

CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Sherrri 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, 12th Floor, City Administration Building

Tuesday, April 26, 2016

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, APRIL 26, 2016, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH 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/>

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF COUNCIL MINUTES

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

03/21/2016 - Adjourned
03/22/2016

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: Request to exempt one Program Manager position and three Program Coordinator positions from the Classified Service.

ITEM DESCRIPTION:

Approve an Ordinance exempting a Program Manager position and three Program Coordinator positions in the Performance & Analytics Department from the Classified Service of the City of San Diego.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2016-109)

Introduction of an Ordinance receiving and reviewing a memorandum from Personnel Director Hadi Dehghani, dated March 9, 2016, which documents that, on March 3, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Performance and Analytics Department to exempt one Program Manager position and three Program Coordinator positions from the Classified Service. The Program Manager position will be responsible for overseeing and supporting operational excellence initiative activities and providing leadership and policy direction for projects. Two Program Coordinator positions will be responsible for conducting operational excellence initiatives including implementation of proposals submitted by City employees for process improvements through the San Diego Works initiative, reviewing the policy implications of outstanding San Diego Works proposals, and administering appropriate policies and programs for implementation. One Program Coordinator position will be responsible for developing a Citywide monitoring mechanism and policies for reporting progress on whether departments are meeting targets, as well as establishing an oversight process for how to address targets that are not met, and leading teams of City staff to improve results where necessary;

Declaring that pursuant to Charter Section 117(a)(17), with the Civil Service Commission's review and approval, the Council now exempts from the Classified Service and declares to be in the Unclassified Service of the City one Program Manager position and three Program Coordinator positions, performing the duties set forth in the March 9, 2016 memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and Council, and in this ordinance.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

For Fiscal Year 2017, the cost of the positions will be paid from the Performance & Analytics Department's Budget Appropriation.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Udrys/LoMedico

Primary Contact\Phone: Almis Udrys\619-236-5929

Secondary Contact\Phone: Barbara Lamb\619-236-7789

City Attorney Contact: Halsey, Gregory J.

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

- * ITEM-51: Sixth Amendment to Agreement with TEGSCO, LLC, (doing business as AutoReturn) for Management of the Computer Operated Towing Dispatch Center.

ITEM DESCRIPTION:

The Police Department is requesting approval to extend the current Agreement with TEGSCO, LLC, (doing business as AutoReturn) for the software application and management of the Computer Operated Towing Dispatch Center for towing services provided by contracted Licensed Tow Providers and Licensed Impound Providers. The request is to extend the current five-year Agreement with AutoReturn for a period of two years with the option to renew for one additional year. The Agreement is cost-neutral to the City. The cost is offset by a portion of the tow franchise fees paid to the City by the Licensed Impound Providers.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/12/2016, Item 50. (Council voted 8-0. Councilmember Emerald-not present):

(O-2016-99)

Authorizing the Mayor, or his designee, to execute for and on behalf of the City a Contract Amendment with TEGSCO, LLC, doing business as AutoReturn, for the management of the Computer Operated Towing Dispatch Center, extending the existing five-year Agreement for two years, with an option to renew for one additional one-year period.

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

* ITEM-52: Salary Ordinance for Fiscal Year 2017.

ITEM DESCRIPTION:

This action is to approve the annual Salary Ordinance for Fiscal Year 2017. The Salary Ordinance establishes compensation schedules of all officers and employees of the City of San Diego (City) for Fiscal Year 2017, in accordance with San Diego Charter (Charter) Sections 11.1, 70, 130, and 290.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/12/2016, Item 333. (Council voted 8-0. Councilmember Emerald-not present):

(O-2016-106 Cor. Copy 2)

Establishing a schedule of compensation for officers and employees of the City of San Diego for Fiscal Year 2017.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

* ITEM-60: Amendments to the Municipal Code Chapter 5, Article 1, Divisions 1 and 2, pertaining to Public Emergency Procedures.

ITEM DESCRIPTION:

The Office of Homeland Security requests Council adoption of an Ordinance amending Chapter 5, Article 1, Division 1 and Chapter 5, Article 1, Division 2, of the San Diego Municipal Code. This Municipal Code update is requested in response to the 2014 Performance Audit of the Office of Homeland Security. The purpose of this Municipal Code update is to better align with the California Office of Emergency Services recommended best practices and reflect the City's change to Strong Mayor government.

STAFF'S RECOMMENDATION:

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

Subitem: (O-2016-107)

Introduction of an Ordinance amending Chapter 5, Article 1, Division 1, of the San Diego Municipal Code by amending Sections 51.0101, 51.0102, 51.0103, and 51.0104; repealing Section 51.0105; amending and renumbering Section 51.0106 to 51.0105; amending and renumbering Section 51.0107 to 51.0106; amending and renumbering Section 51.0108 to 51.0107; repealing Section 51.0109; amending and renumbering Section 51.0110 to 51.0108; and repealing Section 51.0111; amending Chapter 5, Article 1, Division 2, by amending Sections 51.0202, 51.0203, and 51.0204 all relating to Public Emergency Procedures and Unfair Pricing Practices.

Subitem-B: (R-2016-531)

Determining that the Proposed Amendments to the San Diego Municipal Code Relating to Public Emergency Procedures are exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On February 5, 1974, Council approved O-11230 N.S.

On April 21, 1976, Council approved O-11833 N.S.

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on October 28, 2015.

ACTION: Motion by Councilmember Cate, second by Councilmember Emerald, to recommend Council approve the proposed Amendments to the San Diego Municipal Code regarding Public Emergency Procedures.

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

Valencia/Chadwick

Primary Contact\Phone: John Valencia\619-533-6763

Secondary Contact\Phone: Tiffany Vinson\619-533-6765

City Attorney Contact: Brazier, Noah J.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Consideration of Proposed Ballot Measure Increasing the City of San Diego's Capacity to Construct Affordable Housing, as defined by Article 34 of the California Constitution, and Related Waiver of Council Policy 000-21. (Citywide.)

ITEM DESCRIPTION:

Approve a waiver of the schedule in Council Policy 000-21 to consider a proposed ballot measure for the November 2016 election.

Direct the City Attorney to prepare an ordinance including a proposed ballot measure for November 2016, increasing the City of San Diego's capacity to construct affordable housing, as defined by Article 34, of the California Constitution, and to return to Council for consideration of the ordinance after the November 8, 2016, election has been called.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2016-519)

Waiving Council Policy 000-21 so that the Council may consider a proposed ballot measure and direct preparation of an ordinance including that measure;

Directing the City Attorney's Office to work with staff to prepare an ordinance including a potential ballot measure that would increase the capacity to construct affordable housing by 38,680 units in the City of San Diego, under the requirements of Article 34, of the California Constitution, and return to the Council for consideration of the ordinance after the November 8, 2016, general election has been called by the Council.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None at this time, as any proposed development under Article 34 must go through a future permit process and is not before the Council at this time. The cost of placing a proposed measure on the November 8, 2016, ballot is unknown at this time.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The matter was presented to the Rules Committee on March 23, 2016.

ACTION: Motion by Councilmember Cate, second by Council President Pro Tem Emerald, to forward the item to the City Council with a recommendation to increase the requested number of 10,000 units to 38,680, and direct the City Attorney to work with the San Diego Housing Commission to prepare the necessary ballot materials for the November 8, 2016, ballot.

VOTE: 5-0; Lightner-yea, Cole-yea, Cate-yea, Kersey-yea, Emerald-yea.

Jurado-Sainz

Primary Contact\Phone: Steve Hadley\619-236-6611, MS 10A

Secondary Contact\Phone: Diana Jurado-Sainz\619-236-6611, MS 10A

City Attorney Contact: Halsey, Keely M.

- * ITEM-101: Consideration of Recommendations from the Charter Review Committee Regarding Potential Ballot Measures Related to Charter Sections 26.1, Public Services Required; 32.1, Responsibility of Manager and Non-Managerial Officers to Report to Council; and 270(h), The Council; and Related Waiver of Council Policy 000-21. (Citywide.)

ITEM DESCRIPTION:

Receive and consider the recommendations of the Charter Review Committee within Subitems A and B, and direct the City Attorney to prepare the ballot language and the necessary ordinances in order to place the measures on the November 8, 2016, ballot. Direct the City Attorney to prepare the ballot language and the necessary ordinances and resolutions in order to place the measures on the November 8, 2016, ballot.

TODAY'S ACTIONS ARE

Adopt the following resolutions:

Subitem-A: (R-2016-520)

Waiving Council Policy 000-21 so that the Council may consider a proposed ballot measure and direct preparation of an ordinance including that measure;

Directing the City Attorney's Office to conduct legal analysis and work with staff to prepare an ordinance including a potential ballot measure to amend Charter Section 26.1, Public Services Required, and other related Charter Sections as legally required, and return to Council for consideration of the ordinance after the November 8, 2016, Municipal General Election has been called.

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

Subitem-B: (R-2016-549)

Waiving Council Policy 000-21 waived so that the Council may consider a proposed ballot measure and direct preparation of an ordinance including that measure;

Directing the City Attorney's Office to conduct legal analysis and work with staff to prepare an ordinance including a potential ballot measure to amend Charter Sections 32.1, Responsibility of Manager and Non-Managerial Officers to Report to Council, and 270(h), The Council, and related Charter Sections as legally required, and return to Council for consideration of the ordinance after the November 8, 2016, Municipal General Election has been called.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The cost of placing the proposed measures on the November 2016 ballot is unknown at this time, because the number of measures required is yet to be determined.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Charter Sections 26.1 and 32.1/270(h) were presented to the Charter Review Committee on February 3, 2016.

Charter Section 26.1:

ACTION: Motion by Councilmember Cate, second by Councilmember Emerald, to accept the proposed language as presented by the Mayor's Office, subject to legal review.

VOTE: 4-0; Lightner-yea, Cate-yea, Kersey-yea, Emerald-yea.

Charter Section 32.1/270(h):

ACTION: Motion by Councilmember Emerald, second by Councilmember Cate, to accept the proposed language as presented by the Mayor's Office, subject to legal review.

VOTE: 4-0, Lightner-yea, Cate-yea, Kersey-yea, Emerald-yea.

Hadley

Primary Contact\Phone: Steve Hadley\619-236-6611, MS 10A

Secondary Contact\Phone: Diana Jurado-Sainz\619-236-6611, MS 10A

City Attorney Contact: Spivak, Sharon B.

* ITEM-102: Approval of an Amendment to the Agreement for Legal Services with Procopio, Cory, Hargreaves & Savitch, LLP. (Mission Bay Community Area. District 2.)

ITEM DESCRIPTION:

This item approves additional funds for the continuation of the Agreement for Legal Services with Procopio, Cory, Hargreaves & Savitch LLP, to provide insurance coverage representation and counseling in the De Anza Cove Mobile Home Park litigation including the De Anza HOA and Aglio lawsuits, the Scottsdale Declaratory Relief Litigation, the Scottsdale Contribution Acton, the CSAC appeal, and the Lloyds of London interpleader lawsuit. Further, the amendment allows for representation and counseling in the new matter, the St. Jon Litigation. With respect to the continued representation of the described matters, this Amendment is for an amount not to exceed \$300,000. With respect to the new matter, this Amendment is for an amount not to exceed \$175,000.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-450)

Approving the Amendment No. 2 to the Agreement for Legal Services and authorizing and directing the Mayor, or his designee, to sign the Amendment No. 2 to the Agreement for Legal Services with Procopio, Cory, Hargreaves & Savitch LLP;

Authorizing the Chief Financial Officer to appropriate and expend an amount up to \$475,000 from the Public Liability Fund, Fund 720045 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:

\$475,000 will be paid from the Public Liability Fund, Fund 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This Amendment applies to the contract for Procopio's services previously approved by Council and the Mayor on May 16, 2013, by Resolution No. R-308127 and Amendment No. 2 to that Agreement for services dated November 18, 2015.

Bamberg

Primary Contact\Phone: John Riley\619-236-7263
Secondary Contact\Phone: Anna Lonergan\619-533-5838
City Attorney Contact\Phone: Chung, Walter

- * ITEM-103: Resolution of the Council of the City of San Diego Authorizing and establishing the Broadway Heights Banner District. (Broadway Heights Community Area. District 4.)

ITEM DESCRIPTION:

Authorizing and establishing the Broadway Heights Banner District and allow the installment of street banners in the public right-of-way promoting cultural and civic event, and community activities of general public interest.

COUNCILMEMBER COLE'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-523)

Authorizing and establishing the Broadway Heights Banner District in accordance with San Diego Municipal Code Section 142.1210(b)(5)(C), Broadway Heights Community Council (BHCC) may install banners in the following locations: (a) along the East and West sides of Mallard Street from 6319-6333 Mallard Street to 2252 Mallard Street; (b) along the North and South sides of Charlene Avenue from 6651-6657 Charlene Avenue to 6785-6791 Charlene Avenue; (c) along the North and South sides of Tiffin Avenue from 6615-6643 Tiffin Avenue to 6705-6711 Tiffin Avenue; (d) along the South side of Pilot Way from 6701-6757 Pilot Way to 6794 Pilot Way; (e) along North and South sides of Madroncillo Street from 2454 Madroncillo Street to 2255 Mandroncillo Street;

Declaring that the banners shall be installed in accordance with the following:

- a. The banners shall not be used for commercial or political advertising, except that logos and trademarks of sponsoring organizations shall be permitted.
- b. The total area of logos and trademarks shall be limited to five percent of the banner area.
- c. The banners shall be displayed for no more than thirty calendar days, with one thirty-calendar-day extension.
- d. The banners shall be installed only on light standards that have been equipped by the City with mounting hardware.
- e. The banners have received all necessary permits to locate in the public right-of-way.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Slack

Primary Contact\Phone: Mathew Gordon\619-236-6646

Secondary Contact\Phone: Pam Ison\619-236-6701

City Attorney Contact: Lintvedt, Inga B.

- * ITEM-104: California Department of Resources Recycling and Recovery (CalRecycle) Beverage Container Recycling City/County Payment Program Funding for Fiscal Years 2016-2020.

ITEM DESCRIPTION:

Authorize the City to apply for and receive Beverage Container Recycling City/County Payment Program funds from CalRecycle for beverage container recycling activities for Fiscal Year 2016, through and including Fiscal Year 2020.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2016-543)

Authorizing the Mayor, or his designee, to submit a Beverage Container City/County Payment Program application to CalRecycle for the City of San Diego to receive payments to support the City's beverage container recycling and litter cleanup activities;

Authorizing the Mayor, or his designee, to negotiate and execute, for and on behalf of the City, all documents, including but not limited to: applications, agreements, annual reports including expenditure reports, and amendments necessary to secure payments from the CalRecycle Beverage Container Recycling City/County Payment Program, in order to support the City's beverage container recycling and litter cleanup activities for Fiscal Year 2015/2016, through and including Fiscal Year 2019/2020;

Authorizing the Chief Financial Officer to accept awarded CalRecycle Beverage Container Recycling City/County Payment Program payments, contingent upon securing the awarded funds and notice of award;

Authorizing the Chief Financial Officer to appropriate and expend the awarded payments from the Recycling Enterprise Fund No. 700048, solely and exclusively, for the City's beverage container recycling and litter cleanup activities in accordance with the CalRecycle Beverage Container City/County Payment Program.

Subitem-B: (R-2016-542)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15308;

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

No matching City funds are required for the City's participation in the CalRecycle's Beverage Container Recycling City/County Payment Program (BCRCCPP). The BCRCCPP funds are allocated to the Recycling Enterprise Fund and can only be used for eligible activities that support the goals of CalRecycle's Beverage Container Recycling Program. The BCRCCPP is non-competitive and the payment awards are calculated on a per capita basis. Based on the average of the payments received in the last three years, the City anticipates the BCRCCPP award to be approximately \$350,000, contingent upon funding availability.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Sierra/Gomez

Primary Contact\Phone: Angela Colton\858-573-1287, MS 1103B

Secondary Contact\Phone: Ken Prue\858-492-5085, MS 1103B

City Attorney Contact: Guy, Amanda L.

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

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2016-254)

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.

- * ITEM-106: Declaring a Continued State of Emergency regarding anticipated El Niño weather conditions.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2016-319)

Declaring a continued state of emergency to exist due to the imminent risk of flooding caused by El Niño, pursuant to California Government Code Section 8630;

Declaring that the measures previously taken by the City Council in Resolution Number R-310079 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: National Travel and Tourism Week.

PRESENTED BY MAYOR FAULCONER, COUNCIL PRESIDENT LIGHTNER, AND COUNCILMEMBER ZAPF:

Proclaiming May 1, through May 7, 2016, to be "National Travel and Tourism Week" in the City of San Diego.

ITEM-31: Donate Life California Month.

PRESENTED BY COUNCIL PRESIDENT LIGHTNER:

Proclaiming April 2016, to be "Donate Life California Month" in the City of San Diego.

ITEM-32: Dining Out For Life Day.

PRESENTED BY COUNCILMEMBER GLORIA:

Proclaiming April 28, 2016, to be "Dining Out for Life Day" in the City of San Diego.

ITEM-33: Lieutenant Debra Farrar Day.

PRESENTED BY COUNCILMEMBER CATE AND COUNCIL PRESIDENT PRO TEM EMERALD:

Proclaiming April 26, 2016, to be "Lieutenant Debra Farrar 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.

ITEM-34: Support of a Feasibility Study for Suicide Barriers on the San Diego-Coronado Bay Bridge.

COUNCILMEMBER GLORIA'S RECOMMENDATION:

Proclaiming the City of San Diego's "support of a feasibility study for suicide barriers on the San Diego-Coronado Bay Bridge".

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

RESOLUTIONS:

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

ITEM-330: Resolution of Support of California Department of Finance Reevaluating the Savings Formula for the Safe Neighborhoods and Schools Fund.

ITEM DESCRIPTION:

Adopt the Resolution of Support.

COUNCILMEMBER GLORIA'S AND COUNCILMEMBER COLE'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-544)

Supporting legislative or administrative action that would result in reevaluating the savings calculation for the Safe Neighborhoods and Schools Fund to increase funds for reentry, drug treatment, mental health, youth development and crime victim services;

Declaring that copies of this resolution shall be forwarded to the Mayor's Office for inclusion in the City's 2016 Legislative Platform and to the Governor, Speaker of the Assembly, Senate President Pro Tem, members of the Assembly Committee on Budget, and members of the Senate Budget and Fiscal Review.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

None.

Fox

Primary Contact\Phone: Adrian Granda\619-533-4068

City Attorney Contact: Dugard, Prescilla

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

ITEM-331: Community Facilities District No. 4 (Black Mountain Ranch Villages) Special Tax Bonds, Series 2016. (Black Mountain Ranch Community Area. District 5.)

ITEM DESCRIPTION:

Authorize the issuance of the Community Facilities District No. 4 (Black Mountain Ranch Villages) Special Tax Bonds Series 2016, in a principal amount not to exceed \$20,000,000, and the related financing documents to provide funds to reimburse the developer for the remaining authorized Infrastructure Projects and to refund the outstanding Community Facilities District No. 4 (Black Mountain Ranch Villages) Special Tax Bonds Series A of 2008 (“2008 Bonds”).

STAFF’S RECOMMENDATION:

Adopt the following resolution:

(R-2016-532)

Acting as the Legislative Body of Community Facilities District No. 4 (Black Mountain Ranch Villages) authorizing the issuance of its Special Tax Bonds Series 2016 in a principal amount not to exceed \$20,000,000 and authorizing the retention of Stradling Yocca Carlson & Rauth as Bond and Disclosure Council in connection therewith; and approving the Form of and the execution and delivery of the Bond Purchase Agreement, Indenture, Escrow Agreement, Continuing Disclosure Certificate, Letter of Credit Agreement and Preliminary Official Statement and taking certain other actions in connection therewith.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The pricing and closing of the 2016 Bonds would be subject to market conditions and the fulfillment of the City’s net present value savings threshold of at least 3% for economic refundings for the portion of the 2016 Bonds designated to refund the 2008 Bonds. Under current market conditions, the proposed economic refunding would provide an estimated 21.8% net present value savings, and would produce annual debt service savings to existing special taxpayers within the District.

In combination with the new money issuance, the 2016 Bonds would provide for payment of the remaining Public Facilities, which, under the Rate and Method of Apportionment (RMA), allows for reduced Special Taxes to be levied on District property owners. Based on current market conditions and development, it is estimated that Special Taxes would be reduced by approximately 25% in Fiscal Year 2017.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On January 27, 2016, the Budget and Government Efficiency Committee forwarded the proposed Community Facilities District No. 4 (Black Mountain Ranch Villages) Special Tax Bonds Series 2016 issuance to the City Council for approval.

ACTION: Motion by Councilmember Sherman, second by Councilmember Cole, to recommend Council approval of the resolution.

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

Kommi/Lewis

Primary Contact\Phone: Elizabeth Kelly\619-236-6932, MS 7B
Secondary Contact\Phone: Chuck Wilcox\619-533-4519, MS 7B
City Attorney Contact: Bartolotta, Bret A.

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

ITEM-332: First Amendment to the Agreement with Wilson & Company for the Complete Boulevard Planning Study. (Mid-City Community Area. District 7.)

ITEM DESCRIPTION:

This action will authorize the First Amendment to the Agreement with Wilson & Company for the Complete Boulevard Planning Study to conduct additional active transportation planning work using \$46,000, in recently approved County Healthy Works: Prevention Initiative Grant Funding.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2016-554)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the First Amendment to the Agreement with Wilson & Company for the Complete Boulevard Planning Study, in the amount of \$46,000, increasing the total Contract amount to \$262,593;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$46,000, from Year 1 funds from Grant 1000511-2015, HHSA Healthy Works, Fund No. 600000, to provide the additional funding needed for the First Amendment to the Agreement with Wilson & Company to conduct additional active transportation planning for El Cajon Boulevard.

Subitem-B: (R-2016-555)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262 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:

County of San Diego Healthy Works: Prevention Initiative Year 1 funds, will be used to fund the additional cost (\$46,000) of the Amendment to the Contract for Complete Boulevard Planning Study resulting in a total revised contract amount of \$262,593. The remaining \$216,593 in funding is provided from the San Diego Association of Governments (SANDAG) Smart Growth Incentive Program (SGIP) Grant (\$166,593) and the Mid-City Community Parking District Fund (\$50,000).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On January 22, 2015, the City Council executed the Agreement which was approved via City Council Resolution RR-309482.

Tomlinson/Graham

Primary Contact\Phone: Carly Macias\619-236-6883

Secondary Contact\Phone: Maureen Gardiner\619-236-7065

City Attorney Contact: Thomas, Shannon M.

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: Sorrento Valley FSU, Project No. 411128. (Mira Mesa Community Plan Area. District 6.)

ITEM DESCRIPTION:

A request by the applicant for the City Council to overrule the San Diego County Regional Airport Authority's determination of inconsistency for construction of a 2,892-square foot Chick-fil-A restaurant on a 1.12-acre vacant pad area located at 9370 Scranton Road within the Mira Mesa Community Plan Area.

TODAY'S ACTIONS ARE:

Take one of the following actions:

According to San Diego Municipal Code Section 132.1555(d), a proposed decision to overrule shall be made by a minimum two-thirds vote of the City Council and shall be supported by the required findings to overrule:

(1) By a majority vote decide not to propose an overrule of the San Diego County Regional Airport Authority's (SDCRAA's) determination that the proposed Chick-fil-A restaurant is inconsistent with the Airport Land Use Compatibility Plan for MCAS Miramar; or

(2) By a two-thirds vote, propose to overrule the Airport Land Use Commission's (ALUC's) San Diego County Regional Airport Authority's (SDCRAA's) determination that the proposed Chick-fil-A restaurant is inconsistent with the Airport Land Use Compatibility Plan for MCAS Miramar;

If the City Council votes to propose a final decision to overrule, the City Council shall make the required findings and direct staff to send the Notice of Proposed Final Decision to Overrule to the SDCRAA California Department of Transportation, Division of Aeronautics and MCAS Miramar.

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

NOTE: This item is not subject to the Mayor's veto. A proposed decision to overrule the SDCRAA's determination requires 6 votes, per San Diego Municipal Code Section 132.1555(d).

STAFF RECOMMENDATION:

Uphold the San Diego County Regional Airport Authority's determination that the proposed Chick-fil-A restaurant is inconsistent with the Airport Land Use Compatibility Plan for MCAS Miramar.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Vacchi\Graham\gg

Primary Contact\Phone: Glenn Gargas\619-446-5142, MS 501

Secondary Contact\Phone: Morris Dye\619-446-5201, MS 301

City Attorney Contact: Thomas, Shannon M.

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

ITEM-334: Vista Terrace Hills - Preliminary Bond Items Tax Equity & Fiscal Responsibility Act Public Hearing - Vista Terrace Hills. (District 8.)

ITEM DESCRIPTION:

Take the initial steps to issue Housing Authority of the City of San Diego multifamily housing revenue bonds to fund the acquisition and rehabilitation of Vista Terrace Hills, a 262-unit multifamily affordable housing rental development, located in the San Ysidro Community, which will remain affordable for 55 years.

That the San Diego City Council hold a Tax Equity & Fiscal Responsibility Act (TEFRA) hearing and adopt a resolution approving the issuance of tax-exempt multifamily mortgage revenue bonds in an amount up to \$100,000,000 for Vista Terrace Hills.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-533)

Declaring the City Council of the City of San Diego, as the applicable elected representative under Section 147(f) of the Code, approves the issuance of the Bonds by the Housing Authority of the City of San Diego (Authority);

Declaring that the City does not warrant the creditworthiness of the Bonds or guarantee, in any way, the payment of the Bonds. No moneys of the City will be pledged or applied to the repayment of the Bonds;

Declaring that the proposed rehabilitation is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines because the Project is an existing facility and the proposed actions do not involve expansion of the existing use.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The proposed funding sources and uses approved by this action are included in the Housing Authority of the City of San Diego (Housing Authority)-approved Fiscal Year (FY) 2016 San Diego Housing Commission (Housing Commission) Budget. Approving this action will not change the FY 2016 Total Budget.

Funding sources approved by this action will be as follows:

Bond Issuance Fees - \$250,000

Funding uses approved by this action will be as follows:

Rental Housing Finance Program Administration Costs - \$250,000

Approval of the Bond Inducement and Tax Equity and Fiscal Responsibility Act (TEFRA) resolutions does not commit the Housing Authority to issue bonds. The bonds would not constitute a debt of the City. If bonds are ultimately issued for the development, the bonds will not financially obligate the City, the Housing Authority or the Housing Commission because security for the repayment of the bonds will be limited to specific private revenue sources of the development. Neither the faith and credit nor the taxing power of the City or the Housing Authority would be pledged to the payment of the bonds. The developer is responsible for the payment of all costs under the financing, including the Housing Commission's Annual Administrative fee, as well as Housing Commission Bond Counsel and Financial Advisor fees.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The San Diego Housing Commission on November 17, 2000, (HCR00-111) and the Housing Authority on December 12, 2000, (HA Resolution No. 1077) approved a \$1,200,000 residual receipts loan for Vista Terrace Hills, which has been repaid.

On April 8, 2016, the Housing Commission's Board of Commissioners voted 6-0 to approve the staff recommendations in this report with conditions.

Davis/Graham

Primary Contact\Phone: Ann Kern\619-578-7582
City Attorney Contact: Bartolotta, Bret A.

NOTE: See Housing Authority Agenda of April 26, 2016, for a companion item.

NOTE: This is a TEFRA public hearing.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT