

CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Sherrí Lightner • First District

COUNCIL PRESIDENT PRO TEM

Marti Emerald • Ninth District

COUNCILMEMBERS

Lorie Zapf • Second District
Todd Gloria • Third District
Myrtle Cole • Fourth District
Mark Kersey • Fifth District
Chris Cate • Sixth District
Scott Sherman • Seventh District
David Alvarez • Eighth District

Andrea Tevlin
Independent
Budget Analyst

Jan Goldsmith
City Attorney

Liz Maland
City Clerk

Council Chambers, 12th Floor, City Administration Building

Tuesday, September 13, 2016

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, SEPTEMBER 13, 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@sandiego.gov>. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times. Please keep this in mind and provide as much advance notice as possible in order to ensure availability. Assistive Listening Devices (ALDs) are available in Council Chambers upon request.

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

NOTE: The public portion of the meeting will begin at 9:00 a.m. for public comment on Closed Session items. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

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:

06/06/2016 - Adjourned
06/07/2016 - Adjourned
06/27/2016
06/28/2016
07/04/2016 - Adjourned
07/05/2016 - Adjourned
07/11/2016
07/12/2016
07/18/2016 - Special
07/19/2016
07/25/2016
07/26/2016

ADOPTION AGENDA, CONSENT ITEMS

The Consent items listed are considered to be routine, and the environmental documents have been considered. These items are indicated on the docket by a preceding asterisk (*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak from prior to the start of the meeting.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

* ITEM-50: Southern California Coastal Water Research Project Authority - Ninth Amendment of the Joint Powers Agreement. (Citywide.)

ITEM DESCRIPTION:

This action is requesting approval of the Ninth Amendment of the Joint Powers Agreement (JPA) for the Southern California Coastal Water Research Project (SCCWRP) Authority. The Agreement requires the City of San Diego to assist in funding this JPA as follows: \$425,000 in FY 2018; \$450,000 in FY 2019; \$475,000 in FY 2020; and \$500,000 in FY 2021; for a total of \$1,850,000.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2016-158)

Introduction of an Ordinance authorizing the Mayor, or his designee, for and on behalf of the City, the Ninth Amendment to the Agreement for the purpose of completing the Joint Powers Agreement (JPA) for another four years under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this Project and Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,850,000 from the Metro Sewer Utility Fund 700001, for the purpose of funding this Agreement as follows \$425,000 in FY 2018; \$450,000 in FY 2019; \$475,000 in FY 2020; and \$500,000 in FY 2021, 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.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total amount not to exceed for the Ninth Amendment to the Joint Powers Agreement is \$1,850,000. Funding will be available from the Metro Sewer Utility Fund 700001, for the purpose of funding this Agreement as follows: \$425,000 in FY 2018; \$450,000 in FY 2019; \$475,000 in FY 2020; and \$500,000 in FY 2021, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the City Comptroller furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The previous amendment, the Eighth Amendment to the Joint Powers Agreement, was approved by City Council on April 4, 2013 (R308046).

This item was heard at the Environment Committee meeting on July 21, 2016.

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

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

Amen/Gomez

Primary Contact\Phone: Peter Vroom, Ph.D.\619-758-2301, MS 45A

Secondary Contact\Phone: Tim Stebbins, Ph.D.\619-758-2329, MS 45A

City Attorney Contact: Leone, Christine M.

* ITEM-51: First Amendment to Agreement with Infrastructure Engineering Corporation and Contract Extension for the Design of the La Jolla View Reservoir Project (S-15027). (La Jolla Community Area. District 1.)

ITEM DESCRIPTION:

This action is for the approval of a First Amendment to Agreement with Infrastructure Engineering Corporation in the amount of \$294,395 and to extend the existing contract for the La Jolla View Reservoir Project. The Amendment will provide additional design services needed in support of California Environmental Quality Act (CEQA)-Plus environmental review to pursue State Revolving Fund funding.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-14)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute a First Amendment to the Agreement with Infrastructure Engineering Corporation for additional design services in CIP S-15027, La Jolla View Reservoir, in an amount not to exceed \$294,395, under the terms and conditions set forth in the First Amendment;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$294,395 from CIP S-15027, La Jolla View Reservoir, Fund 700010, Water Utility CIP, for the purpose of executing this Amendment to the Agreement;

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

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total cost of the Agreement is \$1,292,195. Funding of \$997,800 was previously authorized by Mayoral Action (PA2625).

The total estimated cost of this Amendment is \$294,395. Enterprise funding of \$294,395 is available in CIP S-15027, La Jolla View Reservoir, Fund 700010, Water Utility CIP, for this purpose.

This Amendment to the Agreement with Infrastructure Engineering Corporation is contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On January 17, 2013, the City entered into an Agreement with Infrastructure Engineering Corporation in the amount of \$997,800 under contract H125655.

On April 22, 2015, Council executed the addition of the La Jolla View Reservoir Project to the Capital Improvements Program and transfer of funds into the project under Resolution R-309587.

In August 2015, Council approved the State Revolving Fund loan application with the State Water Resources Control Board (SWRCB) to fund the La Jolla View Reservoir (LJVR) Project.

This item was heard at the Infrastructure Committee meeting on August 4, 2016.

ACTION: Motion by Vice-Chair Cole, second by Councilmember Emerald, to recommend Council introduce the ordinance and approve the agreement.

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

Subsequent to Infrastructure Committee review of the item on August 4, 2016, the original contract timeframe was extended five years from May 26, 2017, to May 26, 2022, as shown in Section 2.1 and Exhibit C-1 of the revised First Amendment to Agreement attachment.

Gibson/Gomez

Primary Contact\Phone: Mark Nassar\619-533-6600, MS 908A
Secondary Contact\Phone: Alex Garcia\619-533-4102, MS 908A
City Attorney Contact: Palmucci, Raymond C.

- * ITEM-52: Second Amendment to the Consultant Agreement with HNTB Corporation for Brown Field Airport (SDM) Runway 8L/26R Rehabilitation Project, Phase II. (Otay Mesa Community Area. (District 8.)

ITEM DESCRIPTION:

This action is to approve the Second Amendment to Consultant Agreement with HNTB Corporation for the design services and construction support for Brown Field Airport (SDM) Runway 8L/26R Rehabilitation Project, Phase II. This Amendment will add funds to cover design and construction support of Phase II and will extend the Agreement an additional five years.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-3)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute the Second Amendment to the Agreement with HNTB Corporation for additional professional design services for rehabilitation of the Project in an additional amount not to exceed \$365,415 for a total Contract amount of \$1,037,410, under the terms and conditions set forth in the Second Amendment to the Agreement, provided that the City Auditor and City Comptroller first furnish a certificate certifying that the 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 \$365,415 from A-AA.00002, Brown Field (B-16150, Brown Field Airport Runway 8L/26R Rehabilitation project), Phase 2, within Fund No. 700028, Brown Field Special for the purpose of executing this Amendment to Agreement.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The cost of the original Agreement for the preliminary phase was \$656,010. The First Amendment to the Agreement increased the total cost to \$671,995. With this action, approving the Second Amendment to the Consultant Agreement, the total Contract will be increased to \$1,037,410. The funding is available in Fund No. 700028, CC 2111000011.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

December 6, 2011, the City Council unanimously voted in favor of the design rehabilitation required to ensure compliance with the Federal Aviation Administration of Brown Field Airport (SDM) Runway 8L/26R Rehabilitation Project, Document No. R-307165.

This item was heard at the Infrastructure Committee meeting on August 4, 2016.

ACTION: Motion by Vice-Chair Cole, second by Councilmember Emerald, to recommend Council introduce the ordinance and approve the agreement.

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

Gibson/Gomez

Primary Contact\Phone: Cynthia Meinhardt\619-533-5259, MS 908A
Secondary Contact\Phone: Jihad Sleiman\619-533-7532, MS 908A
City Attorney Contact: DeLara Jr., Pedro

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

- * ITEM-60: Agreement with KEH & Associates, Inc., for professional engineering services for the design and construction support of Alvarado Trunk Sewer Phase IV Project. (Navajo and College Community Areas. Districts 7 and 9.)

ITEM DESCRIPTION:

Council authorization is requested to award a consulting contract to KEH & Associates, Inc., for professional engineering services for the design, construction support, and post-construction support (As-Builts) for Alvarado Trunk Sewer Phase IV Project for an anticipated contract duration of 77 months (approximately 6 ½ years). The project for which this design contract would support is located in the Navajo and College community areas. It includes the upsizing of approximately 16,499 linear feet of mostly Vitrified Clay (VC) sewer mains and the abandonment of approximately 3,244 linear feet of mostly VC sewer mains. This action only approves the design and engineering support services for the project.

STAFF'S RECOMMENDATION:

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

Subitem-A: (O-2017-27)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute a phase-funded Agreement with KEH & Associates, Inc., for professional engineering services for the design and construction support in CIP S-15019, Alvarado Trunk Sewer Phase IV in an amount not to exceed \$4,019,358, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend, under established Contract funding phases in an amount not to exceed \$2,000,000 for Phase A (Fiscal Year 2017) and \$2,019,358 for all subsequent phases from CIP S-15019, Alvarado Trunk Sewer Phase IV, Fund 700008, Muni Sewer CIP for the purpose of executing this Agreement, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasury;

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

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

Subitem-B: (R-2017-67)

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total cost for professional engineering services for the design and construction support of Alvarado Trunk Sewer Phase IV Project is \$4,019,358. Funding of \$4,019,358 will be available in CIP S-15019, Alvarado Trunk Sewer Phase IV, Fund 700008, Muni Sewer CIP, for this purpose. This Agreement is scheduled to be funded in Fiscal Year 2017 for \$2,000,000, Fiscal Year 2018 for \$1,019,358, Fiscal Year 2019 for \$500,000, and Fiscal Year 2020 for \$500,000 contingent upon the adoption of Fiscal Year 2017 through Fiscal Year 2020 Appropriation Ordinances and, contingent upon the Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for the expenditure under the established contract funding phases are, or will be, on deposit with the City Treasurer.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This Project was presented at the Infrastructure Committee meeting on August 4, 2016, and passed on consent agenda.

ACTION: Motion by Vice-Chair Cole, second by Councilmember Emerald, to recommend Council introduce the ordinance and approve the Agreement.

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

Gibson/Gomez

Primary Contact\Phone: Abi Palaseyed\619-533-4654, MS 908A

Secondary Contact\Phone: Nabil Batta\619-533-4145, MS 908A

City Attorney Contact: DeLara Jr., Pedro

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Authorization to execute a contract with Atlas Pumping Service (Bid No. 10062241-16-K) for Wastewater Pumping, Removal, and Disposal for Portable Toilets and Holding Tanks at Various City Locations. (Citywide.)

ITEM DESCRIPTION:

Authorization to execute a contract with Atlas Pumping Service to provide wastewater pumping, disposal, and removal services for various portable toilets and holding tanks for Public Utilities Reservoirs/Lakes facilities and the Park and Recreation Torrey Pines Golf Course.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2016-753)

Authorizing the Mayor, or his designee, to execute a contract with Atlas Pumping Service (Bid No. 10062241-16-K) to provide wastewater pumping, removal, and disposal services for portable toilets and holding tanks at various City Reservoirs/Lakes and Torrey Pines Golf Course in an amount not to exceed \$740,750 for the first Contract year for a cumulative total not to exceed \$4,093,111 contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure, are or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend a cumulative amount not to exceed \$4,093,111, of which, \$325,692 is from the Water Utility Operating Fund 700011, \$3,224,736 is from the General Funds 100000, and \$542,683 is from the Golf Course Enterprise 700043, over the (5) five year Contract for the purpose of funding wastewater pumping, removal, and disposal services for portable toilets, hold tanks removable shoreline toilets, and floating toilets with the vendor Atlas Pumping Services, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Subitem-B: (R-2016-754)

Determining that the Project is categorically exempt from (CEQA) pursuant to CEQA Guidelines Section 15301, 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;

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total amount not to exceed for the Atlas Pumping Service Contract is \$4,093,111 for the Contract term of (5) five years. Funds are, or will be, available in the amount of \$325,692 from the Water Utility Operating Fund 700011, \$3,224,736 from the General Fund 100000, and \$542,683 from the Golf Course Enterprise Fund 700043, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Services to be provided on an as-required basis.

Estimated expenditures are as follows:

Contract 1st Year - Fiscal Year 2017:

Not to exceed \$740,750 (Water Fund= \$58,942; General Fund=\$583,596; Enterprise Fund=\$98,212)

Contract Option Years 1-4 - Fiscal Years 2018-2021:

Not to exceed \$3,352,361 (Water Fund=\$266,750; General Fund=\$2,641,140; Enterprise Fund=\$444,471)

Contract Total not to exceed: \$4,093,111 (Water Fund=\$325,692; General Fund=\$3,224,736; Enterprise Fund=\$542,683)

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Environment Committee meeting on July 21, 2016.

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

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

Amen/Gomez

Primary Contact\Phone: Jesus Meda\619-527-3156, MS 43

Secondary Contact\Phone: Carman Garcia-Romo\619-527-3491

City Attorney Contact: Leone, Christine M.

* ITEM-101: As-Needed Consultant Agreement with Geosyntec Consultants, Inc., for Landfill Engineering Services (H166613). (Citywide.)

ITEM DESCRIPTION:

This action is to authorize an As-Needed Agreement with Geosyntec Consultants, Inc., not-to-exceed \$1,000,000 for five years. The Agreement will provide As-Needed Landfill Engineering Services related to City's landfill sites.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2017-79)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with Geosyntec Consultants, Inc., for As-Needed Landfill Engineering Services, for a period of five years, in an amount not to exceed \$1,000,000, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,000,000 from Refuse Disposal Fund No. 700039, solely and exclusively, to provide funds for the Agreement, contingent upon Council approval of the Annual Appropriations Ordinance for the applicable fiscal year and upon the Chief Financial Officer first furnishing one or more certificates demonstrating funds are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to appropriate and expend \$1,000 from Refuse Disposal Fund No. 700039, for the purpose of executing the Agreement and meeting minimum contract requirements.

Subitem-B: (R-2017-80)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15306;

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This As-Needed Consultant Agreement provides compensation in accordance with an hourly fee schedule or negotiated lump sum for each specific task authorized by the Environmental Services Department Refuse Disposal Fund, No. 700039. The maximum contract amount for this five-year Agreement is \$1,000,000. Other than the guaranteed minimum award of \$1,000, funds are not to be encumbered or expended until such time as specific projects are identified and the City Comptrollers certifies that the necessary funds are, or will be, on deposit with the City.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Environmental Committee meeting on July 21, 2016, and forwarded to the full Council with a recommendation to approve.

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

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

Sierra/LoMedico

Primary Contact\Phone: Craig Fergusson\858-627-3311

Secondary Contact\Phone: Hamid Fathi\858-573-1292

City Attorney Contact: Guy, Amanda L.

* ITEM-102: Resolution Approving a Side Letter Agreement Between the City of San Diego and the San Diego Police Officers Association Related to Article 26, Uniforms and Safety Equipment.

ITEM DESCRIPTION:

This action approves an Agreement between the City of San Diego (City) and the San Diego Police Officers Association (SDPOA) regarding proposed changes to Article 26 of the SDPOA Memorandum of Understanding (MOU), Uniforms and Safety Equipment.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-92)

Approving and ratifying the Side Letter Agreement between the City and Police Officers Association (POA), which amends Article 26, Section B, of the Memorandum of Understanding (MOU), related to uniform and equipment allowances for sworn Police Officers, and confirms that the City will set aside \$50,000 for reimbursement of travel and moving expenses for eligible Police Officers hired after August 15, 2016, pursuant to the Meyers-Milias-Brown Act (MMBA) and City Council Policy 300-06.

NOTE: 6 votes required pursuant to Charter Section 11.2.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total financial impact to the General Fund is \$4.0 million in Fiscal Year 2017.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

San Diego Police Officers Association (SDPOA) Memorandum of Understanding (MOU) approved by the San Diego City Council (Council) by Resolution R-309613 (April 22, 2015).

von Kalinowski/Graham

Primary Contact\Phone: Karen DeCrescenzo\619-235-5802

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

City Attorney Contact: Story Parks, Roxanne

* ITEM-103: Hyatt Street and East Hyatt Street One-Way Conversion. (Linda Vista Community Area. District 7.)

ITEM DESCRIPTION:

A resolution to convert Hyatt Street and East Hyatt Street from a two-way street to a one-way street in the community of Linda Vista.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2017-77)

Authorizing the Mayor, or his designee, to convert the portion of Hyatt Street that is south of East Hyatt Street and all of East Hyatt Street to a one-way street;

Authorizing the Chief Financial Officer to expend funds not to exceed \$3,400 from Fund 100000 General Fund, Transportation & Storm Water Department - Street Division's (211611) Operating Budget, for the installation of the necessary signs and markings to convert Hyatt Street and East Hyatt Street to a one-way street.

Subitem-B: (R-2017-93)

Declaring that the conversion of Hyatt Street and East Hyatt Street to one-way operation is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301;

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 installation of the necessary signs and pavement markings will be installed by the City of San Diego Street Division at a cost of \$3,400. Funds are available in Street Division's Operating Budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

McFadden/Gomez

Primary Contact\Phone: Gary Pence\619-533-3184

Secondary Contact\Phone: Linda Marabian\619-533-3082

City Attorney Contact: Gerrity, Ryan P.

* ITEM-104: Settlement of a lawsuit by Clara Isabel Castro for personal injury damages, Risk Management File No. iVOS 9150.

ITEM DESCRIPTION:

This a lawsuit for damages suffered by Clara Isabel Castro as the result of an incident involving San Diego Police Officers on February 27, 2014. The proposed settlement will resolve all claims brought by Clara Isabel Castro.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-59)

Authorizing the sum of \$150,000 to be paid from the Public Liability Fund 720045 in settlement of each and every claim for damages, interest, costs and fees of any type, including attorney fees, against the City, its agents and employees, arising from the Litigation brought by Clara Isabel Castro;

Authorizing the Chief Financial Officer to appropriate and expend \$150,000 from the Public Liability Fund 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 \$150,000 payable to the Trust Account of Michael Feldman.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement of \$150,000 will be paid from the Public Liability Fund 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was approved in Closed Session on July 19, 2016.

Bamberg

Primary Contact\Phone: Beverly Roxas\619-533-5910, MS 59

Secondary Contact\City Attorney Contact\Phone: Christina M. Milligan\619-235-5895, MS 59

* ITEM-105: Settlement of personal injury claim of Derrick Marable, Risk Management File No. 10821.

ITEM DESCRIPTION:

This a complaint for personal injuries suffered by Derrick Marable as the result of a traffic accident. The proposed settlement would resolve all claims brought by Derrick Marable.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-72)

Authorizing the sum of \$1,000,000 to be paid 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 the City, its agents and employees, arising from the Litigation;

Authorizing the Chief Financial Officer to appropriate and expend \$1,000,000 from the Public Liability 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 \$1,000,000 made payable to Derrick Marable and Aminpour and Associates Trust Account.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$1,000,000 will be paid from the Public Liability Fund No. 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was approved in Closed Session on July 19, 2016.

Bamberg

Primary\City Attorney Contact\Phone: Beverly Roxas\619-533-5910

* ITEM-106: Settlement of Personal Injury Claims of Lateasha Johnson, Risk Management File No. 8812.

ITEM DESCRIPTION:

This a complaint for personal injuries suffered by Plaintiff Lateasha Johnson as the result of a trip and fall accident, which occurred on November 1, 2013. The proposed settlement would resolve all claims brought by Lateasha Johnson.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-83)

Authorizing the Mayor, or his designee, to pay the sum of \$150,000 from the Public Utilities Water Fund No. 700011, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the personal injury claim of *Lateasha Johnson v. City of San Diego, et al.*, San Diego Superior Court Case No. SDSC 37-2014-00008537-CU-PO-CTL;

Authorizing the Chief Financial Officer to appropriate and expend \$150,000 from the Public Utilities Water Fund No. 700011, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Comptroller to issue a check in the amount of \$150,000 payable to the Law Offices of Howard Kitay and Lateasha Johnson.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$150,000 will be paid from the Public Utilities Department Water Fund No. 700011.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was approved in Closed Session on July 19, 2016, and December 8, 2015.

Bamberg

Primary Contact\Phone: Kathy Steinman\619-533-6458
Secondary Contact\Phone: Laura Arehart\619-533-5900
City Attorney Contact: Steinman, Kathy J.

* ITEM-107: Settlement of claim alleging violations of the Peace Officer Bill of Rights Act (“POBR”) by Petitioner Kevin Hychko, Risk Management File No. 12056.

ITEM DESCRIPTION:

This a complaint alleging violations of the Peace Officer Bill of Rights Act (POBR) in the investigation that resulted in the termination of Kevin Hychko. The proposed settlement would resolve all claims brought by Kevin Hychko, to include the pending hearing before the Civil Service Commission.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-71)

Authorizing the Mayor, or his designee, to pay the sum of \$180,000 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 the City of San Diego, its agents and employees, arising from the employment and property damage claim of *Kevin Hychko v. City of San Diego, Shelley Zimmerman, Chief of Police, and Does 1 through 20*, San Diego Superior Court Case No. 37-2015-00038047-CU-WM-CTL;

Authorizing the Chief Financial Officer to expend \$180,000 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 \$180,000, made payable to Castillo Harper APC Client Trust Account.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$180,000 will be paid from the Public Liability Fund No. 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was approved in Closed Session on July 26, 2016.

Bamberg

Primary\City Attorney Contact\Phone: Angela Mullins\619-533-5883

- * ITEM-108: Resolution excusing Councilmember Cole from the Special City Council meeting of August 10, 2016, due to illness.

COUNCILMEMBER COLE'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-81)

Excusing Councilmember Myrtle Cole from attending the Special City Council meeting of August 10, 2016, due to illness.

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

- * ITEM-109: Resolution excusing Councilmember Emerald from the Council meetings: May 17, 2016, May 23, 2016, and May 24, 2016; Budget Committee: May 9, 2016 and May 10, 2016; Charter Committee: May 18, 2016; and Public Safety and Livable Neighborhoods Committee: May 18, 2016, due to neck surgery.

COUNCIL PRESIDENT PRO TEM EMERALD'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-85)

Excusing Councilmember Emerald from the Council meetings: May 17, 2016, May 23, 2016, and May 24, 2016; Budget Committee: May 9, 2016 and May 10, 2016; Charter Committee: May 18, 2016; and Public Safety and Livable Neighborhoods Committee: May 18, 2016, due to neck surgery.

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

* ITEM-110: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2016-766)

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

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

Declaring that the measures previously taken by the City Council in Resolution No. R-282544 shall continue to have full force and effect.

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: National University Award Winner and Finalists Recognition.

PRESENTED BY MAYOR FAULCONER:

Ceremonial Item - Recognition of National University Award Winner and Finalists.

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

ITEM-31: 9/11 Remembrance Day.

PRESENTED BY MAYOR FAULCONER AND COUNCIL PRESIDENT LIGHTNER:

Proclaiming September 13, 2016, to be "9/11 Remembrance Day" in the City of San Diego.

ITEM-32: This item has been removed from today's docket. (Rev. 9/7/16)

ITEM-33: National Preparedness Month.

PRESENTED BY MAYOR FAULCONER AND COUNCIL PRESIDENT PRO TEM EMERALD:

Proclaiming the month of September 2016, to be "National Preparedness Month" in the City of San Diego.

ITEM-34: Ovarian Cancer Awareness Month.

PRESENTED BY COUNCIL PRESIDENT LIGHTNER AND COUNCIL PRESIDENT PRO TEM EMERALD:

Proclaiming the Month of September 2016, to be "Ovarian Cancer Awareness 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-35: Michael Snyder Day.

MAYOR FAULCONER'S, COUNCILMEMBER ZAPF'S AND COUNCILMEMBER CATE'S RECOMMENDATION:

Proclaiming August 6, 2016, to be "Michael Snyder Day" in the City of San Diego.

ITEM-36: Barry Bernstein Day.

COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Proclaiming July 31, 2016, to be "Barry Bernstein Day" in the City of San Diego.

ITEM-37: Ed Thomson Day.

COUNCILMEMBER GLORIA'S RECOMMENDATION:

Proclaiming August 31, 2016, to be "Ed Thomson 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, HEARINGS

NOTICED HEARINGS:

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

ITEM-330: Disposition and Development Agreement with Cisterra 7th & Market, LLC, and Water Supply Assessment - 7th & Market Site (bounded by Market Street and Seventh, Eighth and Island Avenues) (East Village Neighborhood of the Downtown Centre City Community Plan Area. District 3.)

ITEM DESCRIPTION:

Disposition and Development Agreement between the City of San Diego and Cisterra 7th & Market LLC, for Developer's purchase of real property on an approximately 55,000 square-foot site owned by the City located at 580 Eighth Avenue located in the East Village Neighborhood. This item also includes the Water Supply Assessment for the Project.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2017-69)

Approving the Water Supply Assessment for 7th and Market Project to fulfill the requirements of California State Water Code Section 10910.

Subitem-B: (R-2017-96)

Making certain findings, and approving the Disposition and Development Agreement (DDA), related to the Seventh & Market Affordable Housing Project within the Centre City Redevelopment Project Area.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The proposed Disposition and Development Agreement (DDA) requires that the Developer submit a \$100,000 good faith deposit to CivicSD/City that would be credited toward the Purchase Price for the Property or returned to the Developer upon termination of the DDA if the Developer has negotiated diligently and in good faith. It also requires that the Developer submit a non-refundable, \$50,000 negotiation deposit related to negotiating and preparing and implementing the proposed DDA, less the balance remaining of the good faith negotiation payment made by the Developer under the Exclusive Negotiation Agreement (ENA). In accordance with the terms of the DDA, the purchase price for the Property is equal to the fair reuse value of \$20,000,000. The net proceeds of the sale of the Property will be deposited into the Low/Moderate Income Housing Asset Fund for the benefit of future affordable housing projects.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Jarrett/Graham

Primary Contact\Phone: Eli Sanchez\619-533-7121

Secondary Contact\Phone: George Adrian\619-533-4680

City Attorney Contact: Palmucci, Raymond C.\Reisch, Kevin

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-331: Amendments to Council Policy 100-21. (Funding for Maintenance Assessment District Formation.) (Citywide.)

ITEM DESCRIPTION:

Amend Council Policy 100-21 to be consistent with the proposed Municipal Code Amendments for Maintenance Assessment Districts and to provide policy and processes for formation, budgeting, and management practices for Maintenance Assessment Districts and greater flexibility to update as needs and circumstances change in the future.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-91)

Approving the Amendments to Council Policy 100-21 entitled "Funding for Maintenance Assessment District Formation";

Instructing the City Clerk to update the Council Policy Manual to include the amended Council Policy 100-21.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Due to the proposed City administration rate of the lesser of \$3,500 or 4% of annual assessments, there is an anticipated General Fund impact of \$72,032 for FY2017. Economic Development Department (EDD) staff costs are captured within the department budget.

In FY16, the EDD budgeted \$94,314 in revenue from self-managed Maintenance Assessment Districts (MADs) to partially offset administrative cost. With the proposed change, FY17 annual revenue to the department to offset administrative costs for self-managed MADs will be an estimated \$25,668. This represents a \$68,646 reduction in annual budgeted revenue from the previous year.

In FY16, the Park and Recreation Department (P&R) budgeted for \$10,386 in revenue from MADs to partially offset administrative costs for two existing self-managed MADs. The FY17 annual revenue for Park and Recreation Department's will remain the same from the previous fiscal year.

The total impact will be a reduction of \$68,646 in annual revenue from self-managed MADs for cost recovery in the EDD. MAD administrative costs have historically not been fully cost recoverable for self-managed districts, as noted above. Moving forward, EDD will absorb the total reduction in revenue for all self-managed MADs in its annual department budget.

There is also an anticipated but unquantified reduction in the use of General Funds for MAD advances, reimbursements, and expenses prior to receipt of assessments from the County of San Diego.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City Council established Council Policy 100-21 (Funding for Maintenance Assessment District Formation) on September 7, 2004.

This item was heard and approved by the Public Safety and Livable Neighborhoods Committee on July 13, 2016. Subsequently, the following has occurred:

1. Park and Recreation Department determined a sufficient fund balance exists within the Community District Formation Fund to cover anticipated new formation activity. Thus, the following two requested action items are no longer necessary and will not be taken forward for Council approval:

a) Authorize the Chief Financial Officer to transfer \$70,490 from Fund 100000 to Fund 200088 to replenish MAD Formation Fund for new Assessment District Formation activities for Fiscal Year 2017 contingent upon the adoption of the Fiscal Year 2017 Appropriation Ordinance and contingent upon the Chief Financial Officer furnishing certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer, and;

b) Authorize the Chief Financial Officer to appropriate and expend \$150,000 from District Formation Funds for Fiscal Year 2017, including MAD Formation Revolving Fund 200088, associated with new Assessment District Formation activities for Fiscal Year 2017 contingent upon the adoption of the Fiscal Year 2017 Appropriation Ordinance and contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

2. The previous recommendation at Public Safety and Livable Neighborhoods was for the EDD Budget to subsidize the P&R Budget for administrative expenses associated with City oversight of self-managed MADs in excess of \$3,500. The new recommendation is for the EDD Budget not to subsidize the P&R Budget for administrative expenses. As a result, the "Fiscal Considerations" section of this report has changed.

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

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

Caldwell/Graham

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

Secondary Contact\Phone: Luis Ojeda\619-236-6475, MS 56D

City Attorney Contact: Wander, Adam R.

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: Torrey Pines Impact Fee Study Fiscal Year 2017. (Torrey Pines Community Area. District 1.)

ITEM DESCRIPTION:

The Fiscal Year (FY) 2017 Torrey Pines Impact Fee Study (IFS) and associated Development Impact Fees (DIF) update the Fiscal Year (FY) 2005 Public facilities Financing Plan and DIF for the Torrey Pines Community and serve as a partial funding source for community serving infrastructure.

STAFF'S RECOMMENDATION:

Adopt the resolution:

(R-2017-89 Cor. Copy)

Approving the Torrey Pines Impact Fee Study, FY 2017 (Study);

Authorizing the Chief Financial Officer to establish and modify individual Capital Improvement Program Project Budgets to reflect the Study, provided funding is available for such action;

Declaring that the fee schedule contained in the Study is the appropriate and applicable Development Impact Fee (DIF) schedule for all development within the Torrey Pines area that has either never been assessed under the Study or has not otherwise agreed to the payment of DIF or Facilities Benefit Assessment fees as prescribed by the City Council;

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

Declaring that the DIFs due shall automatically increase annually in accordance with San Diego Municipal Code Section 142.0640(c);

Declaring that the Study is incorporated by reference into this Resolution as support and justification for satisfaction of findings required pursuant to the Mitigation Fee Act, as set forth in California Government Code Section 66025, for imposition of development impact fees. Specifically, it is determined and found that this documentation: a. Identifies the purpose of the DIF, which is to ensure that each development project pays its proportionate share of funding needed for the public facilities projects necessary to serve new development; b. Identifies the use to which the DIF is to be put, which includes but

is not limited to, the funding of public facilities projects to serve the community at full community development as identified in the Torrey Pines Community Plan and General Plan. A list of the public facilities projects is shown in the Study; c. Demonstrates how there is a reasonable relationship between the DIFs' use and the type of development project on which the DIF is imposed, which includes the following: The DIF will be used to provide for a proportionate fair share contribution for community infrastructure projects needed to serve both residential and non-residential development based on the increased intensity of the development permitted in accordance with the DIF schedule in effect at the time a building permit is issued. Credit will be given for any existing development; d. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed, which includes the following: (i) Transportation Projects: Both residential development and nonresidential development utilize the community's transportation system, which requires various street and bridge projects, traffic signal interconnect systems, and medians. (ii) Park and Recreation Projects: Residential development utilizes the community's parks, and improvements are necessary based on the projected population at full community development and General Plan standards. (iii) Library Projects: Residential development utilizes the community libraries, and improvements are necessary based on the projected population at full community development and General Plan standards. (iv) Fire/Rescue Projects: Residential and non-residential development will be served by community fire/rescue facilities, and additional facilities are necessary based on the projected population at full community development, General Plan standards, and established emergency response times;

Authorizing the Chief Financial Officer to establish an interest-bearing fund for the Torrey Pines Development Impact Fee.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Adoption of this Impact Fee Study (IFS) and Development Impact Fee (DIF) will provide a partial funding source for the community-serving infrastructure identified in the plan. Additional fees may be imposed on future discretionary projects on a case-by-case basis to fully account for a project's public facilities impacts.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The draft Torrey Pines Impact Fee Study, FY 2017, was approved at the Infrastructure Committee meeting on August 4, 2016.

ACTION: Motion by Councilmember Emerald, second by Vice-Chair Cole, to adopt the resolutions.

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

Murphy/Graham

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

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

City Attorney Contact: Halsey, Keely M.

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

ITEM-333: St. Andrews Tentative Map, Project No. 360649. (Otay Mesa Community Plan Area. District 8.)

(Continued from the meeting of August 2, 2016, Item 334, at the request of Councilmember Alvarez, to be heard on Tuesday, September 13, 2016, to re-notice the change in the Site Development Permit.)

ITEM DESCRIPTION:

Tentative Map with Vacation of Irrevocable Offer of Dedication and Site Development Permit to subdivide the 16.66-acre project site into six lots for the future development of individual light industrial uses, and to allow construction of a public roadway extension, street and utility improvements, and on-site bio-retention basins. The site is located south of Otay Mesa Road, north of State Route (SR) 905, east of Ailsa Court and between the eastern and western portions of St. Andrews Avenue within the IL-3-1 (Industrial-Light) Zone and Community Plan Implementation Overlay Zone (CPIOZ) Type A of the Otay Mesa Community Plan Area.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2017-35)

Adoption of a resolution adopting an addendum to Environmental Impact Report (EIR) No. 30330/304032 and Mitigation, Monitoring, and Reporting Program for St. Andrews;

Reviewing and considering, by the City Council prior to making a decision on the Project, that the information contained in the final Environmental Impact Report No. 30330/304032 along with the Addendum thereto, including any comments received during the public review process;

Proposing that there are no substantial changes to the Project and no substantial changes with respect to the circumstances under which the Project is to be undertaken that would require major revisions in the EIR for the Project;

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;

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;

That pursuant to California Environmental Quality Act of 1970 (CEQA) Guidelines Section 15164, only minor technical changes or additions are necessary, and therefore, the City Council adopts Addendum to Environmental Impact Report No. 30330/304032, SCH NO. 2004651076 with respect to the Project, a copy of which is on file in the office of the Development Services Department;

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 attached hereto as Exhibit A;

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.

NOTE: Subitem A is not subject to the Mayor's veto.

Subitem B: (R-2017-33 Cor. Copy)

Adoption of a Resolution adopting the following findings with respect to Site Development Permit No. 1452419:

1. Site Development Permit - San Diego Municipal Code (SDMC) Section 126.0504
2. Supplemental Findings - Environmentally Sensitive Lands

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

Granting Site Development Permit No. 1452419 to Gregg Hamann, Trustee of Gregg Hamann Family Trust and Jeffery C. Hamann, Trustee of the J.C. Hamann Trust Family Trust, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this Resolution.

NOTE: Subitem B is not subject to the Mayor's veto.

Subitem C: (R-2017-32 Cor. Copy)

Adoption of a Resolution adopting the following findings with respect to Tentative Map No. 1279297:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan;
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code;
3. The site is physically suitable for the type and density of development;
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare;
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision;
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities;
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

The above findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference;

Vacating portions of St. Andrews Avenue, located within the project boundaries as shown in Tentative Map No. 1279297, contingent upon the recordation of the approved Final Map for the project, and that the following findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference:

9. There is no present or prospective use for the public right-of-way, either for the purpose which it was originally acquired, or for any other public use of a like nature that can be anticipated. (SDMC Section 125.0941(a);
10. The public will benefit from the vacation through improved use of the land made available by the vacation;
11. The vacation does not adversely affect any applicable land use plan. (SDMC Section 125.0941(c);
12. The public facility for which the right-of-way was originally acquired will not be detrimentally affected by this vacation. (SDMC Section 125.0941(d).

Granting Tentative Map No. 1279297 and Public Right-of-Way Vacation, based on the Findings hereinbefore adopted by the City Council, to Gregg Hamann, Trustee of Gregg Hamann Family Trust and Jeffery C. Hamann, Trustee of the J.C. Hamann Trust Family Trust subject to the attached conditions which are made a part of this Resolution by reference.

NOTE: Subitem C is not subject to the Mayor's veto.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On June 30, 2016, the Planning Commission voted 6-0-1 to recommend approval of the project with an additional condition. On March 18, 2015, the Otay Mesa Planning Group voted 12-0-1 to recommend approval of the project with no additional conditions.

Vacchi\Graham\td

Primary Contact\Phone: Tim Daly\619-446-5356, MS 501
City Attorney Contact: Thomas, Shannon

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT