

CITY OF SAN DIEGO COUNCIL AGENDA



COUNCIL PRESIDENT

Myrtle Cole • Fourth District

COUNCIL PRESIDENT PRO TEM

Barbara Bry • First District

COUNCILMEMBERS

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

Andrea Tevlin
Independent
Budget Analyst

Mara W. Elliott
City Attorney

Elizabeth Maland
City Clerk

Council Chambers, 12th Floor, City Administration Building

Tuesday, July 24, 2018

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JULY 24, 2018, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ALTERNATE FORMATS

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

SENATE BILL 343 (LATE-ARRIVING MATERIALS)

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

NOTE: The City Council will meet in Closed Session this morning at 11:00 a.m. Public comment on Closed Session items will occur toward the end of the 10:00 a.m. session before Council adjourns into Closed 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:

06/11/2018

06/12/2018

ADOPTION AGENDA, CONSENT ITEMS

The Consent items listed are considered to be routine, and the environmental documents have been considered. Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to the start of the meeting.

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE INTRODUCED:

Item 50: Authorize and approve Fourth Amendment to Litigation Consultant Agreement with Helfrich-Associates., San Diego Superior Court Case No. 37-2015-00023487-CU-CO-CTL.

Total Estimated Cost of Proposed Action and Funding Source:

Fourth Amendment to the Litigation Consultant Agreement in the sum of \$100,000 from Fund No. 100000 - General Fund, Transportation and Storm Water Department (2116).

Council District(s) Affected: 5.

Proposed Actions:

(O-2018-134)

Ordinance authorizing the Mayor, or his designee, to execute a Fourth Amendment to the Litigation Consulting Services Agreement with Helfrich-Associates for the geotechnical consulting services being provided to the City for lawsuit entitled City of San Diego v. Black Mountain Ranch, LLC, et al., Case No. 37-2014-00019435 -CU-CD-CTL in an amount not-to-exceed \$100,000.

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

Committee Actions Taken: N/A

Office of the City Attorney: Charles Bell, (619) 533-5618

Item 51: Amendment to a Consultant Agreement with Overland, Pacific & Cutler, LLC, in connection with the closure of De Anza Cove Mobile Home Park.

Total Estimated Cost of Proposed Action and Funding Source:

Increase the amount of the Consultant Agreement to \$808,000 for De Anza Cove Homeowners Association, et al. v. City of San Diego, San Diego Superior Court Case No. GIC 821191 (De Anza Cove HOA Litigation) and \$456,250 for Aglio, et al. v. City of San Diego, San Diego Superior Court Case No. 37-2009-00081994-CU-EI-CTL (Aglio Litigation) from Public Liability Fund 720045.

Council District(s) Affected: 2.

Proposed Actions:

(O-2018-131)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute Amendment No. 5 to the Agreement for Consulting Services between the City and Overland, Pacific & Cutler, LLC, which is on file in the Office of the City Clerk, extending the Agreement through December 31, 2019, in connection with the closure of the De Anza Cove Mobile Home Park.

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

Committee Actions Taken: N/A

Office of the City Attorney: Karlin, David, (619) 533-5816

Item 52: Action to approve the second and fourth modifications to the Lease between the City of San Diego and the United States of America for the Miramar Landfill.

Total Estimated Cost of Proposed Action and Funding Source: None.

Council District(s) Affected: 6.

Proposed Actions:

(O-2019-1)

Ordinance ratifying the second modification and authorizing execution of the fourth modification to the Ground Lease between the City of San Diego and the United States of America, acting by and through the Department of the Navy, for the property commonly known as the Miramar Landfill.

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

Committee Actions Taken:

This item was heard at the Environment Committee meeting on June 21, 2018.

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

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

Real Estate Assets: Sara Solomon, (619) 533-4523

City Attorney Contact: David Powell

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE ADOPTED:

Item 53: Design Build Contract with J. R. Filanc Construction Co. for MBC Dewatering Centrifuges Replacement - Change Order No. 3 for time extension.

Total Estimated Cost of Proposed Action and Funding Source:

There are no additional costs associated with this change order for time extension.

Council District(s) Affected: 6.

Proposed Actions:

Adopt the following ordinance which was introduced on 7/10/ 2018, Item 50. (Council voted 9-0):

(O-2018-138)

Authorizing the Mayor, or his designee, to execute Change Order No. 3 to the design/build Contract with J. R. Filanc Construction Company, Inc., extending the MBC Dewatering Centrifuges Replacement Contract for two years until June 6, 2020.

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

Public Works: Brian Vitelle, (619) 533-5105

City Attorney Contact: Christine Leone

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

Item 100: Mutual Access Easement Agreement for Pacific Place in the Village at Pacific Highlands Ranch Unit 2 and 3.

Total Estimated Cost of Proposed Action and Funding Source:

No City funds will be expended as a result of approving this Agreement.

Council District(s) Affected: 1.

Proposed Actions:

(R-2019-1)

Resolution authorizing a mutual access easement Agreement over City-owned real property for Pacific Place in the Village at Pacific Highlands Ranch and related actions.

Committee Actions Taken:

This item was heard at the Smart Growth and Land Use Committee meeting on June 27, 2018.

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

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

Real Estate Assets: Ken Anderssohn, (619) 236-6049

City Attorney Contact: Heather Ferbert

Item 101: California Department of Resources Recycling and Recovery (CalRecycle) Illegal Disposal Site Abatement Grant Program Application for Fiscal Year 2018/2019 through and including Fiscal Year 2023/2024.

Total Estimated Cost of Proposed Action and Funding Source:

No funds from the City of San Diego are required for the proposed actions.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (R-2018-655)

Resolution authorizing the Mayor, or his designee, to make applications to the CalRecycle Illegal Disposal Site Abatement Grant Program and to take all necessary actions to secure funding in an amount not-to-exceed \$500,000 annually for Fiscal Year 2018/2019 through and including Fiscal Year 2023/2024, for the City's waste abatement program.

Subitem-B: (R-2018-656)

Resolution determining that the application for, and acceptance of, CalRecycle Illegal Disposal Site Abatement Grant Program funds is exempt from the California Environmental Quality Act pursuant to Section 15308 of the CEQA Guidelines.

Committee Actions Taken: N/A

Environmental Services: Barbara Lamb, (858) 573-1287

City Attorney Contact: Miguel Merrell

Item 102: Approval to grant San Diego Gas & Electric Company (SDGE) overhead electric easements and AT&T overhead telecommunication easements on two City reservoir properties for the Cleveland National Forest/SDGE Power Line Replacement Project.

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

Council District(s) Affected: Outside of City limits.

Proposed Actions:

(R-2019-7)

Resolution authorizing the conveyance of easements to San Diego Gas & Electric Company and The Pacific Bell Telephone Company within the real property located in the County of San Diego identified as portions of Assessor's Parcel Numbers 601-010-01, 601-020-02, 601-030-03, 601-090-01, and 603-080-05 for overhead electric and telecommunication line purposes and related actions.

Committee Actions Taken:

This item was heard at the Smart Growth and Land Use Committee meeting on June 27, 2018.

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

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

Real Estate Assets: Brenda Chilvers, (619) 236-6062

City Attorney Contact: Marco A. Verdugo

Item 103: Resolution excusing Council President Pro Tem Bry from City Council and Committee meetings.

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

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-669)

Resolution excusing Council President Pro Tem Barbara Bry from certain meetings of the Council, the Budget and Government Efficiency Committee, and the Public Safety and Livable Neighborhoods Committee.

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

Committee Actions Taken: N/A

Council District 1: Steven Hadley, (619) 236-6972

City Attorney Contact: Sharon Spivak

PROCLAMATIONS/CEREMONIAL ITEMS (PRESENTED IN CHAMBERS)

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

Item 30: Mary Wolford Day.

PRESENTED BY COUNCILMEMBER ZAPF:

Proclaiming July 24, 2018, to be "Mary Wolford Day" in the City of San Diego.

Item 31: Chef Claudia Sandoval Day.

PRESENTED BY COUNCILMEMBER ALVAREZ:

Proclaiming July 24, 2018, to be "Chef Claudia Sandoval Day" in the City of San Diego.

Item 32: E. Jean Lisle Appreciation Day.

PRESENTED BY COUNCIL PRESIDENT PRO TEM BRY:

Proclaiming August 6, 2018, to be "E. Jean Lisle Appreciation Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

None.

ITEMS PULLED FROM THE CONSENT AGENDA

NON-AGENDA PUBLIC COMMENT

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

Per Section 22.0101, Rule 2.6.2, of the San Diego Municipal Code, comments are limited to two (2) minutes per speaker. Speakers may not allocate their time to other speakers. If there are eight (8) or more speakers on a single issue, the maximum time allotted for that issue will be sixteen (16) minutes. Non-Agenda Public Comment is 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 fifteen (15) Non-Agenda Public Comment speakers on a particular Tuesday, priority may be given to those speakers who did not speak during Non-Agenda Public Comment at the most recent prior Council meeting.

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

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE BY COUNCILMEMBERS

AGENDA

INFORMATIONAL ITEMS

Item 330: Performance Audit of the City's Financial Condition.

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

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

Council District(s) Affected: Citywide.

Proposed Actions:

This item is informational only.

Committee Actions Taken: N/A

Office of the City Auditor: Chris Kime, (619) 533-3030

Item 331: Performance Audit of the Transportation and Storm Water Department Storm Water Division.

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

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

Council District(s) Affected: Citywide.

Proposed Actions:

This item is informational only.

Committee Actions Taken: N/A

Office of the City Auditor: Andy Hanau, (619) 533-3108

Item 332: Performance Audit of the Economic Development Department's Business and Industry Incentives Program.

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

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

Council District(s) Affected: Citywide.

Proposed Actions:

This item is informational only.

Committee Actions Taken:

This item was heard at the Audit Committee meeting on April 11, 2018.

ACTION: Motion by Vice Chair Sherman, second by Committee Member Hebrank, to recommend Council accept the report with the added recommendation that the Business Industry Incentive Program be temporarily suspended pending completion of the Auditor's Audit recommendations and forward the report to City Council as an information item.

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

Office of the City Auditor: Andy Hanau, (619) 533-3108

ADOPTION AGENDA, DISCUSSION ITEMS

ADOPTION AGENDA

DISCUSSION, ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

Item 333: Proposed revisions to the Municipal Code and User Fees related to Pedicabs.

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

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

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (O-2018-126)

Introduction of an ordinance Amending Chapter 3, Article 3, Division 46 of the San Diego Municipal Code by amending Sections 33.4602, 33.4604, 33.4608, 33.4609, 33.4610, 33.4611, 33.4613, 33.4618, and 33.4620; and by amending Chapter 8, Article 3, Division 1 by amending Sections 83.0102, 83.0103, and 83.0105, all relating to pedicabs.

Subitem-B: (R-2018-526)

Resolution of the Council of the City of San Diego Approving the Revised Pedicab Permit Fees and Directing the City Clerk to Amend the City Ratebook.

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on May 23, 2018.

ACTION: Amended motion Vice Chair Ward, second by Committee Gómez, to recommend to full Council with amendments to require permit display with company name and contact phone number; allow static single color LED lights for safety; allow e-assist technology on traditional bikes; allow small music devises that do not exceed neighborhood decibel limits.

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

Police: A/Lt. Dan Meyer, (619) 531-2973

City Attorney Contact: Linda L. Peter

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

Item 334: Council Policy 900-12 Business and Industry Incentive Program Amendment.

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

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

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (R-2018-499)

Resolution amending and renaming Council Policy 900-12 titled "Business and Industry Incentive Program" as a new policy entitled "Business Incentive Program."

Subitem-B: (R-2018-500)

Resolution establishing the Business Incentive Workplan criteria for evaluating an application under Council Policy 900-12 Business Incentive Program.

Committee Actions Taken:

This item was heard at the Economic Development and Intergovernmental Relations Committee meeting on April 26, 2018.

ACTION: Motion by Chair Ward, second by Councilmember Bry, to return the item back to staff to incorporate stakeholder and committee member feedback into the proposal, and work with City Attorney's Office to bring forward language for a draft resolution updating Council Policy 900-12 to the June Economic Development and Intergovernmental Relations Committee.

VOTE: 4-0; Alvarez-yea, Bry-yea, Kersey-yea, Ward-yea.

Economic Development: Erik Caldwell, (619) 236-6421

City Attorney Contact: Daphne Z. Skogen

NON-AGENDA ITEMS

REPORT OUT FROM CLOSED SESSION

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT