

REVISED

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 31, 2018

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JULY 31, 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.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7550. Internet access to the agenda is available at:

<http://www.sdhc.org/Media-Center/SDHC-Meetings/Housing-Authority-Meetings/>

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF COUNCIL MINUTES

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

6/18/2018

6/19/2018

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 ADOPTED:

Item 50: Extension of Banking Services Contract (Bank of America).

Total Estimated Cost of Proposed Action and Funding Source:

If the requested Contract extension is approved, an additional \$750,000 would be required to increase the not-to-exceed amount for the full four (4) month Contract extension period and would be funded by the General and Enterprise Funds.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 7/17/2018, Item 50. (Council voted 9-0):

(O-2018-139)

Approving an amendment to the City's Banking Services Contract with Bank of America to extend its term for four (4) months, with month-to-month termination options, to expire on November 26, 2018, and to increase the Contract amount by \$750,000, to fund services for the term of the extension.

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

Committee Actions Taken: N/A

Office of the City Treasurer: Kent Morris, (619) 533-6253

City Attorney Contact: Jennifer L. Berry

Item 51: Exemption of thirteen (13) positions in the City of San Diego from the Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

These thirteen (13) positions were approved in the Fiscal Year 2019 Adopted Budget.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 7/17/2018, Item 51. (Council voted 9-0):

(O-2018-143)

Authorizing the exemption of thirteen positions from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on June 14, 2018. This Action is brought under San Diego Charter Section 117(a)(17). The positions are one Deputy Director in the Public Works Department, six Financial Operations Managers, one Program Manager in the Parks and Recreation Department, three Program Coordinators in the Department of Information Technology, one Program Coordinator in the Performance and Analytics Department, and one Program Coordinator in the Office of the City Attorney, with all positions performing the duties discussed in memoranda dated June 20, 2018, prepared by the Personnel Director to the City Council.

Committee Actions Taken: N/A

Financial Management: Matthew Vespi, (619) 236-6882

City Attorney Contact: Joan F. Dawson

Item 52: Amendment No. 1 to Reimbursement Agreement and Park Development Agreement for the Quarry Falls (Civita) Development Project.

Total Estimated Cost of Proposed Action and Funding Source:

An amount not-to-exceed \$49,610,000, from the Mission Valley-Urban Community Development Impact Fee Fund, Fund No. 400135.

Council District(s) Affected: 7.

Proposed Actions:

Adopt the following ordinance which was introduced on 7/17/2018, Item 52. (Council voted 9-0):

(O-2018-140)

Authorizing First Amendments to a Reimbursement Agreement and Park Development Agreement for Quarry Falls (Civita) Development Project in the Mission Valley Community.

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

Committee Actions Taken: N/A

Planning/Facilities Financing: Angela Abeyta, (619) 533-3674

City Attorney Contact: Kate Malcolm

Item 53: Closure of Miramar Landfill on Sundays and three Summer Holidays – Independence Day, Labor Day, and Memorial Day.

Total Estimated Cost of Proposed Action and Funding Source:

There is no cost associated with this item.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 7/17/2018, Item 60 Subitem A. (Council voted 9-0):

(O-2018-144)

An ordinance, pursuant to San Diego Charter Section 26.1, directing that Miramar Landfill be closed on Sundays and the three summer holidays of Memorial Day, Independence Day, and Labor Day, effective October 1, 2018, except in the case of public emergencies including, but not limited to, extraordinary fires, floods, storms, epidemics, and other disasters.

Committee Actions Taken: N/A

Environmental Services: Mario X. Sierra, (858) 573-1212

City Attorney Contact: Davin Widgerow

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

Item 100: Amendment No. 1 to Security Guard Services Agreement with Securitas Security Services USA, Inc. for Guard Services at Critical Infrastructure Facilities of the Public Utilities Department (Contract No. 4600002745, R-309407).

Total Estimated Cost of Proposed Action and Funding Source:

The total cost of this action is \$5,100,000 for additional funding, bringing the total five-year Contract to \$18,819,961.92, and will be funded by Water Utility Operating Fund 700011, Metro Sewer Utility Fund 700001, Muni Sewer Revenue Fund 700000, Streets and Storm Water General Fund 100000, Stores Revolving Fund 720040, and Fleet Operations Fund 720000.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-636)

Resolution authorizing the Mayor, or his designee, to execute the First Amendment to the Agreement with Securitas Security Services USA, Inc. for additional security services in an amount not-to-exceed \$5,100,000, in connection with the Agreement with Securitas for Enhanced Security Guard Services as Public Utilities Department Critical Infrastructure.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on July 12, 2018.

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

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

Public Utilities: Bill White, (619) 527-7634

City Attorney Contact: Christine Leone

Item 101: Sole Source Consultant Services Agreement with SCS Engineers, Inc. to Provide Interim Landfill Gas System Operations, Maintenance, and Gas Supply Services at the Miramar Landfill.

Total Estimated Cost of Proposed Action and Funding Source:

\$2,000,000 from 2115121113 Operating Fund 700039.

Council District(s) Affected: 6.

Proposed Actions:

Subitem-A: (R-2019-17)

Resolution approving sole source Agreement with SCS Engineers for interim Landfill Gas Collection System operation services.

Subitem-B: (R-2019-18)

Resolution finding that the Project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301(b), which applies to the operations, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination, and further declaring that the City Council has determined that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on July 12, 2018.

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

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

Environmental Services: Alex Garcia, (858) 573-1275

City Attorney Contact: Frederick Ortlieb

Item 102: First Amendment to Hawthorne Machinery Loader Contract.

Total Estimated Cost of Proposed Action and Funding Source:

This Amendment will be funded by the Environmental Services Department Disposal Fund. Total Cost: \$500,000.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-25)

Resolution authorizing the Mayor, or his designee, to execute the First Amendment to the Agreement with Hawthorne Machinery Company for as-needed equipment repair services in an amount not-to-exceed \$500,000, in connection with heavy duty equipment for the Miramar Landfill.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on July 12, 2018.

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

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

Environmental Services: Alex Garcia, (858) 573-1275

City Attorney Contact: Miguel Merrell

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: Challenged Athletes Foundation 25th Anniversary.

PRESENTED BY MAYOR FAULCONER, COUNCIL PRESIDENT PRO TEM BRY,
AND COUNCILMEMBER CATE:

Proclaiming July 31, 2018, to be "Challenged Athletes Foundation 25th Anniversary Day" in the City of San Diego.

Item 31: 91X Loudspeaker Day.

PRESENTED BY COUNCILMEMBER ALVAREZ:

Proclaiming July 31, 2018, to be "91X Loudspeaker Day" in the City of San Diego.

PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED IN CHAMBERS)

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

Item 32: Fox 5 News Day.

MAYOR FAULCONER AND COUNCILMEMBER CATE'S RECOMMENDATION:

Proclaiming August 1, 2018, to be "Fox 5 News 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: Housing Inventory Annual Report.

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

Planning: Brian Schoenfisch, (619) 533-6457

**Item 331: Presentation from the California Department of Housing and
Community Development on State Legislation and the State Budget's
Impact on Local Housing**

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

Council President's Office: Ralph Dimarucut, (619) 236-6701

Item 332: Local Efforts to Create and Preserve Affordable Housing in the City of San Diego.

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

Housing Commission: Debbie Ruane, (619) 578-7566

Item 333: Comparison of Inclusionary Housing Programs.

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 Independent Budget Analyst: Jillian Kisse, (619) 236-6457

Item S500: Informational update on the status of a proposed ballot measure to approve the issuance of municipal bonds to finance the construction of permanent supportive housing and affordable housing units for veterans, seniors, persons with disabilities, and lower income families with children to reduce homelessness. (Added 7/25/18)

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 Rules Committee meeting on July 11, 2018.

ACTION: Motion by Councilmember Ward, second by Councilmember Bry, to forward this item to the full Council for consideration for placement on the November 2018 ballot.

VOTE: 5-0; Bry-yea, Ward-yea, Cole-yea, Cate-yea, Kersey-yea.

Council District 3: Molly Chase, (619) 236-6633

ADOPTION AGENDA, DISCUSSION ITEMS

ADOPTION AGENDA

DISCUSSION, OTHER LEGISLATIVE ITEMS:

Item 334: Request an Update to the City of San Diego Inclusionary Affordable Housing Regulations, in Municipal Code Chapter 14, Article 2, Division 13.

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:

None associated with this action.

Council District(s) Affected: Citywide.

Proposed Actions:

There is no resolution or ordinance before the Council today. The Council may provide direction to staff on this item.

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

Committee Actions Taken: N/A

Council District 9: Lara Gates, (619) 236-7754

City Attorney Contact: Leslie FitzGerald

ADOPTION AGENDA

DISCUSSION, NOTICED HEARINGS:

Item 335: Amendments to the Land Development Code and Local Coastal Program to modify the Live/Work Quarters Regulations.

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:

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

Council District(s) Affected: Citywide.

Proposed Actions:

Amendments to the Land Development Code and Local Coastal Program to modify the Live/Work Quarters Regulations to expand the use to two additional zones (CO-1 and CV-1); Live/Work is prohibited in the CV-1 zone with the Coastal Overlay Zone; to reduce the minimum floor area; increase the residential floor area; no longer limit the use to artist or artisan; allow commercial uses, offices, and the presence of employees provided they are overseen by the resident; and clarify that no additional parking is required.

(O-2019-3)

Introduction of an Ordinance amending Chapter 13, Article 1, Division 5 of the San Diego Municipal Code by amending Section 131.0522; amending Chapter 14, Article 1, Division 3 by amending Section 141.0311; amending Chapter 15, Article 2, Division 1 by amending Section 152.0104; amending Chapter 15, Article 11, Division 1 by amending Section 1511.0104; amending Chapter 15, Article 11, Division 3 by amending Section 1511.0301; and amending Chapter 15, Article 11, Division 4 by amending Section 1511.0401 all relating to Live/Work Quarters.

Committee Actions Taken:

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

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

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

Planning: Edith Gutierrez, (619) 236-6521

City Attorney Contact: Corrine Neuffer

ADOPTION AGENDA

DISCUSSION, ORDINANCES TO BE INTRODUCED:

Item 336: Municipal Code Amendment Prohibiting Housing Discrimination Based on Source of Income.

Total Estimated Cost of Proposed Action and Funding Source:

There is no immediate financial impact or budget action necessary as a result of the recommended action.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2019-14)

Ordinance amending the San Diego Municipal Code by adding a new Division 8 to Article 8 of Chapter 9, prohibiting a landlord from discriminating based on a tenant's source of income, which is defined to include rental assistance or financial aid from any federal, state, local, or non-profit administered benefit or subsidy program.

Committee Actions Taken:

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

ACTION: Motion by Vice Chair Alvarez, second by Chair Gómez, to recommend Council adopt the ordinance.

The motion failed. The item will move forward to Council with no recommendation due to the two affirmative votes.

Council District 9: Keryna Johnson, (619) 533-3982

City Attorney Contact: Adam Wander

NON-AGENDA ITEMS

REPORT OUT FROM CLOSED SESSION

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT