

# **CITY OF SAN DIEGO COUNCIL DOCKET**



## **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 Gomez • Ninth District**

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

**Mara Elliott**  
**City Attorney**

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

<b>Council Chambers, 12<sup>th</sup> Floor, City Administration Building</b>
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**Tuesday, April 4, 2017**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, APRIL 4, 2017, AT 10:00 AM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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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@sanidiego.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 City Council will meet in Closed Session this morning from 11:00 a.m. - 12:00 p.m. (Public Comment on Closed Session items will be taken during the 10:00 a.m. Council session.) Copies of the Closed Session agenda are available in the Office of the City Clerk.

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF COUNCIL MINUTES**

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

02/27/2017

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

- \* ITEM-50: Dedicating City-owned land within the Linda Vista Community commonly referred to as Morley Green Mini Park as a public park. (Linda Vista Community Area. District 7.)

**ITEM DESCRIPTION:**

Dedicate approximately 1.25 acres of City-owned land in the Linda Vista Community as parkland. The property to be dedicated is commonly known as Morley Green Mini Park with a legal description of Linda Vista Unit 1, Block 53, Lots 2 and 3.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 3/14/2017, Item 50. (Council voted 7-0. Council President Pro Tem Kersey and Councilmember Alvarez not present):

(O-2017-104)

Determining that there are no unusual circumstances which indicate dedication consideration of Morley Green Mini Park should be deferred;

Declaring that the City-owned land known as Morley Green Mini Park, a description of which is attached hereto as Exhibit A and incorporated herein by this reference, is set aside and dedicated in perpetuity for park and recreation purposes;

Declaring that the Council of the City of San Diego hereby specifically reserves the right to establish underground public service easements under, through and across the dedicated property so long as the construction and maintenance of the subject easements do not substantially negatively impact the availability of the property for use for park and recreational purposes;

Authorizing and directing the City Clerk to record in the office of the San Diego County Recorder a certified copy of this Ordinance.

- \* ITEM-51: Sewage Transportation Agreement with City of Poway and Poway's Reciprocal Sewage Transportation Agreement with the City of San Diego. (Citywide.)

**ITEM DESCRIPTION:**

This item is to renew expired Agreements for transportation of sewerage between the City of San Diego and the City of Poway.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 3/14/2017, Item 51. (Council voted 7-0. Council President Pro Tem Kersey and Councilmember Alvarez not present):

(O-2017-111)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, an Agreement with the City of Poway for the transportation of wastewater through the City of San Diego's municipal sewer system, under the terms and conditions set forth in the Sewage Transportation Agreement;

Authorizing the Chief Financial Officer to receive an estimated amount of \$550,000 annually from the City of Poway for sewage transportation, operation, and maintenance expenses, and additional funds for Poway's proportionate share of future capital improvement costs, if any, under the Agreement;

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, an Agreement with the City of Poway for the transportation of wastewater through the City of Poway's municipal sewerage system, under the terms and conditions set forth in the Sewage Transportation Agreement;

Authorizing the Chief Financial Officer to expend an estimated amount of \$50,000 annually from Fund 700000, Muni Sewer Revenue Fund, for sewage transportation, operation, and maintenance expenses in the City of Poway's municipal sewerage system, and additional funds for the City of San Diego's proportionate share of future capital improvement costs, if any, under the Agreement, provided that sufficient funding is approved in the City's Budget each fiscal year and that the Chief Financial Officer first furnishes one or more certificates demonstrating that the funds necessary are, or will be, on deposit with the City Treasury.

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

- \* ITEM-52: Clean Water State Revolving Fund (SRF) loans to the Wastewater System for Pure Water Planning and Design projects: North City (NC) Morena Blvd Pump Station; NC Water Reclamation Plant Expansion; and NC MBC. (Citywide.)

**ITEM DESCRIPTION:**

Authorization for Clean Water State Revolving Fund (CWSRF) planning and design (P&D) loans, not to exceed \$25,900,000, to fund the various Pure Water Wastewater Systems projects. The Pure Water Program P&D loans accrue no interest during the P&D phase, which is up to three years. It is the intention to repay the P&D loans in full prior to the start of the construction period or refinance the loans with SRF construction loans or bonds. This is a companion item to other State Revolving Fund (SRF) loan actions.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances which were introduced on 3/14/2017, Item 52, Subitems A, B, and C. (Council voted 7-0. Council President Pro Tem Kersey and Councilmember Alvarez not present):

Subitem-A: (O-2017-110)

Authorizing financing through the Clean Water State Revolving Fund and taking related actions in connection with planning and design of the Pure Water North City Morena Boulevard Pump Station and Pipeline Project.

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

Subitem-B: (O-2017-112)

Authorizing financing through the Clean Water State Revolving Fund and taking related actions in connection with planning and design of the Pure Water North City Water Reclamation Plant Expansion Project.

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

Subitem-C: (O-2017-113)

Authorizing financing through the Clean Water State Revolving Fund and taking related actions in connection with planning and design of the Pure Water North City Metropolitan Biosolids Center Improvements Project.

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

**NOTE:** See Items 53 and 54 on today's docket for companion items.

- \* ITEM-53: Clean Water State Revolving Fund (SRF) loans to the Water Utility for Pure Water planning and design projects: North City (NC) Morena Blvd Pump Station & Pipeline; NC Pure Water Facility; and NC Pure Water Pipeline. (Citywide.)

**ITEM DESCRIPTION:**

Authorization for Clean Water State Revolving Fund (CWSRF) planning and design (P&D) loans, not to exceed \$45,300,000, to fund FY18 P&D costs for four Pure Water, Water Utility projects. The P&D loans accrue no interest during the P&D phase, which is up to three years. It is the intention to repay the P&D loans in full prior to the start of construction period or refinance the loans with State Revolving Fund (SRF) construction loans or bonds. This is a companion item to other State Revolving Fund (SRF) loan actions.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances which were introduced on 3/14/2017, Item 53, Subitems A, B, and C. (Council voted 7-0. Council President Pro Tem Kersey and Councilmember Alvarez not present):

Subitem-A: (O-2017-114)

Authorizing financing through the Clean Water State Revolving Fund and taking related actions in connection with planning and design of the Pure Water North City Morena Boulevard Pump Station and Pipeline Project.

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

Subitem-B: (O-2017-115)

Authorizing financing through the Clean Water State Revolving Fund and taking related actions in connection with planning and design of the North City Pure Water Facility Project.

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

Subitem-C: (O-2017-116)

Authorizing financing through the Clean Water State Revolving Fund and taking related actions in connection with planning and design of the North City Pure Water Pipeline to Miramar Project.

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

**NOTE:** See Items 52 and 54 on today's docket for companion items.

- \* ITEM-54: Clean Water State Revolving Fund (SRF) loan to the Sewer Revenue Fund for Pump Station 2 Power Reliability and Surge Protection Construction Project. (Citywide.)

**ITEM DESCRIPTION:**

Authorization for a Clean Water State Revolving Fund (CWSRF) construction loan, not to exceed \$70,000,000 for the PS2 Project (representing an increase of \$27,000,000 from prior approval of \$43,000,000). Construction loans carry an interest rate fixed at closing; the most recent CWSRF rate is 1.7%. The repayment term is 30 years with annual payments to be made from the Sewer Utility. Companion item to other State Revolving Fund (SRF) loan actions.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 3/14/2017, Item 54. (Council voted 7-0. Council President Pro Tem Kersey and Councilmember Alvarez not present):

(O-2017-101)

Authorizing financing through the Clean Water State Revolving Fund and taking related actions in connection with Sewer Pump Station No. 2 Power Reliability and Surge Protection Project.

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

**NOTE:** See Items 52 and 53 on today's docket for companion items.

- \* ITEM-55: First Amendment to the Agreement with Infrastructure Engineering Corporation (IEC) for professional services for the design and construction support of Upas Street Pipeline Replacement Project (H115374). (Greater North Park, Uptown, Midway-Pacific Highway Community Areas. Districts 2 and 3.)

**ITEM DESCRIPTION:**

Council authorization to execute the First Amendment of the Agreement (H115374) with Infrastructure Engineering Corporation (IEC) for the design and construction support services of Upas Street Pipeline Replacement Project. This First Amendment provides additional funds of \$128,094 to allow IEC to design for the additional scope of work.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 3/14/2017, Item 55. (Council voted 7-0. Council President Pro Tem Kersey and Councilmember Alvarez not present):

(O-2017-100)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a First Amendment to the Agreement with Infrastructure Engineering Corporation (IEC) for professional services for the design of Upas Street Pipeline Replacement, in CIP S-11022, Upas Street Pipeline Replacement, in an amount not to exceed \$128,094, contingent upon the adoption of the Appropriation Ordinance for the applicable fiscal year, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend funds under the established Contract funding phases in an amount not to exceed \$128,094 for phase 3 from CIP S-11022, Upas Street Pipeline Replacement, Fund 700010, Water Utility CIP, for the purpose of executing this First Amendment to the Agreement, 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 Treasury;

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

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



- \* ITEM-56: Approval of First Amendment to the Agreement between the City of San Diego and Atos Governmental IT Outsourcing Services, LLC, for IT Services, specifically related to the provision of Network Services.

**ITEM DESCRIPTION:**

This action is to approve a First Amendment to the Agreement between the City of San Diego and Governmental IT Outsourcing Services, LLC, for Network Services. This amendment requests an increase to the not to exceed amount by \$13,560,208 to \$79,722,322 and extends the contract term by 1 year and 6 months.

**STAFF'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 3/21/2017, Item S501. (Council voted 9-0.):

(O-2017-103)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the First Amendment to the Agreement with Atos Governmental IT Outsourcing Services, LLC, for the purpose of extending the term of the Agreement up to an additional one (1) year and six (6) months, through December 31, 2018, in order to allow for disentanglement, increasing the not-to-exceed amount of the Agreement to \$79,722,322, and otherwise modifying the Agreement pursuant to the terms and conditions contained in the First Amendment to the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$79,722,322 over the term of the Agreement with Atos Governmental IT Outsourcing Services, LLC, as amended, for the purpose of funding the Agreement, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year 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;

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

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

- \* ITEM-57: Approval of the First Amendment to the Agreement between the City of San Diego and Atos IT Solutions and Services, Inc. (Atos) for IT Services, specifically related to the provision of Help Desk and Datacenter services. (All Districts.)

**ITEM DESCRIPTION:**

Approve an ordinance authorizing the Mayor, or his designee, to execute the First Amendment to the Atos Agreement to extend the Agreement term and increase the related expenditure of Funds in an amount of \$11,352,150.

**STAFF'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 3/21/2017, Item S502. (Council voted 9-0):

(O-2017-98)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the First Amendment to the Master Services Agreement with Atos IT Solutions & Services, Inc., for the purpose of extending the term of the Agreement through June 30, 2018, increasing the not-to-exceed amount of the Agreement to \$58,475,546, and otherwise modifying the Agreement pursuant to the terms and conditions contained in the First Amendment to the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$58,475,546 during the term of the Master Services Agreement with Atos IT Solutions & Services, Inc., as amended, for the purpose of funding the Agreement contingent upon the adoption of the annual Appropriation Ordinance for the applicable fiscal year 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.

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

**ADOPTION AGENDA, CONSENT ITEMS**

**ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:**

- \* ITEM-60: Approval of a lease agreement with Calico, LLC, and Catitude, LLC, as lessors, and the City of San Diego, as lessee, for property located at 7950, 8048-8050 Othello Avenue, San Diego, CA 92111. (Kearny Mesa Community Area. District 6.)

**ITEM DESCRIPTION:**

Approval of a lease agreement with Calico, LLC, and Catitude, LLC, as lessors, and the City of San Diego, as lessee, for property located at 7950, 8048-8050 Othello Avenue, San Diego, CA 92111. This property will be used to house City Fire Fleet operations in their relocation from Miramar to a more centrally located and efficient property in Kearny Mesa.

**STAFF'S RECOMMENDATION:**

Introduce the ordinance in Subitem A; and adopt the resolution in Subitem B:

Subitem-A: (O-2017-118)

Introduction of an Ordinance authorizing and directing the Mayor, or his designee, to execute that certain Lease between the City of San Diego and Calico, LLC, and Catitude, LLC, for the lease of the property located at 7950, 8048-8050 Othello Avenue, San Diego, California;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$10,447,710.48 over the initial ten-year term from Fund No. 7200, Fleet Services Operating Fund, for the purpose of leasing the Property, contingent upon the Chief Financial Officer furnishing a certificate certifying that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer.

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

Subitem-B: (R-2017-436)

Declaring that the Council using its independent judgment, has considered the written record and public comment concerning City staff's request to approve the Project, 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:**

This action will authorize total lease expenditures during the ten (10) year term, which ends in October 2027, in an amount not to exceed \$10,447,710.48, of which \$8,666,700 is base rent, \$1,174,341.48 is for operating expenses, \$260,001 is for property management fees, and \$346,668 is for the landlord managed reserve account. Expenses are to be paid through the Fleet Operations Department's budget.

Additionally, tenant improvements for this lease are estimated at \$6,500,000 and will be funded by the Fleet Operations Department contingent upon the City Comptroller furnishing a certificate certifying that funds are, or will be, on deposit with the City Treasurer. Fleet Operations Department has projected these costs in their proposed FY 2018 Budget.

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

This item was heard at the Smart Growth and Land Use Committee meeting on March, 15, 2017.

**ACTION:** Motion by Councilmember Alvarez, second by Councilmember Cate, to recommend Council introduce the Ordinance.

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

Thompson/Villa

Primary Contact\Phone: Karen Johnson\619-236-6191  
Secondary Contact\Phone: Miguel Duran\619-236-6733  
City Attorney Contact: Mendoza, Hilda R.

- \* ITEM-61: Authorize the opening and maintenance of a City street on a portion of certain City dedicated parkland located adjacent to La Jolla Mesa Drive pursuant to San Diego Charter Section 55. (La Jolla Community Planning Area. District 1.)

**ITEM DESCRIPTION:**

The City of San Diego's Transportation and Storm Water Department (TSW) has received several requests from residents and other stakeholders to complete a missing section (215 linear feet) of sidewalk on the south side of La Jolla Mesa Drive. TSW has determined that the construction of this sidewalk is critical due to pedestrian safety concerns as a result of the high level of traffic levels on La Jolla Mesa Drive. Approximately 186 linear feet of City open space (APN 358-590-32), which was dedicated for park and recreation purposes by Ordinance O-12710 is needed in order to complete the missing portion of the sidewalk

**STAFF'S RECOMMENDATION:**

Introduce the ordinance in Subitem A; and adopt the resolution in Subitem B;

Subitem-A: (O-2017-120)

Introduction of an Ordinance finding that the public interest demands the opening and maintenance of a street, over, through and across that certain portion of the Dedicated Parkland, in order to complete the La Jolla Mesa Drive Project; that certain portion of the Dedicated Parkland is more particularly described in the document entitled "Streets and Highways Use on Dedicated Parkland," comprised of a legal description and Engineer's Drawings Nos. 39812-1-B and 39812-2-B.

Subitem-B: (R-2017-446)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(d), and that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:** None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Smart Growth and Land Use Committee meeting on March 15, 2017.

ACTION: Motion by Councilmember Alvarez, Second by Councilmember Cate, to recommend Council introduce the ordinance.

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

Thompson/Villa

Primary Contact\Phone: Sara Solomon\619-533-4523, MS 51A

Secondary Contact\Phone: Barry Slotten\619-236-6724, MS 51A

City Attorney Contact: Powell, David L.

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

- \* ITEM-100: Advertise and Award Slurry Seal Group 1703. (Various Community Areas. Districts 1-9.)

**ITEM DESCRIPTION:**

Authorize the advertisement, award, and execution of a street maintenance contract to provide for the repair and slurry sealing of approximately 55 miles of asphalt streets located throughout the City.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-433)

Authorizing the Mayor, or his designee, to advertise and execute, for and on behalf of the City, a Construction Contract with the lowest responsible and reliable bidder, in an amount not to exceed \$5,000,000, for the Slurry Seal Group 1703 Project;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$5,000,000 from Fund 200306, Prop 42 Replacement Fund, Transportation & Storm Water Department - Street Division, for the purpose of funding Slurry Seal Group 1703 Construction Contract, 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.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This action will authorize expenditure of up to \$5,000,000 for the Project, with an estimated distribution of \$4,500,000 for the Construction Contract and \$500,000 for Project and Construction Management. Construction management will be handled by City forces. Funds for this action are available from the Proposition 42 Replacement Fund in Transportation and Storm Water Department's Budget. If additional funds become available, this Contract may be renewed to perform additional slurry seal maintenance.

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

These items traditionally go directly to Council.

McFadden/Gomez

Primary Contact\Phone: Kristy Reeser\619-527-7504, MS 44

Secondary Contact\Phone: Joshua Lahmann\619-527-7509, MS 44

City Attorney Contact: Jung, Jeremy A.

\* ITEM-101: Agreement between the City of San Diego and CST Fleet Services.

**ITEM DESCRIPTION:**

This action is to approve the Agreement between the City of San Diego and Carolina Software Technologies, Inc. Fleet Services (CST) for Project Management and Solutions Architect/Implementer for the San Diego Fleet Operations Division's upgrade of the current Fleet Management System, Assetworks' Fleet Focus (FA).

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-458)

Authorizing the Mayor, or his designee, to execute the Agreement with Carolina Software Technologies, Inc. (dba CST Fleet Services), for the upgrade and implementation of the Fleet Focus Fleet Management System in an amount not to exceed \$375,000;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$375,000 from Fund 720000, Fleet Operations Fund, solely and exclusively to fund the above referenced Agreement, provided that the Chief Financial Officer first furnishes one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The total cost of Carolina Software Technologies, Inc. (CST) Fleet Services would not exceed \$375,000. Funding for this Agreement will come from the Fleet Services Operating Fund 720000. This Agreement requires City Council approval since cumulatively it would exceed the \$250,000 threshold for a single agreement in the same year. Funding was provided for this Project in the Fiscal Year 2017 Adopted Budget. The current Project is expected to be completed at the end of Fiscal Year 2017, however, in the event of unforeseen project delays, the Department is requesting approval to expend in Fiscal Year 2018. The scope of services shall not exceed \$307,000, and the compensation for additional services, if requested by the city, shall not exceed \$68,000, for a total Contract amount not to exceed \$375,000.

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



This item was heard at the Budget and Government Efficiency Committee meeting on March 22, 2017.

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

VOTE: 4-0; Bry-yea, Sherman-yea, Cate-yea, Gomez-yea.

Khoury/Villa

Primary Contact\Phone: MeYa Alomar\619-527-5410, MS 42

Secondary Contact\Phone: Alia Khoury\619-527-6014, MS 42

City Attorney Contact: Zeleny, Thomas C.

\* ITEM-102: Percentage Lease Between City and Campland, LLC, a Delaware Limited Liability Company. (Pacific Beach Community Area. District 2.)

**ITEM DESCRIPTION:**

This action is to request authorization for the Mayor, or his designee, to enter into a new three-year Percentage Lease with an existing lessee, Campland, LLC, a Delaware Limited Liability Company, which will allow the continued leasing, operation and maintenance of the City-owned property commonly known as Campland on the Bay, an existing public camping facility, improved with camp sites, parking, storage, boat slips, a general merchandise store, and other supporting facilities. Under this proposed new Lease, Campland, LLC, would continue to occupy and operate the campground property while staff finalizes the revitalization plan for that area of Mission Bay Park, under the De Anza Cove Revitalization Master Plan ("the Plan"). The future use of the campground property will be determined when the Plan is approved by the City.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2017-389)

Authorizing and directing the Mayor, or his designee, to execute that certain City of San Diego Percentage Lease by and between the City of San Diego and Campland, LLC;

Authorizing the Chief Financial Officer to accept and deposit lease rent proceeds into General Fund 100000.

Subitem-B: (R-2017-418)

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 does not apply;

Determining that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

It is expected that the annual rent to City will be at least equal to or higher than the rent received in FY16, which was \$1,878,796.

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

This item was heard at the Smart Growth and Land Use Committee meeting on February 15, 2017.

**ACTION:** Motion by Councilmember Cate, second by Councilmember Alvarez, to recommend Council adopt the resolution and approve the Agreement.

**VOTE:** 4-0; Sherman-yea, Cate-yea, Alvarez-yea, Gomez-yea.

Thompson/Villa

Primary Contact\Phone: Vladimir Balotsky\619-235-5248

Secondary Contact\Phone: Cybele Thompson\619-236-6145

City Attorney Contact: Bevier, Debra J.

\* ITEM-103: Percentage Lease Between City and Shoreline Mission Bay, LLC, a Delaware Limited Liability Company. (Mission Bay Community Area. District 2.)

**ITEM DESCRIPTION:**

This action is to request authorization for the Mayor, or his designee, to enter into a new twenty-five year Percentage Lease (“Lease”) with Shoreline Mission Bay, LLC, a Delaware Limited Liability Company (“Shoreline”), to allow redevelopment of the City-owned property with a vacant 4,600 square-foot building, and to lease the property for the following uses: (1) restaurant, café and coffee shop; (2) rental and sale of beach items; (3) to maintain the existing parking; (4) to operate a public information center of the Mission Bay Park, and: (5) for special events space rentals. The Lease is for City-property formerly known as the San Diego Visitor Information Center located at 2688 East Mission Bay Drive.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2017-442)

Authorizing the Mayor, or his designee, to execute the City of San Diego Percentage Lease with Shoreline Mission Bay, LLC, a Delaware Limited Liability Company;

Authorizing the Chief Financial Officer to accept and deposit all lease revenues into General Fund 100000.

Subitem-B: (R-2017-443)

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:**

After the redevelopment period of 18 months the rent will be at least \$60,000 annually, taking into account 50% of rent credit. Full rent of \$120,000 or percentage rent whichever higher will be paid annually after the rent credit has been fully applied. Rent is subject the Charter Section 55.2.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Smart Growth and Land Use Committee meeting on March 15, 2017.

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

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

Thompson/Villa

Primary Contact\Phone: Vladimir Balotsky\619-235-5248

Secondary Contact\Phone: Cybele Thompson\619-236-6145

City Attorney Contact: Ferbert, Heather M.

\* ITEM-104: Water Utility CIP Fund Appropriation and Water Revenue Bond Series 2016A Fund De-appropriation.

**ITEM DESCRIPTION:**

The Public Utilities Department is requesting authority to de-appropriate funds from the Water Revenue Bond Series 2016A Fund and to re-appropriate an equal amount in the Water Utility CIP Fund for various Water CIP projects.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-416)

Authorizing the Chief Financial Officer to reduce the Water Revenue Bond Series 2016A Fund Budget by de-appropriating \$25.6 million from specific Water CIP Projects as reflected on Exhibit 1 to the Executive Summary Sheet;

Authorizing the Chief Financial Officer to appropriate up to \$25.6 million among specific Water CIP Projects in the Water Utility CIP Fund as reflected on Exhibit 1 to the Executive Summary Sheet.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

These actions will de-appropriate up to \$25.6 million from the Water Revenue Bond Series 2016A Fund and will re-appropriate and expend up to \$25.6 million in the Water Utility CIP Fund for various Water CIP projects. These actions will not increase or decrease the projects budgets, but will realign the budget to the correct fund where expenditures will occur.

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

R-309971 – A Resolution of the Council of the City of San Diego Authorizing the Execution of a Reimbursement Agreement for Water CIP Expenditures.

R-310548 – A Resolution of the Council of the City of San Diego Authorizing the Appropriation and Expenditure in Fiscal Year 2016 of Bond Proceeds Related to the Issuance of the Public Facilities Financing Authority's Subordinated Water Revenue Bonds, Series 2016A.

This item was heard at the Environment Committee meeting on March 16, 2017.

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

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

Jones-Santos/Gomez

Primary Contact\Phone: Seth Gates\858-614-4030, MS 901

Secondary Contact\Phone: Frank Dumbrique\858-654-4414

City Attorney Contact: Palmucci, Ray C.

- \* ITEM-105: Community Projects, Programs, and Services Funding Allocation to Jewish Family Service of San Diego for the Rides and Smiles Program. (Communities within the zip codes 91942, 92014, 92025, 92029, 92037, 92064, 92108-11, 92115-17, 92119-24, and 92126-31. Districts 1, 6, and 7.)

**ITEM DESCRIPTION:**

Approval of the funding allocation from Council Districts 1, 6, and 7, along with authorization from the City Council is requested to allow the Mayor, or his designee, to enter into an Agreement with Jewish Family Service, for an amount not to exceed \$27,500, for the Rides and Smiles Program.

**COUNCILMEMBER BRY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-453)

Declaring that the allocation described in this resolution is made for a public purpose;

Waiving Council Policy 100-06, Section 3(g), which provides: "An organization may not apply to receive funding for an event or program which has already occurred, nor any capital improvement, goods, supplies, materials, or equipment which have already been purchased";

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, a Community Projects, Programs, and Services FY 2017 City Council Allocations Agreement between the City of San Diego and the Jewish Family Service (Agreement) in an amount not to exceed \$27,500 for the Project described in this resolution, under terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$20,000 from Council District 1: Community Projects, Programs, and Services Budget Fund No. 100000, Cost Center No. 1101110001; \$2,500 from Council District 6: Community Projects, Programs, and Services Budget Fund No. 100000, Cost Center No. 1106110006; and \$5,000 from Council District 7: Community Projects, Programs, and Services Budget Fund No. 100000, Cost Center No. 1107110007, for a total of \$27,500, all to provide funds for the above-referenced Agreement, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.



**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

\$27,500 in Community Projects, Programs, and Services Funding from the following fund/costs centers:

CD 1 100000 OTHR-00000000-GG 1101110001 512059 \$20,000

CD 6 100000 OTHR-00000000-GG 1106110006 512059 \$2,500

CD 7 100000 OTHR-00000000-GG 1107110007 512059 \$5,000

For the purpose of funding the Rides and Smiles Program.

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

Fox

Primary Contact\Phone: Jamie Fox\619-236-6611, MS 10A

Secondary Contact\Phone: Courtney Thomson\619-236-5918, MS 10A

City Attorney Contact: Berry, Jennifer L.

- \* ITEM-106: Community Projects, Programs, and Services Funding Allocation to MANA de San Diego for Latina Success Conference. (All Districts.)

**ITEM DESCRIPTION:**

Approval of the funding allocation from Council Districts 2, 4, 5, 7, and 8, and along with authorization from the City Council is requested to allow the Mayor, or his designee, to enter into an Agreement with the MANA de San Diego an amount not to exceed \$11,500, for the Latina Success Conference and Latina Success Leadership Program.

**COUNCILMEMBER ALVAREZ'S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-451)

Declaring that the allocation described in this resolution is made for a public purpose;

Waiving Council Policy 100-06, Section 3(g), which provides: "An organization may not apply to receive funding for an event or program which has already occurred, nor any capital improvement, goods, supplies, materials, or equipment which have already been purchased";

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, a Community Projects, Programs, and Services FY 2017 City Council Allocations Agreement between the City of San Diego and MANA de San Diego (Agreement) in an amount not to exceed \$11,500 for the Project described in this resolution, under terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$2,000 from Council District 8: Community Projects, Programs, and Services Budget Fund No. 100000, Cost Center No. 1108110008; \$2,500 from Council District 2: Community Projects, Programs, and Services Budget Fund No. 100000, Cost Center No. 1102110002; \$3,000 from Council District 4: Community Projects, Programs, and Services Budget Fund No. 100000, Cost Center No. 1104110004; \$2,000 from Council District 5: Community Projects, Programs and Services Budget Fund No. 100000, Cost Center No. 1105110005; and \$2,000 from Council District 7: Community Projects, Programs, and Services Budget Fund No. 100000, Cost Center No. 1107110007, for a total of \$11,500, all to provide funds for the above-referenced Agreement, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

\$11,500 in Community Projects, Programs, and Services Funding from the following fund/costs centers:

CD 8 100000 OTHR-00000000-GG 1101180008 512059 \$2,000  
CD 2 100000 OTHR-00000000-GG 1102110002 512059 \$2,500  
CD 4 100000 OTHR-00000000-GG 1104110004 512059 \$3,000  
CD 5 100000 OTHR-00000000-GG 1105110005 512059 \$2,000  
CD 7 100000 OTHR-00000000-GG 1107110007 512059 \$2,000

For the purpose of funding the Latina Success Conference and Latina Success Leadership Program.

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

Schmidt

Primary Contact\Phone: Lisa Schmidt\619-236-6688, MS 10A

Secondary Contact\Phone: Courtney Thomson\619-236-5918, MS 10A

City Attorney Contact: Berry, Jennifer L.

- \* ITEM-107: Community Projects, Programs, and Services funding allocation to the College Area Community Garden for Community Garden Building and Maintenance.  
(College Community Area. District 9.)

**ITEM DESCRIPTION:**

Approval of the funding allocation from Council District 9, along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an Agreement with the College Area Community Garden for an amount not to exceed \$5,000 for Community Garden Building and Maintenance.

**COUNCILMEMBER GOMEZ'S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-452)

Declaring that the allocation described in this resolution is made for a public purpose;

Waiving Council Policy 100-06, Section 3(g), which provides: "An organization may not apply to receive funding for an event or program which has already occurred, nor any capital improvement, goods, supplies, materials, or equipment which have already been purchased";

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, a Community Projects, Programs, and Services FY 2017 City Council Allocations Agreement between the City of San Diego and the College Area Community Garden (Agreement) in an amount not to exceed \$5,000 for the Project described in this resolution, under terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$5,000 from the Community Projects, Programs, and Services Budget Fund No. 100000, Cost Center No. 1109110009, CD 9, to provide funds for the above-referenced Agreement, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

\$5,000 in Community Projects, Programs and Services Funding from:

Fund No. 100000, Cost Center No. 1109110009

Will be used for Community Garden Building and Maintenance.

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

Witzel

Primary Contact\Phone: Dominika Bukalova\619-236-6699, MS 10A

Secondary Contact\Phone: Courtney Thomson\619-236-5918, MS 10A

City Attorney Contact: Berry, Jennifer L.

\* ITEM-108: Settlement of claims as between D. J. St. Jon, Overland Pacific & Cutler and the City of San Diego, Risk Management File No. 12102.

**ITEM DESCRIPTION:**

St. Jon seeks a disputed amount of compensation by way of a claim pending before the Special Master appointed to allocate payments to De Anza Cove Homeowners Association residents per the terms of the Amended Judgment. St. Jon also seeks property damage and personal injury claims for discrimination under the Americans with Disabilities Act in her recent lawsuit filed against the City and Overland Pacific & Cutler. The proposed settlement would resolve all claims as between St. Jon, Overland Pacific & Cutler and the City arising from the Amended Judgment and the recent St. Jon lawsuit.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-431)

Authorizing the Mayor, or his designee, to pay the sum of \$75,000 from the Public Liability Fund No. 72045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from *St. Jon v. City of San Diego, et. al.* San Diego County Superior Court, Case No. 37-2016-00042926-CU-CR-CTL against Overland Pacific & Cutler (OPC) and the City alleging damages arising from the implementation of the Amended Judgment in the lawsuit known as *De Anza Cove Homeowners Association, et al. v. City of San Diego, et al.*, and also ST. JON's claim pending before the Special Master appointed to allocate payments to De Anza Cove Homeowners Association residents under the terms of the Amended Judgment;

Authorizing the City Comptroller to issue a check in the amount of \$75,000, made payable to Bordin Martorell, LLP.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Settlement amount of \$75,000 will be paid from the Public Liability Fund, Fund No. 720045.

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

The item was approved in Closed Session on January 24, 2017.

Karlin

Primary Contact\Phone: John Riley\619-236-7263

Secondary Contact\Phone: Anna Lonergan\619-533-5838

City Attorney Contact: Riley, John

- \* ITEM-109: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2017-217)

Declaring a continued state of emergency to persist relative to the escalated discharge of raw sewage from Tijuana, Mexico, pursuant to California Government Code Section 8630;

Authorizing the Mayor, or his designee, to execute all necessary contracts for the diversion, treatment, and disposal of international raw sewage;

Declaring that the measures previously taken in accordance with Resolution Number R-282544 shall continue to have full force and effect.

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: Volunteer Appreciation Month.

**PRESENTED BY COUNCILMEMBER ZAPF:**

Proclaiming April 2017, to be "Volunteer Appreciation Month" in the City of San Diego.

ITEM-31: Global Meetings Industry Day.

**PRESENTED BY COUNCILMEMBER WARD:**

Proclaiming April 6, 2017, to be "Global Meetings Industry Day" in the City of San Diego.

ITEM-32: Fair Housing Month.

**PRESENTED BY COUNCIL PRESIDENT COLE:**

Proclaiming April 2017, to be "Fair Housing Month" in the City of San Diego.

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

ITEM-33: Indian Music and Dance Festival 2017 Days.

**MAYOR FAULCONER'S, COUNCIL PRESIDENT COLE'S, AND COUNCILMEMBER BRY'S RECOMMENDATION:**

Proclaiming April 2-9, 2017, to be "Indian Music and Dance Festival 2017 Days" in the City of San Diego.



ITEM-34: Thella F. Bowens Day.

**MAYOR FAULCONER'S, COUNCIL PRESIDENT COLE'S, AND COUNCIL  
PRESIDENT PRO TEM KERSEY'S RECOMMENDATION:**

Proclaiming March 17, 2017, to be "Thella F. Bowens Day" in the City of San Diego.

ITEM-35: Clara Carter Day.

**COUNCIL PRESIDENT COLE'S RECOMMENDATION:**

Proclaiming March 16, 2017, to be "Clara Carter Day" in the City of San Diego.

**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

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

ITEM-330: City Auditor's Performance Audit of the San Diego Convention Center. (Citywide.)

**TODAY'S ACTION IS:**

Accept the City Auditor's Performance Audit of the San Diego Convention Center.

**SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: N/A

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

The report was presented at the Audit Committee meeting on January 25, 2017.

ACTION: Motion by Committee Member Hebrank, second by Committee Member Sherman, to accept the report with modifications including requesting that the Convention Center provide a revised response on the implementation of recommendations 1, 2, 3, and 5; and that the Convention Center provide the City Auditor with a list of the ten major Convention Center competitors including their governance structure, if the City subsidizes costs, and if the City pays for capital projects, and forward the report and additional information to the City Council.

VOTE: 5-0; Gomez-yea, Sherman-yea, Hebrank-yea, Spencer-yea, Valdivia-yea.

The San Diego Convention Center Corporation has provided an updated response letter to the audit report and the additional requested information since the audit report was presented to the Committee.

Luna

Primary Contact\Phone: Shawnee Pickney\619-533-3035

Secondary Contact\Phone: Kyle Elser \619-533-3007

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-331: 1122 4th Avenue (commonly known as the California Theatre) – Amendments to the General Plan/Downtown Community Plan, Centre City Planned District Ordinance and Local Coastal Program for the Removal of the Employment Overlay from the project site and Centre City Development Permit/Site Development Permit/Centre City Planned Development Permit/Neighborhood Use Permit No. 2014-76 – PUBLIC HEARING. (Civic/Core Neighborhood of the Downtown Community Plan Area. District 3.)

**ITEM DESCRIPTION:**

Approval of this item will allow for the demolition of the existing historic California Theatre building and construction of a mixed-use development project.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions in subitems A, B, and D; and introduce the ordinance in subitem C:

Subitem-A: (R-2017-414 Cor. Copy)

Adoption of a Resolution certifying that the Report has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), that the Report reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project;

Adopting the Findings made with respect to the Project, which are attached hereto as Exhibit A, pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091;

Adopting the Statement of Overriding Considerations with respect to the Project, which are attached hereto as Exhibit B, pursuant to State CEQA Section 15093;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit C, pursuant to CEQA Section 21081.6;

That the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the Office of the City Clerk, 202 C Street, San Diego, CA 92101;

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 after final passage of the Ordinance associated with the Project.

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

Subitem-B: (R-2017-417 Cor.Copy)

Adoption of a Resolution amending the General Plan And Downtown Community Plan (DCP) to remove the employment required overlay area from a 25,000 Square Foot premises on the north side of C Street between Third and Fourth Avenues within the Downtown Community Plan in the City Of San Diego, California;

That DCP Amendment No. 2014-76 to the General Plan and Downtown Community Plan is on file in the Office of the City Clerk;

That DCP Amendment No. 2014-76 shall not become effective until the Coastal Commission unconditionally certifies DCP Amendment No. 2014-76 as a local coastal program amendment, and until amending the Centre City Planned District Ordinance (CCPDO), is finally passed and is unconditionally certified by the California Coastal Commission as a local coastal program amendment;

No building permits for development inconsistent with the provisions of this Resolution shall be issued unless application therefore was made prior to the passage of this Resolution.

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

Subitem-C: (O-2017-117)

Introduction of an Ordinance amending Chapter 15, Article 6, Division 3 of the San Diego Municipal Code (SDMC) by amending Figure C, relating to the Centre City Planned District Ordinance in order to remove the employment required overlay district from a 25,000 Square Foot site on the north side of C Street between Third and Fourth Avenues within the Downtown Community Plan in the City Of San Diego, California.

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

Subitem-D: (R-2017-432)

Adoption of a Resolution adopting the findings with respect to Centre City Development Permit/Site Development Permit/Centre City Planned Development Permit/Neighborhood Use Permit No. 2014-76. The proposed uses are permitted uses in the CCPDO and Land Development Code with approval of a NUP, and will comply to the maximum extent feasible with the regulations of SDMC and the CCPDO with approval of a NUP and will not require deviations to the Land Development Code;

Granting Centre City Development Permit/Site Development Permit/Centre City Planned Development Permit/Neighborhood Use Permit No. 2014-76 to the referenced Owner/Permittee, based on the findings hereinbefore adopted by the City Council, in the form, exhibits, terms, and conditions set forth in Permit No. 2014-76, a copy of which is attached hereto and made a part hereof, contingent upon final passage of the Resolution approving amendments to the General Plan and Downtown Community Plan and amending the Centre City Planned District Ordinance.

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

#### **STAFF SUPPORTING INFORMATION:**

##### **FISCAL CONSIDERATIONS:**

Under the Downtown Public Facilities Financing Plan, the Project will pay Development Impact Fees (DIF) to fund its fair share of new park, fire station, and traffic circulation improvements in the DCP area. The DIF for this Project is estimated to be \$2,457,755.

##### **PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:** N/A

Jarrett/Graham/ah

Primary Contact\Phone: Aaron Hollister\619-533-7180, MS 51D

Secondary Contact\Phone: Brad Richter\619-533-7115, MS 51D

City Attorney Contact: Neuffer, Corrine

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

ITEM-332: Otay Mesa Central Village Specific Plan. (Otay Mesa Community Plan Area. District 8.)

**ITEM DESCRIPTION**

An application for a Specific Plan within the Otay Mesa Community Plan Area. The Central Village Specific Plan encompasses approximately 229.2 acres and is located south of State Route 905. This Specific Plan is a multi-layered plan guiding development of a mixed use village by providing site-specific land use policies, supplemental development regulations and design guidelines and requirements. The Specific Plan implements the General Plan, Otay Mesa Community Plan, and Climate Action Plan. Uses allowed in the Specific Plan would include open space, parks, school/recreation, mixed-use commercial and residential, and multi-family residential.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions in subitems A and D; and introduce the ordinances in subitems B and C:

Subitem-A: (R-2017-405 Cor. Copy) (Rev. 4/3/17)

Adoption of a Resolution adopting addendum to the final Environmental Impact Report No. 30330/304032, SCH No. 2004651076 and adopting the Mitigation, Monitoring, and Reporting Program for the Central Village Specific Plan, Project No. 408329;

That the information contained in the final Environmental Impact Report No. 30330/304032 along with the Addendum thereto, including any comments received during the public review process, has been reviewed and considered by this City Council prior to making a decision on the Project;

That there are no substantial changes proposed to the Project and no substantial changes with respect to the circumstances under which the Project is to be undertaken that would require major revisions in the Environmental Impact Report for the Project due to significant environmental effects or a substantial increase in the severity of previously identified environmental effects;

That no new information of substantial importance has become available showing that the Project would have any significant effects not discussed previously in the Environmental Impact Report or that any significant effects previously examined will be substantially more severe than shown in the Environmental Impact Report;

That no new information of substantial importance has become available showing that mitigation measures or alternatives previously found not to be feasible are in fact feasible which would substantially reduce any significant effects, but that the Project proponents decline to adopt, or that there are any considerably different mitigation measures or alternatives not previously considered which would substantially reduce any significant effects, but that the Project proponents decline to adopt;

Adopting Addendum to Environmental Impact Report No. 30330/304032 with respect to the Project, a copy of which is on file in the office of the Development Services Department, pursuant to State CEQA guidelines section 15164, only minor technical changes or additions are necessary;

Adopting the Mitigation, Monitoring, and reporting Program, or alterations to implement the changes to the project as required by this City Council in order to mitigate or avoid environment, which is attached hereto as Exhibit A, pursuant to CEQA Section 21081.6;

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.

Subitem-B: (O-2017-108)

Introduction of an Ordinance adopting the Central Village Specific Plan in the Otay Mesa Community Plan Area Project No. 408329.

Subitem-C: (O-2017-109)

Introduction of an ordinance changing 229.2 acres located within the Otay Mesa Community Plan Area, in the City of San Diego, California, from the AR-1-1 and OC-1-1 Zones into the OR-1-2, AR-1-1, RM-2-5, RM-3-7 and CC-3-6 Zones, as defined by San Diego Municipal Code Sections 131.0200, 131.0300, 131.0400 and 131.0500; and repealing Ordinance No. O-20362 (new series), adopted April 11, 2014, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-D: (R-2017-404)

Adoption of a Resolution adopting the amendment to the General Plan;

Adoption of a Resolution, adopting the amendment to the Otay Mesa Community Plan, a copy of which is on file in the Office of the City Clerk.



**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None with this action. All costs associated with the processing of this Specific Plan are paid from a deposit account maintained by the applicant.

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

None associated with this action.

Vacchi/Graham/pg

Primary Contact\Phone: Paul Godwin 619-446-5190, MS 501

Secondary Contact\Phone: Tait Galloway\619-533-4550, MS413

City Attorney Contact: Thomas, Shannon

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: **Notice** of Pending Final Map Approval - Ballpark Village.

Notice is hereby given that the City Land Surveyor has reviewed and will approve on the date of this City Council meeting that certain Final Map entitled "Ballpark Village" (Resolution No. PC- 4844 and Tentative Map No. 1882605/PTS No. 535409) located at 100-101 Park Plaza and 189-201 Park Boulevard in the CCPD-BP (Centre City Planned District Ballpark Mixed-Use) zone within the Downtown Community Plan Area. The property is legally described as Parcels 1 through 4 of Parcel map No. 20943, a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Land Surveyor 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 Land Surveyor 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 Land Surveyor 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 Fred LePage (619) 446-5434.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT