

# CITY OF SAN DIEGO COUNCIL DOCKET



## COUNCIL PRESIDENT

**Sherry Lightner • First District**

## COUNCIL PRESIDENT PRO TEM

**Marti Emerald • Ninth District**

## COUNCIL MEMBERS

**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, 12<sup>th</sup> Floor, City Administration Building**

**Tuesday, June 21, 2016**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, JUNE 21, 2016, AT 10:00 AM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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

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

**NOTE: The public portion of the meeting will begin at 9:00 a.m. for public comment on Closed Session items. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF COUNCIL MINUTES**

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

**ADOPTION AGENDA, CONSENT ITEMS**

The Consent items listed beginning on the next page are considered to be routine, and the environmental documents 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 from prior to the start of the meeting.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- \* ITEM-100: As-Needed Transportation Engineering Services Agreement with Kimley-Horn and Associates, Inc. (Citywide.)

**ITEM DESCRIPTION:**

Award a contract for As-Needed Transportation Engineering Services to Kimley-Horn and Associates, Inc., for an amount not to exceed \$3,000,000 and a maximum duration of five years.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-705)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with Kimley-Horn and Associates, Inc., to provide As-Needed Transportation Engineering Services in an amount not to exceed \$3,000,000, contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasurer, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$3,000,000 over five (5) years for the purpose of funding the As-Needed Transportation Engineering Services Agreement with Kimley-Horn and Associates, Inc., contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,000 from Fund 200218, Underground Surcharge - CIP, WBS No. A-ID.00001, Utilities Undergrounding Program for the purpose of executing this Agreement, and meeting the minimum contract requirements;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The City agrees to issue a task order(s) with the minimum aggregate value of \$1,000 to Kimley-Horn and Associates, Inc. Funding for the minimum Contract amount of \$1,000 is available in Fund 200218, Underground Surcharge - CIP, WBS No. A-ID.00001, Utilities Undergrounding Program, which has been identified as a placeholder for the minimum guaranteed amount. The \$1,000 encumbrance will be released upon the issuance of a task or tasks totaling \$1,000. Funding for future tasks will be provided by the CIP Projects requiring these services. The maximum Contract amount shall not exceed \$3,000,000.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

This item was heard at the Infrastructure Committee meeting on May 23, 2016.

**ACTION:** Motion by Councilmember Cole, second by Councilmember Zapf, to recommend Council adopt the resolution and approve the Agreement.

**VOTE:** 3-0; Kersey-yea, Cole-yea, Zapf- yea, Emerald-not present.

Gibson/Gomez

Primary Contact\Phone: Richard Leja\619-533-3112

Secondary Contact\Phone: Jim Shamloufard\619-533-3160

City Attorney Contact: Jung, Jeremy A.

\* ITEM-101: As-Needed Transportation Engineering Services Agreement with Michael Baker International. (Citywide.)

**ITEM DESCRIPTION:**

Award a contract for As-Needed Transportation Engineering Services Agreement to Michael Baker International for an amount not to exceed \$3,000,000 and a maximum duration of five years.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-704)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with Michael Baker International to provide As-Needed Transportation Engineering Services in an amount not to exceed \$3,000,000, contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasurer, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$3,000,000 over five (5) years for the purpose of funding the As-Needed Transportation Engineering Services Agreement with Michael Baker International, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,000 from Fund 200218, Underground Surcharge - CIP, WBS No. A-ID.00001, Utilities Undergrounding Program for the purpose of executing this Agreement, and meeting the minimum contract requirements;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The City agrees to issue a task order(s) with the minimum aggregate value of \$1,000 to Michael Baker International. Funding for the minimum contract amount of \$1,000 is available in Fund 200218, Underground Surcharge - CIP, WBS No. A-ID.00001, Utilities Undergrounding Program, which has been identified as a placeholder for the minimum guaranteed amount. The \$1,000 encumbrance will be released upon the issuance of a task or tasks totaling \$1,000. Funding for future tasks will be provided by the CIP Projects requiring these services. The maximum contract amount shall not exceed \$3,000,000.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

This item was heard at the Infrastructure Committee meeting on May 23, 2016.

**ACTION:** Motion by Councilmember Cole, second by Councilmember Zapf, to recommend Council adopt the resolution and approve the Agreement.

**VOTE:** 3-0; Kersey-yea, Cole-yea, Zapf-yea, Emerald-not present.

Gibson/Gomez

Primary Contact\Phone: Richard Leja\619-533-3112

Secondary Contact\Phone: Jim Shamloufard\619-533-3160

City Attorney Contact: Jung, Jeremy A.

\* ITEM-102: Amendments to Park and Recreation Department Fiscal Year 2016 Capital Improvements Program Budget. (Carmel Valley, Tierrasanta, Kearny Mesa, North Park, and Rancho Peñasquitos Community Areas. Districts 1, 3, 5, 6, and 7.)

**ITEM DESCRIPTION:**

This item establishes CIPs and appropriates funding for thirteen new park facilities projects, including eleven park facilities projects in Carmel Valley, one project in Tierrasanta, and one project in Kearny Mesa. This item also increases appropriations to three existing park facilities projects, one each in Kearny Mesa, North Park, and Rancho Peñasquitos.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2016-706)

Authorizing the Chief Financial Officer to add CIP S-16048, Villa Monserate Neighborhood Park Upgrades, to the Capital Improvements Program; and

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-16048, Villa Monserate Neighborhood Park Upgrades, and to appropriate and expend \$223,900 from Fund 400098, Tierrasanta Development Impact Fee (DIF), for the purpose of design and construction of two children's play areas and park amenities;

Authorizing the Chief Financial Officer to add CIP RD-16005, Centrum Neighborhood Park Improvements, to the Capital Improvements Program; and

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP RD-16005, Centrum Neighborhood Park Improvements, and to appropriate and expend \$1,000,000 from Fund 200636, Developer Contributions CIP, for the purpose of design and construction of park enhancements; and

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-00751, Hickman Field Athletic Area Improvements, and to appropriate and expend \$1,101,098 from Fund 200636, Developer Contributions CIP, for the purpose of design and construction of park improvements; and

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-10050, North Park Mini Park & Streetscape Improvements, and to appropriate and expend \$2,874,000 from Fund 400672, Redevelopment Agency Funds Neighborhood Park-TAB 2009A (TE) Proceeds for the purpose of design and construction of an urban mini-park and streetscape enhancements; and

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-15021, Rolling Hills Neighborhood Park ADA Upgrades, and to appropriate and expend \$300,000 from Fund 400192, Peñasquitos East Trust, for the purpose of design and construction of accessibility upgrades and park amenities.

Subitem-B: (R-2016-707)

Authorizing the Chief Financial Officer to add CIP S-16029, Carmel Valley Community Park Turf Upgrades, to the Capital Improvements Program; and

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-16029, Carmel Valley Community Park Turf Upgrades, and to appropriate and expend \$1,116,335 from Fund 400026, Del Mar Hills/Carmel Vly-Maj D, for the purpose of design and construction of synthetic turf fields on the joint use field; and

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-16029, Carmel Valley Community Park Turf Upgrades, and to appropriate and expend \$2,541,170 from Fund 400088, Carmel Valley Consolidated FBA, for the purpose of design and construction of synthetic turf fields on the joint use field; and

Authorizing the Chief Financial Officer to add CIP S-16030, Ocean Air Community Park Turf Upgrades, to the Capital Improvements Program; and

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-16030, Ocean Air Community Park Turf Upgrades, and to appropriate and expend \$5,712,041 from Fund 400088, Carmel Valley Consolidated FBA, for the purpose of synthetic turf fields on the joint use field; and

Authorizing the Chief Financial Officer to add CIP S-16031, Ocean Air Community Park Comfort Station and Park Improvements, to the Capital Improvements Program; and

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-16031, Ocean Air Community Park Comfort Station and Park Improvements, and to appropriate and expend \$1,174,244 from Fund 400088, Carmel Valley Consolidated FBA, for the purpose of design and construction of a prefabricated comfort station/concession/storage building, two new picnic areas and two new shade structures within the park; and

Authorizing the Chief Financial Officer to add CIP S-16032, Solana Highlands Neighborhood Park Comfort Station Development, to the Capital Improvements Program; and

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-16032, Solana Highlands Neighborhood Park Comfort Station Development, and to appropriate and expend \$868,576 from Fund 400088, Carmel Valley Consolidated FBA, for the purpose of design and construction of a prefabricated comfort station within the park; and

Authorizing the Chief Financial Officer to add CIP S-16033, Carmel Knolls Neighborhood Park Comfort Station Development, to the Capital Improvements Program; and

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-16033, Carmel Knolls Neighborhood Park Comfort Station Development, and to appropriate and expend \$868,576 from Fund 400088, Carmel Valley Consolidated FBA, for the purpose of design and construction of a prefabricated comfort station within the park; and

Authorizing the Chief Financial Officer to add CIP S-16034, Carmel del Mar Neighborhood Park Comfort Station Development, to the Capital Improvements Program; and

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-16034, Carmel del Mar Neighborhood Park Comfort Station Development, and to appropriate and expend \$868,576 from Fund 400088, Carmel Valley Consolidated FBA, for the purpose of design and construction of a prefabricated comfort station within the park; and

Authorizing the Chief Financial Officer to add CIP S-16035, Sage Canyon Neighborhood Park Concession Building Development, to the Capital Improvements Program; and

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-16035, Sage Canyon Neighborhood Park Concession Building Development, and to appropriate and expend \$868,576 from Fund 400088, Carmel Valley Consolidated FBA, for the purpose of design and construction of a prefabricated comfort station within the park; and

Authorizing the Chief Financial Officer to add CIP S-16036, Torrey Highlands Neighborhood Park Upgrades, to the Capital Improvements Program; and

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-16036, Torrey Highlands Neighborhood Park Upgrades, and to appropriate and expend \$760,210 from Fund 400088, Carmel Valley Consolidated FBA, for the purpose of design and construction of additional park amenities; and

Authorizing the Chief Financial Officer to add CIP S-16037, Carmel Creek Neighborhood Park Improvements, to the Capital Improvements Program; and

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-16037, Carmel Creek Neighborhood Park Improvements, and to appropriate and expend \$1,116,856 from Fund 400088, Carmel Valley Consolidated FBA, for the purpose of design and construction of accessibility improvements and park amenities; and

Authorizing the Chief Financial Officer to add CIP S-16038, Carmel Grove Neighborhood Park Comfort Station and Park Improvements, to the Capital Improvements Program; and

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-16038, Carmel Grove Neighborhood Park Comfort Station and Park Improvements, and to appropriate and expend \$1,352,306 from Fund 400088, Carmel Valley Consolidated FBA, for the purpose of design and construction of a prefabricated comfort station and park amenities; and

Authorizing the Chief Financial Officer to add CIP S-16039, Carmel Mission Neighborhood Park Comfort Station Development, to the Capital Improvements Program; and

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-16039, Carmel Mission Neighborhood Park Comfort Station Development, and to appropriate and expend \$868,576 from Fund 400088, Carmel Valley Consolidated FBA, for the purpose of design and construction of a prefabricated comfort station in the park.

Subitem-C: (R-2016-720)

Determining that the Amendments to Park and Recreation Department Fiscal Year 2016 Capital Improvements Program Budget (with the exception of Amendments to the Capital Improvement Program Budgets for Hickman Field Athletic Area Improvements and the North Park Mini Park) are statutorily exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15262 as it is for planning and feasibility studies for possible future actions that have not been approved, adopted or funded does not require preparation of an environmental document but requires consideration of environmental factors. Project approvals will occur after environmental review is completed in accordance with CEQA Section 15004.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The requested action would create 13 new park facilities CIPs and increase appropriations to 3 existing CIPs. The total appropriation associated with this action is \$23,615,040. See Attachment 2 for funding details. No General Fund appropriations are being requested with this action.

The Annual Operating Budget effect for these improvements will be approximately \$673,000 once all facilities outlined in this action are completed. This budgetary impact would start in Fiscal Year 2020 or 2021, depending on the actual timeframe for project completion.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

This item was heard at the Infrastructure Committee meeting on May 23, 2016.

**ACTION:** Motion by Councilmember Zapf, second by Councilmember Cole, to recommend Council adopt the resolution.

**VOTE:** 3-0; Kersey-yea, Cole-yea, Zapf-yea, Emerald-not present.

Murphy/Graham

Primary Contact\Phone: Craig Hooker\619-446-5041

Secondary Contact\Phone: Robin Shifflet\619-533-4524

City Attorney Contact: Febert, Heather M.

\* ITEM-103: Fiscal Year 2016 Homeland Security Grant Program Urban Areas Security Initiative. (Citywide.)

**ITEM DESCRIPTION:**

This action will authorize the Mayor, or his designee, to apply for, accept, appropriate, expend, and take all necessary actions to secure grant funding from the U.S. Department of Homeland Security Fiscal Year 2016 Homeland Security Grant Program.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-708)

Authorizing the Mayor, or his designee, to apply for, accept, and take all necessary actions to secure \$16,658,000 in grant funds, and any additional grant funding awarded under the FY 2016 Urban Areas Security Initiative Grant Program, from the California Governor's Office of Emergency Services for the purpose of implementing the FY 2015 Urban Areas Security Initiative Grant Program;

Authorizing the Chief Financial Officer to appropriate and expend the \$16,658,000 in grant funds, and any additional grant funding awarded under the FY 2016 Urban Areas Security Initiative Grant Program, as well as execute all Agreements necessary for the purpose of implementing the FY 2016 Urban Areas Security Initiatives Grant Program, contingent upon funding being secured.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The U.S. Department of Homeland Security provides Urban Areas Security Initiative (UASI) Funds through the California Governor's Office of Emergency Services, which grants them to the City of San Diego to administer for the entire San Diego Urban Area (SDUA). There is no non-federal match or cost share required for grants under the UASI Program. However, these grants are reimbursable in nature, requiring the City to expend funds prior to requesting reimbursement for this requested action, to total amount to be expended is \$16,658,000 which includes additional state retention funds. The total amount will be spent over multiple fiscal years; additional re-allocated grant funds could increase the SDUA's FY 2016 UASI award further. Expenditures will be initially sourced from Fund 600000 (Grant Fund - Federal), and then reimbursed from the federal FY 2016 UASI Grant Program.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on May 18, 2016.

**ACTION:** Motion by Councilmember Cole, second by Councilmember Gloria, to recommend Council adopt the resolution.

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

Valencia/Chadwick

Primary Contact\Phone: Katherine Jackson\619-533-6761

Secondary Contact\Phone: Megan Beall\619-533-6764

City Attorney Contact: Brazier, Noah J.

\* ITEM-104: Settlement of the Bodily Injury claim of Susan Orrantia, Risk Management Claim No. 11775.

**ITEM DESCRIPTION:**

This item seeks approval to settle the Bodily Injury claim of Susan Orrantia as a result of a Trip and Fall accident on March 12, 2015.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-690)

Authorizing the Mayor, or his designee, to pay the sum of \$110,000 from the Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the personal injury damage claim of Susan Orrantia;

Authorizing the Chief Financial Officer to appropriate and expend \$110,000 from the Public Liability Fund, Fund No. 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 City Comptroller to issue a check in the amount of \$110,000, made payable to Julia E Haus Attorney Client Trust.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Settlement amount of \$110,000 will be paid from the Public Liability Fund No. 720045.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

The item was approved at Closed Session on May 24, 2016.

Canizal/Lewis

Primary Contact\Phone: James Coldren\619-236-5598, MS 51B

Secondary Contact\City Attorney Contact\Phone: Kelly L. McGeehan\619-533-5884, MS 59

\* ITEM-105: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2016-466)

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

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

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

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: Waterproofing San Diego Month.

**PRESENTED BY MAYOR FAULCONER AND COUNCILMEMBER ZAPF:**

Proclaiming June 2016, to be "Waterproofing San Diego Month" in the City of San Diego.

ITEM-31: Robin Kaufman Day.

**PRESENTED BY COUNCILMEMBER KERSEY:**

Proclaiming June 21, 2016, to be "Robin Kaufman Day" in the City of San Diego.

ITEM-32: Dan Normandin Day.

**PRESENTED BY COUNCILMEMBER SHERMAN:**

Proclaiming June 21, 2016, to be "Dan Normandin Day" in the City of San Diego and recognizes and thanks Dan Normandin for his unwavering dedication to protecting and serving the citizens of America's Finest City.

**SPECIAL ORDERS OF BUSINESS**

None.

**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)**

**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, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

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

ITEM-330: Status of the Utility Undergrounding Program and approval of new undergrounding projects.

**ITEM DESCRIPTION:**

This item presents the semi-annual report to City Council regarding the status of the Utilities Undergrounding Program. In addition, the report provides the status of the implementation of the Utilities Undergrounding Advisory Committee's recommendation and includes a list of proposed undergrounding projects which are funded by the Underground Surcharge Fund. A positive fund balance is maintained with quarterly revenue provided by San Diego Gas & Electric. (SDG&E).

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-709)

Accepting the report provided by City staff in accordance with Council Policy 600-08 (D)(3) on the status of projects, expenditures, finances for the City's Utility Undergrounding Program (UUP), and the status of the implementation of the Utilities Undergrounding Advisory Committee's recommendations;

Approving the allocation of projects to be funded using the Underground Surcharge Fund.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The requested action will increase future year expenditures by an estimated \$127,216,763. Quarterly revenue provided by SDG&E will maintain a positive fund balance in the Underground Surcharge Fund. No additional appropriations are being requested with this action.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

April 20, 2010: Approved the 2009 Master Plan.

December 11, 2001: Approved the Memorandum of Understanding (MOU) with SDG&E to implement the Surcharge Program, established Council Policy 600-08 and Surcharge Fund.

This item was heard at the Environmental Committee meeting on May 26, 2016.

**ACTION:** Motion by Councilmember Gloria, second by Chair Alvarez, to recommend Council accept the report and to adopt the resolution.

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

McFadden/Gomez

Primary Contact\Phone: Hasan Yousef\619-533-3012, MS 608  
Secondary Contact\Phone: James Nabong\619-533-3721, MS 608  
City Attorney Contact: Gerrity, Ryan P.

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

ITEM-331: Approval to Appropriate and Expend Water Subordinated Revenue Bonds, Series 2016A. (Citywide.)

**ITEM DESCRIPTION:**

The City Council/Public Facilities Financing Authority approved issuance of \$80M in proceeds for the 2016A Water bonds (via City Council R-310310 and O-20635 on March 15, 2016 and April 5, 2016, respectively). Approximately \$51.5M of these \$80M in proceeds will be used to reimburse the Water Fund for Capital Improvement expenditures that were cash funded in FY 2016 (authorized by City Council R-309971). The remaining \$28.5M requires Council approval to allow appropriation and/or expenditure on three separate projects, which will be spent in FY 2017. Additionally, this requested action is to establish a new debt fund by the City Comptroller to expend the remaining \$28.5M in funds.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-721)

Authorizing the City Comptroller to establish a new debt fund for the 2016A Water Fund Bonds entitled PFFA Water Revenue Bonds 2016A-Projects;

Authorizing the Chief Financial Officer to appropriate and expend bond proceeds in an amount not to exceed \$34.5 million, when received from the Public Facilities Financing Authority Subordinated Water Revenue Bonds, Series 2016A, from PFFA Water Revenue Bonds 2016A-Projects, as follows:

- a. \$29.5 million in CIP A-KB.00003 - Water Main Replacement; and
- b. \$2.5 million in CIP S-11022 - Upas Street Pipeline Replacement; and
- c. \$2.5 million in CIP S-12008 - Catalina 12 inch Cast Iron Mains.

Declaring that nothing in this resolution shall constitute an approval of a project or a commitment to proceed with a project.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The fiscal discussion of the issuance of the 2016 Bonds is included in Report to City Council, Report No. 16-018.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

Resolution R-309971 was approved by City Council on September 15, 2015, authorizing the Water Fund to reimburse cash funded capital improvement expenditures paid with indebtedness proceeds.

Resolution R-310310 and Ordinance O-20635 were approved by City Council on March 15, 2016 and April 5, 2016, respectively, together authorizing the issuance of the 2016 Water Revenue Bonds - see Report to City Council No. 16-018.

Resolution R-310410 was approved by City Council on May 16, 2016, approving the form of the Preliminary Official Statement for the 2016 Bonds.

Jones-Santos/Gomez

Primary Contact\Phone: Seth Gates\858-614-4030, MS 901  
Secondary Contact\Phone: Jeanne Cole\858-292-6313, MS 901  
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-332: Amendments to the Affordable Housing Density Bonus Regulations of the Land Development Code and the City's Local Coastal Program. (Citywide.)

**ITEM DESCRIPTION:**

The amendment contains five proposals to further incentivize construction of affordable housing using the Affordable Housing Density Bonus Regulations. The first increases the maximum density bonus. The second increases the maximum number of incentives. The third reduces the decision process when a Planned District Ordinance (PDO) permit is required. The fourth reduces the parking ratio for dwelling units in areas of high transit frequency consistent with Assembly Bill 744 (QB-744), and the fifth allows development of the affordable dwelling units off-site when in compliance with specified regulations.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2016-127)

Introduction of an Ordinance amending Chapter 12, Article 6, Division 6 of the San Diego Municipal Code by amending Sections 126.0602 and 126.0604; amending Chapter 14, Article 3, Division 7 by amending Sections 143.0720, 143.0725, 143.0730, 143.0740, and by adding new Section 143.0745; amending Chapter 15, Article 1, Division 2 by amending Section 151.0201; and by amending Chapter 15, Article 6, Division 3 by amending Section 156.0309, all relating to Affordable Housing Density Bonus.

**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:**

The proposed amendments were part of an informational item presented by the Development Services Department to the Smart Growth and Land Use Committee on December 9, 2015. Since the meeting, the distance for allowing a ministerial process for locating affordable housing units offsite has been increased from one-half mile to one mile.

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

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

ITEM-333: Fiscal Year 2016 Scripps Miramar Ranch Public Facilities Financing Plan Update.  
(Scripps Miramar Ranch Community Plan Area. District 5.)

**ITEM DESCRIPTION:**

Approval of an update to the Scripps Miramar Ranch Public Facilities Financing Plan for Fiscal Year 2016 which sets Development Impact Fees (DIF) for the community and ensures continued funding for community infrastructure.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R 2016-694)

Adoption of a Resolution approving the Scripps Miramar Ranch Public Facilities Financing Plan, Fiscal Year 2016 (Financing Plan);

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

Declaring that the fee schedule contained in the Financing Plan is the appropriate and applicable Development Impact Fee (DIF) schedule for all development within the Scripps Miramar Ranch area that has either never been assessed under the Financing Plan or has not otherwise agreed to the payment of DIF or Facilities Benefit Assessment fees as prescribed by the City Council;

Effective sixty days from the date of final passage of this Resolution, all DIFs due under the Financing Plan shall be those fees in effect at the time the project's building permits or construction permits are issued, in accordance with San Diego Municipal Code Section 142.0640(b);

Declaring that the DIFs due shall not increase in accordance with San Diego Municipal Code Section 142.0640(c), but shall automatically increase annually in accordance with the Financing Plan until a new DIF is adopted;

Declaring that the Financing Plan is incorporated by reference into this Resolution as support and justification for satisfaction of findings required pursuant to the Mitigation Fee Act, as set forth in California Government Code Section 66025, for imposition of development impact fees;

Directing the Chief Financial Officer to establish an interest bearing fund for the Scripps Miramar Ranch Development Impact Fee.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Approval of this Financing Plan update will continue to provide a funding source for the public facilities identified in the Scripps Miramar Ranch Public Facilities Financing Plan.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

Item approved at Infrastructure Committee by a vote of 3-0 on May 23, 2016.

Murphy\Graham\aa

Primary Contact\Phone: Angela Abeyta\619-533-3674, MS 606 F

Secondary Contact\Phone: Marco Camacho\619-235-5216, MS 606 F

City Attorney Contact: Halsey, Keely

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

ITEM-334: Fiscal Year 2016 Mira Mesa Public Facilities Financing Plan Update. (Mira Mesa Community Plan Area. District 6.)

**ITEM DESCRIPTION:**

Approval of an update to the Mira Mesa Public Facilities Financing Plan for FY 2016, which sets Development Impact Fees (DIF) for the community and provides continued funding for community infrastructure.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2016-695)

Adoption of a Resolution approving the Mira Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2016 (Financing Plan);

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

Subitem-B: (R-2016-696)

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

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

Declaring its intention to designate an area of benefit within Mira Mesa to finance the cost of the public facilities projects identified in the Financing Plan, which is incorporated into this Resolution by reference, pursuant to San Diego Municipal Code Chapter 6, Article 1, Division 22;

The City Council shall hold a public hearing to consider the designation of the area of benefit as proposed in this Resolution at 10:00 a.m., or as soon thereafter as the matter may be heard, on July 19, 2016, 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 this Financing Plan update will continue to provide a funding source for the public facilities identified in the Mira Mesa Public Facilities Financing Plan.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

Item approved at Infrastructure Committee by a vote of 3-0 on May 23, 2016.

Murphy/Graham/aa

Primary Contact\Phone: Angela Abeyta\619-533-3674, MS 606F

Secondary Contact\Phone: Marco Camacho\619-235-5216, MS 606F

City Attorney Contact: Halsey, Keely M.

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

ITEM-335: Appeal of the Environmental Determination for the 7-11 Conditional Use Permit, Project No.442481. (City Heights Neighborhood of the Mid-City Communities Plan Area. District 9.)

**ITEM DESCRIPTION:**

Appeal of an Exemption for a new Conditional Use Permit to allow for a Type 20 alcohol beverage license for the sale of beer and wine, in a 2,150 square-foot convenience store, currently under construction through a ministerial building permit, on a 0.32-acre site. The project is located at 3911 University Avenue in the CU-2-3 zone of the Central Urbanized Planned District within the City Heights Community Plan Area.

**TODAY'S ACTIONS ARE:**

Take the following actions:

According to San Diego Municipal Code Section 112.0520(d) Power to Act on Appeal, the City Council shall consider the appeal and may take action as follows:

- (1) By a majority vote, deny the appeal, and adopt the environmental determination, or
- (2) By a majority vote, grant the appeal and set aside the environmental determination, in accordance with San Diego Municipal Code Section 112.0520(e);

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 document and associated project at a subsequent public hearing.

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

**STAFF SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: None.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

On December 7, 2015, the City Heights Area Planning Committee reviewed the project and voted 8/7/0 to recommend approval.

Vacchi\Graham\dj

Primary Contact\Phone: Derrick Johnson\619-446-5477, MS 501

Secondary Contact\Phone: Paul Godwin\619-446-5190, MS 501

City Attorney Contact: Halsey, Keely

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

ITEM-336: Downtown San Diego Mobility Plan and Amendment to the Downtown Community Plan. (Downtown Community Plan Area. District 3 and 8.)

**ITEM DESCRIPTION:**

The Downtown San Diego Mobility Plan will establish a master plan for policies, programs, and projects which will improve overall mobility throughout the Downtown Community Plan area and provide connections to surrounding communities and the region's transportation network.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem A: (R 2016 715)

Adoption of a Resolution certifying a Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan, Sch No. 2014121002 (Report);

Certifying that the Report has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project;

Adopting the Findings made with respect to the Project, pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, which are attached hereto as Exhibit A;

Adopting the Statement of Overriding Considerations with respect to the Project, pursuant to State CEQA Guidelines Section 15093, which are attached hereto as Exhibit A;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project, as required by this City Council in order to mitigate or avoid significant effects on the environment, pursuant to CEQA Section 21081.6, which is attached hereto as Exhibit B;

The Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the Office of the City Clerk, 202 C Street, San Diego, CA 92101;

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.

Subitem B: (R-2016-716)

Adoption of a Resolution adopting the Downtown San Diego Mobility Plan and Amendment to the Downtown Community Plan (DCP);

Adopting the Mobility Plan, on file in the Office of the City Clerk;

Adopting the DCP Amendment, on file in the Office of the City Clerk, except the provisions of the DCP Amendment inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Implementation of all recommended pedestrian, bicycle, vehicular, and parking improvements within the Mobility Plan would cost an estimated \$62.5 million. However, the improvements range from short-term (2-10 years) to long-term (10-30 years) projects and will be implemented as funding becomes available with consideration of other desired public improvements within the Downtown area.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

On April 27, 2016, the City of San Diego Smart Growth and Land Use Committee voted 3-0 (Chair Zapf, Committee members Gloria and Sherman) to recommend to the City Council approval of the Mobility Plan and amendments to the DCP.

Jarrett/Graham/br

Primary Contact\Phone: Brad Richter\619-533-7115

City Attorney Contact: Vonblum, Heidi

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT