

CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Sherr 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 23, 2015

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JUNE 23, 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 City Council will convene for a Special Council meeting at 9:00 a.m., to provide the public with the opportunity to comment on the Closed Session agenda then the Council will adjourn into Closed Session from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk. The public portion of the meeting will begin at 10:00 a.m.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF COUNCIL MINUTES

The Council Minutes of the following meetings will be approved by Unanimous Consent unless pulled for discussion:

5/18/15
5/19/15
5/21/15 - Special
5/25/15 - Adjourned
5/26/15 - Adjourned

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: Drowning Prevention Month.

PRESENTED BY MAYOR FAULCONER AND COUNCILMEMBER ZAPF:

Proclaiming the month of June, to be "Drowning Prevention Month" in the City of San Diego.

ITEM-31: Deputy Chief Lorraine Hutchinson Day.

PRESENTED BY MAYOR FAULCONER AND COUNCIL PRESIDENT PRO TEM EMERALD:

Proclaiming June 23, 2015, to be "Deputy Chief Lorraine Hutchinson Day" in the City of San Diego.

ITEM-32: 25th Annual Mira Mesa Top Gun Tournament Day.

PRESENTED BY COUNCILMEMBER CATE:

Proclaiming June 23, 2015, to be the "25th Annual Mira Mesa Top Gun Tournament Day" in the City of San Diego.

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

ITEM-33: Discover Otay Valley Regional Park Day.

COUNCILMEMBER ALVAREZ'S RECOMMENDATION:

Proclaiming June 6, 2015, to be "Discover Otay Valley Regional Park Day" 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: Reimbursement Agreement with Pardee Homes for the design and construction of Phase II of Project No. T-4.2, Carmel Valley Road, (4/6 lanes south of Del Mar Heights Road) in the Pacific Highlands Ranch Subarea Plan. (Pacific Highlands Ranch Community Area. District 1.)

ITEM DESCRIPTION:

Reimbursement Agreement with Pardee Homes for the design and construction of Carmel Valley Road from four to six lanes (Phase II of Project No. T-4.2) in the Pacific Highlands Ranch Subarea Plan. Waiver of the Consultant Services Selection process under San Diego Municipal Code Section 22.3202, and Council Policies 300-07 and 100-10.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-119)

Introduction of an Ordinance authorizing the Mayor to execute, for and on behalf of City, a Reimbursement Agreement with Pardee for the purchase, design, and construction of Project No. T-4.2, in the Pacific Highlands Ranch Community, 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 as to the following consultants:

- (1) Latitude 33 Planning and Engineering for civil engineering;
- (2) SJA Inc., and Mark Lloyd for landscape architecture and land planning;
- (3) MJS Construction for management and engineering;
- (4) Urban Systems Associates, Inc., for traffic engineering;
- (5) Utility Specialists Southwest, Inc. for public utility services;
- (6) KCM Group for project management; and
- (7) Geocon Consultants, Inc., for geotechnical engineering.

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$1,801,000 from CIP No. S-00900, Carmel Valley Road, Fund No. 400090, Pacific Highlands Ranch Facilities Benefit Assessment (FBA), consistent with the timing established in the most recently adopted Pacific Highlands Ranch Public Facilities Financing Plan, and 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.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This Reimbursement Agreement will allow Pardee Homes to advance the design and construction of the two additional lanes totaling \$1,801,000, with reimbursement from the Pacific Highlands Ranch Facilities Benefit Assessment (FBA). These costs are incorporated into the budget for this project and are included in the Financing Plan.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- City Council approved the Fiscal Year 2013 Pacific Highlands Ranch Public Facilities Financing Plan, by Resolution No. R-307364, on April 10, 2012. The two lanes included in the Reimbursement Agreement are identified a Phase II of Project No. T-4.2.

- This item was heard at the Infrastructure Committee meeting on June 3, 2015.

ACTION: Motion by Vice-Chair Cole, second by Councilmember Zapf, to forward staff's recommendation to City Council.

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

Tomlinson/Graham

Primary Contact\Phone: Oscar Galvez III\619-533-3685, MS 606F
Secondary Contact\Phone: John Tracanna\619-533-3682, MS 606F
City Attorney Contact: Lintvedt, Inga B.

- * ITEM-51: Amendment No. 1 to the Agreement with Rick Engineering Company for additional engineering services for the Pacific Beach Pipeline South Project. (Midway/North Bay Community, Pacific Beach Community, Mission Beach Community and Peninsula Community Areas. District 2.)

ITEM DESCRIPTION:

Council authorization is requested to award Consultant Contract Amendment No. 1 for additional scope of work added to the original Agreement with Rick Engineering for the Pacific Beach Pipeline South project. This project is located in the Midway/North Bay, Pacific Beach, Mission Beach and Peninsula Communities. The additional scope of work includes the design and construction support of a pressure reducing station, additional environmental studies to comply with the California Environmental Quality Act (CEQA) Plus Process and preparation of hydraulic calculations and modeling to confirm existing pump sizes are adequate for the replacement of upsized sewer force mains.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-122)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute the First Amendment to the Agreement with Rick Engineering Company for additional design and construction support services in an amount not to exceed \$116,327 for the Pacific Beach Pipeline South Project, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer as delegated to Financial Management to appropriate, and the City Comptroller is authorized to expend an amount not to exceed \$100,637 from CIP S-12015, Pacific Beach Pipeline South (W), Fund 700010, Water Utility CIP, and \$15,690 from CIP B-12117, Pacific Beach Pipeline South (S), Fund 700008, Muni Sewer CIP, contingent upon the adoption of the FY 2016 Appropriation Ordinance, and contingent upon the Chief Financial Officer first furnishing a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer for the purpose of executing this Amendment to the Agreement.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total cost of the original Agreement is \$2,250,000 which was previously authorized by Council O-20301. This Amendment No. 1 for the amount of \$116,327 will increase the total Agreement to an amount of \$2,366,327. Additional Enterprise funding of \$100,637 will be available from CIP S-12015, Pacific Beach Pipeline South (W), Fund 700010, Water Utility CIP; and \$15,690 from CIP B-12117, Pacific Beach Pipeline South (S), Fund 700008, Muni Sewer CIP, for this purpose. The project cost may be reimbursed with current or future financing. This Amendment No. 1 will be funded in Fiscal Year 2016, contingent upon the adoption of FY 2016 Appropriation Ordinance and contingent upon the City Comptroller furnishing a certificate certifying that the funds necessary for expenditure under the established Contract Funding Phases are, or will be, on deposit with the City Treasurer. No future funding is anticipated in this Agreement.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Awarding of Consulting Contract to Rick Engineering approved via Council Ordinance No. O-20301 on October 1, 2013. This Amendment No. 1 will be presented to the Infrastructure Committee prior to the Council hearing.

- This item was heard at the Infrastructure Committee meeting on June 3, 2015.

ACTION: Motion by Councilmember Emerald, second by Vice-Chair Cole, to forward staff's recommendation to City Council.

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

Nagelvoort/LoMedico

Primary Contact\Phone: Abi Palaseyed\619-533-4654, MS 908A

Secondary Contact\Phone: Wendy Gamboa\619-235-1971, MS 908A

City Attorney Contact: De Lara Jr., Pedro

- * ITEM-52: Amendment No. 3 to Cooperative Agreement with Caltrans for the State Route 163 and Friars Road Interchange Project - Phase 1. (Mission Valley Community Area. District 7.)

ITEM DESCRIPTION:

The proposed project would provide for the modifications of State Route 163 and Friars Road Interchange in order to optimize traffic circulation within the interchange area. This Amendment No. 3 to Cooperative Agreement will compensate Caltrans for "Reimbursed Work" related to the Interchange Project - Phase 1. Reimbursable work consists of activities performed by State of California which includes but is not limited to the preparation of specifications; the circulation, review, and preparation of final Caltrans District 11 plans, specifications, and estimate package; preparation and advertisement of contract bid documents; and award of the approved construction contract for the Project.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-136)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of City, the Third Amendment to the Cooperative Agreement with Caltrans for "Reimbursed Work" in CIP S-00851, State Route 163 and Friars Road Interchange Project, under the terms and conditions set forth in the Third Amendment to the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$480,000 from CIP S-00851, State Route 163 and Friars Road Interchange Project, Fund 400135, Mission Valley-Urban Community, for the purpose of executing this Amendment to the Agreement, contingent upon the Chief Financial Officer furnishing a certificate certifying that all funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Certifying that this activity is adequately addressed in the Environmental Impact Report Project No. 72782 (SCH No. 2005111032, dated June 17, 2010). The activity is part of a series of subsequent discretionary actions and therefore is not considered to be a separate project for purposes of California Environmental Quality Act (CEQA) review as defined in State CEQA Guidelines Section 15378(c). Pursuant to Section 15162 of CEQA, there is no change in circumstance, additional information or project changes to warrant additional environmental review.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

In 2003, the City authorized a Cooperative Agreement with Caltrans which defines the City's and Caltrans responsibilities for the design of the State Route 163 and Friars Road Project at no cost to City.

In 2010, the City authorized Amendment No. 1 to the Cooperative Agreement to extend the termination date of the agreement thru December 31, 2015.

In 2013, City authorized Amendment No. 2 to the Cooperative Agreement in order to compensate Caltrans for "Reimbursed Work" at a cost not to exceed \$229,000.

Funding for this action in the amount of \$480,000 is available in CIP S-00851, State Route 163 and Friars Road Interchange, Fund 400135, Mission Valley - Urban Community. With approval of this action, the total cost of the Agreement will be \$709,000.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Resolution No. R-298491 dated October 14, 2003, authorized Cooperative Agreement with Caltrans. Ordinance O-20003 filed November 9, 2010, authorized Amendment No. 1 to Cooperative Agreement with Caltrans. Ordinance O-20288 filed July 30, 2013, authorized Amendment No. 2 to Cooperative Agreement with Caltrans.

This item was heard at the Infrastructure Committee meeting on June 3, 2015.

ACTION: Motion by Vice-Chair Cole, second by Councilmember Zapf, to forward staff's recommendation to City Council.

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

Gibson/LoMedico

Primary Contact\Phone: Richard Leja \619-533-5112, MS 908A
Secondary Contact\Phone: Luis Schaar\619-533-5492, MS 908A
City Attorney Contact: Gerrity, Ryan P.

ADOPTION AGENDA, CONSENT ITEMS

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

- * ITEM-53: 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 COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/9/2015, Item 50. (Council voted 9-0):

(O-2015-113)

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.

- * ITEM-54: 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.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/9/2015, Item 51. (Council voted 9-0)

(O-2015-93)

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

* ITEM-55: Creation of an Accessibility Advisory Board.

ITEM DESCRIPTION:

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

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/9/2015, Item 330. (Council voted 9-0):

(O-2015-128)

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.

* ITEM-56: 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.

CITY COUNCIL'S RECOMMENDATION

Adopt the following ordinances which were introduced on 6/9/2015, Item 332, Subitems A and B. (Council voted 9-0):

Subitem-A: (O-2015-127 Cor. Copy)

Adopting the Grantville Focused Plan Amendment and an amendment to the General Plan.

Subitem-B: (O-2015-123)

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, O-11587 N.S. adopted May 8, 1975, O-11588 N.S. adopted May 8, 1975, O-11589 N.S. adopted May 8, 1975, and O-11590 N.S. adopted May 8, 1975, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

* ITEM-57: 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.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/9/2015, Item 333. (Council voted 9-0):

(O-2015-65)

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.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Awarding Agreement with Rick Engineering Company for Design Services of 30th Street Pipeline Replacement. (Southeastern San Diego, Greater Golden Hill, Greater North Park Community Areas. District 3 and 8.)

ITEM DESCRIPTION:

Council authorization to award a contract for the design of the 30th Street Pipeline Replacement Project to Rick Engineering Company which will replace approximately 28,787 feet (5.5 miles) of old cast iron water mains and a pressure regulating station in the Greater North Park, Greater Golden Hill and Southeastern San Diego communities for a cost not to exceed \$1,600,000.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2015-667)

Authorizing and empowering the Mayor, or his designee, to execute a Contract with Rick Engineering Company for professional design consulting services for the Project in an amount not to exceed \$1,600,000, under the terms and conditions set forth in the Contract;

Authorizing the Chief Financial Officer, as delegated to Financial Management to appropriate, and the City Comptroller is authorized to expend an amount not to exceed \$1,600,000 from CIP S-12010, 30th Street Pipeline Replacement, Water Fund 700010, Water Utility CIP for the purpose of executing this Agreement.

Subitem-B: (R-2015-668)

Determining that the Project is statutorily exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262;

Directing the City Clerk to file a Notice of Exemption with the Clerk of the County of San Diego.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total estimated consultant design cost of this project is \$1,600,000 (total project costs are estimated to be \$14,740,000). Enterprise funding of \$1,600,000 is available in S-12010, 30th Street Pipeline Replacement, Fund 700010, Water Utility CIP, for this purpose. This Agreement is to be funded in FY2015. No future funding is anticipated on this Agreement.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Infrastructure Committee meeting on June 3, 2015.

ACTION: Motion by Vice-Chair Cole, second by Councilmember Zapf, to forward staff's recommendation to City Council.

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

Nagelvoort/LoMedico

Primary Contact\Phone: Richard Leja\619-533-5112
Secondary Contact\Phone: Sheila Bose\619-533-4698
City Attorney Contact: De Lara Jr., Pedro

*ITEM-101: Approval of an Amendment to the Agreement for legal services with Procopio, Cory, Hargreaves & Savitch, LLP, for insurance coverage representation and counseling. (Mission Bay Community Area. District 2.)

ITEM DESCRIPTION:

This item approves additional funds for the continuation of the Agreement for legal services with Procopio, Cory, Hargreaves & Savitch LLP, to provide insurance coverage representation and counseling in the Scottsdale Insurance Company's declaratory relief lawsuit against the City (related to Scottsdale's defense of the City in De Anza Cove HOA class action lawsuit), the City's appeal of California State Association of Counties (CSAC's) reservation of rights to provide coverage to the City and Scottsdale's lawsuit for contribution. Further, the Amendment allows for representation and counseling in the new matter, the interpleader lawsuit against the City filed by Lloyds of London.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-733 Cor. Copy) (Rev. 6/22/15)

Approving the Amended Agreement and authorizing and directing the Mayor, or his designee, to sign the Amended Agreement for legal services with Procopio, Cory, Hargreaves & Savitch LLP, attached hereto as Attachment A;

Authorizing the Chief Financial Officer to appropriate and expend an amount up to \$400,000 from the Public Liability Fund, Fund 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the actions that are contingent upon the Chief Financial Officer first furnishing one or more certificates stating that funds necessary for the authorized expenditures are, or will be, on deposit with the City Treasurer.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The cost for the original Agreement for legal services was \$250,000. With this action, approving the Amendment to the Agreement, the total contract will be increased to \$650,000. Funds will be paid from the Public Liability Fund 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This Amendment applies to the Contract for Procopio's services previously approved by Council, and the Mayor, on May 16, 2013, by Resolution number R-308127.

Bamberg

Primary Contact\Phone: John Riley\619-236-7263
Secondary Contact\Phone: Anna Lonergan\619-533-5838
City Attorney Contact: Riley, John E.

* ITEM-102: Revising the Records Disposition Schedule (RDS) for the Real Estate Assets Department.

ITEM DESCRIPTION:

Adopt the revised Records Disposition Schedule (RDS) as submitted.

CITY CLERK'S RECOMMENDATION:

Adopting the following resolution:

(R-2015-723)

Approving the amended Records Disposition Schedule (RDS) for the Real Estate Assets Department.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Maland

Primary Contact\Phone: Elizabeth Maland\619-533-4080, MS 2A

Secondary Contact\Phone: Sheila Beale\619-235-5247, MS 2A

City Attorney Contact: Spivak, Sharon B.

* ITEM-103: Revising the Records Disposition Schedule (RDS) for the Office of the City Attorney.

ITEM DESCRIPTION:

Adopt the revised Records Disposition Schedule (RDS) as submitted.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-722)

Approving the amended Records Disposition Schedule (RDS) for the City Attorney's Office.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Maland

Primary Contact\Phone: Elizabeth Maland\619-533-4080, MS 2A

Secondary Contact\Phone: Sheila Beale\619-235-5247, & MS 2A

City Attorney Contact: Spivak, Sharon B.

* ITEM-104: Appointments to the Youth Commission.

MAYOR FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-483)

Council confirmation of the following appointments by the Mayor of the City of San Diego, to serve as members of the San Diego Youth Commission, for terms ending as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Anthony O'Leary (Serra Mesa, District 7) (Filling the seat previously held by Christian Ocon)	District 7	July 1, 2016
Diego Weaver (Normal Heights, District 3) (Filling the seat previously held by Rosa Olascoaga)	District 3	July 1, 2016
Christian Berry (Carmel Mountain Ranch, District 5) (Filling the seat previously held by Preetam Sondararajan)	District 5	July 1, 2016

- * ITEM-105: Appointment and Reappointments to the Board of Building Appeals and Advisors.

MAYOR FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-688)

Council confirmation of the following appointment and reappointments by the Mayor of the City of San Diego, to serve as members of the Board of Building Appeals and Advisors, for terms ending as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Shane Noel (Scripps Ranch, District 5) (Filling the seat previously held by Ali Sadre, who is termed out)	Structural Engineer	March 1, 2016
Michael Edward West (Rancho Peñasquitos, District 5) (Reappointment)	Structural Engineer	March 1, 2017
John Lopez (Bay Park, District 2) (Reappointment)	Electrical Engineer	March 1, 2017
John Johnson (Valencia Park, District 4) (Reappointment)	At-Large Member	March 1, 2017
Douglas Isaaks (Bonita) (Reappointment)	Mechanical Engineer	March 1, 2017
Mary Elaine Cooluris (Ocean Beach, District 2) (Reappointment)	Disabled Community Representative	March 1, 2017

- * ITEM-106: Resolution excusing Councilmember Marti Emerald from the Environment Committee on March 25, 2015, and the Budget Review Committees on: May 4, 7, 8, and 21 of 2015, due to illness.

COUNCILMEMBER EMERALD'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-720)

Excusing Councilmember Marti Emerald from attending the Committee on the Environment meeting of March 25, 2015, and the Budget Review Committee meetings of May 4, 2015, May 7, 2015, May 8, 2015, and May 21, 2015, due to illness.

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

- * ITEM-107: Excusing Councilmember David Alvarez from attending the regularly scheduled City Council and Committee meetings of May 12, 2014, March 18, 2015 and April 21 and 22, 2015, due to his attendance to various conferences.

COUNCILMEMBER ALVAREZ'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-656)

Excusing Councilmember David Alvarez from attending the regularly scheduled City Council meetings of May 12, 2014 and April 21, 2015; the Budget and Government Efficiency Committee meeting of March 18, 2015; and the Smart Growth and Land Use Committee meeting of April 22, 2015, due to his attendance at various conferences.

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

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

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

ITEM-330: Fiscal Year 2016 Tax Appropriations Limit.

ITEM DESCRIPTION:

Resolution approving the establishment of the Fiscal Year 2016 Tax Appropriations Limit (Gann Limit) in the amount of \$2,101,916,808.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-736)

Establishing the following Tax Appropriations Limit for the City of San Diego, pursuant to the authority of California Government Code, Division 9, Title 1 (Sections 7900 *et seq.*):

Established for Fiscal Year 2016 \$2,101,916,808

Certifying that, pursuant to the requirements of Section 7910 of the California Government Code, the document upon which the Tax Appropriations Limit herein established has been determined, has been made available for public information and review 15 days prior to the meeting at the office of the City Clerk.

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

STAFF SUPPORTING INFORMATION

FISCAL CONSIDERATIONS:

It is recommended that the highest adjustment factor of 1.0893 be used for establishing the Fiscal Year 2016 Tax Appropriations Limit. Selecting the other three (lower) adjustment factors would result in a lower Tax Appropriations Limit which would lower the base used for the calculation of the limit in future years and thus could lower the City's ability to appropriate tax revenues. Subsequently, the use of 1.0893 as the adjustment factor will result in a Tax Appropriations Limit for Fiscal Year 2016 of \$2,101,916,808.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Since the inception of the Gann Initiative in 1979, the City Council has adopted a Tax Appropriations Limit annually.

McCraner/Lewis

Primary Contact\Phone: Tracy McCraner\619-236-6218, MS 8A
Secondary Contact\Phone: Frank Dumbrique\619-533-4055, MS 8A
City Attorney Contact: Will, Brant C.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

This item will be taken in the morning session which is scheduled to begin at 10:00 a.m.

ITEM-331: Friars Road/SR-163 Interchange Project - EMINENT DOMAIN. (Mission Valley Community Plan Area. District 7.)

ITEM DESCRIPTION:

Authorize the adoption of a Resolution of Necessity for the fee acquisition of a portion of property located on Assessor Parcel Numbers (APNs) 438-011-01, 438-011-02, 438-011-21 and 438-021-15, and acquire Temporary Construction Easements (TCEs) over the same APNs, found necessary for the City's Friars Road/SR-163 Interchange Project.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

~~Subitem A:~~ (R-2015-728) (Rev. 6/17/15)

Adoption of a Resolution determining that the public interest and necessity require acquisition of the property interests as set forth in Exhibit 1 consisting of portions of property located on Assessor Parcel Numbers (APNs) 438-011-01, 438-011-02, 438-011-21 and 438-021-15, and Temporary Construction Easements (TCEs) over the same APNs to implement the Project;

Declaring that the Project is planned or located in a manner most compatible with the public good and least private injury;

Declaring that the property interests proposed to be acquired are necessary for the Project and that such use is a public use authorized by law (inter alia, Charter Section 220, California Code of Civil Procedure Sections 1240.010, 1240.020, 1240.030, 1240.040, 1240.110, 1240.120, 1240.140, 1240.510, 1240.610 and 1255.410; California Government Code Section 5023.1);

Declaring that an offer to acquire the real property interests, pursuant to California Government Code Section 7267.2, at the appraised fair market value, has been made to each party claiming an ownership interest(s) in the property interests sought;

Authorizing and directing the City Attorney to commence an action in the Superior Court of the State of California, in and for the County of San Diego, in the name of and on behalf of the City of San Diego, against all claimants with any interest(s) in the real property interests sought, and to seek immediate possession of the real property interests sought pursuant to California Code of Civil Procedure Section 1255.410;

Authorizing the Chief Financial Officer to expend funds in the amount of \$784,000 from CIP S-00851, Friars Road/SR-163 Interchange Improvement Project, Fund 400135 (Mission Valley Community Fund), to acquire the property interests found necessary for the Project, and for deposit into the State Treasury's State Condemnation Fund, as necessary, to obtain possession of the Acquisition Area. This is the probable amount of compensation to be paid by the City for the necessary real property interests to be acquired.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The probable amount of compensation to be paid to the property owner is \$784,000 for the acquisition of portions of APN's 438-011-01, 438-011-02, 438-011-21 and 438-021-15. The funds are available within the existing CIP budget, specifically WBS S-00851, and will be sourced from Fund 400135 (Mission Valley Urban Community Fund). Allocated funding shall be used for the purposes of property acquisition and related expenses, and the leasing of temporary construction areas.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Council Resolution No. RR-298491 on October 14, 2003 authorized a Cooperative Agreement between the State of California and the City for the Friars Road/SR-163 Interchange Project.

Thompson/Villa/bs

Primary Contact\Phone: Barry Sloten\619-236-6724, MS 51-A
Secondary Contact\Phone: April McCusker\619-236-6987, MS 51-A
City Attorney Contact: Goodman, Jenny

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

ITEM-332: Amendments to Affordable Housing Density Bonus Regulations. (Citywide).

ITEM DESCRIPTION:

This amendment addresses Assembly Bill 2222 (AB-2222), which went into effect on January 1, 2015. AB-2222 enacted three principal modifications to the state density bonus law. First, it increased the length of affordability to 55 years. Second, it extended the affordable for-sale housing to low and very low income households. The third, it required replacement of low or very low income units displaced by the project. The amendment also includes modifications suggested by the California Coastal Commission staff to protect coastal resources, and clarifications and minor modifications deemed necessary to more accurately reflect state density bonus law.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-126 Cor. Copy)

Introduction of an Ordinance amending Chapter 11, Article 3, Division 1, of the San Diego Municipal Code by amending Section 113.0103 by repealing the definition of "Affordable Housing Cost" and by amending the definition of "Density;" amending Chapter 11, Article 3, Division 2 by amending Section 113.0222; and amending Chapter 14, Article 3, Division 7 by amending Sections 143.0710, 143.0715, 143.0720, 143.0740, by adding new Section 143.0717, and by readopting existing provisions of Chapter 14, Article 3, Division 7 not otherwise amended, relating to Affordable Housing Density Bonus Regulations.

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

Primary Contact\Phone: Dan Normandin\619-446-5388, MS 501

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

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: Fiscal Year 2016 Annual Levy and Annual Update of Assessment Engineer’s Reports for Park and Recreation Department Maintenance Assessment Districts (MADs). (Citywide.)

ITEM DESCRIPTION:

Authorize actions needed for the operation of the Park and Recreation Department-managed Maintenance Assessment Districts. Specific actions include: authorize levy and collection of assessments for Fiscal Year 2016; approve annual update to property owner-approved Assessment Engineer’s Report for each district, authorize the appropriation and expenditure of district funds, including administrative fund, district operating funds, district capital funds, and developer deposit funds associated with new assessment district formations.

STAFF'S RECOMMENDATION:

Adopt the following resolutions in subitems A and B:

Subitem A: (R-2015-730)

Adoption of a Resolution preliminarily approving the Reports submitted in connection with the City-managed Maintenance Assessment Districts and filed in the Office of the City Clerk as:

Maintenance Assessment District	Document Number
Bay Terraces – Honey Drive	RR-_____
Bay Terraces – Parkside	RR-_____
Bird Rock	RR-_____
Black Mountain Ranch North	RR-_____
Black Mountain Ranch South	RR-_____
Calle Cristobal	RR-_____
Camino Santa Fe	RR-_____
Campus Point	RR-_____
Carmel Mountain Ranch	RR-_____
Carmel Valley	RR-_____
Carmel Valley Neighborhood 10	RR-_____
Civita	RR-_____
Coral Gate	RR-_____
Coronado View	RR-_____
Del Mar Terraces	RR-_____
Eastgate	RR-_____
El Cajon Boulevard	RR-_____
First San Diego River Improvement Project	RR-_____
Gateway Center East	RR-_____
Genesee/North Torrey Pines Road	RR-_____

Hillcrest	RR-_____
Kensington Heights	RR-_____
Kensington Manor	RR-_____
Kensington Park North	RR-_____
Kings Row	RR-_____
La Jolla Village Drive	RR-_____
Liberty Station	RR-_____
Linda Vista	RR-_____
Mira Mesa	RR-_____
Miramar Ranch North	RR-_____
Mission Boulevard	RR-_____
Mission Hills	RR-_____
North Park	RR-_____
Ocean View Hills	RR-_____
Otay International Center	RR-_____
Pacific Highlands Ranch	RR-_____
Park Village	RR-_____
Peñasquitos East	RR-_____
Rancho Bernardo	RR-_____
Rancho Encantada	RR-_____
Remington Hills	RR-_____
Robinhood Ridge	RR-_____
Sabre Springs	RR-_____
Scripps – Miramar Ranch	RR-_____
Stonecrest	RR-_____
Street Light District No. 1	RR-_____
Talmadge	RR-_____
Talmadge Park North	RR-_____
Talmadge Park South	RR-_____
Tierrasanta	RR-_____
Torrey Highlands	RR-_____
Torrey Hills	RR-_____
University Heights	RR-_____
Washington Street	RR-_____
Webster/Federal Boulevard	RR-_____

Subitem B: (R-2015-731)

Adoption of a Resolution declaring the Council's intention to continue the Levy and Collection of annual assessments within each of the specified city-managed Maintenance Assessment Districts (MADs) for Fiscal Year 2016 and noticing the public hearing;

The City Council hereby declares its intention to levy and collect assessments within each of the above-referenced City-managed MADs in the City for Fiscal Year 2016;

The improvements and activities within these MADs generally consist of construction and maintenance of landscaped and paved medians, landscaped right-of-ways and slopes, open space, parks, ponds, flood control channels, monuments, decorative street lighting, decorative gates, community signage, banners, curbs and gutters, and sidewalks, as well as the provision of security services;

Each City-managed MAD is generally located in the following Community Planning Area (CPA):

- Bay Terraces – Honey Drive Maintenance Assessment District is located in the Skyline – Paradise Hills CPA
- Bay Terraces – Parkside Maintenance Assessment District is located in the Skyline – Paradise Hills CPA
- Bird Rock Maintenance Assessment District is located in the La Jolla CPA
- Black Mountain Ranch North Maintenance Assessment District is located in the Black Mountain Ranch CPA
- Black Mountain Ranch South Maintenance Assessment District is located in the Black Mountain Ranch CPA
- Calle Cristobal Maintenance Assessment District is located in the Mira Mesa CPA
- Campus Point Maintenance Assessment District is located in the University CPA
- Camino Santa Fe Maintenance Assessment District is located in the Mira Mesa CPA
- Carmel Mountain Ranch Maintenance Assessment District is located in the Carmel Mountain Ranch CPA
- Carmel Valley Maintenance Assessment District is located in the Carmel Valley CPA
- Carmel Valley Neighborhood 10 Maintenance Assessment District is located in the Carmel Valley CPA
- Civita Maintenance Assessment District is located in the Mission Valley CPA
- Coral Gate Maintenance Assessment District is located in the San Ysidro CPA
- Coronado View Maintenance Assessment District is located in the Encanto Neighborhoods CPA
- Del Mar Terrace Maintenance Assessment District is located in the Torrey Pines CPA
- Eastgate Maintenance Assessment District is located in the University CPA
- El Cajon Boulevard Maintenance Assessment District is located in the Mid-City CPA

- First San Diego River Improvement Project Maintenance Assessment District is located in the Mission Valley CPA
- Gateway Center East Maintenance Assessment District is located in the Southeastern San Diego CPA
- Genesee/North Torrey Pines Road Maintenance Assessment District is located in the University CPA
- Hillcrest Maintenance Assessment District is located in the Uptown CPA
- Park Village Maintenance Assessment District is located in the Rancho Peñasquitos CPA
- Peñasquitos East Maintenance Assessment District is located in the Rancho Peñasquitos CPA
- Rancho Bernardo Maintenance Assessment District is located in the Rancho Bernardo CPA
- Rancho Encantada Maintenance Assessment District is located in the Rancho Encantada CPA
- Remington Hills Maintenance Assessment District is located in the Otay Mesa CPA
- Robinhood Ridge Maintenance Assessment District is located in the Otay Mesa CPA
- Sabre Springs Maintenance Assessment District is located in the Sabre Springs CPA
- Scripps – Miramar Ranch Maintenance Assessment District is located in the Scripps – Miramar Ranch CPA
- Stonecrest Maintenance Assessment District is located in the Kearny Mesa CPA
- Street Light District No. 1 Maintenance Assessment District is located in the Citywide
- Talmadge Maintenance Assessment District is located in the CPA
- Talmadge Park North Maintenance Assessment District is located in the Mid-City CPA
- Talmadge Park South Maintenance Assessment District is located in the Mid-City CPA
- Tierrasanta Maintenance Assessment District is located in the Tierrasanta CPA
- Torrey Highlands Maintenance Assessment District is located in the Torrey Highlands CPA
- Torrey Hills Maintenance Assessment District is located in the Torrey Hills CPA, Carmel Valley CPA
- University Heights Maintenance Assessment District is located in the Uptown CPA
- Washington Street Maintenance Assessment District is located in the Uptown CPA
- Webster/Federal Boulevard Maintenance Assessment District is located in the Eastern Area CPA;

Full and detailed descriptions of the improvements, the boundaries, and any zones therein, and the proposed assessments upon assessable lots and parcels of land within each of the MADs are available in the Engineer's Reports, on file with the City Clerk;

The assessments for the following City-managed MADs are proposed to be suspended for Fiscal Year 2016:

- Black Mountain Ranch North
- Genesee/North Torrey Pines Road
- Liberty Station/NTC
- Mission Hills Historic Street Lighting
- Ranch Encantada;

The assessments for the following City-managed MADs are proposed to be adjusted downward:

- Campus Point
- Coral Point
- Eastgate
- First San Diego River Improvement Project
- Ocean View Hills
- Pacific Highlands Ranch;

The assessments for the following City-managed MADs are proposed to be adjusted upward, but not by more than the formula specified in the original Engineer's Report allows:

- Bay Terraces – Parkside
- Carmel Mountain Ranch
- Carmel Valley Neighborhood 10
- Civita
- Coronado View
- El Cajon Boulevard
- Gateway Center East
- Kensington Park North
- Kings Row
- La Jolla Village Drive
- Mission Boulevard
- North Park
- Park Village
- Peñasquitos East
- Remington Hills
- Robinhood Ridge
- Scripps Miramar Ranch

- Street Light District No. 1
- Talmadge Park North
- Talmadge Park South
- Tierrasanta
- University Heights
- Washington Street

The assessments for the remaining City-managed MADs are proposed to remain the same as in fiscal year 2014;

Notice is hereby given that July 21, 2015, at 2:00 p.m., or as soon thereafter as it may be heard, in the Council Chambers of the City Administration Building, located at 202 "C" Street, 12th Floor, San Diego, California, is fixed as the time and place when and where any and all interested persons having a desire to be heard may appear and state their views, and/or submit written protests in compliance with California Streets and Highways Code Section 22628;

Directing the City Clerk to give notice of such public hearing by publication, pursuant to California Streets and Highways Code Section 22626.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The Proposed Fiscal Year 2016 Assessment for all 55 Park and Recreation MADs totals \$13,843,095. The Proposed Fiscal Year 2016 Budget includes City Contributions to MADs for the General Benefit: Environmental Growth Fund for open space maintenance: \$286,626; Gas Tax Fund for street median maintenance: \$1,183,382; General Fund for park maintenance: \$856,834; General Fund for library grounds maintenance: \$26,924; and General Fund for fire station grounds maintenance: \$15,174 for a total of \$2,368,940 in City contributions to MADs. The Proposed Fiscal Year 2016 Budget also contains funding for assessments on City parcels (budgeted in Citywide Program Expenditures) in the amount of \$155,299. In addition, there is an estimated General Fund impact of approximately \$1,036,703 for External General Benefits as a result of the ongoing MAD general benefit study as necessitated by the City's efforts to improve all MADs to meet the requirements of the Golden Hill MAD lawsuit and to help improve the City's position with ongoing litigation.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The City Council approved the current Fiscal Year 2015 Assessment Engineer's Reports and annual levy of assessments for all existing Park and Recreation MADs in July 29, 2014. Budgets for each MAD were presented as part of the Mayor's Fiscal Year 2016 Proposed Annual Budget for next fiscal year.

Parker/Graham/ps

Primary Contact\Phone: Paul Sirosis\619-685-1307, MS 5D
Secondary Contact\Phone: Rosa Lopez\619-685-1316, MS 5D
City Attorney Contact: Wander, Adam

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

ITEM-334: Fiscal Year 2016 Annual Levy and Annual Update of Assessment Engineer’s Reports for Economic Development Maintenance Assessment Districts. (Barrio Logan, Downtown/Centre City, College Area, City Heights, North Park, Ocean Beach, Southeastern and Uptown Community Plan Areas. Districts 2, 3, 8, and 9.)

ITEM DESCRIPTION:

As required by state and local law, this City Council item is to authorize actions needed for the operation of the Maintenance Assessment Districts managed by the Economic Development Department. The specific actions include: authorize the continued levy and collection of assessments within previously established districts for Fiscal Year 2016; authorize the name change of Barrio Logan Community Benefit MAD of 2012; approve the annual update to the property owner-approved Assessment Engineer’s Report for each district; authorize the appropriation and expenditure of district funds for Fiscal Year 2016; and authorize the Mayor to execute amendments to the respective Maintenance Agreements.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem A: (R-2015-743)

Adoption of a Resolution preliminarily approving the Engineer’s Reports submitted in connection with the self-managed Maintenance Assessment Districts and filed in the Office of the City Clerk as follows:

Maintenance Assessment District	Document Number
Adams Avenue	RR-_____
Barrio Logan	RR-_____
Central Commercial	RR-_____
City Heights	RR-_____
College Heights	RR-_____
Hillcrest Commercial Core	RR-_____
Little Italy	RR-_____
Newport Avenue	RR-_____

Subitem B: (R-2015-742)

Adoption of a Resolution declaring the City Council's intention to levy and collect assessments within each of the above-referenced self-managed Maintenance Assessment Districts (MADs) in the City for Fiscal Year 2016;

The improvements and activities within these MADs generally consist of construction and maintenance of landscaped and paved medians, landscaped right-of-ways and slopes, open space, parks, ponds, flood control channels, monuments, decorative street lighting, decorative gates, community signage, banners, curbs and gutters, and sidewalks, as well as the provision of security services;

Each self-managed MAD is generally located in the following Community Planning Area (CPA):

- Adams Avenue Maintenance Assessment District is located in the Normal Heights CPA
- Barrio Logan Maintenance Assessment District is located in the Barrio Logan CPA
- Central Commercial Maintenance Assessment District is located in the Southeastern San Diego CPA
- City Heights Maintenance Assessment District is located in the City Heights CPA
- College Heights Maintenance Assessment District is located in the College Area CPA
- Hillcrest Commercial Core Maintenance Assessment District is located in the Uptown CPA
- Little Italy Maintenance Assessment District is located in the Downtown/Centre City CPA
- Newport Avenue Maintenance Assessment District is located in the Ocean Beach CPA

Full and detailed descriptions of the improvements, the boundaries, and any zones therein, and the proposed assessments upon assessable lots and parcels of land within each of the MADs are available in the Engineer's Reports, on file with the City Clerk;

The assessments for the following self-managed MADs are proposed to be adjusted upward, but not by more than the formula specified in the original Engineer's Report allows: Little Italy and Newport Avenue;

The assessments for the remaining self-managed MADs are proposed to remain the same as in Fiscal Year 2015;

Notice is hereby given that July 21, 2015, at 2:00 p.m., or as soon thereafter as it may be heard, in the Council Chambers of the City Administration Building, located at 202 "C" Street, 12th Floor, San Diego, California, is fixed as the time and place when and where any and all interested persons having a desire to be heard may appear and state their views, and/or submit written protests in compliance with California Streets and Highways Code Section 22628;

Directing the City Clerk to give notice of such public hearing by publication, pursuant to California Streets and Highways Code Section 22626.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The Proposed Fiscal Year 2016 Assessment for all 8 Economic Development MADs totals \$2,297,968. The Proposed Fiscal Year 2016 Budget includes estimated city contributions of \$10,982 from the Gas Tax Fund (Medians). The Proposed Fiscal Year 2016 Budget also contains funding for assessments on City parcels (budgeted in Citywide Program Expenditures) in the amount of \$77,144.60. The City will receive \$94,314 from the MAD districts for administrative costs.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The City Council approved the Fiscal Year 2015 Assessment Engineer's Reports and annual levy and collection of assessments for all existing Economic Development MADs on July 29, 2014 (Resolution R-309180). On June 10, 2015, the action was heard by PS&LN and forwarded to the full Council.

Caldwell/Graham/lo

Primary Contact\Phone: Luis Ojeda\619--236-6475 MS 56D
Secondary Contact\Phone: Meredith Dibdon-Brown\619-236-6485, MS 56D
City Attorney Contact: Wander, Adam

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council Action and there is no public testimony.

ITEM-350: **Notice** of Pending Final Map Approval - Parkview at Dennery Ranch.

Notice is hereby given that the City Engineer has reviewed and will approve on the date of this City Council meeting that certain final map entitled "Parkview at Dennery Ranch" (V.T.M. No. 1276924, PTS No. 394018) located on Dennery Road between "Island Breeze Lane" and "Black Coral Way" in the RM-2-4 zone, within the Otay Mesa Community Plan Council District 8, a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT