

# **CITY OF SAN DIEGO COUNCIL DOCKET**



## **COUNCIL PRESIDENT**

**Sherri Lightner • First District**

## **COUNCIL PRESIDENT PRO TEM**

**Marti Emerald • Ninth District**

## **COUNCIL MEMBERS**

**Lorie Zapf • Second District**

**Todd Gloria • Third District**

**Myrtle Cole • Fourth District**

**Mark Kersey • Fifth District**

**Chris Cate • Sixth District**

**Scott Sherman • Seventh District**

**David Alvarez • Eighth District**

**Andrea Tevlin  
Independent  
Budget Analyst**

**Jan Goldsmith  
City Attorney**

**Liz Maland  
City Clerk**

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

**Tuesday, November 10, 2015**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, NOVEMBER 10, 2015, AT 10:00 AM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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This information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA), by contacting the City Clerk at (619) 533-4000 or <mailto:cityclerk@sanidiego.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. (Rev. 11/6/15)~~**

**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:

10/12/2015 - Adjourned  
10/13/2015 - Adjourned

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: Recognition of National University Scholarship Award Winner and Finalists.

**PRESENTED BY MAYOR FAULCONER:**

Ceremonial Item - Recognition of National University Scholarship Award Winner and Finalists.

ITEM-31: Recognition to the de Llamas Family for their donation to the San Ysidro Library CIP Project. (Rev. 11/5/15)

**PRESENTED BY COUNCILMEMBER ALVAREZ:** (Rev. 11/5/15)

Ceremonial Item - Recognition to the de Llamas Family for their donation to the San Ysidro Library CIP Project. (Rev. 11/5/15)

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

ITEM-32: Chief Javier Mainar Day.

**PRESENTED BY MAYOR FAULCONER AND COUNCIL PRESIDENT PRO TEM EMERALD:**

Proclaiming November 10, 2015, to be "Chief Javier Mainar Day" in the City of San Diego.

ITEM-33: San Diego Beer Week.

**PRESENTED BY COUNCILMEMBER KERSEY AND COUNCILMEMBER CATE:**

Proclaiming November 5, 2015, through November 15, 2015, to be "San Diego Beer Week" in the City of San Diego.

ITEM-34: Doug Beckham Day.

**PRESENTED BY COUNCILMEMBER SHERMAN:**

Proclaiming November 10, 2015, to be "Doug Beckham 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-35: Jonas Salk Elementary School Day.

**MAYOR FAULCONER'S AND COUNCILMEMBER CATE'S RECOMMENDATION:**

Proclaiming October 28, 2015, to be "Jonas Salk Elementary School Day" in the City of San Diego.

ITEM-36: Ironworkers Local 229 Day.

**COUNCILMEMBER GLORIA'S AND COUNCIL PRESIDENT PRO TEM EMERALD'S RECOMMENDATION:**

Proclaiming October 27, 2015, to be "Ironworkers Local 229 Day" in the City of San Diego.

ITEM-37: Partnerships with Industry Day.

**COUNCILMEMBER SHERMAN'S RECOMMENDATION:**

Proclaiming October 19, 2015, to be "Partnerships with Industry Day" in the City of San Diego.

ITEM-38: 5-Peak Challenge Day.

**COUNCILMEMBER SHERMAN'S RECOMMENDATION:**

Proclaiming November 7, 2015, to be "5-Peak Challenge 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 environmental documents have been considered. These items are indicated on the docket by a preceding asterisk (\*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak from prior to the start of the meeting.

**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: First Amendment to the Agreement with Simon Wong Engineering for professional services for the design and construction support for the Miramar Clearwell Improvements Project. (Scripps Miramar Ranch and Miramar Ranch North Community Areas. District 5.)

**ITEM DESCRIPTION:**

Council Authorization to execute the First Amendment of the Agreement (H125587) with Simon Wong Engineering for engineering design and construction support services of the Miramar Clearwell Improvements Project. This First Amendment provides additional funds to allow Simon Wong Engineering to design for the additional scope of work.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2016-25)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the First Amendment to the Agreement with Simon Wong Engineering for professional services for the design of Miramar Clearwell Improvements Project, in CIP S-11024, Miramar Clearwell Improvements, in an amount not to exceed \$1,796,259 and no extension of time is needed with the Amendment, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend funds under the established contract funding phases in the amount not to exceed \$616,515 for Phase IV (FY2016) and \$1,179,744 for all subsequent phases from CIP S-11024, Miramar Clearwell Improvements, Fund 700010, Water Utility CIP, for the purpose of executing this First Amendment to the Agreement, contingent upon the approval of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer, 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 cost for the professional design services is \$6,795,016. Funding of \$4,998,757 was previously authorized by Ordinance Number O-20195. Additional funding of \$1,796,259 will be available in CIP S-11024, Miramar Clearwell Improvements, Fund 700010, Water Utility CIP, for this purpose. This First Amendment to the Agreement is scheduled to be funded in FY2016 for \$616,515, FY2017 for \$875,091, and FY2018 for \$304,653 contingent upon the adoption of FY2017 and FY2018 Appropriation Ordinances and, contingent upon the Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for expenditure under the established contract funding phases are, or will be, on deposit with the City Treasurer.

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

The total amount of \$4,998,757 was previously authorized by O-20195 dated October 3, 2012, and approved by the Committee on Natural Resources on June 27, 2012.

This item was heard at the Infrastructure Committee meeting on October 21, 2015.

**ACTION:** Motion by Councilmember Emerald, second by Vice-Chair Cole, to recommend Council introduce the ordinance.

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

Gibson/Gomez

Primary Contact\Phone: Mark Nassar\619-533-6600

Secondary Contact\Phone: Iraj Asgharzadeh\619-533-5105

City Attorney Contact: Mercer, Mark M.

\* ITEM-51: Piazza Famiglia Agreements. (Downtown Community Area. District 3.)

**ITEM DESCRIPTION:**

This action is for the consideration and approval of a Park Development Agreement and Reimbursement Agreement with Fenton Little Italy, LLC, for a public plaza in the Little Italy neighborhood of Downtown to be known as Piazza Famiglia.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2016-34)

Introduction of an Ordinance authorizing and directing the Mayor to execute, for and on behalf of the City, a Park Development Agreement with Fenton Little Italy LLC, for the Piazza Famiglia (Plaza), under the terms and conditions set forth in the Park Development Agreement;

Authorizing and directing the Mayor to execute, for and on behalf of the City, a Reimbursement Agreement with Fenton Little Italy LLC (Developer) for the Plaza, under the terms and conditions set forth in the Reimbursement Agreement;

Waiving the consultant selection requirements of San Diego Municipal Code Section 22.3202, Council Policy 300-07, and Council Policy 100-10 for the selection of Plaza design consultant services;

Authorizing the Chief Financial Officer to add CIP No. RD16000, Piazza Famiglia, to the Capital Improvements Program;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program budget in CIP No. RD16000, Piazza Famiglia, in the amount of \$1,000,000, and to appropriate and expend \$1,000,000 from Fund No. 400122 Centre City DIF Admin, for the purpose of reimbursing the Developer for the design and construction of the Plaza consistent with the terms of the Reimbursement Agreement, 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.**



**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The City will incur expenses of up to \$1,000,000 paid by the Downtown Development Impact Fee Fund (Downtown DIF). There are no General Fund expenses associated with the development of this project.

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

On June 17, 2014, the City Council approved the Fiscal Year 2015 Downtown Community Public Facilities Financing Plan (Downtown PFFP). The Downtown PFFP includes Project No. P-13, Downtown Park Acquisition and Development, which anticipates funding for the acquisition, design, and construction of park facilities in the Downtown Community. The Piazza Project is consistent with the intent of the Downtown PFFP.

On July 14, 2014, the City Council adopted Resolution No. R-309116, which among other things approved a certain Centre City Development Permit (CCDP), Planned Development Permit (PDP), Neighborhood Use Permit (NUP), and Site Development Permit (SDP) for a project known as “India and Date”, collectively known as CCDP/PDP/NUP/SDP No. 2013-10. CCDP/PDP/NUP/SDP No. 2013-10 allows for the construction of the Piazza Project.

On July 14, 2014, the City Council adopted Resolution No. R-309117, vacating a portion of Date Street between India Street and Columbia Street (Right of Way Vacation No. 1094595) to enable, the construction and establishment of the Piazza Project.

On October 21, 2015, the Infrastructure Committee heard this item and voted 4-0 to introduce the proposed Ordinance for consideration by the City Council.

**ACTION:** Motion by Councilmember Emerald, second by Councilmember Zapf, to recommend Council introduce the Ordinance.

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

Tomlinson/Graham

Primary Contact\Phone: Scott Mercer\619-533-3676, MS 606 F  
Secondary Contact\Phone: Robin Shifflet\619-533-4524, MS 413  
City Attorney Contact: Vonblum, Heidi K.

ADOPTION AGENDA, CONSENT ITEMS

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

- \* ITEM-52: Ordinance amending San Diego Municipal Code Section 52.80.01 related to trespass on privately operated business premises.

**ITEM DESCRIPTION:**

This action is to approve an ordinance amending Chapter 5, Article 2, Division 00, Section 52.80.01, of the San Diego Municipal Code related to trespass on privately operated business premises.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 10/27/2015, Item 50. (Council voted 8-0. Councilmember Alvarez-not present):

(O-2016-18)

Amending Chapter 5, Article 2, Division 00, of the San Diego Municipal Code by amending Section 52.80.01 relating to trespass and exceptions thereto.

- \* ITEM-53: Third Amendment to Agreement with WLC Architects, Inc., for East Mission Valley, Fire Station No. 45 (Formerly Fire Station No.2). (East Mission Valley Community Area. District 7.)

**ITEM DESCRIPTION:**

This Action is to approve the Third Amendment to the Agreement with WLC Architects, Inc., for the Fire Station No. 45 Project. This Amendment will add funds to cover those unanticipated cost associated with increases to the project scope in the amount of \$55,000. It will extend the Agreement an additional 3 years.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 10/27/2015, Item 51. (Council voted 8-0. Councilmember Alvarez-not present):

(O-2016-7)

Authorizing the Mayor, or his designee, to execute the Third Amendment to the Agreement with WLC Architects, Inc., for professional architectural services on the Fire Station No. 45 Project under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase Project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this Project and Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$55,000 from CIP S-00688, Fire Station No. 45 Project, Fund No. 400135, MISSION VALLEY-URBAN, for the purpose of executing the Third Amendment to the Agreement with WLC Architects, Inc., contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for the expenditure are, or will be, on deposit with the City Treasurer.

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

- \* ITEM-54: Second Amendment to the Agreement Between the City of San Diego and SAP Public Services, Inc., for Application Support Services and Software Licenses related to the SAP systems of the City of San Diego. (Citywide.)

**ITEM DESCRIPTION:**

This action is to approve the Second Amendment for the Agreement with SAP Public Services, Inc., for software licensing and support services with a not to exceed amount of \$31,550,183, over a period of five years; and this action is required to allow the City's continued use and support of our SAP Enterprise Application for processing, monitoring, and compliance of our \$3.2 billion Annual Budget in FY2016.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 10/19/2015, Item 153. (Council voted 9-0):

(O-2016-10)

Authorizing and empowering the Mayor to execute, for and on behalf of the City, Amendment No. 2 to the Agreement with SAP for the purpose of extending the term of the Agreement, providing a not-to-exceed amount of \$31,550,183 for the extension term, and modifying the Agreement's insurance provisions under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend funds in an amount not to exceed a total of \$31,550,183 for the remaining term of the Agreement, as amended, which includes \$7,217,599 for Fiscal Year 2016, of which \$3,575,859 is from Fund 200610 - OneSD Support Fund for OneSD IT operational costs, and \$3,641,740 is from CIP S-14000 EAM ERP Implementation, Funds 700008 - Muni Sewer Utility CIP Fund, 700009 - Metro Sewer Utility CIP Fund, 700010 - Water Utility CIP Fund, and 200610 - OneSD Support Fund CIP Fund, and \$24,332,584 for the completion of the contract from FY2017 through FY2020, contingent upon the passage of the Appropriations Ordinance for the applicable fiscal years and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditures 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.**

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- \* ITEM-100: As-Needed Civil Engineering Agreement with Kleinfelder/Simon Wong Engineering. (Citywide.)

**ITEM DESCRIPTION:**

The City utilizes the As-Needed Civil Design Services Agreements to perform various engineering services in support of the execution of the Capital Improvements Program. This item will retain the services of Kleinfelder/Simon Wong Engineering to provide those engineering services on an as-needed, hourly fee basis. This contract shall not exceed \$5,000,000 and the contract has a maximum duration of five years.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-129)

Authorizing the Mayor, or his designee, to execute a contract with Kleinfelder, for and on behalf of the City, for an amount not to exceed \$5,000,000;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$5,000,000 for the purpose of funding the As-Needed Engineering Agreement with Kleinfelder/Simon Wong Engineering upon the City Comptroller furnishing one or more certificates certifying that funds are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,000 from CIP A-CC.00001, Watershed CIP, (B-14007, Ashley Fall LG Scale Storm Flow Storage Project), Fund 400853, PFFA Lease Review RFDG Bonds 213 A-Project, for the purpose of executing this Agreement and meeting the minimum contract requirements.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The City agrees to issue a task order(s) with the minimum aggregate value of \$1,000 to Kleinfelder/Simon Wong Engineering. Funding for this minimum guaranteed amount of \$1,000 from CIP A-CC.00001, Watershed CIP, (B-14007, Ashley Fall LG Scale Storm Flow Storage Project), Fund 400853, PFFA Lease Revenue RFDG Bonds 2013A-Project. The maximum contract amount shall not exceed \$5,000,000. Funding for future tasks will be funded by the CIP Projects requiring these services.

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

This item was heard at the Infrastructure Committee meeting on October 21, 2015.

ACTION: Motion by Councilmember Emerald, second by Vice-Chair Cole, to recommend Council adopt the resolution and agreement.

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

Gibson/Gomez

Primary Contact\Phone: Carrie Purcell\619-533-5124

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

City Attorney Contact: Leone, Christine M.

\* ITEM-101: As-Needed Civil Engineering Agreement with Rick Engineering (Citywide.)

**ITEM DESCRIPTION:**

The City utilizes the As-Needed Civil Design Services Agreements to perform various engineering services in support of the execution of the Capital Improvements Program. This item will retain the services of Rick Engineering to provide those engineering services on an as-needed, hourly fee basis. This contract shall not exceed \$5,000,000 and the contract has a maximum duration of five years.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-117)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with Rick Engineering to provide As-Needed Civil Engineering Services in an amount not to exceed \$5 million, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend \$1,000 from WBS S-14009, SR-94/Euclid Avenue Interchange-Phase 2 Project, Fund 400174 for the purpose of executing this Agreement and meeting the minimum contract requirements;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The City agrees to issue a task order(s) with the minimum aggregate value of \$1,000 to Rick Engineering. Funding for this minimum guaranteed amount of \$1,000 will come from WBS S-14009, SR94/Euclid Ave Interchange - Phase 2 Project, Fund 400174. The maximum contract amount shall not exceed \$5,000,000. Funding for future tasks will be funded by the CIP Projects requiring these services.

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

This item was heard at the Infrastructure Committee meeting on October 21, 2015.

ACTION: Motion by Councilmember Emerald, second by Vice-Chair Cole, to recommend Council adopt the resolution and agreement.

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

Gibson/Gomez

Primary Contact\Phone: Carrie Purcell\619-533-5124

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

City Attorney Contact: Mercer, Mark M. (Rev. 11/4/15)



\* ITEM-102: As-Needed Civil Engineering Agreement with Infrastructure Engineering Corporation. (Citywide.)

**ITEM DESCRIPTION:**

The City utilizes the As-Needed Civil Design Services Agreements to perform various engineering services in support of the execution of the Capital Improvements Program. This item will retain the services of Infrastructure Engineering Corporation to provide those engineering services on an as-needed, hourly fee basis. This contract shall not exceed \$5,000,000 and the contract has a maximum duration of five years.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-201)

Authorizing the Mayor, or his designee, to execute an Agreement with Infrastructure Engineering Corporation to provide As-Needed Civil Engineering Services in an amount not to exceed \$5,000,000, under the terms and conditions set forth in the Agreement, and contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$5,000,000 over 5 years for the purpose of funding the As-Needed Engineering Agreement with Infrastructure Engineering Corporation contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,000 from A-JA.00001, Annual Allocation-Sewer Main Replacements CIP B-15117, Fund 700008, Muni Sewer Utility - CIP Funding Source, for the purpose of executing this Agreement and meeting the minimum contract requirements.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The City agrees to issue a task order(s) with the minimum aggregate value of \$1,000 to Infrastructure Engineering Corporation. Funding for this minimum guaranteed amount of \$1,000 will come from A-JA.00001, Annual Allocation-Sewer Main Replacements (B-15117), Fund 700008, Muni Sewer Utility-CIP Funding Source. The maximum contract amount shall not exceed \$5,000,000. Funding for future tasks will be funded by the CIP projects requiring these services.

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

This item was heard at the Infrastructure Committee meeting on October 21, 2015.

**ACTION:** Motion by Councilmember Emerald, second by Vice-Chair Cole, to recommend Council adopt the resolution and agreement.

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

Gibson/Gomez

Primary Contact\Phone: Carrie Purcell\619-533-5124

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

City Attorney Contact: Gerrity, Ryan P.

- \* ITEM-103: Lease Agreement for a Retail Kiosk at the new Horton Plaza Urban Park 92101. (Downtown Community Area. District 3.)

**ITEM DESCRIPTION:**

Approve the proposed Lease Agreement by and between the City of San Diego, a California Municipal Corporation by and through City's agent, Horton Plaza Services, Inc. (also commonly known as "Westfield"), and Starbucks Corporation for occupancy of a retail kiosk at the new Horton Plaza Urban Park located at the southwest corner of 4th Avenue and Broadway, San Diego, CA.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-176)

Authorizing and directing the Mayor, or his designee, to facilitate the execution of the kiosk lease between the City of San Diego, a California Municipal Corporation, acting by and through its agent, Horton Plaza Services, Inc., a Delaware Corporation, and Starbucks Corporation, for the occupancy and operation of a retail store at the new Horton Plaza Urban Park.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Per the Programming Agreement, the Program Manager, Successor Agency and City acknowledge their mutual objective of (i) maximizing the activation of the Plaza Property with events and (ii) that there be Retail Uses and Events that generate revenues sufficient to at least offset all Program Manager Costs and agree that the policies and procedures regarding planning, development, marketing scheduling, managing, supporting, coordinating and programming the Plaza Property and setting of Use Fees will be established to serve that objective.

Proceeds remaining after payment of the Program Manager's Costs ("Excess Use Fees") are to be allocated by Program Manager to Program Manager and City as follows: fifty (50%) percent to the Program Manager as Program Manager's Fee and, fifty (50%) percent to the City to be deposited into the Property Capital Reserves Account Fund 400669 for the restricted purpose of paying the cost of Property Capital Repairs and Replacements when needed.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

RR-306544, dated January 16, 2011, authorizing Cooperation Agreement between the City and Agency for the Purpose of Improving Horton Park and a Portion of Horton Plaza, and providing for the Maintenance, Operation and Programming of the Area.

This item was heard at the Smart Growth and Land Use Committee meeting on October 28, 2015.

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

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

Thompson/Villa

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

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

City Attorney Contact: Bevier, Debra J.

- \* ITEM-104: Consultant Agreement with STC Traffic, Inc., to provide professional engineering services for As-Needed Intelligent Transportation Systems (ITS) Consulting Services. (Citywide.)

**ITEM DESCRIPTION:**

Council approval to award As-Needed Intelligent Transportation Systems (ITS) Consulting Services Contract to STC Traffic, Inc., to support the Transportation & Storm Water Department in an amount not-to-exceed \$10,000,000. The As-Needed consultant will be used to provide specialized technical services in areas such as traffic signal communications, Intelligent Transportation Systems (ITS), traffic, and civil engineering.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2016-73)

Authorizing the Mayor, or his designee, to execute an Agreement with STC Traffic, Inc., to provide As-Needed Intelligent Transportation Systems (ITS) Consulting Services in an amount not-to-exceed \$10,000,000, under the terms and conditions set forth in the Agreement, and contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not-to-exceed \$10,000,000 over five years for the purpose of funding the As-Needed Intelligent Transportation Systems (ITS) Consulting Services Agreement with STC Traffic, Inc., contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,000 from Annual Allocation A-IL.00002, Install T/S Interconnect Systems CIP B-15065, Pacific Beach Traffic Signal Interconnect Upgrade, Fund 400265, GFCIP Contributions, for the purpose of funding Task Order No. 1 and meeting the minimum contract requirements.

Subitem-B: (R-2016-207)

Determining that the Agreement with STC Traffic, Inc., for Intelligent Transportation Systems (ITS) Consulting Services on an as-needed basis is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Funding for future tasks will be funded by the Capital Improvement Program Project requiring these services contingent upon the City Comptroller furnishing a certificate certifying that funds are, or will be, on deposit with the City Treasurer.

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

The Traffic Signal Communications Master Plan was presented at the Infrastructure Committee meeting as an information item on July 22, 2015.

This item was heard at the Infrastructure Committee meeting on October 21, 2015.

**ACTION:** Motion by Councilmember Emerald, second by Vice-Chair Cole, to recommend Council adopt the resolution.

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

McFadden/Gomez

Primary Contact\Phone: Duncan Hughes\619-533-3141, MS 608

Secondary Contact\Phone: Eddie Flores\619-533-3761, MS 608

City Attorney Contact: Gerrity, Ryan P.

\* ITEM-105: El Cajon Boulevard Pedestrian Improvement Project. (Crossroads Redevelopment Project Area. District 9.)

**ITEM DESCRIPTION:**

Create and establish Capital Improvement Project (CIP) Program Budget in CIP Annual Allocation A-IK.00003, with the associated costs, expend the funds, and enter into the necessary contracts for the El Cajon Boulevard Pedestrian Improvement Project.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2016-203 Cor. Copy)

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Annual Allocation A-IK.00003, Sidewalk Repair & Replacement (B-15210 - El Cajon Boulevard Pedestrian Improvement Project), and to appropriate and expend a total amount not to exceed \$1,190,423.54, consisting of \$1,130,423.54 from Fund 400696 - 2010A (TE) Crossroads Bond Proceeds, and \$60,000 from Fund 200700 - Redevelopment Property Tax Trust Fund (RPTTF) (ROPS line item 467), solely and exclusively, for the Project, 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;

Waiving Council Policy 800-14, Prioritizing Capital Improvement Program Projects.

Subitem-B: (R-2016-205)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Agreements in the amount of \$183,577 have been previously executed and approved for design services and to date \$69,576.46 has been expended. To establish the CIP Budget, an amount of \$114,000.54 of the previously approved funds for design services, \$1,016,423 of newly requested excess redevelopment bonds for the purpose of construction services and to finish the design, and \$60,000 in line 467 of the Recognized Obligation Payment Schedule (ROPS) for Project Management Costs is available.

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

This item was heard at the Economic Development and Intergovernmental Relations Committee meeting on June 25, 2015.

ACTION: Motion by Councilmember Cate, second by Council President Lightner, to recommend Council adopt the resolution to approve staff's recommendation.

VOTE: 3-0; Kersey-yea, Lightner-yea, Cate-yea, Cole-not present.

Jarrett/Graham

Primary Contact\Phone: Gretchen Sorenson\619-533-7113, MS 51D  
City Attorney Contact: Slegers, Nathan



\* ITEM-106: City Heights Pedestrian Improvements. (City Heights Redevelopment Project Areas. District 9.)

**ITEM DESCRIPTION:**

This action is to create and establish a Capital Improvement Program Project (CIP) B-15044 with associated costs, expend the funds and enter into the necessary contracts for the City Heights Pedestrian Improvements Project

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2016-202)

Authorizing the Mayor, or his designee, to add CIP S-15044, City Heights Pedestrian Improvements Project, to the FY15 Capital Improvements Program, in accordance with the FY15 Annual Appropriations Ordinance;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-15044, City Heights Pedestrian Improvements Project, and to appropriate and expend \$19,204 from Fund 400308 - City Heights Bond Proceeds TE Bonds 1999A, and \$4,313,450 from Fund 400694 - City Heights Bond Proceeds TE Bonds 2010A, and \$250,000 from Fund 200700 - Redevelopment Property Tax Trust Fund (RPTTF) (ROPS line item 467) solely and exclusively, for the Project, 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;

Waiving Council Policy 800-14, Prioritizing Capital Improvement Program Projects.

Subitem-B: (R-2016-206)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Agreements in the amount of \$183,577 have been previously executed and approved for design services and to date \$69,576.46 has been expended. To establish the Capital Improvement Project (CIP) Budget, an amount of \$114,000.54 of the previously approved funds for design services, \$1,016,423 of newly requested excess redevelopment bonds for the purpose of construction services and to finish the design, and \$60,000 in line 467 of the Recognized Obligation Payment Schedule (ROPS) for Project Management Costs is available.

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

This item was heard at the Economic Development and Intergovernmental Relations Committee meeting on June 25, 2015.

ACTION: Motion by Councilmember Cate, second by Council President Lightner, to recommend Council adopt the resolution to approve staff's recommendation.

VOTE: 3-0; Kersey-yea, Lightner-yea, Cate-yea, Cole-not present.

Jarrett/Graham

Primary Contact\Phone: Gretchen Sorenson\619-533-7113, MS 51D

City Attorney Contact: Slegers, Nathan

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

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

ITEM-330: Request to Waive a Portion of the Council Policy for Mills Act Applicants within Former Redevelopment Project Areas. (Centre City, Southeastern San Diego, College Community, Linda Vista, Grantville, Barrio Logan, Horton Plaza, North Bay, North Park, College Grove, Crossroads, City Heights, and Naval Training Center Community Areas. Districts 2, 3, 7, 8, and 9.)

**ITEM DESCRIPTION:**

Recommend that the City Council approve a waiver for a period of two years (2015 and 2016) to the portion of Council Policy 700-46 related to Redevelopment Project Areas (RPAs) to allow certain property owners within the former RPAs to apply for the Mills Act Agreement if the property would otherwise qualify.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-212)

Declaring that the portion of Council Policy 700-46 as it relates to former Redevelopment Project Areas (Implementation, Subsection 2. Waiving Areas within Redevelopment Project Areas and Study Areas) is waived for a period of two years (2015 and 2016) and properties within the Redevelopment Project Areas are allowed to use the same implementation process set forth in Council Policy 700-46 as those properties in “Areas Outside the Redevelopment Project Areas and Study Areas;”

Declaring that no other provisions of the Council Policy would be required to be waived to allow this and future property owners within the former Centre City RPA or other former RPAs to apply for a Mills Act Agreement in 2015, or 2016. (Rev. 11/6/15)

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

No new fiscal considerations are anticipated; the approved annual threshold of new property tax reduction would not be modified. All fees for processing the Mills Act Agreements are required to be paid by the property owner.

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

In December 2008, the City Council approved revisions to the Mills Act Program (Council Policy 700-46).

Tomlinson/Graham

Primary Contact\Phone: Jodie Brown\619-533-6300, MS 413

Secondary Contact\Phone: Kelley Stanco\619-236-6545, MS 413

City Attorney Contact: Neuffer, Corrine L.

**NON-DOCKET ITEMS**

**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

**ADJOURNMENT**