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CITY OF SAN DIEGO COUNCIL DOCKET



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Myrtle Cole • Fourth District

Mark Kersey • Fifth District

Lorie Zapf • Sixth District

Scott Sherman • Seventh District

David Alvarez • Eighth District

Marti Emerald • Ninth District

**Andrea Tevlin
Independent
Budget Analyst**

**Jan Goldsmith
City Attorney**

**Liz Maland
City Clerk**

Council Chambers, 12th Floor, City Administration Building

**Monday, January 27, 2014
2:00 PM and 6:00 PM**

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, JANUARY 27, 2014, AT 2:00 PM and 6:00 PM
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, ranging from five business days to two weeks. 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.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

NON-AGENDA PUBLIC COMMENT WILL BE TAKEN AT 6:00 PM

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, of the San Diego Municipal Code, comments are limited to three minutes per speaker, and three minutes per subject regardless of the number of people requesting to speak on that subject.

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 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-200: Transfer Deferred Capital funds between Capital Improvement projects.
(Citywide.)

ITEM DESCRIPTION:

In 2008, the City issued approximately \$102.2 million in bond proceeds to address Phase I General Fund Deferred Capital (DC1) needs. DC1 funds were also used to initiate the design of a number of Deferred Maintenance projects. The construction phase of these projects were funded from the 2012 Lease Revenue Bond (DC2), which issued \$75 million in bond proceeds. The 2013A Bonds (DC2A) provided \$35 million for various projects. This action will transfer Deferred Capital funds in the amount of \$4,453,000 between Capital Improvement projects.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-243)

Authorizing the Chief Financial Officer to transfer appropriations of \$3,000 from WBS No. S-00687, Skyline-Paradise Hills Fire Station to WBS No. A-BT.00001, City Facility Improvements within Fund 400624, Deferred Maintenance 2009A-Project;

Authorizing the Chief Financial Officer to transfer appropriations of \$2,800,000 from WBS No. S-00692, Skyline Library of which \$1,500,000 is to S-00791, South Mission Beach Station, and \$1,300,000 is to S-00787, Fire Station No. 22 within Fund 400848, Deferred Maintenance Revenue 2012A-Project;

Authorizing the Chief Financial Officer to transfer appropriations of \$1,700,000 from WBS No. S-00802, San Ysidro Library to S-00787, Fire Station No. 22 within Fund 400848, Deferred Maintenance Revenue 2012A-Project;

Authorizing the Chief Financial Officer to transfer appropriations of \$150,000 from WBS No. A-ID.00005, Annual Allocation - Streets to WBS No. A-BT.00001, City Facility Improvements within Fund 400853, PFFA Lease Revenue RFDG Bonds 2013A-Project;

Authorizing the Chief Financial Officer to transfer appropriations of \$1,000,000 from WBS No. S-00802, San Ysidro Library to S-00791, South Mission Beach Station within Fund 400853, PFFA Lease Revenue RFDG Bonds 2013A-Project;

Authorizing the Chief Financial Officer to transfer appropriations of \$100,000 from WBS No. ACA.00001, Annual Allocation – Drainage Projects to WBS No. S-11005, Manhasset Drive Storm Drain System Upgrade within Fund 400848, Deferred Maintenance Revenue 2012A-Project.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This action has no net impact to the adopted Capital Improvements Program budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- This item was heard at the Infrastructure Committee meeting on October 28, 2013.

ACTION: Motion by Vice-Chair Cole, second by Councilmember Emerald, to forward staff recommendation to City Council.

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

- On March 22, 2013, Council approved Resolution R-308031 authorizing the issuance of the series 2013A Lease Revenue Bonds to provide \$35 million for Public Facilities Financing.

- On September 14, 2012, Council approved a Resolution (R-307668) authorizing the addition of CIP S-13018, Avenida de la Playa Infrastructure, to the Capital Improvements Program.

- On April 23, 2012, Council approved a Resolution (R-307352) authorizing the issuance of the 2012 Lease Revenue Bonds to provide for \$75 million to address Phase II General Fund deferred capital needs.

- On April 5, 2012, Council approved a Resolution (R-307349) approving the most desirable funding option for addressing the deferred capital backlog in order to clearly communicate a preferred multi-year funding program.

- On March 20, 2012, the Department of Public Works, Engineering and Capital Projects presented a Report (12-021) to the City Council on the Deferred Capital Program Funding Plan.

- On February 29, 2012, the Department of Public Works, Engineering and Capital Projects presented an informational report to Budget and Finance Committee on the project list.

The Budget and Finance Committee voted unanimously for an "enhanced funding option B." Specifically, the Budget and Finance Committee recommended:

1. Support for an "Enhanced Option B", which includes the IBA's recommendation that the projected \$8 million surplus in FY12 be included in the Mayor's Proposed FY13 Budget for Operations and Maintenance/Cash Infrastructure funding;
 2. That the IBA provide options to fully fund and keep pace with capital needs and allow zero deterioration to assets;
 3. That staff provide a list of pending projects by Assets Type and Priority Score.
- On February 29, 2012, Debt Management presented an informational report to the Budget and Finance Committee on the proposed Economic Refunding of the 2002 F&LS Bonds.
 - On November 16, 2011, Debt Management presented an informational report to the Budget and Finance Committee on the Proposed 2012 Deferred CIP Bond Authorization.

Heinrichs/Chadwick

Primary Contact\Phone: Darren Greenhalgh\619-533-3616, MS 908A
City Attorney Contact: Gerrity, Ryan P.

NOTE: See Item 201 on today's docket for a companion item.

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

ITEM-201: Request for Approval to Appropriate Phase 3 CIP Bonds. (Citywide.)

ITEM DESCRIPTION:

Authorize the Chief Financial Officer to appropriate and expend \$120 million in bond proceeds when received from Phase 3 of the Deferred Capital Bonds in accordance with Attachment 1, Phase 3 CIP Bonds - Project List. This funding will be used for Facilities, Streets, Sidewalks, ADA improvements, and Storm Drains.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-411)

Authorizing the Chief Financial Officer to add the following projects to the CIP Budget:

- a. CIP S-14017, FS51 Skyline Hills,
- b. CIP S-14018, Home Avenue Fire Station, and
- c. CIP L-14004, Mission Beach Bulkhead Phased.

Authorizing the Chief Financial Officer to appropriate and expend up to \$120,000,000 in bond proceeds as follows:

- a. \$600,000 from CIP L-14004, Mission Beach Boardwalk Bulkhead Phased
- b. \$100,000 from CIP S-12005, Midway Street Bluff Repair
- c. \$43,460,000 from A-ID.00005, Resurfacing of City Streets Annual Allocation
- d. \$2,600,000 from CIP S-00787, Fire Station 22 - Point
- e. \$2,100,000 from CIP S-00791, South Mission Beach Station
- f. \$2,800,000 from CIP S-00692, Skyline Library
- g. \$250,000 from CIP S-00792, L.J. Cove Life Guard Station – Construction
- h. \$8,200,000 from CIP S-00788, Fire Station #05 (Hillcrest)
- i. \$11,200,000 from CIP S-00783, Mid-City Fire Station 17
- j. \$4,000,000 from CIP S-13022, Mission Hills/Hillcrest Branch Library
- k. \$3,000,000 from CIP S-00802, San Ysidro Library
- l. \$150,000 from CIP S-13005, University Village Tot Lot
- m. \$1,000,000 from CIP S-00800, San Carlos Library
- n. \$1,000,000 from CIP S-14017, FS51 Skyline Hills
- o. \$2,000,000 from CIP S-14018, Home Avenue Fire Station
- p. \$400,000 from CIP S-11011, Tierrasanta Sports Field Lighting
- q. \$9,880,000 from A-BT.00001, Facilities Annual Allocation
- r. \$1,000,000 from A-IK.00003 Sidewalks TOTAL

- s. \$4,300,000 from A-BE.00001, ADA Improvements TOTAL
- t. \$294,000 from CIP S-11003, Coolidge St Storm Drain
- u. \$18,822,255 from A-CA.00001, Storm Drain Annual Allocation
- v. \$2,843,745 from A-CC.00001, Watershed CIP Annual Allocation

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

Declaring that all appropriations and expenditures included herein are contingent upon the approval and issuance of the Bonds and the certification of the City Comptroller that funds are, or will be, on deposit with the City Treasurer.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The fiscal discussion of the issuance of the Phase 3 CIP Bond is included in the 2014 Capital Improvement Program Lease Revenue Bonds Report (Report No. 14-01).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard by the Infrastructure Committee on October 28, 2013, and the staff recommendation forwarded to the full City Council.

- Infrastructure Committee Report Number 13-087 - 2014 Capital Improvement Program Bond Authorization (October 28, 2013).
- Infrastructure Committee Report Number 13-088 - Deferred Capital Bond Funded Program Update (October 23, 2013).
- FY 2015-2019 Five-Year Financial Outlook (November 14, 2013).
- City Council Report Number 14-01 - 2014 Capital Improvement Program Lease Revenue Bonds (January 14, 2014).

Nagelvoort/Heinrichs

Primary Contact\Phone: Angela Colton\619-533-4180, MS 908A
Secondary Contact\Phone: Nevien Antoun\619-533-4852, MS 611
City Attorney Contact: Will, Brant C.

NOTE: See Item 200 on today's docket for a companion item.

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-202: City Auditor's Performance Audit of Publishing Services.

CITY AUDITOR'S RECOMMENDATION:

Receive the City Auditor's Performance Audit of Publishing Services.

SUPPORTING INFORMATION:

FISCAL CONSIDERATION: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The report was presented to the Audit Committee on October 7, 2013.

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

VOTE: 5-0; Faulconer-yea, Sherman-yea, Schreiner-yea, Valdivia-yea, Hebrank-yea.

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

Luna

Primary Contact\Phone: Matthew Helm\619-533-3016

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

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING
AND ADOPTION WITH RESOLUTIONS TO BE ADOPTED:

The following item will be considered in the evening session which is scheduled to begin at 6:00 p.m.

ITEM-203: Calling a Municipal Primary Election and a Municipal Special Election in the City of San Diego to be held on June 3, 2014, and consolidating elections with California State Primary Election.

CITY CLERK'S RECOMMENDATION:

Introduce and adopt the ordinances in Subitems A and C; and adopt the resolutions in Subitems B and D:

Subitem-A: (O-2014-78)

Introduction and adoption of an Ordinance calling a Municipal Primary Election in the City of San Diego on Tuesday, June 3, 2014, and consolidating the Municipal Primary Election with the California State Primary Election to be held on the same date;

Declaring that a Municipal Primary Election will be held in the City of San Diego on Tuesday, June 3, 2014, for the purpose of electing candidates for the following Offices:

COUNCILMEMBER for District No. 2 four-year term

COUNCILMEMBER for District No. 4 four-year term

COUNCILMEMBER for District No. 6 four-year term

COUNCILMEMBER for District No. 8 four-year term

NOTE: Subitem A is not subject to the Mayor's veto.

Subitem-B: (R-2014-408)

A Resolution requesting the consolidation of a Municipal Primary Election for the Offices of Councilmember for Districts 2, 4, 6, and 8, respectively, to be held in the City of San Diego on Tuesday, June 3, 2014, with the California State Primary Election to be held on the same date;

Authorizing the City Comptroller to reimburse the County of San Diego for the actual and direct cost of the services performed by the Registrar of Voters for the City of San Diego in connection with the election services herein described, provided that the City Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Declaring that the City of San Diego agrees to indemnify and to save free and harmless the County, its officers, agents, and employees from expense or liability, including reasonable attorney fees, as the result of an election contest initiated pursuant to the California Elections Code Sections 16000 through 16900.

NOTE: Subitem B is not subject to the Mayor's veto.

Subitem-C: (O-2014-79)

Introduction and adoption of an Ordinance calling a Municipal Special Election in the City of San Diego on Tuesday, June 3, 2014, for the purpose of submitting to the qualified voters of the City one or more ballot propositions; and consolidating the Municipal Special Election with the California State Primary Election to be held on the same date.

NOTE: Subitem C is not subject to the Mayor's veto.

Subitem-D: (R-2014-407)

A Resolution requesting the consolidation of a Municipal Special Election to be held in the City of San Diego on Tuesday, June 3, 2014, with the California State Primary Election to be held on the same date;

Authorizing the City Comptroller to reimburse the County of San Diego for the actual and direct cost of the services performed by the Registrar of Voters for the City of San Diego in connection with the election services herein described, provided that the City Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Declaring that the City of San Diego agrees to indemnify and to save free and harmless the County, its officers, agents, and employees from expense or liability, including reasonable attorney fees, as the result of an election contest initiated pursuant to California Elections Code sections 16000 through 16900.

NOTE: Subitem D is not subject to the Mayor's veto.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

\$1,800,000 which will be paid from the General Fund in Citywide Program Expenditures (9912).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Maland

Primary Contact\Phone: Elizabeth Maland\619-533-4080, MS 2A

Secondary Contact\Phone: Bonnie Stone\619-533-4060, MS 2A

City Attorney Contact: Spivak, Sharon B.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda. Public testimony on Closed Session items is taken in Open Session on Mondays, except when there is no Monday meeting. Public testimony on Closed Session items is always taken prior to the actual Closed Session. Closed Session may take place any time after public testimony, but is typically held on Tuesdays at 9:00 a.m. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

NOTE: Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the Closed Session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Allow for questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in Closed Session; 4) Refer matters discussed to Closed Session.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Submission of Ballot Proposals for the June 3, 2014 Ballot.

**SUBMISSION OF BALLOT PROPOSALS
FOR THE JUNE 3, 2014 BALLOT**

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred to Council following Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the June 3, 2014, election*:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	1/10/14	144	LAST DATE (10:00 a.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Committee.
Wednesday	1/15/14	139	Committee review.
Monday	1/27/14	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Committee.
Monday	1/27/14	127	Council adopts propositions for ballot; directs City Attorney to prepare ordinances.
Monday	2/10/14	113	Council adopts ordinances prepared by City Attorney.
Friday	3/7/14	88	Last day for City Clerk to file with Registrar of Voters all elections material.
Thursday	3/20/14	75	Last day to file ballot arguments with City Clerk.

If you have questions, please contact the Office of the City Clerk at (619) 533-4025.

ITEM-251: Ballot Propositions Forwarded to City Council

**BALLOT PROPOSITIONS
FORWARDED TO CITY COUNCIL**

The Economic Development and Intergovernmental Relations Committee has voted to forward to City Council two ballot propositions for consideration for placement on the June 3, 2014, ballot:

1. Amendments to Charter Sections relating to the City's Inauguration date and Special Elections.
2. Amendments to Charter Section 215: Publicity of Records, Charter Section 216: Copies of Records, and Charter Section 216.1: Access to Government Information.

The Council is expected to consider these items for the June 3, 2014, ballot at its meeting on January 27, 2014.

ITEM-252: Qualcomm Stadium and Petco Park City Suites.

The list of ticket users for the City Suites at Qualcomm Stadium and Petco Park will be posted on the City Clerk's website quarterly. This information will also be available for viewing by the public in the Office of the City Clerk.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT