

REVISED

CITY OF SAN DIEGO COUNCIL AGENDA



COUNCIL PRESIDENT

Myrtle Cole • Fourth District

COUNCIL PRESIDENT PRO TEM

Barbara Bry • First District

COUNCILMEMBERS

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

Andrea Tevlin
Independent
Budget Analyst

Mara W. Elliott
City Attorney

Elizabeth Maland
City Clerk

Council Chambers, 12th Floor, City Administration Building

Tuesday, June 12, 2018

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

ALTERNATE FORMATS

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

SENATE BILL 343 (LATE-ARRIVING MATERIALS)

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

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

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:

04/16/2018

04/17/2018

04/23/2018

04/24/2018

ADOPTION AGENDA, CONSENT ITEMS

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

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE INTRODUCED:

Item 50: Sixth Amendment to the Agreement for As-Needed Legal Services for Water Rights and the Long-Range Water Master Plan between the City of San Diego and Somach, Simmons & Dunn.

Total Estimated Cost of Proposed Action and Funding Source:

The Sixth Amendment to the Agreement is a no cost time extension that will add six (6) months to the original Agreement.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2018-108)

Ordinance to approve the Sixth Amendment to the Legal Services Contract with Somach, Simmons & Dunn to provide legal services for the Long Range Water Resources Plan and other tasks. The Sixth Amendment is for a no-cost, six-month extension of time for the existing Agreement until September 30, 2018.

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

Committee Actions Taken: N/A

City Attorney Contact: Ray Palmucci

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE ADOPTED:

Item 51: Request to exempt one Council Representative I position in Council Administration from the Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

Funds will be absorbed within the Fiscal Year 2018 Council Administration Budget.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 5/15/2018, Item 50. (Council voted 7-0. Council President Cole and Councilmember Sherman not present):

(O-2018-106)

Authorizing the exemption of one Council Representative I position in the Office of the City Council President from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on March 1, 2018. This Council Representative I position will be responsible for ensuring service levels and day-to-day operations are met for each City Council office, and for performing various duties related to grants for City Council community projects, programs, and services. This action is brought under San Diego Charter Section 117(a)(1).

Committee Actions Taken: N/A

Council Administration: Jimmie Slack, (619) 236-6644

City Attorney Contact: Joan F. Dawson

Item 52: Exempt two (2) Program Manager and one (1) Program Coordinator Position in the Human Resources Department from the Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

The two new Program Manager unclassified position's annual cost, including salaries and fringe benefits, of approximately \$462,000, and the new Program Coordinator position's annual cost, including salary and fringe, of approximately \$115,000, for a total of approximately \$577,000 will be funded by the Human Resources Department's General Fund Operating Budget. As a result of promotions, the Department will be using funds from these vacancies to help offset the cost to the General Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 5/15/2018, Item 51. (Council voted 7-0. Council President Cole and Councilmember Sherman not present):

(O-2018-109)

Authorizing the exemption of two Program Manager positions and one Program Coordinator position in the City's Department of Human Resources from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on April 11, 2018. This action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken: N/A

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

City Attorney Contact: William Gersten

Item 53: Amend campaign laws to update advertising disclosure rules in light of changes to State Law.

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

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 5/15/2018, Item 331. (Council voted 7-0. Council President Cole and Councilmember Sherman not present):

(O-2018-114)

Amending Chapter 2, Article 7, Division 29 of the San Diego Municipal Code by amending Sections 27.2903, 27.2925, and 27.2959; retitling and amending Section 27.2970; repealing Sections 27.2971, 27.2972, 27.9273, and 27.2974; retitling and amending Sections 27.2975 and 27.2976; and amending Section 27.2980, relating to the San Diego Municipal Election Campaign Control Ordinance and campaign advertising disclosures.

Committee Actions Taken: N/A

Ethics Commission: Stacey Fulhorst, (619) 533-3477
City Attorney Contact: Sharon Spivak

Item 54: Amendments to the San Diego Municipal Code to Delete Family Justice Center from the list of City Departments and to Repeal Provisions Relating to the Family Justice Center as a City Department.

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

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 5/22/2018, Item 50. (Council voted 9-0)

(O-2018-85)

Amending Chapter 2, Article 2, Division 18 of the San Diego Municipal Code by amending Section 22.1801(b), and by repealing Chapter 2, Article 2, Division 22, relating to the City of San Diego Family Justice Center Department. This ordinance will delete "Family Justice Center" from the list of City departments under San Diego Municipal Code Section 22.1801(b) and will repeal Chapter 2, Article, 2, Division 22 in its entirety as the Family Justice Center has not been administered as an independent City department since 2009.

6 votes required pursuant to Section 26 of the City Charter.

Committee Actions Taken: N/A

Office of the City Attorney: Ken So, (619) 533-5814

Item 55: Award the First Amendment to the Consultant Agreement with AECOM Technical Services, Inc., (AECOM) for professional services for the design and construction support services for Otay 2nd Pipeline Phase I (H146218).

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

Council District(s) Affected: 4.

Proposed Actions:

Adopt the following ordinance which was introduced on 5/22/2018, Item 51.
(Council voted 9-0):

(O-2018-89)

Authorizing the Mayor, or his designee, to execute Amendment No.1 to the Contract with AECOM Technical Services, extending the Contract through 2022, in connection with the Otay 2nd Pipeline Phase I Project.

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

Committee Actions Taken: N/A

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

City Attorney Contact: Mark M. Mercer

Item 56: Fourth Amendment to the Agreement for Advanced Metering Infrastructure System between Itron, Inc. and the City of San Diego.

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

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 5/22/2018, Item 52.
(Council voted 9-0):

(O-2018-103)

Authorizing the Mayor, or his designee, to execute Amendment No. 4 to the Contract with Itron, Inc., extending the Contract through June 30, 2019, in connection with the Advanced Metering Infrastructure Project.

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

Committee Actions Taken: N/A

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

City Attorney Contact: Mark M. Mercer

Item 57: Contribution Agreement with SANDAG for the UTC Transit Center.

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

Council District(s) Affected: 1.

Proposed Actions:

Adopt the following ordinance which was introduced on 5/22/2018, Item 54.
(Council voted 9-0):

(O-2018-110 Cor. Copy)

Ordinance authorizing the Mayor, or his designee, to enter into a Contribution Agreement with SANDAG, in an amount not-to-exceed \$4,000,000, related to the University Town Center (UTC) Transit Center Project.

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

Committee Actions Taken: N/A

Transportation & Storm Water: Stephen Celniker, (619) 533-3611

City Attorney Contact: Ryan P. Gerrity

Item 58: Georgia Street Bridge Improvements – Accept Federal Funds and Authorize Fourth Amendment to the Consultant Agreement with Kleinfelder.

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

Council District(s) Affected: 3.

Proposed Actions:

Adopt the following ordinance which was introduced on 5/22/2018, Item 55. (Council voted 9-0):

(O-2018-113 Cor. Copy)

Authorizing the Mayor, or his designee, to execute Amendment No. 4 to the Contract with Kleinfelder (formerly Simon Wong Engineering), extending the Contract through December 31, 2019, for engineering services in connection with the Georgia Street Bridge project, and related funding actions including authorizing an application to Caltrans for grant funding.

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

Committee Actions Taken: N/A

Public Works: Abi Palaseyed, (619) 533-4654

City Attorney Contact: Ryan P. Gerrity

Item 59: Fourth Amendment to Construction Cooperative Agreement with Caltrans for the Carroll Canyon Road Extension Project.

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

Council District(s) Affected: 1, 6.

Proposed Actions:

Adopt the following ordinance which was introduced on 5/22/2018, Item 56. (Council voted 9-0):

(O-2018-111)

Authorizing the Mayor, or his designee, to execute Amendment No. 4 to Construction Cooperative Agreement No. 11-0642 with Caltrans for installation of a pressure reducing station (PRS) and control systems at the Carroll Canyon Road Extension Project.

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

Committee Actions Taken: N/A

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

City Attorney Contact: Ryan P. Gerrity

Item 60: Request to exempt one (1) Program Manager from Classified Service in the Fire-Rescue Department.

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

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 5/22/2018, item 57. (Council voted 9-0):

(O-2018-116)

Authorizing the exemption of one Program Manager in the City's Fire-Rescue Department from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on April 5, 2018. This Program Manager position will, under the direction of the Deputy Fire Chief, be responsible for managing and overseeing the administrative function of the Aircraft Rescue and Fire Fighting services at the San Diego Airport. This action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken: N/A

Fire-Rescue: Christopher Webber, (619) 323-5570

City Attorney Contact: William Gersten

Item 61: Award the Consultant Agreement with Michael Baker International for professional services for the design and design support during construction of the Murphy Canyon Road Trunk Sewer Repair/Rehabilitation (H176923).

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

Council District(s) Affected: 6, 7.

Proposed Actions:

Adopt the following ordinance which was introduced on 5/22/2018, Item 60, Subitem A. (Council voted 9-0):

(O-2018-112)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a phase funded Agreement with Michael Baker International, Inc., for design and construction support services for an amount not-to-exceed \$2,269,930 for a term of seven years.

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

Committee Actions Taken: N/A

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

City Attorney Contact: Pedro De Lara, Jr.

Item 62: Merge 56 - Project No. 360009: Development Project Approvals, Certification of an Environmental Impact Report, and Other Actions.

Total Estimated Cost of Proposed Action and Funding Source:

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

Council District(s) Affected: 5, 6.

Proposed Actions:

Adopt the following ordinance which was introduced on 5/22/2018, Item 331, Subitem B. (Council voted 9-0):

(O-2018-115)

Approving a rezone changing approximately 40 acres located approximately south of State Route 56, between Camino del Sur and Black Mountain Road, within the Torrey Highlands Community Plan area from the CR-2-1 and RM 3-9 zones into the CC-3-5 and RX-1-2 zones, and taking related actions for the Merge 56 project.

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

Committee Actions Taken: N/A

Development Services: Jeffrey A. Peterson, (619) 446-5237

City Attorney Contact: Keely Halsey

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

Item 100: Awarding a Consultant Agreement with Dudek (H176881) to Provide Professional Environmental Consulting and Engineering Services to the City for the Mission Bay Park Improvements Programmatic Environmental Impact Report (PEIR).

Total Estimated Cost of Proposed Action and Funding Source:

The total amount for this Agreement is not-to-exceed \$5,811,331.25. The Agreement shall be performed during three separate phases per the Phased Funding Schedule not-to-exceed 5 years. Each phase will be funded from the AGF00004 Mission Bay Improvements Fund 200386. Allocation of funds per each phase is as follows: \$2,002,371 on date of execution of Agreement, \$2,002,239.75 for Phase 2, and \$1,806,720.50 for Phase 3.

Council District(s) Affected: 2.

Proposed Actions:

(R-2018-562)

Resolution authorizing the Mayor, or his designee, to enter into an Agreement with Dudek, in an amount not-to-exceed \$5,811,331.25 to provide environmental and engineering services, related to the Mission Bay Park Improvement PEIR.

Committee Actions Taken:

This item was heard at the Infrastructure Committee meeting on May 23, 2018.

ACTION: Motion by Councilmember Zapf, second by Councilmember Ward, to recommend Council adopt the resolution.

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

Public Works: Mark Nassar, (619) 533-6600

City Attorney Contact: Mark M. Mercer

Item 101: Marketing Agreement with Aerometals Inc., and City of San Diego's Fire-Rescue Department.

Total Estimated Cost of Proposed Action and Funding Source:

Aerometals Inc. (AM) will provide the City of San Diego Fire-Rescue Department an aircraft installed Inlet Barrier Filter (IBF) valued at \$195,000 plus installation valued at \$25,000 for a total value of \$220,000 on Fire-Rescue's new helicopter, a Sikorsky S70i.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-579)

Resolution authorizing the Mayor, or his designee, to enter into a marketing agreement with Aerometals Inc., for an Inlet Barrier Filter from Aerometals, Inc., to be installed on the Fire-Rescue Department's new Sikorsky S70i helicopter.

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on May 23, 2018.

ACTION: Motion by Councilmember Cate, second by Councilmember Gómez, to adopt the resolution.

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

Corporate Partnership: Natasha Collura, (619) 533-3822

City Attorney Contact: Noah J Brazier

Item 102: First Amendment to Ground Lease between City of San Diego and San Diego Community Land Trust: 3.3 acres of City-owned land south of Elrose Drive between Lauriston Drive and Paxton Drive (APN's 630-060-24 and 630-160-62) in Otay Mesa-Nestor.

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

Council District(s) Affected: 8.

Proposed Actions:

(R-2018-587)

Resolution authorizing execution of a First Amendment to City of San Diego Ground Lease with San Diego Community Land Trust for the lease of City-owned property located at Lauriston Drive and Paxton Drive (APN's 630-060-24 and 630-160-62) in San Diego, California, and related actions.

Committee Actions Taken:

This item was heard at the Smart Growth and Land Use Committee meeting on May 21, 2018.

ACTION: Motion by Councilmember Sherman, second by Councilmember Zapf, to approve the consent agenda.

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

Real Estate Assets: Mary Carlson, (619) 236-6079

City Attorney Contact: Hilda R. Mendoza

Item 103: Settlement of Claim filed by Rex Panton - Risk Management No. 14779.

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$61,147.87 will be paid from Sewer Fund No. 700000.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-530)

Resolution authorizing the Settlement of the Claim of Rex Panton to mitigate and remedy water damage to his property at 5395 Middleton Road on January 9, 2017. Claim No. 14779.

Committee Actions Taken: N/A

Office of the City Attorney: David Scott, (619) 533-5628

Item 104: Settlement of the personal injury complaint of Regina Capobianco, et al. v. COSD. Claim No. 12249.

Total Estimated Cost of Proposed Action and Funding Source:

Settlement in the sum of \$1,700,000, will be paid from the Public Liability Fund No. 720045.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-570)

Resolution authorizing the settlement of the complaint of Regina Capobianco for personal injuries she sustained when she fell off her Segway after riding over a large area of broken street on Camino de la Costa, at the intersection of Winamar Avenue, on July 8, 2015. Claim No. 12249.

Committee Actions Taken: N/A

Office of the City Attorney: Jane Boardman, (619) 533-5899

Item 105: Appointment and Reappointments the Independent Rates Oversight Committee.

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

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

Proposed Actions:

(R-2018-566)

Resolution for the appointment of Robert Weichelt, reappointments of Tiffany Mittal and Gordon Hess by the Mayor of the City of San Diego, to the Independent Rates Oversight Committee.

Adopt a resolution confirming the Mayor's appointment of Robert Weichelt (San Carlos, District 7, filling the seat previously held by Frederick Kosmo, who resigned for a term ending May 1, 2019, and the reappointments of Tiffany Mittal (Point Loma, District 2) and Gordon Hess (Golden Hill, Mission Hill, District 3) on the Independent Rates Oversight Committee, for terms ending May 1, 2021.

Committee Actions Taken: N/A

Office of the Mayor: John Ly, (619) 236-6630

City Attorney Contact: Monica Willian

Item 106: Resolution excusing Council President Cole from City Council and Committee meetings.

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

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-567)

Resolution excusing Council President Cole from attending meetings.

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

Committee Actions Taken: N/A

Council President's Office: Jimmie Slack, (619) 236-6644

City Attorney Contact: Monica Willian

Item 107: Resolution excusing Councilmember David Alvarez from Committee and Council meetings.

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

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-523)

Resolution excusing Councilmember David Alvarez from meetings.

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

Committee Actions Taken: N/A

Council District 8: Ruth Martin, (619) 236-6888

City Attorney Contact: Sharon Spivak

Item 108: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

Proposed Actions:

(R-2018-304)

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

City Attorney Contact: Thomas C. Zeleny, 619-236-7728

PROCLAMATIONS/CEREMONIAL ITEMS (PRESENTED IN CHAMBERS)

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

Item 30: Philippine Independence Week.

PRESENTED BY COUNCIL PRESIDENT COLE AND COUNCILMEMBER CATE:

Proclaiming June 10-17, 2018, to be "Philippine Independence Week" in the City of San Diego.

Item 31: Dr. Delores Jacobs Day.

PRESENTED BY COUNCILMEMBER WARD AND COUNCILMEMBER GÓMEZ:

Proclaiming June 12, 2018, to be "Dr. Delores Jacobs Day" in the City of San Diego.

Item 32: Marissa Cassani Day.

PRESENTED BY COUNCILMEMBER ALVAREZ:

Proclaiming June 12, 2018, as "Marissa Cassani Day" in the City of San Diego.

PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED IN CHAMBERS)

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

Item 33: 100th Anniversary of the Azerbaijan Democratic Republic Day.

COUNCILMEMBER WARD'S RECOMMENDATION:

Proclaiming May 28, 2018, to be "100th Anniversary of the Azerbaijan Democratic Republic Day" in the City of San Diego.

Item 34: Michael Sonduck Day.

COUNCIL PRESIDENT PRO TEM BRY'S RECOMMENDATION:

Proclaiming June 10, 2018, to be "Michael Sonduck Day" in the City of San Diego.

Item 35: Lipinsky Family San Diego Jewish Arts Festival Day.

COUNCIL PRESIDENT PRO TEM BRY'S RECOMMENDATION:

Proclaiming May 27, 2018, to be "Lipinsky Family Jewish Arts Festival Day" in the City of San Diego.

Item 36: New Children's Museum Day.

COUNCIL PRESIDENT PRO TEM BRY'S AND COUNCILMEMBER WARD'S RECOMMENDATION:

Proclaiming May 10, 2018, to be "New Children's Museum Day" in the City of San Diego.

Item 37: City Heights Law Day.

COUNCILMEMBER GÓMEZ'S RECOMMENDATION:

Proclaiming April 28, 2018, to be "City Heights Law Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

None.

ITEMS PULLED FROM THE CONSENT AGENDA

NON-AGENDA PUBLIC COMMENT

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

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

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

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE BY COUNCILMEMBERS

ADOPTION AGENDA, DISCUSSION ITEMS

ADOPTION AGENDA

DISCUSSION, ORDINANCES TO BE INTRODUCED:

Item 330: Municipal Code Amendment for Grants Approval Process.

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

Total Estimated Cost of Proposed Action and Funding Source:

No cost associated with proposed action.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2018-124)

Introduction of an Ordinance amending Chapter 2, Article 2 of the San Diego Municipal Code by adding new Division 52, Sections 22.5201, 22.5202, 22.5203, and 22.5204, all relating to grants application, acceptance, and oversight.

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on March 14, 2018.

ACTION: Motion by Chair Bry, second by Councilmember Gomez, to recommend Council approval of Staff Recommendation for Grants Approval Process as presented at Budget Committee with a threshold change to \$1 million dollars and Section C to include to Council consideration.

VOTE: 3-0; Bry-yea, Cate-yea, Gómez-yea, Ward- not present.

Corporate Partnership: Sarah Brenha, (619) 533-3837

City Attorney Contact: Catherine Morrison

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

Item 331: Authorize the Contract with Luth and Turley Inc., for as-needed remediation and clean up services as per Council Policy 400-10.

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

Total Estimated Cost of Proposed Action and Funding Source:

Amount not-to-exceed \$5,000,000 per Contract year of which \$4,000,000 from the Water Fund, and \$1,000,000 Municipal Sewer Fund, with the final allocation between Water and Municipal Sewer Funds reflecting the proportionate share of damages caused by water main breaks and sewer backups, respectively.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-588)

Resolution authorizing an Agreement with Luth & Turley, Inc., for as-needed remediation and clean up services in an amount not-to-exceed \$5 million per year for up to five years, and related funding actions.

Committee Actions Taken: N/A

Risk Management: Claudia Castillo del Muro, (619) 236-6784

City Attorney Contact: Tom Zeleny

Item 332: **The Link (707-723 17th Street) - Proposed Owner Participation Agreement with East Village PSH, L.P. - East Village Neighborhood of the Downtown Community Plan Area.**

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

Total Estimated Cost of Proposed Action and Funding Source:

This action will authorize an expenditure of up to \$10.35 million from the LMIHAF, for the City Loan as a below-market interest rate affordable housing loan for the development and construction of the Project, and authorize loan repayments to be deposited to the LMIHAF for future affordable housing. Please see staff report for additional information.

Council District(s) Affected: 3.

Proposed Actions:

(R-2018-577)

Resolution making certain findings, approving the owner participation Agreement and the City's loan for the Link affordable housing project within the Centre City Redevelopment Project Area.

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

Committee Actions Taken: N/A

Civic San Diego: Eli Sanchez, (619) 533-7121

City Attorney Contact: Kate Malcolm

Item S500: Sale of Property - World Trade Center Garage (1245 Fifth Avenue) First Amendment to Purchase and Sale Agreement with Metropolitan/SDPB Fifth Avenue, LLC. (Added 6/6/18)

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

Total Estimated Cost of Proposed Action and Funding Source:

Based on an anticipated adjusted purchase price of not less than \$4.5 million which assumes full reimbursement of the holdback amount to the Buyer, less estimated expenses of \$200,000, resulting in estimated net proceeds of \$4.3 million, the City would receive approximately \$731,000 as its share of net sales proceeds which would be revenue to the General Fund.

Council District(s) Affected: 3.

Proposed Actions:

(R-2018-602)

Resolution approving certain actions regarding the First Amendment to the Purchase Agreement for the Successor Agency's sale of the World Trade Center parking garage site located at 1245 Fifth Avenue in downtown San Diego.

Committee Actions Taken: N/A

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

City Attorney Contact: Kevin Reisch

Item S501: Park Boulevard At-Grade Crossing (Park Boulevard and Harbor Drive) - Bid and Award Construction Contracts and Authorize Consultant Contracts. (Added 6/6/18)

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

Total Estimated Cost of Proposed Action and Funding Source:

Funding is to be provided primarily by Redevelopment Property Tax Trust Funds (RPTTF), contingent upon approval of future ROPS by the DOF, as this Project is an enforceable obligation. ROPS 12 has been submitted and approved by the DOF along with the respective line items which include the necessary funding for the Project. The Project budget is included in the City's Fiscal Year 2019 CIP Budget.

Council District(s) Affected: 3.

Proposed Actions:

(R-2018-585)

A resolution of the City Council, acting in its capacity as the Board of the Successor Agency to the Redevelopment Agency of the City of San Diego, approving expenditure of funds, and authorizing certain related actions and agreements, in connection with the Park Boulevard At-Grade Crossing Project.

Committee Actions Taken: N/A

Civic San Diego: Daniel Kay, (619) 533-7159

City Attorney Contact: Nate Slegers

Item S502:

Approval of Proposed Agreement between the City of San Diego, Fifth Avenue Landing, LLC, and the San Diego Unified Port Authority (Port District) in consideration of settlement of litigation between the City of San Diego and Fifth Avenue Landing, LLC. (FAL) (Added 6/7/18)

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

Total Estimated Cost of Proposed Action and Funding Source:

The Council is asked to appropriate an amount not-to-exceed \$5.4 million from the City's Public Liability Fund to secure a City Promissory Note to the Port District. As described in detail in the report, the City Promissory Note will either become payable by the City, or will be entirely forgiven by the Port District, depending on certain future events.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (R-2018-612)

Resolution stating for the record that the City Council has reviewed and considered the information contained in the Addendum to the Final Environmental Impact Report for the San Diego Convention Center Phase III Expansion and Adjacent Expansion Hotel, and concurs with the conclusions in the Addendum.

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 Council's review and consideration of the Addendum for the Project.

Subitem-B: (R-2018-613)

Resolution approving transaction documents among the City of San Diego, the San Diego Unified Port District, and Fifth Avenue Landing, LLC (FAL), for the City's acquisition of a long-term leasehold interest in tidelands property needed for the San Diego Convention Center Phase III expansion and the settlement of pending litigation and any related claims between the City and FAL, and approving certain related actions.

Committee Actions Taken: N/A

Office of the Mayor: Felipe Monroig, (619) 236-6330

City Attorney Contact: Kevin Reisch

Item S503:

Assignment and Assumption Agreement: Horton Plaza Owner Participation Agreement (south side of Broadway on block bounded by Broadway, Broadway Circle, G Street, and 4th Avenue). (Added 6/7/18)

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

Total Estimated Cost of Proposed Action and Funding Source:

This action will authorize a future appropriation and expenditure of up to \$150,000 in the Fiscal Year 2020 Budget from the Long-Range Property Management Plan, for the administration of the OPA and the deposit into the Plaza Capital Reserve Account held by the City of San Diego.

Council District(s) Affected: 3.

Proposed Actions:

Subitem-A: (R-2018-615)

Resolution approving an Assignment and Assumption Agreement between the Successor Agency and the City regarding the owner participation agreement and associated documents for the Horton Plaza retail center.

Subitem-B: (R-2018-616)

Resolution approving an Assignment and Assumption Agreement between the Successor Agency and the City regarding the owner participation agreement and associated documents for the Horton Plaza retail center.

Committee Actions Taken: N/A

Civic San Diego: Eli Sanchez, (619) 533-7121

City Attorney Contact: Adam Wander

ADOPTION AGENDA

DISCUSSION, NOTICED HEARINGS:

Item 333: Hilltop & Euclid Mixed-Income, Mixed-Use Project Terms and Conditions of Proposed Disposition and Development Agreement and Purchase and Sale Agreement.

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

Total Estimated Cost of Proposed Action and Funding Source:

This action will expend a total of \$5.85 million, or \$51,770 per unit, as a loan for the Project with a combination of excess housing bonds and the LMIHAF. In consultation with City Financial Management, Comptroller and City Attorney's office, the requested actions will approve the total expenditure of \$5.85 million and allow the City to expend the total remaining housing bonds as follows, plus future interest. See Staff Report and Accounting Table for additional information.

Council District(s) Affected: 4.

Proposed Actions:

Subitem-A: (R-2018-190)

Resolution making certain findings of benefit relating to the use of bond proceeds of the Centre City, Horton Plaza, and North Bay Redevelopment Project areas toward the Hilltop & Euclid Affordable Housing Project, located in the Southeastern San Diego Merged Redevelopment Project Area.

Subitem-B: (R-2018-172 Cor. Copy 2) (Rev. 6/6/18)

Resolution approving a Disposition and Development Agreement and a Purchase and Sale Agreement related to the Hilltop & Euclid market-rate and Affordable Housing Projects in the Southeastern San Diego Merged Redevelopment Project Area, and making related findings and determinations, including a finding under the California Environmental Quality Act that the proposed projects are part of the development program evaluated in a prior certified Program Environmental Impact Report.

Directing the City Clerk, or designee, to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Projects.

Committee Actions Taken: N/A

Civic San Diego: Sherry Brooks, (619) 533-7190

City Attorney Contact: Nate Slegers

Item 334: Maryland Street TM - Project No. 564646.

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

Total Estimated Cost of Proposed Action and Funding Source:

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

Council District(s) Affected: 3.

Proposed Actions:

Tentative Map with Easement Vacation to allow the creation of six residential condominium units in an under-construction project and the vacation of a Slope Easement on a 0.20-acre site located at 4155 Maryland Street, in the RM-3-7 zone, within the Uptown Community Plan. The Project also includes a request to waive the requirement to underground existing off-site overhead utilities.

(R-2018-547)

Resolution approving Tentative Map No. 2025414 and Easement Vacation No. 2025415 for the Maryland Street TM project.

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

Committee Actions Taken: N/A

Development Services: Paul Godwin, (619) 446-5190

City Attorney Contact: Casey Shaw

Item 335: Appeal of the Historical Designation of the Frazee-Kurts Paint and Wallpaper Building Located at 1045 Tenth Avenue.

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

Total Estimated Cost of Proposed Action and Funding Source:

No fees associated with this item.

Council District(s) Affected: 3.

Proposed Actions:

Appeal of the March 25, 2004, decision of the Historical Resources Board designating the Frazee-Kurts Paint and Wallpaper building, located at 1045 10th Avenue, as a historical resource (HRB #656):

Granting or denying the appeal and upholding, overturning or modifying the action of the Historical Resources Board designating the Frazee-Kurts Paint and Wallpaper building, located at 1045 10th Avenue, as a historical resource (HRB #656);

Directing the City Attorney to prepare the appropriate Resolution according to Section 40 of the City Charter.

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

Committee Actions Taken: N/A

Development Services: Sonnier Francisco, (619) 685-1360

City Attorney Contact: Jeremy Jung

Item 336: Uptown Community Plan Amendments.

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

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

Council District(s) Affected: 3.

Proposed Actions:

Amendments to the Uptown Community Plan and General Plan to redesignate 1.10 acres in the Hillcrest neighborhood and 2.79 acres in Bankers Hill/Park West neighborhood and amend the Community Plan Implementation Overlay Zone to include the University Heights neighborhood; rezones consistent with the Community Plan amendments,

Amendment of Chapter 13, Article 2, Division 14 of the Municipal Code to amend the boundaries of the Community Plan Implementation Overlay Zone; and Addendum to the Environmental Impact Report No. 380611 (SCH No. 2016061023).

Subitem-A: (R-2018-564)

Resolution adopting the Addendum to the Program Environmental Impact Report 380611/SCH. NO. 2016061023 and adopting the Mitigation, Monitoring, and Reporting Program for Amendments to the Uptown Community Plan.

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

Subitem-B: (R-2018-563)

Resolution adopting Amendments to the Uptown Community Plan and the General Plan to designate properties in the Hillcrest and Bankers Hill/Park West neighborhoods and to include a Community Plan Implementation Overlay Zone for the University Heights neighborhood.

Subitem-C: (O-2018-122)

Introduction of an Ordinance Rezoning 2.1 acres located at 2635 Second Avenue, 210 Maple Street, 2606 Third Avenue, 328 Maple Street, 2655 Third Avenue, and 311 Nutmeg Street from the RM-3-9 zone to RM-4-10; and 0.69 acres located at 2664 Fourth Avenue, 2654 Fourth Avenue, and 2640 Fourth Avenue from the CC-3-8 zone to CC-3-9 within the Uptown Community Plan Area.

Subitem D: (O-2018-123)

Introduction of an Ordinance Rezoning 1.10 acres located at 3922 and 3906 Park Boulevard from the CC-3-8 zone to CC-3-9 within the Uptown Community Plan Area.

Subitem E: (O-2018-127)

Introduction of an Ordinance Amending Chapter 13, Article 2, Division 14 of the San Diego Municipal Code by Amending Sections 132.1402, Table 132-14A and 132.1403, Diagram 132-14K, relating to the Community Plan Implementation Overlay Zone for the University Heights neighborhood in the Uptown Community Plan Area.

Committee Actions Taken:

This item was heard at the Smart Growth & Land Use Committee meeting on April 18, 2018.

ACTION: Motion by Councilmember Sherman, second by Councilmember Zapf, to support the amendments to the community plan, associated rezones, and an amendment to the Community Plan Implementation Overlay Zone.

VOTE: 3-0; Gómez-yea, Sherman-yea, Zapf-yea.

Planning: Marlon Pangilinan, (619) 235-5293

City Attorney Contact: Corrine Neuffer

Item 337: General Plan Amendment-Public Facilities, Services and Safety Element Sections D and P.

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

Total Estimated Cost of Proposed Action and Funding Source:

No financial impacts with this action.

Council District(s) Affected: Citywide.

Proposed Actions:

An amendment is proposed to the City of San Diego's General Plan to comply with Senate Bill 1241 that requires jurisdictions with land classified as very high fire hazard severity zones must update the safety element to address risk of fire. The proposed amendment is in the Public Facilities Services and Safety Element Sections D and P.

Subitem-A: (R-2018-576)

Resolution determining that previous environmental documents adequately analyzed the environmental impacts of the proposed amendments to the Public Facilities, Services and Safety Element of the General Plan.

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

Subitem-B: (R-2018-575)

Resolution adopting proposed amendments to the Public Facilities, Services and Safety Element of the General Plan.

Committee Actions Taken:

This item was heard at the Smart Growth & Land Use Committee meeting on April 18, 2018.

ACTION: Motion by Councilmember Sherman, second by Councilmember Zapf, to recommend Council adopts the resolution and the General Plan Amendment.

VOTE: 3-0; Gómez-yea, Sherman-yea, Zapf-yea.

Planning: Melissa Garcia, (619) 236-6173

City Attorney Contact: Casey Shaw

NON-AGENDA ITEMS

REPORT OUT FROM CLOSED SESSION

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT