

Exhibit 1

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, DECEMBER 2, 1997
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:06 a.m.

Frank Belock, Director of Engineering and Capital Projects, gave a presentation regarding the City's preparations for the upcoming winter relating to the climatic condition El Nino may bring to the region. Mr. Belock informed Council of the work going on in the field, infrastructure, and flood-way improvements. Chris Bach, Coordinator of the Emergency Operation's Center also gave information as to the City's preparedness for emergency situations. He said the five areas of focus that City Disaster Preparedness has been working on are training for first responders, community outreach, public information, command in control, and outside resources.

Mayor Golding recessed the meeting at 11:12 a.m. to convene the Redevelopment Agency. The meeting was reconvened by Mayor Golding at 11:15 a.m. with Council Member Mathis not present. The meeting was recessed by Mayor Golding at 12:08 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:09 p.m. with Council Members Mathis, Kehoe and Vargas not present. Mayor Golding recessed the meeting at 4:05 p.m. to reconvene the Redevelopment Agency. The Council Meeting was reconvened by Mayor Golding at 4:07 p.m. with Council Member Mathis not present. Deputy Mayor Warden recessed the meeting at 4:42 p.m. to reconvene the Redevelopment Agency. The Council Meeting was reconvened by Deputy Mayor Warden at 4:45 p.m. with Mayor Golding and Council Members Mathis and Wear not present. Deputy Mayor Warden adjourned the meeting at 4:47 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-excused by R-289588
(Death of father)

ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-54:

SUBJECT: Matter of the New Century Center Development Plan - Proposed Redevelopment of the Kearny Mesa General Dynamics Site in the Kearny Mesa Community Plan Area. (Kearny Mesa Community Area. District-6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 11/18/97. (Council voted 9-0):

Subitem-A: (O-98-39) ADOPTED AS ORDINANCE O-18447 (New Series)

Incorporating the Kearny Mesa General Dynamics property into the CA, M-1A and OS-TDR Zones.

Subitem-B: (O-98-40) ADOPTED AS ORDINANCE O-18448 (New Series)

Approving the Development Agreement between the City of San Diego and General Dynamics Properties, Inc.

FILE LOCATION: Subitems A,B: LAND-Kearny Mesa
Community Plan Area CONT FY98-1

COUNCIL ACTION: (Tape location: B187-319.)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Wear. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100:

SUBJECT: Inviting Bids for the Sidewalk and Curb/Gutter Replacement City Wide "C-15".

CITY MANAGER'S RECOMMENDATION:

(O-98-39)

ORDINANCE NUMBER O-18447 (NEW SERIES)

ADOPTED ON DECEMBER 2, 1997

AN ORDINANCE INCORPORATING THE KEARNY MESA GENERAL DYNAMICS PROPERTY LOCATED IN THE CITY OF SAN DIEGO, CALIFORNIA, INTO THE CA, M-1A AND OS-TDR ZONES, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 101.0428, 101.0436, AND 101.0405 RESPECTIVELY.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That the Kearny Mesa General Dynamics property located in The City of San Diego, California, within the boundary of the district designated M-IB on Zone Map Drawing No. B-4056, a copy of which is attached hereto, filed in the office of the City Clerk as Document No. OO-18447, be and is hereby incorporated into the CA, M-1A and OS-TDR Zones, as provided on Zone Map Drawing No. B-4056, as such zones are described and defined by San Diego Municipal Code Sections 101.0428, 101.0436, and 101.0405 respectively.

Section 2. That all other prior ordinances of The City of San Diego be and they are hereby repealed insofar as the same conflict herewith.

Section 3. This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption

of this ordinance.

APPROVED: CASEY GWINN, City Attorney

By _____
Prescilla Dugard
Deputy City Attorney

PD:cdk
11/03/97
Or.Dept.Dev.Svcs.
Case No.96-0165
O-98-39
Form=rezxo.frm

(O-98-40)

ORDINANCE NUMBER O-18448 (NEW SERIES)

ADOPTED ON DECEMBER 2, 1997

AN ORDINANCE APPROVING THE DEVELOPMENT
AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND
GENERAL DYNAMICS PROPERTIES, INC.

WHEREAS, General Dynamics Properties, Inc. ("Owner") is the owner or equitable owner of that certain real property consisting of approximately 232 acres located within the Kearny Mesa community planning area; and

WHEREAS, The City of San Diego, a charter city, is authorized pursuant to Government Code Sections 65864 - 65869.5 to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property in order to establish certainty in the development process. The City further enters into this Development Agreement pursuant to its Charter and self-rule powers and San Diego Municipal Code Sections 111.0901 *et seq.*; and

WHEREAS, the parties desire to enter into this Development Agreement relating to the above-described real property in conformance with the provisions of the Government Code in order to achieve the development of private land uses together with the provision of public services, public uses, and urban infrastructure all in the promotion of the health, safety, and general welfare of the City of San Diego; and

WHEREAS, the property is located within the boundaries of the Kearny Mesa community planning area. This community plan was amended by the Council on November 18, 1997, by Resolution No. R-289452. In conjunction with the amendment of the community plan, the

Council certified the information contained in the Environmental Impact Report and approved the findings of the environmental document in compliance with the California Environmental Quality Act of 1970; and

WHEREAS, development of the subject property will be in conformance with the Kearny Mesa Community Plan, the CA, M1-A, and OS-TDR Zones, and the New Century Center Project Master Plan and approvals (LDR No. 96-0165) including a Planned Commercial Development Permit, Planned Industrial Development Permit, Vesting Tentative Map, Resource Protection Permit, and the New Century Center Development Standards and Design Manual. The environmental effects of development permitted pursuant to the agreement were addressed in Environmental Impact Report No. 96-0165 which has been certified by the City; and

WHEREAS, because of the complexities of financing the urban infrastructure, certainty in the development process is desirable. The phasing, timing and development of the public infrastructure including, but not limited to, parks, libraries, fire stations, transportation facilities, sewer and water facilities, other utilities, and open space maintenance necessitates a significant commitment of resources, planning and effort by property owners and the City in order for the public facilities financing to be successfully completed. Accordingly, in return for the participation and commitment to provide a pro rata share of public facilities and the significant contribution of private resources for public purposes, the City in return desires to make a commitment for certainty in the development process; and

WHEREAS, pursuant to the terms of the Development Agreement, Owner will provide substantial public improvements and benefits to the City including participation in the Kearny Mesa Public Facilities Financing Plan. In consideration of the public improvements and benefits to be provided by Owner pursuant to the Development Agreement, in consideration of Owner's

agreement to finance public facilities, and in order to strengthen the public planning process and reduce the economic costs of development, by the Development Agreement the City intends to give Owner assurance that Owner can proceed with the development of the subject property for the term of the Development Agreement pursuant to the Development Agreement; and

WHEREAS, on October 23, 1997, the Planning Commission of The City of San Diego, after giving notice pursuant to Government Code Sections 65854, 65854.5, 65856, and Section 105.0103 of the San Diego Municipal Code held a public hearing on the application for the Development Agreement and recommended approval of same; and

WHEREAS, the Council of The City of San Diego, after providing public notice as required by law, held a public hearing on Owner's application, wherein all persons desiring to be heard were heard, and pursuant to said public hearing the Council recommended approval of the Development Agreement; and

WHEREAS, the Council finds that the Development Agreement is consistent with the Progress Guide and General Plan and the Kearny Mesa Community Plan, as well as all other applicable policies and regulations of The City of San Diego; and

WHEREAS, the Council has reviewed and considered the Development Agreement and determined the content of the Development Agreement to be complete and correct; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. The Council finds and determines the facts stated above to be true.

Section 2. The Council further finds with respect to the Development Agreement that:

A. It is consistent with the objectives, policies, programs and uses specified in the Progress Guide and General Plan and the Kearny Mesa Community

Plan.

B. It will not be detrimental to the public health, safety and general welfare.

C. It will promote the orderly development of property or the preservation of property values in accordance with good land use practice.

Section 3. The Council hereby approves the General Dynamics Properties, Inc.

Development Agreement, a copy of which is on file in the office of the City Clerk as Document No. OO-18448, and authorizes and directs the City Manager to execute said Development Agreement in the name of The City of San Diego not later than 15 days following the effective date of this ordinance. Failure of Owner to execute the Development Agreement within 30 days, shall render this action null and void. The City Clerk is directed to record said Development Agreement and this ordinance with the County Recorder of San Diego County within ten days after its execution.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and

after its passage.

APPROVED: CASEY GWINN, City Attorney

By _____

Prescilla Dugard
Deputy City Attorney

PD:cdk
11/05/97
Or.Dept:Dev.Svcs.
O-98-40
Form=devagro.frm

Exhibit 2

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 3, 2000
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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Linwood Street proposed for vacation totals .149 acres and is located in the Uptown Community Planning Area. In 1997, the Uptown Planners recommended against the vacation by a vote of 10-0, with no conditions. They believed it did not meet the requirements of the Community Plan. Staff believes that the proposed vacation does meet the requirements of the Uptown Community Plan. On December 2, 1999, the Planning Commission voted 5-0 in favor of the vacation, recommending that a building restriction easement be included over the area proposed for vacation. Staff believes the building restriction easement is redundant because the vacated area will be significantly encumbered by general utility easements described below.

The applicant is requesting the vacation without a building restriction easement, in order to facilitate the construction of his proposed driveway. The area of Linwood Street proposed for vacation contains public sewer and SDG&E facilities, for which general utilities easements will be reserved as a condition of the vacation. Staff recommends that the right-of-way be vacated conditioned upon the reservation of general utilities easements, the installation of a curb cut to provide access, and a cut-and-plug of the water main in Keating Street.

FINDINGS: Staff review has indicated that the right-of-way may be vacated because the four required findings for vacation can be made.

FISCAL IMPACT:

None. All costs have been paid for by the applicant.
Culbreth-Graft/Haase/GH

FILE LOCATION: STRT-J-2916 (39)

COUNCIL ACTION: (Tape location: A301-376.)

Hearing began at 11:30 a.m. and halted at 11:35 p.m.

MOTION BY WEAR TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: San Diego Spectrum.

Matter of approving, conditionally approving, modifying

or denying the proposed 1) Lennar Project (99-1269) -
VTM/Master Plan Amendment to revise the lot and

street configuration on Phase 3 & 4 of TM-96-0165; revise the New Century Center Master Plan to reflect the new design of Market Square/Planning Area 2A; and vacate Irrevocable Offer to Dedicate for the old Market Square configuration: 2) FF Development (99-0509) - A Planned Residential Development permit, a Rezone for CA to R-1500, a Tentative Parcel Map, an Amendment to the Kearny Mesa Community Plan, the New Century Master Plan and the New Century Center Development Agreement to allow 448 multi-family residential units. The property is bounded by Clairemont Mesa Boulevard to the north, SR 163 and Kearny Villa Road to the west, Ruffin Road to the east, and Balboa Avenue to the south. TM-96-0165 (San Diego Spectrum)

(99-1269 & 99-0509. Kearny Mesa Community Plan Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in subitems A, B, and J; adopt the resolution in subitem E to grant the map; adopt the resolution in subitem F to grant the map; adopt the resolution in subitem G to grant the amendment to the permit; adopt the resolution in subitem H to grant the permit; and introduce the ordinances in subitems C, D, and I:

Subitem-A: (R-2001-437) ADOPTED AS RESOLUTION R-293925

Adoption of a Resolution certifying that the information contained in Addendum to an Environmental Impact Report (EIR) LDR-99-1269, dated July 6, 2000, Addendum to EIR-96-0165, has been completed in compliance with the California Environmental Quality Act of 1970 and State CEQA guidelines, and that said Addendum to EIR-96-0165 reflects the independent judgment of the City of San Diego as Lead Agency; Stating for the record that the Addendum to EIR-96-0165 has been reviewed and considered by the Council prior to approving the project.

Subitem-B: (R-2001-438) ADOPTED AS RESOLUTION R-293926

Adoption of a Resolution approving the requested amendments to the Kearny Mesa Community Plan and the Progress Guide and General Plan related to the New Century Center Master Plan.

Subitem-C: (O-2001-50) INTRODUCED, TO BE ADOPTED ON
OCTOBER 16, 2000

Introduction of an Ordinance changing 10.40 acres and 9.20 acres, located in the Kearny Mesa Community Plan Area, in the City of San Diego, California, from the CA and M-1B zones, respectively, to the R-1500 zone, as defined by San Diego Municipal Code Section 101.0410; and repealing Ordinances No. O-12342 (New Series), adopted May 1, 1978, and No. O-18447 (New Series), adopted December 2, 1997, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-D: (O-2001-51) INTRODUCED, TO BE ADOPTED ON
OCTOBER 16, 2000

Introduction of an Ordinance changing 11.90 acres, located in the Kearny Mesa Community Plan Area, in the City of San Diego, California, from the CA zone to the M-1B zone, as defined by San Diego Municipal Code Section 101.0435.2; and repealing Ordinance No. O-18447 (New Series), adopted December 2, 1997, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-E: (R-2001-) GRANTED MAP, ADOPTED AS
RESOLUTION R-293927

Adoption of a Resolution granting or denying Vesting Tentative Map (VTM) 99-1269.

Subitem-F: (R-2001-) GRANTED MAP, ADOPTED AS
RESOLUTION R-293928

Adoption of a Resolution granting or denying Tentative Parcel Map (TPM) 99-0509.

Subitem-G: (R-2001-) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-293929

Adoption of a Resolution granting or denying the Planned Industrial Development/Planned Commercial Development (PID/PCD) Permit Amendment No.-99-1269 that amends PID/PCD Permit No. 96-0165.

Subitem-H: (R-2001-) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-293930

Adoption of a Resolution granting or denying Planned
Residential Development Permit No.-99-0509 for 448
multi-family residential units.

Subitem-I: (O-2001-54) INTRODUCED, TO BE ADOPTED ON
OCTOBER 16, 2000.

Introduction of an Ordinance approving the amendment to
the New Century Center Development Agreement between
the City of San Diego and LNR Kearny Mesa, Inc.

Subitem-J: (R-2001-439) ADOPTED AS RESOLUTION R-293931

Adoption of a Resolution summarily vacating Irrevocable
Offer of Dedications and slope easements with Map
13826, Map 13827 and Map 13980, as provided for under
Public Streets, Highways and Service Easements Vacation
Law, Section 8330 et. seq. and under California
Government Code, Section 66434(g).

OTHER RECOMMENDATIONS:

Planning Commission on August 17, 2000, voted 5-0 to
approve; no opposition.

Motion by Anderson to recommend to the City Council that
they approve Staff's revised recommendations as outlined in
their memo dated August 11, 2000 regarding residential
options and a new parking lot design, along with the
following additional conditions:

1. Residential emphasis mixed use requirement south of the
commons under the current zones on Lot 6;
2. In the negotiated Development Agreement that they
pursue with the applicants, affordable housing density
bonuses, not in lieu of the units that are permitted,
but in addition to the units that are permitted as
there is an opportunity to add additional housing,
shared parking and transit credits to reduce the cost
to the developers to provide the housing. Also because
there is a demand for the housing given the service
jobs in Kearny Mesa and within the project itself
including the hospital and hotel.

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**REPORT OF THE
CALIFORNIA ATTORNEY GENERAL**



**SAN DIEGO CITY ATTORNEY MICHAEL AGUIRRE'S
ALLEGATIONS OF "CORRUPTION" AGAINST
SAN DIEGO MAYOR JERRY SANDERS REGARDING
THE SUNROAD BUILDING PROJECT**

MAY, 2008

**EDMUND G. BROWN JR.
ATTORNEY GENERAL**

