

REVISED

CITY OF SAN DIEGO COUNCIL AGENDA



COUNCIL PRESIDENT

Myrtle Cole • Fourth District

COUNCIL PRESIDENT PRO TEM

Barbara Bry • First District

COUNCILMEMBERS

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

**Andrea Tevlin
Independent
Budget Analyst**

**Mara W. Elliott
City Attorney**

**Elizabeth Maland
City Clerk**

Council Chambers, 12th Floor, City Administration Building

Tuesday, November 13, 2018

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, NOVEMBER 13, 2018, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ALTERNATE FORMATS

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

SENATE BILL 343 (LATE-ARRIVING MATERIALS)

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

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

OTHER LEGISLATIVE MEETINGS

PUBLIC FACILITIES FINANCING 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 Bret Bartolotta at (619) 533-5894. Internet access to the agenda is available at:

<https://www.sandiego.gov/city-clerk/officialdocs/legisdocs/pffa>

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

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

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF COUNCIL MINUTES

09/24/2018

09/25/2018

10/01/2018 Adjourned

10/02/2018 Adjourned

ADOPTION AGENDA, CONSENT ITEMS

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

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE INTRODUCED:

Item 50: Award a First Amendment to the Consultant Agreement with Michael Baker International (MBI) for Professional Services for the Design and Construction Support of the 69th and Mohawk Pump Station (Contract No. H146059).

Total Estimated Cost of Proposed Action and Funding Source:

The total estimated cost of this First Amendment is \$125,054. The funding is available within the previously approved CIP Project: 69th and Mohawk Pump Station, WBS S-12011.

Council District(s) Affected: 9.

Proposed Actions:

(O-2019-66)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute Amendment No.1 to the Contract with Michael Baker International, extending the Contract through 2020, in connection with the 69th & Mohawk Pump Station Project.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Infrastructure Committee meeting on October 24, 2018.

ACTION: Motion by Councilmember Ward, second by Councilmember Zapf, to recommend Council approval of staff's proposed action.

VOTE: 3-0; Kersey-yea, Ward-yea, Zapf-yea, Alvarez-not present.

Public Works: Elif Cetin, (619) 533-3374

City Attorney Contact: Mark M. Mercer

Item 51: Third Amendment to Agreement for Engineering Services Contract No. H063074 with Kleinfelder, Inc. for the Palm Avenue & I-805 Interchange Improvements Project.

Total Estimated Cost of Proposed Action and Funding Source:

This proposed Third Amendment will authorize to expend an amount not-to-exceed \$78,646, in S-00869 Palm Avenue & I-805 Interchange Improvement Project, Fund 400093, Otay Mesa-West Facilities Benefit

Assessment. With this amendment, the total Contract amount will be not-to-exceed \$5,552,251.

Council District(s) Affected: 8.

Proposed Actions:

(O-2019-65)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute the Third Amendment to the Agreement with Kleinfelder, Inc. for additional engineering services, in an amount not-to-exceed \$78,646, extending the Agreement through December 29, 2023, in connection with the Palm Avenue and Interstate 805 Interchange Improvements Project.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Infrastructure Committee meeting on October 24, 2018.

ACTION: Motion by Vice Chair Alvarez, second by Councilmember Ward, to recommend Council approval of staff's proposed action.

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

Public Works: Akram Bassyouni, (619) 533-3616

City Attorney Contact: Miguel Merrell

Item 52: Awarding the Consultant Agreement with Kleinfelder Inc. for Professional Services for Design and Construction Support Services of the Lakeside Valve Station Replacement (H186974) Project.

Total Estimated Cost of Proposed Action and Funding Source:

The total estimated consultant design cost for this project is \$2,426,032. Funding is available in CIP AKA.00003, Large Diameter Water Transmission PPL (B-17082, Lakeside Valve Station Replacement), Fund 700010, Water Utility CIP for this purpose.

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

Proposed Actions:

(O-2019-67)

Introduction of an ordinance authorizing the Mayor, or his designee, to enter into an Agreement with Kleinfelder, Inc., in an amount not-to-exceed \$2,637,116, to provide professional design services, related to the Lake Side Valve Station Project.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Infrastructure Committee meeting on October 24, 2018.

ACTION: Motion by Councilmember Ward, second by Councilmember Zapf, to recommend Council approval of staff's proposed action.

VOTE: 3-0; Kersey-yea, Ward-yea, Zapf-yea, Alvarez-not present.

Public Works: Elif Cetin, (619) 533-3794

City Attorney Contact: Mark Mercer

Item 53: Exemption of a Program Coordinator Position in the Human Resources Department from the Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

The new Program Coordinator position's annual salary will be approximately \$82,638. Projected savings in personnel expenditures, due to vacancies, will offset the cost of this position add.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2019-62)

Introduction of an ordinance authorizing the exemption of one Program Coordinator position in the City's Human Resources Department from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on October 4, 2018. This Program Coordinator position will oversee the City's Employee Assistance Program and Temporary Light Duty Program, as well as serve as a Department of Transportation qualified substance abuse professional. This Action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken: N/A

Human Resources: Abby Jarl-Veltz, (619) 236-6314

City Attorney Contact: Joan F. Dawson

Item 54: First Amendment to the Agreement with Merkel & Associates, Inc. for Professional Services on the Mission Bay Dredging Project.

Total Estimated Cost of Proposed Action and Funding Source:

This Amendment to the Agreement will be funded by the Mission Bay Park Improvements fund. Total Agreement cost an amount not-to-exceed: \$492,434.

Council District(s) Affected: 2.

Proposed Actions:

(O-2019-68)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute Amendment No. 1 to the Contract with Merkel & Associates, Inc., extending the Contract through December 31, 2023, in connection with the Mission Bay Navigational Safety Dredging Project.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Infrastructure Committee meeting on October 24, 2018.

ACTION: Motion by Councilmember Ward, second by Councilmember Zapf, to recommend Council approval of staff's proposed action.

VOTE: 3-0; Kersey-yea, Ward-yea, Zapf-yea, Alvarez-not present.

Public Works: Elif Cetin, (619) 235-1968

City Attorney Contact: Bonny Hsu

Item 55: Amendment No. 5 to the Agreement between the City of San Diego and Procopio, Cory, Hargreaves & Savitch LLP, for Legal Services in Connection with Insurance Coverage Representation and Counseling in the De Anza Cove Mobile Home Park Litigation Matters.

Total Estimated Cost of Proposed Action and Funding Source:

\$815,891.50 to be paid from Public Liability Fund No. 720045.

Council District(s) Affected: 2.

Proposed Actions:

(O-2019-42)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute Amendment No. 5 to the Agreement for Legal Services between the

City and Procopio, Cory, Hargreaves & Savitch, LLP, in connection with De Anza Cove Mobile Home Park insurance and litigation matters.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken: N/A

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

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE ADOPTED:

Item 56: Action on Referendary Petition- Ordinance Nos. O-20977 and O-20978 (Ordinances relating to Code Enforcement and Short Term Residential Occupancy).

Total Estimated Cost of Proposed Action and Funding Source:

Final election costs will be calculated based on which ballot the matter is placed on, the total number of participating jurisdictions, and the number of items placed on the ballot along with other factors. The cost is unknown at this time.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 10/22/2018, Item 600, Subitem A. (Council voted 8-1. Councilmember Zapf-nay):

(O-2019-51)

Ordinance granting a referendary petition against Ordinances No. O-20977 and O-20978, and repealing the Ordinances, relating to Code Enforcement and Short Term Residential Occupancy.

Committee Actions Taken: N/A

Office of the City Clerk: Elizabeth Maland, (619) 533-4080

City Attorney Contact: Shannon Thomas, Sharon Spivak

Item 57: Approval of an Ordinance amending San Diego Municipal Code Elective Office Vacancy, Succession, and Removal Provisions, Chapter 2, Article 7.

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

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 10/23/2018, Item 330. (Council voted 9-0):

(O-2019-31)

Ordinance approving amendments to the San Diego Municipal Code related to vacancies in elective office and removal of elective officers for cause.

Committee Actions Taken: N/A

Office of the City Attorney: Jennifer L. Berry, (619) 533-5832

Item 58: Second Amendment to the Memorandum of Understanding Between City of San Diego, County of San Diego and San Diego County Water Authority for the Integrated Regional Water Management Program for Fiscal Years 2012-2016.

Total Estimated Cost of Proposed Action and Funding Source:

The project will be funded by the Water Fund 700011. Cost of Second Amendment: \$162,173.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 10/23/2018, Item 51. (Council voted 9-0):

(O-2019-49)

Ordinance for the Second Amendment of the MOU between the City, County and County Water Authority for the City to add \$162,173 to fund the Integrated Regional Water Management Program through 2020.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken: N/A

Public Utilities: Lan C. Wiborg, (619) 533-4112

City Attorney Contact: Ray Palmucci

Item 59: Exemption of one Program Coordinator Position in the Risk Management Department from the Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

This action will authorize the exemption of one Program Coordinator from Classified Service. Funds for this position are available in 720048, Risk Management Administration Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 10/23/2018, Item 50. (Council voted 9-0)

(O-2019-52)

Ordinance authorizing the exemption of one Program Coordinator position in the City's Risk Management Department from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on October 4, 2018. This Program Coordinator position will be responsible for overseeing internal controls for the Department's claims management system and finance activities.

Committee Actions Taken: N/A

Risk Management: Julio Canizal, (619) 236-6651

City Attorney Contact: Joan F. Dawson

Item 60: Request to Exempt One Program Coordinator Position in the Department of Government Affairs from the Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

Funding for this position was approved in the Fiscal Year 2019 Adopted Budget.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 10/30/2018, Item 50. (Council voted 9-0):

(O-2019-56)

Ordinance authorizing the exemption of one Program Coordinator position in the City's Government Affairs Department from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on October 4, 2018. This Program Coordinator position will be

responsible for coordinating Grant writing and external advocacy efforts for the City. This action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken: N/A

Government Affairs: Patrick Bouteller, (619) 533-5965

City Attorney Contact: Joan F. Dawson

Item 61: First Amendment to the Agreement between the City of San Diego and SpinifexIT North America, Inc., for software licenses.

Total Estimated Cost of Proposed Action and Funding Source:

A term of up to 7 years to extend the Contract with an amount not-to-exceed of \$221,795. Funds are budgeted in the OneSD fixed costs annual allocations from Fund 200610 – SAP Support Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 10/30/2018, Item 51. (Council voted 9-0):

(O-2019-038)

Ordinance authorizing the Mayor, or his designee, to execute the First Amendment to the Agreement with SpinifexIT North America, Inc., extending the Agreement for a term of up to an additional seven years, and increasing the not-to-exceed amount by \$221,795, for a total not-to-exceed amount of \$461,795.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken: N/A

Department of Information Technology: Michelle Villa, (619) 236-6610

City Attorney Contact: Steven Lastomirsky

Item 62: Old Town San Diego Community Plan Update.

Total Estimated Cost of Proposed Action and Funding Source:

Not applicable.

Council District(s) Affected: 3.

Proposed Actions:

Adopt the following ordinances which were introduced on 10/29/2018, Item 203, Subitems C, D, and E. (Council voted 9-0):

Approval of the Old Town San Diego Community Plan update and associated General Plan amendments, Old Town San Diego Planned District Ordinance amendments, Land Development Code amendments, rezoning, and certification of Program Environmental Impact Report.

Subitem-A: (O-2019-57)

Ordinance Amending the Land Development Code Relating to the Residential Tandem Parking Overlay Zone and the City's Local Coastal Program.

Subitem-B: (O-2019-58)

Ordinance Amending the Land Development Code Relating to the Old Town San Diego Community Plan Update and Old Town San Diego Planned District.

Subitem-C: (O-2019-54)

Ordinance Rezoning 274.6 Acres in the Old Town San Diego Planning Area.

Committee Actions Taken: N/A

Planning: Vickie White, (619) 533-3945

City Attorney Contact: Jeremy Jung

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

Item 100: Resolution Approving the Agreement Between the City and San Diego Police Officers Association Amending the Memorandum of Understanding Regarding Uniform and Equipment Allowance for the Neighborhood Policing Division.

Total Estimated Cost of Proposed Action and Funding Source:

The fiscal impact for this item is \$28,000 for the current fiscal year and \$12,000 on-going cost for each fiscal year.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-215)

Resolution approving and ratifying an Agreement between the City of San Diego and the San Diego Police Officers Association, to amend Article 26, Section B, paragraph 4 of the Memorandum of Understanding to increase the uniform and safety equipment allowances for police officers permanently assigned to the Neighborhood Policing Division of the San Diego Police Department.

6 votes required pursuant to Charter Section 11.2.

Committee Actions Taken: N/A

Human Resources: Colin Brazile, (619) 236-5558

City Attorney Contact: Joan F. Dawson

Item 101: Second Amendment to City of San Diego Third Amended and Restated Flat Rate Lease with Brown Field Aviation Ventures Inc., regarding 20.29 acres of City-owned real property at Brown Field Municipal Airport.

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

Council District(s) Affected: 8.

Proposed Actions:

Subitem-A: (R-2019-219)

Resolution authorizing execution of the Second Amendment to the Third Amended and Restated Flat Rate Lease with Brown Field Aviation Ventures, Inc. for the lease of 20.29 acres of City-owned property located at the Brown Field Municipal Airport and related actions.

Subitem-B: (R-2019-218)

Resolution determining that the authorization of the execution of the Second Amendment to the Third Amended and Restated Flat Rate Lease with Brown Field Aviation Ventures, Inc. for the lease of 20.29 acres of City-owned property located at the Brown Field Municipal Airport is exempt from the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines.

Committee Actions Taken:

This item was heard at the Smart Growth and Land Use Committee meeting on October 17, 2018.

ACTION: Motion by Councilmember Sherman, second by Councilmember Zapf, to recommend Council approval of staff's proposed actions.

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

Real Estate Assets: Thurman Hodges, (858) 573-1426

City Attorney Contact: David L. Powell

Item 102: Lease with San Diego Rowing Club and Intercollegiate Rowing Consortium for the City-owned property, APN 760-031-04, Located in the Mission Bay Park.

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

Council District(s) Affected: 2.

Proposed Actions:

Subitem-A: (R-2019-216)

Resolution authorizing execution of a public purpose lease with The San Diego Rowing Club and the Intercollegiate Rowing Consortium for the lease of City-owned property located at Mission Bay Park and related actions.

Subitem-B: (R-2019-217)

Resolution determining that the authorization of the execution of a public purpose lease with The San Diego Rowing Club and the Intercollegiate Rowing Consortium for the lease of City-owned property located at Mission Bay Park is exempt from the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines.

Committee Actions Taken:

This item was heard at the Smart Growth and Land Use Committee meeting on October 17, 2018.

ACTION: Motion by Councilmember Sherman, second by Councilmember Zapf, to recommend Council approval of staff's proposed actions.

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

Real Estate Assets: Vladimir Balotsky, (619) 235-5248

City Attorney Contact: Hilda R. Mendoza

Item 103: Fiscal Year 2018 Urban Area Security Initiative Grant Program.

Total Estimated Cost of Proposed Action and Funding Source:

\$16,700,000 of Urban Area Security Initiative Grant funding administered by the City of San Diego for the entire San Diego Urban Area.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-205)

A resolution authorizing the Mayor, or his designee, to apply for and accept \$16,700,000 and any additional Grant funding from the California Governor's Office of Emergency Services to implement the FY 2018 Homeland Security Grant Program (HSGP). The resolution also authorizes the Chief Financial Officer, or their designee, to appropriate and expend \$13,810,900 and any additional Grant funding awarded under the FY 2018 HSGP, as well as execute all agreements necessary for the purpose of implementing the FY 2018 HSGP, contingent upon funding being secured.

Committee Actions Taken:

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on October 24, 2018.

ACTION: Motion by Councilmember Zapf, second by Vice Chair Bry, to recommend Council approval of staff's proposed action.

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

Office of Homeland Security: Megan Beall, (619) 533-6764

City Attorney Contact: Noah Brazier

Item 104: Adopting an Amended Conflict of Interest Code for the Risk Management Department.

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

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-126)

Resolution amending the Conflict of Interest Code for the Risk Management Department.

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

Committee Actions Taken: N/A

Office of the City Attorney: Patti Byer, (619) 236-6590

City Attorney Contact: Monica Willian

Item 105: Settlement of Donald Hildre v. City of San Diego, San Diego Superior Court Case No. 37-2017-00004795-CU-PO-CTL. Claim No. 14553.

Total Estimated Cost of Proposed Action and Funding Source:

Settlement in the amount of \$100,000 will be paid from Public Liability Fund No. 720045.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-195)

Resolution authorizing the settlement of Donald Hildre v. City of San Diego, San Diego Superior Court Case No. 37-2017-00004795-CU-PO-CTL, for personal injuries arising from a trip and fall on the sidewalk adjacent to 3503 Browning Street, in the City of San Diego, on June 27, 2016. Claim No. 14553.

Committee Actions Taken: N/A

Office of the City Attorney: Cassandra Mouglin, (619) 533-5850

Item 106: Settlement of State Farm General Insurance Company v. City of San Diego, San Diego Superior Court Case No. 37-2017-00040020-CU-PO-CTL. Risk Management File No. 14782.

Total Estimated Cost of Proposed Action and Funding Source:

Settlement in the amount of \$95,000 will be paid from Water Fund No. 700011.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-177)

Resolution authorizing the settlement of a subrogation claim made by State Farm General Insurance Company on behalf of its insured A. Luciano Orozco, San Diego Superior Court Case No. 37-2017-00040020-CU-PO-CTL, to mitigate and remedy damage caused by a City water main rupture at 4062 Oregon Street. Claim No. 14782.

Committee Actions Taken: N/A

Office of the City Attorney: Danna W. Nicholas, (619) 533-5873

Item 107: Appointment of the City's Management Team for the Purposes of Meeting and Conferring with the City's Recognized Employee Organizations.

Total Estimated Cost of Proposed Action and Funding Source:

There is no known fiscal impact.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-208)

Resolution designating the City of San Diego's management team for labor negotiations with the City's recognized employee organizations, in accordance with the Meyers-Milias-Brown Act, San Diego Charter, and City Council Policy 300-06.

Committee Actions Taken: N/A

Human Resources: Abby Jarl-Veltz, (619) 236-6314

City Attorney Contact: Joan F. Dawson

Item 108: Repeal Council Policy 000-25: Records Management Program.

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

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-226)

Resolution repealing Council Policy 000-25.

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

Committee Actions Taken: N/A

Office of the City Clerk: Elizabeth Maland, (619) 533-4080

City Attorney Contact: Monica Willian

Item 109: Declaration of a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

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

Council District(s) Affected: .

Proposed Actions:

(R-2019-94)

Declaration of a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

City Attorney Contact: Thomas C. Zeleny

PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED IN CHAMBERS)

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

Item 30: Complex Regional Pain Syndrome Awareness Month.

MAYOR FAULCONER'S AND COUNCIL PRESIDENT PRO TEM BRY'S
RECOMMENDATION:

Proclaiming November 2018, to be "Complex Regional Pain Syndrome Awareness Month" in the City of San Diego.

Item S500: The Undress - Agents of Change Day. (Added 11/9/18)

COUNCILMEMBER KERSEY'S AND COUNCILMEMBER SHERMAN'S
RECOMMENDATION:

Proclaiming November 30, 2018, to be "The Undress - Agents of Change Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

None.

ITEMS PULLED FROM THE CONSENT AGENDA

NON-AGENDA PUBLIC COMMENT

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

Per Section 22.0101, Rule 2.6.2, of the San Diego Municipal Code, comments are limited to two (2) minutes per speaker. Speakers may not allocate their time to other speakers. If there are eight (8) or more speakers on a single issue, the maximum time allotted for that issue will be sixteen (16) minutes. Non-Agenda Public Comment is limited to 30 minutes during the Tuesday morning Council session. Any remaining speakers will be given an opportunity to speak after Council concludes the remaining agenda items for that day. Speaker order will generally be decided on a first-come, first-served basis. However, in the event that there are more than fifteen (15) Non-Agenda Public Comment speakers on a particular Tuesday, priority may be given to those speakers who did not speak during Non-Agenda Public Comment at the most recent prior Council meeting.

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

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE BY COUNCILMEMBERS

ADOPTION AGENDA, DISCUSSION ITEMS

ADOPTION AGENDA

DISCUSSION, ORDINANCES TO BE INTRODUCED:

Item 330: Amendments to the City of San Diego Ethics and Lobbying Ordinances Relating to Confidential Information.

This item will be heard in the morning session which is scheduled to begin at 10:00 a.m.

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

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (O-2019-43)

Introduction of an ordinance amending Chapter 2, Article 7, Division 35, Section 27.3504(e) of the San Diego Municipal Code (the San Diego Ethics Ordinance) to prevent a City Official from disclosing the City's confidential information unless such disclosure is specifically authorized by law.

Subitem-B: (O-2019-44)

Introduction of an ordinance amending Chapter 2, Article 7, Division 40, Sections 27.4002 and 27.4023 of the San Diego Municipal Code (the Municipal Lobbying Ordinance) to prohibit a lobbyist from using, accepting, or disclosing the City's confidential information.

Committee Actions Taken: N/A

Office of the City Attorney: Mara W. Elliott, (619) 533-5605

City Attorney Contact: Monica Willian

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

Item 331: Ratification of eleven (11) Public Works Emergency Sole Source Contracts.

This item will be heard in the morning session which is scheduled to begin at 10:00 a.m.

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

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-210)

Resolution ratifying eleven emergency contracts, pursuant to San Diego Municipal Code Section 22.3108, with Arrieta Construction, Hazard Construction, JR Filanc, Orion Construction, and TC Construction, in the cumulative amount not-to-exceed \$7,415,073. The emergency contracts were executed to provide repairs to failures that included electrical, mechanical, sewer, water, and storm drain systems.

6 votes required pursuant to San Diego Municipal Code Section 22.3108(a). (Rev. 11/7/18)

Committee Actions Taken:

This item was heard at the Infrastructure Committee meeting on October 24, 2018.

ACTION: Motion by Vice Chair Alvarez, second by Councilmember Zapf, to recommend Council approval of staff's proposed action.

VOTE: 3-0; Kersey-yea, Zapf-yea, Alvarez-yea, Ward-not present.

Public Works: Julie Ballesteros, (619) 533-4634

City Attorney Contact: Miguel Merrell

Item 332: Proposed Response to Grand Jury Report entitled "San Diego Community Review Board on Police Practices."

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

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

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-220)

Resolution approving the City of San Diego's response to the San Diego County Grand Jury report, "San Diego Community Review Board on Police Practices."

Committee Actions Taken:

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on September 19, 2018.

ACTION: Motion by Vice Chair Cate, second by Councilmember Zapf, to recommend Council approve the proposed response.

VOTE: 3-0; Cate-yea, Zapf-yea, Gomez-yea, Bry-not present.

Office of the Independent Budget Analyst: Chris Olsen, (619) 236-6446
City Attorney Contact: Catherine Morrison

Item 333: Authorization for the Public Facilities Financing Authority of the City of San Diego Water Revenue Bonds Preliminary Official Statement (POS) and Bond Purchase Agreement (BPA).

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

Total Estimated Cost of Proposed Action and Funding Source:

Please see Staff Report for fiscal considerations.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-196)

Resolution approving the forms and authorizing the execution and delivery of a Bond Purchase Agreement, a Preliminary Official Statement relating to the Public Facilities Financing Authority of the City of San Diego's Subordinated Water Revenue Bonds, Series 2018A, the Official Statement for such issue of Bonds, and certain other documents and actions in connection therewith.

Committee Actions Taken: N/A

Debt Management: Jyothi Pantulu, (619) 236-6917
City Attorney Contact: Bret A. Bartolotta

See the Public Facilities Financing Authority Agenda of November 13, 2018, for a related item.

Item 334: Approval of Purchase and Sale Agreements (Market Street North, Market Street South, Former Valencia Library Site, and El Cajon Boulevard/I-15 Site) for Sale of Certain Former Redevelopment Agency Properties.

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

Total Estimated Cost of Proposed Action and Funding Source:

Redevelopment dissolution laws mandate net proceeds from sale of these assets be transmitted to County Auditor-Controller for distribution to ATE's in proportion to their share of general property tax revenues. Based on anticipated gross sales proceeds-cumulative amount of \$1,608,668 from the proposed transactions, less est. expenses of \$128,693 resulting in est. net proceeds of \$1,479,975 the City would receive \$251,595 as its share of net sales proceeds which would be General Fund revenue.

Council District(s) Affected: 3, 4, 9.

Proposed Actions:

Subitem-A: (R-2019-12)

Resolution approving certain actions related to the Successor Agency's sale of Former Valencia Park Library located at 101 50th Street in Lincoln Park Neighborhood of the Southeastern San Diego Community Plan Area.

Subitem-B: (R-2019-203)

Resolution approving certain actions related to the Successor Agency's sale of Market Street North in the Mount Hope Neighborhood of the Southeastern San Diego Community Plan Area.

Subitem-C: (R-2019-202)

Resolution approving certain actions related to the Successor Agency's sale of Market Street South in the Mount Hope Neighborhood of the Southeastern San Diego Community Plan Area.

Subitem-D: (R-2019-90)

Resolution approving certain actions related to the Successor Agency's sale of El Cajon Boulevard/I-15 Site in the Mid-City Communities Plan Area.

Committee Actions Taken: N/A

Civic San Diego: Jeff Zinner, (619) 533-7122

City Attorney Contact: Kate Malcolm

ADOPTION AGENDA

DISCUSSION, NOTICED HEARINGS:

Item 335: Appeal of the Environmental Determination for MPF (Marijuana Production Facility) 10671 Roselle Street – Project No. 585605.

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

Total Estimated Cost of Proposed Action and Funding Source:

All costs associated with processing of this project are paid through a deposit account by the applicant.

Council District(s) Affected: 1.

Proposed Actions:

Appeal of the Environmental Exemption for a proposed Conditional Use Permit (CUP) to operate a Marijuana Production Facility (MPF) within an existing building. This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) on August 31, 2018. The scope of the subject hearing only includes the environmental determination, and not the CUP. The project site is located at 10671 Roselle Street in the IL-3-1 Zone within the Torrey Pines Community Plan area and Council District 1. The project site is also located in the Coastal Overlay Zone (Appealable and Non-Appealable), Coastal Height Limit Overlay Zone, MCAS Miramar Airport Land Use Compatibility Overlay Zone (Airport Influence Area - Review Area 1 and Accident Potential Zone 2), Parking Impact Overlay Zone (Campus and Coastal), Transit Priority Area, and designated as Prime Industrial Lands in the Economic Prosperity Element of the General Plan.

According to San Diego Municipal Code Section 112.0520(e) Power to Act on Appeal, the City Council shall consider the appeal and may:

(1) By a majority vote, deny the appeal and approve the environmental determination that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15303(c) (New Construction or Conversion of Small Structures); or

(2) By a majority vote, grant the appeal and set aside the environmental determination in accordance with San Diego Municipal Code Section 112.0520(f);

Directing the City Attorney to prepare the appropriate resolution according to Section 40 of the City Charter;

If the City Council grants the appeal, the lower-decision maker's decision to approve the project shall be held in abeyance. The City Council shall retain jurisdiction to act on the revised environmental determination and associated project at a subsequent public hearing.

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

Committee Actions Taken: N/A

Development Services: Firouzeh Tirandazi, (619) 446-5325

City Attorney Contact: Jeremy Jung

Item 336: Approval of various items related to the City's creation of a Housing Navigation Center at 1401 Imperial Avenue, San Diego, California 92113.

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

Total Estimated Cost of Proposed Action and Funding Source:

The City of San Diego will fund this project. The City of San Diego has made available \$1 million of Community Development Block Grant (CDBG) funding, \$300,000 from the City General fund, and \$250,000 from the City Low and Moderate Income Housing Asset fund.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (O-2019-25)

Introduction of an ordinance declaring the Housing Navigation Center located at 1401 Imperial Avenue, San Diego, California a permitted use in the Centre City Planned District Ordinance and requires no land use or development permit by the City of San Diego or recommendation by the Planning Commission, and subjecting the use to conditions concerning lighting, graffiti and litter, and restricting overnight accommodations.

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

Subitem-B: (R-2019-88)

Resolution authorizing a Memorandum of Understanding with the San Diego Housing Commission for administration of the Housing Navigation Center at 1401 Imperial Avenue, San Diego, California, 92113.

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

Committee Actions Taken: N/A

Office of the Mayor: Keely Halsey, (619) 236-6213

City Attorney Contact: Heather Ferbert

NON-AGENDA ITEMS

REPORT OUT FROM CLOSED SESSION

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT