

REVISED

CITY OF SAN DIEGO COUNCIL AGENDA



COUNCIL PRESIDENT

Myrtle Cole • Fourth District

COUNCIL PRESIDENT PRO TEM

Barbara Bry • First District

COUNCILMEMBERS

Lorie Zapf • Second District
Christopher Ward • Third District
Mark Kersey • Fifth District
Chris Cate • Sixth District
Scott Sherman • Seventh District
David Alvarez • Eighth District
Georgette Gómez • Ninth District

Andrea Tevlin
Independent
Budget Analyst

Mara W. Elliott
City Attorney

Liz Maland
City Clerk

Council Chambers, 12th Floor, City Administration Building

Tuesday, February 06, 2018

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, FEBRUARY 06, 2018, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ALTERNATE FORMATS

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. 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.

SENATE BILL 343 (LATE-ARRIVING MATERIALS)

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.

NOTE: The City Council will meet in Closed Session this morning at 11:00 a.m. Public comment on Closed Session items will occur toward the end of the 10:00 a.m. session before Council adjourns into Closed Session. Copies of the Closed Session agenda are available in the Office of the City Clerk.

ROLL CALL

PLEDGE OF ALLEGIANCE

ADOPTION AGENDA, CONSENT ITEMS

The Consent items listed are considered to be routine, and the environmental documents have been considered. Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to the start of the meeting.

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE ADOPTED:

Item 50: City of San Diego Vernal Pool Habitat Conservation Plan, Vernal Pool Management and Monitoring Plan, and Associated Discretionary Actions - Project No. 441044.

Total Estimated Cost of Proposed Action and Funding Source:

None.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 1/22/2018, Item 203, Subitem G. (Council voted 7-2. Councilmember Ward-nay, Councilmember Gómez-nay):

(O-2018-65)

Amending Chapter 11, Article 3, Division 1 of the San Diego Municipal Code by amending Section 113.0103; amending Chapter 12, Article 6, Division 5 by amending Section 126.0504; amending Chapter 14, Article 3, Division 1 by amending Sections 143.0101, 143.0110, 143.0111, 143.0141, 143.0150, and 143.0152, related to the adoption of the Vernal Pool Habitat Conservation Plan.

Committee Actions Taken: N/A

Planning/Environmental Analysis: Myra Herrmann, (619) 446-5372

City Attorney Contact: Corrine Neuffer

Item 51: Proposed Amendments to Chapter 6, Article 6, Divisions 1 and 7 of the San Diego Municipal Code relating to the Recyclable Materials Franchise Exclusion.

Total Estimated Cost of Proposed Action and Funding Source:

There is no cost or funding source for the proposed action.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 01/23/2018, Item 331. (Council voted 9-0):

(O-2018-49)

Amending Chapter 6, Article 6, Divisions 1 and 7 of the San Diego Municipal Code by amending Sections 66.0102, 66.0109, 66.0703 and 66.0709 and by retitling and amending Section 66.0711, relating to the recyclable materials franchise exclusion for solid waste collection franchises.

Committee Actions Taken: N/A

Environmental Services: Angela Colton, (858) 573-1287

City Attorney Contact: Amanda L. Guy

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

Item 100: Appointment to the San Diego County Water Authority.

Total Estimated Cost of Proposed Action and Funding Source:

N/A

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-270)

Resolution confirming the Mayor's appointment of Vic Bienes to the San Diego County Water Authority Board of Directors, filling the vacancy in the seat previously held by Halla Razak for a term ending February 24, 2019, and declaring under Council Policy 000-13 that Mr. Bienes, a Bonita resident, has unique qualifications to serve.

Committee Actions Taken: N/A

Office of the Mayor: John Ly, (619) 236-6630

City Attorney Contact: Sharon Spivak

Item 101: Appointments and Reappointments to the Mission Bay Park Committee.

Total Estimated Cost of Proposed Action and Funding Source: N/A

Council District(s) Affected: 2, 6.

Proposed Actions:

(R-2018-265)

Resolution confirming the Mayor's appointments of the following members of the Mission Bay Park Committee:

Kari Logan - District 6 Representative
(Clairemont)

(Filling the vacancy in the seat previously held by Francisco Christian Jr., for a term ending June 30, 2019)

James McGuirk - District 2 Representative
(Solana Beach)

(Filling the seat previously held by Cynthia Hedgecock, for a term ending June 30, 2018)

Miles Himmel - At-Large Representative
(Point Loma, District 2)

(Filling the vacancy in the seat previously held by William Earley, for a term ending June 30, 2019)

Giovanni Ingolia - District 2 Representative
(Ocean Beach, District 2)

(Reappointment, for a term ending June 30, 2019)

James Greene - Lessee Hotel Representative
(Pacific Beach, District 2)

(Reappointment, for a term ending June 30, 2018)

Darlene Walter - Non-Hotel Lessee
(Jamul)

(Reappointment, for a term ending June 30, 2018)

Declaring conscious exceptions to Council Policy 000-13 as James McGuirk and Darlene Walter are residents of San Diego County, but not the City of San Diego, and have unique qualifications to serve as members of the Committee.

Committee Actions Taken: N/A

Office of the Mayor: John Ly, (619) 236-6330

City Attorney Contact: Sharon Spivak

Item 102: Resolution of the Council of the City of San Diego Authorizing and Establishing the Rolando Park Banner District.

Total Estimated Cost of Proposed Action and Funding Source: N/A

Council District(s) Affected: 4.

Proposed Actions:

(R-2018-296)

Resolution authorizing the installation and display of public right-of-way banners in the Rolando Park area.

Committee Actions Taken: N/A

Council President's Office: Katie Sadd, (619) 236-7180

City Attorney Contact: Casey Shaw

Item 103: Settlement of the property damage claims of Steven and Christine Haslet. Claim No. 14782.

Total Estimated Cost of Proposed Action and Funding Source:

The sum of \$67,000 will be paid from Water Fund No. 700011.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-283 Cor. Copy)

Resolution authorizing the settlement of the property damage claim filed by Steven and Christine Haslet in the sum of \$67,000, from Water Fund No. 700011. Claim No. 14782.

Committee Actions Taken: N/A

Office of the City Attorney: Danna Nicholas, (619) 533-5873

City Attorney Contact: Danna Nicholas

Item 104: Settlement of USN Tort Claims Unit v. City of San Diego. Risk Management File No. 12083.

Total Estimated Cost of Proposed Action and Funding Source:

Settlement in the sum of \$117,428.90 will be paid from the Water Utility Operating Fund No. 700011.

Council District(s) Affected: 3.

Proposed Actions:

(R-2018-250)

Resolution authorizing the settlement of the claim of the USN Tort Claims Unit, Risk No. 12083. This item is a settlement of a claim made by the United States Navy for inverse condemnation due to damages to its parking lot located at 937 North Harbor Drive that was caused by a water main break.

Committee Actions Taken: N/A

Office of the City Attorney: Stacy J. Plotkin-Wolff, (619) 236-6486

City Attorney Contact: Stacy J. Plotkin-Wolff

Item 105: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

Proposed Actions:

(R-2018-62)

Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

City Attorney Contact: Thomas C. Zeleny

PROCLAMATIONS/CEREMONIAL ITEMS (PRESENTED IN CHAMBERS)

NOTE: The following Proclamations will be presented in Council Chambers and approved by Unanimous Consent unless pulled for discussion.

Item 30: Scott Chadwick Day.

PRESENTED BY MAYOR FAULCONER AND COUNCIL PRESIDENT COLE:

Proclaiming February 6, 2018, to be "Scott Chadwick Day" in the City of San Diego.

Item 31: CityTV 20th Anniversary Day.

PRESENTED BY MAYOR FAULCONER AND COUNCIL PRESIDENT COLE:

Proclaiming February 6, 2018, to be "CityTV 20th Anniversary Day" in the City of San Diego.

Item 32: Coast Guard Sector San Diego Jayhawk Helicopter Day.

PRESENTED BY MAYOR FAULCONER AND COUNCILMEMBER ZAPF:

Proclaiming February 6, 2018, to be "Coast Guard Sector San Diego Jayhawk Helicopter Day" in the City of San Diego.

Item 33: SALUD! Day.

PRESENTED BY COUNCILMEMBER ALVAREZ:

Proclaiming February 6, 2018, to be "SALUD! Day" in the City of San Diego.

PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED IN CHAMBERS)

NOTE: The following Proclamation will NOT be presented in Council Chambers. It will be approved by Unanimous Consent unless pulled for discussion.

Item 34: Osephine Washington Day.

COUNCIL PRESIDENT COLE'S RECOMMENDATION:

Proclaiming January 27, 2018, to be "Osephine Washington Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

None.

ITEMS PULLED FROM THE CONSENT AGENDA

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Per Section 22.0101, Rule 2.6.2, of the San Diego Municipal Code, comments are limited to two (2) minutes per speaker. Speakers may not allocate their time to other speakers. If there are eight (8) or more speakers on a single issue, the maximum time allotted for that issue will be sixteen (16) minutes. Non-Agenda Public Comment is limited to 30 minutes during the Tuesday morning Council session. Any remaining speakers will be given an opportunity to speak after Council concludes the remaining agenda items for that day. Speaker order will generally be decided on a first-come, first-served basis. However, in the event that there are more than fifteen (15) Non-Agenda Public Comment speakers on a particular Tuesday, priority may be given.

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

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE BY COUNCILMEMBERS

ADOPTION AGENDA, DISCUSSION ITEMS

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

Item S500: Encanto Village Affordable Multifamily Housing Project (6317-6357 Imperial Avenue) - Proposed Owner Participation Agreement with National Community Renaissance of California - Encanto Neighborhood of the Encanto Neighborhoods Community Plan Area. (Added 2/1/18)

Total Estimated Cost of Proposed Action and Funding Source:

This action will authorize an expenditure of up to \$6.25 million from the LMIHAF, for the City Loan as a below-market interest rate affordable housing loan for the development and construction of the Project, and authorize loan repayments to be deposited to the LMIHAF for future affordable housing. See staff report for additional information.

Council District(s) Affected: 4.

Proposed Actions:

(R-2018-305)

Resolution approving the Owner Participation Agreement and the City's loan for the Encanto Village Affordable Housing Project within the Encanto Neighborhood Community Plan Area.

Committee Actions Taken: N/A

Civic San Diego: Eli Sanchez, (619) 533-7121

City Attorney Contact: Katherine A. Malcolm

ADOPTION AGENDA

DISCUSSION, NOTICED HEARINGS:

Item 330: Appeal of the Historic Designation of the South Park Historic District.

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source: None.

Council District(s) Affected: 3.

Proposed Actions:

Appeal of the October 26, 2017 decision of the Historical Resources Board to designate the South Park Historic District, bounded roughly by 28th Street, Elm Street, 31st Street and A Street in the Golden Hill Community;

Granting or denying the appeal and upholding, overturning or modifying the action of the Historical Resources Board in designating the South Park Historic District as a historical resource;

Directing the City Attorney to prepare the appropriate Resolution according to Section 40 of the City Charter.

This item is not subject to the Mayor's veto.

Committee Actions Taken: N/A

Planning: Kelley Stanco, (619) 236-6545

City Attorney Contact: Corrine Neuffer

Item 331: Appeal of the Historic Designation of the Valle Vista Terrace Historic District.

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source: None.

Council District(s) Affected: 3.

Proposed Actions:

Appeal of the November 16, 2017 decision of the Historical Resources Board to designate the Valle Vista Terrace Historic District, comprised of 89 properties along Panorama Drive, Cliff Street, and the north side of Adams Avenue between 2060 and 2320 Adams Avenue in the North Park Community;

Granting or denying the appeal and upholding, overturning or modifying the action of the Historical Resources Board in designating the Valle Vista Terrace Historic District as a historical resource;

Directing the City Attorney to prepare the appropriate Resolution according to Section 40 of the City Charter.

This item is not subject to the Mayor's veto.

Committee Actions Taken: N/A

Planning: Kelley Stanco, (619) 236-6545

City Attorney Contact: Corrine Neuffer

NON-AGENDA ITEMS

REPORT OUT FROM CLOSED SESSION

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT