

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MARCH 6, 2006
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Pro Tem Young at 2:04 p.m. The meeting was adjourned by Council President Pro Tem Young at 3:29 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-not present-Excused by R-301311;no reason given
 - (2) Council Member Faulconer-present
 - (3) Council Member Atkins-not present-Excused by R-301373;due to illness
 - (4) Council Member Young-present
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-not present-Excused by R-301313;no reason given
 - (8) Council Member Hueso-present
- Clerk-Maland (gs)

FILE LOCATION: MINUTES



ITEM-1:

ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-not present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-not present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-not present
- (8) Council Member Hueso-present

FILE LOCATION:

MINUTES



ITEM-10:

INVOCATION

Invocation was given by Pastor Richard Rollefson of Christ Lutheran Church.

FILE LOCATION:

MINUTES



ITEM-20:

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Hueso.

FILE LOCATION:

MINUTES

CLOSED SESSION ITEMS:

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

CS-1 *City of San Diego v. Pacific Southwest Land Company, et al.,*
San Diego Superior Court Case No. GIC 821773

REFERRED TO CLOSED SESSION OF TUESDAY, MARCH 7, 2006

DCA assigned: L. Fitzgerald

This is an eminent domain action brought to acquire property needed for the expansion and remodeling of the Skyline Library. In Closed Session, the City Attorney will seek approval of a final offer of compensation to be made to the property owner(s), as required by eminent domain law (Code of Civil Procedure section 1250.410).

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:28 p.m. – 3:28 p.m.)

Council President Pro Tem Young closed the hearing.

CS-2 *City of San Diego v. Tracy L. Means, et. al.,*
San Diego Superior Court Case No. GIC 858344

REFERRED TO CLOSED SESSION OF TUESDAY, MARCH 7, 2006

DCA assigned: S. Ferguson/C. Bradley

This is an action against a former employee, Tracy Means and other named defendants to rescind illegally awarded public contracts; to recover money had and received, and for violations of the Unfair Competition Act and the False Claims Act. The City asserts that Tracy Means awarded 14 consulting service contracts to the co-defendants without the authority to do so and in violation of the competitive bidding requirements of the San

Diego Municipal Code and the San Diego Administrative Regulations. Ms. Means has requested that the City provide her defense to the action under Government Code sections 825 and 995. In Closed Session, the City Attorney will discuss the facts underlying the action, provide a status report, and discuss the City's obligation to provide a defense under Government Codes section 995 *et. seq.*

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:29 p.m. – 3:29 p.m.)

Council President Pro Tem Young closed the hearing.

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-3 Agency negotiator: Scott Chadwick, J. Rod Betts, Julie Dubick, Lisa Briggs, Jay Goldstone, Rich Snapper, Scott Chadwick, Val VanDeweghe, Joseph Sanchez, William Gersten

Employee organizations: Municipal Employees Association, Local 145 International Association of Firefighters AFL-CIO, San Diego Police Officers Association, Deputy City Attorney Association, AFSCME Local 127

REFERRED TO CLOSED SESSION OF TUESDAY, MARCH 7, 2006

DCA assigned: J. Michelli

1. Discuss with Council the negotiations with all five labor unions (Municipal Employees Association, AFSCME Local 127, Police Officers Association, International Association of Firefighters Local 145, and the Deputy City Attorney's Association) regarding the Mayor's two Ballot proposals that would allow for the managed competition of certain City services and also require voter approval for enhancements to employee pension benefits.

2. Discuss with Council the upcoming labor contract negotiations with the Police Officers Association, International Association of Firefighters Local 145, and the Deputy City Attorney Association regarding new labor agreements.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:29 p.m. – 3:29 p.m.)

Council President Pro Tem Young closed the hearing.



ITEM-200: Accepting the Report of the Independent Budget Analyst and Chief Financial Officer Regarding the Fiscal Year 2007 Budget Development and Public Input Process.

(See Independent Budget Analyst Report No. 06-8.)

INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-733) ADOPTED AS RESOLUTION R-301267

Accepting and approving the report of the Independent Budget Analyst and Chief Financial Officer, dated February 16, 2006, including the complete calendar for the budget process for the months of April through July 2006, attached thereto as Attachment A and B (Report), concerning the Fiscal Year 2007 Budget Development and Public Input Process;

Changing the Budget and Finance Committee and Rules Committee Legislative Calendars for the month of May 2006 to accommodate the Fiscal Year 2007 Process Calendar as follows:

Budget and Finance Committee:

Reschedule the meeting originally planned for Wednesday, May 17, 2006, to Wednesday May 24, 2006.

Rules Committee:

Reschedule the meeting originally planned for Wednesday May 24, 2006, to Wednesday May 31, 2006.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:07 p.m. – 3:19 p.m.)

MOTION BY FRYE TO ADOPT THE RESOLUTION AND AMEND THE BUDGET ANALYST REPORT BY CHANGING THE SECOND READING OF THE APPROPRIATIONS ORDINANCE FROM MONDAY, JULY 24, 2006, TO WEDNESDAY, JULY 19, 2006. Second by Faulconer. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-not present, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.



ITEM-201: Sixth Amendment to the City of San Diego Nondisposal Facility Element Regarding Waste Reduction.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-617) ADOPTED AS RESOLUTION R-301268

Adopting the Sixth Amendment to the City of San Diego's Nondisposal Facility Element, adopted on July 25, 1994, in Resolution No. R-284332, as set forth in the Sixth Amendment;

Authorizing and directing the Mayor, or his designee, in accordance with the California Public Resources Code, to submit the above Sixth Amendment to the California Integrated Waste Management Board;

Declaring this activity is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15282(p) because it constitutes the amendment of a nondisposal facility element as set forth in Section 41735 of the Public Resources Code.

STAFF SUPPORTING INFORMATION:

The Nondisposal Facility Element (NDFE) is a general description of the solid waste facilities needed to implement the City's source reduction, recycling, and composting activities. The State added the NDFE requirement to the Public Resources Code in 1992. The City's original NDFE was approved in 1994. Any nondisposal facility that is seeking to apply for a Solid Waste Facility Permit (SWFP) must first be identified in the NDFE.

This action will result in the sixth amendment to the NDFE. The purpose of the amendment is to add the mixed construction and demolition waste recycling facility being developed at Miramar Landfill (see Section 2.3.4 (page 15) of the NDFE), to add a second recycling and waste transfer facility that is in the initial planning stages at the Miramar Landfill (see Section 2.3.3 (page 14)), to delete three facilities that are no longer in operation (see Section 2.5 (page 26)), and update the status of several private recycling facilities listed in the document.

On June 25, 2004, The San Diego Association of Governments (SANDAG), acting as the Integrated Waste Management Task Force to the San Diego region, approved the request of the City of San Diego to support the submission of the Sixth Amendment to the City's NDFE. SANDAG's action was one of the required steps in the process.

FISCAL IMPACT:

None.

Haas/Heap/KP

Staff: Kip Sturdevan - (858) 573-1214
Grace C. Lowenberg - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:20 p.m. – 3:24 p.m.)

MOTION BY FRYE TO ADOPT. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-not present, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.



ITEM-202: Loring Street Neighborhood Project.

Matter of approving, conditionally approving, modifying or denying a request for a Coastal Development Permit and Public Right-of-Way Vacation to vacate approximately 33-feet of excess dedicated public Right-of-Way on the north side of Loring Street between Cass Street and Foothill Boulevard with no physical change to the existing curb, gutter and paved street improvements within the Coastal Overlay Zone (non-appealable area), Coastal Height Limit, and Beach Parking Impact Overlay Zone all within the boundaries of the Pacific Beach Community Plan area.

(CDP No. 240154/Public R-O-W Vacation No. 22191/Project No. 11319. Pacific Beach Community Plan Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the resolutions in subitems A and B:

Subitem-A: (R-2006-689) CONTINUED TO TUESDAY, APRIL 4, 2006

Adoption of a Resolution certifying findings with respect to Coastal Development Permit No. 240154;

Granting Coastal Development Permit No. 240154 to City of San Diego, a Municipal corporation, Owner, and John S. Fisher, Representative of 49 Individuals, Permittees, pursuant to San Diego Municipal Code [SDMC] section 125.0901, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

Subitem-B: (R-2006-688) CONTINUED TO TUESDAY, APRIL 4, 2006

Adoption of a Resolution ordering vacated the portion of Loring Street, as described in the legal description marked as Exhibit "A," and as more particularly shown on Drawing No. 20235-B, marked as Exhibit "B," which by this reference incorporated herein and made a part hereof.

OTHER RECOMMENDATIONS:

Planning Commission on September 29, 2005, voted 6-1 to recommend to the City Council that they approve staff's recommendation; no opposition.

Ayes: Steele, Chase, Schultz, Garcia, Ontai, Otsuji
Nays: Griswold

The application is an effort by 53 joint applicants owning property along this street frontage, the City mailed a Notice of Application and subsequent Notices of public hearing to the required ownership and tenant lists and the Pacific Beach Community Planning Committee voted to recommend denial of the application by a vote of 7-4-0 on December 22, 2003. The Planning Group expressed concern that the vacation could adversely affect the "park like setting of the street" and how the appearance of new development on the front of existing homes would affect the street scene.

STAFF SUPPORTING INFORMATION:

A vacation of a public right-of-way requires City Council approval under a Process 5 procedure. The right-of-way for Loring Street came from the separate subdivisions on the north and south sides that resulted in an excessive dedicated right-of-way of 125-feet which includes the developed street at a width of 52-feet. The resultant curb-to-property-line distance on the north side is 49-feet and on the south side is 24-feet.

There was no public opposition at the Planning Commission.

The applicants requested that this item not be scheduled for a City Council hearing until an elected representative was seated for this Council District.

FISCAL IMPACT:

All costs associated with the processing of the project application are borne by the applicant through a deposit account with the City of San Diego.

Waring/Halbert/RMK

LEGAL DESCRIPTION:

The project site is located on the north side of Loring Street between Cass Street and Foothill Boulevard in the Cass Street Planned District and RS-1-7 and RM-1-1 zones of the Pacific Beach Community Plan area.

NOTE: This activity is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(B)(3).

Staff: Robert Korch – (619) 446-5229
Shannon M. Thomas – Deputy City Attorney

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:10 p.m.)

MOTION BY FAULCONER TO CONTINUE TO TUESDAY, APRIL 4, 2006, TO ALLOW FOR FULL COUNCIL ATTENDANCE. Second by Maienschein. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-not present, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.



ITEM-203: Sabre Springs-Savannah Terrace.

Matter of approving, conditionally approving, modifying or denying an application for a Community Plan Amendment, Rezone, Planned Development Permit and Map Waiver for two parcels for the development of forty-two (42) new residential condominium units on one parcel located on Poway Road between Savannah Creek Drive and Creekview Drive, and development guidelines for future development on a parcel located at the southeastern corner of Poway Road and Springhurst Drive within the Sabre Springs Community Planning area.

(See Report to the City Council No. 06-022. MND/MMRP/CPA No. 40451/PG&GP/PDP No. 95020/Map Waiver No. 95709/RZ No. 40450/Project No. 17749. Sabre Springs Community Plan Area. District 5.)

STAFF'S RECOMMENDATION:

Adopt the resolutions in Subitems A, B, C, and D; and introduce the ordinance in Subitem E:

Subitem-A: (R-2006-690) ADOPTED AS RESOLUTION R-301269

Adoption of a Resolution certifying that Mitigated Negative Declaration LDR No. 17749, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a community plan amendment, rezone, planned development permit and map waiver for Sabre Springs-Savannah Terraces;

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

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

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

Subitem-B: (R-2006-691 Cor. Copy 2) ADOPTED AS RESOLUTION R-301270

Adoption of a Resolution amending the Sabre Springs Community Plan;

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

Subitem-C: (R-2006-693 Cor. Copy) ADOPTED AS RESOLUTION R-301271

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are incorporated herein by reference, with respect to Planned Development Permit No. 95020;

That Planned Development Permit No. 95020 is granted to Pardee Homes, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Subitem-D: (R-2006-692) ADOPTED AS RESOLUTION R-301272

Adoption of a Resolution certifying findings supported by the minutes, maps, and exhibits, all of which are incorporated herein by reference, with respect to Map Waiver No. 95709;

That the recommendation of the Planning Commission is sustained, and Map Waiver is granted to Pardee Homes and Rick Engineering Company, Engineer, subject to the attached conditions which are made a part of this resolution.

Subitem-E: (O-2006-98) INTRODUCED, TO BE ADOPTED ON TUESDAY,
MARCH 21, 2006

Introduction of an Ordinance of the Council of the City of San Diego changing 2.22 acres located at the northwest corner of Poway Road and Creekview Drive, within the Sabre Springs Community Plan Area, in the City of San Diego, California, from the CC-1-3 Zone (previously referred to as the CA Zone) into the RM-2-5 Zone (previously referred to as the R-1500 Zone), as defined by San Diego Municipal Code Section 131.0406, and repealing Ordinance No. O-15806 (New Series), adopted August 23, 1982, and Ordinance No. O-18381 (New Series), Adopted February 10, 1997, of Ordinances of the City of San Diego insofar as the same conflict herewith; and changing 2.5 acres located at the southeast corner of Poway Road and Springhurst Drive within the Sabre Springs Community Plan Area, in the City of San Diego, California, from the RM-1-1 Zone (previously referred to as the R-3000 Zone) into the CC-1-2 Zone (previously referred to as the CN Zone) as defined by San Diego Municipal Code Section 131.0507, and repealing Ordinance No. O-15806 (New Series), adopted August 23, 1982, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

OTHER RECOMMENDATIONS:

Planning Commission on October 20, 2005, voted 5-0 to recommend approval; no opposition.

Ayes: Ontai, Griswold, Garcia, Chase, Otsuji
Recusing: Schultz, Steele

The Sabre Springs Planning Group on September 16, 2004, voted 5-0-0 to recommend approval of the proposed project with a modification in the design guidelines.

STAFF SUPPORTING INFORMATION:

On June 5, 2003, the Planning Commission held a public hearing to consider a request to initiate amendments to the Progress Guide, General Plan and the Sabre Springs Community Plan. The proposal consisted of re-designating a 2.22-acre parcel (Parcel No. 16) from "Community Commercial" to "Medium-Density Residential," and re-designating a 2.5-acre parcel (Parcel No. 31) from "Institutional" to "Community Commercial." On June 5, 2003, the Planning Commission could make the required findings and voted 6-0 to initiate the amendments.

Parcel No. 16 is a graded 2.22-acre vacant lot east of Interstate 15 at the northwest corner of Poway Road and Creekview Drive in the CC-1-3 zone within the "Community Commercial" land use designation of the Sabre Spring Community Planning area. It is the last parcel of a larger area originally designated for commercial use in the 1982 Sabre Springs Community Plan. Since then, all surrounding parcels have been re-designated residential. At the time their residential use was approved, several City Council members recommended changing Parcel No. 16 to residential also. Parcel No. 16 has residential uses to the west, north, and east.

Parcel No. 31 is a graded 2.5-acre vacant lot east of Interstate 15 at the southeast corner of Poway Road and Springhurst Drive in the RM-1-1 zone, designated as "Institutional" land use in the Sabre Springs Community Planning area. It was designated "Institutional" to allow for the expansion of an adjacent church to the east on Parcel No. 32. The acquisition never occurred as ownership of the existing church changed, and subsequent prospective religious organizations have found the site unsuitable for use. Site elevation drops 35 feet from north to south, so it is necessary to lift the site to approximately the elevation of Poway Road. The fill slopes required to achieve this reduce the net usable development acreage to 1.5 acres. This has proven to be insufficient for both a religious structure and its required on-site parking.

The proposed Community Plan and General Plan Amendment and Rezone would include rezoning Parcel No. 16 from CC-1-3 (Commercial) to RM-2-5 (Residential) and Parcel No. 31 from RM-1-1 (Residential) to CC-1-2 (Commercial). The proposed Planned Development Permit would govern the residential development proposed for the 2.22-acre Parcel No. 16 and future commercial development on the 2.5-acre Parcel No. 31 via design guidelines and conditions. The proposed map waiver would waive the requirement for a Tentative Map to develop 42 condominiums on Parcel No. 16. The applicant will meet the requirements of the Inclusionary Housing Ordinance through the payment of “In-Lieu” fees to help with the provision of affordable units within the City of San Diego. This project proposes no development on the 2.5-acre Parcel No. 31 at the present time.

Waring/Halbert/RPT

LEGAL DESCRIPTION:

The proposed Community Plan Amendment and Rezone would include rezoning Parcel 16 located at the northwest corner of Poway Road and Creekview Drive from CC-1-3 (Commercial) to RM-2-5 (Residential) and Parcel 31 located at the southeast corner of Poway Road and Springhurst Drive from RM-1-1 (Residential) to CC-1-2 (Commercial). The proposed Planned Development Permit would include the construction of seven six-unit condominium buildings on Parcel 16 and for the future commercial development of Parcel 31. The Map waiver would apply to the development of Parcel 16 only. The project sites are within the Sabre Springs Community Plan.

Staff: Robert Tucker – (619) 557-7919
Douglas K. Humphreys – Deputy City Attorney

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

FILE LOCATION: SUBITEMS A, B, C, & D: MEET
SUBITEM E: NONE

COUNCIL ACTION: (Time duration: 3:24 p.m. – 3:28 p.m.)

Testimony in favor by Jack Griffiths.

MOTION BY MAIENSCHIN TO ADOPT THE RESOLUTIONS IN SUBITEMS A, B, C, AND D; AND INTRODUCE THE ORDINANCE IN SUBITEM E. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-not present, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

ITEM-250: **Notice** of Pending Final Map Approval - 4025 Florida Street Condominiums.

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 "4025 Florida Street Condominiums" (T.M. No. 198737/PTS No. 84244), located on the east side of Florida Street between Polk Avenue and Lincoln Avenue in the Greater North Park Community Plan Area in Council District 3, 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 - 4424 Altadena Condominiums.

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 "4424 Altadena Condominiums" (T.M. No. 150016/PTS No. 69742), located westerly of Altadena Avenue between El Cajon Blvd. and Monroe Avenue in the Mid-City: Kensington-Talmadge Community Plan Area in Council District 3, 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: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the June 6, 2006 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	1/20/2006	137	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	1/25/2006	132	Rules Committee review
Monday	1/30/2006	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	2/06/2006	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	2/27/2006	99	Council adopts ordinances prepared by City Attorney
Friday	3/10/2006	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	3/23/2006	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4050.



ITEM-S400: Two actions related to the Matter of Torres v. City of San Diego and Whether to Provide for the Defense of Defendants in City of San Diego v. Grissom, et. al., and Cross-Defendants in SDCERS v. Aguirre, et. al., and to Repeal Portions of Resolution R-297335 Relating to Indemnity of SDCERS Board Members.

(See City Attorney Report dated 3/2/2006; and memorandum from Council President Peters dated 3/1/2006.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-763) FAILED

Rescinding and of no further effect Resolution R-297335 Passed on November 18, 2002, providing for the legal indemnity of all former and then-current members of the San Diego City Employees' Retirement Board (SDCERS).

Subitem-B: (R-2006-764) NOTED AND FILED

Declining to provide a defense in Civil Actions filed against certain employee Retirement Trust Board Members under the exceptions provided in California Government Code Sections 995.2 and 995.4.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 3:06 p.m.)

MOTION BY FRYE TO ADOPT SUBITEM A. Second by Maienschein. Failed.
Yeas-2,5,6,8. Nay-4. Not Present-1,3,7.

MOTION BY COMMON CONSENT TO NOTE AND FILE SUBITEM B. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-not present, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Pro Tem Young at 3:29 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 3:29 p.m.)