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CITY OF SAN DIEGO COUNCIL DOCKET



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Edward Harris • 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, 12th Floor, City Administration Building

Tuesday, April 22, 2014

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, APRIL 22, 2014, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

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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:

03/11/2014
03/17/2014 - Adjourned
03/17/2014 - Special Meeting
03/18/2014

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: DMV/Donate Life California Month.

PRESENTED BY COUNCILMEMBER LIGHTNER:

Proclaiming April 2014, to be "DMV/Donate Life California Month" in the City of San Diego.

ITEM-31: Dining Out For Life Day.

PRESENTED BY COUNCIL PRESIDENT GLORIA:

Proclaiming April 24, 2014, to be "Dining Out For Life Day" in the City of San Diego.

ITEM-32: Earth Week.

PRESENTED BY COUNCIL PRESIDENT GLORIA AND COUNCILMEMBER HARRIS:

Proclaiming April 21, 2014 - April 27, 2014, to be Earth Week in the City of San Diego.

ITEM-33: Eric Paredes Save A Life Foundation Week.

PRESENTED BY COUNCILMEMBER KERSEY:

Proclaiming April 27, 2014, to May 3, 2014, to be "Eric Paredes Save A Life Foundation Week" 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-34: The Jewels Of San Diego Day.

**MAYOR FAULCONER'S AND COUNCILMEMBER SHERMAN'S
RECOMMENDATION:**

Proclaiming April 12, 2014, to be "The Jewels Of San Diego 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

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 in the morning or afternoon, based on when the item was noticed to be heard.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-100: FY 2015 Annual Regional Transportation Congestion Improvement Program Development Impact Fee Adjustment.

ITEM DESCRIPTION:

Council approval of a 2% increase to the Regional Transportation Congestion Improvement Program (RTCIP) fee schedule. Section 9 of the TransNet Extension Ordinance requires the RTCIP exaction be increased annually by an amount no less than 2% per year. The SANDAG Board of Directors approved a 2% fee increase for FY 2015.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-568)

Declaring that a two percent (2%) increase to the current Regional Transportation Congestion Improvement Program (RTCIP) development impact fee schedule is appropriate based on the TransNet Extension Ordinance, the RTCIP nexus study, and the SANDAG Board of Directors approval of the two percent increase;

Approving and adopting a two percent (2%) increase to the current RTCIP development impact fee schedule resulting in an RTCIP development impact fee of \$2,100 per multi-family unit, and \$2,625 per single-family unit, effective sixty days following adoption of this resolution or July 1, 2014, whichever occurs later.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Revenue is collected and deposited into a special interest bearing fund for appropriation to transportation projects as identified as eligible under RTCIP criteria and the CIP Prioritization Policy. In FY 2013 the City collected approximately \$2.95 million in direct RTCIP fees and project contributions, and \$24 million in FBA (indirect) fees collected towards RTCIP eligible projects.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- The RTCIP was previously reviewed by the Land Use and Housing Committee on March 12, 2008.

- On April 15, 2008, City Council adopted a resolution approving the Regional Transportation Congestion Improvement Program (RTCIP), associated nexus study, and FY 2009 RTCIP Fee Schedule.

- This item was heard by the Infrastructure Committee on March 26, 2014 and forwarded to the full Council.

ACTION: Motion by Councilmember Emerald, second by Vice Chair Cole, to forward staff recommendation on Item 2 to City Council.

VOTE: 4-0; Kersey-yea Cole-yea, Sherman-yea, Emerald-yea.

- Additional annual Council Actions:

- R-304831, 4/29/2009, authorizing a 2% fee schedule increase for FY 2010.
- R-305752, 4/15/2010, authorizing a 2% fee schedule increase for FY 2011.
- R-306784, 4/11/2011, authorizing a 2% fee schedule increase for FY 2012.
- R-307401, 5/7/2012, authorizing a 2% fee schedule increase for FY 2013 and an Amendment to the RTCIP Program to: fully document the City's administrative process, require verification and update of the list of exempt communities, and establish a methodology for calculating project-specific regional arterial contributions.
- R-308104, 4/22/2013, authorizing a 2% fee schedule increase for FY 2014.

Fulton/Villa

Primary Contact\Phone: Megan Sheffield\619-533-3672, MS 606F

Secondary Contact\Phone: Scott Mercer\619-533-3187, MS 606F

City Attorney Contact: Mendoza, Hilda R.

* ITEM-101: Annual Review of the Fiscal Year 2013-2014 North City West (Carmel Valley) School Facilities Master Plan.

ITEM DESCRIPTION:

Accepting the annual review of the North City West School Facilities Master Plan, from the North City West School Facilities Financing Authority Board.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-569)

Accepting the Annual Review of the Fiscal Year 2013-2014 North City West (Carmel Valley) School Facilities Master Plan.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None to the City.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard by the Infrastructure Committee on March 26, 2014, and forwarded to the full Council.

ACTION: Motion by Councilmember Emerald, second by Vice Chair Cole, to forward staff recommendation on Item 3 to City Council.

VOTE: 4-0; Kersey-yea Cole-yea, Sherman-yea, Emerald-yea.

Fulton/Villa

Primary Contact\Phone: Megan Sheffield\619-533-3672, MS 606 F

Secondary Contact\Phone: Scott Mercer\619-533-3187, MS 606 F

City Attorney Contact: Mendoza, Hilda R.

- * ITEM-102: Approve a 20-year Lease Agreement between the City of San Diego and Big Trees Nursery, Inc. (San Pasqual Valley Community Area. District 5.)

ITEM DESCRIPTION:

Big Trees Nursery, Inc. (Lessee) currently operates a tree nursery on 40 acres in the San Pasqual Valley. The current lease expired in December 31, 2006, and the lease has been on holdover since that date. The Lessee desires to downsize the leasehold area. This action is to approve a new 20-year lease.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2014-595)

Authorizing and directing the Mayor, or his designee, to execute that certain "Flat Rate Lease" with Big Trees, Inc., a California corporation, for the continued operation of a tree, shrub, and native plant nursery and sales center in San Pasqual Valley at the location described in the "Flat Rate Lease;"

Authorizing the Chief Financial Officer to accept and deposit the lease revenues and all payments for water pursuant to the same "Flat Rate Lease" into Water Operating Fund 700011;

Subitem-B: (R-2014-596)

Declaring that the Lease Agreement between the City and Big Trees Nursery, Inc., a California corporation, for the continued operation of a tree, shrub, and native plant nursery and sales center on the City-owned real property located in San Pasqual Valley, near the intersection of Highland Valley Road and Pomerado Road in San Diego, California, is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 and that an exception to the exemption does not apply under CEQA Guidelines Section 15300.2.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The annual rent of \$16,320 and water usage currently \$162 per acre foot, will be deposited into the Public Utilities Department, Water Division Fund 700011.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On November 20, 2013, the Land Use and Housing Committee approved the proposed Big Trees Nursery Lease Agreement.

ACTION: Motion by Councilmember Lightner, second by Councilmember Alvarez, to approve with the inclusion of the resolution.

VOTE: 4-0; Zapf-yea, Lightner-yea, Cole-yea, Alvarez-yea.

- Subsequent to committee approval the Agreement language and Executive Summary have been further refined to provide additional information.

Barwick/Chadwick

Primary Contact\Phone: Dave Martens\619-236-6066

Secondary Contact\Phone: Kristi Geitz\619-236-7031, MS 51A

City Attorney Contact: Fonseca, Jeremy M.

- * ITEM-103: Community Projects, Programs and Services Funding Allocation to Save Our Heritage Organisation for Old Town San Diego's Dia de los Muertos event. (Old Town San Diego Community Area. District 3.)

ITEM DESCRIPTION:

Approval of the funding allocation from Council District 3, along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an Agreement with Save Our Heritage Organisation for an amount not to exceed \$1000, for Old Town San Diego's Dia de los Muertos event.

COUNCIL PRESIDENT GLORIA'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-616)

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," and 3(b) which provides: "A request for funding and subsequent allocation may not be less than \$1,500;"

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with Save Our Heritage Organisation in an amount not to exceed \$1,000 for the project described herein, under terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,000 from the Community Projects, Programs and Services Budget Fund No. 100000, Cost Center 1103110003, 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:

\$1000 in Council Community Projects, Programs and Services Funding from Fund No. 100000, Cost Center No. 1103110003, will be used for Old Town San Diego's Dia de los Muertos event.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Fox

Primary Contact\Phone: Courtney Thomson\619-236-5981, MS 10A

Secondary Contact\Phone: Lori Witzel\619-236-6440, MS 10A

City Attorney Contact: Bradley, Catherine M.

* ITEM-104: Community Projects, Programs and Services Funding Allocation to the San Diego Bicycle Coalition for CicloSDias San Diego. (Districts 1, 3, 6, and 8.)

ITEM DESCRIPTION:

Approval of the funding allocations from Council Districts 1, 3, 6, and 8, along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an Agreement with the San Diego Bicycle Coalition for an amount not to exceed \$10,000 for CicloSDias San Diego.

COUNCIL PRESIDENT GLORIA'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-629)

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 County Bicycle Coalition in an amount not to exceed \$10,000 for the project described herein, under terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$10,000 from the Community Projects, Programs and Services Budget Fund No. 100000, as follows:

\$2,500 from Cost Center No. 1101110001
\$2,500 from Cost Center No. 1103110003
\$2,500 from Cost Center No. 1106110006
\$2,500 from Cost Center No. 1108110008

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

\$10,000 in Council Community Projects, Programs, and Services Funding from:

\$2,500 from CD1: Fund No. 100000/Cost Center No. 1101110001

\$2,500 from CD3: Fund No. 100000/Cost Center No. 1103110003

\$2,500 from CD6: Fund No. 100000/Cost Center No. 1106110006

\$2,500 from CD8: Fund No. 100000/Cost Center No. 1108110008

will be used for CicloSDias San Diego.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Fox

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

Secondary Contact\Phone: Lori Witzel\619-236-6442, MS 10A

City Attorney Contact: Bradley, Catherine M.

- * ITEM-105: Community Projects, Programs and Services funding allocation to SAY San Diego Inc., for the purchase of reusable tote bags imprinted with messages to prevent under-age drinking. (Districts 9 and 4.)

ITEM DESCRIPTION:

Approval of the funding allocation from Council Districts 4 and 9, along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an Agreement with SAY San Diego Inc., for an amount not to exceed \$4,950, for the purchase of reusable tote bags imprinted with messages to prevent under-age drinking.

COUNCILMEMBER EMERALD'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-593)

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 Social Advocates for Youth (SAY) San Diego Inc., in an amount not to exceed \$4,950 for the project described herein, under terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$4,950 from the Community Projects, Programs and Services Budget Fund No. 100000, as follows: \$1,750 from Cost Center No. 1104110004, and \$3,200 from Cost Center No. 1109110009, 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:

\$4,950 in Community Projects, Programs and Services Funding from the following Fund/Costs Centers:

Fund No. 100000, Cost Center No. 1104110004

Fund No. 100000, Cost Center No. 1109110009

For the purpose of funding the purchase of reusable tote bags imprinted with messages to prevent under-age drinking.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Flores

Primary Contact\Phone: Marisa Berumen\619-236-7754

Secondary Contact\Phone: Ricardo Flores\619-236-6699

City Attorney Contact: Bradley, Catherine M.

- * ITEM-106: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2014-476)

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.

- * ITEM-107: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2014-528)

Declaring a continued state of emergency due to severe shortage of affordable housing in The City of San Diego, pursuant to California Government Code Section 8630;

Declaring that the measures previously taken by the City Council in Resolution Number R-296982 shall continue to have full force and effect.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

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

ITEM-330: Fiscal Year 2013 Audited Financial Statements Pertaining to the Administrative Operations of Civic San Diego - General. (Districts 3 and 8.)

ITEM DESCRIPTION:

Article 10, Section 10.4 of the Amended and Restated Bylaws of Civic San Diego ("CivicSD") requires that, after the close of each fiscal year, CivicSD submit to the City of San Diego Comptroller the audited financial statements prepared by an independent certified public accountant covering the operations of CivicSD.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-634)

Declaring that the Fiscal Year 2013 Audited Financial Statements of Civic San Diego are hereby received and filed.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Audit Committee meeting on April 7, 2014.

ACTION: Motion by Committee member Hebrank, second by Committee member Schreiner, to accept the report and forward to the full Council.

VOTE: 4-0; Sherman-yea, Schreiner-yea, Valdivia-yea, Hebrank-yea.

Phillips/Chadwick

Primary Contact\Phone: Andrew Phillips\619-533-7127, MS 51D
City Attorney Contact: Wander, Adam R.

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

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

ITEM-331: Second Amendment to Joint-Use Agreement for Richard Henry Dana Center, also known as Dana Middle School to remove a 3.5-acre baseball field from the joint-use area. (Peninsula Community Area. District 2.)

ITEM DESCRIPTION:

Authorizing the Mayor, or his representative, to introduce an ordinance to amend the Joint-Use Agreement between the City and San Diego Unified School District for the Richard Henry Dana Center, aka Dana Middle School, to remove the existing 3.5-acre baseball field from the current joint-use area.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2014-48 Cor. Copy)

Introduction of an Ordinance authorizing and directing the Mayor, or his designee, to execute, a Second Amendment to the Agreement (Richard Henry Dana Center - Dana Middle School).

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Should the proposed ordinance be adopted, the currently budgeted 0.20 Grounds Maintenance Worker position and the non-personnel expenses associated with the baseball field will be distributed to other Park and Recreation facilities within the Peninsula community.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Natural Resources and Culture Committee meeting on September 25, 2013, where it was forwarded to the full Council with a recommendation to approve.

ACTION: Motion by Councilmember Emerald, second by Councilmember Zapf, to approve the proposed Second Amendment to the Joint-Use Agreement.

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

Field/Villa

Primary Contact\Phone: Jim Winter\619-235-5257, MS 35

Secondary Contact\Phone: Andrew Field\619-236-6643, MS 37C

City Attorney Contact: Ferbert, Heather M.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

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

Only Subitem A of 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-332: Successor Agency Long-Range Property Management Plan – Area wide.

ITEM DESCRIPTION:

Pursuant to Assembly Bill 1484, the Successor Agency is required to prepare a Long-Range Property Management Plan (PMP) that addresses the disposition and use of non-housing real properties owned by the former Redevelopment Agency of the City of San Diego. The PMP, which excludes housing assets, shall be submitted to the local oversight board and Department of Finance for approval no later than six months following the issuance to the Successor Agency of a Finding of Completion. The Finding of Completion was received on December 2, 2013.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2014-597)

Declaring that the Council received and heard any and all oral and written objections relating to the Proposed (PMP), and all such oral and written objections are overruled;

Approving the Proposed PMP, including all exhibits thereto;

Authorizing and directing the City's Chief Financial Officer to establish the Property Trust Fund to serve as the Successor Agency's repository of the Properties in accordance with Code Section 34191.5(a);

Authorizing the transfer of the Properties to the Property Trust Fund, to be administered by the Mayor, or designee, on behalf of the Successor Agency, consistent with the Final Approved PMP;

Authorizing the Mayor, or designee, to execute and record, on the Successor Agency's behalf, the conveyance instruments (collectively, the Conveyance Instruments) necessary to accomplish the transfer of the Governmental Use Properties and the Future Development Properties, as well as the Enforceable Obligation Properties where appropriate, from the Successor Agency to the City in accordance with the Final Approved PMP, including:

- (a) the grant deeds for the transfer of fee title ownership of such Properties, in substantially the form of Attachment 2 to the Staff Report;
- (b) the assignment and assumption agreements for the transfer of all contracts and other items related to such Properties, in substantially the form of Attachment 3 to the Staff Report; and
- (c) such other conveyance instruments as may be deemed necessary or appropriate to accomplish the complete transfer of such Properties.

Authorizing and directing the Mayor, or designee, to sign all documents on the Successor Agency's behalf that are necessary and appropriate to carry out and implement the Final Approved PMP and to administer the Successor Agency's obligations, responsibilities, and duties to be performed under the Final Approved PMP;

Authorizing and directing the City Comptroller to accept, on the Successor Agency's behalf, all revenues generated from the lease, transfer or sale of the Properties in accordance with the Final Approved Plan.

Subitem B: (R-2014-598)

A Resolution of the Council of the city of San Diego approving the following:

1. The Council approves the City's acceptance of the Successor Agency's transfer of the Governmental Use Properties, the Future Development Properties, and, where applicable, the Enforceable Obligation Properties in accordance with the final form of the Proposed PMP approved by the Oversight Board and the DOF (Final Approved PMP), provided that the only compensation to be paid by the City for such Properties will be the payment of \$1 for each of the 6 public facility sites within the category of Future Development Properties.
2. Contingent upon the City Comptroller first issuing a certificate stating that the funds are available, the Council authorizes the City's Chief Financial Officer, as delegated, to encumber and expend an amount not to exceed \$6, representing the City's aggregate payment to the Successor Agency as compensation for the 6 public facility sites, at \$1 per site.
3. Contingent upon the City Comptroller first issuing a certificate stating that the funds are available, the Council authorizes the City's Chief Financial Officer, as delegated, to encumber and expend amounts incidental to a real property transaction and customarily paid by a buyer, including fees for escrow, title, and due diligence, in order to facilitate the City's acquisition of the Governmental Use Properties and Future Development Properties.
4. The Mayor or designee is authorized to execute and record, on the City's behalf, the conveyance instruments (collectively, the Conveyance Instruments) necessary to accomplish the transfer of the Governmental Use Properties, the Future Development Properties, and, where applicable, the Enforceable Obligation Properties, from the Successor Agency to the City in accordance with the Final Approved PMP, including:
 - (a) the grant deeds for the transfer of fee title ownership of such Properties, in substantially the form of Attachment 2 to the Staff Report;
 - (b) the assignment and assumption agreements for the transfer of all contracts and other items related to such Properties, in substantially the form of Attachment 3 to the Staff Report; and
 - (c) such other conveyance instruments as may be deemed necessary or appropriate to accomplish the complete transfer of such Properties. A copy of all Conveyance Instruments, when executed and where appropriate, recorded in the San Diego County Recorder's Office, shall be placed on file with the City Clerk.
5. The Mayor or designee is authorized and directed to sign all documents on the City's behalf that are necessary and appropriate to carry out and implement the Final Approved PMP and the intent of this Resolution.

6. The City's Chief Financial Officer is authorized and directed to create an interest-bearing fund within the City's treasury for the purpose of accounting for revenues and expenses related to the Future Development Properties after their transfer to the City.

7. The Mayor, or designee, is requested to explore alternatives for the provision of staffing related to future implementation of the Final Approved PMP, including the potential opportunity for Civic San Diego to provide expert consultant services related to management and disposition of certain properties proposed to be transferred from the Successor Agency to the City, and report back to the City Council or Council Committee, as appropriate. (Rev. 4/18/14)

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Civic San Diego ("CivicSD") staff has provided anticipated revenues and estimated expenses for the properties included within the PMP within a five-year cash flow projection included in the "Property Management and Maintenance" section of the report. It is anticipated that there should be no impact to the City's General Fund except for limited amounts related to on-going expenses for the ten (10) Governmental Use properties that are proposed to be transferred to the City and retained for on-going governmental uses for the public's benefit. The expenses are primarily fees and assessments from the County of San Diego Vector Control District and special assessment districts within the City such as Maintenance Assessment Districts and Property and Business Improvement Districts. The projected FY 2014 total of these expenses is approximately \$24,000. CivicSD staff has been working with City departments that will manage these properties after the transfer to incorporate these costs into future City budgets starting with FY 2015.

Additional anticipated expenses are those associated with the City's acquisition of six Future Development sites that are designated for construction of a public facility by the City. The expenses include \$1 per site (for a total of \$6), as well as any fees and costs incidental to the real property transaction, such as title and escrow services, insurance policies, and property inspection and reporting. Other anticipated City costs related to the transfer of certain properties from the Successor Agency to the City include any City closing costs incidental to transfer of all ten (10) Governmental Use and 19 Future Development properties, which currently are estimated to be approximately \$14,500. Good faith estimates of the Successor Agency's costs related to the disposition and transfer of assets have been included within the Recognized Obligation Payment Schedules (ROPS) process as further discussed in the "Transfer Process" section of the report. All other estimated expenses are expected to be covered through a combination of funds provided through the Redevelopment Property Tax Trust Fund on the approved or ensuing ROPS or revenues generated by Future Development and Fulfill Enforceable Obligation properties. Additionally, the City may receive funds representing its proportional share of property tax as a result of the Successor Agency's sale of property.

Based on the estimated current values of approximately \$2.0 million for the four sites in the "Sale of Property" category, the City is anticipated to receive its General Fund's proportionate 21% share of the proceeds from the sale of these properties, estimated to total approximately \$400,000. While the timing of the sale of the four Sale of Properties sites is currently unknown, the distribution to the General Fund following sale of those sites will offset the incidental expenses related to transferring the properties.

As part of its actions on this item, the City is requested to establish an interest-bearing fund to account for revenues and expenses for the Future Development properties (a total of 19 sites) that are proposed to be transferred to the City and either used for development of publicly-owned facilities or sold for development by other parties for projects identified in approved redevelopment, specific, community or general plans.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The Smart Growth and Land Use Committee (SGLU) reviewed this item on March 12, 2014.

ACTION: Motion by Councilmember Lightner, second by Councilmember Cole, to forward to the full Council without recommendation with Oversight Board comments incorporated and the Independent Budget Analyst to look over the document prior to coming to full Council.

VOTE: 4-0; Zapf-yea, Cole-yea, Lightner-yea, Sherman-yea.

Staff was planning to provide the Oversight Board with an introduction of the proposed PMP at its March 28, 2014, meeting. However, that meeting was adjourned due to lack of a quorum and the next scheduled meeting is April 21, 2014. Any comments provided by the Oversight Board will be reported to the Council as part of staff's presentation on April 22, 2014. If there are no significant changes requested and the PMP is approved by Council on April 22, 2014, staff plans to return to the Oversight Board for final approval of the PMP on April 25, 2014. Following final approval by the Oversight Board, the PMP must be submitted to the California Department of Finance by June 2, 2014, pursuant to Health & Safety Code ("Code") Section 34191.5(b).

The respective resolutions recommended for the Successor Agency's and City's approval on this item include the general actions presented to the SGLU on March 12, 2014, but also include specific actions drawn from the general actions and intended to assist the Successor Agency and City to effectively effectuate the implementation of the proposed PMP. For the Successor Agency, the resolution's specific actions include authorizing the City's CFO to establish the Community Redevelopment Property Trust Fund to serve as the repository of the PMP properties in accordance with Code Section 34191.5(a), and inclusion of form conveyance instruments (Form of Grant Deed, Attachment 2, and Form of Assignment of Agreement, Attachment 3) necessary to accomplish property transfers. For the City, the resolution's specific actions include specifying the properties to be approved for acceptance upon transfer from the Successor Agency, the City's payment for six Future Development public facility sites (noted in the SGLU report under Fiscal Considerations), and inclusion of the form conveyance instruments.

Since the SGLU meeting, CivicSD staff provided an update on the PMP to the Linda Vista Planning Group on March 24, 2014. CivicSD has also made some minor changes to the SGLU Report Attachment 1, PMP with Exhibits A-D, which consist of adding information to specify a 2004 Phase II Environmental Site Assessment for Item 19, East Village Green East Block, that was recently located and adding addresses to Item 20, East Village Green West Block.

Phillips/Villa

Primary Contact\Phone: John Collum\619-533-7124

City Attorney: Skogen, Daphne Z. and Mendoza, Hilda R.

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

ITEM-333: San Diego Square First Amendment to Ground Lease with Housing Development Partners of San Diego for Affordable Housing. (Downtown Community Area. District 3.)

ITEM DESCRIPTION:

This action is to approve a First Amendment to the Ground Lease with Housing Development Partners of San Diego for affordable housing. The Amendment will provide for a one-year extension to the deadline for Housing Development Partners to satisfy the various pre-commencement conditions in the Ground Lease of City-owned land located at 910 C Street, San Diego, California 92101, commonly known as San Diego Square.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-630)

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, the "First Amendment to Percentage Ground Lease," between the City and Housing Development Partners, a California nonprofit public benefit corporation, to amend the current "Percentage Ground Lease" for the San Diego Square property located at 910 C Street, San Diego, California.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

A one-time payment of \$4.0 million and other rent would commence as outlined in Section 3 of the Ground Lease. The rent would be deposited into the General Fund. When this item was approved by the City Council on May 14, 2013, direction was given to staff to come back to Council with an item reinvesting the proceeds for the provision of additional affordable housing. City staff will be developing a plan in anticipation of receiving these funds that will be consistent with the City Council's direction.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The Ground Lease of the land between the City and Housing Development Partners was approved by Resolution RR-308190 on May 16, 2013.

Geitz/Sturak

Primary Contact\Phone: Mary Carlson\619-236-6079, MS 51A

Secondary Contact\Phone: Kristi Geitz\619-236-7031

City Attorney Contact: Fonseca, Jeremy M.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

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

ITEM-334: Del Mar Highlands Town Center Easement Vacation, Project No. 343085. (Carmel Valley Community Plan Area. District 1.)

ITEM DESCRIPTION:

An Easement Vacation to vacate segments of a 24-foot wide water and sewer easement located at 12857 El Camino Real.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-617)

Adoption of a Resolution vacating the water and sewer easement located within property located at 12857 El Camino Real, north of Townsgate Drive, in Parcels 16-20 and 25-27 of Parcel Map No. 16379, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 37814-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof;

Directing Development Services Department to record a certified copy of this Resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Vacchi/Villa /st

Primary Contact\Phone: Sandra Teasley\619-446-5271, MS 501
City Attorney Contact: Inga B. Lintvedt

NOTE: The following item is scheduled to be heard at 10:00 a.m.

ITEM-335: Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment for FY 2014, an Associated Document to the update to the Otay Mesa Community Plan. (Otay Mesa Community Plan Area. District 8.)

ITEM DESCRIPTION:

Requesting adoption of the Area of Benefit for the Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment for Fiscal Year 2014 and approval of the setting of the FBA and DIF in Otay Mesa for funding community infrastructure. This action is associated with the update to the Otay Mesa Community Plan and associated documents, including the Public Facilities Financing Plan, approved on March 11, 2014.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem A: (R-2014-413 Cor. Copy)

Adoption of a Resolution incorporating the Financing Plan 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 66000 et seq., for imposition of the facilities benefit assessment fees;

Ordering the designation of the area of benefit as identified in the Financing Plan;

Ordering the establishment of the facilities benefit assessment against each parcel within the area of benefit as identified in the Financing Plan effective sixty days from the date of final passage of this Resolution;

Authorizing and directing the Mayor, or his designee, to prepare a map of the boundaries of the area of benefit based on this Resolution and to file the map with the City Clerk in accordance with the provisions of San Diego Municipal Code Section 61.2209(a);

Authorizing and directing the City Clerk to execute and record the map of boundaries of the area of benefit in the Office of the County Recorder of the County of San Diego in accordance with the provisions of San Diego Municipal Code Section 61.229(a);

Authorizing and directing the City Clerk to execute and record a Notice of Assessment in the Office of the County Recorder of the County of San Diego in accordance with the provisions of San Diego Municipal Code Section 61.229(b);

Authorizing and directing the Chief Financial Officer to transfer, appropriate and expend the subject facilities benefit assessment funds as necessary to ensure timely payment of all Otay Mesa public facilities projects identified in the Financing Plan. (Rev. 4/17/14)

~~Subitem B: (R-2014-415 Cor. Copy) (Rev. 4/17/14)~~

~~Adoption of a Resolution incorporating the Financing Plan 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 66000 et seq., for imposition of the facilities benefit assessment fees;~~

~~Ordering the designation of the area of benefit as identified in the Financing Plan;~~

~~Ordering the establishment of the facilities benefit assessment against each parcel within the area of benefit as identified in the Financing Plan effective sixty days from the date of final passage of this Resolution;~~

~~Authorizing and directing the Mayor, or his designee, to prepare a map of the boundaries of the area of benefit based on this Resolution and to file the map with the City Clerk in accordance with the provisions of San Diego Municipal Code Section 61.2209(a);~~

~~Authorizing and directing the City Clerk to execute and record the map of the boundaries of the area of benefit in the Office of the County Recorder of San Diego in accordance with the provisions of San Diego Municipal Code Section 61.229(a);~~

~~Authorizing and directing the City Clerk to execute and record a Notice of Assessment in the Office of the County Recorder of the County of San Diego in accordance with the provisions of San Diego Municipal Code Section 61.229(b);~~

~~Authorizing and directing the Chief Financial Officer to transfer, appropriate and expend the subject facilities benefit assessment funds as necessary to ensure timely payment of all Otay Mesa public facilities projects identified in the Financing Plan.~~

Subitem B: (R-2014-415 Cor. Copy)

Adoption of a Resolution approving the Development Impact Fee schedule for properties within Otay Mesa;

That the assessment fee schedule contained in the Financing Plan is the appropriate and applicable DIF schedule for all development within the Otay Mesa area that has either never been assessed under the Financing Plan or has not otherwise agreed to the payment of Facilities Benefit Assessment fees as prescribed by this City Council;

Effective sixty days from the date of final passage of this resolution, that all DIFs due under the Financing Plan, shall be those fees in effect at the time building permits are issued;

That the DIFs due shall not increase in accordance with San Diego Municipal Code Section 142.0640(b), but shall automatically increase annually in accordance with the Financing Plan, until a new DIF is adopted;

Incorporating the Financing Plan 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 66000 et seq., for imposition of development impact fees.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On March 11, 2014, the City Council unanimously approved Resolution R-308811 to approve the Otay Mesa Public Facilities Financing Plan and R-308812 to declare its intention to designate an area of benefit and set the time and place for a public hearing on April 22, 2014.

Tomlinson/Villa/fj

Primary Contact/Phone: Frank January/619-533-3699, MS 606F

City Attorney Contact: Hilda Mendoza

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-350: Submission of Ballot Proposals for the November 4, 2014 Ballot.

**SUBMISSION OF BALLOT PROPOSALS
FOR THE NOVEMBER 4, 2014 BALLOT**

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket, prior to the election, the ballot proposals which have been referred to Council following Committee review.

The City Clerk has established the following administrative guidelines for the November 4, 2014, election.

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Tuesday	6/03/14	154	LAST DATE (5:00 p.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Committee.
Wednesday	6/11/14	146	Committee review.
Monday	6/16/14	141	Council Docket (PUBLIC NOTICE) lists proposals referred by Committee.
Monday	6/23/14	134	Council adopts propositions for ballot; directs City Attorney to prepare ordinances.
Monday	7/14/14	113	Council adopts ordinances prepared by City Attorney.
Friday	8/08/14	88	Last day for City Clerk to file with Registrar of Voters all elections material.
Thursday	8/21/14	75	Last day to file ballot arguments with City Clerk.

If you have questions, please contact the Office of the City Clerk at (619) 533-4000.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT