

CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Sherri 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

Monday, June 29, 2015

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, JUNE 29, 2015, AT 2:00 PM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

This information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA), by contacting the City Clerk at (619) 533-4000 or <mailto:cityclerk@sandiego.gov>. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times. Please keep this in mind and provide as much advance notice as possible in order to ensure availability. Assistive Listening Devices (ALDs) are available in Council Chambers upon request.

Pursuant to California Senate Bill 343 (Section 54957.5(b) of the Brown Act), late-arriving documents related to City Council meeting agenda items which are distributed to the legislative body prior to and during the Council meeting are available for public review in the Office of the City Clerk on the second floor of the City Administration Building, 202 C Street, San Diego, CA 92101. This relates to those documents received after the agenda is publicly noticed and during the 72 hours prior to the start of the meeting. Please note: Approximately one hour prior to the start of the Council Meeting, the documents will be available just outside Council Chambers in the lobby of the 12th floor of the City Administration Building in a binder labeled “SB 343.” Late-arriving materials received during the City Council meeting are available for review by making a verbal request of City Clerk staff located in Council Chambers.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY, CITY CLERK COMMENT

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE

The Council will consider requests for continuance based on when the item was noticed to be heard.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON BUDGET AND GOVERNMENT EFFICIENCY, RESOLUTIONS:

ITEM-150: FY 2016 Statement of Budgetary Principles.

ITEM DESCRIPTION:

Adopt the FY 2016 Statement of Budgetary Principles.

INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-745)

Adopting the Statement of Budgetary Principles with respect to administration by the Mayor of San Diego of the Fiscal Year 2016 Budget.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

A draft of the Statement of Budgetary Principles was presented to the Budget and Government Efficiency Committee on June 17, 2015.

ACTION: Motion by Councilmember Cole, second by Councilmember Sherman, to recommend Council adopt the resolution to adopt the Proposed Fiscal Year 2016 Statement of Budgetary Principles.

VOTE: 4-0; Gloria-yea, Cole-yea, Kersey-yea, Sherman-yea, Alvarez-not present.

Tevlin

Primary Contact\Phone: Christiana Gauger\619-236-6443, MS 3A

Secondary Contact\Phone: Jeff Kwar\619-236-6555, MS 3A

City Attorney Contact: Will, Brant C.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON ENVIRONMENT, ORDINANCES TO BE INTRODUCED WITH
RESOLUTIONS TO BE ADOPTED:

ITEM-151: Amendment to the Emergency Water Regulations: Municipal Code 67.38.

ITEM DESCRIPTION:

Modifications to San Diego Municipal Code 67.38 to allow the City to trigger appropriate drought response actions and specific water use restrictions required by regional or state agencies. The proposed changes will clarify language in the existing code and will also allow the City to implement stricter water use requirements to align with regional and statewide drought response restrictions.

STAFF'S RECOMMENDATION:

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

Subitem-A: (O-2015-131 Cor. Copy)

Introduction of an Ordinance amending Chapter 6, Article 7, Division 38, of the San Diego Municipal Code by amending Sections 67.3802, 67.3803, 67.3804, 67.3805, 67.3806, and 67.3807, all relating to Emergency Water Regulations.

Subitem-B: (R-2015-759)

Determining that the Amendments to the Emergency Water Regulations of the City of San Diego Municipal Code (SDMC) are exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule).

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

There are no fiscal considerations. Any future contracts or expenditures of funds related to this Statewide mandatory water reduction action will require future Council approval.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On May 20, 2014, the City Council declared Drought Response Level 1 - Drought Watch Condition, effective July 1, 2014.
- On October 20, 2014, the City Council declared Drought Response Level 2 - Drought Alert Condition, effective November 1, 2014.

• This item was heard at the Environment Committee meeting on June 17, 2015, and forwarded to the full Council. (Rev. 6/26/15)

ACTION: Motion by Councilmember Cate, second by Council President Pro Tem Emerald, to recommend Council introduce the ordinance and for staff to provide all proposed code amendments prior to Council hearing.

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

Helminski/LoMedico

Primary Contact\Phone: Beth Murray\858-654-4262, MS 901A

Secondary Contact\Phone: Luis Generoso\619-533-5258, MS 906

City Attorney Contact: Palmucci, Raymond C.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-200: 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.)

(Continued from the meeting of June 16, 2015, Item 330, at the request of Councilmember Alvarez, to be heard with an upcoming Council item on Monday, June 29, 2015, to allow constituents to speak on both items.)

NOTE: Hearing open. No testimony taken.

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 August 4, 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

Primary Contact\Phone: Frank January\619-533-3699, MS 606F
Secondary Contact\Phone: Scott Mercer\619-533-3676, MS 606F
City Attorney Contact: Vonblum, Heidi

ITEM-201: General Plan Amendments. (Citywide.)

ITEM DESCRIPTION:

Amendments are proposed to the General Plan to update, ensure continued consistency with other adopted City documents and programs, and refine policies based on new information and implementation efforts. The proposed amendments include edits to the Land Use and Community Planning Element; Mobility Element; Economic Prosperity Element; Public Facilities, Services and Safety Element; Recreation Element; Noise Element and Glossary.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem A: (R-2015-695)

Adoption of a Resolution adopting the 2015 Amendments to the General Plan.

Subitem B: (R-2015-694 Cor. Copy) (Rev. 6/26/15)

Adoption of a Resolution certifying that the information contained in the Final Environmental Impact Report No. 104495 along with the Addendum thereto, including any comments received during the public review process, has been reviewed and considered prior to making a decision on the Project;

Declaring that there are no substantial changes proposed to the Project and no substantial changes with respect to the circumstances under which the Project is to be undertaken that would require major revisions in the Environmental Impact Report for the Project;

Declaring that no new information of substantial importance has become available showing that the Project would have any significant effects not discussed previously in the Environmental Impact Report or that any significant effects previously examined will be substantially more severe than shown in the Environmental Impact Report;

Declaring that no new information of substantial importance has become available showing that mitigation measures or alternatives previously found not to be feasible are in fact feasible which would substantially reduce any significant effects, but that the Project proponents decline to adopt, or that there are any considerably different mitigation measures or alternatives not previously considered which would substantially reduce any significant effects, but that the Project proponents decline to adopt;

Declaring that pursuant to State CEQA Guidelines Section 15164, only minor technical changes or additions are necessary, and therefore, the City Council adopts Addendum to Environmental Impact Report No. 104495 with respect to the Project, a copy of which is on file in the Office of the City Clerk;

Directing the City Clerk to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This action was heard at the Smart Growth and Land Use Committee on May 13, 2015, and forwarded to the full Council without a recommendation.

Tomlinson/LoMedico/so

Primary Contact\Phone: Sara Osborn\619-236-6368, MS 413

Secondary Contact\Phone: Nancy Bragado\619-533-4549, MS 413

City Attorney Contact: Vonblum, Heidi

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 Comment is taken toward the end of the Monday afternoon Council session.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda. Public testimony on Closed Session items is taken in Open Session on Mondays, except when there is no Monday meeting. Public testimony on Closed Session items is always taken prior to the actual Closed Session. Closed Session may take place any time after public testimony, but is typically held on Tuesdays at 9:00 a.m. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

NOTE: Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the Closed Session item number from the Closed Session Docket on the speaker slip. Speakers may speak "in favor" or "in opposition" to the subject.

Information Item - No Action Required - The City Council shall:

- 1) Consider any oral report from the City Attorney or City negotiators;
- 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda;
- 3) Allow for questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in Closed Session;
- 4) Refer matters discussed to Closed Session.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT