

# CITY OF SAN DIEGO COUNCIL DOCKET



## COUNCIL PRESIDENT

**Sherrí Lightner • First District**

## COUNCIL PRESIDENT PRO TEM

**Marti Emerald • Ninth District**

## COUNCILMEMBERS

**Lorie Zapf • Second District**  
**Todd Gloria • Third District**  
**Myrtle Cole • Fourth District**  
**Mark Kersey • Fifth District**  
**Chris Cate • Sixth District**  
**Scott Sherman • Seventh District**  
**David Alvarez • Eighth District**

**Andrea Tevlin**  
**Independent**  
**Budget Analyst**

**Jan Goldsmith**  
**City Attorney**

**Liz Maland**  
**City Clerk**

**Council Chambers, 12<sup>th</sup> Floor, City Administration Building**

**Tuesday, March 22, 2016**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, MARCH 22, 2016, AT 10:00 AM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> 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. 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.

**NOTE: The public portion of the meeting will begin at 9:00 a.m. for public comment on Closed Session items. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.**

**OTHER LEGISLATIVE MEETINGS**

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7564.

Internet access to the agenda is available at:

<http://www.sdhc.org/Media-Center/SDHC-Meetings/Housing-Authority-Meetings/>

The **PUBLIC FACILITIES FINANCING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information please contact Brant Will at (619) 236-6220. Internet access to the agenda is available at:

<http://www.sandiego.gov/city-clerk/officialdocs/legisdocs/pffa.shtml>

**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. These items are indicated on the docket by a preceding asterisk (\*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak from prior to the start of the meeting.

**ADOPTION AGENDA, CONSENT ITEMS**  
**ORDINANCES TO BE INTRODUCED:**

\* ITEM-50: McKinley Elementary School Joint Use Agreement. (Greater North Park Community Area. District 3.)

**ITEM DESCRIPTION:**

This action will establish a 25 year Joint Use Agreement with the San Diego Unified School District (District) for McKinley Elementary School for the construction, operation, and maintenance of a turf field and recreational facility at the school.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2016-96)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute the Agreement between the City and the District for the construction, operation, and maintenance of a turf field and recreational facilities at McKinley Elementary School, under the terms and conditions set forth in the document.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Project construction will be done by the District. The annual maintenance of the joint use site will cost approximately \$12,300 annually, and will be reflected in the FY 2017 Park and Recreation Department Budget.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on March 2, 2016.

**ACTION:** Motion by Councilmember Gloria, second by Councilmember Cate, to recommend Council introduce the ordinance.

**VOTE:** 4-0; Emerald-yea, Cate-yea, Gloria-yea, Cole-yea.

Murphy/Graham

Primary Contact\Phone: Jeff Harkness\619-533-6595, MS 413

Secondary Contact\Phone: Robin Shifflet\619-533-4524, MS 413

City Attorney Contact: Thomas, Shannon M.

**ADOPTION AGENDA, CONSENT ITEMS**

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

- \* ITEM-51: Marketing Partnership Agreement with Toyota Motor Sales U.S.A., Inc., and San Diego Toyota Dealers Advertising Association for up to ten years. (Beaches and Bays Community Areas. Districts 1 and 2.)

**ITEM DESCRIPTION:**

The Corporate Partnerships and Development Program (CPD) has negotiated a new Agreement with Toyota extending the use of the current Toyota fleet of thirty-four vehicles for the City's Lifeguards for an additional year and a fleet of thirty-four new vehicles in Year 2 of the Agreement with subsequent renewals.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 3/8/2016, Item 50. (Council voted 9-0):

(O-2016-91)

Authorizing the Mayor to enter into a Marketing Partnership Agreement with Toyota Motor Sales U.S.A., Inc., and the San Diego County Toyota Dealers Advertising Association for up to ten years.

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

\* ITEM-52: Adoption of the 2013 California Building Code and Associated Municipal Code Amendments. (Citywide.)

**ITEM DESCRIPTION:**

The requested action is approval and adoption of ordinances necessary to codify local Amendments to the recently enacted new building standards that have been published in the 2013 editions of the California Building, Electrical, Fire, Mechanical, Plumbing, Residential, Green Building, Historical and Existing Building Codes. Local jurisdictions are mandated to enforce the codes locally for permit applications accepted on or after January 1, 2014. Local Amendments to the State's building standards reasonably necessary due to local climactic, geological or topographical conditions have been developed and are proposed as Amendments to Chapter 5, 12, and 14, of the Municipal Code. The findings made shall be approved.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances which were introduced on 3/8/2016, Item 51, Subitems A and B. (Council voted 9-0):

Subitem-A: (O-2016-32)

Amending the San Diego Municipal Code relating to the adoption and local Amendment of the 2013 California State Building, Residential Building, Electrical, Plumbing, Mechanical, and Green Building Codes.

Subitem-B: (O-2016-28)

Amending the San Diego Municipal Code relating to the adoption and local Amendment of the 2013 California State Fire Code.

\*ITEM-53: San Diego Municipal Code and Council Policy Amendments Related to Facilities Benefit Assessments, Development Impact Fees, Housing Impact Fees, and Park Fees, and Procedures for Developer Reimbursement Agreements (Including Amendment to the Land Development Code/Local Coastal Program Relating to Development Impact Fees and Developer Reimbursement Agreements Using Development Impact Fees). (Citywide.)

**ITEM DESCRIPTION:**

San Diego Municipal Code and Council Policy Amendments Related to Facilities Benefit Assessments, Development Impact Fees, Housing Impact Fees, and Park Fees, and Procedures for Developer Reimbursement Agreements (Municipal Code Chapters 6, 9, 14; Council Policies 300-07 and 100-10). Approval of Resolution adopting administrative processing fees.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances which were introduced on 3/8/2016, Item 331, Subitems A, B, C, and D. (Council voted 9-0):

Subitem-A: (O-2016-67)

Amending Chapter 14, Article 2, Division 6, of the San Diego Municipal Code by amending Section 142.0640, relating to Development Impact Fees and developer reimbursement agreements using Development Impact Fee funds.

Subitem-B: (O-2016-70)

Amending Chapter 6, Article 1, of the San Diego Municipal Code by repealing Division 22, relating to Facilities Benefit Assessments and Development Impact Fees.

Subitem-C: (O-2016-72)

Amending Chapter 9, Article 6, of the San Diego Municipal Code by repealing Division 4, relating to Park and Recreational Facilities Fees.

Subitem-D: (O-2016-73)

Amending Chapter 9, Article 8, Division 6, of the San Diego Municipal Code by amending Sections 98.0604, 98.0608, and 98.0610, and by repealing Section 98.0609, relating to Housing Impact Fees.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- \* ITEM-100: As-Needed Landscape Architecture Agreement with Estrada Land Planning.  
(Citywide.)

**ITEM DESCRIPTION:**

Award a contract for as-needed landscape architecture services to Estrada Land Planning for an amount not to exceed \$1,000,000 and a maximum duration of five years. This Agreement will provide landscape architecture design services for various Capital Improvement Projects.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-406)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with Estrada Land Planning to provide As-Needed Landscape Architecture Design Services for various Capital Improvement Projects, in an amount not to exceed \$1,000,000, under the terms and conditions set forth in the Agreement, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$1,000,000 over 5 years for the purpose of funding the As-Needed Engineering Agreement with Estrada Land Planning, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year, solely and exclusively, for the purpose of providing funds, provided that the Chief Financial Officer first furnishes one or more certificates demonstrating that funds are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,000 from CIP S-16020, Memorial Community Park Playground ADA Upgrades, Fund 400265, CIP Contributions from the General Fund, for the purpose of executing this Agreement and meeting the minimum contract requirements;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The City agrees to issue a task order(s) with the minimum aggregate value of \$1,000 to Estrada Land Planning. Funding for this minimum guaranteed amount of \$1,000 is from S-16020, Memorial Community Park Playground ADA Upgrades, Fund 400265, CIP Contributions from the General Fund. The maximum contract amount shall not exceed \$1,000,000. Funding for future tasks will be funded by the CIP projects requiring these services.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

This item was heard at the Infrastructure Committee meeting on February 24, 2016.

**ACTION:** Motion by Councilmember Emerald, second by Vice-Chair Cole, to recommend Council adopt the resolution.

**VOTE:** 4-0; Kersey-yea, Zapf-yea, Cole-yea, Emerald-yea.

Gibson/Gomez

Primary Contact\Phone: Richard Leja\619-533-3112

Secondary Contact\Phone: Jim Shamloufard\619-533-3160

City Attorney Contact: Mercer, Mark M.

\* ITEM-101: As-Needed Third Party Consulting Services Agreements for SAP Support Services with 14 service providers.

**ITEM DESCRIPTION:**

This action is to authorize the execution of the As-Needed Third Party Consulting Services Agreements for SAP Support Services with: Amick Brown, Anand Pag, Ardent ERP Sol., AspireHR, Atos IT Sol. and Serv., Avertra Corp, EPI-USE America, HR Focal Point, Labyrinth Sol., Quintel Mgt Consultants, Sage Group Consulting, Smartsoft Technologies, Peloton Alliance, and V3iT Consulting to provide third party consulting services that will support the DoIT's ERP Division in an amount not to exceed a cumulative total of \$19,000,000 over a period of five years. The Agreements will each have an initial term of three-years, with options for two one-year extensions at the discretion of the City.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-420)

Authorizing the Mayor, or his designee, to execute separate contracts between the City and Amick Brown, LLC, Anand Pag, Ardent ERP Solutions, Inc., AspireHR, Inc., Atos IT Solutions and Services, Avertra Corporation, EPI-USE America, Inc., HR Focal Point, LLC, Labyrinth Solutions, Inc., Quintel-MC, Inc., dba Quintel Management Consultants, Sage Group Consulting Inc., Smartsoft Technologies, Inc., The Peloton Alliance, Inc., and V3iT Consulting, Inc., to provide As-Needed SAP Consulting Services to the City, under the terms and conditions set forth in the contracts, respectively, with a total amount not to exceed \$19,000,000 for all 14 contracts during a five (5) year period, including an initial three-year term and two one-year option terms;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$19,000,000 over five years for the purpose of funding the 14 As-Needed Contracts for SAP Consultant Services, contingent upon the City Council's approval of the given year Appropriation Ordinance and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Costs for Fiscal Years 2017 - 2020 will be funded as part of the OneSD IT non-discretionary Budget which are funded Citywide and approved by Council via the annual budget process.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

This item was heard at the Budget and Government Efficiency Committee meeting on February 24, 2016.

**ACTION:** Motion by Councilmember Cate, second by Councilmember Cole, to recommend Council adopt the resolution.

**VOTE:** 4-0; Gloria-yea, Sherman-yea, Cole-yea, Cate-yea.

The first As-Needed Contracts for SAP Consulting Services was approved by Council Resolution R-306573, on January 27, 2011, with an annual amount not to exceed \$2.5 million per year.

Behnke/LoMedico

Primary Contact\Phone: Michelle Villa\619-236-6610, MS 51SD

Secondary Contact\Phone: Jonathan Behnke\619-533-3637, MS 658B

City Attorney Contact: Lastomirsky, Steven R.

\*ITEM-102: State and Hawthorn - Sale of Fee Interest in Right-of-Way. (Downtown Community Area. District 3.)

**ITEM DESCRIPTION:**

Authorize the Mayor, or his designee, to sell 5,972 square feet of City property, subject to the severance from the real property and reservation of ownership of the improved public improvements (i.e., public street, sidewalk, drainage), and further subject to the reservation of an easement for the public improvements, at the property's appraised value. The City owned property would be sold to the adjacent owner of 2054 State Street.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2016-477)

Declaring that approximately 5,972 square feet of City-owned real property located at the corner of State Street and Hawthorn Street, San Diego, CA 92101, may be sold by direct negotiation to a contiguous owner to correct a site deficiency;

Authorizing and directing the Mayor, or his designee, to execute and deliver the Purchase and Sale Agreement;

Authorizing the Mayor, or his designee, to sell approximately 5,972 square feet of City-owned real property located at the corner of State Street and Hawthorn Street, San Diego, CA 92101, subject to the severance of the Public Improvements and reservation of ownership of the Public Improvements and reservation of an easement for street and public improvements purposes, to Maple Multi-Family Land CA, LP, pursuant to the terms and conditions of the Agreement, for the price of \$45,300;

Authorizing the Mayor, or his designee, to execute and deliver all such Agreements and all other instruments to effect and complete the transaction contemplated by this Resolution;

Authorizing the Chief Financial Officer to accept and deposit the proceeds of the sale of the Property, net of costs related to the sale, into the Capital Outlay Fund 400002.

Subitem-B: (R-2016-478)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15312, that the Property is not located in an area of statewide, regional, or area wide concern identified in CEQA Guidelines Section 15206(b)(4), and that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Proceeds from the sale, net of costs related to the sale, will be deposited in Capital Outlay Fund 400002.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

This item was heard at the Smart Growth and Land Use Committee meeting on March 9, 2016.

**ACTION:** Motion by Councilmember Alvarez, second by Councilmember Sherman, to adopt the resolution and transfer of funds.

**VOTE:** 3-0; Zapf-yea, Sherman-yea, Alvarez-yea, Gloria-not present.

Thompson/Villa

Primary Contact\Phone: Mary Carlson\619-236-6079, MS 51A

Secondary Contact\Phone: Cybele Thompson\619-236-6145, MS 51A

City Attorney Contact: Mendoza, Hilda R.

\* ITEM-103: Appointments and Reappointments to the Park and Recreation Board.

**MAYOR FAULCONER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-464)

Council confirmation of the following appointments and reappointments by the Mayor of the City of San Diego, to serve as members of the Park and Recreation Board, for terms expiring as indicated:

<b><u>NAME</u></b>	<b><u>TERM EXPIRES</u></b>
Jon Becker (Rancho Peñasquitos, District 6) (Filling the seat previously held by Vicki Granowitz, who is termed out)	March 1, 2017
Ron Cho (Black Mountain Ranch, District 5) (Filling the seat previously held by Bruce Brown, who is termed out)	March 1, 2018
David Baron (Normal Heights, District 3) (Reappointment)	March 1, 2018
Bobby M. Hughes (Skyline, District 4) (Reappointment)	March 1, 2017
David Kinney (North Park, District 3) (Reappointment)	March 1, 2018
Martin Moreno (Ocean Beach, District 2) (Reappointment)	March 1, 2018
Dennis Otsuji (Scripps Ranch, District 5) (Reappointment)	March 1, 2017

\* ITEM-104: Reappointments to the San Diego County Water Authority Board.

**MAYOR FAULCONER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-463)

Council confirmation of the following reappointments by the Mayor of the City of San Diego, to serve as Directors on the San Diego County Water Authority Board of Directors, for the terms ending as indicated:

<b><u>NAME</u></b>	<b><u>TERM ENDING</u></b>
Jimmy Ayala (Kensington, District 9) (Reappointment)	January 2, 2022
Elsa Saxod (Mission Hills, District 3) (Reappointment)	February 4, 2022
Jim Madaffer (Downtown San Diego, District 3) (Reappointment)	March 7, 2022

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: Diversionary Theatre Day.

**PRESENTED BY COUNCILMEMBER GLORIA:**

Proclaiming March 22, 2016, to be "Diversionary Theatre Day" in the City of San Diego.

**NOTE:** The following Proclamation will NOT be presented in Council Chambers. It will be approved by Unanimous Consent unless pulled for discussion. (Rev. 3/17/16)

ITEM-31: Thomas Ryan Cleary Day.

**COUNCILMEMBER SHERMAN'S RECOMMENDATION:**

Proclaiming March 28, 2016, to be "Thomas Ryan Cleary Day" in the City of San Diego.  
(Rev. 3/17/16)

**SPECIAL ORDERS OF BUSINESS**

None.

**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 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 15 Non-Agenda Public Comment speakers on a particular Tuesday, priority may be given to speakers who have not addressed the legislative body during "Non-Agenda Public Comment" at the last regularly scheduled Council meeting.

**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 in the morning or afternoon, based on when the item was noticed to be heard.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
ORDINANCES TO BE INTRODUCED:

**This item may be taken in the morning session if time permits.**

ITEM-330: An Ordinance Approving A Side Letter Agreement Between the City and the San Diego Municipal Employee's Association (SDMEA) Related to Payment of Error-Related Interest Charges Associated With San Diego City Employee's Retirement System (SDCERS) Administration of the City's Pension Plan.

**ITEM DESCRIPTION:**

This action is an Ordinance to approve a Side Letter Agreement between the City and San Diego Municipal Employee's Association (SDMEA) related to payment of error-related interest charges associated with San Diego City Employee's Retirement System (SDCERS) Administration of the City's Pension Plan.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2016-95)

Introduction of an Ordinance approving and ratifying the Side Letter Agreement between the City and the San Diego Municipal Employee's Association (SDMEA), related to payment of interest to San Diego City Employee's Retirement System (SDCERS), pursuant to the Meyers-Milias-Brown Act and City Council Policy 300-06.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

San Diego City Employee's Retirement System has estimated potential future costs of approximately \$250,000 to \$400,000.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:** None.

von Kalinowski/Villa

Primary Contact\Phone: Judy von Kalinowski\619-236-6313  
Secondary Contact\Phone: Karen DeCrescenzo\619-235-5802  
City Attorney Contact: Dawson, Joan F.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

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

ITEM-331: FY 2017 U.S. Department of Housing and Urban Development (HUD) Entitlement Programs Allocations. (Citywide.)

**ITEM DESCRIPTION:**

The proposed actions will approve funding allocation recommendations for the City's Fiscal Year 2017 Community Development Block Grant (CDBG) Program and accept, appropriate and expend the U.S. Department of Housing and Urban Development (HUD), CDBG, Emergency Solutions Grant (ESG), and HOME Investment Partnerships Program (HOME) Fiscal Year 2017 Annual Entitlement Allocations. Additional proposed actions will approve funding allocation recommendations for CDBG Program Income repayments resulting from an Agreement between the former Redevelopment Agency and HUD.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-472)

Authorizing the Chief Financial Officer to accept FY 2017 Community Development Block Grant (CDBG) entitlement funds from U.S. Department of Housing and Urban Development (HUD), in a total amount not to exceed \$10,897,246, effective on July 1, 2016, and appropriate and expend such funds for the projects and programs approved for FY 2017 CDBG funding, contingent upon Grant Funding being secured;

Approving the City's funding recommendations for the City's FY 2017 CDBG Program detailed in Attachment 1 (FY 2017 Public Services), Attachment 2 (FY 2017 Public Services - Challenge Grant), Attachment 3 (FY 2017 Community/Economic Development Projects), Attachment 4 (FY 2017 Non-profit Capital Improvement Projects), and Attachment 5 (FY 2017 City Capital Improvement Projects) to the Staff Report contingent upon the Chief Financial Officer certifying that funds are available;

Approving the allocation of FY 2017 CDBG entitlement funding to the Housing Commission in a total amount not to exceed \$1,318,078, for the homeless programs identified in Council Resolution R-307701, as modified by Council Resolution R-309666, contingent upon the Chief Financial Officer certifying that funds are available;

Approving the incorporation of the City's FY 2017 CDBG funding allocations for those projects and programs set forth in Attachments 1, 2, 3, 4, and 5 to the Staff Report into the City's FY 2017 Annual Action Plan;

Authorizing the Chief Financial Officer to accept, appropriate, and expend up to \$4,093,848, in FY 2017 HOME funds from HUD, for the City's FY 2017 HOME Program, contingent upon Grant Funding being secured;

Authorizing the Chief Financial Officer to accept, appropriate, and expend up to \$992,604, in FY 2017 ESG funds from HUD, for the City's FY 2017 Emergency Solutions Grant (ESG) Program, contingent upon Grant Funding being secured;

Authorizing the Mayor, or designee, in conjunction with extension of the term of that certain Memorandum of Understanding between the City of San Diego and the San Diego Housing Commission for the Provision of Homeless Shelters and Services, effective August 1, 2014, as amended as of July 16, 2015 (collectively, 2014 MOU), through FY 2017, to enter into an extension of the term of that certain FY 2016 Emergency Solutions Grant (ESG) Subrecipient Agreement between the City of San Diego and the San Diego Housing Commission that became effective July 2, 2015, through FY 2017;

Authorizing the Mayor, or designee, in conjunction with extension of the term of the 2014 MOU through FY 2017, to enter into an extension of the term of that certain Amended and Restated FY 2016 CDBG and General Fund Agreement between the City of San Diego and the San Diego Housing Commission that became effective September 15, 2015, through FY 2017;

Authorizing the Mayor, or designee, in conjunction with extension of the term of that certain Memorandum of Understanding between the City of San Diego and the San Diego Housing Commission Regarding the HOME Investment Partnerships Program that became effective October 8, 2014, through FY 2017, to enter into an extension of the term of that certain FY 2016 Home Investment Partnerships Grant (HOME) Subrecipient Agreement between the City of San Diego and the San Diego Housing Commission that became effective July 2, 2015, through FY 2017;

Authorizing the Mayor, or designee, to negotiate and enter into Agreements on behalf of the City with those consenting non-profit entities and agencies whose projects or programs are recommended for CDBG funding, contingent upon the Chief Financial Officer certifying that funds are available;

Authorizing the Chief Financial Officer to accept the repayment of CDBG debt from the Successor Agency in a total amount not to exceed \$10,912,000, as listed on the Successor Agency's tenth "Recognized Obligation Payment Schedule" submitted to the California Department of Finance in 2016, for FY 2017 (ROPS 10), as and to the extent approved by the California Department of Finance, which repayment shall be recorded as CDBG "Program Income.";

Authorizing the Chief Financial Officer to appropriate and expend a total amount not to exceed \$10,912,000 of Program Income for projects approved for CDBG funding, contingent upon the Chief Financial Officer certifying that funds are available;

Authorizing the Chief Financial Officer to appropriate \$402,369.65 of Program Income in Fund 600100 and transfer appropriations of \$16,395.10 from FY 2016 Unobligated CDBG Program in Fund 600000, Grant 1000003-2016, IO UC1000003-16 to increase the FY 2017 Capital Improvement Project (CIP) Program Budget in Fund 600000, Grant 1000003-2017, CDBG 2017, contingent upon certification of fund availability by the Chief Financial Officer;

Authorizing the Chief Financial Officer to increase the FY 2017 Capital Improvement Project (CIP) Program Budget in Fund 600000, Grant 1000003-2017, CDBG 2017, and appropriate and expend CDBG Program Balances up to \$418,764.75, FY 2017 CDBG entitlement funding in an amount not to exceed \$3,081,235.25, contingent upon Grant Funding being secured, and \$3,125,547 in Program Income, contingent upon funds being available from Fund 600000, Grant 1000003-2017, CDBG 2017, in the following stand-alone CIP and annual allocation:

- (a) S-15003 Park de la Cruz Community Center Improvements \$5,000,000; and
- (b) A-BT.00003 Citywide Energy Improvements \$1,625,547;

for the purpose of construction, contingent upon the adoption of the FY 2017 Appropriation Ordinance and contingent upon the Chief Executive Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Approving the allocation of an amount not to exceed \$150,000, of CDBG funds for Neil Good Day Center improvements, contingent upon Grant Funding being secured;

Approving the allocation of an amount not to exceed \$500,000 of CDBG funds for Valencia Park/Malcolm X Teen Technology Center improvements, contingent upon Grant Funding being secured;

Authorizing the Chief Financial Officer to increase appropriations in Unobligated CDBG for Program Income revenue;

Authorizing the Chief Financial Officer to transfer balances from declined, completed, or ineligible projects to Unobligated CDBG.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

These actions result in no fiscal impact to the City's General Fund. All funding referenced in the requested actions originates from the U.S. Department of Housing and Urban Development.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

This item was heard at the Infrastructure Committee meeting on February 24, 2016. The Infrastructure Committee considered and approved Community Development Block Grant funding for the City Projects listed in Attachment 5.

**ACTION:** Motion by Councilmember Emerald, second by Vice-Chair Cole, to recommend Council adopt the resolution.

**VOTE:** 4-0; Kersey-yea, Zapf-yea, Cole-yea, Emerald-yea.

Caldwell/Graham

Primary Contact\Phone: Michele Marano\619-236-6381, MS 56D

Secondary Contact\Phone: Sima Thakkar\619-236-5902, MS 56D

City Attorney Contact: Williams, Delmar G.

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

ITEM-332: Public Facilities Financing Authority of the City of San Diego Lease Revenue Refunding Bonds, Series 2016 (Ballpark Refunding) - Preliminary Official Statement Authorization. (Citywide.)

Continued from the meeting of February 9, 2016, Item 334, at the request of Councilmember Gloria, for further review and; continued from the meeting of March 1, 2016, Item 332, at the request of Council President Pro Tem Emerald, for further review.)

**ITEM DESCRIPTION:**

Authorize the form of and distribution of the Preliminary Official Statement (“POS”) for the Public Facilities Financing Authority of the City of San Diego (“PFFA”) Lease Revenue Refunding Bonds, Series 2016 (Ballpark Refunding) (“Series 2016 Bonds”), authorize the execution, delivery and distribution of the Official Statement, and authorize the City Attorney, or his designee, to increase the fees to be paid to Nixon Peabody LLP, as bond counsel and disclosure counsel for the Series 2016 Bonds by an additional \$50,000 above the amounts approved in Ordinance No. O-20469.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-383)

Determining that the statements set forth above in the recitals to this Resolution are true and correct;

Approving the form and content of the proposed Preliminary Official Statement (POS) substantially in the form presented to and considered at this meeting, with such changes thereto as the Mayor, the Chief Operating Officer or the Chief Financial Officer and each of them or any of their respective designees (each, an Authorized Signatory) shall determine are necessary and desirable and may require or approve, such approval to be conclusively evidenced by the delivery of the Preliminary Official Statement to the underwriters. Each Authorized Signatory is hereby severally authorized and directed, for and in the name of and on behalf of the City, to execute and deliver an official statement with respect to the Series 2016 Bonds (the Official Statement), in substantially the form of the final Preliminary Official Statement, with such changes thereto as such Authorized Signatory executing and delivering such document shall determine are necessary and desirable and may require or approve, such requirement or approval to be conclusively

evidenced by the execution and delivery thereof. The distribution by the underwriters of copies of the Preliminary Official Statement and the Official Statement to persons who may be interested in the purchase of Series 2016 Bonds is hereby authorized and approved. The Authorized Signatories are, and each of them acting alone is, hereby authorized to certify to the underwriters on behalf of the City that any Preliminary Official Statement is

deemed final as of its date, within the meaning of Rule 15c2-12 promulgated by the Securities and Exchange Commission (except for the omission of certain information as permitted by such Rule);

Declaring that the litigation and resulting delay have significantly increased the scope of work required of Nixon Peabody LLP, as bond counsel and disclosure counsel to the City and the Authority. Such effort includes analysis and description of the litigation and significant work to update the Preliminary Official Statement. Therefore, the City Attorney or his specified designee is authorized to increase the legal fee payable to Nixon Peabody LLP, by an amount not to exceed \$50,000;

Approving, confirming, and ratifying all actions heretofore taken by any Authorized Signatory or by any officers, employees or agents of the City with respect to the Preliminary Official Statement. Any Authorized Signatory and such other officers, employees or agents of the City as may be authorized by the Mayor, the Chief Financial Officer or the Chief Operating Officer, are hereby authorized and directed, for and in the name of and on behalf of the City, to do any and all things and take any and all actions, including, without limitation, payment of necessary and appropriate fees and expenses, and execute and deliver any and all certificates, agreements and other documents which they, or any of them, may deem necessary or advisable to consummate the transactions evidenced by the documents referenced herein in accordance with this Resolution.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Based on January 11, 2016, market conditions, the full advance refunding of outstanding Series 2007A Bonds could generate cumulative cash flow savings to the General Fund of approximately \$28.8 million, and average annual cash flow savings of approximately \$1.8 million over the remaining life of the bonds, FY 2017-2032. Net present value savings is estimated at 16%. The fees payable to Bond and Disclosure Counsel will be paid from bond proceeds.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTIONS:**

City Council and Public Facilities Financing Authority of the City of San Diego (PFFA) authorized the Preliminary Official Statement (POS) on May 28, 2015 (R-309747) and May 19, 2015 (FA 2015-5), respectively.

On March 17, 2015, City Council authorized the bond issuance and related financing documents (O-20469) - see Report to City Council No. 15-011.

On January 28, 2015, the Budget and Government Efficiency Committee forwarded the financing to City Council for approval - see Budget and Government Efficiency Committee Report No. 15-006.

**ACTION:** Motion by Councilmember Sherman, second by Councilmember Cole, to forward staff recommendation to Council.

**VOTE:** 4-0; Gloria-yea, Cole-yea, Sherman-yea, Alvarez-yea.

Kommi/Lewis

Primary Contact\Phone: Lakshmi Kommi\619-236-6928  
Secondary Contact\Phone: Elizabeth Kelly\619-236-6932  
City Attorney Contact: Will, Brant C.

**NOTE:** See the Public Facilities Financing Authority Agenda of March 22, 2016, for a companion item.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

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

ITEM-333: Appeal of the Environmental Determination for the Inn at Sunset Cliffs Emergency, Project No. 462790. (Ocean Beach Community Plan Area. District 2.)

**ITEM DESCRIPTION:**

Appeal of the environmental exemption determination for the Inn at Sunset Cliffs Emergency Permits Project.

**TODAY'S ACTIONS ARE:**

Take the following actions:

According to San Diego Municipal Code Section 112.0520(d) Power to Act on Appeal, the City Council shall consider the appeal and may take action as follows:

- (1) By a majority vote, deny the appeal, and adopt the environmental determination, or
- (2) By a majority vote, grant the appeal and set aside the environmental determination, in accordance with San Diego Municipal Code Section 112.0520(e);

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter;

If the City Council grants the appeal, the lower-decision maker's decision to approve the project shall be held in abeyance. The City Council shall retain jurisdiction to act on the revised environmental document and associated project at a subsequent public hearing.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None with this action. All costs associated with the processing of this project are paid through a deposit account maintain by the applicant.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:** None with this action.

Vacchi\Graham\wz

Primary Contact\Phone: William Zounes\619-687-5942, MS 501

Secondary Contact\Phone: Jeffrey Petersen\619-446-5237, MS 501

City Attorney Contact: Halsey, Keely

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-350: Submission of Ballot Proposals for the June 7, 2016 Ballot.

**SUBMISSION OF BALLOT PROPOSALS  
FOR THE JUNE 7, 2016 BALLOT**

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 Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket, prior to the election, the ballot proposals which have been referred to Council following Committee review.

Therefore, the City Clerk has established the following administrative guidelines for the June 7, 2016, election.

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Tuesday	1/5/16	154	LAST DATE (5:00 p.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Committee
Wednesday	1/13/16	146	Committee review
Monday	1/25/16	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Committee
Monday	2/1/16	127	Council to discuss propositions and direct City Attorney to prepare ordinances placing measures on the ballot
Monday	2/22/16	106	Council adopts ordinances prepared by City Attorney
Friday	3/11/16	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	3/24/16	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4000.

## ITEM-351: Public Examination of Election Materials.

February 1, 2016

Pursuant to San Diego Municipal Code Section 27.0403, candidate statements, the propositions and related ballot materials for said candidate races and propositions, to be submitted to the voters within the City of San Diego at the election of June 7, 2016, will be available for public examination for ten (10) calendar days prior to being submitted for printing in the sample ballot. During the examination period, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the ballot or sample ballot materials be amended or deleted. Please note the following examination periods:

<u>Document</u>	<u>Start date</u>	<u>End date</u>
Candidate Statements of Qualification <b>and</b> Designations of Principal Profession or Occupation	March 11, 2016	March 21, 2016
Ordinances calling election <b>and</b> Ordinances placing measures on the ballot	March 14, 2016	March 24, 2016
City Attorney's impartial analysis, ballot title and summary, <b>and</b> Mayor/IBA/City Auditor's fiscal analysis	March 22, 2016	April 1, 2016
Ballot arguments	March 25, 2016	April 4, 2016

For additional information regarding this matter, please contact the Office of the City Clerk at (619) 533-4000.

ITEM-352: Arguments Supporting or Opposing Propositions.

For propositions approved by the Council for submittal to the qualified voters of the City of San Diego at the Municipal Primary Election to be held on Tuesday, June 7, 2016, the City Clerk has fixed 5:00 p.m. on Thursday, March 24, 2016, as a reasonable date prior to such election after which no arguments for or against City Propositions may be submitted to the Clerk.

Any argument for or against any City proposition shall not exceed 300 words in length and may be filed by the Council, or any member or members of the Council authorized by the Council, or the bona fide sponsors or proponents of the measure, or any bona fide association of citizens or individual voter, or any combination of voters and associations.

All arguments must be accompanied by a statement signed by each author that the argument is true and correct to the best of his/her knowledge and belief. (Forms for this statement are available in the Office of the City Clerk or at <http://www.sandiego.gov/city-clerk/forms/pdf/argumentsigform.pdf>.)

[San Diego Municipal Code Section 27.0512](#) provides the priority for selection if more than one argument is submitted for, or against, any measure.

An argument shall not be accepted unless accompanied by the name or names of the person or persons submitting it, or if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers. No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

Arguments may be changed or withdrawn by their proponents until and including the date fixed by the City Clerk.

Arguments shall be submitted to the City Clerk at the Office of the City Clerk, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, California, 92101.

**ITEM-353: Notice of Pending Final Map Approval - THE DAKOTA.**

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 "THE DAKOTA" (V.T.M. No. 1461487, PTS No. 408772) located at 4476 -4480 30th Street, in the CL-2 Zone of the Mid-City Communities Planned District and the Greater North Park Community Plan area. The property is legally described as Lots 42, 43 and 44 in Block 65, University Heights, in the City of San Diego, County of San Diego, State of California, according to the Map thereof by G.A. D'Hemecourt, in book 8, page 36, ET SEQ of lis pendens, filed in the County Recorder of San Diego County, 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 Frederick R LePage (619) 446-5434.

NON-DOCKET ITEMSADJOURNMENT IN HONOR OF APPROPRIATE PARTIESADJOURNMENT