

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

**Tuesday, June 14, 2016**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, JUNE 14, 2016, 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@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.**

**NOTE: Additional Closed Session from 2:00 p.m. – 3:00 p.m.**

**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:

04/25/2016  
04/26/2016  
05/02/2016 - Adjourned  
05/03/2016 - Adjourned  
05/09/2016 - Adjourned  
05/10/2016 - Adjourned

**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: Approve an Ordinance to Extend the Existing Agreements with the City's Contracted Licensed Impound and Tow Providers for more than Five Years for Towing and Impound Services.

**ITEM DESCRIPTION:**

This item is to approve an extension to the current Agreements with the City's contracted Licensed Impound Providers and the Licensed Towing providers for towing services through August 1, 2017. These include seven Licensed Tow Providers (LTP) and two Licensed Impound Providers (LIP) who provide tow services to the City for the City's Managed Tow Program.

**STAFF'S RECOMMENDATION:**

Introduction of an ordinance:

(O-2016-118)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute for and on behalf of the City, a Third Amendment to the contract with A to Z Towing Enterprises, Inc., doing business as RoadOne, for Licensed Impound Provider services in tow zones 2b, 3, 4, 5, and 8, extending the existing five-year Agreement for one year, through August 1, 2017;

Authorizing the Mayor, or his designee, to execute for and on behalf of the City, a Third Amendment to the contract with Allied Gardens Towing, Inc., doing business as RoadOne, for Licensed Impound Provider services in tow zones 1, 2a, 6, and 7, extending the existing five-year Agreement for one year, through August 1, 2017;

Authorizing the Mayor, or his designee, to execute for and on behalf of the City, a Fourth Amendment to the contract with A to Z Towing Enterprises, Inc., doing business as RoadOne, for Licensed Tow Provider services in tow zones 1, 2, 3, 4, 5, 6, 7, and 8, extending the existing five-year Agreement for one year, through August 1, 2017;

Authorizing the Mayor, or his designee, to execute for and on behalf of the City, a Fourth Amendment to the contract with Allied Gardens Towing, Inc., doing business as RoadOne, for Licensed Tow Provider services in tow zones 1, 2, 3, 4, 5, 6, 7, and 8, extending the existing five-year Agreement for one year, through August 1, 2017;

Authorizing the Mayor, or his designee, to execute for and on behalf of the City, a Fourth Amendment to the contract with C&D Towing Specialists, Inc., for Licensed Tow Provider services in tow zones 2, 4, 5, 6, and 7, extending the existing five-year Agreement for one year, through August 1, 2017;

Authorizing the Mayor, or his designee, to execute for and on behalf of the City, a Fourth Amendment to the contract with Alexandra Investment, Inc., doing business as Angelo's Towing, for Licensed Tow Provider services in tow zones 3, 4, 5, 6, and 7, extending the existing five-year Agreement for one year, through August 1, 2017;

Authorizing the Mayor, or his designee, to execute for and on behalf of the City, a Fourth Amendment to the contract with Guardian Towing, Inc., for Licensed Tow Provider services in tow zone 1, extending the existing five-year Agreement for one year, through August 1, 2017;

Authorizing the Mayor, or his designee, to execute for and on behalf of the City, a Fourth Amendment to the contract with American Towing, Inc., for Licensed Tow Provider services in tow zone 8, extending the existing five-year Agreement for one year, through August 1, 2017;

Authorizing the Mayor, or his designee, to execute for and on behalf of the City, a Fourth Amendment to the contract with Cortes Towing Enterprises, Inc., for Licensed Tow Provider services in tow zone 8, extending the existing five-year Agreement for one year, through August 1, 2017.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The fees associated with the towing of privately owned vehicles are cost-neutral to the City. These fees are collected by the licensed impound providers from the registered owners of impounded vehicles. There is minimal cost for the towing of City owned vehicles associated with this contract extension.

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

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on May 18, 2016.

**ACTION:** Motion by Councilmember Cole, second by Councilmember Gloria, to recommend Council introduce the ordinance and approve the agreement.

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

Ramirez/LoMedico

Primary Contact\Phone: Sgt. Gutierrez\619-871-0904, MS 732

Secondary Contact\Phone: Lt. Darryl Hoover, 619-573-5173

City Attorney Contact: Peter, Linda L.

- \* ITEM-51: Second Amendment to Agreement with AECOM Technical Services, Inc., for the Sorrento Valley Road/I-5 Interchange Project. (Torrey Pines, and Torrey Hills Community Areas. District 1.)

**ITEM DESCRIPTION:**

This action will authorize the Second Amendment to Agreement with AECOM Technical Services, Inc., for the preparation of a study report for the potential development opportunities along Sorrento Valley Road from Carmel Mountain Road to the I-805.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2016-134)

Introduction of an Ordinance, authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Second Amendment to the Consultant Agreement with AECOM Technical Services, Inc., for preliminary engineering design in CIP S-00914, Sorrento Valley Road & Interstate 5 Interchange, in an amount not to exceed \$71,360, under the terms and conditions set forth in the Second Amendment to Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$71,360 from S-00914, Sorrento Valley Road & Interstate 5 Interchange, Fund No. 400169, TransNet Extension 7, for the purposes of executing this Second Amendment to the Agreement.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Funding for this action is available in CIP S-00914, Sorrento Valley Road & Interstate 5 Interchange from Fund 400169, TransNet Extension 7, in an amount not to exceed, \$71,360. A prior authorization for \$2,996,750 was approved through Resolution R-304010. The total contract amount is \$3,068,110.

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

Agreement with AECOM Technical Services, Inc. - Resolution No. R-304010, dated August 6, 2008.

First Amendment to Agreement with AECOM Technical Services, Inc. - Ordinance No. O-20416, dated September 30, 2014.

This item was heard at the Infrastructure Committee meeting on May 23, 2016.

**ACTION:** Motion by Councilmember Cole, second by Councilmember Zapf, to recommend Council introduce the ordinance.

**VOTE:** 3-0; Kersey-yea, Cole-yea, Zapf-yea, Emerald-not present.

Gibson/Chadwick

Primary Contact\Phone: Richard Leja,619-533-5112, MS 908A  
Secondary Contact\Phone: Joseph Diab, 619-533-4615 MS 908A  
City Attorney Contact: Gerrity, Ryan P.

- \* ITEM-52: First Amendment to Reimbursement Agreement with Pardee Homes for the design and construction of Project No. T-7, Traffic Signals in the Pacific Highlands Ranch Community. (Pacific Highlands Ranch Community Area. District 1.)

**ITEM DESCRIPTION:**

Amend the Reimbursement Agreement for Project No. T-7, traffic signals in Pacific Highlands Ranch to update the last estimate and add a traffic signal located at Pacific Highlands Ranch Parkway and Blazing Star Lane.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2016-68)

Introduction of an Ordinance authorizing the Mayor to execute, for and on behalf of the City, the Amendment to include traffic signal No. 17 in Project No. T-7, and to increase the Estimated Project Cost to \$476,000;

Authorizing the Chief Financial Officer, provided the Amendment is authorized and fully executed, to expend an amount not to exceed \$476,000 for Project No. T-7, from CIP S-01062, Pacific Highlands Ranch Traffic Signals, Fund No. 400090, Pacific Highlands Ranch FBA, consistent with the timing established in the FY 2016 Pacific Highlands Ranch Public Facilities Financing Plan, the Original Agreement, the Amendment, and contingent upon Chief Financial Officer certifying that funds necessary for expenditure are, or will be, on deposit in 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.**



**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This Reimbursement Agreement Amendment will allow Pardee Homes to design and construct three (3) traffic signals in Pacific Highlands Ranch. These costs are incorporated into the Budget for this Project and are included in the Financing Plan.

The total reimbursable costs for this Agreement are \$476,000, which include project costs, an administration fee, and interest. \$261,000 has been previously authorized, this Amendment would increase the Agreement by an additional \$215,000. There is no increase to the PHR FBA and there is no impact to the General Fund with this action.

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

City Council approved the Agreement, by Ordinance No. O-20435, November 10, 2014.

On April 13, 2016, the Infrastructure Committee reviewed and recommended that the Amendment to the Agreement be forwarded to the City Council for introduction of the ordinance.

**ACTION:** Motion by Councilmember Emerald, second by Councilmember Zapf, to recommend Council introduce the ordinance.

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

Murphy/Graham

Primary Contact\Phone: Vicki Burgess\619-533-3684, MS 606F

Secondary Contact\Phone: Scott Mercer\619-533-3676, MS 606F

City Attorney Contact: Lintvedt, Inga B.

**ADOPTION AGENDA, CONSENT ITEMS**

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

- \* ITEM-53: Reimbursement Agreement with Scripps Mesa Developers LLC, for the design and permitting of Project 34-2B in the Scripps Miramar Ranch Community. (Scripps Miramar Ranch Community Area. District 5.)

**ITEM DESCRIPTION:**

Scripps Mesa Developers, LLC, constructed a raised median on Mira Mesa Boulevard, installed a traffic signal at Mira Mesa Boulevard and Hibert Street, and constructed intersection improvements at Scripps Ranch Boulevard and Erma Road. This Reimbursement Agreement provides for reimbursement of Facilities Benefit Assessment (FBA) funds and other Developer Contributions to Scripps Mesa Developers for the design and permitting of these improvements.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 5/17/2016, Item 50. (Council voted 8-0. Council President Pro Tem Emerald-not present):

(O-2016-71 Cor. Copy)

Authorizing the Mayor to execute, for and on behalf of City, a Reimbursement Agreement with Scripps Mesa Developers, LLC, for the design and permitting of Project No. 34-2B, in the Scripps Miramar Ranch Community, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to add CIP No. RD-16003 (Mira Mesa Boulevard Median/Erma Road Improvements), to the Capital Improvements Program;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP No. RD-16003, and to appropriate and expend an amount not to exceed \$392,713 for the design and permitting of Project No. 34-2B, including \$154,375 from Fund No. 400086 (Scripps Miramar Ranch FBA), \$160,000 from Fund No. 200636 (Developer Monetary Condition Fund), and \$78,338 from Fund No. 400264 (Private and Others Contribution - CIP), consistent with the timing established in the most recently adopted Scripps Miramar Ranch Public Facilities Financing Plan, and contingent upon the Chief Financial Officer furnishing one or more certificate(s) certifying that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

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

- \* ITEM-54: An ordinance amending the San Diego Municipal Code to repeal the sunset provision and extending the Neighborhood Parking Protection Ordinance (NPPO), also known as the Oversized Vehicle Ordinance (OVO).

**ITEM DESCRIPTION:**

This item removes the sunset provision of the Neighborhood Parking Protection Ordinance relating to oversized (OVO), non-motorized, and recreational vehicles. This ordinance is scheduled to sunset August 16, 2016. This item also adds clarification language to the ordinance. Instead of reading "any oversized, non-motorized, or recreational vehicle," the language will now read, "any oversized vehicle, non-motorized vehicle, or recreational vehicle." Instead of reading, "any public street, park road, or park parking lot," the language will read, "any public street, park road, or parking lot."

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 5/17/2016, Item 51. (Council voted 8-0. Council President Pro Tem Emerald-not present):

(O-2016-111)

Amending Chapter 8, Article 6, Division 1, of the San Diego Municipal Code by retitling and amending Sections 86.0139 and 86.0140; by amending Section 86.0143; and by repealing Section 86.0144, all relating to parking of oversized vehicles, non-motorized vehicles, and recreational vehicles.

\* ITEM-55: Proposed Amendments to San Diego Municipal Code Section 26.0703 Relating to the Composition of the Commission for Arts and Culture. (District 9.)

**ITEM DESCRIPTION:**

This action requests approval to amend San Diego Municipal Code Section 26.0703 relating to the composition of the Commission for Arts and Culture to reduce the Mayor's appointments from seven to six in order to provide nominees from the new Ninth Council District. This Amendment maintains the current size of the Commission while accommodating nominations from the new district.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 5/17/2016, Item 52. (Council voted 8-0. Council President Pro Tem Emerald-not present):

(O-2016-46)

Amending Chapter 2, Article 6, Division 7, of the San Diego Municipal Code by amending Section 26.0703 relating to the Commission for Arts and Culture.

- \* ITEM-56: Proposed Amendment to the San Diego Municipal Code to prohibit the manufacture, sale, distribution, and possession of Federal Schedule I Drugs, Novel Synthetic Drugs, and Novel Psychoactive Drugs.

**ITEM DESCRIPTION:**

Approve an ordinance to amend San Diego Municipal Code Chapter 5, Article 2, of the San Diego Municipal Code by adding Division 33, titled Prohibiting the Manufacturing, Sale, Distribution, and Possession of Federal Schedule I Drugs, Novel Synthetic Drugs and Novel Psychoactive Drugs.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 5/23/2016, Item 200. (Council voted 8-0. Council President Pro Tem Emerald-not present):

(O-2016-125)

Amending Chapter 5, Article 2, of the San Diego Municipal Code by adding a New Division 33, Titled Prohibiting the Manufacturing, Sale, Distribution, and Possession of Federal Schedule I Drugs, Novel Synthetic Drugs, and Novel Psychoactive Drugs.

- \* ITEM-57: Request to exempt five Program Coordinator positions in the Risk Management Department from the Classified Service.

**ITEM DESCRIPTION:**

This action is to exempt five Program Coordinator positions from the Classified Service in the Risk Management Department. These positions will be responsible for the operation of Citywide programs and policies administered within the Risk Management Department.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 5/24/2016, Item 50. (Council voted 7-0. Councilmember Zapf-not present, Councilmember Sherman-not present.)

(O-2016-120)

Receiving and reviewing a memorandum from Personnel Director Hadi Dehghani, dated April 13, 2016, which documents that, on April 7, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt five Program Coordinator positions from the Classified Service. One Program Coordinator position will be responsible for overseeing and supporting IT activities and providing overall leadership and policy direction for IT projects, and the other four Program Coordinator positions will be responsible for managing and overseeing operational functions in the Workers' Compensation Division;

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 five Program Coordinator positions, performing the duties set forth in the April 13, 2016, memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and Council, and in this ordinance.

**ADOPTION AGENDA, CONSENT ITEMS**

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

- \* ITEM-58: Establishing a New Tow Away Zone along 5th Avenue between Harbor Drive and Broadway and Amending Municipal Code Section 86.0107. (Downtown Community Area. District 3.)

**ITEM DESCRIPTION:**

A Resolution to authorize the installation of a tow away zone, effective from 8:00 p.m. to 3:00 a.m. on Friday and Saturday, located along both sides of 5th Avenue between Harbor Drive and Broadway. An Ordinance to authorize the Mayor, or his designee, to amend San Diego Municipal Code Chapter 8, Section 86.0107 to extend existing tow away zone hours between 7:00 a.m. and 7:00 p.m. to the proposed hours of 7:00 a.m. and 3:00 a.m.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the ordinance in Subitem A, which was introduced on 5/17/2016, Item 60, Subitem A. (Council voted 8-0. Council President Pro Tem Emerald not present); and adopt the resolutions:

Subitem-A: (O-2016-87)

Amending Chapter 8, Article 6, Division 1, of the Municipal Code by amending Section 86.0107 relating to Tow-Away Zones.

Subitem-B: (R-2016-442)

Authorizing the Mayor, or his designee, to establish a Tow-Away Zone on Friday and Saturday between the hours of 8:00 p.m. and 3:00 a.m. on both sides of 5th Avenue between Harbor Drive and Broadway;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,800 from the General Fund, Fund 100000, 211611 Transportation and Storm Water Department Street Division operating budget for the installation of a Tow-Away Zone including signs and related markings along both sides of 5th Avenue between Harbor Drive and Broadway, contingent upon the City Comptroller first certifying that the funds are, or will be on deposit with the City Treasurer;

Declaring that this Resolution will take effect on the date that Ordinance O-2016-87 becomes effective.

Subitem-C: (R-2016-627)

Determining that the creation of a Tow-Away Zone along 5th Avenue between Broadway and Harbor Drive is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c);

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



**ADOPTION AGENDA, CONSENT ITEMS**

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

- \* ITEM-60: First Amendment to Agreement with Nasland Engineering for the Coastal Rail Trail Project. (Torrey Pines and University Community Areas. District 1.)

**ITEM DESCRIPTION:**

This Council action will authorize the expenditure of funds for Nasland Engineering to provide Environmental Document support and to prepare the Final Engineering Plans, Specifications, Estimates (PSE) as stated in the scope of services for Phase 1 of the Coastal Rail Trail Project.

**STAFF'S RECOMMENDATION:**

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

Subitem-A: (O-2016-133)

Introduction of an Ordinance, authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the First Amendment to an Agreement with Nasland Engineering for design services in CIP S-00951, Coastal Rail Trail Project, in an amount not to exceed \$749,545 under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$749,545 from WBS No. S-00951, Coastal Rail Trail, Fund No. 400169, TransNet Extension 70% Cap for the purpose of executing this Amendment to the Agreement for the purpose of providing funds for the above-referenced Project, contingent upon the Chief Financial Officer furnishing a certificate certifying that all 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.**

Subitem-B: (R-2016-688)

Declaring that the First Amendment to the Agreement between the City and Nasland Engineering for the Coastal Rail Trail Project is statutorily exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262, Feasibility and Planning Studies.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

All funding necessary for this action is currently available within CIP S-00951, Coastal Rail Trail, Fund No. 400169, TransNet.

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

R-307425 was adopted on May 16, 2012 - Consultant Agreement.

This item was heard at the Infrastructure Committee meeting on May 23, 2016.

**ACTION:** Motion by Councilmember Cole, second by Councilmember Zapf, to recommend Council introduce the ordinance.

**VOTE:** 3-0; Kersey-yea, Cole-yea, Zapf-yea, Emerald-not present.

Gibson/Gomez

Primary Contact\Phone: Akram Bassyouni\619-533-3616, MS 908A

Secondary Contact\Phone: Daniel Nutter\619-533-7492, MS 908A

City Attorney Contact: Gerrity, Ryan P.

- \* ITEM-61: Encanto Neighborhoods Community Plan Land Use and Zoning Map Corrections (Encanto Neighborhoods. Districts 4 and 9.)

**ITEM DESCRIPTION:**

The City Council unanimously adopted the update to the Encanto Neighborhoods Community Plan on November 16, 2015. Since that time, City staff have identified several zoning discrepancies and one land use discrepancy that requires City Council action to correct. This action is to fix those discrepancies identified.

**STAFF'S RECOMMENDATION:**

Introduce the ordinances in Subitems A, B, C, and D, and adopt the resolution in Subitem E:

Subitem-A: (O-2016-108)

Introduction of an Ordinance of the Council of the City of San Diego rezoning 19.38 acres located within the Encanto Neighborhoods Community Plan Area, in the City of San Diego, California, from the IP-3-1 Zone into the IL-3-1 Zone, and repealing Ordinance Nos. O-19599 and O-19593, adopted March 27, 2007, and Ordinance No. O-20580, adopted December 15, 2015, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-B: (O-2016-129)

Introduction of an Ordinance of the Council of the City of San Diego rezoning 1.3 acres located within the Encanto Neighborhoods Community Plan Area, in the City of San Diego, California, from the CN-1-3 Zone into the CN-1-4 Zone, and repealing Ordinance Nos. O-19599 and O-19593, adopted March 27, 2007, and Ordinance No. O-20580, adopted December 15, 2015, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-C: (O-2016-130)

Introduction of an Ordinance of the Council of the City of San Diego rezoning 4.4 acres located within the Encanto Neighborhoods Community Plan Area, in the City of San Diego, California, from the RM-2-5 Zone into the RM-3-7 Zone, and repealing Ordinance Nos. O-19599 and O-19593, adopted March 27, 2007, and Ordinance No. O-20580, adopted December 15, 2015, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-D: (O-2016-131)

Introduction of an Ordinance of the Council of the City of San Diego rezoning 3.4 acres located within the Encanto Neighborhoods Community Plan Area, in the City of San Diego, California, from the RM-3-7 Zone into the CC-3-6 Zone, and repealing Ordinance Nos. O-19599 and O-19593, adopted March 27, 2007, and Ordinance No. O-20580, adopted December 15, 2015, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-E: (R-2016-574)

Adopting the corrections to the General Plan and Figures 2.1 and 2.3 of the Encanto Community Plan.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

There is no fiscal impact associated with the requested action.

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

November 16, 2015: City Council adoption of the Encanto Neighborhoods Community Plan Update and City of San Diego General Plan Amendment; rescission of the Mount Hope and Southeastern San Diego Planned District Ordinances; rezoning to Citywide zones contained in the Land Development Code (LDC); and Amendments to the LDC including the creation of new zones.

This item was heard at the Smart Growth and Land Use Committee meeting on May 20, 2016.

**ACTION:** Motion by Councilmember Alvarez, second by Councilmember Sherman, to recommend the adoption of the resolution and approval of the ordinances.

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

Murphy/Graham

Primary Contact\Phone: Lara Gates\619-236-6006, MS 413  
Secondary Contact\Phone: Nancy Bragado\619-533-4549, MS 413  
City Attorney Contact: Lintvedt, Inga B.

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

- \* ITEM-100: As-Needed Strategic Planning Support For Water Conservation Public Information and Outreach Efforts with CityWorks People + Places, Inc. - Contract H156519. (Citywide.)

**ITEM DESCRIPTION:**

This action is to approve a five-year Agreement with CityWorks People + Places, Inc., for As-Needed Strategic Planning Support for water conservation public information and outreach efforts for an amount not to exceed \$850,000. The as-needed consultant will also assist in development and implementation of outreach strategies that emphasize the value of water.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-515)

Authorizing the Mayor, or his designee, to execute the Agreement with CityWorks People + Places, Inc., to provide As-Needed Strategic Planning and Public Outreach Services related to water conservation and the value of water, for a minimum of \$1,000 and a total amount not to exceed \$850,000, with a contract duration of five years;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$850,000 in total from Water Utility Operating Fund 700011, for the purpose of funding this Agreement, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The total not to exceed amount of this Agreement is \$850,000 and will be expended over a period not to exceed five years. Funds are, or will be, available in the Water Utility Operating Fund 700011, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the City Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer. Funds will be allocated on a task order basis.

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

This item was heard at the Environment Committee meeting on May 26, 2016.

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

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

Murray/LoMedico

Primary Contact\Phone: Lan Wiborg\619-533-4112

Secondary Contact\Phone: Luis Generoso\619-533-5258, MS 906

City Attorney Contact: Palmucci, Raymond C.

- \* ITEM-101: Agreement for As-Needed Construction Management Services with Louis Berger (Contract No. H166599). (Citywide.)

**ITEM DESCRIPTION:**

Award a contract for As-Needed Construction Management Services to Louis Berger for an amount not to exceed \$4,000,000, and a maximum duration of five (5) years.

This Agreement will provide As-Needed Construction Management Services for various Capital Improvement (CI) and non-CI Projects.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-616)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with Louis Berger to provide As-Needed Construction Management Services in an amount not to exceed \$4,000,000, contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasurer, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$4,000,000 over five (5) years for the purpose of funding the As-Needed Construction Management Services Agreement with Louis Berger, 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 to expend an amount not to exceed \$1,000 from Fund 200218, Underground Surcharge - CIP, WBS No. A-ID.00001, Utilities Undergrounding Program, for the purpose of executing this Agreement, and meeting the minimum contract requirements;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The City agrees to issue a task order(s) with the minimum aggregate value of \$1,000 to Louis Berger. Funding for this minimum guaranteed amount of \$1,000 is from Fund 200218, Underground Surcharge - CIP, WBS No. A-ID.00001, Utilities Undergrounding Program. The maximum contract amount for As-Needed Professional Construction Management Services shall not exceed \$4,000,000 and the contract length is five (5) years. Funding for future tasks will be funded by the appropriate CIP Projects requiring these services.

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

This item was heard by the Infrastructure Committee meeting on May 23, 2016.

**ACTION:** Motion by Councilmember Cole, second by Councilmember Zapf, to recommend Council adopt the resolution and approve the agreement.

**VOTE:** 3-0; Kersey-yea, Cole-yea, Zapf-yea, Emerald-not present.

Gibson/Gomez

Primary Contact\Phone: Myrna Dayton\858-627-3201  
Secondary Contact\Phone: Julie Ballesteros\858-573-5012  
City Attorney Contact: Mercer, Mark M.



\* ITEM-102: Agreement for As-Needed Construction Management Services with Harris & Associates (Contract No. H166593). (Citywide.)

**ITEM DESCRIPTION:**

Award a contract for As-Needed Construction Management Services to Harris & Associates for an amount not to exceed \$4,000,000, and a maximum duration of five (5) years. This Agreement will provide As-Needed Construction Management Services for various Capital Improvement (CI) and non-CI Projects.

**STAFF'S RECOMMENDATION**

Adopt the following resolution:

(R-2016-641)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with Harris & Associates to provide As-Needed Construction Management Services in an amount not to exceed \$4,000,000, contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasurer, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$4,000,000 over five (5) years for the purpose of funding the As-Needed Construction Management Services Agreement with Harris & Associates, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer furnishing one of more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,000 from Fund 200218, Underground Surcharge - CIP, WBS No. A-ID.00001, Utilities Undergrounding Program, for the purpose of executing this Agreement, and meeting the minimum contract requirements;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The City agrees to issue a task order(s) with the minimum aggregate value of \$1,000 to Harris & Associates. Funding for this minimum guaranteed amount of \$1,000 is from Fund 200218, Underground Surcharge - CIP, WBS No. A-ID.00001, Utilities Undergrounding Program. The maximum contract amount for As-Needed Professional Construction Management Services shall not exceed \$4,000,000 and the Contract length is five (5) years. Funding for future tasks will be funded by CIP Projects requiring these services.

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

This item was heard at the Infrastructure Committee meeting on May 23, 2016.

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

**VOTE:** 3-0; Kersey-yea, Cole-yea, Zapf-yea, Emerald-not present.

Gibson/Gomez

Primary Contact\Phone: Myrna Dayton\858-627-3201

Secondary Contact\Phone: Julie Ballesteros\858-573-5012

City Attorney Contact: Mercer, Mark M.

\* ITEM-103: Agreement for As-Needed Construction Management Services with Arcadis  
(Contract No. H166592). (Citywide.)

**ITEM DESCRIPTION:**

Award a contract for As-Needed Construction Management Services to Arcadis for an amount not to exceed \$4,000,000, and a maximum duration of five (5) years. This Agreement will provide As-Needed Construction Management Services for various Capital Improvement (CI) and non-CI Projects.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-613)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with Arcadis Consultants to provide As-Needed Construction Management Services, in an amount not to exceed \$4,000,000, contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasurer, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$4,000,000 over five (5) years for the purpose of funding the As-Needed Construction Management Services Agreement with Arcadis, 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 to expend an amount not to exceed \$1,000 from Fund 200218, Underground Surcharge - CIP, WBS No. A-ID.00001, Utilities Undergrounding Program, for the purpose of executing this Agreement, and meeting the minimum contract requirements;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The City agrees to issue a task order(s) with the minimum aggregate value of \$1,000 to Arcadis. Funding for this minimum guaranteed amount of \$1,000 is from Fund 200218, Underground Surcharge - CIP, WBS No. A-ID.00001, Utilities Undergrounding Program. The maximum contract amount for As-Needed Professional Construction Management Services shall not exceed \$4,000,000 and the contract length is five (5) years. Funding for future tasks will be funded by the appropriate CIP Projects requiring these services.

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

This item was heard at the Infrastructure Committee meeting on May 23, 2016.

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

**VOTE:** 3-0; Kersey-yea, Cole-yea, Zapf-yea, Emerald-not present.

Gibson/Gomez

Primary Contact\Phone: Myrna Dayton\858-627-3201  
Secondary Contact\Phone: Julie Ballesteros\858-573-5012  
City Attorney Contact: Mercer, Mark M.

- \* ITEM-104: City Heights and El Cajon Boulevard Pedestrian Improvements Professional Service Agreement with Project Professional Corporation for Construction Management Services. (City Heights and Crossroads Redevelopment Project Areas. District 9.)

**ITEM DESCRIPTION:**

This item is to approve an Agreement with Project Professionals Corporation for Construction Management Services for the City Heights Pedestrian Improvements Sidewalk and Street Lighting Project and the El Cajon Boulevard Pedestrian Improvement Project.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-662)

Authorizing Civic San Diego to enter into the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$219,340 from CIP S-15044, City Heights Pedestrian Improvements Project, Fund 400694 - City Heights Bond Proceeds TE Bonds 2010A, and an amount not to exceed \$80,000 from CIP B-15210, El Cajon Boulevard Pedestrian Improvement Project, Fund 400696 - 2010A (TE) Crossroads Bond Proceeds, solely and exclusively, for the Agreement, contingent upon the Chief Financial Officer furnishing a certificate certifying that all funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This action will authorize to execute an Agreement with Project Professionals Corporation (PPC) for \$219,340 for the City Heights Project using Fund 400694 in CIP S-15044 and \$80,000 for the El Cajon Boulevard Project using Fund 400696 in CIP B-15210.

The funds for these Projects are excess bond proceeds and have since been transferred from the Successor Agency to the City of San Diego ("City") pursuant to a Bond Expenditure Agreement between the Successor Agency and City, which was approved by the Oversight Board and the California Department of Finance. To use the bond funds through the City and administer the Projects, CIP's were created and CIP Budgets were established.

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

Jarrett/Graham

Primary Contact\Phone: Gretchen Sorenson\619-533-7113, MS 51D  
City Attorney Contact: Slegers, Nathan

- \* ITEM-105: Second Amendment to the As-Needed Consultant Services Agreement with Towill, Inc., for Aerial Mapping Services. (Contract No. H136048). (Citywide.)

**ITEM DESCRIPTION:**

This action is to authorize a Second Amendment to extend the services of Towill, Inc., in providing aerial consultant services for an additional amount not to exceed \$150,000 (for a total contact amount of \$1,150,000), and a maximum duration of 5 years. This Agreement will provide Aerial Mapping Services for various Capital Improvement Program (CIP) Projects.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-497)

Authorizing the Mayor, or his designee, to execute the Second Amendment to the Agreement with Consultant for As-Needed Aerial Consultant Services in an additional amount not to exceed \$150,000 for a total amount not to exceed \$1,150,000, under the terms and conditions set forth in the Second Amendment to Agreement;

Authorizing the Chief Financial Officer as delegated to Financial Management to appropriate and authorizing the City Comptroller to expend an amount not to exceed \$150,000 for a total amount not to exceed \$1,150,000 over five (5) years for the purpose of funding the As-Needed Aerial Consultant Services Agreement with Consultant, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Upon approval, the total contract amount for As-Needed Aerial Consultant Services will be \$1,150,000. Funding for future tasks will be provided by the CIP Projects requiring these services.

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

The First Amendment did not require Council action.

This item was heard at the Infrastructure Committee meeting on April 13, 2016.

**ACTION:** Motion by Councilmember Emerald, second by Councilmember Zapf, to recommend Council adopt the resolutions and approve the agreement.

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

Gibson/Gomez

Primary Contact\Phone: Myrna Dayton\858-627-3201  
Secondary Contact\Phone: Diana Bergen\858-627-3221  
City Attorney Contact: De Lara, Jr., Pedro

\* ITEM-106: Authorizing the execution of an Agreement with MuniServices, LLC, for Sales and Use Tax Audit and Recovery Services. (Citywide.)

**ITEM DESCRIPTION:**

This action would authorize the two-year Agreement with two additional one-year option periods between the City and MuniServices, LLC (MuniServices) to provide Sales and Use Tax Audit and Recovery Services for a contingency fee on new sales and use tax revenue recovered by the consultant. This action would also authorize MuniServices to examine, on the City's behalf, confidential taxpayer information contained in the records of the State Board of Equalization (BOE), and authorize the Mayor, COO, CFO, or other officer of the City to represent the City with authority to examine BOE records pertaining to sales and use taxes collected for the City by BOE.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-669)

Designating the Mayor, Chief Operating Officer, Chief Financial Officer, or other officer or employee of the City, in writing by the Chief Financial Officer to the State Board of Equalization (hereafter referred to as Board), are hereby appointed to represent the City with authority to examine sales, transaction, and use tax records of the Board pertaining to sales, transaction, and use taxes collected for the City by the Board pursuant to the contract between the City and the Board. The information obtained by examination of Board records shall be used only for purposes related to the collection of City sales, transaction, and use taxes by the Board pursuant to that contract;

Designating the Mayor, Chief Operating Officer, Chief Financial Officer, or other officer or employee of the City, in writing by the Chief Financial Officer to the Board, are hereby appointed to represent the City with authority to examine sales, transaction, and use tax records of the Board for purposes related to the following governmental functions of the City:

- a. Detect, document and assist in correcting sales, transaction, and use tax reporting errors of business that, based on the location of their activities, are not properly registered with the City;
- b. Detect, document and assist in correcting the reporting of businesses that are improperly reporting sales tax, transaction tax, or use tax, resulting in a reduction in tax revenue to the City;



- c. Detect, document and assist in correcting sales, transaction, and use tax reporting errors or omissions and thereby generate previously unrealized revenue for the City;
- d. Provide the City with business-to-business use tax monitoring;
- e. Provide geo-coding in order to allow City staff to complete analyses of specific geographic areas by type and economic activity; and
- f. Functions related to budgeting and forecasting of revenue. The information obtained by examination of Board records shall be used only for those governmental functions of the City listed above;

Designating MuniServices, LLC, to examine the sales, transaction, and use tax records of the Board pertaining to sales, transaction, and use taxes collected for the City by the Board. The consultant designated by this section meets all of the following conditions:

- a) has an existing contract with the City to examine those sales, transaction, and use tax records;
- b) is required by that contract to disclose information contained in, or derived from, those sales, transaction, and use tax records only to the Authorized Representatives under Section 1 of this resolution to examine the information;
- c) is prohibited by that contract from performing consulting services for a retailer during the term of that contract; and
- d) is prohibited by that contract from retaining the information contained in, or derived from those sales, transaction, and use tax records, after that contract has expired. The information obtained by examination of Board records shall be used only for purposes related to the collection of City sales, transaction, and use taxes by the Board pursuant to the contract between the City and the Board;

Authorizing and directing the Mayor, or his designee, to enter into an Agreement with MuniServices, LLC, to provide sales tax, transaction tax, use tax, and property tax audit and information services on a contingency fee basis substantially under the terms and conditions in the Agreement, and with any recommended changes deemed to be necessary or appropriate by the City Attorney.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

When comparing MuniServices' annual sales and use tax recovery of \$1-\$5 million, compared to HdL's annual recovery of \$0.5 - \$1.6 million, along with a reduction in the cost of this service, the City anticipates an increase in net sales tax revenue recovered.

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

This item was heard by the Budget and Government Efficiency Committee meeting on May 25, 2016.

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

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

Vespi/Lewis

Primary Contact\Phone: Lisa Celeya\619-236-6913, MS 8A  
Secondary Contact\Phone: David Onate\619-334-4031, MS 8A  
City Attorney Contact: Will, Brant C.

- \* ITEM-107: Amendment to Council Policy 000-02: Budget Policy and Repeal of Council Policies 200-02: Gas Tax Fund-Use of and Council Policy 500-07: The Use of Proposition 172 (Local Public Safety Protection and Improvement Act of 1993) Funds.

**ITEM DESCRIPTION:**

The Financial Management Department, in collaboration with the City Attorney's Office, has reviewed existing City Council policies to ensure appropriate controls and efficiencies are in place to enable effective use of the City's financial resources. In addition, staff reviewed City Council policies in response to recommendations from the City Auditor's Office.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-684)

Repealing Council Policy No. 200-02 Gas Tax Funds - Use of and Council Policy No. 500-07 The Use of Proposition 172 (Local Public Safety Protection and Improvement Act of 1993) Funds;

Amending and superseding the current Council Policy 000-02 Budget Policies in its entirety by Council Policy 000-02 Budget Policies;

Instructing the City Clerk to update the Council Policy Manual to include the amended Council Policy 000-02.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Specific expenditure allocations for the Gas Tax and the Safety Sales Tax will be included in the annual budget process, consistent with current practice and guidance provided by State policy.

Upon approval of the action to amend the Budget Policy, the annual budget process will include budgeting of lease revenue proceeds and associated expenditures.

There is no fiscal impact as a result of these actions.

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

On September 16, 1991, the City Council adopted the Budget Process (R-278661), which was subsequently retitled to Budget Policy. The Budget Policy was thereafter amended on November 12, 2009 (R-305348), November 1, 2010 (R-306219), and December 17, 2014 (R-309411).

On October 19, 2015, the City Council accepted City Auditor Report 16-001: Performance Audit of Citywide Other/Special Funds.

This item was heard at the Budget and Government Efficiency Committee on May 25, 2016.

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

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

Vespi/Lewis

Primary Contact\Phone: Lisa Celaya\619-236-6913, MS 8A  
City Attorney Contact: Will, Brant C.

- \* ITEM-108: Community Parking District (CPD) FY2017 Annual Plans and Budgets (Downtown (Downtown CPD), Uptown (Uptown CPD), Greater North Park/Mid-City/College Area (Mid-City CPD - North Park, University Heights, Normal Heights, College, El Cajon Boulevard), and Old Town (Old Town CPD) Community Areas. Districts 3 and 9.)

**ITEM DESCRIPTION:**

The item approves the Annual Plans and Budgets for the FY2017 Community Parking District (CPD) Program and allows for the transfer, appropriation and expenditure of parking meter funds by the Chief Financial Officer for such purposes.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-680)

Approving the Fiscal Year 2017 (FY 2017) Annual Plans and Budgets for the Downtown, Mid-City, Old Town, and Uptown Community Parking Districts (CPD). A copy of each Annual Plan and Budget is attached to the Executive Summary in the staff materials accompanying this Resolution and shall be placed as follows:

- (a) Downtown Annual Plan and Budget; and
- (b) Uptown Annual Plan and Budget; and
- (c) Mid-City Annual Plan and Budget (including the Annual Plans and Budgets of El Cajon Boulevard Business Improvement Association and University Heights Community Development Corporation); and
- (d) Old Town Annual Plan and Budget.

Authorizing the Chief Financial Officer to transfer funds from the CPD Funds to City Departments to implement the Annual Plans and to authorize the receipt, appropriation, and expenditure by the respective City Departments of those transferred funds;

Authorizing the Mayor, or designee, to execute Agreements and expend funds from the CPD Funds as needed but in accordance with the FY 2017 Annual Plans and Budgets in order to implement the FY 2017 Annual Plans and Budgets;

Authorizing and directing the Chief Financial Officer to appropriate and expend the CPD Fund Balances and Interest Fund Balances relating to the Downtown CPD, Uptown CPD, Mid-City CPD, and Parking Meter Dist. Admin. Fund No. 200488 (CPD Admin Fund), from Fiscal Year 2016 (FY 2016) for FY 2016 or prior year expenditures anticipated to be processed in FY 2017, with the thereafter remaining FY 2017 Fund Balances and Interest Fund Balances relating to each of these CPDs and the City CPD Administration Fund to be carried forward to FY 2017, contingent upon the certification that funds are available;

Authorizing and directing the Chief Financial Officer to appropriate and expend from the Uptown CPD Fund No. 200490 for the FY 2017 Uptown CPD Program an amount not to exceed \$771,270, plus or minus any year-end adjustment to reconcile actual revenue and expenditures, plus the remaining amount of the FY 2016 Fund Balance and Interest Fund Balance carried forward to FY 2017, contingent upon the certification that funds are available;

Authorizing and directing the Chief Financial Officer to appropriate and expend from the Mid-City CPD Fund No. 200491 for the FY 2017 Mid-City CPD Program an amount not to exceed \$82,820, plus or minus any year-end adjustment to reconcile to actual revenue and expenditures, plus the remaining amount of the FY 2016 Fund Balance and Interest Fund Balance carried forward to FY 2017, contingent upon the certification that funds are available;

Authorizing and directing the Chief Financial Officer to appropriate and expend from the Downtown CPD Fund No. 200489 for the FY 2017 Downtown CPD Program an amount not to exceed \$1,914,380, plus or minus any year-end adjustment to reconcile to actual revenue and expenditures, plus the remaining amount of the FY 2016 Fund Balance and Interest Fund Balance carried forward to FY 2017, contingent upon the certification that funds are available;

Authorizing and directing the Chief Financial Officer to appropriate and expend from the CPD Admin Fund No. 200488 for City administration of the CPD Program an amount not to exceed \$3,383,685, plus or minus any year-end adjustment to reconcile to actual revenue and expenditures, plus the remaining amount of the FY 2016 Fund Balance and Interest Fund Balance carried forward to FY 2017, contingent upon the certification that funds are available;

Authorizing the Mayor, or designee, the Parking Inventory Management Loan Program, expending an amount not to exceed \$50,000 for each loan from the Downtown CPD Fund No. 200489 for the FY 2017 Downtown CPD Program, contingent upon the Chief Financial Officer certifying that funds are available, for the sole and exclusive purpose of installing directional signs for parking availability and reducing traffic congestion.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This action authorizes the transfer, appropriation and expenditure (via Agreements/MOU) of CPD funding of an estimated \$2,768,469 for the CPD Funds and \$3,383,685 for the City's CPD Admin and Projects Fund which the City Council previously appropriated in the FY 2016 Annual Budget plus the carry-over from previous years and any year-end adjustments within the CPD Funds. There is no new fiscal impact to the City.

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

Council approved FY 2016 CPD Annual Plans and Budgets via Resolution R-309827, recorded July 16, 2015.

This item was heard at the Smart Growth and Land Use Committee meeting on May 20, 2016.

**ACTION:** Motion by Councilmember Gloria, second by Councilmember Sherman, to recommend the adoption of the resolution.

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

Caldwell/Graham

Primary Contact\Phone: Joseph Jimenez\619-533-4741, MS 56D

Secondary Contact\Phone: Elizabeth Studebaker\619-533-4561, MS 56D

City Attorney Contact: Malcolm, Katherine A.

- \* ITEM-109: Authorize City Comptroller to appropriate and allocate the expenditure of Grant Funds from the Bureau of Justice Assistance (BJA) Smart Prosecution Initiative Grant to fund an Assistant Management Analyst for CJI in the Criminal Division, Office of the City Attorney through 2020. (Citywide.)

**ITEM DESCRIPTION:**

This action authorizes the acceptance, appropriation, and expenditure of funds from the Smart Prosecution Initiative Grant from the Bureau of Justice Assistance (BJA) in the amount of \$149,171.50 for the period of October 1, 2015 - September 30, 2017, and further authorizes annual grant applications through 2020. The Office of the City Attorney is a sub-recipient for the grant awarded by BJA to San Diego Association of Governments (SANDAG). The grant will be utilized to fund a Community Court Coordinator (Assistant Management Analyst) and laptop computer for two years for the San Diego Community Justice Initiative (CJI), formerly San Diego Community Court.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-666)

Authorizing the City Attorney, or his designee, to apply for, accept, and take all necessary actions to secure a Smart Prosecution Initiative Federal Grant CFDA No. 16.825 from the Bureau of Justice Assistance (BJA), as a sub-recipient of San Diego Association of Governments (SANDAG), for an amount not to exceed \$149,717.50 to fund the work of one Community Court Coordinator (Assistant Management Analyst) and laptop computer for the San Diego Community Justice Initiative Program (CJI) formerly San Diego Community Court in the Criminal Division, Office of the City Attorney for the period of October 1, 2015, through September 30, 2017;

Authorizing the City Attorney to apply for, accept, and take all necessary actions to secure future grants from the BJA as a sub-grantee of SANDAG for CJI for a period of five years, through September 30, 2020;

Authorizing the Chief Financial Officer to accept, appropriate, and expend up to \$149,171.50 from grant funds for the purposes described above for the period of October 1, 2015, to September 30, 2017;

Authorizing the Chief Financial Officer to establish special interest bearing accounts for the grant funds for the Program, if required, and to accept, appropriate and expend all future grant funds, contingent upon the receipt of fully executed Agreement(s) with the Smart Prosecution Initiative and Community Justice Initiative;



Authorizing the City Attorney, or his designee, to execute reasonable and necessary Amendments to the San Diego Justice Initiative Program (CJI) with SANDAG in program years through September 30, 2020;

Agreeing to indemnify, defend, and save harmless the State of California, its officers, agents, and employees, from any and all claims and losses resulting from the City's performance of the Agreement(s), as required by the terms of the Grant Agreements.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Expenditure responsibility of up to \$149,171.50 in Grant Funds would be spent solely for funding the work of one Community Court Coordinator (Assistant Management Analyst) and laptop computer for the period of October 1, 2015 - September 30, 2017. Future grants, if awarded, would continue to fund the work on this program on an annual basis.

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

No previous Council or Committee Action.

Bamberg

Primary Contact\Phone: Gina Coburn\619-533-6181

Secondary Contact\Phone: Tanya Tomlinson\619-533-5811

City Attorney Contact: Berry, Jennifer L.

- \* ITEM-110: Bureau of Reclamation WaterSMART Title XVI Water Reclamation and Reuse Program Financial Assistance application for the Pure Water San Diego Program, North City Project.

**ITEM DESCRIPTION:**

This action will adopt a resolution that will authorize the application, acceptance, and expenditure of financial assistance funds from the Bureau of Reclamation (BOR) WaterSMART Title XVI Water Reclamation and Reuse Program for the Pure Water San Diego Program, North City Project.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-664)

Authorizing the Mayor, or designee, for and on behalf of the City of San Diego to apply for, accept and execute a financial assistance application to the U.S. Bureau of Reclamation under the WaterSMART Title XVI Water Reclamation and Reuse Program for Fiscal Year 2016 through Fiscal Year 2019 for funding of the Pure Water San Diego Program, North City Project in an amount not to exceed \$44,567,750;

Authorizing the Chief Financial Officer to accept, appropriate and expend an amount not to exceed \$44,567,750 from the U.S. Bureau of Reclamation WaterSMART Title XVI Water Reclamation and Reuse Program for the Pure Water San Diego Program, North City Projects if grant funding is secured;

Authorizing the Chief Financial Officer to establish a special interest-bearing account for the financial assistance application, if required for the purpose of providing funds for the Project, provided that the City Comptroller first furnishes 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.

**STAFF SUPPORTING INFORMATION:****FISCAL CONSIDERATIONS:**

The projected total cost for all phases of the Pure Water San Diego Program is approximately \$3 billion. The estimated cost for the Pure Water San Diego Program, North City Project is \$1,008,589,000 (in current dollars). This action is requesting approval to apply for financial assistance funding from the BOR in an amount up to \$44,567,750 (based upon 25% of the project costs through September 2018 for the design and engineering of the North City Project). The BOR anticipates providing no more than \$4,000,000 for each authorized project for federal fiscal year 2016, subject to funding capability and amount remaining under the Federal appropriations each fiscal year. However, the BOR also notes that awards may be granted in smaller or larger amounts depending upon the availability of program funding. Although the City's request is for \$44,567,750, the Department anticipates the financial assistance award to be approximately \$4,000,000 this fiscal year and also in future years, dependent upon federal appropriations. Any funds received from the BOR would be used to offset the Pure Water San Diego Program, North City Project costs and be proportionally allocated between the Water Utility CIP Fund 700010 and the Metro Sewer CIP Fund 700009 based on expenditures. The City also intends to apply for additional grant funding opportunities and pursue low-interest loans through the State Water Board Clean Water State Revolving Fund to finance the remainder of the North City Project costs.

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

On April 29, 2014, the City Council adopted Resolution R-308906, in support of the Pure Water San Diego Program.

On November 18, 2014, the City Council adopted Resolution R-309342, and approved the application to renew the permit for the Point Loma Wastewater Treatment Plant and the Cooperative Agreement with environmental stakeholders.

On December 9, 2014, the City Council adopted Resolution R-309350, and approved the award of a 5-year, \$30,000,000 Agreement with Montgomery Watson Harza (MWH) Americas, Inc., for As-Needed Engineering Technical Services to support the Public Utilities Department in the implementation of the Pure Water San Diego Program.

Also on December 9, 2014, the City Council adopted Resolution R-309351, determining that the Agreement with MWH Americas, Inc., is statutorily exempt from the California Environmental Quality Act, pursuant to CEQA guidelines Section 15262.

On January 12, 2016, the City Council adopted Resolution R-310187, and approved the Professional Service Agreement with HDR, Inc., for the North City Conveyance System.

Jones-Santos/Gomez

Primary Contact\Phone: Seth Gates\858-614-4030, MS 901  
Secondary Contact\Phone: Carmel Wong\858-614-5755, MS 901  
City Attorney Contact: Palmucci, Raymond C.

\* ITEM-111: Biennial Review: Conflict of Interest Codes.

**CITY CLERK'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-642)

Declaring that all local agencies for which the City Council serves as code-reviewing body and for which Conflict of Interest Codes have previously been adopted are directed to review all existing Codes and determine whether their Codes should be amended;

Declaring that each City department, agency, board and commission subject to a Code is directed to review its Code and provide to the City Clerk by August 19, 2016, either a written statement that no Amendment is required, or a proposed amended Code for the Council's approval.

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

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:** None.

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

Maland

Primary Contact\Phone: Elizabeth Maland\619-533-4080, MS 2A

Secondary Contact\Phone: Bonnie Stone\619-533-4060, MS 2A

City Attorney Contact: Spivak, Sharon B.

- \* ITEM-112: Settlement of David Kennedy's Writ of Mandamus and Complaint for Injunctive and Declaratory Relief pursuant to California Public Records Act, Risk Management File No. 9605.

**ITEM DESCRIPTION:**

This is a Writ of Mandamus and Complaint for Injunctive and Declaratory Relief pursuant to California Public Records Act by David Kennedy related to a Public Records Act response for records regarding water fluoridation. The proposed settlement would resolve all claims brought by David Kennedy.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-561)

Authorizing the Mayor, or his designee, to pay the sum of \$75,000 from the Water Utility Operating Fund No. 700011, 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 the Writ of Mandamus and Complaint for Injunctive and Declaratory Relief pursuant to California Public Records Act of *David Kennedy v. City of San Diego*, San Diego Superior Court Case No. 37-2014-00016245-CU-MC-CTL;

Authorizing the Chief Financial Officer to expend the amount of \$75,000 from the Water Utility Operating Fund No. 700011, 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;

Authorizing the City Comptroller to issue a check in the amount of \$75,000, made payable to Law Offices of Bernard F. King III, APC Client Trust Account re David Kennedy.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Settlement amount of \$75,000 will be paid from the Water Utility Operating Fund No. 700011.

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

The item was approved in Closed Session on April 12, 2016.

Bamberg

Primary\City Attorney Contact\Phone: Rayna A. Stephan\619-533-6181

- \* ITEM-113: Arts, Culture, and Community Festivals Funding Allocation to the Sherman Heights Community Center for the Hispanic Heritage Festival & Parade, Sherman Heights Dia de los Muertos, and the Sherman Heights Music Festival. (Sherman Heights Community Area. District 8.)

**ITEM DESCRIPTION:**

Approval of the funding allocation from Council District 8, along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an Agreement with the Sherman Heights Community Center for an amount not to exceed \$10,000, for the Hispanic Heritage Festival & Parade, Sherman Heights Dia de los Muertos, and the Sherman Heights Music Festival.

**COUNCILMEMBER ALVAREZ'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-622)

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

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, a Community Projects, Programs, and Services FY 2016 City Council Allocations Agreement between the City of San Diego and the Sherman Heights Community Center Corporation (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. 1108110008, Council District 8, 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:**

\$10,000 in Arts, Culture, and Community Festivals Funding from Fund No. 200205/Cost Center No. 1414111219, will be used for the Hispanic Heritage Festival & Parade, Sherman Heights Dia de los Muertos, and the Sherman Heights Music Festival.

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

Schmidt

Primary Contact\Phone: Travis Knowles\619-236-6688, MS 10A  
Secondary Contact\Phone: Courtney Thomson\619-236-5918, MS 10A  
City Attorney Contact: Berry, Jennifer L.

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: Assistant Chief Kenneth Barnes Day.

**PRESENTED BY MAYOR FAULCONER AND COUNCIL PRESIDENT PRO TEM EMERALD:**

Proclaiming June 14, 2016, to be "Assistant Chief Kenneth Barnes Day" in the City of San Diego.

ITEM-31: Nora Nugent Day.

**PRESENTED BY COUNCIL PRESIDENT LIGHTNER, COUNCILMEMBER GLORIA, AND COUNCIL PRESIDENT PRO TEM EMERALD:**

Proclaiming June 14, 2016, to be "Nora Nugent Day" in the City of San Diego.

ITEM-32: Philippine Independence Week.

**PRESENTED BY COUNCILMEMBER GLORIA, COUNCILMEMBER COLE, AND COUNCILMEMBER CATE:**

Proclaiming June 12-19, 2016, to be "Philippine Independence Week" in the City of San Diego.

ITEM-33: This item has been removed from today's docket. (Rev. 6/8/16)

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

ITEM-34: Susie Sides and Jim Avery Day.

**MAYOR FAULCONER'S AND COUNCILMEMBER ZAPF'S RECOMMENDATION:**

Proclaiming June 2, 2016, to be "Susie Sides and Jim Avery Day" in the City of San Diego.

ITEM-35: Doyle International Festival Day.

**COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:**

Proclaiming June 3, 2016, to be "Doyle International Festival Day" in the City of San Diego.

ITEM-36: KidsEco Club Day.

**COUNCILMEMBER GLORIA'S AND COUNCIL PRESIDENT PRO TEM EMERALD'S RECOMMENDATION:**

Proclaiming May 20, 2016, to be "KidsEco Club Day" in the City of San Diego, in honor of National Endangered Species Day.

ITEM-37: San Diego Zoo Global Day.

**COUNCILMEMBER GLORIA'S AND COUNCIL PRESIDENT PRO TEM EMERALD'S RECOMMENDATION:**

Proclaiming May 20, 2016, to be "San Diego Zoo Global Day" in the City of San Diego, in honor of National Endangered Species Day.

ITEM-38: San Diego Unified School District Conservation Day.

**COUNCILMEMBER GLORIA'S AND COUNCIL PRESIDENT PRO TEM EMERALD'S RECOMMENDATION:**

Proclaiming May 20, 2016, to be "San Diego Unified School District Conservation Day" in the City of San Diego, in honor of National Endangered Species Day.



ITEM-39: Birch Aquarium Day.

**COUNCILMEMBER GLORIA'S AND COUNCIL PRESIDENT PRO TEM EMERALD'S RECOMMENDATION:**

Proclaiming May 20, 2016, to be "Birch Aquarium Day" in the City of San Diego, in honor of National Endangered Species Day.

ITEM-40: Yelp Day.

**COUNCILMEMBER CATE'S RECOMMENDATION:**

Proclaiming May 13, 2016, to be "Yelp Day" in the City of San Diego.

ITEM-41: CA Labradors, Retrievers & More Rescue Day.

**COUNCILMEMBER CATE'S RECOMMENDATION:**

Proclaiming May 21, 2016, to be "CA Labradors, Retrievers & More Rescue Day" in the City of San Diego.

ITEM-42: Drowning Prevention Month.

**COUNCILMEMBER CATE'S RECOMMENDATION:**

Proclaiming the month of May 2016, to be "Drowning Prevention Month" in the City of San Diego.

ITEM-43: Proclamation in opposition to the proposed San Diego Association of Governments (SANDAG) Regional Sales Tax Increase.

**TODAY'S ACTION IS:**

Proclaiming that as a result of the aforementioned concerns and lack of support from a broad coalition, the San Diego City Council opposes the proposed San Diego Association of Governments (SANDAG) tax increase being placed on the November 2016 ballot as currently proposed.

**SPECIAL ORDERS OF BUSINESS**

None.

**NON-AGENDA PUBLIC COMMENT**

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

Per Section 22.0101, Rule 2.6.2, of the San Diego Municipal Code, comments are limited to two minutes per speaker. Speakers may not allocate their time to other speakers. If there are eight (8) or more speakers on a single issue, the maximum time allotted for that issue will be sixteen (16) minutes. Non-Agenda Public Comment is limited to 30 minutes during the Tuesday morning Council session. Any remaining speakers will be given an opportunity to speak after Council concludes the remaining agenda items for that day. Speaker order will generally be decided on a first-come, first-served basis. However, in the event that there are more than 15 Non-Agenda Public Comment speakers on a particular Tuesday, priority may be given to speakers who have not addressed the legislative body during "Non-Agenda Public Comment" at the last regularly scheduled Council meeting.

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

**UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)**

**REQUESTS FOR CONTINUANCE**

The Council will consider requests for continuance in the morning or afternoon, based on when the item was noticed to be heard.

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

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

ITEM-330: I-Bank Infrastructure State Revolving Fund Program Loan for San Diego Convention Center Sails Pavilion and Capital Improvements. (Citywide.)

**ITEM DESCRIPTION:**

Authorization to implement an Infrastructure State Revolving Fund (ISRF) Loan and take other necessary actions to enable the City to facilitate the funding of the San Diego Convention Center Improvements.

**STAFF'S RECOMMENDATION:**

Introduce the ordinances in Subitems A and B; adopt the resolutions in Subitems C and D:

Subitem-A: (O-2016-124)

Introduction of an Ordinance, finding and determining that the statements set forth above in the recitals to this Ordinance are true and correct;

Approving, ratifying, and affirming all actions heretofore taken by the City's representatives in connection with financing for the Project, including the submission of the application to the IBank;

Declaring its official intent to use certain proceeds of the Obligation to reimburse itself for expenditures reimbursable with the proceeds of tax exempt bonds or other tax exempt securities under the provisions of the Internal Revenue Code of 1986, as amended, and those U.S. Treasury Regulations implementing such provisions (collectively, Federal Tax Law). This declaration is made solely for purposes of establishing compliance with applicable requirements of Federal Tax Law. This declaration does not bind the City to make any expenditure, incur any indebtedness, or proceed with the Project;

Authorizing and directing the Mayor, the Chief Operating Officer, the Chief Financial Officer (Authorized Officers) or any of each of their designees, to act on behalf of the City and the City Council in all matters pertaining to the financing from IBank, including but not limited to the authority to (1) make payments for the Obligation from the City's General Fund and any other legally available sources; (2) make arrangements, including but not limited to entering into agreements with the Corporation to facilitate the financing of the Project; and (3) take any other action necessary or desirable to enable the City to enter into the Financing Agreements and incur the Obligation;

Declaring that if the Obligation is approved by IBank, the Authorized Officers or any of each of their designees is authorized to negotiate, enter into, and sign financing documents and any amendments thereto, including, but not limited to the Financing

Agreements and the Replacement Agreements, with IBank for the purpose of financing the Obligation;

Declaring that a “Term Sheet” setting forth key terms for the contemplated Obligation. No contractual arrangement, or other obligation, for financing the Project exists between IBank and the City until all applicable parties have executed mutually-acceptable Financing Agreements.

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

Subitem-B: (O-2016-132)

Declaring and determining that the statements set forth above in the recitals to this Ordinance are true and correct;

Approving, ratifying, and affirming all actions heretofore taken by the City’s representatives in connection with entering into the Amendment and Operating Memorandum;

Authorizing and directing the Mayor, the Chief Operating Officer, the Chief Financial Officer (Authorized Officers) or any of each of their designees, to act on behalf of the City and the City Council in all matters pertaining to the Amendment and the Operating Memorandum for the purpose of enabling the City to enter into the Financing Agreements and incur the Obligation.

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

Subitem-C: (R-2016-653)

Findings related to the proposed transaction between and among the City of San Diego, the California Infrastructure and Economic Development Bank and the San Diego Convention Center Corporation to finance the cost of certain Capital Improvements to the San Diego Convention Center;

Declaring by the City Council of the City of San Diego, that the City Council finds as follows: (a) the Project facilitates the effective and efficient use of existing and future public resources so as to promote both economic development and the conservation of natural resources; (b) the Project develops and enhances public infrastructure in manner that will attract, create and sustain long-term employment opportunities; (c) the Project is consistent with the Port Master Plan for the Unified Port of San Diego and, any elements of the General Plan of the City of San Diego and the General Plan of the County of San Diego that are applicable to the City and the Project; (d) the proposed financing is appropriate of the Project; (e) the Project is consistent with IBank’s Criteria for the ISRF

Program; and (f) the City has considered the impact of the Project on (i) California’s land resources and the need to preserve such resources, (ii) whether the Project is socially or

economically desirable, and (iii) whether the Project is consistent with, and in furtherance of the State Environmental Goals and Policy Report.

Declaring that this resolution shall take effect immediately upon its adoption.

Subitem-D: (R-2016-702)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 (existing facilities).

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Based on the indicative interest rate provided by IBank, the annual cost to fund the not-to-exceed amount of \$25.5 million is anticipated to be approximately \$1.6 million in FY2018-2042 (in FY2017 there would be an interest only payment of approximately \$154,000). The semiannual repayment obligation (semiannual interest and annual principal payment) will be a non-discretionary operating expense of San Diego Convention Center Corporation (SDCCC) funded with any available general SDCCC Funds and will be appropriated annually in SDCCC's Operating Budget.

The City will ensure timely payment is made by SDCCC by monitoring the timing of each loan payment and providing notice to SDCCC in advance of the upcoming payment. In addition, annually, the City will review SDCCC Budget impacts from this expenditure and SDCCC overall budgetary needs during the annual budget review process. The City will not, and is not required to, appropriate the annual loan payment in its General Fund. As a co-lessee, the City will be expected to pay any deficiency in the annual loan payments to be made by SDCCC, effectively guaranteeing and backstopping the outstanding loan payments.

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

On January 27, 2016, the Chief Financial Officer presented an information update to the Budget and Government Efficiency Committee regarding the IBank application for the Convention Center Sails Pavilion and CIP Financing.

This item was heard at the Budget and Government Efficiency Committee meeting on May 25, 2016.

**ACTION:** Motion by Councilmember Cate, second by Councilmember Sherman, to recommend Council approval of the ordinance and resolution.

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

Kommi/Lewis

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

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-331: Consideration of Request to Amend Charter Section 55 to provide for San Diego High School to continue to operate at its current location on dedicated parkland, subject to Agreement with the City. (District 3.)

**TODAY'S ACTION IS:**

Review and discuss the May 19, 2016, memo submitted by Councilmember Alvarez, Councilmember Gloria, Councilmember Zapf, and Councilmember Sherman. The memo requested the City Attorney to prepare draft language for a ballot measure that would amend Charter Section 55: Park and Recreation, that would allow San Diego High School to continue to operate at its current location.

**SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: N/A

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

The Charter Review Committee reviewed requests regarding Amendments to Charter Section 55 to allow educational facilities in Balboa Park.

On June 11, 2015, the New Museum School requested Consideration of a recommendation to allow educational organizations to lease/build facilities on public park land, specifically, Balboa Park. Consideration of a recommendation to allow educational organizations to lease/build facilities on public park land, specifically, Balboa Park. (The proposal failed for lack of a motion)

On June 11, 2015, the Protect our Communities Foundation and Balboa Park Heritage Association requested Consideration of a recommendation to prohibit educational organizations to lease/build facilities on public park land, specifically, Balboa Park. (The proposal failed for lack of a motion)

On February 3, 2016, the Charter Review Committee reviewed a request by the San Diego Unified School District to consider an Amendment that would allow existing San Diego Unified School District facilities to remain in Balboa Park (Motion by Councilmember Emerald, Second by Chair Lightner, to not amend the Charter - passed 4-0)

Jurado-Sainz

Primary Contact\Phone: Diana Jurado-Sainz\619-533-392, MS 10A

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

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

ITEM-332: TransNet Local Street and Roads Program - 2016 Regional Transportation Improvement Program (RTIP). (Citywide.)

**ITEM DESCRIPTION:**

This action will authorize budget adjustments to TransNet-funded projects and provide the required City Council resolutions to submit the proposed 2016 Regional Transportation Improvement Program, Five-Year Program of Projects for Fiscal Year 2017 through Fiscal Year 2021, in compliance with San Diego Association of Governments (SANDAG) Board Policy No. 31.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-685)

Authorizing the Mayor, or his designee, to submit to San Diego Association of Governments (SANDAG) the 2016 update to the Regional Transportation Improvement Program (RTIP) and Five Year Program of Projects as required by SANDAG and outlined in the resolutions to follow and as noted on Attachments A, B and C;

Authorizing the Mayor, or his designee, to approve adjustments to TransNet Funded Projects, according to Attachments D and E, in compliance with SANDAG Board Policy No. 31, Rule No. 7;

Authorizing the Mayor, or his designee, to reconcile 2016 RTIP programming of TransNet Funds with actual revenue received from the 2014 RTIP in projects on Attachment B as needed;

Certifying that no more than 30 percent of its annual revenues shall be spent on maintenance related projects, pursuant to Section 2(C)(1) of the TransNet Extension Ordinance;

Certifying that all new projects, or major reconstruction projects, funded by TransNet revenues shall accommodate travel by pedestrians and bicyclists, and that any exception to this requirement permitted under the Ordinance and proposed, shall be clearly noticed as part of the City of San Diego public hearing process, pursuant to Section 4(E)(3) of the TransNet Extension Ordinance;

Certifying that the required minimum annual level of local discretionary funds to be expended for street and road purposes will be met throughout the five-year period consistent with the most recent Maintenance of Effort Requirement adopted by SANDAG, pursuant to Section 8 of the TransNet Extension Ordinance;

Certifying that it will exact \$2,357, plus all applicable annual increases, from the private sector for each newly constructed residential housing unit in that jurisdiction, and shall contribute such exactions to the Regional Transportation Congestion Improvement Program (RTCIP), pursuant to Section 9A of the TransNet Extension Ordinance;

Certifying that it has established a separate Transportation Improvement Account for TransNet revenues with interest earned expended only for those purposes for which the funds were allocated, pursuant to Section 13 of the TransNet Extension Ordinance;

Certifying that each project of \$250,000 or more will be clearly designated during construction with TransNet Project funding identification signs, pursuant to Section 18 of the TransNet Extension Ordinance;

Certifying that all other applicable provisions of the TransNet Extension Ordinance have been met;

Agreeing to indemnify, hold harmless, and defend SANDAG, the San Diego County Regional Transportation Commission, and all officers and employees thereof against all causes of action or claims to local TransNet Funded Projects.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Based on San Diego Association of Governments (SANDAG's) TransNet Revenue Forecast issued in February 2016, the City's total TransNet Program for the next five years is \$32,297,000 for Fiscal Year 2017, \$33,645,000 for Fiscal Year 2018, \$35,053,000 for Fiscal Year 2019, \$36,533,000 for Fiscal Year 2020 and \$38,082,000 for Fiscal Year 2021.

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

This item was heard at the Infrastructure Committee meeting on May 23, 2016.

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

**VOTE:** 3-0; Kersey-yea, Cole-yea, Zapf-yea. Emerald-not present.

McFadden/Gomez

Primary Contact\Phone: Hasan Yousef\619-533-3012, MS 608  
Secondary Contact\Phone: Wendy Morrow\619-533-3122, MS 608  
City Attorney Contact: Gerrity, Ryan P.



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

ITEM-333: Proposed Fiscal Year 2017 Affordable Housing Fund Annual Plan. (Citywide.)

**ITEM DESCRIPTION:**

That the San Diego City Council approve the proposed Fiscal Year 2017 Affordable Housing Fund Annual Plan as presented in this report.

**SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-644)

Approving the proposed FY 2017 Affordable Housing Fund (AHF) Annual Plan Program activity allocation of \$44,976,671 in anticipated funds and the proposed Model Programs;

Authorizing the President and Chief Executive Officer (President and CEO) of the San Diego Housing Commission, or designee, to reallocate funds among the proposed Model Programs included in the FY 2017 AHF Annual Plan in response to market demands and opportunities.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The proposed funding sources and uses approved by this action are included in the proposed FY 2017 San Diego Housing Commission Budget.

Please refer to the staff report for further information.

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

On March 8, 2016, the City Council voted 9-0 to approve Municipal Code Amendments that would allow the payment of the Housing Impact Fees to be deferred from building permit issuance to final inspection through the use of a Fee Deferral Agreement. The Municipal Code revision implements one of the requested changes in the Memorandum of Understanding between the San Diego Housing Commission and the Jobs Coalition, and is based on the existing City of San Diego fee deferral program for Facilities Benefit Assessments and Development Impact Fees.

On April 8, 2016, the San Diego Housing Commission approved the Proposed FY 2017 Affordable Housing Fund (AHF) Annual Plan.

This action was heard at the City Council's Smart Growth and Land Use Committee meeting on April 27, 2016.

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

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

The San Diego City Council has adopted an AHF Annual Plan each year in accordance with the Municipal Code.

Davis/Graham

Primary Contact\Phone: Wendy G. DeWitt\619-578-7590

City Attorney Contact: Halsey, Keely M.

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

ITEM-334: Grant Agreement with San Diego Housing Commission for Improvement of Public Housing. (North Bay and North Park Community Areas. Districts 2 and 3.)

**ITEM DESCRIPTION:**

This action allows the City to expend the remaining bond balances of up to \$458,000 from the North Bay and North Park 2000 Low-Moderate Tax-Exempt Tax Allocation Bonds for rehabilitation of 14 San Diego Housing Commission-owned public housing units on the properties with 55-year affordability restrictions to families earning no more than 80% of the San Diego Area Median Income.

**STAFF'S RECOMMENDATION**

Adopt the following resolution:

(R-2016-701)

Authorizing the execution of a Grant Agreement with the San Diego Housing Commission for rehabilitation of fourteen public housing units located in North Park Redevelopment Project Area and the North Bay Redevelopment Project Area;

Approving the Third Amendment;

Authorizing the Mayor, or his designee, on behalf of the City, to execute the Agreement, and all other documents necessary and appropriate to carry out and implement the Project and the Agreement according to its terms, and to administer the City's obligations, responsibilities, and duties to be performed under the Agreement;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$313,000 from the North Bay 2000 Low-Moderate Tax-Exempt Allocation Bonds, Fund 200562, for improvements to the Housing Commission-owned public housing in North Bay, and up to \$145,000 from the North Park 2000 Low-Moderate Tax-Exempt Tax Allocation Bonds, Fund 200566, for improvements to the Housing Commissioner-owned public housing in North Park.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This action will expend the remaining balances from two project area housing bonds: up to \$313,000 from the North Bay 2000 Low-Moderate Tax-Exempt Tax Allocation Bonds for improvements to the San Diego Housing Commission-owned public housing in North Bay, and up to \$145,000 from the remaining North Park 2000 Low Moderate Tax-Exempt Tax Allocations Bonds for improvements to the Housing Commission-owned public housing in North Park. These expenditures are included in the approved Recognized Obligation Payment Schedule (ROPS) 15-16B line items No. 624 and No. 625.

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

Jarrett/Graham

Primary Contact\Phone: Sherry Brooks\619-533-7190, MS 51D  
City Attorney Contact: Wander, Adam R.

**NOTE:** See the Housing Authority Agenda of June 14, 2016, for a companion item.

ADOPTION AGENDA, DISCUSSION, HEARINGS

## NOTICED HEARINGS:

**This item will be taken in the morning session which is scheduled to begin at 10:00 a.m.**

ITEM-335: Tecolote Sewer Main Repair, Project No. 354238. (Linda Vista Community Plan Area. District 2.)

ITEM DESCRIPTION:

Capital Improvement Project that requires a Site Development Permit for work within Environmentally Sensitive Lands to remove and replace an existing deteriorated cast iron sewer pipe and the installation of a 140 foot long by 12-foot wide non-pedestrian bridge that would span Tecolote Creek. The non-pedestrian bridge will support a new 8-inch Ductile Iron sewer main. The existing bridge pipeline support pillars would be cut in place to remove the above ground portions and make way for the new bridge, while the below ground portion of the pillars would be left in place to avoid impacts to the creek bed. The support pillars would be removed by hand carried equipment. The steel truss sewer pipeline will have two abutment supports above each side of the creek. Three manholes would be replaced by digging out the existing manholes within three, 10 square-foot areas. The existing 3-foot wide pedestrian path on the north side of the creek will be permanently widened to 8-feet for vehicular access, for future access and maintenance. This project would affect portions of the City owned property within Tecolote Canyon Natural Park and is located in the OP-1-1 and OP-2-1(Open Space/Park) Zones.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2016-649 Cor. Copy)

Adoption of a Resolution certifying that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, 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 said Declaration based on the entire record, that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, and that there is no substantial evidence that the Project will have a significant effect on the environment;

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, pursuant to CEQA Section 21081.6, which is attached hereto as Exhibit A;

Declaring that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Development Services Department, 1222 First Avenue, San Diego, CA 92101;

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

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

Subitem-B: (R-2016-650)

Adoption of a Resolution adopting the findings with respect to Site Development Permit No. 1673959;

Granting Site Development Permit No. 1673959 to the City of City of San Diego Public Works Department, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made part of this Resolution.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This project was previously approved and funded pursuant to Capital Improvement Budget WBS B-1111.02.06.

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

Vacchi/Graham/an

Primary Contact\Phone: Angela Nazareno\619-446-5277, MS 301  
Secondary Contact\Phone: Helene Deisher\619-446-5223, MS 301  
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-336: Street Name Change along portions of Benson Avenue between 61st Street and Woodman Avenue to Pastor Timothy J. Winters Street. (Encanto Community Plan Area. District 4.)

**ITEM DESCRIPTION:**

This street name change proposal is located along Benson Avenue between 61st Street and Woodman Street. This portion of Benson Avenue is a two-lane local street approximately 0.7 miles in length that serves 25 single-family homes and the Bayview Baptist Church. This section of Benson Avenue is located within a residential neighborhood in the SF-5000 Zone of the Southeast San Diego Planned District and the Encanto Community Plan. This action would change portions of Benson Avenue between 61st Street and Woodman Street, from Benson Avenue to Pastor Timothy J. Winters Street in posthumous honor of Timothy J. Winters, a notable member of the Evangelical community.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-655)

Adoption of a Resolution approving the name of Benson Avenue, between 61st Street and Woodman Avenue, as more particularly shown on Drawing No. 39148-B, attached hereto as Exhibit "A," changing to Pastor Timothy J. Winters Street;

Directing the City Clerk to record a certified copy of this Resolution, with Exhibit "A," attested under seal, in the Office of the County Recorder.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

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

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

On February 23, 2015, the Encanto Community Planning Group voted 9-0-1, to approve the street name change.

Tomlinson\Chadwick\dj

Primary Contact\Phone: Derrick Johnson \ 619-446-5477, MS 401

Secondary Contact\Phone: Paul Godwin\619-446-5190, MS 401

City Attorney Contact: Lintvedt, Inga

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT