

REVISED

CITY OF SAN DIEGO COUNCIL AGENDA



COUNCIL PRESIDENT

Myrtle Cole • Fourth District

COUNCIL PRESIDENT PRO TEM

Barbara Bry • First District

COUNCILMEMBERS

Lorie Zapf • Second District
Christopher Ward • Third District
Mark Kersey • Fifth 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

Elizabeth Maland
City Clerk

Council Chambers, 12th Floor, City Administration Building

Tuesday, September 25, 2018

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, SEPTEMBER 25, 2018, 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.

OTHER LEGISLATIVE MEETINGS

The **PUBLIC FACILITIES FINANCING 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 Bret Bartolotta at (619) 236-6220. Internet access to the agenda is available at:

<https://www.sandiego.gov/city-clerk/officialdocs/legisdocs/pffa>

(Rev. 9/19/18)

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF COUNCIL MINUTES

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

08/01/2018 - Special

08/06/2018

08/07/2018

08/09/2018 - Special

08/13/2018 - Adjourned

08/14/2018 - Adjourned

08/20/2018 - Adjourned

08/21/2018 - Adjourned

08/27/2018 - Adjourned

08/28/2018 - 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, ORDINANCES TO BE INTRODUCED:

Item 50: Request to Exempt One Program Manager Position in the Purchasing & Contracting Department from the Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

Funding for this position was approved in the Fiscal Year 2019 Adopted Budget.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2019-33)

Introduction of an Ordinance authorizing the exemption of one Program Manager position in the City's Purchasing and Contracting Department from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on July 5, 2018. This position will oversee and manage the City's Administrative Appeals Program for non-criminal administrative citations arising from municipal code and parking violations. This Action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken: N/A

Purchasing & Contracting: Matthew Helm, (619) 236-6104

City Attorney Contact: Joan F. Dawson

Item 51: Exemption of two (2) positions in the Sustainability Department from the Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

These two (2) positions were approved in the Fiscal Year 2019 Adopted Budget.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2019-30)

Introduction of an Ordinance authorizing the exemption of one Program Manager position and one Program Coordinator position, working in the Sustainability Department, from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on July 5, 2018. These positions will be working on energy conservation and sustainability initiatives. This Action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken: N/A

Office of Sustainability: Cody Hooven, (619) 236-6563

City Attorney Contact: Joan F. Dawson

Item 52: Exemption of one Deputy Director position in the Risk Management Department from the Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

This action will authorize the exemption of one Deputy Director from classified service. Funds for this position are available in 720048, Risk Management Administration Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2019-36)

Introduction of an Ordinance authorizing the exemption of one Deputy Director position in the City's Risk Management Department from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on September 6, 2018. This Deputy Director position will oversee the Risk Management Department's Safety and Environmental Health, Employee Benefits, and Workers' Compensation divisions. This Action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken: N/A

Risk Management: Julio Canizal, (619) 236-6651

City Attorney Contact: Joan F. Dawson

Item 53: Creation of Finance Analyst Classification Series.

Total Estimated Cost of Proposed Action and Funding Source:

The creation of the four new classifications and associated fiscal impact is accounted for in the Fiscal Year 2019 Adopted Budget.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2019-32)

Introduction of an Ordinance designating four new classifications: Finance Analyst I, Finance Analyst II, Finance Analyst III, and Finance Analyst IV; establishing standard rates of pay for the classifications; and authorizing the payment of additional compensation to the employees in these classifications, consistent with assigned employee representation units and

overtime groups. This Action is brought under Civil Service Rule I, Sections 1 and 2, codified at San Diego Municipal Code Sections 23.0202 and 23.0203.

Committee Actions Taken: N/A

Financial Management: Tracy McCraner, (619) 236-6218

City Attorney Contact: Joan F. Dawson

Item 54: Request to exempt three (3) positions in the Office of the City Treasurer from the Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

Total estimated annual Personnel costs: \$572,653

Total estimated annual Non-Personnel costs: \$3,000

NOTE: The Personnel and Non-Personnel costs will be recovered through increased STRO TOT and fully cost recoverable through the STRO License.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2019-35)

Introduction of an Ordinance authorizing the exemption of one Program Manager position, one Program Coordinator position, and one Principal Accountant position in the Office of the City Treasurer from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on September 6, 2018. These positions will work in the City's new Short Term Residential Occupancy Tax Compliance and Licensing Program. This Action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken: N/A

Office of the City Treasurer: Robbin Kulek Lockie, (619) 236-6170

City Attorney Contact: Joan F. Dawson

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE ADOPTED:

Item 55: Underground Utilities Program Pilot Project Block 4Y in the Lomita Community, to Give Mayoral Authority to Award Construction Contract.

Total Estimated Cost of Proposed Action and Funding Source:

This construction contract will be funded by IO 21003600 and WBS B-15087, for a total cost not-to-exceed \$22,000,000.

Council District(s) Affected: 4.

Proposed Actions:

Adopt the following ordinance which was introduced on 9/11/2018, Item 60, Subitem B. (Council voted 9-0):

(O-2019-28)

Ordinance authorizing the Mayor, or his designee, to execute construction change orders in an amount not-to-exceed \$500,000 for the UUP Pilot Project Block 4Y.

Committee Actions Taken: N/A

Public Works: Akram Bassyouni, (619) 533-3616

City Attorney Contact: Ryan P. Gerrity

Item 56: Utilities Underground Program Pilot Project Block 7G2 in the Rolando Community to Award Construction Contract.

Total Estimated Cost of Proposed Action and Funding Source:

This construction contract will be funded by IO 21003598 and WBS B-15085, for a total cost of \$8,176,735.68.

Council District(s) Affected: 9.

Proposed Actions:

Adopt the following ordinance which was introduced on 9/11/2018, Item 61, Subitem B. (Council voted 9-0):

(O-2019-26)

Ordinance authorizing the Mayor, or his designee, to execute construction change orders in an amount not-to-exceed \$500,000 for the UUP Pilot Project Block 7G2.

Committee Actions Taken: N/A

Public Works: Akram Bassyouni, (619) 533-3616

City Attorney Contact: Ryan P. Gerrity

Item 57: **Underground Utilities Program Pilot Project Block 8R in the Palm City Community, to Give Mayoral Authority to Award Construction Contract.**

Total Estimated Cost of Proposed Action and Funding Source:

This construction contract will be funded by IO 21003599 and WBS B-15097, for a total cost not-to-exceed \$12,000,000.

Council District(s) Affected: 8.

Proposed Actions:

Adopt the following ordinance which was introduced on 9/11/2018, Item 62, Subitem B. (Council voted 9-0):

(O-2019-27)

Ordinance authorizing the Mayor, or his designee, to execute construction change orders in an amount not-to-exceed \$500,000 for the UUP Pilot Project Block 8R.

Committee Actions Taken: N/A

Public Works: Akram Bassyouni, (619) 533-3616

City Attorney Contact: Ryan P. Gerrity

Item 58: **Authorization for the Public Facilities Financing Authority of the City of San Diego Water Revenue Bonds Series 2018A (Commercial Paper Notes Refunding/take-out and financing of near term Capital Improvement Projects).**

Total Estimated Cost of Proposed Action and Funding Source:

Please see Staff Report for fiscal considerations.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 9/11/2018, Item 332. (Council voted 8-0. Councilmember Sherman not present):

(O-2019-23)

Ordinance approving and authorizing the issuance and sale of bonds by the Public Facilities Financing Authority of the City of San Diego in an amount not-to-exceed \$283 million to finance additional capital improvements to the Water System, pay the Subordinated Water Revenue Commercial Paper Notes of the Public Facilities Financing Authority of the City of San Diego, pay the costs of issuance incurred in connection with the issuance of the bonds, approving the forms and authorizing the execution and delivery of the financing documents related thereto, authorizing the City Attorney to appoint bond counsel and disclosure counsel, and approving certain other related agreements and actions.

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

Committee Actions Taken: N/A

Debt Management: Jyothi Pantulu, (619) 236-6917

City Attorney Contact: Bret A. Bartolotta

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

Item 100: Settlement of the property damage claim of Metropolitan Transit System - Claim No. 17107.

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$88,830.19 will be paid from Water Utility Operating Fund No. 700011.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-78)

Resolution authorizing the settlement of the claim of Metropolitan Transit System for property damage sustained from a break in the City's water main at Kettner Boulevard and Juniper Street in Little Italy on July 30, 2017. Claim No. 17107.

Committee Actions Taken: N/A

Office of the City Attorney: Dave Abad, (619) 533-5821

Item 101: Appointment of Kyle Elser as Interim City Auditor.

Total Estimated Cost of Proposed Action and Funding Source: N/A

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-137)

Resolution confirming the appointment of Kyle Elser as Interim City Auditor, pending appointment of a full-term City Auditor, and approving salary during the appointment as provided in the FY2019 Budget for City Auditor salary.

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

Committee Actions Taken:

This item was heard at the Audit Committee meeting on September 12, 2018.

ACTION: Motion by **Committee Member** Hebrank, second by Councilmember Sherman, to recommend Council confirm the appointment of Kyle Elser as Interim City Auditor effective October 1, 2018, pending

completion of pending full term Auditor recruitment with salary during appointment in accordance with budgeted salary for City Auditor provided in FY 2019 salary ordinance. (Rev. 9/24/18)

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

Office of the Mayor: Felipe Monroig, (619) 236-6630

City Attorney Contact: Dugard, Prescilla

Item 102: Resolution Excusing Councilmember Chris Ward from Council Meetings.

Total Estimated Cost of Proposed Action and Funding Source: N/A

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-80)

Resolution excusing Councilmember Chris Ward from attending meetings of the Council on August 6, 2018; August 7, 2018; and August 9, 2018.

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

Committee Actions Taken: N/A

Council District 3: Molly Chase, (619) 236-6633

City Attorney Contact: Sharon Spivak

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: Sons and Daughters of Guam Club, Inc. 65th Unification Day.

PRESENTED BY COUNCIL PRESIDENT MYRTLE COLE:

Proclaiming September 25, 2018, to be "Sons and Daughters of Guam Club, Inc. 65th Unification Day" in the City of San Diego.

Item 31: Josephine Talamantez Day.

PRESENTED BY COUNCILMEMBER ALVAREZ:

Proclaiming September 25, 2018, to be "Josephine Talamantez Day" in the City of San Diego.

PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED IN CHAMBERS)

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

Item 32: Deanna Spehn Day.

COUNCILMEMBER SHERMAN'S RECOMMENDATION:

Proclaiming September 25, 2018, to be "Deanna Spehn Day" in the City of San Diego.

Item 33: 10th Annual La Jolla Arts & Wine Festival Days.

COUNCIL PRESIDENT PRO TEM BRY'S RECOMMENDATION:

Proclaiming October 6-7, 2018, to be "10th Annual La Jolla Arts & Wine Festival Days" in the City of San Diego.

Item 34: AIDS Walk and Run San Diego Day.

COUNCILMEMBER WARD AND COUNCILMEMBER GÓMEZ'S RECOMMENDATION:

Proclaiming September 29, 2018, to be "AIDS Walk and Run San Diego Day" in the City of San Diego.

Item S500: Trevor Hoffman Day. (Added 9/19/18)

MAYOR FAULCONER, COUNCILMEMBER WARD AND COUNCILMEMBER
KERSEY'S RECOMMENDATION:

Proclaiming September 28, 2018, to be "Trevor Hoffman Day" in the City of San Diego.

Item S501: 18th Annual Binational Health Week. (Added 9/20/18)

COUNCILMEMBER GÓMEZ'S RECOMMENDATION:

Proclaiming the week of October 1, 2018, as "18th Annual Binational Health Week" in the City of San Diego.

Item S502: Ocean Discovery Institute Day. (Added 9/20/18)

COUNCILMEMBER GÓMEZ'S RECOMMENDATION:

Proclaiming October 7, 2018, as "Ocean Discovery Institute 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 to those speakers who did not speak during Non-Agenda Public Comment at the most recent prior Council meeting.

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

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE BY COUNCILMEMBERS

INFORMATIONAL ITEMS

Item 330: City of San Diego Affordable Housing Fund Fiscal Year 2018 Annual Report.

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

Total Estimated Cost of Proposed Action and Funding Source: N/A

Council District(s) Affected: Citywide.

Proposed Actions:

Informational item only.

Committee Actions Taken: N/A

Housing Commission: Jeff Davis, (619) 578-7606

Item S503: Informational - Submission of City Clerk Certificate of Sufficiency for an Initiative Petition Pertaining to For A Better San Diego Initiative. (Added 9/20/18)

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m. (Added 9/24/18)

Total Estimated Cost of Proposed Action and Funding Source: None.

Council District(s) Affected: Citywide.

Proposed Actions:

This item is informational only.

Committee Actions Taken: N/A

Office of the City Clerk: Elizabeth Maland, (619) 533-4080

ADOPTION AGENDA, DISCUSSION ITEMS

ADOPTION AGENDA

DISCUSSION, ORDINANCES TO BE INTRODUCED:

Item 331: Pure Water Program; authorize U.S. EPA Water Infrastructure Finance and Innovation Act (WIFIA) loan to the Water System.

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

Total Estimated Cost of Proposed Action and Funding Source:

Proposed U.S. EPA WIFIA Loan up to maximum amount of \$614M to the Water System to fund Pure Water Program Phase I projects.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2019-24)

Authorizing a loan in an amount not-to-exceed of \$614,000,000 from the United States Environmental Protection Agency under its Water Infrastructure Finance and Innovation Act to finance a portion of the Water System's costs of the Pure Water Phase I projects. The Ordinance also approves the forms and authorizes the execution and delivery of, among other documents, a Loan Agreement, Amendment to Master Installment Purchase Agreement, and Collateral Agency, Account and Assignment Agreement, as well as approving other actions in connection with the loan.

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

Committee Actions Taken:

This item was heard at the Environment Committee meeting on July 12, 2018.

ACTION: Motion by Councilmember Cate, second by Councilmember Gómez, to recommend Council introduce the ordinance.

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

Debt Management: Natalie Meehan, (619) 236-6904

City Attorney Contact: Bret A. Bartolotta

NON-AGENDA ITEMS

REPORT OUT FROM CLOSED SESSION

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT