

CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Todd Gloria • Third District

COUNCIL PRESIDENT PRO TEM

Sherri Lightner • First District

COUNCILMEMBERS

Edward Harris • Second District

Myrtle Cole • Fourth District

Mark Kersey • Fifth District

Lorie Zapf • Sixth District

Scott Sherman • Seventh District

David Alvarez • Eighth District

Marti Emerald • Ninth District

**Andrea Tevlin
Independent
Budget Analyst**

**Jan Goldsmith
City Attorney**

**Liz Maland
City Clerk**

Council Chambers, 12th Floor, City Administration Building

Monday, September 22, 2014

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, SEPTEMBER 22, 2014, AT 2:00 PM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

This information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA), by contacting the City Clerk at (619) 533-4000 or <mailto:cityclerk@sandiego.gov>. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times, ranging from five business days to two weeks. Please keep this in mind and provide as much advance notice as possible in order to ensure availability. Assistive Listening Devices (ALDs) are available in Council Chambers upon request.

Pursuant to California Senate Bill 343 (Section 54957.5(b) of the Brown Act), late-arriving documents related to City Council meeting agenda items which are distributed to the legislative body prior to and during the Council meeting are available for public review in the Office of the City Clerk on the second floor of the City Administration Building, 202 C Street, San Diego, CA 92101. This relates to those documents received after the agenda is publicly noticed and during the 72 hours prior to the start of the meeting. Please note: Approximately one hour prior to the start of the Council Meeting, the documents will be available just outside Council Chambers in the lobby of the 12th floor of the City Administration Building in a binder labeled “SB 343.” Late-arriving materials received during the City Council meeting are available for review by making a verbal request of City Clerk staff located in Council Chambers.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to San Diego Municipal Code Section 22.0101, Rule 2.6.

MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY, CITY CLERK COMMENT

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE

The Council will consider requests for continuance based on when the item was noticed to be heard.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON ECONOMIC DEVELOPMENT AND INTERGOVERNMENTAL
RELATIONS, RESOLUTIONS:

ITEM-150: Proposed Response to Grand Jury Report "Say What You'll Do and Then Do What You Say: Past Grand Jurors Association Implementation Review Committee."
(Citywide.)

ITEM DESCRIPTION:

1. Approve and adopt the proposed response to the 2013/2014 San Diego County Grand Jury Report entitled, "Say What You'll Do and Then Do What You Say: Past Grand Jurors Association Implementation Review Committee" (which was filed May 21, 2014) as prepared by the Independent Budget Analyst (IBA).
2. Authorize and direct the City Council President, on behalf of the City Council, to execute and deliver the response to the Presiding Judge of the Superior Court by October 17, 2014.

INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-137)

Approving and adopting the joint Mayor and Council response to the 2013-2014 San Diego County Grand Jury Report titled, "Say What You'll Do and Then Do What you Say: Past Grand Jurors Association Implementation Review Committee," as set forth in IBA Report No. 14-30REV, dated September 8, 2014;

Authorizing and directing the Council President, on behalf of the San Diego City Council, to execute and deliver the above-described response to the Presiding Judge of the San Diego County Superior Court no later than October 17, 2014.

SUPPORTING INFORMATION

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

At the July 30, 2014, Economic Development and Intergovernmental Relations Committee meeting, the Committee requested that the two alternative proposed responses presented by the Independent Budget Analyst (IBA's) Office be combined into one proposed response, and that the item be moved forward to the full City Council with a recommendation for approval. Additionally, the Committee requested that the IBA, Mayor's Office, City Attorney's Office, and Committee Consultant develop a Council Policy regarding the proposed response (pending approval of this item by the full City Council).

In the revised proposed response (see Attachment 1 to IBA report 14-30REV) the IBA combined the most salient aspects of the two original alternatives in order to make the response more cohesive and concise. As requested by the Committee, the revised response specifies that the proposed Committee review process would be accomplished through standing Council Committees based on the subject matter, as is that case with the City Council's original Grand Jury responses. The Mayor's Office made minor changes to the IBA's revisions and is amenable to providing a joint response with the City Council, based on the attached proposed response.

ACTION: Motion by Councilmember Alvarez, second by Councilmember Harris, to move the report to full Council with recommendation for approval.

VOTE: 4-0; Lightner-yea, Harris-yea, Kersey-yea, Alvarez-yea, Emerald-not present.

Kawar

Primary Contact\Phone: Lisa Byrne\619-236-5917

Secondary Contact\Phone: Jeff Kawar\619-533-4764

City Attorney Contact: Bradley, Catherine M.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-200: Proposed Resolution from Councilmember Alvarez supporting the City's efforts to develop and adopt a Climate Action Plan (CAP). (Citywide.)

ITEM DESCRIPTION:

Adopt a Resolution in support of the City's efforts to develop and adopt a Climate Action Plan (CAP), including proposed strategies to meet greenhouse gas reduction goals.

COUNCILMEMBER ALVAREZ'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-68 Cor. Copy)

Requesting that the Mayor, or his designee, bring forward immediately a Climate Action Plan (CAP) that measurably and demonstrably meets Greenhouse Gas (GHG) reduction goals that comply with federal, state, and local law, and further, that the CAP reduce citywide GHG emissions by 15% below the baseline amount by 2020 and by 49% below the baseline by 2035, and that a final draft of the CAP be presented to the Committee on the Environment for input and recommendations;

Requesting that the CAP meet the aforementioned GHG emissions reduction goals through strategies that would: (a) increase the use of mass transit, walking, and bicycling to a minimum of 50% of commuter trips in high-quality transit areas by 2035 through land use planning, transit advocacy, and active transportation infrastructure investment, especially in neighborhoods most overburdened by air pollution, climate impacts, and transportation inequity; (b) achieve the use of 100% clean energy Citywide by 2035 and prioritize the use of local clean energy resources; (c) create middle-class prevailing wage jobs that create career paths for local, skilled workers, especially for workers residing in areas with high unemployment; (d) significantly reduce energy demand from existing buildings through enforceable mechanisms; (e) significantly reduce waste; (f) increase the amount of urban parks and trees within the City, especially in underserved neighborhoods; and (g) bolster the resiliency of the City's infrastructure, health, and natural resource areas against climate impacts such as sea level rise, coastal erosion, wildfires, drought, and heat waves.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On July 23, 2014, the Committee on the Environment voted 3-1 to support the proposed resolution.

ACTION: Motion by Councilmember Emerald, second by Councilmember Harris, to recommend approval of the resolution to the full City Council.

VOTE: 3-1; Alvarez-yea, Harris-yea, Emerald-yea, Zapf-nay.

Schmidt

Primary Contact\Phone: Kevin Smith\619-236-6688

Secondary Contact\Phone: Gabriel Solmer\619-236-6688

City Attorney Contact: Guy, Amanda L.

ITEM-201: Percentage Ground Lease–Symphony Asset Pool XVI, LLC, a Delaware Limited Liability Company. (Mission Beach Park Community Area. District 2.)

ITEM DESCRIPTION:

Authorize the Mayor, or his designee, to enter into a new 24 year new lease agreement with Symphony Asset Pool XVI, LLC, a Delaware Limited Liability Company ("SAP") that contains an option to extend the lease to a 50 year term.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2015-28 Cor. Copy)

Authorizing and directing the Mayor, or his designee, to execute that certain Amended and Restated City of San Diego Percentage Lease by and between the City of San Diego and Symphony Asset Pool XVI, LLC, for the lease and operation of Belmont Park, and potentially the Roller Coaster.

Subitem-B: (R-2015-123)

Declaring that the Council of the City of San Diego, using its independent judgment, has considered the written record and public comment for the requested authorization, and determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 and that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

At least \$415,000 of rent will be deposited into the General Fund No. 100000 annually. In addition, the City will continue to deposit \$70,000 annually into a special fund to be used for amelioration of traffic problems in Mission Beach and for enhancing community landscaping.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This action was heard in Closed Session on July 23, 2013.

Barwick/Chadwick

Primary Contact\Phone: Kristi Geitz\619-236-7031, MS 51A

Secondary Contact\Phone: Vladimir Balotsky\619-235-5248, MS 51A

City Attorney Contact: Mendoza, Hilda R.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda. Public testimony on Closed Session items is taken in Open Session on Mondays, except when there is no Monday meeting. Public testimony on Closed Session items is always taken prior to the actual Closed Session. Closed Session may take place any time after public testimony, but is typically held on Tuesdays at 9:00 a.m. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

NOTE: Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the Closed Session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Allow for questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in Closed Session; 4) Refer matters discussed to Closed Session.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: **Notice** of Pending Final Map Approval - 4073 Kendall Street.

Notice is hereby given that the City Engineer has reviewed and will approve on the date of this City Council meeting that certain final map entitled "4073 Kendall Street " (T.M. No. 504802, PTS No.349713) located on Kendall Street south of Pacific Beach Drive, in the RM-1-1 zone, within the Del Mar Community Plan, 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 PM, 10 calendar days from the date of this City Council meeting 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 map approval findings or need additional information about the map or your appeal rights, please feel free to contact Gregory P. Hopkins (619) 446-5291.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT