

REVISED

CITY OF SAN DIEGO COUNCIL AGENDA



COUNCIL PRESIDENT

Myrtle Cole • Fourth District

COUNCIL PRESIDENT PRO TEM

Mark Kersey • Fifth District

COUNCILMEMBERS

Barbara Bry • First District
Lorie Zapf • Second District
Christopher Ward • Third 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 13, 2018

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, FEBRUARY 13, 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

APPROVAL OF COUNCIL MINUTES

The Council Minutes of the following meetings will be approved by Unanimous Consent unless pulled for discussion:

12/11/2017

12/12/2017 Special

12/13/2017

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 INTRODUCED:

Item 50: Authorizing a Second Amendment to a contract with Richard Brady and Associates (H125592) for Professional Services of the Morena Reservoir Outlet Tower Upgrades Project, WBS S-00041.

Total Estimated Cost of Proposed Action and Funding Source:

Fund: 700010

Functional Area: Othr-00000000-PR

Cost Center: 2013131312

General Ledger Acct.: 512034

WBS: S-00041

Amount: \$1,014,797

Council District(s) Affected: Outside of City limits.

Proposed Actions:

(O-2018-70)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Second Amendment to the Consultant Agreement (H125592) with Richard Brady and Associates for the Morena Reservoir Outlet Tower Upgrades Project, WBS S-00041, in the amount of \$1,014,797; which will extend the Agreement duration from five years to nine years, continuing professional design services under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not-to-exceed \$1,014,797 from CIP S-00041, Morena Reservoir Outlet Tower Upgrades Project, Fund 700010, Water Utility - CIP Funding Source, for the purpose of executing this Amendment to the Agreement, contingent upon the Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasury;

Authorizing the Chief Financial Officer, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

6 votes required pursuant to Section 99 of the City Charter.

Committee Actions Taken:

This item was heard at the Infrastructure Committee meeting on January 24, 2018.

ACTION: Motion by Vice-Chair Alvarez, second by Councilmember Ward, to recommend Council approval of the ordinance.

VOTE: 4-0; Kersey-yea, Ward-yea, Alvarez-yea, Zapf-yea.

Public Works: Elif Cetin, (619) 533-3794

City Attorney Contact: Mark M. Mercer

Item 51: Exempt two (2) Program Manager positions in the Transportation & Storm Water Department from the Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

The two new unclassified position's annual cost, including salaries and fringe benefits, of approximately \$300,000 will be funded by the Transportation and Storm Water Department's General Fund Operating Budget.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2018-66)

Introduction of an Ordinance authorizing the exemption of two Program Manager positions in the City's Transportation and Storm Water Department from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on December 12, 2017. One Program Manager will oversee the Long Range Planning and Asset Management Program in the Storm Water Division. The other Program Manager will assist with the management and execution of programs in the Transportation Engineering Operations Division. This Action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken: N/A

Transportation & Storm Water: Drew Kleis, (858) 541-4320

City Attorney Contact: Joan F. Dawson

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE ADOPTED:

Item 52: Approval of the Joint Use Agreement for Pershing Middle School with the San Diego Unified School District.

Total Estimated Cost of Proposed Action and Funding Source:

The City of San Diego will reimburse the San Diego Unified School District for the construction costs of Pershing Middle School in the amount of \$1,623,985 from Project S17007, Pershing Middle School Joint Use Improvements (\$1,200,000 from Fund No. 400265, Capital Contributions from the General Fund and \$423,985 from Fund No. 100012, Infrastructure Fund within S17007).

Council District(s) Affected: 7.

Proposed Actions:

Adopt the following ordinance which was introduced on 1/30/2018, Item 60, Subitem A. (Council voted 9-0):

(O-2018-67)

Authorizing the Mayor, or his designee, to enter into an Agreement with the San Diego Unified School District for the Construction, Operation, Maintenance, and Use of Joint Use Facilities at Pershing Middle School, and to reimburse the San Diego Unified School District for the construction costs of the new synthetic field at Pershing Middle School in an amount not-to-exceed \$1,623,985.

6 votes required pursuant to Section 99 of the City Charter.

Committee Actions Taken: N/A

Park & Recreation: Andrew Field, (619) 235-1110

City Attorney Contact: David Powell

Item 53: Creation of an Urban Agriculture Incentive Zone (UAIZ).

Total Estimated Cost of Proposed Action and Funding Source:

The potential fiscal impact on the City could be an approximate loss in property tax revenue of \$173,673 per year that the UAIZ would be in effect. That is based on the assessed value per acre of agriculture land at \$13,300 for 2018 from the State Board of Equalization. The potential is based on the assumption of a participation rate of 100% of over 2,000 eligible parcels that have been identified.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 1/29/2018, Item 201. (Council voted 9-0):

(O-2018-42)

Establishing an Urban Agriculture Incentive Zone within the City of San Diego. The creation of the Urban Agriculture Incentive Zone will allow owners of qualifying vacant or unimproved property to enter into a contract with the City, restricting the property to small scale agricultural uses in exchange for a reduction in property tax.

Committee Actions Taken: N/A

Economic Development: Tracy Reed, (619) 236-6543

City Attorney Contact: Adam Wander

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

Item 100: Flat Rate Lease Agreement with Air Center MYF, LLC, covering 9.87 Acres at Montgomery-Gibbs Executive Airport.

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

Council District(s) Affected: 6.

Proposed Actions:

Subitem-A:

(R-2018-309)

Resolution authorizing execution of a flat rate parcel ground lease with Air Center MYF, LLC for the lease of City-owned property located at 3750 John J. Montgomery Drive, San Diego, California 92123, commonly known as Montgomery-Gibbs Executive Airport and related actions.

Subitem-B:

(R-2018-310)

Resolution determining that execution of a flat rate parcel ground lease with Air Center MYF, LLC for the lease of City-owned property located at 3750 John J. Montgomery Drive, San Diego, California 92123, commonly known as Montgomery-Gibbs Executive Airport and related actions, is exempt from the California Environmental Quality Act pursuant to Section 15601(b)(3) of the CEQA Guidelines.

Committee Actions Taken:

This item was heard at the Smart Growth and Land Use Committee meeting on December 7, 2017.

ACTION: Motion by Councilmember Alvarez, second by Councilmember Gómez, to recommend approval to the City Council.

VOTE: 3-0; Sherman-yea, Alvarez-yea, Gómez-yea, Cate-not present.

Real Estate Assets: Thurman Hodges, (858) 573-1426

City Attorney Contact: David Powell

Item 101: Request for authorization to sell unimproved City-owned property adjacent to 1012 Van Nuys Street, San Diego, CA 92109, and pay a real estate brokerage commission.

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

Council District(s) Affected: 1, 2.

Proposed Actions:

Subitem-A: (R-2018-317)

Resolution authorizing the City's sale of the .129 acres of real property located at the northeast corner of Cass Street and Van Nuys Street adjacent to 1012 Van Nuys Street, at or above \$200,000 and related actions.

Subitem-B: (R-2018-318)

Resolution determining that the City's sale of the .129 acres of real property located at the northeast corner of Cass Street and Van Nuys Street adjacent to 1012 Van Nuys Street, and related actions is exempt from the California Environmental Quality Act pursuant to Section 15312 of the CEQA Guidelines.

Committee Actions Taken:

This item was heard at the Smart Growth and Land Use Committee meeting on January 31, 2018.

ACTION: Motion by Councilmember Zapf, second by Councilmember Sherman, to move staff recommendation.

VOTE: 4-0; Gómez-yea, Alvarez-yea, Sherman-yea, Zapf-yea.

Real Estate Assets: Dena T. Boylan, (619) 236-6081

City Attorney Contact: Melissa Ables

Item 102: Sale of unimproved City-owned land (APN 416-043-09) located on Los Altos Road (the former Pacific Beach Reservoir), approval of real estate brokerage commission, and reservation of easement(s).

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

Council District(s) Affected: 2.

Proposed Actions:

Subitem-A: (R-2018-319)

Resolution authorizing the City's sale of the 4.756 acres of real property formerly operated as the Pacific Beach Reservoir located on Los Altos Road at or above \$8,800,000, and related actions.

Subitem-B: (R-2018-320)

Resolution determining that the City's sale of the 4.756 acres of real property formerly operated as the Pacific Beach Reservoir located on Los Altos Road, and related actions is exempt from the California Environmental Quality Act pursuant to Section 15312 of the CEQA Guidelines.

Committee Actions Taken:

This item was heard at the Smart Growth Land Use Committee meeting on January 31, 2018.

ACTION: Motion by Councilmember Sherman, second by Councilmember Alvarez, to move staff recommendation.

VOTE: 3-1; Gómez-yea, Alvarez-yea, Sherman-yea, Zapf-nay.

Real Estate Assets: Mary Carlson, (619) 236-6079

City Attorney Contact: Melissa Ables

Item 103: Reappointments to the Planning Commission.

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

Council District(s) Affected: 2, 3.

Proposed Actions:

(R-2018-282)

Resolution confirming the Mayor's reappointments to the Planning Commission of Douglas Austin (East Village, District 3) and James Whalen (Ocean Beach, District 2), for terms ending January 28, 2022.

Committee Actions Taken: N/A

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

City Attorney Contact: Sharon Spivak

**Item S500: Appointment to the San Diego County Water Authority Board.
(Added 2/7/18)**

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

Council District(s) Affected: 6.

Proposed Actions:

(R-2018-295)

Resolution confirming the Mayor's appointment of Councilmember Chris Cate as a City representative on the San Diego County Water Authority Board of Directors, filling the seat previously held by Yen Tu, for a term ending January 30, 2021.

Committee Actions Taken: N/A

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

City Attorney Contact: Sharon Spivak

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: Engineers Week.

PRESENTED BY COUNCIL PRESIDENT COLE AND COUNCIL PRESIDENT PROTEM BRY:

Proclaiming February 18-24, 2018, to be "Engineers Week" in the City of San Diego.

Item 31: Lunar New Year Day.

PRESENTED BY COUNCILMEMBER CATE:

Proclaiming February 13, 2018, as "Lunar New Year Day" in the City of San Diego.

PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED IN CHAMBERS)

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

Item 32: Black History Month.

COUNCIL PRESIDENT COLE'S RECOMMENDATION:

Proclaiming the month of February 2018, to be "Black History Month" in the City of San Diego.

Item 33: Barry Berndes Day.

COUNCILMEMBER SHERMAN'S RECOMMENDATION:

Proclaiming January 14, 2018, to be "Barry Berndes 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, ORDINANCES TO BE ADOPTED:

Item 330: Authorization for the City of San Diego Public Facilities Financing Authority Lease Revenue Refunding Bonds, Series 2018.

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:

Under current market conditions for an economic refunding on a taxable basis, total proceeds, together with the monies released from the Series 2010A Bonds debt service reserve fund, and funds on hand with the trustee for the September 1, 2018 debt service payment for the Series 2010A Bonds, will be used to refund the Series 2010A Bonds and pay for financing costs of issuance.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 1/30/2018, Item 331, Subitem A. (Council voted 9-0):

(O-2018-69)

Authorizing the issuance of the Public Facilities Financing Authority of the City of San Diego Lease Revenue Refunding Bonds, Series 2018 (Series 2018 Bonds) in a principal amount not-to-exceed \$140 million to refund the Authority's Series 2010A Bonds. The ordinance authorizes the execution of various financing documents, including the forms of: the Fourth Amendment to the Site Lease; the Fourth Amendment to the Facilities Lease; the Escrow Agreement; and the Continuing Disclosure Certificate.

6 votes required pursuant to Section 99 of the City Charter.

Committee Actions Taken: N/A

Debt Management: Lakshmi Kommi, 619-236-6928

City Attorney Contact: Brant Will

See the Public Facilities Financing Authority Agenda of February 13, 2018, for a companion item.

Item 331: Town and Country - Project No. 424475.

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 with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Council District(s) Affected: 7.

Proposed Actions:

Approval of all actions necessary for the redevelopment of an existing hotel and convention center with the addition of 840 residential units and accessory uses on a 39.72-acre site located at 500 Hotel Circle North in the Atlas Specific Plan and the Mission Valley Community Plan Area.

Subitem-A: (R-2018-78)

Resolution certifying the Environmental Impact Report No.424475/SCH No. 2015121066, adopting the Findings and Statement of Overriding Considerations, and adopting the Mitigation, Monitoring, and Reporting Program;

Directing the City Clerk to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

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

Subitem-B: (R-2018-75)

Adopt Resolution amending the General Plan, Mission Valley Community Plan, and the Atlas Specific Plan.

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

Subitem-C: (O-2018-17)

Ordinance rezoning 39.72 acres within the Mission Valley Community Plan.

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

Subitem-D: (R-2018-77)

Resolution granting a Master Planned Development Permit, Site Development Permit, Conditional Use Permit, and Amendments to a Planned Commercial Development Permit/ Conditional Use Permit and Site Development Permit.

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

Subitem-E: (R-2018-76)

Resolution approving a Vesting Tentative Map and Easement Vacation.

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

Committee Actions Taken: N/A

Development Services: Jeffrey A. Peterson, (619) 446-5237

City Attorney Contact: Shannon Thomas

Item 332: Master Storm Water System Maintenance Program Amendment - PTS 528126.

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:

Annual operational and maintenance activities performed under the Master Program are funded from the Transportation & Storm Water Department's (T&SWD) budget (General Fund No. 100000).

Council District(s) Affected: 7, 8, 9.

Proposed Actions:

Adopt an Ordinance approving a Site Development Permit to amend the Master Storm Water System Maintenance Program to include new storm water facilities, technical corrections and authorize past emergency maintenance work.

Subitem-A: (O-2018-72)

Ordinance approving Site Development Permit No. 2034245 (amendment to Site Development Permit No. 1134892) for amendments to the Master Storm Water System Maintenance Program.

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

Subitem-B: (R-2018-307)

Resolution approving an Addendum to Environmental Impact Report No. 42891 (Addendum No. 528126) for amendments to the Master Storm Water System Maintenance Program.

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

Committee Actions Taken: N/A

Development Services: Helene Deisher, (619) 446-5223

City Attorney Contact: Heidi K. Vonblum

NON-AGENDA ITEMS

REPORT OUT FROM CLOSED SESSION

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT