

CITY OF SAN DIEGO COUNCIL AGENDA



COUNCIL PRESIDENT

Myrtle Cole • Fourth District

COUNCIL PRESIDENT PRO TEM

Mark Kersey • Fifth District

COUNCILMEMBERS

Barbara Bry • First District
Lorie Zapf • Second District
Christopher Ward • Third District
Chris Cate • Sixth District
Scott Sherman • Seventh District
David Alvarez • Eighth District
Georgette Gómez • Ninth District

Andrea Tevlin
Independent
Budget Analyst

Mara W. Elliott
City Attorney

Liz Maland
City Clerk

Council Chambers, 12th Floor, City Administration Building

Tuesday, October 17, 2017

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, OCTOBER 17, 2017, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ALTERNATE FORMATS

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.

SENATE BILL 343 (LATE-ARRIVING MATERIALS)

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 meet in Closed Session this morning at 11:00 a.m. Public comment on Closed Session items will occur toward the end of the 10:00 a.m. session before Council adjourns into Closed Session. Copies of the Closed Session agenda are available in the Office of the City Clerk.

ROLL CALL

PLEDGE OF ALLEGIANCE

ADOPTION AGENDA, CONSENT ITEMS

The Consent items listed are considered to be routine, and the environmental documents have been considered. 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.

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE INTRODUCED:

Item 50: Request to exempt one Program Coordinator position in the Public Works Department from the Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

Position is funded in the Adopted Fiscal Year 2018 Budget in the Engineering and Capital Projects Fund (720057).

Council District(s) Affected: Citywide.

Proposed Actions:

Consideration of San Diego Ordinance O-2018-22, exempting one Program Coordinator in the City's Public Works Department from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on July 13, 2017. The Program Coordinator will formulate various policies and programs related to organizational effectiveness, employee training, and other matters. This action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken:

N/A

Public Works: James Nagelvoort, (619) 533-5100

City Attorney Contact: Joan Dawson

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

Item 100: Agreement with The Regents of the University of California, San Diego's Scripps Institution of Oceanography, for Continued Support of Real Time Ocean Observing Systems for the Point Loma and South Bay Ocean Outfalls.

Total Estimated Cost of Proposed Action and Funding Source:

The 5-year agreement requires the City of San Diego to fund \$250,000 per year for fiscal years 2018-2022, for a total of \$1,250,000 from Metro Sewer Utility Fund 700001.

Council District(s) Affected: Citywide.

Proposed Actions:

Sub Item A
(R-2018-123)

A resolution approving a 5-year agreement between the City of San Diego and the Regents of the University of California in an amount not to exceed \$1,250,000, for operational and maintenance support for the City's real-time oceanographic mooring systems.

Sub Item B
(R-2018-124)

A resolution determining the 5 year agreement between the City of San Diego and the Regents of the University of California in an amount not to exceed \$1,250,000, for operational and maintenance support for the City's real-time oceanographic mooring systems is categorically exempt from CEQA under CEQA Guideline 15306 (information collection).

Committee Actions Taken:

This item was heard at the Environment Committee meeting on September 29, 2017.

ACTION: Motion by Councilmember Sherman, second by Councilmember Ward, to recommend Council adopt the resolution and approve the agreement.

VOTE: 4-0; Alvarez-yea, Cate-yea, Ward-yea, Sherman-yea.

Public Utilities: Tim Stebbins, (619) 758-2329

City Attorney Contact: Christine Leone

Item 101: Reallocation of Regional Park Improvement Funds from L18001 Chollas Lake Improvements to S14002 Chollas Lake Park Playground Improvements.

Total Estimated Cost of Proposed Action and Funding Source:

\$300,000 in fund 200391 Regional Park Improvement Funds will be transferred from L18001 Chollas Lake Improvements to S14002 Chollas Lake Park Playground Improvements.

Council District(s) Affected: 4.

Proposed Actions:

R-2018-112

A resolution reallocating Regional Park Improvement Funds from CIP L18001, Chollas Lake Improvements, to CIP S14002, Chollas Lake Park Playground Improvements.

Committee Actions Taken:

This item was heard at the Infrastructure Committee meeting on July 20, 2017.

ACTION: Motion by Councilmember Gómez, second by Councilmember Ward, to recommend Council adopt the resolution.

VOTE: 4-0; Kersey-yea, Ward-yea, Zapf-yea, Gómez-yea.

Park & Recreation: Ryan Barbrick, (619) 235-1185

City Attorney Contact: Heather Ferbert

Item 102: Appointments and Reappointments to the Park and Recreation Board.

Proposed Actions:

(R-2018-101)

Adopt a resolution confirming the Mayor's appointments to the Park and Recreation Board of: Ray Bernal (Logan Heights, District 8, filling the seat previously held by Hazel Ocampo) for a term ending March 1, 2019; Noli Zosa (Linda Vista, District 7, filling the seat previously held by William Diehl) for a term ending March 1, 2018; and Marcella Bothwell (Pacific Beach, District 2, filling the seat previously held by Robert Chavez) for a term ending March 1, 2018; and reappointing Jon Becker (Rancho Penasquitos, District 6), Bobby Hughes (Skyline, District 4) and Dennis Otsuji (Scripps Ranch, District 5), all for terms ending March 1, 2019.

Item 103: Appointment and Reappointments to Civic San Diego Board of Directors.

Proposed Actions:

(R-2018-93)

Adopting a resolution confirming the Mayor's appointment to the Civic San Diego Board of Directors of Stephen Russell (North Park, District 3, filling the seat previously held by Jeff Gattas, in the category of Urban Design); and the reappointments of Richard Geisler (Kensington, District 9, in the category of Redevelopment) and Phil Rath (North Park, District 3, in the category of Business), all for terms ending May 1, 2020.

Item 104: Reappointments to the Accessibility Advisory Board.

Proposed Actions:

(R-2018-90)

Adopt a resolution confirming the Mayor's reappointment of three members of the Accessibility Advisory Board in the ADA Expert category, for terms expiring June 30, 2019: Patricia Sieglen-Perry (Scripps Ranch, District 5); Israel Martinez (Mission Valley, District 7); and Wayne Landon (Point Loma, District 2).

Item 105: Appointment to the Sustainable Energy Advisory Board.

Proposed Actions:

(R-2018-94)

Adopt a resolution confirming the Mayor's appointment to the Sustainable Energy Advisory Board of Kendall Helm (Point Loma, District 2) as the San Diego Gas & Electric Representative, filling the vacancy in the seat previously held by Thomas Brill, for a term expiring March 1, 2018.

Item 106: Appointment and Reappointments to the Balboa Park Committee.

Proposed Actions:

(R-2018-100)

Adopt a resolution confirming the Mayor's appointment of Sarah Dawe (South Park, District 3, filling the seat previously held by Amy Bernal), and the reappointments of Dang Manh Nguyen (University Heights, District 3) and Johanna Schiavoni (North Park, District 3), all to serve as District 3 Representatives on the Balboa Park Committee, for terms ending March 1, 2019.

PROCLAMATIONS/CEREMONIAL ITEMS (PRESENTED IN CHAMBERS)

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

Item 30: Tecolote PONY Youth Baseball All-Star World Series Champions Day.

PRESENTED BY COUNCILMEMBER ZAPF:

Proclaiming October 17, 2017, to be "Tecolote PONY Youth Baseball All-Star World Series Champions Day" in the City of San Diego.

Item 31: Cybersecurity Awareness Month.

PRESENTED BY COUNCIL PRESIDENT PRO TEM KERSEY AND
COUNCILMEMBER CATE:

Proclaiming October 2017, as "Cybersecurity Awareness Month" in the City of San Diego.

Item 32: MAAC Day.

PRESENTED BY COUNCILMEMBER GÓMEZ

Proclaiming October 17, 2017, to be "MAAC Day" in the City of San Diego.

PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED IN CHAMBERS)

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

Item 33: Finnish Heritage Day.

PRESENTED BY MAYOR FAULCONER AND COUNCIL PRESIDENT COLE:

Proclaiming October 22, 2017, to be "Finnish Heritage Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

None.

ITEMS PULLED FROM THE CONSENT AGENDA

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 (2) 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 fifteen (15) Non-Agenda Public Comment speakers on a particular Tuesday, priority may be given.

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

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE BY COUNCILMEMBERS

ADOPTION AGENDA, DISCUSSION ITEMS

ADOPTION AGENDA

DISCUSSION, ORDINANCES TO BE INTRODUCED:

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

Item 330: Pure Water Program; authorize Clean Water SRF loans to the Wastewater System.

Total Estimated Cost of Proposed Action and Funding Source:

The subject Pure Water Program project costs and associated loan repayment will be funded by the Sewer Revenue Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2018-30 Cor. Copy) (Rev. 10/12/17)

Introduction of an Ordinance authorizing the Mayor or designee to implement the Clean Water State Revolving Fund loan, execute the loan documents and take other necessary actions to facilitate the funding of the Pure Water North City Metropolitan Biosolids Center Improvements Project for an amount up to \$45.0M. Declare that the City dedicates and pledges the net revenues of its wastewater enterprise and the Sewer Revenue Fund for repayment of Clean Water State Revolving Fund loans for the Project. (Rev. 10/12/17)

(O-2018-23 Cor. Copy) (Rev. 10/12/17)

Introduction of an Ordinance authorizing the Mayor or designee to implement the Clean Water State Revolving Fund loan, execute the loan documents and take other necessary actions to facilitate the funding of the Pure Water North City Morena Blvd Pump Station and Pipeline Project (Wastewater Portion) for an amount up to \$287.0M. Declare that the City dedicates and pledges the net revenues of its wastewater enterprise and the Sewer Revenue Fund for repayment of Clean Water State Revolving Fund loans for the Project. (Rev. 10/12/17)

(O-2018-24 Cor. Copy) (Rev. 10/12/17)

Introduction of an Ordinance authorizing the Mayor or designee to implement the Clean Water State Revolving Fund loan, execute the loan documents and take other necessary actions to facilitate the funding of the Pure Water North City Water Reclamation Plant Expansion Project for an amount up to \$176.0M. Declare that the City dedicates and pledges the net revenues of its wastewater enterprise and the Sewer Revenue Fund for

repayment of Clean Water State Revolving Fund loans for the Project.
(Rev. 10/12/17)

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

Committee Actions Taken:

This item was heard at the Environment Committee meeting on September 29, 2017.

ACTION: Motion by Councilmember Sherman, second by Councilmember Cate, to approve staff recommendation.

VOTE: 4-0; Alvarez-yea, Ward-yea, Cate-yea, Sherman-yea.

Debt Management: Brian Mandell, (619) 533-4519

City Attorney Contact: Brant Will

Item 331: Pure Water Program; authorize Clean Water SRF loans to the Water System.

Total Estimated Cost of Proposed Action and Funding Source:

The subject Pure Water Program project costs and associated loan repayment will be funded by the Water Utility Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2018-25 Cor. Copy) (Rev. 10/12/17)

Introduction of an Ordinance authorizing the Mayor or designee to implement the Clean Water State Revolving Fund loan, execute the loan documents and take other necessary action to facilitate the funding of the Pure Water North City Pure Water Facility project for an amount up to \$553M. Declare that the City dedicates and pledges the net revenues of its water enterprise and the Water Utility Fund for repayment of Clean Water State Revolving Fund loans for the Project. (Rev. 10/21/17)

(O-2018-26 Cor. Copy) (Rev. 10/12/17)

Introduction of an Ordinance authorizing the Mayor or designee to implement the Clean Water State Revolving Fund loan, execute the loan documents and take other necessary action to facilitate the funding of the Pure Water North City Pure Water Pump Station project for an amount up to \$17M. Declare that the City dedicates and pledges the net revenues of its

water enterprise and the Water Utility Fund for repayment of Clean Water State Revolving Fund loans for the Project. (Rev. 10/12/17)

(O-2018-27 Cor. Copy) (Rev. 10/12/17)

Introduction of an Ordinance authorizing the Mayor or designee to implement the Clean Water State Revolving Fund loan, execute the loan documents and take other necessary action to facilitate the funding of the Pure Water North City Pure Water Pipeline project for an amount up to \$108M. Declare that the City dedicates and pledges the net revenues of its water enterprise and the Water Utility Fund for repayment of Clean Water State Revolving Fund loans for the Project. (Rev. 10/12/17)

(O-2018-28 Cor. Copy) (Rev. 10/12/17)

Introduction of an Ordinance authorizing the Mayor or designee to implement the Clean Water State Revolving Fund loan, execute the loan documents and take other necessary action to facilitate the funding of the Pure Water North City Water Reclamation Plant Expansion and Influent Conveyance project for an amount up to \$40M. Declare that the City dedicates and pledges the net revenues of its water enterprise and the Water Utility Fund for repayment of Clean Water State Revolving Fund loans for the Project. (Rev. 10/12/17)

(O-2018-29 Cor. Copy) (Rev. 10/12/17)

Introduction of an Ordinance authorizing the Mayor or designee to implement the Clean Water State Revolving Fund loan, execute the loan documents and take other necessary action to facilitate the funding of the Pure Water North City Morena Blvd Pump Station & Pipeline Project (Water Portion) for an amount up to \$41M. Declare that the City dedicates and pledges the net revenues of its water enterprise and the Water Utility Fund for repayment of Clean Water State Revolving Fund loans for the Project. (Rev. 10/12/17)

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

Committee Actions Taken:

This item was heard at the Environment Committee meeting on September 29, 2017.

ACTION: Motion by Councilmember Sherman, second by Councilmember Cate, to approve staff recommendation.

VOTE: 4-0; Alvarez-yea, Ward-yea, Cate-yea, Sherman-yea.

Debt Management: Brian Mandell, (619) 533-4519

City Attorney Contact: Brant Will

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

Item 332: Cooperative Agreement with Insight Public Sector, Inc., for Microsoft software, subscriptions, and services.

Total Estimated Cost of Proposed Action and Funding Source:

\$10,738,200.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-120)

Resolution authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the Cooperative Procurement Contract between the City of San Diego and Insight Public Sector, Inc. for acquisition of Microsoft Software, Subscriptions and Services, for a total not-to-exceed amount of up to \$10,738, 200, and for a term of three years.

Committee Actions Taken:

N/A

Department of Information Technology: Shawn Killpack, (619) 533-3059

City Attorney Contact: Steven Lastomirsky

ADOPTION AGENDA

DISCUSSION, HEARINGS:

Item 333: Amendments to the Land Development Code Related to Placemaking.

Total Estimated Cost of Proposed Action and Funding Source:

N/A

Council District(s) Affected: Citywide.

Proposed Actions:

Ordinance No. O-2018-16 amends the San Diego Municipal Code to define a new use category for "placemaking," which is a planning concept that refers

to creating spaces that serve the needs of neighborhoods by enhancing streetscapes and allowing creative uses of public right-of-way or private property, particularly of land that is unused or underused, in order to create more vibrant and livable communities. This ordinance allows placemaking projects as a limited use in designated zones and describes the applicable regulations for placemaking projects proposed in the public right-of-way or on private property. This ordinance also makes non-substantive changes to conform the formatting to current, standard San Diego Municipal Code conventions and to make the subsections more consistent with one another.

Committee Actions Taken:

This item was heard at Smart Growth and Land Use Committee on June 14, 2017 and forwarded to Council with the recommendation to approve by a vote of 4-0. (Rev. 10/13/17)

Docket Office: Elizabeth Studebaker, (619) 533-4561

City Attorney Contact: Keely Halsey

Item 334: Legacy International Center - Project No. 332401.

(Continued from the meeting of September 18, 2017, Item 200, at the request of Councilmember Sherman for further review.)

Total Estimated Cost of Proposed Action and Funding Source:

All costs associated with the project will be paid from a deposit account maintained by the applicant.

Council District(s) Affected: 7.

Proposed Actions:

Approvals for the redevelopment of the existing Mission Valley Resort property located at 875 Hotel Circle South into a mixed-use development and international destination for religious tourism consisting of religious, lodging, administrative/office, recreational, and commercial uses dispersed among five buildings. The 18.13-acre site is located within the Mission Valley Community Plan Area.

R-2018-80

Certification of Environmental Impact Report No. 332401/SCH No. 2014081053 and Adoption of Findings and the Mitigation Monitoring and Reporting Program for the Legacy International Center Project;

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

This subitem is not subject to the Mayor's veto.

O-2018-18

Changing 18.13 Acres Located at 875 Hotel Circle South, within the Mission Valley Community Plan Area, in the City of San Diego, California, from the MVPD-MV-M/SP Zone into the MVPD-MV-CV Zone.

This subitem is not subject to the Mayor's veto.

R-2018-82

An Amendment to the General Plan, the Mission Valley Community Plan, and The Atlas Specific Plan to remove the Project Site, located at 875 Hotel Circle South from the Atlas Specific Plan for the Legacy International Center Project.

This subitem is not subject to the Mayor's veto.

R-2018-81

Approval of Vesting Tentative Map with Easement Vacation No. 1162656 for Legacy International Center Project.

This subitem is not subject to the Mayor's veto.

R-2018-83

Granting of Site Development Permit No. 1162629, Conditional Use Permit No. 1162655, and Planned Development Permit No. 1162654 for Legacy International Center Project.

This subitem is not subject to the Mayor's veto.

Committee Actions Taken:

N/A

Development Services: Morris (Mo) Dye, (619) 446-5201

City Attorney Contact: Corrine Neuffer

NON-AGENDA ITEMS

REPORT OUT FROM CLOSED SESSION

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT