

CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Myrtle Cole • Fourth District

COUNCIL PRESIDENT PRO TEM

Mark Kersey • Fifth District

COUNCILMEMBERS

Barbara Bry • First District

Lorie Zapf • Second District

Christopher Ward • Third District

Chris Cate • Sixth District

Scott Sherman • Seventh District

David Alvarez • Eighth District

Georgette Gómez • Ninth District

**Andrea Tevlin
Independent
Budget Analyst**

**Mara W. Elliott
City Attorney**

**Liz Maland
City Clerk**

Council Chambers, 12th Floor, City Administration Building
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Tuesday, September 19, 2017

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, SEPTEMBER 19, 2017, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ALTERNATE FORMATS

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.

SENATE BILL 343 (LATE-ARRIVING MATERIALS)

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 City Council will meet in Closed Session this morning at 11:00 a.m. Public comment on Closed Session items will occur toward the end of the 10:00 a.m. session before Council adjourns into Closed Session. Copies of the Closed Session agenda are available in the Office of the City Clerk.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF COUNCIL MINUTES

The Council Minutes of the following meetings will be approved by Unanimous Consent unless pulled for discussion:

07/31/2017

08/01/2017

08/07/2017-Adjourned

08/08/2017-Adjourned

08/11/2017-Special

08/14/2017-Adjourned

08/15/2017-Adjourned

ADOPTION AGENDA, CONSENT ITEMS

The Consent items listed are considered to be routine, and the environmental documents have been considered. 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.

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

Item 100: Approval of the City of San Diego Parks Master Plan Agreement with AECOM Technical Services, Inc.

Total Estimated Cost of Proposed Action and Funding Source:

Costs of this Agreement are not-to-exceed \$1,400,000 from the General Fund over the term of the Agreement.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt resolution R-2018-65 approving an agreement for the preparation of the City of San Diego Parks Master Plan with AECOM, Inc. in an amount not to exceed \$1,400,000.

Committee Actions Taken:

This item was heard at the Smart Growth and Land Use Committee meeting on July 26, 2017.

ACTION: Motion by Councilmember Alvarez, second by Councilmember Gómez, to recommend Council adopt staff recommendation including a request to incorporate a language component and to work offline with the City Attorney's Office to clarify varying options in the Contract prior to City Council.

VOTE: 4-0; Sherman-yea, Cate-yea, Alvarez-yea, Gómez-yea.

Docket Office: Shannon Scoggins, (619) 236-6894

City Attorney Contact: Shannon Thomas

Item 101: **Agreement Between City of San Diego and Kitchell CEM, Inc., for As-Needed Construction Management Consultant Services.**

Total Estimated Cost of Proposed Action and Funding Source:

Energy Conservation Program Fund - not-to-exceed \$1,000,000 over five year term.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt Resolution No. R-2018-46 authorizing a contract between the City of San Diego and Kitchell CEM, Inc., for as-needed construction management consultant services.

Committee Actions Taken:

This item was heard at the Infrastructure Committee meeting on August 2, 2017.

ACTION: Motion by Vice Chair Ward, second by Councilmember Zapf, to recommend Council adopt the resolution and Agreements.

VOTE: 4-0; Kersey-yea, Ward-yea, Zapf-yea, Gómez-yea.

Docket Office: Jack Clark, (858) 492-6001

City Attorney Contact: Frederick M. Ortlieb

Item 102: Settlement of the personal injury claims in Ginevra Ryman-Aavang, et al. v. David Allen Hoban, City of San Diego et al. Risk Claim No. 10880.

Total Estimated Cost of Proposed Action and Funding Source:

Settlement in the sum of \$12,500,000 will be paid from the Public Liability Fund No. 720045.

Council District(s) Affected: 2.

Proposed Actions:

Resolution No. R-2018-49 is to approve the settlement in the matter entitled Ginevra Ryman-Aavang, et al. v City of San Diego in the sum of \$12,500,000.00.

Committee Actions Taken:

N/A

Office of the City Attorney: Catherine Richardson, (619) 533-4713

City Attorney Contact: Catherine Richardson

PROCLAMATIONS/CEREMONIAL ITEMS (PRESENTED IN CHAMBERS)

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

Item 30: Jay Wilson Day.

PRESENTED BY COUNCILMEMBER SHERMAN:

Proclaiming September 19, 2017, to be "Jay Wilson Day" in the City of San Diego.

Item 31: Richard Joseph Thesing Day.

PRESENTED BY COUNCILMEMBER SHERMAN:

Proclaiming September 19, 2017, to be "Richard Joseph Thesing Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

None.

ITEMS PULLED FROM THE CONSENT AGENDA

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 (2) 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 fifteen (15) Non-Agenda Public Comment speakers on a particular Tuesday, priority may be given

MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY, CITY CLERK COMMENT

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE BY COUNCILMEMBERS

ADOPTION AGENDA, DISCUSSION ITEMS

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

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

Item 330: Approval of the First Amendment to the Cooperative Procurement Contract between the City of San Diego and AT&T Corporation for the Provision of Multi-protocol Label Switching (MPLS) Assets and Services.

Total Estimated Cost of Proposed Action and Funding Source:

Increases the not-to-exceed amount of the initial term of the Agreement by \$4,800,000 from \$2,880,000 to \$7,680,000, and increases the not-to-exceed amount for the full term of the Agreement, including any options to renew, to \$17,280,000. Please see the Fiscal Considerations section, and attached Comptroller's Certificate for further information.

Council District(s) Affected: Citywide.

Proposed Actions:

Resolution R-2018-86 authorizes the Mayor or his designee, for and on behalf of the City, to execute the First Amendment to the CalNet3 Cooperative Procurement Contract between the City of San Diego and AT&T Corporation for the Provision of Multi-protocol Label Switching (MPLS) Assets and Services, which increases the not-to-exceed amount for the full term of the Agreement, including two option terms, to \$17,280,000, and otherwise modifies the Contract pursuant to the terms and conditions contained in the First Amendment to the original Contract.

Committee Actions Taken:

N/A

Department of Information Technology: Shawn Killpack, (619) 533-3059

City Attorney Contact: Steven Lastomirsky

Item S500: A resolution in opposition to President Trump's Executive Order 13767, to build a wall along the United States Border with Mexico and U.S. House of Representatives Bill H.R. 1813 titled Border Wall Funding Act of 2017.

Total Estimated Cost of Proposed Action and Funding Source:

N/A

Council District(s) Affected: Citywide.

Proposed Actions:

Approve Resolution opposing Executive Order 13767, H.R. 1813 and all associated actions calling for the construction of a wall or continuous physical/economic barrier along the entire U.S.-Mexico border for the reasons provided in the Resolution, and approve Resolution that expresses its intent to seek legally permissible options to disclose all companies who submit a bid or are awarded a contract related to designing, building, or financing the proposed border wall.

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on August 2, 2017, and will be forwarded to the Council with no committee recommendation.

Council District 9: Gloria Cruz Cardenas, (619) 236-6681

City Attorney Contact: Catherine Morrison

Item S501: Request to Approve Officially Changing Qualcomm Stadium's Name to "SDCCU Stadium".

Total Estimated Cost of Proposed Action and Funding Source:

If approved, this request would generate revenue for the City. The payment proposed by San Diego County Credit Union for Stadium naming rights is \$500,000. Per City's Stadium Sponsorship Sales Agreement with Fox Sports Net, Inc., City will retain seventy-five percent (75%) of this revenue, which equals \$375,000.

Council District(s) Affected: 7.

Proposed Actions:

Resolution R-2018-98 renaming QUALCOMM Stadium to "SDCCU Stadium" and related actions.

Committee Actions Taken:

N/A

Real Estate Assets: Miguel Duran, (619) 236-6733

City Attorney Contact: Heather Ferbert

ADOPTION AGENDA

DISCUSSION, NOTICED HEARINGS:

Item 331: Otay Mesa Truck Route IV (PTS 202998) - Site Development Permit for environmentally sensitive lands to facilitate the widening of the existing Otay Mesa Truck Route along the secondary border fence between La Media Road and Drucker Lane.

Total Estimated Cost of Proposed Action and Funding Source:

The total Project cost is \$18,730,000. The funds for the Project: TransNet (\$14,950,000) and Federal Grant Funds (\$3,780,000).

Council District(s) Affected: 8.

Proposed Actions:

Adopt Resolution R-2018-37, adopting a Mitigated Negative Declaration and Mitigation, Monitoring, and Reporting Program for the Otay Truck Route Phase IV Project;

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

This subitem is not subject to the Mayor's veto.

Adopt Resolution R-2018-38, granting a Site Development Permit for the Otay Truck Route Phase IV (Segment 3) Project.

This subitem is not subject to the Mayor's veto.

Committee Actions Taken:

R-307259, 2/06/2012: A Resolution authorizing the Execution of a Consultant Agreement with AECOM Technical Services, Inc. for the Otay Truck Route Phase IV Project.

R-306552, 1/28/2011: A Resolution of the Council of the City of San Diego Accepting Federal Funds for the Otay Truck Route Phase IV Project.

Development Services: Helene Deisher, (619) 446-5223

City Attorney Contact: Shannon M. Thomas

Item 332: Fiscal Year 2017 Consolidated Annual Performance and Evaluation Report (CAPER).

Total Estimated Cost of Proposed Action and Funding Source:

There is no impact to the General Fund with this action.

Council District(s) Affected: Citywide.

Proposed Actions:

Informational item only.

Committee Actions Taken:

N/A

Economic Development: Michele Marano, (619) 236-6381

City Attorney Contact: Delmar G. Williams

NON-AGENDA ITEMS

REPORT OUT FROM CLOSED SESSION

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT