

CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Myrtle Cole • Fourth District

COUNCIL PRESIDENT PRO TEM

Mark Kersey • Fifth District

COUNCILMEMBERS

Barbara Bry • First District
Lorie Zapf • Second District
Christopher Ward • Third District
Chris Cate • Sixth District
Scott Sherman • Seventh District
David Alvarez • Eighth District
Georgette Gomez • Ninth District

Andrea Tevlin
Independent
Budget Analyst

Mara Elliott
City Attorney

Liz Maland
City Clerk

Council Chambers, 12th Floor, City Administration Building

Tuesday, June 20, 2017

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JUNE 20, 2017, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

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

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

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

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF COUNCIL MINUTES

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

05/15/2017

05/16/2017

ADOPTION AGENDA, CONSENT ITEMS

The Consent items listed beginning on the next page 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: Exemption of one Committee Consultant position from the Classified Service as approved by the Civil Service Commission on May 19, 2017.

ITEM DESCRIPTION:

This action is to exempt one Committee Consultant position from the Classified Service in the Council Administration Office.

This position will be responsible for reviewing and recommending changes and/or modifications to City policies and staffing the Select Committee on Homelessness Chairperson.

COUNCIL PRESIDENT COLE'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-147)

Introduction of an Ordinance receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated May 25, 2017, which documents that, on May 19, 2017, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Council President to exempt one Council Committee Consultant position from the Classified Service, to work in Council Administration and support the Select Committee on Homelessness;

Declaring that pursuant to Charter Section 117(a)(17), with the Civil Service Commission's review and approval, the City Council exempts from the Classified Service and declares to be in the Unclassified Service of the City one Council Committee Consultant position, performing the duties set forth in the May 25, 2017, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council, and in this Ordinance.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Demorest

Primary Contact\Phone: Jimmie Slack\619-236-6644

Secondary Contact\Phone: Lori Witzel\619-236-6442

City Attorney Contact: Dawson, Joan F.

- * ITEM-51: Ratification of Bayshore Bikeway Construction and Maintenance Agreements, and authorization of Sublicensing Agreements with: U.S. Fish and Wildlife Service, South Bay Salt Works, and Friends of the San Diego Wildlife Refuge. (Otay Mesa-Nestor Community Area. District 8.)

ITEM DESCRIPTION:

This action will allow the City of San Diego to formally enter into Agreements with the stakeholder organizations requiring access to the Bayshore Bikeway "Access Road."

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-132 Cor. Copy) (Rev. 6/16/17)

Introduction of an Ordinance authorizing and ratifying the execution of the Memorandum of Agreement dated October 15, 2008, between the City and the Airport Authority, U.S. Fish and Wildlife Service (USFWS), and GGTW, LLC (GGTW);

Authorizing and ratifying the execution of the Construction and Maintenance Agreement dated May 19, 2009, between the City and MTS and the San Diego and Arizona Eastern Railway; (Rev. 6/16/17)

Authorizing the Mayor, or his designee, to issue sublicenses to the USFWS, GGTW, and Friends of the San Diego Wildlife Refuge for use of the access road, in accordance with the Memorandum of Agreement, for a term that may exceed five years. (Rev. 6/16/17)

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Future maintenance of the Access Road is likely to be minimal dirt grading and will be funded by Transportation and Storm Water Department's Annual Operating Budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Resolution R-303020 was passed by City Council on September 20, 2007.

This item was heard at the Smart Growth and Land Use Committee meeting on May 17, 2017.

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

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

McFadden/Gomez

Primary Contact\Phone: Nathan Patterson\619-527-8032, MS 44

Secondary Contact\Phone: Vic Bienes\619-236-6066, MS 51A

City Attorney Contact: Jung, Jeremy A.

* ITEM-52: Amendments to Non-Exclusive Solid Waste Collection Franchise Agreements.
(All Districts.)

ITEM DESCRIPTION:

Adopt an ordinance to authorize the execution of amendments to Franchise Agreements with private haulers that provide solid waste collection services within the City of San Diego. Amendments will address a one (1) year extension, and additional language regarding front load dumpster signage requirements.

STAFF'S RECOMMENDATION:

Introduce to following ordinance:

(O-2017-145)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, Ninth Amendments to the Class I Non-Exclusive Franchise Agreements for Solid Waste Management Services with the Class I Franchisees listed on the attached Exhibit A, under the terms and conditions set forth in the Ninth Amendment;

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, Eighth Amendments to the Class II Non-Exclusive Franchise Agreements for Solid Waste Management Services with the Class II Franchisees listed on the attached Exhibit A, (except for EDCO Disposal Corporation dba Daily Disposal Services, Inc.), under the terms and conditions set forth in the Eighth Amendment;

Authorize the Mayor, or his designee, to execute, for and on behalf of the City, a Seventh Amendment to the Class II Non-Exclusive Franchise Agreement for Solid Waste Management Services with EDCO Disposal Corporation dba Daily Disposal Services, Inc., under the terms and conditions set forth in the Seventh Amendment.

NOTE: 6 votes required pursuant to Charter Section 103.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This action does not have any impact on franchise fees.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Environment Committee meeting on May 25, 2017.

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

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

Sierra/Gomez

Primary Contact\Phone: Angela Colton\858-573-1287, MS 1103B
Secondary Contact\Phone: Gavin Broatch\858-627-3318, MS 1103B
City Attorney Contact: Guy, Amanda L.

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

- * ITEM-53: Request to exempt Two Positions from the Classified Service in the Park and Recreation Department, Golf Operations Division.

ITEM DESCRIPTION:

Authorization to exempt two Program Managers within Park and Recreation Department's Golf Operations Division from Classified Service.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/6/17, Item 50. (Council voted 7-1. Councilmember Alvarez voted nay, Councilmember Zapf not present):

(O-2017-136)

Receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated April 11, 2017, which documents that, on April 6, 2017, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt two Program Manager positions from the Classified Service, which will oversee all aspects of the development and agronomic management of the City's three golf courses, located at Balboa Park, Mission Bay Park, and Torrey Pines;

Declaring that pursuant to Charter Section 117(a)(17), with the Civil Service Commission's review and approval, the City Council exempts from the Classified Service and declares to be in the Unclassified Service of the City two Program Manager positions, performing the duties set forth in the April 11, 2017, memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council, and in this Ordinance.

* ITEM-54: Angle Parking Municipal Code Amendment. (All Districts.)

ITEM DESCRIPTION:

The action is to approve an ordinance that will amend the San Diego Municipal Code to authorize the Mayor, or designee, to install, remove, or modify angle parking zones on City streets without a Resolution provided that certain criteria are met. In addition, staff is requesting Council to approve a resolution to adopt Angle Parking Standards.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/6/2017, Item 331, Subitem A. (Council voted 9-0):

(O-2017-139)

Amending Chapter 8, Article 6, Division 1 of the San Diego Municipal Code by amending Section 86.0104 relating to angle parking.

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

- * ITEM-60: Authorize the opening and maintenance of a highway pursuant to Charter Section 55, and a conveyance of an easement to the State of California for the Interstate 8 Safety Improvement Project, on a portion of dedicated park land located in the Mission Valley Preserve and Sefton Field. (Mission Valley Community Area. District 7.)

ITEM DESCRIPTION:

A California Department of Transportation (Caltrans) Project to modify and improve safety on the existing westbound side of Interstate 8 (I-8); requires Caltrans to acquire a permanent highway easement from the City of San Diego on dedicated park property by means of an ordinance.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/6/17, Item 51; and adopt the resolution. (Council voted 8-0. Councilmember Zapf not present):

Subitem-A: (O-2017-140)

Finding that the public interest demands the opening and maintenance of a highway, over, through and across that certain portion of the Dedicated Parkland, in order to complete the westbound expansion of Interstate 8 by the California Department of Transportation's I-8 Safety Improvement Project; that certain portion of the Dedicated Parkland is more particularly described in the documents entitled "Easement Deed Highway" and "Easement Deed," including legal descriptions.

Subitem-B: (R-2017-607)

Declaring that the permanent easement and temporary easement over that certain portion of the Dedicated Parkland may be sold to the State of California by direct negotiation for purposes of constructing the I-8 Safety Improvement Project;

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of City, that certain "Easement Deed Highway" and that certain "Easement Deed," both of which are in favor of the State of California;

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

Authorizing the Chief Financial Officer to deposit the proceeds from the sale of said easements into the Capital Outlay Fund No. 400002.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-100: As-Needed Comprehensive Groundwater Services - Contract 1 with Kleinfelder, Inc. - Contract Number H166787. (Citywide.)

ITEM DESCRIPTION:

Council authorization to execute an as-needed Agreement with Kleinfelder, Inc., for Groundwater Consultant Services to provide Sustainable Groundwater Management Act (SGMA) support in three San Diego groundwater basins, hydrogeological protection, and specialized groundwater work supporting the investigation and development of groundwater as a water resource for the City of San Diego in an amount not-to-exceed \$4 million for a duration of five years.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2017-572)

Authorizing the Mayor, or his designee, to execute an Agreement, with Kleinfelder, Inc., for As-Needed Comprehensive Groundwater Consultant Services, to perform State-mandated groundwater monitoring work and other groundwater management and planning tasks, for a minimum of \$1,000 and a total amount not-to-exceed of \$4,000,000, with a Contract duration of five years;

Authorizing the Chief Financial Officer, to expend an amount not-to-exceed \$4,000,000 from Water Utility Operating Fund 700011, for the purpose of funding the Agreement, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the City Comptroller furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the San Diego City Treasurer.

Subitem-B: (R-2017-642)

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total amount not-to-exceed for this Agreement is \$4,000,000. Funds are, or will be, available in Water Utility Operating Fund 700011, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the City Comptroller furnishing one or more certificates certifying that the funds necessary for expenditure 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 25, 2017.

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

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

Jones-Santos/Gomez

Primary Contact\Phone: George Adrian\619-533-4680, MS 906

Secondary Contact\Phone: Larry Abutin\619-533-5306, MS 906

City Attorney Contact: Palmucci, Raymond C.

* ITEM-101: Fifth Amendment to Curbside Recyclable Materials Processing & Marketing Contract. (All Districts.)

ITEM DESCRIPTION:

Fifth Amendment to Curbside Recyclable Materials Processing & Marketing Contract. This proposed amendment will modify the Agreement with IMS Recycling Services and Allan Company for curbside materials processing to include expanded polystyrene (EPS) food service containers.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-641)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Fifth Amendment to the Agreement with IMS Recycling Services and Allan Company to process, transport, and market recyclable materials collected in the City's curbside recycling program, under the terms and conditions set forth in the Fifth Amendment.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

In order to be recycled, EPS food service containers and other grades of residual plastic materials will be sent to a secondary processor with optical sort equipment for further sorting and recycling. The costs associated with this solution include transportation and secondary processing costs, which are estimated at approximately \$90,000 per year. In Fiscal Year 2016, the revenue from this Contract for the sale of the recyclable materials was \$3.3 million, which is deposited in the Recycling Enterprise Fund. This cost represents a decrease in revenue to the City of approximately 2.7%.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

At the October 12, 2016, Environment Committee meeting, Environmental Services Department (ESD) staff gave an informational presentation to present the findings of the EPS food service container study. Based on the findings and on the City's contractual obligations for processing recyclable materials, staff indicated that EPS food service containers would not be included in the curbside recycling program. At that time, the Committee requested ESD staff to obtain more information and return to Committee.

At the December 8, 2016, Environment Committee meeting, ESD staff gave an informational presentation to present a new alternative that was identified by the Contractors that would be financially accessible to recycle EPS food service containers in the City's curbside recycling program. At that time, staff requested time to allow for a Contract amendment to be negotiated and executed, and for staff to conduct outreach.

This item was heard at the Environment Committee meeting on May 25, 2017.

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

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

Sierra/Gomez

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

Secondary Contact\Phone: Chelsea Klaseus\858-492-5087, MS 1103B

City Attorney Contact: Guy, Amanda L.

* ITEM-102: Amendment to the Banking Services Contracts Not-To-Exceed Amount.
(All Districts.)

ITEM DESCRIPTION:

This action is to approve a \$3,300,000 increase to the Banking Services Contracts Not-To-Exceed (NTE) Contract amount. If approved, this action will increase the NTE Contract amount to \$9,050,000 for the term of the Contract (effective until July 26, 2018) to cover additional merchant card costs related to the increase in “smart” parking meter credit card transactions.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-629)

Authorizing the Chief Financial Officer to expend an additional amount of not-to-exceed \$3,300,000, for a total amount not-to-exceed \$9,050,000, over the five-year Contract term on the Banking Services Contracts with Bank of America and Citibank, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the City Comptroller furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The additional Parking Meter Operations merchant card expense does not impact the General Fund. These additional charges are expended in the Parking Meter Operations Fund. The Office of the City Treasurer is requesting the City Council approve a \$3,300,000 increase to the combined Banking Services Not-To-Exceed (NTE) Contracts amount. If approved, this action will increase the combined NTE Contracts amount to \$9,050,000 for the term of the Contracts and cover any additional merchant card expense. This is contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the City Comptroller furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The attached Resolution R-308330 approving the five-year Contract was passed by City Council at the July 9, 2013 meeting.

This item was heard at the Budget and Government Efficiency Committee meeting on May 24, 2017.

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

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

Granewich/Lewis

Primary Contact\Phone: Kent Morris\619-533-6253, MS 51V

Secondary Contact\Phone: Robbin Kulek\619-236-6170, MS 51T

City Attorney Contact: Dugard, Prescilla

* ITEM-103: Agreement with Helix Environmental Planning, Inc., for Professional As-Needed Environmental Consulting Services. (Citywide.)

ITEM DESCRIPTION:

Approval of a Professional As-Needed Environmental Consulting Services Contract with Helix Environmental Planning, Inc., in the amount of \$2,000,000 and a duration not-to- exceed five (5) years. This Contract will provide environmental consulting services relating to various Citywide programs and initiatives including open space projects, environmental planning, brush management, site and habitat remediation and restoration, environmental mitigation and monitoring, Multiple Species Conservation Program (MSCP) and Multi-Habitat Planning Area (MHPA) activities, and various other environmental activities and as more fully outlined in the Request for Proposal's (RFP) Scope of Services.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-622)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement between the City of San Diego and Helix Environmental Planning, Inc., for professional as-need environmental consulting services in an amount not-to-exceed \$2,000,000, and not-to-exceed a duration of five (5) years;

Authorizing the Chief Financial Officer to expend an amount not-to-exceed \$2,000,000 over five (5) years for future tasks using various funding sources for the purpose of executing this Agreement contingent upon Council approval of the Annual Appropriation Ordinance for the applicable fiscal year and upon the Chief Financial Officer (CFO) first furnishing one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of \$1,000 from General Fund 100000 for the purposes of executing this Agreement and meeting the minimum Contract requirements.

STAFF SUPPORTING INFORMATION:

FISCAL IMPACTS/CONSIDERATIONS:

The City agrees to issue a Task Order with a minimum aggregate value of \$1,000 to Helix Environmental Planning, Inc., Funding for the minimum Contract amount of 1,000 is available in General Fund 100000. This As-Needed Contract will impact the General Fund in an amount not-to-exceed \$2,000,000 over five (5) years which is the duration of the Contract. No additional personnel costs are incurred with this Contract.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Environment Committee meeting on May 25, 2017.

ACTION: Motion by Councilmember Sherman, second by Councilmember Cate, to recommend Council approve the Agreement.

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

Parker/Graham

Primary Contact\Phone: Joel Hyatt\619-685-1359

Secondary Contact\Phone: John Mendivil\619-533-3638

City Attorney Contact: Hsu, Bonny

- * ITEM-104: A Resolution of the City Council approving an Agreement between the City of San Diego and the San Diego Police Officers Association, to amend the Memorandum of Understanding, related to Tuition Reimbursement and Bereavement Leave.

ITEM DESCRIPTION

This item approves an Agreement to amend the current Memorandum of Understanding (MOU) between the City of San Diego and the San Diego Police Officers Association (POA) for Fiscal Years 2016-2020, regarding tuition reimbursement (Article 39) and bereavement leave (Article 69).

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-620)

Approving and ratifying the Agreement to amend the Memorandum of Understanding (MOU) between the City and the San Diego Police Officers Association (POA), taking effect upon the date of final passage of this Resolution;

Directing the City's management team to incorporate the language set forth in the approved Agreement in any successor MOU.

NOTE: 6 votes required pursuant to Charter Section 11.2.

STAFF SUPPORTING INFORMATION

FISCAL CONSIDERATIONS:

This action is to amend San Diego Police Officers Association's (POA) Memorandum of Understanding (MOU) to be consistent with the other recognized employee organizations MOUs, related to tuition reimbursement; and to make additional clarification related to bereavement leave benefits. Funds to support these items are allocated within the Police Department's Operating Budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

R-307515 dated June 18, 2012, approving the MOU between the City and SDPOA.

von Kalinowski/Villa

Primary Contact\Phone: Judy von Kalinowski\619-236-6313

Secondary Contact\Phone: Erik Hanson\619-236-5599

City Attorney Contact: Dawson, Joan F.

- * ITEM-105: Application for California Coastal Commission Local Coastal Program (LCP) Local Assistance Grant to support implementation of the Climate Action Plan and the development of a Climate Adaptation and Resiliency Plan. (All Districts.)

ITEM DESCRIPTION:

This item is a request to apply for California Coastal Commission Local Coastal Program (LCP) Local Assistance Grant Program to support implementation of the Climate Action Plan and the development of a Climate Adaptation and Resiliency Plan by funding technical studies and public outreach.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-628)

Authorizing and directing the Mayor, or his designee, to make an application to the California Coastal Commission (Grant Application), to provide financial and planning assistance, under the authority of the California Coastal Act and to take all necessary actions to secure funding for an amount not-to-exceed \$300,000 in Grant Program funding to support implementation of the Climate Action Plan and the development of a Climate Adaptation and Resiliency Plan;

Authorizing the Mayor, or his designee, to execute, in the name of the City of San Diego, all necessary applications, contracts, and agreements and amendments thereto, to implement and carry out the Grant Application and any Project approved through approval for the Grant Application;

Authorizing the Chief Financial Officer to accept, appropriate, and expend an amount not-to-exceed \$300,000 of the Grant Program funds for technical studies and public outreach to support implementation of the Climate Action Plan and the development of a Climate Adaptation and Resiliency Plan, contingent upon receipt of a fully executed Grant Agreement, if the Grant Funding is secured, and contingent upon the Chief Financial Officer certifying that funds are available;

Authorizing the Chief Financial Officer to establish a special interest-bearing account for the Grant Funds, if necessary.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

If awarded, Grant Funding up to, and not exceeding, \$300,000, will support implementation of the Climate Action Plan and the development of a Climate Adaptation and Resiliency Plan. There will be no impact to the General Fund.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On January 4, 2016, the City Council approved Resolution R-310175, Adoption of the Climate Action Plan (Attachment 1).

Murphy/Graham

Primary Contact\Phone: Kimberly Roeland\619-446-5054

Secondary Contact\Phone: Alyssa Muto\619-533-3013

City Attorney Contact: Vonblum, Heidi K.

* ITEM-106: Honorary Street Name: Recognition of Mark Hamill on Castleton Drive pursuant to SDMC Section 125.1130. (Clairemont Mesa Community Area. District 6.)

ITEM DESCRIPTION:

Council authorization is requested to recognize Mark Hamill with an honorary street title on the 5900 block of Castleton Drive, between Mount Abernathy Avenue and Clayford Street.

COUNCILMEMBER CATE'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-637)

Designating the 5900 block of Castleton Drive, between Mount Abernathy Avenue and Clayford Street, as Mark Hamill Drive.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Council Policy 200-10 states that funding for the installation of honorary street title signs shall be the responsibility of the sponsoring Councilmember. The Councilmember shall identify, obtain, and make such funds available to the Mayor, or designee. Funding for this honorary street title sign will be paid for by Council District 6.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Hauser

Primary Contact\Phone: Luis Pallera\619-533-6462, MS 10A
Secondary Contact\Phone: Dan Manley\619-236-7053, MS 10A
City Attorney Contact: Jung, Jeremy A.

* ITEM-107: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2017-521)

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

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

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

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: State of Eritrea 26th Independence Day.

PRESENTED BY COUNCILMEMBER ALVAREZ:

Proclaiming June 20, 2017, to be "State of Eritrea 26th Independence Day" in the City of San Diego.

ITEM-31: Diane Takvorian Day.

PRESENTED BY COUNCILMEMBER ALVAREZ AND COUNCILMEMBER GOMEZ:

Proclaiming June 20, 2017, to be "Diane Takvorian Day" in the City of San Diego.

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

ITEM-32: Warhawk Week.

COUNCILMEMBER CATE'S RECOMMENDATION:

Proclaiming May 29 through June 2, 2017, to be "Warhawk Week" in the City of San Diego.

ITEM-33: New Entra Casa Day.

COUNCILMEMBER ALVAREZ'S RECOMMENDATION:

Proclaiming June 10, 2017, to be "New Entra Casa Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

None.

NON-AGENDA PUBLIC COMMENT

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

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

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

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE

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

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-330: This item has been removed from today's docket. (Rev. 6/15/17)

ITEM-330: This item has been removed from today's docket. (Rev. 6/15/17)

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

ITEM-331: Marketing Partnership Agreement With Service Line Warranties of America.
(Citywide.)

ITEM DESCRIPTION:

This item is for the approval of a five-year Marketing Partnership Agreement with Service Line Warranties of America.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-619)

Authorizing and empowering the Mayor, or his designee, to execute, for and on behalf of said City, an Agreement with Service Line Warranties of America, Inc., for certain marketing rights and benefits in exchange for payment to the City of a marketing rights fee of \$281,250 and a licensing fee of 12% of the total gross revenue collected from sales of sewer and water line warranties, for a term of five years, all on the terms and conditions as set forth in the proposed Agreement.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This Agreement does not include any payment obligations by the City. A total of \$281,250 in guaranteed marketing rights fees and an estimated \$483,000 in licensing fees totaling approximately \$764,250 are to be paid by Service Line Warranties of America (SLWA) to the City's General Fund over the five year term. A one-time donation of \$150,000 will be provided to the H2O Fund bringing SLWA's support to the City to \$914,250.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Budget and Government Efficiency Committee meeting on May 24, 2017.

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

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

Collura/LoMedico

Primary Contact\Phone: Natasha Collura\619-533-3822, MS 610
City Attorney Contact: Morrison, Catherine

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

ITEM-332: Keeler Court Apartments (1290 Keeler Court) - Owner Participation Agreement with Community Housing Works and Keeler Court Housing Associates, LP-Keeler Court Apartments. (Southcrest Neighborhood of the Southeastern Community Plan Area. District 9.)

ITEM DESCRIPTION:

Owner Participation Agreement for Keeler Court Apartments to include 71 units in two connected four-story buildings.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-644)

Approving the Agreement, including all attachments and exhibits to the Agreement;

Authorizing and directing the Mayor, or designee, on behalf of the City, to sign and enter into the Agreement, including all attachments and exhibits to the Agreement requiring the City's signature, and take all other reasonable actions that are necessary or desirable to perform the City's obligations under the Agreement;

Authorizing the Chief Financial Officer, as delegated, to appropriate and expend \$2,618,463 from Fund 400315, SC/Taxable TI Bonds 2007A, and \$381,537 from Fund 200708, Low and Moderate Income Housing Asset Fund Properties (LMIHAF), for the purpose of a total \$3,000,000 loan to Developer for the Project, contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer, as delegated, to deposit any Developer repayments of the City's loan into the LMIHAF for future affordable housing expenditures consistent with applicable law, including California Health and Safety Code Section 34176.1(a).

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This action will authorize expenditure of a total of \$3 million, including \$2,618,463 from Fund 400315, Southcrest Taxable TI Bonds, (the former Southcrest 2007A non-housing Excess Bond Proceeds held by the City and recently refunded as the City's Series 2017A Bonds), and \$381,537 from Fund 200708, the Low and Moderate Income Housing Asset Fund Properties (LMIHAF), as an affordable housing loan to the Developer for the Project, and will authorize loan repayments to be deposited to the City's LMIHAF for future affordable housing. The expenditure of the LMIHAF is consistent with the Affordable Housing Master Plan (AHMP) and the expenditure of the non-housing bond funds for affordable housing was anticipated in the Agreement Regarding Expenditure of Excess Redevelopment Bond Proceeds between the City and the Successor Agency to the former Redevelopment Agency approved by the City Council, the Successor Agency, the San Diego Oversight Board and the Department of Finance in 2014.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Jarrett/Graham

Primary Contact\Phone: Sherry Brooks\619-533-7190

City Attorney Contact: Wander, Adam

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

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

ITEM-333: FY 2017 Black Mountain Ranch Public Facilities Financing Plan Update. (Black Mountain Ranch Community Plan Area. District 5.)

ITEM DESCRIPTION:

Requesting approval of an update to the Black Mountain Ranch Public Facilities Financing Plan which sets Development Impact Fees (DIF) for the community and ensures continued funding for community infrastructure.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-604)

Adoption of a Resolution approving the Black Mountain Ranch Public Facilities Financing Plan, Fiscal Year 2017 (Financing Plan);

Authorizing the Chief Financial Officer to establish and modify individual Capital Improvement Program project budgets to reflect the Financing Plan, provided funding is available for such action;

That the fee schedule contained in the Financing Plan is the appropriate and applicable Development Impact Fee (DIF) schedule for all development within the Black Mountain Ranch Area;

Effective sixty days from the date of final passage of this Resolution, that all DIFs due under the Financing Plan shall be those fees in effect at the time the project's building permits or construction permits are issued, in accordance with San Diego Municipal Code Section 142.0640(b);

That the DIFs due shall not increase in accordance with San Diego Municipal Code Section 142.0640(c), but shall automatically increase annually in accordance with the Financing Plan until a new DIF is adopted;

That the Financing Plan is incorporated by reference into this Resolution as support and justification for satisfaction of findings required pursuant to the Mitigation Fee Act, as set forth in California Government Code Section 66025, for imposition of development impact fees;

Authorizing the Chief Financial Officer to establish an interest bearing fund for the Black Mountain Ranch Development Impact Fee.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Approval of this Financing Plan update will continue to provide a funding source for the public facilities identified in the Black Mountain Ranch Public Facilities Financing Plan.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard by the Infrastructure Committee on May 24, 2017, and forwarded to the full Council with a recommendation to adopt the Resolution.

Tomlinson/Graham/bc

Primary Contact\Phone: Bill Crane\619-533-3685, MS 606F

Secondary Contact\Phone: Angela Abeyta\619-533-3674, MS 606F

City Attorney Contact: Halsey, Keely

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

ITEM-334: 320 WEST CEDAR (northwest corner of West Cedar Street and Union Street) – Appeals of Centre City Development Permit/Centre City Planned Development Permit/Site Development Permit (CCDP/CCPDP/SDP) No. 2016-39 – PUBLIC HEARING. (Downtown Community Plan Area. District 3.)

ITEM DESCRIPTION:

This item summarizes the two appeals submitted in opposition to the Planning Commission’s decision to approve Centre City Development Permit, Centre City Planned Development Permit, Site Development Permit (CCDP/CCPDP/SDP) No. 2016-39 for the 320 West Cedar Project.

TODAY’S ACTIONS ARE:

Take the following actions:

According to San Diego Municipal Code Section 112.0520(e) Power to Act on Appeal, the City Council shall consider the appeal and may affirm, reverse, or modify a Planning Commission decision approving a CCDP, CCPDP and SDP permit to construct an 8-story residential development located at West Cedar and Union Streets within the Downtown Community Plan and Council District 3;

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

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Under the Downtown Public Facilities Financing Plan, the Project will pay Development Impact Fees (DIF) to fund its fair share of new park, fire station, and traffic circulation improvements in the Downtown Community Plan Area. The DIF for this Project is estimated to be \$346,047.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Jarrett\Graham\cs

Primary Contact\Phone: Christian Svensk\619-533-7182, MS 51D
City Attorney Contact: Lintvedt, Inga

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

ITEM-335: SeaWorld Electric Eel Roller Coaster Ride Consistency Review. (Mission Bay Park Community Area. District 2.)

ITEM DESCRIPTION:

City Council review of the proposed SeaWorld Electric Eel Roller Coaster Ride located within Mission Bay Park for consistency with the SeaWorld Master Plan.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-654)

Adoption of a Resolution determining that the proposed development of the SeaWorld Electric Eel Roller Coaster Ride is consistent with the SeaWorld Master Plan.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None with this action.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

None with this action.

Vacchi/Graham/md

Primary Contact\Phone: Morris Dye\619 446-5201, MS 501

Secondary Contact\Phone: PJ FitzGerald\619 446-5107, MS 501

City Attorney Contact: Halsey, Keely

PUBLIC NOTICES:

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

ITEM-350: **Notice** of Pending Final Map Approval - 7417 Olivetas Condominiums.

Notice is hereby given that the City Land Surveyor has reviewed and will approve on the date of this City Council meeting that certain Final Map entitled "7417 Olivetas Condominiums " The project site is located at 7417-7427 Olivetas Avenue in Zone 5 of the La Jolla Planned District, Coastal Height Limitation, Coastal Overlay (non-appealable), Parking Impact, Residential Tandem Parking, and Transit Area Overlay Zones within the La Jolla Community Plan Area and in Council District no. 1; the project is legally described as Lots 14, 15 and 16 in Block 2 of La Jolla Park, Map No. 352. Specifically, the City Land Surveyor has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Land Surveyor to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 PM, 10 calendar days from the date of this City Council meeting stating briefly which of the above findings made by the City Land Surveyor was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact Fred LePage (619) 446-5434.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT