

CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Sherri Lightner • First District

COUNCIL PRESIDENT PRO TEM

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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, October 25, 2016

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, OCTOBER 25, 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.

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) 578-7564.

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:

09/26/2016 - Adjourned
09/27/2016
10/03/2016 - Adjourned
10/04/2016

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: Amendment of the Municipal Code Relating to Electronic Bid Openings.

ITEM DESCRIPTION:

An Ordinance amending Chapter 2, Article 2, Division 30, of the San Diego Municipal Code by amending Sections 22.3012 and 22.3020 relating to Electronic Bid Openings. The amendments will clarify the City's ability to conduct all bidding and bid openings electronically so long as specified conditions are met to ensure fairness and transparency in the bidding process.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2016-160)

Introduction of an Ordinance amending Chapter 2, Article 2, Division 30, of the San Diego Municipal Code by amending Sections 22.3012 and 22.3020 relating to Electronic Bid Opening.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City Council passed Ordinance No. O-20444 (dated December 17, 2014) during a meeting on December 9, 2014.

This item was heard at the Infrastructure Committee meeting on September 22, 2016.

ACTION: Motion by Councilmember Zapf, second by Vice-Chair Cole, to adopt the ordinance.

VOTE: 3-0; Kersey-yea, Zapf-yea, Cole-yea.

Nagelvoort/Gomez

Primary Contact\Phone: David Stucky\619-533-3474, MS 614C
Secondary Contact\Phone: Al Rechany\619-533-3620, MS 614C
City Attorney Contact: Zeleny, Thomas C.

* ITEM-51: Extension of Columbia Ultimate Inc., Contract and Approval of Amendment No. 4.

ITEM DESCRIPTION:

This item is to approve the extension of the City Treasurer's Contract with Columbia Ultimate Inc., for an additional (3) three one year terms beginning January 1, 2017, in compliance with City Charter Section 99, including approval of the Amendment. This Amendment will provide for the continued use of an established government agency collection system that tracks and manages all delinquent accounts for the City of San Diego.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-52)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, to extend the Agreement and increase the expenditure authorization under the terms and conditions set forth in Amendment No. 4 to the Contract;

Authorizing the expenditure of an amount not to exceed \$230,000 per year of the Contract, for the purpose of executing Amendment No. 4 to the Contract, contingent upon authorization of the respective Fiscal Year Budget and provided that the Chief Financial Officer, or her designee, certify funds are available for such purposes.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The amount requested will not exceed \$230,000 for each fiscal year of the Contract.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Budget and Government Efficiency Committee meeting on October 5, 2016.

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

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

Kulek/Lewis

Primary Contact\Phone: DeeDee Alari\619-533-3888, MS 606C

Secondary Contact\Phone: Diana Muzquiz\619-533-3828, MS 606C

City Attorney Contact: So, Kenneth

* ITEM-52: Extension of Electronic Output Solutions (EOS) Contract and Approval of Amendment No. 3.

ITEM DESCRIPTION:

This item is to approve the extension of the City Treasurer's Contract with Electronic Output Solutions for an additional four (4) years beginning January 1, 2017, in compliance with City Charter Section 99, including approval of the Amendment. This extension provides for the bulk printing and mailing of invoices and notices.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-47)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, to extend the Agreement and increase the expenditure authorization under the terms and conditions set forth in Amendment No. 3 to the Agreement;

Authorizing the expenditure of an amount not to exceed \$250,000 per year of the Agreement, for the purpose of executing Amendment No. 3 to the Agreement, contingent upon authorization of the respective Fiscal Year Budget and provided that the Chief Financial Officer, or her designee, certify funds are available for such purposes.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The amount requested will not exceed \$250,000 for each fiscal year of the Contract.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Budget and Government Efficiency Committee meeting on October 5, 2016.

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

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

Kulek/Lewis

Primary Contact\Phone: Ricardo Ramos\619-236-5557

Secondary Contact\Phone: Elizabeth Correia\619-236-6084

City Attorney Contact: So, Kenneth

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

- * ITEM-60: First Amendment to the As-Needed Comprehensive Groundwater Consultant Services Agreement with CH2M Hill - Contract No. H115467.

ITEM DESCRIPTION:

Council authorization to execute Amendment No. 1 to extend the contract for an additional one-year term, through April 9, 2018, and to add \$950,000 to the existing As-Needed Agreement with CH2M Hill for Groundwater Consultant Services. The addition of time and funds are for CH2M Hill to provide Sustainable Groundwater Management Act (SGMA) support in three San Diego groundwater basins, hydrogeological protection, and specialized groundwater work supporting the investigation and development of groundwater as a water resource for the City of San Diego.

STAFF'S RECOMMENDATION:

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

Subitem-A: (O-2017-57)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute Amendment No. 1 to the As-Needed Comprehensive Groundwater Consultant Services Agreement with CH2M Hill, to perform State-mandated groundwater monitoring work and other groundwater management and planning tasks, in an amount not to exceed \$950,000, bringing the total Agreement to \$3,950,000, and extending the term for one additional year through April 9, 2018;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$950,000 from Water Utility Operating Fund 700011, for the purpose of executing this Amendment to the Agreement, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the City Comptroller furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

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

Subitem-B: (R-2017-193)

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total amount not to exceed for Amendment No. 1 is \$950,000. Funds are, or will be, available in Water Utility Operating Fund 700011, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the City Comptroller furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer. Funds will be allocated on a task order basis.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On February 1, 2012, the Original Agreement for comprehensive groundwater services with CH2M Hill was heard and approved by the Environment Committee and approved by the City Council on March 6, 2012 (R-307303).

This item was heard at the Environment Committee meeting on October 12, 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, Cate-yea, Sherman-yea, Gloria-yea.

Jones-Santos/Gomez

Primary Contact\Phone: Lan Wiborg\619-533-4112, MS 906

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

City Attorney Contact: Palmucci, Raymond C.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: First Amendment to the Contract with Hawthorne Machinery Company for the Lease and Full Maintenance of Various Pieces of Heavy Duty Landfill Equipment.

ITEM DESCRIPTION:

This action is to approve the First Amendment to the Contract with Hawthorne Machinery Company for the lease and full maintenance of various pieces of heavy duty landfill equipment by exercising the option to add three (3) additional pieces of heavy duty landfill equipment.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-184)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the First Amendment to the Agreement with Hawthorne Machinery Company for the lease and full maintenance of various pieces of heavy duty landfill equipment, to add funding in an amount not to exceed \$2,660,328, for the purpose of leasing three additional pieces of landfill equipment, under the terms and conditions set forth in the First Amendment to the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$725,544 from Refuse Disposal Fund No. 700039 for the remainder of Fiscal Year 2017, solely and exclusively, to provide funds for the First Amendment to the Agreement, contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,934,784 from Refuse Disposal Fund No. 700039, for the remaining term of the Agreement beginning in Fiscal Year 2018, solely and exclusively, to provide funds for the First Amendment to the Agreement, contingent upon Council approval of the Annual Appropriations Ordinance for the applicable fiscal year and contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that the funds are, or will be, on deposit with the City Treasurer.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This action will authorize the execution of the First Amendment to the Contract with Hawthorne Machinery Company that will add funding in the amount of \$2,660,328.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City Council approved Resolution RR-309647 on April 28, 2015.

This item was heard at the Environment Committee meeting on October 12, 2016.

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

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

Sierra/Gomez

Primary Contact\Phone: Michael D. Thompson\858-573-1275

Secondary Contact\Phone: Mark H. zu Hone\858-492-6151

City Attorney Contact: Guy, Amanda L.

- * ITEM-101: Pure Water-Amendment No. 1 to the As-Needed Engineering Technical Services Consultant Agreement with Montgomery Watson Harza Americas, Inc., for the Pure Water San Diego Program; H156303; 4600002174. (Citywide.)

ITEM DESCRIPTION:

This action is for the approval of Amendment No. 1 to the As-Needed Engineering Technical Services Consultant Agreement with Montgomery Watson Harza Americas, Inc., (MWH Americas, Inc.) for an additional \$16,400,000 for specialized technical services to support the Pure Water San Diego Program. This brings the new total not to exceed amount to \$46,400,000.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-750)

Authorizing the Mayor, or his designee, to execute the First Amendment to the Agreement with Montgomery Watson Harza Americas, Inc., (MWH Americas, Inc.) for As-Needed Engineering Technical Services for no more than \$16,400,000. Increasing the total not-to-exceed amount of the Agreement to \$46,400,000 and waiving the requirement to competitively bid consultant as set forth by the Council Policy 300-07;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$46,400,000 in total over the term of this Agreement from Water Utility Operating Fund 700011, Water Utility CIP Fund 700010, Metro Sewer Operating Fund 700001, and Metro Sewer CIP Fund 700009, for the purpose of funding the As-Needed Engineering Technical Services Consultant Agreement with MWH Americas, Inc., 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.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total not to exceed amount of this Amendment No. 1 is \$16,400,000. Funds are, or will be, available in the following two Sewer Funds: 700001 (Metro Sewer Operating), 700009 (Metro Sewer CIP); and the following two Water Funds: 700011 (Water Utility Operating) and 700010 (Water Utility CIP), contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the City Comptroller furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer. Funds will be allocated on a task order basis.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The City Council approved the As-Needed Engineering Technical Services Consultant Agreement with MWH Americas, Inc., (H156303) on December 9, 2014, Resolution No. R-309350 for a total not to exceed amount of \$30,000,000.

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

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

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

Helminski/Gomez

Primary Contact\Phone: John Helminski\858-292-6402, MS 901A
Secondary Contact\Phone: Amy Dorman\858-614-5504, MS 901A
City Attorney Contact: Leone, Christine M.

- * ITEM-102: Agreement with AECOM for Design Engineering Services for Morena Pump Station and Conveyance System (H166635). (University, Linda Vista, Mission Valley, Clairemont Mesa and Old Town San Diego Community Areas. Districts 1, 2, 3, 6, and 7.)

ITEM DESCRIPTION:

This action is for approval of an Agreement with AECOM (Prime Consultant) for a duration of five years to perform design and construction support services for the Morena Pump Station and Conveyance System for \$15,875,255. It is an integral component of Pure Water Phase 1, which will ultimately deliver 30 mgd of pure water to the Miramar Reservoir. This Project will provide the wastewater supply needed for the downstream reclamation and advanced water purification processes, and upgrade existing water mains in Morena Boulevard to current standards and to improve system redundancy. This design effort is anticipated to begin in November 2016.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2017-75 Cor. Copy) (Rev. 10/20/16)

Authorizing the Mayor, or his designee, to execute a phase funded Agreement with AECOM to provide design and construction support services for the Morena Pump Station and Conveyance System (MPS), in the amount not-to-exceed \$15,875,255 for a duration of five (5) years;

Authorizing the Chief Financial Officer to transfer appropriations of \$1,100,000 from CIP A-KB.00003, Annual Allocation Main Replacements, to CIP S-16027, Morena Pipeline within Fund 700010, Water Utility CIP;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$9,071,777 from the Metro Sewer CIP Fund 700009, and \$3,018,519 from Water Utility CIP Fund 700010, CIP A-LA.00001, Pure Water Program, (B-15141, NC Morena Boulevard Pump Station & Pipelines) and \$3,784,959 from CIP S-16027 Morena Pipeline, Fund 700010, of which \$9,045,143 is for Phase 1 (FY 2017), and \$6,830,112 is for all subsequent phases. Funds will be available contingent upon adoption of the Annual Appropriation Ordinance for applicable fiscal year, and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer. (Rev. 10/20/16)

Subitem-B: (R-2017-76)

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

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 Contract not to exceed is \$15,875,255 for the phase-funded Agreement. Funding phases in the amounts not to exceed \$9,045,143 for Phase 1 (FY2017), and \$6,830,112 for all subsequent phases, are or will be available in CIP A-LA.00001, Annual Allocation Pure Water Program, Fund 700009, Metro Sewer CIP and Fund 700010, Water Utilities CIP; and CIP S-16027, Morena Pipeline, Fund 700010, Water Utility CIP, contingent upon 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 the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On April 29, 2014, City Council adopted a resolution in support of the Pure Water Program.

On July 23, 2014, Public Utilities Department (PUD) presented a Pure Water San Diego Public Outreach Program Update to the Environment Committee.

On November 18, 2014, City Council approved the Mayor's proposal to submit the renewal application for a modified National Pollution Discharge Elimination System (NPDES) Permit for the Point Loma Wastewater Treatment Plant (PLWTP) and requested authorization to enter into a Cooperative Agreement between the City, San Diego Coastkeeper, Surfrider Foundation San Diego Chapter, Coastal Environmental Rights Foundation, and San Diego Audubon Society in support of the Point Loma NPDES Permit and Pure Water.

On December 9, 2014, City Council approved award of a 5-year, \$30,000,000 Agreement with Montgomery Watson Harza Americas, Inc. (MWH Americas, Inc.), for As-Needed Engineering Technical Services to support PUD in implementation of the Pure Water Program.

On March 25, 2015, PUD provided an update on the Pure Water Program to the Environment Committee.

On January 12, 2016, City Council approved the award of a 5-year, \$21,188,977 Agreement with HDR, Inc., for the North City Conveyance System.

On July 21, 2016, PUD provided an update on the Pure Water Program to the Environment Committee, and the Committee approved Amendment No. 1 to the Pure Water As-needed Engineering Technical Services Consultant Agreement with MWH Americas, Inc., for \$16,400,000.

This item was heard at the Environment Committee meeting on September 15, 2016.

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

VOTE: 3-0; Alvarez-yea, Cate-yea, Sherman-yea, Gloria-not present.

Helminski/Gomez

Primary Contact\Phone: Amy Dorman\858-614-5504, MS 901A

Secondary Contact\Phone: Wendy Gamboa\858-614-4524, MS 901A

City Attorney Contact: Leone Christine M.

- * ITEM-103: Authorization of Purchase and Sale Agreement to purchase 3.683 acres from Black Mountain Ranch LLC, for the construction of Project F-2, North Fire Station No. 48, APN 312-160-08. (Black Mountain Ranch Community Area. District 5.)

ITEM DESCRIPTION:

Approval of this action will authorize the City of San Diego (“City”) to buy 3.683 gross acres of land from Black Mountain Ranch LLC (“BMR LLC”), for the purpose of constructing a Fire Station for this newly developed community. By a Development Agreement dated July 26, 1993, between City and Black Mountain Ranch Limited Partnership, and PGA Tour, Inc. (“Agreement”), City may purchase land within Black Mountain Ranch in order to provide a fire station to the community.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-192)

Authorizing and directing the Mayor, or his designee, to execute and deliver the Purchase and Sale Agreement, for the acquisition of the fee interest of the Property, identified as APN 312-160-08, and to execute and deliver all such agreements and documents necessary to effect and complete the transaction contemplated by this Resolution;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$110,000 (the Purchase Price plus up to \$10,000 for related expenses) from Fund 400091, Black Mountain Ranch FBA, WBS No. S-15015, Fire Station 48, for the purchase of the Property (3.683 acres, APN 312-160-08) from Black Mountain Ranch LLC (BMR LLC), 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.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The purchase price to be paid for acquiring the real property in APN 312-160-08 will not exceed \$110,000. The funds are available within the existing budget of WBS No. S-15015, Fire Station 48, Black Mountain Ranch FBA Fund 400091. Allocated funding shall be used for the purpose of real property acquisition and related escrow closing costs.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Council Ordinance No. O-17940 adopted on July 26, 1993, authorized the City to enter into a Development Agreement with Black Mountain Ranch Limited Partnership, and PGA Tour, Inc.

Council Ordinance No. O-18230 adopted on November 20, 1995, authorized the First Amended and Restated Development Agreement between City and Black Mountain Ranch Limited Partnership, and PGA Tour, Inc.

Council Ordinance No. O-18387 adopted on March 17, 1997, authorized the Second Amended and Restated Development Agreement between City and Black Mountain Ranch Limited Partnership.

Council Ordinance No. O-19020 adopted on December 10, 2001, authorized the First Amendment to Second Amended and Restated Development Agreement between City and Black Mountain Ranch Limited Partnership.

Council Resolution No. RR-309395 adopted on December 12, 2014, approved the Black Mountain Ranch Public Facilities Financing Plan.

This item was heard at the Smart Growth and Land Use Committee meeting on October 5, 2016.

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

VOTE: 3-0; Zapf-yea, Gloria-yea, Sherman-yea, Alvarez-not present.

Thompson/Villa

Primary Contact\Phone: Barry Slotten\619-236-6724, MS 51A

Secondary Contact\Phone: April McCusker\619-236-6987, MS 51A

City Attorney Contact: Mendoza, Hilda R.

- * ITEM-104: Pure Water-Agreement with CH2M Hill Engineers, Inc., for Design Engineering Services for North City Water Reclamation Plant Expansion and Influent Conveyance Project (H166722). (University City Community Area. District 1.)

ITEM DESCRIPTION:

This action is for the approval of an Agreement with CH2M Hill Engineers, Inc. for a five (5) year term to perform design and construction support services for the North City Water Reclamation Plant Expansion (NCWRP) and the Influent Conveyance project in the amount of \$17,198,752. Completion of the design and construction will allow the Public Utilities Department (PUD) to construct the necessary upgrades at the NCWRP facility to provide a tertiary filtered effluent stream for advanced treatment at the future North City Pure Water Facility to produce purified water and to continue production of recycled water. The design effort is anticipated to begin in November 2016.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2017-94)

Authorizing the Mayor, or his designee, to execute a Phase Funded Agreement with CH2M Hill Engineers, Inc., to provide design and construction support services for the North City Water Reclamation Plant Expansion and Influent Conveyance Project in the amount not-to-exceed \$17,198,752, for a duration of five (5) years;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$17,198,752 in total from CIP A-LA.00001, Pure Water Program, (B-15142, NC NCWRP Expansion to 48 MGD; and B-16140, North City AWPf Influent Conveyance), Fund 700009, Metro Sewer CIP, and Fund 700010, Water Utility CIP, to be spent as \$6,499,752 for Phase 1 (FY2017), and \$10,699,000 for all subsequent phases, contingent upon 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 the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Subitem-B: (R-2017-95)

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

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 is \$17,198,752 for the five (5) year phase-funded Agreement. Funds for Phase 1, in the amount of \$6,499,752, are available in Fund 700009, Metro Sewer CIP, and Fund 700010, Water Utility CIP. Funds in the amount of \$10,699,000, for all subsequent phases, will be available in Fund 700009, Metro Sewer CIP, and Fund 700010, Water Utility CIP; contingent upon 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 the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On April 29, 2014, City Council adopted a resolution in support of the Pure Water Program.

On July 23, 2014, Public Utilities Department (PUD) presented a Pure Water San Diego Public Outreach Program Update to the Environment Committee.

On November 18, 2014, City Council approved the Mayor's proposal to submit the renewal application for a modified National Pollution Discharge Elimination System (NPDES) Permit for the Point Loma Wastewater Treatment Plant (PLWTP) and requested authorization to enter into a Cooperative Agreement between the City, San Diego Coastkeeper, Surfrider Foundation San Diego Chapter, Coastal Environmental Rights Foundation, and San Diego Audubon Society in support of the Point Loma NPDES Permit and Pure Water.

On December 9, 2014, City Council approved the award of a 5-year, \$30,000,000 Agreement with Montgomery Watson Harza Americas, Inc., for As-Needed Engineering Technical Services to support PUD in implementation of the Pure Water Program.

On March 25, 2015, PUD provided an update on the Pure Water Program to the Committee on the Environment.

On January 12, 2016, City Council approved the award of a 5-year, \$21,188,977 Agreement with HDR, Inc., for the North City Conveyance System.

On July 21, 2016, PUD provided an update on the Pure Water Program to the Environment Committee, and the Committee approved Amendment No. 1 to the Pure Water As-Needed Engineering Technical Services Consultant Agreement with MWH Americas, Inc., for \$16,400,000.

This item was heard at the Environment Committee meeting on October 12, 2016.

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

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

LaNier/Gomez

Primary Contact\Phone: Amy Dorman\858-614-5504, MS 901A

Secondary Contact\Phone: Amer Barhoumi\858-292-6364, MS 901A

City Attorney Contact: Leone, Christine M.

- * ITEM-105: Amendment No. 1 to the Sole Source Agreement with Hawkins Delafield and Wood (HDW) to provide specialized legal services for the Landfill Gas, Cogeneration and Biosolids Management Facilities and Services Project. Contract No. 4600002445. (Marine Corps Air Station Miramar. District 6.)

ITEM DESCRIPTION:

This action is for the approval of Amendment No. 1 to the Legal Services Agreement with Hawkins Delafield and Wood (HDW) to provide specialized legal services for the Landfill Gas, Cogeneration and Biosolids Management Facilities and Services Project. HDW will assist the City in developing the RFQ/RFP for a Private-Public Partnership (P3) to operate the landfill gas collection system after 2018, utilize landfill gas and biogas for power co-generation, and improve biosolids production to Class A for beneficial reuse.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-129)

Authorizing the Mayor, or his designee, to execute the First Amendment to the Agreement with Hawkins Delafield and Wood, dated July 17, 2015, as Document No. C-16646, for additional legal and consulting services pursuant to the terms;

Certifying the Agreement with Hawkins Delafield and Wood as a sole source pursuant to San Diego Municipal Code Section 22.3016 and Council Policy 300-07 is not applicable to its First Amendment;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$990,000 from Water Utility Operating Fund 700011 and Metro Sewer Operating Fund 700001, for the purpose of funding the First Amendment to the legal and consulting services Agreement, contingent upon the Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total not to exceed amount of this Amendment No. 1 is \$990,000, of which \$495,000 is available in Metro Sewer Utility Fund 700001, and \$495,000 is available in Water Utility Operating Fund 700011.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Mayoral Action approved the Sole Source Agreement for Legal Services with Hawkins Delafield and Wood on July 14, 2015, Document No. C-16646 for a total not to exceed amount of \$250,000.

This item was heard at the Environment Committee meeting on October 12, 2016.

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

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

Helminski/Gomez

Primary Contact\Phone: John Helminski\858-292-6402, MS 901A
Secondary Contact\Phone: Amy Dorman\858-614-5504, MS 901A
City Attorney Contact: Ortlieb, Frederick M.

* ITEM-106: Broadway Block Water Supply Assessment.

ITEM DESCRIPTION:

This item is to adopt the Water Supply Assessment for the Broadway Block Project to comply with the requirements of California Senate Bill 610, ratified by California State Water Code Section 10910.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-99)

Approving the Water Supply Assessment for the Broadway Block Project to fulfill the requirements of California Water Code Section 10910.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Environment Committee meeting on October 12, 2016.

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

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

Jones-Santos/Gomez

Primary Contact\Phone: Lan Wiborg\619-533-4112, MS 906

Secondary Contact\Phone: Seevani Bista\619-533-4222, MS 906

City Attorney Contact: Palmucci, Raymond C.

- * ITEM-107: Sale of 15.22 acres of unimproved land located east of Encino Avenue and west of Sandmark Avenue (APN 433-100-31) to San Diego Gas & Electric.
(Serra Mesa Community Area. District 7.)

ITEM DESCRIPTION:

Authorize the Mayor, or his designee, to sell approximately 15.22 acres of unimproved land located east of Encino Avenue and west of Sandmark Avenue in Serra Mesa (APN 433-100-31) for \$304,000.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2017-188)

Authorizing the Mayor, or his designee, to sell that certain 15.22 acres of real property owned by the City of San Diego, located east of Encino Avenue and west of Sandmark Avenue, described as a vacant unimproved lot, and identified as Assessor's Parcel Number 433-100-31, subject to a reservation of an easement for a water main pipeline, to San Diego Gas and Electric Company, for a purchase price of \$304,000, which is the minimum acceptable sale price, and subject to the further terms and conditions of the Purchase and Sale Agreement;

Directing and authorizing the Mayor, or his designee, to execute and deliver, on behalf of the City, the Purchase and Sale Agreement, a grant deed (which shall contain the description of the reservation of an easement for a water main pipeline), and all other agreements and documents, necessary to complete the sale and transfer of the Property to SDG&E;

Authorizing and directing the Chief Financial Officer to accept the Independent Consideration and deposit it into the General Fund 100000;

Authorizing and directing the Chief Financial Officer to accept the proceeds from the sale of the Property, net of the costs of selling the Property, and deposit said proceeds into the Capital Outlay Fund 400002.

Subitem-B: (R-2017-189)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15312, and that an exception to the exemption does not apply;

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Proceeds from the sale, net of costs related to the sale, will be deposited in the Capital Outlay – Misc. Revenue Fund 400002. The \$100 Independent Contract Consideration Payment will be deposited into the General Fund No. 100000.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The property was previously authorized for sale by Ordinance O-7360, adopted on March 5, 1957, and ratified by Proposition C on April 16, 1957.

This item was approved on consent at the Smart Growth and Land Use Committee meeting on October 5, 2016.

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

VOTE: 3-0; Zapf-yea, Gloria-yea, Sherman-yea, Alvarez-not present.

Thompson/Villa

Primary Contact\Phone: Dena T. Boylan\619-236-6081, MS 51A

Secondary Contact\Phone: Cybele Thompson\619-236-6145, MS 51A

City Attorney Contact: Ables, Melissa D.

- * ITEM-108: Sale of 5965 and 5975 Santa Fe Street, San Diego, CA (APNs 359-010-40 and 359-010-41) to San Diego Association of Governments (SANDAG). (Clairemont Mesa Community Area. District 2.)

ITEM DESCRIPTION:

Authorize the Mayor, or his designee, to sell 5965 and 5975 Santa Fe Street, San Diego, CA (APNs 359-010-40 and 359-010-41) to San Diego Association of Governments (SANDAG) for \$11,700,000.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2017-190)

Authorizing the Mayor, or his designee, to sell that certain real property owned by the City of San Diego, located at 5965 and 5975 Santa Fe Street, which is improved with two buildings, and identified as Assessor's Parcel Nos. 359-010-40 and 359-010-41, subject to a reservation of an easement for a water main pipeline, to San Diego Association of Governments, for a purchase price of \$11,700,000, which is the minimum acceptable sale price, and subject to the further terms and conditions of the Purchase and Sale Agreement;

Authorizing and directing the Mayor, or his designee, to execute and deliver, on behalf of the City, the Purchase and Sale Agreement, a Grant Deed (which shall contain the description of the reservation of an easement for a water main pipeline), and all other agreements and documents, necessary to complete the sale and transfer of the Property to SANDAG;

Authorizing and directing the Chief Financial Officer to accept the Independent Consideration and deposit it into the General Fund No. 100000;

Authorizing and directing the Chief Financial Officer to accept the proceeds from the sale of the Property, net of the costs of selling the Property, and deposit said proceeds into the Capital Outlay Fund 400002.

Subitem-B: (R-2017-191)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15312, and that an exception to the exemption does not apply;

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Proceeds from the sale, net of costs related to the sale, will be deposited in the Capital Outlay-Misc. Revenue Fund 400002. The \$100 Independent Contract Consideration Payment will be deposited into the General Fund No. 100000.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was approved on consent at the Smart Growth and Land Use Committee meeting on October 5, 2016.

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

VOTE: 3-0; Zapf-yea, Gloria-yea, Sherman-yea, Alvarez-not present.

Thompson/Villa

Primary Contact\Phone: Mary Carlson\619-236-6079, MS 51A

Secondary Contact\Phone: Cybele Thompson\619-236-6145, MS 51A

City Attorney Contact: Ables, Melissa D.

- * ITEM-109: Proposed City Participation of Spruce and Clean Fund to join the Property Assessed Clean Energy (PACE) Program.

ITEM DESCRIPTION:

“Property Assessed Clean Energy” (PACE) programs allow property owners to finance energy, water conservation projects through a special tax assessment on their property. Currently, there are six PACE programs authorized in the City of San Diego, AllianceNRG, CaliforniaFIRST, Energy Efficiency Equity (E3), FigTree, HERO, and Ygrene. This item requests authorization to allow both Spruce and Clean Fund to offer their PACE programs to eligible San Diego property owners.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-166)

Authorizing the Mayor, or designee, to execute all documents and to take any actions necessary and appropriate to carry out the intent of this resolution;

Authorizing the Spruce and Clean Fund to be part of California Statewide Communities Development Authority’s (CSCDA) Open PACE financing program for eligible properties in the City of San Diego, subject to the following conditions:

- (a) The applicant(s) must be the property owner(s) of record. If the legal property owner is a corporation, trust or similar legal entity, the applicant must be authorized to act on behalf of such entity;
- (b) Property owner(s) must be current on all property taxes for the property; no late payment levied on the property more than once during the prior three years or since the purchase of the property;
- (c) Property owner(s) must be current on their property debt for the prior twenty four (24) months;
- (d) Property owner(s) have not declared bankruptcy in the past seven (7) years and the property is not currently an asset in a bankruptcy proceeding;
- (e) Total existing secured indebtedness (including mortgage and other special tax and assessment liens) in combination with the PACE lien, does not exceed 95% of the existing property value;
- (f) Property must not have any involuntary liens, including construction liens.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

There is no negative fiscal impact by consenting to the inclusion of properties within the City limits in California Statewide Communities Development Authority (CSCDA) Open Property Assessed Clean Energy (PACE) and California Municipal Finance Authority (CMFA). All CSCDA Open PACE and CMFA administrative costs are covered through an initial administrative fee included in the property owner's voluntary contractual assessment and an annual administrative fee, which is also collected on the property owner's tax bill.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On April 8, 2014, the HERO and Figtree PACE financing programs were approved by the City Council to provide their programs to San Diego property owners.

On September 16, 2014, and June 9, 2015, CaliforniaFIRST and Ygrene Energy were approved respectively.

On June 1, 2016, AllianceNRG and Energy Efficient Equity (E3) were approved by City Council to offer their PACE Program to San Diego residents and businesses.

This item was heard at the Environment Committee meeting on September 15, 2016.

ACTION: Motion by Councilmember Cate, Second by Chair Alvarez, to recommend Council adopt the resolution.

VOTE: 3-0; Alvarez-yea, Cate-yea, Sherman-yea, Gloria-not present.

Sierra/Gomez

Primary Contact\Phone: Lorie Cosio-Azar\858-627-3352

Secondary Contact\Phone: Darren Greenhalgh\858-573-1214

City Attorney Contact: Ortlieb, Frederick M.

- * ITEM-110: Resolution Request for Authorizing the City to become a Groundwater Sustainability Agency over each of the San Pasqual Valley and San Diego River Valley Groundwater Basins.

ITEM DESCRIPTION:

Request for Council to approve a Resolution for the City to become a Groundwater Sustainability Agency (GSA) over each of the San Pasqual and San Diego River Valley Groundwater Basins. Becoming a GSA will confirm the City's role as the local groundwater management agency, ensure access to SGMA authorities, and preserve access to Grant Funding or other opportunities that may be limited to GSAs.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2017-121)

Authorizing the Mayor, or his designee, to sign a resolution for the City of San Diego to become a Groundwater Sustainability Agency over each of the San Pasqual Valley and San Diego River Valley Groundwater Basins.

Subitem-B: (R-2017-187)

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

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

There is no fiscal impact associated with the approval of the Resolution.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Environment Committee meeting on the on October 12, 2016.

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

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

Jones-Santos/Gomez

Primary Contact\Phone: Lan Wigborg\619-533-4112, MS 906

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

City Attorney Contact: Palmucci, Raymond C.

* ITEM-111: FY2016 State Homeland Security Grant Program. (Citywide.)

ITEM DESCRIPTION:

This action seeks authorization to accept, appropriate, and expend \$281,572 in FY2016 State Homeland Security Grant Program (SHSP) funding from the California Governor's Office of Emergency Services via the County of San Diego Office of Emergency Services. This funding supports the San Diego Police Department by providing equipment to enhance its capabilities in interoperable communications, information technology, physical security for critical infrastructure, tactical response to terrorism incidents, and search and rescue.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-176)

Authorizing the Mayor, or his designee, for and on behalf of the City, to apply for and accept \$281,572 and any additional Grant Funding in FY2016 State Homeland Security Grant Program funding from the California Governor's Office of Emergency Services via the County of San Diego Office of Emergency Services, as the City's authorized agent, and to execute all agreements necessary to comply with the grant requirements;

Authorizing the Chief Financial Officer, on behalf of the City, to appropriate and expend \$281,572 and any additional Grant Funding in FY2016 State Homeland Security Grant Program funding from the California Governor's Office of Emergency Services via the County of San Diego Office of Emergency Services, as the City's authorized agent, contingent upon receipt of a fully executed Grant Agreement.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

There is no non-federal match or cost share required for participation in the State Homeland Security Grant Program (SHSP). However, this Grant is reimbursable in nature, requiring the City to expend funds prior to requesting reimbursement.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Valencia/Chadwick

Primary Contact\Phone: Katherine Jackson\619-533-6761, MS 615H

Secondary Contact\Phone: Megan Beall\619-533-6764, MS 615H

City Attorney Contact: Brazier, Noah J.

* ITEM-112: FY2016 Emergency Management Performance Grant. (Citywide.)

ITEM DESCRIPTION:

This action seeks authorization to accept, appropriate, and expend \$184,970 in FY2016 Emergency Management Performance Grant (EMPG) Program funding from the California Governor's Office of Emergency Services via the County of San Diego Office of Emergency Services.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-177)

Authorizing the Mayor, or his designee, to apply for and accept \$184,970 in FY2016 Emergency Management Performance Grant funding from the California Governor's Office of Emergency Services via the County of San Diego Office of Emergency Services, as the City's authorized agent, and to execute all agreements necessary to comply with the grant requirements;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$184,970 from the General Fund 100000, Cost Center 1915000012, for the purposes of funding grant match requirements;

Authorizing the Chief Financial Officer to appropriate and expend \$187,970 in FY2016 Emergency Management Performance Grant Program funding from the California Governor's Office of Emergency Services via the County of San Diego Office of Emergency Services, as the City's authorized agent, contingent upon receipt of a fully executed Grant Agreement.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The FY2016 Emergency Management Performance Grant (EMPG) Program requires a dollar-for-dollar cash or in-kind match by the City. Federal Emergency Management Agency (FEMA) administers cost sharing requirements in accordance with the 2 Code of Federal Regulations (CFR) Section 200.29 and Section 200.306. The City's required 100% match of its FY2016 EMPG Program allocation is available from the Office of Homeland Security (OHS) FY2017 General Fund Budget.

COUNCIL AND/OR COMMITTEE ACTION: N/A

Valencia/Chadwick

Primary Contact\Phone: Katherine Jackson\619-533-6761, MS 615H
Secondary Contact\Phone: Megan Beall\619-533-6764, MS 615H
City Attorney Contact: Brazier, Noah J.

* ITEM-113: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2016-768)

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

ITEM-30: Azerbaijan Independence Day.

PRESENTED BY MAYOR FAULCONER AND COUNCIL PRESIDENT LIGHTNER:

Proclaiming October 18, 2016, to be "Azerbaijan Independence Day" in the City of San Diego.

ITEM-31: Planned Parenthood Day.

PRESENTED BY COUNCILMEMBER GLORIA, COUNCILMEMBER COLE, AND COUNCIL PRESIDENT PRO TEM EMERALD:

Proclaiming October 25, 2016, to be "Planned Parenthood Day" in the City of San Diego.

ITEM-32: Filipino-American History Month.

PRESENTED BY COUNCILMEMBER CATE:

Proclaiming October 2016, to be "Filipino-American History Month" in the City of San Diego.

ITEM-33: AG First Fridays Day.

PRESENTED BY COUNCILMEMBER SHERMAN:

Proclaiming October 25, 2016, to be "AG First Fridays Day" in the City of San Diego.

ITEM-34: Nosotros and Nosotros Alumni Day.

PRESENTED BY COUNCILMEMBER ALVAREZ:

Proclaiming October 25, 2016, to be "Nosotros and Nosotros Alumni Day" in the City of San Diego.

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

ITEM-35: Cyber Security Awareness Month.

MAYOR FAULCONER'S AND COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Proclaiming the Month of October, 2016, to be "Cyber Security Awareness Month" in the City of San Diego.

ITEM-36: Las Patronas 70th Anniversary Day.

COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Proclaiming August 6, 2016, to be "Las Patronas 70th Anniversary Day" in the City of San Diego.

ITEM-37: Battle at the Border Day.

COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Proclaiming October 15, 2016, to be "Battle at the Border Day" in the City of San Diego.

ITEM-38: Frisco White Day.

COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Proclaiming October 27, 2016, to be "Frisco White Day" in the City of San Diego.

ITEM-39: Karl Zobell Day.

COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Proclaiming November 3, 2016, to be "Karl Zobell Day" in the City of San Diego.

ITEM-40: National Case Management Week.

COUNCILMEMBER CATE'S RECOMMENDATION:

Proclaiming the week of October 9-15, 2016, to be the "National Case Management Week" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

NON-AGENDA PUBLIC COMMENT

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

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

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

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE

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

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

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

ITEM-330: City Auditor's Performance Audit of the San Diego Public Library System.
(Citywide.)

CITY AUDITOR'S RECOMMENDATION:

Receive the City Auditor's Performance Audit of the San Diego Public Library System.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The report was presented at the Audit Committee meeting on June 29, 2016.

ACTION: Motion by Councilmember Zapf, second by Committee Member Hebrank, to accept the report and request the City Auditor to return with a separate report on how the \$1 million in matching funds were allocated, prior to forwarding to Council.

VOTE: 4-0; Sherman-yea, Zapf-yea, Hebrank yea, Valdivia-yea, Spencer-not present.

The report on how the \$1 million in matching funds were allocated was presented at the Audit Committee meeting on July 27, 2016.

ACTION: Motion by Councilmember Hebrank, second by Committee Member Valdivia, to accept the report and forward the original report to Council.

VOTE: 4-0; Sherman-yea, Zapf-yea, Hebrank-yea, Valdivia-yea, Spencer-not present.

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

Luna

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

Secondary Contact\Phone: Arlys Erickson\619-533-3041

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. (Rev. 10/20/16)

ITEM-331: Golden Hill Impact Fee Study, Fiscal Year 2017. (Golden Hill Community Plan Area. District 3)

ITEM DESCRIPTION:

Requesting approval of the Impact Fee Study (IFS) and the associated Development Impact Fees (DIF) for the Golden Hill community.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-173)

Adoption of a Resolution approving the Golden Hill Impact Fee Study, Fiscal Year 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;

That the fee schedule contained in the Study is the appropriate and applicable Development Impact Fee (DIF) schedule for all new development within the Golden Hill area;

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);

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

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;

Authorizing the Chief Financial Officer to establish an interest-bearing fund for the Golden Hill Development Impact Fee, if so requested by the Planning Department;

Declaring that this Resolution shall become effective no earlier than the date of final passage of the Resolution by which the City Council approves the Golden Hill Community Plan Update, which is being considered concurrently with this action.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Approval of the Impact Fee Study and DIF will provide a partial funding source for the community-serving infrastructure that is identified in the study. Additional fees may be imposed on future discretionary projects on a case-by-case basis.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On September 22, 2016, the Infrastructure Committee voted unanimously to move the Golden Hill Impact Fee Study, Fiscal Year 2017 to the full Council. Subsequent to this action, Facilities Financing staff received updated data requiring a recalculation of the DIF in order to provide the City Council with the most accurate information available. The residential DIF increased by \$24 from \$12,649 to \$12,673 per dwelling unit, an increase of 0.2%. Similarly, this action resulted in a \$2 increase of the non-residential DIF, i.e. from \$231 to \$233 per Average Daily Trip.

The Golden Hill Public Facilities Financing Plan (PFFP), Fiscal Year 2005 was approved by the City Council on August 10, 2004, by Resolution No. R-299553.

Murphy/Graham/fj

Primary Contact\Phone: Frank January\619-533-3699, MS 606F
Secondary Contact\Phone: Scott Mercer\619-533-3676, MS 606F
City Attorney Contact: Halsey, Keely

The following item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m. (Rev. 10/20/16)

ITEM-332: North Park Impact Fee Study, Fiscal Year 2017. (North Park Community Plan Area. District 3.)

ITEM DESCRIPTION:

Requesting approval of the Impact Fee Study (IFS) and the associated Development Impact Fees (DIF) for the North Park community.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-172)

Adoption of a Resolution approving the North Park Impact Fees Study, Fiscal Year 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;

The fee schedule contained in the Study is the appropriate and applicable Development Impact Fee (DIF) schedule for all new development within the North Park area;

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);

The DIFs due shall automatically in accordance with San Diego Municipal Code Section 142.0640(c);

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; Authorizing the Chief Financial Officer to establish an interest-bearing fund for the North Park Development Impact Fee, if so requested by the Planning Department;

This Resolution shall become effective no earlier than the date of final passage of the Resolution by which the City Council approves the North Park Community Plan Update, which is being considered concurrently with this action.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Approval of the Impact Fee Study and DIF will provide a partial funding source for the community-serving infrastructure that is identified in the Study. Additional fees may be imposed on future discretionary projects on a case-by-case basis.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On September 22, 2016, the Infrastructure Committee voted unanimously to move the Golden Hill Impact Fee Study, Fiscal Year 2017 to the full Council. The current North Park Public Facilities Financing Plan (PFFP), Fiscal Year 2003 was approved by the City Council on April 30, 2002, by Resolution No. R-296424.

Murphy/Graham/fj

Primary Contact\Phone: Frank January\619-533-3699, MS 606F

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

City Attorney Contact: Halsey, Keely

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

ITEM-333: Preliminary Bond Authorization for Coronado Terrace and Tax Equity & Fiscal Responsibility Act Public Hearing. (District 8.)

(Continued from the meeting of September 27, 2016, Item S500, at the request of Council President Lightner, for further review.)

ITEM DESCRIPTION:

Take the initial steps to issue Housing Authority of the City of San Diego Multifamily Housing Revenue Bonds, which are allocated by the State, to fund the acquisition and rehabilitation of Coronado Terrace, a 312-unit multifamily affordable housing rental development, located in the Otay Mesa-Nestor community, which will remain affordable for 55 years.

That the City Council hold a Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing and adopt a resolution approving the issuance of Multifamily Housing Revenue Bonds in an amount up to \$97,000,000 for Coronado Terrace.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-104 Cor. Copy 3)

Declaring the City Council of the City of San Diego, as the applicable elected representative under Section 147(f) of the Code, approves the issuance of the Bonds by the Housing Authority of the City of San Diego (Authority);

Declaring that the City does not warrant the creditworthiness of the Bonds or guarantee, in any way, the payment of the Bonds. No moneys of the City will be pledged or applied to the repayment of the Bonds;

Declaring that the proposed rehabilitation is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines because the Project is an existing facility and the proposed actions do not involve expansion of the existing use. The Project meets the criteria set forth in CEQA Section 15301(a), which allows for exterior and interior alterations of existing facilities. Processing under the National Environmental Policy Act is not required as there are no federal funds involved with this Project.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The proposed funding sources and uses approved by this action are included in the San Diego Housing Commission (Housing Authority)-approved Fiscal Year (FY) 2017 Housing Commission Budget. Approving this action will not change the FY 2017 total budget.

Funding sources approved by this action will be as follows:

Bond Issuance Fees - \$242,500

Funding uses approved by this action will be as follows:

Housing Commission Rental Housing Finance Program Administration Costs - \$242,500

Approval of the bond inducement and Tax Equity and Fiscal Responsibility Act (TEFRA) resolutions does not commit the Housing Authority to issue bonds. The bonds would not constitute a debt of the City. If bonds are ultimately issued for the development, the bonds will not financially obligate the City, the Housing Authority or the Housing Commission because security for the repayment of the bonds will be limited to specific private revenue sources of the development. Neither the faith and credit nor the taxing power of the City or the Housing Authority would be pledged to the payment of the bonds. The developer is responsible for the payment of all costs under the financing, including the Housing Commission's annual administrative fee, as well as Housing Commission Bond Counsel and Financial Advisor fees.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The Housing Commission on February 9, 2001, (HCR01-020) and the Housing Authority on February 13, 2001, approved a \$1,400,000 residual receipts loan for Coronado Terrace, which was repaid in full on June 5, 2015.

Davis/Graham

Primary Contact\Phone: Ted Miyahara\619-578-7550

City Attorney Contact: Chung, Walter C.

NOTE: See the Housing Authority Agenda of October 25, 2016, for a companion item.

NOTE: This is a TEFRA hearing item.

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

ITEM-334: Golden Hill Community Plan Update. (Greater Golden Hill Community Plan Area. District 3.)

ITEM DESCRIPTION:

This proposal would provide a long-range, comprehensive policy and zoning framework for urban growth and development within the Greater Golden Hill planning area and consists of a comprehensive update amending the 1988 Golden Hill Community Plan and the General Plan; amending the Municipal Code to repeal Chapter 15, Article 8 (the Golden Hill Planned District); rezones consistent with the updated Community Plan; and certification of the Program Environmental Impact Report associated with the Golden Hill Community Plan Update project.

STAFF'S RECOMMENDATION:

Adopt the following resolutions in subitems A and B; and introduce the ordinances in subitems C and D:

Subitem-A: (R-2017-179)

Adoption of a Resolution certifying that the Report has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project;

Adopting Findings and a Statement of Overriding Considerations with respect to the Project, pursuant to CEQA Section 21081 and CEQA Guidelines Sections 15091 and 15093, a copy of which is attached hereto as Exhibit A and incorporated herein by reference;

Adopting the Mitigation and Monitoring Reporting Program, or alterations to implement the changes to the Project as required by the City Council, in order to mitigate or avoid significant effects on the environment, pursuant to CEQA Section 21081.6, a copy of which is attached as Exhibit B hereto and incorporated herein by reference;

Declaring that the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the Office of the City Clerk at 202 C Street, San Diego, CA 92101;

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 after final passage of the ordinances associated with the Project.

Subitem-B: (R-2017-180 Cor. Copy)

Adoption of a Resolution declaring that the Golden Hill Community Plan incorporates each of the policies of the City of San Diego's 2008 General Plan that the City Council has determined are mandatory and fundamental to advancement of the General Plan's goals;

Adopting the Golden Hill Community Plan and corresponding amendments amendment to the General Plan, with a copy on file in the Office of the City Clerk;

Declaring that prior to becoming effective, this Resolution shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination;

That if the SDCRAA finds this Resolution consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport (SDIA), this Resolution shall take effect and be in force as of the date of the finding of consistency by SDCRAA;

That if the SDCRAA determines that this Resolution is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the SDIA, the Resolution shall be submitted to the City Council for reconsideration;

That if the SDCRAA determines that this Resolution is conditionally consistent with the ALUCPs for the SDIA, but that consistency is subject to proposed modifications, the City Council may amend this Resolution to accept the proposed modifications, and this Resolution as amended shall take effect and be in force after its final passage;

That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code Section 21670 and require a two-thirds vote; the proposed decision and findings shall be forwarded to the SDCRAA, California Department of Transportation, Division of Aeronautics, and the airport operators for the SDIA; and the City Council shall hold a second hearing not less than forty-five days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and any final decision to overrule a determination of inconsistency shall require a two-thirds vote;

That if the City Council makes a final decision to overrule a determination of inconsistency, this Resolution shall take effect and be in force on the thirtieth day from and after its final passage.

Subitem-C: (O-2017-48)

Introduction of an Ordinance repealing Chapter 15, Article 8, Division 1 of the San Diego Municipal Code by repealing Sections 158.0101, 158.0102, 158.0103, and 158.0104; amending Chapter 15, Article 8, Division 2 by repealing Sections 158.0201, 158.0202, 158.0203, 158.0204, 158.0205, 158.0206, and 158.0207; amending Chapter 15, Article 8, Division 3 by repealing Sections 158.0301, 158.0302, and 158.0303; amending Chapter 15, Article 8, Division 4 by repealing Sections 158.0401, 158.0402, 158.0403, 158.0404, 158.0405, 158.0406, 158.0407, and 158.0408; and amending Chapter 15, Article 8, Appendix by repealing Figures 1, 2, and 3 all relating to the Golden Hill Community Plan Update and the Golden Hill Planned District Ordinance.

Subitem-D: (O-2017-56)

Introduction of an Ordinance changing 478 acres located within the Greater Golden Hill Planning Area, in the City of San Diego, California, from the Golden Hill Planned District Ordinance and citywide zones to the RS-1-1, RS-1-7, RM-1-1, RM-1-2, RM-2-5, RM-3-7, CN-1-3, and CC-3-4 Zones; and repealing Ordinance Nos. O-19591 and O-20261, adopted March 27, 2007, and July 19, 2013, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

STAFF SUPPORTING INFORMATION:**FISCAL CONSIDERATIONS:**

An Impact Fee Study (IFS) and associated Development Impact Fees (DIF) for the Greater Golden Hill community is currently being prepared by City staff. When completed, the IFS and associated DIFs will be presented to the City Council for consideration and approval. These DIFs, when adopted, will be a partial funding source for the public facilities envisioned for the communities and contained within the IFS. Portions of facilities costs not funded by DIF will need to be identified by future City Council actions in conjunction with the adoption of Capital Improvements Program (CIP) budgets.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard by the Smart Growth and Land Use Committee on October 5, 2016, and forwarded to the full Council without a recommendation.

Murphy/Graham/bt

Primary Contact\Phone: Bernie Turgeon\619-533-6575, MS 413
Secondary Contact\Phone: Tait Galloway\619-533-4550, MS 413
City Attorney Contact: Neuffer, Corrine

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

ITEM-335: North Park Community Plan Update, Rezoning, Land Development Code Amendments, General Plan Amendment, Local Coastal Plan Amendment and Certification of Program Environmental Impact Report No. 2013121076. (North Park Community Plan Area. District 3.)

ITEM DESCRIPTION:

This effort will replace the 1986 North Park Community Plan with an updated community plan for the North Park Community and include rezoning, the amendment to the Land Development Code and the certification of a Program Environmental Impact Report.

STAFF'S RECOMMENDATION:

Adopt the following resolutions in subitems A and B; and introduce the ordinances in subitems C, D, and E:

Subitem-A: (R-2017-165)

Adoption of a Resolution certifying Environmental Impact Report (EIR) SCH No. 2013121076 has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulation, Title 14, Chapter 3, Section 15000 et seq.), the Report reflects the independent judgement of the City of San Diego as Lead Agency and that the information in said Report, together with any comments received during the public review process with the approval of the Project;

Adopting the Findings and Statement of Overriding Consideration with respect to the Project, pursuant to CEQA Section 21081 and CEQA Guidelines Sections 15091 and 15093;

The Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the Office of the City Clerk at 202 C Street, San Diego, CA 92101;

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 after final passage of the ordinances associated with the Project.

Subitem-B: (R-2017-178 Cor. Copy)

Adoption of a Resolution, by the Council of the City of San Diego, amending the North Park Community Plan and the General Plan for the North Park Community Plan Update;

Determining mandatory and fundamental to advancement of the General Plan's goals, the North Park Community Plan incorporates each of the policies of the City of San Diego's 2008 General Plan;

Adopting the North Park Community Plan and the corresponding amendments to the General Plan, with a copy on file in the Office of the City Clerk;

Prior to becoming effective, this Resolution shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination;

If the SDCRAA finds this Resolution consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport (SDIA), this Resolution shall take effect and be in force as of the date of the finding of consistency by SDCRAA;

If the SDCRAA determines that this Resolution is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the SDIA, the Resolution shall be submitted to the City Council for reconsideration;

If the SDCRAA determines that this Resolution is conditionally consistent with the ALUCPs for the SDIA, but that consistency is subject to proposed modifications, the City Council may amend this Resolution to accept the proposed modifications, and this Resolution as amended shall take effect and be in force after its final passage;

A proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code Section 21670 and require a two-thirds vote, the proposed decision and findings shall be forwarded to the SDCRAA, California Department of Transportation, Division of Aeronautics, and the airport operators for the SDIA; and the City Council shall hold a second hearing not less than forty-five days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and any final decision to overrule a determination of inconsistency shall require a two-thirds vote;

If the City Council makes a final decision to overrule a determination of inconsistency, this Resolution shall take effect and be in force on the thirtieth day from and after its final passage.

Subitem-C: (O-2017-38)

Introduction of an Ordinance amending Chapter 15, Article 12, Division 1 of the San Diego Municipal Code by amending Sections 1512.0101 and 1512.0102; amending Chapter 15, Article 12, Division 2 by Amending Sections 1512.0201, 1512.0203, and 1512.0204; amending Chapter 15, Article 12, Division 3 by amending Sections 1512.0303 and 1512.0305, by repealing Section 1512.0307, by amending and renumbering Section 1512.0308 to Section 1512.0307, Section 1512.0309 to Section 1512.0308, and by renumbering Section 1512.0310 To Section 1512.0309, Section 1512.0311 to Section 1512.0310, and Section 1512.0312 to Section 1512.0311; amending Chapter 15, Article 12, Division 4 by amending Sections 1512.0402 and 1512.0404, all relating to the North Park Community Plan Update and the Mid-City Communities Planned District Ordinance.

Subitem-D: (O-2017-39)

Introduction of an Ordinance amending Chapter 12, Article 6, Division 2 of the San Diego Municipal Code by amending Section 126.0203; amending Chapter 12, Article 7, Division 1 by amending Section 127.0109; amending Chapter 13, Article 1, Division 1 by amending Section 131.0112; amending Chapter 13, Article 1, Division 2 by amending Section 131.0222; amending Chapter 13, Article 1, Division 5 by amending Sections 131.0502, 131.0522, 131.0531, and 131.0556; amending Chapter 13, Article 2, Division 9 by amending Sections 132.0902 and 132.0905; amending Chapter 14, Article 1, Division 10 by adding new Section 141.1001, by renumbering Section 141.1001 to Section 141.1002, Section 141.1002 to Section 141.1003, Section 141.1003 to Section 141.1004, Section 141.1004 to Section 141.1005, Section 141.1005 to Section 141.1006, Section 141.1006 to Section 141.1007, Section 141.1007 to Section 141.1008, and Section 141.1008 to Section 141.1009; and by amending Chapter 14, Article 3, Division 1 by amending Section 143.0111, all relating to the North Park Community Plan Update.

Subitem-E: (O-2017-53)

Introduction of an Ordinance of the Council of the City of San Diego Rezoning 1,240 Acres Located within the Greater North Park Planning Area, in the City of San Diego, California, from Mid-City Communities Planned District Ordinance to the OP-1-1, RS-1-1, RS-1-7, RM-1-1, RM-2-5, RM-3-7, RM-3-8, RM-3-9, CN-1-3, CN-1-5, CC-3-4, CC-3-6, CC-3-7, CC-3-8, and CC-3-9 Zones, and Repealing Ordinance No. O-19598, adopted April 26, 2007, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On October 5, 2016, the Smart Growth and Land Use Committee recommended to forward the plan update to City Council without a recommendation of either approval or denial.

Murphy/Graham/lg

Primary Contact/Phone: Lara Gates/619-236-6006, MS 413

Secondary Contact/Phone: Tait Galloway/619-533-4550, MS 413

City Attorney Contact: Neuffer, Corrine

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

ITEM-336: Preliminary Bond Authorization for Casa Puleta Apartments. (District 8.)

ITEM DESCRIPTION:

Take the initial steps to issue Housing Authority of the City of San Diego Multifamily Housing Revenue Bonds, which are allocated by the State, to fund the acquisition and rehabilitation of Casa Puleta Apartments, a 54-unit multifamily affordable housing rental development, located in the Southeastern San Diego Community, which will remain affordable for 55 years.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

(R-2017-183)

Declaring the City Council of the City of San Diego, as the applicable elected representative under Section 147(f) of the Code, approves the issuance of the Bonds by the Housing Authority of the City of San Diego (Authority);

Declaring that the City does not warrant the creditworthiness of the Bonds or guarantee, in any way, the payment of the Bonds. No moneys of the City will be pledged or applied to the repayment of the Bonds;

Declaring that the proposed rehabilitation is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines because the Project is an existing facility and the proposed actions do not involve expansion of the existing use.

SUPPORTING INFORMATION:**FISCAL CONSIDERATIONS:**

The proposed funding sources and uses approved by this action are included in the Housing Authority-approved Fiscal Year (FY) 2017 Housing Commission Budget. Approving this action will not change the FY 2017 total budget. Funding sources approved by this action will be as follows: Bond Issuance Fees - \$15,625 Funding uses approved by this action will be as follows: Housing Commission Rental Housing Finance Program Administration Costs - \$15,625.

Approval of the bond inducement and TEFRA resolutions does not commit the Housing Authority to issue bonds. The bonds would not constitute a debt of the City. If bonds are ultimately issued for the development, the bonds will not financially obligate the City, the Housing Authority or the Housing Commission because security for the repayment of the bonds will be limited to specific private revenue sources of the development. Neither the faith and credit nor the taxing power of the City or the Housing Authority would be pledged to the payment of the bonds. The developer is responsible for the payment of all costs under the financing, including the Housing Commission's annual administrative fee, as well as Housing Commission Bond Counsel and Financial Advisor fees.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Davis/Graham

Primary Contact\Phone: Ted Mijahara\619-578-7550
City Attorney Contact: Chung, Walter C.

NOTE: See the Housing Authority Agenda of October 25, 2016, for a companion item.

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

ITEM-337: Certification of the Pure Water Program Final Environmental Impact Report No. 438188/SCH No. 2014111068. (Citywide.)

ITEM DESCRIPTION:

This action is for approval and certification of the Pure Water San Diego Program Final Environmental Impact Report, adoption of the Findings, and Mitigation, Monitoring and Reporting Program and approval of the Pure Water San Diego Program.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2017-88)

Adoption of a Resolution certifying that the Report has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project;

Adopting the Findings made with respect to the Project, pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, which are attached hereto as Exhibit A;

Adopting 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, pursuant to CEQA Section 21081.6, which is attached hereto as Exhibit B;

Declaring that the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the Office of the City Clerk, 202 C Street, San Diego, CA 92101;

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

Subitem-B: (R-2017-87)

Adoption of a Resolution approving the Pure Water San Diego Program, as described and analyzed in the PEIR No. 438188/SCH No.2014111068.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On April 29, 2014, City Council adopted a resolution in support of the Pure Water Program. On July 23, 2014, the Public Utilities Department (PUD) presented a Pure Water San Diego Public Outreach Program Update to the Committee on the Environment. On November 18, 2014, City Council approved the Mayor's proposal to submit the renewal application for a modified NPDES Permit for the PLWTP and requested authorization to enter into a Cooperative Agreement between the City, San Diego Coastkeeper, Surfrider Foundation San Diego Chapter, Coastal Environmental Rights Foundation, and SD Audubon Society in support of the Point Loma NPDES Permit and Pure Water. On December 9, 2014, City Council approved the award of a 5-year, \$30,000,000 Agreement with Montgomery Watson Harza Americas, Inc. (MWH), for As-Needed Engineering Technical Services to support PUD in the implementation of the Pure Water Program. On March 25, 2015, PUD provided an update on the Pure Water Program to the Committee on the Environment. On January 12, 2016, City Council approved the award of a 5-year, \$21,188,977 Agreement with HDR, Inc. for the North City Conveyance System. On July 21, 2016, PUD provided an update on the Pure Water Program to the Committee on the Environment. On July 21, 2016, the Committee on the Environment voted to move the request to amend the \$30 million/5-year Agreement for As-Needed Engineering and Technical Services with MWH Americas, Inc., to increase its not-to-exceed amount by \$16,400,000. This item was heard at the Committee on the Environment on October 12, 2016, and forwarded to the full Council with a recommendation to adopt the resolutions.

LaNier/Gomez/jh

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City Attorney Contact: Leone, Christine

NON-DOCKET ITEMS**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES****ADJOURNMENT**