

CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Sherri Lightner • First District

COUNCIL PRESIDENT PRO TEM

Marti Emerald • Ninth District

COUNCILMEMBERS

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

Andrea Tevlin
Independent
Budget Analyst

Jan Goldsmith
City Attorney

Liz Maland
City Clerk

Council Chambers, 12th Floor, City Administration Building

Tuesday, November 15, 2016

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, NOVEMBER 15, 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:

10/10/2016 - Adjourned
10/11/2016 - Adjourned

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: Approve an Ordinance to extend the existing Agreement with the City's contracted fuel supplier (SOCO) for an additional 18-months for purchase of gasoline and Diesel fuels.

ITEM DESCRIPTION:

This item is to execute an extension to an Agreement with the The SOCO Group (SOCO) for fuel services to the City of San Diego and 26-other local Agencies.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-59)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute the Second Amendment to the Contract with The SOCO Group (SOCO) for various fuels;

Authorizing the Chief Financial Officer to expend an amount not-to-exceed \$6,830,000 from Fleet Operating Fund No. 720000, solely and exclusively, to purchase fuel under the above referenced Contract for the period from January 23, 2017, to June 30, 2017;

Authorizing the Chief Financial Officer to expend an amount not-to-exceed \$20,500,000 from Fleet Operating Fund No. 720000 (including the \$6,830,000 referenced above), solely and exclusively, to purchase fuel under the above referenced Contract for the period from January 23, 2017, to June 30, 2018, contingent on approval of sufficient funds in the Fiscal Year 2018 Budget and provided the Chief Financial Officer first furnishes one or more certificates demonstrating the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

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

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The First Amendment to the Agreement authorized the option for Renewable Diesel. With this action, approving the Second Amendment to the Agreement, the total Contract will be increased to \$102,500,000.

The expenditures associated with the Contract and the subsequent Amendments are contingent upon the adoption of the Fiscal Year 2018, Adopted Budget and Annual Appropriation Ordinance and contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Fuel prices fluctuate daily and amounts provided for the 18 month extension period are based on projected estimates only and are not intended to be fixed amounts. The Fuel Budget Allocation is reviewed and analyzed throughout the year with the Financial Management Department, as well as during development of the Annual Budget. Adjustments, if necessary, may be requested during the quarterly monitoring process. Calendar year 2016, fuel expenditure was \$12,868,864.

Background:

The cost for the Original Agreement for fuel services was:

Year one (01/2012 - 01/2013) Actuals: \$ 26,400,000
Year two (02/2013 - 01/2014) Actuals: \$17,600,000
Year three (02/2014 - 01/2015) Actuals: \$13,900,000
Year four (02/2015 - 01/2016) Actuals: \$11,200,000
Year five (02/2016 - 01/2017) Projections: \$12,900,000
Total: \$82,000,000

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 Cole, to recommend Council introduce the ordinance.

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

Khouri/Villa

Primary Contact\Phone: Alia Khouri\619-527-6014, MS 42
Secondary Contact\Phone: Me'Ya Alomar 619-527-5410
City Attorney Contact: Zeleny, Thomas C.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

* ITEM-51: Establishment of the Bicycle Advisory Board under Charter Section 43(a).
(Citywide.)

ITEM DESCRIPTION:

Subitem A: Adopt the ordinance to establish the Bicycle Advisory Board in conformance with City Charter Section 43(a).

Subitem B: Adopt the resolution clarifying dissolution of the Bicycle Advisory Committee created under City Charter Section 43(b).

TODAY'S ACTION IS:

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

Subitem-A: (O-2017-74)

Introduction of an Ordinance amending Chapter 2, Article 6, Division 00, of the San Diego Municipal Code by adding new Sections 26.36 and 26.37, all relating to the Bicycle Advisory Board.

Subitem-B: (R-2017-245)

Declaring that the objectives of the Bicycle Advisory Committee will be considered completed on the effective date of a resolution confirming appointments to a Bicycle Advisory Board formed pursuant to San Diego Charter Section 43(a), so that a majority of members have been appointed and can begin meeting;

Declaring that following the appointment of a majority of members to begin work as the Bicycle Advisory Board, the Bicycle Advisory Committee will dissolve pursuant to San Diego Charter Section 43(b).

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Rules Committee meeting on September 28, 2016.

ACTION: Motion by Council President Pro Tem Emerald, second by Councilmember Cole, directing the City Attorney's Office to work with the Council President's Office to prepare an ordinance and to forward to full City Council for approval of establishing the Bicycle Advisory Board under Charter Section 43(a), incorporating the objectives outlined in the staff presentation, as well as the implementation of Bicycle Master Plan, Climate Action Plan and Vision Zero Objectives in the "purpose and intent" of the Municipal Code section codifying the board.

VOTE: 3-0; Lightner-yea, Emerald-yea, Cole-yea, Kersey-not present, Cate-not present.

Jurado-Sainz

Primary Contact\Phone: Kyle Heiskala\619-236-6611

City Attorney Contact: Berry, Jennifer L.

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:

- * ITEM-52: Torrey Pines Slope Restoration Project - Second Amendment to the Agreement with Leighton and Associates, Inc. (La Jolla Community Area. District 1.)

ITEM DESCRIPTION:

This action is to execute the Second Amendment to the Agreement with Leighton & Associates, Inc., for design services for the Torrey Pines Slope Restoration Project. These services include design and construction support. This action will extend the existing Agreement through April 2021.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-73)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the Second Amendment to the Agreement under the terms and conditions set forth in the document.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total cost for design services is \$203,900 which includes the Original Contract of \$174,000, and the First Amendment for \$29,900. This Amendment has no cost affiliated with it.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On May 24, 2010, the City of San Diego executed a Mayoral action for the Agreement, Contract No. H105104, with Leighton and Associates, Inc., and authorizing the expenditure of \$174,000 from Fund 400624, and on November 12, 2014, the City executed the First Amendment to the Agreement with Leighton and Associates and authorizing the additional expenditure of \$29,900, from Fund 400169.

This item was heard at the Infrastructure Committee meeting on October 27, 2016.

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

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

Gibson/Gomez

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

Secondary Contact\Phone: Jamal Batta\619-533-7482, 908A

City Attorney Contact: Jung, Jeremy A.

* ITEM-53: Approval of an Ordinance amending San Diego Municipal Code Redistricting Provisions, Article 7, Division 14.

ITEM DESCRIPTION:

Consider and approve Ordinance.

CITY CLERK'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-70)

Introduction of an Ordinance amending Chapter 2, Article 7, Division 14 of the San Diego Municipal Code by retitling the Division, and by amending Sections 27.1401, 27.1402, 27.1403, 27.1404, 27.1405, 27.1406, 27.1408, 27.1409, 27.1410; by amending and retitling Section 27.1411; by amending Sections 27.1412, 27.1413, 27.1414 and 27.1415; and by adding a new Section 27.1416, all relating to the Redistricting Commission.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Rules Committee, September 28, 2016 - Motion by Council President Pro Tem Emerald, second by Councilmember Cole, requesting that the City Clerk consider the feedback from the Committee and work with the Office of the City Attorney, Office of the Independent Budget Analyst, and Mayor's Office and return to the Rules Committee on October 26, 2016.

This item was heard at the Rules Committee meeting on October 26, 2016.

ACTION: Motion by Council President Pro Tem Emerald, second by Councilmember Cate, to approve staff recommendation, forwarding the proposed Municipal Code updates pertaining to redistricting to the City Council with a recommendation for Council approval.

VOTE: 4-0; Lightner-yea, Kersey-yea, Cate-yea, Emerald-yea, Cole-not present.

Council President Lightner commented that Social Security Numbers used in the application process not be released to the public.

Maland

Primary Contact\Phone: Elizabeth Maland\619-533-4080, MS 2A

Secondary Contact\Phone: Bonnie Stone\619-533-4060, MS 2A

City Attorney Contact: Spivak, Sharon B.

- * ITEM-54: Ordinance Amending the San Diego Municipal Code Relating to Registers at Hotels, Apartment Houses, Rooming Houses. San Diego Municipal Code Section 52.9103.

ITEM DESCRIPTION:

This Ordinance will bring the San Diego Municipal Code (SDMC) into compliance with the *City of Los Angeles v. Patel* United States Supreme Court Decision pertaining to hotel registers. The current San Diego Municipal Code requires registers at hotels, apartment houses, and rooming houses to be made subject to inspection [unconditionally] by any law enforcement officer of the City of San Diego. The 2015 Supreme Court decision directly impacts this section of the San Diego Municipal Code. SDMC Section 52.9103 should be modified to add the conditions, "with consent of the manager or person in control, or pursuant to a warrant, or when there are exigent circumstances."

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-55)

Introduction of an Ordinance amending Chapter 5, Article 2, Division 91 of the San Diego Municipal Code by amending Section 52.9103 relating to registers at hotels, apartment houses, and rooming houses.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Not applicable at this stage.

Ramirez/Chadwick

Primary Contact\Phone: Lt. Adam Sharki\619-744-9501, MS 748

Secondary\City Attorney Contact\Phone: DCA Linda L. Peter\619-531-2755, MS 700

- * ITEM-55: First Amendment to the As-Needed Space Planning Consultant Services Agreement with M. Arthur Gensler Jr. & Associates, Inc., to Increase the Not-to-Exceed Amount by \$3,000,000; Waivers of San Diego Municipal Code Section 22.3202 and Council Policy 300-07.

ITEM DESCRIPTION:

This action would authorize the Mayor, or his designee, to increase the expenditure authority to an amount not to exceed \$3,249,999 for the space planning consultant services for City offices under the As-Needed Contract with M. Arthur Gensler Jr. & Associates, Inc. (Contract). This increased amount includes expenditure authority for all phases of space planning services for tenant improvements, including design plans, and construction documents already budgeted in Fiscal Year (FY) 2017, and for planned space planning services through the end of FY 2017, and the first half of FY 2018, contingent upon City Council approval of the FY 2018 Budget.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-72)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute the First Amendment to the Consulting Agreement, which First Amendment will increase the not-to-exceed Contract amount of the Consulting Agreement, Contract No. H146069, from \$249,999 to \$3,249,999, as more fully set forth in the terms and conditions of the First Amendment;

Waiving San Diego Municipal Code Section 22.3202 and Council Policy 300-07, Consultant Services Selection, with respect to M. Arthur Gensler Jr. & Associates, Inc., and the First Amendment;

Authorizing the Chief Financial Officer to expend an amount not-to-exceed \$3,249,999 over the term of the Consulting Agreement, for the purpose executing the First Amendment to the Consulting Agreement, increasing the total not-to-exceed Contract amount from \$249,999 to \$3,249,999, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year and contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

As-needed City-Wide contract expenditures in an amount not-to-exceed \$3,249,999 to the contract term, ending in March 26, 2019. Expenses are to be paid through the Operating Budget of each department. The Chief Financial Officer is authorized to expend an amount not to exceed \$3,249,999 over 2.5 years for the purpose of executing this Amendment to the Agreement contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year and contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Smart Growth and Land Use Committee meeting on October 19, 2016.

ACTION: Motion by Councilmember Alvarez, second by Councilmember Sherman, to recommend Council introduce the ordinance.

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

Thompson/Villa

Primary Contact\Phone: Miguel Duran\619-236-6733, MS 51A

Secondary Contact\Phone: Brad Bennett\619-236-6191, MS 51A

City Attorney Contact: Verdugo, Marco A.

* ITEM-56: Real Property Acquisition Streamlining Measure for CIP Projects.

ITEM DESCRIPTION:

Amending the San Diego Municipal Code to allow the City Manager to acquire real property interests without City Council approval if sufficient funds are available in the approved CIP Budget, or if the cost does not exceed \$250,000 per parcel for projects that are not in the CIP Budget.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-40)

Introduction of an Ordinance amending Chapter 2, Article 2, Division 31 of the San Diego Municipal Code by amending Section 22.3101 and adding Section 22.3110 regarding the acquisition of Real Property Interests for Public Works Projects.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

No specific expenditure authorization is requested as part of this action.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On April 10, 2012, the City Council approved (O-20148) implementation of several CIP streamlining measures detailed in the accompanying Report to Council titled "A 21st Century Capital Improvements Process: Streamlining and Transparency Recommendations." Additional CIP Streamlining Measures were presented to the City Council Infrastructure Committee on March 11, 2015, and to the City Council on April 21, 2015, as an informational item.

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

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

VOTE: 3-0; Kersey-yea, Zapf-yea, Cole-yea, Emerald-not present.

Nagelvoort/Gomez

Primary Contact\Phone: Richard Leja\619-533-5112, MS 908A

Secondary Contact\Phone: Jim Shamloufard\619-533-3160, MS 908A

City Attorney Contact: Zeleny, Thomas C.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-57: Revisions to San Diego Municipal Code Chapter 2, Article 6, Division 17, Relating to the Audit Committee. (Citywide.)

ITEM DESCRIPTION:

This action is to adopt an ordinance with revisions to San Diego Municipal Code Chapter 2, Article 6, Division 17, relating to the Audit Committee. The changes provide clarification and clean-up to existing language.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/18/2016, Item 50. (Council voted 9-0):

(O-2017-28 Cor. Copy)

Amending Chapter 2, Article 6, Division 17 of the San Diego Municipal Code by amending Section 26.1701, by retitling and amending Section 26.1702, and by amending Sections 26.1704, 26.1707, and 26.1709, all relating to the Audit Committee.

* ITEM-58: Third Amendment to the Agreement with Nadel Architects for the Fire Station No. 22 Project. (Peninsula Community Area. District 2.)

ITEM DESCRIPTION:

Under this Amendment Nadel Architects, Inc., and Sub-Consultants will provide all required construction administration services associated with construction of a temporary fire station, demolition of the existing fire station, construction of the new Permanent Fire Station No. 22 and removal of the temporary fire station.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/18/2016, Item 51. (Council voted 9-0):

(O-2017-50)

Authorizing the Mayor, or his designee, to execute, on behalf of the City, a Third Amendment to the Agreement with Nadel Architects, Inc., for the purpose of providing additional professional Architectural Services on the Point Loma Fire Station No. 22 Project in an amount not to exceed \$200,000, contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer, under the terms and conditions set forth in the Third Amendment to the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$200,000 from CIP S-00787, Point Loma Fire Station No. 22, Fund 400265, CIP Contributions for the General Fund, for the purpose of executing the Third Amendment to the Agreement.

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

* ITEM-59: Two-year Contract Extension Second Amendment with Sharp Business Systems.

ITEM DESCRIPTION:

This action is to approve a Second Amendment to the Agreement with Sharp Business Systems for a two-year Contract extension. The Agreement provides for rental and maintenance service of multi-function copiers located at various City facilities.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/18/2016, Item 52. (Council voted 9-0):

(O-2017-17)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the Second Amendment to the Agreement with Sharp Business Systems for the rental of convenience and production copiers;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,227,000, for each additional contract year from Publishing Services Fund 720041, solely and exclusively, to provide funds for the Second Amendment, contingent upon sufficient funding being available in the approved City Budgets and the Chief Financial Officer first furnishing one or more certificates demonstrating that the funds necessary for the expenditure are, or will be, on deposit with the City Treasury;

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

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

* ITEM-60: Heritage Bluffs II. (Black Mountain Ranch Community Plan Area. District 5.)

ITEM DESCRIPTION:

The Heritage Bluffs II Project proposes to develop approximately 45.28 acres and preserve approximately 120 acres as open space. The Project proposes development of 171 single dwelling unit residential lots, public streets, grading, landscaping, brush management and the installation of all necessary public infra-structure. All areas outside the limits of grading would be protected by a covenant of easement. The Black Mountain Ranch Subarea Plan allows 220 dwelling units to be developed on the site, including a requirement for 35 affordable housing units.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/18/2016, Item 333, Subitem B. (Council voted 9-0):

(O-2017-51)

Rezoning 38.68 acres located generally south of Bernardo Center Drive/Carmel Valley Road, within the Black Mountain Ranch Community Plan area, in the City of San Diego, California, from the AR-1-1 zone into the RS-1-14 and RX-1-1 zones, as defined by San Diego Municipal Code Chapter 13, Article 1, Division 4; and repealing Ordinance No. 8858 and No. 8703 (new series), adopted July 18, 1963 and August 9, 1962, respectively, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

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

* ITEM-61: The Watermark Amendment, Project No. 443731. (Miramar Ranch North Community Plan Area. District 5.)

ITEM DESCRIPTION:

This action is a Community Plan Amendment, General Plan Amendment and Rezone on two, 0.95-acre areas within the approved Watermark and Scripps Gateway/MedImpact project areas. More specifically, 0.95-acres located within the Watermark property would be redesignated from Regional/Commercial to Industrial/Business Park; whereas the 0.95-acres area within Scripps Gateway/MedImpact property would be redesignated from Industrial/Business Park to Regional/Commercial. Additionally, the area located within the Watermark property would be rezoned from CR-2-1 to IP-2-1 and the area located within the Scripps Gateway/MedImpact property would be rezoned from IP-2-1 to CR-2-1.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/18/2016, Item 334, Subitem B. (Council voted 9-0):

(O-2017-49)

Changing 0.95-acres located at 10137, Scripps Gateway Court, within the Miramar Ranch North Community Plan Area, in the City of San Diego, California, from the CR-2-1 Zone into the IP-2-1 Zone and 0.95-Acres located at 10181 Scripps Gateway Court, within the Miramar Ranch North Community Plan Area, in the City of San Diego from the IP-2-1 Zone into the CR-2-1 Zone; and repealing Ordinance No. 15612 (New Series), adopted November 16, 1981, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

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

- * ITEM-62: Lease of the Property and Improvements located at 101 Ash Street, San Diego, CA 92101 (the former Sempra Building - APNs 533-424-11-00 and 533-424-14-00). (Downtown Community Area. District 3.)

ITEM DESCRIPTION:

Execute a 20-year Lease-To-Own Agreement between the City of San Diego and 101 Ash, LLC, for a lease for the real property and improvements at 101 Ash Street, San Diego, CA 92101 (the former Sempra Building - APNs 533-424-11-00 and 533-424-14-00) with ownership automatically transferring to the City of San Diego upon lease expiration.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/17/2016, Item S401. (Council voted 9-0):

(O-2017-54)

Authorizing and directing the Mayor, or his designee, to execute, deliver, and effectuate the terms and conditions of that certain Lease Agreement, between the City of San Diego and 101 Ash, LLC, to commence on the date 101 Ash, LLC, acquires the fee title to the Property, to lease the real properties and all the improvements located at 101 Ash Street, in San Diego, California;

Authorizing the Chief Financial Officer to expend all funds for rent, operating expenses and as otherwise required by the Lease Agreement in an amount not to exceed \$4,183,448.50 for the remaining Fiscal Year 2017, from the General Fund 100000;

Authorizing the Chief Financial Officer to transfer an amount not to exceed \$1,921,000 from the Real Estate Assets Operating Department Budget to the Citywide Program Expenditures Department and expend these funds for rent, operating expenses, improvements and as otherwise required by the Lease Agreement for the remaining Fiscal Year 2017;

Authorizing the Chief Financial Officer to expend all funds for rent, operating expenses and as otherwise required by the Lease Agreement in a total amount not to exceed \$201,902,440, all contingent upon the adoption of each annual fiscal year Appropriation Ordinance and contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure of each year's expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to deposit all rent revenues received from the parking facility at 101 Ash Street into General Fund 100000;

Authorizing the Chief Financial Officer to establish a restricted CIP fund for capital improvements relating specifically to 101 Ash Street, San Diego, CA 92101;

Authorizing the Mayor, or his designee, to execute and deliver all such agreements and all other instruments to effect and complete the transaction contemplated by this ordinance.

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

* ITEM-63: San Diego Municipal Code Section 98.0301 and 98.0302 Amendments Related to the San Diego Housing Commission and Relocation Appeals Board. (Citywide.)

ITEM DESCRIPTION:

That the San Diego City Council approve proposed amendments to San Diego Municipal Code Chapter 9, Article 8, Division 3, related to the San Diego Housing Commission and Relocation Appeals Board.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was amended by Council action at the time of introduction on 10/18/2016, Item 330. (Council voted 5-4):

(O-2017-44 Rev. Cor. Copy)

Amending Chapter 9, Article 8, Division 3, of the San Diego Municipal Code by retitling Division 3, and by amending Sections 98.0301 and 98.0302, all relating to Housing and the San Diego Housing Commission and the Relocation Appeals Board.

* ITEM-64: 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.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/25/2016, Item 50. (Council voted 8-0. Council President Pro Tem Emerald not present):

(O-2016-160)

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.

* ITEM-65: 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.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/25/2016, Item 51. (Council voted 8-0. Council President Pro Tem Emerald not present):

(O-2017-52)

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.

- * ITEM-66: 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.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/25/2016, Item 52. (Council voted 8-0. Council President Pro Tem Emerald not present):

(O-2017-47)

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.

* ITEM-67: 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.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/25/2016, Item 60, Subitem A. (Council voted 8-0. Council President Pro Tem Emerald not present.):

(O-2017-57)

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.

- * ITEM-68: 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.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 10/25/2016, Item 335, Subitems C, D, and E. (Council voted 9-0):

Subitem-A: (O-2017-38)

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-B: (O-2017-39)

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-C: (O-2017-53)

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.

- * ITEM-69: Third Amendment to Office Lease at 525 B Street, San Diego, CA 92101.
(Downtown Community Area. District 3.)

ITEM DESCRIPTION:

Authorization to enter into a Third Amendment to an existing Office Lease at 525 B Street, San Diego, California 92101, granting the City to expand into a portion of the 7th floor and 9th floor ending June 30, 2022.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/25/2016, Item S501. (Council voted 9-0):

(O-2017-61)

Authorizing and directing the Mayor, or his designee, to execute, deliver and take all actions necessary to facilitate the administration of that certain Third Amendment to Lease which is now between the City and I & G 525 B Street Inc., a Delaware Corporation, allowing the City to expand its leased spaces at 525 B Street, San Diego, California, to include a portion of the 7th and 9th floors, and extend the Term for the previously-leased space by two additional years, causing the Term for all the previously leased space at 525 B Street to expire conterminously with the termination date of the Expansion Space, which, as set forth in the Third Amendment, shall be on June 30, 2022;

Authorizing the Chief Financial Officer to expend the funds necessary for the rent of the Expansion Space on the 7th and 9th floors of the Property as set forth in the Third Amendment, in an amount not to exceed \$2,731,622, for Fiscal Years 2017-2022; said sum shall be funded solely from Public Works Department Fund 720057, contingent upon the Chief Financial Officer furnishing a certificate certifying that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an additional sum in an amount not to exceed \$4,731,126 for Fiscal Years 2021-2022, which sum shall cover the rent for the Lease Extension; said sum shall be funded 100% from Public Works Department Fund 720057, contingent upon the Chief Financial Officer furnishing a certificate certifying that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an additional sum in an amount not to exceed \$2,486,526 for Fiscal Years 2021-2022, which sum shall cover the rent for the Lease Extension; said sum shall be funded 100% from the following Public Utilities sources and funding allocations: Muni Sewer Revenue Fund 700000, 24.29%; Metro Sewer Utility Fund 700001, 13.89%; Water Utilities Operating Fund 700011, 61.82%; contingent upon the Chief Financial Officer furnishing a certificate certifying that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer.

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

- * ITEM-70: Amendments to the Residential-Multiple Dwelling Unit (RM) Base Zone Height Limit for Properties within the Coastal Height Limit Overlay Zone of the Peninsula Community Plan Area. (Peninsula Community Plan Area. District 2.)

ITEM DESCRIPTION:

Amendment to the Land Development Code (Chapter 13, Article 1) and Local Coastal Program to reduce the maximum structure height allowed in specified Residential-Multiple Dwelling Unit (RM) base zones to 30 feet for properties in the Peninsula Community Planning Area within the Coastal Height Limit Overlay Zone.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/24/2016, Item 200. (Council voted 8-0. Councilmember Sherman not present.)

(O-2017-41 Cor. Copy)

Amending Chapter 13, Article 1, Division 4 of the San Diego Municipal Code by amending Section 131.0431, relating to the Residential-Multiple Unit Base Zone within the Coastal Height Limit Overlay Zone in the Peninsula Community Plan Area.

* ITEM-71: 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.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 10/25/2016, Item 334, Subitems C and D. (Council voted 9-0):

Subitem-A: (O-2017-48)

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-B: (O-2017-56)

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.

ITEM-72: Has been moved to Monday Supplemental 1 S400. (Rev. 11/10/2016)

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Amendment to contract for Federal Legislative and Executive Branch Consulting Services and Representation between the City of San Diego and Squire Patton Boggs (US) LLP, and authorize a two-year extension to the Agreement with funding.

ITEM DESCRIPTION:

Amendment to contract for Federal Legislative and Executive Branch Consulting Services and Representation between the City of San Diego and Squire Patton Boggs (US) LLP, and authorize a two-year extension to the Agreement with funding.

MAYOR FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-102)

Authorizing the Mayor, or his designee, to execute a First Amendment to the Agreement with Squire Patton Boggs (US), LLP, for Federal Legislative and Executive Branch Consulting Services and Representation in the amount of \$336,000, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer (a) to expend an amount not to exceed \$84,000 in Fiscal Year 2017 from Fund No. 100000, General Fund, Cost Center No. 1411000013, Office of the Mayor, for the purposes of executing the Agreement; (b) to expend an amount not to exceed \$168,000 in Fiscal Year 2018 Fund No. 100000, General Fund, Cost Center No. 1411000013, Office of the Mayor, for the purposes of executing the Agreement, contingent upon the adoption of the Fiscal Year 2018 Appropriation Ordinance and contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer; and (c) to expend an amount not to exceed \$84,000 in Fiscal Year 2019 Fund No. 100000, General Fund, Cost Center No. 1411000013, Office of the Mayor, for the purposes of executing the Agreement, contingent upon the adoption of the Fiscal Year 2019 Appropriation Ordinance and contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

A monthly retainer of \$14,000 over the course of the contact which ends December 31, 2018, for a cumulative amount not to exceed \$336,000. Contractor's invoices are charged to the General Fund, and the Non-General Fund portion of the expense will be offset by a transfer of revenue from the Non-General Fund departments.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On September 30, 2014, Council approved the contract with Squire Patton Boggs (US), LLP, by Resolution No. R-309240.

This item was heard at the Economic Development and Intergovernmental Relations Committee meeting on October 20, 2016.

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

VOTE: 4-0; Cole-yea, Kersey-yea, Cate-yea, Alvarez-yea.

Hansen

Primary Contact\Phone: Alejandra Gavaldon\619-236-6980

Secondary Contact\Phone: Kristin Tillquist\619-236-6597

City Attorney Contact: Morrison, Catherine C.

- * ITEM-101: 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 Cor. Copy)

Ratifying the Agreement between the City of San Diego and Hawkins Delafield & Wood, LLC, dated July 17, 2015, as Document No. C-16646, in connection with consulting and legal services for the Post-2018 Landfill Gas Collection System Operations Request for Proposals and Initiatives to Expand Landfill Gas Fueled Electric Production Capacity;

Authorizing the Mayor, or his designee, to execute the First Amendment to the Agreement with Hawkins Delafield & Wood, LLC, dated July 17, 2015, to provide for additional legal and consulting services pursuant to the terms;

Certifying the Agreement with Hawkins Delafield & 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-102: Flat Rate Lease Agreement with Victor J. Schulman Trust dated December 8, 1989, by First American Trust, FSB, as trustee, for real property located at 3240 Sports Arena Boulevard, San Diego, California 92110. (Sports Arena/Point Loma/Loma Portal Community Areas. District 2.)

ITEM DESCRIPTION:

Authorize the Mayor, or his designee, to execute a four (4) year Flat Rate Lease between the City of San Diego and the Victor J. Schulman Trust for the lease of real property located at 3240 Sports Arena Boulevard.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-222)

Authorizing and directing the Mayor, or his designee, to execute the new four-year Flat Rate Lease Agreement between the City of San Diego and the Victor J. Schulman Trust dated December 8, 1989, by First American Trust, FSB, as trustee.

STAFF SUPPORTING INFORMATION

FISCAL CONSIDERATIONS:

The Original Lease with the Trust is a Flat Rate Lease Agreement with a current annual rent of approximately \$56,500. The proposed New Lease is a four (4) year Flat Rate Lease Agreement which will increase the initial rent to \$124,296. The initial annual rent will be increased by two (2%) percent on the anniversary date of the New Lease's Effective Date each year during the Term thereafter. All lease revenue will be deposited into the General Fund.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Smart Growth and Land Use Committee meeting on October 19, 2016.

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

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

Thompson/Villa

Primary Contact\Phone: Heide Farst\619-236-6727
Secondary Contact\Phone: Patti Phillips\619-236-6766
City Attorney Contact: Bevier, Debra J.

- * ITEM-103: Flat Rate Lease Agreement with Probuild Company LLC, for property and improvements located at 3250 Sports Arena Boulevard, San Diego, California 92110. (Sports Arena/Point Loma/Loma Portal Community Areas. District 2.)

ITEM DESCRIPTION:

This item is to execute a four (4) year Flat Rate Lease between the City of San Diego and Probuild Company LLC (dba Dixieline Lumber), for the lease of 3.8 acres and the improvements thereon.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-219)

Authorizing and directing the Mayor, or his designee, to execute the new four-year Flat Rate Lease Agreement between the City of San Diego and Probuild Company LLC.

STAFF SUPPORTING INFORMATION

FISCAL CONSIDERATIONS:

The Original Lease with Probuild Company LLC, is a Flat Rate Lease Agreement, with a current annual rent of approximately \$453,631. The proposed New Lease is a four (4) year Flat Rate Lease Agreement which will increase the initial annual rent to \$516,600. The initial annual rent will be increased by three and one-half (3.5%) percent on the anniversary date of the New Lease's Effective Date each year during the term thereafter. All lease revenue will be deposited into the General Fund.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard by the Smart Growth and Land Use Committee meeting on October 19, 2016.

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

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

Thompson/Villa

Primary Contact\Phone: Heide Farst\619-236-6727, MS 51A
Secondary Contact\Phone: Patti Phillips\619-236-6766, MS 51A
City Attorney Contact: Bevier, Debra J.

- * ITEM-104: As-Needed Consultant Services Agreement with Towill Inc., for Aerial Mapping Services (Contract No. H166646). (Citywide.)

ITEM DESCRIPTION:

This action is to authorize an Agreement for the services of Towill Inc., in providing Aerial Consultant Services for an amount not to exceed \$4,000,000 for a maximum duration of 5 (five) years. This Agreement will provide Aerial Mapping Services for various Capital Improvement Program (CIP) Projects.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-213)

Authorizing the Mayor, or his designee, to execute for and on behalf of the City the Agreement with Towill, Inc., to provide As-Needed Consultant Services related to professional aerial surveying services in an amount not to exceed \$4,000,000, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer as delegated to Financial Management to appropriate and authorizing the City Comptroller to expend an amount not to exceed \$4,000,000, over a term not to exceed five (5) years for the purpose of funding the As-Needed Professional Aerial Consultant Services Agreement with Towill, Inc., contingent upon the adoption of the Annual Appropriation Ordinance for the applicable 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;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,000 from Fund 200218, Underground Surcharge-CIP, WBS No. A-ID.00001, Utilities Undergrounding Program for the purpose of executing this Agreement, and meeting the minimum contract requirements.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The City agrees to issue a task order(s) with the minimum aggregate value of \$1,000 to Towill Inc. Funding for this minimum guaranteed amount of \$1,000 is from Fund 200218, Underground Surcharge WBS No. A-ID.00001, Utilities Undergrounding Program. The maximum contract amount for As-Needed Aerial Consultant Services shall not exceed \$4,000,000 and the contract length is five years. Funding for future tasks will be provided by the Capital Improvement Program (CIP) Projects requiring these services

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Infrastructure Committee meeting on October 27, 2016.

ACTION: Motion by Vice-Chair Cole, second by Councilmember Zapf, to recommend Council adopt the resolution and approve the agreement.

VOTE: 3-0; Kersey-yea, Zapf-yea, Cole-yea, Emerald-not present.

Gibson/Gomez

Primary Contact\Phone: Diana Bergen\858-627-3221

Secondary Contact\Phone: Rick McCormick\858-627-3214

City Attorney Contact: DeLara Jr., Pedro

- * ITEM-105: As-Needed Transportation Engineering Services Agreement with AECOM Technical Services Inc. (AECOM). (Citywide.)

ITEM DESCRIPTION:

This Action will authorize the award of a contract for an As-Needed Transportation Engineering Services Agreement with AECOM Technical Services Inc. (AECOM) for an amount not to exceed \$1,000,000 and a maximum duration of three years. The Agreement will provide transportation engineering services for a variety of tasks including but are not limited to the development of a Strategic Transportation Optimization Program (STOP) Guide.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-212)

Authorizing the Mayor, or his designee, to execute an Agreement with AECOM Technical Services Inc. (AECOM) to provide As-Needed Transportation Engineering Services in an amount not to exceed \$1,000,000 over three years; contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,000,000 over three years for the purpose of funding the As-Needed Transportation Engineering Services with AECOM, 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;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,000 from Fund 100000, Business Area 2116, for the purpose of executing this agreement, if no tasks are assigned.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The City agrees to issue task orders with the minimum aggregate value of \$1,000 to AECOM Technical Services Inc. (AECOM). Funding for the minimum contract amount of \$1,000 is available in Fund 100000, Business Area 2116, which has been identified as a placeholder for the minimum guaranteed amount. The \$1,000 encumbrance will be released upon the issuance of a task or tasks totaling \$1,000. Funding for future tasks will come from the Transportation & Storm Water Department's Operation & Maintenance Budget and from CIP projects requiring these services. The maximum contract amount shall not exceed \$1,000,000.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Infrastructure Committee meeting on October 27, 2016.

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

VOTE: 3-0; Kersey-yea, Zapf-yea, Cole-yea, Emerald-not present.

McFadden/Gomez

Primary Contact\Phone: Hasan Yousef\619-533-3012, MS 609

Secondary Contact\Phone: Linda Marabian\619-533-3082, MS 609

City Attorney Contact: Gerrity, Ryan P.

- * ITEM-106: Acquisition of the Tom Parcel (APN 313-010-5900): Acquisition of an 80-acre parcel for open space within the Rancho Peñasquitos Community Plan and Black Mountain Ranch Subarea Plan areas. (Rancho Peñasquitos Community Plan and Black Mountain Ranch Subarea Plan Areas. District 5.)

ITEM DESCRIPTION:

This item is seeking approval to acquire an 80-acre parcel (Tom Parcel/APN 313-010-5900) within the Rancho Peñasquitos Community Plan and Black Mountain Ranch Subarea Plan areas. The parcel would be conserved as part of the continued implementation of the Multiple Species Conservation Program (MSCP). Black Mountain Ranch is a biologically critical region, deemed essential for continued conservation of San Diego's unique biodiversity. This parcel has been identified by MSCP staff and the Wildlife Agencies to be important based upon its location in the Multi-Habitat Planning Area (MHPA) and habitat value.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2017-120)

Authorizing and directing the Mayor, or his designee, to enter into a Purchase and Sale Agreement to acquire the fee interest of the Tom Parcel, with a purchase price not to exceed \$1,800,000 or the market value of the property, whichever is lower;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,840,000 from Fund No. 200697 (Prop C Implementation Obligation Fund), for the acquisition of the Tom Parcel, contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Mayor, or his designee, to execute and deliver all such agreements and all other instruments to effect and complete the transaction contemplated by this Resolution.

Subitem-B: (R-2017-181)

Declaring that the Council of the City of San Diego, using its independent judgement, has considered the written record and public comment for the requested authorization, and determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15313, and that an exception to the exemptions as set forth in CEQA Guidelines Section 15300.2 does not apply;

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Property asking price is \$1,800,000 (\$22,500/acre). Real Estate Assets Department (READ) is currently conducting an appraisal to establish an opinion of market value. READ will complete the negotiations and the transaction to ensure that the final purchase price is consistent with the market value.

Funding will come from the sources as outlined below:

The Tom Parcel (APN 313-010-5900) will be acquired through expenditure of funds that has been identified for acquisition of lands for conservation purposes. Per Proposition C and associated Resolution R-296182 dated March 18, 2002, the Grand Del Mar (formerly the Bougainvillea Project) is to provide, over a period of ten years, \$6.3 million dollars for the acquisition of public open space land within or in the vicinity of the North City Future Area (NCFUA). Fund 200697 has been established for this purpose the funding for this acquisition will come from this account:

- Property Acquisition: \$1,800,000. Related Costs: appraisal, title, labor and miscellaneous costs of acquisition \$40,000. Total: Not to exceed \$1,840,000 from Fund 200697 (Prop C Implementation Obligation Fund/Acquisitions)

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On March 18, 2002, the City Council approved Resolution R-296182 - Amended and Restated Agreement related to implementation of Proposition "C".

This item was heard at the Smart Growth and Land Use Committee meeting on October 19, 2016.

ACTION: Motion by Councilmember Alvarez, second by Councilmember Sherman, to recommend Council adopt the resolutions.

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

Murphy/Graham

Primary Contact\Phone: Jeanne Krosch\619-236-7225, MS 413
Secondary Contact\Phone: Alyssa Muto\619-533-3103, MS 413
City Attorney Contact: Vonblum, Heidi K.

- * ITEM-107: Approval of a new Percentage Lease and License with Braemar Partnership, a California Limited Partnership, for City property located in Mission Bay Park and adjacent to the Catamaran Resort Hotel and Spa, 3999 Mission Blvd, San Diego, 92109. (Mission Bay Park Community Area. District 2.)

ITEM DESCRIPTION:

This action is to authorize staff to enter into a new Lease and License Agreement with Braemar Partnership, a California Limited Partnership, for the operation and maintenance of an existing docking facility, boat storage and rentals, complimentary chair and umbrella space at the City-owned property adjacent to the Catamaran Resort Hotel in Mission Bay. The lease will include approximately .64 acre of land and .85 acre of water area and license area will include approximately 1.4 acres of adjacent City-owned beach area.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2017-232)

Authorizing and directing the Mayor, or his designee, to execute the City of San Diego Percentage Lease and License Agreement between the City of San Diego and Braemar Partnership, the terms of which are more fully set forth therein.

Subitem-B: (R-2017-233)

Declaring that the Council of the City of San Diego, using its independent judgment, has considered the written record and public comment for City staff's request to execute the City of San Diego Percentage Lease and License Agreement between the City of San Diego and Braemar Partnership, and determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, and that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

A minimum of \$41,000 rent will be deposited annually into the General Fund.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Smart Growth and Land Use Committee meeting on October 19, 2016.

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

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

Thompson/Villa

Primary Contact\Phone: Cybele Thompson\619-236-6145

Secondary Contact\Phone: Vladimir Balotsky\619-235-5248

City Attorney Contact: Mendoza, Hilda R.

- * ITEM-108: FAA Grant Application and Consultant Agreement with C&S Engineers, Inc., for Airport Master Plan Studies for Montgomery-Gibbs Executive Airport and Brown Field Airport. (Kearny Mesa and Otay Mesa Community Areas. Districts 6 and 8.)

ITEM DESCRIPTION:

Authorize the reimbursement grant application to the Federal Aviation Administration (FAA) for two (2) Grants in an amount not-to-exceed \$500,000, each, for a total of \$1,000,000 for Airport Master Plan Studies for Montgomery-Gibbs Executive Airport and Brown Field Airport; to accept, appropriate and expend the funds if the Grants are secured; and to authorize and execute an Agreement with C&S Engineers, Inc., to conduct the Airport Master Plan Studies (H166649) in an amount not-to-exceed \$1,758,386.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-196)

Authorizing the Mayor, or his designee, to make an application to the Federal Aviation Administration, and take all necessary actions to secure funding for Airport Master Plan Studies for an amount not-to-exceed \$500,000 in a reimbursement Grant for Montgomery-Gibbs Executive Airport and an amount not-to-exceed \$500,000 in a Reimbursement Grant for Brown Field Airport;

Authorizing the Chief Financial Officer to accept, appropriate, and expend an amount not-to-exceed \$500,000 for Montgomery-Gibbs Executive Airport (3-06-0211-017-2016), and an amount to exceed \$500,000 for Brown Field Airport (3- 06-0213-018-2016) in Fund 710000, if the Grant funding is secured;

Authorizing the Chief Financial Officer to establish a special interest-bearing account for the Grants, if required;

Authorizing the Mayor, or his designee, to execute an Agreement between the City of San Diego and C & S Engineers, Inc., for Airport Mater Plan Studies for an amount not-to-exceed \$1,758,386, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer as delegated to Financial Management to appropriate and authorizing the City Comptroller to expend an amount not-to-exceed \$758,836 in Fund 700033, Airport Enterprise Fund with an estimate of \$200,000 in FY17, and \$558,386 in FY18, for a total amount not-to-exceed \$1,758,386 for Airport Master Plan Studies for Montgomery-Gibbs Executive Airport and Brown Field Airport, contingent upon the approval of the Annual Appropriation Ordinance, the approval of the corresponding Fiscal Year Adopted Budget, and the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The cost for Airport Master Plan Studies for Montgomery-Gibbs Executive Airport and Brown Field is \$1,758,386. When approved, two (2) FAA Grants of \$500,000 each, one (1) for each airport, totaling \$1,000,000 will be used to assist in completing the studies. The remaining \$758,386 will be funded by the Airports Enterprise Fund, contingent upon the approval of the Annual Appropriation Ordinance, the approval of the corresponding fiscal year Adopted Budget and the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Smart Growth and Land Use Committee meeting on October 19, 2016.

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

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

Thompson/Villa

Primary Contact\Phone: Wayne Reiter\858-573-1436, MS 14

Secondary Contact\Phone: Rod Propst\858-573-1441, MS 14

City Attorney Contact: DeLara, Jr., Pedro

* ITEM-109: Request Approval to Amend the City of San Diego's Flexible Plan Amendment for Fiscal Year 2017 to Include IRS Code 4980H Final Regulations.

ITEM DESCRIPTION:

Approval of the Flexible Benefits Plan Amendment to reflect Internal Revenue Service Code Section 4980H allowing employees to decline health coverage without providing proof of other health coverage.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-171)

Adopting the proposed Amendment to the Flexible Benefits Plan;

Authorizing the Mayor, or his designee, to execute Amendment to the Flexible Benefits Plan.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Flexible Benefits Plan for FY 2017, was approved by City Council on May 24, 2016, R-310491.

Canizal/Lewis

Primary Contact\Phone: Estella Montoya\619-533-6107, MS 51B

Secondary Contact\Phone: Julio Canizal\619-236-6651, MS 51B

City Attorney Contact: Story Parks, Roxanne

* ITEM-110: Settlement of property/personal injury claim of Christina Dorsey, Risk Management File No. 11239.

ITEM DESCRIPTION:

This is a complaint for personal injuries suffered by Plaintiff Christina Dorsey as the result of a police arrest. The proposed settlement would resolve all claims brought by Christina Dorsey.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-167)

Authorizing the Mayor, or his designee, to appropriate and spend \$73,322 from the Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the personal injury claim of *Christina Dorsey v. City of San Diego et. al.*, United States District Court Case No. 15cv1441 L (WVG);

Authorizing the Chief Financial Officer to appropriate and expend \$73,322 from the Public Liability Fund, Fund No. 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Comptroller to issue a check in the amount of \$73,322, made payable to the Singleton Law Firm Client Trust Account.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$73,322 will be paid from the Public Liability Fund No. 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was approved in Closed Session on September 20, 2016.

Karlin

Primary\City Attorney Contact\Phone: Keith Phillips\619-236-6695, MS 59

* ITEM-111: Settlement of personal injury claim of Trent Veasey, Risk Management File No. 9645.

ITEM DESCRIPTION:

This is a complaint for personal injuries suffered by Trent Veasey as the result of a police contact. The proposed settlement would resolve all claims brought by Trent Veasey.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-169)

Authorizing the Mayor, or his designee, to pay the sum of \$160,000 from the Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the personal injury claim of Trent Veasey, United States District Court Case No. 15cv1070 CAB (NLS);

Authorizing the Chief Financial Officer to appropriate and expend \$160,000 from the Public Liability Fund No. 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Comptroller to issue a check as follows: A check for the amount of \$160,000, made payable to the "Trent Veasey and the Arena & Schnitzer Client Trust Account."

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$160,000 will be paid from the Public Liability Fund, Fund No. 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was approved in Closed Session on October 25, 2016.

Karlin

Primary\City Attorney Contact\Phone: Keith Phillips\619-236-6695

* ITEM-112: Thorn Street One-Way Conversion. (City Heights Community Area. District 9.)

ITEM DESCRIPTION:

A resolution to convert Thorn Street between Van Dyke Avenue and 43rd Street from a two-way street to a one-way street in the Community of City Heights.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2017-203)

Authorizing the Chief Financial Officer to expend funds not to exceed \$2,200 from Fund 100000 General Fund, Transportation & Storm Water Department - Street Division's (211611) Operating Budget, for the installation of the necessary signs and markings to convert Thorn Street between Van Dyke Avenue and 43rd Street to a one-way street.

Subitem-B: (R-2017-205)

Declaring that the conversion of Thorn Street to a one-way street is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301;

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The installation of the necessary signs and pavement markings will be installed by the City of San Diego Street Division at a cost of \$2,200. Funds are available in Street Division's Operating Budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

McFadden/Gomez

Primary Contact\Phone: Gary Pence\619-533-3184, MS 609
Secondary Contact\Phone: Linda Marabian\619-533-3082, MS 608
City Attorney Contact: Gerrity, Ryan P.

* ITEM-113: Angle Parking on Newton Avenue between South 39th Street and South 40th Street. (Southeastern San Diego Community Areas. District 9.)

ITEM DESCRIPTION:

A Resolution to install angle parking on the north side of Newton Avenue between South 39th Street and South 40th Street in the community of Southeastern San Diego.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2017-198)

Authorizing the installation of angle parking on the north side of Newton Avenue between South 39th Street and South 40th Street, in accordance with San Diego Municipal Code Section 86.03 and California Vehicle Code Section 22503;

Authorizing the Chief Financial Officer to expend funds not to exceed \$4,000 from Fund 100000, General Fund, Transportation & Storm Water Department- Street Division's (211611) Operating Budget, for the installation of angle parking on the north side of Newton Avenue between South 39th Street and South 40th Street.

Subitem-B: (R-2017-199)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities);

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The striping of the angle parking spaces will be installed by the City of San Diego Street Division at a cost of \$4,000. Funds are available in Street Division's Operating Budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

McFadden/Gomez

Primary Contact\Phone: Gary Pence\619-533-3184, MS 609
Secondary Contact\Phone: Linda Marabian\619-533-3082, MS 608
City Attorney Contact: Jung, Jeremy A.

* ITEM-114: Adopting an Amended Conflict of Interest Code for the Office of the City Clerk.

ITEM DESCRIPTION:

This item seeks adoption of an amended Conflict of Interest Code for the Office of the City Clerk as part of a required biennial review. The amendments would add the position of Program Coordinator, including duties, as a designated position in Appendix A of the code.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-111)

Adopting a Conflict of Interest Code for the Office of the City Clerk, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Adopting Appendix A and Appendix B to the Conflict of Interest Code for the Office of the City Clerk;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the Office of the City Clerk shall file their Statements of Economic Interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of Initial Statements, Assuming Office Statements, Annual Statements and Leaving Office Statements;

Declaring that the Statements of Economic Interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Office of the City Clerk becomes effective upon the date of adoption of this Resolution.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Karlin

Primary Contact\Phone: Elizabeth Maland\619-533-4080, MS 2A

Secondary Contact\Phone: Bonnie Stone\619-533-4060, MS 2A

City Attorney Contact: Spivak, Sharon B.

- * ITEM-115: City Council Community Projects, Programs, and Services Funding Allocation to the Jacobs Center for Neighborhood Innovation for the Connecting Hope Community Non-Violence Project. (Communities in the following zip codes: 92102, 92104, 92105, 92113, 92114, 92115, and 92139. District 4.)

ITEM DESCRIPTION:

Approval of the funding allocation from Council District 4, along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an Agreement with the Jacobs Center for Neighborhood Innovation for an amount not to exceed \$30,000 for the Connecting Hope Community Non-Violence Project.

COUNCILMEMBER COLE'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-229)

Declaring that the allocation described in this resolution is made for a public purpose;

Waiving Council Policy 100-06, Section 3(g), which provides: "An organization may not apply to receive funding for an event or program which has already occurred, nor any capital improvement, goods, supplies, materials, or equipment which have already been purchased";

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, a Community Projects, Programs, and Services FY 2017 City Council Allocations Agreement between the City of San Diego and the Jacobs Center for Neighborhood Innovation (Agreement) in an amount not to exceed \$30,000 for the Project described in this Resolution, under terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$30,000 from the Community Projects, Programs, and Services Budget Fund No. 100000, Cost Center No. 1104110004, CD 4, to provide funds for the above-referenced Agreement, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

\$30,000 in City Council Community Projects, Programs, and Services Funding from Council District 4: Fund No. 100000/Cost Center No. 1104110004 will be used for the Connecting Hope Community Non-Violence Project.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

None.

Slack

Primary Contact\Phone: Jimmie Slack\619-236-6644, MS 10A

Secondary Contact\Phone: Courtney Thomson\619-236-5918, MS 10A

City Attorney Contact: Berry, Jennifer L.

- * ITEM-116: City Council Community Projects, Programs, and Services Funding Allocation to the Kiwanis Club of Clairemont Hills for the purpose of the Clairemont Summer Nights Concerts and Movies Under the Stars. (Clairemont Mesa Community Area. Districts 2 and 6.)

ITEM DESCRIPTION:

Approval of the funding allocation from Council Districts 2 and 6, along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an Agreement with the Kiwanis Club of Clairemont Hills for an amount not to exceed \$6,500 for the Clairemont Summer Nights Concerts and Movies Under the Stars.

COUNCILMEMBER CATE'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-226)

Declaring that the allocation described in this Resolution is made for a public purpose;

Waiving Council Policy 100-06, Section 3(g), which provides: "An organization may not apply to receive funding for an event or program which has already occurred, nor any capital improvement, goods, supplies, materials, or equipment which have already been purchased";

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, a Community Projects, Programs, and Services FY 2017 City Council Allocations Agreement between the City of San Diego and the Kiwanis Club of Clairemont (Agreement) in an amount not to exceed \$6,500 for the Project described in this Resolution, under terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,500 from Council District 2: Community Projects, Programs, and Services Budget Fund No. 100000, Cost Center No. 1102110002; and \$5,000 from Council District 6: Community Projects, Programs, and Services Budget Fund No. 100000, Cost Center No. 1106110006; for a total of \$6,500, all to provide funds for the above-referenced Agreement, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

\$6,500 in Community Projects, Programs, and Services Funding from the following funds/cost centers:

CD2: Fund No. 100000, Cost Center No. 1102110002: \$1,500

CD6: Fund No. 100000, Cost Center No. 1106110006: \$5,000

for the funding of the Clairemont Summer Nights Concerts and Movies Under the Stars events.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

None.

Hauser

Primary Contact\Phone: James Hauser\619-236-6616, MS 10A

Secondary Contact\Phone: Courtney Thomson\619-236-5918, MS 10A

City Attorney Contact: Berry, Jennifer L.

- * ITEM-117: City Council Community Projects, Programs, and Services Funding Allocation to the Kiwanis Club of Clairemont Hills for the purpose of the Clairemont Day at the Bay. (Clairemont Mesa East/West Community Areas. Districts 2 and 6.)

ITEM DESCRIPTION:

Approval of the funding allocation from Council District 6, along with authorization from the City Council are requested to allow the Mayor, or his designee, to entire into an Agreement with the Kiwanis Club of Clairemont Hills for an amount not to exceed \$2,500 from District 6 for the Clairemont Day at the Bay.

COUNCILMEMBER CATE'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-228)

Declaring that the allocation described in this resolution is made for a public purpose;

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, a Community Projects, Programs, and Services FY 2017 City Council Allocations Agreement between the City of San Diego and the Kiwanis Club of Clairemont Hills (Agreement) in an amount not to exceed \$2,500 for the Project described in this resolution, under terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$2,500 from the Community Projects, Programs, and Services Budget Fund No. 100000, Cost Center No. 1106110006, CD 6, to provide funds for the above-referenced Agreement, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

\$2,500 in City Council Community Projects, Programs, and Services Funding from Council District 6: Fund No. 100000/Cost Center No. 1106110006 will be used for the Clairemont Day at the Bay.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Hauser

Primary Contact\Phone: James Hauser\619-236-6616, MS 10A
Secondary Contact\Phone: Courtney Thomson\619-236-5918, MS 10A
City Attorney Contact: Berry, Jennifer L.

- * ITEM-118: City Council Community Projects, Programs, and Services Funding Allocation to the Kiwanis Foundation of Tierrasanta for Oktoberfest. (Tierrasanta and Murphy Canyon Community Areas. District 7.)

ITEM DESCRIPTION:

Approval of the funding allocation from Council District 7, along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an Agreement with the Kiwanis Foundation of Tierrasanta for an amount not to exceed \$5,000 for Oktoberfest.

COUNCILMEMBER SHERMAN'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-202)

Declaring that the allocation described in this resolution is made for a public purpose;

Waiving Council Policy 100-06, Section 3(g), which provides: "An organization may not apply to receive funding for an event or program which has already occurred, nor any capital improvement, goods, supplies, materials, or equipment which have already been purchased";

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, a Community Projects, Programs, and Services FY 2017 City Council Allocations Agreement between the City of San Diego and the Kiwanis Foundation (Agreement) in an amount not to exceed \$5,000 for the Project described in this resolution, under terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$5,000 from the Community Projects, Programs, and Services Budget Fund No. 100000, Cost Center No. 1107110007, CD 7, to provide funds for the above-referenced Agreement, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

\$5,000 in City Council Community Projects, Programs, and Services Funding from Council District 7: Fund No. 100000/Cost Center No. 1107110007 will be used for Oktoberfest.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Tetlow

Primary Contact\Phone: Barrett Tetlow\619-236-6677, MS 10A
Secondary Contact\Phone: Courtney Thomson\619-236-5918, MS 10A
City Attorney Contact: Berry, Jennifer L.

* ITEM-119: Appointments and Reappointments to the Parking Advisory Board.

MAYOR FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-174)

Council confirmation of the following appointments and reappointments by the Mayor of the City of San Diego, to serve as members of the Parking Advisory Board, for terms ending as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Ben Verdugo (Encinitas, District 2) (Filling the vacancy in the seat previously held by Stephanie Shook, who resigned)	Downtown Community Representative Parking District	December 31, 2016
Dan Holstein (Point Loma, District 2) (Filling the vacancy in the seat previously held by Sarah Mattinson)	District 2 Representative	December 31, 2016
Noli Zosa (Linda Vista, District 7) (Filling the seat previously held by Jeff Barfield)	Community Planning Committee Representative	December 31, 2017
Matt Strabone (North Park, District 3) (Filling the vacancy in the seat previously held by Elyse Lowe)	District 8 Representative	December 31, 2016
Roger Lewis (North Park, District 3) (Reappointment)	Mid-City Community Representative	December 31, 2017
Benjamin Nicholls (South Park, District 3) (Reappointment)	Business Improvement Representative	December 31, 2016
Elizabeth Hannon (North Park, District 3) (Reappointment)	Uptown Parking District Representative	December 31, 2017

Tom Brady
(La Jolla, District 1)
(Reappointment)

La Jolla Community
Representative

December 31, 2017

Elvin Lai
(La Jolla, District 1)
(Reappointment)

Pacific Beach
Community Parking
District Representative

December 31, 2017

Declaring that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that Ben Verdugo is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Board; therefore, a conscious exception to Council Policy 000-13 is hereby declared.

* ITEM-120: Appointments to the La Jolla Shores Planned District Advisory Board.

MAYOR FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-175 Cor. Copy)

Council confirmation of the following appointments by the Mayor of the City of San Diego, to serve as members of the La Jolla Shores Planned District Advisory Board, for terms ending as indicated, are made and hereby confirmed:

<u>NAME</u>	<u>TERM EXPIRES</u>
Herbert Lazerow (La Jolla, District 1) (Filling the vacancy in the seat previously held by Paul Benton)	April 1, 2017
Andrea Moser (La Jolla, District 1) (Filling the vacancy in the seat previously held by Nathaniel Fisher)	April 1, 2017

* ITEM-121: Appointment to San Diego County Water Authority Board of Directors.

MAYOR FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-234)

Council confirmation of the following appointment by the Mayor of the City of San Diego, to serve as a Director on the San Diego County Water Authority Board of Directors, for the term ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Jerry Butkiewicz (Del Cerro, District 7) (Filling the seat previously held by Kenneth Williams)	July 15, 2022

- * ITEM-122: Excusing Councilmember Alvarez from attending the regularly scheduled Council meeting on September 27, 2016, due to his attendance to the Chamber of Commerce's Washington D.C. Delegation.

COUNCILMEMBER ALVAREZ'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-194)

Excusing Councilmember Alvarez from attending the regularly scheduled City Council meeting of September 27, 2016, due to his attendance as part of a Washington, D.C. delegation with the Chamber of Commerce.

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

- * ITEM-123: Excusing Councilmember Alvarez from attending the Smart Growth and Land Use Committee meeting on October 5, 2016, due to his attendance to the League of CA Cities Latino Caucus Annual Conference.

COUNCILMEMBER ALVAREZ'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-195)

Excusing Councilmember Alvarez from attending the Smart Growth and Land Use Committee meeting on October 5, 2016, due to his attendance at the League of CA Cities Latino Caucus Annual Conference.

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

- * ITEM-124: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2016-769)

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 in accordance with Resolution Number 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: 241st Birthday of the United States Marine Corps.

PRESENTED BY COUNCILMEMBER CATE:

Proclaiming November 10, 2016, to be the “241st Birthday of the United States Marine Corps” in the City of San Diego.

ITEM-31: Hermanos Lopez Day.

PRESENTED BY COUNCILMEMBER ALVAREZ:

Proclaiming November 15, 2016, to be "Hermanos Lopez Day" in the City of San Diego.

ITEM-32: Electrical Workers Minority Caucus Day.

PRESENTED BY COUNCIL PRESIDENT PRO TEM EMERALD:

Proclaiming November 15, 2016, to be “Electrical Workers Minority Caucus 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-33: La Jolla Elementary School Day.

COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Proclaiming October 28, 2016, to be "La Jolla Elementary School Day" in the City of San Diego.

ITEM-34: San Diego Architectural Foundation Orchids & Onions Day.

COUNCILMEMBER GLORIA'S AND COUNCILMEMBER CATE'S RECOMMENDATION:

Proclaiming October 13, 2016, to be “San Diego Architectural Foundation Orchids & Onions Day” in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

None.

NON-AGENDA PUBLIC COMMENT

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

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

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

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE

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

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES TO BE INTRODUCED:

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

ITEM-330: Amendments to Municipal Code Section 22.0101: Rules of Council.

ITEM DESCRIPTION:

Adopt an Ordinance Amending Municipal Code Section 22.0101: Rules of Council related to (1) Rule 2.2: Order of Business which would move Closed Session from 9:00 AM to 11:00 AM, (2) Rule 2.8: Parliamentary Procedure which would add language clarifying the outcome of an item that fails to receive sufficient votes, (3) Rule 2.10: Procedure for Debate clarifying current practice related to public comment, (4) Rule 2.11: Procedure for Reconsideration removing reference to Council Policy 000-06, (5) Rule 7.2.2: Would be expanded to include quasi-judicial decision matters.

COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-76)

Introduction of an Ordinance amending Chapter 2, Article 2, Division 1 of the San Diego Municipal Code by amending Section 22.0101, relating to the Rules of Council.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Rules Committee meeting on October 26, 2016.

ACTION: Motion by Councilmember Cate, second by Chair Lightner, to move staff recommendation to approve an Ordinance with revisions to Municipal Code Section 22.0101: "Rules of Council", including a request for the City Attorney to conduct an appropriate legal review, with a recommendation for Council approval.

VOTE: 4-0; Lightner-yea, Kersey-yea, Cate-yea, Emerald-yea, Cole-not present.

Juardo-Sainz

Primary Contact\Phone: Diana Jurado-Sainz\619-533-3920

City Attorney Contact: Dugard, Precilla

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

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

ITEM-331: Adopting the 2017 Legislative Calendar and FY 2018 Budget Process and FY 2017 Budget Monitoring Key Dates, as well as an Amendment to the 2016 Legislative Calendar.

ITEM DESCRIPTION:

Approve the proposed Legislative Calendar for 2017 and FY2018 Budget Process and FY 2017 Budget Monitoring Key Dates, as well as an Amendment to the 2016 Legislative Calendar changing the meeting start time from 4:00 PM to 3:00 PM on Monday, December 12, 2016.

COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Adopt the following resolutions: (Rev. 11/10/2016)

Subitem-A: (R-2017-235) (Rev. 11/14/2016)

Adopting the schedule of meetings for the City Council, Standing Committees, and Budget Review Committee of the City Council, which includes meetings of the Housing Authority, for the period of January 1, 2017, through December 31, 2017;

Adopting the Fiscal Year 2018 Budget Development and Fiscal Year 2017 Budget Monitoring Key Dates, as approved by the Budget and Government Efficiency Committee.

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

Subitem-B: (R-2017-257)

Declaring that the start time of the regularly scheduled City Council meeting of December 12, 2016, is moved from 4:00 p.m. to 3:00 p.m. ;

Amending 2016 Legislative Calendar as reflected in the revised 2016 Legislative Calendar.

NOTE: This item is not subject to the Mayor's veto. (Rev. 11/10/16)

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The FY 2018 Budget Process and FY 2017 Budget Monitoring Key Dates was presented at the Budget and Government Efficiency Committee meeting on October 5, 2016.

ACTION: Motion by Councilmember Cole, second by Councilmember Sherman, to recommend Council approve the staff report and forward it to the full Council.

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

Jurado-Sainz

Primary Contact\Phone: Diana Jurado-Sainz\619-533-3920
Secondary Contact\Phone: Christiana Gauger\619-236-6443
City Attorney Contact: Dugard, Precilla

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES TO BE INTRODUCED:

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

ITEM-332: Proposed Amendments to San Diego Municipal Code Chapter II, Article 6, Division 8, Sections 26.0801, 26.0802 and 26.0803 Relating to the Citizens Advisory Board on Police/Community Relations. (Citywide.)

ITEM DESCRIPTION:

This action requests approval to amend San Diego Municipal Code Chapter II, Article 6, Division 8, Sections 26.0801, 26.0802 and 26.0803 relating to the purpose and intent, composition, and duties and functions of the Citizens Advisory Board on Police/Community Relations. The proposed amendments would modify the composition of the Board while maintaining its current size. In addition, it clarifies the responsibilities of the Board. Approval of this action would allow for the reactivation of the Board.

COUNCILMEMBER COLE'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-75 Cor. Copy)

Introduction of an Ordinance amending Chapter 2, Article 6, Division 8, of the San Diego Municipal Code by amending Sections 26.0801, 26.0802, and 26.0803 all relating to the Citizens Advisory Board on Police/Community Relations.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Not applicable to this action.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On September 28, 2016, the City Council's Rules Committee received a report from the City Clerk providing an update on the City's Boards and Commissions.

Slack

Primary Contact\Phone: Pamela Ison\619-236-6701
City Attorney Contact: Berry, Jennifer L.

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

ITEM-333: Authorization to execute the Golf Division's Equipment Lease and Corporate Marketing Partnership. (Golden Hill, Pacific Beach, and La Jolla Community Areas. Districts 1, 2, and 3.)

ITEM DESCRIPTION:

This item is to authorize the award of an equipment and Marketing Partnership contract with Turf Star Inc., and a lease contract with PNC Equipment Finance, LLC, in an amount not to exceed \$14,000,000 over a period of twelve (12) years. The Marketing Partnership will provide financial and in-kind support with an approximate value of \$7.5 million over the twelve year Agreement. These contracts will ensure that City-operated golf complexes have the appropriate equipment required to provide high quality golf course conditions for City residents and visitors, as well as meet our commitments to host the annual Farmers Open Tournament.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-63)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute the contract between the City and Turf Star, Inc., for the purpose of providing the City's Golf Division with leased golf course equipment. Request for Proposal (RFP) No.: 10072787-17-R;

Authorizing the Mayor, or his designee, to execute the Marketing Partnership Agreement between the City and Turf Star, Inc., for the purpose of entering into a Corporate Marketing Sponsorship to provide financial and in-kind support to the Golf Division for the yearly Farmers Insurance Open and the 2021 US Open, RFP No.: 10072787-17-R;

Authorizing the Mayor, the Chief Operating Officer, the Chief Financial Officer or any of their respective designee, to execute the Master Lease between the City and PNC Equipment Finance, LLC, RFP No.: 10072787-17-R, and any subsequent leases pursuant to the Master Lease;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$488,200 from the Golf Enterprise Fund No. 700043, for the remainder of FY 2017, solely and exclusively, to provide funds for the Master Lease, contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that funds are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$13,511,800 from the Golf Enterprise Fund No. 700043, for the remaining term of the Master Lease beginning in FY 2018, solely and exclusively, to provide funds for the Master Lease, 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 funds are, or will be, on deposit with the City Treasurer.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total lease contract amount will not exceed \$14,000,000 from the Golf Division's Enterprise Fund (700043) over a period of twelve (12) years. Funding is contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year and the requirements of the Golf Division. Lease payments of \$488,200 will occur every six months for the first four years. The lease payments for future leases will be determined based on various factors, including City's credit rating, interest rates, and the proposed equipment at that time. The total contract cost includes taxes, lease payments, and estimated increases for contract renewals due to changes in projected lease payments and changes in the types of equipment leased. Turf Star will make a one-time payment of \$250,000 to the Golf Enterprise fund for the purchase of the existing equipment.

The Corporate Marketing Partnership provides financial and in-kind value of \$2.5 million to the Golf Enterprise Fund per each four year lease term. If the two additional lease terms are exercised, the total value for the twelve year Agreement would be \$7.5 million.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Field/Graham

Primary Contact\Phone: Scott Bentley\858-552-1786
Secondary Contact\Phone: Shelly Stowell\858-581-7867
City Attorney Contact: Thomas, Shannon M.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

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

ITEM-334: La Jolla Maintenance Assessment District Formation. (La Jolla Community Plan Area. District 1.)

NOTE: First heard at the meeting of September 27, 2016, Item 334.

ITEM DESCRIPTION:

This City Council action is to start the process to form the La Jolla Maintenance Assessment District (MAD). This new district would be located within the La Jolla Community. The La Jolla MAD will provide funding for ongoing maintenance, operation and servicing of landscaping, sidewalk and gutters, trash removal, graffiti abatement and other improvements or appurtenant facilities located within the public rights-of-ways and dedicated easements located within the District.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-101)

Adoption of a Resolution considering the protests, approving the Assessment Formula, and authorizing the Levy and Collection of the Assessment for the La Jolla Maintenance Assessment District for the life of the District;

The City Clerk, or person designated by the City Clerk, has tabulated the ballots submitted, and not withdrawn, in support of or opposition to the proposed assessment. Based on this tabulation, the City Clerk and the Council have determined that no majority protest exists, as that term is defined in California Government Code section 53753(e)(4);

The Council elects to establish the District;

The assessments described in the District Plan, on file in the Office of the City Clerk, are confirmed and are authorized to be levied annually within the range of assessments described in the Engineer's Report;

The exterior boundaries of the proposed District are identified on the District Map, a copy of which is on file with the City Clerk, and incorporated herein by reference;

The properties in the District established by this Resolution shall be subject to any future amendments to Chapter 6, Article 5, Division 2 of the San Diego Municipal Code;

The improvements and activities to be conferred on properties in the District will be funded by the levy of assessments as described in the District Plan. The revenue from the levy of assessments within the District shall not be used to provide improvements or activities outside the District for any purpose other than the purposes specified in the Resolution of Intention, including any modifications made by the Council at the Hearing;

Based on information provided in the District Plan, the Council finds that the property within the area of the District will receive special benefits as a result of the improvements and activities funded by the District assessments;

The adoption of this Resolution constitutes the levy of an assessment in each of the fiscal years for the life of the District;

The validity these assessments and the formation of the District shall not be contested in any action or proceeding unless the action is commenced within thirty (30) calendar days after the final passage of this Resolution;

The assessment shall be collected at the same time and in the same manner as specified for the collection of ad valorem property tax in San Diego County;

Authorizing the Chief Financial Officer to manually bill and collect District assessments as necessary and appropriate, including assessments which are not billed by the County of San Diego, in the same time and manner as county taxes are collected;

All delinquent payments for assessments levied shall be charged interest and penalties in accordance with the rates applicable to ad valorem property tax in San Diego County at the time of collection. All laws providing for the collection and enforcement of county taxes shall apply to the collection and enforcement of the assessments. The assessments shall have the same lien priority and penalties for delinquent payments as the ad valorem property tax in San Diego County, subject to relevant law applicable at the time of collection;

Authorizing the Chief Financial Officer to establish an interest-bearing fund for the District;

Authorizing the Chief Financial Officer to appropriate and expend the District fund once it is established, consistent with the District Plan and all applicable District budgets, contingent upon the adoption of the annual appropriation ordinance for Fiscal Year 2018 and the Chief Financial Officer certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend \$37,521.25 from the City's General Fund for assessments levied to City-owned parcels, contingent upon the adoption of the annual appropriation ordinance for Fiscal Year 2018, and the Chief Financial Officer certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend amounts owed in connection with assessments levied to City-owned parcels from the City's General Fund, contingent upon the adoption of the annual appropriation ordinance each Fiscal Year, and the Chief Financial Officer certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Designating authority to the Mayor or designee to preclude the expenditure of all or any portion of District assessments during the pendency of any litigation that has been timely initiated to challenge the establishment of the District.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

If approved by property owners, approximately \$502,378 will be assessed to the 1,347 parcels within the proposed La Jolla MAD in Fiscal Year 2018. The City owns six (6) assessable parcels, resulting in an annual General Fund impact of \$37,521.25. If the City Council determines that the La Jolla MAD will be administered by an Owner's Association then the City will receive a flat rate of \$3,500 from the district for administrative costs.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

There are no previous Council and/or Committee Actions.

Caldwell/Graham/es

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

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

City Attorney Contact: Skogen, Daphne

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

ITEM-335: San Ysidro Community Plan & Local Coastal Program Land Use Plan and San Ysidro Historic Village Specific Plan. (San Ysidro Community Area. District 8.)

ITEM DESCRIPTION:

This effort will replace the 1990 San Ysidro Community Plan & Local Coastal Program Land Use Plan with an updated community plan for the San Ysidro Community and includes the San Ysidro Historic Village Specific Plan, associated rezoning, amendments 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-2017-182)

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 the 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, attached hereto as Exhibit "B," and incorporated herein by reference, and a Statement of Overriding Considerations, as attached hereto as Exhibit "C" and incorporated herein by reference, pursuant to CEQA Section 21081 and CEQA Guidelines Sections 15091 and 15093;

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, a copy of which is attached as Exhibit B hereto and incorporated herein by reference, pursuant to CEQA Section 21081.6;

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-2017-185)

Adoption of a Resolution by the City Council of the City of San Diego adopting the San Ysidro Community Plan and Local Coastal Program Land Use Plan and amendment to the General Plan, on file in the Office of the City Clerk;

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

Subitem-C: (O-2017-42)

Introduction of an Ordinance amending Chapter 15, Article 18, Division 1 of the San Diego Municipal Code by repealing Sections 1518.0101, 1518.0102, and 1518.0103; by amending Chapter 15, Article 18, Division 2 by repealing Sections 1518.0201, 1518.0202, and 1518.0203; by amending Chapter 15, Article 18, Division 3 by repealing Sections 1518.0301 and 1518.0302; by amending Chapter 15, Article 18, Division 4 by repealing Sections 1518.0401 and 1518.0402; by amending Chapter 15, Article 18 by repealing appendices A, B, and C; by amending Chapter 15, Article 19, Division 1 by repealing Sections 1519.0101, 1519.0102, 1519.0103, and 1519.0104; by amending Chapter 15, Article 19, Division 2 by repealing Sections 1519.0201, 1519.0202, 1519.0203, 1519.0204, and 1519.0205; by amending Chapter 15, Article 19, Division 3 by repealing Sections 1519.0301, 1519.0302, 1519.0303, 1519.0304, and 1519.0305; by amending Chapter 15, Article 19, Division 4 by repealing Sections 1519.0401, 1519.0402, 1519.0403, 1519.0404, 1519.0405, 1519.0406, and 1519.0407; by amending Chapter 15, Article 19 by repealing appendices A, B, C.1, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, and U, all relating to the southeastern San Diego and San Ysidro planned district ordinances.

Subitem-D: (O-2017-58)

Introduction of and Ordinance adopting the San Ysidro Historic Village Plan Area.

Subitem-E: (O-2017-60)

Introduction of an Ordinance approving the rezone of property within the San Ysidro Community Plan Area, in the City of San Diego, California and repealing Ordinance O-19602, adopted March 27, 2007, of ordinances of the City of San Diego insofar as the same conflicts herewith.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

An IFS with an associated Development Impact Fee (DIF) for San Ysidro is concurrently being prepared as a companion item to the Community Plan. The IFS and associated DIF will be presented to the City Council for consideration and approval in conjunction with their consideration of the Community Plan. The DIF, when adopted, will be a partial funding source for the public facilities envisioned for the community and contained within the respective 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:

On October 19, 2016, Smart Growth and Land Use Committee recommended to support staff's recommendation.

Murphy\Graham\so

Primary Contact\Phone: Sara Osborn\619-236-6368, MS 413

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

City Attorney Contact: Vonblum, Heidi

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

ITEM-336: San Ysidro Impact Fee Study, Fiscal Year 2017. (San Ysidro Community Area District 8.)

ITEM DESCRIPTION:

This action is for the consideration and approval of an Impact Fee Study (IFS) update and the associated Development Impact Fees (DIF) for the San Ysidro Community.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-197)

Adoption of a Resolution approving the San Ysidro Impact Fee Study, contingent upon the Resolution adopting the San Ysidro Community Plan becoming effective;

Authorizing the Chief Financial Officer to establish and modify individual Capital Improvement Program project budgets to reflect the San Ysidro Impact Fee Study, provided funding is available for such action;

That the fee schedule contained in the San Ysidro Impact Fee Study is the appropriate and applicable Development Impact Fee (DIF) schedule for all new development within the San Ysidro are and is hereby adopted;

Effective sixty days from the date of final passage of this Resolution, that all DIFs due under the San Ysidro Impact Fee 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 (SDMC) Section 142.0640(b), contingent upon the Resolution adopting the San Ysidro Community Plan becoming effective;

That the DIFs due shall automatically increase in accordance with SDMC Section 142.0640(c);

That the San Ysidro Impact Fee 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.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The current San Ysidro Public Facilities Financing Plan, FY 2008, was approved by the City Council on November 8, 2007, by Resolution No. R-303133. This item was heard at the Infrastructure Committee meeting on September 22, 2016, and forwarded the San Ysidro Impact Fee Study for City Council consideration. Motion by Vice-Chair Cole to adopt the resolution. Second by Councilmember Zapf.

VOTE: 3-0; Kersey-yea, Zapf-yea, Cole-yea, Emerald-not present.

Murphy\Graham\bh

Primary Contact\Phone: Benjamin Hafertepe\619-533-3913, MS 606 F

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

City Attorney Contact: Vonblum, Heidi

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

ITEM-337: Appeal of the Francis Parker Master Plan Amendment Approval, Project No. 412987. (Linda Vista Community Plan Area. District 7.)

ITEM DESCRIPTION:

The Francis Parker School Master Plan Amendment proposes to amend prior permits approved May 12, 2005. The existing campus, located at 6501 Linda Vista Road in the Linda Vista community, consists of a middle school & high school with a student population of 800. All new development will occur within the development footprint of the existing school. The project will increase student population to 940 students, demolish three buildings of approximately 41,229 square feet, add new buildings of approximately 103,182 square feet, a two-level underground parking structure with 279 parking spaces, an outdoor aquatic center, and reorient the existing football field to add an eight-lane track for track and field events.

TODAY'S ACTION IS:

Take the following actions:

According to the San Diego Municipal Code, the City Council shall consider the appeal and may:

With respect to the appeal of the environmental determination:

(1) By a majority vote, deny the appeal, approve the environmental determination;

OR

(2) By a majority vote, grant the appeal and set aside the environmental determination;

With respect to the appeal of the permit approval:

(1) By a majority vote, affirm the Planning Commission decision to approve the permits;

(2) By a majority vote, reverse Planning Commission's decision;

OR

(3) By a majority vote, modify Planning Commission's decision.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On February 22, 2016, the Linda Vista Planning Group voted 7:1:0 to recommend approval of the project. On July 28, 2016, the Planning Commission held a hearing, heard public testimony in favor and opposition, and voted 6:0:0:1 to approve the project.

Vacchi\Graham\jf

Primary Contact\Phone: John Fisher\619-446-5231, MS 301

Secondary Contact\Phone: Patricia Fitzgerald\619-446-5107, MS 501

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-338: Street Name Change from Benson Avenue between 61st Street and Woodman Avenue to Pastor Timothy J. Winters Street: Project No. 447353. (Encanto Community Area. District 4).

ITEM DESCRIPTION:

Street Name Change from Benson Avenue between 61st Street and Woodman Avenue to Pastor Timothy J. Winters Street, within the Encanto Community Planning Area.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-655 Cor. Copy)

Adoption of a Resolution, by the City Council of the City of San Diego, changing the name of Benson Avenue, between 61st Street and Woodman Avenue, as more particularly shown on the Location Map attached hereto as Exhibit "A," to Pastor Timothy J. Winters Street.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are recovered from a deposit account maintained by the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On June 21, 2016, the project was heard by the City Council. City Council returned the item back to staff, to allow the applicants an opportunity to obtain additional valid signatures. The applicants have obtained those signatures.

Vacchi\Graham\dj

Primary Contact\Phone: Derrick Johnson\619-446-5477, MS 401

Secondary Contact\Phone: Paul Godwin\619-446-5190, MS 401

City Attorney Contact: Lintvedt, Inga

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT