

CITY OF SAN DIEGO COUNCIL DOCKET



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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, September 27, 2016

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, SEPTEMBER 27, 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 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:

08/01/2016

08/02/2016

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 TO BE INTRODUCED:

* ITEM-50: Proposed Amendment to the Municipal Code for Maintenance Assessment Districts. (Citywide.)

ITEM DESCRIPTION:

Amend the Municipal Code Sections 65.0206(e), 65.0217(c) and 65.0221(c), and remove reference of "property" and replace with "parcels".

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-43)

Introduction of an Ordinance Amending Chapter 6, Article 5, Division 2, of the San Diego Municipal Code by Amending Sections 65.0206, 65.0217, and 65.0221, all related to Maintenance Assessment Districts.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City Council meetings on April 25, 2016, and May 24, 2016.

Caldwell/Graham

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

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

City Attorney Contact: Wander, Adam R.

ADOPTION AGENDA, CONSENT ITEMS

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

* ITEM-51: Southern California Coastal Water Research Project Authority - Ninth Amendment of the Joint Powers Agreement. (Citywide.)

ITEM DESCRIPTION:

This action is requesting approval of the Ninth Amendment of the Joint Powers Agreement (JPA) for the Southern California Coastal Water Research Project (SCCWRP) Authority. The Agreement requires the City of San Diego to assist in funding this JPA as follows: \$425,000 in FY 2018; \$450,000 in FY 2019; \$475,000 in FY 2020; and \$500,000 in FY 2021; for a total of \$1,850,000.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/13/2016, Item 50. (Council voted 9-0):

(O-2016-158 Cor. Copy)

Authorizing the Mayor, or his designee, for and on behalf of the City, the Ninth Amendment to the Agreement for the purpose of completing the Joint Powers Agreement (JPA) for another four years under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this Project and Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,850,000 from the Metro Sewer Utility Fund 700001, for the purpose of funding this Agreement as follows \$425,000 in FY 2018; \$450,000 in FY 2019; \$475,000 in FY 2020; and \$500,000 in FY 2021, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year and contingent upon the City Comptroller furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

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

- * ITEM-52: First Amendment to Agreement with Infrastructure Engineering Corporation and Contract Extension for the Design of the La Jolla View Reservoir Project (S-15027). (La Jolla Community Area. District 1.)

ITEM DESCRIPTION:

This action is for the approval of a First Amendment to Agreement with Infrastructure Engineering Corporation in the amount of \$294,395 and to extend the existing contract for the La Jolla View Reservoir Project. The Amendment will provide additional design services needed in support of California Environmental Quality Act (CEQA)-Plus environmental review to pursue State Revolving Fund funding.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/13/2016, Item 51. (Council voted 9-0):

(O-2017-14 Cor. Copy)

Authorizing the Mayor, or his designee, to execute a First Amendment to the Agreement with Infrastructure Engineering Corporation for additional design services in CIP S-15027, La Jolla View Reservoir, in an amount not to exceed \$294,395, under the terms and conditions set forth in the First Amendment;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$294,395 from CIP S-15027, La Jolla View Reservoir, Fund 700010, Water Utility CIP, for the purpose of executing this Amendment to the Agreement;

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

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

- * ITEM-53: Second Amendment to the Consultant Agreement with HNTB Corporation for Brown Field Airport (SDM) Runway 8L/26R Rehabilitation Project, Phase II. (Otay Mesa Community Area. (District 8.)

ITEM DESCRIPTION:

This action is to approve the Second Amendment to Consultant Agreement with HNTB Corporation for the design services and construction support for Brown Field Airport (SDM) Runway 8L/26R Rehabilitation Project, Phase II. This Amendment will add funds to cover design and construction support of Phase II and will extend the Agreement an additional five years.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/13/2016, Item 52. (Council voted 9-0):

(O-2017-3 Cor. Copy)

Authorizing the Mayor, or his designee, to execute the Second Amendment to the Agreement with HNTB Corporation for additional professional design services for rehabilitation of the Project in an additional amount not to exceed \$365,415 for a total Contract amount of \$1,037,410, under the terms and conditions set forth in the Second Amendment to the Agreement, provided that the City Auditor and City Comptroller first furnish a certificate certifying that the 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 \$365,415 from A-AA.00002, Brown Field (B-16150, Brown Field Airport Runway 8L/26R Rehabilitation project), Phase 2, within Fund No. 700028, Brown Field Special for the purpose of executing this Amendment to Agreement.

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

- * ITEM-54: Agreement with KEH & Associates, Inc., for professional engineering services for the design and construction support of Alvarado Trunk Sewer Phase IV Project. (Navajo and College Community Areas. Districts 7 and 9.)

ITEM DESCRIPTION:

Council authorization is requested to award a consulting contract to KEH & Associates, Inc., for professional engineering services for the design, construction support, and post-construction support (As-Builts) for Alvarado Trunk Sewer Phase IV Project for an anticipated contract duration of 77 months (approximately 6 ½ years). The project for which this design contract would support is located in the Navajo and College community areas. It includes the upsizing of approximately 16,499 linear feet of mostly Vitrified Clay (VC) sewer mains and the abandonment of approximately 3,244 linear feet of mostly VC sewer mains. This action only approves the design and engineering support services for the project.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/13/2016, Item 60, Subitem A. (Council voted 9-0):

(O-2017-27)

Authorizing the Mayor, or his designee, to execute a phase-funded Agreement with KEH & Associates, Inc., for professional engineering services for the design and construction support in CIP S-15019, Alvarado Trunk Sewer Phase IV in an amount not to exceed \$4,019,358, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend, under established Contract funding phases in an amount not to exceed \$2,000,000 for Phase A (Fiscal Year 2017) and \$2,019,358 for all subsequent phases from CIP S-15019, Alvarado Trunk Sewer Phase IV, Fund 700008, Muni Sewer CIP for the purpose of executing this Agreement, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasury;

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

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

- * ITEM-55: Amendment to Settlement Agreement between COSD and Sweetwater Authority, SDSC Case No. 37-2010-00088653-CU-TT-CTL and 37-2010-00105688-CU-TT-CTL.

ITEM DESCRIPTION:

Amendment to the Settlement Agreement between City of San Diego (COSD) and Sweetwater Authority, SDSC Case No. 37-2010-00088653-CU-TT-CTL and 37-2010-00105688-CU-TT-CTL.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/13/2016, Item S500. (Council voted 9-0):

(O-2017-7 Cor. Copy)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, Revision 1 to the Settlement Agreement with Sweetwater Authority regarding Case No. 37-2010-00088653-CU-TT-CTL (consolidated w/Case No. 37-2010-00105688-CU-TT-CTL), as set forth in the Settlement Agreement;

Authorizing the Chief Financial Officer to expend an additional amount not to exceed \$2.8 million from Water Fund 700011, to provide funds for Project participation related costs as set forth therein, provided that the Chief Financial Officer first furnishes one or more certificates demonstrating that the funds are, or will be, on deposit with the City Treasurer;

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

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

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: Frank Pitarro Day.

PRESENTED BY MAYOR FAULCONER, COUNCIL PRESIDENT LIGHTER AND COUNCIL PRESIDENT PRO TEM EMERALD:

Proclaiming September 27, 2016, to be "Frank Pitarro Day" in the City of San Diego.

ITEM-31: Words Alive Day.

PRESENTED BY COUNCILMEMBER ZAPF:

Proclaiming September 27, 2016, to be "Words Alive Day" in the City of San Diego.

ITEM-32: Childhood Cancer Awareness Month.

PRESENTED BY COUNCILMEMBER KERSEY AND COUNCILMEMBER SHERMAN:

Proclaiming September 2016, to be "Childhood Cancer Awareness Month" in the City of San Diego.

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

ITEM-33: Manufacturing (MFG) Day.

MAYOR FAULCONER'S, COUNCIL PRESIDENT LIGHTNER'S AND COUNCILMEMBER COLE'S RECOMMENDATION:

Proclaiming October 7, 2016, to be "Manufacturing (MFG) Day" in the City of San Diego.

ITEM-34: Sydney Stewart Day.

COUNCILMEMBER COLE'S RECOMMENDATION:

Proclaiming September 21, 2016, to be "Sydney Stewart 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

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

ITEM-330: Audit of the City's Implementation of San Diego County Grand Jury
Recommendations Related to Property and Evidence Management. (Citywide.)

CITY AUDITOR'S RECOMMENDATION:

Receive the City Auditor's Audit of the City's Implementation of San Diego County
Grand Jury Recommendations Related to Property and Evidence Management.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The report was presented at the Audit Committee meeting on July 27, 2016.

ACTION: Motion by Committee Member Hebrank, second by Committee Member Valdivia, to
accept the report and forward to Council.

VOTE: 4-0; **YEA:** Sherman-yea, Zapf-yea, Hebrank-yea, Valdivia-yea, Spencer-not present.

No changes have been made to the report since it was presented to the Committee.

Luna

Primary Contact\Phone: Kyle Elser\619-533-3007

Secondary Contact\Phone: Nick Ketter\619-533-3014

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

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

ITEM-331: Proposed updates to Election Campaign Control Ordinance.

ITEM DESCRIPTION:

Amend provisions in the Election Campaign Control Ordinance concerning the extension of vendor credit, deposit of contributions, reporting contributors, pre-election fundraising time period, reimbursement notice, and third pre-election filing for independent committees.

ETHICS COMMISSION'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-36)

Introduction of an Ordinance Amending Chapter 2, Article 7, Division 29, of the San Diego Municipal Code by Amending Sections 27.2916, 27.2930, 27.2938 and 27.2939; by Repealing Section 27.2945; and by Amending Sections 27.2960, 27.2970, 27.2974 and 27.2975, all relating to the City of San Diego Election Campaign Control Ordinance.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Rules Committee approval on August 3, 2016.

ACTION: Motion by Councilmember Cate, second by Councilmember Cole, to move staff recommendation to the full Council. Chair Lightner noted her concerns about the proposed revisions to Section 27.2938, "Restrictions on Time Period Contributions" which recommends moving the date from the prior twelve months to "January 1 of the odd-numbered year immediately preceding the primary election for the office sought."

VOTE: 5-0; Lightner-yea, Emerald-yea, Cole-yea, Kersey-yea, Cate-yea.

Fulhorst

Primary Contact\Phone: Stacey Fulhorst\619-533-3477, MS 615E
Secondary Contact\Phone: Stephen Ross\619-533-3494, MS 615E
City Attorney Contact: Spivak, Sharon B.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

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

ITEM-332: City of San Diego Affordable Housing Fund Fiscal Year 2016 Annual Report.
(Citywide.)

ITEM DESCRIPTION:

The City of San Diego Affordable Housing Fund Fiscal Year (FY) 2016 Annual Report (Attachment 1) covers the period of July 1, 2015, through June 30, 2016, which reflects the Fiscal Year of the City of San Diego and the San Diego Housing Commission. It is issued following closeout of the Fiscal Year and includes unaudited data.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Informational item only. No action necessary.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Davis/Graham

Primary Contact\Phone: Ann Kern\619-578-7550

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: Hilltop and Euclid - Exclusive Negotiation Agreement with Affirmed Housing Group. (Encanto Neighborhoods. District 4.)

ITEM DESCRIPTION

Exclusive Negotiation Agreement with Affirmed Housing Group for the Hilltop and Euclid Site.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-22)

Approving the Exclusive Negotiation Agreement with Affirmed Housing Group for a proposed Mixed-Use Project at Hilltop Drive and Euclid Avenue;

Authorizing the Mayor, or designee, to execute the Agreement and sign all documents necessary and appropriate to carry out and implement the Agreement;

Authorizing the Chief Financial Officer, as delegated, to accept the Developer's Good Faith Deposit under the Agreement in the amount of \$50,000, and the Developer's Negotiation Payment under the Agreement in the amount of \$50,000, and to appropriate and expend such funds as contemplated under the Agreement.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None with this action. The proposed Exclusive Negotiation Agreement (ENA) requires that Affirmed Housing Group (Affirmed) submit a \$50,000 good faith deposit to CivicSD/City that would be returned upon termination of the ENA if Affirmed has negotiated diligently and in good faith. It also requires that Affirmed submit a non-refundable, \$50,000 negotiation deposit related to negotiating and preparing the proposed Development and Disposition Agreement (DDA). Interest accrued from both deposits would be retained by the City. In accordance with the terms of the ENA, the purchase price and other terms of payment payable to the City will be negotiated as part of the DDA.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Jarrett/Graham

Primary Contact\Phone: Sherry Brooks\619-533-7190

City Attorney Contact: Slegers, Nathan

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: La Jolla Maintenance Assessment District Formation. (La Jolla Community Plan Area. District 1.)

ITEM DESCRIPTION:

This City Council action is to start the process to form the La Jolla Maintenance Assessment District (MAD). This new district would be located within the La Jolla Community. The La Jolla MAD will provide funding for ongoing maintenance, operation and servicing of landscaping, sidewalk and gutters, trash removal, graffiti abatement and other improvements or appurtenant facilities located within the public rights-of-ways and dedicated easements located within the District.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-100)

Adoption of a Resolution approving the District Management Plan and Assessment Engineer's Report and declaring its intention to form the La Jolla Maintenance Assessment District and to levy and collect annual assessments within the district for the life of the district; directing the mailing of ballots to identified property owners; and setting the date and time for a public hearing with respect to this matter;

Directing City Clerk and City staff to cause preparation and distribution of a notice of the Hearing and assessment ballots to the properties identified in Section VII of the Engineer's Report. Such notice of the Hearing and assessment ballots shall be mailed at least forty-five (45) days before the date of the Hearing, postage prepaid, to all affected property owners, whose names and addresses appear on the last equalized secured property tax assessment roll, all in the manner and form provided for in California Government Code Sections 53750-53756;

Declaring that ballots shall be issued, accepted, and tabulated in the manner set forth in the MAD Procedural Ordinance, Article XIID, Section 4 of the California Constitution, California Government Code Section 53753, and the Guidelines for the Return and Tabulation of Assessment Ballots, a copy of which is on file with the City Clerk and incorporated herein by reference. At the conclusion of the Hearing, a person or persons designated by the City Clerk will tabulate ballots submitted, and not withdrawn, in support of or opposition to the proposed assessment. A majority protest exists if the

ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed the ballots submitted, and not withdrawn, in its favor. For purposes of calculating whether a majority protest exists, the ballot returned by a property owner shall be weighted by the estimated assessment obligation of the property owner. The estimated assessment obligation applicable to each property owner will be calculated by applying the assessment rates set forth in this Resolution, discussed in further detail in the District Plan. If there is a majority protest against the imposition of the assessment, the Council will not impose the assessment.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

If approved by property owners, approximately \$502,378 will be assessed to the 1,347 parcels within the proposed La Jolla MAD in Fiscal Year 2018. The City owns six (6) assessable parcels, resulting in an annual General Fund impact of \$37,521.25. If the City Council determines that the La Jolla MAD will be administered by an Owner's Association then the City will receive a flat rate of \$3,500 from the district for administrative costs.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

There are no previous Council and/or Committee Actions.

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

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT