

CITY OF SAN DIEGO COUNCIL DOCKET



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COUNCIL PRESIDENT PRO TEM

Marti Emerald • Ninth District

COUNCIL MEMBERS

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Todd Gloria • Third District

Myrtle Cole • Fourth District

Mark Kersey • Fifth District

Chris Cate • Sixth District

Scott Sherman • Seventh District

David Alvarez • Eighth District

**Andrea Tevlin
Independent
Budget Analyst**

**Jan Goldsmith
City Attorney**

**Liz Maland
City Clerk**

Council Chambers, 12th Floor, City Administration Building
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Tuesday, July 12, 2016

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JULY 12, 2016, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

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

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

NOTE: The 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.

ROLL CALL

PLEDGE OF ALLEGIANCE

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

- * ITEM-50: Coastal Commission's Modifications to the City's Previously Conforming Ordinance and Local Coastal Program Amendment. (Torrey Pines, University, La Jolla, Pacific Beach, Mission Beach, Ocean Beach, and Peninsula; other coastal communities include Torrey Hills, Carmel Valley, Del Mar Mesa, Mira Mesa, Centre City, Barrio Logan, Otay-Mesa, San Ysidro, and Tijuana River Valley Community Plan Areas. Districts 1, 2, 6, and 8.)

ITEM DESCRIPTION:

The ordinance amends the City's previously conforming regulations per the Coastal Commission action on January 14, 2016. Coastal Commission's changes further limit the development rights for previously conforming development on property that contains or abuts a beach or coastal bluff by placing new limits on 1) maintenance, repair, alteration, and replacement; 2) reconstruction after fire, natural disaster, or act of the public enemy; and 3) expansion of previously conforming development. Previously conforming rights would be terminated when 50 percent or more of the exterior walls, or 50 percent of the capacity of the structure's lateral or vertical load resisting system is destroyed, demolished or removed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/20/2016, Item 201. (Council voted 8-0. Councilmember Alvarez-not present):

(O-2016-137)

Amending Chapter 12, Article 7, Division 1, of the San Diego Municipal Code by amending Sections 127.0104, 127.0105, 127.0106, and 127.0111, all relating to accepting the California Coastal Commission's suggested modifications required for certification of the previously conforming Ordinance adopted as part of the 9th Update to the Land Development Code.

- * ITEM-51: Amendments to the Affordable Housing Density Bonus Regulations of the Land Development Code and the City's Local Coastal Program. (Citywide.)

ITEM DESCRIPTION:

The Amendment contains five proposals to further incentivize construction of affordable housing using the Affordable Housing Density Bonus Regulations. The first increases the maximum density bonus. The second increases the maximum number of incentives. The third reduces the decision process when a Planned District Ordinance (PDO) permit is required. The fourth reduces the parking ratio for dwelling units in areas of high transit frequency consistent with Assembly Bill 744 (QB-744), and the fifth allows development of the affordable dwelling units off-site when in compliance with specified regulations.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was amended by Council action at time of introduction on 6/21/2016, Item 332. (Council voted 8-0. Council President Pro Tem Emerald-not present):

(O-2016-127 Rev. Copy)

Amending Chapter 12, Article 6, Division 6, of the San Diego Municipal Code by amending Sections 126.0602 and 126.0604; amending Chapter 14, Article 3, Division 7, by amending Sections 143.0720, 143.0725, 143.0730, 143.0740, and by adding new Section 143.0745; amending Chapter 15, Article 1, Division 2, by amending Section 151.0201; and by amending Chapter 15, Article 6, Division 3, by amending Section 156.0309, all relating to Affordable Housing Density Bonus.

- * ITEM-52: The New One Paseo Project, Project No. 451328 - Approvals for New Mixed-Use Development of multi-family residential, commercial retail/commercial office at Del Mar Heights Road and El Camino Real, including an Addendum to a previously certified Environmental Impact Report. (Carmel Valley Community Plan Area. District 1.)

ITEM DESCRIPTION:

The Project proposes the construction of 608 residential units (800,000 square feet), 280,000 square feet of office use, and 95,871 square feet of retail use on a 23.6-acre site. The site is located south of Del Mar Heights Road between El Camino Real and High Bluff Drive in the Carmel Valley Planned District Mixed-Use Center (CVPD-MC) Zone of the Carmel Valley Community Plan. The Project, as proposed, exempts the actions from the requirement of a Planning Commission hearing and recommendation.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 6/27/2016, Item 200, Subitems B, C, D and E. (Council voted 8-1. Council President Lighter-nay):

Subitem-A: (O-2016-112 Cor. Copy)

Adopting Amendments to the General Plan, Carmel Valley Community Plan, and the Carmel Valley Employment Center Development Unit Number Two Precise Plan for the New One Paseo Project and waiving the requirement of a Planning Commission hearing and recommendation prior to the passage of this Ordinance.

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

Subitem-B: (O-2016-119 Cor. Copy 2)

Amending Chapter 15, Article 3, Division 3 of the San Diego Municipal Code by amending Section 153.0311 relating to the Carmel Valley Planned District Ordinance and waiving the requirement of a Planning Commission hearing and recommendation prior to the passage of this Ordinance.

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

Subitem-C: (O-2016-114 Cor. Copy)

Approving Site Development Permit No. 1579191 and Neighborhood Development Permit No. 1579192 for the New One Paseo and waiving the requirement of a Planning Commission hearing and recommendation prior to the passage of this Ordinance, Project No. 451328.

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

Subitem-D: (O-2016-113 Cor. Copy)

Approving Vesting Tentative Map No. 1579190, public Right-of-Way and Easement Vacation for the New One Paseo and waiving the requirement of a Planning Commission hearing and recommendation prior to the passage of this Ordinance, Project No. 451328.

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

- * ITEM-53: Alcohol Restrictions and Curfew Implementation at Miscellaneous Park Sites. (City Heights Area Planning Committee, Eastern Area Communities Planning Committee, Otay Mesa Planning Group, Otay Mesa-Nestor Community Planning Group, San Ysidro Community Planning Group and Uptown Planners Community Areas. Districts 3, 8, and 9.)

ITEM DESCRIPTION:

This item is to amend the San Diego Municipal Code to include additional Park and Recreation locations to Section 56.54 related to alcohol restrictions and to amend Section 63.0120 to enact a nighttime curfew at University Heights Open Space Park (the portions depicted in Map 63.0120-A).

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 6/28/2016, Item 57, Subitem A and Subitem B. (Council voted 8-0. Councilmember Alvarez):

Subitem-A: (O-2016-140)

Amending Chapter 6, Article 3, Division 1, of the San Diego Municipal Code by amending Section 63.0120 to remove Amici Park and add a nighttime curfew at the University Heights Open Space Park, and by amending the Title of Section 63.0120.

Subitem-B: (O-2016-141)

Amending Chapter 5, Article 6, Division 00, of the San Diego Municipal Code by amending Section 56.54 relating to a 24 hour alcohol consumption prohibition in certain parks.

- * ITEM-54: Ordinances amending San Diego Municipal Code Sections 23.0806 and 24.1001 to preclude provisional appointment of retired employees who have applied for unemployment insurance benefits as a result of their prior provisional employment with the City.

ITEM DESCRIPTION:

This item is to approve two ordinances, Subitems A, and B. Subitem A - one ordinance modifying San Diego Municipal Code Section 23.0806, and Subitem B - one ordinance modifying Section 24.1001. Both are related to provisional appointments.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 6/28/2016, Item 58, Subitem A and Subitem B. (Council voted 8-0. Councilmember Alvarez-not present):

Subitem-A: (O-2016-123)

Amending Chapter 2, Article 4, Division 10, of the San Diego Municipal Code by amending Section 24.1001 relating to the City's Retirement System.

Subitem-B: (O-2016-42)

Amending Chapter 2, Article 3, Division 8, of the San Diego Municipal Code by amending Section 23.0806 relating to provisional appointment.

- * ITEM-55: Request to exempt eighteen (18) positions added in the Fiscal Year 2017 Adopted Budget from the Classified Service.

ITEM DESCRIPTION:

This action is to exempt eighteen (18) positions added in the Fiscal Year 2017 Adopted Budget from the Classified Service.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 6/28/2016, Item 59, Subitems A, B, C, D E, F, G, H, and I. (Council voted 8-0. Councilmember Alvarez-not present):

Subitem-A: (O-2016-144)

Receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated June 8, 2016, which documents that, on June 2, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Office to exempt one Program Coordinator position from the Classified Service. The Program Coordinator position will be responsible for overseeing multiple administrative functions within the Office's three divisions;

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 Program Coordinator position, performing the duties set forth in the June 8, 2016, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council, and in this Ordinance.

Subitem-B: (O-2016-145)

Receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated June 8, 2016, which documents that, on June 2, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt one Program Manager position from the Classified Service. The Program Manager position will be responsible for conducting cost-benefit analysis of loan options and making recommendations regarding loan options in accordance with the City's Debt Policy; administering loan contracts to ensure timely payments; monitoring and reporting loan commitments to various state and federal agencies; and acting as the primary contact for the City Council and Independent Budget Analyst on City Council actions, fiscal impacts, and the overall Loan Program;

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 Program Manager position,

performing the duties set forth in the June 8, 2016, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council, and in this Ordinance.

Subitem-C: (O-2016-146)

Receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated June 8, 2016, which documents that, on June 2, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt three Program Coordinator positions from the Classified Service. The Fiber and Cable Infrastructure Program Coordinator position will be responsible for managing the City's fiber network buildout to support high-speed networking and video. The Learning and Training Program Coordinator position will be responsible for administration of, monitoring, problem solving, and assessment of system functionality that help to facilitate the SAP Learning & Training Program. The Reporting and Dashboard Program Coordinator position will be responsible for problem solving and recommending solutions that effectively utilize SAP and non-SAP data and SAP Business Warehouse/Business Objects for executive and managerial use;

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 three Program Coordinator positions, performing the duties set forth in the June 8, 2016, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council, and in this Ordinance;

Subitem-D: (O-2016-147)

Receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated June 8, 2016, which documents that, on June 2, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt one Program Manager position from the Classified Service. The Program Manager position will be responsible for identifying, developing, and implementing training to ensure that staff is properly trained on enforcing Municipal and State Building Codes and performing inspections in a consistent and efficient manner; assessing workload levels and addressing operational needs to maintain department performance levels; providing guidance and direction to inspection staff regarding building project issues; and addressing complaints from developers, contractors, and homeowners with tact and political acumen;

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 Program Manager position, performing the duties set forth in the June 8, 2016, Memorandum from Personnel

Director Hadi Dehghani to the Honorable Council President and City Council, and in this Ordinance.

Subitem-E: (O-2016-148)

Receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated June 8, 2016, which documents that, on June 2, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt one Program Manager position from the Classified Service. The Program Manager position will be responsible for reviewing current operations and developing and implementing strategic initiatives that affect public safety and reduce the impact that frequent 911 users have on the EMS system; managing a team of specially trained community paramedics who provide crisis intervention and follow-up care for vulnerable populations to ensure they are connected to the appropriate resources; developing policies, procedures, and best practices to promote continuity of care for the patients served by the program; providing recommendations to further develop the community paramedic component of the program; and providing recommendations to Fire-Rescue Department management for community initiatives, policies, and procedures for dealing with vulnerable populations;

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 Program Manager position, performing the duties set forth in the June 8, 2016, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council, and in this Ordinance.

Subitem-F: (O-2016-149 Cor. Copy)

Receiving and reviewing the memorandum from Personnel Director Hadi Dehghani, dated February 8, 2016, which documents that, on February 4, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt one Principal Planner position from the Classified Service. The Principal Planner position will be responsible for developing plans for capital improvement projects; coordinating and developing all California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) documents; and representing the Department on solid waste management, waste reduction, and inter-departmental projects before the City Council, external agencies, public meetings, and at conferences;

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 Principal Planner position, performing the duties set forth in the February 8, 2016, memorandum from Personnel

Director Hadi Dehghani to the Honorable Council President and City Council, and in this ordinance;

Receiving and reviewing the memorandum from Personnel Director Hadi Dehghani, dated June 8, 2016, which documents that, on June 2, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt one Program Coordinator position from the Classified Service. The Program Coordinator position will be responsible for energy support of the City's Climate Action Plan, which sets forth strategies to achieve attainable greenhouse gas reduction targets in the City, as well as evaluating the best use cases for solar and energy storage to optimize savings; coordinating the Climate Action Plan, Municipal Inter-departmental Energy Program, and Community Choice Aggregation to facilitate the purchase of renewable energy to assist the City in meeting the goal of 100% renewable by 2035; serving as liaison to the Sustainable Energy Advisory Board; and representing the Department at City Council, Council Committee, and community group meetings to discuss program and policy;

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 Program Coordinator position, performing the duties set forth in the June 8, 2016, memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council, and in this ordinance.

Subitem-G: (O-2016-150)

Receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated June 8, 2016, which documents that, on June 2, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt one Program Manager position and three Program Coordinator positions from the Classified Service. The Program Manager position will be responsible for overseeing the City's 311 CxSD Program. The first two Program Coordinator positions will lead the development of specific components of the CxSD Program. The third Program Coordinator position will be responsible for overseeing efforts within the Open Data Section to improve the workflow of City employees;

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 Program Manager position and three Program Coordinator positions, performing the duties set forth in the June 8, 2016, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council, and in this Ordinance.

Subitem-H: (O-2016-151)

Receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated June 8, 2016, which documents that, on June 2, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt two Assistant Deputy Director positions and one Program Manager position from the Classified Service. The Assistant Deputy Director position in the Construction

Management and Field Services Division will serve as the City's Geologist/Geotechnical Engineer. The Assistant Deputy Director position in the Project Implementation Division will serve as the Operations Manager over technical functions groups and provide guidance and recommendations to Section Managers and their teams in performing a wide variety of functions in support of the implementation of CIP projects. The Program Manager position in the Facilities Division will be responsible for developing, coordinating, and implementing internal operational policy and procedural changes related to asset management, customer service, and facility maintenance and repair strategies to improve operational efficiencies;

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 Assistant Deputy Director positions and one Program Manager position, performing the duties set forth in the June 8, 2016, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council, and in this Ordinance.

Subitem-I: (O-2016-152)

Receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated June 8, 2016, which documents that, on June 2, 2016, 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. The first Program Manager position will be responsible for developing and implementing policies and procedures aimed at enhancing customer service in response to concerns raised from a recent Citywide Resident Satisfaction Survey. The second Program Manager position will be responsible for managing the daily operations of the Storm Water Operations and Maintenance section, including efforts to protect and improve water quality and to reduce flood risk through efficient storm water management;

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 June 8, 2016, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council, and in this Ordinance.

- * ITEM-56: Ordinance of the San Diego City Council approving the Amended and Restated Memorandum of Understanding Between the City of San Diego and Local 145, International Association of Fire Fighters (Local 145), regarding Post-Employment Health Benefits.

ITEM DESCRIPTION:

Ordinance of the San Diego City Council approving the Amended and Restated Memorandum of Understanding (MOU) between the City of San Diego (City) and Local 145, International Association of Fire Fighters (Local 145), regarding Post-Employment Health Benefits.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/28/2016, Item 330. (Council voted 8-0. Councilmember Alvarez-not present):

(O-2016-153)

Approving and ratifying the Amended and Restated 15-Year Memorandum of Understanding (MOU) between the City of San Diego (City) and Local 145, International Association of Firefighters (Local 145), regarding Post-Employment Health Benefits.

NOTE: 6 votes required pursuant to Charter Section 11.2.

* ITEM-57: Master Lease Agreement to Finance IAM System Implementation. (Citywide.)

ITEM DESCRIPTION:

This item is to approve the form of and execution of the Master Lease Agreement, in an amount not to exceed \$10 million, with Banc of America Public Capital Corp (“BAPCC”) to finance eligible General Fund portions of the implementation of the Infrastructure Asset Management System.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/28/2016, Item 331, Subitem A. (Council voted 8-0. Councilmember Alvarez-not present):

(O-2016-142)

Authorizing and directing the Mayor to finance the cost of implementing the IAM System using a Master Lease Agreement with Banc of America Public Capital Corp ("BAPCC");

Authorizing and directing the Mayor, the Chief Operating Officer, the Chief Financial Officer, or any of their designees, to execute, for and on behalf of the City of San Diego, a Master Lease Agreement with BAPCC for the purpose of financing the implementation of the IAM System. The Master Lease Agreement shall be substantially in the form presented to this Council, with such additions and changes therein as the Chief Operating Officer or Chief Financial Officer, in consultation with the City Attorney, shall approve as being in the best interest of the City; provided however that: (i) the acquisition cost of projects and equipment financed under the Master Lease Agreement shall not exceed \$10,000,000; (ii) the interest rate shall not exceed six percent (6%) annually; and (iii) the lease term of the Master Lease Agreement shall not exceed 7 years.

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

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:

- * ITEM-58: First Amendment to Agreement with CCBG Architects, Inc. (Design/ Professional Services) for Fire Station No.17, in City Heights Area. (City Heights Community Area. District 9.)

ITEM DESCRIPTION:

This action is to approve the First Amendment to Agreement with CCBG Architect Inc., for the Fire Station No. 17 Project. This Amendment will add funds to cover those unanticipated costs associated with increases to the project scope in the amount of \$140,000. It will extend the Agreement an additional 5 years.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2016-115)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, on behalf of the City, the First Amendment to the Agreement with CCBG Architects, Inc., for the purpose of providing additional professional Architectural Services on the Fire Station No. 17 Project in an amount not to exceed \$140,000, 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 Treasury, under the terms and conditions set forth in the First Amendment;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$140,000 from CIP S-00783, Fire Station No. 17, Fund No. 400859 LSE REV BND 2015A-CP, for the purpose of executing this First Amendment.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The cost of the Original Agreement is \$444,810. The First Amendment of \$140,000 will increase the total agreement amount to \$584,810. Funding in the amount of \$140,000 is available in S-00783, Fire Station No.17 from Fund No. 400859 LSE REV BND 2015A-CP.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On November 17, 2010, Public Safety and Neighborhood Services (PS & NS) Committee.
- On March 29, 2011, Council approved the Original Agreement with CCBG Architect Inc., per R-306714.
- This action 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: Mark Nassar\619-533-6600

Secondary Contact\Phone: Jason Grani, 619-533-7525

City Attorney Contact: Rae, Christina L.

* ITEM-59: Transfer of Non-Exclusive Solid Waste Collection Franchise.

ITEM DESCRIPTION:

Transfer and assignment of the Daily Disposal Services, Inc., Non-Exclusive Solid Waste Collection Franchise for Solid Waste Management Services to EDCO Disposal Corporation.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2016-161)

Introduction of an Ordinance approving the transfer of the Class I Non-Exclusive Franchise for Solid Waste Management Services from Daily Disposal Services, Inc., to EDCO Disposal Corporation;

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a consent to the assignment of the franchise and the Franchise Agreement, as set forth in the Consent to Assignment of Class I Non-Exclusive Franchise Agreement for Solid Waste Management Services.

NOTE: 6 votes required pursuant to Section 103 of the City Charter.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

There are no anticipated expenses or significant revenue impacts related to this action. This action will authorize the transfer of a franchise from one company to another.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This action was heard at the Environment Committee meeting on June 23, 2016.

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

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

Sierra/Villa

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.

- * ITEM-60: First Amendment to Agreement with Rob Wellington Quigley, FAIA (Design/ Professional Services) for Fire Station No. 5 Project, in Hillcrest Area. (Hillcrest Community Area. District 3.)

ITEM DESCRIPTION:

This action is to approve the First Amendment to the Agreement with Rob Wellington Quigley, FAIA for the Fire Station No. 5 Project. This Amendment will add funds to cover those unanticipated costs associated with increases to the project scope in the amount of \$220,000. It will extend the agreement an additional 5 years.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2016-117)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, on behalf of the City, the First Amendment to the Agreement with Rob Wellington Quigley, FAIA for the purpose of providing additional professional Architectural Service on the Fire Station No. 5 Project in an amount not to exceed \$220,000, contingent upon the Chief Financial Officer first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasury, under the terms and conditions set forth in the First Amendment;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$220,000 from CIP S-00788, Fire Station No. 5, Fund No. 400859 LSE REV BND 2015A-CP, for the purpose of executing this First Amendment to the Agreement.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The cost of the Original Agreement is \$498,320. The First Amendment of \$220,000 will increase the total agreement amount to \$718,320. Funding in the amount of \$220,000 is available in S-00788, Fire Station No. 5 from Fund No. 400859 LSE REV BND 2015A-CP.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On May 11, 2011, Public Safety and Neighborhood Services (PS & NS) Committee.
- On June 22, 2011, Council approved the Original Agreement with Rob Wellington Quigley, FAIA, per R-306854.
- This action was heard at the Infrastructure Committee 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: Mark Nassar\619-533-6600
Secondary Contact\Phone: Jason Grani\619-533-7525
City Attorney Contact: Rae, Christina L.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

- * ITEM-61: Cooperative Water Resources Program between the City of San Diego and the United States Geological Survey (USGS) for 5 years; Joint Funding Agreement (JFA) 17WSCA03200. (Citywide.)

ITEM DESCRIPTION:

Cooperative Water Resources Program between the City of San Diego and the United States Geological Survey (USGS) for the five (5) year period of November 1, 2016, to October 31, 2021.

STAFF'S RECOMMENDATION:

Introduce the ordinance; and adopt the resolution:

Subitem-A: (O-2016-136)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute a new Joint Funding Agreement (JFA) with the United States Geological Survey (USGS) for the Cooperative Water Resources Program in an amount not to exceed \$961,350 for the duration of five years;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$961,350 from Water Utility Operating Fund 700011 for the purpose of funding the Joint Funding Agreement with USGS, 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;

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

Subitem-B: (R-2016-765)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15306, and that an exception to the exemption does not apply;

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total cost of the Joint Funded Agreement is not to exceed \$1,086,300. USGS will provide \$124,950. The City of San Diego's share is not to exceed \$961,350 and will be spent over five years as follows, 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:

\$153,900 FY 2017
\$172,650 FY 2018
\$193,150 FY 2019
\$215,450 FY 2020
\$226,200 FY 2021
\$961,350 Total Amount

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

R-297484, Long-Range Water Resources Plan (2002-2030), adopted December 9, 2002.

R-309040, an Amendment to the Joint Funding Agreement with the United States Geological Survey (USGS) for Water Resource Investigations, adopted June 25, 2014.

This item was heard at the Environment Committee meeting on June 23, 2016.

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

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

Jones-Santos/Gomez

Primary Contact\Phone: Seth Gates\858-614-4030, MS 901A
Secondary Contact\Phone: Edgar Patino\858-292-6321, MS 901A
City Attorney Contact: Palmucci, Raymond C.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: As-Needed Agreement with MRW & Associates, LLC, for Energy Consultant Services. (Citywide.)

ITEM DESCRIPTION:

The City utilizes As-Needed Energy Consulting Agreements to perform various programs and projects in support of the Environmental Services Department. This item will retain the services of MRW & Associates, LLC, to provide those energy consulting services on an as-needed, hourly fee basis. This contract shall not exceed \$5,000,000 and the contract has a maximum duration of five years.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-755)

Authorizing the Mayor, or his designee, to execute an Agreement with MRW & Associates, LLC, to provide As-Needed energy consulting services in the Environmental Services Department, Energy Conservation Program Fund, Fund No. 200224, in an amount not to exceed \$5,000,000;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$5,000,000 over 5 years from the Environmental Services Department, Energy Conservation Program Fund, Fund No. 200224, 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 first furnishing one or more certificates demonstrating 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 the Environmental Services Department, Energy Conservation Program Fund, Fund No. 200224, for the purpose of executing this Agreement and meeting the minimum contract requirements.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The City agrees to issue a task order(s) with the minimum aggregate value of \$1,000 to MRW & Associates, LLC. Funding for this minimum guaranteed amount of \$1,000 from the Environmental Services Department, Energy Conservation Program Fund, Fund No. 200224, solely and exclusively, for consulting services under the agreement. The maximum contract amount shall not exceed \$5,000,000. Funding for future tasks will be identified by the department requiring these services.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This action was heard at the Environment Committee meeting on June 23, 2016.

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

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

Sierra/Villa

Primary Contact\Phone: Lorie Cosio-Azar\858-627-3552, MS 1101B

Secondary Contact\Phone: Parita Ammerlahn\858-492-5005, MS 1101B

City Attorney Contact: Ortlieb, Frederick M.

- * ITEM-101: Buck Consultants Benefits Consulting, Brokerage, and Actuarial Services
Contract Amendment No. 2 and approval of the second one-year renewal option.

ITEM DESCRIPTION:

This is a request for approval of Amendment No. 2 to the Buck Consultants Benefits Consulting, Brokerage, and Actuarial Services Contract. This amendment will increase the contract value by \$112,000 for the design and implementation of a new Disability Benefits program required as a result of the passage of Proposition B in conjunction with the already implemented Defined Contribution plan. This action also requests approval of the second one-year renewal option for the Buck Consultants contract. The renewal authorizes an additional \$278,000 starting in Fiscal Year 2017. The current contract term expires on October 31, 2016.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-740)

Authorizing the Mayor, or his designee, to enter into Amendment No. 2 to the contract with Buck Consultants, LLC, for benefits consulting, brokerage, and actuarial services for additional services related to the design and implementation of a new Disability Benefits Program required as a result of the passage of Proposition B;

Authorizing the Chief Financial Officer to appropriate and expend an additional \$112,000 based on the City-wide FTE table for the provision of benefits consulting, brokerage, and actuarial services, 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 Mayor, or his designee, to elect a one-year option to extend the term of the contract to October 30, 2017, for an additional amount not to exceed \$278,000;

Authorizing the Chief Financial Officer to appropriate and expend \$260,000 for Fiscal Year 2017 from the Kaiser Health Plan Fund 820005 and Health Net Fund 820004, contingent upon the approval of the Fiscal Year 2017 Appropriation Ordinance and 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 Chief Financial Officer to appropriate and expend \$9,000 for Fiscal Year 2017 from the Long Term Disability Fund 720042, contingent upon the approval of the Fiscal Year 2017 Appropriation Ordinance and 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 Chief Financial Officer to appropriate and expend \$9,000 for Fiscal Year 2017 from the Worker's Compensation Fund 720044, contingent upon the approval of the Fiscal Year 2017 Appropriation Ordinance and 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.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total amount for this action is \$390,000: \$112,000 will be funded using the attached Citywide FTE Allocation; \$278,000 for Fiscal Year 2017 will be funded as follows: \$260,000, from the Kaiser Health Plan Fund 820005 and Medical Health Net Fund 820004; \$9,000, Long Term Disability Fund 720042; and \$9,000, Workers' Compensation Fund 720044.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Canizal/Lewis

Primary Contact\Phone: Julio Canizal\619-236-6651, MS 51B

Secondary Contact\Phone: Estella Montoya\619-533-6107, MS 51B

City Attorney Contact: Gersten, William

* ITEM-102: Office of Traffic Safety Pedestrian and Bicycle Safety Grant.

ITEM DESCRIPTION:

This action is to authorize the Police Department to apply, accept, secure funding, appropriate and expend grant funds from the Office of Traffic and Safety Pedestrian and Bicycle Safety Grant to fund pedestrian and bicycle enforcement activities; and agreements with community groups for outreach planning and educational activities from Fiscal Year 2017 to the end of Federal Fiscal Year 2020.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-758)

Authorizing the Mayor, or his representative, to apply for and accept \$362,386 in initial grant funds authorized by the Office of Traffic Safety's Pedestrian and Bicycle Safety Grant Program, including any amendments, extensions or renewals of the grant for a period of up to five years, provided funding is secured and made available;

Authorizing the Chief Financial Officer to appropriate and expend \$362,386 in initial grant funds authorized by the Office of Traffic Safety's Pedestrian and Bicycle Safety Grant Program, including any additional funding that is secured and made available through amendments, extensions, or renewals of the grant for a period of up to five years, provided funding is secured and made available;

Authorizing the Chief Financial Officer to establish a special interest-bearing fund for the grant funds, if required;

Authorizing the Chief of Police, or designee, to administer and operate the Office of Traffic Safety's Pedestrian and Bicycle Safety Grant Program.

STAFF SUPPORTING INFORMATION

FISCAL CONSIDERATIONS:

All expenses resulting from this action are grant funded. There is no requirement for matching funds, and no requirement for continued expenditures or services once grant funding is terminated or depleted.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Resolution R-307632 was adopted on August 13, 2012, which authorized the Mayor to apply for, accept, appropriate and expend Grants Made Easy/DUI Enforcement and Awareness Program Grant Funds, including any amendments, extensions, renewals, or subsequent funding; and authorized the Chief Financial Officer to accept, appropriate and expend Grants Made Easy/DUI Enforcement and Awareness Program Grant Funds, including any amendments, extensions, renewals, or subsequent funding.

Ramirez/Chadwick

Primary Contact\Phone: Lt. Scott Bender\858-495-7825

Secondary Contact\Phone: Jose Luis Romo\619-531-2739

City Attorney Contact: Folkman, Paige E.

- * ITEM-103: Allocation of settlement funds for the case of *Lowe SD California Property, LLC v. City of San Diego*, San Diego Superior Court Case No. 37-2015-00025959.

ITEM DESCRIPTION:

Allocation of settlement funds in the amount of 1,257,440 to Lowe SD California Property, LLC in settlement of the case of *Lowe SD California Property, LLC v. City of San Diego*, San Diego Superior Court Case No. 37-2015-00025959.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-747)

Authorizing the Mayor to pay the sum of \$1,257,440 from the General Fund No. 100000 to Lowe SD California Property, LLC in settlement of the Action;

Authorizing the Chief Financial Officer to appropriate and expend \$1,257,440 from the General Fund No. 100000 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; and

Authorizing the City Comptroller to issue a check in the amount of \$1,257,440 made payable to Lowe SD Property, LLC.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement funds will be paid from the General Fund No. 100000, Citywide Expenditures Department, 9912.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Heard and approved in Closed Session on April 26, 2016.

Bamberg

Primary Contact\Phone: Carmen Brock\619-236-7726
Secondary Contact\Phone: Merlita Rich\619-533-5840
City Attorney Contact: Brock, Carmen A.

- * ITEM-104: Settlement of the personal injury claim of Plaintiff, Diane Vranjes, Risk Management File No. 9598.

ITEM DESCRIPTION:

This is a complaint for personal injuries suffered by Diane Vranjes as the result of trip and fall from a curb located at 710 W. Ivy Street, San Diego, California. The proposed settlement would resolve all claims brought by Diane Vranjes.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-719)

Authorizing the Mayor, or his designee, to pay the sum of \$185,000 from the Public Liability Fund No. 720045, 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 personal injury claim of *Diane Vranjes v. City of San Diego*, Case No. 37-2015-00002038-CU-PA-CTL;

Authorizing the Chief Financial Officer to appropriate and expend \$185,000 from the Public Liability Fund, Fund No. 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Comptroller to issue a check in the amount of \$185,000, made payable to Grimm, Vranjes and Geer Client Trust Account.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$185,000 will be paid from the Public Liability Fund No. 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was approved in Closed Session on May 24, 2016.

Bamberg

Primary\City Attorney Contact\Phone: Pamela Chalk\619-533-5853

* ITEM-105: Appointments to the Historical Resources Board.

MAYOR FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-506)

Council confirmation of the following appointments and reappointments by the Mayor of the City of San Diego, to serve as members of the Historical Resources Board, for terms expiring as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Dr. Michael Baksh (Scripps Ranch, District 5) (Reappointment)	Archaeology	March 1, 2017
Courtney Coyle (La Jolla, District 1) (Filling the vacancy in the seat previously held by Evelyn Z. Rivera, who resigned)	General/Fine Arts Representative	March 1, 2018
Amy Strider Harleman (La Mesa) (Filling the vacancy in the seat previously held by Linda Marrone, who resigned)	At-Large/Real Estate Representative	March 1, 2017
Tim Hutter (Rancho Peñasquitos, District 5) (Filling the seat previously held by John Lemmo, who is termed out)	General/Law Representative	March 1, 2018
Richard Larimer (Coronado) (Reappointment)	Architect Representative	March 1, 2018

David McCullough (North Park, District 3) (Filling the seat previously held by Gail Garbini, who is termed out)	Landscape Architect Representative	March 1, 2017
Carol Neidenberg (University Heights, District 3) (Filling the vacancy in the seat previously held by Alex Bethke, who resigned)	General Representative	March 1, 2018
Todd Pitman (La Mesa - Mount Helix) (Filling the seat previously held by Abel Silvas, who is termed out)	General Representative	March 1, 2017
Matthew Winter (Pacific Beach, District 2) (Filling the seat previously held by Maria Curry, who is termed out)	General/Architect Representative	March 1, 2018
Dr. Ann Woods (National City) (Reappointment)	Architectural History Professional	March 1, 2017

Declaring that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointments, it is determined that Amy Strider Harleman, Todd Pitman, Richard Larimer and Dr. Ann Woods are residents of San Diego County, but not the City of San Diego, and have unique qualifications to serve as members of the Board; therefore, conscious exceptions to Council Policy 000-13 are hereby declared.

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: Danell Scarborough Day.

PRESENTED BY MAYOR FAULCONER AND COUNCILMEMBER GLORIA:

Proclaiming July 12, 2016, to be "Danell Scarborough Day" in the City of San Diego.

ITEM-31: Park and Recreation Month.

**PRESENTED BY MAYOR FAULCONER, COUNCIL PRESIDENT LIGHTNER,
AND COUNCILMEMBER CATE:**

Proclaiming July 2016, to be "Park and Recreation Month" in the City of San Diego.

ITEM-32: Lesbian, Gay, Bisexual and Transgender (LGBT) Pride Month.

PRESENTED BY COUNCILMEMBER GLORIA:

Proclaiming July 2016, to be "Lesbian, Gay, Bisexual, and Transgender Pride Month" in the City of San Diego.

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

ITEM-33: 100th Annual La Jolla Tennis Club Tennis Championships Day.

**MAYOR FAULCONER'S AND COUNCIL PRESIDENT LIGTHNER'S
RECOMMENDATION:**

Proclaiming July 3, 2016, to be "100th Annual La Jolla Tennis Club Tennis Championships Day" in the City of San Diego.

ITEM-34: Patrons of the Prado Day.

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

Proclaiming July 9, 2016, to be "Patrons of the Prado Day" in the City of San Diego.

ITEM-35: San Diego Second Chance Day.

**MAYOR FAULCONER'S, COUNCILMEMBER COLE'S, AND COUNCILMEMBER
CATE'S RECOMMENDATION:**

Proclaiming June 17, 2016, to be "San Diego Second Chance Day" in the City of San Diego.

ITEM-36: Bird Rock Coffee Roasters 10th Anniversary Day.

COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Proclaiming July 3, 2016, to be "Bird Rock Coffee Roasters 10th Anniversary Day" in the City of San Diego.

ITEM-37: 28th Annual University City 4th of July Celebration Day.

COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Proclaiming July 4, 2016, to be "28th Annual University City 4th of July Celebration Day" in the City of San Diego.

ITEM-38: Samahan Filipino American Performing Arts and Education Center Day.

COUNCILMEMBER GLORIA'S RECOMMENDATION:

Proclaiming June 25, 2016, to be "Samahan Filipino American Performing Arts and Education Center Day" in the City of San Diego.

ITEM-39: San Diego Solar Day.

COUNCILMEMBER GLORIA'S RECOMMENDATION:

Proclaiming June 18, 2016, to be "San Diego Solar Day" in the City of San Diego.

ITEM-40: Gene Pearl Day.

COUNCILMEMBER KERSEY'S RECOMMENDATION:

Proclaiming May 31, 2016, to be "Gene Pearl Day" in the City of San Diego.

ITEM-41: Arilla St. Laurent Day.

COUNCILMEMBER KERSEY'S RECOMMENDATION:

Proclaiming June 30, 2016, to be "Arilla St. Laurent Day" in the City of San Diego.

ITEM-42: San Diego Night Market Day.

COUNCILMEMBER CATE'S RECOMMENDATION:

Proclaiming June 25, 2016, to be "San Diego Night Market Day" in the City of San Diego.

ITEM-43: 40th Calendar Year of Mira Mesa High School.

COUNCILMEMBER CATE'S RECOMMENDATION:

Proclaiming June 17, 2016, to be "40th Calendar Year of Mira Mesa High School" in the City of San Diego.

ITEM-44: Asian American Journalists Association San Diego Day.

COUNCILMEMBER CATE'S RECOMMENDATION:

Proclaiming September 24, 2016, to be "Asian American Journalists Association San Diego Day" in the City of San Diego.

ITEM-45: Monica Montañó Day.

COUNCILMEMBER ALVAREZ'S RECOMMENDATION:

Proclaiming July 12, 2016, to be "Monica Montañó Day" in the City of San Diego.

ITEM-46: Paul Russo Day.

COUNCIL PRESIDENT PRO TEM EMERALD'S RECOMMENDATION:

Proclaiming June 22, 2016, to be "Paul Russo 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

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

ITEM-330: City Auditor's Performance Audit of Selected Contracts. (Citywide.)

CITY AUDITOR'S RECOMMENDATION:

Receive the City Auditor's Performance Audit of Selected Contracts.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The report was presented at the Audit Committee meeting on April 27, 2016.

ACTION: Motion by Committee Member Hebrank, second by Councilmember Zapf, to accept the report and forward to Council with direction to the department to return to the December 7, 2016, Audit Committee meeting with an update.

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

No changes have been made to the report since it was presented to the Committee.

Luna

Primary Contact\Phone: Sunny McLernon\619-533-3042

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

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

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

ITEM-331: FY 2017 Statement of Budgetary Principles.

ITEM DESCRIPTION:

Adopt the FY 2017 Statement of Budgetary Principles.

INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-760)

Adopting the Statement of Budgetary Principles with respect to administration by the Mayor of the Fiscal Year 2017 Budget.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

A draft of the Statement of Budgetary Principles was presented at the Budget and Government Efficiency Committee meeting on June 22, 2016.

ACTION: Motion by Councilmember Cate, second by Councilmember Gloria, to recommend Council approval of the resolution, with additional direction in the FY 2017 Statement of Budgetary Principles for Performance & Analytics to work with the Independent Budget Analyst (IBA) and return to the Budget and Government Efficiency Committee in September or October to discuss and review the performance measures planned for the FY 2018 budget documents as well as the online performance dashboard.

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

Tevlin

Primary Contact\Phone: Christiana Gauger\619-236-6443, MS 3A

Secondary Contact\Phone: Andrea Tevlin\619-236-6555, MS 3A

City Attorney Contact: Will, Brant C.

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-332: Housing Related Amendments to the Land Development Code and the City's Local Coastal Program. (Citywide.)

ITEM DESCRIPTION:

The project proposes to address two housing related issues. First it addresses compliance with the Cedillo Bill (SB-2) which requires California cities to designate one or more zones to allow year-round emergency homeless shelters ministerially. Second, it creates a new use, “continuing care retirement community” (CCRC) to provide regulations that accurately reflect the multi functional development and demands of CCRCs.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2016-121)

Introduction of an Ordinance amending Chapter 12, Article 6, Division 3 of the San Diego Municipal Code by amending Section 126.0303; amending Chapter 13, Article 1, Division 2 by amending Section 131.0222; amending Chapter 13, Article 1, Division 3 by amending Section 131.0322; amending Chapter 13, Article 1, Division 4 by amending Sections 131.0422, 131.0431, and 131.0448; amending Chapter 13, Article 1, Division 5 by amending Section 131.0522; amending Chapter 13, Article 1, Division 6 by amending Section 131.0622; amending Chapter 14, Article 1, Division 3 by adding New Section 141.0303, and by renumbering Sections 141.0303, 141.0304, 141.0305, and 141.0306; amending Chapter 14, Article 1, Division 4 by amending Section 141.0412; amending Chapter 14, Article 2, Division 5 by amending Section 142.0525; amending Chapter 15, Article 5, Division 2 by amending Section 155.0238; amending Chapter 15, Article 6, Division 3 by amending Section 156.0308; and amending Chapter 15, Article 19, Appendix A, all relating to housing.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Costs associated with implementation of the regulations in the future will be borne by project applicants.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was presented to the Smart Growth and Land Use Committee on July 1, 2015, as an informational item. No action was taken.

Vacchi/Graham/dn

Primary Contact\Phone: Dan Normandin\619-446-5388, MS 501

Secondary Contact\Phone: Amanda Lee\619-446-5367, MS 501

City Attorney Contact: Thomas, Shannon

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

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

ITEM-333: Climate Action Plan Consistency Checklist and Other Implementing Amendments and Adoption of California Environmental Quality Act (CEQA) Greenhouse Gas Emissions Significance Threshold.

ITEM DESCRIPTION:

This item is to amend the Land Development Manual to include a California Environmental Quality Act (CEQA) Greenhouse Gas Emissions Significance Threshold and to amend the Climate Action Plan to revise text and include the Climate Action Plan Consistency Checklist.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2016-756)

Declaring that the information contained in the final Environmental Impact Report No. 416603, SCH No. 2015021053 along with the Addendum thereto, including any comments received during the public review process, has been reviewed and considered by this City Council prior to making a decision on the Project;

Declaring that there are no substantial changes proposed through the consideration of the Project and no substantial changes with respect to the circumstances that would require major revisions in the Environmental Impact Report;

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

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

Declaring that pursuant to State California Environmental Quality Act (CEQA) Guidelines Section 15164, none of the conditions; described in State CEQA Guidelines Section 15162 have occurred or only minor technical changes or additions are necessary,

and therefore, the City Council adopts Addendum to Environmental Impact Report No. 416603, SCH No. 2015021053 with respect to the Project;

Declaring that pursuant to CEQA Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this City Council in order to mitigate or avoid significant effects on the environment, which is included as Attachment A to San Diego Resolution No. 310176;

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

Subitem-B: (R-2016-762)

Adopting the Climate Action Plan Amendment;

Authorizing the Mayor, or his designee, to make changes to the CAP Consistency Checklist as necessary to update or incorporate new Greenhouse Gas (GHG) reduction techniques, to comply with later Amendments to the Climate Action Plan, to comply with local, state, or federal law, or to address information contained in the annual Climate Action Plan monitoring.

Subitem-C: (R-2016-763)

Adopting the Land Development Manual GHG Threshold Amendment.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Costs associated with the development of the CAP Consistency Checklist were covered under the Planning Department's current budget. Costs associated with implementation of the CAP Consistency Checklist would be recoverable to the Development Services Department, as the CAP Consistency Checklist would become a part of the existing discretionary project review process.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item as heard at the Environment Committee meeting on June 23, 2016.

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

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

Murphy/Villa

Primary Contact\Phone: Rebecca Malone\619-446-5371

Secondary Contact\Phone: Alyssa Muto\619-533-3103

City Attorney Contact: Vonblum, Heidi K.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT