

CITY OF SAN DIEGO COUNCIL AGENDA



COUNCIL PRESIDENT

Myrtle Cole • Fourth District

COUNCIL PRESIDENT PRO TEM

Barbara Bry • First District

COUNCILMEMBERS

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

Andrea Tevlin
Independent
Budget Analyst

Mara W. Elliott
City Attorney

Elizabeth Maland
City Clerk

Council Chambers, 12th Floor, City Administration Building

Thursday, November 15, 2018

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
THURSDAY, NOVEMBER 15, 2018 AT 2:00 PM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ALTERNATE FORMATS

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

SENATE BILL 343 (LATE-ARRIVING MATERIALS)

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

ROLL CALL

PLEDGE OF ALLEGIANCE

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

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

REQUESTS FOR CONTINUANCE BY COUNCILMEMBERS

ADOPTION AGENDA, DISCUSSION ITEMS

ADOPTION AGENDA

DISCUSSION, ORDINANCES TO BE INTRODUCED:

Item 500: Proposed Amendments to Rules Governing Electioneering Communications.

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

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2019-53)

Introducing an Ordinance Amending Chapter 2, Article 7, Division 29 of the San Diego Municipal Code by Amending Section 27.2980, relating to the San Diego Municipal Election Campaign Control Ordinance and Electioneering Communications.

Committee Actions Taken: N/A

Ethics Commission: Stacey Fulhorst, (619) 533-3477

City Attorney Contact: Sharon Spivak

Item 501: Amended and Restated Regional Wastewater Disposal Agreement with the Metropolitan Wastewater Joint Powers Authority.

Total Estimated Cost of Proposed Action and Funding Source:

This is a no cost item.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2019-60 Cor. Copy) (Rev. 11/13/18)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute the Amended and Restated Regional Wastewater Disposal Agreement between the City of San Diego and the Metropolitan Wastewater Joint Powers Authority.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on November 1, 2018.

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

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

Public Utilities: Lee Ann Jones-Santos, (858) 614-4042

City Attorney Contact: Christine Leone

Item 502: Pure Water – Authorization for the Mayor to negotiate and execute a contract for an Owner-Controlled Insurance Program for the North City Phase 1 Project.

Total Estimated Cost of Proposed Action and Funding Source:

The estimated cost for the OCIP is \$28,230,660; funding will be available in the Water Utility CIP Fund 700010 and Metro Sewer CIP Fund 700009.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2019-63)

Introduction of an Ordinance authorizing the Mayor, or his designee, to negotiate and execute a fifteen (15) year insurance contract for an Owner-Controlled Insurance Program, in an amount not-to-exceed \$28,230,660, to provide insurance coverage for the construction of the North City Pure Water Phase 1 Project.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on November 1, 2018.

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

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

Public Utilities: John Helminski, (858) 292-6402

City Attorney Contact: Christine Leone

ADOPTION AGENDA

DISCUSSION, ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

Item 503: Pure Water – Authorization for the Mayor to Execute Construction Contracts to the Lowest Responsible and Reliable Bidders for the North City Pure Water Phase 1 Projects.

Total Estimated Cost of Proposed Action and Funding Source:

This item is requesting authorization to execute construction contracts and to increase the Capital Improvement Program budget by \$1,450,000 for CIP Pure Water Program Pooled Contingencies from Fund 400169, Transnet Extension 70% Cap; Fund 400174, Transnet Extension RTCI Fee; Fund 400869, General Fund Commercial Paper Notes; Fund 700010, Water Utility CIP; and Fund 700009, Metro Sewer CIP.

Council District(s) Affected: 1, 2, 3, 5, 6, 7.

Proposed Actions:

Subitem-A: (O-2019-61)

Ordinance authorizing the increase to contract alterations (change orders) for the Pure Water Phase I construction projects.

Subitem-B: (R-2019-206 Cor. Copy) (Rev. 11/13/18)

Resolution authorizing the Mayor, or his designee, to execute construction contracts to the lowest responsible and reliable bidders for the North City Pure Water Phase I Projects, and all associated funding actions.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on November 1, 2018.

ACTION: Motion by Councilmember Cate, second by Councilmember Sherman, to approve proposed actions and require PUD staff to provide reports/updates on the progress of the Pure Water Project twice per year to the Environment Committee, including statistics related to the rate of participation by San Diego County based businesses and number of local residents employed. Request that the Public Works Department provide the City Council with an outreach plan for potential subcontractors on the Pure Water Project.

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

Public Utilities: John Helminski, (858) 292-6402

City Attorney Contact: Christine Leone

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

Item 504: Pure Water – Authorization for the Mayor to negotiate and execute the Reservations of Rights Agreement with SDG&E and provide initial funding.

Total Estimated Cost of Proposed Action and Funding Source:

The total cost of the action is not-to-exceed \$35,678,521, of which \$26,834,578 is from the Water SDGE Relocate Fund 700105 and \$8,843,943 is from the Metro SDGE Relocation Fund 700104. (Rev. 11/9/18).

Council District(s) Affected: 1, 2, 3, 5, 6, 7.

Proposed Actions:

(R-2019-213 Cor. Copy) (Rev. 11/9/18)

Resolution authorizing the Mayor, or his designee, to negotiate and execute a Reservation of Rights Agreement with SDG&E, in an amount not-to-exceed \$35,678,521, to provide funding for SDG&E to begin design and relocation of SDG&E facilities, related to the North City Pure Water Phase I Projects. (Rev. 11/9/18)

Committee Actions Taken: N/A

Public Utilities: John Helminski, (858) 292-6402

City Attorney Contact: Christine Leone

Item 505: Miramar Recycling Center Service Contract/Real Property Lease Eighth Amendment.

Total Estimated Cost of Proposed Action and Funding Source:

There is no cost associated with this item as it is a revenue Contract.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (R-2019-154)

Resolution authorizing the Mayor, or his designee, to execute the eighth extension to the Agreement with Allan Company for operation of the Miramar Landfill Recycling Center.

Subitem-B: (R-2019-155 Cor. Copy)

Resolution determining that the approval of the eighth amendment to the Miramar Landfill Recycling Center Service Contract/Real Property Lease is exempt from the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on September 13, 2018.

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

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

Environmental Services: Barbara Lamb, (858) 573-1287

City Attorney Contact: Davin Widgerow

ADOPTION AGENDA

DISCUSSION, NOTICED HEARINGS:

Item 506: Appeal of the Environmental Determination for Sorrento Valley Marijuana Outlet CUP – Project No. 545299.

Total Estimated Cost of Proposed Action and Funding Source:

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

Council District(s) Affected: 1.

Proposed Actions:

Appeal of Environmental Determination for Sorrento Valley Marijuana Outlet related to an application for a Conditional Use Permit and Coastal Development Permit to operate a Marijuana Outlet in a 3,980 square-foot tenant space within an existing 50,284 square-foot building located at 10150 Sorrento Valley Road, Suite 110, on a 12.04-acre site within the IL-3-1 zone and Coastal Overlay Zone (Appealable and Non-Appealable) within the Torrey Pines Community Plan area.

According to San Diego Municipal Code Section 112.0520(e) Power to Act on Appeal.

The City Council shall consider the appeal and may:

(1) By a majority vote, deny the appeal and adopt Negative Declaration No. 545299; or

(2) By a majority vote, grant the appeal and set aside the adoption of the Negative Declaration No. 545299, in accordance with San Diego Municipal Code 112.0520(f).

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

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

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

Committee Actions Taken: N/A

Development Services: Cherlyn Cac, (619) 236-6327
City Attorney Contact: Corrine Neuffer

NON-AGENDA ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT