

CITY OF SAN DIEGO COUNCIL AGENDA



COUNCIL PRESIDENT

Myrtle Cole • Fourth District

COUNCIL PRESIDENT PRO TEM

Barbara Bry • First District

COUNCILMEMBERS

Lorie Zapf • Second District
Christopher Ward • Third District
Mark Kersey • Fifth 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

Elizabeth Maland
City Clerk

Council Chambers, 12th Floor, City Administration Building

Tuesday, October 23, 2018

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, OCTOBER 23, 2018, 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. (Rev. 10/17/18)

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: Exemption of one Program Coordinator Position in the Risk Management Department from the Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

This action will authorize the exemption of one Program Coordinator from Classified Service. Funds for this position are available in 720048, Risk Management Administration Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2019-52)

Introduction of an ordinance authorizing the exemption of one Program Coordinator position in the City's Risk Management Department from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on October 4, 2018. This Program Coordinator position will be responsible for overseeing internal controls for the Department's claims management system and finance activities.

Committee Actions Taken: N/A

Risk Management: Julio Canizal, (619) 236-6651

City Attorney Contact: Joan F. Dawson

Item 51: Second Amendment to the Memorandum of Understanding Between City of San Diego, County of San Diego and San Diego County Water Authority for the Integrated Regional Water Management Program for Fiscal Years 2012-2016.

Total Estimated Cost of Proposed Action and Funding Source:

The project will be funded by the Water Fund 700011. Cost of Second Amendment: \$162,173.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2019-49)

An ordinance for the Second Amendment of the MOU between the City, County and County Water Authority for the City to add \$162,173 to fund the Integrated Regional Water Management Program through 2020.

6 votes required pursuant to Charter Section 99. (Rev. 10/17/18)

Committee Actions Taken:

This item was heard at the Environment Committee meeting on September 13, 2018.

ACTION: Motion by Vice Chair Sherman, second by Councilmember Cate, to recommend Council introduce the ordinance.

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

Public Utilities: Lan C. Wiborg, (619) 533-4112

City Attorney Contact: Ray Palmucci

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE ADOPTED:

Item 52: Amendments to Non-Exclusive Solid Waste Collection Franchise Agreements.

Total Estimated Cost of Proposed Action and Funding Source:

There is no cost associated with this item.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on October 8, 2018, Item 206, Subitem A. (Council voted 9-0):

(O-2019-48)

Ordinance authorizing Mayor, or his designee, to execute amendments to Solid Waste Transportation Franchise Agreements.

6 votes required pursuant to Charter Section 103. (Rev. 10/17/18)

Committee Actions Taken: N/A

Environmental Services: Barbara Lamb, (858) 573-1287

City Attorney Contact: Frederick M. Ortlieb

Item 53: Request to Exempt One Program Manager Position in the Public Utilities Department from the Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

Funding for this position was approved in the Fiscal Year 2019 Adopted Budget.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on October 9, 2018, Item 50. (Council voted 9-0):

(O-2019-39)

Ordinance authorizing the exemption of one Program Manager position in the City's Public Utilities Department from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on September 6, 2018. This Program Manager position will assist with managing regulatory compliance within the Environmental Monitoring and Technical Services Division. This Action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken: N/A

Public Utilities: Peter Vroom, (619) 758-2301

City Attorney Contact: Joan F. Dawson

Item 54: Amendments to the Administrative Code of the San Diego Municipal Code to update the list and descriptions of current City Departments.

Total Estimated Cost of Proposed Action and Funding Source: N/A

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which were introduced on October 9, 2018, Item 51, Subitems A, B, C, D and E. (Council voted 9-0):

Subitem-A: (O-2019-37)

Ordinance amending the Administrative Code of the San Diego Municipal Code to consolidate the Office of the Comptroller and the Financial Management Department into a new Finance Department.

6 votes required pursuant to Charter Section 26.

Subitem-B: (O-2019-45)

Ordinance amending the Administrative Code of the San Diego Municipal Code to change the name of the Intergovernmental Affairs Department to the Government Affairs Department.

6 votes required pursuant to Charter Section 26.

Subitem-C: (O-2019-40)

Ordinance amending the Administrative Code of the San Diego Municipal Code to add a new Office of Boards and Commissions.

6 votes required pursuant to Charter Section 26.

Subitem-D: (O-2019-47)

Ordinance amending the Administrative Code of the San Diego Municipal Code to add a new Sustainability Department.

6 votes required pursuant to Charter Section 26.

Subitem-E: (O-2019-41)

Ordinance amending the Administrative Code of the San Diego Municipal Code to update the list of City departments.

**6 votes required pursuant to Charter Section 26.
(Rev. 10/17/18)**

Committee Actions Taken: N/A

Financial Management: Ronald H. Villa, (619) 236-7795

City Attorney Contact: Jennifer L. Berry

Item 55: Second Amendment to Non-Exclusive Solid Waste Facility Franchise Agreement for the EDCO Recovery and Transfer Station.

Total Estimated Cost of Proposed Action and Funding Source:

There is no cost associated with this item.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on October 9, 2018, Item 52. (Council voted 9-0):

(O-2019-46)

Ordinance authorizing the Mayor, or his designee, to execute the Second Amendment to the Facility Franchise Agreement with EDCO Disposal Services for Dalbergia Street Solid Waste Transfer Facility.

6 votes required pursuant to Charter Section 103. (Rev. 10/17/18)

Committee Actions Taken: N/A

Environmental Services: Barbara Lamb, (858) 573-1287

City Attorney Contact: Frederick M. Ortlieb

Item 56: Approval of the Joint Use Agreement for Harriet Tubman Charter School with the San Diego Unified School District.

Total Estimated Cost of Proposed Action and Funding Source:

Reimbursement to the San Diego Unified School District for the construction costs of Harriet Tubman Charter School in the amount not-to-exceed \$1,211,040 from Project S13000, Harriet Tubman Charter School Joint Use Improvements, from Fund 400127, College Area Development Impact Fees.

Council District(s) Affected: 9.

Proposed Actions:

Adopt the following ordinance which was introduced on October 9, 2018, Item 60, Subitem A. (Council voted 9-0):

(O-2019-34)

Ordinance authorizing the Mayor, or his designee, to enter into an Agreement with the San Diego Unified School District for the Construction, Operation, Maintenance, and Use of the Joint Use Facilities at Harriet Tubman Charter School, and to reimburse the San Diego Unified School District for construction costs of the new facilities to be constructed at Harriet Tubman Charter School in an amount not-to-exceed \$1,211,040.

6 votes required pursuant to Charter Section 99. (Rev. 10/17/18)

Committee Actions Taken: N/A

Parks & Recreation: Andrew Field, (619) 235-1110

City Attorney Contact: David Powell

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

Item 100: Land Lease and Operation Agreement with the U.S. Department of Transportation Federal Aviation Administration for Air Traffic Control Tower at Brown Field Airport.

Total Estimated Cost of Proposed Action and Funding Source: N/A

Council District(s) Affected: 8.

Proposed Actions:

Subitem-A: (R-2019-192)

Resolution authorizing execution of a ground lease with the United States of America for the lease of City-owned property located at the Brown Field Municipal Airport and related actions.

Subitem-B: (R-2019-193)

Resolution determining that the authorization of the execution of a ground lease with the United States of America for the lease of City-owned property located at the Brown Field Municipal Airport is exempt from the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines.

Committee Actions Taken:

This item was heard at the Smart Growth and Land Use Committee meeting on September 27, 2018.

ACTION: Motion by Councilmember Zapf, second by Councilmember Sherman, to recommend Council approval of staff's proposed actions.

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

Real Estate Assets: Michele King, (858) 573-1433

City Attorney Contact: Hilda R. Mendoza

Item 101: First Amendment to Agreement with C&S Engineers, Inc. (H166649) for Airport Master Plan Studies for Montgomery-Gibbs Executive and Brown Field Airports.

Total Estimated Cost of Proposed Action and Funding Source:

The cost of this First Amendment is an amount not-to-exceed \$613,010 from Fund 700033, Airports Enterprise Fund.

Council District(s) Affected: 6, 8.

Proposed Actions:

(R-2019-173)

A Resolution authorizing the Mayor, or his designee, to execute the First Amendment to the Agreement with C & S Engineers, Inc., for additional consultant services in the amount not-to-exceed \$613,010 in connection with the Montgomery Gibbs Executive Airport and Brown Field Airport Project.

Committee Actions Taken:

This item was heard at the Smart Growth and Land Use Committee meeting on September 27, 2018.

ACTION: Motion by Councilmember Zapf, second by Councilmember Sherman, to recommend Council approval of staff's proposed actions.

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

Real Estate Assets: Wayne Reiter, (858) 573-1436

City Attorney Contact: Pedro De Lara, Jr.

Item 102: **Approval to re-designate City Property Site 440 from Transportation and Storm Water to Parks and Recreation Department.**

Total Estimated Cost of Proposed Action and Funding Source: N/A

Council District(s) Affected: 2.

Proposed Actions:

(R-2019-178)

Resolution re-designating City-owned property located at the westerly end of Avenida de Portugal Street, identified as Assessor's Parcel Numbers 531-260-02, 531-260-17 and 531-260-18 for Parks and Recreation Department Use.

Committee Actions Taken:

This item was heard at the Smart Growth and Land Use Committee meeting on September 27, 2018.

ACTION: Motion by Councilmember Zapf, second by Councilmember Sherman, to recommend Council approval of staff's proposed action.

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

Real Estate Assets: Brenda Chilvers, (619) 238-8062

City Attorney Contact: Melissa Ables

Item 103: Appointment to the Community Review Board on Police Practices.

Total Estimated Cost of Proposed Action and Funding Source: N/A

Council District(s) Affected: 4.

Proposed Actions:

(R-2019-185)

Resolution confirming the Mayor's appointment of Ms. Maxine Clark to the Community Review Board on Police Practices, replacing Mr. Pieter O'Leary for a term expiring July 30, 2020.

Committee Actions Taken: N/A

Office of the Mayor: John Ly, (619) 236-7740

City Attorney Contact: Jennifer L. Berry

Item 104: Resolution Excusing Councilmember Lorie Zapf from City Council and Committee Meetings.

Total Estimated Cost of Proposed Action and Funding Source: N/A

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-181)

Adopting a resolution excusing Councilmember Lorie Zapf from attending meetings.

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

Committee Actions Taken: N/A

Council District 2: Liezl Gloria, (619) 236-6622

City Attorney Contact: Sharon Spivak

PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED IN CHAMBERS)

NOTE: The following Proclamation will NOT be presented in Council Chambers.

Item 30: 50th Anniversary of Campland on the Bay.

COUNCILMEMBER ZAPF'S RECOMMENDATION:

Proclaiming October 2018, to be the "50th Anniversary of Campland on the Bay" 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 to those speakers who did not speak during Non-Agenda Public Comment at the most recent prior Council meeting.

MAYOR, COUNCIL, CITY ATTORNEY, INDEPENDENT BUDGET ANALYST, 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:

Item 330: Approval of an Ordinance amending San Diego Municipal Code Elective Office Vacancy, Succession, and Removal Provisions, Chapter 2, Article 7.

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

Total Estimated Cost of Proposed Action and Funding Source: N/A

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2019-31)

Ordinance approving amendments to the San Diego Municipal Code related to vacancies in elective office and removal of elective officers for cause.

Committee Actions Taken:

This item was heard at the Rules Committee meeting on September 12, 2018.

ACTION: Motion by Councilmember Kersey, second by Councilmember Cate, to direct the City Attorney's Office to complete legal review and necessary revisions to the draft amendments to SDMC Chapter 2, Article 7 related to elective office vacancies, succession, and removal, and submit the revised draft to the full Council for approval.

VOTE: 5-0; Cole-yea, Bry-yea, Ward-yea, Cate-yea, Kersey-yea.

Office of the City Attorney: Jennifer L. Berry, (619) 533-5832

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

Item 331: Resolution to Support Permanent Supportive Housing Units in all City of San Diego Council Districts.

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

Total Estimated Cost of Proposed Action and Funding Source: N/A

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-79)

Resolution expressing Council's intent to support building permanent supportive housing citywide.

Committee Actions Taken:

This item was heard at the Select Committee on Homelessness Committee meeting on July 30, 2018.

ACTION: Motion by Councilmember Gómez, second by Councilmember Sherman, to recommend Council support the proposed Resolution to Support Permanent Supportive Housing Units.

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

Council District 3: Brian Elliott, (619) 235-5271

City Attorney Contact: Many T. Nuesca

Item 332: Approving Five Multiple Award Design-Build Contracts K-17-1518-MAC-3 for Water, Wastewater, and Storm Water Pipeline Projects.

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

Total Estimated Cost of Proposed Action and Funding Source:

The City agrees to issue a minimum task order guaranteed of \$5,000 per contract from WBS B-00131.06.01.01, Water Group 525 E, Fund 700010, Water Utility CIP for the purpose of executing these contracts and meeting the minimum task order guaranteed of \$5,000 per contract over the full term of the Contract. The minimum guaranteed amount \$25,000 will be authorized under approval of this action. The total maximum contract amount shall not exceed \$100,000,000.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-176)

Resolution authorizing the Mayor, or his designee, to enter into Five Agreements with the following companies: #1 Burtech Pipeline Incorporated; (2) KTA Construction, Inc.; (3) Orion Construction Corporation (4) Shimmick Construction Company, Inc.; and (5) TC Construction Company Inc., with each contract with a minimum guarantee of \$5,000, for the Multiple Award Construction Contract program for water pipelines, wastewater pipelines, and storm water pipeline projects. (Rev. 10/19/18)

Committee Actions Taken:

This item was heard at the Infrastructure Committee meeting on September 26, 2018.

ACTION: Motion by Councilmember Ward, second by Vice Chair Alvarez, to recommend Council approval of staff's proposed action.

VOTE: 3-0; Kersey-yea, Alvarez-yea, Ward-yea. Zapf-not present.

Public Works: Mark Nassar, (619) 533-6600

City Attorney Contact: Mark Mercer

Item 333: 59 Lease/License Agreements and Agreement for Offset of Rent with Metropolitan Airpark, LLC (MAP), Agreement for exchange of easements with the United States and MAP, regarding 207.56 acres of City-owned real property at the Brown Field Municipal Airport.

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

Total Estimated Cost of Proposed Action and Funding Source: N/A

Council District(s) Affected: 8.

Proposed Actions:

(R-2019-194)

Resolution authorizing execution of 59 Ground Lease and License Agreements and Agreement for offset of rent with Metropolitan Airpark, LLC, and agreement for exchange of easements with the United States of America and Metropolitan Airpark, LLC, regarding approximately 207.56 acres of City-owned property at the Brown Field Municipal Airport and related actions.

Committee Actions Taken:

This item was heard at the Smart Growth and Land Use Committee meeting on September 27, 2018.

ACTION: Motion by Vice Chair Alvarez, second by Councilmember Sherman, to recommend Council approval of staff's proposed actions.

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

Real Estate Assets: Thurman Hodges, (858) 573-1426

City Attorney Contact: Hilda R. Mendoza

ADOPTION AGENDA

DISCUSSION, NOTICED HEARINGS:

Item 334: Appeal of Environmental Determination - MPF (Marijuana Production Facility) 1555 Laurel Bay Lane - Project No. 585579.

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

Total Estimated Cost of Proposed Action and Funding Source:

All costs associated with processing of this project are paid through a deposit account by the applicant.

Council District(s) Affected: 8.

Proposed Actions:

Appeal of Environmental Determination for a proposed Conditional Use Permit (CUP) to operate a Marijuana Production Facility. This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 on August 20, 2018. The scope of the subject hearing only includes the environmental determination, and not the CUP. The site is located at 1555, 1561, 1567, 1573, 1579, and 1585 Laurel Bay Lane, 8705 Mesa Point Terrace, and 8706 Sherwood Terrace in the IL-2-1 Zone, the Community Plan Implementation Overlay Zone – Type A, Brown Field Airport Land Use Compatibility Overlay Zone (Noise – 60-65 CNEL, Safety Zones 2/3/6), Brown Field Airport influence Area (Review Area 1), the Federal Aviation Authority (FAA) Part 77 Noticing Area (Brown Field), and Prime Industrial Lands within the Otay Mesa Community Plan area.

According to San Diego Municipal Code Section 112.0520(e) Power to Act on Appeal.

The City Council shall consider the appeal and may:

- (1) By a majority vote, deny the appeal, approve the environmental determination that the project is exempt from California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 (Existing Facilities);
- or

(2) By a majority vote, grant the appeal and set aside the environmental determination, in accordance with San Diego Municipal Code 112.0520(f).

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter;

If the City Council grants the appeal, the lower-decision maker's decision to approve the project shall be held in abeyance. The City Council shall retain jurisdiction to act on the revised environmental determination and associated project at a subsequent public hearing.

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

Committee Actions Taken: N/A

Development Services: Firouzeh Tirandazi, (619) 446-5325

City Attorney Contact: Corrine Neuffer

NON-AGENDA ITEMS

REPORT OUT FROM CLOSED SESSION

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT