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CITY OF SAN DIEGO COUNCIL DOCKET



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COUNCIL PRESIDENT PRO TEM

Sherri Lightner • First District

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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

Monday, October 6, 2014

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, OCTOBER 6, 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
ORDINANCES TO BE INTRODUCED:**

ITEM-200: Approval of an Ordinance Amending the San Diego Municipal Code relating to the Facilities Benefit Assessment (FBA) Fee Deferral Program.

ITEM DESCRIPTION:

Requesting adoption of an Ordinance Amending the San Diego Municipal Code relating to the Facilities Benefit Assessment (FBA) Fee Deferral Program, which is set to expire on December 31, 2014.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-25)

Introduction of an Ordinance Amending Chapter 6, Article 1, Division 22, of the San Diego Municipal Code by amending Section 61.2210, relating to deferral of payment of Facilities Benefits Assessments.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The Facilities Financing Program is funded through a special fund, not the General Fund. A nominal amount of interest revenue may be lost due to the delayed payment of the impact fees, which are offset by increased fee revenue when fees are collected in a subsequent fiscal year after the cost index increase is applied in the fee schedule.

A \$500 processing fee is required for each fee deferral application and each partial release for a phased development. The fee is a cost recovery measure and is based on the amount of time spent by staff to process the applications.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On September 17, 2014, the Infrastructure Committee voted to forward this action to the City Council for consideration.

ACTION: Motion by Councilmember Sherman, second by Councilmember Cole to forward item, without recommendation, to the City Council.

VOTE: 3-0; Kersey-yea, Cole-yea, Sherman-yea, Emerald-not present.

- Ordinance O-20100, which authorized an additional temporary modification for the DIF and FBA Fee Deferral Program, by extending the FBA component of the Program until December 31, 2014, and amended the San Diego Municipal Code to clarify and expand the City's policies and procedures with respect to DIFs and FBAs, was approved by City Council on October 11, 2011.
- Ordinance O-19893, which authorized temporary modifications to the DIF and FBA Fee Deferral Program, was approved by City Council on September 11, 2009.

Fulton/Graham

Primary Contact\Phone: Tom Tomlinson\619-533-3187 / MS 606F

Secondary Contact\Phone: Frank January\619-533-3699 / MS 606F

City Attorney Contact: Mendoza, Hilda R.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

ITEM-201: Wegeforth Elementary School Park Improvements Joint Use Agreement. (Serra Mesa Community Area. District 7.)

ITEM DESCRIPTION:

This action authorizes the Mayor, or his designee, to approve the Joint Use Agreement for Wegeforth Elementary School. The Agreement will provide for the construction, operation, and maintenance of a turf field and recreational facilities at the school.

STAFF'S RECOMMENDATION:

Introduce the ordinance; and adopt the resolution:

Subitem-A: (O-2015-23)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the Lease and Joint-Use Agreement between the City and the San Diego Unified School District for the construction, operation, and maintenance of a turf field and recreational facilities at Wegeforth Elementary School (Agreement), under the terms and conditions set forth in the Agreement;

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

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

Subitem-B: (R-2015-155)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301-Existing Facilities, 15302-Replacement or Reconstruction, and 15303-New Construction or Conversion of Small Structures and that an exception to the exemption does not apply;

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The project construction cost is \$2,323,232 which has been partially funded by the Serra Mesa Urban Community Fund 400132, in the amount of \$1,099,000 and by the Private and Others Contribution Fund 400264, in the amount of \$1,224,232. The annual maintenance of the joint use site will cost approximately \$51,575 from the Fiscal Year 2016 Park and Recreation Department Budget. The cost of maintenance will be calculated and adjusted annually. The fields will be open to the public in Fiscal Year 2016.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Infrastructure Committee meeting on September 17, 2014.

ACTION: Motion by Councilmember Cole, second by Councilmember Sherman, to forward staff's recommendation to the full City Council.

VOTE: 3-0; Kersey-yea, Cole-yea, Sherman-yea, Emerald-not present.

Gibson/Heinrichs

Primary Contact\Phone: Mark Nassar\619-533-6600, MS 908A
Secondary Contact\Phone: Kevin Oliver\619-533-5139, MS 908A
City Attorney Contact: Mercer, Mark M.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-202: Proposed Response to Grand Jury Report “Give Me Shelter: An Inquiry Into the First Year of Operation of Connections Housing.” (Citywide.)

ITEM DESCRIPTION:

1. Approve and adopt the proposed response to the 2013/2014 San Diego County Grand Jury Report entitled “Give Me Shelter: An Inquiry Into the First Year of Operation of Connections Housing” (which was filed May 28, 2014), as prepared by the Independent Budget Analyst (IBA).
2. Authorize and direct the City Council President, on behalf of the City Council, to execute and deliver the response to the Presiding Judge of the Superior Court by October 31, 2014.

INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-159)

Adopting and approving the City Council's Response to the 2013-2014 San Diego County Grand Jury Report titled "Give Me Shelter: An Inquiry Into the First Year of Operation of Connections Housing" as set forth in IBA Report No. 14-33, dated September 12, 2014.

Authorizing and directing the Council President, on behalf of the City Council, to execute and deliver the above-described response to the Presiding Judge of the Court no later than October 31, 2014.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: NA

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was scheduled to be heard at the September 18, 2014, Public Safety and Livable Neighborhoods Committee meeting, however due to time constraints that arose during that meeting, the item was unable to be heard. There is no opportunity to hear this item at the Public Safety and Livable Neighborhoods Committee meeting in time for us to submit the formal City Council response to the presiding judge by October 31, 2014, and thus the Independent Budget Analyst (IBA) requested direct docketing of this item.

Kawar

Primary Contact\Phone: Nicole Dangermond\619-236-6452

Secondary Contact\Phone: Lisa Byrne\619-236-5917

City Attorney Contact: Halsey, Keely M.

ITEM-203: Proposed Response to Grand Jury Report “Politics and Water Do Not Mix – the Dark Side.” (Citywide.)

ITEM DESCRIPTION:

1. Approve and adopt the proposed response to the 2013/2014 San Diego County Grand Jury Report entitled “Politics and Water Do Not Mix - the Dark Side”, (which was filed May 20, 2014) as prepared by the Independent Budget Analyst (IBA).

2. Authorize and direct the City Council President, on behalf of the City Council, to execute and deliver the response to the Presiding Judge of the Superior Court by October 17, 2014.

INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-151 Cor. Copy) (Rev. 10/03/14)

Approving and adopting the proposed response to the 2013/2014 San Diego County Grand Jury Report entitled "Politics and Water Do Not Mix - the Dark Side" as prepared by the Independent Budget Analyst (IBA);

Authorizing and directing the City Council President, on behalf of the City Council, to execute and deliver the response to the Presiding Judge of the Superior Court by October 17, 2014.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was presented at the Environment Committee meeting on September 17, 2014. The Committee voted unanimously to accept the report with an Amendment to recommendation 14-77, and move the item forward to the full City Council. The Amendment was to include language indicating that the City will prepare cost analysis related to future County Water Authority (CWA) rate increases.

ACTION: Motion by Councilmember Harris, second by Councilmember Zapf, to forward staff recommendation to the Full City Council with clarification made on the response to recommendation 14-77, that the City should conduct an internal cost analysis anytime MWD rates increase and recognize that if a determination is made not to increase rates, there are off-setting cost related factors that justify that conclusion.

VOTE: 3-0; Alvarez-yea, Harris-yea, Zapf-yea, Emerald-not present.

Kawar

Primary Contact\Phone: Charles Modica\619-236-6445

Secondary Contact\Phone: Lisa Byrne\619-236-5917

City Attorney Contact: Palmucci, Raymond C.

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.

NON-DOCKET ITEMS**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES****ADJOURNMENT**