

CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Sherrí Lightner • First District

COUNCIL PRESIDENT PRO TEM

Marti Emerald • Ninth District

COUNCILMEMBERS

Lorie Zapf • Second District

Todd Gloria • Third District

Myrtle Cole • Fourth District

Mark Kersey • Fifth District

Chris Cate • Sixth District

Scott Sherman • Seventh District

David Alvarez • Eighth District

**Andrea Tevlin
Independent
Budget Analyst**

**Jan Goldsmith
City Attorney**

**Liz Maland
City Clerk**

Council Chambers, 12th Floor, City Administration Building

Tuesday, July 19, 2016

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JULY 19, 2016, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

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

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

NOTE: The public portion of the meeting will begin at 8:30 a.m. for public comment on Closed Session items. The City Council will meet in Closed Session this morning from 8:30 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk. (Rev. 7/15/16)

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7564. Internet access to the agenda is available at:
<http://www.sdhc.org/Media-Center/SDHC-Meetings/Housing-Authority-Meetings/>

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:

05/23/2016

05/24/2016

ADOPTION AGENDA, CONSENT ITEMS

The Consent items listed 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

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

- * ITEM-50: Encanto Neighborhoods Community Plan Land Use and Zoning Map Corrections (Encanto Neighborhoods. Districts 4 and 9.)

ITEM DESCRIPTION:

The City Council unanimously adopted the update to the Encanto Neighborhoods Community Plan on November 16, 2015. Since that time, City staff have identified several zoning discrepancies and one land use discrepancy that requires City Council action to correct. This action is to fix those discrepancies identified.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 6/14/2016, Item 61, Subitems A, B, C, and D. (Council voted 8-0. Councilmember Sherman-not present):

Subitem-A: (O-2016-108)

Rezoning 19.38 acres located within the Encanto Neighborhoods Community Plan Area, in the City of San Diego, California, from the IP-3-1 Zone into the IL-3-1 Zone, and repealing Ordinance Nos. O-19599 and O-19593, adopted March 27, 2007, and Ordinance No. O-20580, adopted December 15, 2015, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-B: (O-2016-129)

Rezoning 1.3 acres located within the Encanto Neighborhoods Community Plan Area, in the City of San Diego, California, from the CN-1-3 Zone into the CN-1-4 Zone, and repealing Ordinance Nos. O-19599 and O-19593, adopted March 27, 2007, and Ordinance No. O-20580, adopted December 15, 2015, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-C: (O-2016-130)

Rezoning 4.4 acres located within the Encanto Neighborhoods Community Plan Area, in the City of San Diego, California, from the RM-2-5 Zone into the RM-3-7 Zone, and repealing Ordinance Nos. O-19599 and O-19593, adopted March 27, 2007, and Ordinance No. O-20580, adopted December 15, 2015, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-D: (O-2016-131)

Rezoning 3.4 acres located within the Encanto Neighborhoods Community Plan Area, in the City of San Diego, California, from the RM-3-7 Zone into the CC-3-6 Zone, and repealing Ordinance Nos. O-19599 and O-19593, adopted March 27, 2007, and Ordinance No. O-20580, adopted December 15, 2015, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:

- * ITEM-51: Reimbursement and Park Development Agreement with Sunroad Centrum Partners for Centrum Neighborhood Park Enhancements (Project No. RD-16005). (Kearny Mesa Community Area. District 6.)

ITEM DESCRIPTION:

Reimbursement and Park Development Agreement with Sunroad Centrum Partners for enhancements to Centrum Neighborhood Park (Project No. RD-16005). Waiver of Consultant Services Selection process under San Diego Municipal Code Section 22.3202, and Council Policies 300-07 and 100-10.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2016-162)

Introduction of an Ordinance authorizing the Mayor to execute, for an on behalf of the City, a Reimbursement and Park Development Agreement with Sunroad Centrum Partners, LP, for enhancements to Centrum Neighborhood Park and an associated Amendment to the Centrum Neighborhood Park General Development Plan, in the Kearny Mesa Community, under the terms and conditions set forth in this Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,000,000 from CIP No. RD-16005, Centrum Park Neighborhood Park Improvements, Fund No. 200636, Developer's Contribution Fund-CIP, for enhancements to Centrum Neighborhood Park and an associated Amendment to the Centrum Neighborhood Park General Development Plan, contingent upon the Chief Financial Officer furnishing one or more certificate(s) certifying that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

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

Declaring that San Diego Municipal Code Section 22.3202 and Council Policy 300-07, Council Policy 100-10, and Administrative Regulation 25.60, regarding consultant services selection, are hereby waived with respect with the following consultants: (1) Schmidt Design Group for landscape architecture.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This Reimbursement Agreement will allow Sunroad Centrum Partners to commence the design and construction of the park improvements totaling \$1,000,000 with reimbursement from the Developer Contribution Fund. Funds for the action are available in CIP RD-16005 Centrum Neighborhood Pk Improvements, Fund No. 200636 Developer Contribution. No General Fund appropriations are being requested with this action.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Infrastructure Committee meeting on June 30, 2016.

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

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

Murphy/Graham

Primary Contact\Phone: Nick Ferracone\619-525-8261, MS 413
Secondary Contact\Phone: Robin Shifflet\619-533-4524, MS 413
City Attorney Contact: Lintvedt, Inga B.

* ITEM-52: Request to exempt 1.0 Program Manager in the Economic Development Department from the Classified Service.

ITEM DESCRIPTION:

This action is to exempt 1.0 Program Manager position in the Economic Development Department from the Classified Service of the City of San Diego. Under the direction of the Economic Development Director, this position will be responsible for overseeing the newly created Community Investment Division's Successor Agency Section and providing leadership and coordination for the City's Successor Agency Recognized Obligations Payment Schedule implementation and all related duties.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2016-159)

Introduction of an Ordinance receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated June 8, 2016, which documents that, on June 2, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt one Program Manager position from the Classified Service. The Program Manager will oversee the newly created Community Investment Division's Successor Agency Section, and will be responsible for the assets, rights, and obligations previously assigned to the Redevelopment Agency under the California Community Redevelopment Law;

Declaring that pursuant to Charter Section 117(a)(17), with the Civil Service Commission's review and approval, the City Council exempts from the Classified Service and declares to be in the Unclassified Service of the City one Program Manager position, performing the duties set forth in the June 8, 2016, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council, and in this Ordinance.

STAFF SUPPORTING INFORMATION

FISCAL CONSIDERATIONS:

Successor Agency Program Manager is funded in the Fiscal Year 2017 Adopted Budget as a supplemental position.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Moreno/Graham

Primary Contact\Phone: Krissy Toft-Maier\619-236-6312, MS 56D
Secondary Contact\Phone: Lydia Moreno\619-236-6320, MS 56D
City Attorney Contact: Dawson, Joan F.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: As-Needed Architectural Services Agreement with Roesling Nakamura Terada Architects. (Citywide.)

ITEM DESCRIPTION:

Award a contract for As-Needed Architectural Services to Roesling Nakamura Terada Architects to provide architectural services for various Capital Improvement Projects. The Agreement is for an amount not to exceed \$3,000,000 and a maximum duration of five years.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-630 Cor. Copy) (Rev. 7/15/16)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an As-Needed Architectural Services Agreement with Roesling Nakamura Terada Architects, to provide professional 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 Architectural Services Agreement with Roesling Nakamura Terada Architects, 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 Roesling Nakamura Terada Architects. 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 June 30, 2016.

ACTION: Motion by Councilmember Emerald, second by Vice-Chair Cole, to recommend council adopt the resolutions and approve the agreement.

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

Gibson/Gomez

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

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

City Attorney Contact: Mercer, Mark M.

* ITEM-101: As-Needed Environmental Planning Consultant Support Services Agreement with HELIX Environmental Planning, Inc. (Citywide.)

ITEM DESCRIPTION:

Award a contract for As-Needed Environmental Planning Consultant Support Services to HELIX Environmental Planning, Inc., for a maximum contract amount not to exceed \$3,000,000 and a maximum duration of five years. This Agreement will provide professional environmental planning services to support the City of San Diego's Public Works Department - Engineering in support of Capital Improvement Program (CIP) and ancillary projects not covered under the CIP as part of the General or Special Funds.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-711)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with HELIX Environmental Planning, Inc., to provide As-Needed Environmental Planning Consultant Support 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 Environmental Planning Consultant Support Services Agreement with HELIX Environmental Planning, 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:

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(s) 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 June 30, 2016.

ACTION: Motion by Councilmember Emerald, second by Vice-Chair Cole, to recommend council adopt the resolutions and approve the agreement.

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

Gibson/Gomez

Primary Contact\Phone: Richard Leja\619-533-5112, MS 908A

Secondary Contact\Phone: Carrie Purcell, 619-533-5124 MS 908A

City Attorney Contact: Mercer, Mark M.

* ITEM-102: As-Needed Environmental Planning Consultant Support Services Agreement with RECON Environmental, Inc. (Citywide.)

ITEM DESCRIPTION:

Award a contract for As-Needed Environmental Planning Consultant Support Services to RECON Environmental, Inc., for a maximum contract amount not to exceed \$3,000,000 and a maximum duration of five years. This Agreement will provide professional environmental planning services to support the City of San Diego's Public Works Department - Engineering in support of Capital Improvement Program (CIP) and ancillary projects not covered under the CIP as part of the General or Special Funds.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-712)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with RECON Environmental, Inc., to provide As-Needed Environmental Planning Consultant Support 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 Environmental Planning Consultant Support Services Agreement with RECON Environmental 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:

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(s) 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 June 30, 2016.

ACTION: Motion by Councilmember Emerald, second by Vice-Chair Cole, to recommend council adopt the resolutions and approve the agreement.

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

Gibson/Gomez

Primary Contact\Phone: Richard Leja\619-533-5112, MS 908A

Secondary Contact\Phone: Carrie Purcell, 619-533-5124, MS 908A

City Attorney Contact: Mercer, Mark M.

- * ITEM-103: Amend the Ground Lease between City of San Diego and San Diego Community Land Trust concerning 3.3 acres of City-owned land south of Elrose Drive between Lauriston Drive and Paxton Drive in the Otay Mesa-Nestor Community of San Diego. (Otay Mesa-Nestor Community Areas. District 8.)

ITEM DESCRIPTION:

Authorize the Mayor, or his designee, to amend the Ground Lease between City and San Diego Community Land Trust, concerning the sale of 3.3 acres of City-owned land south of Elrose Drive, between Lauriston Drive and Paxton Drive, by revising the Quitclaim Deed set forth as Exhibit C to the Purchase and Sale Agreement which is Exhibit B to the ground lease: 1) Allow the removal of the restriction on the use of the "Uniform Community Land Trust Ground Lease Rider" (Rider), so that Land Trust will be allowed to use the Fannie Mae Form 2100 Rider, in the form that said Rider exists as of the date of the Resolution; 2) Allow the removal of the City's reversionary interests in the subject property; and 3) Allow the subject property to be encumbered or used to secure the payment of any lien or loan without the City's approval where San Diego Community Land Trust (SDCLT) uses the Community Land Trust Ground Lease and Rider.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-744)

Authorizing the Mayor, or his designee, to amend the ground lease between the City of San Diego and the San Diego Community Land Trust, concerning 3.3 acres of City-owned land south of Elrose Drive, between Lauriston Drive and Paxton Drive, by revising the conditions and restrictive covenants of the Quitclaim Deed which is set forth as Exhibit C to the Real Estate Purchase and Sale Agreement which is set forth as Exhibit B to the ground lease, to reflect the following: (1) allowing the removal of the restriction on the use of the "Uniform Community Land Trust Ground Lease Rider" (Rider), so that Land Trust will be allowed to use this specific Rider only, in the form that said Rider exists as of the date of this Resolution; (2) allowing the removal of the City's reversionary interests in the subject property; and (3) allowing the subject property to be encumbered or used to secure the payment of any lien or loan without the City's approval therefor.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

R-308556, date of Final Passage November 21, 2013, authorized Ground Lease Containing a Purchase Option.

Various Council actions and Resolutions were taken in 1985-1990 regarding City liabilities and acquisition of the property.

This item was approved at the Smart Growth and Land Use Committee meeting on June 29, 2016.

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

VOTE: 3-0; Zapf-yea, Gloria-yea, Sherman-yea, Alvarez-not present.

Thompson/Villa

Primary Contact\Phone: Mary Carlson\619-236-6079, MS 51A

Secondary Contact\Phone: Cybele Thompson\619-236-6145, MS 51A

City Attorney Contact: Bevier, Debra J.

- * ITEM-104: Purchase and Sale Agreements for the fee interest in properties with APN 591-241-14, and a portion of APN 591-241-02, and a slope easement of a portion of APN 591-241-02 in Bonita, California, for the Direct Transfer Facility Pump Station Project. (Unincorporated Community of Bonita, County of San Diego.)

ITEM DESCRIPTION:

Authorizing the acquisition of property rights in the unincorporated community of Bonita for the Direct Transfer Facility - Pump Station Project (Project). The property rights acquired will allow the Public Utilities Department to construct and maintain a direct transfer pump station to share locally produced ground water between the City of San Diego and the Sweetwater Authority.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2017-8)

Authorizing and directing the Mayor, or his designee, to execute and deliver the Purchase and Sale Agreement (Buck-Bauer Agreement), for the acquisition of the fee interest of the property with APN 591-241-14;

Authorizing and directing the Mayor, or his designee, to execute and deliver the Purchase and Sale Agreement (Stone-Lim Agreement), for the acquisition of the fee interest of a portion and a slope easement of a portion of the property with APN 591-241-02;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$255,000 from Capital Project A-BM.00001 (Groundwater Asset Development Program) for Funded Program B-15073 (Direct Transfer Facility Pump Station) from Fund 700010 (Water Utility CIP), for the necessary acquisition of real property located on APN 591-241-14 for the Project, contingent upon the adoption of the Fiscal Year 2017 Appropriation Ordinance and contingent upon the Chief Financial Officer furnishing a certificate 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 \$173,000 from Capital Project A-BM.00001 (Groundwater Asset Development Program) for Funded Program B-15073 (Direct Transfer Facility Pump Station) from Fund 700010 (Water Utility CIP), for the necessary acquisition of a portion of real property located on APN 591-241-02 for the Project, contingent upon the adoption of the Fiscal Year 2017 Appropriation Ordinance and contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Mayor, or his designee, to execute and deliver all such Agreements and all other instruments to effect and complete the transaction contemplated by this Resolution.

Subitem-B: (R-2017-9)

Certifying that the Declaration 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 Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, 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;

Declaring that the City Council finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted;

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, which is attached hereto as Exhibit A, pursuant to CEQA Section 21081.6;

Declaring that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Planning Department, 1010 Second Avenue, Suite 1200, East Tower, MS 413, San Diego, CA, 92101 or City Clerk, 202 C Street, San Diego, CA, 92101;

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The probable amount of compensation for the acquisition of required property interests in APN 591-241-14 and portions of APN 591-241-02 is \$428,000. The funds are available within the existing CIP Budget, specifically WBS No. B-15073, and will be sourced from Fund 700010 (Water Utility CIP). Allocated funding shall be used for the purposes of fee and easement acquisitions and related escrow closing costs.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Smart Growth and Land Use Committee meeting on June 29, 2016.

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

VOTE: 3-0; Zapf-yea, Gloria-yea, Sherman-yea, Alvarez- not present.

Thompson/Chadwick

Primary Contact\Phone: Barry Slotten\619-236-6724, MS 51A

Secondary Contact\Phone: April McCusker\619-236-6987

City Attorney Contact: Mendoza, Hilda R.

* ITEM-105: Approval of an Agreement for Legal Services with Haight Brown & Bonesteel LLP. (District 2.)

ITEM DESCRIPTION:

This item approves funds for the Agreement for Legal Services with Haight Brown & Bonesteel LLP, to provide representation and counseling in *Nehad, S.R., et al. v. Neal Browder*. City Council, upon consideration of the conflict of interest between the individual police officer defendant, Neal Browder, and the City relative to the motion to the U. S. District Court for the Southern District brought by Voice of San Diego, KPBS, KGTV 10 News, The San Diego Union-Tribune and inewsourc (collectively the media motion) authorized the retention of independent counsel for purposes related to the media motion and conflict of interest between the City and Neal Browder.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-757)

Approving the Agreement and authorizing and directing the Mayor, or his designee, to sign the Agreement for Legal Services with Haight Brown and Bonesteel LLP;

Authorizing the Chief Financial Officer to appropriate and expend an amount up to \$20,000 from the Public Liability Fund, Fund 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Funds will be paid from the Public Liability Fund 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On September 14, 2015, the City Council under Government Code Section 995, approved and ratified the retention of outside counsel for the limited purpose of representing police officer Neal N. Browder in opposing a motion to release evidence in the civil action entitled *Nehad, S.R., et al. v. Neal N. Browder, et al.*, United States District Court Case No. 15cv1386 WQH (NLS).

Bamberg/Riley

Primary Contact\Phone: John Riley\619-236-7263

Secondary Contact\Phone: Anna Lonergan\619-533-5838

City Attorney Contact: Riley, John

- * ITEM-106: State Victim Compensation and Government Claims Board Grant to fund the Criminal Restitution Compact Restitution Specialist position in the Office of the City Attorney, Criminal Division.

ITEM DESCRIPTION:

This action is to authorize the Office of the City Attorney to apply for, accept, and take all necessary actions to secure funding of a grant in an amount not to exceed \$78,586 from the State Victim Compensation and Government Claims Board, to fund the Criminal Restitution Compact Restitution Specialist position in the Office of the City Attorney, Criminal Division, for the period of July 1, 2016, through June 30, 2017.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-7)

Authorizing the Office of the City Attorney to apply for, and take all necessary actions to secure funding of a grant in an amount not to exceed \$78,586 per year for three fiscal years (from July 1, 2016, through June 30, 2019), from the State Victim Compensation and Government Claims Board, to fund the Criminal Restitution Compact Restitution Specialist position in the Office of the City Attorney, Criminal Division, on the terms and conditions outlined in Standard Agreement Number VCGC6077, a copy of which is on file with the City Clerk's Office as Document No. RR-6077;

Authorizing the City Attorney to submit all documents, negotiate and execute all agreements necessary, including any amendments, to comply with the grant requirements, and carry out and administer all obligations, responsibilities and duties under the grant;

Authorizing the Chief Financial Officer to accept, appropriate, and expend up to \$78,586 per year in grant funds from the State Victim Compensation and Government Claims Board, for the purpose of funding the Criminal Restitution Compact Restitution Specialist position in the Office of the City Attorney, Criminal Division, for a three-year period, from July 1, 2016, through June 30, 2019, contingent upon a fully executed Grant Agreement, and provided that the Chief Financial Officer first furnish one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to establish a special interest-bearing fund for the grant money.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This grant will fund a Criminal Restitution Compact Restitution Specialist position in the Office of the City Attorney, Criminal Division, for a one-year period, from July 1, 2016, through June 30, 2017, in an amount not to exceed \$78,586. Future grants, if awarded, would continue to fund the work on this program on an annual basis.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Nuesca

Primary Contact\Phone: Gina Coburn\619-533-6181

Secondary Contact\Phone: Tanya Tomlinson\619-533-5811

City Attorney Contact: Morrison, Catherine C.

* ITEM-107: Office of Traffic Safety Selective Traffic Enforcement Program (STEP) Grant.

ITEM DESCRIPTION:

This action is to authorize the Police Department to apply, accept, secure funding, appropriate and expend Grant Funds from the Office of Traffic Safety Selective Traffic Enforcement Program (STEP) to fund DUI enforcement related activities from Fiscal Year 2017, to the end of Federal Fiscal Year 2020.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-759)

Authorizing the Mayor, or his representative, for and on behalf of the City, to expend \$1,000,000 in Grant Funds from the Office of Traffic Safety Selective Traffic Enforcement Program (STEP) Grant that was originally applied for and accepted under the authority of Resolution (R-307632);

Authorizing the Mayor, or his representative, to accept, appropriate, and expend an additional \$1,386,014 in STEP Grant Funds if the grant funding is secured;

Authorizing the Mayor, or his representative, for and behalf of the City, to apply for and to take all necessary actions to secure funding from STEP Grants, including any amendments, extensions, or renewals of the grants for a period of up to five years, provided funding is secured and made available;

Authorizing the Chief Financial Officer to establish a special interest-bearing fund for the grants, if required;

Authorizing the Chief of Police, or designee, to administer and operate the STEP Grants.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

All expenses resulting from this action are Grant Funded. There is no requirement for matching funds, and no requirement for continued expenditures or services once grant funding is terminated or depleted.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Resolution R-307632 was adopted on August 13, 2012, which authorized the Mayor to apply for, accept, appropriate, and expend DUI Enforcement and Awareness Program Grant Funds, including any amendments, extensions, renewals, or subsequent funding; and authorized the Chief Financial Officer to accept, appropriate, and expend DUI Enforcement and Awareness Program Grant Funds, including any amendments, extensions, renewals, or subsequent funding.

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on June 15, 2016.

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

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

Ramirez/Chadwick

Primary Contact\Phone: Lt. Scott Bender\858-495-7825
Secondary Contact\Phone: Jose Luis Romo\619-531-2739
City Attorney Contact: Folkman, Paige E.

* ITEM-108: Settlement of personal injury claims of Jose Rios and Elba Rios, Risk Management File No. 8034.

ITEM DESCRIPTION:

This is a complaint for personal injuries suffered by Plaintiffs as the result of arrest and use of force. The proposed settlement would resolve all claims brought by Jose Rios and Elba Rios.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-1)

Authorizing the Mayor, or his designee, to pay the sum of \$75,000 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 claim of *Jose Rios and Elba Rios v. City of San Diego, et al.*, United States District Court for the Southern District of California Case No. 13cv3004 JLS (DHB);

Authorizing the Chief Financial Officer to appropriate and expend \$75,000 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 one check, in the amount of \$75,000, made payable to Michael R. Marrinan, Attorney, Client Trust Account.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$75,000 will be paid from the Public Liability Fund, Fund No. 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was approved in Closed Session on June 21, 2016.

Nuesca/Bamberg

Primary\City Attorney Contact\Phone: John Riley\619-236-7263

Secondary Contact\Phone: Anna Lonergan\619-533-5838

* ITEM-109: Settlement of personal injury claims of Garrett Slavin and Pamela Slavin, Risk Management File No. 8910.

ITEM DESCRIPTION:

This is a complaint for personal injuries suffered by Garrett Slavin and Pamela Slavin the result of an alleged dangerous condition of public property. The proposed settlement would resolve all claims brought by Garrett Slavin and Pamela Slavin.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-670)

Authorizing the Mayor, or his designee, to pay the sum of \$375,000 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 claim of Garrett Slavin and Pamela Slavin, San Diego Superior Court Case No. 37-2014-000028796-CU-PO-CTL;

Authorizing the Chief Financial Officer to appropriate and expend \$375,000 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 \$375,000, made payable to Simpson Law Group CTA ITF Garrett and Pamela Slavin.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$375,000 will be paid from the Public Liability Fund No. 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

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

Bamberg/Riley

Primary\City Attorney Contact\Phone: Bonny Hsu\619-533-6371

* ITEM-110: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2016-467)

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: 20th Anniversary of the Japan Society of San Diego and Tijuana.

PRESENTED BY COUNCILMEMBER CATE:

Proclaiming July 19, 2016, to be the "20th Anniversary of the Japan Society of San Diego and Tijuana" in the City of San Diego.

ITEM-31: San Diego Family Care Day.

PRESENTED BY COUNCILMEMBER SHERMAN:

Proclaiming July 19, 2016, to be "San Diego Family Care Day" in the City of San Diego.

ITEM-32: Girls Club/Junior Jets Day.

PRESENTED BY COUNCILMEMBER ALVAREZ:

Proclaiming July 19, 2016, to be "Girls Club/Junior Jets Day" in the City of San Diego.

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
ORDINANCES TO BE INTRODUCED:

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

ITEM-330: Revision of Language in the San Diego Municipal Code (SDMC) in Chapter 2, Article 2, Division 8: Debarment. (Citywide.)

ITEM DESCRIPTION:

This action would allow for revisions in Chapter 2, Article 2, Division 8, of the San Diego Municipal Code (SDMC) regarding debarment. The proposed revisions address performance evaluations, clarify the suspension and debarment process, and require an appeal of a permanent debarment determination before an independent hearing officer instead of the City Council.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-5 Cor. Copy 2) (Rev. 7/15/16)

Introduction of an Ordinance amending Chapter 2, Article 2, Division 8, of the San Diego Municipal Code by retitling and amending Section 22.0801; by amending Sections 22.0802 and 22.0803; by retitling and amending Sections 22.0804, 22.0805, and 22.0806; by amending Section 22.0807; by retitling and amending Sections 22.0808 and 22.0809; by retitling and amending Sections 22.0810, 22.0811, 22.0812, 22.0813, and 22.0814; by adding new Sections 22.0815, 22.0816, 22.0817, 22.0818, and 22.0819; by retitling and amending Section 22.0820; and by deleting Sections 22.0821, 22.0822, 22.0823, 22.0824, 22.0825, and 22.0826, all relating to debarment.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTIONS:

On February 24, 2016, the Infrastructure Committee recommended that the Office of the City Attorney work with the Director of Public Works to revise the San Diego Municipal Code language regarding debarment following a staff presentation.

Peralta/Villa

Primary Contact\Phone: Matthew Helm\619-236-6104, MS 56P

Secondary Contact\Phone: Kristina Peralta\619-236-6214, MS 56P

City Attorney Contact: Elliott, Mara W.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

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

ITEM-331: Fiscal Year 2016 Mira Mesa Public Facilities Financing Plan Update. (Mira Mesa Community Plan Area. District 6.)

NOTE: First heard at the meeting of June 21, 2016, Item 334.

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-2016-697)

Adoption of a Resolution approving the Development Impact Fee (DIF) schedule for properties within Mira Mesa;

That the assessment fee schedule contained in the Financing Plan is the appropriate and applicable DIF schedule for all development within the Mira Mesa area that has either never been assessed under the Financing Plan or has not otherwise agreed to the payment of Facilities Benefit Assessment fees as prescribed by the City Council;

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

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

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 Mira Mesa Development Impact Fee.

Subitem-B: (R-2016-698)

Adoption of a Resolution declaring that the foregoing recitals are true and correct and incorporated fully herein by this reference.;

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 the facilities benefit assessment fees;

The designation of the area of benefit as identified in the Financing Plan is ordered;

The establishment of the facilities benefit assessment against each parcel within the area of benefit as identified in the Financing Plan is ordered and is effective sixty days from the date of final passage of this Resolution;

Authorizing and directing the Mayor to prepare a map of the boundaries of the area of benefit based on this Resolution and to file the map with the City Clerk in accordance with the provisions of San Diego Municipal Code Section 61.2209(a);

Authorizing and directing the City Clerk to record the map of the boundaries of the area of benefit in the Office of the County Recorder of the County of San Diego in accordance with the provisions of San Diego Municipal Code Section 61.2209(a);

Authorizing and directing the City Clerk to execute and record a Notice of Assessment in the Office of the County Recorder of the County of San Diego in accordance with the provisions of San Diego Municipal Code Section 61.2209(b);

Authorizing and directing the Chief Financial Officer to transfer, appropriate, and expend the subject facilities benefit assessment funds as necessary to ensure timely payment of all Mira Mesa public facilities projects identified in the Financing Plan.

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.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

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

* ITEM-332: Single-Use Carryout Bag Reduction Ordinance.

ITEM DESCRIPTION:

Request certification of the Environmental Impact Report for Project No. 412659 (City of San Diego Single-Use Carryout Bag Reduction Ordinance), adoption of Findings, a Statement of Overriding Considerations, and a Mitigation, Monitoring and Reporting Program for the Single-Use Carryout Bag Reduction Ordinance; and adoption of the Single-Use Carryout Bag Reduction Ordinance to restrict the distribution of plastic and paper single-use carryout bags, and promote the use of reusable bags.

STAFF'S RECOMMENDATION:

Introduce the ordinance; and adopt the resolution:

Subitem-A: (O-2016-64)

Introduction of an Ordinance amending Chapter 6, Article 6, of the San Diego Municipal Code by adding new Division 8, Sections 66.0801, 66.0802, 66.0803, 66.0804, 66.0805, 66.0806, 66.0807, 66.0808, 66.0809, and 66.0810 relating to reducing the use of plastic and paper single-use carryout bags and promoting the use of recyclable and reusable carryout bags.

Subitem-B: (R-2016-774)

Certifying that the Final Environmental Impact Report (FEIR) 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 FEIR reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said FEIR, together with any comments received during the public review process, has been reviewed and considered by the City Council of the City of San Diego in connection with the approval of the Project;

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

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

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

Declaring that the FEIR 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.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City staff sought feedback for a draft single-use carryout bag reduction ordinance at the September 11, 2013, Rules and Economic Development Committee meeting.

At the October 23, 2013, Rules and Economic Development Committee meeting, staff was directed to conduct an environmental review, take the draft ordinance to the full City Council, and include language recommended by the Equinox Center regarding a minimum recycled content requirement for reusable bags made from polyethylene, and to encourage bag give-away events and outreach programs to offer/recommend reusable bags of the same variety. The recommendation from the Equinox Center was incorporated into the drafted ordinance as well as detailed in the Report to Council.

ACTION: Motion by Councilmember Alvarez, second by Chair Lightner, to approve staff's recommendation, as follows: That the Environmental Services Department continue to work with the City Attorney's Office to refine the draft ordinance, prepare the appropriate environmental document, and present the ordinance for action to the full City Council. Additionally, that Equinox Center's *Recommendation #3* be incorporated into staff's proposal. The recommendation states: "Require that the reusable bag type, if made of polyethylene, be made of at least 20 percent post-consumer recycled material, and encourage bag give-away events and outreach programs to offer/recommend reusable bags of the same variety."

VOTE: 5-0; Lightner-yea, Faulconer-yea, Kersey-yea, Alvarez-yea, Emerald-yea.

Sierra/Gomez

Primary Contact\Phone: Angela Colton\858-573-1287, MS 1103B

Secondary Contact\Phone: Ken Prue\858-492-5085, MS 1103B

City Attorney Contact: Guy, Amanda L.

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-333: Preliminary Bond Authorization for Park & Market and Tax Equity & Fiscal Responsibility Act Public Hearing. (District 3.)

ITEM DESCRIPTION:

Take the initial steps to issue Housing Authority of the City of San Diego (Authority) tax-exempt Multifamily Housing Revenue Bonds, which are administered by the State, to facilitate the development of Park & Market, a 427-unit mixed-use development, located in the East Village Neighborhood of Downtown San Diego, which will include 86 units that will remain affordable for 55 years. That the San Diego City Council (City Council) hold a Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing and adopt a resolution approving the issuance of Multifamily Housing Revenue Bonds in an amount up to \$225,000,000 for Park & Market, a 427-unit mixed-use development.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-2)

Declaring the City Council of the City of San Diego, as the applicable elected representative under Section 147(f) of the Code, approves the issuance of the Bonds by the Housing Authority of the City of San Diego (Authority);

Declaring that the City does not warrant the creditworthiness of the Bonds or guarantee, in any way, the payment of the Bonds. No moneys of the City will be pledged or applied to the repayment of the Bonds;

Declaring that this activity is not a "Project" under and is therefore not subject to, the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15060(c)(3). This determination is predicated on Section 15004 of the CEQA Guidelines, which provides direction to lead agencies on the appropriate timing for environmental review.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The proposed funding sources and uses approved by this action are included in the Housing Authority of the City of San Diego (Housing Authority)-approved Fiscal Year (FY) 2017 San Diego Housing Commission (Housing Commission) Budget. Approving this action will not change the FY 2017 Total Budget.

Funding sources approved by this action will be as follows:

Bond Issuance Fees - \$270,265

Funding uses approved by this action will be as follows:

Rental Housing Finance Program Administration Costs - \$270,265

Approval of the bond inducement and Tax Equity and Fiscal Responsibility Act (TEFRA) resolutions does not commit the Housing Authority to issue the bonds. The bonds would not constitute a debt of the City. If bonds are ultimately issued for the development, the bonds will not financially obligate the City, the Housing Authority or the Housing Commission because security for the repayment of the bonds will be limited to specific private revenue sources of the development. Neither the faith and credit nor the taxing power of the City or the Housing Authority would be pledged to the payment of the bonds. The developer is responsible for the payment of all costs under the financing, including the Housing Commission annual administrative fee, as well as Housing Commission Bond Council and Financial Advisor fees.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Davis/Graham

Primary Contact\Phone: Ted Miyahara\619-578-7550

City Attorney Contact: Bartolotta, Bret A.

NOTE: See the Housing Authority Agenda of July 19, 2016, for a companion item.

NOTE: This is a TEFRA public hearing.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

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

ITEM-334: 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.)

(Continued from the meeting of June 21, 2016, Item No. 335, at the request of Council President Lightner, for further review.)

NOTE: Hearing open. No testimony taken.

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-335: Fiscal Year 2017 Annual Levy and Annual Update of Assessment Engineer's Reports for Economic Development Maintenance Assessment Districts. (Barrio Logan, Downtown/Centre City, College Area, City Heights, North Park, Ocean Beach, Southeastern and Uptown Community Plan Areas. Districts 2, 3, 8, and 9.)

NOTE: First heard at the meeting of June 28, 2016, Item 340.

ITEM DESCRIPTION:

As required by state and local law, this City Council item is to authorize actions needed for the operation of the Maintenance Assessment Districts managed by the Economic Development Department. The specific actions include: authorize levy and collection of assessments for Fiscal Year 2017, approve annual update to property owner-approved Assessment Engineer's Report for each district, authorize the appropriation and expenditure of district funds, including administrative fund, district operating funds, district capital funds, and developer deposit funds associated with new assessment district formations. A related item was heard as Item 340 at the meeting of June 28, 2016.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-727)

Adoption of a Resolution authorizing the continued levy of assessments in each District for the life of the District;

Authorizing the collection of assessments on parcels within the District for Fiscal Year 2017 to pay a prescribed portion of the costs of improvements and/or activities as described in each updated Engineer's Report;

Approving the updated Fiscal Year 2017 Engineer's Report for each District, and the diagrams located therein, as filed;

Authorizing the Chief Financial Officer to appropriate, transfer, and expend District funds, including the management fund, district operating funds, district capital funds, and developer deposit funds associated with new District formation activities for Fiscal Year 2017, contingent upon approval of the Fiscal Year 2017 Appropriation Ordinance, and contingent upon the City Comptroller certifying that the funds necessary for expenditure are or will be available.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The Proposed Fiscal Year 2017 Assessment for all 8 Economic Development MADs totals \$2,297,968. The Proposed Fiscal Year 2017 Budget includes estimated city contributions of \$12,366 from the Gas Tax Fund (Medians). The Proposed Fiscal Year 2017 Budget also contains funding for assessments on City parcels (budgeted in Citywide Program Expenditures) in the amount of \$77,144.60. The City will receive a flat rate of \$3,500 per district for a total of \$28,000 from the MAD districts for administrative costs.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The City Council approved the Fiscal Year 2016 Assessment Engineer's Reports and annual levy and collection of assessments for all existing Economic Development MADs on July 21, 2015 (Resolution R-309868). Budgets for each MAD were presented as part of the Mayor's Fiscal Year 2017 Proposed Annual Budget for next fiscal year.

Caldwell/Graham/es

Primary Contact\Phone: Elizabeth Studebaker\619-533-4561, MS 56D

Secondary Contact\Phone: Luis Ojeda\619-236-6475, MS 56D

City Attorney Contact: Skogen, Daphne

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

ITEM-336: Fiscal Year 2017 Annual Levy and Annual Update of Assessment Engineer's Reports for Park and Recreation Department Maintenance Assessment Districts (MADs). (Citywide.)

NOTE: First heard at the meeting of June 28, 2016, Item 339.

ITEM DESCRIPTION:

Authorize actions needed for the operation of the Park and Recreation Department-managed Maintenance Assessment Districts (MADs). Specific actions include: authorize levy and collection of assessments for Fiscal Year 2017, approve annual update to property owner-approved Assessment Engineer's Report for each district, authorize the appropriation and expenditure of district funds, including administrative fund, district operating funds, district capital funds, and developer deposit funds associated with new assessment district formations.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-724)

Adoption of a Resolution authorizing the continued levy of assessments in each District for the life of the District;

Authorizing the collection of assessments on parcels within the District for Fiscal Year 2017 to pay a prescribed portion of the costs of improvements and/or activities as described in each updated Engineer's Report;

Approving the updated Fiscal Year 2017 Engineer's Report for each District, and the diagrams located therein, as filed;

Authorizing the Chief Financial Officer to appropriate, transfer, and expend District funds, including the management fund, district operating funds, district capital funds, and developer deposit funds associated with new District formation activities for Fiscal Year 2017, contingent upon approval of the Fiscal Year 2017 Appropriation Ordinance, and contingent upon the City Comptroller certifying that the funds necessary for expenditure are or will be available.

STAFF SUPPORTING INFORMATION:**FISCAL CONSIDERATIONS:**

The Proposed Fiscal Year 2017 Assessment for all 55 Park and Recreation MADs totals \$13,924,946. The Proposed Fiscal Year 2017 Budget includes City Contributions to MADs for the General Benefit: Environmental Growth Fund for open space maintenance: \$261,869; Gas Tax Fund for street median maintenance: \$1,214,719; General Fund for park maintenance: \$873,858; General Fund for library grounds maintenance: \$27,461; and General Fund for fire station grounds maintenance: \$15,424. The Proposed Fiscal Year 2017 Budget also contains funding for assessments on City parcels (budgeted in Citywide Program Expenditures) in the amount of \$172,976.24. In addition, there is an estimated General Fund impact of approximately \$928,635 for External General Benefits as a result of the ongoing MAD general benefit study as necessitated by the City's efforts to improve all MADs to meet the requirements of the Golden Hill MAD lawsuit and to help improve the City's position with ongoing litigation.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The City Council approved the current Fiscal Year 2016 Assessment Engineer's Reports and annual levy of assessments for all existing Park and Recreation MADs on in July 21, 2015. Budgets for each MAD were presented as part of the Mayor's Fiscal Year 2017 Proposed Annual Budget for next fiscal year.

Parker\Graham\ps

Primary Contact\Phone: Paul Sirois\619-685-1307, MS 5D
Secondary Contact\Phone: Chris Zirkle\619-685-1323, MS 5D
City Attorney Contact: Skogen, Daphne Z.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT