierrasanta Maintenance Assessment District
37. Torrey Highlands Maintenance Assessment District

- 38. Torrey Hills Maintenance Assessment District
- 39. University Heights Maintenance Assessment District
- 40. Washington Street Maintenance Assessment District
- 41. Webster/Federal Boulevard Maintenance Assessment District

That the maintenance consists in general of the maintenance of those contained in the assessment engineer's reports (Reports) submitted in connection with the Districts, and filed in the Office of the City Clerks as follows:

<u>Maintenance Assessment District</u>	<u>Document Number</u>
1. Bay Terraces – Honey Drive	RR-_____
2. Bay Terraces – Parkside	RR-_____
3. Black Mountain Ranch	RR-_____
4. Calle Cristobal	RR-_____
5. Campus Point	RR-_____
6. Carmel Mountain Ranch	RR-_____
7. Carmel Valley	RR-_____
8. Carmel Valley Neighborhood 10	RR-_____
9. Coral Gate	RR-_____
10. Coronado View	RR-_____
11. Del Mar Terraces	RR-_____
12. Eastgate Technology Park	RR-_____
13. El Cajon Boulevard	RR-_____
14. First San Diego River Improvement Project	RR-_____
15. Gateway Center East	RR-_____
16. Hillcrest	RR-_____
17. Kings Row	RR-_____
18. La Jolla Village Drive	RR-_____
19. Liberty Station	RR-_____
20. Linda Vista	RR-_____
21. Mira Mesa	RR-_____
22. Miramar Ranch North	RR-_____
23. Mission Boulevard	RR-_____
24. North Park	RR-_____
25. Ocean View Hills	RR-_____
26. Otay International Center	RR-_____
27. Park Village	RR-_____
28. Peñasquitos East	RR-_____
29. Remington Hills	RR-_____
30. Robinhood Ridge	RR-_____
31. Sabre Springs	RR-_____

32. Scripps – Miramar Ranch	RR-_____
33. Stonecrest	RR-_____
34. Streetlights District No. 1	RR-_____
35. Talmadge	RR-_____
36. Tierrasanta	RR-_____
37. Torrey Highlands	RR-_____
38. Torrey Hills	RR-_____
39. University Heights	RR-_____
40. Washington Street	RR-_____
41. Webster/Federal Boulevard	RR-_____

That all real property in San Diego included within the exterior boundary lines of the maps designated as the Districts, filed in the Office of the City Clerk as follows:

<u>Maintenance Assessment District</u>	<u>Document Number</u>
1. Bay Terraces – Honey Drive	M-_____
2. Bay Terraces – Parkside	M-_____
3. Black Mountain Ranch	M-_____
4. Calle Cristobal	M-_____
5. Campus Point	M-_____
6. Carmel Mountain Ranch	M-_____
7. Carmel Valley	M-_____
8. Carmel Valley Neighborhood 10	M-_____
9. Coral Gate	M-_____
10. Coronado View	M-_____
11. Del Mar Terraces	M-_____
12. Eastgate Technology Park	M-_____
13. El Cajon Boulevard	M-_____
14. First San Diego River Improvement Project	M-_____
15. Gateway Center East	M-_____
16. Hillcrest	M-_____
17. Kings Row	M-_____
18. La Jolla Village Drive	M-_____
19. Liberty Station	M-_____
20. Linda Vista	M-_____
21. Mira Mesa	M-_____
22. Miramar Ranch North	M-_____
23. Mission Boulevard	M-_____
24. North Park	M-_____
25. Ocean View Hills	M-_____
26. Otay International Center	M-_____

27. Park Village	M-_____
28. Peñasquitos East	M-_____
29. Remington Hills	M-_____
30. Robinhood Ridge	M-_____
31. Sabre Springs	M-_____
32. Scripps – Miramar Ranch	M-_____
33. Stonecrest	M-_____
34. Streetlights District No. 1	M-_____
35. Talmadge	M-_____
36. Tierrasanta	M-_____
37. Torrey Highlands	M-_____
38. Torrey Hills	M-_____
39. University Heights	M-_____
40. Washington Street	M-_____
41. Webster/Federal Boulevard	M-_____

exempting therefrom all public streets, roads, alleys, avenues and highways. Reference is hereby made to the maps and the Reports, for further and more particular description of the Districts, so on file. Such maps and Reports shall govern for all details as to the extent of the Districts;

That the maintenance and expense of the contemplated maintenance are made chargeable upon the Districts, and certain properties within the Districts receive special benefit from the maintenance of the improvements;

That the City Council shall assess those properties within the Districts which receive a special benefit from the maintenance for the total amount of the maintenance costs of the Districts, plus incidental expenses thereto, to be received by the individual parcels of real property within the Districts;

That the Council may order a portion of the costs of maintenance to be paid by the City from appropriate funds. The proposed budgets for the Districts are as follows:

<u>Maintenance Assessment District</u>	<u>Amount</u>
1. Bay Terraces – Honey Drive	\$ 10,142
2. Bay Terraces – Parkside	\$ 32,987
3. Black Mountain Ranch	\$ 349,667
4. Calle Cristobal	\$ 177,510
5. Campus Point	\$ 24,769
6. Carmel Mountain Ranch	\$ 293,383
7. Carmel Valley	\$ 1,618,288

8. Carmel Valley Neighborhood 10	\$ 134,323
9. Coral Gate	\$ 92,950
10. Coronado View	\$ 18,757
11. Del Mar Terraces	\$ 65,234
12. Eastgate Technology Park	\$ 138,875
13. El Cajon Boulevard	\$ 266,810
14. First San Diego River Improvement Project	\$ 189,287
15. Gateway Center East	\$ 158,465
16. Hillcrest	\$ 13,809
17. Kings Row	\$ 5,984
18. La Jolla Village Drive	\$ 29,368
19. Liberty Station	\$ 66,498
20. Linda Vista	\$ 131,112
21. Mira Mesa	\$ 617,668
22. Miramar Ranch North	\$ 1,073,517
23. Mission Boulevard	\$ 45,189
24. North Park	\$ 331,166
25. Ocean View Hills	\$ 484,509
26. Otay International Center	\$ 165,611
27. Park Village	\$ 245,223
28. Peñasquitos East	\$ 205,316
29. Remington Hills	\$ 21,649
30. Robinhood Ridge	\$ 86,174
31. Sabre Springs	\$ 91,595
32. Scripps – Miramar Ranch	\$ 798,408
33. Stonecrest	\$ 525,551
34. Streetlights District No. 1	\$ 305,096
35. Talmadge	\$ 128,262
36. Tierrasanta	\$ 581,509
37. Torrey Highlands	\$ 322,012
38. Torrey Hills	\$ 939,478
39. University Heights	\$ 34,156
40. Washington Street	\$ 39,189
41. Webster/Federal Boulevard	\$ 18,709

A statement of the assessments levied against the several lots or parcels of land as shown on the maps referred to in Section 2 above, are on file in the office of Park and Recreation, Open Space Division.

That reference is hereby made to the Reports for a statement of the assessments upon assessable lots and parcels of land within the Districts.

Subitem:-D: (R-2006-32) ADOPTED AS RESOLUTION R-300708

Approving the City Engineer's Reports submitted in connection with the Maintenance Assessment Districts for Fiscal Year 2006.

That pursuant to the Landscape and Lighting Act of 1972 (California Street and Highways Code section 22500 et seq.), as assessment engineer has prepared and submitted written reports (Reports) on the following Maintenance Assessment Districts:

1. Bay Terraces – Honey Drive Maintenance Assessment District
2. Bay Terraces – Parkside Maintenance Assessment District
3. Black Mountain Ranch Maintenance Assessment District
4. Calle Cristobal Maintenance Assessment District
5. Campus Point Maintenance Assessment District
6. Carmel Mountain Ranch Maintenance Assessment District
7. Carmel Valley Maintenance Assessment District
8. Carmel Valley Neighborhood 10 Maintenance Assessment District
9. Coral Gate Maintenance Assessment District
10. Coronado View Maintenance Assessment District
11. Del Mar Terrace Maintenance Assessment District
12. Eastgate Technology Park Maintenance Assessment District
13. El Cajon Boulevard Maintenance Assessment District
14. First San Diego River Improvement Maintenance Assessment District
15. Gateway Center East Maintenance Assessment District
16. Hillcrest Maintenance Assessment District
17. Kings Row Maintenance Assessment District
18. La Jolla Village Drive Maintenance Assessment District
19. Liberty Station Maintenance Assessment District
20. Linda Vista Maintenance Assessment District
21. Mira Mesa Maintenance Assessment District
22. Miramar Ranch North Maintenance Assessment District
23. Mission Boulevard Maintenance Assessment District
24. North Park Maintenance Assessment District
25. Ocean View Hills Maintenance Assessment District
26. Otay International Center Maintenance Assessment District
27. Park Village Maintenance Assessment District
28. Peñasquitos East Maintenance Assessment District
29. Remington Hills Maintenance Assessment District
30. Robinhood Ridge Maintenance Assessment District

31. Sabre Springs Maintenance Assessment District
32. Scripps – Miramar Ranch Maintenance Assessment District
33. Stonecrest Maintenance Assessment District
34. Streetlight District No. 1 Maintenance Assessment District
35. Talmadge Maintenance Assessment District
36. Tierrasanta Maintenance Assessment District
37. Torrey Highlands Maintenance Assessment District
38. Torrey Hills Maintenance Assessment District
39. University Heights Maintenance Assessment District
40. Washington Street Maintenance Assessment District
41. Webster/Federal Boulevard Maintenance Assessment District

That the Reports submitted in connection with the Maintenance Assessment Districts and filed in the Office of the City Clerk as follows:

<u>Maintenance Assessment District</u>	<u>Document Number</u>
1. Bay Terraces – Honey Drive	RR-_____
2. Bay Terraces – Parkside	RR-_____
3. Black Mountain Ranch	RR-_____
4. Calle Cristobal	RR-_____
5. Campus Point	RR-_____
6. Carmel Mountain Ranch	RR-_____
7. Carmel Valley	RR-_____
8. Carmel Valley Neighborhood 10	RR-_____
9. Coral Gate	RR-_____
10. Coronado View	RR-_____
11. Del Mar Terraces	RR-_____
12. Eastgate Technology Park	RR-_____
13. El Cajon Boulevard	RR-_____
14. First San Diego River Improvement Project	RR-_____
15. Gateway Center East	RR-_____
16. Hillcrest	RR-_____
17. Kings Row	RR-_____
18. La Jolla Village Drive	RR-_____
19. Liberty Station	RR-_____
20. Linda Vista	RR-_____
21. Mira Mesa	RR-_____
22. Miramar Ranch North	RR-_____
23. Mission Boulevard	RR-_____
24. North Park	RR-_____
25. Ocean View Hills	RR-_____

- | | |
|---------------------------------|----------|
| 26. Otay International Center | RR-_____ |
| 27. Park Village | RR-_____ |
| 28. Peñasquitos East | RR-_____ |
| 29. Remington Hills | RR-_____ |
| 30. Robinhood Ridge | RR-_____ |
| 31. Sabre Springs | RR-_____ |
| 32. Scripps – Miramar Ranch | RR-_____ |
| 33. Stonecrest | RR-_____ |
| 34. Streetlights District No. 1 | RR-_____ |
| 35. Talmadge | RR-_____ |
| 36. Tierrasanta | RR-_____ |
| 37. Torrey Highlands | RR-_____ |
| 38. Torrey Hills | RR-_____ |
| 39. University Heights | RR-_____ |
| 40. Washington Street | RR-_____ |
| 41. Webster/Federal Boulevard | RR-_____ |

Subitem-E: (R-2006-35) ADOPTED AS RESOLUTION R-300709

Authorizing the City Auditor and Comptroller to establish the Bay Terraces-Parkside Maintenance District Fund (Fund No. 70271);

Authorizing the City Auditor and Comptroller to establish the Bay Terraces-Honey Drive Maintenance Assessment District Fund (Fund No. 70272);

Authorizing the City Auditor and Comptroller to establish the University Heights Maintenance Assessment District Fund (Fund No. 70273);

Authorizing the City Auditor and Comptroller to establish the Hillcrest Maintenance Assessment District Fund (Fund No. 70274);

Authorizing the City Auditor and Comptroller to establish the El Cajon Boulevard Maintenance Assessment District (Fund No. 70275);

Authorizing the City Auditor and Comptroller to establish the Ocean View Hills Maintenance Assessment District (Fund No. 70276);

Authorizing the City Auditor and Comptroller to establish the Robinhood Ridge (Vista Pacifica) Maintenance Assessment District Fund (Fund No. 70277);

Authorizing the City Auditor and Comptroller to establish the Remington Hills Maintenance Assessment District Fund (Fund No. 70278);

Authorizing the City Auditor to close Fund 70222, Bay Terraces Maintenance Assessment District and transfer excess reserves to Fund 70271 and Fund 70272, in accordance with contributions from former Zones 1 and 5 respectively;

Authorizing the City Auditor to close Fund 70234, Mid-City Maintenance Assessment District and transfer excess reserves to Fund 70273, Fund 70274, and Fund 70275, in accordance with contributions from former Zones 4, 12, and 13 respectively;

Authorizing the City Auditor to close Fund 70256, Northwest Otay Mesa Maintenance Assessment District and transfer excess reserves to Fund 70276, Fund 70277, and Fund 70278, in accordance with contributions from former Zones 1 and 5 respectively.

Subitem-F: (R-2006-37) ADOPTED AS RESOLUTION R-300710

Authorizing the City Auditor and Comptroller to appropriate and expend Maintenance Assessment District funds for the Fiscal Year 2006.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2006 assessments for the City's Maintenance Assessment Districts (MADs) that are managed by the Park and Recreation Department. MADs are authorized by law to assess benefiting property owners for maintenance and other service activities. These activities include maintenance of landscaped and paved medians, landscaped right-of-ways and slopes, open space, parks, ponds, flood control channels, monuments, decorative street lighting, decorative gates, signage, banners, as well as cleaning of curbs and gutters, sweeping sidewalks, provisions of security services, and monitoring.

State law requires that the City Council annually approve each MAD assessment levy and Assessment Engineer's Report. The action being taken today will allow the levy to be placed on the County Property Tax roll, and will meet the legal requirements necessary for each MAD to provide the maintenance and other services as described in the Assessment Engineer's Reports. There are currently 42 active MADs and one MAD potentially forming in the City. Of these MADs, Rancho Bernardo was approved by ballot protest (in accordance with Resolution R-300418) on May 10, 2005. A ballot protest procedure is currently underway in Bird Rock (per Resolution R-300531). The following table lists the MAD levies for the 41 districts included in

the Proposed Fiscal Year 2006 Budget, as supported by the Assessment Engineer's Reports for Fiscal Year 2006.

1. Bay Terrace – Honey Drive	\$ 10,142	22. Miramar Ranch North	\$1,073,517
2. Bay Terraces - Parkside	\$ 32,987	23. Mission Blvd.	\$ 45,189
3. Black Mountain Ranch	\$ 349,677	24. North Park	\$ 331,166
4. Calle Cristobal	\$ 177,510	25. Ocean View Hills	\$ 484,509
5. Campus Point	\$ 24,769	26. Otay International Center	\$ 165,611
6. Carmel Mountain Ranch	\$ 293,383	27. Park Village	\$ 245,223
7. Carmel Valley	\$1,618,288		
8. Carmel Valley Neighborhood 10	\$ 134,323	28. Peñasquitos East	\$ 205,316
9. Coral Gate	\$ 92,950	29. Remington Hills	\$ 21,649
10. Coronado View	\$ 18,757	30. Robinhood Ridge	\$ 86,174
11. Del Mar Terrace	\$ 65,234	31. Sabre Springs	\$ 91,595
12. Eastgate Technology Park	\$ 136,875	32. Scripps-Miramar Ranch	\$ 798,408
13. El Cajon Boulevard	\$ 266,810	33. Stonecrest	\$ 525,551
14. First San Diego River Improvement Project	\$ 189,287	34. Streetlight District No. 1	\$ 305,096
15. Gateway Center East	\$ 158,465	35. Talmadge	\$ 128,262
16. Hillcrest	\$ 13,809	36. Tierrasanta	\$ 581,509
17. Kings Row	\$ 5,984	37. Torrey Highlands	\$ 322,012
18. La Jolla Village Drive	\$ 29,368	38. Torrey Hills	\$ 939,478
19. Liberty Station	\$ 66,498	39. University Heights	\$ 34,156
20. Linda Vista	\$ 131,112	40. Washington Street	\$ 39,189
21. Mira Mesa	\$ 617,668	41. Webster/Federal Blvd.	\$ 18,709

This action will also resume assessments for residents for Del Mar Terrace MAD for the first time since Fiscal Year 1995. On June 9, 2005, the Torrey Pines Community Planning Committee approved the resumption of assessments for street repair and resurfacing requirements in Del Mar Terrace. Two MADs require boundary adjustments due to new development. Certain parcels within the Peñasquitos East MAD currently overlaps the recently created Torrey Highlands and Black Mountain Ranch-South MADs; this action will correct the overlaps. Stonebridge Estates, which is located in the northeastern area of the Scripps-Miramar Ranch MAD, is proposed to be detached from the MAD due to a lack of benefit for that development per the findings of the Assessment Engineer. Finally, this action will restructure the funds of three MADs to ensure separate and distinct accounting for eight areas of benefit.

FISCAL IMPACT:

The Fiscal Year 2006 MAD budget was approved by City Council on June 13, 2005. This action refines the anticipated assessment revenue estimate for Fiscal Year 2006 and clarifies boundaries of existing MADs.

Herring/Medina/AWF

Staff: Andrew Field – (619) 533-6778.

FILE LOCATION: STRT-M-504 (34) – FY 2006 Park & Rec MAD
Annual Levy Approvals and Parcel Detachments

COUNCIL ACTION: (Time duration: 3:25 p.m. – 3:25 p.m.)

MOTION BY YOUNG TO ADOPT. Second by Frye. Passed by the following vote:
Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-250: **Notice** of Pending Final Map Approval - Andalucia.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Andalucia” (T.M. No. 159014), located southwesterly of Carmel Creek Road and Mykonos Lane in the Carmel Valley Community Plan Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-251: Notice of Pending Final Map Approval – 7575 Eads Avenue.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “7575 Eads Avenue” (T.M. No. 70193/PTS No. 57822), located northeasterly of Pearl Street and Eads Avenue in the La Jolla Community Plan Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-252: Notice of Pending Final Map Approval - Verona.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Verona" (T.M. No. 23224/PTS No. 51727), located southeasterly of Del Mar Trails Road and Carmel Park Drive in the Carmel Valley Community Plan Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-253: Notice of Pending Final Map Approval – Sycamore Estates Phase II Unit 4.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Sycamore Estates Phase II Unit 4" (T.M. No. 99-0899), located southeasterly of Pomerado Road and Beeler Canyon Road in the Rancho Encantada Community Plan Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-254: Notice of Pending Final Map Approval – Sycamore Estates Phase II Unit 5.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Sycamore Estates Phase II Unit 5” (T.M. No. 99-0899), located southeasterly of Pomerado Road and Beeler Canyon Road in the Rancho Encantada Community Plan Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-255: Notice of Pending Final Map Approval – Sycamore Estates Phase II Unit 6.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Sycamore Estates Phase II Unit 6” (T.M. No. 99-0899), located southeasterly of Pomerado Road and Beeler Canyon Road in the Rancho Encantada Community Plan Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-256: Notice of Pending Final Map Approval – Sycamore Estates Phase II Unit 7.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Sycamore Estates Phase II Unit 7” (T.M. No. 99-0899), located southeasterly of Pomerado Road and Beeler Canyon Road in the Rancho Encantada Community Plan Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-257: Notice of Pending Final Map Approval – Sycamore Estates Phase II Unit 8.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Sycamore Estates Phase II Unit 8” (T.M. No. 99-0899), located southeasterly of Pomerado Road and Beeler Canyon Road in the Rancho Encantada Community Plan Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-258: Notice of Pending Final Map Approval – Sycamore Estates Phase II Unit 9.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Sycamore Estates Phase II Unit 9” (T.M. No. 99-0899), located southeasterly of Pomerado Road and Beeler Canyon Road in the Rancho Encantada Community Plan Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-259: Notice of Pending Final Map Approval – Sycamore Estates Phase II Unit 10.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Sycamore Estates Phase II Unit 10” (T.M. No. 99-0899), located southeasterly of Pomerado Road and Beeler Canyon Road in the Rancho Encantada Community Plan Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-260: **Notice** of Pending Final Map Approval – Sycamore Estates Phase II Unit 11.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Sycamore Estates Phase II Unit 11” (T.M. No. 99-0899), located southeasterly of Pomerado Road and Beeler Canyon Road in the Rancho Encantada Community Plan Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.



ITEM-S400: Rancho Bernardo High School Softball Team CIF Champions Day.

(Continued from the meeting of July 18, 2005, Item 30, at the request of Councilmember Maienschein, to continue to next week.)

COUNCILMEMBER MAIENSCHIN’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-26 Rev.) ADOPTED AS RESOLUTION R-300711

Proclaiming July 25, 2005, to be “Rancho Bernardo High School Softball Team CIF Champions Day” in the City of San Diego in recognition of their victory in the CIF softball championship.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:07 p.m. – 2:10 p.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-S401: Waiver of Attorney-Client Privilege and the Work Product Doctrine.

(Continued from the meeting of July 19, 2005, Item S501, at the request of Councilmember Peters, to allow the City Attorney time to provide written opinion to Council on this item.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-) CONTINUED TO MONDAY, AUGUST 1, 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 S402 and S403, the City Manager is requesting that the City Council waive the applicable privileges for the reports.

Ewell

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 7:11 p.m. – 7:13 p.m.)

MOTION BY PETERS TO CONTINUE TO AUGUST 1, 2005, AT THE REQUEST OF CITY ATTORNEY AGUIRRE, FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-S402: Provision of Defense for Defendants in Case No. GIC 850246 – People v. Grissom, et al.

(Continued from the meeting of July 19, 2005, Item S502, at the request of Councilmember Peters, to allow the City Attorney time to provide Council a written opinion on this item.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-) CONTINUED TO MONDAY, AUGUST 1, 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: NONE

COUNCIL ACTION: (Time duration: 7:11 p.m. – 7:13 p.m.)

MOTION BY PETERS TO CONTINUE TO AUGUST 1, 2005, AT THE REQUEST OF CITY ATTORNEY AGUIRRE, FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-S403: Provision of Defense for San Diego City Employee's Retirement System (SDCERS) Board of Administration in Cross Complaint Case No. GIC 841845.

(Continued from the meeting of July 19, 2005, Item S503, at the request of Councilmember Peters, to allow the City Attorney time to provide Council a written opinion on this item.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-) CONTINUED TO MONDAY, AUGUST 1, 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: 7:11 p.m. – 7:13 p.m.)

MOTION BY PETERS TO CONTINUE TO AUGUST 1, 2005, AT THE REQUEST OF CITY ATTORNEY AGUIRRE, FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-S404: Six actions related to Approval of Leases for the Convention and Performing Arts Center.

(See City Manager Report CMR-05-153. Center City Community Area. District 2.)

(Continued from the meeting of July 18, 2005, Item 202, at the request of City Attorney, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-1366) CONTINUED TO MONDAY, AUGUST 8, 2005,
WITH DIRECTION

Authorizing the City Manager to execute, for and on behalf of the City of San Diego, a lease agreement between the City and Neighborhood Involvement Association, for the use of Golden Hall, meeting and conference rooms, and other specified portions of the San Diego Community Concourse for a period of five years with the option for five one-year extensions for the management, marketing, and operation of the Lease Premises at the Concourse as a public assembly venue for entertainment, sporting events, educational, community, convention performing arts, corporate, and civic activities at the base rental rate of \$130,000 per year (with the base rent for the first five years (\$650,000) paid in advance) plus percentage rent of five percent of gross income paid on a monthly basis, and on such other terms and conditions as are set forth in the proposed Lease Agreement.

Subitem-B: (R-2005-1367 Cor. Copy) CONTINUED TO MONDAY,
AUGUST 8, 2005, WITH DIRECTION

Authorizing the City Manager to rename the Municipal Parking Garage Operations Fund (Fund 10322) as the "Concourse and Parking Garages Operating Fund," and

to reprogram the Fund for operation of the Concourse, the Evan P. Jones Parkade, and the parking garage for the World Trade Center building;

Authorizing the City Manager to redirect and deposit rent revenues from the CAB Deli and Downtown Johnny Brown's leases, currently deposited into Revenue Account No. 75602, to Fund 10322;

Authorizing the City Manager to establish a reserve for Fund 10322 in an amount up to \$550,000 for Fiscal Year 2006, and to determine the appropriate reserve amount for future fiscal years.

Subitem-C: (R-2005-1368) CONTINUED TO MONDAY, AUGUST 8, 2005,
WITH DIRECTION

Authorizing the City Manager to expend an amount not to exceed \$500,000 from Fund 10322 for tenant improvements to Plaza Hall required to relocate the City's General Services Department, Print Shop operations to Plaza Hall, contingent upon the City Auditor and Comptroller certifying the availability of funds;

Declaring the City Manager shall direct repayment of this amount by the General Services Department, Print Shop to Fund 10322 in payments amortized over seven years.

Subitem-D: (R-2005-1369 Cor. Copy) CONTINUED TO MONDAY,
AUGUST 8, 2005, WITH DIRECTION

Authorizing the City Manager to execute, for and on behalf of the City, a lease agreement between the City and San Diego Civic Opera for use of the Copper Room located within the San Diego Community Concourse for a period of one year with the option for four one-year extensions and upon such other terms and conditions as are substantially set forth in the form of agreement attached to City Manager Report No. 05-153, dated July 13 2005.

Subitem-E: (R-2005-1371 Cor. Copy) CONTINUED TO MONDAY,
AUGUST 8, 2005, WITH DIRECTION

Authorizing the City Manager to execute, for and on behalf of the City, a lease agreement between the City and Vince and Claudia Paradise doing business as Paradise Cafe III, for the operation of a deli for a term of three years with the option of two one-year extensions at the rental rate of the greater of \$870 per month or 7% of gross revenue, and on such other terms and conditions as are substantially set

forth in the form of lease agreement attached to City Manager Report No. 05-153, dated July 13, 2005.

Subitem-F: (R-2005-1370 Cor. Copy) CONTINUED TO MONDAY,
AUGUST 8, 2005, WITH DIRECTION

Authorizing the City Manager to execute, for and on behalf of the City, a concession agreement between the City and Vince and Claudia Paradise doing business as Paradise Cafe II for the coffee cart concession in the outdoor plaza areas at the Civic Center Complex for a term of one year with the option of four one-year extensions at the rental rate of the greater of \$1,500 per month or 15 % of gross revenue, and on such other terms and conditions as are substantially set forth in the form of agreement attached to City Manager Report No. 05-153, dated July 13, 2005.

Staff: Chris Hargett – (619) 236-6766
Carrie L. Gleason – Chief Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 4:16 p.m. – 4:31 p.m.)

MOTION BY PETERS TO CONTINUE TO AUGUST 8, 2005, AT THE REQUEST OF THE CITY ATTORNEY IN ORDER TO RENDER AN OPINION ON CONSTITUTIONAL ISSUES AND CLARIFY CONTRACT ISSUES. ACCEPT COUNCIL MEMBER FRYE'S RECOMMENDATION THAT THE FINANCIAL DOCUMENTS BE MADE AVAILABLE TO THE COUNCIL WHEN THIS ITEM COMES BACK. Second by Frye. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-S405: Fiscal Year 2005-2006 Appropriation Ordinance.

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

(Continued from the meeting of July 19, 2005, Item 338, at the request of Councilmember Peters, to hold 2nd public hearing.)

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-2006-22) INTRODUCED AND ADOPTED AS
ORDINANCE O-19396 (New Series)

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: MEET

COUNCIL ACTION: (Time duration: 6:52 p.m. – 7:04 p.m.)

MOTION BY PETERS TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-S406: Additional Payment of the Fiscal Year 2005 Retiree Health Care Balance.

(Continued from the meeting of July 19, 2005, Item 339, at the request of Councilmember Peters, to hold 2nd public hearing.)

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-2006-3) INTRODUCED AND ADOPTED AS
ORDINANCE O-19397 (New Series)

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: MEET

COUNCIL ACTION: (Time duration: 7:04 p.m. – 7:10 p.m.)

MOTION BY PETERS TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Frye. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-S407: Selection by the City Council of a New Deputy Mayor.

CITY ATTORNEY’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-78 Cor Copy) ADOPTED AS RESOLUTION R-300712

Selecting a Councilmember as Deputy Mayor of the City of San Diego, for the period commencing on July 25, 2005, and until a successor is selected in the month of December 2006, pursuant to Section 25 of the Charter of the City of San Diego and after full discussion and deliberation by the City Council.

SUPPORTING INFORMATION:

Councilmember Michael Zucchet was selected Deputy Mayor in December of 2004 but has resigned his position. The position of Deputy Mayor is now vacant. In order for the duties of Mayor to be discharged as provided in the City Charter until a new Mayor is elected and sworn in, the City Council may select a new Deputy Mayor. Nominations may be made from the floor by any Councilmember except the Chair pro tem for the meeting, and a Deputy Mayor may be selected by a vote of the City Council.

Girard

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:14 p.m. – 3:24 p.m.)

MOTION BY PETERS TO NOMINATE COUNCIL MEMBER ATKINS TO BE SELECTED AS DEPUTY MAYOR AND ADOPT THE RESOLUTION. Second by Frye. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-S408: City Attorney's Task Force for Lease and Other Contract Review.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-79 Cor. Copy) CONTINUED TO MONDAY, AUGUST 1, 2005

Accepting and approving the City Attorney's oral report;

Establishing task force consisting of representatives of the City Attorney's Office, City Manager's Office, and City Auditor's Office to review City contracts and leases as described in the City Attorney's oral report.

SUPPORTING INFORMATION:

In order to protect the interests of the citizens of the City of San Diego, the City Attorney is creating a Contract and Lease Task Force to review various City agreements. This review will ensure the City realizes the optimum economic contract benefits allowable under law. The Task Force will also work with the City Manager's and Auditor's Offices to develop the best practices in negotiations, implementation, and contract enforcement.

Aguirre/KK

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 7:10 p.m. – 7:10 p.m.)

MOTION BY PETERS TO CONTINUE TO AUGUST 1, 2005, AT THE REQUEST OF THE CITY ATTORNEY FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Atkins at 7:15 p.m. in honor of the memory of:

Doraid Akram Toma as requested by Deputy Mayor Atkins.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 7:14 p.m. – 7:15 p.m.)