

CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Sherrri 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 14, 2015

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JULY 14, 2015, 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 10:00 a.m. 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.

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:

06/15/2015 - Adjourned

06/16/2015

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: San Diego Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month.

PRESENTED BY COUNCILMEMBER GLORIA:

Proclaiming July 2015, to be "San Diego Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month" in the City of San Diego.

ITEM-31: Atlante San Diego Football Club U-14 Day.

PRESENTED BY COUNCILMEMBER ALVAREZ:

Proclaiming July 14, 2015, to be "Atlante San Diego Football Club U-14 Day" 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-32: Patrons of the Prado Day.

MAYOR FAULCONER'S AND COUNCILMEMBER GLORIA'S RECOMMENDATION:

Proclaiming July 18, 2015, to be "Patrons of the Prado Day" in the City of San Diego.

ITEM-33: Women's Museum of California Day.

COUNCILMEMBER ZAPF'S AND COUNCILMEMBER SHERMAN'S RECOMMENDATION:

Proclaiming June 26, 2015, to be "Women's Museum of California Day" in the City of San Diego.

ITEM-34: San Diego Open 30th Anniversary Weekend.

COUNCILMEMBER GLORIA'S RECOMMENDATION:

Proclaiming July 3-5, 2015, to be "San Diego Open 30th Anniversary Weekend" in the City of San Diego.

ITEM-35: Xema Jacobson Day.

COUNCILMEMBER ALVAREZ'S RECOMMENDATION:

Proclaiming July 7, 2015, to be "Xema Jacobson Day" in the City of San Diego.

ITEM-36: Jose Serrano Day.

COUNCILMEMBER ALVAREZ'S RECOMMENDATION:

Proclaiming June 27, 2015, to be "Jose Serrano Day" in the City of San Diego.

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)

SPECIAL ORDERS OF BUSINESS

None.

ADOPTION AGENDA, CONSENT ITEMS

The Consent items listed beginning on the next page are considered to be routine, and the appropriate Environmental Impact Reports 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 form prior to the start of the meeting.

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, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:**

- * ITEM-50: Third Amendment to the Agreement with Collaborative Services (Contract No. 4600000396) for public information and outreach services on an as-needed basis for the Water Conservation Program. (Citywide.)

ITEM DESCRIPTION:

This action is to amend the existing public outreach, information and education contract with Collaborative Services ending on November 5, 2015, to extend the contract for a maximum period of six months, through May 5, 2016, and to increase the contract by a value of \$360,000 for a total contract value not to exceed \$1.46 million. Amendment to the existing contract is recommended in order to ensure adequate time for a new Request for Proposals (RFP) process currently being conducted to select a vendor that will provide strategic planning and support to public information and outreach services to Public Utilities' Water Conservation Program for the next five years.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-133)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the Third Amendment to the Agreement with Collaborative Services Inc., (Contract No. 4600000396), in an amount not to exceed \$360,000, bringing the total cost of the Agreement to \$1,460,000, for consulting services related to the Water Conservation Program, with a contract expiration date of May 5, 2016, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$360,000 from Water Utility Operating Fund 700011 for the purposes of funding the Third Amendment to the Agreement, contingent upon adoption of the Annual Appropriation Ordinance for the applicable Fiscal Year, and contingent upon the City Comptroller 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 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.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total not to exceed amount of the Third Amendment to this Agreement is \$360,000 and will be expended over Fiscal Years 2016 - 2017. Funding will be available in the Water Utility Operating Fund 700011, contingent upon adoption of the Annual Appropriation Ordinance for the applicable Fiscal Year, and contingent upon the City Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- City Council passed Resolution R-306250 on October 19, 2010, authorizing execution of an Agreement with Collaborative Services, Inc., for public outreach consulting services for the Water Conservation Program.
- City Council passed Resolution R-309041 on July 7, 2014, authorizing an additional \$100,000 to the first Option Year.
- This item was heard at the Environment Committee meeting on June 17, 2015.

ACTION: Motion by Councilmember Cate, second by Council Pro Tem Emerald, to forward to the full Council with a recommendation to introduce the Ordinance.

VOTE: 3-0; Alvarez-yea, Cate-yea, Emerald-yea, Gloria-not present.

Jones-Santos/LoMedico

Primary Contact\Phone: Luis Generoso\619-533-5258, MS 906

Secondary Contact\Phone: Lan Wiborg\619-533-4112, MS 906

City Attorney Contact: Palmucci, Raymond C.

- * ITEM-51: State Water Resources Control Board (SWRCB), Drinking Water State Revolving Fund (DWSRF) Loan Application for the 69th Street & Mohawk Pump Station Project. (Citywide.)

ITEM DESCRIPTION:

Authorization to enter into a low interest State Revolving Fund Loan with the State Water Resources Control Board (SWRCB) to fund the 69th Street & Mohawk Pump Station Project.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-116)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute and file, for and on behalf of the City of San Diego, a Drinking Water State Revolving Fund (DWSRF) Financial Assistance Application, Funding Agreements, Amendments thereto, Reimbursement Claims, Final Release forms, and to take related actions for the Financing Agreement from the State Water Board for the Project and any Amendments thereto, and provide the assurances, certifications and commitments required therefor;

Authorizing the Mayor, or his designee, to dedicate and pledge its net water revenues and its water enterprise fund to payment of the DWSRF financing for the Project. The City commits to collecting such revenues and maintains such funds throughout the term of such financing and until the City has satisfied its repayment obligation thereunder unless modification or change of such dedication is approved in writing by the State Water Board. So long as the Financing Agreements are outstanding, the City's pledge hereunder shall constitute a lien in favor of the State Water Board on the foregoing funds and revenues without any further action necessary. So long as the Financing Agreement(s) are outstanding, the City commits to maintaining the fund and revenues at levels sufficient to meet its obligations under the Financing Agreements. If for any reason, said source of revenues proves insufficient to satisfy the debt service of the DWSRF obligation, sufficient funds shall be raised through increased water rates, user charges, or assessments or any other legal means available to meet the City's DWSRF obligation and to operate and maintain the Project;

Authorizing the City Engineer, or designee, to represent the Department in carrying out the Department's responsibilities under the Financing Agreement, including approving and submitting disbursement requests (including Claims for Reimbursement) or other required documentation, to execute the Budget and Expenditure Summary, Claim Reimbursement and Certificate of Project Completion forms, to certify that the project is complete and ready for final inspection, and to ensure compliance with applicable State and Federal laws, and making any other necessary certifications;

Authorizing the Chief Financial Officer to apply for, accept, appropriate and expend up to \$18,800,000 in DWSRF Loan Funds for reimbursement to the Water Fund, contingent upon the City Comptroller certifying that the funds are available and contingent upon the loan being secured;

Ratifying and affirming the authority granted hereunder shall be deemed retroactive and all acts authorized hereunder and performed prior to the date of this Ordinance. The State Water Board is authorized to rely upon this Ordinance until written notice to the contrary, executed by each of the undersigned, is received by the State Water Board. The State Water Board shall be entitled to act in reliance upon the matters contained herein, notwithstanding anything to the contrary contained in the formation documents of the City of San Diego Public Utilities Department or in any other document;

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.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The Funding Agreement, when issued for the 69th Street & Mohawk Project, will provide a loan up to \$18,800,000 to be repaid over 20 years at a 1.663 percent interest rate. This State Revolving Fund (SRF) Loan is to be repaid over 20 years at an interest rate that is ½ the most recent general obligation bond rate, the current Drinking Water SRF Loan rate is 1.663%. This rate could change depending on if the next bond sale occurs prior to the Agreement being fully executed. Semiannual principal and interest payments will begin after project completion.

Based on the estimated loan amount of \$18,800,000, the annual debt service is expected to commence in FY17 for approximately \$95.6 thousand and ramp up to a total annual maximum of \$1.11 million for the next 20 years. The actual debt service impact would depend on the timing of the CIP execution. By entering into the SRF Funding Agreement, the Water Utility will covenant that each Fiscal Year the Net System Revenues will equal at least 120% of senior/parity debt service. Any potential impact on water rates from the proposed loan and the coverage requirements will be evaluated in the future Water Cost of Service Study.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Environment Committee meeting on June 17, 2015.

ACTION: Motion by Council President Pro Tern Emerald, second by Councilmember Cate, to forward to the full Council with a recommendation to introduce the Ordinance.

VOTE: 3-0; Alvarez-yea, Cate-yea, Emerald-yea, Gloria-not present.
Wright-Travis/LoMedico

Primary Contact\Phone: Jeanne Cole\858-292-6313, MS 901A
Secondary Contact\Phone: Wilson Kennedy\858-614-4070, MS 901
City Attorney Contact: Palmucci, Raymond C.

- * ITEM-52: State Water Resources Control Board (SWRCB), Drinking Water State Revolving Fund Loan Application for the La Jolla View Reservoir (LJVR) Project.
(Citywide.)

ITEM DESCRIPTION:

Authorization to enter into low interest State Revolving Fund loans with the State Water Resources Control Board (SWRCB) to fund the La Jolla View Reservoir (LJVR) Project. City will enter in two State Revolving Loans, one for the planning of the La Jolla View Reservoir LJVR in an amount not to exceed \$2,262,900. The second loan will be for the design and construction of the LJVR in an amount not to exceed \$14,237,100.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-118)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute and file, for and on behalf of the City of San Diego, a Drinking Water State Revolving Fund (DWSRF) Financial Assistance Application, Funding Agreements, Amendments thereto, Reimbursement Claims, Final Release forms, and to take related actions for the Financing Agreement from the State Water Board for the Project and any Amendments thereto, and provide the assurances, certifications and commitments required therefor;

Authorizing the Mayor, or his designee, to dedicate and pledge its net water revenues and its water enterprise fund to payment of the DWSRF financing for the Project. The City commits to collecting such revenues and maintains such funds throughout the term of such financing and until the City has satisfied its repayment obligation thereunder unless modification or change of such dedication is approved in writing by the State Water Board. So long as the Financing Agreements are outstanding, the City's pledge hereunder shall constitute a lien in favor of the State Water Board on the foregoing funds and revenues without any further action necessary. So long as the Financing Agreement(s) are outstanding, the City commits to maintaining the fund and revenues at levels sufficient to meet its obligations under the Financing Agreements. If for any reason, said source of revenues proves insufficient to satisfy the debt service of the DWSRF obligation, sufficient funds shall be raised through increased water rates, user charges, or assessments or any other legal means available to meet the City's DWSRF obligation and to operate and maintain the Project;

Authorizing the City Engineer, or designee, to represent the Department in carrying out the Department's responsibilities under the Financing Agreement, including approving and submitting disbursement requests (including Claims for Reimbursement) or other required documentation, to execute the Budget and Expenditure Summary, Claim Reimbursement and Certificate of Project Completion forms, to certify that the project is complete and ready for final inspection, and to ensure compliance with applicable State and Federal laws, and making any other necessary certifications;

Authorizing the Chief Financial Officer to apply for, accept, appropriate and expend up to \$16,500,000 in DWSRF Loan Funds for reimbursement to the Water Fund, contingent upon the City Comptroller certifying that the funds are available and contingent upon the loan being secured;

Ratifying and affirming the authority granted hereunder shall be deemed retroactive and all acts authorized hereunder and performed prior to the date of this Ordinance. The State Water Board is authorized to rely upon this Ordinance until written notice to the contrary, executed by each of the undersigned, is received by the State Water Board. The State Water Board shall be entitled to act in reliance upon the matters contained herein, notwithstanding anything to the contrary contained in the formation documents of the City of San Diego Public Utilities Department or in any other document;

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.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The Funding Agreement, when issued for the La Jolla View Reservoir (LJVR) Project, will provide a loan up to \$16,500,000 to be repaid over 20 years at a 1.663 percent interest rate. This State Revolving Fund (SRF) Loan is to be repaid over 20 years at an interest rate that is ½ the most recent general obligation bond rate, the current Drinking Water SRF Loan rate is 1.663%. This rate could change depending on if the next bond sale occurs prior to the Agreement being fully executed. Semiannual principal and interest payments will begin after project completion.

Based on the estimated loan amount of \$16,500,000, the annual debt service is expected to commence in FY19 for approximately \$122 thousand and ramp up to a total annual maximum of \$964.7 thousand for the next 20 years. The actual debt service impact would depend on the timing of the CIP execution. By entering into the SRF Funding Agreement, the Water Utility will covenant that each Fiscal Year the Net System Revenues will equal at least 120% of senior/parity debt service. Any potential impact on water rates from the proposed loan and the coverage requirements will be evaluated in the future Water Cost of Service Study.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Environment Committee meeting on June 17, 2015.

ACTION: Motion by Council President Pro Tern Emerald, second by Councilmember Cate, to forward to the full Council with a recommendation to introduce the Ordinance.

VOTE: 3-0; Alvarez-yea, Cate-yea, Emerald-yea, Gloria-not present.

Crane/LoMedico

Primary Contact\Phone: Jeanne Cole\858-292-6313, MS 901A
Secondary Contact\Phone: Wilson Kennedy\858-614-4070, MS 901
City Attorney Contact: Palmucci, Raymond C.

- * ITEM-53: State Water Resources Control Board (SWRCB), Drinking Water State Revolving Fund (DWSRF) Loan Application for the Pacific Beach Pipeline South Project. (Citywide.)

ITEM DESCRIPTION:

Authorization to enter into a low interest State Revolving Fund (SRF) Loan with the State Water Resources Control Board (SWRCB) to fund the Pacific Beach Pipeline South Project.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-117)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute and file, for and on behalf of the City of San Diego, a Drinking Water State Revolving Fund (DWSRF) Financial Assistance Application, Funding Agreements, Amendments thereto, Reimbursement Claims, Final Release forms, and to take related actions for the Financing Agreement from the State Water Board for the Project and any Amendments thereto, and provide the assurances, certifications and commitments required therefor;

Authorizing the Mayor, or his designee, to dedicate and pledge its net water revenues and its water enterprise fund to payment of the DWSRF financing for the Project. The City commits to collecting such revenues and maintains such funds throughout the term of such financing and until the City has satisfied its repayment obligation thereunder unless modification or change of such dedication is approved in writing by the State Water Board. So long as the Financing Agreements are outstanding, the City's pledge hereunder shall constitute a lien in favor of the State Water Board on the foregoing funds and revenues without any further action necessary. So long as the Financing Agreement(s) are outstanding, the City commits to maintaining the fund and revenues at levels sufficient to meet its obligations under the Financing Agreements. If for any reason, said source of revenues proves insufficient to satisfy the debt service of the DWSRF obligation, sufficient funds shall be raised through increased water rates, user charges, or assessments or any other legal means available to meet the City's DWSRF obligation and to operate and maintain the Project;

Authorizing the City Engineer, or designee, to represent the Department in carrying out the Department's responsibilities under the Financing Agreement, including approving and submitting disbursement requests (including Claims for Reimbursement) or other required documentation, to execute the Budget and Expenditure Summary, Claim Reimbursement and Certificate of Project Completion forms, to certify that the project is complete and ready for final inspection, and to ensure compliance with applicable State and Federal laws, and making any other necessary certifications;

Authorizing the Chief Financial Officer to apply for, accept, appropriate and expend up to \$30,305,258 in DWSRF Loan Funds for reimbursement to the Water Fund, contingent upon the City Comptroller certifying that the funds are available and contingent upon the loan being secured;

Ratifying and affirming the authority granted hereunder shall be deemed retroactive and all acts authorized hereunder and performed prior to the date of this Ordinance. The State Water Board is authorized to rely upon this Ordinance until written notice to the contrary, executed by each of the undersigned, is received by the State Water Board. The State Water Board shall be entitled to act in reliance upon the matters contained herein, notwithstanding anything to the contrary contained in the formation documents of the City of San Diego Public Utilities Department or in any other document;

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.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The Funding Agreement, when issued for the Pacific Beach Pipeline South Project, will provide a \$30,305,258 loan to be repaid over 20 years at a 1.663 percent interest rate. This State Revolving Fund (SRF) Loan is to be repaid over 20 years at an interest rate that is ½ the most recent general obligation bond rate, the current Drinking Water SRF Loan rate is 1.663%. This rate could change depending on if the next bond sale occurs prior to the Agreement being fully executed. Semiannual principal and interest payments will begin after project completion.

Based on the estimated loan amount of \$30,305,258, the annual debt service is expected to commence in FY16 for approximately \$37.3 thousand and ramp up to a total annual maximum of \$1.63 million for the next 20 years. The actual debt service impact would depend on the timing of the CIP execution. By entering into the SRF Funding Agreement, the Water Utility will covenant that each Fiscal Year the Net System Revenues will equal at least 120% of senior/parity debt service. Any potential impact on water rates from the proposed loan and the coverage requirements will be evaluated in the future Water Cost of Service Study.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Environment Committee meeting on June 17, 2015.

ACTION: Motion by Council President Pro Tem Emerald, second by Councilmember Cate, to forward to the full Council with a recommendation to introduce the Ordinance.

VOTE: 3-0; Alvarez-yea, Cate-yea, Emerald-yea, Gloria-not present.

Helminski/LoMedico

Primary Contact\Phone: Jeanne Cole\858-292-6313, MS 901A

Secondary Contact\Phone: Wilson Kennedy\858-614-4070, MS 901

City Attorney Contact: Palmucci, Raymond C.

- * ITEM-54: State Water Resources Control Board (SWRCB) - Authorization to enter into low interest loans for the Pump Station 2 Power Reliability and Surge Protection Project. (Citywide.)

ITEM DESCRIPTION:

Authorization to enter into a low interest State Revolving Fund (SRF) Loan with the State Water Resources Control Board (SWRCB) to fund the Pump Station 2 Power Reliability and Surge Protection Project.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-107 Cor. Copy) (Rev. 7/9/15)

Introduction of an Ordinance authorizing the approval of the Clean Water State Revolving Fund (CWSRF) financing Program low interest financing for Pump Station 2 Power Reliability and Surge Protection Project. (Rev. 7/9/15)

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The Funding Agreement, when issued for the Pump Station 2 Power Reliability and Surge Protection Project (WBS S-00312), will provide a \$43,000,000 loan to be repaid over 20 years at an interest rate that is ½ the most recent general obligation bond rate, the current Clean Water State Revolving Fund (SRF) Loan rate is 1.6%. This rate could change depending on if the next bond sale occurs prior to the Agreement being fully executed. Annual principal and interest payments will begin one year after completion of construction per the Agreement. The total project costs for planning and construction of the Pump Station 2 Power Reliability and Surge Protection Project (WBS S-00312) will be funded in an amount not to exceed \$43,000,000 by the State Water Resources Control Board Clean Water State Revolving Fund Loan Program.

Based on the estimated loan amount of \$43,000,000, the annual debt service is approximately \$2.5 million and is currently anticipated to commence in FY19 and continue for the next 20 years. The actual debt service impact would depend on the timing of the CIP execution.

By entering into the SRF Funding Agreement, the Sewer Utility will covenant that each Fiscal Year the Net System Revenues will equal at least 110% of aggregate annual debt service and at least 120% of senior/parity debt service. Any potential impact on sewer rates from the proposed loan and the coverage requirements will be evaluated in the future Wastewater Cost of Service Study.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Resolution No. R-304316 adopted November 13, 2008, authorized the Mayor, or his representative, to submit applications for financial assistance from the State Water Resources Control Board (SWRCB). The construction packages for this project will be taken to the City Council on separate actions.

- This item was heard at the Environment Committee meeting on June 17, 2015.

ACTION: Motion by Council President Pro Tern Emerald, second by Councilmember Cate, to forward to the full Council with a recommendation to introduce the Ordinance.

VOTE: 3-0; Alvarez-yea, Cate-yea, Emerald-yea, Gloria-not present.

Mulvey/LoMedico

Primary Contact\Phone: Jeanne Cole\858-292-6313, MS 901A

Secondary Contact\Phone: Wilson Kennedy\858-614-4070, MS 901

City Attorney Contact: Palmucci, Raymond C.

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

* ITEM-55: Amendments to Affordable Housing Density Bonus Regulations. (Citywide).

ITEM DESCRIPTION:

This Amendment addresses Assembly Bill 2222 (AB-2222), which went into effect on January 1, 2015. AB-2222 enacted three principal modifications to the state density bonus law. First, it increased the length of affordability to 55 years. Second, it extended the affordable for-sale housing to low and very low income households. The third, it required replacement of low or very low income units displaced by the project. The Amendment also includes modifications suggested by the California Coastal Commission staff to protect coastal resources, and clarifications and minor modifications deemed necessary to more accurately reflect state density bonus law.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/23/2015, Item 332. (Council voted 8-0. Councilmember Sherman not present.)

(O-2015-126 Cor. Copy)

Amending Chapter 11, Article 3, Division 1, of the San Diego Municipal Code by amending Section 113.0103 by repealing the definition of "Affordable Housing Cost" and by amending the definition of "Density;" amending Chapter 11, Article 3, Division 2, by amending Section 113.0222; and amending Chapter 14, Article 3, Division 7, by amending Sections 143.0710, 143.0715, 143.0720, 143.0740, by adding new Section 143.0717, and by readopting existing provisions of Chapter 14, Article 3, Division 7, not otherwise amended, relating to Affordable Housing Density Bonus Regulations.

- * ITEM-56: Reimbursement Agreement with Pardee Homes for the design and construction of Phase II of Project No. T-4.2, Carmel Valley Road, (4/6 lanes south of Del Mar Heights Road) in the Pacific Highlands Ranch Subarea Plan. (Pacific Highlands Ranch Community Area. District 1.)

ITEM DESCRIPTION:

Reimbursement Agreement with Pardee Homes for the design and construction of Carmel Valley Road from four to six lanes (Phase II of Project No. T-4.2) in the Pacific Highlands Ranch Subarea Plan. Waiver of the Consultant Services Selection process under San Diego Municipal Code Section 22.3202, and Council Policies 300-07 and 100-10.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/23/2015, Item 50. (Council voted 9-0):

(O-2015-119)

Authorizing the Mayor to execute, for and on behalf of City, a Reimbursement Agreement with Pardee for the purchase, design, and construction of Project No. T-4.2, in the Pacific Highlands Ranch Community, under the terms and conditions set forth in the Agreement;

Waiving the consultant selection requirements of San Diego Municipal Code Section 22.3202, Council Policy 300-07, and Council Policy 100-10 as to the following consultants:

- (1) Latitude 33 Planning and Engineering for civil engineering;
- (2) SJA Inc., and Mark Lloyd for landscape architecture and land planning;
- (3) MJS Construction for management and engineering;
- (4) Urban Systems Associates, Inc., for traffic engineering;
- (5) Utility Specialists Southwest, Inc. for public utility services;
- (6) KCM Group for project management; and
- (7) Geocon Consultants, Inc., for geotechnical engineering.

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$1,801,000 from CIP No. S-00900, Carmel Valley Road, Fund No. 400090, Pacific Highlands Ranch Facilities Benefit Assessment (FBA), consistent with the timing established in the most recently adopted Pacific Highlands Ranch Public Facilities Financing Plan, and 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.

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

- * ITEM-57: Amendment No. 1 to the Agreement with Rick Engineering Company for additional engineering services for the Pacific Beach Pipeline South Project. (Midway/North Bay Community, Pacific Beach Community, Mission Beach Community and Peninsula Community Areas. District 2.)

ITEM DESCRIPTION:

Council authorization is requested to award Consultant Contract Amendment No. 1 for additional scope of work added to the original Agreement with Rick Engineering for the Pacific Beach Pipeline South Project. This project is located in the Midway/North Bay, Pacific Beach, Mission Beach and Peninsula Communities. The additional scope of work includes the design and construction support of a pressure reducing station, additional environmental studies to comply with the California Environmental Quality Act (CEQA) Plus Process and preparation of hydraulic calculations and modeling to confirm existing pump sizes are adequate for the replacement of upsized sewer force mains.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/23/2015, Item 51. (Council voted 9-0):

(O-2015-122)

Authorizing the Mayor, or his designee, to execute the First Amendment to the Agreement with Rick Engineering Company for additional design and construction support services in an amount not to exceed \$116,327 for the Pacific Beach Pipeline South Project, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer as delegated to Financial Management to appropriate, and the City Comptroller is authorized to expend an amount not to exceed \$100,637 from CIP S-12015, Pacific Beach Pipeline South (W), Fund 700010, Water Utility CIP, and \$15,690 from CIP B-12117, Pacific Beach Pipeline South (S), Fund 700008, Muni Sewer CIP, contingent upon the adoption of the FY 2016 Appropriation Ordinance, and contingent upon the Chief Financial Officer first furnishing a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer for the purpose of executing this Amendment to the Agreement.

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

- * ITEM-58: Amendment No. 3 to Cooperative Agreement with Caltrans for the State Route 163 and Friars Road Interchange Project - Phase 1. (Mission Valley Community Area. District 7.)

ITEM DESCRIPTION:

The proposed project would provide for the modifications of State Route 163 and Friars Road Interchange in order to optimize traffic circulation within the interchange area. This Amendment No. 3 to Cooperative Agreement will compensate Caltrans for "Reimbursed Work" related to the Interchange Project - Phase 1. Reimbursable work consists of activities performed by State of California which includes but is not limited to the preparation of specifications; the circulation, review, and preparation of final Caltrans District 11 plans, specifications, and estimate package; preparation and advertisement of contract bid documents; and award of the approved construction contract for the Project.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/23/2015, Item 52. (Council voted 9-0):

(O-2015-136)

Authorizing the Mayor, or his designee, to execute, for and on behalf of City, the Third Amendment to the Cooperative Agreement with Caltrans for "Reimbursed Work" in CIP S-00851, State Route 163 and Friars Road Interchange Project, under the terms and conditions set forth in the Third Amendment to the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$480,000 from CIP S-00851, State Route 163 and Friars Road Interchange Project, Fund 400135, Mission Valley-Urban Community, for the purpose of executing this Amendment to the Agreement, contingent upon the Chief Financial Officer furnishing a certificate certifying that all funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Certifying that this activity is adequately addressed in the Environmental Impact Report Project No. 72782 (SCH No. 2005111032, dated June 17, 2010). The activity is part of a series of subsequent discretionary actions and therefore is not considered to be a separate project for purposes of California Environmental Quality Act (CEQA) review as defined in State CEQA Guidelines Section 15378(c). Pursuant to Section 15162 of CEQA, there is no change in circumstance, additional information or project changes to warrant additional environmental review.

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

ITEM 59: This item has been removed from today's docket. (Rev. 7/8/15)

* ITEM-60: This item has been removed from today's docket. (Rev. 7/10/15)

* ITEM-61: Request to exempt thirty (30) positions added in the Fiscal Year 2016 Adopted Budget from the Classified Service.

ITEM DESCRIPTION:

This action is to exempt thirty (30) positions added in the Fiscal Year 2016 Adopted Budget from the Classified Service.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 6/30/2015, Item 51, Subitems A thru P. (Council voted 7-0. Councilmember Alvarez and Council President Pro Tem Emerald not present):

Subitem-A: (O-2015-142)

Exempting one Council Representative in Council District 5 from the Classified Service of the City of San Diego.

Subitem-B: (O-2015-143)

Exempting three Program Manager positions and five Program Coordinator positions in the Department of Information Technology from the Classified Service of the City of San Diego.

Subitem-C: (O-2015-144)

Exempting one Program Coordinator position in the Financial Management Department from the Classified Service of the City of San Diego.

Subitem-D: (O-2015-145)

Exempting one Program Manager position in the Human Resources Department from the Classified Service of the City of San Diego.

Subitem-E: (O-2015-146)

Exempting one Program Manager position in the Library Department from the Classified Service of the City of San Diego.

Subitem-F: (O-2015-147)

Exempting one Program Coordinator position in the Office of the Deputy Chief Operating Officer for Infrastructure and Public Works from the Classified Service of the City of San Diego.

Subitem-G: (O-2015-148)

Exempting one Program Manager position in the Office of the Deputy Chief Operating Officer for Internal Operations from the Classified Service of the City of San Diego.

Subitem-H: (O-2015-149)

Exempting one Program Manager position in the Office of Homeland Security from the Classified Service of the City of San Diego.

Subitem-I: (O-2015-150)

Exempting one Program Manager position in the Park and Recreation Department from the Classified Service of the City of San Diego.

Subitem-J: (O-2015-151)

Exempting two Program Coordinator positions in the Performance and Analytics Department from the Classified Service of the City of San Diego.

Subitem-K: (O-2015-152)

Exempting four Program Coordinator positions in the Police Department from the Classified Service of the City of San Diego.

Subitem-L: (O-2015-153)

Exempting an Assistant Deputy Director position in the Public Utilities Department from the Classified Service of the City of San Diego.

Subitem-M: (O-2015-154)

Exempting two Program Manager positions in the Public Utilities Department from the Classified Service of the City of San Diego.

Subitem-N: (O-2015-155)

Exempting One Assistant Deputy Director Position and One Program Manager Position in the Public Works Department from the Classified Service of the City of San Diego.

Subitem-O: (O-2015-156)

Exempting one Program Manager position in the Special Events Department from the Classified Service of the City of San Diego.

Subitem-P: (O-2015-157)

Exempting an Assistant Department Director position and a Program Manager position in the Transportation and Storm Water Department from the Classified Service of the City of San Diego.

- * ITEM-62: Ordinance Adding Fault Line Park and Cortez Hill Park to Downtown Parks with 24-Hour Alcohol Bans and Nighttime Curfews. (East Village and Cortez Neighborhoods of the Downtown Community Plan Area. District 3.)

ITEM DESCRIPTION:

This action is to authorize an Ordinance Adding Fault Line Park and Cortez Hill Park to Downtown Parks with 24-Hour Alcohol Bans and Nighttime Curfews. This action will also authorize conveyance of the park easement to the City and designation of Fault Line Park as a public park.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 6/30/2015, Item 60, Subitems A and B. (Council voted 7-0. Councilmember Alvarez and Council President Pro Tem Emerald not present):

Subitem-A: (O-2015-160)

Amending Chapter 5, Article 6, Division 00, of the San Diego Municipal Code by amending Appendix 56.54A to add Fault Line Park and Cortez Hill Park to the 24-Hour Alcoholic Beverage Consumption Ban.

Subitem-B: (O-2015-161)

Amending Chapter 6, Article 3, Division 1, of the San Diego Municipal Code by amending Section 63.0120 to add Fault Line Park and Cortez Hill Park to the Nighttime Curfew for certain downtown public parks.

* ITEM-63: Mid-City Communities Plan Amendment - Chollas Triangle, General Plan Amendment and Rezone. (Eastern Area Community Plan Area. Districts 4 and 9.)

ITEM DESCRIPTION:

The project amends the Mid-City Communities Plan to provide new land uses on 43 acres within Chollas Triangle area. The Amendment redesignates 24.46 acres of Commercial/Mixed Use and 3.56 acres of Industrial land within the area to Neighborhood Village. The Amendment includes a new community plan section specific to Chollas Triangle. The Amendment also includes the realignment of Lea Street as a two-lane collector, and the removal of Chollas Parkway from the circulation network to allow for the future vacation of the 11.4-acre roadway. The 11.4 acres would be designated to provide 4.99 acres as Neighborhood Park, 5.5 acres as Open Space; and 0.91 acres as Neighborhood Village.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 6/30/2015, Item 334, Subitems C and D. (Council voted 8-0. Councilmember Alvarez not present):

Subitem A: (O-2015-134)

Amending Chapter 13, Article 2, Division 14, of the San Diego Municipal Code by amending Section 132.1402, and adding New Diagram 132-14N, related to the Mid-City Eastern Area - Chollas Triangle Community Plan Implementation Overlay Zone.

Subitem-B: (O-2015-135)

Rezoning 36 acres located in Chollas Triangle (within City Heights), within the Mid-City Communities Plan Area, in the City of San Diego, California, from CC-5-3 and III-2-1 Zones to the CC-3-5 and AR-1-1 Zones and repealing Ordinance No. O-18574 N.S. adopted September 8, 1998, of Ordinances of the City of San Diego insofar as the same conflicts herewith.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

- * ITEM-64: State Water Resources Control Board (SWRCB), Drinking Water State Revolving Fund (DWSRF) Loan Application for the Alvarado 2nd Extension Pipeline & Morena Blvd Cast Iron Replacement Project. (Citywide.)

ITEM DESCRIPTION:

Authorization to enter into a low interest State Revolving Fund Loan with the State Water Resources Control Board (SWRCB) to fund the Alvarado 2nd Extension Pipeline & Morena Blvd Cast Iron Replacement Project.

STAFF'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:
Subitem-A: (O-2015-106)

Introduction of an Ordinance authorizing the Mayor, and/or his designee, to execute, for and on behalf of the City of San Diego (City), a Drinking Water State Revolving Fund (DWSRF) Loan, Funding Agreement, Amendments, Reimbursement Claims, Final Release Form, and to take related actions for the Alvarado 2nd Extension Pipeline & Moreno Blvd Cast Iron Replacement Project;

Authorizing the Mayor, and/or his designee, to dedicate revenues from its Water Fund Rates, charges and assessments on parity with all other parity obligations of the Water Enterprise Fund in an amount sufficient to repay the DWSRF Loan for the Project. This dedication shall remain in full force and effect until such Funding Agreements are fully discharged, unless modification or change of such dedication is approved by the State Water Resources Control Board. If for any reason, said resources of revenue prove insufficient to satisfy the debt services of the DWSRF Loan, sufficient funds shall be raised through increased water rates, user charges, or assessments or any other legal means available to meet this loan obligation and to operate and maintain this Project;

Authorizing the City Engineer, or other registered engineer, designated by the Mayor, to execute the Budget and Expenditure Summary, Claim Reimbursement and Certificate of Project Completion forms;

Authorizing the City Engineer, or other registered engineer, designated by the Mayor, to certify that the Project is complete and ready for final inspection;

Authorizing the Chief Financial Officer to apply for, accept, appropriate and expend up to \$65,000,000 in State Revolving Fund Loan Funds for reimbursement to the Water Fund, contingent upon the City Comptroller certifying that the funds are available and contingent upon the loan being secured;

Authorizing the \$65,000,000 loan to be repaid over 20 years at 1.663 percent interest rate.

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

Subitem-B: (R-2015-605)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302, and that an exception to the exemption does not apply;

Determining that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The Funding Agreement, when issued for the Alvarado 2nd Extension Pipeline & Morena Blvd Cast Iron Replacement Project, will provide a \$65,000,000 loan to be repaid over 20 years at a 1.663 percent interest rate. This State Revolving Fund (SRF) Loan is to be repaid over 20 years at an interest rate that is ½ the most recent general obligation bond rate, the current Drinking Water SRF Loan rate is 1.663%. This rate could change depending on if the next bond sale occurs prior to the Agreement being fully executed. Semiannual principal and interest payments will begin after project completion. The total project costs for planning and construction of the Alvarado 2nd Extension Pipeline & Morena Blvd Cast Iron Replacement Project (Project No. 3710020-068) will be funded in its entirety by the State Water Resources Control Board (SWRCB) Safe Drinking Water State Revolving Fund Loan Program.

Based on the estimated loan amount of \$65,000,000, the annual debt service is expected to commence in FY19 for approximately \$214.5 thousand and ramp up to a total annual maximum of \$3.84 million for the next 20 years. The actual debt service impact would depend on the timing of the CIP execution. By entering into the SRF Funding Agreement, the Water Utility will covenant that each Fiscal Year the Net System Revenues will equal at least 120% of senior/parity debt service. Any potential impact on water rates from the proposed loan and the coverage requirements will be evaluated in the future Water Cost of Service Study.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Ordinance No. O-20319 was adopted October 29, 2013. A new ordinance is needed due to the California Department of Public Health and the State Water Resources Control Board merging into one agency, the State Water Resources Control Board. This is not a request for additional funds.

- This item was heard at the Environment Committee meeting on June 17, 2015.

ACTION: Motion by Council President Pro Tern Emerald, second by Councilmember Cate, to forward to the full Council with a recommendation to introduce the Ordinance.

VOTE: 3-0; Alvarez-yea, Cate-yea, Emerald-yea, Gloria-not present.

Wright-Travis/LoMedico

Primary Contact\Phone: Jeanne Cole\858-292-6313, MS 901A
Secondary Contact\Phone: Wilson Kennedy\858-614-4070, MS 901
City Attorney Contact: Palmucci, Raymond C.

ADOPTION AGENDA, CONSENT ITEMS**RESOLUTIONS:**

- * ITEM-100: Street Division Asphalt Concrete Material - Funding Increase Authorization.
(Citywide.)

ITEM DESCRIPTION:

Authorizing an increase in funding for the Contract with Vulcan Materials Company to furnish the City with asphalt concrete materials from \$7,500,000, to \$14,750,495 in accordance with Bid 10023103-12-Y. The majority of the asphalt material to be purchased as part of this Contract will be used by the City's Street Division as part of its daily street maintenance and repair operations.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-765)

Authorizing the Mayor, or his designee, to increase the Contract Funding from \$7,500,000 over five (5) years to \$14,750,495, solely and exclusively, for the purpose of purchasing asphalt concrete material from Vulcan Materials Company per the terms and conditions of Bid No. 10023103-12Y;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$14,750,495 for the purpose of purchasing asphalt concrete material from Vulcan Materials Company, contingent on sufficient funds being included in the approved City Budget each Fiscal Year and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer.

STAFF SUPPORTING INFORMATION:**FISCAL CONSIDERATIONS:**

This action requests to increase the funding authorization, for the purpose of furnishing asphalt concrete from Vulcan Materials Company, from \$7,500,000 to \$14,750,495. Due to budgetary constraints, the previous City Council action in November 2012, requested authorization for an average annual expenditure of only \$1,500,000 per year for a five-year total of \$7,500,000. The requested increase is consistent with the estimated usage of 46,500 tons included in Bid No. 10023103-12-Y, and the vendor is able to supply the needed materials. The Amended five (5) year aggregate cost of the Agreement shall not exceed \$14,750,495 from various funding sources including the Transportation & Storm Water Department, Public Utilities Department, and Capital Improvement Program Budgets; contingent upon the adoption of the Fiscal Year 2016 Appropriations Ordinance and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer. This materials Contract authorization is needed to perform services included in the Fiscal Year 2016 Proposed Budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- City Council previously approved R-307855 on November 27, 2012.

- This item was heard at the Budget and Government Efficiency Committee meeting on June 17, 2015.

ACTION: Motion by Councilmember Kersey, second by Councilmember Sherman, to recommend Council adopt the Resolution to approve the Contract Amendment.

VOTE: 4-0; Gloria-yea, Cole-yea, Kersey-yea, Sherman-yea, Alvarez not present.

McFadden/LoMedico

Primary Contact\Phone: Kristy Reeser\619-527-7504, MS 44

Secondary Contact\Phone: Walter Gefrom\619-527-7509, MS 44

City Attorney Contact: Gerrity, Ryan P.

- * ITEM-101: Approval of Surrender and Termination Agreement between the City of San Diego and the YMCA located at 3901 Landis Street, San Diego, CA. (City Heights Community Area. District 9.)

ITEM DESCRIPTION:

The YMCA, a Nonprofit Organization located at 3901 Landis Street, San Diego, has been leasing from the City since 1953. The YMCA is requesting approval to terminate its lease early to operate their nearby newly built facility in City Heights. The City Park and Recreation Department plans to operate a Community Center at this site.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2015-711)

Authorizing and directing the Mayor, or his designee, to execute with the YMCA of San Diego County, a California Nonprofit Corporation, the "Lease Surrender and Termination Agreement", to terminate that certain Lease Agreement dated October 1, 1995, regarding the Community and Recreational Center known as the Copley YMCA at 3901 Landis Street, San Diego, California;

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

Subitem-B: (R-2015-712)

Determining that the Lease Surrender and Termination Agreement, with the YMCA of San Diego County, a California Nonprofit Corporation, to terminate the Lease between the City and the YMCA for the Copley YMCA Recreational and Community Center located at 3901 Landis Street, San Diego, California, is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 and that an exception to the exemption does not apply under CEQA Guidelines Section 15300.2.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The Park and Recreation Department will be taking on the costs of utilities, security, maintenance and all future improvements to the facility.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Smart Growth and Land Use Committee meeting on June 10, 2015.

ACTION: Motion by Councilmember Gloria, second by Councilmember Sherman, to recommend approval of staff's recommendation.

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

Thompson/Villa

Primary Contact\Phone: Charmaine Gillis\619-236-6020

Secondary Contact\Phone: Patti Phillips\619-236-6766

City Attorney Contact: Fonseca, Jeremy M.

- * ITEM-102: Authorized Agents to obtain certain financial assistance on the City's behalf for disaster related Grants managed and monitored by the Office of Homeland Security. (Citywide.)

ITEM DESCRIPTION:

Approval request of a Resolution authorizing the Mayor, the Chief Operating Officer, the Chief Financial Officer, the Office of Homeland Security Executive Director, and the Office of Homeland Security Program Manager to execute and file, for and on behalf of the City, applications and documents for the purpose of obtaining certain Federal and State financial assistance for recovering costs associated with declared local emergencies. These Funds are managed and monitored by the Office of Homeland Security.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-758)

Authorizing the Mayor, the Chief Operating Officer, the Chief Financial Officer, the Office of Homeland Security Executive Director, and the Office of Homeland Security Program Manager to execute and file, for and on behalf of the City, applications and documents for the purpose of obtaining certain Federal and State Financial Assistance for costs associated with declared local emergencies.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Funding received from financial assistance programs directly support the City's ability to respond to and recover from a catastrophic event. These Funds are managed and monitored by the Office of Homeland Security.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Resolution R-303296, approved by City Council on January 8, 2008.
- Resolution R-304717, approved by City Council on March 20, 2009.
- Resolution R-309300, approved by City Council on November 25, 2014.

- This item was heard at the Public Safety and Livable Neighborhoods Committee on June 10, 2015.

ACTION: Motion by Councilmember Cate, second by Councilmember Cole, to accept the report and approve staff's recommendation.

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

Valencia/Chadwick

Primary Contact\Phone: John Valencia\619-533-6763, MS 615H

Secondary Contact\Phone: Katherine Jackson\619-533-6761, MS 615H

City Attorney Contact: Brazier, Noah J.

- * ITEM-103: Authorize Agreement (H156348) with AMEC Foster Wheeler for As-Needed Storm Water Environmental Monitoring Services.

ITEM DESCRIPTION:

This item will authorize a Five-Year Agreement with AMEC Foster Wheeler for As-Needed Storm Water Environmental Monitoring Services to monitor and facilitate the management of the City's Municipal Separate Storm Sewer System (MS4). AMEC Foster Wheeler will provide a number of professional services to monitor, analyze, interpret, and report the current state of storm water quality, sediment and other environmental conditions in the MS4; assess the effectiveness of programs and projects; and evaluate the impact of current or proposed regulations and programs.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2015-554)

Authorizing the Mayor, or his designee, to execute an Agreement with AMEC Foster Wheeler for As-Needed Storm Water Environmental Monitoring Services (Agreement) to support Storm Water Division Programs for an amount not to exceed \$15,000,000 over five (5) years, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$15,000,000 over five (5) years for services under the Agreement, contingent upon the City Council's approval of the Appropriation Ordinance for the applicable fiscal year, and the Chief Financial Officer furnishing one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasury;

Authorizing the Chief Financial Officer to expend \$1,000 from Fund 100000 - General Fund, Transportation & Storm Water Department Operating Budget, for the purpose of executing this Agreement and meeting minimum Contract requirements;

Declaring that Section C of Council Policy No. 300-07 (Consultant Services Selection), regarding selection procedure for consultants performing work which does not require professional licensing, is waived for the purpose of this Agreement.

Subitem-B: (R-2015-572)

Determining that the Agreement is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15306 (Information Collection);

Determining that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The approval of this item will authorize the minimum expenditure under the Agreement of \$1,000 from the Transportation & Storm Water Department FY 2015 General Fund Operating Budget. Funds will be budgeted for Task Orders by the Storm Water Division for future Fiscal Years 2016 - 2020. Purchase Requisitions will for these task orders processed subsequent to Council adoption of the corresponding years' Appropriation Ordinances, and upon the Chief Financial Officer furnishing one or more certificates certifying funds are, or will be on deposit with the City Treasurer.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTIONS:

This item was heard at the Environment Committee meeting on June 17, 2015.

ACTION: Motion by Council President Pro Tem Emerald, second by Councilmember Cate, to forward to full Council with a recommendation to adopt the Resolution.

VOTE: 3-0; Alvarez-yea, Cate-yea, Emerald-yea, Gloria not present.

McFadden/LoMedico

Primary Contact\Phone: David Wells\619-541-4339, MS 1900

City Attorney Contact: Stroud, Heather L.

- * ITEM-104: Authorization of Pipeline Installation and Maintenance Agreement between the City and the United States of America (NAVY) for the Rosecrans and Midway Area. (Peninsula, Midway-Pacific Highway and Old San Diego Community Area. Districts 2 and 3.)

ITEM DESCRIPTION:

Approval of an Agreement between the City of San Diego (City) and the United States of America (Navy) for the Navy to relocate a portion of its petroleum pipeline within City public right of way (ROW). The Navy's existing petroleum pipeline runs within existing Navy easements, from the end of Rosecrans Street at Naval Base Point Loma to Miramar Corps Air Station. The Navy proposes to realign portions of the existing pipeline into City public ROW. The Navy has expressed they have access issues because of existing encroachments and by installing their pipeline in City public ROW, it will allow better access for maintenance.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-746)

Authorizing and directing the Mayor, or his designee, to execute the "Pipeline Installation and Maintenance Agreement", with the United States of America (NAVY), for the installation and maintenance of fuel pipeline in City rights of way (ROW) in the Rosecrans, Midway, and Morena areas of San Diego, California;

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;

Authorizing the Chief Financial Officer to accept and deposit the proceeds from the "Pipeline Installation and Maintenance Agreement" into the General Fund 100000.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

\$310,000 payment for the “Pipeline Installation and Maintenance Agreement” for the term of 50 years to be deposited into General Fund (No. 100000), GL No. 415005 (other franchise).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Smart Growth and Land Use Committee meeting on June 10, 2015.

ACTION: Motion by Councilmember Sherman, second by Councilmember Gloria, to forward staff's recommendation to full City Council to approve.

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

Thompson/Villa

Primary Contact\Phone: Brenda Chilvers\619-236-6062

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

City Attorney Contact: Fonseca, Jeremy M.

- * ITEM-105: Real Time Ocean Observing System for the Point Loma and South Bay Ocean Outfalls (Agreement with The Regents of the University of California) - H156332. (Citywide.)

ITEM DESCRIPTION:

This action is requesting approval of the Agreement for the University of California, San Diego, Scripps Institution of Oceanography, Ocean Time Series Group for the design and purchase of real-time oceanographic mooring systems to be deployed as part of the City's enhanced ocean monitoring efforts for the San Diego region. The Agreement requires the City of San Diego to fund this project for a total of \$1,188,055 for Fiscal Years 2016-2017.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2015-592)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a five-year Agreement with the Regents of the University of California through San Diego's Scripps Institution of Oceanography for the design and purchase of real-time oceanographic mooring systems, for a total maximum compensation amount not to exceed \$1,188,055 and under the terms and conditions set forth in the Agreement, contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that the funds necessary for expenditure under established contract are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to appropriate and expend and a total amount not to exceed \$1,188,055 from Sewer Funds 700001 (Metro Sewer), solely and exclusively, for the above-referenced contract, contingent on sufficient funding being available in the approved City Budget each fiscal year, and provided the Chief Financial Officer first furnishes one or more certificates demonstrating the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

Subitem-B: (R-2015-593)

Determining that the Agreement is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15306 (Information Collection);

Determining that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total not to exceed amount of the Agreement is \$1,188,055 and will be expended over Fiscal Years 2016 - 2017. Funding will be available in the Metro Sewer Utility Fund 700001, contingent upon adoption of the Annual Appropriation Ordinance for the applicable Fiscal Year, and contingent upon the City Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Environment Committee meeting on June 17, 2015.

ACTION: Motion by Council President Pro Tem Emerald, second by Councilmember Cate, to forward to the full Council with a recommendation to adopt the resolution and to request staff to provide regular updates to the Committee.

VOTE: 3-0; Alvarez-yea, Cate-yea, Emerald-yea, Gloria-not present.

Mulvey/LoMedico

Primary Contact\Phone: Tim Stebbins\619-758-2329, MS 45A

Secondary Contact\Phone: Adriano Feit\619-758-2377, MS 45A

City Attorney Contact: Leone, Christine M.

- * ITEM-106: Execute Agreements with the San Diego Association of Governments for the Mid-Coast Corridor Transit Project. (Old Town, Mission Valley, Linda Vista, Clairemont Mesa, La Jolla, and University Community Areas. Districts 1, 2, 3, and 7.)

ITEM DESCRIPTION:

This item consists of four Agreements with the San Diego Association of Governments (SANDAG) related to the Mid-Coast Corridor Transit Project, which is an extension of the San Diego Trolley from the Old Town Transit Center to the UTC Transit Center. The Agreements deal with the general implementation of the Mid-Coast project, transfers of several parcels of City property for use as trolley stations or other project purposes, and two Agreements regarding the relocation of City-owned wet utility facilities within the railroad right-of-way. The two Agreements regarding wet utility relocation require funding authorizations, and one of the wet utility relocation agreements requires an environmental clearance.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2015-778)

Authorizing the Mayor, or his designee, to execute the Project Implementation Agreement with San Diego Association of Governments' (SANDAG) for the Mid-Coast Transit Corridor Project on the terms and conditions set forth in the document.

Subitem-B: (R-2015-785)

Authorizing the Mayor, or his designee, to enter into the Wet Utility Reimbursement Agreement with SANDAG for the Elvira to Morena Double Track Project on the terms and conditions set forth in the document for an amount not to exceed \$9,130,328, contingent upon adoption of the Fiscal Year 2016 Appropriation Ordinance and contingent upon the Chief Financial Officer certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasury;

Authorizing the Mayor, or his designee, to enter into the Wet Utility Reimbursement Agreement with SANDAG for the Mid-Coast Corridor Transit Project on the terms and conditions set forth in the document for an amount not to exceed \$3,958,908, contingent upon adoption of the Fiscal Year 2016 Appropriation Ordinance and contingent upon the Chief Financial Officer certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasury;

Authorizing the Chief Financial Officer to expend funds in an amount not to exceed \$546,165 from CIP A-JA.00001, Annual Allocation - Sewer Main Replacement (B-15136), Fund 700008, Muni Sewer CIP and \$9,497,195 from CIP A-KB.00003, Annual Allocation - Water Main Replacements (B-15221) Fund 700010, Water Utility CIP, for the Wet Utility Reimbursement Agreement with SANDAG for the Elvira to Morena Double Track Project and related costs, contingent upon the adoption of the Fiscal Year 2016 Appropriation Ordinance and contingent upon the Chief Financial Officer demonstrating that the funds necessary for expenditures are, or will be, on deposit with the City Treasury;

Authorizing the Chief Financial Officer to expend funds in an amount not to exceed \$3,364,598 from CIP A-JA.00001, Annual Allocation - Sewer Main Replacement (B-15220), Fund 700008, Muni Sewer CIP and \$990,200 from CIP A-KB.00003, Annual Allocation - Water Main Replacements (B-15219) Fund 700010, Water Utility CIP, for the purpose of providing funds for the Wet Utility Reimbursement Agreement with SANDAG for the Mid-Coast Corridor Transit Project and related costs, contingent upon the adoption of the Fiscal Year 2016 Appropriation Ordinance and contingent upon the Chief Financial Officer demonstrating that the funds necessary for expenditures are, or will be, on deposit with the City Treasury;

Authorizing the Mayor, or his designee, to use City Forces for work as required in connection with the two aforementioned Wet Utility Reimbursement Agreements, for an amount not to exceed \$375,000;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$375,000, of which \$75,000 from CIP A-KB.00003, Annual Allocation - Water Main Replacements (B15219), Fund 700010, Water Utility CIP and \$300,000 from CIP A-KB.00003, Annual Allocation - Water Main Replacements (B15221), Fund 700010, Water Utility CIP, for City Forces-related costs.

Subitem-C: (R-2015-792 Cor. Copy)

Declaring that the fee and easement interests in the Properties are required for a public purpose and may be sold and conveyed to SANDAG at no cost, with the exception of the lot identified as Mid-Coast Corridor Transit Project (MCCTP) Parcel No. 40105-1, which shall be conveyed to SANDAG in exchange for certain gas tax-eligible public improvements, pursuant to the terms and conditions set forth in the Real Property Purchase and Sale Agreement (SANDAG Document No. 5008201), which terms and conditions the Council hereby deems fair, equitable, and in the public interest;

Declaring that given the public benefit to be derived from the Project, Council Policy 700-10 is hereby waived to the extent the Properties are potentially sold for less than fair market value;

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, the aforementioned Agreement for the sale and conveyance of fee and easement interests in the Properties to SANDAG;

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATION:

Enterprise funding of \$4,089,240 will be available in CIP A-JA.00001 Annual Allocation - Sewer Main Replacements, Fund 700008, Muni Sewer CIP, and enterprise funding of \$11,333,996 will be available in CIP A-KB.00003, Annual Allocation - Water Main Replacements, Fund 700010, Water Utility CIP for the purpose of funding the two (2) Wet Utility Reimbursement Agreements. The appraised value of the parcels transferred under the Purchase and Sale Agreement totals \$3,500,000, to \$3,600,000 million. With the exception of the proposed Balboa Station Site, the properties will be transferred at no cost to SANDAG due to the public benefit that will be derived from the project. The City will convey the proposed Balboa Avenue Station site to SANDAG in exchange for certain gas tax eligible public improvements, approved by the City, and constructed by SANDAG. (Rev. 07/10/15)

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On November 27, 1995, the City approved Resolution R-286634 expressing supporting for the Mid-Coast project and the selected corridor.
- On February 13, 2013, the City approved Resolution R-307977, committing the City's support for the Mid-Coast Project and pledging timely cooperation.
- This item was heard by the Infrastructure Committee on June 24, 2015, and forwarded to the full Council.

ACTION: Motion by Councilmember Emerald, second by Councilmember Zapf, to recommend Council adopt the Resolution to approve the Agreement.

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

The City has a long and consistent record of supporting the Project.

Gibson/Chadwick

Primary Contact\Phone: James Nagelvoort\619-533-5100, MS 9A
Secondary Contact\Phone: Luis Schaar\619-533-7492, MS 908A
City Attorney Contact: Jung, Jeremy A.

* ITEM-107: National Endowment for the Arts, Art Works Grant Acceptance. (Downtown (Civic Center Plaza) Community Area. District 3.)

ITEM DESCRIPTION:

The National Endowment for the Arts established Art Works to support local arts agency efforts to educate the public about civic art and enhance the public's engagement within heavily traversed public spaces. This grant money will be used to conserve Bow Wave, a culturally significant sculpture by Malcolm Leland; document and preserve the artwork for future San Diegans; ensure its preservation through proper care and maintenance, and increase awareness of the City's Civic Art Collection through didactic signage and dissemination of informational content on the Commission's website.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-713)

Authorizing the Mayor, or his representative, to make application to National Endowment for the Arts (NEA) and to take all necessary actions to secure funding for an amount not to exceed \$20,000 in Federal Grant money for the purpose of conserving the Bow Wave sculpture in Civic Plaza;

Authorizing the Chief Financial Officer to accept, appropriate and expend an amount not to exceed \$20,000 NEA Grant, as well as execute any and all agreements necessary to fulfill the purposes thereof;

Authorizing the Chief Financial Officer to establish a fund for deposit of the grant money, if the grant funding is secured and upon receipt of a fully executed Grant Agreement.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The \$20,000 National Endowment for the Arts (NEA) Grant for the artwork conservation will be contingent upon the availability of FY16 funds in the Federal Budget and on condition that the City provides matching funds. The Commission's Fiscal Year 2016 Public Art Fund allocation will provide the matching funds, contingent upon approval of the Fiscal Year 2016 Appropriation Ordinance and contingent upon the City Comptroller certifying that funds are available.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Springs/Graham

Primary Contact\Phone: Teresa Monillas\619-236-6803, MS 652
Secondary Contact\Phone: Christine Jones\619-236-6661, MS 652
City Attorney Contact: Bartolotta, Bret A.

* ITEM-108: State Water Resources Control Board (SWRCB), Grant application for the Sorrento Mesa Recycled Water Pipeline. (Citywide.)

ITEM DESCRIPTION:

Authorization to apply for, accept and expend a Grant with the State Water Resources Control Board (SWRCB) to fund a portion of the Sorrento Mesa Recycled Water Pipeline Project.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2015-744 Cor. Copy 2) (Rev. 07/10/15)

Authorizing application for and execution of the State Water Resources Control Board Grant Application and Agreement for the Sorrento Mesa Recycled Water Pipeline; (Rev. 07/09/15)

Subitem-B: (R-2016-1)

Determining that the approval of additional funding for the planning, design, and construction of the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15303 (New Construction) and Section 15304 (Minor Alterations to Land);

Considering that the potential environmental effects of the Project, and that the Council has determined that an exception to the exemptions as set forth in CEQA Guidelines Section 15300.2 does not apply.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total project costs are estimated to be \$2,837,000 and will initially come from the Public Utilities Water Revenue Fund. Of the total project costs, an amount up to \$992,950 will be grant funded and those grant funds will reimburse the Public Utilities Water Revenue Fund. The remaining \$1,844,050 will be cash funded through Public Utilities Water Revenue Fund.

The expenditures are expected to occur in FY16 and FY17. Revenue receipts are anticipated in FY17 from the Water Recycling Grant (\$992,950) and will reimburse the Public Utilities Water Fund (No. 700010).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Resolution No. R-304316 adopted November 13, 2008, authorized the Mayor, or his representative, to sign and submit applications for financial assistance from the State Water Resources Control Board (SWRCB).

Jones-Santos/LoMedico

Primary Contact\Phone: Jeanne Cole\858-292-6313, MS 901A

Secondary Contact\Phone: Wilson Kennedy\858-614-4070, MS 901

City Attorney Contact: Palmucci, Raymond C.

* ITEM-109: Settlement of personal injury claim of Plaintiff Kathleen Gonzalez, Risk Management File No. 7523.

ITEM DESCRIPTION:

This complaint for personal injuries suffered by Kathleen Gonzalez as the result of an automobile collision between a City truck driven by a Code Enforcement Officer and a car in which Ms. Gonzalez was a passenger. The proposed settlement would resolve all claims brought by Kathleen Gonzalez.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-752)

Authorizing the sum of \$175,000 to be paid 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 the City, its agents and employees, arising from the Litigation;

Authorizing the City Comptroller to issue a check in the amount of \$175,000, made payable to Kathleen Gonzalez and the Law Office of Warren B. Treisman.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$175,000 will be paid from the Public Liability Fund No. 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was approved in Closed Session on June 2, 2015.

Bamberg

Primary\City Attorney Contact\Phone: Kelly L. McGeehan\619-533-5884

* ITEM-110: Settlement of property/personal injury claim of Jaimie Jubak, Risk Management File No. 9527.

ITEM DESCRIPTION:

This complaint for personal injuries suffered by Jaimie Jubak as the result of a trip and fall. The proposed settlement would resolve all claims brought by Jaimie Jubak.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-787)

Authorizing the Mayor, or his designee, to pay the sum of \$105,000 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 property damage claim of *Jaimie Jubak v. City of San Diego*, San Diego Superior Court Case No. 37-2014-00026428-CU-PO-CTL;

Authorizing the Chief Financial Officer to appropriate and expend \$105,000 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 \$105,000, made payable to Jaimie Jubak and Harris Personal Injury Lawyers, Inc.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$105,000 will be paid from the Public Liability Fund No. 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was approved in Closed Session on June 9, 2015.

Karlin/Bamberg

Primary\City Attorney Contact\Phone: Kelly L. McGeehan\619-533-5884

* ITEM-111: Reappointments to the Municipal Golf Committee.

MAYOR FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-755)

Council confirmation of the following reappointments by the Mayor of the City of San Diego, to serve as members of the Municipal Golf Committee, for terms expiring as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Marc Sorensen (Scripps Ranch, District 5) (Reappointment)	Torrey Pines Golf Course Club Representative	May 1, 2019
Megan Mahoney (North Park, District 3) (Reappointment)	Youth Golf Program Professional	May 1, 2019
Ann Dynes (La Jolla, District 1) (Reappointment)	Financial Management	May 1, 2019
Albert Bruton (Sunset Cliffs, District 2) (Reappointment)	Balboa Park Golf Course Men's Club	May 1, 2019
Doris Cronkhite (Bay Park, District 2) (Reappointment)	Mission Bay Golf Course	May 1, 2019

- * ITEM-112: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2015-402)

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.

- * ITEM-113: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2015-408 Cor. Copy) (Rev. 7/9/15)

Declaring a continued state of emergency due to severe shortage of affordable housing in the City of San Diego, pursuant to California Government Code Section 8630;

Declaring that the measures previously taken by the City Council in Resolution Number R-296982 shall continue to have full force and effect.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

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

ITEM-330: City Auditor's Performance Audit of the Airports Division-Real Estate Assets Department. (Citywide.)

ITEM DESCRIPTION:

Receive and accept the City Auditor's Performance Audit of the Airports Division.

CITY AUDITOR'S RECOMMENDATION:

Informational item only.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The report was presented at the Audit Committee meeting on June 3, 2015.

ACTION: Motion by Councilmember Zapf, second by Committee Member Hebrank, to accept the report and forward it to the City Council.

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

ITEM-331: has been moved to be ITEM 200 on Monday's agenda. (Rev. 07/9/15)

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

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

ITEM-332: Amendment to Chapter 2, Article 2, Division 2, of the San Diego Municipal Code to clarify the City Council's ability to modify the Mayor's Mid-Year Budget recommendation in the event of a projected budget surplus.

ITEM DESCRIPTION:

Amend Chapter 2, Article 2, Division 2, of the San Diego Municipal Code in order to clarify that during the Mid-Year Budget process, the City Council has the authority to approve or modify, in whole or in part, the Mayor's recommendation for any projected budget surplus.

INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-141 Cor. Copy)

Introduction of an Ordinance amending Chapter 2, Article 2, Division 2, of the San Diego Municipal Code by amending Section 22.0229 relating to mid-year adjustments to the Adopted Budget of the City.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On August 2, 2011, the City Council adopted an Ordinance amending Chapter 2, Article 2, Division 2, of the San Diego Municipal Code by adding Sections 22.0229 and 22.0230 relating to mid-year adjustments to the Adopted Budget of the City and reporting significant reductions in City services or programs (O-20084).
- On March 2, 2015, the City Council requested that the Independent Budget Analyst (IBA) work with the City Attorney's Office and the CFO to clarify the language in Ordinance O-20084, Section 22.0229 which describes the City Council's authority to approve or modify the Mayor's recommendation when there is a projected Mid-Year Budget surplus.

Kawar

Primary Contact\Phone: Christiana Gauger\619-236-6443, MS 3A
Secondary Contact\Phone: Andrea Tevlin\619-236-6555, MS 3A
City Attorney Contact: Will, Brant C.

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-333: 3142 Sterne Street, Project No. 327613. (Peninsula Community Plan Area. District 2.)

ITEM DESCRIPTION:

3142 Sterne Street Project proposes to construct a private driveway, a storm drain facility and landscape planters within the unimproved Sterne Street public right-of-way and, a Variance to construct over height retaining walls within the interior side and rear setbacks on private property. A portion of the driveway would also encroach into the front setback.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-769)

Adoption of a Resolution adopting findings with respect to Site Development Permit No. 1306241, Neighborhood Development Permit No. 1460597 and Variance No. 1151185, which are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

Granting Site Development Permit No. 1306241, Neighborhood Development Permit No. 1460597 and Variance No. 1151185 to Mark Nichols, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this Resolution.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Vacchi/LoMedico/st

Primary Contact\Phone: Sandra Teasley\619-446-5271, MS 501

City Attorney Contact: Thomas, Shannon

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT