

CITY OF SAN DIEGO COUNCIL DOCKET



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Mark Kersey • Fifth District

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Scott Sherman • Seventh District

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Marti Emerald • Ninth District

**Andrea Tevlin
Independent
Budget Analyst**

**Jan Goldsmith
City Attorney**

**Liz Maland
City Clerk**

Council Chambers, 12th Floor, City Administration Building

Monday, June 23, 2014

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, JUNE 23, 2014, AT 2:00 PM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

This information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA), by contacting the City Clerk at (619) 533-4000 or <mailto:cityclerk@sandiego.gov>. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times, 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.

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

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to San Diego Municipal Code Section 22.0101, Rule 2.6.

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, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON AUDIT:

ITEM-150: City Auditor's Performance Audit of the Public Utilities Department's Customer Support Division.

CITY AUDITOR'S RECOMMENDATION:

Receive the City Auditor's Performance Audit of the Public Utilities Department's Customer Support Division.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- The report was presented to the Audit Committee on December 5, 2013, and the Committee took the following action:

ACTION: Motion by Councilmember Sherman, second by Chair Faulconer, to accept the report and forward to the full Council.

VOTE: 5-0; Faulconer-yea, Sherman-yea, Schreiner-yea, Valdivia-yea, Hebrank-yea.

- No changes have been made to the report since it was presented to the Committee.

Luna

Primary Contact\Phone: Matthew Helm\619-533-3016

Secondary Contact\Phone: Kyle Elser\619-533-3007

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON ECONOMIC DEVELOPMENT AND INTERGOVERNMENTAL
RELATIONS, ORDINANCES TO BE INTRODUCED:

ITEM-151: Approval of an Economic Development Agreement with Home Brew Mart, Inc., a California Corporation dba as Ballast Point Brewing & Spirits Company. (Mira Mesa Community Area. District 6.)

ITEM DESCRIPTION:

Authorize the Mayor to enter into an Economic Development Agreement with Ballast Point Brewing & Spirits Company to reimburse the company for fees paid (or to be paid) to the City in connection with the improvement of a vacant factory building in Mira Mesa. The source of funding for the reimbursement of the company's fee costs would be future tax revenues to be paid into the General Fund by the company as a result of real property improvements and the operation of a beer manufacturing plant with a retail component.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2014-126)

Introduction of an Ordinance declaring that the Council finds the attraction of investment from Ballast Point resulting from the financial assistance offered in the Agreement, as well as the anticipated retention and creation of important middle-wage job opportunities, generation of new tax revenues, and other economic public benefits, will serve public purposes and are in the best interests of the City;

Declaring that the Council finds the Ballast Point's proposed project meets the necessary public benefit criteria enumerated in Council Policy 900-12 to therefore justify the provision of financial assistance under the Incentive Program, such as the reimbursement of Ballast Point's development fees from project-generated tax revenues;

Authorizing and directing the Mayor, or his designee, to execute the Agreement on the City's behalf and to take any and all actions necessary to implement the Agreement;

Authorizing the Chief Financial Officer to appropriate and expend funds as required per the terms of the Agreement, contingent upon adoption of future Fiscal Year Appropriation Ordinances by the City Council and the Chief Financial Officer certifying that funds are available, and provided that Ballast Point has delivered sufficient documentation to the City substantiating Ballast Point's payment of local sales and use taxes or local property taxes, of which the City receives a shared portion, to the State of California or the County of San Diego.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Fiscal impacts of the proposed Council Action are entirely revenue positive. In order to obtain the investment, the City would forego any net tax revenue gains until all of Ballast Point Brewing & Spirits Company's City fee costs are reimbursed. This is expected to take approximately three years. After that time, the City expects to receive approximately \$50,000 annually in net new tax revenues which would likely not be received unless the Van Can factory was re-used by a business generating an equal or greater amount of tax revenue. The City has been receiving only approximately \$15,000 annually in property tax revenue, no sales tax revenue, and very minimal amounts of use tax revenue annually. Reimbursement of fees would be done through expenditure of funds budgeted for the Business Cooperation Program (BCP) budgeted in the Citywide Program.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- This item was heard at the Economic Development and Intergovernmental Relations Committee meeting on April 9, 2014.

ACTION: Motion by Councilmember Kersey, second by Councilmember Emerald, to move staff recommendation to the full Council for approval to enter into an Economic Development Agreement with Ballast Point Brewing & Spirits Company and to forward the Economic Development Agreement with AleSmith Brewing Company to the City Council without recommendation, with full documentation to be provided at Council. Additionally, the Committee requested that staff conclude its review of the Equal Opportunity Contracting provisions prior to Council consideration.

VOTE: 3-0-1; Lightner-yea, Kersey-yea, Alvarez-absent, Emerald-yea.

- The Economic Development and Intergovernmental Relations Committee recommended approval of the proposed EDA and requested that staff investigate the applicability of the Equal Opportunity Contracting and Non-Discrimination in Contracting Ordinances. The City Attorney's Office has subsequently determined that neither ordinance applies to the proposed EDA.

Fulton/Villa

Primary Contact\Phone: Russ Gibbon\619-236-6350

Secondary Contact\Phone: Tom Tomlinson\619-533-3187

City Attorney Contact: Skogen, Daphne Z.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-200: Authorize an Amendment to the Contract with Luth and Turley Inc., for as needed remediation and clean up services from water main breaks and sewer backups. (Citywide.)

ITEM DESCRIPTION:

This action seeks authority to execute an Amendment to expend an additional \$2,000,000 under the 2013/2014 Contract term with Luth and Turley Inc., for as needed remediation and clean-up services as a result of damage caused by water main breaks and sewer backups. The new total not-to-exceed amount will be \$4,000,000 for Contract Year 2013/2014 and will be funded from the Water and Sewer Funds.

Amendment of a labor mark up is also sought from the current 15% to 25% in order to fully implement the City's adopted State Prevailing Wage laws pursuant to Municipal Code 22.3019.

Lastly, the Amendment seeks an increase to \$2,500,000 for Contract Years 3, 4, and 5.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-806)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Amendment to the Agreement with Luth & Turley, Inc., for as-needed remediation and clean-up services as a result of damage caused by water main breaks and sewer backups, under the terms and conditions set forth in the First Amendment to the Memorandum of Agreement;

Authorizing the Chief Financial Officer to expend an additional amount not to exceed \$2,000,000 for the current contract year from Water Fund No. 700011 and Municipal Sewer Fund No. 700000, provided that the Chief Financial Officer first furnishes one or more certificates demonstrating that the funds for this expenditure are, or will be, on deposit in the City Treasury, and provided that the final allocation of the \$2,000,000 between the Water and Municipal Sewer Funds reflect the actual proportionate share of damages caused by water main breaks and sewer backups, respectively;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$2,500,000 for each subsequent contract year beginning in Fiscal Year 2015, from Water Fund No. 700011 and Municipal Sewer Fund No. 700000, provided that sufficient funding is included in the approved City Budget and Appropriations Ordinance each fiscal year, that the Chief Financial Officer first furnishes one or more certificates demonstrating that the funds for the expenditure are, or will be, on deposit in the City Treasury, and that the final allocation of expenditures between the Water and Municipal Sewer Funds reflect the actual proportionate share of damages caused by water main breaks and sewer backups, respectively.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Funds are available in the Sewer and Water Funds as follows: \$400,000 in the Municipal Sewer Fund 700000 and \$1,600,000 in the Water Fund 700011. The total cost of this Contract will not exceed \$4,000,000 for Contract term 2013/2014. Sewer and Water funds are available to fund Contract terms 3, 4, and 5 for a not to exceed amount of \$2,500,000.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Council, Resolution R-307850, approval to enter into a Contract with Luth and Turley Inc., in November of 2012.

Bych/Lewis

Primary Contact\Phone: Claudia Castillo del Muro\619-236-6784

Secondary Contact\Phone: Janice Ellis\619-236-7705

City Attorney Contact: Zeleny, Thomas C.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-201: Creation of Underground Utility Districts Residential Blocks 1J, 1J PH II, 1M1, 2S2, and 8R. (La Jolla, Mission Beach, and Egger Highlands Community Plan Areas. Districts 1, 2, and 8.)

NOTE: First heard at the meeting of May 12, 2014, Item 202.

ITEM DESCRIPTION:

In accordance with San Diego Municipal Code (SDMC), Chapter 6, Article 1, Division 5, Underground Utilities Procedural Ordinance, this action will create three new Underground Utility Districts. The Resolution will provide for undergrounding all overhead utilities within the newly created Districts.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-638)

Adoption of a Resolution establishing Underground Utility Districts on residential blocks of La Jolla, Mission Beach and Egger Highlands financed through the City of San Diego Undergrounding Surcharge Fund;

The City Council finds and determines that creation of the above described Districts is in the general public interest because in each District: such undergrounding will avoid or eliminate an unusually heavy concentration of overhead facilities; the street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic; the street or road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public; or the street, road, or right-of-way is considered an arterial street or major collector;

The City Council finds and determines that the public health, safety, or general welfare requires the removal of poles, overhead wires, and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service within the Districts set forth above and that pursuant to Chapter VI, Article 1, Division 5 of the San Diego Municipal Code, the above Districts are hereby declared to be Underground Utility Districts in the City of San Diego, and any maps and document referred to above are hereby incorporated as a part of this Resolution;

Authorizing the Mayor, or his designee, to establish schedules (District Schedules) for the underground conversion of all poles, overhead wires, and associated structures in each District;

Instructing the Mayor, or his designee, to notify, within fifteen calendar days of the effective date of adoption of the District Schedule, all affected Utility Companies and all Affected Persons as defined in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code, of the provisions of the District Schedule, of the date by which all poles and related overhead structures shall be removed, and of the applicable date by which all work required to convert the facilities shall be accomplished. The Mayor, or his designee, shall further notify said Affected Persons as defined in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code that if they desire to continue to receive electric, communication, community antenna television or similar or associated service they shall permit installation of all necessary facility changes on their premises, or provide such changes at their own expense, so as to receive underground service from the supplying utility company's relocated underground lines, subject to applicable rules, regulations and tariffs of the respective utility company on file with the Public Utilities Commission of the State of California (as of the date of adoption of this Resolution) and subject to all other applicable requirements of State law and City Ordinances;

Declaring that the Mitigated Negative Declarations (MNDs), Project Nos. 216751, 299805, and 214920, on file with the Office of the City Clerk, have been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), and that the final MNDs, together with any comments received during the public review process has been reviewed and considered by this City Council in connection with approving the Districts, and that this declaration reflects the independent judgment of the City of San Diego as Lead Agency;

Adopting the Mitigation Monitoring and Reporting Programs, or alterations to implement the changes to the Districts as required by the City Council in order to mitigate or avoid significant effects on the environment, pursuant to California Public Resources Code Section 21081.6;

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 Districts.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The estimated project cost of \$23,060,117 will be funded through the use of Undergrounding Surcharge Fund 200217. This estimate includes a construction cost of \$17,722,449 for electrical utility work within the public right-of-way and private property, and other indirect costs such as administration, archaeological monitoring, street light replacement, street resurfacing, and other related work estimated at \$5,337,668. These expenditures have been approved or will be approved by subsequent actions.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City Council Resolution R-305773, approving the 2009 Master Plan for Utilities Undergrounding Program.

Report to City Council (12-084/R-306875) on July 31, 2012, regarding the Status of the Utilities Undergrounding Program and authorized staff to begin working on the Districts on this item.

McFadden/Heinrichs/hy

Primary Contact\Phone: Hasan Yousef\619-533-3012, MS 608

Secondary Contact\Phone: Mario Reyes\619-533-7426, MS 608

City Attorney Contact: Gerrity, Ryan P.

ITEM-202: Creation of Underground Utility Districts Hancock Street, Mission Boulevard, and 32nd Street. (Mission Hills, Pacific Beach, and Stockton Community Plan Areas. Districts 2 and 8.)

NOTE: First heard at the meeting of May 12, 2014, Item 203.

ITEM DESCRIPTION:

In accordance with San Diego Municipal Code (SDMC), Chapter 6, Article 1, Division 5, Underground Utilities Procedural Ordinance, this action will create three new Underground Utility Districts. The Resolution will provide for undergrounding all overhead utilities within the newly created Districts.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-641)

Adoption of a Resolution establishing Underground Utility Districts on Hancock Street, Mission Boulevard and 32nd Street, financed primarily through SDG&E annual allocation;

The City Council finds and determines that creation of the above described Districts is in the general public interest because in each District: such undergrounding will avoid or eliminate an unusually heavy concentration of overhead facilities; the street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic; the street or road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public; or the street, road, or right-of-way is considered an arterial street or major collector;

The City Council finds and determines that the public health, safety, or general welfare requires the removal of poles, overhead wires, and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service within the Districts set forth above and that pursuant to Chapter VI, Article 1, Division 5 of the San Diego Municipal Code, the above Districts are hereby declared to be Underground Utility Districts in the City of San Diego, and any maps and document referred to above are hereby incorporated as a part of this Resolution;

Authorizing the Mayor, or his designee, to establish schedules (District Schedules) for the underground conversion of all poles, overhead wires, and associates structures in each District;

Instructing the Mayor, or his designee, to notify, within fifteen calendar days of the effective date of adoption of the District Schedule, all affected Utility Companies and all Affected Persons as defined in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code, of the provisions of the District Schedule, of the date by which all poles and related overhead structures shall be removed, and of the applicable date by which all work required to convert the facilities shall be accomplished. The Mayor, or his designee, shall further notify said Affected Persons as defined in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code that if they desire to continue to receive electric, communication, community antenna television or similar or associated service they shall permit installation of all necessary facility changes on their premises, or provide such changes at their own expense, so as to receive underground service from the supplying utility company's relocated underground lines, subject to applicable rules, regulations and tariffs of the respective utility company on file with the Public Utilities Commission of the State of California (as of the date of adoption of this resolution) and subject to all other applicable requirements of State law and City Ordinances;

Declaring the Mitigated Negative Declarations (MNDs), Project No. 299805, on file with the Office of the City Clerk, have been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), and that the final MND, together with any comments received during the public review process has been reviewed and considered by this City Council in connection with approving the Districts, and that this declaration reflects the independent judgment of the City of San Diego as Lead Agency;

Adopting the Mitigation Monitoring and Reporting Programs, pursuant to California Public Resources Code Section 21081.6, or alterations to implement the changes to the Districts as required by the City Council in order to mitigate or avoid significant effects on the environment;

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 Districts.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The estimated project cost of \$23,060,117 will be funded through the use of Undergrounding Surcharge Fund 200217. This estimate includes a construction cost of \$17,722,449 for electrical utility work within the public right-of-way and private property, and other indirect costs such as administration, archaeological monitoring, street light replacement, street resurfacing, and other related work estimated at \$5,337,668. These expenditures have been approved or will be approved by subsequent actions.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City Council Resolution R-305773, approving the 2009 Master Plan for Utilities Undergrounding Program.

Report to City Council (12-084/R-306875) on July 31, 2012, regarding the Status of the Utilities Undergrounding Program and authorized staff to begin working on the Districts on this item.

McFadden/Heinrichs /hy

Primary Contact\Phone: Hasan Yousef\619-533-3012, MS 608

Secondary Contact\Phone: Mario Reyes\619-533-7426, MS 608

City Attorney Contact: Ryan P. Gerrity

ITEM-203: Creation of Underground Utility Districts Residential Blocks 4Y, 6H, and 7G2. (Bay Park, Jamacha Lomita, and Rolando Community Plan Areas. Districts 2, 4, and 9.)

NOTE: First heard at the meeting of May 12, 2014, Item 204.

ITEM DESCRIPTION:

In accordance with San Diego Municipal Code (SDMC), Chapter 6, Article 1, Division 5, Underground Utilities Procedural Ordinance, this action will create three new Underground Utility Districts. The Resolution will provide for undergrounding all overhead utilities within the newly created Districts.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2014-612)

Adoption of a Resolution determining that the creation of Underground Utility Districts in the communities of Bay Park (Project Block 6H), Jamacha Lomita (Project Block 4Y), and Rolando (Project Block 7G2) is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guideline Section 15302(d);

Declaring that the creation of Underground Utility Districts is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302(d);

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

Subitem-B: (R-2014-640)

Adoption of a Resolution establishing Underground Utility Districts in the communities of Bay Park (Project Block 6H), Jamacha Lomita (Project Block 4Y), and Rolando (Project Block 7G2), financed through the City of San Diego Undergrounding Surcharge Fund;

The City Council finds and determines that creation of the above described Districts is in the general public interest because in each District: such undergrounding will avoid or eliminate an unusually heavy concentration of overhead facilities; the street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic; the street or road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public; or the street, road, or right-of-way is considered an arterial street or major collector;

The City Council finds and determines that the public health, safety, or general welfare requires the removal of poles, overhead wires, and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service within the Districts set forth above and that pursuant to Chapter VI, Article 1, Division 5 of the San Diego Municipal Code, the above Districts are hereby declared to be Underground Utility Districts in the City of San Diego, and any maps and document referred to are hereby incorporated as a part of this resolution;

Authorizing the Mayor, or his designee, to establish schedules (District Schedules) for the underground conversion of all poles, overhead wires, and associated structures in each District;

Instructing the Mayor, or his designee, to notify, within fifteen calendar days of the effective date of adoption of the District Schedule, all affected Utility Companies and all Affected Persons as defined in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code, of the provisions of the District Schedule, of the date by which all poles and related overhead structures shall be removed, and of the applicable date by which all work required to convert the facilities shall be accomplished. The Mayor, or his designee, shall further notify said Affected Persons as defined in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code that if they desire to continue to receive electric, communication, community antenna television or similar or associated service they shall permit installation of all necessary facility changes on their premises, or provide such changes at their own expense, so as to receive underground service from the supplying utility company's relocated underground lines, subject to applicable rules, regulations and tariffs of the respective utility company on file with the Public Utilities Commission of the State of California (as of the date of adoption of this resolution) and subject to all other applicable requirements of State law and City Ordinances.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The estimated project cost of \$23,060,117 will be funded through the use of Undergrounding Surcharge Fund 200217. This estimate includes a construction cost of \$17,722,449 for electrical utility work within the public right-of-way and private property, and other indirect costs such as administration, archaeological monitoring, street light replacement, street resurfacing, and other related work estimated at \$5,337,668. These expenditures have been approved or will be approved by subsequent actions.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City Council Resolution R-305773, approving the 2009 Master Plan for Utilities Undergrounding Program.

Report to City Council (12-084/R-306875) on July 31, 2012, regarding the Status of the Utilities Undergrounding Program and authorized staff to begin working on the Districts on this item.

McFadden/Heinrichs /hy

Primary Contact\Phone: Hasan Yousef\619-533-3012, MS 608

Secondary Contact\Phone: Mario Reyes\619-533-7426, MS 608

City Attorney Contact: Gerrity, Ryan P.

ITEM-204: Creation of Underground Utility Districts at Howard Avenue, Wightman Street, Hilltop Drive, Woodrow Avenue, Baker Street/Shawnee Road, Seminole Drive, and 25th Street. (North Park, Fairmont Village, Mount Hope, Jamacha Lomita, Bay Park, Rolando, and Otay Mesa West Community Plan Areas. Districts 2, 3, 4, 8, and 9.)

NOTE: First heard at the meeting of May 12, 2014, Item 205.

ITEM DESCRIPTION

Create seven new Underground Utility Districts in accordance with San Diego Municipal Code (SDMC), Chapter 6, Article 1, Division 5, Underground Utilities Procedural Ordinance, and authorize the undergrounding of all overhead utilities within the newly created Districts.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2014-602)

Adoption of a Resolution determining that the creation of Underground Utility Districts on Howard Avenue, Wightman Street, Hilltop Drive, Woodrow Avenue, Baker Street/Shawnee Road, Seminole Drive, and 25th Street is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15302(d);

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

Subitem-B: (R-2014-637)

Adoption of a Resolution establishing Underground Utility Districts on Howard Avenue, Wightman Street, Hilltop Drive, Woodrow Avenue, Baker Street/Shawnee Road, Seminole Drive, and 25th Street, financed primarily through SDG&E Annual Allocation Funds (Rule 20A – Case 8209);

The City Council finds and determines that creation of the above described Districts is in the general public interest because in each District: such undergrounding will avoid or eliminate an unusually heavy concentration of overhead facilities; the street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic; the street or road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public; or the street, road, or right-of-way is considered an arterial street or major collector;

The City Council finds and determines that the public health, safety, or general welfare requires the removal of poles, overhead wires, and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service within the Districts set forth above and that pursuant to Chapter VI, Article 1, Division 5 of the San Diego Municipal Code, the above Districts are hereby declared to be Underground Utility Districts in the City of San Diego, and any maps and document referred to above are hereby incorporated as part of this Resolution;

Authorizing the Mayor, or his designee, to establish schedules (District Schedules) for the underground conversion of all poles, overhead wires, and associated structures in each District;

Instructing the Mayor, or his designee, to notify, within fifteen calendar days of the effective date of adoption of the District Schedule, all affected Utility Companies and all Affected Persons as defined in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code, of the provisions of the District Schedule, of the date by which all poles and related overhead structures shall be removed, and of the applicable date by which all work required to convert the facilities shall be accomplished. The Mayor, or his designee, shall further notify said Affected Persons as defined in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code that if they desire to continue to receive electric, communication, community antenna television or similar or associated service they shall permit installation of all necessary facility changes on their premises, or provide such changes at their own expense, so as to receive underground service from the supplying utility company's relocated underground lines, subject to applicable rules, regulations and tariffs of the respective utility company on file with the Public Utilities Commission of the State of California (as of the date of adoption of this Resolution) and subject to all other applicable requirements of State law and City Ordinances.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The estimated construction cost of \$6,694,408 for electrical utility work within the public right-of-way and private property will be funded through the use of SDG&E, Rule 20 (A) funds, as directed by the CPUC, Case 8209. Costs to convert AT&T and cable television are funded directly by AT&T and the cable companies per applicable CPUC tariffs and City agreements. Other indirect costs such as administration, archaeological monitoring, streetlight pole replacement, street resurfacing, and other related work is estimated at \$2,043,769 and will be funded through Undergrounding Surcharge Fund, contingent upon receipt of funds from SDG&E.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City Council Resolution R-305773 approving the 2009 Master Plan for the Utilities Undergrounding Program.

Report to City Council 12-084/R-306875, dated July 31, 2012, regarding the Status of the Utilities Undergrounding Program and authorization to staff to begin working on the Districts included on this item.

McFadden/Heinrichs/hy

Primary Contact\Phone: Hasan Yousef\619-533-3012, MS 608

Secondary Contact\Phone: Mario Reyes\619-533-7426, MS 608

City Attorney Contact: Gerrity, Ryan P.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda. Public testimony on Closed Session items is taken in Open Session on Mondays, except when there is no Monday meeting. Public testimony on Closed Session items is always taken prior to the actual Closed Session. Closed Session may take place any time after public testimony, but is typically held on Tuesdays at 9:00 a.m. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

NOTE: Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the Closed Session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

Information Item – No Action Required – The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Allow for questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in Closed Session; 4) Refer matters discussed to Closed Session.

(Rev. 6/20/14)

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-250: 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.

ITEM-251: General Election Public Exam Period.

June 2, 2014

Pursuant to San Diego Municipal Code Section 27.0403, candidate statements, the propositions and related ballot materials for said candidate races and propositions, to be submitted to the voters within the City of San Diego at the election of November 4, 2014, will be available for public examination for ten (10) calendar days prior to being submitted for printing in the sample ballot. During the examination period, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the ballot or sample ballot materials be amended or deleted. Please note the following examination periods:

<u>Document</u>	<u>Start date</u>	<u>End date</u>
Candidate Statements of Qualifications and Designations of Principal Profession or Occupation	July 30, 2014	August 8, 2014
Ordinances calling election and Ordinances placing measures on the ballot	August 11, 2014	August 21, 2014
City Attorney's impartial analysis, ballot title and summary, and Mayor/IBA/City Auditor's fiscal analysis	August 19, 2014	August 28, 2014
Ballot Arguments	August 22, 2014	September 1, 2014

For additional information regarding this matter, please contact the Office of the City Clerk at (619) 533-4000.

ITEM-252: Arguments Supporting or Opposing Propositions

For propositions approved by the Council for submittal to the qualified voters of the City of San Diego at the Municipal General Election to be held on Tuesday, November 4, 2014, the City Clerk has fixed 5:00 p.m. on Thursday, August 21, 2014, as a reasonable date prior to such election after which no arguments for or against City Propositions may be submitted to the Clerk.

Any argument for or against any City proposition shall not exceed 300 words in length and may be filed by the Council, or any member or members of the Council authorized by the Council, or the bona fide sponsors or proponents of the measure, or any bona fide association of citizens or individual voter, or any combination of voters and associations.

All arguments must be accompanied by a statement signed by each author that the argument is true and correct to the best of his/her knowledge and belief. ([Forms](#) for this statement are available in the Office of the City Clerk.)

An argument shall not be accepted unless accompanied by the name or names of the person or persons submitting it, or if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers. No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

Arguments may be changed or withdrawn by their proponents until and including the date fixed by the City Clerk.

Arguments shall be submitted to the City Clerk at the Office of the City Clerk, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, California, 92101.

ITEM-253: **Notice** of Pending Final Map Approval - Southview.

Notice is hereby given that the City Engineer has reviewed and will approve on the date of this City Council meeting that certain final map entitled "Southview" (T.M. No. 25169, PTS No. 214832) located east of Caliente Boulevard, in the R-301263 zone, within the Otay Mesa, Council District 8, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 PM, 10 calendar days from the date of this City Council meeting stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact Gregory P. Hopkins (619) 446-5291.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT