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# CITY OF SAN DIEGO COUNCIL DOCKET



## COUNCIL PRESIDENT

**Todd Gloria • Third District**

## COUNCIL PRESIDENT PRO TEM

**Sherri Lightner • First District**

## COUNCILMEMBERS

**Vacant • Second District**  
**Myrtle Cole • Fourth District**  
**Mark Kersey • Fifth District**  
**Lorie Zapf • Sixth District**  
**Scott Sherman • Seventh District**  
**David Alvarez • Eighth District**  
**Marti Emerald • Ninth District**

**Andrea Tevlin**  
**Independent**  
**Budget Analyst**

**Jan Goldsmith**  
**City Attorney**

**Liz Maland**  
**City Clerk**

**Council Chambers, 12<sup>th</sup> Floor, City Administration Building**

**Tuesday, March 11, 2014**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, MARCH 11, 2014, AT 2:00 PM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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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, ranging from five business days to two weeks. 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.

**NOTE: The public portion of the meeting will begin at 2:00 p.m. The City Council will meet in Closed Session this afternoon from 1:00 p.m. – 2:00 p.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.**

**OTHER LEGISLATIVE MEETINGS**

The **PUBLIC FACILITIES FINANCING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information please contact Brant Will at (619) 236-6220. Internet access to the agenda is available at: <http://www.sandiego.gov/city-clerk/officialdocs/legisdocs/pffa.shtml>

**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:

01/27/2014  
01/28/2014  
02/03/2014 - Adjourned  
02/04/2014

**PROCLAMATIONS/CEREMONIAL ITEMS**

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

ITEM-30: Kim O'Hara Day.

**PRESENTED BY COUNCILMEMBER SHERMAN:**

Proclaiming February 25, 2014, to be "Kim O'Hara Day" in the City of San Diego.

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

ITEM-31: Stuffed Dragons Robotics Team Day.

**COUNCILMEMBER SHERMAN'S RECOMMENDATION:**

Proclaiming March 12, 2014, to be "Stuffed Dragons Robotics Team Day" in the City of San Diego.

**SPECIAL ORDERS OF BUSINESS**

None.

**ADOPTION AGENDA, CONSENT ITEMS**

The Consent items listed beginning on the next page are considered to be routine, and the appropriate Environmental Impact Reports 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 form prior to the start of the meeting.

**NON-AGENDA PUBLIC COMMENT WILL BE TAKEN AT 2:00 P.M. (Rev. 3/5/14)**

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, of the San Diego Municipal Code, comments are limited to three minutes per speaker, and three minutes per subject regardless of the number of people requesting to speak on that subject

**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 based on when the item was noticed to be heard.

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

- \* ITEM-50: Amendment to the Land Development Code and Local Coastal Program for Medical Marijuana Consumer Cooperatives. (Citywide.)

**ITEM DESCRIPTION:**

This item is an Amendment to the Land Development Code and the Local Coastal Program to add Medical Marijuana Consumer Cooperatives as a new separately regulated land use. The City Council on April 24, 2013, directed the City Attorney and the Mayor's Office to return to the City Council with specific revisions to the 2011 Medical Marijuana Consumer Cooperative ordinance, information related to the "Public Safety" ordinance in Chapter 4 of the Municipal Code, and information related to fees, taxation and other items identified in City Council Resolution R-308124.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced as amended on 2/25/2014, Item 335. (Council voted 8-1. Councilmember Kersey voted nay):

(O-2014-90 Rev. Cor. Copy)

Amending Chapter 11, Article 3, Division 1, of the San Diego Municipal Code, by amending Section 113.0103; amending Chapter 12, Article 6, Division 3, by amending Section 126.0303; amending Chapter 13, Article 1, Division 2, by amending Section 131.0222, Table 131-02B; amending Chapter 13, Article 1, Division 3, by amending Section 131.0322, Table 131-03B; amending Chapter 13, Article 1, Division 4, by amending Section 131.0422, Table 131-04B; amending Chapter 13, Article 1, Division 5, by amending Section 131.0522, Table 131-05B; amending Chapter 13, Article 1, Division 6, by amending Section 131.0622, Table 131-06B; amending Chapter 14, Article 1, Division 6, by adding a new Section 141.0614 and renumbering the current Section 141.0614 to 141.0615; amending Chapter 15, Article 1, Division 1, by amending Section 151.0103; amending Chapter 15, Article 2, Division 3, by amending Section 152.0312; amending Chapter 15, Article 3, Division 3, by amending Sections 153.0309 and 153.0310; amending Chapter 15, Article 6, Division 3, by amending Section 156.0308, Table 156-0308-A; amending Chapter 15, Article 14, Division 3, by amending Section 1514.0305, Table 1514-03J; amending Chapter 15, Article 17, Division 3, by amending Sections 1517.0301 and 1517.0302; and amending Chapter 15, Article 19, Appendix A, all related to Medical Marijuana Consumer Cooperatives.

\* ITEM-51: La Jolla Childrens' Pool Beach Seasonal Closure, Project No. 225045. (La Jolla Community Plan Area. District 1.)

**ITEM DESCRIPTION:**

The project proposes a Community Plan/Local Coastal Program Amendment and Ordinance to prohibit public access to the Children's Pool Beach seasonally during Harbor seal pupping season from December 15 to May 15 annually.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 2/24/2014, Item 201, Subitem B. (Council voted 6-3. Council President Pro Tem Lightner, Councilmember Kersey, and Councilmember Sherman voted nay):

(O-2014-38 Cor. Copy)

Amending Chapter 6, Article 3, Division 10 of the San Diego Municipal Code by amending Section 63.0102, relating to the use of the La Jolla Childrens' Pool, which Ordinance shall not take effect until a permit for its use is issued by the California Coastal Commission.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

\* ITEM-100: West Coast Sand and Gravel (Bid Number 10014082-11P) – Authorization to Exceed \$1 million.

**ITEM DESCRIPTION:**

Authorizing the Mayor, or his designee, to exercise the three remaining option years of the contract with West Coast Sand and Gravel Inc., to furnish decomposed granite, 1-1/2", 3/4" and 1" crush rock, fill sand, top soil and class aggregate base (Bid Number 10014082-11P, Contract Number 4600000538) to allow establishment of purchase orders for Public Utilities Department, Park and Recreation Department, and Transportation and Storm Water Department for Fiscal Year, 2014 through 2016 that will exceed the \$1 million threshold. The materials required that are provided under this Agreement are needed to maintain and repair playground areas, trenches, streets and roadways.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-301 Cor. Copy)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the three remaining one-year contract extension options with West Coast Sand & Gravel, Inc. to furnish decomposed granite, crush rock, fill sand, top soil, and class aggregate base, including annual per unit cost increases not to exceed 25 percent, under the terms and conditions set forth in the Agreement, contingent on adoption of the Annual Appropriation Ordinance for the applicable fiscal year and funding being included in the budget for the expenditure, and provided that the City Comptroller first issues a certificate demonstrating 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 amount not to exceed \$648,000 in Fiscal Year 2014 for the above option, to be expended as follows: \$398,000 from Water Utility Operating Fund No. 700011 and \$250,000 from Muni Sewer Revenue Operating Fund No. 700000;

Authorizing the Chief Financial Officer to expend an additional amount not to exceed \$765,000 in each of Fiscal Years 2015 and 2016, for the above options, to be expended as follows: \$398,000 from Water Utility Operating Fund No. 700011 and \$250,000 from Muni Sewer Revenue Operating Fund No. 700000 and \$7,000 from General Fund No. 100000 for Park and Recreation Department (1714) and \$110,000 from General Fund No. 100000 for Transportation and Storm Water Department (2116); contingent on adoption of the Annual Appropriation Ordinance for the applicable fiscal year and funding being included in the budget for the expenditure, and provided that the City Comptroller first issues a certificate demonstrating that the funds necessary for the expenditure are, or will be on deposit, with the City Treasurer.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The total not to exceed amount for the third option year in Fiscal Year 2014 is \$1,009,000, of which \$361,000 is already encumbered in Fiscal Year 2014 PO's, leaving a balance of \$648,000 and is available in total from Water Utility Operating Fund 700011 and Muni Sewer Revenue Operating Fund 700000. Funding in the amount of \$1,530,000 will be available in total, for the fourth and fifth option years, from Water Utility Operating Fund 700011, Muni Sewer Revenue Operating Fund 700000, and General Fund 100000 for Park and Recreation Department (1714) and Transportation and Storm Water Department (2116), contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and provided that the City Comptroller first issues a Comptroller's Certificate 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 presented to the Committee of the Environment on February 5, 2014, and forwarded to the full Council with a recommendation to approve.

**ACTION:** Motion by Councilmember Emerald, second by Councilmember Sherman.

**VOTE:** 3-0-1; Alvarez-yea, Sherman-yea, Zapf-absent, Emerald-yea.

Griffith/Heinrichs

Primary Contact\Phone: Stan Medina\619-527-7434, MS 43  
Secondary Contact\Phone: Tonia Carnell \619-527-7407, MS 43  
City Attorney Contact: Palmucci, Raymond C.

\* ITEM-101: Torrey Pines North Golf Course – Improvements Project Fund Transfer.  
(University Community Area. District 1.)

**ITEM DESCRIPTION:**

Authorizes the addition of Torrey Pines N. Golf Course - Improvements to the Fiscal Year 2014 Capital Improvements Program, and increases the Capital Improvement Project budget by \$8,750,000 for a total project budget of \$9,570,000. Authorizes the conversion of sublet project "Torrey Pines North Golf Course - Improve" into a stand-alone Fiscal Year 2014 Capital Improvement Project (CIP), and authorizes the transfer of all encumbrances, appropriations and expenditures to CIP Torrey Pines N. Golf Course - Improvements.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-417)

Authorizing the Chief Financial Officer, in accordance with the Annual Appropriation Ordinance, to amend the Fiscal Year 2014 Capital Improvements Program budget to add CIP S-14019, Torrey Pines N. Golf Course - Improvements, to the Capital Improvements Program;

Authorizing the Chief Financial Officer to transfer appropriations, expenditures and encumbrances from AEA.00001, Torrey Pines Golf Course (B-12002, Torrey Pines N. Golf Course - Improve) to CIP S-14019, Torrey Pines N. Golf Course – Improvements;

Authorizing the Chief Financial Officer to increase the Fiscal Year 2014 Capital Improvements Program Budget in CIP S-14019, Torrey Pines N. Golf Course – Improvements, and to appropriate and expend \$8,750,000 from Fund 700045, Torrey Pines Golf Course-CIP, for the purpose of funding the design and construction of Torrey Pines N. Golf Course - Improvements;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This action will authorize and add \$8,750,000 in Golf Course Enterprise Funds to the \$820,000 in Golf Course Enterprise Funding previously approved for a total project cost of \$9,570,000. This additional funding will provide for construction implementation of the General Development Plan for Torrey Pines N. Golf Course - Improvements. Maintenance required as a result of this project will be funded by City of San Diego Golf Course Enterprise Funds.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

- The proposed actions were reviewed by the Committee on Budget and Governmental Efficiency on January 29, 2014.

**ACTION:** Motion by Councilmember Alvarez, second by Councilmember Faulconer, to forward to full City Council without a recommendation, and direct staff to present at the Municipal Golf Committee as soon as possible for a recommendation.

**VOTE:** 3-0-2; Gloria-absent, Alvarez-yea, Lightner-yea, Faulconer-yea, Kersey-absent.

- The project was presented to the Park and Recreation Department's Municipal Golf Committee on February 20, 2014, for a recommendation. The Committee recommended approval of the project by a vote of 10-1-0.

Nagelvoort/Heinrichs

Primary Contact\Phone: Todd Schmidt\619-533-4620, MS 908A  
Secondary Contact\Phone: Kevin Oliver\619-533-5139, MS 908A  
City Attorney Contact: Mercer, Mark M.

\* ITEM-102: Community Projects, Programs, and Services Funding Allocation to Second Chance for Job Readiness Training. (Citywide.)

**ITEM DESCRIPTION:**

Approval of the funding allocation from Council Districts 2, 3, 5, 6, and 7, along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an Agreement with Second Chance for an amount not to exceed \$25,000, for the Job Readiness Program.

**COUNCILMEMBER KERSEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-511 Cor. Copy)

Declaring that the allocation described herein is made for a public purpose;

Waiving Council Policy 100-06, 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, an Agreement with San Diego Second Chance in an amount not to exceed \$25,000 for the project described herein, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$25,000 from the Community Projects, Programs and Services Budget Fund No. 100000, as follows:

Cost Center 1102110002 for \$5,000  
Cost Center 1103110003 for \$5,000  
Cost Center 1105110005 for \$5,000  
Cost Center 1106110006 for \$5,000  
Cost Center 1107110007 for \$5,000

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 in the City Treasury.

**SUPPORTING INFORMATION**

**FISCAL CONSIDERATIONS:**

\$25,000 in Council Community Projects, Program, and Services Funding from the following funds/cost centers:

CD2: Fund No. 100000, Cost Center 1102110002, \$5,000;  
CD3: Fund No. 100000, Cost Center 1103110003, \$5,000;  
CD5: Fund No. 100000, Cost Center 1105110005, \$5,000;  
CD6: Fund No. 100000, Cost Center 1106110006, \$5,000; and  
CD7: Fund No. 100000, Cost Center 1107110007, \$5,000

for the purpose of funding the Job Readiness Program.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:** N/A

Graham

Primary Contact\Phone: Tiffany Vinson\619-942-6891  
City Attorney Contact: Bradley, Catherine M.

\* ITEM-103: Settlement of property damage claim of CBS Radio.

**ITEM DESCRIPTION:**

This item seeks approval to pay the property damage claim of CBS Radio as a result of a sewer backup on July 5, 2012.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-532)

Authorizing the Mayor, or a designee, to pay the sum of \$292,579 in settlement of each and every claim for damages, interest, costs and fees of any type, including but not limited to attorney fees, against the City of San Diego, its agents and employees resulting from the property damage claim of CBS Radio;

Authorizing the Chief Financial Officer to expend the amount of \$292,579 from the Public Utilities Municipal Sewer Fund 700000, 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 one check in the amount of \$292,579 made payable to CBS Radio.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Settlement amount of \$292,579 will be paid from the Public Utilities Municipal Sewer Fund 700000.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

The item was approved at Closed Session on November 5, 2013.

Bych/Lewis

Primary Contact\Phone: James Coldren\619-236-5598, MS 51B

Secondary Contact\City Attorney\Phone: Charles H. Taylor\619-533-4780, MS 59

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

**This item is being presented to the Council in its capacity as the board of the local redevelopment successor agency, officially known as “the City of San Diego, solely in its capacity as the designated successor agency of the Redevelopment Agency of the City of San Diego, a former public body, corporate and politic” (Successor Agency).**

ITEM-330: Rehabilitation Loan Agreement for the Silverado Ballroom Building, City Heights. (Mid-City, City Heights Community Area. District 9.)

**ITEM DESCRIPTION:**

Successor Agency approval of the Rehabilitation Loan Agreement with Lotus Equity Group LLC (owner) for the historic rehabilitation and renovation of the Silverado Ballroom Building, in City Heights. The building is located at the intersection of University and Euclid Avenues within City Heights and the former City Heights Redevelopment Project Area. The rehabilitation loan amount is \$1,379,358. The Successor Agency recently received its Finding of Completion from the State Department of Finance and is now permitted to spend available former City Heights Redevelopment bond proceeds for the project.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2014-494)

Approving the Rehabilitation Loan Agreement with Lotus Equity Group, LLC for the Silverado Ballroom Project;

Authorizing and directing the Mayor, or designee, to execute the Rehabilitation Loan Agreement and all exhibits thereto requiring the Successor Agency’s signature;

Authorizing the Mayor, or designee, to execute any additional documents, and to take any actions, as may be reasonably necessary to implement the purposes of the Rehabilitation Loan Agreement;

Approving the Basic Concept Drawings for the Silverado Ballroom Project;

Authorizing and directing the City Chief Financial Officer, as delegated, to appropriate, encumber, and expend up to \$1,379,358, pursuant to the Rehabilitation Loan Agreement from the Successor Agency’s Unexpended City Heights Series 2010B Taxable Bond Proceeds, contingent on certification by the City Comptroller that funds are available.

Subitem-B: (R-2014-495)

Declaring that the Silverado Ballroom Building Project is categorically exempt from California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Sections 15301 and 15331;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Total Project cost is \$1,473,300. The sources of funding for the Project include the proposed Successor Agency loan of \$1,379,358 and the Owner's financial contribution of \$93,942. The Owner's \$93,942 investment in the Project includes a combination of debt and cash including a \$81,000 loan from the City of San Diego's Small Business Loan Program. The State Department of Finance (DOF) has approved the expenditure of former City Heights Redevelopment Project Area bond proceeds for this project with the approval of Line Item 564 on Recognized Obligation Payment Schedule (ROPS) 13-14 B (January - June 2014). There will be no impact to the City of San Diego's General Fund.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

The Project was previously presented to and approved by the City Council and Former RDA, in August 2011, but the Agreement was ultimately denied by the State DOF.

Fulton/Villa

Primary Contact\Phone: James Davies\619-236-6540, MS 56D

City Attorney Contact: Reid, Michael

ITEM-331: 2014 Capital Improvement Program Lease Revenue Bonds Preliminary Official Statement Authorization. (Citywide.)

**ITEM DESCRIPTION:**

Authorize the form of and distribution of the Preliminary Official Statement for the Lease Revenue Bonds, Series 2014A (Capital Improvement Projects), and authorize the execution, delivery and distribution of the Official Statement.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-512)

A Resolution of the Council of the City of San Diego approving the form and authorizing the distribution of the Preliminary Official Statement and authorizing the execution, delivery and distribution of the official statement in connection with the issuance and sale by the Public Facilities Financing Authority of the City of San Diego of its Lease Revenue Bonds Series 2014A; and approving other documents and actions in connection therewith.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

There will be no fiscal impact in Fiscal Year 2014; annual debt service is projected at \$4.2 million in Fiscal Year 2015, \$7.5 million in Fiscal Years 2016 – 2044, and \$3.3 million in Fiscal Year 2045. These are estimates.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

- On January 28, 2014, Ordinance No. O-20350 was approved by City Council, authorizing the issuance of the Phase 3 CIP Bonds and the related financing documents – See Report to City Council Number 14-01.
  
- On January 27, 2014, Resolution No. R-308714 was approved by City Council, authorizing the appropriation and expenditure of Phase 3 CIP Bonds.

- On October 28, 2013, the Infrastructure Committee reviewed and approved the Phase 3 CIP Bond Authorization to advance to City Council – See Infrastructure Committee Report Number 13-087, and Infrastructure Committee Report Number 13-088 – Deferred Capital Bond Funded Program Update.

Kommi/Lewis

Primary Contact\Phone: Lakshmi Kommi\619-236-6928, MS 7B

Secondary Contact\Phone: Jyothi Pantulu\619-236-6917, MS 7B

City Attorney Contact: Will, Brant C.

**NOTE:** See the Public Facilities Financing Authority Agenda of March 11, 2014, for a companion item.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT