

REVISED

CITY OF SAN DIEGO COUNCIL AGENDA



COUNCIL PRESIDENT

Myrtle Cole • Fourth District

COUNCIL PRESIDENT PRO TEM

Barbara Bry • First District

COUNCILMEMBERS

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

**Andrea Tevlin
Independent
Budget Analyst**

**Mara W. Elliott
City Attorney**

**Elizabeth Maland
City Clerk**

Council Chambers, 12th Floor, City Administration Building
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Monday, April 23, 2018

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, APRIL 23, 2018, AT 2:00 PM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ALTERNATE FORMATS

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

SENATE BILL 343 (LATE-ARRIVING MATERIALS)

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

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

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

REQUESTS FOR CONTINUANCE BY COUNCILMEMBERS

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

PROCLAMATIONS/CEREMONIAL ITEMS (PRESENTED IN CHAMBERS)

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

Item 20: National Travel and Tourism Week 2018.

PRESENTED BY COUNCILMEMBER WARD:

Proclaiming May 6th-12th, 2018, to be "National Travel and Tourism Week 2018" in the City of San Diego.

ADOPTION AGENDA, DISCUSSION ITEMS

ADOPTION AGENDA

DISCUSSION, ORDINANCES TO BE INTRODUCED:

Item 200: San Diego Association of Governments (SANDAG) TransNet Commercial Paper Program for the West Mission Bay Drive Bridge Over SD River CIP Project.

Total Estimated Cost of Proposed Action and Funding Source:

The City will pay its proportionate share of the commercial paper issuance costs, and annual debt service costs which include principal and interest payments, and annual administrative costs from the date the debt is issued until the final principal and interest amounts of the applicable commercial paper are fully repaid.

Council District(s) Affected: 2.

Proposed Actions:

(O-2018-102)

Introduction of an ordinance, authorizing the Mayor, or his designee, to request funding from San Diego Association of Governments (SANDAG) through the TransNet Commercial Paper Program for the West Mission Bay Drive Bridge over the SD River CIP Project, in an amount not-to-exceed \$40 million on an as-needed basis. The ordinance will authorize the Mayor, or his designee, to execute all necessary documents relating to the receipt of commercial paper funds from SANDAG, including a Memorandum of Understanding between SANDAG and the City. Additionally, the ordinance authorizes the Chief Financial Officer to undertake necessary and related fiscal actions related to the use of SANDAG's Commercial Paper Program.

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

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on March 14, 2018.

ACTION: Motion by Councilmember Cate, second by Councilmember Ward, to recommend Council approval to enter into a Memorandum of Agreement (MOA) to participate in San Diego Association of Governments(SANDAG) Transnet Commercial Paper Program for the West Mission Bay Drive Bridge over San Diego (SD) River Capital Improvement Program (CIP) Project.

VOTE: 4-0; Bry-yea, Ward-yea, Cate-yea, Gómez-yea.

Transportation & Storm Water: Benjamin Battaglia, (619) 235-5717

City Attorney Contact: Ryan P. Gerrity

Item 201: Reorganization of the International Affairs Board.

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

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2018-98)

Introduction of an ordinance amending San Diego Municipal Code Sections 26.22 and 26.23, relating to the composition, powers, and duties of the International Affairs Board.

Committee Actions Taken:

This item was heard at the Rules Committee meeting on July 27, 2017.

ACTION: Motion by Councilmember Cate, second by Councilmember Bry, to accept staff recommendation and for staff to work with the City Attorney's Office to conduct legal review of the proposal for consideration at the full Council.

VOTE: 4-0; Cole-yea, Kersey-yea, Bry-yea, Cate-yea, Ward-not present.

Human Relations Comm/International Affairs Board: Joel Day, (619) 847-5449

City Attorney Contact: Sharon Spivak

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

Item 202: Authorization for the City of San Diego Public Facilities Financing Authority Lease Revenue Refunding Bonds, Series 2018A Preliminary Official Statement (POS).

Total Estimated Cost of Proposed Action and Funding Source:

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

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-392)

Resolution approving the form and authorizing the distribution of the Preliminary Official Statement and final Official Statement of the Public Facilities Financing Authority of the City of San Diego Lease Revenue Refunding Bonds, Series 2018A.

Committee Actions Taken: N/A

Debt Management: Lakshmi Kommi, (619) 236-6928

City Attorney Contact: Brant Will

Item 203: Authorization for the Public Facilities Financing Authority of the City of San Diego General Fund Lease Revenue Commercial Paper Notes Program (the "CP Program").

Total Estimated Cost of Proposed Action and Funding Source:

Closing costs, excluding interest payments will be financed with commercial paper notes. The annual program costs assume monthly issuances of commercial paper notes, and these will be budgeted and paid from the General Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-481)

This resolution approves the forms and authorizes the executions of certain legal documents relating to the General Fund-back Lease Revenue Commercial Paper Notes to be issued by the Public Facilities Financing

Authority, including the site lease, facilities lease, indenture and issuing and paying agency agreement. The resolution also authorizes the issuance and sale, by the Authority, of one or more series of lease revenue commercial paper notes on a taxable or tax-exempt basis, in an aggregate principal amount not-to-exceed \$80,500,000.

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on March 14, 2018.

ACTION: Motion by Councilmember Gómez, second by Councilmember Cate, to recommend Council authorization for the City of San Diego General Fund Lease Revenue Commercial paper notes program without specific project allocation.

VOTE: 4-0; Bry-yea, Ward-yea, Cate-yea, Gómez-yea.

Debt Management: Lakshmi Kommi, (619) 236-6928

City Attorney Contact: Brant Will

ADOPTION AGENDA

DISCUSSION, NOTICED HEARINGS:

Item 204: Appeal of the Environmental Determination for Hillcrest 111 - Project No. 522075.

Total Estimated Cost of Proposed Action and Funding Source:

None associated with this action. All fees are paid through a deposit account funded by the applicant.

Council District(s) Affected: 3.

Proposed Actions:

Appeal of Mitigated Negative Declaration No. 522075 for a Neighborhood Development Permit (NDP) to allow the demolition of an existing surface parking lot and the development of a 136,816-square-foot, seven story, mixed-use development. The project includes an Affordable Housing Density Bonus with associated Development Incentives, 4,800 square feet of commercial space and 111 residential dwelling units (102 market rate and nine very-low income units) with 190 underground parking spaces. The project also includes a detached, subterranean, 86-space parking structure to serve the adjacent AT&T facility. The 0.96-acre site is located at 635 Robinson Avenue, at the southwest corner of Robinson Avenue and 7th Avenue, in the CC-3-9 and RM-3-9 zones, within the Uptown Community Plan area. The scope of the subject hearing only includes the environmental determination and not the NDP.

Take the following actions:

According to San Diego Municipal Code Section 112.0520(e) Power to Act on Appeal. The City Council shall consider the appeal and may:

(1) By a majority vote, deny the appeal, approve the environmental determination to adopt Mitigated Negative Declaration (MND) No. 522075 and the associated Mitigation Monitoring and Reporting Program (MMRP);
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(f);

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 determination and associated project at a subsequent public hearing.

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

Committee Actions Taken: N/A

Development Services: Paul Godwin, (619) 446-5190

City Attorney Contact: Jeremy Jung

Item 205: FY 2019 U.S. Department of Housing and Urban Development (HUD) Entitlement Program Allocations and FY 2019 Annual Action Plan for City of San Diego HUD Programs.

Total Estimated Cost of Proposed Action and Funding Source:

The requested actions result in no fiscal impact to the City's General Fund. All referenced funding originates from HUD.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-479)

Resolution regarding the Fiscal Year 2019 U.S. Department of Housing and Urban Development Entitlement Grant Programs and related actions.

Committee Actions Taken:

Motion by Councilmember Gomez to recommend Council approval of staff recommendation. Second by Councilmember Zapf. Approved 4-0.

Economic Development: Stephen Maduli-Williams, (619) 533-6510

City Attorney Contact: Delmar Williams

Item S400: Street Vacation for Jamacha Road and Cardiff Street - PTS No. 577902. (Added 4/19/18).

(Continued from the meeting of April 17, 2018, Item 333, at the request of staff so that the City Attorney's Office can prepare a CEQA resolution.)

Total Estimated Cost of Proposed Action and Funding Source:

The cost of this project is paid for by Internal Order No. 21004377 - Fund No. 100000 (Real Estate Assets Department). However, approval of the project will accommodate the sale of surplus City-owned land with proceeds from the sale and the net costs related to the sale will be deposited in the Capital Outlay-Misc Fund 400002.

Council District(s) Affected: 4.

Proposed Actions:

Subitem-A: (R-2018-454 Cor. Copy)

Resolution approving Public Right-of-Way Vacation No. 2104041 vacating a portion of public right-of-way located at the southwest corner of Jamacha Road and Cardiff Street.

Directing Development Services to record a certified copy of this Resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

Subitem A is not subject to the Mayor's veto.

Subitem-B: (R-2018-510)

Resolution determining that Public Right-of-Way Vacation No. 2104041 is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Sections 15305 and 15312, and that no exceptions to the exemptions set forth in Section 15300.2 apply under the circumstances.

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

Subitem B is not subject to the Mayor's veto.

Committee Actions Taken: N/A

Development Services: Peter Kann, (619) 446-5443

City Attorney Contact: Casey Shaw

NON-AGENDA PUBLIC COMMENT

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

Per Section 22.0101, Rule 2.6.2, of the San Diego Municipal Code, comments are limited to two (2) minutes per speaker. Speakers may not allocate their time to other speakers. If there are eight (8) or more speakers on a single issue, the maximum time allotted for that issue will be sixteen (16) minutes. Non-Agenda Public Comment is taken toward the end of the Monday afternoon Council session.

PUBLIC NOTICES

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

Item 250: Submission of Ballot Proposals for the November 6, 2018 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.

The City Clerk has established the following administrative guidelines for the November 6, 2018 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Tuesday	6/5/18	154	LAST DATE (5:00 p.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Committee.
Wednesday	6/13/18	146	Initial Committee review
Monday	6/25/18	134	Council Docket (PUBLIC NOTICE) lists proposals discussed by Committee and referred for a second discussion, and proposals already through Committee twice and referred to Council.
Wednesday	7/11/18	118	2nd Committee Review of proposed ballot measures for which the Rules Committee requested further review and analysis.
Monday	7/16/18	113	Council Docket (PUBLIC NOTICE) lists proposals discussed by Committee and referred to Council.
Monday – Tuesday	7/23/18 – 8/6/18	106 – 92	Council may discuss measures and direct City Attorney to prepare ordinances placing measures on the ballot. Council adopts ordinances prepared by City Attorney.

Friday	8/10/18	88	Last day for City Clerk to file with Registrar of Voters all elections material.
Monday	8/20/18	78	Impartial and Fiscal Analyses and ballot titles/summaries due to the City Clerk.
Thursday	8/23/18	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.

NON-AGENDA ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT