

CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Sherrri 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, 12th Floor, City Administration Building

Tuesday, June 16, 2015

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JUNE 16, 2015, AT 10:00 AM
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. 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. (Rev. 6/11/15)~~

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/>

The **PUBLIC FACILITIES FINANCING 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 Brant Will at (619) 236-6220. Internet access to the agenda is available at:
<http://www.sandiego.gov/city-clerk/officialdocs/legisdocs/pffa.shtml>

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:

05/11/2015

05/12/2015

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: This item has been removed from today's docket. (Rev. 6/10/15)

ITEM-31: This item has been removed from today's docket. (Rev. 6/10/15)

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

ITEM-32: 29th Annual La Jolla Festival of the Arts Days.

COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Proclaiming June 20 and 21, 2015, to be the "29th Annual La Jolla Festival of the Arts Days" in the City of San Diego.

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)

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.

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: First Amendment to the Consultant Agreement with KTU&A, Inc., for an extension of time, for the Mission Trails Regional Park Master Plan Update and Natural Resource Management Plan. (Navajo, Tierrasanta, Rancho Encantada, and East Elliot Community Areas. District 7.)

ITEM DESCRIPTION:

Authorization of a First Amendment to the Agreement with KTU&A, Inc., for the Mission Trails Regional Park Master Plan Update and Natural Resource Management Plan (MTRP MPU and NRMP). This action would approve the extension of time to the Agreement from July 31, 2015, to July 31, 2017.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-120)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute for and on behalf of the City the First Amendment to the Agreement with KTU&A, Inc., for the Mission Trails Regional Park Master Plan Update/Natural Resource Management Plan and Environmental Document, which will extend the term of the Agreement until July 31, 2017, under the terms and conditions set forth in the Agreement.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

No funding would be required for this action.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- City Council authorization of the execution of an Agreement with KTU&A, Inc., for professional services and expenditure of \$547,219 from WBS S-01014, Mission Trails Regional Park Master Plan Update, dated October 20, 2010, RR-306048.

- 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 full City Council.

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

Tomlinson/Graham

Primary Contact\Phone: Jeff Harkness\619-533-6595, MS 413

Secondary Contact\Phone: Robin Shifflet\619-533-4524, MS 413

City Attorney Contact: Lintvedt, Inga B.

* ITEM-51: Amended San Dieguito River Park Joint Exercise of Powers Agreement. (Districts 1 and 5.)

ITEM DESCRIPTION:

This action extends the Joint Exercise of Powers Agreement (JEPA) for the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA) for fifty years. The River Park consists of preserved open space, trails, and other recreational amenities. The JPA is formed by the County of San Diego and the Cities of San Diego, Del Mar, Escondido, Poway, and Solana Beach. The six agencies fund the JPA according to a formula specified in the JEPA. The City's share is 32%; its FY16 contribution is \$295,000.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-114)

Introduction of an Ordinance authorizing the Mayor, in his capacity under Charter Section 265(b), or his designee, to execute, for and on behalf of the City, an Amended and Restated Joint Exercise of Powers Authority Agreement for the San Dieguito River Valley Regional Open Park Joint Powers Authority (Amended and Restated JEPA Agreement), under the terms and conditions set forth in the Amended and Restated JEPA Agreement, together with any reasonably necessary modifications or Amendments thereto which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this Amended and Restated JEPA Agreement;

Authorizing the Chief Financial Officer to expend funds from General Fund 100000 for the purpose of funding this Agreement, contingent upon adoption of the Annual Appropriations 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;

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The City's payment to the JPA for FY16 is \$295,000. The City's annual contribution will be available in the Public Utilities Lakes and Recreation Department of the General Fund (Fund number 100000, Dept. 2013), 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:

- The original Joint Exercise of Powers Agreement (JEPA) was approved by Council June 12, 1989 (R-273718).
- 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 full City Council.

VOTE: 3-0; Alvarez-yea, Cate-yea, Gloria-yea, Emerald-not present.

Wright-Travis/LoMedico

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

Secondary Contact\Phone: Jeffery Pasek\619-533-7599, MS 906

City Attorney Contact: Palmucci, Raymond C.

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION:

- * ITEM-52: Exempt 1.00 Program Manager position in the Development Services Department from the Classified Service, as approved by the Civil Service Commission on May 7, 2015.

ITEM DESCRIPTION:

This action is to exempt 1.00 Program Manager position from Classified Service in the Development Services Department. Under the direction of the Development Services Director, this position will be responsible for assisting with managing the Information Technology, Cashiers, Procurement, and Records Sections of the Department.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/2/2015, Item 51. (Council voted 8-0. Councilmember Gloria not present):

(O-2015-124)

Receiving and reviewing a memorandum from Personnel Director Hadi Dehghani, dated May 11, 2015, which documents that, on May 7, 2015, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt one Program Manager position from the Classified Service. The Program Manager position will be responsible for overseeing the Department's IT, Records, and Cashier sections, including developing online payment practices and standards. The Program Manager will also be responsible for implementing procurement procedures; managing the IT contracts; establishing IT service levels, and holding vendors accountable for contract deliverables;

Declaring that pursuant to Charter Section 117(a)(17), with the Civil Service Commission's review and approval, the Council now exempts from the Classified Service and declares to be in the Unclassified Service of the City one Program Manager position in the Department, performing the duties set forth in the May 11, 2015, memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and Council, and in this ordinance.

- * ITEM-53: Reimbursement Agreement for Projects No. OM T-3.1, Dennery Road (Black Coral Way to Topsail Drive); OM T-3.3 Dennery Road (Triple Pipe Crossing); and a portion of OM T-4.1 Del Sol Boulevard in the Otay Mesa Community. (Otay Mesa Community Area. District 8.)

ITEM DESCRIPTION:

Requesting approval of the Reimbursement Agreement for Projects No. OM T-3.1, Dennery Road (Black Coral Way to Topsail Drive); OM T-3.3 Dennery Road (Triple Pipe Crossing); and a portion of OM T-4.1 Del Sol Boulevard (west boundary of elementary school to Surfpoint Way) in the Otay Mesa Community.

STAFF'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/2/2015, Item 50. (Council voted 8-0. Council President Pro Tem Emerald not present):

(O-2015-100)

Authorizing and directing the Mayor to execute, for and on behalf of City, a Reimbursement Agreement with Pardee Homes for Project Nos. OM T-3.1, Dennery Road-(Black Coral Way to Topsail Drive), OM T-3.3, Dennery Road-(Triple Pipe Crossing), and OM T-4.1, Del Sol Boulevard-(west boundary of elementary school to Surfpoint Way), in the Otay Mesa Community Plan area, under the terms and conditions set forth in the Agreement;

Waiving the consultant selection requirements of San Diego Municipal Code Section 22.3202, Council Policy 300-07, and Council Policy 100-10 for the selection of Project Design Consultants for design consultant services;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$721,000 from CIP S-10018, Dennery Road (Black Coral Way to Topsail Drive), Fund No. 400856, Otay Mesa Facilities Benefit Assessment, for the design and construction of Project No. OM T-3.1 consistent with the timing established in the Financing Plan, contingent upon the Chief Financial Officer furnishing one or more certificate(s) certifying that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$649,000 from CIP S-10017, Denney Road (Triple Pipe Crossing), Fund No. 400856, Otay Mesa Facilities Benefit Assessment, for the design and construction of Project No. OM T- 3.3 consistent with the timing established in the Financing Plan, contingent upon the Chief Financial Officer furnishing one or more certificate(s) certifying that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$441,000 from CIP S-00858, Del Sol Boulevard (west boundary of elementary school to Surfpoint Way), Fund No. 400856, Otay Mesa Facilities Benefit Assessment, for the design and construction of Project No. OM T-4.1 consistent with the timing established in the Financing Plan, contingent upon the Chief Financial Officer furnishing one or more certificate(s) certifying that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

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

* ITEM-54: Otay Mesa Community Plan Update - Land Use Zoning & Clean-Up Items. (Otay Mesa Community Plan Area. District 8.)

ITEM DESCRIPTION:

The City Council unanimously adopted the update to the Otay Mesa Community Plan on March 11, 2014. Since that time, City staff and the Otay Mesa Community Planning Group have identified several land use designation, mapping and zoning discrepancies that require City Council action to correct. This action is to fix those discrepancies identified.

STAFF'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 6/2/2015, Item 332, Subitems B, C, and D. (Council voted 8-0. Council President Pro Tem Emerald not present.):

Subitem-A: (O-2015-110)

Rezoning 7.0 acres located in Otay Mesa, within the Otay Mesa Community Plan Area, in the city of San Diego, California, from the CN-1-2 Zone to the RM-2-5 Zone, and repealing Ordinance No. 0-18014 adopted November 29, 1993, of Ordinance of the City of San Diego insofar as the same conflict herewith.

Subitem-B: (O-2015-109)

Rezoning 6.32 acres located in Otay Mesa, within the Otay Mesa Community Plan Area, in the City of San Diego, California, from the Otay Mesa Development District Industrial and Commercial Subdistricts to the IBT-1-1 Zone, and rezoning 4.87 acres from the AR-1-1 Zone to the IBT-1-1 Zone, and repealing Ordinances No. 0-16290 adopted October 1, 1984, No. 17984, adopted September 13, 1993, No. 0-19216 adopted September 29, 2003, and Ordinance No. 0-20086 adopted September 28, 2011, Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-C: (O-2015-111)

Rezoning 14.7 acres located in Otay Mesa, within the Otay Mesa Community Plan Area, in the City of San Diego, California, from the AR-1-1 Zone to the CC-2-3 Zone, and repealing Ordinance No. 0-10862 adopted June 29, 1972, of Ordinance of the City of San Diego insofar as the same conflict herewith.

* ITEM-55: JCSDFB (Jacobs Cushman San Diego Food Bank) Warehouse, Project No. 367812. (Mira Mesa Community Plan Area. District 6.)

ITEM DESCRIPTION:

The Jacobs & Cushman San Diego Food Bank Warehouse is proposing to install a mixed organic composting facility inside a recently completed addition on the north side of their warehouse located at 9850 Distribution Avenue in the IL-2-1 Zone in the Mira Mesa Community Planning Area.

STAFF'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/2/2015, Item 335, Subitem C. (Council voted 8-0. Council President Pro Tem Emerald not present.):

Subitem-A: (O-2015-97)

Changing 4.63-acres located at 9850 Distribution Avenue within the Mira Mesa Community Plan Area, in the City of San Diego, California, from the IL-2-1 zone into the IL-1-1 zone, as defined by San Diego Municipal Code Section 131.0603; and repealing Ordinance No. 11231 (New Series), adopted on February 7, 1974, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

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

ADOPTION AGENDA, CONSENT ITEMS**ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:**

- * ITEM-60: Proposed transfer of the Pedicab permitting process from the Transportation & Storm Water Department to the Police Department.

ITEM DESCRIPTION:

This action is to approve an ordinance to amend Chapter 8, Article 3, Division 1, San Diego Municipal Code (SDMC); Approve an ordinance to create a new Division 46, within Chapter 3, Article 3, SDMC; and Authorize the City through its City Treasurer, or other City-designated department(s), to issue permits and assess Permit Fees in accordance with the San Diego Municipal Code.

STAFF'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2015-130)

Introduction of an Ordinance amending Chapter 3, Article 3, of the San Diego Municipal Code by adding New Division 46; by amending Chapter 8, Article 3, and retitling Division 1; by amending Sections 83.0101 and 83.0102; by amending and renumbering Section 83.0103 to Section 33.4604; by renumbering Section 83.0120 to new Section 83.0103; by amending, retitling, and renumbering Section 83.0104 to Section 33.4605; by renumbering Section 83.0110 to new Section 83.0104; by amending, retitling, and renumbering Section 83.0105 to Section 33.4603; by amending, retitling, and renumbering Section 83.0125 to new Section 83.0105; by amending, retitling, and renumbering Section 83.0106 to Section 33.4606; by amending and renumbering Section 83.0112 to new Section 83.0106, by amending, retitling, and renumbering Section 83.0107 to Section 33.4607; by amending and renumbering Section 83.0113 to new Section 83.0107; by amending and renumbering Sections 83.0108 to Section 33.4608, Section 83.0109 to Section 33.4609, Section 83.0110 to Section 83.0104, Section 83.0111 to Section 33.4621, Section 83.0112 to Section 83.0106, and Section 83.0113 to Section 83.0107; by renumbering Section 83.0114 to Section 33.4612; by amending and renumbering Section 83.0115 to Section 33.4613, Section 83.0116 to Section 33.4614, Section 83.0117 to Section 33.4615, Section 83.0118 to Section 33.4616, and Section 83.0119 to Section 33.4617; by renumbering Section 83.0120 to Section 83.0103 and to Section 33.4611; by amending, retitling, and renumbering Section 83.0121 to Section 33.4610; by amending, retitling, and renumbering Section 83.0122 to Section 33.4605; by amending and renumbering Section 83.0123 to Section 33.4618; by amending, retitling, and renumbering Section 83.0124 to Section 33.4610 and Section 83.0125 to Section 83.0105 and new Section 33.4610; by amending and renumbering Section 83.0126 to

Section 33.4620; by amending, retitling, and renumbering Section 83.0127 to Section 33.4622, Section 83.0128 to Section 33.4622 and Section 83.0129 to Section 33.4623; by amending and renumbering Section 83.0130 to Section 33.4619, Section 83.0131 to Section 33.4624, Section 83.0132 to Section 33.4625, and Section 83.0133 to Section 33.4626, and adding a new Section 33.4627, all relating to pedicabs.

Subitem-B: (R-2015-681)

Approving a decrease in the Pedicab Decal fee from \$156.00 to \$122.00;

Approving an increase in the Pedicab Operating Permit fee from \$91.00 to \$212.00;

Directing the City Clerk to amend the City Ratebook to include a Pedicab Decal fee of \$122.00;

Directing the City Clerk to amend the City Ratebook to include a Pedicab Operating Permit fee of \$212.00;

Declaring that the revised Pedicab fees will be effective beginning on July 1, 2015.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The current Pedicab Program fees are based on direct and indirect costs the Transportation & Storm Water Department incurs as a direct result of the program. With the transfer of this program from the Transportation & Storm Water Department, the Police Department is proposing fee changes based on direct and indirect costs incurred by the Police Department. Last fiscal year, the Transportation & Storm Water Department received \$87,000 in revenue from Pedicab Program fees. The Police Department estimates the proposed fees will generate an estimated \$150,000 in revenue in FY 2016. This represents an increase of approximately \$63,000 in additional cost recovery revenue for the City, which is attributable to increased regulatory enforcement that the Police Department plans to conduct.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On September 11, 2009, the Council of the City of San Diego amended Chapter 8, Article 3, Division 1, of the San Diego Municipal Code related to Pedicabs (San Diego Ordinance O-19898); that action removed a requirement that operators of a pedicab possess a valid California driver's license as it conflicted with the California Vehicle Code.
- On September 30, 2010, the Governor of the State of California signed Assembly Bill 2294 which amended the California Vehicle Code, Section 467.5, to define a pedicab and Section 21100 to allow local authorities to require pedicab operators to possess a valid California driver's license.

- On January 18, 2011, the Council of the City of San Diego amended Chapter 8, Article 3, Division 1, of the San Diego Municipal Code related to Pedicabs (San Diego Ordinance O-20014); reinstating the requirement that operators of a pedicab possess a valid California driver's license.

- This item was heard at the Budget Committee meeting on May 20, 2015.

ACTION: Motion by Councilmember to Cole, Second by Councilmember Sherman, to forward staff's recommendation to Council.

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

Ramirez/LoMedico

Primary Contact\Phone: Linda Griffin, Detective Sergeant\619-531-2563, MS 735

Secondary Contact\Phone: Andrew Hoffman, Lieutenant\619-531-2897, MS 735

City Attorney Contact: Peter, Linda L.

* ITEM-61: New Municipal Storm Water Permit Compliance Plans and Ordinance Amendment.

ITEM DESCRIPTION:

The Storm Water Division of the Transportation & Storm Water Department requests Council adoption of: one (1) updated Jurisdictional Runoff Management Plan and associated updates to the Minimum Best Management Practices for Residential, Industrial, Commercial, and Municipal Sites/Sources; six (6) Water Quality Improvement Plans; and the Mitigated Negative Declaration Project No. 402137. The Storm Water Division also requests Council adoption of an ordinance amending portions of San Diego Municipal Code Sections 43.0301 to 43.0312, Storm Water Management and Discharge Control, relating to the San Diego Regional Water Quality Control Board's Municipal Storm Water Permit (Regional Board Order No. R9-2013-0001).

STAFF'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolutions in Subitems B and C:

Subitem-A: (O-2015-129)

Introduction of an Ordinance amending Chapter 4, Article 3, Division 3, of the San Diego Municipal Code by amending Sections 43.0301, 43.0302, 43.0304, 43.0305, 43.0306, 43.0307, 43.0308, 43.0309, 43.0310, and 43.0311, all relating to the Municipal Separate Storm Sewer System (MS4) Permit, California Regional Water Quality Control Board, San Diego Region Order No. R9-2013-0001, as amended by Order No. R9-2015-0001.

Subitem-B: (R-2015-690)

Adopting the updated Jurisdictional Runoff Management Plan (JRMP) and associated updated Minimum Best Management Practices for Residential, Industrial, Commercial, and Municipal Sites/Sources;

Adopting six Water Quality Improvement Plans for the San Dieguito River, Los Peñasquitos, Mission Bay, San Diego River, San Diego Bay, and Tijuana River watershed management areas, and delegating the Mayor, or his designee, authority to make updates as may be needed.

Subitem-C: (R-2015-683)

Certifying that Mitigated Negative Declaration No. 402137 has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (California Public Resources Code Section 21000 et seq.), as amended, and State CEQA Guidelines thereto (California Code of Regulations Sections 15000 et seq.), and that Mitigated Negative Declaration No. 402137 reflects the independent judgment of the City of

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

Findings on the basis of the entire record that revisions to the Project now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that Mitigated Negative Declaration No. 402137, incorporated herein by this reference, is adopted;

Adopting the Mitigation Monitoring and Reporting Program (MMRP), or alterations to implement the changes to the Project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by this reference, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project after final passage of O-_____ amending portions of San Diego Municipal Code Sections 43.0301 to 43.0312, Storm Water Management and Discharge Control.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

During the development of these planning documents, the City estimated the Storm Water Division's funding needs to be \$3.3 billion over the next 25 Fiscal Years (FY 2016 through FY 2040) excluding funding needs identified by other departments in the Jurisdictional Runoff Management Plan (JRMP). The implementation of activities from FY 2016 through FY 2040 will be dependent upon Council identification and approval of funding in future annual budgets. Potential alternative funding sources, including grants, to fund specific plan activities will be considered by separate actions.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

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: 3-0; Alvarez-yea, Cate-yea, Gloria-yea, Emerald-not present.

McFadden/LoMedico

Primary Contact\Phone: Clement Brown\858-541-4339

Secondary Contact\Phone: Drew Kleis\858-541-4320

City Attorney Contact: Stroud, Heather L.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-100: Consultant Agreement with LEE & RO, Inc., to provide professional services to update the Utilities Undergrounding Master Plan. (Citywide.)

ITEM DESCRIPTION:

This action is to approve an Agreement to retain the services of Lee & Ro, Inc., to provide professional services to update the Utilities Undergrounding Program Master Plan. The maximum contract amount not to exceed \$736,616.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-673)

Authorizing the Mayor, or his designee, to execute an agreement with LEE & RO, Inc., under the terms and conditions set forth in the Agreement to provide professional services to update the Utilities Undergrounding Program Master Plan in an amount not to exceed \$736,616;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$736,616, Fund 200217, Underground Surcharge Fund, for the purpose of executing this Agreement.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Funds are available in Fund No. 200217, Underground Surcharge Fund. The total cost of the plan update is estimated at 811K, of which 736K will be contract costs and the remainder will be city staff charges to support the effort.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

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.

McFadden/LoMedico

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-101: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2015-401)

Declaring a continued state of emergency to persist relative to the escalated discharge of raw sewage from Tijuana, Mexico, pursuant to California Government Code Section 8630;

Authorizing the Mayor, or his designee, to execute all necessary contracts for the diversion, treatment, and disposal of international raw sewage;

Declaring that the measures previously taken in accordance with Resolution Number R-282544 shall continue to have full force and effect.

- * ITEM-102: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2015-407)

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

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

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

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

ITEM-330: Amendment to the Otay Mesa Public Facilities Financing Plan for Fiscal Year 2014, and associated Facilities Benefit Assessments and Development Impact Fees. (Otay Mesa Community Plan Area. District 8.)

ITEM DESCRIPTION:

Requesting approval of an amendment to the Otay Mesa Public Facilities Financing Plan which sets Facilities Benefit Assessments (FBA) and Development Impact Fees (DIF) for the community and ensures continued funding for community infrastructure.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2015-700)

Adoption of a Resolution approving a 2015 Amendment to the Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment (Financing Plan Amendment), a copy of which is on file in the Office of the City Clerk;

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

Subitem-B: (R-2015-703)

Adoption of a Resolution declaring its intention to designate an area of benefit in Otay Mesa to finance the cost of Public Facilities Projects and setting the time and place for holding a public hearing;

Declaring that the foregoing recitals are true and correct and incorporated fully herein by this reference;

Pursuant to San Diego Municipal Code Section 61.2200 et seq., the Council declares its intention to designate an area of benefit within Otay Mesa to finance the cost of the Public Facilities projects identified in the Financing Plan Amendment, which is incorporated into this Resolution by reference;

The Council shall hold a public hearing to consider the designation of the area of benefit as proposed in this Resolution at 10:00 a.m., or as soon thereafter as the matter may be heard, on July 14, 2015, at the Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California;

Authorizing and directing the City Clerk to give notice of the public hearing described in paragraph 3 of this Resolution by publishing this Resolution in the San Diego Daily Transcript at least two weeks before the date set forth herein and by mailing copies of this Resolution to each owner of property located within the proposed area of benefit at the addresses shown on the last equalized property tax assessment roll, or as otherwise known to the City Clerk pursuant to San Diego Municipal Code Section 61.2205.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Approval of the amended financing plan and increase to the residential FBA/DIF rates will continue to provide a funding source for the public facilities identified in the Otay Mesa Public Facilities Financing Plan.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On June 3, 2014, the Infrastructure Committee voted to forward the Amendment to the Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment for FY 2014 to the City Council.

Tomlinson/Graham/fj

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City Attorney Contact: Vonblum, Heidi

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION:

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

ITEM-331: Public Facilities Financing Authority of City of San Diego Senior Sewer Revenue Refunding Bonds. (Citywide.)

ITEM DESCRIPTION:

Authorize the issuance of the Public Facilities Financing Authority of the City of San Diego (the “Authority”) Senior Sewer Revenue Refunding Bonds and the execution of related financing documents to refund the outstanding Public Facilities Financing Authority Sewer Revenue Bonds, Series 2009A and Sewer Revenue Refunding Bonds, Series 2009B (the “2009A&B Bonds”), and Sewer Revenue Refunding Bonds, Series 2010A (the “Series 2010A Bonds”). Also, authorize the City Attorney to retain Kutak Rock LLP, as the Bond and Disclosure Counsel and the Chief Financial Officer to establish special interest bearing account(s) for the proceeds of the Series 2015 Bonds.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/1/2015, Item 150, Subitem A. (Council voted 9-0):

(O-2015-121)

Declaring that pursuant to San Diego Charter Section 99 (i) approving the forms and authorizing the execution and delivery of one or more (a) Supplemental Indentures, (b) Supplements to Master Installment Purchase Agreement, (c) Escrow Agreements, and (d) Continuing Disclosure Certificates; (ii) approving and authorizing the issuance and sale by the Public Facilities Financing Authority of the City of San Diego of one or more series of its Senior Sewer Revenue Refunding Bonds in an aggregate principal amount not to exceed \$848,080,000 to refund all or a portion of the outstanding Public Facilities Financing Authority of the City of San Diego Senior Sewer Revenue Bonds and/or all or a portion of the loans provided to the City by the California State Water Resources Control Board to achieve savings; and (iii) approving certain other Agreements and Actions in connection therewith.

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-332: Bond Purchase Agreement for the Public Facilities Financing Authority of City of San Diego Senior Sewer Revenue Refunding Bonds. (Citywide.)

ITEM DESCRIPTION:

Authorize the Form of the Bond Purchase Agreement for the Public Facilities Financing Authority of City of San Diego Senior Sewer Revenue Refunding Bonds.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-714)

Finding and determining that the statements set forth above in the recitals to this Resolution are true and correct;

Approving the form and content of the proposed Bond Purchase Agreement submitted to this meeting. Authorizing and directing any of the Mayor, the Chief Operating Officer or the Chief Financial Officer and each of them or any of their respective designees (each, an Authorized Signatory), for and in the name of and on behalf of the City, to execute and deliver one or more Bond Purchase Agreements in substantially the form presented to this meeting, with such additions and changes therein, including the addition or deletion of underwriters, as any Authorized Signatory shall approve as being in the best interests of the City, and as approved as to form by the City Attorney or his specified designee, and with such other changes that may be required by the City Attorney and/or Bond Counsel, such approval to be conclusively evidenced by the execution and delivery thereof;

Authorizing and directing authorized officers of the City to pay all of the fees and other costs of issuance of the Senior Sewer Refunding Bonds in accordance with each Bond Purchase Agreement and as otherwise agreed with the City and the respective parties thereto, including the applicable California Debt and Investment Advisory Commission fees and printer fees;

Approving all actions heretofore taken by any officers, employees or agents of the City with respect to (i) the issuance, delivery and sale of the Senior Sewer Refunding Bonds; (ii) the advance refunding, redemption and defeasance of the Outstanding Senior Sewer Bonds; (iii) the current refunding and prepayment of the Outstanding SRF Loans; (iv) any of the documents referenced herein; or (v) the refinancing of the Wastewater System, confirmed and ratified; and any Authorized Signatory and any such other officers, employees or agents of the City as may be authorized by the Mayor, the Chief Operating Officer or the Chief Financial Officer is hereby authorized and directed, for and in the name of and on behalf of the City, to do any and all things and take any and all actions, including, without limitation, payment of necessary and appropriate fees and expenses, and execute and deliver any and all certificates, agreements and other documents which they, or any of them, may deem necessary or advisable to consummate the transactions evidenced by the documents referenced herein in accordance with this Resolution; provided that any funds derived from the proposed refinancing of the Wastewater System shall be restricted to benefit the Wastewater System;

Declaring that this Resolution shall take effect immediately upon the Ordinance becoming effective in accordance with the provisions of the Charter.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

See Staff Report 15-059 on Item 150 from June 1, 2015.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On June 1, 2015, Item 150, Public Facilities Financing Authority of City of San Diego Senior Sewer Revenue Refunding Bonds, was introduced to Council for approval.

Kommi/Lewis

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City Attorney Contact: Bartolotta, Bret A.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT