

CITY OF SAN DIEGO COUNCIL DOCKET



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Independent
Budget Analyst**

**Jan Goldsmith
City Attorney**

**Liz Maland
City Clerk**

Council Chambers, 12th Floor, City Administration Building

Monday, September 15, 2014

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, SEPTEMBER 15, 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, OTHER LEGISLATIVE ITEMS

ITEM-200: Fiscal Year 2014 Consolidated Annual Performance and Evaluation Report (CAPER).

ITEM DESCRIPTION:

The City of San Diego has prepared the draft Fiscal Year 2014 Consolidated Annual Performance and Evaluation Report (CAPER) for the period of July 1, 2013, through June 30, 2014. The CAPER summarizes the projects and programs that the City has implemented with Community Development Block Grant (CDBG), Home Investment Partnerships Program (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) funds. According to federal standards, the City must submit the CAPER and submit to the U.S. Department of Housing and Urban Development (HUD) no later than September 26, 2014.

STAFF'S RECOMMENDATION:

This is an information only item - no Council action required.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Moreno/Graham

Primary Contact\Phone: Eliana Barreiros\619-533-6510, MS 56D

Secondary Contact\Phone: Sima Thakkar\619-236-5902, MS 56D

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-201: Appointment of President of Civic San Diego.

MAYOR FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-54)

Council confirmation of the appointment by the Mayor of the City of San Diego, of Reese A. Jarrett, to serve as President of Civic San Diego.

NOTE: 6 votes required per section 8.3.1(b) of the amended Bylaws. (Rev. 9/15/14)

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-202: Final Decision to Overrule the San Diego County Regional Airport Authority to Uphold the City's Mobile Food Truck Ordinance. (Citywide.)

ITEM DESCRIPTION:

On June 5, 2014, the San Diego County Regional Airport Authority, acting as the Airport Land Use Commission, determined that the City's adopted food truck ordinance is inconsistent with the MCAS Miramar Airport Land Use Compatibility Plan (ALUCP). On July 15, the City Council adopted proposed findings for overrule of that determination of inconsistency, and directed the City Attorney's office to prepare the resolution and return to City Council for the final overrule. The City Council is now being asked to adopt a resolution formally overruling the determination of inconsistency.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-121)

Adoption of a Resolution overruling the Airport Land Use Commission's Determination of Inconsistency for Ordinance No. O-20357 regarding mobile food trucks.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On October 23, 2013, the Smart Growth and Land Use Committee (SGLU) received a report on potential regulations.

On February 12, 2014, SGLU reviewed the draft ordinance and forwarded the item without recommendation.

The City Council introduced the mobile food truck ordinance on March 3, 2014, and adopted the ordinance on March 18, 2014.

On July 15, 2014, the City Council voted 7-2 to set a hearing for a final decision to overrule the Airport Authority.

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Primary Contact\Phone: Amanda Lee\619-446-5367, MS 501

City Attorney Contact: Lintvedt, Inga

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.

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: **Notice** of Pending Final Map Approval - Pacific Highlands Ranch Unit 25.

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 "Pacific Highlands Ranch Unit 25" (V.T.M. No. 8878, PTS No. 332872) located North of State Route 56, East of "Rancho Santa Fe Farms Road", in the RT-1-2 and RX-1-1 zone, within the Pacific Highlands Ranch Council District 1, 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.

ITEM-251: **Notice** of Pending Final Map Approval - Rhodes Crossing Units 1 and 6.

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 “Rhodes Crossing Units 1 and 6” (T.M. No. 7938, PTS No. 344060) in the R-301263 zone, within the Torrey Highlands Council District 5, 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 Frederick R. LePage (619) 446-5434.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT