

# CITY OF SAN DIEGO COUNCIL DOCKET



## COUNCIL PRESIDENT

**Sherrí Lightner • First District**

## COUNCIL PRESIDENT PRO TEM

**Marti Emerald • Ninth District**

## COUNCILMEMBERS

**Lorie Zapf • Second District**

**Todd Gloria • Third District**

**Myrtle Cole • Fourth District**

**Mark Kersey • Fifth District**

**Chris Cate • Sixth District**

**Scott Sherman • Seventh District**

**David Alvarez • Eighth District**

**Andrea Tevlin  
Independent  
Budget Analyst**

**Jan Goldsmith  
City Attorney**

**Liz Maland  
City Clerk**

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

**Tuesday, June 9, 2015**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, JUNE 9, 2015, AT 10:00 AM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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

**NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.**

**OTHER LEGISLATIVE MEETINGS**

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7564. Internet access to the agenda is available at:  
<http://www.sdhc.org/Media-Center/SDHC-Meetings/Housing-Authority-Meetings>

**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:

04-27-2015

04-28-2015

**PROCLAMATIONS/CEREMONIAL ITEMS**

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

ITEM-30: Philippine Independence Week.

**PRESENTED BY COUNCILMEMBER GLORIA, COUNCILMEMBER COLE, AND COUNCILMEMBER CATE:**

Proclaiming June 8-12, 2015, to be "Philippine Independence Week" in the City of San Diego.

ITEM-31: Walls of Excellence Day.

**PRESENTED BY COUNCILMEMBER COLE:**

Proclaiming June 9, 2015, to be "Walls of Excellence Day" in the City of San Diego.

ITEM-32: MEXPORT Day.

**PRESENTED BY COUNCILMEMBER ALVAREZ:**

Proclaiming May 28, 2015, to be "MEXPORT Day" in the City of San Diego.

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

ITEM-33: San Diego Youth Symphony Day.

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

Proclaiming June 18, 2015, to be "San Diego Youth Symphony Day" in the City of San Diego.

ITEM-34: Salvation Army Day.

**COUNCILMEMBER GLORIA'S RECOMMENDATION:**

Proclaiming May 30, 2015, to be "Salvation Army Day" in the City of San Diego.

ITEM-35: Chinese-American Cultural Exchange Day.

**COUNCILMEMBER SHERMAN'S RECOMMENDATION:**

Proclaiming May 11, 2015, to be "Chinese-American Cultural Exchange 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 2.6.2, of the San Diego Municipal Code, comments are limited to two minutes per speaker. Speakers may not allocate their time to other speakers. If there are eight (8) or more speakers on a single issue, the maximum time allotted for that issue will be sixteen (16) minutes. Non-Agenda Public Comment is limited to 30 minutes during the Tuesday morning Council session. Any remaining speakers will be given an opportunity to speak after Council concludes the remaining agenda items for that day. Speaker order will generally be decided on a first-come, first-served basis. However, in the event that there are more than 15 Non-Agenda Public Comment speakers on a particular Tuesday, priority may be given to speakers who have not addressed the legislative body during "Non-Agenda Public Comment" at the last regularly scheduled Council meeting.

**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  
ORDINANCES TO BE INTRODUCED:

- \* ITEM-50: Fifth Amendment to As-Needed Agreement between the City of San Diego and Somach, Simmons & Dunn for Legal Services related to the long-range water resources plan - water resource protection and development.

**ITEM DESCRIPTION:**

Authorize the Mayor, or his designee, to execute a Fifth Amendment to the As-Needed Agreement with Somach, Simmons & Dunn for an additional two years and an additional amount of \$250,000 for Federal Energy Regulatory Commission (FERC) analysis, interstate water rights negotiations, and long-range water resource protection and development.

**CITY ATTORNEY'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2015-113)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Fifth Amendment to the Agreement with Somach, Simmons & Dunn for as-needed assistance with the City's long-range water resources planning, under the terms and conditions set forth in the Fifth Amendment;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$250,000 from Water Utility Operating Fund No. 700011, solely and exclusively, to provide funds for the above Fifth Amendment, contingent on adoption of the Fiscal Year 2015 Appropriation Ordinance and funds for this purpose being included in the budget, and provided that the Chief Financial Officer furnishes one or more certificates that the funds for this expenditure are, or will be, on deposit in the City Treasury.

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

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The Fifth Amendment to the As-Needed Agreement with Somach, Simmons & Dunn, adds \$250,000 for a total contract amount of \$1,700,000. Funds will be available in Water Utility Operating Fund 700011, for the purpose of funding this Fifth Amendment to the As-Needed Agreement with Somach, Simmons & Dunn through FY2016 and continuing this expenditure for an additional two years into FY2017 and FY2018, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for the expenditures are, or will be, on deposit with the City Treasurer.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- In December 2002, the City of San Diego (City) adopted the Long-Range Water Resources Plan (LRWRP) by Resolution R-2003-657.
- In December 2013, the City of San Diego (City) adopted the 2012 Long-Range Water Resources Plan by Resolution R-2014-11 and R-2013-12.
- The initial Agreement between City and Somach, Simmons & Dunn was executed on April 20, 2004 for \$250,000.
- On May 26, 2009, the Second Amendment to the Agreement was approved by the City Council in O-19866, which added \$200,000 and five years to the original Agreement amount.
- On May 11, 2011, the Third Amendment to the Agreement was approved by the City Council in O-20046, which added \$650,000 to the original Agreement amount.
- On June 10, 2014, the Fourth Amendment to the Agreement was approved by the City Council in O-2014-61, which added \$350,000 and two years to the original Agreement amount.
- This item was heard at the Environment Committee meeting on May 20, 2015.

ACTION: Motion by Councilmember Cate, second by Councilmember Alvarez, to forward staff's recommendation to City Council.

VOTE: 4-0; Alvarez-yea, Cate-yea, Gloria-yea, Emerald-yea.

Nuesca/Bamberg

Primary\City Attorney Contact\Phone: Raymond C. Palmucci\619-236-7725, MS 59

\* ITEM-51: Proposed revisions to the Municipal Code related to the Business Regulatory Taxation Consolidation Project.

**ITEM DESCRIPTION:**

Approve an Amendment of Chapter 3, Article 3, Division 3, of the San Diego Municipal Code which pertains to San Diego Police Department permit fees. This revision will ensure that the assessment of penalties and regulatory fees are consistent with the City Treasurer's processes, and will also eliminate a loophole which allow permittees to avoid paying penalties.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2015-93)

Introduction of an Ordinance amending Chapter 3, Article 3, Division 3, by amending Section 33.0308, relating to permit applications for Police Regulated Occupations and Businesses.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:** N/A

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

This item was heard at the Budget and Government Efficiency Committee meeting on April 15, 2015.

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

**VOTE:** 5-0; Gloria-yea, Sherman-yea, Cole-yea, Kersey-yea, Alvarez-yea.

Ramirez/Chadwick

Primary Contact\Phone: Linda Griffin, A/Lieutenant\619-531-2973, MS724

Secondary Contact\Phone: Dean Thomas, Sergeant\619-531-2282, MS724

City Attorney Contact: Hemmerling, John C.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- \* ITEM-100: Agreement with AECOM Technical Services, Inc., for the preparation of a Groundwater Management Plan for the San Diego Formation - H156306. (Midway/Pacific Highway Corridor, Uptown, Peninsula, City Heights, Downtown/Centre City, Barrio Logan, Southeastern San Diego, Greater Golden Hill, Encanto Neighborhoods, Skyline-Paradise Hills, and Otay Mesa-Nestor Community Areas. Districts 2, 3, 4, 8, and 9.)

**ITEM DESCRIPTION:**

City Council approval to award a Consultant Agreement for Professional Groundwater Management Services related to research, development and preparation of a Groundwater Management Plan for the San Diego Formation as defined in the California Water Code Sections 10750 through 10756. Development of this Groundwater Management Plan is a term of a Settlement Agreement between the City of San Diego and the Sweetwater Authority authorized by City Council on August 5, 2013, Ordinance O-20287.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-575)

Authorizing the Mayor, or his designee, to execute an Agreement with AECOM Technical Services, Inc., for the preparation of the San Diego Formation Groundwater Management Plan in an amount not to exceed \$949,974, for the duration of five years;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$949,974 from Water Utility Operating Fund 700011, for the purpose of funding the Agreement for Groundwater Management Plan consulting services, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the City Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The total not to exceed amount of the Agreement is \$949,974, and will be expended over the five year duration of this Agreement. Funding will be available in Water Utility Operating Fund 700011, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon City Comptroller furnishing one or more certificates certifying that funds necessary for the expenditure are, or will be, on deposit with the City Treasurer.

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

- On August 5, 2013, the City Council authorized the settlement of the City's lawsuit against the Sweetwater Authority (O-20287).
- On December 10, 2013, the City Council approved the 2012 Long-Range Water Resources Plan (R-308636) which recommended moving forward with developing additional local groundwater supply.
- This item was heard at the Environment Committee meeting on May 20, 2015.

**ACTION:** Motion by Councilmember Cate, second by Councilmember Alvarez, to forward staff's recommendation to City Council.

**VOTE:** 4-0; Alvarez-yea, Cate-yea, Gloria-yea, Emerald-yea.

Wright-Travis/LoMedico

Primary Contact\Phone: Gregory B. Cross\619-533-4235, MS 906

Secondary Contact\Phone: Lan Wiborg\619-533-4112, MS 906

City Attorney Contact: Palmucci, Raymond C.

\* ITEM-101: Execute the Joint Project Development Agreement with San Diego County Water Authority for the San Vicente Pumped Storage Project.

**ITEM DESCRIPTION:**

Approval of the San Vicente Pumped Storage Joint Project Development Agreement. The City is teaming with the San Diego County Water Authority (CWA) to conduct an in-depth study of the feasibility of a multi-year renewable energy project at the City owned and operated San Vicente Reservoir. The objective is to identify opportunities to use existing City assets to generate revenue in the areas of utility-scale energy storage in order to offset the rising costs of energy and imported water. The study will also evaluate the potential contribution of a large-scale pumped storage project toward meeting the City's Climate Action Goals.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-658)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the San Vicente Pumped Storage Project Development Agreement with the San Diego County Water Authority;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$900,000 over Fiscal Years 2016 and 2017 from Water Utility Operating Fund 700011 for the purpose of funding this Agreement, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the City Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The total not to exceed amount of the Agreement is \$900,000 and will be expended in Fiscal Years 2016 and 2017. Funding will be available in Water Utility Operating Fund 700011, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the City Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer.

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

This project was heard at the Environment Committee meeting on May 20, 2015.

**ACTION:** Motion by Councilmember Cate, second by Councilmember Alvarez, to forward staff's recommendation to the full City Council.

**VOTED:** 4-0; Alvarez-yea, Cate-yea, Gloria-yea, Emerald-yea.

Murray/LoMedico

Primary Contact\Phone: Robert Mulvey\858-292-6418, MS 901

Secondary Contact\Phone: Lan Wiborg\619-533-4112, MS 906

City Attorney Contact: Palmucci, Raymond C.

- \* ITEM-102: Approval of a Five Year Percentage Lease between the City of San Diego and the Soledad Club located at 5050 Soledad Road, San Diego, CA. (La Jolla Community Area. District 1.)

**ITEM DESCRIPTION:**

The Soledad Club, a nonprofit organization located at 5050 Soledad Road, San Diego, has been leasing from the City since 1977. They are requesting approval for a five year Percentage Lease with one five year option.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2015-498)

Authorizing and directing the Mayor, or his designee, to execute that certain five (5) year "City of San Diego Percentage Lease" with the Soledad Club, a California nonprofit mutual benefit corporation, for the continued operation and maintenance of the property located at 5050 Soledad Road, San Diego, California, to provide civic, social, fund raising, cultural, recreational and philanthropic work and activities for the benefit of the public and the community;

Authorizing the Mayor, or his designee, to execute and deliver all such agreements and all other instruments to effect and complete the transaction contemplated by this Resolution;

Waiving Council Policy 700-12, given the recreational, health, social, educational, cultural and other public benefits to be afforded by continued use of the property located at 5050 Soledad Road, San Diego, California as public meeting rooms, to the extent that the Property shall be leased at less than fair market value as authorized hereby.

Subitem-B: (R-2015-557)

Determining that the City of San Diego, using its independent judgment, has considered the written record and public comment for the City's request to enter into a Percentage Lease between the City and the Soledad Club for City-owned real property located at 5050 Soledad Road, San Diego, California, and has determined that said activity is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, and that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The current Agreement with Soledad Club is a Percentage Lease with a current minimum annual rent of \$5,531 or 7% of gross income from member dues and rentals of the facility, whichever is greater. Lessee is to provide documentation of Gross Revenue within 60 days of year end and pay the greater amount of the minimum rent or percentage rent on or before April 30th. City has received rent from Lessee in the amount of \$5,598 in year 2013, \$6,919 in year 2014, and \$7,878 in year 2015, totaling \$20,395 in the last three years. The new percentage Lease will have a minimum annual rent of \$6,000 or 7% of gross income. The rent revenue will be deposited to the General Fund.

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

This item was heard at the Smart Growth and Land Use Committee on May 13, 2015.

**ACTION:** Motion by Councilmember Sherman, Second by Councilmember Alvarez, to recommend approval of staff's recommendation.

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

Thompson/Villa

Primary Contact\Phone: Charmaine Gillis\619-236-6020, MS 51A

Secondary Contact\Phone: Patti Phillips\619-236-6766, MS 51A

City Attorney Contact: Ferbert, Heather M.

\* ITEM-103: Proposed City Participation in the YGrene Property Assessed Clean Energy (PACE) Program.

**ITEM DESCRIPTION:**

“Property Assessed Clean Energy” (PACE) Programs allow property owners to finance energy and water conservation projects through a special tax or assessment on their property. Currently there are three PACE Programs authorized in the City of San Diego: CaliforniaFIRST, FigTree, and HERO. This item requests authorization to allow a fourth provider, YGrene program, to offer its PACE Program to San Diego homeowners and businesses.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2015-704)

Finding and declaring that properties in the City’s incorporated area will be benefited by the availability of the Authority CFD No. 2014-1 (Clean Energy) to finance the installation of the Authorized Improvements;

Declaring that this City Council consents to inclusion in the Authority CFD No. 2014-1 (Clean Energy) of all of the properties in the incorporated area within the City and to the Authorized Improvements, upon the request of and execution of the Unanimous Approval Agreement by the owners of such properties when such properties are annexed, in compliance with the laws, rules and regulations applicable to such program; and to the assumption of jurisdiction thereover by Authority for the purposes thereof;

Declaring that the consent of the City Council constitutes assent to the assumption of jurisdiction by Authority for all purposes of the Authority CFD No. 2014-1 (Clean Energy) and authorizes Authority, upon satisfaction of the conditions imposed in this resolution, to take each and every step required for or suitable for financing the Authorized Improvements;

Authorizing and directing City staff to coordinate with Authority staff to facilitate operation of the Authority CFD No. 2014-1 (Clean Energy) within the City, and report back periodically to this City Council on the success of such program;

Declaring that this Resolution shall take effect immediately upon its adoption. Directing the City Clerk to send a certified copy of this resolution to the Secretary of the Authority.

Subitem-B: (R-2015-705)

Finding and declaring that properties in the City will benefit from the availability of the Authority PACE Program to finance the installation of the Improvements;

Declaring that this City Council consents to inclusion in the Authority PACE Program of all of the properties in the jurisdictional boundaries of the City and to the Improvements, upon the request by and voluntary agreement of owners of such properties, in compliance with the laws, rules and regulations applicable to such program; and to the assumption of jurisdiction thereover by Authority for the purposes thereof;

Declaring that the consent of this City Council constitutes assent to the assumption of jurisdiction by Authority for all purposes of the Authority PACE Program and authorizing Authority, upon satisfaction of the conditions imposed in this resolution, to take each and every step required for or suitable for financing the Improvements, including the levying, collecting and enforcement of the contractual assessments to finance the Improvements and the issuance and enforcement of bonds to represent such contractual assessments;

Declaring that this City Council hereby approves joining the JPA as an Associate Member and authorizing the execution by appropriate City officials of any necessary documents to effectuate such membership;

Authorizing and directing to coordinate with Authority staff to facilitate operation of the Authority PACE Program within the City, and report back periodically to this City Council on the success of such program;

Declaring that this Resolution shall take effect immediately upon its adoption. Directing the City Clerk to send a certified copy of this resolution to the Secretary of the Authority.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Some minimal staff time, which will be absorbed by existing staff, will be required for all work related to joining and monitoring these programs. All costs related to energy efficiency, water conservation, electric vehicle charging and/or renewable energy projects will be borne by the property owner.

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

- February 5, 2014, Environment Committee meeting - staff were directed to prepare all necessary authorizations allowing the City to enter into agreements with the HERO, Figtree and YGreene PACE Programs for residential property owners with non-conforming loans.
- March 26, 2014, Environment Committee meeting - the February 5, 2014, wording of the approved Committee action was changed to allow “all residential property, not just those with non-conforming loans” to participate in the program with the expectation that HERO and Figtree Programs would be adopted in April and the YGreene Program would be brought back to City Council as a separate action.

Greenhalgh/LoMedico

Primary Contact\Phone: Dave Weil\858-492-6001, MS 1103A

Secondary Contact\Phone: Lorie Cosio Azar\858-627-3352, MS 1103A

City Attorney Contact: Will, Brant C.

\* ITEM-104: Renew membership and continue participation in the California State Association of Counties Excess Insurance Authority (CSAC-EIA).

**ITEM DESCRIPTION:**

Authorize membership renewal and continued participation in the California State Association of Counties Excess Insurance Authority (CSAC-EIA). Participation in CSAC EIA facilitates the purchase of Property/Earthquake and Excess Liability insurance coverage for the City.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-479)

Approving the City's continuing membership in California State Association of Counties Excess Insurance Authority (CSAC-EIA) and authorizing the Mayor, or his designee, to renew the City's insurance coverages annually as appropriated by the Council in the annual budget process.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Funding for the insurance premiums is budgeted through the annual budget process in the General, Public Liability and Enterprise Funds as a non-discretionary line item in the appropriate department fund. The budget for the non-discretionary insurance may vary from year to year due to changing property values, special requirements, liability limits, modifications to City assets, risk exposure and overall market conditions.

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

This item was heard at the Budget and Government Efficiency Committee meeting on April 15, 2015.

**ACTION:** Motion by Councilmember Alvarez, second by Councilmember Kersey, to forward staff's recommendation to the City Council.

**VOTE:** 5-0; Gloria-yea, Sherman-yea, Cole-yea, Kersey-yea, Alvarez-yea.

Bych/Lewis

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

Secondary Contact\Phone: Greg Bych\619-236-6651

City Attorney Contact: Gersten, William

\* ITEM-105: This item has been removed from today's docket. (Rev. 6/5/15)

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

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

ITEM-330: Creation of an Accessibility Advisory Board.

**ITEM DESCRIPTION:**

Request for creation of an Accessibility Advisory Board in the City of San Diego.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2015-128)

Introduction of an Ordinance Amending Chapter 2, Article 6, Division 00, of the San Diego Municipal Code by adding new Sections 26.34 and 26.35, all relating to establishing the Accessibility Advisory Board.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

There are no fiscal considerations for this item. Current City staff will absorb the duties associated with the creation and staffing of the Accessibility Advisory Board.

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

This item was heard at the Infrastructure Committee meeting on April 23, 2015.

**ACTION:** Motion by Councilmember Emerald, second by Councilmember Zapf, to forward staff's recommendation to City Council.

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

Curtis/LoMedico

Primary Contact\Phone: Thyme Curtis\619-236-5985, MS 56G  
City Attorney Contact: Spivak, Sharon B.

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.**

ITEM-331: Proposed Fiscal Year 2016 Affordable Housing Fund Annual Plan. (Citywide.)

**ITEM DESCRIPTION:**

That the San Diego City Council approve the proposed Fiscal Year 2016 Affordable Housing Fund Annual Plan as presented in this report. In addition, that the San Diego City Council give direction to the City Attorney to draft Ordinance Amendments to the San Diego Housing Trust Fund Regulations (Chapter 9, Article 8, Division 5, of the San Diego Municipal Code).

**SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-707)

Approving the Fiscal Year 2016 Affordable Housing Fund Annual Plan (Annual Plan);

Approving the Annual Plan's Program Activity Allocation of \$33,082,445 in anticipated funds (also included in the Fiscal Year 2016 Housing Commission Proposed Budget) and the proposed Model Programs;

Authorizing the President and Chief Executive Officer (President and CEO) of the San Diego Housing Commission, or designee, to reallocate funds among the proposed Model Programs included in the Fiscal Year 2016 Annual Plan in response to market demands and opportunities;

Directing the City Attorney to work with the Housing Commission's President and CEO and General Counsel to draft Amendments to San Diego Municipal Code Chapter 9, Article 8, Division 5 (San Diego Housing Trust Fund) that improve the operation, efficiency and administration of the Affordable Housing Fund, as directed by the City Council, including direction provided at the public hearing held on June 9, 2015, and reflected in Attachment 5 to the Report to the City Council CCR15-002.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The proposed funding sources and uses approved by this action are included in the proposed FY 2016 San Diego Housing Commission Budget. Approving this action will not change the FY 2016 Total Budget.

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

- City Council has adopted an Annual Plan each year in accordance with the Code.
- The City Council voted 8-1 on November 10, 2014, to adopt Amendments to the Housing Impact Fee Ordinance (San Diego Municipal Code Section 98.0601, et. seq.) to create additional affordable housing.
- The Amendments, introduced to the City Council on October 21, 2014, reflect a compromise proposal presented by Councilmember Myrtle Cole regarding the Housing Impact Fee Ordinance. A Memorandum of Understanding negotiated by the Housing Commission and the Jobs Coalition became the foundation of the compromise proposal.
- This item was approved at the April 10, 2015, Housing Commission meeting.
- This item was heard at the City Council's Smart Growth and Land Use Committee meeting on May 13, 2015.

**ACTION:** Motion by Councilmember Gloria, second by Councilmember Sherman, to recommend approval of the Proposed Fiscal Year 2016 Housing Commission Budget with direction to the City Attorney's Office to work with the Housing Commission's General Counsel to draft Amendments to the Municipal Code for the administration of future funds.

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

Please refer to staff report for further information.

Davis/Graham

Primary Contact\Phone: Ann Kern\619-578-7582

City Attorney Contact: FitzGerald, Leslie A.

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-332: Grantville Focused Plan Amendment, Project No. 346289. (Navajo Community Plan Area. District 7.)

**ITEM DESCRIPTION**

The Grantville Focused Plan Amendment (FPA), developed through significant public outreach, seeks to revitalize approximately 280 acres within the Navajo Community Planning Area. Objectives of the Grantville FPA include: to promote Transit Oriented Development (TOD) within walking distance to the Grantville Trolley Station, promote revitalization of properties which are underutilized; promote a multi-modal transportation strategy including walkable and bicycle-friendly streets; provide additional market-rate and affordable housing opportunities consistent with a land use pattern that promotes infill development; and facilitate implementation of the San Diego River Park Master Plan.

**STAFF'S RECOMMENDATION**

Introduce the ordinances in subitems A and B and adopt the resolution in subitem C:

Subitem-A: (O-2015-127 Cor. Copy) (Rev. 6/4/15)

Introduction of an Ordinance adopting the Grantville Focused Plan Amendment and an amendment to the General Plan.

Subitem-B: (O-2015-123)

Introduction of an Ordinance rezoning 227.8 acres located in Grantville, within the Navajo Community Plan Area, in the City of San Diego, California, from the AR-1-2, IL-2-1, IL-3-1, OF 1-1, CC-1-3, CC-4-2 and CV-1-1 Zones to the RM-3-7, CC-2-5, CC-3-6, CC-3-8, CC-3-9, and OF-1-1 Zones, and repealing Ordinance Nos. 11586 N.S. adopted May 8, 1975, 0-11587 N.S. adopted May 8, 1975, 0-11588 N.S. adopted May 8, 1975, 0-11589 N.S. adopted May 8, 1975, and 0-11590 N.S. adopted May 8, 1975, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-C: (R-2015-691 Cor. Copy 2) (Rev. 6/4/15)

Adoption of a Resolution certifying that the Report has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Report reflects

the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by the City Council in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, pursuant to CEQA Section 21081.6;

Adopting the Findings and a Statement of Overriding Considerations with respect to the Project, a copy of which is attached hereto as Exhibit B and incorporated herein by reference, pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091 and 15093;

Declaring that the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the Office of the City Clerk at 202 C Street, San Diego, CA 92101;

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 Project after final passage of the Ordinances associated with the project.

### **STAFF SUPPORTING INFORMATION**

#### **FISCAL CONSIDERATIONS:**

Adoption of the Public Facilities Financing Plan will provide a portion of the funding for the required public facilities. Portions of project costs not funded by new development through impact fees will need to be identified by future City Council actions in conjunction with the adoption of annual Capital Improvement Program (CIP) budgets.

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

On June 12, 2007, the City Council voted 8-0 to initiate the Amendment to the Navajo Community Plan, Resolution No. R-302730.

This action was heard by the Smart Growth and Land Use Committee on May 13, 2015, and forwarded to full Council with a recommendation to approve.

Graham/sl

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City Attorney Contact: Thomas, Shannon

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

ITEM-333: Community Plan Implementation Ordinance. (Citywide.)

**ITEM DESCRIPTION:**

The Planning Department is currently updating eleven community plans consistent with the 2008 General Plan's City of Villages' strategy. Land Development Code and Planning Department staff worked together to identify new zones and regulatory modifications needed to implement the City of Villages strategy and the community plan updates. The result is several new zones and modified regulations, including those previously approved as part of the Barrio Logan Community Plan Update. The intent is that the new zones and modified regulations will be readily available for use as community plan updates are adopted.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2015-65)

Introduction of an Ordinance amending Chapter 11, Article 3, Division 1 of the San Diego Municipal Code by amending Section 113.0103; amending Chapter 11, Article 3, Division 2 by amending Section 113.0270; amending Chapter 13, Article 1, Division 2 by amending Section 131.0222; amending Chapter 13, Article 1, Division 3 by amending Section 131.0322; amending Chapter 13, Article 1, Division 4 by amending Sections 131.0405, 131.0422, 131.0423, 131.0431, 131.0443, 131.0446, 131.0449, and 131.0451; amending Chapter 13, Article 1, Division 5 by amending Sections 131.0502, 131.0503, 131.0504, 131.0505, 131.0507, 131.0522, 131.0531, 131.0540, 131.0546, and 131.0555, and by adding New Section 131.0548; amending Chapter 13, Article 1, Division 6 by amending Section 131.0622; amending Chapter 14, Article 2, Division 5 by amending Section 142.0530; amending Chapter 15, Article 2, Division 3 by amending Sections 152.0316 and 152.0317; amending Chapter 15, Article 5, Division 2 by amending Section 155.0238; amending Chapter 15, Article 10, Division 3 by amending Section 1510.0309; amending Chapter 15, Article 12, Division 3 by amending Section 1512.0305; and amending Chapter 15, Article 16, Division 3 by amending Section 1516.0301, all relating to the creation of new zones in the Land Development Code.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Costs associated with implementation of the regulations in the future will be borne by project applicants.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:** None.

Vacchi/Graham/dn

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City Attorney Contact: Thomas, Shannon

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

ITEM-334: Navajo Public Facilities Financing Plan Update FY 2015. (Navajo Community Plan Area. District 7.)

**ITEM DESCRIPTION:**

The Fiscal Year 2015 Navajo Public Facilities Financing Plan (PFFP) and associated Development Impact Fees (DIF). This item is an update to the Fiscal Year (FY) 2008 Financing Plan and DIF for the Navajo community and serves as a partial funding source for community serving infrastructure.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-584)

Adoption of a Resolution approving the FY 2015 Navajo Financing Plan;

Authorizing the Chief Financial Officer to establish and modify individual Capital Improvement Program project budgets to reflect the FY 2015 Navajo Financing Plan provided funding is available for such action;

Effective sixty days from the date of final passage of this Resolution, that all development impact fees due under the FY 2015 Navajo Financing Plan, shall be those fees in effect at the time building permits are issued, plus automatic annual increases in accordance with San Diego Municipal Code Section 142.0640(b);

Declaring the FY 2015 Navajo Financing Plan, is incorporated 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:**

Adoption of this PFFP and DIF will provide a partial funding source for the community-serving infrastructure identified in the plan. Additional fees may be imposed on future discretionary projects on a case-by-case basis to fully account for a project's public facilities impacts.

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

The current Navajo Public Facilities Financing Plan, FY 2008, was approved by the City Council on December 18, 2007 by Resolution No. R-303210. This draft update to the PFFP was approved by the Smart Growth & Land Use Committee on 5/13/15.

Tomlinson\Graham\vb

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**NON-DOCKET ITEMS**

**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

**ADJOURNMENT**